





REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: OCTOBER 8, 2024

TITLE: SECOND READING AND ADOPTION OF ORDINANCE NO. 24-16
MODIFYING THE CITY LOBBYING ORDINANCE

DocuSigned by:

0F0CAD91F02E547D...
City Clerk

Signed by:

7809AA719A2B4C7...
City Manager

RECOMMENDED ACTION

Read by title only, second reading and adoption of ORDINANCE NO. 24-16 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING TITLE 1, DIVISION 7, AND TITLE 1, DIVISION 6, OF THE CITY OF IRVINE MUNICIPAL CODE RELATING TO LOBBYING as amended to make the following modification to Section 2 to the Ordinance, to read in full as follows:

SECTION 2. Section 1-6-104 of Division 6 of Title 1 of the Irvine Municipal Code is amended to replace subsection A.1. of Irvine Municipal Code Section 1-6-104 to read in full as follows (deletions shown in **strikeout** and additions shown in **double underlining**):

- A. *Incompatible employment or service.* Because of their uniquely important, visible, and elevated status and responsibilities as elected officials, the Mayor and members of the City Council, and by extension their Executive Assistants and appointed commissioners and committee members, shall not engage in compensated employment or service for the purpose of lobbying for any private person or organization before any local agency (county, city or special district) located in the County of Orange
 1. This paragraph A shall not be applicable to lobbying as an in-house employee on behalf of a labor union.
 2. For purposes of this paragraph A, "lobbying" shall mean any oral or written communication (including an electronic communication) to an official of a local agency, made directly or indirectly, in an effort to influence or persuade the official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any public policy issue of a discretionary nature pending before the official's agency, including, but not limited to, proposed action, or proposals for action, in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts.

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3. Notwithstanding any other provision of this division, this paragraph A shall not become effective until January 1, 2007.

B. Interest in City contracts. City officials and employees shall not have a personal investment or monetary interest in any contract made by the City, except contracts relating to the performance of their official City duties.

EXECUTIVE SUMMARY

Ordinance No. 24-16 was reintroduced for first reading on September 24, 2024, by the City Council. The vote at the first reading was as follows:

AYES: 3 COUNCILMEMBERS: Agran, Kim, and Treseder

NOES: 0 COUNCILMEMBERS: None

ABSENT: 2 COUNCILMEMBERS: Carroll and Khan

ABSTAIN: 0 COUNCILMEMBERS: None

Unless otherwise directed by a Member of the City Council, the vote at second reading will reflect the same vote as at first reading. However, if a Councilmember was absent at first reading, his or her vote cast at second reading will be reflected. If a Councilmember is not present at the second reading/adoption, the vote will be reflected as absent.

ATTACHMENT

City Council Ordinance No. 24-16

CITY COUNCIL ORDINANCE NO. 24-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING TITLE 1, DIVISION 7, OF THE CITY OF IRVINE MUNICIPAL CODE RELATING TO LOBBYING

WHEREAS, the City of Irvine (the “City”) is a municipal corporation and a Charter City, pursuant to which the City has the right and power to make and enforce all laws and regulations in respect to municipal affairs and certain other matters in accordance with and as more particularly provided in Section 3, 5, and 7 of Article XI of the Constitution of the State of California and Section 200 of the charter of the City (the “Charter”); and

WHEREAS, on February 14, 2006, the City Council adopted Ordinance No. 06-02 creating a lobbying policy for the City, which was codified at Division 7 of Title 1 of the City of Irvine Municipal Code (“Lobbying Ordinance”); and

WHEREAS, on July 11, 2006, the City Council adopted Ordinance No. 06-06, which amended the Lobbying Ordinance; and

WHEREAS on February 11, 2020, the City Council adopted Ordinance No. 20-02, which further amended Lobbying Ordinance; and

WHEREAS, on September 12, 2023, the City Council considered potential modifications to the Lobbying Ordinance, including lower compensation thresholds, contingent fee arrangements, penalties for violations, report requirements, and whistleblower protections; and

WHEREAS, on September 12, 2023, the City Council directed City Staff and the City Attorney to return with proposed amendments to the Lobbying Ordinance that strengthens its provisions and enforcement mechanisms, study laws and details relevant to the practices of other cities related to lobbyists, and develop a plan tailored to the City; and

WHEREAS, on November 28, 2023, the City Council held a study session to discuss possible modifications to the Lobbying Ordinance; and

WHEREAS, the proposed amendments to the Lobbying Ordinance align with the direction and discussion of City Council; and

WHEREAS, the City has determined that the amendments contemplated herein are not considered a “project” pursuant to CEQA, and if a project are exempt from CEQA pursuant to applicable CEQA Guidelines.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY ORDAIN as follows:

SECTION 1. The Recitals set forth above are incorporated herein by this reference.

SECTION 2. Section 1-6-104 of Division 6 of Title 1 of the Irvine Municipal Code is amended to replace subsection A.1. of Irvine Municipal Code Section 1-6-104 to read in full as follows (deletions shown in ~~strikeout~~ and additions shown in double underlining):

A. *Incompatible employment or service.* Because of their uniquely important, visible, and elevated status and responsibilities as elected officials, the Mayor and members of the City Council, and by extension their Executive Assistants and appointed commissioners and committee members, shall not engage in compensated employment or service for the purpose of lobbying for any private person or organization before any local agency (county, city or special district) located in the County of Orange

~~4. This paragraph A shall not be applicable to lobbying as an in-house employee on behalf of a labor union.~~

2. For purposes of this paragraph A, "lobbying" shall mean any oral or written communication (including an electronic communication) to an official of a local agency, made directly or indirectly, in an effort to influence or persuade the official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any public policy issue of a discretionary nature pending before the official's agency, including, but not limited to, proposed action, or proposals for action, in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts.

3. Notwithstanding any other provision of this division, this paragraph A shall not become effective until January 1, 2007.

B. *Interest in City contracts.* City officials and employees shall not have a personal investment or monetary interest in any contract made by the City, except contracts relating to the performance of their official City duties.

SECTION 3. Division 7 of Title 1 of the Irvine Municipal Code is amended and replaced to read in its entirety as shown on Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 4. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(2) and 15061(b)(3) in that the proposed changes are not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment and it can be seen with certainty that they will not have the potential of creating a significant effect on the environment.

SECTION 5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Irvine hereby declares the Council would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, sub-divisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional, invalid, or ineffective.

SECTION 6. This Ordinance shall take effect 30 days from the date of its adoption.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to the passage and adoption of this Ordinance and cause this Ordinance to be published using the alternative summary and posting procedure authorized under Government Code Section 36933.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 8th day of October 2024.

MAYOR OF THE CITY OF IRVINE

ATTEST:

CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on the 24th day of September 2024, and duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 8th day of October 2024.

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

CITY CLERK OF THE CITY OF IRVINE

Division 7 CITY LOBBYING

Sec. 1-7-101. Declaration of policy.

The City Council declares and finds as follows:

- A. City government functions to serve the needs of all citizens.
- B. The citizens of the City have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests.
- C. All persons engaged in compensated lobbying activities aimed at influencing decisions by City government must, when so engaged, be subject to the same regulations, restrictions and requirements, regardless of their background, training or other professional qualifications or license.
- D. Complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of City government.
- E. It is in the public interest to ensure that lobbyists do not misrepresent facts, their positions or attempt to deceive a City official through false communications; do not place a City official under personal obligation to themselves or their clients; and do not represent that they can control the actions of any City official.
- F. It is in the public interest to adopt this division to ensure adequate and effective disclosure of information about efforts to lobby City government.

Sec. 1-7-102. Definitions.

The following words and phrases shall have the meanings set forth below, unless the context requires otherwise. Other terms used in this division shall have the meanings set forth in the California Political Reform Act of 1974 (Government Code § 81000 et seq.), as amended, and in the regulations of the California Fair Political Practices Commission, as amended, if defined therein.

- A. *Affiliate* means each person who falls into one or more of the following categories:
 - 1. Each person having, directly or indirectly, a controlling interest in company;
 - 2. Each person in which company has, directly or indirectly, a controlling interest;
 - 3. Each officer, director, general partner, limited partner holding an interest of five percent or more in a joint venture, or joint venture partner in company's cable system in the city; or
 - 4. Each person, directly or indirectly, controlling, controlled by, or under common control with company.
- B. *City official* means the Mayor, the Vice Mayor, the Interim Mayor, members of the City Council, City Council Executive Assistants, the City Manager, Assistant City Managers, Department Directors, , the Police Chief, the City Attorney, the City Clerk, the Zoning Administrator, members of the Planning Commission, members of the Community Services Commission, members of the Finance Commission, members of the Sustainability Commission, members of the Transportation Commission, members of any other commission that is advisory in nature, members of any committee, designees of any of the above listed individuals, and any person with authority to decide, any non-ministerial legislative, executive, or administrative action on behalf of the City or any agency on which the City has a seat.

EXHIBIT A

- C. *Client* means any person on whose behalf lobbying is conducted. In the case of a coalition or association that employs or retains persons to conduct lobbying activities, the client is the coalition or association and not its individual members.
- D. *Compensation* means money or any other thing of value that is received, or is to be received (even if the thing of value has not yet been transferred or received), in return for, or in connection with, lobbying services rendered, or to be rendered, including reimbursement of expenses incurred in lobbying. Compensation includes the financial gain that a person may realize as a result of the determination of a municipal question, including gains in the form of a contingent fee (even if the fee has not yet been paid or received). If a lobbyist engages in both lobbying activities and other activities on behalf of a person, compensation for lobbying includes all amounts received from that person, if for the purpose of evading the obligations imposed by this division, the lobbyist has structured the receipt of compensation in a way that unreasonably minimizes the value of the lobbying activities. Compensation which has not yet been received is considered to be received on the date that it is earned, if that date is ascertainable; otherwise, it is received on the date on which the contract or agreement for compensation is made, or on the date lobbying commences, whichever is first. Compensation does not include any amounts previously reported.
- E. *Contact* means all oral and written (including electronic) communications directed to a City official, including, but not limited to, telephone calls and messages, voicemail and answer machine messages, e-mail messages, mail, facsimile, personally delivered material, meetings, and conversations. Electronic communication includes but is not limited to text or short message service messages, direct and private messages through electronic applications such as social media applications, use of instant messaging services, video conferences or chats, and use of document sharing services.
- F. *Lobbyist* means a person who engages in lobbying, whether directly or through the acts of another. If an agent engages in lobbying for a principal, both the agent and the principal are lobbyists. A lobbyist includes, but is not limited to, an in-house employee who engages in lobbying for his or her employer or for a client of the employer, and a land use project applicant who is not the record owner of the subject real property. Lobbyist includes: (1) any individual who receives or is entitled to receive one thousand dollars (\$1,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, to communicate directly or through agents with any City official, for the purpose of influencing any proposed or pending municipal question of the City; or (2) an "in house" lobbyist, which is any individual whose duties as a salaried employee, officer, or director, of any corporation, organization or association, frequently (i.e., more than one time per City official per municipal issue) include communication directly or through agents with any City official(s), for the purpose of influencing any proposed or pending municipal question of the City; or (3) an "expenditure" lobbyist which is an individual or entity who spends five thousand dollars (\$5,000) or more in economic consideration in a calendar year on public relations and/or advertising activities designed to solicit or urge other persons to communicate directly with any City official in order to attempt to influence any proposed or pending municipal question of the City.
- G. *Lobby or lobbying*, except as provided below, means any oral or written communication (including an electronic communication) to a City official, made directly or indirectly by any person in an effort to influence or persuade an official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any municipal question. The term "lobby" or "lobbying" includes the expending of funds on public relations, media relations, public outreach, research, investigation, reports, analysis, studies, advertising, marketing, or similar activities to urge people or entities to communicate with a City official regarding a municipal question. The term "lobby" or "lobbying" does not include a communication:
 - 1. Merely requesting information or inquiring about the facts or status of any municipal question, matter, or procedure, and not attempting to influence a City official;
 - 2. Made by a public official or employee (including, but not limited to, an official or employee of the City of Irvine) acting in his or her official capacity;

3. Made in the form of a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;
 4. Made in writing as a petition for official action and required to be a public record pursuant to established City procedures;
 5. Made in writing to provide information in response to an oral or written request by a City official for specific information, the content of which is compelled by law;
 6. Made by a technical consultant on behalf of an applicant to provide information, analysis, or explanation necessary to the processing or review of an application.
 8. Made in response to a public notice soliciting communications from the public and directed to the official specifically designated in the notice to receive such communications;
 9. Made on behalf of an individual with regard to that individual's employment or benefits;
 10. Made by a fact witness or expert witness at an official proceeding; or
 11. Made by a person solely on behalf of that individual or his or her relative.
- H. *Lobbying firm* means:
1. A self-employed lobbyist; or
 2. A person that has one or more employees who are lobbyists on behalf of a client or clients other than that person.
- I. *Municipal question* means a public policy issue of a discretionary nature pending before the City Council, another City body identified in the definition of City official, or a City official, including, but not limited to, proposed action, or proposals for action, in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts. The term "municipal question" includes a discretionary act of any City official. The term "municipal question" does not include the day-to-day application, administration, or execution of City programs and policies such as permitting, zoning and planning matters, but does include the amendment, modification or revision to the City's General Plan or Zoning Ordinance.
- J. *Person* means an individual, business entity, trust, corporation, association, firm, partnership, committee, club, or any other organization or group of persons acting in concert.
- K. *Registrant* means a person required to register under Section 1-7-103.
- L. *Relative* means father, step-father, mother, step-mother, grandmother, grandfather, grandchild, brother, step-brother, sister, step-sister, spouse, aunt, uncle, cousin, child or step-child, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

Sec. 1-7-103. Persons required to register as lobbyists.

Except as provided otherwise in this division, every lobbyist, including without limitation in house lobbyists and expenditure lobbyists must register with the City Clerk.

Sec. 1-7-104. Exceptions.

The following persons are exempt from the provisions of this division to the extent, and only to the extent, that their activities fall within one of the following categories:

- A. *Media outlets.* A person who owns, publishes or is employed by:
 - 1. A newspaper;
 - 2. Any other regularly published periodical;
 - 3. A radio station;
 - 4. A television station;
 - 5. A wire service;
 - 6. Any other bona fide news medium that in the ordinary course of business disseminates news, opinions, or paid advertisements that directly or indirectly oppose or promote municipal questions or seek to influence official action relating thereto, if the person does not engage in other activities that require registration; or
 - 7. Any employee of such media outlet or other person engaged in gathering or preparing information for dissemination therein.
- B. *Governmental entities.* Governmental entities and their officials and employees, provided the communications relate solely to subjects of governmental interest concerning the respective governmental bodies and the City.
- C. *Unknown municipal questions.* A person who does not know and has no reason to know that a municipal question is pending at the time of contact with a City official. This exception does not apply if the existence of a municipal question is discovered during on-going contacts with a City official and the person then engages in additional lobbying of the same official or other City officials with respect to that municipal question.
- D. *Dispute resolution.* An attorney or other person whose contact with a City official is made solely as part of resolving a dispute with the City, provided that the contact is solely with City officials who do not vote on or have final authority over any municipal question involved.
- E. *Social Media.* Posts on social media platforms that are not sponsored or otherwise paid for by an expenditure lobbyist.
- F. *Land Owners.* A land owner, its employees, and employees of its affiliates, that owns real property that is the subject of an application or agreement to be acted upon by the City.
- G. *Homeowners' Associations:* A Homeowners Association, and its employees, with regard to an application for development, demolition, or modification of property that is within its geographic boundaries.

Sec. 1-7-105. Registration.

- A. *Separate registrations.* A person required to register as a lobbyist under Section 1-7-103 must file a separate registration form for each client. A registrant who makes more than one lobbying contact for the same client shall file a single registration form covering all lobbying contacts for that client. Each registration form must be signed under oath. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form.
- B. *Initial registration.* An initial registration form relating to a client must be filed by a person required to register under Section 1-7-103 within 30 days after the start of lobbying activity for that client. However, in no event shall a registrant knowingly fail to register, or knowingly fail to disclose such registration to relevant City officials, prior to official city action relating to the subject matter of the lobbying activity.

- C. *Subsequent annual registration.* Except as provided in paragraph E of this Section, subsequent registration forms must be filed annually each January for each client for whom a registrant previously filed, or was required to file, an initial registration form.
- D. *Required disclosures.* Initial or subsequent registration shall be on a form prescribed by the City Clerk and shall include, to the extent applicable:
 - 1. The full name, phone number, permanent address, and nature of the business of:
 - a. The registrant;
 - b. The client;
 - c. Any person, other than the client, on whose behalf the registrant has been engaged by the client to lobby;
 - d. Any person, other than the client, who is known by the registrant to contribute financially to the compensation of the registrant, or which in whole or in major part plans, supervises, or controls the registrant's lobbying activities on behalf of the client;
 - e. Any lobbying firm for which the registrant is an agent or employee with respect to the client; and
 - f. Each employee or agent of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client;
 - 2. A statement of all municipal questions on which the registrant has lobbied for the client in the year preceding the filing of the registration or foreseeably will lobby; and
 - 3. If the registrant is a former City official or employee, a statement that the registrant's lobbying activities have not violated and will not foreseeably violate Section 1-6-107 of this Municipal Code. Also the registrant shall list any positions held as a City official or employee during the past year.
 - 4. Such other information as is necessary and appropriate to describe the registrant and its clients, agents, and employees.
- E. *Termination of registration.* A registrant shall file a notice of termination of registration with the City Clerk if the registrant is no longer required by Section 1-7-103 to register. A filing under this paragraph E does not relieve the registrant of reporting requirements imposed for the reporting period in question.
- F. *Fee.* At the time of initial or subsequent annual registration with respect to a client, a registrant shall pay to the City, and the City Clerk shall collect, a fee in an amount to be determined by the City Council. All lobbyist registration fees shall be deposited into a separate account within the general fund, which account shall be used to offset the costs of administering this division and the costs of handling disclosure filings.

Sec. 1-7-106. Activity reports.

- A. *Required disclosures.* Except as provided in Section 1-7-104, each registrant shall file with the City Clerk a separate report signed under oath concerning the registrant's lobbying activities for each client during the prior calendar quarter. The report for the preceding calendar quarter shall be filed between the first and 15th day of April, July, October, or January, or on the date registration on behalf of the client is required, whichever comes later. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form. The report shall be on the form prescribed by the City Clerk and shall include, with respect to the previous calendar quarter, to the extent applicable:
 - 1. The name of the registrant, the name of the client, and any changes or updates in the information provided in the most recent registration statement filed;

2. A list of the specific issues upon which the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of specific municipal questions and/or legislative proposals and other proposed, pending, or completed official actions;
 3. A list of all City officials contacted by the registrant on behalf of the client with regard to a municipal question;
 4. A list of the employees or agents of the registrant who acted as lobbyists on behalf of the client;
 5. The name and position of each City official or City official's relative who is employed by the registrant;
 6. The date of time of each lobbying activity;
 7. The means and medium of each lobbying activity (e.g., meeting, text message, email, video conference);
 8. For an expenditure lobbyist, information regarding each expenditure on activities designed to solicit or urge other persons to communicate directly with any City official in order to attempt to influence any proposed or pending municipal question of the City; such disclosures should include a description of the date of expenditure, subject of expenditure, and amount of expenditure.; and
 9. An itemization of any contributions totaling \$100 or more made by the lobbyist to any of the following committees: (a) a candidate's election committee; (b) a candidate-controlled ballot measure committee; (c) a candidate's (including an elected City official's) professional expense committee; or (d) a committee primarily formed to support or oppose one or more candidates. The itemization shall include the date and amount of each contribution and the name of the applicable committee. For purposes of this subsection, "candidate" shall mean any person who is a candidate for the Office of Mayor or member of the City Council of the City.
 10. Such other information as is necessary and appropriate to describe the extent of a registrant's lobbying activities.
- B. *Preservation of records.* Each registrant shall obtain and preserve all books, papers and documents necessary to substantiate the activity reports required to be made pursuant to this section for five years from the date of filing of the report containing such items.
- C. *No activity or changes.* No quarterly activity report is required if there is no activity during the preceding quarter calendar year and there are no other changes to items required to be reported.
- D. *Contingent fees.* A person shall disclose employment to lobby on a contingent fee basis as well as any arrangement to engage in lobbying activities on a contingent fee arrangement.
- E. *Public Record.* All activity reports filed pursuant to this section shall be a public record.

Sec. 1-7-107. Restricted activities.

- A. *Personal obligation of City officials.* A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not do any act, or refrain from doing any act, with the express purpose and intent of placing any City official under personal obligation to such lobbyist or person.
- B. *Improper influence.* A registrant shall not cause or influence the introduction of any ordinance, resolution, appeal, application, petition, nomination, or amendment thereto for the purpose of thereafter being employed as a lobbyist to secure its granting, denial, confirmation, rejection, passage, or defeat.
- C. *False appearances.* A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not cause any communication to be sent to a City official in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

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- D. *Prohibited representations.* A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not represent, either directly or indirectly, orally or in writing, that that person can control or obtain the vote or action of any City official.

Sec. 1-7-108. Identification of clients.

- A. *Appearances.* To the extent otherwise permitted by law, each person who lobbies or engages another person to lobby appearing before the City Council or another City body identified in the definition of "City official" shall complete a speaker identification card prior to that appearance and shall orally identify himself or herself and the client(s) he or she represents upon beginning an address. Each person who lobbies or engages another person to lobby shall also disclose on appropriate sign-in sheets his or her identity, the identity of the client he or she represents, and whether or not he or she is registered as a lobbyist.
- B. *Oral lobbying contacts.* Any registrant who makes an oral lobbying contact with an official shall, at the time of the initial lobbying contact with each official, identify himself or herself as a registered lobbyist and identify the client or clients on whose behalf the lobbying contact is made.
- C. *Written lobbying contacts.* Any registrant who makes a written lobbying contact (including an electronic communication) with a City official shall identify the client(s) on whose behalf the lobbying contact is made and identify himself or herself as a registered lobbyist.

Sec. 1-7-109. Timeliness of filing registrations and reports.

- A. A registration or report filed by first class United States mail or by common or contract carrier is timely if:
1. It is properly addressed with postage and handling charges prepaid; and
 2. It bears a post office cancellation mark or a receipt mark from a common or contract carrier indicating a time within the applicable filing period or before the applicable filing deadline, or if the person required to file furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that period or before that deadline.
- B. If the City Clerk determines that any registration or report is incomplete, inaccurate, or otherwise requires updating or revision, the City Clerk may order such update or revision and the registrant shall complete the required revision within thirty (30) days of receipt of notification from the City Clerk

Sec. 1-7-110. Administration.

The City Clerk shall:

- A. Provide guidance and assistance on the registration and reporting requirements for lobbyists and develop common standards, rules, and procedures for compliance;
- B. Review for completeness and timelines of registrations and reports.
- C. Maintain filing, coding, and cross-indexing systems to carry out the purposes of this important provision of the Ethics Code, including:
 1. A publicly available list of all registered lobbyists, lobbying firms, and their clients; and

2. Computerized systems designed to minimize the burden of filing and maximize public access to materials filed;
- D. Make available for public inspection and copying at reasonable times the registrations and reports filed;
- E. Retain registrations and reports in accordance with the California Public Records Act; and
- F. Upon receipt of a complaint filed with the Clerk's office alleging that a violation of the rules applicable to lobbyists may have been committed, forward information to the City Attorney's Office to determine whether to file a complaint and initiate an investigation.

Sec. 1-7-111. Enforcement and Remedies.

- A. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Division. Such a violation may be prosecuted in the name of the people of the State, redressed by civil action, and/or resolved by administrative remedies.
- B. Any person who violates or fails to comply with any provision of this Division is guilty of a misdemeanor or an infraction; provided, however, that (i) the City Attorney has discretion to charge any offense in this Division as either a misdemeanor or an infraction, (ii) in no event shall a first violation of this Ordinance by any lobbyist be charged as a misdemeanor.
- C. As a penalty for the failure to comply with this Division, the violator shall pay an administrative fine in the amount of \$1,000 per day that the violation continues.
- D. Violations of this Division are matters of public record.
- E. Provisions of this Division need not be enforced if it is determined that the violation was not willful and that enforcement of the violation would not further the purposes of this Division.
- F. Retaliation against anyone for good faith reporting a violation or alleged violation of this Division is prohibited.