

Input to Ethics Commission Work Group - June 3, 2015

Lobbyist Definition: Any person that receives or is promised anything of current or future value to influence any decision by a City Councilmember, department, employee, staff, volunteer, contractor, consultant, official, board, commission, task force, work group, panel, or committee.

Registration:

- A lobbyist must register at least 30 days before participating in any lobbying activities.
- Must disclose the subjects and ordinances/code amendments they are promoting or supporting.

Reporting:

- Lobbyists must verify under penalty of perjury that the information contained in the reports is both complete and accurate.
- Reports must be submitted on a quarterly basis and include all lobbying activity for the previous quarter.
- Reports must be detailed and include:
 - A plain statement of the decision(s), case(s), and matter(s) involved in each lobbying activity.
 - A list of all attendees and participants in each lobbying activity (meeting, phone, call, email, virtually meeting, etc.)
 - The purpose, date, time, location, and duration of the lobbying activity.

Appearance: A registered lobbyist appearing before a city council, board, commission, task force, work group, panel, or committee must orally indicate that he or she is a registered lobbyist and the entities represented.

Prohibited Activities:

- Any covert activity that influences or is intended to influence a decision by a City Councilmember, department, employee, staff, volunteer, contractor, consultant, official, board, commission, task force, work group, panel, or committee.
- Making false statements to public officials or creating fictitious statements of support or opposition to a pending governmental decision.
- Making or bundling campaign contributions.
- Introducing measures for the sole purpose of creating future work for a lobbyist.

Revolving Door: A former city employee is prohibited from lobbying a City Councilmember, department, employee, staff, volunteer, contractor, consultant, official, board, commission, task force, work group, panel, or committee for three years.

Penalties for Violations: A violation of the ordinance should be a class A misdemeanor with a monetary penalty of no less than \$1,000. A lobbyist with two violations within a 5-year period shall be permanently prohibited from lobbying. Failure to register as a lobbyist should be a felony with a penalty of up to two years in jail and a fine of up to \$10,000.

Ex parte Communication Rules for Public Officials:

- San Jose's municipal code has the following rule: "Before taking any legislative or administrative action, the mayor, each member of the city council ... and each member of the planning commission, civil service commission or appeals hearing board must disclose all scheduled meetings and telephone conversations with a registered lobbyist about the action. The disclosure may be made orally at the meeting before discussion of the action on the meeting agenda. The oral disclosure must identify the registered lobbyists, the date(s) of the scheduled meetings and telephone conversations and the substance of the communication ..."

Lobbyists should not be allowed on any City commission, board, task force, work group, panel, or committee.

Political or campaign consultants should be prohibited from lobbying officials they help elect.

Thank you!

David King
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