

# Lobbyist Ordinance

## *Requirements for Lobbyists*

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*The Office of the City Clerk*

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**May 2017**

# Agenda

- Overview – Ordinance No. 20160922-005
- New Registration Requirements
- Activity Reports
- Appearances
- Completing Required Forms
- Questions

# Overview: Ordinance No. 20160922-005

Lobbyist registration updates effective June 1, 2017

- Old forms will no longer be accepted
  - New fillable PDF form for lobbyist registration and quarterly activity reports
- Annual registration fee and late filing fees
- Published, searchable and downloadable database of lobbyists, their clients, compensation, and expenditures
- New requirements for appearances and meetings

# Registration Requirements

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## Lobbyist Registration

# Who Must Register? § 4-8-3

Registration with the City Clerk as a lobbyist is **required** when a person (within a calendar quarter):

A. Receives compensation or reimbursement of \$2,000 or more from another person to lobby

**AND**

B. Spends 26 hours (8 hours max per day) or more being compensated or reimbursed for lobbying

**OR**

C. Makes expenditures totaling \$500 to lobby

## Compensation or Reimbursement: § 4-8-3

Money, another thing of value, or a financial benefit received for services rendered is considered compensation § 4-8-2(5)

- Includes compensation for preparing to lobby § 4-8-3(C)
- Does **not** include reimbursement for person's own travel, food, or lodging expenses
- Does **not** include person's own membership dues

## Excluded Activities: § 4-8-3(A)(1) and (D)

Activities excluded from compensation, reimbursement or expenditure for lobbying, *provided the registrant is not seeking to **influence** or **persuade***:

- Requesting information
- Providing applications/documentation required by law, ordinance, rule, regulation, order or subpoena
- Providing facts/data to a City Official at the Official's request and the request was not solicited by/on behalf of the Registrant

## Excluded Activities: § 4-8-3(A)(1) and (D)

- Communicating to a City Attorney or Municipal Judge; testifying, appearing or communicating by document as part of public record in an adjudicative or judicial proceeding of COA or to which COA is a party
- Communicating or providing information to demonstrate compliance with an audit, inspection, law, regulation, City investigation, or policy
- Other (public service-COA body; ownership of real property affected; clerical assistance)



## Registration Fees: (Ordinance No. 20160922-005)

- Annual lobbyist registration fee: **\$300**
  - Annual fee for a regular employee of a 501(c)(3) nonprofit organization: **\$25**
- Annual registration fee for a business entity: **\$100**
  - Plus **\$50** for each employed lobbyist
  - Payment must be made in person or by mail via check, money order or cash

# Business Entity Election: § 4-8-4

## Register as a **business entity**

- Entity's annual registration fee: \$100 plus \$50 for each employed lobbyist
- Complete quarterly activity report on behalf of each employed lobbyist

**OR**

## Each employed lobbyist registers **individually** and

- Pays the annual registration fee: \$300
- Completes and files their own activity reports

# How To Register: § 4-8-5

- Complete City Clerk's fillable form
  - Full name, business addresses, client information, description of municipal question(s) and identity of subject matter(s)
- Must register within 5 business days of meeting registration thresholds of § 4-8-3
- Submit USB flash drive to City Clerk
- Pay annual registration fee in person or by mail via check, money order or cash

# After Registration: § 4-8-5 (C) (D) (E)

- File quarterly activity report(s)
  - Submit via USB flash drive or email\*
- Renew annually including annual registration fee
  - Any change in registration information (e.g. client list or municipal questions) requires resubmission of form within 10 business days after change
- Notice of Termination required to end reporting and payment requirements

# Quarterly Renewals of Annual Registration

- Pay annual renewal fee(s) with activity report
- Annual Registration Renewal Calendar:

Registration Dates	Next Year: Annual Registration Fee Due with Quarterly Report
January 1 - March 31	April 1 – April 10
April 1 - June 30	July 1 – July 10
July 1 - September 30	October 1 – October 10
October 1 – Dec. 31	January 1 – January 10



# Activity Reports

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## Quarterly Filing Requirements for Lobbyists

## Activity Reports: § 4-8-6

- File with City Clerk between the first and tenth day of each quarter
  - **January, April, July, and October**
- Must be completed by each registered lobbyist
  - **Or** by a business entity on behalf of all of its employed lobbyists
- Includes amount of compensation paid by client(s)
- Itemized expenditures (at least \$50 per day per City Official per category)

# Activity Report Calendar

Reports submitted after the 10<sup>th</sup>\* will incur late fee

Quarter	Activity Start Date	Activity End Date	Report Due Date
Q1	January 1	March 31	April 1 – April 10
Q2	April 1	June 30	July 1 – July 10
Q3	July 1	September 30	October 1 – October 10
Q4	October 1	December 31	January 1 – January 10

\*or the following business day if the 10<sup>th</sup> falls on a weekend or holiday



## Late Filing Fee: § 4-8-11

### Late filing fee for activity report: **\$50**

- Fee incurred after each quarterly report deadline
  - 10<sup>th</sup> of January, April, July, October
- Notice of first late fee sent via registered mail
- \$50 incurred every 10<sup>th</sup> day until registration and late fees are paid and report is submitted
- \$500 maximum assessed fees
- Includes failure to file Notice of Termination when annual renewal is due

# Appearances

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## Declarations and Departmental Sign-in

## Appearance Declarations: § 4-8-8

When speaking before City Council, a City Board or body created by the Council, registered lobbyists must:

- Register to speak prior to meeting
- Verbally identify self and business entity (if registered by business entity)
- Verbally identify the client they represent

## Appearance Declarations: § 4-8-8

Prior to oral communication with a City Official, registered lobbyists must verbally:

- Identify self and business entity (if applicable)
- Identify the client they represent

# Who is Considered a City Official? § 4-8-2(2)

- The Mayor, Mayor-Elect, Council Members, and Council Members-Elect
- Any City employee, other than employees whose duties are solely clerical
- A member of any City Board, commission, or body created by the Council and listed by the City Clerk under City Code § 2-1-3(C)

# Scheduled Meeting Disclosure: § 4-8-8(C)

Written disclosure is required for:

- Scheduled meeting with City Official
- Regarding a municipal question
- For compensation
- On behalf of another person

## Scheduled Meetings:

Scheduled “Face-to-Face” meetings include:

- A previously agreed upon date, time, and location
- Applies to preselected time-slot window
- **Not** unplanned, unscheduled, or "first-come-first-serve" interactions
- **Not** telephone or conference calls, Skype, or other "virtual" meetings

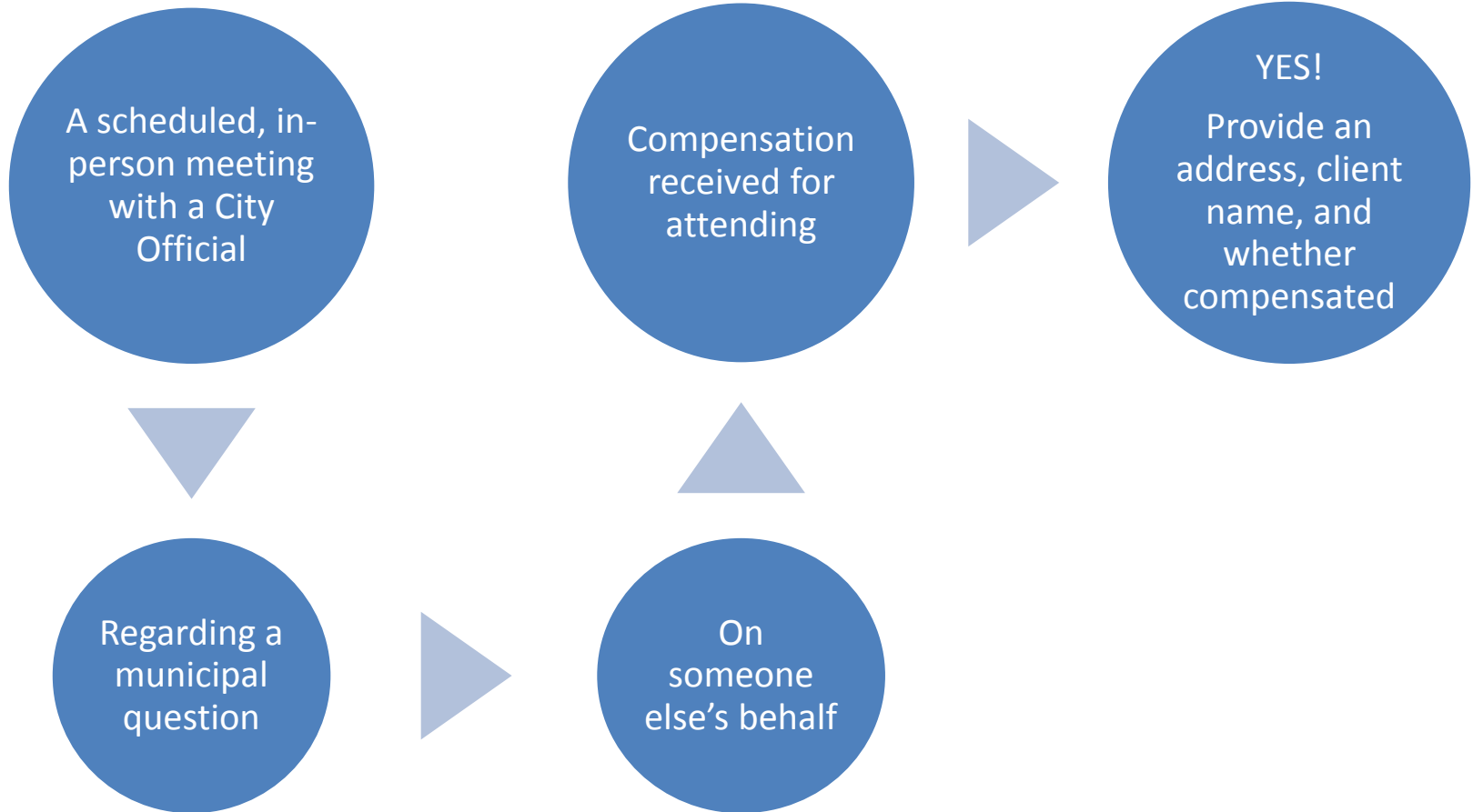
## Sign-In for Scheduled Meetings: § 4-8-8(C)(E)

A City Office or Department must provide a sign-in sheet or other practical method of obtaining the information below for scheduled meetings with a City Official regarding a municipal question:

- Person's name and address
- Name of City Official meeting with
- Name of client or person on whose behalf the person is appearing
- A statement disclosing whether the person is being compensated for the meeting



# When to Provide Meeting Information?



# What is a Municipal Question? § 4-8-2(10)

What is the intent of the visit?

Broad Definition:

- A proposal, consideration, approval, or negotiation concerning:
  - Municipal legislation
  - Administrative action or
  - Another matter that is, or may in the future be, subject to an action or decision by a City Official

# Municipal Question (cont'd)

Includes: § 4-8-2(10)(a)

- Possible action, including a recommendation, on a proposed ordinance, resolution or other action pending before Council, a Council Committee or a City Board or task force
- A matter appealable to City Council or a City Board § 2-1-3(C)

# Municipal Question (cont'd)

- A recommendation, report, regulation, policy, nomination, appointment or sanction by or to Council, a Council Committee or a City Board
- Development of specifications for, or the award of, a grant or contract for more than \$50,000
- Rulemaking under Chapter 1-2 (*Adoption of Rules*)
- Licensing/Licensing Agreements

# Municipal Questions are NOT

*Unless also fall under §4-8-2(10)(a)*

- Non-appealable, day-to-day decisions, routine application, administration, and execution of City programs and policies
- Routine, non-appealable decisions on permitting, platting, and design approval matters in connection with a specific project or development
- A technical building decision on a specific project, whether appealable or not, under Chapter 25-12 (*Technical Codes*)

# Completing Required Forms

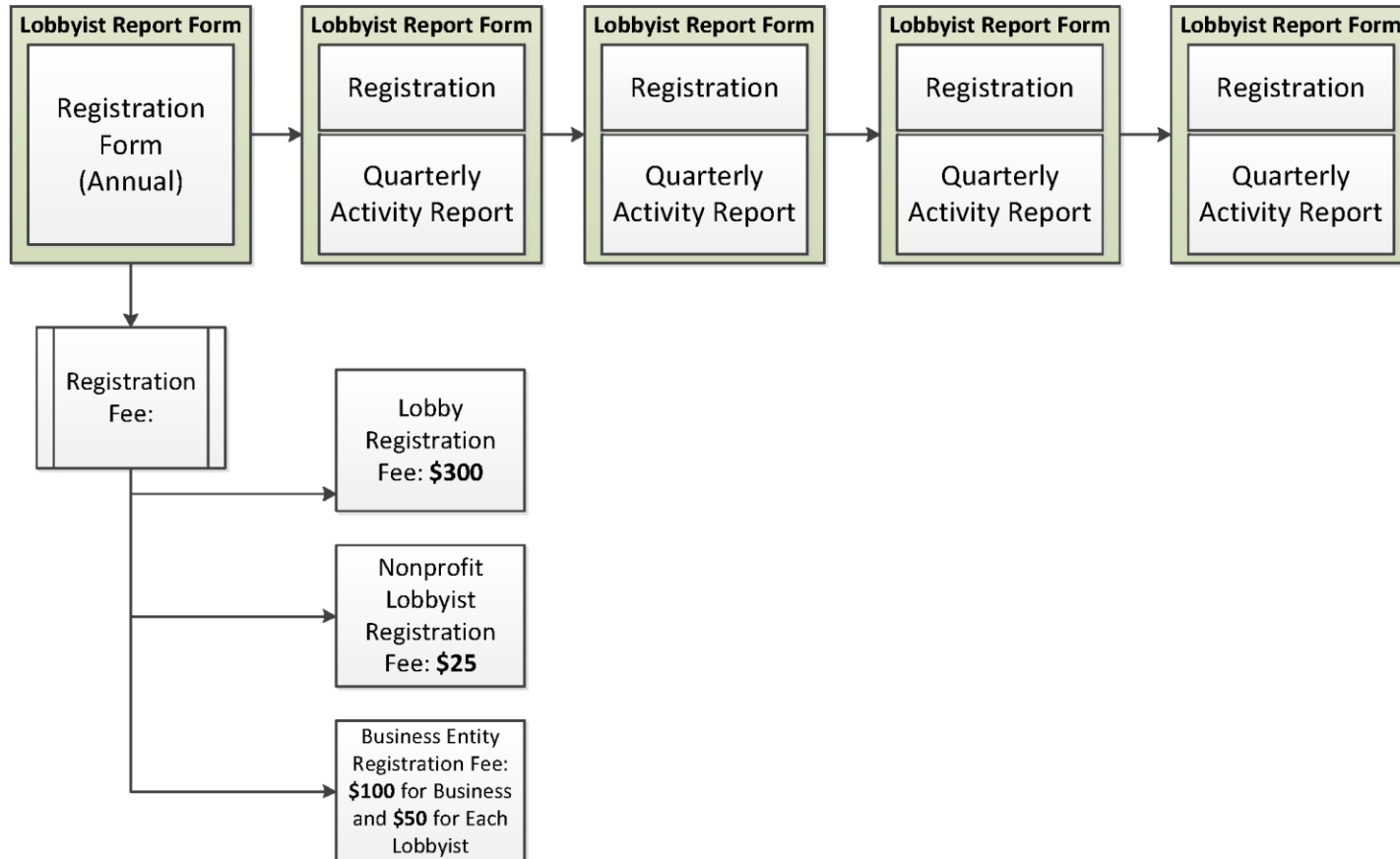
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Registration and email submission

# Completing Forms

- **Contact Form**
  - Complete before July 10, 2017
  - Verifies email address for future communication and submission of Activity Reports
  - City Clerk will email courtesy reminders and notices
- **New Registration Information and Activity Reports**
  - Submit on USB flash drive
  - May be submitted by email **if** a signed Contact Form has been filed

# Registered Lobbyist Filing Requirements

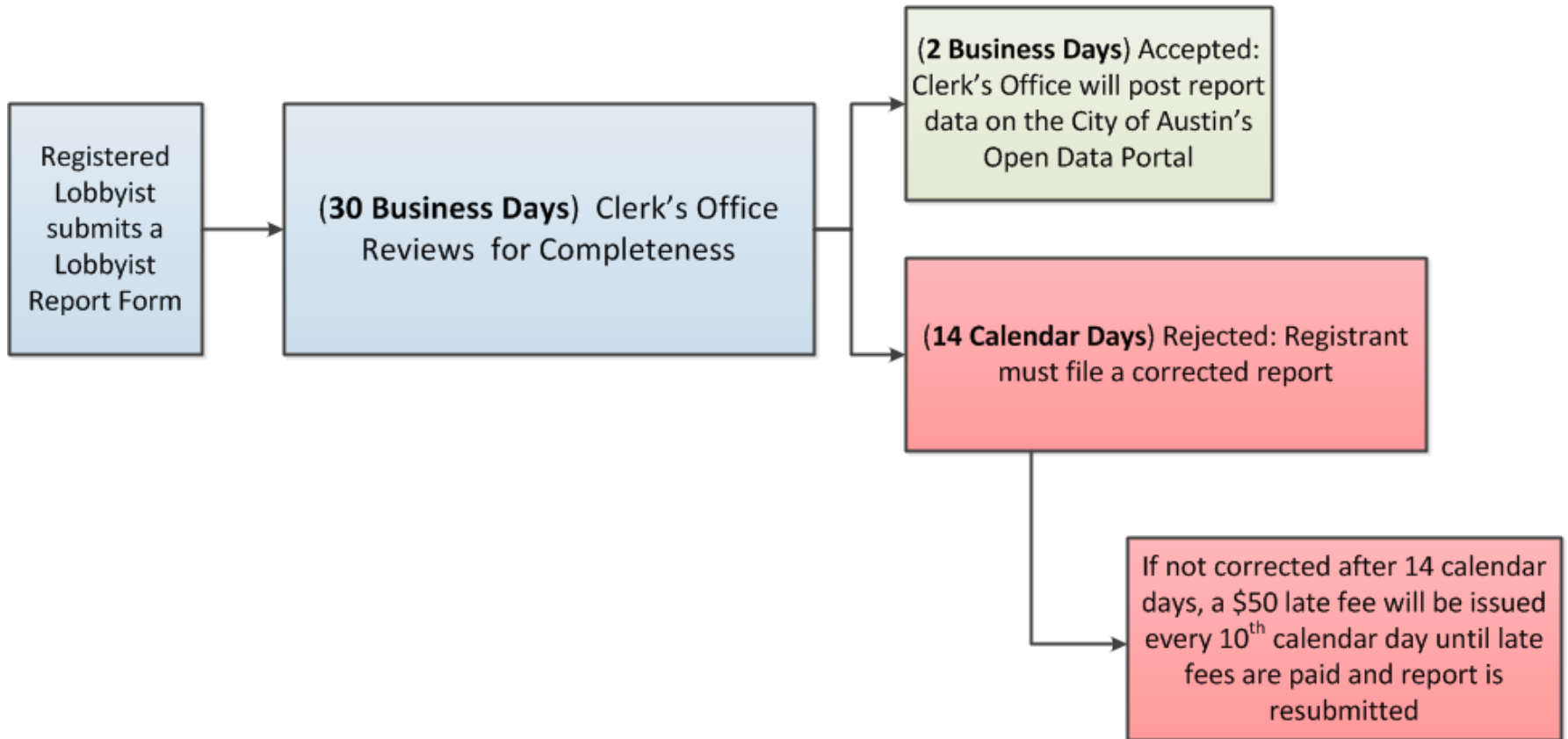




## After Submission of Form:

- The Clerk's Office will review for completeness
- Validation Report will be provided after review
  - **Accepted:** Clerk's Office will post report data on the COA's Open Data Portal within 2 business days
  - **Rejected:** Registrant has 14 calendar days to file corrected report
- **Entire report** must be resubmitted if any corrections are needed

# Process Timeline for Lobbyist Report Form



# Example Validation Report

## Lobbyist Data Validation Report: Errors and Notifications

Registrant: Bob Guz

Registered By: Self

Date Filed: 5/4/2017

Report: New Registration

### Sec. 1: Report cover sheet

#### Record 1 of 1

*Value Provided*

Field : Registrant's Business Mailing  
Address Zip Code

**Error**

A blank value is not permitted in this field

Field : Registrant's Business Street  
Address

**Error**

A blank value is not permitted in this field

### Sec. 1: Report cover sheet Summary:

Total Records Reviewed:

1

Errors:

2

Notifications:

0

### Sec. 2: Municipal questions

#### Record 1 of 1

*Value Provided*

Field : Subject matter that best  
describes the Municipal Question

**Error**

No subject matter provided for Municipal Question #1: 'Big house'

## Due July 1-10<sup>th</sup> (All Registered Lobbyists)

- Use the new fillable PDF forms
- File a signed **Contact Form**
- File a **Quarterly Activity Report**
  - Required even if there is no reportable activity
  - Business entities must file an **Entity Cover Sheet** along with an Activity Report for each lobbyist
- Submit forms via USB flash drive (or email **if** a signed Contact Form has been filed)
- Pay annual renewal fee (if due) or file a **Notice of Termination**

# Questions?

This Presentation is Not Legal Advice

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*Please consult your attorney and review the express terms of Ordinance No. 20160922-005*