ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 4-8 (REGULATION OF LOBBYISTS) OF THE CITY CODE RELATING TO LOBBYING; AMENDING CHAPTER 2-7 OF THE CITY CODE RELATING TO COMPLAINTS BEFORE THE ETHICS REVIEW COMMISSION AND FINANCIAL DISCLOSURE FILING DEADLINES; AMENDING SECTION 2-2-62 (FUNDING FOR AUSTIN FAIR CAMPAIGN FINANCE FUND) RELATING TO LOBBYIST REGISTRATION FEES; AND AMENDING ORDINANCE NO. 20180911-002, THE FISCAL YEAR 2018-2019 FEES, FINES, AND OTHER CHARGES ORDINANCE TO AMEND LOBBYIST REGISTRATION FEES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (B) of City Code Section 4-8-9(B) (Forms; Oaths; Review of Reports; Rules) is amended to read:

(B) A person filing a report shall file the report electronically, under procedures determined by the city clerk, in an electronic format that allows for a downloadable, searchable database for the general public. The city clerk may waive the electronic filing requirement or provide other reasonable accommodation to accommodate a disability pursuant to City Code Chapter 5-6 (Discrimination Against a Person with Disabilities) or other law, or to facilitate prompt receipt of a report from a person who has suffered a business interruption or personal emergency as described in subsection (D) of Section 4-8-11. The city clerk shall post every report on the City's Web site not later than the second business day after the date the city clerk accepts the report. The city clerk shall create common queries for public accessibility, such as total compensation within ranges for a particular lobbyist, all clients of a particular lobbyist, and all lobbyists and their compensation within ranges for a particular municipal question or client.

PART 2. City Code Section 4-8-11 (Late Filing Fee) is amended to read:

§ 4-8-11 LATE FILING FEE

(A) A person responsible for filing a late report is liable to the City for payment of a late filing fee. The amount of the late filing fee shall be set by ordinance. A late filing fee is not penal in nature, and is in addition to an available sanction for a late filing of a report. A person’s payment of a late fee under
this section does not discharge a person’s liability for a criminal offense under this chapter.

(B) The city clerk shall determine from any available evidence whether a report under this chapter is late.

(1) A report that is not timely filed is late.

(2) A registration or report is not properly filed without [the] a required fee being paid timely. Accordingly, a registration or report filed without the required fee being paid timely is late. The City Clerk may use an electronic form that will prevent a filer from submitting a required report until all registration, renewal, or late fees owed by a registrant or employee lobbyist are paid.

(C) The city clerk may not extend a deadline or waive a late fee caused by an inadvertent error or omission of a person responsible for filing a report, or the error or omission of the person’s authorized officer or agent.

(D) The city clerk may extend a deadline for a period of up to ___ days and may waive up to ___ late fees if the registrant or person responsible for filing a report is unable to timely file a report due to:

(1) a business interruption caused by a natural catastrophic event (such as tornado, flood, fire, hurricane, or earthquake), a serious weather-related event (such as heavy winds, ice, or snow), or other unsafe condition affecting the person’s business or access to the person’s business that is not caused by the person; or

(2) a personal emergency related to: (a) the death, disability, or serious medical condition of the person or the person’s relative within the second degree of consanguinity or affinity; or (b) a natural catastrophic event.

(E) Except to provide public testimony at a meeting subject to the requirements of the Texas Open Meetings Act, a lobbyist may not lobby a City Official unless all fees have been paid and all required reports have been filed.

([C]F) On making a determination that a report is late, the clerk shall immediately send, by [registered] email or other traceable method, a notice of the determination to the person responsible for the filing, notifying the person of the fee for late filing, and charging the fee.
If the late fee is not paid before the 10th day after the date on which the notice is sent by the city clerk to the person responsible for filing the report, the person is liable to the City for an additional late fee.

(1) Until the person files the report, the clerk shall send a written notice by email to the person every 10th day. After the first notice, the clerk need not send notices by registered mail. The person is liable for an additional late fee each time the clerk sends a 10-day notice up to a cumulative maximum of $500. The clerk need not send additional notices when the total of the late fee has reached the maximum amount and may not send the notices more frequently than every 10th day.

The clerk shall provide a copy of each notice sent under this section to the city attorney.

The clerk shall deposit and use money received from late fees in the manner prescribed in this chapter for a registration fee.

A report subject to a fee, for which the fee is not paid, is not properly or timely filed in compliance with this chapter if the registrant or lobbyist responsible for filing the report has failed to pay any fee owed under this Chapter prior to or at the time of the filing.

PART 3. Subsection (A) of City Code Section 4-8-12 (City Attorney’s Report) is amended to read:

(A) The city attorney shall at least quarterly submit a written public report to the Audit and Finance Committee, and at least annually make an oral report in an open session of the Audit and Finance Committee, on the enforcement of this chapter, including:

(1) the number of referrals by the city clerk, city auditor, and other City departments;

(2) the number of citizen complaints;

(3) the number of investigations opened by the city attorney, whether on account of a referral or on the city attorney's own initiative;

(4) the number of cases settled;

(5) the number of subpoenas for documents issued;

(6) the number of witnesses subpoenaed;
(7) the number of cases tried;
(8) the number of cases in which a fine was imposed;
(9) the number of cases in which a fine was not imposed or the person was
   adjudged not liable;
(10) the amount of fines assessed and collected; and
(11) the number of city attorney staff hours devoted for the period for the
   enforcement of this chapter.

PART 4. Subsection (C) of City Code Section 4-8-15 (Affirmative Defenses) is
amended to read:

(C) It is an affirmative defense to a prosecution for filing a late report, incomplete,
or incorrect report that the person responsible for filing the report:

(1) filed a complete and correct report not later than the 14th business day
after the date the person [responsible for filing the report] becomes
aware of the error or omission, other than by or after a filed complaint
or an audit under [§] Section 4-8-10 (Audit), in the registration or report
originally filed; or

(2) filed a complete and correct report in compliance with an extended
deadline and lobbying restrictions in accordance with subsections (D)
and (E) of Section 4-8-11.

PART 5. Subsection (A) of City Code Section 2-7-76 (Filing Dates for Statements)
is amended as follows:

§ 2-7-76 - FILING DATES FOR STATEMENTS.

Statements required by this article shall be received by the city clerk by [4:45]11:59
p.m. on the last day required. When the last day falls on a Saturday or Sunday, or on
an official City holiday as established by city council, the deadline for receipt by the
city clerk is extended to [4:45]11:59 p.m. of the next day which is not a Saturday or
Sunday or official City holiday.

PART 6. Council amends Exhibit A to Ordinance No. 20180911-002, the Fiscal
Year 2018-2019 Fees, Fines, and Other Charges Ordinance, to amend lobbyist
registration fees as follows:
Annual Lobby Registration Fee for a [regular employee] registrant whose only lobbying activity is lobbying on behalf of one or more [of a] 501(c)(3) nonprofit organizations [and whose only lobbying activity is for the person’s regular employer]: $25.

PART 7. This ordinance takes effect on ________________.

PASSED AND APPROVED

_________________________, 2019

Steve Adler
Mayor

APPROVED: __________________ ATTEST: ______________________
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk

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