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SAN DIEGO, CALIF.

ORDINANCE NO. 11111 AUG 30 1973  
(New Series)

AN ORDINANCE AMENDING CHAPTER II OF THE  
SAN DIEGO MUNICIPAL CODE BY ADDING  
ARTICLE 9, DIVISION 1, SECTIONS 29.0101  
THROUGH 29.0116 RELATING TO THE  
REGISTRATION OF MUNICIPAL ADVOCATES.

BE IT ORDAINED, by the Council of The City of San Diego,  
as follows:

Section 1. That Chapter II of the San Diego Municipal  
Code be and it is hereby amended by adding Article 9,  
Division 1, Sections 29.0101 through 29.0116 to read as  
follows:

ARTICLE 9

MUNICIPAL ADVOCATES

DIVISION 1

REGISTRATION OF MUNICIPAL ADVOCATES

SEC. 29.0101 PURPOSE AND INTENT

The purpose and intent of this ordinance is to  
provide a procedure whereby persons acting as municipal  
advocates are required to register and provide sufficient  
information so that complete disclosure of principals and  
other parties in interest represented by such municipal  
advocates may become a public record for the information  
of the City Council and the general public. It is not the  
intent of this ordinance to discourage nor prohibit the  
exercise of constitutional rights.

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SEC. 29.0102 CITATION

This division may be cited as the San Diego Registration of Municipal Advocates Ordinance.

SEC. 29.0103 DEFINITIONS

Whenever in this division the following words and phrases are used, they shall mean the following:

(a) "Advocacy" shall mean any nonpublic contact with a municipal official made for the purpose of attempting to influence action taken on any municipal decision. Contacts made in the ordinary course of furnishing goods or services to the City in its role as a consumer of such goods or services shall not be deemed such contact as constituting advocacy.

Contacts consisting solely of speaking at public meetings or hearings before the Council or any board or commission or municipal official wherein personal disclosure becomes a public record or the sending of a written communication to the aforesaid officials which becomes part of the public record shall not be deemed a contact constituting advocacy, nor shall requests for information or the giving of technical information constitute or be deemed to be advocacy.

(b) "Contribution" shall mean a gift, subscription, loan, advance or deposit of money or

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anything of value made by a person either directly or indirectly, for the purpose of financing advocacy activities in order to influence action on a municipal decision. The term "contribution" also includes a contract, promise or agreement, whether or not legally enforceable, to make a contribution.

(c) "Expenditure" shall mean a benefit conferred upon a municipal official by payment, distribution, loan, advance, deposit or gift of money or anything of value made by an advocate or his principal or other parties in interest, either directly or indirectly, during the course of advocacy activities for the purpose of attempting to influence action on a municipal decision. The term "expenditure" also includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure.

(d) "Municipal advocate" shall mean every person who engages for pay or for any consideration, including reimbursement for expenses incurred, for the purpose of advocacy, or who is a member of a volunteer public interest group or community organization who, without remuneration, engages in advocacy, or who is regularly employed full time and as an incidental and casual part of that employment

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without increase in salary or other compensation engages in advocacy. A person representing a firm of which he is a member shall be deemed to be representing a person other than himself.

(e) "Municipal decision" shall mean any discretionary action taken or which may be taken by any municipal official on any matter within the scope and course of his employment, position or official jurisdiction. Those actions by municipal officials mandated by law not requiring the exercise of discretion or conduct of a hearing and deemed ministerial in scope and nature are specifically and expressly excluded from the actions and decisions referred to herein.

(f) "Municipal official" shall mean any person in the service of The City of San Diego whose position involves the exercise of discretion in formulating and rendering municipal decisions. The term "municipal official" shall also include members of all boards, commissions and committees established by action of the Council pursuant to the authority of the Charter and Municipal Code.

(g) "Occupation and principal place of business" shall mean the type of work or title, name and street address of employer or employing organization and

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city of employment or, if self-employed, the type of work or profession and complete street mailing address where self-employed.

(h) "Person" shall mean any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however formally or informally organized. "Person" shall also include recognized employee organizations, associations and representatives thereof.

(i) "Public official" shall mean an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies, the State of California, any political subdivision of the state, including cities, counties, districts or any public corporation, agency or commission.

(j) "Quarterly" or "quarter" or "calendar quarter" shall mean the annual calendar quarter of the year; namely, the time periods encompassed by January 1 - March 31, April 1 - June 30, July 1 - September 30, and October 1 - December 31, respectively.

(k) "Real party in interest" shall mean the person or persons (other than any intermediaries) for whom a municipal advocate acts, such party to be identified when required by the terms hereof by:

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(1) Name, address and occupation, in the case of an individual;

(2) Name, principal business location and principal line of business, in the case of a commercial profit-seeking enterprise (any wholly or majority owned corporation to be ignored in favor of its owner for the purposes hereof unless such corporation operates autonomously from such owner);

(3) Name, principal headquarters address, number of members and general purpose for existence, in the case of a noncommercial or nonprofit-seeking organization; and

(4) Name, address and principal business of the trustee, administrator or representative and the nature of the agency relationship, in the case of a trustee, custodian, executor, administrator or manager acting for the benefit of diverse beneficiaries of any agency relationship under which the beneficiaries do not exercise substantial control over the administration of funds or property so administered.

(1) Wherever herein the male gender appears, it shall be deemed to include the female, and wherever the singular person appears, it shall be deemed to include the plural.

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SEC. 29.0104 MUNICIPAL ADVOCATE--REGISTRATION REQUIRED

Any person required to register as a municipal advocate shall file, in person or by mail, under penalty of perjury, with the City Clerk on forms prescribed by the City Clerk, the information required herein:

(a) No later than ten (10) calendar days after first engaging in advocacy, a municipal advocate shall be registered with the City Clerk. The information required for said registration shall be furnished by the advocate or his principal and may include, in addition to the name of the primary municipal advocate, the names of all advocates engaged by the principal if more than one.

(b) Any person, whether or not required to register under this division, who speaks at a public meeting or hearing before the Council or any board or commission or official shall, if appearing on his own behalf, disclose any direct or indirect economic interest he may have in the subject or item under discussion. If such person is appearing as an agent, whether or not also appearing on his own behalf, he shall disclose his agency and whether or not he is being compensated for the appearance, the ultimate real party in interest, and, to the best of his knowledge, the direct or indirect economic interest of the ultimate real party in interest. The Council,

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commission, board or official may, in its discretion, require oral disclosure sufficient to identify such interests, agency and real party in interest.

(c) At the time of registration, every municipal advocate or his principal shall file with the City Clerk, in writing:

(1) The full name, occupation and principal place of business of the advocate or advocates if more than one;

(2) The nature and category of municipal decision(s) the advocate is or was employed or had volunteered to support or oppose; and

(3) The full name, occupation and principal place of business of the person directing advocacy activities and whose interests the advocate represents as real party in interest, and if such person is not an individual, the person, whether a board of directors, executive committee or other group, formal or informal, who directs and controls the positions to be taken on municipal decisions by said advocate. In the event the municipal advocate is retained by a person that was in turn retained by another person, the municipal advocate shall disclose the information required herein for both his

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immediate employer and the person who has retained his immediate employer. This listing shall be updated as changes in the information furnished occur.

(d) The City Clerk shall register each person who qualifies for registration as a municipal advocate. Registration as a municipal advocate shall remain in full force and effect until such time as the municipal advocate notifies the City Clerk of termination of such status. In that event, the provisions of Section 29.0108 of this division shall apply.

(e) In the event a registered municipal advocate is engaged to represent persons and advocacy interests in addition to those contained in his original registration filing, he shall be required to supplement his file with the City Clerk only to the extent of furnishing information required by Section 29.0104, paragraph (c)(3).

**SEC. 29.0105 MUNICIPAL ADVOCATE--REGISTRATION  
REQUIREMENT DISPUTED**

The City Clerk shall issue a Notice of Registration Required upon the written request of the Mayor or Council or any other municipal official as defined herein. Any person who in good faith and on reasonable grounds believes that he is not required to comply with the

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provisions of Section 29.0104 by reason of his being exempt under any provision of this division shall not be deemed to have violated the provisions of Section 29.0104 if, within ten (10) calendar days after receiving notice from the City Clerk, he either complies or furnishes satisfactory evidence to the Mayor and City Council that he is exempt from registration.

**SEC. 29.0106 MUNICIPAL ADVOCATE--REPORT REQUIRED**

Every municipal advocate or his principal subject to the registration requirements of Section 29.0104 shall file with the City Clerk between the first and fifteenth day of each calendar quarter a report containing the following information with respect to the preceding calendar quarter, said filing to be accomplished pursuant to the provisions of Section 29.0113 of this division:

(a) The municipal decision(s) the advocate is or was employed or had volunteered to support or oppose;

(b) The full name, occupation and principal place of business of each person from whom one or more contributions totaling one-hundred dollars (\$100) or more have been received, together with a statement of the purpose or purposes of each such contribution; provided, however, that no such contribution need be reported if made as dues to a bona fide organization and constitutes less than five percent (5%) of the total budget of such person;

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(c) All expenditures of twenty-five dollars (\$25) or more made on any one occasion or expenditures on behalf of the principal or real party in interest which total, in the aggregate, one hundred dollars (\$100) or more in any one quarter in providing food, drink, lodging, transportation, recreation, service or any other thing of value including any gift to an individual municipal official as defined in Section 29.0103, paragraph (f).

(d) In the event the municipal advocate expends less than required to be reported by paragraph (c) above during any one quarter, he shall file a negative activity report on a form provided by the City Clerk for the quarter involved.

(e) All books, papers and documents used to prepare and necessary to substantiate reports required herein shall be retained for a period of six (6) years.

SEC. 29.0107 REGISTRATION--CONFIDENTIALITY

Any person may, in advance of engaging in advocacy, apply to the City Attorney for confidential treatment of any item of information required to be made public by this division. Such application shall be treated in confidence and shall disclose the circumstances and the information for which confidential treatment is requested. The City Attorney shall have the authority to approve such

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confidential treatment for the period of time necessary if, in his opinion, the confidential treatment will not, under the circumstances, be inconsistent with the public interest and that disclosure of such information would create a significant hazard to or compromise the commercial or economic interests of such person by revealing trade secrets or other information which would be helpful to competitors or by increasing the cost of an enterprise or transaction in which such person intends to engage.

SEC. 29.0108 MUNICIPAL ADVOCATE--TERMINATION OF  
ADVOCATE STATUS

A person whose employment as a municipal advocate has ceased may notify the City Clerk of the termination of his employment upon the quarterly report form provided by the City Clerk no later than the end of the quarter within which termination occurs and, upon reporting the information required in Section 29.0106 which remains unreported since his last quarterly statement, or since the commencement of his employment if previously he has not filed such a quarterly report, shall be relieved of the obligation of making future reports required by Section 29.0106 until his employment and registration as an advocate shall commence again upon compliance with the provisions of Section 29.0104 herein.

SEC. 29.0109 MUNICIPAL ADVOCATE--EXCEPTIONS

The provisions of this division shall not apply to:

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(a) A public official acting in his official capacity;

(b) Any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes or is employed by any such newspaper, periodical, radio or television station) which in the ordinary course of business publishes news items, editorials or other comments or paid advertisements which directly or indirectly urge action upon municipal decisions, if such newspaper, periodical, radio or television station or individual engages in no further or other activities in connection with action upon such municipal decision;

(c) Any individual appearing on his own behalf or on behalf of an ad hoc committee with respect to a municipal decision in support thereof or opposition thereto pursuant to a procedure established by local, state or federal law, or pursuant to any procedure established by ordinance for levying an assessment against real property for the construction or maintenance of an improvement;

(d) A person who, without compensation and not as part of nor in the ordinary course of his regular employment, appears to present the position of organizations such as a taxpayers' association,

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a public interest group or community organization, a chamber of commerce, a labor organization, a merchants' association, trade association or other organization however formally or informally organized, when that association or organization has one or more of its officers, employees or representatives already registered under the provisions of this division and such is revealed at the time;

(e) A person when representing a bona fide church or religious organization solely for the purpose of protecting the public right to practice the doctrines of such church or religious organization;

(f) Members of the State Bar of California acting on behalf of a client or clients in an attorney-client relationship while performing a duty or service, which duty or service can be performed lawfully only by an attorney licensed to practice law in California, i.e., representing clients in quasi-judicial proceedings conducted by municipal officials; and

(g) An organization of twenty-five (25) members or less which receives contributions of ten dollars (\$10) or less per member per year and which does not employ anyone for the principal purpose of advocacy on behalf of such organization.

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SEC. 29.0110 CODE OF CONDUCT

Any person who is required to register as a municipal advocate or who is exempted from registration under the provisions of this division has the following obligations:

(a) To abstain from doing any act with the express purpose and intent of placing a municipal official under personal obligation to him or his employer.

(b) Never to deceive or attempt to deceive a municipal official as to any material fact pertinent to any pending or proposed municipal decision. In the event the municipal decision or recommendation thereupon has been effectuated and the municipal advocate learns that any presentation provided by him contains false information material to said decision or recommendation, he shall immediately inform the appropriate official in writing, specifying the nature of the misinformation.

(c) Never to cause or influence the introduction of any ordinance, resolution, appeal, petition, nomination or amendment thereto for the purpose of thereafter being employed to secure its granting, denial, confirmation, rejection, passage or defeat.

(d) To abstain from any attempt to create a fictitious appearance of public favor or disfavor

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regarding any proposed municipal decision or to cause any communication to be sent to a municipal official in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

(e) Not to represent, either directly or indirectly, through any advocacy activity, that he can control or obtain the vote or favorable action of a municipal official on any municipal decision.

(f) Not to represent, or solicit representation of, an interest adverse to his employer nor to represent employers whose interests are known to him to be adverse.

SEC. 29.0111 EMPLOYMENT OF CITY EMPLOYEES

If any advocate registered or required to be registered under Section 29.0104 employs or requests, recommends, or causes his employer to employ, and such employer does employ any person known by him to be an officer or full-time employee of the City, in any capacity whatsoever, he shall file with the City Clerk within ten (10) days after such employment, the name of the person so employed and to be paid as a result thereof, and the date first employed.

SEC. 29.0112 DUTIES OF CITY CLERK

All information contained in reports required to be filed under the provisions of this division shall be

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compiled by the City Clerk as soon as practicable after the close of each quarter with respect to which such information is filed and shall be forwarded to the Mayor and City Council.

All reports required under this division to be filed with the City Clerk shall be preserved by him for a period of six (6) years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection. Copies shall be made available by the City Clerk upon request and payment of copy charges pursuant to the San Diego Municipal Code, Section 22.0103.

SEC. 29.0113 FILING OF REPORTS OF RECEIPTS AND EXPENDITURES

The reports required by this division shall be filed with the City Clerk at his office during regular business hours on forms prescribed by the City Clerk. Each such report shall be verified by the person required by the terms of this division to file it. The verification shall state that such person has used all reasonable diligence in its preparation and that, to his knowledge, it is true and complete. Any verification required by this division may be made under oath or affirmation before any officer authorized to administer oaths or by certification or declaration made "under penalty of perjury," as provided in Section 2015.5 of the California Code of Civil Procedure.

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SEC. 29.0114 INSPECTION OF STATEMENTS

The City Clerk shall inspect, or cause to be inspected, each report filed under this division within ten (10) days after the date it is filed. The City Clerk shall notify a person required to file a report under this division immediately if:

(a) It appears that the person has failed to file a report as required by law or that a report filed by the person does not conform to law; or

(b) A written complaint is filed by any resident of the City of San Diego alleging that a violation of this division has occurred.

SEC. 29.0115 VIOLATIONS AND PENALTIES

Every person who knowingly and wilfully violates any provision of this division shall be subject to penalties provided in Section 11.12 of this Municipal Code.

SEC. 29.0116 SEVERABILITY

If any provision of this division or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the division and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

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By

*Jack Katz*  
Jack Katz, Chief Deputy

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REV. 8-22-73

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Passed and adopted by the Council of The City of San Diego on AUG 30 1973,  
 by the following vote:

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 SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

(Seal)

By Mary Anne Nease, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

AUG 16 1973, and on AUG 30 1973

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

(Seal)

By Mary Anne Nease, Deputy.

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CC-1255-A (REV. 12-72)

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Office of the City Clerk, San Diego, California	
Ordinance Number	<u>11111</u> Adopted <u>AUG 30 1973</u>

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ent.

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SAN DIEGO, CALIF.

ATTORNEY (S)

CITY OF SAN DIEGO,  
202 "C" Street  
12th Floor  
San Diego, California

**CERTIFICATE OF PUBLICATION**

No.

IN THE MATTER OF

REGISTRATION OF MUNICIPAL ADVOCATES

I, Patricia M. Applestill hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

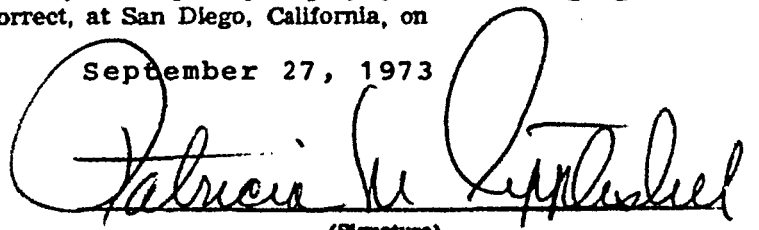
ORDINANCE NO. 11111  
(NEW SERIES)

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

September 7, 1973

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

September 27, 1973

  
(Signature)

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(New Series)

AN ORDINANCE AMENDING CHAPTER II OF THE SAN DIEGO MUNICIPAL CODE BY ADDING ARTICLE 9, DIVISION 1, SECTIONS 29.010 THROUGH 29.016 RELATING TO THE REGISTRATION OF MUNICIPAL ADVOCATES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II of the San Diego Municipal Code be, and it is hereby amended by adding Article 9, Division 1, Sections 29.010 through 29.016 to read as follows:

ARTICLE 9  
MUNICIPAL ADVOCATES

DIVISION 1  
REGISTRATION OF MUNICIPAL ADVOCATES

SEC. 29.0101 PURPOSE AND INTENT

The purpose and intent of this ordinance is to provide a procedure whereby persons acting as municipal advocates are required to register and provide sufficient information so that complete disclosure of principals and other parties in interest represented by such municipal advocates may become a public record for the information of the City Council and the general public. It is not the intent of this ordinance to discourage or prohibit the exercise of constitutional rights.

SEC. 29.0102 CITATION

This division may be cited as the San Diego Registration of Municipal Advocates Ordinance.

SEC. 29.0103 DEFINITIONS

Whenever in this division the following words and phrases are used they shall mean the following:

(a) "Advocacy" shall mean any nonpublic contact with a municipal official made for the purpose of attempting to influence action taken on any municipal decision. Contacts made in the ordinary course of furnishing goods or services to the City in its role as consumer of such goods or services shall not be deemed such contacts as constituting advocacy. Contacts consisting solely of speaking at public meetings or hearings before the Council or any board, commission or municipal official wherein personal disclosure becomes a public record or the sending of a written communication to aforesaid officials which becomes part of the public record shall be deemed a contact constituting advocacy, nor shall requests for information or the giving of technical information constitute or be deemed to be advocacy.

(b) "Contribution" shall mean a gift, subscription, loan, advance or deposit of money or anything of value made by a person directly or indirectly for the purpose of financing advocacy activity in order to influence action on a municipal decision. The term "contribution" also includes a contract, promise or agreement, whether or not legally enforceable, to make a contribution.

(c) "Expenditure" shall mean a benefit conferred upon a municipal official by payment, distribution, loan, advance, loan or gift of money or anything of value made by an advocate or his principal or other parties in interest, either directly or indirectly, during the course of advocacy activities for the purpose of attempting to influence action on a municipal decision. The term "expenditure" also includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure.

(d) "Municipal advocate" shall mean every person who receives for pay or for any consideration, including reimbursement, any expense incurred for the purpose of advocacy, or who is a member of a voluntary public interest group or community organization which without remuneration, engages in advocacy or who is hired, employed, full time and as an incidental and essential part of his employment, without increase in salary or other consideration, to engage in advocacy. A person representing a firm of which he is a member shall be deemed to be representing a person other than himself.

(e) "Municipal decision" shall mean any administrative action or which may be taken by any municipal official in his official capacity within the scope and course of his employment, position or office jurisdiction. These actions by municipal officials mandated by law, not requiring the exercise of discretion or conduct by a board, shall be deemed ministerial in scope and nature are specifically and expressly excluded from the actions and decisions referred to herein.

(f) "Municipal official" shall mean any person in the service of the City of San Diego whose position involves the exercise of discretion in formulating and rendering municipal decisions. The term "municipal official" shall also include members of all boards, commissions and committees constituted by action of the Council pursuant to the authority of the Charter and Municipal Code.

(g) "Occupation and principal place of business" shall mean the type or work or title, name and street address of employer, employing organization and city of employment or, if self-employed, the type of work or profession and complete street mailing address where self-employed.

(h) "Person" shall mean any individual, partnership, corporate association, firm, committee, club or other organization or group of persons, however formally or informally organized. "Person" also include recognized employee organizations, associations or representatives thereof.

(i) "Public official" shall mean an elected or appointed officer, an employee or officially designated representative, whether compensated or not, of the United States or any of its agencies, the State of California, any political subdivision of the state, including cities, counties, districts or any public corporation, agency or commission.

(j) "Quarterly" or "quarter" or "calendar quarter" shall mean the annual calendar quarter of the year, namely, the time periods encompassed by January 1-March 31, April 1-June 30, July 1-September 30, and October 1-December 31, respectively.

(k) "Real party in interest" shall mean the person or persons (other than any intermediaries) for whom a municipal advocate acts, such party to be identified when required by the terms hereof by:

(1) Name, address and occupation, in the case of an individual;

(2) Name, principal business location and principal line of business, in the case of a commercial profit-seeking enterprise (any wholly or majority owned corporation to be ignored in favor of its owner for the purposes hereof unless such corporation operates autonomously from such owner);

(3) Name, principal headquarters address, number of members and general purpose for existence, in the case of a non-commercial or non-profit-seeking organization; and

(4) Name, address, principal business of the trustee, administrator or representative and the nature of the beneficiary relationship, in the case of a trustee, custodian, executor, administrator or manager acting for the benefit of diverse beneficiaries, or any agency relationship under which the beneficiaries do not exercise substantial control over the administration of funds or property so administered.

(5) Name, address and principal business, in the case of a partnership.

SECTION 29.0103 MUNICIPAL ADVOCATE--REGISTRATION

(a) Any person who is engaged in advocacy shall be registered with the City Clerk. The information required for such registration shall be furnished by the advocate or his principal and may include, in addition to the name of the primary municipal advocate, the names of all advocates engaged by the principal if more than one.

(b) Any person, whether or not required to register under this division who speaks at a public meeting or hearing before the Council or any board or commission or official shall, if appearing on his own behalf, disclose any direct or indirect economic interest he may have in the subject or item under discussion. If such person is appearing as an agent, whether or not also appearing on his own behalf, he shall disclose his agency and whether or not he is being compensated for the appearance, the ultimate real party in interest, and, to the best of his knowledge, the direct or indirect economic interest of the ultimate real party in interest. The Council, commission, board or official may, in its discretion, require oral disclosure sufficient to identify such interests, agency and real party in interest.

(c) At the time of registration, every municipal advocate or his principal shall file with the City Clerk, in writing:

(1) The full name, occupation and principal place of business of the advocate or advocates if more than one;

(2) The nature and category of municipal decision(s) the advocate is or was employed or had volunteered to support or oppose; and

(3) The full name, occupation and principal place of business of the person directing advocacy activities and whose interests the advocate represents as real party in interest, and if such person is not an individual, the person, whether a board or directors, executive committee or other group, formal or informal, who directs and controls the positions to be taken on municipal decisions by said advocate. In the event the municipal advocate is retained by a person that was in turn retained by another person, the municipal advocate shall disclose the information required herein for both his immediate employer and the person who has retained his immediate employer. This listing shall be updated as changes in the information furnished occur.

(d) The City Clerk shall register each person who qualifies for registration as a municipal advocate. Registration as a municipal advocate shall remain in full force and effect until such time as the municipal advocate notifies the City Clerk of termination of such status. In that event, the provisions of Section 29.0106 of this division shall apply.

(e) In the event a registered municipal advocate is engaged to represent persons and advocacy interests in addition to those contained in his original registration filing, he shall be required to supplement his file with the City Clerk only to the extent of furnishing information required by Section 29.0104, paragraph (c) (3).

SEC. 29.0105 MUNICIPAL ADVOCATE--REGISTRATION REQUIREMENT DISPUTED

The City Clerk shall issue a Notice of Registration Required upon the written request of the Mayor or Council or any other municipal official as defined herein. Any person who in good faith and on reasonable grounds believes that he is not required to comply with the provisions of Section 29.0104 by reason of his being exempt under any provision of this division shall not be deemed to have violated the provisions of Section 29.0104 if, within ten (10) calendar days after receiving notice from the City Clerk, he either complies or furnishes satisfactory evidence to the Mayor and City Council that he is exempt from registration.

SEC. 29.0106 MUNICIPAL ADVOCATE--REPORT REQUIRED

Every municipal advocate or his principal subject to the registration requirements of Section 29.0104 shall file with the City Clerk, between the first and fifteenth day of each calendar quarter a report containing the following information with respect to the preceding calendar quarter: said filing to be accomplished pursuant to the provisions of Section 29.0113 of this division:

(a) The municipal decision(s) the advocate is or was employed or had volunteered to support or oppose;

(b) The full name, occupation and principal place of business of each person from whom any or more contributions totaling one hundred (\$100) or more have been received, together with a statement of the purpose or purposes of each such contribution; provided, however, that no such contribution need be reported if such person is a member of the Council, commission, board or official before whom such contribution is made;

(c) The amount of any contribution received from each person from whom such contribution is received, and the date such contribution was received; and

(d) In the event the municipal advocate expends less than required to be reported by paragraph (c) above during any one quarter, he shall file a negative activity report on a form provided by the City Clerk for the quarter involved.

(e) All books, papers and documents used to prepare and necessary to substantiate reports required herein shall be retained for a period of six (6) years.

SEC. 29.0107 REGISTRATION--CONFIDENTIALITY

Any person may, in advance of engaging in advocacy, apply to the City Attorney for confidential treatment of any item of information required to be made public by this division. Such application shall be treated in confidence and shall disclose the circumstances and the information for which confidential treatment is requested. The City Attorney shall have the authority to approve such confidential treatment for the period of time necessary if, in his opinion, the confidential treatment will not, under the circumstances, be inconsistent with the public interest and that disclosure of such information would create a significant hazard to or compromise the commercial or economic interests of such person by revealing trade secrets or other information which would be helpful to competitors or by increasing the cost of an enterprise or transaction in which such person intends to engage.

SEC. 29.0108 MUNICIPAL ADVOCATE--TERMINATION OF ADVOCATE STATUS

A person whose employment as a municipal advocate has ceased may notify the City Clerk of the termination of his employment upon the quarterly report form provided by the City Clerk no later than the end of the quarter within which termination occurs and, upon reporting the information required in Section 29.0106 which remains unreported since his last quarterly statement, or since the commencement of his employment if previously he has not filed such a quarterly report, shall be relieved of the obligation of making future reports required by Section 29.0106 until his employment and registration as an advocate shall commence again upon compliance with the provisions of Section 29.0103 herein.

SEC. 29.0109 MUNICIPAL ADVOCATE--EXCEPTIONS

The provisions of this division shall not apply to:

(a) A public official acting in his official capacity;

(b) Any newspaper or other regularly published printed or electronic medium (including any individual, firm, partnership or corporation) which is employed by any such newspaper, printed or electronic medium, which, in the ordinary course of business, publishes news items, editorial or other comments on public affairs; provided, however, that any such newspaper, printed or electronic medium, or any individual, firm, partnership or corporation engaged in the publication or dissemination of such information shall be subject to the provisions of this division which apply to municipal decisions.

the duties of...  
...of the State Bar of California...  
...an attorney-client relationship...  
...duty or service which duty or service can be performed lawfully only by an attorney licensed to practice law in California...  
...representing clients in quasi-judicial proceedings conducted by municipal officials...  
...and...  
...an organization of twenty-five (25) members or less which...  
...contributions of ten dollars (\$10) or less per month...  
...which does not employ anyone for the principal purpose...  
...advocacy on behalf of such organization.

**SECTION 23.9118. CODE OF CONDUCT**

Any person who is required to register as a municipal advocate or who registers from registration under the provisions of this division shall be subject to the following obligations:

- (a) To abstain from doing any act with the express purpose and intent of placing a municipal official under personal obligation to him or his employer.
- (b) Never to deceive or attempt to deceive a municipal official as to any material fact pertinent to any pending or proposed municipal decision. In the event the municipal decision or recommendation thereupon has been effectuated and the municipal advocate learns that any presentation provided by him contains false information material to said decision or recommendations, he shall immediately inform the appropriate official in writing, specifying the nature of the misinformation.
- (c) Never to cause or influence the introduction of any ordinance, resolution, appeal, petition, nomination or amendment thereto for the purpose of thereafter being employed to secure its passing, denial, confirmation, rejection, passage or defeat.
- (d) To abstain from any attempt to create a fictitious appearance of public favor or disfavor regarding any proposed municipal decision or to cause any communication to be sent to a municipal official in the name of any fictitious person or in the name of any real person, except with the consent of such real person.
- (e) Not to represent, either directly or indirectly through any advocacy activity, that he can control or obtain the vote or favorable action of a municipal official on any municipal decision.
- (f) Not to represent, or solicit representation of, an interest adverse to his employer nor to represent employers whose interests are known to him to be adverse.

**SEC. 23.9111. EMPLOYMENT OF CITY EMPLOYEES**

If any advocate registered or required to be registered under Section 23.9104 employs or requests, recommends, or causes his employer to employ, and such employer does employ any person known by him to be an officer or full-time employee of the City, in any capacity whatsoever, he shall file with the City Clerk within ten (10) days after such employment, the name of the person so employed and to be paid as a result thereof, and the date first employed.

**SEC. 23.9112. DUTIES OF CITY CLERK**

All information contained in reports required to be filed under the provisions of this division shall be compiled by the City Clerk, and as practicable after the close of each quarter with respect to which information is filed and shall be forwarded to the Mayor and the Council.

All reports required under this division to be filed with the City Clerk shall be preserved by him for a period of six (6) years from the date of filing, shall constitute part of the public records of the City, shall be open to public inspection. Copies shall be made available to the City Clerk upon request and payment of copy charges pursuant to the San Diego Municipal Code, Section 23.114.

**SEC. 23.0113. FILING OF REPORTS OF RECEIPTS AND EXPENDITURES**

The reports required by this division shall be filed with the City Clerk at his office during regular business hours on forms provided by the City Clerk. Each such report shall be verified by the person filing it by the terms of this division to file it. The verification shall mean that such person has used all reasonable diligence in its preparation and to his knowledge, it is true and correct. Any verification required by this division may be made under oath or affirmation before any person authorized to administer oaths or by certification or declaration under penalty of perjury, as provided in Section 2015.5 of the California Code of Civil Procedure.

**SEC. 23.0114. INSPECTION OF STATEMENTS**

The City Clerk shall inspect, or cause to be inspected, each report filed under this division within ten (10) days after the date it is filed. The City Clerk shall notify a person required to file a report under this division immediately if:

- (a) It appears that the person has failed to file a report required by law or that a report filed by the person does not seem to be true; or
- (b) A written complaint is filed by any resident of the City of San Diego alleging that a violation of this division has occurred.

**SEC. 23.0115. VIOLATIONS AND PENALTIES**

Every person who knowingly and willfully violates any provision of this division shall be subject to penalties provided in Section 12.01 of the Municipal Code.

**SEC. 23.0116. SEVERABILITY**

If any provision of this division or the application thereof to any person or circumstance is held invalid, the validity of the remaining provisions and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

Section 2. This ordinance shall take effect and be in force on the third day from and after its passage.

Passed and adopted by the Council of The City of San Diego on August 30, 1978, by the following vote:

YEAS: Ordinance, Landt, Morrow, Martinet, Bates, Wilson.  
NAYS: High.

ADJUTANT: Thomas A. Williams.  
AUTHENTICATED BY: PETE WILSON, Mayor of The City of San Diego, California; EDWARD NIELSEN, City Clerk of The City of San Diego, California; MARY ANNE MEASE, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until five calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on August 18, 1978, and on August 30, 1978.

I FURTHER CERTIFY that the reading of said ordinance in full was had with a vote of not less than a majority of the members present at the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a clean or printed copy of said ordinance.

EDWARD NIELSEN, City Clerk of The City of San Diego, California.  
By MARY ANNE MEASE, Deputy.