

ORDINANCE NUMBER O- 18705 (NEW SERIES)

ADOPTED ON NOV 0 8 1999

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 40 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.4002, 27.4004, 27.4012, 27.4015 AND 27.4025; BY REPEALING SECTION 27.4027; BY REENACTING NEW SECTION 27.4027; BY AMENDING SECTION 27.4028, ALL RELATING TO MUNICIPAL LOBBYING.

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

Section 1. That Chapter II, Article 7, Division 40 of the San Diego Municipal Code be and the same is hereby amended by amending Section 27.4002 to read as follows:

SEC. 27.4002 Definitions

All defined terms in this division appear in italics. The first letter of each term defined in this division is capitalized. Unless the context otherwise indicates, the defined terms have the meanings set forth below.

“Activity Expense” No change in text.

“Agent” No change in text.

“City” No change in text.

“City Board” No change in text.

“City Official” No change in text.

“Client” No change in text.

“Committee” No change in text.

“Compensated Services” No change in text.

“Compensation” means any economic consideration for services rendered, other than reimbursement for *Travel Expenses*.

“Contract” includes but is not limited to written contracts, agreements, memoranda of understanding, and similar writings that set forth transactions involving personal property, real property, intellectual property, personal services, consultant services, public works, or insurance. For purposes of this division, *“contract”* and *“agreement”* are synonymous. The definition of *“contract”* is intended to be broadly construed.

“Day” No change in text.

“Direct Communication” No change in text.

“Enforcement Authority” has the same meaning as that term is defined in Section 27.2903.

“Gift” No change in text.

“Influencing a Municipal Decision” No change in text.

“In-House Lobbyist” means an individual who engages in Lobbying solely on behalf of his or her business or employer. *“In-House Lobbyist”* includes, but is not limited to, owners, officers, and salaried employees of a business.

“Lobbying” No change in text.

"Lobbyist" No change in text.

"Municipal Decision" No change in text.

"Payment" No change in text.

"Person" No change in text.

"Public Hearing" No change in text.

"Public Official" No change in text.

"Travel Expenses" No change in text.

Section 2. That Chapter II, Article 7, Division 40 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 27.4004, 27.4012, 27.4015 and 27.4025 to read as follows:

SEC. 27.4004 Exceptions

The following *Persons* are exempt from the requirements of this division:

(a) No change in text.

(b) No change in text.

(c) any *Person* whose sole activity includes one or more of

the following:

(1) to submit a bid on a competitively bid *contract*;

(2) to submit a written response to a request for proposals

or qualifications;

(3) to participate in an oral interview for a request for

proposals or qualifications; or,

(4) to negotiate the terms of a *contract* or agreement with the City, once the City has authorized either by action of the City Council, City Manager, or voters, entering an agreement with that *Person*, whether that *Person* has been selected pursuant to a bid, request for proposals or qualifications, or by other means of selection recognized by law.

SEC. 27.4012 Amendments to Registration Form

Except as provided in Section 27.4015(b), *Lobbyists* shall file amendments to their registration form with the next quarterly disclosure report, and shall disclose any change in information required on the registration form as set forth in Section 27.4009.

SEC. 27.4015 Quarterly Disclosure Report Required

(a) *Lobbyists* shall file quarterly disclosure reports for every calendar quarter during which they retain their status as a *Lobbyist*.

(b) In lieu of amending the registration form, a *Lobbyist* may use the quarterly report to disclose any change in information required on the registration form as set forth in Section 27.4009.

(c) The *Lobbyist* shall file with the City Clerk the report with an original signature.

SEC. 27.4025 Powers and Duties of the City Clerk

(a) Upon receipt of a written request, the City Clerk may issue a notice of registration requirements to any *Person* whom a

City Official or any other *Person* has reason to believe should be registered under this division. Before sending the notice, the Clerk:

(1) shall require the *Person* making the request to provide a written statement of the factual basis for the belief; and,

(2) shall determine whether sufficient facts exist to warrant sending the notice.

(b) No change in text.

(c) No change in text.

(d) The City Clerk shall preserve all registration forms and quarterly disclosure reports required to be filed under this division for a period of five years from the date of filing. These registration forms and quarterly disclosure reports shall constitute part of the public records of the Clerk's office, and shall be open to public inspection. Copies shall be made available by the Clerk upon request and payment of any lawful copy charges.

(e) The City Clerk shall report apparent violations of this division to the *Enforcement Authority*.

(f) No change in text.

Section 3. That Chapter II, Article 7, Division 40 of the San Diego Municipal Code be and the same is hereby amended by repealing the existing Section 27.4027 and reenact it in its entirety to read as follows:

**SEC. 27.4027 Enforcement Authority: Duties, Complaints,
Legal Action, Investigatory Powers**

(a) The *Enforcement Authority* shall enforce the provisions of this division.

(b) Any *Person* who believes that violation of any portion of this division has occurred may file a complaint with the *Enforcement Authority*. If the *Enforcement Authority* determines that there is reason to believe a violation of this division has occurred, it shall make an investigation. Whenever the *Enforcement Authority* has reason to believe a violation of this division has occurred or is about to occur, it may institute such legal action at such time as it deems necessary to prevent further violations.

(c) The *Enforcement Authority* shall have such investigative powers as are necessary for the performance of the duties prescribed in this division. The *Enforcement Authority* may demand and shall be furnished records of *Lobbying Activity Expenses* at any time.

(d) The *Enforcement Authority* shall determine whether required statements and declarations have been filed as required and, if so, whether they conform with the requirements of this division.

Section 4. That Chapter II, Article 7, Division 40 of the San Diego Municipal Code be and the same is hereby amended by amending Section 27.4028 to read as follows:

SEC. 27.4028 Violations, Penalties and Defenses

(a) - (d) No change in text.

(e) Any limitation of time prescribed by law within which prosecution for a violation of any part of this division must be commenced shall not begin to run until the City's discovery of the violation.

Section 5. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By Cristie C. McGuire
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Deputy City Attorney

CCM:jrl
08/30/99
Or.Dept:Clerk
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