

ORDINANCE NUMBER O- 18807 (NEW SERIES)

ADOPTED ON MAY 30 2000

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 40 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 27.4002; ADDING NEW SECTION 27.4014; AND BY AMENDING SECTION 27.4023, ALL RELATING TO THE MUNICIPAL LOBBYING ORDINANCE.

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

Section 1. That Chapter II, Article 7, 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” includes the boards of directors of all *City* agencies, and any board, commission, committee, or task force of the *City* established by action of the *City* Council under authority of the *City* Charter, Municipal Code or Council resolution.

“*City Official*” includes:

(a) any elected or appointed *City* officeholder, including any *City* officeholder elected but not yet sworn in, *City Board* member, or employee of the *City* or any *City* agency, who, as part of his or her official duties, participates in the consideration of any *Municipal Decision* other than in a purely clerical, secretarial or ministerial capacity.

(b) *City Council* members acting in their capacity as Housing Authority and Redevelopment Agency officers; and

(c) any consultants of this *City* who are required to file a statement of economic interest pursuant to any conflict of interest code adopted by the *City Council*.

“*Client*” [No change in text.]

“*Committee*” [No change in text.]

“*Compensated Services*” [No change in text.]

“*Compensation*” [No change in text.]

“*Contract*” [No change in text.]

“*Day*” [No change in text.]

“*Direct Communication*” means: [No change in text.]

“*Direct Communication*” does not include: [No change in text.]

“*Enforcement Authority*” [No change in text.]

“*Gift*” [No change in text.]

“*Influencing a Municipal Decision*” [No change in text.]

“*In-House Lobbyist*” [No change in text.]

“*Lobbying*” [No change in text.]

“*Lobbyist*” [No change in text.]

“*Municipal Decision*” includes:

- (a) the drafting, introduction, consideration, reconsideration, adoption, defeat, or repeal of any ordinance or resolution;
- (b) the amendment of any ordinance or resolution;
- (c) a report by a *City Official* to the *City Council* or a *City Council Committee*;
- (d) contracts;
- (e) quasi-judicial decisions, including:
 - (1) any decision on a land development permit, map or other matter decided pursuant to Process 2 through 5 as described in Chapter 11 of this Municipal Code; or
 - (2) any grant of, denial of, modification to, or revocation of a permit or license under Chapter 1 through 10 of this Municipal Code; and
- (f) any other decision of the *City Council* or a *City Board*.

“*Municipal Decision*” does not include any of the following:

(a) any request for advice regarding, or for an interpretation of laws, regulations, *City* approvals or policies;

(b) a direct response to an enforcement proceeding with the *City*;

(c) any communication among attorneys representing a party or potential party to pending or actual litigation brought by or against the *City*, or *City* agent, officer or employee;

(d) any ministerial action such as decisions on private land development made pursuant to Process 1 as described in Chapter 11 of this Municipal Code;

(e) any action relating to the establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or memorandum of understanding between the *City* and a recognized employee organization, or a proceeding before the Civil Service Commission; or

(f) any management decisions as to the working conditions of represented employees that clearly relate to the terms of collective bargaining agreements or memoranda of understanding pursuant to (e) above.

"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, of the San Diego Municipal Code, be and is hereby amended by adding new Section 27.4014 to read as follows:

SEC. 27.4014 Notification of Activity Expense Paid to or Benefitting a City Official

(a) Any *Lobbyist* required to file a disclosure report under the provisions of this division shall provide the following information to each *City Official* who is the beneficiary of an activity expense from the *Lobbyist*.

(1) the date and amount of the activity expense;

(2) a description of the activity expense provided to the *City Official*; and

(3) the client, if any, on whose behalf the expenditure was made.

(b) The information required to be disclosed pursuant to subdivision (a) shall be provided in writing to the *City Official* who is the beneficiary within twenty business days after the date of the expenditure.

Section 3. That Chapter II, Article 7, of the San Diego Municipal Code be and the same is hereby amended by amending Section 27.4023, to read as follows:

SEC. 27.4023 Other Obligations of a Lobbyist

Any individual who is required to register as a *Lobbyist* under the provisions of this division shall:

(a) disclose his or her status as a *Lobbyist* to a *City Official* before providing anything of value to that individual which would require disclosure as an activity expense to the *City Official* pursuant to Section 27.4014.

(b) abstain from doing any act with the purpose or intent of placing a *City Official* under personal obligation to the *Lobbyist*, or to the *Lobbyist's* employer or Client;

(c) correct, in writing, any misinformation given to a *City Official*, specifying the nature of the misinformation;

(d) not deceive or attempt to deceive a *City Official* as to any material fact pertinent to any pending or proposed *Municipal Decision*;


(e) not cause any communication to be sent to a *City Official* in the name of any fictitious *Person* or in the name of any real *Person*, except with the consent of such real *Person*;
and

(f) not attempt to evade the obligations in this section through indirect efforts or through the use of Agents, associates or employees.

Section 4. 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 5. 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 
for Cristie C. McGuire
Deputy City Attorney

CCM:jrl
05/03/00
Or.Dept:Clerk
O-2000-169
Form=o&t.frm

OLD LANGUAGE - STRUCKOUT
NEW LANGUAGE - UNDERLINED

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"Direct Communication" does not include: [No change in text.]

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to or Benefitting a City Official**

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(1) the date and amount of the activity expense;

(2) a description of the activity expense provided

to the City Official; and

(3) the client, if any, on whose behalf the expenditure was made.

(h) The information required to be disclosed pursuant to subdivision (a) shall be provided in writing to the City Official who is the beneficiary within twenty business days after the date of the expenditure.

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(a) (b) abstain from doing any act with the purpose or intent of placing a *City Official* under personal obligation to the *Lobbyist*, or to the *Lobbyist's* employer or Client;

(b) (c) correct, in writing, any misinformation given to a *City Official*, specifying the nature of the misinformation;

(e) (d) not deceive or attempt to deceive a *City Official* as to any material fact pertinent to any pending or proposed *Municipal Decision*;

(d) (e) not cause any communication to be sent to a *City Official* in the name of any fictitious *Person* or in the name of any real *Person*, except with the consent of such real *Person*; and

(e) (f) not attempt to evade the obligations in this section through indirect efforts or through the use of Agents, associates or employees.