

ORDINANCE NUMBER O- 20596 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 09 2016

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7,
DIVISION 40 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 27.4002, 27.4009, AND 27.4017,
RELATING TO THE CITY OF SAN DIEGO MUNICIPAL
LOBBYING ORDINANCE

WHEREAS, pursuant to San Diego Municipal Code section 26.0414, the City of San Diego Ethics Commission has the responsibility of regularly reviewing the City's Lobbying Ordinance, and proposing updates to these laws to the City Council for its review and approval; and

WHEREAS, lobbyists are currently required to disclose on their quarterly lobbying reports their campaign contributions and fundraising activities for City candidates, but are not required to disclose when these campaign activities benefit a candidate's or elected official's professional expense committee; and

WHEREAS, in the interests of promoting transparency while avoiding duplicative efforts, the Ethics Commission voted unanimously to recommend changes to the Municipal Lobbying Ordinance that would require lobbyists to report their contributions and fundraising activities for professional expense committees on their quarterly lobbying reports (which also identify the municipal decisions they are seeking to influence), while relieving lobbyists of any requirement to submit a pending matters disclosure form that would identify these same municipal decisions; and

WHEREAS, lobbying firms and organization lobbyists are currently required to disclose on quarterly lobbying reports the contributions they make to political committees, but no such

disclosure is required when these lobbying entities create and use a sponsored committee to make such contributions; and

WHEREAS, in the interests of providing additional transparency in a more equitable manner, the Ethics Commission voted unanimously to recommend changes to the Municipal Lobbying Ordinance that would require lobbying entities to report the campaign contributions made by their sponsored committees; and

WHEREAS, the Ethics Commission is also recommending several clean-up amendments to the Municipal Lobbying Ordinance, including updating the definition of “City Official” to more accurately reflect employment titles currently used by the City and its agencies; and

WHEREAS, on July 2, 2015, the City’s Charter Review Committee considered the amendments proposed by the Ethics Commission, and unanimously agreed to forward the Commission’s recommendations to the full City Council; and

WHEREAS, in a memorandum to the Council dated July 15, 2015, the Ethics Commission summarized its recommendations and the reasons for the proposed amendments to the City’s lobbying laws; and

WHEREAS, the City Council has considered the recommendations of the Ethics Commission; NOW, THEREFORE,

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

Section 1. That San Diego Municipal Code Chapter 2, Article 7, Division 40 is amended by amending sections 27.4002, 27.4009, and 27.4017, to read as follows:

§27.4002 Definitions

All defined terms in this division appear in italics. Unless the context otherwise indicates, the defined terms have the meanings set forth below.

Activity Expense to City Board [No change in text.]

City Official means any of the following officers or employees of the *City*, which includes all *City* agencies: elected officeholder; Council staff member; Council Committee Consultant; Council Representative; Assistant City Attorney; Deputy City Attorney; General Counsel; Assistant General Counsel; Chief; Assistant Chief; Deputy Chief; Assistant Deputy Chief; City Treasurer; City Auditor; Assistant City Auditor; City Comptroller; Independent Budget Analyst; Budget/Legislative Analyst; Financial Operations Manager; City Clerk; Labor Relations Manager; Facility Manager; Retirement Administrator; Director; Assistant Director; Deputy Director; Assistant Deputy Director; Chief Executive Officer; Chief Operating Officer; Chief Financial Officer; Chief Investment Officer; Assistant Investment Officer; President; Vice-President; and Assistant Vice President. *City Official* also means any member of a *City Board* and any *candidate* who has been elected to office but not yet sworn in. For purposes of this definition, a *candidate* is considered elected to office on the date the Council adopts its resolution declaring the results of the election.

Client to Expenditure lobbyist [No change in text.]

Fundraising activity means soliciting, or directing others to solicit, *contributions* from one or more contributors, either personally or by hosting or sponsoring a fundraising event, and either:

- (a) personally delivering \$2,000 or more in *contributions* to:
 - (1) a *candidate*'s election committee;
 - (2) a *candidate*-controlled ballot measure committee;

- (3) a *candidate's* (including an elected *City Official's*) professional expense committee; or
 - (4) a committee primarily formed to support or oppose one or more *candidates*, or
- (b) identifying oneself to a *candidate* or a committee identified in subsection (a) as having any degree of responsibility for \$2,000 or more in *contributions* received as a result of that solicitation.

Gift to Person [No change in text.]

Public hearing means any meeting as defined by the Ralph M. Brown Act.

Public official to Travel expenses [No change in text.]

§27.4009 Contents of Registration Form

- (a) Every *lobbying firm* shall file with the *City Clerk* a registration form that contains the following information:
- (1) through (2) [No change in text.]
 - (3) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who engaged in *fundraising activities* for a current elected *City Official's* election committee, controlled ballot measure committee, or professional expense committee, or for a committee primarily formed to support a current elected *City Official*, during the two year period preceding the filing date, along with the name of each applicable *City Official*.
 - (4) through (9) [No change in text.]

(b) Every *organization lobbyist* shall file with the *City Clerk* a registration form that contains the following information:

(1) through (5) [No change in text.]

(6) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who engaged in *fundraising activities* for a current elected *City Official's* election committee, controlled ballot measure committee, or professional expense committee, or for a committee primarily formed to support a current elected *City Official*, during the two year period preceding the filing date, along with the name of each applicable *City Official*.

(7) through (11) [No change in text.]

§27.4017 Contents of Quarterly Disclosure Report

(a) Each *lobbying firm's* quarterly disclosure report shall contain the following information:

(1) [No change in text.]

(2) the name, business or mailing address, and telephone number of each *client* registered by the *lobbying firm* during the reporting period (except that if the *client* is a coalition or membership organization, such identifying information need not be disclosed for any of its members who also qualify as *clients* under section 27.4002), along with the following information for that *client*:

(A) the total *compensation*, rounded to the nearest \$1,000, that the *lobbying firm* became entitled to receive from that

client during the reporting period for *lobbying activities* related to *lobbying* contacts that (i) took place during the reporting period, or (ii) took place on a contingency fee basis during a prior reporting period. The *lobbying firm* shall also state whether it *lobbied* on a contingency basis during the reporting period without becoming entitled to receive the contingent amount from the *client*.

(B) through (E) [No change in text.]

(3) [No change in text.]

(4) an itemization of any *contributions* totaling \$100 or more made by the *lobbying firm* or any of its owners, officers, or *lobbyists*, or by any of its sponsored committees, during the reporting period to any of the following committees:

(A) a *candidate's* election committee;

(B) a *candidate*-controlled ballot measure committee;

(C) a *candidate's* (including an elected *City Official's*) professional expense committee; or

(D) a committee primarily formed to support or oppose one or more *candidates*.

The itemization shall include the date and amount of each *contribution* and the name of the applicable committee.

- (5) for each fundraising effort by an owner, officer, or *lobbyist* of the *lobbying firm* who engaged in *fundraising activities* during the reporting period:
- (A) through (E) [No change in text.]
- (F) the approximate amount of (i) all *contributions* personally delivered by the owner, officer, or *lobbyist* to the *candidate* or committee; and (ii) all *contributions* for which the owner, officer, or *lobbyist* has identified himself or herself to the *candidate* or committee as having some degree of responsibility for raising.
- (6) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided campaign-related services to a *candidate* or a *candidate*-controlled committee during the reporting period in exchange for *compensation* or pursuant to a contingency fee agreement:
- (A) through (E) [No change in text.]
- (7) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided compensated services under a contract with the *City* during the reporting period:
- (A) through (D) [No change in text.]
- (8) a statement by a duly authorized owner or officer of the *lobbying firm* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based

on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.

- (9) the printed name, title, and original signature of the individual making the statement required by subsection (a)(8).
- (10) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.

(b) Each *organization lobbyist's* quarterly disclosure report shall contain the following information:

(1) through (3) [No change in text.]

(4) an itemization of any *contributions* totaling \$100 or more made by the *organization lobbyist* or any of its owners, compensated officers, or *lobbyists*, or by any of its sponsored committees, during the reporting period to any of the following committees:

- (A) a *candidate's* election committee;
- (B) a *candidate-controlled* ballot measure committee;
- (C) a *candidate's* (including an elected *City Official's*) professional expense committee; or
- (D) a committee primarily formed to support or oppose one or more *candidates*.

The itemization shall include the date and amount of each *contribution* and the name of the applicable committee.

- (5) for each fundraising effort by any of the *organization lobbyist's* owners, compensated officers, or *lobbyists* who engaged in *fundraising activities* during the reporting period:
- (A) through (E) [No change in text.]
- (F) the approximate amount of (i) all *contributions* personally delivered by the owner, officer, or *lobbyist* to the *candidate* or committee; and (ii) all *contributions* for which the owner, officer, or *lobbyist* has identified himself or herself to the *candidate* or committee as having some degree of responsibility for raising.
- (6) for each of the *organization lobbyist's* owners, compensated officers, and *lobbyists* who personally provided campaign-related services to a *candidate* or a *candidate*-controlled committee during the reporting period in exchange for *compensation* or pursuant to a contingency fee agreement:
- (A) through (E) [No change in text.]
- (7) for each of the *organization lobbyist's* owners, compensated officers, and *lobbyists* who personally provided compensated services under a contract with the *City* during the reporting period:
- (A) through (D) [No change in text.]
- (8) a statement by a duly authorized owner or officer of the *organization lobbyist* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of

perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.

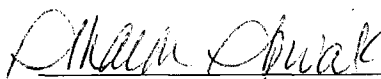
- (9) the printed name, title, and original signature of the individual making the statement required by subsection (b)(8).
- (10) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.

(c) [No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
09/16/15
Or.Dept: Ethics Commission
Doc. No.: 1103655

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 26 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2/5/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

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Director; Chief Executive Officer; Chief Operating Officer; Chief Financial Officer; Chief Investment Officer; Assistant Investment Officer; President; and Vice-President; and Assistant Vice President. *City Official* also means any member of a *City Board* and any candidate who has been elected to office but not yet sworn in. For purposes of this definition, a candidate is considered elected to office on the date the Council adopts its resolution declaring the results of the election.

Client to Expenditure lobbyist [No change in text.]

Fundraising activity means soliciting, or directing others to solicit, *contributions* from one or more contributors, either personally or by hosting or sponsoring a fundraising event, and either: ~~(a) personally delivering \$2,000 or more in contributions to a candidate, a candidate's controlled committee, or a committee primarily formed to support or oppose one or more candidates, or (b) identifying oneself to a candidate, a candidate's controlled committee, or a committee primarily formed to support or oppose one or more candidates as having any degree of responsibility for \$2,000 or more in contributions received as a result of that solicitation.~~

- (a) personally delivering \$2,000 or more in contributions to:
- (1) a candidate's election committee;
 - (2) a candidate-controlled ballot measure committee;
 - (3) a candidate's (including an elected City Official's) professional expense committee; or

- (4) a committee primarily formed to support or oppose one or more candidates, or
- (b) identifying oneself to a candidate or a committee identified in subsection (a) as having any degree of responsibility for \$2,000 or more in contributions received as a result of that solicitation.

Gift to Person [No change in text.]

Public hearing means any meeting as defined by the Ralph M. Brown Act ~~where a public record is kept of who spoke and who was represented by a lobbyist~~ ~~testifying at that hearing.~~

Public official to Travel expenses [No change in text.]

§27.4009 Contents of Registration Form

- (a) Every *lobbying firm* shall file with the *City Clerk* a registration form that contains the following information:
 - (1) through (2) [No change in text.]
 - (3) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who engaged in *fundraising activities* for a current elected *City Official* ~~*Official's*~~ election committee, controlled ballot measure committee, or professional expense committee, or for a committee primarily formed to support a current elected *City Official*, during the two year period preceding the filing date, along with the name of each applicable *City Official*.
 - (4) through (9) [No change in text.]

- (b) Every *organization lobbyist* shall file with the *City Clerk* a registration form that contains the following information:
- (1) through (5) [No change in text.]
 - (6) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who engaged in *fundraising activities* for a current elected *City Official* ~~*Official's election committee*~~, *controlled ballot measure committee, or professional expense committee*, or for a committee primarily formed to support a current elected *City Official*, during the two year period preceding the filing date, along with the name of each applicable *City Official*.
 - (7) through (11) [No change in text.]

§27.4017 Contents of Quarterly Disclosure Report

- (a) Each *lobbying firm's* quarterly disclosure report shall contain the following information:
- (1) [No change in text.]
 - (2) the name, business or mailing address, and telephone number of each *client* registered by the *lobbying firm* during the reporting period (except that if the *client* is a coalition or membership organization, such identifying information need not be disclosed for any of its members who also qualify as *clients* under section 27.4002), along with the following information for that *client*:

(A) the total *compensation*, rounded to the nearest \$1,000, that the *lobbying firm* became entitled to receive from that *client* during the reporting period for *lobbying activities* related to *lobbying* contacts that (i) took place during the reporting period, or (ii) took place on a contingency fee basis during a prior reporting period. The *lobbying firm* shall also state whether it *lobbied* on a contingency basis during the reporting period without becoming entitled to receive the contingent amount from the *client*.

(B) through (E) [No change in text.]

(3) [No change in text.]

(4) an itemization of any *contributions* totaling \$100 or more made by the *lobbying firm* or any of its owners, officers, or *lobbyists*, or by any of its sponsored committees, during the reporting period to a ~~*candidate's* election committee or to a committee primarily formed to support or oppose one or more *candidates*, including the date and amount of each *contribution* and the name of the applicable committee.~~ any of the following committees:

(A) a *candidate's* election committee;

(B) a *candidate*-controlled ballot measure committee;

(C) a *candidate's* (including an elected *City Official's*) professional expense committee; or

(D) a committee primarily formed to support or oppose one or more candidates.

The itemization shall include the date and amount of each contribution and the name of the applicable committee.

~~(5)~~ an itemization of any *contributions* totaling \$100 or more made by the *lobbying firm* or any of its owners, officers, or *lobbyists* during the reporting period to a *candidate*-controlled committee that is organized to support or oppose a ballot measure, including the name of the *candidate*, the date and amount of the *contributions*, and the name of the ballot measure committee.

~~(6)~~(5) for each fundraising effort by an owner, officer, or *lobbyist* of the *lobbying firm* who engaged in *fundraising activities* during the reporting period:

(A) through (E) [No change in text.]

(F) the approximate amount of (i) all *contributions* personally delivered by the owner, officer, or *lobbyist* to the *candidate* or ~~campaign~~ committee; and (ii) all *contributions* for which the owner, officer, or *lobbyist* has identified himself or herself to the *candidate* or ~~campaign~~ committee as having some degree of responsibility for raising.

~~(7)~~(6) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided campaign-related services to a *candidate* or a *candidate*-controlled committee during the reporting period in

exchange for *compensation* or pursuant to a contingency fee agreement:

(A) through (E) [No change in text.]

~~(8)~~(7) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided compensated services under a contract with the *City* during the reporting period:

(A) through (D) [No change in text.]

~~(9)~~(8) a statement by a duly authorized owner or officer of the *lobbying firm* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.

~~(10)~~(9) the printed name, title, and original signature of the individual making the statement required by subsection ~~(a)~~(9) (a)(8).

~~(11)~~(10) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.

(b) Each *organization lobbyist's* quarterly disclosure report shall contain the following information:

(1) through (3) [No change in text.]

(4) an itemization of any *contributions* totaling \$100 or more made by the *organization lobbyist* or any of its owners, compensated officers, or *lobbyists*, or by any of its sponsored committees.

during the reporting period to ~~a candidate's election committee or to a committee primarily formed to support or oppose one or more candidates, including the date and amount of each contribution and the name of the applicable committee.~~ any of the following committees:

- (A) a candidate's election committee;
- (B) a candidate-controlled ballot measure committee;
- (C) a candidate's (including an elected City Official's) professional expense committee; or
- (D) a committee primarily formed to support or oppose one or more candidates.

The itemization shall include the date and amount of each contribution and the name of the applicable committee.

~~(5) an itemization of any contributions totaling \$100 or more made by the organization lobbyist or any of its owners, compensated officers, or lobbyists during the reporting period to a candidate-controlled committee that is organized to support or oppose a ballot measure, including the date and amount of the contributions and the name of the ballot measure committee.~~

~~(6)~~(5) for each fundraising effort by any of the organization lobbyist's owners, compensated officers, or lobbyists who engaged in fundraising activities during the reporting period:

(A) through (E) [No change in text.]

(F) the approximate amount of (i) all *contributions* personally delivered by the owner, officer, or *lobbyist* to the *candidate* or ~~campaign~~ committee; and (ii) all *contributions* for which the owner, officer, or *lobbyist* has identified himself or herself to the *candidate* or ~~campaign~~ committee as having some degree of responsibility for raising.

~~(7)~~(6) for each of the *organization lobbyist's* owners, compensated officers, and *lobbyists* who personally provided campaign-related services to a *candidate* or a *candidate*-controlled committee during the reporting period in exchange for *compensation* or pursuant to a contingency fee agreement:

(A) through (E) [No change in text.]

~~(8)~~(7) for each of the *organization lobbyist's* owners, compensated officers, and *lobbyists* who personally provided compensated services under a contract with the *City* during the reporting period:

(A) through (D) [No change in text.]

~~(9)~~(8) a statement by a duly authorized owner or officer of the *organization lobbyist* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.

~~(10)~~(9) the printed name, title, and original signature of the individual
making the statement required by subsection ~~(b)(9)~~ (b)(8).

~~(11)~~(10) any other information required by regulation of the *Enforcement
Authority* consistent with the purposes and provisions of this
division, and as approved by the *City Council*.

(c) [No change in text.]

SBS:jdf
09/17/15
Or.Dept: Ethics Commission
Doc. No.: 1103036

Passed by the Council of The City of San Diego on JAN 26 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 09 2016.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Hay Bready, 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

JAN 11 2016, and on FEB 09 2016.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Hay Bready, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20596