

ORDINANCE NUMBER O- 21024 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 10 2018

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7,  
DIVISION 40 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTIONS 27.4002 AND 27.4023, RELATING TO  
MUNICIPAL LOBBYING.

WHEREAS, the Municipal Lobbying Ordinance, codified at Chapter 2, Article 7,  
Division 40 of the San Diego Municipal Code, was adopted on May 18, 1998, by  
Ordinance No. O-18511 N.S.; and

WHEREAS, Division 40 includes provisions related to the obligations of individual  
lobbyists; and

WHEREAS, the City of San Diego (City) must preserve the confidentiality of certain  
City documents and information to protect the City's position in negotiations, employee  
relations, litigation, and to avoid or minimize legal and financial risk to the City; and

WHEREAS, failure to preserve the confidentiality of such documents and information,  
whether intentional or not, adversely impacts the City Attorney's ability to communicate with  
her client, chills the City Council's ability to engage in deliberations, and compromises the  
City's position, with potentially dire consequences to the City and taxpayers; and

WHEREAS, breaches of confidentiality also adversely impact the City Council's ability  
to freely engage in discussions, settle lawsuits, negotiate contracts, purchase property, and sell  
assets; and

WHEREAS, the amendments in this Ordinance clarify the obligations of individual  
lobbyists in regard to the City's confidential information; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is amended by amending sections 27.4002 and 27.4023, 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 through Compensation* [No change in text.]

*Confidential Information* has the same meaning as in San Diego Municipal Code section 27.3503.

*Contact through Travel expenses* [No change in text.]

**§27.4023 Obligations of Individual Lobbyists**

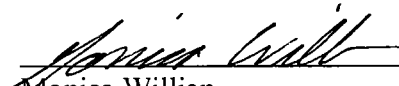
Every *lobbyist* shall:

- (a) through (d) [No change in text.]
- (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* without the consent of such real *person*;
- (f) not directly or indirectly accept, use, or disclose any *confidential information* from any *City Official* or *City Official's immediate family*;
- (g) not attempt to evade the obligations in this section through indirect efforts or through the use of *agents*, associates, or employees.

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: MARA W. ELLIOTT, City Attorney

By   
Monica Willian  
Deputy City Attorney

MW:jvg  
August 15, 2018  
Or.Dept:City Attorney  
Doc. No.: 1814388

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 04 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12/10/18  
(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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DIVISION 40 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTIONS 27.4002 AND 27.4023, RELATING TO  
MUNICIPAL LOBBYING.

**§27.4002 Definitions**

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*Activity Expense through Compensation* [No change in text.]

*Confidential Information* has the same meaning as in San Diego Municipal Code section 27.3503.

*Contact through Travel expenses* [No change in text.]

**§27.4023 Obligations of Individual Lobbyists**

Every *lobbyist* shall:

(a) through (d) [No change in text.]

(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* without the consent of such real *person*; ~~and~~,

(f) not directly or indirectly accept, use, or disclose any *confidential information* from any *City Official* or *City Official's immediate family*;

*and*.

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

MW:jvg  
August 15, 2018  
Or.Dept:City Attorney  
Doc. No.: 1814394

Passed by the Council of The City of San Diego on DEC 04 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 10 2018

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 Connie Patterson, 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

NOV 13 2018, and on DEC 10 2018

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21024</u>