

**CITY OF OAKLAND**  
**Public Ethics Commission**

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**TO:** Public Ethics Commission  
**FROM:** Daniel Purnell  
**DATE:** February 6, 2006

**RE:** A Report And Action To Be Taken Regarding Proposed Amendments To  
The Lobbyist Registration Act

**I. BACKGROUND**

At its regular meeting of October 20, 2005, the City Council's Rules and Legislation Committee considered a series of amendments to the Lobbyist Registration Act proposed by this Commission. The amendments resulted from a number of study sessions by the Commission's Campaign Finance and Lobbyist Registration Committee. The Committee had surveyed other local and statewide lobbyist registration programs to determine how Oakland's program compared with other jurisdictions.

At the Rules Committee meeting, Vice Mayor Jane Brunner offered a set of proposals to modify the Commission's proposed amendments. The Rules Committee ordered the item to be re-heard on Thursday, November 10, 2005, to permit time for Ms. Brunner's proposals to circulate to committee members and members of the public.

At its meeting of November 7, 2005, the Commission briefly considered Ms. Brunner's proposed modifications but, due to the lateness of the hour, directed staff to request the Rules Committee to defer its consideration of the proposed amendments and modifications until the Commission had an opportunity to more fully consider the proposed modifications. The Rules Committee granted the Commission's request and will re-agendize the amendments upon subsequent request by the Commission.

On January 5, 2006, the Commission's Campaign Finance and Lobbyist Registration Committee convened to review Ms. Brunner's proposals and to make recommendations to the

Commission about them. Those comments and recommendations are presented to the Commission for consideration tonight.

## **II. PROPOSED MODIFICATIONS TO THE COMMISSION'S PROPOSED AMENDMENTS**

**Attachment 1** presents the Commission's initial proposed amendments to the Lobbyist Registration Ordinance. The Commission's proposed amendments are shown in "redline" format.

**Attachment 2** presents a comparison between those provisions initially proposed by the Commission and the specific modifications Ms. Brunner is proposing to make to them. Alongside each proposal and specific modification are the Campaign Finance and Lobbyist Registration Committee's comments and recommendations as to how to reconcile the competing proposals.

## **III. ISSUES FOR THE COMMISSION TO CONSIDER**

As Commission staff stated in its memorandum of December 12, 2005, the Commission and/or the City Council will have to reconcile Ms. Brunner's proposed modifications with what the Commission initially proposed. There appears to be two approaches the Commission can take at this time: One is to attempt mutual compromise on an agreed set of amendments that can be presented back to the Rules Committee and then forwarded on to the City Council. This approach has the advantage of presenting the City Council with a joint recommendation that may improve the chances of full adoption by the City Council. Representatives from the League of Women Voters has encouraged the Commission to adopt this approach.

A second approach is to take issue with some or all of the proposed modifications and attempt to convince the Rules Committee that the Commission's language should prevail where inconsistencies exist. The Rules Committee would then likely recommend one version over the other or, as it did with the proposed amendments to the Limited Public Financing Act last year, agree to submit both versions concurrently to the City Council and let the City Council decide between the two versions.

Commission staff recommends that the Commission discuss the Committee's recommendations and develop a position that Commission staff can communicate to the City Council Rules Committee. If the Commission is unable to completely reconcile its proposals with Ms. Brunner's proposed modifications, Commission staff recommends that the Commission direct Commission staff to request that the Rules Committee submit both alternative proposals to the City Council for consideration.

Respectfully submitted,

Daniel D. Purnell  
Executive Director