

COMMISSION PROPOSAL	RULES COMMITTEE J. BRUNNER PROPOSAL	PEC LOBBYIST COMMITTEE RECOMMENDATION
<p>AMEND Section 3.20.060(E) to read:</p> <p>(The provisions of this Act shall not apply to:)</p> <p>Any attorney, architect or civil engineer whose attempts to influence governmental action are limited to: (1) Publicly appearing at a public meeting, public hearing, or other official proceeding open to the public; (2) Preparing or <u>writings that will be available for public inspection no later than the</u> public meeting, public hearing, or other official proceeding open to the public <u>for which the writings are submitted</u>; and (3) Contacting city or redevelopment agency employees or agents working under the direction of the city <u>administrator or agency</u> director directly relating to 1. and 2. above.</p>	<p>Delete proposed amendments.</p>	<p>Agree with Rules Committee to delete Commission's proposed amendment.</p> <p>The proposed amendment would require any attorney, architect or civil engineer seeking an exception from the lobbyist registration requirement to produce for public inspection all writings submitted to the City in connection with his or her project or application. The rationale for the Commission's proposal was that it is sometimes difficult for members of the public to obtain public records in connection with some development projects prior to the meeting at which those projects are considered. The Committee concluded that any problem with public record production should be addressed within the context of the Sunshine Ordinance and not made a condition of lobbyist registration.</p>

COMMISSION PROPOSAL	RULES COMMITTEE J. BRUNNER PROPOSAL	PEC LOBBYIST COMMITTEE RECOMMENDATION
<p>ADD Section 3.20.060(G) to read:</p> <p>(The provisions of this Act shall not apply:)</p> <p><u>To persons whose only activity is to 1) submit a bid on a competitively bid contract, 2) respond to a request for proposal or qualifications, or 3) negotiate the terms of a written contract if selected pursuant to such bid or request for proposal or qualifications. This exception shall not apply to persons who attempt to influence the award or terms of a contract with any elected official or member of any City board or commission.</u></p>	<p>MODIFY Commission proposal as follows:</p> <p>(The provisions of this Act shall not apply:)</p> <p><u>To persons whose only activity is to 1) submit a bid on a competitively bid contract, 2) respond to a request for proposal or qualifications, or 3) negotiate the terms of a written contract if selected pursuant to such bid or request for proposal or qualifications. This exception shall not apply to persons who attempt to influence the award [delete: "or terms"] or terms of a contract with any elected official or member of any City board or commission.</u></p>	<p>Agree with Commission proposal.</p> <p>Committee believes that persons attempting to influence the <u>terms</u> of a contract with elected officials or member of a City board or commission is as significant as influencing the <u>award</u> of a contract and therefore should register if they otherwise meet the definition of lobbyist.</p>

COMMISSION PROPOSAL	RULES COMMITTEE J. BRUNNER PROPOSAL	PEC LOBBYIST COMMITTEE RECOMMENDATION
<p>AMEND Section 3.20.110(B) to read:</p> <p>(The quarterly report shall contain the following information:)</p> <p>For each item of governmental action sought to be influenced, the <u>name and title of each</u> individual with whom the lobbyist communicated</p>	<p>MODIFY Commission proposal as follows:</p> <p>(The quarterly report shall contain the following information:)</p> <p>For each item of governmental action sought to be influenced, the <u>name of each City officer with whom the lobbyist communicated and the identity of any other</u> individual with whom the lobbyist communicated identified only by the following categories: City employee; Member of a City board or commission; or Other.</p>	<p>PROPOSED COMPROMISE LANGUAGE:</p> <p>(The quarterly report shall contain the following information:)</p> <p>For each item of governmental action sought to be influenced, <u>1) the name of each City officer with whom the lobbyist communicated, 2) the name and title of any City boardmember or commissioner with whom the lobbyist communicated, and 3) the identity of any other city employee</u> with whom the lobbyist communicated identified only by <u>office in which the employee works and his or her jobtitle.</u></p> <p>Committee recommends that lobbyists disclose the names of City officers and City boardmembers or commissioners who have been lobbied. All other City employees would be identified only by the office in which they work and their jobtitle.</p>
COMMISSION PROPOSAL	RULES COMMITTEE J. BRUNNER PROPOSAL	PEC LOBBYIST COMMITTEE RECOMMENDATION
<p>ADD Section 3.20.110(D) to read:</p>	<p>MODIFY Commission proposal as follows:</p>	<p>PROPOSE COMPROMISE LANGUAGE:</p>

<p>(The quarterly report shall contain the following information:)</p> <p><u>The date, amount and name of the recipient for any campaign contribution of \$100 or more that is made (1) by the lobbyist; or (2) by a client or other person at the behest of the lobbyist; to an elected city officeholder, candidate for elected city office, or to any committee or fund controlled by such officeholder or candidate. A campaign contribution is not made at the behest of a lobbyist if the contribution is made in response to a mass mailing sent to members of the public or in response to an advertisement published in a newspaper or in any other mass media.</u></p>	<p>(The quarterly report shall contain the following information:)</p> <p><u>The date, amount and name of the recipient for any campaign contribution of \$100 or more that is made (1) by the lobbyist; or (2) by a client [delete: "or other person"] at the behest of the lobbyist; to an elected city officeholder, candidate for elected city office, or to any committee or fund controlled by such officeholder or candidate. A campaign contribution is not made at the behest of a lobbyist if the contribution is made in response to a mass mailing sent to members of the public or in response to an advertisement published in a newspaper or in any other mass media.</u></p>	<p>(The quarterly report shall contain the following information:)</p> <p><u>The names of all persons whom the lobbyist solicited to make a contribution to an elected city officeholder, candidate for elected city office, or to any committee or fund controlled by such officeholder or candidate. A solicitation does not include a request made in a mass mailing sent to members of the public or in an advertisement published in a newspaper or in any other mass media.</u></p> <p>The Committee recommends that the Commission change its initial proposal. The initial proposal creates difficulty in determining whether a contribution was made at the behest of a lobbyist or as a result of some other solicitation. The Committee proposes that a registered lobbyist simply list all persons whom he or she solicited to make contributions for local officeholders and candidates.</p>
<p>COMMISSION PROPOSAL</p>	<p>RULES COMMITTEE J. BRUNNER PROPOSAL</p>	<p>PEC LOBBYIST COMMITTEE RECOMMENDATION</p>
<p>ADD Section 3.20.110(E) to read:</p>	<p>MODIFY Commission proposal as follows:</p>	<p>Agree with Commission proposal.</p>

<p>(The quarterly report shall contain the following information:)</p> <p><u>If any lobbyist, or a registered client at the behest of a lobbyist, employs or hires an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals, the lobbyist shall disclose (1) the name of the person providing the services, (2) a description of the services, and (3) the total payments made during the reporting period identified only by the following categories: less than \$250; between \$250 and \$1,000; greater than \$1,000 but less than \$10,000; greater than \$10,000.</u></p>	<p>(The quarterly report shall contain the following information:)</p> <p><u>If any lobbyist, or a registered client at the behest of a lobbyist, employs or hires an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals, the lobbyist shall disclose [insert: for the quarter in which the employment is agreed upon] (1) the name of the person providing the services, (2) a description of the services, and (3) the [delete: total payments made during the reporting period] [insert: monthly rate of compensation] identified only by the following categories: less than \$250; between \$250 and \$1,000; greater than \$1,000 but less than \$10,000; greater than \$10,000. [insert: If compensation is to be paid hourly as services are rendered, then the hourly rate of compensation.]</u></p>	<p>The Committee believes that situations in which a lobbyist affirmatively arranges employment between City officials and one of a lobbyist's clients is a significant development in that relationship and therefore worthy of ongoing public disclosure. The expressed concern that the Commission's proposal would create a burdensome reporting obligation is outweighed, the Committee believes, by the need to inform the public how much a City official, staff person or member of their respective families is being paid by a registered lobbyist's client.</p>
<p>COMMISSION PROPOSAL</p>	<p>RULES COMMITTEE J. BRUNNER PROPOSAL</p>	<p>PEC LOBBYIST COMMITTEE RECOMMENDATION</p>
<p>ADD Section 3.20.110(F) to read:</p>	<p>MODIFY Commission proposal as follows:</p>	<p>Agree with Commission proposal.</p>

<p>(The quarterly report shall contain the following information:)</p> <p><u>If any elected city officeholder or candidate for elected city office employs or hires a lobbyist to provide compensated services to the officeholder or candidate, the lobbyist shall disclose (1) the name of the person who employed or hired the lobbyist, (2) a description of the services, and (3) the total payments made during the reporting period identified only by the following categories: less than \$250; between \$250 and \$1,000; greater than \$1,000 but less than \$10,000; greater than \$10,000.</u></p>	<p>(The quarterly report shall contain the following information:)</p> <p><u>If any lobbyist, or a registered client at the behest of a lobbyist, employs or hires an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals, the lobbyist shall disclose [insert: for the quarter in which the employment is agreed upon] (1) the name of the person providing the services, (2) a description of the services, and (3) the [delete: total payments made during the reporting period][insert: monthly rate of compensation] identified only by the following categories: less than \$250; between \$250 and \$1,000; greater than \$1,000 but less than \$10,000; greater than \$10,000. [insert: If compensation is to be paid hourly as services are rendered, then the hourly rate of compensation.]</u></p>	<p>The Committee believes that situations in which City officials and designated employees actually hire a registered lobbyist is a significant factor in their relationship and worthy of ongoing quarterly disclosure. There is little anticipated burden to the lobbyist since he or she will readily know the amounts being paid to him or her.</p>
<p>COMMISSION PROPOSAL</p>	<p>RULES COMMITTEE J. BRUNNER PROPOSAL</p>	<p>PEC LOBBYIST COMMITTEE RECOMMENDATION</p>
<p>ADD Section 3.20.180(A) to read:</p>	<p>MODIFY Commission proposal as follows:</p>	<p>Committee supports \$120 as a maximum ceiling on payments, but can support \$240 if part of a</p>

<p><u>No lobbyist or a lobbyist's registered client shall make any payment or incur any expense that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals, in which the cumulative value of such payments or expenses exceeds \$120 during any calendar year.</u></p>	<p><u>No lobbyist or a lobbyist's registered client shall make any payment or incur any expense that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals, in which the cumulative value of such payments or expenses exceeds [delete: \$120][<i>insert: \$240</i>] during any calendar year.</u></p>	<p>comprehensive compromise on all amendments.</p>
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COMMISSION PROPOSAL	RULES COMMITTEE J. BRUNNER PROPOSAL	PEC LOBBYIST COMMITTEE RECOMMENDATION
No proposal.	<p>AMEND Section 3.20.030 to read:</p> <p>“Local governmental lobbyist” means any individual who: 1) receives or is entitled to receive one thousand dollars (\$1,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, or 2) whose duties as a salaried employee, officer or director of any corporation, organization or association include communication directly or through agents with any public official, officer or designated employee, for the purpose of influencing any [<i>insert:</i> "pending" or "proposed or pending"] governmental, legislative or administrative action of the city or the redevelopment agency. No person is a local governmental lobbyist by reason of activities described in Section 3.20.030(A). In case of any ambiguity, the definition of "local governmental lobbyist" shall be interpreted broadly.</p>	<p>Disagree with Rules Committee proposal.</p> <p>Committee has concerns that limiting the definition of what constitutes lobbying to only those actions that are "pending" or "proposed or pending" excludes communications that are designed to pre-dispose elected officials and staff to a planned or anticipated proposal.</p> <p>The Committee noted that the current definition of what constitutes a "local governmental lobbyist" has worked well and has generated little controversy in its application to date. The Committee does not believe it is necessary to modify the definition at this time.</p>