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**DATE:** January 9, 2008

**TO:** Honorable Mayor and City Councilmembers

**FROM:** City Manager's Office

**SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 16C OF THE OCEANSIDE CITY CODE RELATING TO MUNICIPAL LOBBYIST REGISTRATION AND REPORTING REQUIREMENTS.**

**SYNOPSIS**

Staff submits for City Council's consideration, introduction, and subsequent adoption an ordinance amending Chapter 16C of the Oceanside City Code relating to municipal lobbyist registration and reporting requirements.

**BACKGROUND**

In April 2006, the City Council adopted an ordinance establishing Municipal Lobbying Registration and Reporting Requirements ("the Lobbying Ordinance"). In addition, the City Council adopted a resolution authorizing the City Clerk to collect fees from registered lobbyists to cover the cost of implementing the Lobbying Ordinance. In April 2007, the City Council discussed the Lobbying Ordinance with general direction to keep the current version essentially intact, but develop minor revisions to clarify any potentially ambiguous provisions. The Council also discussed the prospect of reducing the number of reports required to be filed by lobbyists.

**ANALYSIS**

Based on the Council's previous direction, staff has developed technical amendments to the City's Lobbyist Ordinance. The amendment includes the following proposed changes:

1. Chapter 16C.6(e) and (f) expands the permitted exemptions to the Lobbying Ordinance to include members of the California State Bar who are performing a service which can be performed only by an attorney licensed in California, as well as any person who meets with the City's Risk Manager and/or City Attorney to discuss a current or prospective litigation-related matter or claim. Under current practice, these individuals have not been required to comply with Chapter 16C since the City generally lacks the power to regulate the practice of law. The proposed amendment

simply makes the City Attorney's interpretation of the Lobbying Ordinance clear to the public.

2. Chapter 16C.6 (g) is proposed to be amended to exempt from the registration and reporting requirements any person whose attempt to influence a city decision is exclusively limited to speaking at a public meeting, public hearing or other official proceeding open to the public. This amendment is designed to ensure that an architect or engineer whose only role in lobbying is to make a technical presentation or answer questions at a public hearing does not have to register as a lobbyist. Furthermore, the purpose of the Lobbying Ordinance is to ensure that the public and city officials know the identify of those individuals who attempt to influence the decisions of city government. This interest appears to be served when the speaker identifies himself or herself at the public hearing.
3. Chapter 16C.5 (b) of the Ordinance is proposed to clarify the term "City Official." Under the current Ordinance, the term lobby means "to influence or attempt to influence a legislative or other administrative action of the City of Oceanside by direct communication with a "City official . . . ." The term City official is currently defined to include, among other things, "any public official." The term public official is not specifically defined in Chapter 16C. The proposed amendment to Chapter 16C.5(b) identifies those officials who qualify as City officials to include: the Mayor and Members of the City Council, members of a City Board or Commission, the City Manager, Deputy City Managers, Department Directors, City Engineer, City Planner, City Attorney and Assistant City Attorney who participate in the making of a legislative or administrative decision.
4. Various sections of the Lobbying Ordinance are proposed to be amended to change the current quarterly reporting requirements to semi-annual reporting. This change is proposed to lessen the administrative burden of complying with the reporting requirements. Lobbyists will continue to be required to file a supplemental report within ten days of being retained to lobby on behalf of any person not listed on the lobbyist's initial or annual report. The supplemental report requires the lobbyist to disclose, among other things, the name, business address, and telephone number of each client, the nature of each client's business and the items of legislative or administrative action that the lobbyist is seeking to influence on behalf of the client.
5. Chapter 16C.16(b) is proposed to be amended to delete the requirement for the City Clerk to present an annual report on lobbyist activities. Under the proposed amendment, registration materials filed with the City Clerk will continue to be considered public records and will remain open for inspection by members of the public.

### **FISCAL IMPACT**

The City Council has adopted a resolution requiring lobbyists to pay an annual registration fee to cover the City's costs of implementing the Lobbying Ordinance. Staff

recommends that the fee remain in place to ensure that sufficient revenues are available to cover the estimated costs of enforcing the Lobbying Ordinance. In the event that fee revenue exceeds the actual costs of enforcement, staff will return to Council for a reduction in the annual fee.

**COMMISSION OR COMMITTEE REPORT**

Does not apply.

**CITY ATTORNEY'S ANALYSIS**

The proposed revisions to the Lobbying Ordinance involve a policy decision for the City Council. The City Attorney has reviewed the proposed ordinance and approved it as to form.

**RECOMMENDATION**

Staff submits for City Council's consideration, introduction, and subsequent adoption an ordinance amending Chapter 16C to the Oceanside City Code.

PREPARED BY:

  
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Peter Weiss, City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager



John Mullen, City Attorney







1 **C. Section 16C.10. (“Registration fees and fines”) is amended as follows:**

2 (c) Any person who fails to pay any fees required under this chapter may be cited and  
3 fined according to the provisions of the Administrative Remedies Ordinance, section 1.14 et  
4 seq., of this Code. No person who owes any delinquent fees under this chapter shall file, and  
5 the City Clerk may not accept, any registration, registration renewal, semiannual report,  
6 supplemental report or notice of termination required by this chapter, until all delinquent fees  
7 and fines are paid.

8 **D. Section 16.C.11 (“Required annual registration information”) is amended as**  
9 **follows:**

10 (c) All campaign contributions by a lobbyist or a client at the lobbyists behest, to any  
11 city official or city official-elect, identified by name and by office, to a controlled committee,  
12 office holder’s fund or legal expense fund, given personally or through an intermediary, totaling  
13 one hundred dollars (\$100) or more, made during any calendar quarter.

14 (f) Any person notified by the City Clerk to file an amended registration, registration  
15 renewal, semiannual report or subsequent report pursuant to section 16C.15(c) shall provide the  
16 information within the time period specified in the notice from the City Clerk. Failure to  
17 receive notification from the City Clerk shall not excuse compliance with, and shall not be a  
18 defense to any action to enforce the provisions of this Chapter.

19 **E. Section 16C.12. (“Quarterly and supplemental Reports) is amended as follows:**

20 **The title of this section should now read “Semiannual and supplemental reports”**

21 (a) Lobbyists shall file semiannual reports with, and in a format prescribed by, the  
22 city clerk, on or before July 15 and January 15, for the prior calendar semiannual period.  
23 Semiannual reports shall contain the information as specified in sections 16C.11(b), (c), (d) and  
24 (e) and are subject to the provisions of section 16C.11(f).

25 (b) Lobbyists shall file supplemental reports with, and in a format prescribed by, the  
26 city clerk, within 10 days of being retained to lobby on behalf of any person who was not listed  
27 on the lobbyist’s initial or annual report. Supplemental reports shall contain the information as  
28 specified in section 16C.11(b) and are subject to the provisions of section 16C.11(f).

1 **F. Section 16C.15. ("Administration by the city clerk") is amended as follows:**

2 The city clerk shall:

3 (a) Subject to the review and approval of the city attorney, create all forms and  
4 explanatory materials, adopt all reasonable and necessary procedures to implement this chapter  
5 and provide ethics training courses for lobbyists.

6 (b) Accept all filings required by this Chapter. The city clerk shall inspect or cause to  
7 be inspected all filings and may refuse to accept any filing that is incomplete or from which the  
8 required information is missing or omitted. The city attorney has the authority to review all  
9 filings accepted by the city clerk and to notify, or cause to be notified, any person submitting an  
10 incomplete filing to file an amended registration, semiannual report or supplemental report and  
11 the date upon which it must be filed.

12 SECTION 2. The City Clerk of the City of Oceanside is hereby directed to publish this  
13 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)  
14 days after its passage in the North County Times, a newspaper of general circulation published  
15 in the City of Oceanside.

16 SECTION 3. This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day  
17 from and after its final passage.

18 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
19 California, held on the \_\_\_ day of \_\_\_\_\_, 2008, and, thereafter,

20 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
21 Oceanside California, held on the \_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

22 AYES:

23 NAYS:

24 ABSENT:

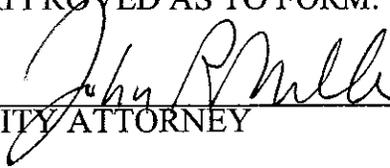
25 ABSTAIN:

26 ATTEST:

27 \_\_\_\_\_  
28 CITY CLERK

\_\_\_\_\_  
MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

