



**\_\_\_\_ OCEANSIDE CITY CLERK \_\_\_\_**  
**MEMORANDUM**

DATE: May 3, 2006  
TO: Mayor and Councilmembers  
FROM: Barbara Riegel Wayne, City Clerk  
SUBJECT: ADOPTION OF A RESOLUTION ESTABLISHING FILING FEES IN CONJUNCTION WITH THE FILING AND TRAINING REQUIREMENTS OF CHAPTER 16C OF THE OCEANSIDE CITY CODE RELATING TO MUNICIPAL LOBBYIST REGISTRATION AND REPORTING REGULATIONS

**SYNOPSIS**

It is recommended that the City Council adopt a resolution establishing filing fees in conjunction with Chapter 16C's filing and training requirements relating to municipal lobbyist registration and reporting regulations.

**BACKGROUND**

On April 5, 2006 the City Council introduced an ordinance to add Chapter 16C to the Oceanside City Code relating to municipal lobbyist registration, ethics training and reporting regulations. On May 3, 2006 the City Council will vote on the adoption of the ordinance. In accordance with the ordinance, the City Clerk has been tasked with establishing registration fees.

**ANALYSIS**

In initial discussion on possible registration fees for lobbyists, an \$80 annual registration fee and an additional \$15 fee per client was under consideration.

After further analysis, the City Clerk believes that amount would be too low in light of the time already spent on preparing/processing the implementation of the ordinance and the additional resources that will be required for ongoing updating and input of new data.

Cost factors taken into consideration include staff time in the affected departments. Implementation of Chapter 16C will involve the City Clerk Department, the Information Technologies Division, the City Attorney's Office, Code Enforcement and possibly the

Police Department regarding administrative penalty issues. A cost estimate for a portion of these is attached as Exhibit 1.

The cost estimates, which do not include initial setup time for implementation of the ordinance, show that the initial consideration of \$80, with \$15 per client, would be ineffectual in defraying costs.

Therefore, the City Clerk recommends that the annual registration fee be set at \$150, with an additional \$15 fee per client per year. These fees are to be paid annually, beginning with the initial registration and followed by the subsequent annual renewals. These initial fees are an estimate until such time as true costs are determined.

Additionally, Chapter 16C requires that ethics training be provided to the lobbyists. The City Clerk initially anticipates working with a law firm to provide the training, which may be offered quarterly on an as-needed basis to meet the requirements of the City Code. Therefore, it is also recommended that a \$25 fee per person be established for ethics training. This would help defray costs to the City for the provision of ethics training for the lobbyists. This is also an estimated fee at this time.

A cursory survey regarding fees charged by other cities with a lobbyist ordinance in place has shown that of 5 cities with such ordinances, the fees range from the lowest at \$40 in San Diego, with \$15 per client, to the highest at \$425 in Irvine, with \$60 per client. A median fee would be in the range of \$228 for registration.

The exact cost factors of Chapter 16C cannot be calculated at this time. Until there is some history of working with this new program to determine the average number of lobbyists, the number of filings, the questions and problems regarding the filings, etc., the true costs of staff time and materials cannot be fully determined. It is expected that these new reporting requirements will require a fair amount of staff time. Therefore, the fees being proposed at this time represent a conservative estimate of the actual costs of staff time and materials.

The City Clerk will return to Council with a fiscal impact analysis once sufficient data has been gathered to accurately estimate the costs of administering and implementing Chapter 16C. It is anticipated that the fees may be adjusted once more information is gathered on the resources required for the administration of the ordinance.

### **FISCAL IMPACT**

The fee structure set by this resolution is expected to defray some, but not all, of the cost to the City of implementing the lobbyist ordinance.

### **CITY ATTORNEY'S ANALYSIS**

The referenced resolution has been reviewed by the City Attorney and approved as to form.

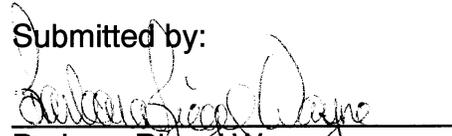
**RECOMMENDATION**

It is recommended that the City Council adopt the attached resolution establishing the fees in conjunction with the filing and training requirements of Chapter 16C relating to municipal lobbyist registration and reporting regulations.

Prepared by:

  
Holly Trobaugh  
Assistant City Clerk

Submitted by:

  
Barbara Riegel Wayne  
City Clerk

Attachment: Exhibit 1  
Resolution

## EXHIBIT 1

### City Clerk Estimated Costs

Basis of Calculation – Estimated costs are based on the number of personnel hours/salary of the two staff persons who review the campaign filings that are submitted semi-annually in a non-election year. To reach some level of comparison, only the candidate controlled committee filings were included in this calculation. The July 31, 2005 filing was used as the example. The formula used is:

1 filing period x staff hours x salary ÷ number candidate committee = cost per candidate

Using this calculation, the estimated cost per candidate filing for 1 reporting period is \$300+.

The campaign filings are due semi-annually, but lobbyists must file quarterly. However, it is anticipated at this time that, once implementation is in place, the time spent on the lobbyist filings would not be as extensive as the financial disclosures for the campaign filings require. Therefore, the estimated cost has been set at half the price calculated, or \$150. The \$15 per client per year remains the same as initially suggested.

These estimates do not include the time/costs for initial implementation/setup.

### Information Technologies Estimated Costs

Basis of Calculation - Information Technologies has provided the following cost estimates based on anticipated staff hours:

Initial Setup = \$1,534

Daily Maintenance = \$9,208 per year

Quarterly Updates = \$6,139 per year

### Code Enforcement

Basis of Calculation – Code Enforcement has provided a cost estimate for issuance of citations, if necessary, based on current staff costs to the division.

Issuance of Citation = \$94 per citation

Appeal of Citation = \$237 per citation appealed

### City Attorney's Office

Basis of Calculation – The City Attorney's Office has provided a cost estimate based on anticipated staff hours for review of lobbyist filings.

The combined burdened hourly rate for one legal secretary and one Deputy City Attorney II is \$101.45 per hour. These costs would be incurred in receiving incomplete filings forwarded to the City Attorney by the City Clerk and notifying lobbyists of deficient filings. It is not possible at this time to anticipate how any filings the City Attorney would need to review.

### Ethics Training Course

A conservative estimated cost to provide the ethics training course is based on the cost per hour for a law firm to provide the training is approximately \$400 per course. This estimate does not include City Clerk staff and attorney time spent on course development.

Courses may be offered quarterly on an as-needed basis to meet the requirements set forth in the ordinance. Therefore, a fee of \$25 per person is recommended. The fee for lobbyists to attend an ethics training course would be applied to defray costs to the City to provide the course.

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ESTABLISHING FEES IN CONJUNCTION WITH THE FILING AND TRAINING REQUIREMENTS OF CHAPTER 16C OF THE OCEANSIDE CITY CODE RELATING TO MUNICIPAL LOBBYIST REGISTRATION AND REPORTING REGULATIONS

WHEREAS, Section 16C.10 of Chapter 16C of the Oceanside City Code, regarding the municipal lobbyist registration and reporting requirements, has determined to establish registration and per client fees by resolution; and

WHEREAS, this City Council finds that reasonable costs are necessary in order to recover some of the City's costs in processing the registrants and associated reports in accordance with Chapter 16C's filing requirements;

WHEREAS, Chapter 16C also requires that lobbyists attend an ethics training class; and

WHEREAS, the City Council finds that reasonable costs are necessary to recover some of the City's costs in providing ethics training courses for lobbyists.

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

SECTION 1. The fees established in accordance with Section 16C.10 are as follows:

\$ 150 Annual Registration: Persons/firms subject to the registration requirements shall pay an annual fee of \$150.

\$15 Per Client: Persons/firms subject to the registration requirements shall pay \$15 per client per year for whom lobbying within the City is undertaken for compensation.

\$25 Course Fee per attendee: Persons subject to the ethics training course requirement shall pay \$25 per attendee to attend an ethics training course provided by the City.

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1 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,  
2 this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

3 AYES:  
4 NAYS:  
5 ABSENT:  
6 ABSTAIN:

7 APPROVED AS TO FORM:  
8  \_\_\_\_\_  
9 CITY ATTORNEY *SALV*

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MAYOR OF THE CITY OF OCEANSIDE  
ATTEST:  
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CITY CLERK

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ESTABLISHING FEES IN CONJUNCTION WITH FILING AND TRAINING REQUIREMENTS OF CHAPTER 16C –  
MUNICIPAL LOBBYIST REGISTRATION