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# Item 6

## Action

### *Amendments to the Municipal Lobbying Ordinance*

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**Executive Summary:** This item presents the ad hoc subcommittee's proposed amendments to the Municipal Lobbying Ordinance.

**Recommended Action:** Approve the proposed amendments.

**Authors:** David Tristan, Executive Director  
Heather Holt, Deputy Executive Director  
Tyler Joseph, Director of Policy

**Presenter:** Tyler Joseph, Director of Policy

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# *Amendments to the Municipal Lobbying Ordinance*

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## **A. Introduction**

This item presents for consideration and potential approval a set of proposed changes to the City's lobbying laws. The changes were developed by an ad hoc subcommittee, comprised of Vice President Jeffery Daar and Commissioner Melinda Murray, working with the staff. Clean and redlined versions of the Municipal Lobbying Ordinance (MLO) are provided in Attachments A and B, respectively. A redlined version of a section in the Governmental Ethics Ordinance (GEO) is provided in Attachment C, and a compilation of written public comments is provided in Attachment D.

## **B. Background**

The MLO has not been comprehensively updated since it was first adopted in 1994. As part of its mandate to regularly review and make recommendations regarding the laws within its jurisdiction, the Ethics Commission undertook comprehensive reviews of the City laws that affect lobbying entities in 2008 and again in 2016. Each review spanned many months and included multiple public meetings at which members of the public and the lobbying community asked questions and provided input.

Following both reviews, the resulting recommendations were transmitted to the City Council. *See* Council File Nos. 07-3005-S2, 18-0171. The City Council did not act on either set of recommendations and, pursuant to Council File No. 05-0553, both matters were automatically terminated.

At the request of the Ethics Commission, a third review was initiated in October 2020, and then-President Melinda Murray appointed herself and Commissioner Jeffery Daar to serve as an ad hoc subcommittee (subcommittee) to work with staff. The subcommittee publicly issued the draft in Attachment B and solicited and received feedback through multiple interested persons meetings, email, and the Ethics Commission's website. This report reflects the subcommittee's proposed amendments.

## **C. Principles**

Los Angeles Municipal Code (LAMC) Section 48.01(B) enumerates the MLO's six guiding principles:

1. City government exists to serve the needs of all citizens.
2. The public has a right to know the identities of the interests that attempt to influence City decisions, as well as the means those interests employ.

3. All persons engaged in compensated lobbying should be subject to the same regulations, regardless of their background, training, qualifications, or licenses.
4. Complete public disclosure of the full range of lobbyist activities and their financing is essential to maintaining public confidence in the integrity of local government.
5. Lobbyists must not misrepresent facts, their positions, or attempt to deceive officials through false communications, place City officials under personal obligation to themselves or their clients, or represent that they can control the actions of City officials.
6. Any amendments to the City's lobbying laws must ensure adequate and effective disclosure of information about efforts to lobby City government.

These findings and principles underscore the City's historic goal of ensuring robust and effective public disclosure about lobbying activity, while acknowledging the vital role that diverse perspectives play in City life. The role of a lobbyist is to help individuals and organizations effectively educate and communicate their views to the City's decision makers in ways that can shape outcomes for the community as a whole.

This role is accompanied by an obligation to provide detailed information about lobbying activity within the City. The MLO and its proposed amendments are designed to foster transparency so that City officials and members of the public have timely access to information about how private money influences the way government operates and public money is spent.

Ultimately, the MLO is a disclosure law designed to support an informed citizenry, protect City decision makers, and promote accountability for those who attempt to influence City decisions. These principles are the foundation of the MLO, and the guiding influence for the Ethics Commission's proposed amendments.

## **D. Recommendations**

The recommendations highlighted below reflect both the top priorities identified by the subcommittee and an extensive public input process. In addition to technical adjustments that streamline the language and structure of the laws, the recommendations make changes that affect definitions, registration, disclosure, exemptions, gifts, enforcement, and contracts.

### **1. Definitions**

Some of the MLO's most important provisions are definitions. The subcommittee recommends streamlining the definitions, ensuring consistency, incorporating subsection headers, and updating certain substantive provisions. Key changes are identified below.

a. Lobbyist

The most fundamental issue of any lobbying law is who qualifies as a lobbyist. For 40 years, from 1967 to 2007, City law defined a lobbyist as an individual who received or became entitled to receive compensation for lobbying activity. *See* former LAMC § 48.02(a), effective 1967; former LAMC § 48.02, effective 1994. However, with the adoption of Measure H, which was placed on the ballot without the Ethics Commission’s input, the definition was altered to focus on time rather than money. The MLO currently defines a lobbyist as an individual who is compensated to spend 30 or more hours in any consecutive three-month period engaged in lobbying activity that includes at least one direct communication with a City employee. LAMC § 48.02.

The purpose of lobbying regulations is to promote transparency regarding the interests that attempt to influence governmental decisions. Transparency can be achieved through regular, meaningful public disclosure of lobbying activities, but accountability is equally important. To provide real accountability, lobbying regulations must have both effective public disclosure and effective enforceability. The current time-based definition of “lobbyist” poses a compliance and enforcement challenge, because tracking hours can be difficult and imprecise. It can also be a challenge because a lobbyist can be paid a large sum of money to spend far less than 30 hours lobbying for a client.

To enhance transparency and accountability, the subcommittee believes it is critical to return to a compensation-based definition of “lobbyist.” In contrast to hours, dollars are an objective and verifiable measure of lobbying activity. Therefore, the subcommittee recommends defining a lobbyist as an individual who becomes entitled to receive \$5,000 or more in a calendar year for lobbying on behalf of another person. *See* proposed LAMC § 48.02(S); Attachment A, p. 6. An annual threshold of \$5,000 would continue to reflect the Ethics Commission’s historic view that not every person engaged in lobbying activities should be subject to regulation, while alleviating concerns about regulating persons who are not engaged in significant levels of lobbying.

A registration threshold of \$5,000 also compares favorably with thresholds in other cities. Of the ten largest cities in the United States, Los Angeles is the only one that does not currently have a compensation-based registration threshold. Six have a threshold of \$800 or less per year, including four that have no dollar value threshold. Chicago Municipal Code Ch. 2-156- 010 (p); Houston Code of Ordinances § 18-72; Phoenix City Code § 2-1000(F); San Antonio Ethics Code (SAEC) Art. III, Div. 5 § 2-62(h); San Diego Municipal Code (SDMC) § 27.4002; Dallas City Code § 12A-15.3. The threshold in San Jose is roughly equivalent to \$4,000 per year, and the threshold in New York City is \$5,000 per year. San Jose Municipal Code (SJMC) § 12.12.180; New York City Administrative Code § 3-213(a)(2). Philadelphia’s threshold, at the equivalent of \$10,000 per year, is the only one among top-ten cities that is higher than the threshold recommended by the subcommittee. Philadelphia Board of Ethics (Phil. BOE) Regulation No. 9.2(b).

b. City Matter

The MLO regulates activity that involves a person seeking to influence “municipal legislation.” That term is generally defined as “any legislative or administrative matter proposed or pending before an agency . . .” LAMC § 48.02. The term “municipal legislation” can lead to the inaccurate assumption that administrative issues, such as development projects, cannot trigger regulation. To eliminate confusion, the subcommittee recommends relabeling the definition with the term “City matter.” *See* proposed LAMC § 48.02(E); Attachment A, p. 2-3.

c. City Personnel

Another label that could be improved is “City official.” It is defined as any elected or appointed City official, employee, or consultant who qualifies as a public official under the Political Reform Act. LAMC § 48.02. However, the same term is used in the GEO and the Campaign Finance Ordinance (CFO) to mean only individuals who are required to file the state’s Form 700 as a result of City service. LAMC §§ 49.5.2(C), 49.7.2(D).

To promote consistency, the subcommittee recommends relabeling the definition with the term “City personnel.” *See* proposed LAMC § 48.02(H); Attachment A, p. 3. For clarity, the recommendation includes a list of the positions that, when lobbied, can trigger regulation, and the list includes members of neighborhood council, which did not exist when the MLO was first adopted and have come to play a significant advisory role within the City. *Id.*; *see also* proposed LAMC § 48.02(B) (“Agency” includes a certified neighborhood council.), Attachment A, pp. 1-2.

d. Fundraising Activity

Lobbying entities are required to disclose their fundraising activity for City officeholders, candidates, and controlled committees. LAMC §§ 48.08(B)(7), (C)(9), (D)(10). Currently, the definitions related to fundraising activity are imprecise or incomplete. LAMC § 48.02. The subcommittee recommends updating the definition to reflect the list of fundraising activities that are identified in the CFO. LAMC § 49.7.11(A)(2). *See* proposed LAMC §§ 48.05; 48.08(B)(6), (8); 48.08(C)(8), (10); 48.08(D)(9), (11); 48.08(E)(6), (8); 48.09; 48.10; Attachment A, pp. 10, 15-16, 18-26.

The subcommittee also recommends including committees that are primarily formed to support or oppose a City officeholder, candidate, or ballot measure among the entities for which fundraising activity must be disclosed. *See* proposed 48.02(V); Attachment A, p. 8. These changes will provide clarity, promote consistency, and enhance transparency about fundraising that lobbying entities engage in on behalf of committees that are designed to influence City elections but are not controlled by elected City officials or candidates.

The subcommittee received public comment urging that lobbying entities be prohibited from engaging in fundraising activity on behalf of City officeholders,

candidates, and committees. The subcommittee encourages discussion of this and, if necessary, input from the City Attorney's office.

e. Major Filer

A major filer is a person who makes or incurs expenses totaling \$5,000 or more in a calendar quarter for activities such as public relations, media relations, advertising, and research for the purpose of attempting to influence one or more City matters. LAMC § 48.02. A major filer attempts to influence City action without directly interacting with a City official in a way that would trigger qualification as a lobbyist, such as by purchasing advertising space on a billboard in an effort to influence public opinion.

The subcommittee recommends updating the definition of "major filer" so that qualification occurs when a person makes or incurs \$5,000 in expenditures over the course of a 12-month period, rather than a calendar quarter. *See* proposed LAMC § 48.02(U); Attachment A, pp. 6-7. This change would foster consistency with the proposed definition of "lobbyist" and would prevent a person from spending up to \$4,999.99 per quarter, or up to \$19,999.96 per year, without triggering registration and reporting requirements.

f. Lobbying Entity

The MLO uses the term "lobbying entity" to refer collectively to lobbyists, lobbying firms, and lobbyist employers. LAMC § 48.02. Currently, the definition does not include major filers. However, because major filers make expenditures for the purpose of influencing City matters, they are similarly situated to existing lobbying entities. To promote equity among all persons who spend money to influence City action, the subcommittee recommends adding major filers to the definition of "lobbying entity." *See* proposed LAMC § 48.02(Q); Attachment A, p. 5.

## 2. **Registration**

When an individual qualifies as a lobbyist or an entity qualifies as a lobbying firm, the MLO requires them to register with the Ethics Commission and disclose certain information about themselves and their clients. LAMC § 48.07. Registration and reporting must be done through the Ethics Commission's proprietary electronic filing system. LAMC § 48.06(B). The subcommittee recommends a number of amendments to the registration requirements.

a. Application

Technically, the MLO only requires lobbyists and lobbying firms to register. LAMC § 48.07(D)–(E). However, all lobbying entities must file disclosure reports, which must be filed electronically. LAMC §§ 48.06(B), 48.08. To comply with their reporting requirement, lobbyist employers also register in order to access the electronic filing system. The subcommittee recommends that the MLO reflect the current reality that registration is required for anyone who must access the electronic filing system.

The subcommittee also recommends treating all lobbying entities similarly to the extent possible. For those reasons, and to enhance transparency about who is engaged in lobbying activity, the recommended language specifies that all lobbying entities must file registration statements. *See* proposed LAMC § 48.07; Attachment A, pp. 11-14. Under the new proposed definition of “lobbying entity,” this requirement would extend to major filers. *See Id.*; proposed LAMC § 48.02(Q), Attachment A, p. 5.

b. Deadline

The MLO currently requires registration within 10 days after the end of the calendar month in which qualification occurs. LAMC § 48.07(A). Under the existing deadline, an individual could qualify as a lobbyist on the first day of the month and not be required to register until 40 days later. In that period of time, the matter the individual was lobbying could be resolved before any public disclosure is required.

To address this timeliness issue, the subcommittee recommends moving the registration deadline to 10 business days after the date qualification occurs. *See* proposed LAMC § 48.07(A); Attachment A, p. 11. The subcommittee believes that a 10-day registration deadline more appropriately balances the burden of compliance and the benefit of timely disclosure. It is also in keeping with registration deadlines in other jurisdictions. For example, San Diego, San Jose, the County of Los Angeles, the Metropolitan Transportation Authority, and the state’s Fair Political Practices Commission all require registration within 10 days after qualifying. SDMC § 27.4002; SJMC § 12.12.400(A); Los Angeles County Code (LACC) § 2.160.020(A); California Public Utilities Code (Cal. PUC) § 130051.18(b); California Government Code § 86101. San Francisco has an even shorter deadline and requires registration within five days after qualifying as a lobbyist. San Francisco Campaign and Governmental Conduct Code (SFCGCC) § 2.110(a).

c. Consistency

Currently, the information that must be disclosed through registration statements varies widely among lobbying entities. LAMC §§ 48.07(D)–(E). The subcommittee recommends ensuring as much consistency as possible across all registration statements. *See* proposed LAMC § 48.07(D)-(G); Attachment A, pp. 12-14.

Not all registration information is pertinent to every type of lobbying entity. However, requiring all lobbying entities to disclose information that applies universally, such as the date of qualification, each City matter the lobbying entity has attempted to influence, and the positions the lobbying entity took on those matters, will provide better information to the public. A summary of the proposed contents of registration statements for each type of lobbying entity is provided in the table on the next page.

Proposed Registration Requirements				
Content	Lobbyist	Lobbying Firm	Lobbyist Employer	Major Filer
Filer's name, address, email, and phone.	X	X	X	X
Name, address, <b>email</b> , and phone of filer's employer.	X			
Name, address, <b>email</b> , and phone of each client <b>and, for clients that are entities, an individual authorized to act for the client.</b>		X		
<b>Date of qualification.</b>	X	X	X	X
Each City agency the filer has attempted <b>or will attempt</b> to influence.	X	X	X	X
Each City matter the filer has attempted <b>or will attempt</b> to influence, <b>including any related address or reference number.</b>	X	X	X	X
<b>Position taken on each City matter.</b>	X	X	X	X
Name of each lobbyist who is a partner, owner, shareholder, <b>member</b> , officer, or employee.		X	X	
Name, <b>title</b> , address, email, and phone of individual responsible for filing.		X	X	X
Statement that filer has reviewed and understands the MLO requirements.	X	X	X	X

\* New requirements denoted in red.

d. Position

Currently, registration statements for lobbying firms must identify the City matters or types of City matters the firm was retained to lobby. LAMC § 48.07(E)(3)(c). The subcommittee recommends that all lobbying entities be required to identify the City matters they have attempted or will attempt to influence, as well as their positions on the matters. See proposed LAMC § 48.07(E)(3)(c), (F)(4), (G)(4); Attachment A, pp. 12-14. Disclosing the matters and the positions taken on them will provide the public with a better understanding of who the lobbying entity is and what its goals are. This will also help the public make informed decisions about whether they should consider communicating with City decision makers. A similar requirement is recommended for quarterly disclosure reports. See proposed LAMC § 48.08(B)(13), (C)(3), (D)(6), (E)(2); Attachment A, pp. 17, 20, 22.

This recommendation is similar to an existing requirement in the CFO. When a person spends money independently of a candidate to urge a particular result in an election, that person must disclose, among other things, whether the person supported or opposed a candidate or ballot measure. LAMC § 49.7.31(C)(1)(d). Cities like Philadelphia already require disclosure of the position taken on each direct communication in a lobbying context. See Phil. BOE Regulation No. 9.13(b)(ii).



e. Fees

The MLO currently imposes an annual registration fee on lobbyists, to help cover some of the costs of administering the lobbying program. The fee is \$450 per year (\$337 if registering after September 30), plus \$75 per client (\$56 for clients registered after September 30). LAMC § 48.07(C). The subcommittee recommends eliminating the fourth-quarter proration and applying the registration fee to all lobbying entities. *See* proposed LAMC § 48.07(C); Attachment A, pp. 11-12.

The amount of work involved in processing a registration is the same, regardless of when the registration is received; and the compliance work associated with the lobbying program is independent of when lobbying entities register. In addition, no type of lobbying entity is responsible for a greater share of the administrative costs of the lobbying program—every registration requires resources. Imposing the same fee across the board will ensure equity among lobbying entities and help recover a more reasonable portion of the public costs of the program.

A \$450 registration fee compares favorably with other jurisdictions. Los Angeles County has a \$450 registration renewal fee, and Miami levies a \$490 fee. LACC § 2.160.140(A); Miami-Dade County Code § 2-11.1(s)(2)(b). San Antonio and San Francisco have \$500 registration fees, and Irvine’s 2022 fee is \$598. SAEC Art. III, Div. 5 § 2-65(g); SFCGCC § 2.110(f)(1); SJMC § 12.12.440; Irvine Code of Ordinances § 1-7-105(F); Irvine City Clerk’s Office, Legislative Services, *Lobbyist Initial/Annual Registration Report*.

**3. Disclosure**

As noted above, the MLO is primarily a disclosure law designed to support an informed citizenry. To that end, it requires lobbying entities to periodically report to the public regarding their activities. The subcommittee makes the following recommendations regarding several disclosure requirements in the MLO:

a. Quarterly Reports

To promote transparency, lobbying entities are required to file quarterly disclosure statements. LAMC § 48.08. These statements inform the public of lobbying activity and other matters, such as payments received and made for lobbying purposes, payments received under City contracts, and fundraising conducted for City officeholders or candidates. The subcommittee recommends maintaining most of the current reporting requirements, while creating as much consistency as possible across the different types of lobbying entities. *See* proposed LAMC § 48.08; Attachment A, pp. 14-23. The table on the next page identifies the proposed quarterly disclosure requirements for each type of lobbying entity.

## Proposed Disclosure Requirements

Content	Lobbyist	Lobbying Firm	Lobbyist Employer	Major Filer
Filer's name, address, email, and phone.	X	X	X	X
Name, address, email, and phone of filer's employer.	X			
Name of each lobbyist who is a partner, owner, shareholder, <b>member</b> , officer, or employee.		X	X	
Name, address, <b>email</b> , and phone of clients represented.		X		
Each City agency the filer attempted to influence.	X	X	X	X
Each City matter the filer attempted to influence, <b>including any related address or reference number</b> .	X	X	X	X
<b>Position taken on each City matter</b> .	X	X	X	X
Client payments received <b>and incurred</b> (total and by client).		X		
Total expenses attributable to attempts to influence, with itemization of each expense of \$ <b>1,000+</b> .		X	X	X
Total payments to lobbyist personnel.		X	X	
Total payments to non-lobbyist personnel.		X	X	
Total gifts to City personnel and immediate families.	X	X	X	X
For each gift of \$25+ given to City personnel or their immediate family: date; amount; description; name and title of City personnel; name and address of payee; and, if applicable, name of client.	X	X	X	X
For each contribution of \$100+ given or delivered to <b>or earmarked for</b> City candidate, officeholder, or committee: name of recipient; date; and amount.	X	X	X	X
For fundraising activity on behalf of a City candidate, officeholder, or committee: name of beneficiary; dates of activity; and amount raised.	X	X	X	X
For each fundraising solicitation distributed to <b>15+ people</b> : copy and description; distribution dates; number distributed; and name of beneficiary.	X	X	X	X
For contributions totaling \$1,000+ made <b>or earmarked</b> at the behest of a City officeholder or candidate for another City officeholder, candidate, or committee: name of behest; dates of behests, names of payees; and dates and amounts of contributions.	X	X	X	X
For donations totaling \$1,000+ made at the behest of a City officeholder or candidate: name of behest; dates of behests; dates, amounts, and descriptions of donations; and names and addresses of payees.	X	X	X	X
For compensated campaign services provided to a City officeholder, candidate, or committee: name of compensator; date of election; compensation received <b>and earned</b> ; and description of services.	X	X	X	X
For compensated services provided under a City contract: agency; contract identification; compensation received <b>and earned</b> ; and description of services.	X	X	X	X
Name, <b>title</b> , address, email, and phone of individual responsible for filing.		X	X	X

\* New requirements denoted in **red**.

b. Solicitations

When a lobbying entity produces, pays for, or distributes more than 50 copies of a political fundraising solicitation for a committee controlled by a City officeholder or candidate, the lobbying entity must file a copy of the solicitation with the Ethics Commission. LAMC § 48.08.5. In addition, on its next disclosure report, the lobbying entity must disclose information about the solicitation, including a description, the dates it was distributed, the number of pieces distributed, and the name of the committee that benefited from the solicitation. *Id.*

The subcommittee recommends two changes: requiring disclosure when a lobbying entity pays for or distributes a political fundraising solicitation to 15 or more persons; and requiring contemporaneous disclosure. *See* proposed LAMC § 48.09; Attachment A, pp. 23-24. These recommendations acknowledge that some fundraising is directed to smaller, more select groups of wealthy donors and that more timely disclosure about a solicitation will enhance transparency for the public, particularly in the immediacy of an election cycle.

c. Contributions

The MLO currently requires lobbying entities to notify the Ethics Commission within one business day after making more than \$7,000 in campaign contributions to a City officeholder in a 12-month period. LAMC § 48.08.6. When this requirement was adopted, the law prohibiting contributions from lobbyists and lobbying firms did not exist. *See* Los Angeles City Charter § 470(c)(11), effective December 13, 2006. Because that prohibition is now in place, the likelihood that a lobbyist or lobbying firm would reach the disclosure threshold is minimal. Therefore, the subcommittee recommends eliminating this requirement.

d. Neighborhood Councils

When a lobbying entity communicates in writing with a neighborhood council or its committees on behalf of a client, the communication must include a written disclaimer identifying the involved lobbying entities and clients. LAMC § 48.08.8. The neighborhood council system was created in 1999 as a way to help ensure that City government is responsive to the needs of local constituencies within and across council districts. *See* EmpowerLA, *Councils*, <https://www.empowerla.com/councils>, last viewed April 1, 2022. The City currently has 99 neighborhood councils. *Id.* Each neighborhood council elects its own board, which votes to advance recommendations and community impact statements to various City decision makers, including the City Council.

Because of the advisory role that neighborhood councils play in City government, lobbyists sometimes have an interest in influencing a council's recommendations. The subcommittee has received extensive feedback from members of the neighborhood council system, voicing concerns that they are volunteers who do not always have the ability to timely determine who is and is not being paid to communicate with them.

To help members of the neighborhood councils make more informed decisions, the subcommittee recommends requiring a lobbying entity that communicates in any way with a neighborhood council or its members to disclose both its status as a lobbying entity and the identity of its client. *See* proposed LAMC § 48.11; Attachment A, pp. 26-27. This would require a spoken disclaimer at the beginning of verbal communications and a conspicuously printed disclaimer for written communications. *Id.*

Several California jurisdictions have similar requirements. The state's Fair Political Practices Commission requires lobbyists to identify their clients at public meetings, while the cities of Beverly Hills, Cupertino, Gardena, Lancaster, Long Beach, Sacramento, San Francisco, San Luis Obispo, and Santa Clara all require that lobbyists identify both themselves and the clients on whose behalf they are appearing at a public meeting. California Code of Regulations, Title 2 § 18310(7)-(8); Beverly Hills Code of Ordinance § 1-9-106; Cupertino Municipal Code § 2.100.120; Gardena Municipal Code § 2.26.100; Lancaster Municipal Code § 2.26.100; Long Beach Municipal Code § 2.08.130; Sacramento City Code § 2.15.160; SFCGCC § 2.106(b)(2); San Luis Obispo Municipal Code § 2.64.070; Santa Clara City Code § 2.155.110.

Additionally, the Los Angeles Unified School District and the cities of El Segundo, Irvine, Manhattan Beach, Newport Beach, and Oceanside all require that lobbyists identify their status during any form of communication, written or otherwise. El Segundo Code of Ordinances § 1-8-4(C); Irvine Code of Ordinances § 1-7-108; Manhattan Beach Municipal Code § 4.132.100; Newport Beach Municipal Code § 1.28.050; Oceanside Code of Ordinances § 16C.14; Los Angeles Unified School District Lobbying Disclosure Code § 5(A).

#### **4. Exemptions**

The MLO exempts certain persons from regulation. For example, a public official acting in an official capacity, a media outlet that publishes an editorial, and a person who submits a bid in a procurement process are not required to register as lobbying entities. LAMC § 48.03. The subcommittee recommends modifying an existing exemption and adding a new one.

##### **a. 501(c)(3) Organizations**

Currently, a 501(c)(3) organization is exempt from regulation under the MLO if it receives government funding and provides direct representation services free of charge to indigent persons. LAMC § 48.03(E). The exemption does not apply when the organization is seeking City funding. *Id.*

Based on input received from a variety of nonprofit organizations, the subcommittee suggests clarifying and expanding this exemption so that it applies to a 501(c)(3) organization that meets either of the following conditions:

1. It is formed primarily to provide food, clothing, shelter, child care, health, legal, vocational, relief, or other similar assistance to disadvantaged people at a significantly below-market rate; or

2. It had gross receipts of less than \$2 million in the previous tax year.

*See* proposed LAMC § 48.03(E); Attachment A, p. 9. The first condition eliminates outdated language, helps to ensure clarity by listing the types of assistance that qualify, and recognizes that some 501(c)(3) organizations charge a small amount for services to actively involve clients and help improve their sense of well-being.

The second condition is designed to alleviate concerns that smaller 501(c)(3) organizations may have difficulty complying with reporting requirements due to a lack of resources. Any type of 501(c)(3) organization that meets the above financial condition would be exempt, regardless of its purpose or activities. Some public comments have raised concerns that the \$2 million threshold is too high, and the subcommittee encourages a conversation about an appropriate dollar amount.

The recommended exemption would not apply when an organization is attempting to influence a City decision concerning funding for the organization, a contract, a permit, or legislation. *Id.* Because those activities are not limited to a private client's personal circumstances, the public has a greater stake in the outcome of those activities and a greater interest in knowing about them.

- b. Contractors

City agencies regularly enter into agreements with private contractors for the performance of various internal and external services. Parties performing under those contracts do so in accordance with terms agreed to by the City, and City contracts are public documents that the public may inspect. Certain information about City contracts is also available on the Ethics Commission's website.

For these reasons, the subcommittee recommends exempting from MLO regulation a person performing under a contract with a City agency, including a Business Improvement District. *See* proposed LAMC § 48.03(C); Attachment A, p. 8. The exemption would apply as long as the work being performed falls within the scope of the person's contract with the City. This recommendation reflects the reality that parties to City contracts may be required to interact with City personnel in ways that might otherwise be considered lobbying.

## 5. Gifts

The GEO prohibits lobbyists and lobbying firms from making gifts to certain City officials. LAMC § 49.5.8(C). This prohibition is designed to guard against an actual or perceived pay-to-play environment in City Hall. When a person who has a vested interest in the outcome of a City decision gives a gift to a person who is authorized to participate in that decision, the decision can be influenced or perceived to be influenced by factors other than the public's best interest.

However, lobbying entities are not alone in having a vested interest in the outcome of City decisions. A lobbyist or lobbying firm only becomes involved in a

decision when they are hired to do so by a client. Arguably, the person with the greatest interest in the outcome of a City decision is the client, who is spending money in an attempt to achieve a favorable result.

Because the client is driving the lobbying activity of the lobbyist or lobbying firm, the subcommittee recommends adding a prohibition against clients offering, making, or arranging a gift if the client's lobbyist or lobbying firm would be prohibited from making that gift. *See* proposed LAMC § 48.04(E); Attachment A, pp. 9-10; *see also* proposed LAMC § 49.5.2(J)(1)(a), (J)(2)(a), Attachment C. Without this limitation, the MLO will continue to have a loophole in which lobbyists are prohibited from giving gifts to the City officials they are lobbying, but their clients are not.

The Metropolitan Transportation Authority has a similar law, which prohibits persons who employ lobbyists from making gifts totaling more than \$10 per month to their officials. Cal. PUC § 130051.18(a)(12), (f)(1).

## **6. Miscellaneous**

### **a. Enforcement**

The MLO, GEO, and CFO all specify civil and criminal penalties that may be imposed in response to violations. However, the MLO's cap on civil penalties is currently out of sync with the CFO and GEO. The subcommittee recommends bringing the ordinances into alignment by adjusting the cap on civil penalties from \$2,000 to the greater of \$5,000 or three times the amount of money at issue. *See* proposed LAMC § 48.12(C)(1); Attachment A, p. 27. This will permit a court to assign the same standard to MLO violations that it can assign to violations of the GEO and CFO. *See* LAMC §§ 49.5.16–17, 49.7.38–39. The subcommittee also recommends eliminating the “knowingly” element for criminal and civil penalties. *See* proposed LAMC § 48.12(B)(1), (C); Attachment B, p. 27.

### **b. Procurement**

The MLO requires all City departments to include a copy of the MLO in every request for proposals or other contract solicitation. LAMC § 48.09(H). Departments must either reprint the entire MLO in their solicitations or provide electronic access to the law. *Id.* The subcommittee recommends eliminating the printing option and requiring all departments to, instead, provide the link to the MLO that is on the Ethics Commission's website. *See* proposed LAMC § 48.13(A); Attachment A, p. 29. This will reduce the consumption of paper resources and ensure that the information provided to bidders is consistent and current.

### **c. Technical Changes**

In addition to its substantive recommendations, the subcommittee also recommends a number of technical and structural amendments to help ensure clarity and internal consistency. This includes streamlining and updating language, adding

references to email and online filings, and creating a more user-friendly structure that renumbers, reorganizes, and consolidates sections. *See, e.g.*, proposed LAMC §§ 48.02; 48.07; 48.08; 48.10; Attachment A, pp. 1-8, 11-23, 24-26.

## **E. Conclusion**

The recommendations in this report are the product of the subcommittee's review of the City's lobbying laws, the lobbying laws in other jurisdictions, the Ethics Commission's experiences administering the lobbying program over the past 30 years, and input from City officials, the public, and the regulated community. The staff would like to thank the subcommittee for their hard work and collaboration on this project. Any amendments that you vote to approve must be transmitted to the City Council for action.

### *Attachments:*

- A Proposed Amendments to MLO (Clean Version)*
- B Proposed Amendments to MLO (Redlined Version)*
- C Proposed Amendments to GEO (Redlined Version)*
- D Public Comment*

## Municipal Lobbying Ordinance

### SEC. 48.01. Title and Findings.

A. **Title.** This Article shall be known and may be cited as the Los Angeles Municipal Lobbying Ordinance.

B. **Findings.** The following findings are adopted in conjunction with the enactment of this Article:

1. City government functions to serve the needs of all citizens.
2. The citizens of the City have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests.
3. All persons engaged in compensated activities aimed at influencing decisions by City government must, when so engaged, be subject to the same regulations, restrictions, and requirements, regardless of their background, training, other professional qualifications, license, title, or purpose.
4. Complete public disclosure of the full range of activities by and financing of lobbying entities and those who employ their services is essential to maintain public confidence in the integrity of City government.
5. It is in the public interest to ensure that lobbying entities do not misrepresent facts or their positions, do not attempt to deceive City personnel, do not

place City personnel under personal obligation to themselves or their clients, and do not represent that they can control the actions of City personnel.

6. It is in the public interest to ensure adequate and effective disclosure of information about efforts to lobby City government.

### SEC. 48.02. Definitions.

The following terms have the meanings set forth below. Other terms used in this Article have the meanings set forth in the California Political Reform Act of 1974, as amended, and in the regulations of the California Fair Political Practices Commission, as amended.

- A. **“Activity expense”** means a payment, including a gift, made by a lobbying entity to or directly benefiting any City personnel or member of any City personnel’s immediate family.
- B. **“Agency”** means the City of Los Angeles; a department, bureau, office, board, commission, or entity required to adopt a conflict of interests code subject to City Council approval; or a neighborhood council certified under Article IX of the Charter.
- C. **“At the behest”** means under the control of, at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express prior consent of an elected City officer or candidate for elected City office. A donation to a religious,



charitable, or other nonprofit organization is not made at the behest of an elected City officer or candidate for elected City office if the donation is solicited through a newspaper publication, through radio, television, or other mass media, or through a suggestion made to the entire audience at a public gathering. A donation to a religious, charitable, or other nonprofit organization is not made at the behest of an elected City officer or candidate for elected City office solely because the name of the officer or candidate is listed with one or more other names on written materials used to request donations or the officer or candidate makes a speech to the entire audience or is honored and given an award at an event sponsored by the organization.

- D. **“Attempting to influence”** means promoting, supporting, opposing, or seeking to modify, expedite, or delay any action in a City matter by any means, including but not limited to providing or using persuasion, information, statistics, analyses, or studies.
- E. **“City matter”** means a matter that is proposed to or pending with an agency, or in which an agency may take an action, that involves discretion. The term does not include the following:
1. A request for advice or for an interpretation of a law, regulation, or policy.
  2. A direct response by a witness or respondent to an enforcement proceeding with the Ethics Commission or other agency.

3. Either of the following, unless the Mayor, a City Council member, or a member of one of their respective staffs is involved:

- a. An action relating to establishing, amending, administering, or interpreting a collective bargaining agreement or memorandum of understanding between an agency and a recognized City personnel organization, including a management decision regarding the working conditions of represented employees.
- b. A proceeding before the Board of Civil Service Commissioners or the Employee Relations Board.

4. Legal representation by a licensed attorney for a party in litigation or an enforcement proceeding with an agency.

F. **“City personnel”** means one or more of the following individuals who participate in the consideration of any City matter other than in a purely ministerial capacity: an elected City officer; an agency officer, member, commissioner, board member, or employee; a neighborhood council member; or an agency consultant who qualifies as a public official under the Political Reform Act.

G. **“Client”** means the person on whose behalf a lobbyist or lobbying firm attempts to influence one or more City matters and, as a result, the lobbyist or lobbying firm becomes entitled to receive \$250 or more in compensation, or the person who

pays the compensation. Client does not include an individual member of a bona fide trade association or membership organization that is represented by a lobbyist or lobbying firm, unless the member provides compensation for personal representation in addition to usual membership fees or the member pays a special assessment to the trade association or membership organization to pay a lobbying entity.

- H. **“Compensation”** means money or any other tangible or intangible thing of value that is provided, owed, or received in exchange for services rendered or to be rendered. The term includes bonuses and contingent fees, regardless of whether payment is ultimately received, and ownership interests in organizations. Compensation does not include reimbursements for reasonable travel expenses. There is a rebuttable presumption that compensation for lobbying services includes all payments given or owed by or on behalf of a client. A person becomes entitled to receive compensation on the earlier of the date the person agrees to provide services subject to this Article or the date the person begins to provide those services.
- I. **“Controlled committee”** means a committee controlled by an elected City officer or candidate for elected City office, including any campaign, officeholder, legal defense, or ballot measure committee.
- J. **“Direct communication”** means appearing as a witness before, talking to, corresponding with, or answering questions or inquiries from, any City

personnel, either personally or through an agent.

- K. **“Donation”** means a payment to a religious, charitable, or other nonprofit organization for which full and adequate consideration is not received.
- L. **“Elected City office”** has the same meaning as in Section 49.7.2(G).
- M. **“Elected City officer”** has the same meaning as in Section 49.7.2(H).
- N. **“Fundraising activity”** means any of the following:
1. Asking another person, either personally or through an agent, to make a contribution to an elected City officer, a candidate for elected City office, a controlled committee, or a primarily formed committee. Fundraising activity does not include making a request through mass media or through a suggestion made to the entire audience at a public gathering.
  2. Delivering or acting as an intermediary in a contribution to an elected City officer, a candidate for elected City office, a controlled committee, or a primarily formed committee.
  3. Hiring a person to conduct a fundraising event.
  4. Paying for at least a majority of the costs of a fundraising event.
  5. Providing the use of a home or business to hold a fundraising

- event without charging fair market value for the use of that location.
6. Asking 15 or more persons to attend a fundraising event or providing the names of 15 or more persons to be invited to a fundraising event.
  7. Making or incurring expenses for or distributing to 15 or more persons a request for funds for an elected City officer, a candidate for elected City office, a controlled committee, or a primarily formed committee.
  8. Allowing one's name or likeness to be used in an invitation to a fundraising event or a request for funds for an elected City officer, a candidate for elected City office, a controlled committee, or a primarily formed committee.
- O. **"Fundraising event"** means an event designed primarily for political fundraising, at which contributions for an elected City officer, a candidate for elected City office, a controlled committee, or a primarily formed committee are solicited, delivered, or made.
- P. **"Lobbying activities"** includes the following and any similar compensated conduct when that conduct is related to an attempt to influence a City matter:
1. Engaging in, either personally or through an agent, written or oral direct communication with any City personnel;
  2. Drafting communications, testimony, ordinances, resolutions, or regulations;
  3. Providing advice or recommending strategy to a client or others;
  4. Conducting research, conducting an investigation, or gathering information;
  5. Seeking to influence the position of a third party on a City matter or an issue related to a City matter by any means, including but not limited to engaging in community, public, or media relations activities; and
  6. Traveling to, attending, or monitoring agency meetings or hearings or other City events.
- Q. **"Lobbying entity"** means a lobbyist, lobbying firm, lobbyist employer, or major filer.
- R. **"Lobbying firm"** means an entity, including an individual lobbyist, which receives or becomes entitled to receive \$1,000 or more in compensation for engaging in lobbying activities (either personally or through an agent) for the purpose of attempting to influence one or more City matters on behalf of another person, provided a partner, owner, shareholder, member, officer, or employee of the entity qualifies as a lobbyist.
- S. **"Lobbyist"** means an individual who receives or becomes entitled to receive \$5,000 or more in compensation in a consecutive 12-month period for engaging in lobbying

activities (either personally or through an agent) which include at least one direct communication with any City personnel, for the purpose of attempting to influence one or more City matters on behalf of another person.

- T. **“Lobbyist employer”** means an entity, other than a lobbying firm, that employs a lobbyist in-house to lobby on its behalf.
- U. **“Major filer”** means a person other than a lobbyist, lobbying firm, or lobbyist employer who makes payments or incurs expenditures totaling \$5,000 or more in a consecutive 12-month period for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities, for the purpose of attempting to influence action on one or more City matters when the payments or expenditures are not required to be reported on a lobbyist, lobbying firm, or lobbyist employer quarterly report. Expenditures and payments for regularly published newsletters or other routine communications between an organization and its members shall not be included for the purpose of this definition.
- V. **“Primarily formed committee”** means a committee that is primarily formed to support or oppose an elected City officer, a candidate for elected City office, or a proposed City ballot measure.

### **SEC. 48.03. Exemptions.**

The following persons are exempt from the requirements of this Article:

- A. A public official or government employee acting in an official capacity and within the scope of their employment.
- B. A media outlet that publishes or broadcasts news, editorials, or other comments, or paid advertising, which directly or indirectly attempts to influence action on a City matter and the media outlet’s employees engaged in the same activity. This exemption does not apply to any other action by the media outlet or its employees.
- C. A person performing pursuant to an agency contract.
- D. A person whose only activity is submitting a bid or a written response to a request for proposals or qualifications in a competitive bid process, responding to questions posed by the awarding agency during a competitive bid process, or negotiating the terms of a written agreement with the awarding agency if selected pursuant to a competitive bid process. This exemption does not apply to a person who attempts to influence the Mayor, a City Council member, a staff member of the Mayor or a City Council member, or a board or commission member with regard to a competitive bid process.
- E. An organization that is exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue

Code when either of the following applies:

1. The organization was created primarily to provide food, clothing, shelter, child care, health care, legal services, vocational services, relief, or other similar assistance to disadvantaged people at a significantly below-market rate.
2. The organization had gross receipts of less than \$2 million in the previous tax year.

This exemption also applies to the organization's employees and board members while providing the organization's core services. This exemption does not apply to an attempt by the organization or its employees or board members to influence a City decision regarding funding for the organization, a contract, a permit, or legislation.

#### **SEC. 48.04. Prohibitions.**

Lobbying entities and clients shall not do any of the following:

- A. Engage in an act with the intent of placing any City personnel under personal obligation to the lobbying entity or client.
- B. Deceive or attempt to deceive any City personnel with regard to a material fact that is pertinent to a City matter.
- C. Cause or influence the introduction of a City matter for the purpose of thereafter being employed or retained to secure its passage or defeat.

- D. Cause a communication to be sent to any City personnel in the name of a nonexistent person or in the name of an existing person without that person's consent.
- E. Offer, make, or arrange for a contribution or gift to any City personnel or a candidate for elected City office that would violate the City Charter, the Campaign Finance Ordinance (Sections 49.7.1 *et seq.*), or the Governmental Ethics Ordinance (Sections 49.5.1 *et seq.*).

#### **SEC. 48.05. Record Keeping Responsibilities.**

- A. Lobbying entities shall prepare and retain detailed records that demonstrate compliance with this Article.
- B. Treasurers and fundraisers for elected City officers, candidates for elected City office, controlled committees, and primarily formed committees shall prepare and retain detailed contribution activity records for contributions received as a result of fundraising activity engaged in by a lobbying entity.
- C. A lobbying entity and its vendors and clients shall make a record that details activity governed by this Article available to the Ethics Commission upon request.
- D. Records shall be maintained for at least four years. If a record relates to activity that must be disclosed through a public filing, the record shall be maintained for at least four years after the filing deadline.

### **SEC. 48.06. Filing Methods.**

- A. All registrations, reports, and other filings required by this Article must be submitted under penalty of perjury by the person who is required to file and must be filed in a format prescribed by the Ethics Commission. The Ethics Commission shall provide public access to all filings.
- B. Lobbying entities and persons who qualify as lobbying entities must file registrations, quarterly reports, terminations, and amendments to those filings electronically.
- C. If an electronic filing is required, the Ethics Commission must provide a unique identifier to the person who is required to file, to be used in place of a physical signature for submitting and verifying data under penalty of perjury. All electronic filings are presumed to be filed under penalty of perjury by the person required to file.
- D. If a paper filing is required, it must contain the physical signature of the person who is required to file. A document is considered filed on the earlier of the date of receipt by the Ethics Commission or the date of the postmark if it is mailed and bears the correct address and postage.

### **SEC. 48.07. Registration.**

- A. **Requirement.** A person who qualifies as a lobbying entity shall register with the Ethics Commission within 10 calendar days after qualifying as a lobbying entity. A lobbying entity shall file an amendment to its registration

statement within 10 calendar days after the information in the registration statement changes.

- B. **Duration of Status.** A person who registers as a lobbying entity shall retain that status through the earlier of December 31 of that year or the date of filing a termination statement. A lobbying entity may file a termination statement after ceasing all activity governed by this Article. A termination date may not be more than 20 calendar days prior to the date the termination statement is filed.
- C. **Registration Fees.** A lobbying entity shall pay an annual registration fee of \$450. An individual who qualifies as both a lobbyist and a lobbying firm shall pay a registration fee only as a lobbying firm. A lobbyist shall pay an annual registration fee of \$75 for each client. A lobbying entity is not considered timely registered unless it has paid all required registration fees by the registration deadline.
- D. **Contents of Registration Statements — Lobbyists.** Registration statements of lobbyists shall contain the following:
  - 1. The lobbyist's name, address, email, and telephone number.
  - 2. The date of qualification as a lobbyist.
  - 3. The name, address, email, and telephone number of the lobbying firm, if any, of which the lobbyist is an employee, partner, officer, shareholder, member, or owner.

4. If the lobbyist is not an employee, partner, officer, shareholder, member, or owner of a lobbying firm, the name, address, email, and telephone number of the lobbyist's employer.
5. Each agency that the lobbyist has attempted or will attempt to influence on behalf of a client.
6. Each City matter that the lobbyist has attempted or will attempt to influence, any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.
7. A statement that the lobbyist has reviewed and understands the requirements of this Article.
8. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.

**E. Contents of Registration Statements — Lobbying Firms.**

Registration statements of lobbying firms (including lobbyists who also qualify as lobbying firms) shall contain the following:

1. The name, address, email, and telephone number of the lobbying firm and an individual who is an owner or employee with the authority to act on behalf of the lobbying firm.
2. The name of each lobbyist who is a partner, owner, shareholder, member, officer, or employee of the firm.

3. The date of qualification as a lobbying firm.
4. For each client:
  - a. The name, address, email, and telephone number of the client and, if the client is a business or other organization, an individual who is an owner or employee with the authority to act on behalf of the client.
  - b. Each agency that the lobbying firm has attempted or will attempt to influence on behalf of the client.
  - c. Each City matter the lobbying firm has attempted or will attempt to influence, any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.

5. A statement that the lobbying firm has reviewed and understands the requirements of this Article.

6. The name, title, address, email, and telephone number of the person responsible for preparing the statement.
7. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.

**F. Contents of Registration Statements – Lobbyist Employers.**

Registration statements of lobbyist employers shall include the following:

1. The name, address, email, and phone number of the lobbyist employer and, if the lobbyist employer is a business or other organization, an individual who is an owner or employee with the authority to act on behalf of the lobbyist employer.
2. The date of qualification as a lobbyist employer.
3. The name of each lobbyist who is a partner, owner, shareholder, member, officer, or employee of the lobbyist employer.
4. Each agency the lobbyist employer has attempted or will attempt to influence.
5. Each City matter the lobbyist employer has attempted or will attempt to influence, any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.
6. A statement that the lobbyist employer has reviewed and understands the requirements of this Article.
7. The name, title, address, email, and telephone number of the person responsible for preparing the statement.
8. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.

**G. Contents of Registration Statements — Major Filers.**

Registration statements of major filers shall include the following:

1. The name, address, email, and phone number of the major filer and, if the major filer is a business or other organization, an individual who is an owner or employee with the authority to act on behalf of the major filer.
2. The date of qualification as a major filer.
3. Each agency the major filer has attempted or will attempt to influence.
4. Each City matter the major filer has attempted or will attempt to influence, any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.
5. A statement that the major filer has reviewed and understands the requirements of this Article.
6. The name, title, address, email, and telephone number of the person responsible for preparing the statement.
7. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.

**SEC. 48.08. Disclosure Reports.**

- A. Reporting Requirement.** Every lobbying entity shall disclose activity



for each calendar quarter during which the lobbying entity is registered or qualifies as a lobbying entity. Disclosure reports must be filed on or before the last day of the month following each calendar quarter. An individual who qualifies as both a lobbyist and a lobbying firm shall file only a lobbying firm quarterly report.

**B. Quarterly Reports by Lobbyists — Contents.** Quarterly reports by lobbyists shall contain the following information:

1. The lobbyist's name, address, email, and telephone number.
2. The lobbying firm, if any, of which the lobbyist is a partner, owner, shareholder, member, officer, or employee.
3. If the lobbyist is not a partner, owner, shareholder, member, officer, or employee of a lobbying firm, the name, address, email, and telephone number of any employer of the lobbyist's.
4. The date, amount, and description of each activity expense of \$25 or more made by the lobbyist; the name and title of the City personnel benefiting from the expense; the name and address of the payee; and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event at which the lobbyist attempted to influence any City personnel on behalf of the client.
5. The total amount of activity expenses made by the lobbyist, whether or not itemized.
6. The name of any elected City officer, candidate for elected City office, controlled committee, or primarily formed committee to which the lobbyist made or earmarked contributions of \$100 or more, or which were delivered by the lobbyist, or in connection with which the lobbyist acted as an intermediary, and the date and amount of the contribution.
7. The fundraising activity in which the lobbyist engaged, including the names of the individuals and committees on whose behalf the activity was conducted, the dates of the activity, filings that were made under Section 48.09, and the amount of funds the lobbyist knows or has reason to know were raised as a result of the activity.
8. The dates and amounts of one or more contributions aggregating \$1,000 or more made or earmarked by the lobbyist at the behest of an elected City officer or candidate for elected City office to controlled committees of other elected City officers and candidates for elected City office or to primarily formed committees; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.

9. The dates, amounts, and descriptions of one or more donations aggregating \$1,000 or more made by the lobbyist at the behest of an elected City officer or candidate for elected City office to any religious, charitable, or other nonprofit organization; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.
  10. The compensated services, including consulting services, provided by the lobbyist to a candidate for elected City office or to a campaign for or against a candidate for elected City office or a proposed City ballot measure; the name of the candidate or committee or the ballot number or letter; the elected City office sought by the candidate; the date of the election; the amount of compensation the lobbyist received; the amount of compensation the lobbyist became entitled to receive; and a description of the services provided. This information shall be reported if the lobbyist personally provided the services or if the services were provided by a business entity in which the lobbyist directly or indirectly owns at least a 10% interest, whether the compensation was provided directly to the lobbyist or to such business entity.
  11. The compensated services provided by the lobbyist under contract with an agency, including consulting services, the amount of compensation the lobbyist received; the amount of compensation the lobbyist became entitled to receive; the agency for which the services were provided; a description and identification number of the contract; and a description of the services provided. This information shall be reported if the lobbyist personally provided the services or if the services were provided by a business entity in which the lobbyist directly or indirectly owns at least a 10% interest, whether the compensation was provided directly to the lobbyist or to such business entity.
  12. Each agency that the lobbyist attempted to influence.
  13. A description of each City matter the lobbyist attempted to influence, including any address related to the City matter, any City reference numbers related to the matter, and the position taken on the matter.
  14. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.
- C. Quarterly Reports by Lobbying Firms — Contents.** Quarterly reports by lobbying firms shall contain the following information:
1. The name, address, email, and telephone number of the firm.
  2. The name of each lobbyist who is a partner, owner, shareholder,

- officer, member, or employee of the firm.
3. The name, address, email, and telephone number of each client that is required to be registered and was represented by the firm; a description of each City matter for which the firm or its lobbyists represented the client, including any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter; each agency the lobbying firm attempted to influence; the total amount of compensation received by the firm from each client for each City matter (including all fees, reimbursements for expenses and other payments); and the total amount of compensation the firm became entitled to receive from each client for each City matter.
  4. The total compensation that the firm received and became entitled to receive from clients.
  5. The date, amount, and description of each activity expense of \$25 or more made by the lobbying firm; the name and title of the City personnel benefiting from the expense; the name and address of the payee and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event at which the lobbying firm attempted to influence any City personnel on behalf of the client.
  6. The total amount of activity expenses made by the lobbying firm, whether or not itemized.
  7. The total amount of expenses incurred in connection with attempts by the firm to influence one or more City matters. These expenses shall include:
    - a. Total payments to lobbyists employed by the firm;
    - b. Total payments to employees of the firm, other than lobbyists, who engaged in attempts to influence one or more City matters; and
    - c. Total expenses attributable to attempts to influence each City matter, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each expense of \$1,000 or more shall be itemized and described.
  8. The name of any elected City officer, candidate for elected City office, controlled committee, or primarily formed committee to which the lobbying firm made or earmarked contributions of \$100 or more, or which were delivered by the lobbying firm, or in connection with which the lobbying firm acted as an intermediary, and the date and amount of the contribution.

9. The fundraising activity in which the lobbying firm engaged, including the names of the individuals and committees on whose behalf the activity was conducted; the dates of the activity; filings that were made under Section 48.09; and the amount of funds the lobbying firm knows or has reason to know were raised as a result of the activity.
10. The dates and amounts of one or more contributions aggregating \$1,000 or more made or earmarked by the lobbying firm at the behest of an elected City officer or candidate for elected City office to controlled committees of other elected City officers and candidates for elected City office or to primarily formed committees; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behest; and the dates of the behests.
11. The dates, amounts, and descriptions of one or more donations aggregating \$1,000 or more made by the lobbying firm at the behest of an elected City officer or candidate for elected City office to any religious, charitable, or other nonprofit organization; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.
12. The compensated services, including consulting services, provided by the lobbying firm to a candidate for elected City office or to a campaign for or against a candidate for elected City office or a proposed City ballot measure; the name of the candidate or committee; or the ballot number or letter; the elected City office sought by the candidate; the date of the election; the amount of compensation the lobbying firm received; the amount of compensation the lobbying firm became entitled to receive; and a description of the services provided.
13. The compensated services under contract with an agency, including consulting services, provided by the lobbying firm, including the amount of compensation the lobbying firm received; the amount of compensation the lobbying firm became entitled to receive; the agency for which the services were provided; a description and identification number of the contract; and a description of the services provided. For a lobbyist who also qualifies as a lobbying firm, such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist directly or indirectly owns at least a 10% interest, regardless of whether the compensation was provided directly to the lobbyist or to such business entity.

14. Each agency that the lobbyist attempted to influence.
15. The name, title, address, email, and telephone number of the person responsible for preparing the report.
16. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.
5. Total payments for expenses incurred in connection with attempts to influence each City matter, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each expense of \$1,000 or more shall be itemized and described.
6. Each agency the lobbyist employer attempted to influence.

**D. Quarterly Reports by Lobbyist Employers — Contents.** Quarterly reports by lobbyist employers shall contain the following information.

1. The name, address, email, and telephone number of the lobbyist employer.
2. The name of each lobbyist who is employed by the lobbyist employer.
3. Total payments to lobbyists employed by the lobbyist employer. Such payments shall include solely payments for compensation and reimbursement of expenses relating to the lobbyists' attempts to influence one or more City matters.
4. Total payments to employees of the lobbyist employer, other than lobbyists, who engaged in attempts to influence one or more City matters. Such payments shall include payments for compensation and reimbursement of expenses relating to such persons' attempts to influence City matters.
7. A description of each City matter the lobbyist employer attempted to influence, including any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.
8. The date, amount, and description of each activity expense of \$25 or more made by the lobbyist employer; the name and title of the City personnel benefiting from the expense; and the name and address of the payee.
9. The total amount of activity expenses made by the lobbyist employer, whether or not itemized.
10. The name of any elected City officer, candidate for elected City office, controlled committee, or primarily formed committee to which the lobbyist employer made or earmarked contributions of \$100 or more, or which were delivered by the lobbyist employer, or in connection with which the lobbyist employer acted as an intermediary; and

the date and amount of the contribution.

11. The fundraising activity in which the lobbyist employer engaged, including the names of the individuals and committees on whose behalf the activity was conducted; the dates of the activity; filings that were made under Section 48.09; and the amount of funds the lobbyist employer knows or has reason to know were raised as a result of the activity.
12. The dates and amounts of one or more contributions aggregating \$1,000 or more made or earmarked by the lobbyist employer at the behest of an elected City officer or candidate for elected City office to controlled committees of other elected City officers and candidates for elected City office or to primarily formed committees; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.
13. The dates, amounts, and descriptions of one or more donations aggregating \$1,000 or more made by the lobbyist employer at the behest of an elected City officer or candidate for elected City office to any religious, charitable, or other nonprofit organization; the names and addresses of the payees; the name of the elected City officer or candidate for

elected City office who made the behests; and the dates of the behests.

14. The compensated services, including consulting services, provided by the lobbyist employer to a candidate for elected City office or to a campaign for or against a candidate for elected City office or a proposed City ballot measure; the name of the candidate or committee; or the ballot number or letter; the elected City office sought by the candidate; the date of the election; the amount of compensation the lobbyist employer received; the amount of compensation the lobbyist employer became entitled to receive; and a description of the services provided.
15. The compensated services under contract with an agency, including consulting services, provided by the lobbyist employer; the amount of compensation the lobbyist employer received; the amount of compensation the lobbyist employer became entitled to receive; the agency for which the services were provided; a description and identification number of the contract; and a description of the services provided.
16. The name, title, address, email, and telephone number of the person responsible for preparing the report.
17. Any other information required by the Ethics Commission,

consistent with the purposes and provisions of this Article.

**E. Quarterly Reports by Major Filers**

— **Contents.** Quarterly reports by major filers shall contain the following information:

1. The name, address, email, and telephone number of the person filing the report.
2. Each agency the major filer attempted to influence.
3. A description of each City matter which the major filer attempted to influence, including any address related to the matter, any City reference numbers related to the matter, and the position take on the matter.
4. The total payments made and expenses incurred for the purpose of attempting to influence each City matter, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each expense of \$1,000 or more shall be itemized and described.
5. The date, amount, and description of each activity expense of \$25 or more made by the major filer; the name and title of the City personnel benefiting from the expense; and the name and address of the payee.
6. The total amount of activity expenses made by the major filer, whether or not itemized.
7. The name of any elected City officer, candidate for elected City office, controlled committee, or primarily formed committee to which the major filer made or earmarked contributions of \$100 or more, or which were delivered by the major filer, or in connection with which the major filer acted as an intermediary; and the date and amount of the contribution.
8. The fundraising activity in which the major filer engaged, including the names of the individuals and committees on whose behalf the activity was conducted; the dates of the activity; filings that were made under Section 48.09; and the amount of funds the major filer knows or has reason to know were raised as a result of the activity.
9. The dates and amounts of one or more contributions aggregating \$1,000 or more made or earmarked by the major filer at the behest of an elected City officer or candidate for elected City office to controlled committees of other elected City officers and candidates for elected City office or to primarily formed committees; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.
10. The dates, amounts, and descriptions of one or more donations aggregating \$1,000 or more made by the major filer at the behest of an elected City

officer or candidate for elected City office to any religious, charitable, or other nonprofit organization; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.

11. The compensated services, including consulting services, provided by the major filer to a candidate for elected City office or to a campaign for or against a candidate for elected City office or a proposed City ballot measure; the name of the candidate or committee; the ballot number or letter; the elected City office sought by the candidate; the date of the election; the amount of compensation the major filer received; the amount of compensation the major filer became entitled to receive; and a description of the services provided.
12. The compensated services under contract with an agency, including consulting services, provided by the major filer, including the amount of compensation the major filer received; the amount of compensation the major filer became entitled to receive; the agency for which the services were provided; a description and identification number of the contract; and a description of the services provided.
13. The name, title, address, email, and telephone number of the

person responsible for preparing the report.

14. Any other information required by the Ethics Commission, consistent with the purposes and provision of this Article.

#### **SEC. 48.09. Copies of Solicitations.**

Each lobbying entity that produces, pays for, mails, or distributes 15 or more substantially similar copies of a fundraising solicitation for an elected City officer, candidate for elected City office, controlled committee, or primarily formed committee shall send a copy of the solicitation to the Ethics Commission at the time the solicitation is first distributed. The lobbying entity shall report the dates on which the solicitation was mailed or distributed, a general description of the content of the solicitation, the number of pieces mailed or distributed, and the name of the individual or committee for which the funds were solicited.

#### **SEC. 48.10. Lobbying Disclosure — Fundraising Activity.**

- A. A lobbying entity who engages in fundraising activity must file a notice with the Ethics Commission when either of the following thresholds is met within any 12-month period:
  1. Aggregate contributions totaled \$15,000 or more for a City Council member; a candidate for City Council; a City Council member's controlled committee; or a committee primarily formed to support or oppose a City Council member or candidate.



2. Aggregate contributions totaled \$35,000 or more for the Mayor, City Attorney, or Controller; a candidate for Mayor, City Attorney, or Controller; a controlled committee of the Mayor, City Attorney, or Controller; or a committee primarily formed to support or oppose the Mayor, City Attorney, Controller, or candidate for Mayor, City Attorney, or Controller.
- B. The notice shall be filed on a form prescribed by the Ethics Commission within one business day after the lobbying entity knows or has reason to know that either of the thresholds in Subsection A has been exceeded. A separate notice must be filed for each elected City officer, candidate for elected City office, or controlled committee.
  - C. The notice shall contain the name, address, email, and telephone number of the filer; the name of the elected City officer, candidate for elected City office, controlled committee, or primarily formed committee on whose behalf the lobbying entity engaged in fundraising activities or delivered or acted as intermediary; the dates of the fundraising activity; and the amount of contributions raised, delivered, or in connection with which the lobbying entity acted as an intermediary.
  - D. For purposes of this section, a controlled committee does not include a committee that is primarily formed to support or oppose a proposed ballot measure or election to other than elected City office.

**SEC. 48.11. Lobbying Disclosure — Communications to Neighborhood Councils.**

- A. When a lobbying entity communicates, either personally or through an agent, with a neighborhood council or a neighborhood council member on behalf of a client, the lobbying entity shall disclose or ensure the disclosure of its status as a lobbying entity and the identity of its client.
- B. For verbal communications, the disclosure shall be spoken at the beginning of the communication. For written communications, the disclosure shall be printed clearly, legibly, and conspicuously.

**SEC. 48.12. Enforcement.**

- A. **Audits.** The Ethics Commission shall have the authority to conduct audits of reports, statements, and other documents filed pursuant to this Article. Such audits may be conducted on a random basis or when the Ethics Commission staff has reason to believe that a report or statement may be inaccurate or has not been filed.
- B. **Criminal Penalties.**
  1. A person who willfully violates a provision of this Article is guilty of a misdemeanor. A person who knowingly or willfully causes any other person to violate a provision of this Article, or who knowingly or willfully aids and abets any other person in violating a provision of

this Article, is guilty of a misdemeanor.

2. Prosecution for violating a provision of this Article must be commenced within one year after the date on which the violation occurred.
3. No person convicted of a violation of this Article may act as a lobbyist or otherwise attempt to influence a City matter for compensation for one year after such conviction.

### C. Civil Enforcement.

1. A person who violates a provision of this Article shall be liable in a civil action brought by the City Attorney. Failure to properly report a receipt or expenditure may result in civil penalties not to exceed the amount not properly reported, or \$5,000, whichever is greater. Any other violation may result in civil penalties no greater than \$5,000 per violation or three times the amount of money at issue. If the court determines that a violation was intentional, the court may order that the defendant be prohibited from acting as a lobbyist or otherwise attempting to influence a City matter for one year.
2. In determining the amount of a penalty pursuant to this subsection, the court shall take into account the seriousness of the violation and the degree of culpability of the defendant.

3. If two or more persons are responsible for a violation, they shall be jointly and severally liable.
4. No civil action alleging a violation of this Article shall be filed more than four years after the date the violation occurred.

D. **Injunction.** The City Attorney, on behalf of the people of the City of Los Angeles, may seek injunctive relief to enjoin violations of or to compel compliance with the provisions of this Article.

E. **Administrative Penalties.** In addition to any criminal prosecution, civil enforcement, or injunctive relief, the Ethics Commission may impose penalties and issue orders for violations of this Article pursuant to its authority under Charter Section 706(c).

F. **Late Filing Penalties.** In addition to any other penalty or remedy available, if a person fails to file a report, statement, or other document required by this Article by the deadline imposed by this Article, such person shall be liable to the Ethics Commission in the amount of twenty-five dollars (\$25) per day after the deadline until the statement or report is filed, up to a maximum amount of \$500. Liability need not be enforced by the Ethics Commission if its Executive Director determines that enforcement of the penalty would not further the purposes of this Article. Liability shall not be waived if a statement or report is not filed within 10 calendar days after the Ethics Commission has notified the filer of the filing requirement.

**G. Restriction on Person Who Violates Certain Laws.**

1. No person shall act or continue to act as a lobbyist or lobbying firm for four years after that person has been found by the Ethics Commission to have violated City Charter Section 470(k). That determination shall be based either on a finding of the Ethics Commission made after an administrative hearing or on a stipulation entered into with the Ethics Commission.
2. If the Ethics Commission makes a finding that the person has done either of the following, the Ethics Commission may reduce the time period during which the prohibition applies to a period of not less than one year:
  - a. Accepted responsibility for the violation and entered into a stipulation with the Ethics Commission in which the party admits the violation or otherwise exhibits evidence of having accepted responsibility; or
  - b. Mitigated the wrongdoing by taking prompt remedial or corrective action.

**SEC. 48.13. Bidder Notice.**

Each agency shall include the Municipal Lobbying Ordinance in each invitation for bids, request for proposals, request for qualifications, or other solicitation related to entering into a contract with the City.

- A. The ordinance must be provided in at least 10-point font and may be provided through a link to the ordinance on the Ethics Commission’s website. The ordinance is not required to be printed in a newspaper notice of the solicitation.
- B. This section does not apply to the renewal, extension, or amendment of an existing contract, as long as the solicitation for the original contract met the notice requirements and the renewal, extension, or amendment does not involve a new solicitation.
- C. For purposes of this section, “agency” does not include a state agency operating solely within the City, such as the Housing Authority of the City of Los Angeles.

**SEC. 48.14. Education.**

An individual who is registered or required to register as a lobbying entity shall complete lobbying training provided by the Ethics Commission within 30 calendar days after first qualifying as a lobbying entity and, every two years thereafter, within 30 calendar days after registering.

**SEC. 48.15. Severability.**

If a provision of this Article or its application to any person or circumstance is held invalid by a court, the remainder of this Article and its application to other persons and circumstances shall not be affected by such invalidity. The provisions of this Article are declared to be severable.

# Municipal Lobbying Ordinance

## SEC. 48.01. Title and Findings.

**A. Title.** This Article shall be known and may be cited as the Los Angeles Municipal Lobbying Ordinance.

**B. Findings.** The following findings are adopted in conjunction with the enactment of this Article:

1. City ~~g~~Government functions to serve the needs of all citizens.
2. The citizens of the City ~~of Los Angeles~~ have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests.
3. All persons engaged in compensated ~~lobbying~~ activities aimed at influencing decisions by City government must, when so engaged, be subject to the same regulations, restrictions, and requirements, regardless of their background, training, ~~or~~ other professional qualifications, ~~or~~ license, title, or purpose.
4. Complete public disclosure of the full range of activities by and financing of ~~lobbyists~~ lobbying entities and those who employ their services is essential to ~~the maintenance of citizen~~ maintain public confidence in the integrity of ~~local~~ City government.
5. It is in the public interest to ensure that ~~lobbyists~~ lobbying entities do not misrepresent facts, ~~or~~ their positions, ~~or do not~~ attempt to

deceive ~~officials through false communications~~ City personnel, do not place City ~~officials~~ personnel under personal obligation to themselves or their clients, and do not represent that they can control the actions of City ~~officials~~ personnel.

6. It is in the public interest to ~~adopt these amendments to the City's regulations of lobbyists to~~ ensure adequate and effective disclosure of information about efforts to lobby City government.

## SEC. 48.02. Definitions.

The following terms ~~used in this Article shall~~ have the meanings set forth below. Other terms used in this Article ~~shall~~ have the meanings set forth in the California Political Reform Act of 1974, as amended, and in the regulations of the California Fair Political Practices Commission, as amended, ~~if defined therein~~.

**A. "Activity expense"** means ~~any~~ payment, including ~~any~~ gift, made ~~by a lobbyist, lobbying firm, or lobbyist employer~~ by a lobbying entity to or directly benefiting any City ~~official~~ personnel or member of ~~his or her~~ any City personnel's immediate family, ~~made by a lobbyist, lobbying firm, or lobbyist employer~~ entity.

**B. "Agency"** means the City of Los Angeles; ~~or any~~ department, bureau, office, board, commission, ~~other agency of the City,~~ or any other government agency, entity required to adopt a conflict of interests code

subject to City Council approval, ~~and includes the City's Community Redevelopment Agency and the Los Angeles City Housing Authority; or a neighborhood council certified under Article IX of the Charter.~~

**C. “At the behest”** means under the control of, at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express prior consent of any ~~elective elected~~ City officer or candidate for ~~elective-elected~~ City office. A donation to a religious, charitable, or other nonprofit organization is not made at the behest of an ~~elective elected~~ City officer or candidate ~~for elected City office~~ if the donation is solicited through a newspaper publication, through radio, television, or other mass media, or through a suggestion made to the entire audience at a public gathering. A donation to a religious, charitable, or other nonprofit organization is not made at the behest of an ~~elective elected~~ City officer or candidate ~~for elected City office~~ solely because the name of the officer or candidate is listed with ~~one or more~~ other names on written materials used to request donations or the officer or candidate makes a speech to the entire audience or is honored and given an award at an event sponsored by the organization.

**D. “Attempting to influence”** means promoting, supporting, opposing, or seeking to modify, ~~expedite~~, or delay any action ~~on municipal legislation in a City matter~~ by any means, including but not limited to providing or using persuasion, information, statistics, analyses, or studies. ~~A person~~

~~attempts to influence municipal legislation when he or she engages in lobbying activities for the purpose of influencing a decision.~~

**E. “City matter”** means a matter that is ~~proposed to or pending with an agency, or in which an agency may take an action, that involves discretion. The term does not include the following:~~

- ~~1. A request for advice or for an interpretation of a law, regulation, or policy.~~
- ~~2. A direct response by a witness or respondent to an enforcement proceeding with the Ethics Commission or other agency.~~
- ~~3. Either of the following, unless the Mayor, a City Council member, or a member of one of their respective staffs is involved:
  - ~~a. An action relating to establishing, amending, administering, or interpreting a collective bargaining agreement or memorandum of understanding between an agency and a recognized City personnel organization, including a management decision regarding the working conditions of represented employees.~~
  - ~~b. A proceeding before the Board of Civil Service Commissioners or the Employee Relations Board.~~~~
- ~~4. Legal representation by a licensed attorney for a party in litigation or~~

an enforcement proceeding with an agency.

**F. “City official personnel”** means any ~~elective or appointed City officer, member, employee or consultant (who qualifies as a public official within the meaning of the Political Reform Act) of any agency, who, as part of his or her official duties, one or more of the following individuals who~~ participates in the consideration of any ~~municipal legislation~~ City matter other than in a purely ~~clerical, secretarial or ministerial capacity: an elected City officer; an agency officer, member, commissioner, board member, or employee; a neighborhood council member; or an agency consultant who qualifies as a public official under the Political Reform Act.~~

**G. “Client”** means ~~both~~

- ~~1) the person who compensates a lobbyist or lobbying firm for the purpose of attempting to influence municipal legislation and~~
- ~~2) the person on whose behalf a lobbyist or lobbying firm attempts to influence such municipal legislation, even if the lobbyist or lobbying firm is compensated by another person for such representation, one or more City matters and, as a result, the lobbyist or lobbying firm becomes entitled to receive \$250 or more in compensation, or the person who pays the compensation. However, if a lobbyist or lobbying firm represents a membership organization and individual members of that organization, Client does not include an individual member is not a client solely because the member is~~

~~individually represented by the lobbyist or lobbying firm of a bona fide trade association or membership organization that is represented by a lobbyist or lobbying firm, unless the member makes a payment for such provides compensation for personal representation in addition to usual membership fees or the member pays a special assessment to the trade association or membership organization to pay a lobbying entity.~~

**H. “Compensation”** means money or any other tangible or intangible thing of value that is provided, owed, or received in exchange for services rendered or to be rendered. The term includes bonuses and contingent fees, regardless of whether payment is ultimately received, and ownership interests in organizations. Compensation does not include reimbursements for reasonable travel expenses. There is a rebuttable presumption that compensation for lobbying services includes all payments given or owed by or on behalf of a client. A person becomes entitled to receive compensation on the earlier of the date the person agrees to provide services subject to this Article or the date the person begins to provide those services.

**“Compensated services”** means ~~services for which compensation was paid during a reporting period or for which the lobbyist or lobbying firm became entitled to compensation during that period.~~

**I. “Controlled committee”** means any committee controlled by an ~~elective~~ elected City officer or candidate for ~~any elective~~ elected City office,

including any campaign, officeholder, legal defense fund, or ballot measure committee.

**J. “Direct communication”** means appearing as a witness before, talking to ~~(either by telephone or in person)~~, corresponding with, or answering questions or inquiries from, any City ~~official or employee~~ personnel, either personally or through an agent ~~who acts under one’s direct supervision, control or direction.~~

**K. “Donation”** means a payment to a religious, charitable, or other nonprofit organization for which full and adequate consideration is not received.

**L. “Elective Elected Ceity officer”** means the Mayor, City Attorney, Controller and Member of the City Council has the same meaning as in Section 49.7.2(G).

**M. “Elective Elected City officer”** means ~~any person who is a City Council Member, City Attorney, Controller or Mayor, whether appointed or elected~~ has the same meaning as in Section 49.7.2(H).

**“Fundraiser”** means ~~an individual who receives compensation to engage in fundraising activity as defined in this section.~~

**N. “Fundraising activity”** means soliciting any of the following:

1. Asking another person, either personally or through an agent, to make a contribution or hosting or sponsoring a fundraising event or to an elected City officer, a

candidate for elected City office, a controlled committee, or a primarily formed committee. Fundraising activity does not include making a request through mass media or through a suggestion made to the entire audience at a public gathering.

2. Delivering or acting as an intermediary in a contribution to an elected City officer, a candidate for elected City office, a controlled committee, or a primarily formed committee.

3. hiring a fundraiser or contractor person to conduct any fundraising event. designed primarily for political fundraising at which contributions for an elective City officer, candidate for elective City office, or any of his or her controlled committees are solicited, delivered or made

4. Paying for at least a majority of the costs of a fundraising event.

5. Providing the use of a home or business to hold a fundraising event without charging fair market value for the use of that location.

6. Asking 15 or more persons to attend a fundraising event or providing the names of 15 or more persons to be invited to a fundraising event.

7. Making or incurring expenses for or distributing to 15 or more persons a request for funds for an elected City officer, a candidate for elected City office, a controlled

committee, or a primarily formed committee.

8. Allowing one's name or likeness to be used in an invitation to a fundraising event or a request for funds for an elected City officer, a candidate for elected City office, a controlled committee, or a primarily formed committee.

**O. "Fundraising event"** means an event designed primarily for political fundraising, at which contributions for an elected City officer, a candidate for elected City office, a controlled committee, or a primarily formed committee are solicited, delivered, or made.

~~"Host or sponsor" means to provide the use of a home or business to hold a political fundraising event without charging market value for the use of that location; to ask more than 25 persons to attend the event; to pay for at least a majority of the costs of the event; or to provide the candidate, campaign, committee and/or fundraiser more than 25 names to be used for invitations to the event.~~

**P. "Lobbying activities"** includes the following and any similar compensated conduct when that conduct is related to an direct communication attempt to influence any municipal legislation City matter:

1. eEngaging in, either personally or through an agent, written or oral direct communication with any City official personnel;

2. dDrafting communications, testimony, ordinances, resolutions, or regulations;

3. providing advice or recommending strategy to a client or others;

4. Conducting research, conducting an investigation, and or gathering information-gathering;

5. sSeeking to influence the position of a third party on municipal legislation-a City matter or an issue related to municipal legislation-a City matter by any means, including but not limited to engaging in community, public, or press-media relations activities; and

6. Traveling to, attending, or monitoring City agency meetings, or hearings or other City events.

**Q. "Lobbying entity"** means a lobbyist, lobbying firm, or lobbyist employer, as defined in this article or major filer.

**R. "Lobbying firm"** means any entity, including an individual lobbyist, which receives or becomes entitled to receive \$1,000 or more in monetary or in-kind compensation for engaging in lobbying activities (either personally or through its-an agents) during any consecutive three-month period, for the purpose of attempting to influence municipal legislation-one or more City matters on behalf of any-other-another person, provided any partner, owner, shareholder, member, officer, or employee of the entity qualifies as a lobbyist. Compensation does not include reimbursement of or payment



~~for reasonable travel expenses. An entity receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this article or is received for other activities as well; however, only that portion of compensation received for the lobbying activities shall count toward the qualification threshold. An entity “becomes entitled to receive compensation” when the entity agrees to provide services regulated by this Article, or performs those services, whether or not payment is contingent on the accomplishment of the client's purposes.~~

**S.** **“Lobbyist”** means any individual who is compensated to spend 30 or more hours in any consecutive three-month period engaged receives or becomes entitled to receive \$5,000 or more in compensation in a consecutive 12-month period for engaging in lobbying activities (either personally or through an agent) which include at least one direct communication with any City official or personnel, ~~conducted either personally or through agents~~, for the purpose of attempting to influence municipal legislation one or more City matters on behalf of any other another person. ~~Compensation does not include reimbursement of or payment for reasonable travel expenses. A person receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this Article or is received for both lobbying activities and other activities as well. However, only the compensation for the lobbying activities shall be calculated to determine whether an individual qualifies as a lobbyist. An~~

~~individual “becomes entitled to receive compensation” when the individual or the entity in which the individual is an employee, partner, owner, shareholder or officer, agrees to provide services regulated by this Article, or performs those services, regardless of whether payment is contingent on the accomplishment of the client's purposes. A lobbyist includes a person who owns an investment in a business entity if that person attempts to influence municipal legislation on behalf of the business entity and if the person acquires the investment as compensation for his or her lobbying services or in contemplation of performing those services.~~

**T.** **“Lobbyist employer”** means an entity, other than a lobbying firm, that employs a lobbyist in-house to lobby on its behalf.

**U.** **“Major filer”** means any person other than a lobbyist, lobbying firm, or lobbyist employer who makes payments or incurs expenditures totaling \$5,000 or more in a consecutive 12-month period during any calendar quarter for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities, for the purpose of attempting to influence action on any proposed or pending one or more City matters of municipal legislation, if these when the payments or expenditures are not required to be reported on a lobbyist, or lobbying firm, or lobbyist employer quarterly report. ~~A “major filer” does not include a lobbyist, lobbyist employer, or lobbying firm.~~

Expenditures and payments for regularly published newsletters or other routine communications between an organization and its members shall not be ~~counted~~ included for the purpose of this definition.

~~“Municipal legislation” means any legislative or administrative matter proposed or pending before any agency (as defined in this Article), including but not limited to those involving the granting, denial, revocation, restriction or modification of a license, permit or entitlement for use (including all land use permits) if the Mayor, the City Council, any of its committees, any agency board, commission, committee, or general manager, or any agency officer or employee charged by law with holding a hearing and making a decision, is charged by law with making a final decision on the matter. However, “municipal legislation” does not include any of the following:~~

- ~~1.—A request for advice or for an interpretation of laws, regulations, City approvals or policies, or a direct response to an enforcement proceeding with the City Ethics Commission.~~
- ~~2.—Any ministerial action. An action is ministerial if it does not require the City official or employees involved to exercise discretion concerning any outcome or course of action.~~
- ~~3.—Any action relating to the establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or~~

~~memorandum of understanding between an agency and a recognized employee organization, or a proceeding before the Civil Service Commission or the Employee Relations Board. Further, it does not include management decisions as to the working conditions of represented employees that clearly relate to the terms of such collective bargaining agreement or memorandum of understanding. Nevertheless, “municipal legislation” does include any action relating to collective bargaining taken by the City Council, any of its committees or members (including the staffs of such members), or by the Mayor or his or her office.~~

- ~~4.—Preparation or compilation of any radius map, vicinity map, plot plan, site plan, property owners or tenants list, abutting property owners list, photographs of property, proof of ownership or copy of lease, or neighbor signatures required to be submitted to the City Planning Department.~~

~~“Person” means any individual, business entity, trust corporation association, committee, or any other organization or group of persons acting in concert~~“Solicit” means to ask, personally or through an agent, that another person make a contribution to an elective City officer or candidate for City office, or to his or her controlled committee, including allowing one’s signature to be used on a written request for funds. For purposes of this article, a

~~lobbying entity solicits a contribution only when the lobbying entity does so~~

~~1) at the behest of the elective City officer or candidate for elective City office, or his or her campaign treasurer, campaign manager, or member of his or her fundraising committee, or~~

~~2) if the lobbying entity has informed the candidate or officer that the person is soliciting the contributions.~~

~~A person does not solicit, however, by making a request for funds publicly to at least a majority of persons who attend any public gathering, or by making a request that appears published in a newspaper, on radio or television.~~

**V. "Primarily formed committee"**  
means a committee that is primarily formed to support or oppose an elected City officer, a candidate for elected City office, or a proposed City ballot measure.

### **SEC. 48.03. Exemptions.**

The following persons are exempt from the requirements of this Article:

- A. ~~Any public official or government employee acting in his or her an official capacity, and any government employee acting within the scope of their his or her employment.~~
- B. ~~A newspaper or other regularly published periodical, radio or television station or network, including any individual who owns, publishes or is employed by such newspaper, periodical or station or network, when, in the ordinary course of its business, it media outlet that publishes or broadcasts news, editorials, or other~~

~~comments, or paid advertising, which directly or indirectly attempts to influence action on municipal legislation a City matter and the media outlet's employees engaged in the same activity.~~ This exemption does not apply to any other action by ~~any such newspaper, periodical, station or network, or by any such person, to attempt to influence municipal legislation, if such activity otherwise regulated by this Article~~ the media outlet or its employees.

- C. ~~A person acting without any compensation or consideration other than reimbursement or payment of reasonable travel expenses performing pursuant to an agency contract.~~
- D. ~~Any person whose only activity is submitting a bid on a competitively bid contract, submitting or a written response to or participating in an oral interview for a request for proposals or qualifications in a competitive bid process, responding to questions posed by the awarding agency during a competitive bid process, or negotiating the terms of a written agreement with the awarding agency with any City agency if selected pursuant to that bid or request for proposals or qualifications a competitive bid process. Except with regard to persons covered by subsections E and F, t~~ This exemption shall does not apply to any person who attempts to influence the action of the Mayor or Mayor's staff, any member of the City Council or their member, a staffs member of the Mayor or a City Council member, or any board or commission member

with regard to ~~any such contract~~ competitive bid process.

E. Any organization that is exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, ~~which receives funding from any federal, state or local government agency for the purpose of representing the interests of indigent persons and whose primary purpose is to provide direct services to those persons, if the individual or individuals represented by the organization before any City agency provide no payment to the organization for that representation, when either of the following applies:~~

1. The organization was created primarily to provide food, clothing, shelter, child care, health care, legal services, vocational services, relief, or other similar assistance to disadvantaged people at a significantly below-market rate.

2. The organization had gross receipts of less than \$2 million in the previous tax year.

This exemption ~~shall not apply to direct contracts with a City official in other than a publicly noticed meeting, for the purpose of attempting to influence a City decision with regard to any City funding which the organization is seeking~~ also applies to the organization's employees and board members while providing the organization's core services. This exemption does not apply to an attempt by the organization or its employees or board members to influence a City decision regarding

funding for the organization, a contract, a permit, or legislation.

~~F. Any person employed by an organization described in Subsection E with respect to his or her activities as an employee of the organization.~~

#### **SEC. 48.04. Prohibitions.**

~~No lobbyist or lobbying firm entities and clients subject to the requirements of this Article shall~~ not do any of the following:

A. ~~Do any~~ Engage in an act with the ~~purpose and~~ intent of placing any City official personnel under personal obligation to the ~~lobbyist, the lobbying firm entity, or to the lobbyist's or firm's employer or client.~~

B. ~~Fraudulently d~~ Deceive or attempt to deceive any City official personnel with regard to any material fact that is pertinent to ~~any pending or proposed municipal legislation~~ a City matter.

C. Cause or influence the introduction of ~~any municipal legislation~~ a City matter for the purpose of thereafter being employed or retained to secure its passage or defeat.

D. Cause any communication to be sent to any City official personnel in the name of any nonexistent person or in the name of any existing person without ~~the that person's~~ consent of such person.

E. ~~M~~ Offer, make, or arrange for any payment contribution or gift to any City official, ~~or act as an agent or intermediary in making any such payment by any other person, if the~~

~~arrangement or the payment personnel or a candidate for elected City office that would violate any provision of the City's Charter, the Campaign Finance Ordinance (Sections 49.7.1 et seq.), or the Governmental Ethics Ordinance (Los Angeles Municipal Code Sections 49.5.1, et seq.).~~

### **SEC. 48.05. Record Keeping Responsibilities.**

~~A. Lobbying entities and major filers shall prepare and retain detailed records (including all books, papers and other documents) needed to comply with the requirements of that demonstrate compliance with this Article.~~

~~B. Treasurers and fundraisers for elective elected City officeholders and City officers, candidates for elected City office, or for any elective City officer's or City candidate's controlled committees, and primarily formed committees shall prepare and retain detailed contribution activity records for any contributions received as a result of fundraising activity engaged in by a lobbyist, lobbying firm or lobbyist employer, as defined by this article. These records shall be retained for not less than four years entity.~~

~~B. If a lobbying entity engages in fundraising activities as defined in Section 48.02 of this Code at the behest of a candidate or officeholder running for elective City office, the lobbying entity shall maintain records detailing any contributions that they know or have reason to know resulted from the fundraising activities.~~

~~C. If an officeholder or a candidate running for elective City office contracts with a A lobbying entity to engage in fundraising activity as described in Section 48.02 of this Code, the committee treasurer and fundraiser shall maintain records detailing any contributions that they know or have reason to know resulted from the fundraising activities. The treasurer and fundraiser and its vendors and clients shall make the a records that details activity governed by this Article available to the lobbying entity Ethics Commission upon request of the lobbying entity.~~

~~D. If a lobbying entity delivers or sends written communications to a certified neighborhood council in an attempt to influence municipal legislation as described in Section 48.08.8 of this Article, the lobbying entity shall prepare and maintain detailed rRecords of these written communications shall be maintained for not less than at least four years. If a record relates to activity that must be disclosed through a public filing, the record shall be maintained for at least four years after the filing deadline.~~

### **SEC. 48.06. Filing Methods.**

A. All registrations, reports, and other filings required by this Article must be submitted under penalty of perjury by the person who is required to file and must be filed in a format prescribed by the Ethics Commission. The Ethics Commission ~~must~~ shall provide public access to all filings.

- B. Lobbying entities and persons who qualify as lobbying entities must file registrations, quarterly reports, terminations, and amendments to those filings electronically.
- C. If an electronic filing is required, the Ethics Commission must provide a unique identifier to the person who is required to file, to be used in place of a physical signature for submitting and verifying data under penalty of perjury. All electronic filings are presumed to be filed under penalty of perjury by the person required to file.
- D. If a paper filing is required, it must contain the physical signature of the person who is required to file. A document is considered filed on the earlier of the date of receipt by the Ethics Commission or the date of the postmark if it is mailed and bears the correct address and postage.

~~qualifies as a lobbyist. If a person is not registered as a lobbyist or lobbying firm, but is performing acts which would require that person to register, that person may continue to act as a lobbyist or lobbying firm so long as the person registers with the City Ethics Commission within 10 days after the person knew or should have known of the obligation to register. A lobbyist or lobbying firm shall register each client on whose behalf or from which the lobbyist or lobbying firm receives or becomes entitled to receive \$250 or more in a calendar quarter for engaging in lobbying activities related to attempting to influence municipal legislation.~~

**SEC. 48.07. Registration.**

**A. Requirement.** ~~An individual~~ A person who qualifies as a ~~lobbyist~~ lobbying entity shall register with the City Ethics Commission within 10 calendar days after the end of the calendar month in which the individual qualifies qualifying as a ~~lobbyist~~ lobbying entity. A lobbying entity shall file an amendment to its registration statement within 10 calendar days after the information in the registration statement changes. ~~A person, including an individual lobbyist, shall register with the City Ethics Commission as a lobbying firm within 10 days after the end of the calendar month in which a partner, owner, shareholder, officer or employee~~

**B. Duration of Status.** A person who registers as a ~~lobbyist or~~ lobbying firm entity shall retain that status through the earlier of December 31 of that year ~~unless and until that person terminates the status as set forth below~~ or the date of filing a termination statement. A lobbying entity may file a termination statement after ceasing all activity governed by this Article. A termination date may not be more than 20 calendar days prior to the date the termination statement is filed.

**C. Registration Fees.** ~~Every lobbyist~~ A lobbying entity shall pay an annual registration fee of \$450 ~~plus.~~ An individual who qualifies as both a lobbyist and a lobbying firm shall pay a registration fee only as a lobbying firm. A lobbyist shall pay an annual registration fee of \$75 for each client on whose behalf or from which the lobbyist receives or becomes entitled to receive \$250 or more in a calendar quarter. ~~Persons who initially register~~

~~during the last quarter of a calendar year (October through December) shall pay prorated registration fees of \$337 for each lobbyist plus \$56 for each client. A lobbying entity is not considered timely registered unless it has paid all required registration fees by the registration deadline.~~

#### **D. Contents of Registration Statements — Lobbyists.**

Registration statements of lobbyists shall contain the following:

1. The lobbyist's name, ~~business~~ address, ~~business~~ email, and ~~business~~ telephone number.
2. The date of qualification as a lobbyist.
23. The name, address, email, and telephone number of the lobbying firm, if any, of which the lobbyist is an employee, partner, officer, shareholder, member, or owner.
34. If the lobbyist is not an employee, partner, officer, shareholder, member, or owner of a lobbying firm, the name, address, email, and telephone number of the lobbyist's employer.
45. Each City agency that the lobbyist has the authority to attempted or will attempt to influence on behalf of ~~any client or employer.~~
6. Each City matter that the lobbyist has attempted or will attempt to influence, any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.

57. A statement that the lobbyist has reviewed and understands the requirements of this Article.

68. Any other information required by ~~regulation of the City~~ Ethics Commission, consistent with the purposes and provisions of this Article.

#### **E. Contents of Registration Statements — Lobbying Firms.**

Registration statements of lobbying firms (including ~~individual contract~~ lobbyists who also qualify as lobbying firms) shall contain the following:

1. The name, address, email, and telephone number of the lobbying firm and an individual who is an owner or employee with the authority to act on behalf of the lobbying firm.
2. The name of each lobbyist who is a partner, owner, shareholder, member, officer, or employee of the firm.
3. The date of qualification as a lobbying firm.
34. For each client on whose behalf or from which the firm received or became entitled to receive \$250 in compensation during the calendar quarter for engaging in lobbying activities related to attempting to influence municipal legislation within the meaning of this Article:
  - a. The ~~client's~~ name, ~~business or residence~~ address, email, and ~~business or residence~~ telephone number of the client and, if the client is a business

or other organization, an individual who is an owner or employee with the authority to act on behalf of the client.

~~b. The period during which the representation will occur.~~

~~c. The item or items of municipal legislation for which the firm was retained to represent the client, or, if no specific items of municipal legislation for which the firm was retained to represent the client can be identified, a description of the types of municipal legislation for which the firm was retained to represent the client.~~

~~db. Each City agency that the lobbying firm has the authority to attempt or will attempt to influence on behalf of the client.~~

~~c. Each City matter the lobbying firm has attempted or will attempt to influence, any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.~~

~~45. In the case of a lobbyist who is an individual contract lobbyist, a statement that he or she the lobbying firm has reviewed and understands the requirements of this Article.~~

~~56. The name, title, address, email, and telephone number of the person responsible for preparing the statement.~~

~~67. Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provisions of this Article.~~

**F. Amendments to Contents of Registration Statements – Lobbyist Employers.**

~~Lobbyists and lobbying firms shall file amendments to their registration statements within 10 days of any change in information required to be set forth on the registration statement. Registration statements of lobbyist employers shall include the following:~~

~~1. The name, address, email, and phone number of the lobbyist employer and, if the lobbyist employer is a business or other organization, an individual who is an owner or employee with the authority to act on behalf of the lobbyist employer.~~

~~2. The date of qualification as a lobbyist employer.~~

~~3. The name of each lobbyist who is a partner, owner, shareholder, member, officer, or employee of the lobbyist employer.~~

~~4. Each agency the lobbyist employer has attempted or will attempt to influence.~~

~~5. Each City matter the lobbyist employer has attempted or will attempt to influence, any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.~~



6. A statement that the lobbyist employer has reviewed and understands the requirements of this Article.
7. The name, title, address, email, and telephone number of the person responsible for preparing the statement.
8. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.

- numbers related to the matter, and the position taken on the matter.
5. A statement that the major filer has reviewed and understands the requirements of this Article.
6. The name, title, address, email, and telephone number of the person responsible for preparing the statement.
7. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.

**G. Termination Contents of Registration Statements — Major Filers.**

~~Any person registered under this Article shall file a termination statement with the City Ethics Commission within 20 days after ceasing all activity governed by this Article.~~ Registration statements of major filers shall include the following:

1. The name, address, email, and phone number of the major filer and, if the major filer is a business or other organization, an individual who is an owner or employee with the authority to act on behalf of the major filer.
2. The date of qualification as a major filer.
3. Each agency the major filer has attempted or will attempt to influence.
4. Each City matter the major filer has attempted or will attempt to influence, any address related to the matter, any City reference

~~**H. — Education Requirement.** Every individual who is required to register as a lobbyist shall attend a City lobbying information session conducted by the City Ethics Commission no less than once every two calendar years, according to the following schedule~~

- ~~1.—An individual who has not registered as a lobbyist in the immediately preceding two calendar years shall attend a City lobbying information session within six months of his or her registration date as a lobbyist.~~
- ~~2.—A registered lobbyist who did not attend a City lobbying information session during the previous calendar year shall attend a City lobbying session by the end of the current calendar year.~~
- ~~3.—A registered lobbyist who attends a City lobbying information session during the current calendar year is not required to attend a City lobbying information session during the following calendar year.~~

## SEC. 48.08. Disclosure Reports.

**A. Reporting Requirement.** Every lobbyist, lobbying firm, lobbyist employer and major filer entity shall file the quarterly disclosure disclose activity for each calendar quarter during which the lobbying entity is registered or qualifies as a lobbying entity. Disclosure reports required by this Section must be filed on or before the last day of the month following each calendar quarter. An individual who qualifies as both a lobbyist and a lobbying firm shall file only a lobbying firm quarterly report.

~~1. All lobbyists and lobbying firms shall file quarterly reports for every calendar quarter during which they retain that status. An individual who qualifies both as a lobbyist and lobbying firm shall file only a lobbying firm quarterly report. Lobbyist employers shall file quarterly reports for every calendar quarter during which any individual employed by that employer retains the status as lobbyist. Information required to be disclosed concerning compensation received or expenditures made for lobbying shall be disclosed either by the lobbyist or by his or her lobbying firm or employer.~~

~~2. Major filers shall file quarterly reports for every calendar quarter during which they made qualifying payments or incurred qualifying expenditures totaling \$5,000 or more.~~

~~3. Quarterly reports shall disclose all required information for the~~

~~calendar quarter immediately prior to the month in which the report is required to be filed.~~

**B. Quarterly Reports by Lobbyists — Contents.** Quarterly reports by lobbyists shall contain the following information:

1. The lobbyist's name, business address, email, and business telephone number.
2. The lobbying firm, if any, of which the lobbyist is a partner, owner, shareholder, member, officer, or employee.
3. If the lobbyist is not a partner, owner, shareholder, member, officer, or owner-employee of a lobbying firm, the name, address, email, and telephone number of the any employer of the lobbyist's employer.
4. The date, amount, and description of each activity expense of \$25 or more made by the lobbyist during the reporting period; the name and title of the City official personnel benefiting from the expense; the name and address of the payee; and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event at which the lobbyist attempted to influence the official any City personnel on behalf of the client.

5. The total amount of activity expenses made by the lobbyist ~~during the reporting period,~~ whether or not itemized.
6. The name of any ~~elective-elected~~ City officer, candidate for ~~elective elected~~ City office, ~~or any controlled committee, of the officer or candidate or primarily formed committee~~ to which the lobbyist made ~~or earmarked~~ contributions of \$100 or more, or which were delivered by the lobbyist, or in connection with which the lobbyist acted as an intermediary ~~during the reporting period,~~ and the date and amount of the contribution.
7. ~~The name of any elective City officer, candidate for elective City office, or any City controlled committee of the officer or candidate for~~ The fundraising activity in which the lobbyist engaged, including the names of the individuals and committees on whose behalf the activity was conducted, ~~in any fundraising activity during the reporting period,~~ the date(s) of the activity, filings that were made under Section 48.09, and the amount of funds the lobbyist knows or has reason to know were raised as a result of the activity.
8. The dates~~s~~ and amounts~~s~~ of one or more contributions aggregating ~~more than~~ \$1,000 ~~or more~~ made ~~or earmarked~~ by the lobbyist at the behest of an ~~elective-elected~~ City officer or candidate for ~~elective elected~~ City office ~~during the reporting period to any and all controlled committees of any other~~ ~~elective-other elected~~ City officers ~~or and~~ candidates~~s~~ for ~~elective elected~~ City office, ~~or to primarily formed committees;~~ the names~~s~~ and addresses~~s~~ of the payees~~s~~; the name of the ~~elective-elected~~ City officer or candidate for ~~elective elected~~ City office who made the behests; and the dates~~s~~ of the behests.
9. The dates~~s~~, amounts~~s~~, and descriptions~~s~~ of one or more donations aggregating \$1,000 or more made by the lobbyist at the behest of an ~~elective-elected~~ City officer or candidate for ~~elective elected~~ City office ~~during the reporting period~~ to any religious, charitable, or other nonprofit organization; the names~~s~~ and addresses~~s~~ of the payees~~s~~; the name of the ~~elective-elected~~ City officer or candidate for ~~elective elected~~ City office who made the behests; and the dates~~s~~ of the behests.
10. ~~If, during the quarterly reporting period, the lobbyist provided~~ The compensated services, including consulting services, provided by the lobbyist to the campaign of any candidate for elective-elected City office, or to a campaign for or against any candidate for elected City office or a proposed City ballot measure; the name of the candidate, ~~or committee or the ballot number or letter;~~ the ~~elective-elected~~ City office sought by the candidate, ~~the ballot number or letter of the ballot measure;~~ the date of the election; the amount of compensation ~~earned for the~~

~~compensated services, the lobbyist received; the amount of compensation the lobbyist became entitled to receive;~~ and a description of the ~~nature of the~~ services provided. ~~Such~~ This information shall be reported if the lobbyist personally provided the services; or if the services were provided by a business entity in which the lobbyist directly or indirectly owns at least a 10% ~~investment interest~~, whether the compensation was provided directly to the lobbyist or to such business entity.

11. ~~If, during the quarterly reporting period, the lobbyist provided~~ The compensated services provided by the lobbyist under contract with ~~the City or with any City an~~ agency, including consulting services, the amount of compensation the lobbyist received; the amount of compensation the lobbyist became entitled to receive; the agency for which the services were provided; ~~a description of~~ other and identification number of the contract; and ~~the nature a~~ description of the services provided. ~~Such~~ This information shall be reported if the lobbyist personally provided the services; or if the services were provided by a business entity in which the lobbyist directly or indirectly owns at least a 10% ~~investment interest~~, whether the compensation was provided directly to the lobbyist or to such business entity.
12. Each ~~City~~ agency that the lobbyist attempted to influence.

13. A description of each City matter the lobbyist attempted to influence, including any address related to the City matter, any City reference numbers related to the matter, and the position taken on the matter.

134. Any other information required by ~~regulation of the~~ City Ethics Commission, consistent with the purposes and provisions of this Article.

### C. Quarterly Reports by Lobbying Firms — Contents.

Quarterly reports by lobbying firms, ~~including individual contract lobbyists,~~ shall contain the following information:

1. The name, address, email, and telephone number of the firm.
2. The name of each lobbyist who is a partner, owner, shareholder, officer, member, or employee of the firm.
3. The name, address, email, and telephone number of each client that is required to be registered and was represented by the firm ~~during the reporting period;~~ a description of each ~~item of~~ municipal legislation City matter for which the firm or its lobbyists represented the client ~~during the reporting period, including any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter;~~ each agency the lobbying firm attempted to influence; the total amount of payments compensation received by the firm from each client for

each City matter (including all fees, reimbursements for expenses and other payments) ~~during the reporting period for such representation; and the total amount of compensation the firm became entitled to receive from each client for each City matter.~~

4. The total ~~payments compensation that the firm received and became entitled to receive~~ from clients ~~required to be registered by the firm during the reporting period in connection with the firm's representation of clients on municipal legislation.~~
5. The date, amount, and description of each activity expense of \$25 or more made by the lobbying firm ~~during the reporting period;~~ the name and title of the City official personnel benefiting from the expense; ~~the name and address of the payee;~~ and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event at which the lobbying firm attempted to influence ~~the official~~ any City personnel on behalf of the client.
6. The total amount of activity expenses made by the lobbying firm ~~during the reporting period,~~ whether or not itemized.
7. The total amount of expenses incurred in connection with attempts by the firm to influence

municipal legislation one or more City matters. These expenses shall include:

- a. ~~Total~~ payments to lobbyists employed by the firm;
  - b. ~~Total~~ payments to employees of the firm, other than lobbyists, who engaged in attempts to influence municipal legislation during the reporting period one or more City matters; and
  - c. ~~all~~ Total expenses attributable to attempts to influence each municipal legislation City matter, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each ~~such~~ expense of ~~\$51,000~~ or more shall be itemized and described.
8. The name of any ~~elective elected~~ City officer, candidate for ~~elective elected~~ City office, ~~or any~~ controlled committee, ~~or primarily formed committee of the officer or candidate~~ to which the lobbying firm made or earmarked contributions of \$100 or more, or which were delivered by the lobbying firm, or in connection with which the lobbying firm acted as an intermediary ~~during the reporting period,~~ and the date and amount of the contribution.
  9. The ~~name of any elective City officer, candidate for elective City office, or any City controlled committee of the officer or candidate for which the lobbying firm engaged in any~~ fundraising

activity ~~during the reporting period in which the lobbying firm engaged, including the names of the individuals and committees on whose behalf the activity was conducted;~~ the date(s) of the activity; ~~filings that were made under Section 48.09;~~ and the amount of funds the lobbying firm knows or has reason to know were raised as a result of the activity.

10. The dates and amounts of one or more contributions aggregating ~~more than~~ \$1,000 ~~or more~~ made ~~or earmarked~~ by the lobbying firm at the behest of an ~~elective~~ elective City officer or candidate for ~~elective-elected~~ City office ~~during the reporting period to any and all~~ controlled committees of ~~any other elective other elected~~ City officers ~~or and~~ candidates ~~for elective-elected~~ City office, ~~or to primarily formed committees;~~ the names and addresses of the payees; the name of the ~~elective~~ elective City officer or candidate for ~~elective-elected~~ City office who made the behest; and the dates of the behests.
11. The dates, amounts, and descriptions of one or more donations aggregating \$1,000 or more made by the lobbying firm at the behest of an ~~elective-elected~~ City officer or candidate for ~~elective-elected~~ City office ~~during the reporting period to any~~ religious, charitable, or other nonprofit organization; the names and addresses of the payees; the name of the ~~elective-elected~~ City officer or candidate for ~~elective~~

elective City office who made the behests; and the dates of the behests.

12. ~~If, during the quarterly reporting period, the lobbying firm provided~~ compensated services, including consulting services, ~~provided by the lobbying firm to the campaign of any~~ candidate for ~~elective-elected~~ City office, or to a campaign for or against ~~any~~ candidate for elective City office or a proposed City ballot measure; the name of the candidate ~~or committee;~~ or the ballot number or letter; the ~~elective-elected~~ City office sought by the candidate; ~~the ballot number or letter of the ballot measure;~~ the date of the election; the amount of compensation ~~earned for the compensated services~~ the lobbying firm received; the amount of compensation the lobbying firm became entitled to receive; and a description of the services provided.
13. ~~If, during the quarterly reporting period, the lobbying firm provided~~ compensated services under contract with ~~the City or with any an~~ agency, including consulting services, ~~provided by the lobbying firm, including the~~ amount of compensation ~~the lobbying firm received;~~ the amount of compensation the lobbying firm became entitled to receive; the agency for which the services were provided; a description ~~or other and~~ identification number of the contract; and ~~the nature a~~ description of the services

provided. For ~~an individual contract a~~ lobbyist who ~~also~~ qualifies as a lobbying firm, such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist ~~directly or indirectly~~ owns at least a 10% ~~investment interest~~, regardless of whether the compensation was provided directly to the lobbyist or to such business entity.

14. ~~For an individual contract a lobbyist who qualifies as a lobbying firm, e~~Each City agency that the lobbyist attempted to influence.
15. The name, title, address, email, and telephone number of the person responsible for preparing the report.
16. Any other information required by ~~regulation of the City~~ Ethics Commission, consistent with the purposes and provisions of this Article.

**D. Quarterly Reports by Lobbyist Employers — Contents.** Quarterly reports by lobbyist employers shall contain the following information.

1. The name, address, email, and telephone number of the ~~entity filing the report~~ lobbyist employer.
2. The name of each lobbyist who is employed by the ~~entity~~ lobbyist employer.
3. Total payments ~~during the reporting period~~ to lobbyists

employed by the ~~entity~~ lobbyist employer. Such payments shall include solely payments for compensation and reimbursement of expenses relating to the lobbyists' attempts to influence ~~municipal legislation~~ one or more City matters.

4. Total payments to employees of the ~~entity~~ lobbyist employer, other than lobbyists, who engaged in attempts to influence ~~municipal legislation during the reporting period~~ one or more City matters. Such payments shall include payments for compensation and reimbursement of expenses relating to such persons' attempts to influence ~~municipal legislation~~ City matters.
5. Total payments for expenses incurred in connection with attempts ~~by the entity during the reporting period~~ to influence ~~municipal legislation~~. ~~These expenses shall include all expenses attributable to attempts to influence municipal legislation~~ each City matter, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each ~~such~~ expense of ~~\$51~~,000 or more shall be itemized and described.

6. Each agency the lobbyist employer attempted to influence.

67. A description of each item of municipal legislation which City matter the entity lobbyist employer attempted to influence during the reporting period, including any address related to

the matter, any City reference numbers related to the matter, and the position taken on the matter.

78. The date, amount, and description of each activity expense of \$25 or more made by the lobbyist employer ~~during the reporting period;~~ the name and title of the City ~~official personnel~~ benefiting from the expense; and the name and address of the payee.
89. The total amount of activity expenses made by the lobbyist employer ~~during the reporting period,~~ whether or not itemized.
910. The name of any ~~elective-elected~~ City officer, candidate for ~~elective elected~~ City office, ~~or any~~ controlled committee, ~~of the officer or candidate or primarily formed committee~~ to which the lobbyist employer made ~~or earmarked~~ contributions of \$100 or more, or which were delivered by the lobbyist employer, or in connection with which the lobbyist employer acted as an intermediary ~~during the reporting period;~~ and the date and amount of the contribution.
101. The ~~name of any elective City officer, candidate for elective City office, or any City-controlled committee of the officer or candidate for which the lobbyist employer engaged in any fundraising activity during the reporting period, in which the lobbyist employer engaged, including the names of the~~

individuals and committees on whose behalf the activity was conducted; the date(s) of the activity; filings that were made under Section 48.09; and the amount of funds the lobbyist employer knows or has reason to know were raised as a result of the activity.

142. The dates and amounts of one or more contributions aggregating ~~more than \$1,000 or more~~ made ~~or earmarked~~ by the lobbyist employer at the behest of an ~~elective-elected~~ City officer or candidate for ~~elective-elected~~ City office ~~during the reporting period to any and all~~ controlled committees of ~~any other elective other elected~~ City officers ~~or and~~ candidates for ~~elective-elected~~ City office ~~or to primarily formed committees;~~ the names and addresses of the payees; the name of the ~~elective-elected~~ City officer or candidate for ~~elective elected~~ City office who made the behests; and the dates of the behests.
123. The dates, amounts, and descriptions of one or more donations aggregating \$1,000 or more made by the lobbyist employer at the behest of an ~~elective-elected~~ City officer or candidate for ~~elective-elected~~ City office ~~during the reporting period to any religious, charitable, or other nonprofit organization;~~ the names and addresses of the payees; the name of the ~~elective-elected~~ City officer or candidate for ~~elective elected~~ City office who made the



behests; and the dates of the behests.

purposes and provisions of this Article.

14. The compensated services, including consulting services, provided by the lobbyist employer to a candidate for elected City office or to a campaign for or against a candidate for elected City office or a proposed City ballot measure; the name of the candidate or committee; or the ballot number or letter; the elected City office sought by the candidate; the date of the election; the amount of compensation the lobbyist employer received; the amount of compensation the lobbyist employer became entitled to receive; and a description of the services provided.

15. The compensated services under contract with an agency, including consulting services, provided by the lobbyist employer; the amount of compensation the lobbyist employer received; the amount of compensation the lobbyist employer became entitled to receive; the agency for which the services were provided; a description and identification number of the contract; and a description of the services provided.

136. The name, title, address, email, and telephone number of the person responsible for preparing the report.

147. Any other information required by ~~regulation of~~ the City Ethics Commission, consistent with the

#### **E. Quarterly Reports by Major Filers**

**— Contents.** Quarterly reports by major filers shall contain the following information:

1. The name, address, email, and telephone number of the person filing the report.

2. Each agency the major filer attempted to influence.

23. A description of each ~~item of municipal legislation~~ City matter which the ~~entity~~ major filer attempted to influence ~~during the reporting period, including any address related to the matter, any City reference numbers related to the matter, and the position take on the matter.~~

34. The total payments made ~~during the reporting period and~~ expenses incurred for the purpose of attempting to influence ~~action on each proposed or pending matter of municipal legislation~~ City matter, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each expense of \$1,000 or more shall be itemized and described.

5. The date, amount, and description of each activity expense of \$25 or more made by the major filer; the name and title of the City personnel benefiting from the expense; and the name and address of the payee.

6. The total amount of activity expenses made by the major filer, whether or not itemized.
7. The name of any elected City officer, candidate for elected City office, controlled committee, or primarily formed committee to which the major filer made or earmarked contributions of \$100 or more, or which were delivered by the major filer, or in connection with which the major filer acted as an intermediary; and the date and amount of the contribution.
8. The fundraising activity in which the major filer engaged, including the names of the individuals and committees on whose behalf the activity was conducted; the dates of the activity; filings that were made under Section 48.09; and the amount of funds the major filer knows or has reason to know were raised as a result of the activity.
9. The dates and amounts of one or more contributions aggregating \$1,000 or more made or earmarked by the major filer at the behest of an elected City officer or candidate for elected City office to controlled committees of other elected City officers and candidates for elected City office or to primarily formed committees; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.
10. The dates, amounts, and descriptions of one or more donations aggregating \$1,000 or more made by the major filer at the behest of an elected City officer or candidate for elected City office to any religious, charitable, or other nonprofit organization; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.
11. The compensated services, including consulting services, provided by the major filer to a candidate for elected City office or to a campaign for or against a candidate for elected City office or a proposed City ballot measure; the name of the candidate or committee; the ballot number or letter; the elected City office sought by the candidate; the date of the election; the amount of compensation the major filer received; the amount of compensation the major filer became entitled to receive; and a description of the services provided.
12. The compensated services under contract with an agency, including consulting services, provided by the major filer, including the amount of compensation the major filer received; the amount of compensation the major filer became entitled to receive; the agency for which the services were provided; a description and identification number of the

contract; and a description of the services provided.

413. The name, title, address, email, and telephone number of the person responsible for preparing the report.

514. Any other information required by ~~regulation of~~ the City Ethics Commission, consistent with the purposes and provision of this Article.

#### **SEC. 48.08.509. Copies of Solicitations.**

Each lobbying entity that produces, pays for, mails, or distributes ~~more than 150 or more~~ substantially similar copies of a ~~written political~~ fundraising solicitation for ~~any controlled committee of an~~ elective elected City officer ~~or~~ candidate relating to seeking or holding City elective for elected City office, controlled committee, or primarily formed committees supporting or opposing a City ballot measure, shall send a copy of the solicitation to the City Ethics Commission ~~for public access~~, at the time the solicitation is ~~sent or otherwise first~~ distributed, ~~and~~. The lobbying entity shall report ~~on its next quarterly report~~ the date(s) on which it is the solicitation was mailed or distributed ~~and~~, a general description of the content of the solicitation, the number of pieces mailed or distributed, and the name of the ~~elective City officer, or candidate or City ballot measure individual or~~ committee for which the funds were solicited.

#### **~~SEC. 48.08.6. Lobbying Disclosure — Political Contributions~~**

~~A. Each lobbying entity, which makes one or more contributions to an~~

~~elective City officer and/or to any or all of his or her controlled committees, shall file a notice with the City Ethics Commission each time the making of a contribution results in the lobbying entity having made contributions aggregating more than \$7,000 to the officer and/or his or her controlled committees within the past 12 months. The notice shall be filed on a form prescribed by the Commission within one business day after making a contribution that triggers the filing requirement. The notice shall contain the following information:~~

~~1. The name, address and telephone number of the filer, the name of the elective City officer, and/or any or all of his or her controlled committees, to which the lobbying entity made contributions aggregating more than \$7,000 during the past twelve months, and the date and amount of each contribution.~~

~~2. For purposes of this section, a “controlled committee” does not include any committee controlled by an elective City officer that is~~

~~(a) formed to support or oppose a ballot measure or~~

~~(b) formed to support the election of that officer to other than elective City office.~~

~~B. The original notice shall be filed with the City Ethics Commission, and copies shall be filed with the City Clerk and the elective City officer involved. Each notice may only include information relative to one elective officer.~~

~~C. The form shall be considered filed on the date of the postmark or on the date of delivery to the City Ethics Commission, whichever is earlier.~~

~~D. The form shall be verified under penalty of perjury by the individual filing it or by an officer of the entity authorized to file it.~~

~~E. The City Ethics Commission shall post the information in the notice on its website within one business day of its receipt of the notice. The City Clerk shall make the notice available for inspection within one business day of its receipt.~~

**SEC. 48.08.710. Lobbying Disclosure — Fundraising Activity.**

A. ~~Every~~ A lobbying entity who engages in fundraising activity must file a notice with the Ethics Commission when either of the following thresholds is met within any 12-~~;~~ month period ~~(i) engaged in fundraising activities on behalf of an elective City officer and/or any and all of his or her controlled committees, and which knows or has reason to know that the fundraising activities resulted in contributions, and/or (ii) delivered or acted as an intermediary for one or more contributions to the elective City officer and/or any and all of his or her controlled committees, shall file a notice with the City Ethics Commission any time the activities identified in (i) and/or (ii) aggregate more than \$15,000 in the case of a member of the City Council, or more than \$35,000 in the case of the Mayor, City Attorney, or Controller.;~~

1. Aggregate contributions totaled \$15,000 or more for a City Council member; a candidate for City Council; a City Council member's controlled committee; or a committee primarily formed to support or oppose a City Council member or candidate.

2. Aggregate contributions totaled \$35,000 or more for the Mayor, City Attorney, or Controller; a candidate for Mayor, City Attorney, or Controller; a controlled committee of the Mayor, City Attorney, or Controller; or a committee primarily formed to support or oppose the Mayor, City Attorney, Controller, or candidate for Mayor, City Attorney, or Controller.

B. The notice shall be filed on a form prescribed by the ~~City~~ Ethics Commission within one business day after ~~any of these~~ the lobbying entity knows or has reason to know that either of the thresholds is in Subsection A has been exceeded. A separate notice must be filed for each elected City officer, candidate for elected City office, or controlled committee.

C. The notice shall contain ~~the following~~ information:

~~1. T~~1. The name, address, email, and telephone number of the filer; the name of the elective-elected City officer, and/or any or all of his or her candidate for elected City office, controlled committees, or primarily formed committee on whose behalf the lobbying entity engaged in

fundraising activities, or delivered or acted as intermediary ~~for one or more contributions to the elective City officer and/or any and all of his or her controlled committees;~~ the date~~s~~ of the fundraising activity~~s~~; and the amount of contributions raised, delivered, or in connection with which the lobbying entity acted as an intermediary.

- ~~2D.~~ For purposes of this section, a “controlled committee” does not include any committee ~~controlled by an elective City officer~~ that is primarily
- ~~a.~~ formed to support or oppose a proposed ballot measure or
  - ~~b.~~ formed to support the election of that officer to other than elective elected City office.

~~3.~~ For purposes of this notification, if a fundraising event is sponsored or hosted by more than one person, the amount of contributions received at or as a result of the event shall be attributed to each lobbying entity who hosted or sponsored the event according to the amount of the contributions that resulted from that lobbying entity’s fundraising activities. If a contribution results from the fundraising of more than one person and/or lobbying entity, that contribution shall be apportioned equally to each of the persons and/or lobbying entity that engaged in the fundraising activity.

- ~~B.~~ The original notice shall be filed with the City Ethics Commission, and copies shall be filed with the City Clerk and the elective City officer involved. Each notice may only

~~include information relative to one elective officer.~~

- ~~C.~~ The form shall be considered filed on the date of the postmark or on the date of delivery to the City Ethics Commission, whichever is earlier.
- ~~D.~~ The form shall be verified under penalty of perjury by the individual filing it or by an officer of the entity authorized to file it.
- ~~E.~~ The City Ethics Commission shall post the information in the notice on its website within one business day of its receipt of the notice. The City Clerk shall make the notice available for inspection within one business day of its receipt.

**SEC. 48.08.811. Lobbying Disclosure — Written Communications to Neighborhood Councils.**

- ~~A.~~ No When a lobbying entity registered with the City of Los Angeles shall deliver or send to communicates, either personally or through an agent, with a certified neighborhood council or a written communication neighborhood council member on behalf of a client, including, but not limited to, letters, faxes, electronic messages, and flyers, without a disclosure indicating that the communication was delivered or sent by that the lobbying entity shall disclose or ensure the disclosure of its status as a lobbying entity and the identity of its client.
- ~~B.~~ For purposes of subsection (a) verbal communications, the disclosure shall be spoken at the beginning of the

~~communication. For written communications, the required disclosure shall be printed clearly and legibly in no less than 8-point type in a color or print that contrasts with the background so as to be legible and shall be presented in a clear, and conspicuously manner in the written communication. The disclosure shall include all of the following information applicable to the written communication:~~

- ~~1. The name of the lobbyist(s) that prepares, delivers, or sends the written communication;~~
- ~~2. The name of the registered lobbying firm(s) or lobbyist employer(s) who employs the lobbyist(s) that prepares, delivers or sends the written communication; and,~~
- ~~3. The name of the client or clients on whose behalf the lobbying entity prepares, delivers, or sends the written communication in an attempt to influence municipal legislation.~~

## **SEC. 48.0912. Compliance Measures and Enforcement.**

**A. Audits.** The City Ethics Commission shall have the authority to conduct audits of reports ~~and~~, statements, and other documents filed pursuant to this Article. Such audits may be conducted on a random basis or when the City Ethics Commission staff has reason to believe that a report or statement may be inaccurate or has not been filed.

## **B. Criminal Penalties.**

1. Any person who knowingly or willfully violates any provision of this Article is guilty of a misdemeanor. Any person who knowingly or willfully causes any other person to violate any provision of this aArticle, or who knowingly or willfully aides and abets any other person in violation of any violating a provision of this aArticle, is guilty of a misdemeanor.
2. Prosecution for violation of any violating a provision of this aArticle must be commenced within one year after the date on which the violation occurred.
3. No person convicted of a violation of this Article may act as a lobbyist or otherwise attempt to influence municipal legislation a City matter for compensation for one year after such conviction.

## **C. Civil Enforcement.**

1. Any person who knowingly violates any provision of Section 48.04 shall be liable in a civil action brought by the City Attorney. Any person who intentionally or negligently violates any other provisions of this Article shall be liable in a civil action brought by the City Attorney. Failure to properly report any receipt or expenditure may result in civil penalties not to exceed the amount not properly reported, or \$~~5~~2,000, whichever is greater. Any other violation may result in civil penalties no greater than

~~\$52,000 per violation or three times the amount of money at issue.~~ If the court determines that a violation was intentional, the court may order that the defendant be prohibited from acting as a lobbyist or otherwise attempting to influence ~~municipal legislation a City matter~~ for one year.

2. In determining the amount of ~~liability a penalty~~ pursuant to this subsection, the court shall take into account the seriousness of the violation and the degree of culpability of the defendant.
3. If two or more persons are responsible for ~~any~~ violation, they shall be jointly and severally liable.
4. No civil action alleging a violation of this Article shall be filed more than four years after the date the violation occurred.

**D. Injunction.** The City Attorney, on behalf of the people of the City of Los Angeles, may seek injunctive relief to enjoin violations of or to compel compliance with the provisions of this ~~a~~Article.

**E. Administrative Penalties.** ~~In addition to any criminal prosecution, civil enforcement, or injunctive relief,~~ In addition to any criminal prosecution, civil enforcement, or injunctive relief, the City Ethics Commission may impose penalties and issue orders for violations of this Article pursuant to its authority under Charter Section 706(c).

**F. Late Filing Penalties.** In addition to any other penalty or remedy available, if ~~any~~ person fails to file ~~any~~ report ~~or~~ statement, or other document required by this Article, ~~after any~~ by

~~the~~ deadline imposed by this Article, such person shall be liable to the City Ethics Commission in the amount of twenty-five dollars (\$25) per day after the deadline until the statement or report is filed, up to a maximum amount of \$500. Liability need not be enforced by the ~~Ethics~~ Commission if its Executive ~~Officer~~ Director determines that ~~the late filing was not willful and that~~ enforcement of the penalty would not further the purposes of this Article. ~~No~~ liability shall ~~not~~ be waived if a statement or report is not filed within 10 ~~calendar~~ days after the ~~Ethics~~ Commission has ~~sent specific written notice to~~ notified the filer of the filing requirement.

#### **G. Restriction on Person Who Violates Certain Laws.**

1. No person shall act or continue to act as a ~~registered~~ lobbyist or lobbying firm ~~if, within the prior for four years, after~~ that person has been found by the City Ethics Commission, ~~in a proceeding pursuant to Charter Section 706,~~ to have violated City Charter Section 470(k) ~~on any occasion.~~ That determination shall be based either on a finding of the City Ethics Commission made after an administrative hearing or on a stipulation ~~by the lobbyist or lobbying firm~~ entered into with the City Ethics Commission ~~within the previous four years.~~
2. If the City Ethics Commission makes a finding that the person has ~~done~~ either of the following, the Ethics Commission may reduce the time period during

which the prohibition applies to a period of not less than one year:

- a. ~~a~~Accepted responsibility for the violation ~~in the form of having and~~ entered into a stipulation with the ~~City~~ Ethics Commission in which the party admits the violation; or otherwise exhibits evidence of having accepted ~~such~~ responsibility; ~~;~~ or
- b. ~~m~~Mitigated the wrongdoing by taking prompt remedial or corrective action; ~~then the City Ethics Commission may reduce the time period during which the above prohibition would apply to a period of not less than one year.~~

**SEC. 48.13. Bidder Notice.**

**H. ~~Contract Bidder Certification of Compliance With Lobbying Laws.~~**

- 1. ~~A bidder for a contract, as those terms are defined in Los Angeles Administrative Code Section 10.40.1, shall submit with its bid a certification, through a form prescribed by the Ethics Commission, that the bidder acknowledges and agrees to comply with the disclosure requirements and prohibitions established in the Los Angeles Municipal Lobbying Ordinance if the bidder qualifies as a lobbying entity under Section 48.02 of this article. An agency may permit the electronic submission of the form and the use of electronic signatures that comply with~~

~~California's electronic signature laws, but an agency may not alter the content of the form. The exemptions contained in Section 48.03 of this article and Los Angeles Administrative Code Section 10.40.4 shall not apply to this subsection.~~

2. Each agency shall include the Municipal Lobbying Ordinance in each invitation for bids, request for proposals, request for qualifications, or other solicitation related to entering into a contract with the City.

A. The ordinance must be provided in at least 10-point font and may be provided ~~on paper, in an electronic format, or through a link to an online version of the ordinance~~ on the Ethics Commission's website. The ordinance is not required to be printed in a newspaper notice of the solicitation.

3B. This ~~sub~~section does not apply to the renewal, extension, or amendment of an existing contract, as long as the solicitation for the original contract met the notice requirements ~~in Paragraphs 1 and 2 above~~ and the renewal, extension, or amendment does not involve a new solicitation.

4C. For purposes of this ~~sub~~section, "agency" does not include a state agency operating solely within the City, ~~such as the Community Redevelopment Agency or Los Angeles City Housing Authority~~ of the City of Los Angeles.



**SEC. 48.14. Education.**

An individual who is registered or required to register as a lobbying entity shall complete lobbying training provided by the Ethics Commission within 30 calendar days after first qualifying as a lobbying entity and, every two years thereafter, within 30 calendar days after registering.

**~~SEC. 48.10. Ethics Commission Reports.~~**

~~As soon as practicable after the close of each quarterly reporting period, the City Ethics Commission shall prepare a report to the Mayor and City Council of lobbying activity which occurred during the reporting period. Such report shall be in a form which, in the opinion of the Commission, best describes the activities, receipts and expenditures of persons subject to the requirements of this article.~~

**SEC. 48.145. Severability.**

If ~~any~~ provision of this ~~a~~Article, or its application to any person or circumstance, is held invalid by ~~any~~ court, the remainder of this ~~a~~Article and its application to other persons and circumstances, ~~other than that which has been held invalid, shall not be affected by such invalidity, and to that extent t.~~ The provisions of this aArticle are declared to be severable.

# Governmental Ethics Ordinance

## SEC. 49.5.2. Definitions.

J. “Restricted source” means the following:

1. For elected City officers, a restricted source is the following:

a. A person who ~~files registers or is required to register~~ as a lobbying ~~firm or lobbyist or is required to file as a lobbying firm or lobbyist~~ entity under Section 48.07 or is a client, as defined in Section 48.02.

...

2. For all other City officials, a restricted source is the following:

a. A person who seeks to influence decisions of the City official’s agency and ~~files as a lobbying firm or lobbyist, or is required to file as a lobbying firm or lobbyist~~ registers or is required to register as a lobbying entity under Section 48.07 or is a client, as defined in Section 48.02;

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## *Public Comment Received Through Website*

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<b>Name:</b>	Lexus Nunez	<b>Date:</b>	01/07/2021
Please transmit the law back to what Lobbyist originally meant.			

<b>Name:</b>	Kristopher M Larson	<b>Date:</b>	01/08/2021
<ul style="list-style-type: none"><li>• All BIDs, including PBIDs, are enabled by the CA Streets and Highways code and are creatures of the City via the local ordinance which governs their PROP 218 establishment process.</li><li>• The City has used PBIDs for more than 2 decades to help improve neighborhoods and communities – leveraging contributions from all properties within a district to provide services above and beyond those provided by the City. All properties contribute – public, private, and non-profit. In this way, PBIDs do not represent a particular interest, they are a tool created by the City to help improve neighborhoods.</li><li>• In Hollywood, our PBID provides services that the City otherwise cannot. Power-washing sidewalks, sweeping the streets, installing and emptying waste receptacles in the public realm, planting and trimming trees, installing and maintaining decorative lighting, providing safety programs to augment the role of LAPD, polishing the stars on the Walk of Fame, communicating during crises, etc.</li><li>• We provide these services as a contractor with the City of LA. In that way, we are contractually obligated to coordinate with City departments/agencies. We could not do our jobs without communicating with the City on a regular basis.</li><li>• Our organization is governed by an elected Board of Directors of stakeholders from our district. All of our Board and Committee meetings abide by the Brown Act, and all members of the staff and Board are also subject to CPRA requests. We already adhere to the most strict forms of transparency available to ensure our districts are managed responsibly.</li><li>• Personally, over the past 20 years, I've worked at 4 PBIDs in 3 states. In The other city in CA in which I've worked, Long Beach, specifically exempted PBIDs in its lobbying ordinance in recognition of the close, critical partnership they share with the City.</li></ul>			

<b>Name:</b>	Hannah C. C. Langley	<b>Date:</b>	01/10/2021
I am urging the LA City Ethics Commission to retransmit the 2018 Municipal Lobbying Ordinance to the City Council. There hasn't been a significant update since its adoption in 1994 and it has allowed developers and special interest lobbyists unregulated access to City Council. The Ethics Commission has an obligation to protect the public trust and must act now to retransmit the MLO.			

<b>Name:</b>	Gabrielle Hovendon	<b>Date:</b>	01/10/2021
<p>I am asking the LA City Ethics Commission to retransmit the 2018 Municipal Lobbying Ordinance to the Council. The city's lobbying laws haven't been significantly updated since the 1990s, which has allowed developers and lobbyists to have outside influence on City Council. Our city is suffering — we need rent control, rent forgiveness, better public health, meaningful housing solutions for the unhoused, and a reallocation of the police budget. We need an updated lobbying process so that these urgent needs can be fully addressed and so the interests of the wealthy and well connected don't continue to be prioritized over the needs of the people.</p> <p>It is in the best interest of the public for the Ethics Commission to retransmit the MLO to City Council, and I urge you to take this action now. Thank you for your time.</p>			

<b>Name:</b>	N Lovelace	<b>Date:</b>	01/10/2021
<p>It is far past time that power be restored to the people, and LA City Council/governing entities stop genuflecting to whichever lobbyists/police unions makes the biggest campaign donations. I am urging the LA City Ethics Commission to retransmit the 2018 Municipal Lobbying Ordinance to the City Council. There hasn't been a significant update since its adoption in 1994 and it has allowed developers and special interest lobbyists unregulated access to City Council. The Ethics Commission has an obligation to protect the public trust and must act now to retransmit the MLO.</p>			

<b>Name:</b>	Bitta Sharma	<b>Date:</b>	01/10/2021
<p>I am urging the LA City Ethics Commission to retransmit the 2018 Municipal Lobbying Ordinance to the City Council. There hasn't been a significant update since the Ordinance's adoption in 1994 and City Council has been derelict in failing to even consider the Commission's proposed changes. This has allowed developers and special interest lobbyists unregulated access to City Council. The Ethics Commission has an obligation to protect the public trust and must act now to retransmit the MLO.</p>			

<b>Name:</b>	Naomi Park-Pisnieski	<b>Date:</b>	01/11/2021
<p>The Municipal Lobbying Ordinance (MLO) had not been thoroughly updated since 1994, and the Ethics Commission spent two years conducting research and analyzing laws around the country. I am asking the LA City Council to adopt those regulations rather than pocket vetoing them by allowing them to expire again in 2022.</p>			

<b>Name:</b>	Matt Wait	<b>Date:</b>	01/11/2021
<p>I am in support of amending the City's Municipal Lobbying Ordinance and asking that the 2018 MLO be re-transmitted to the City Council. The Municipal Lobbying Ordinance has not been comprehensively updated since it was first adopted in 1994 and allowing the special interests of the well-connected to continue to go unregulated and under reported access to our public officials is an abuse of the public trust. The LA City Ethics Commission has an obligation to the residents of Los Angeles to re-transmit the 2018 MLO without further delay. Please do the right thing.</p>			

<b>Name:</b>	Joe Wengert	<b>Date:</b>	01/11/2021
<p>I am urging the LA City Ethics Commission to retransmit the 2018 Municipal Lobbying Ordinance to the City Council. There hasn't been a significant update since its adoption in 1994 and it has allowed developers and special interest lobbyists unregulated access to City Council. The Ethics Commission has an obligation to protect the public trust and must act now to retransmit the MLO.</p>			

<b>Name:</b>	Zoe Nissen	<b>Date:</b>	01/11/2021
<p>I am in support of amending the City's Municipal Lobbying Ordinance and asking that the 2018 MLO be re-transmitted to the City Council. The Municipal Lobbying Ordinance has not been significantly updated since it was first adopted in 1994 and allowing the special interests of the well-connected to continue to go unregulated and under-reported access to our public officials is an abuse of the public trust. The LA City Ethics Commission has an obligation to the residents of Los Angeles to re-transmit the 2018 MLO without further delay.</p>			

<b>Name:</b>	David Seitz	<b>Date:</b>	01/11/2021
<p>I am in support of amending the City's Municipal Lobbying Ordinance and asking that the 2018 MLO be re-transmitted to the City Council. The Municipal Lobbying Ordinance has not been comprehensively updated since it was first adopted in 1994 and allowing the special interests of the well-connected to continue to go unregulated and under reported access to our public officials is an abuse of the public trust. The LA City Ethics Commission has an obligation to the residents of Los Angeles to re-transmit the 2018 MLO without further delay.</p>			

<b>Name:</b>	Angela Arnold	<b>Date:</b>	01/11/2021
<p>I am urging the LA City Ethics Commission to retransmit the 2018 Municipal Lobbying Ordinance to the City Council. There hasn't been a significant update since its adoption in 1994 and it has allowed developers and special interest lobbyists unregulated access to City Council. The Ethics Commission has an obligation to protect the public trust and must act now to retransmit the MLO.</p>			

<b>Name:</b>	Zack Breckenridge	<b>Date:</b>	01/11/2021
<p>I am in support of amending the City's Municipal Lobbying Ordinance and asking that the 2018 MLO be re-transmitted to the City Council. The Municipal Lobbying Ordinance has not been comprehensively updated since it was first adopted in 1994 and allowing the special interests of the well-connected to continue to go unregulated and under reported access to our public officials is an abuse of the public trust. The LA City Ethics Commission has an obligation to the residents of Los Angeles to re-transmit the 2018 MLO without further delay.</p>			

<b>Name:</b>	Lyndsey Nolan	<b>Date:</b>	01/11/2021
<p>I am in support of amending the City’s Municipal Lobbying Ordinance and asking that the 2018 MLO be re-transmitted to the City Council. The Municipal Lobbying Ordinance has not been comprehensively updated since it was first adopted in 1994 and allowing the special interests of the well-connected to continue to go unregulated and under reported access to our public officials is an abuse of the public trust. The LA City Ethics Commission has an obligation to the residents of Los Angeles to re-transmit the 2018 MLO without further delay.</p>			

<b>Name:</b>	Yali Bitan	<b>Date:</b>	01/11/2021
<p>I am urging the LA City Ethics Commission to retransmit the 2018 Municipal Lobbying Ordinance to the City Council. There hasn’t been a significant update since its adoption in 1994 and it has allowed developers and special interest lobbyists unregulated access to City Council. The Ethics Commission has an obligation to protect the public trust and must act now to retransmit the MLO.</p>			

<b>Name:</b>	Katie Chan	<b>Date:</b>	01/11/2021
<p>I am urging the LA City Ethics Commission to retransmit the 2018 Municipal Lobbying Ordinance to the City Council. There hasn’t been a significant update since its adoption in 1994 and it has allowed developers and special interest lobbyists unregulated access to City Council. The Ethics Commission has an obligation to protect the public trust and must act now to retransmit the MLO.</p>			

<b>Name:</b>	KB Edwards	<b>Date:</b>	01/11/2021
<p>In addition to rules and laws pertaining to paid lobbyists, for the sake of transparency, PAID Community and Union organizers who are representing local and national Political Organizations, should be asked to identify themselves as such prior to making public statements at City and Neighborhood Council meetings.</p>			

<b>Name:</b>	Meagen Palacio	<b>Date:</b>	01/11/2021
<p>I am in support of amending the City’s Municipal Lobbying Ordinance and asking that the 2018 MLO be re-transmitted to the City Council. The Municipal Lobbying Ordinance has not been comprehensively updated since it was first adopted in 1994, allowing the special interests of the well-connected to continue to go unregulated. The LA City Ethics Commission has an obligation to the residents of Los Angeles to re-transmit the 2018 MLO without further delay.</p>			

<b>Name:</b>	Allison Gross	<b>Date:</b>	01/11/2021
<p>I am writing in support of amending the City’s Municipal Lobbying Ordinance and asking that the 2018 MLO be re-transmitted to the City Council. The MLO has not been updated since it was first adopted in 1994, which has allowed well-connected lobbyists have unregulated and under reported access to our public officials, which allows them to promote their own special interests over the public good. This lack of</p>			

accountability is an abuse of the public trust. The LA City Ethics Commission has an obligation to the residents of Los Angeles to re-transmit the 2018 MLO.

<b>Name:</b>	Kyle Naumovski	<b>Date:</b>	01/11/2021
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Demand for full transparency of funds by which lobbyist get funded. The city should not allow "Anonymous" Donor funded individuals or organizations or ones funded by grey money ex: blockchain or unverifiable funds to be able to lobby.

<b>Name:</b>	Devon M Kerr	<b>Date:</b>	01/12/2021
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Hi, I'm a local resident and am urging the LA City Ethics Commission to retransmit the 2018 Municipal Lobbying Ordinance to the City Council. Lobbyists have had unrestricted access to the city council which undermines faith in the public government and makes me feel like my voice is not being heard. Please retransmit the MLO without further delay!

<b>Name:</b>	Allison	<b>Date:</b>	01/12/2021
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I am urging the LA City Ethics Commission to retransmit the 2018 Municipal Lobbying Ordinance to the City Council. There hasn't been a significant update since its adoption in 1994 and it has allowed developers and special interest lobbyists unregulated access to City Council. The Ethics Commission has an obligation to protect the public trust and must act now to retransmit the MLO.

<b>Name:</b>	John Doe	<b>Date:</b>	01/12/2021
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Why even have ethics laws? DONE doesn't enforce them when they are advised that someone has violated the current Ethics laws, especially if the Neighborhood Councilmember is friends with the administration at DONE. We have had a board member that has brought, voted on and received money through an NPG for two nonprofit organizations he was on the board of without disclosing it. That violated ethics and conflict of interest laws. DONE did nothing.

We have another member who is a state office holder and hasn't disclosed that, and voted on a motion about communications with state officials. That violated ethics, conflict of interest and sunshine laws. DONE didn't care. This is a joke.

<b>Name:</b>	Benjamin Warga	<b>Date:</b>	01/13/2021
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Developers and lobbyists run the city now because the lobbying ordinance hasn't been updated in over a quarter of a century. I am urging the LA City Ethics Commission to retransmit the 2018 Municipal Lobbying Ordinance to the City Council.

<b>Name:</b>	Brendan O'Brien	<b>Date:</b>	01/13/2021
<p>I am very much in support of amending the City's Municipal Lobbying Ordinance and asking that the 2018 MLO be re-transmitted to the City Council. The Municipal Lobbying Ordinance has not been comprehensively updated since it was first adopted in 1994 and allowing the special interests of the well-connected to continue to go unregulated and under reported access to our public officials is an abuse of the public trust. The LA City Ethics Commission has an obligation to the residents of Los Angeles to re-transmit the 2018 MLO without further delay.</p>			

<b>Name:</b>	Erin O'Neal-Robinson	<b>Date:</b>	01/14/2021
<p>I am in support of amending the City's Municipal Lobbying Ordinance and asking that the 2018MLO be re-transmitted to the City Council. The Municipal Lobbying Ordinance has not been comprehensively updated since it was first adopted in 1994 and allowing the special interests, particularly in the instance of the Business Improvement Districts, to go unregulated and under-reported access to our public officials is an abuse of the public trust. The LA City Ethics Commission has an obligation to the residents of Los Angeles to re-transmit the 2018 MLO without further delay.</p>			

<b>Name:</b>	Staci O'Neal-Robinson	<b>Date:</b>	01/14/2021
<p>I am in support of amending the City's Municipal Lobbying Ordinance and asking that the 2018 MLO be re-transmitted to the City Council. The Municipal Lobbying Ordinance has not been comprehensively updated since it was first adopted in 1994 and allowing the special interests of the well-connected to continue to go unregulated and under reported access to our public officials is an abuse of the public trust. The LA City Ethics Commission has an obligation to the residents of Los Angeles to re-transmit the 2018 MLO without further delay.</p>			

<b>Name:</b>	Sarah Brockman	<b>Date:</b>	01/20/2021
<p>I am in support of amending the City's Municipal Lobbying Ordinance and asking that the 2018 MLO be re-transmitted to the City Council. The Municipal Lobbying Ordinance has not been comprehensively updated since it was first adopted in 1994 and allowing the special interests of the well-connected to continue to go unregulated and under reported access to our public officials is an abuse of the public trust. The LA City Ethics Commission has an obligation to the residents of Los Angeles to re-transmit the 2018 MLO without further delay.</p>			

<b>Name:</b>	Jane Demian	<b>Date:</b>	01/24/2021
<p>Paid lobbyists have access to elected officials because they have money and resources to spend on making visits, offering electeds swag and gifts, providing campaign contributions etc. We the People do not have the same access and do not have money and resources to persuade electeds toward our policy initiatives. An ethics commission should consider making a policy that states constituents should have the same access to electeds' time as lobbyists have.... for every lobbyist visit a constituent must have the same access to the elected's time. Otherwise those with money, resources and power will continually rig the system in their favor as we have been seeing for the past several decades.</p>			



<b>Name:</b>	Benjamin Fiss	<b>Date:</b>	03/10/2021
<p>I assume that none of the proposed changes to lobbying regulations impact Labor Unions. Labor unions are major contributors not only to elected officials but also to propositions and referendum and should therefore should be subject to the same regulations and reporting requirements as other lobbyists and should therefore also be prohibited from being appointed to any board or commission. As a lobbyist I cannot be appointed to a commission and by the same logic a member of a labor union should not be either because of their undue influence with elected officials.</p>			

<b>Name:</b>	Sophie	<b>Date:</b>	07/18/2021
<p>BIDs should not be exempt from lobbying disclosure requirements. Transparency is the cornerstone of democracy. Democracy dies in the dark. BIDs are rarely reflective of the demographic makeup of the communities they operate in and yet want to have even further undemocratic privileges to lobby behind closed doors and free from public access? Absolutely not.</p>			

<b>Name:</b>	Peter Clune	<b>Date:</b>	11/16/2021
<p>While many BIDs have maintained that they do not engage in lobbying - here is the LA Industrial District BID touting their lobbying as a feature for their renewal push.</p> <p><a href="http://www.industrialdistrictla.com/sites/default/uploads/Renewal%20Brochure-121620-revision-sm.pdf">http://www.industrialdistrictla.com/sites/default/uploads/Renewal%20Brochure-121620-revision-sm.pdf</a></p>			

<b>Name:</b>	Benjamin Fiss	<b>Date:</b>	03/07/2022
<p>The largest identifiable group of financial contributors to candidates, elected officials, initiatives and referenda are labor unions which are not required to register as lobbyists and therefore their members are able to serve on commissions. If the Ethics Commission were to include regulations and requirements that were perceived by the unions as anti-labor, I would anticipate that those regulations would quickly be struck down by the City Council and Mayor. Maybe all lobbyists should organize as a union and not report any activity to the Ethic Commission.</p>			

<b>Name:</b>	Olga	<b>Date:</b>	03/11/2022
<p>I'm in favor of the changes to lobbying disclosures for neighborhood councils. The ethics commission really needs to look at NCs more, there are rampant violations happening and no one does anything about it when it's reported.</p>			

<b>Name:</b>	Jamie York	<b>Date:</b>	03/11/2022
<p>I am strongly in favor of the changes regarding disclosure for neighborhood councils. We need greater transparency from lobbyists and these changes help achieve that.</p>			

<b>Name:</b>	Yasmine Pomeroy	<b>Date:</b>	03/11/2022
I support the change to lobbying disclosures for neighborhood councils.			

<b>Name:</b>	Preston Shisgal	<b>Date:</b>	03/11/2022
I support the lobbying changes for neighborhood councils			

<b>Name:</b>	Brendan H	<b>Date:</b>	03/11/2022
Lobbyists need to be required to identify as such. Honestly they have no place in neighborhood council meetings. But if they're going to be allowed, regulate.			

<b>Name:</b>	Elliott Keegan	<b>Date:</b>	03/11/2022
I support the lobbying changes regarding neighborhood councils. Paid lobbyist should have to identify themselves as such.			

<b>Name:</b>	Aida Ashouri	<b>Date:</b>	03/11/2022
I support the proposed change for oral lobbyist disclosure at neighborhood council meetings.			

<b>Name:</b>	Anita M.	<b>Date:</b>	03/11/2022
I support changes to the lobbying regulations for the neighborhood councils.			

<b>Name:</b>	Cindy Miller	<b>Date:</b>	03/12/2022
Lobbyists and special interests should make their affiliations known. I want to know where my tax money is going.			

<b>Name:</b>	Dana Cohn	<b>Date:</b>	03/16/2022
The Ethics Commission should amend the MLO regarding lobbyist disclosure requirements. Because of COVID, more meetings are occurring remotely and attending parties may not be familiar with all other parties. Therefore, if a lobbyist is speaking on a client's behalf, and provides any type of comment during the meeting, he or she should identify him or herself and the client, so that City officials, including neighborhood council members, are aware of any possible bias a lobbyist may be providing. Therefore, please adopt the revisions to Section 48.08.8, now known as Section 48.11, requiring communications to neighborhood councils. Thank you.			

<b>Name:</b>	Lane McFaddin	<b>Date:</b>	03/22/2022
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I strongly support this ordinance. Corruption is rampant in LA City Hall and much of our woes can be traced back to the grip lobbyists and special interests have on our Councilmembers. It is entirely past due to curtail the back-room dealings and pocket lining that is destroying our city.

<b>Name:</b>	Erin Mauffray	<b>Date:</b>	03/23/2022
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I support this new lobbying ordinance.

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## *Public Comments on MLO Draft Interested Persons Meeting on March 23, 2022*

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<b>Name:</b>	Jamie York	<b>Organization:</b>	Reseda Neighborhood Council Speaking as an individual
<p>Thanks commission for listening to her public comment from last meeting. Changes on 48.02(B), 48.08.8 are exactly what we need. She is excited that they were heard. NC Board members are not trained on the Ethics database. They are often asked to weigh on complex issues, like land use issues or issues that have a tremendous amount of lobbying money behind them. She has noticed that there is a trend of people who are lobbyists, are not clearly identifying themselves as lobbyists, and are sometimes misrepresenting themselves. Mentioned example of lobbyist speaking at a Neighborhood Council board meeting who never identified as a lobbyist. Then played a recording from that meeting. Speaker also wanted to comment on the exemption for nonprofits -- believes that \$2 million is quite high of an operating budget. Also agrees that there needs to be at a minimum, even for 501(c)(3)'s, some kind of disclosure. We deserve to know how money is being utilized and that there is transparency. Multiple neighborhood councils have been supportive of the change to address the issue of lobbyists not disclosing their status when addressing neighborhood councils. Regarding materials that would be helpful for neighborhood council board members use the Ethics Commission online tools, she feels that video tutorials, brochures, and other training materials would be helpful to inform board members.</p>			

<b>Name:</b>	Michelle Gallagher	<b>Organization:</b>	Reseda Neighborhood Council Speaking as an individual
<p>Neighborhood councils needs to be included in everything to do with lobbyist disclosure. Delighted to see that the advance in consideration for neighborhood councils so they don't have to spend much time in figuring out who is a lobbyist. Mentioned brilliant writing, in making the MLO more concise, easy to understand, and simple. She believes this will be a very effective starting point. Also mentioned that the video Jamie played was cut off, but the lobbyist in that exchange denies the money that they were paid even though it was a matter of public record. She likes the document as is.</p>			

<b>Name:</b>	Sean McMorris	<b>Organization:</b>	California Common Cause
<p>Will be sending written comments before the next commission meeting. In general, are supportive of most of what they see in the amendments. Just wanted to point out some things that they had questions about. (1) In the definition of compensation, he believes it includes bonuses and contingencies regardless of whether the payment was received. This would plug a loophole mentioned in a Sacramento Bee article on state law regarding "secret bounties", where lobbyists won't get paid a certain amount of money unless a certain outcome was achieved. The speaker hopes this new definition of compensation would address that practice. (2) A previous draft of the amendments allowed for civil action to be taken by the Ethics Commission or a resident in the city. That is not in the Enforcement section in this draft. This is a common practice - it is in the Political Reform Act and the City's other ethics laws. He believes it is a good check or deterrent for a resident to be able to act if the City Attorney does not. (3) Regarding the removal of 48.10 (Ethics Commission reports) -- if these are the reports that the commission provides in their agendas (a summary of lobbying activity), he would recommend not removing that. They are well-summarized and easily accessible. Overall, they are supportive of most amendments so far.</p>			

Comments from staff: The quarterly lobbying reports will continue. Also confirmed that the loophole mentioned regarding contingency fees would be captured by the new definition.

<b>Name:</b>	Sam Williams	<b>Organization:</b>	Employee Los Angeles Department of Water and Power
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Wants violations of the MLO to be felonies, not misdemeanors.

<b>Name:</b>	Cynthia Strathmann	<b>Organization:</b>	Executive Director Strategic Actions for a Just Economy
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501(c)(3) operating in South Los Angeles. Organization does grassroots work among low income tenants, direct services. Also help train residents to advocate on their own behalf with the City. Overall, support the proposed amendments. She has no issue with not having any activities that they are taking on their own behalf excluded from the exemptions, it seems reasonable. Wants clarification of 48.03: "while providing the organization's core services" changed to "while engaged in official duties". "City decision regarding funding for the organization, a contract, a permit, or legislation" to "a contract or permit for the organization". The amendment proposed is too broad. Staff confirmed that they received a letter from the organization.

<b>Name:</b>	Michael Shear	<b>Organization:</b>	Executive Board Miracle Mile Democratic Club Speaking as an individual
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Thanks Commission for bringing transparency to city politics. Appreciates changes proposed in ordinance. However, is concerned about loophole that allows registered city lobbyists to hold fundraisers for elected officials and candidates that they are paid to influence. This practice is banned in California for statewide officials and candidates. Believes City's ethics rules should be updated and aligned with state rules. He said there is a candidate who had a fundraiser with five different lobbyists. He believes that in the name of fairness, transparency, and good governance, this practice should be ended and the ordinance should be updated to ban this fundraising activity.

<b>Name:</b>	Garry Fordyce	<b>Organization:</b>	North Hills West Neighborhood Council Speaking as an individual
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Neighborhood Council meeting on March 17, where a lobbyist blatantly misrepresented himself and never said that he was a paid lobbyist. Neighborhood councils are advisory to the Los Angeles City Council. Has three proposed amendments: (1) that neighborhood councils are notified in advance of a request to be placed on the agenda, where the speaker identifies that they are a paid lobbyist and the organization they belong to; (2) that neighborhood council agendas include this information; and (3) that lobbyist be required to verbally disclose that they are a lobbyist. This would allow stakeholders and board members to be fully aware. Agrees that a misdemeanor is a slap on the wrist and there needs to be more stringent repercussions to deter such activity. Neighborhood councils are not lawyers and are not trained, and need to know better what is happening so that the City is not impacted in a negative way. Would like to emphasize that they are not trained, unpaid volunteers, which is why the three amendments he outlined are needed.

<b>Name:</b>	Gary Benjamin	<b>Organization:</b>	Alchemy Planning
<p>Believes there can be additional clarification on what qualifies as a City Matter. The issue that he is concerned about is that attempting to influence includes promoting or expediting action, very often, many people who are not typically considered lobbyists like architects or engineers, in a regular course of discussion, the conversation goes from a request for advice to pushing for interpretations. In many cases, the architects or engineers may have greater familiarity with the codes and regulations than the City staff, so often it is necessary to advocate for a correct interpretation of something. This may look like lobbying but it is being done by technical staff working on behalf of architecture or engineering firms. Without further discussion of what discretion means, and which decisions are subject to discretion, this could prevent a wider interpretation that pulls in other industries that are just trying to carry out simple practical tasks who are not implementing policy or legislation. Maybe they could err on the side of reporting that activity regardless. This disenfranchises them in a way, because anyone who qualifies cannot support candidates of their choice. Emphasizes need for clarify on what is a matter of discretion.</p>			

<b>Name:</b>	Glenn Bailey	<b>Organization:</b>	Northridge East Neighborhood Council President
<p>Filed a community impact statement with the Commission several days ago. The motion that they adopted is: Because the current Municipal Lobbying Ordinance only requires lobbyist disclosure for written communications to neighborhood councils, the Northridge East Neighborhood Council supports an amendment to the ordinance to include the same disclosure when a lobbyist makes an oral presentation or public comment to a neighborhood council that is related to their lobbying activities. One additional suggestion for that section is to require this information to be included on the neighborhood council agenda.</p>			

<b>Name:</b>	Rob Quan	<b>Organization:</b>	UnrigLA
<p>(1) Regarding Major filers: In Q3-2021, \$90,000 was spent by major filers on communicating with the public about short term rentals. But we don't know how that money was spent. When there are mass communications sent out on the electoral side, those have to be filed with the Ethics Commission. Believes that in the area of issue ads, certain language might be required, or transparency about who's funding it, or providing a log of mass communications for TV, mail, or digital ads would be helpful.</p> <p>(2) Understands delicacies with 501(c)(3) issue. This is something the Commission spent a lot of time thinking about before. Is concerned that this remains in the proposal. Leaves a huge area for circumvention - we've seen that the money finds a way. If someone is lobbying via a 501(c)(3) that has an annual budget of less than \$2 million, it leaves a lot of room for play. We have seen the practice of astroturfing. We need more transparency for major filers and astroturfing. The threshold of \$2 million is a lot. There should be some alternative registration, so that nonprofits are on the pulse of the Ethics Commission and there is some level of transparency.</p>			

<b>Name:</b>	Quyên Tu	<b>Organization:</b>	Southern California Counsel Alliance for Justice
<p>Alliance for Justice represents over 130 organizations. They have been involved in proposed amendments to the Municipal Lobbying Ordinance from a few years back. Concerned about the proposed language in 48.03(E) and submitted language in writing for amendments. Wanted to remind the Ethics Commission that a clear and simple 501(c)(3) exemption is critical for nonprofit advocacy, which facilitates underrepresented people's participation in City decisions. Wants to broaden the nonprofit exemption. Believes that what is currently proposed is very similar to that. Current proposal makes a reference to legislation, a word that is frequently redlined in the document. An edit to this would clarify the meaning of 48.03(E).</p>			

<b>Name:</b>	Inaudible	<b>Organization:</b>	N/A
<p>The Encino Neighborhood Council is considering a motion with regards to the section dealing with neighborhood councils. The event at the North Hills West Neighborhood Council meeting should not happen again and should be incorporated in the new provisions. Agrees that there should be a training on the Ethics Commission's online tools.</p>			

<b>Name:</b>	Jim Sutton	<b>Organization:</b>	Los Angeles Lobbyist Association
<p>Plans to follow up with a detailed letter. Has worked closely with the Commission on the Lobbying Ordinance and for the most part is very happy with this updated version of the ordinance. Will reserve more specific comments and make one recommendation: there are so many different issues raised in this ordinance, including registration thresholds, definition of fundraising activities, exceptions, reporting requirements that vary by filer type. To have a more robust conversation, as was done in the past, the conversation and public comment should be organized by several topics to focus the discussion. This was very useful when this law was discussed several years ago. The Lobbyist Association looks forward to work with the Commission on this proposal and will follow up with a detailed letter.</p>			



**South Robertson  
neighborhoods council**

City of Los Angeles Certified Neighborhood Council

PO Box 35836  
Los Angeles, CA 90035



Councilmember Paul Koretz  
5th Council District  
City of Los Angeles  
200 N Spring Street, Suite 440  
Los Angeles, CA 90012

Karly Katona  
Caretaker  
10<sup>th</sup> Council District  
City of Los Angeles  
200 N Spring Street, Suite 420  
Los Angeles, CA 90012

February 17, 2022

Re: Municipal Lobbying Ordinance

Dear Councilmember Koretz and Ms. Katona:

I am writing on behalf of the South Robertson Neighborhoods Council (SORO NC) to request consideration by City Council of an addition to the municipal lobbying ordinance.

Under section [48.08.8](#) of the current lobbying ordinance, a lobbyist disclosure is only required for written communications to neighborhood councils. We believe the ordinance should be updated to include the same disclosure when a lobbyist makes an oral presentation or public comment to a neighborhood council that is related to their lobbying efforts.

We strongly request that a council file be immediately opened to address this issue and to change the lobbying ordinance to require lobbyists to provide the same disclosure when a lobbyist makes an oral presentation or public comment to a neighborhood council that is related to their lobbying efforts.

Sincerely,

President  
South Robertson Neighborhoods Council







**Fwd: Fw: Community Impact Statement - City Ethic's Commission**

1 message

**Kiyana Asemanfar** <kiyana.asemanfar@lacity.org>  
To: Tyler Joseph <tyler.joseph@lacity.org>  
Cc: Ethics Policy <ethics.policy@lacity.org>

Mon, Mar 21, 2022 at 9:55 AM

----- Forwarded message -----

From: **Jamie York** [REDACTED]  
Date: Sat, Mar 19, 2022 at 12:56 AM  
Subject: Fwd: Fw: Community Impact Statement - City Ethic's Commission  
To: Kiyana Asemanfar <[kiyana.asemanfar@lacity.org](mailto:kiyana.asemanfar@lacity.org)>

Forwarding this statement from Northridge East Neighborhood Council in support of the lobbying change.

Thank you!

Jamie

----- Forwarded message -----

From: **Glenn Bailey** [REDACTED]  
Date: Sat, Mar 19, 2022 at 12:53 AM  
Subject: Fwd: Fw: Community Impact Statement - City Ethic's Commission  
To: Jamie York [REDACTED]

Hi Jamie,

For your information, I am forwarding the Community Impact Statement filed by the Northridge East NC with the City Ethics Commission on the Municipal Lobbying Ordinance.

Thank you for your leadership on this issue.

Cordially,

**Glenn Bailey**

**Executive Committee Member\***  
**Valley Alliance of Neighborhood Councils (VANC)**  
**Twitter: @ValleyNCs**  
-  
**Treasurer\***  
**Los Angeles Neighborhood Council Coalition (LANCC)**  
[www.LANCC.org](http://www.LANCC.org)

**Office/Voicemail/Text:** [REDACTED]

*\*Affiliations are for identification purposes only*

Your Community Impact Statement has been successfully submitted to City Ethic's Commission.

If you have questions and/or concerns, please contact the Department of Neighborhood Empowerment at [NCsupport@lacity.org](mailto:NCsupport@lacity.org).

\*\*\*\*\* This is an automated response, please DO NOT reply to this email. \*\*\*\*\*

Contact Information

Neighborhood Council: Northridge East Neighborhood Council

Name: Glenn Bailey

Phone Number: [REDACTED]

Email: [REDACTED]

The Board approved this CIS by a vote of: Yea(8) Nay(0) Abstain(2) Ineligible(0) Recusal(0)

Date of NC Board Action: 03/16/2022

Type of NC Board Action: For

Impact Information

Date: 03/19/2022

Update to a Previous Input: No

Directed To: City Ethic's Commission

Council File Number:

Agenda Date: 03/23/2022

Item Number: 2

Summary: The Northridge East Neighborhood Council, at a duly noticed and Brown Act compliant Board meeting held on March 16, 2022, voted 8 Yes, 0 No, and 2 Abstain to approve the following agenda item 12a(i) motion concerning specific proposed amendments to the Municipal Lobbying Ordinance:

MOTION: Because the current Municipal Lobbying Ordinance Section 48.08.8 only requires lobbyist disclosure for written communications to Neighborhood Councils, the Northridge East Neighborhood Council supports an amendment to the ordinance to include the same disclosure when a lobbyist makes an oral presentation or public comment to a Neighborhood Council that is related to their lobbying activities.

\*\*\*\*\*

Prior to taking the above action, the Northridge East Neighborhood Council was informed of the following proposed amendment of Section 48.11. Lobbying Disclosure – Communications to Neighborhood Councils:

A. When a lobbying entity communicates, either personally or through an agent, with a Neighborhood Council or a Neighborhood Council member on behalf of a client, the lobbying entity shall disclose or ensure the disclosure of its status as a lobbying entity and the identity of its client.

B. For verbal communications, the disclosure shall be spoken at the beginning of the communication. For written communications, the disclosure shall be printed clearly, legibly and conspicuously.



PRESIDENT  
RAKIM BROOKS

CHAIR  
PAULETTE MEYER

March 22, 2022

Jeffery Daar, Vice President  
Melinda Murray, Commissioner  
Los Angeles City Ethics Commission  
200 North Spring Street  
City Hall, 24th Floor  
Los Angeles, CA 90012

Via email to [ethics.commission@lacity.org](mailto:ethics.commission@lacity.org) and [ethics.policy@lacity.org](mailto:ethics.policy@lacity.org)

**Re: Public Comment on Possible Amendments to the Municipal Lobbying Ordinance - 501(c)(3) Exemption**

Dear City Ethics Commissioners,

Thank you for the opportunity to provide public comments on the proposed amendments to the Municipal Lobbying Ordinance (MLO). I am writing on behalf of Alliance for Justice (AFJ) to **suggest clarifications for some of the proposed language in Section 48.03(E) (the “501(c)(3) Exemption”) and ask that the Commission replace the existing provision with our proposed language below.**

AFJ is a national association of 130 organizations, representing a broad array of groups committed to progressive values and the creation of an equitable, just, and free society. AFJ is the leading expert on the legal framework for nonprofit advocacy efforts, providing definitive information, resources, and technical assistance that encourages nonprofit organizations to fully exercise their right to be active participants in the democratic process. As a nonprofit ourselves (rather than a law firm), we provide legal and capacity-building support to nonprofit organizations to empower them to advocate in line with their missions and in compliance with the law. Since 2004, we have worked with over 1,800 small, medium, and large nonprofit organizations in California. Having experienced a strong demand for our services in Southern California for years, we opened an office in Los Angeles in 2014.

A simple, clear 501(c)(3) exemption is critical for nonprofit advocacy which facilitates underrepresented people's participation in city government decisions. For context, in 2016 and 2017, AFJ, together with a coalition of local nonprofits, spoke to the Commission about simplifying and broadening the nonprofit exemption to something similar to what is currently being proposed. We offered language at the time, but the City Council ultimately did not adopt any of the changes to the MLO.

We have read through the current redline draft and want to offer some small but important clarifications to the 501(c)(3) Exemption. For example, 33 of the 34 references to "legislation" were redlined except for the occurrence in Section 48.03(E). So, we propose removing it from this section as well. Neither "core services" nor "legislation" are contained elsewhere in the ordinance, nor are they defined. Each of these sentences, if not clarified, could potentially lead to an interpretation of Section 48.03(E) where it is rendered meaningless, which is surely not the Commission's intent.

We also believe that our current proposed language makes it clear that the exemption does not apply when an organization is attempting to influence City matters on funding, contracts, and permits on its own behalf.

AFJ proposes that the language of the last two sentences of **Section 48.03(E)** read:

This exemption also applies to the organization's employees and board members while ***engaged in official duties*** ~~providing the organization's core services~~. This exemption does not apply to an attempt by the organization or its employees or board members to influence a City ***matter decision*** regarding funding, ***a contract, or a permit*** for the organization, ~~a contract, a permit, or legislation~~.

(Text in red bold italics are our suggested additions to the current proposal. Deletions are indicated by strikethrough.)

Thank you for your consideration. Please feel free to contact me at [REDACTED] if you have any questions.

Sincerely,

Quyen Tu  
Southern California Counsel



March 22, 2022

Jeffrey Daar, Vice President  
Melinda Murray, Commissioner  
Los Angeles City Ethics Commission  
200 North Spring Street  
City Hall, 24<sup>th</sup> Floor  
Los Angeles, CA 90012  
Via email to [ethics.policy@lacity.org](mailto:ethics.policy@lacity.org)

**Re: Public Comment re Possible Amendments to the Los Angeles City Municipal Lobbying Ordinance, 501(c)(3) Exemption Exception**

Dear Los Angeles City Ethics Commissioners:

Thank you for providing the opportunity to provide written comments on the proposed amendments to the City of Los Angeles' Municipal Lobbying Ordinance. On behalf of Inner City Law Center, I am writing to share concerns that the proposed revision to the 501(c)(3) exemption at Section 48.03(E) might unintentionally undermine the exemption. To accomplish the intended purpose without undermining the exemption, we respectfully suggest alternative language.

ICLC is a nonprofit 501(c)(3) that provides free legal services to vulnerable Los Angeles residents to help them get and keep housing. Headquartered in Los Angeles' Skid Row neighborhood, ICLC represents extremely low-income people and we partner with many small nonprofits who similarly work with and represent extremely low-income people.

We appreciate that the Commission recognizes that an exemption for nonprofits is essential to facilitate the participation of underrepresented people in city government decisions. To make the exemption meaningful, it should be simple and easy to understand so that nonprofits can determine which conduct is covered by the exemption, and which conduct is self-interested, and thus not covered by the exemption. Unfortunately, we believe that the Commission's draft language has unintentionally confused self-interested conduct with non self-interested conduct, resulting in an unintended gutting of the exemption.

The relevant sentence lists the exception to the 501(c)(3) exemption: "This exemption does not apply to an attempt by the organization or its employees or board members to influence a City decision regarding funding for the organization, **a contract, a permit, or legislation.**"

As currently drafted, "a contract, a permit" would include any contract or permit and not be limited to those that are "for the organization." For example, Inner City Law Center advocating in support

Page 2

of a permit for a shelter to add restrooms to its facility would not be covered by the exemption even though Inner City Law Center would have no financial or other self-interest in the permit. Similarly, if Inner City Law Center testified in support of a City contract for substance abuse services, which would have no financial benefit to Inner City Law Center, it would not be covered by the exemption. These are the kinds of decisions where the City needs to hear from nonprofits to know whether it is good public policy. And this is where exemption should apply because there is no financial self-interest. Instead, the exception to the exemption should be limited to those “contracts” and “permits” which are “for the organization.”

With “legislation,” we would go one step further and recommended deleting the word entirely. As currently written, any legislation that Inner City Law Center advocated for would not be covered by the exemption. The whole purpose of the exemption is to allow nonprofits to bypass the regulation because they are not acting in their own financial self-interest and the city wants to encourage their participation in legislative and other civic decisions. To then narrow the exemption to exclude legislation is to make the exclusion meaningless. As discussed above, where there is no financial self interest, the exemption should apply.

To correct the unintended gutting of the exemption, we propose the following changes: "This exemption does not apply to an attempt by the organization or its employees or board members to influence a City decision regarding funding, a contract, or a permit for the organization,~~a contract, a permit, or legislation.~~"

Thank you for your consideration. If you have any questions or concerns, feel free to contact me at [REDACTED] or ([REDACTED])

Sincerely,

Greg Spiegel  
Director of Strategic Initiatives



March 22, 2022

Jeffery Daar, Vice President  
Melinda Murray, Commissioner  
Los Angeles City Ethics Commission  
200 North Spring Street  
City Hall, 24th Floor  
Los Angeles, CA 90012

Via email to [ethics.policy@lacity.org](mailto:ethics.policy@lacity.org)

**Re: Public Comment on Possible Amendments to the Municipal Lobbying Ordinance - 501(c)(3) Exemption**

Dear City Ethics Commissioners,

Thank you for the opportunity to provide public comments on the proposed amendments to the Municipal Lobbying Ordinance (MLO). I am writing on behalf of SAJE (Strategic Actions for a Just Economy) to **suggest clarifications for some of the proposed language in Section 48.03(E) (the “501(c)(3) Exemption”) and ask that the Commission replace the existing provision with our proposed language below.**

SAJE is a 501c3 non profit located in South Central Los Angeles. Our mission is to build community leadership and power for economic justice. We focus on housing, including healthy housing, tenant rights, and equitable development. We provide direct services to the community, and have contracts with the City of LA. Government agencies often turn to us when they want to engage “hard to reach” populations. We also use private foundation funding to support the development of policy pieces based on input from community member, and then train community members to advocate for those policies. The community members we work with are extremely low income people from communities of color who are often shut out of many civic processes and engagement efforts.

A simple, clear 501(c)(3) exemption is critical for nonprofit advocacy which facilitates underrepresented people's participation in city government decisions. For context, in 2016 and 2017, SAJE, together with a coalition of local nonprofits, spoke to the Commission about simplifying and broadening the nonprofit exemption to something similar to what is currently being proposed. We offered language at the time, but the City Council ultimately did not adopt any of the changes to the MLO.

We have read through the current redline draft and want to offer some small but important clarifications to the 501(c)(3) Exemption. For example, 33 of the 34 references to "legislation" were redlined except for the occurrence in Section 48.03(E). So, we propose removing it from this section as well. Neither "core services" nor "legislation" are contained elsewhere in the ordinance, nor are they defined. Each of these sentences, if not clarified, could potentially lead to an interpretation of Section 48.03(E) where it is rendered meaningless, which is surely not the Commission's intent.

We also believe that our current proposed language makes it clear that the exemption does not apply when an organization is attempting to influence City matters on funding, contracts, and permits on its own behalf.

SAJE, along with other non profits, proposes that the language of the last two sentences of **Section 48.03(E)** read:

This exemption also applies to the organization's employees and board members while ***engaged in official duties***~~providing the organization's core services~~. This exemption does not apply to an attempt by the organization or its employees or board members to influence a City ***matter decision*** regarding funding, ***a contract, or a permit*** for the organization,~~a contract, a permit, or legislation~~.

(Text in red bold italics are our suggested additions to the current proposal. Deletions are indicated by strikethrough.)

Thank you for your consideration. Please feel free to contact me at [REDACTED] if you have any questions.

Sincerely,



Cynthia Strathmann  
Executive Director





Tyler Joseph <tyler.joseph@lacity.org>

**Fwd: Comment on propose changed to city ethics ordinance**

2 messages

**Jessica Montanez** <jessica.montanez@lacity.org> Wed, Mar 23, 2022 at 12:44 PM  
To: David Tristan <David.Tristan@lacity.org>  
Cc: Kiyana Asemanfar <kiyana.asemanfar@lacity.org>, Tyler Joseph <tyler.joseph@lacity.org>, Heather Holt <Heather.Holt@lacity.org>

----- Forwarded message -----

From: **Michael Shear** [REDACTED]  
Date: Wed, Mar 23, 2022 at 12:42 PM  
Subject: Comment on propose changed to city ethics ordinance  
To: <ethics.commission@lacity.org>

I provided a version of this comment during the commission's March 23, 2022 meeting:

My name is Michael Shear, and I currently serve on the executive board and as the elected controller of the Miracle Mile Democratic Club, although I am providing this comment on my own behalf. I want to thank the Ethics Commission for the transparency you bring to city politics, and I appreciate many of your proposed changes to the city’s ethics ordinance. However, I am concerned that the city’s ethics ordinance still contains a large loophole that allows registered city lobbyists to host fundraisers for the elected officials and candidates they’re paid to influence. This practice is banned in California for statewide officials and candidates, and I believe the city’s ethics rules should be updated to be in line with the state’s rules. Recently five registered lobbyists hosted a fundraiser for a member of the city council who is running for citywide office, and a different lobbyist hosted another fundraiser for that same candidate earlier this month. In the name of fairness, transparency, and good governance, I believe that the City of Los Angeles should put an end to this practice and that this commission should add language to your proposed changes to the city’s ethics ordinance banning lobbyists from hosting fundraisers for city officials and candidates.

Thank you.

--  
Michael Shear

[REDACTED]

**Legal Aid Foundation of Los Angeles**

South Los Angeles Office  
7000 S. Broadway  
Los Angeles, CA 90003

1-800-399-4529

[www.lafla.org](http://www.lafla.org)



March 23, 2022

Jeffery Daar, Vice President  
Melinda Murray, Commissioner  
Los Angeles City Ethics Commission  
200 North Spring Street  
City Hall, 24th Floor  
Los Angeles, CA 90012

Via email to [ethics.policy@lacity.org](mailto:ethics.policy@lacity.org)

Re: Public Comment on Possible Amendments to the Municipal Lobbying Ordinance -  
501(c)(3) Exemption

Dear City Ethics Commissioners,

Thank you for the opportunity to provide public comments on the proposed amendments to the Municipal Lobbying Ordinance (MLO). I am writing on behalf of the Legal Aid Foundation of Los Angeles (LAFLA) to suggest clarifications for some of the proposed language in Section 48.03(E) (the “501(c)(3) Exemption”) and ask that the Commission replace the existing provision with our proposed language below.

Legal Aid Foundation of Los Angeles (“LAFLA”) is the frontline law firm for low-income people throughout Los Angeles County. LAFLA seeks to achieve equal justice through direct representation, systems change, and community education. LAFLA has five community offices throughout Los Angeles County and numerous community-based clinics. LAFLA’s legal priorities encompass supporting families, preserving quality, affordable housing, maintaining economic stability, promoting safety, security, and health, serving populations with special vulnerabilities, and protecting human and civil rights.

A simple, clear 501(c)(3) exemption is critical for nonprofit advocacy which facilitates underrepresented people’s participation in city government decisions. For context, in 2016 and 2017, a coalition of local nonprofits, spoke to the Commission about simplifying and broadening the nonprofit exemption to something like what is currently being proposed. The non-profits offered language at the time, but the City Council ultimately did not adopt any of the changes to the MLO.

We have read through the current redline draft and want to offer some small but important clarifications to the 501(c)(3) Exemption. For example, 33 of the 34 references to “legislation” were redlined except for the occurrence in Section 48.03(E). So, we propose removing it from this section as well. Neither “core services” nor “legislation” are contained elsewhere in the ordinance, nor are they defined. Each of these sentences, if not clarified, could potentially lead to an interpretation of Section 48.03(E) where it is rendered meaningless, which is surely not the Commission’s intent.

We also believe that our current proposed language makes it clear that the exemption does not apply when an organization is attempting to influence City matters on funding, contracts, and permits on its own behalf.

LAFLA proposes that the language of the last two sentences of Section 48.03(E) read:

This exemption also applies to the organization’s employees and board members while ***engaged in official duties*** ~~providing the organization’s core services~~. This exemption does not apply to an attempt by the organization or its employees or board members to influence a City ~~matter decision~~ regarding funding, ***a contract, or a permit*** for the organization, ~~a contract, a permit, or legislation~~.

(Text in red bold italics are our suggested additions to the current proposal. Deletions are indicated by strikethrough.)

Thank you for your consideration. Please feel free to contact me at (213) 640-3970 if you have any questions.

Sincerely,



Angela McNair Turner  
Managing Attorney,  
Housing and Communities Workgroup  
Legal Aid Foundation of Los Angeles



**Re: Fw: Community Impact Statement - City Ethic's Commission**

1 message

**Kiyana Asemanfar** <kiyana.asemanfar@lacity.org>

Thu, Mar 31, 2022 at 7:52 AM

To: Jamie York [REDACTED]

Bcc: ethics.policy@lacity.org

Thank you for sharing this, Jamie!

On Wed, Mar 30, 2022 at 1:51 PM Jamie York [REDACTED] wrote:

Just fyi so you can note on mlo record.

----- Forwarded message -----

From: **Glenn Bailey** [REDACTED]

Date: Wed, Mar 30, 2022 at 12:56 AM

Subject: Fwd: Fw: Community Impact Statement - City Ethic's Commission

To: Jamie York [REDACTED]

Hi Jamie,

This is to confirm that the Encino NC did file a Community Impact Statement with the City Ethics Commission on the Municipal Lobbying Ordinance three days ago. Please see below.

I have also requested Pat do so with BONC.

Thank you.

Cordially,

**Glenn Bailey**

**Executive Committee Member\***  
**Valley Alliance of Neighborhood Councils (VANC)**  
Twitter: @ValleyNCs

-  
**Treasurer\***  
**Los Angeles Neighborhood Council Coalition (LANCC)**  
[www.LANCC.org](http://www.LANCC.org)

Office/Voicemail/Text: [REDACTED]

*\*Affiliations are for identification purposes only*

----- Forwarded Message -----

From: "clerk.cis@lacity.org" <clerk.cis@lacity.org>

To: "cec@ethics.lacity.org" <cec@ethics.lacity.org>

Cc: [REDACTED]

Sent: Sunday, March 27, 2022, 03:37:21 PM PDT

Subject: Community Impact Statement - City Ethic's Commission

Your Community Impact Statement has been successfully submitted to City Ethic's Commission.

If you have questions and/or concerns, please contact the Department of Neighborhood Empowerment at [NCsupport@lacity.org](mailto:NCsupport@lacity.org).

Contact Information

Neighborhood Council: Encino Neighborhood Council

Name: Patricia Bates

Phone Number: [REDACTED]

Email: [REDACTED]

The Board approved this CIS by a vote of: Yea(11) Nay(0) Abstain(0) Ineligible(0) Recusal(0)

Date of NC Board Action: 3/23/2022

Type of NC Board Action: For

Impact Information

Date: 03/27/2022

Update to a Previous Input: No

Directed To: City Ethic's Commission

Council File Number:

Agenda Date:

Item Number:

Summary: Municipal Lobbying Ordinance: The City Ethics Commission is considering various amendments to the Municipal Lobbying Ordinance. One section pertains to Neighborhood Councils and would add verbal communications to the existing disclosure requirements. The proposed amendment wording is as follows: Proposed Section 48.11. Lobbying Disclosure – Communications to Neighborhood Councils A. When a lobbying entity communicates, either personally or through an agent, with a Neighborhood Council or a Neighborhood Council member on behalf of a client, the lobbying entity shall disclose or ensure the disclosure of its status as a lobbying entity and the identity of its client. B. For verbal communications, the disclosure shall be spoken at the beginning of the communication. For written communications, the disclosure shall be printed clearly, legibly and conspicuously. The LA NC Coalition (LANCC) has voted to support this idea. The Encino Neighborhood Council approved the following motion at its March 23, 2022 meeting (the vote and quorum includes one member who has not completed ABLE training): The current Municipal Lobbying Ordinance Section 48.08.8 only requires lobbyist disclosure for written communications to Neighborhood Councils, so the Encino Neighborhood Council supports an amendment to the ordinance (proposed new Section 48.11 above) to include the same disclosure requirement when a lobbyist makes an oral presentation or verbal public comment to a Neighborhood Council that is related to their lobbying activities.

--



**Kiyana Asemanfar**

Lobbying Program Manager

Los Angeles City Ethics Commission

(213) 978-1978 | [ethics.lacity.org](http://ethics.lacity.org)

*This email is not formal advice and does not provide the associated protections. This email may contain confidential information that is protected from disclosure under City law. If you are not the intended recipient, please notify the sender and delete the message, and please do not forward or duplicate the message.*

**BOARD OF  
NEIGHBORHOOD  
COMMISSIONERS**

**ELI LIPMEN**  
President

**RAY REGALADO**  
Vice President

**JOY ATKINSON  
MAGGIE DARETT-QUIROZ  
QYEN VO-RAMIREZ  
LEONARD SHAFFER  
DEBBIE WEHBE**

TELEPHONE: [REDACTED]

CITY OF LOS ANGELES  
CALIFORNIA



**ERIC GARCETTI**  
MAYOR



20<sup>TH</sup> FLOOR, CITY HALL  
200 N. SPRING STREET  
LOS ANGELES, CA 90012

TELEPHONE: (213) 978-1551  
TOLL-FREE: 3-1-1  
FAX: (213) 978-1751

E-MAIL: [EmpowerLA@lacity.org](mailto:EmpowerLA@lacity.org)  
[www.EmpowerLA.org](http://www.EmpowerLA.org)

**RAQUEL BELTRÁN**  
GENERAL MANAGER

April 7, 2022

**TO:** President Shedrick Davis, Members of the Los Angeles City Ethics Commission

**FROM:** President Eli Lipmen, Board of Neighborhood Commissioners

**SUBJECT: Municipal Lobbying Ordinance**

Dear President Davis,

I am writing on behalf of the Board of Neighborhood Commissioners ("Board"), which held a regular meeting and approved this letter on April 5, 2022.

We write to the Commission as you consider various amendments to the Municipal Lobbying Ordinance. One section pertains to Neighborhood Councils and would add verbal communications to the existing disclosure requirements. The Board supports this amendment to the Municipal Lobbying Ordinance with our Board's suggested changes in red, as we believe transparency and disclosure is a necessity for the work of Neighborhood Councils.

The proposed amendment wording is as follows:

Proposed Section 48.11. Lobbying Disclosure – Communications to Neighborhood Councils

A. When a lobbying entity communicates, either personally or through an agent, with a Neighborhood Council, **Neighborhood Council Committee**, or a Neighborhood Council member on behalf of a client **or clients**, the lobbying entity shall disclose or ensure the disclosure of its status as a lobbying entity and the identity of its client **or clients**.

B. For verbal communications, the disclosure shall be spoken at the beginning of the communication. For written communications, the disclosure shall be printed clearly, legibly and conspicuously.

We look forward to working with your Commission and would welcome a briefing on the Ordinance to our Commission at your convenience.

Sincerely,

Eli Lipmen  
President, Board of Neighborhood Commissioners



**April 12, 2022**

Los Angeles City Ethics Commission  
201 N. Spring Street  
City Hall, 24<sup>th</sup> Floor  
Los Angeles, CA 90012

**Re: Amendments to the Los Angeles Municipal Lobbying Ordinance**

Dear Los Angeles City Ethics Commissioners,

We applaud the Commission for prioritizing an overhaul of the City’s lobbying laws. The Los Angeles Municipal Lobbying Ordinance (MLO) has not received a comprehensive update since its implementation in 1994. Over the last two and a half decades a lot has changed. Much has been learned about deficiencies in the current law as well as general regulatory best practices.

The end goals of the proposed amendments, which are greater trust and accountability in Los Angeles government, are laudable and well-placed. In general, California Common Cause supports the Ethics Commission’s 2022 proposed MLO amendments. They are comprehensive and address issues of clarity and scope as well as potential loopholes in the current outdated MLO. The proposed amendments also provide greater transparency, which is essential for public trust in democratic institutions. However, we do have some recommendations that we believe will make the MLO stronger and less subject to abuse.

Lobbying plays an important role in democracy, but guardrails and protections for the public interest are necessary, especially when those with greater means have greater lobbying power, and by extension, influence over elected officials and public policy. Therefore, if an amendment presents the likelihood of increased responsibility upon the lobbying community in exchange for greater transparency and accountability for the public, we tend to hold the view that those particular ends justify those particular means. Democracy is not unburdensome, and those with greater means to influence policies that affect the community at large bear a greater responsibility to be transparent for equity, fairness, and democracy’s sake.

Please find California Common Cause’s comments and recommendations below regarding the Ethics Commission’s proposed updates to the Los Angeles Municipal Lobbying Ordinance. We thank the Commission for undertaking this task. Please feel free to reach out to us if you have any questions.

Sincerely,

Sean McMorris

Transparency, Ethics & Accountability Program Manager  
California Common Cause



## Recommendations

### Definitions

**“Compensation.”** We applaud Commission staff for including “bonuses and contingent fees, regardless of whether payment is ultimately received” in the definition of compensation. This language appears to address a loophole in current lobbying laws, i.e. result-based bonuses or “secret bounties,” as a recent [Sacramento Bee article](#) calls them, that go unreported since money is not exchanging hands until a job is complete or a certain outcome is achieved. However, the “compensation” definition also states that “compensation does not include reimbursement for reasonable travel expenses.” While we recognize that “travel expense” is more narrowly defined than “lobbying expense,” which was the term used in the previous draft MLO, we are still concerned that this exception is a potential loophole that can be exploited. A “reasonable” travel expense is undefined and subjective. A “reasonable travel expense” also seems to contradict the sentence that immediately follows it, which states that “[t]here is a rebuttable presumption that compensation for lobbying services includes all payments given or owed by or on behalf of a client.” This travel reimbursement exemption also appears to be at odds with other sections of the MLO, including Lobbying Activities, Section 48.02(P)(6)<sup>1</sup>; Quarterly Reports by Lobbying Firms — Contents, Sections 48.08(C)(3)<sup>2</sup> & (7)(c)<sup>3</sup>; Quarterly Reports by Lobbyist Employers — Contents, Sections 48.08(D)(3)-(5), (7)-(8)<sup>4</sup>; and Quarterly Reports by Major Filers — Contents, Sections 48.08(E)(3)-(5).<sup>5</sup> Therefore, **we recommend reexamining whether “reasonable travel expenses” should be exempted from the definition of “Compensation.”**

**“Fundraising Activity.”** The proposed definition is thorough, but we are concerned that it does not address potential third-party coordination. To more thoroughly address the act of bundling contributions, **we recommend adding the following italicized language to Section 48.02(N)(2): “Delivering or acting as an intermediary in a contribution or contributions...”** Additionally, **we recommend adding the following, or similar, italicized language to Section 48.02(N)(6): “Asking 15 or more persons to attend a fundraising event or providing the names of 15 or more persons to be invited to a fundraising event or asking an intermediary to invite multiple other persons to a fundraising event.”**

**“Major filer.”** While we agree with the definition, we believe the term “Indirect Lobbyist,” which staff was considering using, is a more germane identifier for what describes an obscure figure who operates within a gray area of lobbying. Since the recommended term retains the word “lobbyist,” it would both

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<sup>1</sup> See “Traveling to, attending or monitoring agency meetings or hearings or other City events.”

<sup>2</sup> See “...the total amount of compensation received by the firm from each client for each City matter including all fees, reimbursements for expenses and other payments...”

<sup>3</sup> See “Total expenses attributable to attempts to influence... that would not be incurred but for the attempts to influence.”

<sup>4</sup> See “Such payments shall include solely payments for compensation and reimbursement of expenses relating to the lobbyists' attempts to influence one or more City matters.”; *See Also* “Such payments shall include payments for compensation and reimbursement of expenses relating to such persons' attempts to influence City matters.”; *See Also* “...expenses that would not be incurred but for the attempts to influence.”; *See Also* “...each activity expense of \$25 or more made by the lobbyist employer...”; *See Also* “The total amount of activity expenses made by the lobbyist employer, whether or not itemized.”

<sup>5</sup> *See* language in previous footnote.



diminish confusion and maintain uniformity with other terms in the MLO used to identify persons beholden to the law. **We recommend replacing the term “major filer” with “indirect lobbyist.”**

### Reporting.

**Quarterly reports by lobbyists and lobbying firms.** We recommend including language in Sections 48.08(B)(10) & (C)(3)-(4) that accounts for contingent fees and bonuses that could go unreported if not explicitly identified (see italicized examples in footnote 7).<sup>6</sup>

### Penalties

**Civil action.** We agree with the adjusted caps on fines, which are appropriate and in line with fines for other City ethics laws, but we are disappointed to see that staff has not allowed the Ethics Commission or City residents to bring a civil action, which was in the previous draft MLO and is in line with the Political Reform Act and the City’s Governmental Ethics Ordinance and Campaign Finance Ordinance. Allowing the Ethics Commission and residents to bring a civil action if the City Attorney refuses to do so is an important check and deterrent that should be implemented in the City’s MLO. **We recommend that the Ethics Commission and City residents be allowed to bring a civil action for alleged violations of the MLO.**

### Other

**Lobbyist disclosure of prior City service.** In the previous draft MLO, Commission staff recommended requiring lobbyists to disclose the last date of any prior City service, which would increase transparency and help to ensure compliance with the City’s revolving door laws. **We recommend that lobbyist disclosure of prior City service be added to the current draft MLO.**

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<sup>6</sup> Example language italicized 48.08(B)(10): “...the amount of compensation the lobbyist became entitled to receive *or may become entitled to receive per contract agreement or contingency bonuses or fees...*”; Example 48.08(C)(3): “...and the total amount of compensation the firm became entitled to receive from each client for each City matter *or may become entitled to receive per contract agreement or contingency bonuses or fees...*”; Example 48.08(C)(4): “The total compensation that the firm received and became entitled to receive from clients *or may become entitled to receive per contract agreement or contingency bonuses or fees.*”



**NITHYA  
RAMAN**

Los Angeles  
City Councilmember  
4th District

April 13, 2022

Los Angeles City Ethics Commission  
200 North Spring Street  
City Hall, 24th Floor  
Los Angeles, California 90012

**Re: Improvements to the Municipal Lobbying Ordinance**

Dear Commissioners,

I write to thank you for your service to the City of Los Angeles through the important work you are performing on the Ethics Commission and to commend you for putting forward a set of thoughtful and necessary improvements to the Municipal Lobbying Ordinance, which will more clearly define who qualifies as a lobbyist in our City and help foster greater public trust in our City government.

In particular, I applaud the revised, simplified definition of a lobbyist, which will make enforcement of this ordinance more practicable, and the prohibition on lobbyists arranging for contributions or gifts to City officials, which closes the current loophole allowing lobbyists to attempt to influence City officials by arranging for gifts indirectly.

I also want to highlight the lobbying disclosure requirement for lobbyists' communications to Neighborhood Councils, which many of my constituents who serve on Neighborhood Councils are eager to have in place. I would urge you to consider a similar disclosure requirement for lobbyists' communications to the City Council and City Council Committees, as the public also has a right to know if someone calling in to a City Council or City Council Committee meeting (or offering written public comment) is a lobbyist, and, if so, who the client is for whom they are advocating.

I look forward to supporting your recommendations when they are transmitted to the City Council.

Sincerely,

Nithya Raman  
Councilmember, 4th District