

May 5, 2022

The Honorable City Council  
c/o Holly Wolcott, City Clerk  
200 North Spring Street  
City Hall—3rd Floor  
Los Angeles, CA 90012

**Re: Updates to the Municipal Lobbying Ordinance  
FOR COUNCIL CONSIDERATION**

Dear Councilmembers:

On April 20, 2022, the Ethics Commission voted unanimously to recommend updates to the Municipal Lobbying Ordinance (MLO). The updates involve key definitions, registration and reporting requirements, exemptions, gifts, enforcement, and technical adjustments.

The Ethics Commission urges you to adopt the approved amendments, which are identified below in Section C. Clean and redlined copies of the proposed ordinance language are provided in Attachments A and B, respectively. A related technical change to the Governmental Ethics Ordinance (GEO) is provided in Attachment C.

**A. 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. The resulting recommendations were transmitted to the City Council. *See* Council File Nos. 07-3005-S2, 18-0171. However, no action was taken by the City Council and, pursuant to Council File No. 05-0553, both matters expired.

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 to work with staff. The Ethics Commission publicly issued draft recommendations and solicited and received feedback at multiple interested persons meetings, via email, and through the Ethics Commission's website. At its regular meeting on April 20, 2022, the Ethics Commission unanimously approved the recommendations below.

## **B. 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 communicate their views to the City's decision makers in ways that can shape outcomes for the community as a whole.

The MLO is 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. 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 approved amendments.

## **C. Recommendations**

The recommendations highlighted below reflect both the top priorities identified by the Ethics Commission 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 Ethics Commission 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 Ethics Commission 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 Ethics Commission 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, pp. 4-5. 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 Ethics Commission. 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 Ethics Commission recommends relabeling the definition with the term “City matter.” See proposed LAMC § 48.02(E); Attachment A, p. 2.

c. City Personnel

The Ethics Commission also recommends improving the term “City official.” It currently refers to 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 Ethics Commission recommends relabeling the definition with the term “City personnel.” See proposed LAMC § 48.02(F); Attachment A, p. 2. For clarity, the recommendation includes a list of the positions that, when lobbied, can trigger regulation, and the list includes members of neighborhood councils, 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, p. 1.

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 Ethics Commission 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)(7); 48.08(C)(9); 48.08(D)(11); 48.08(E)(8); 48.09; 48.10; Attachment A, pp. 6, 10, 13, 15, 16, 17, 17-18.

The Ethics Commission 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. 5. 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.

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 Ethics Commission 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, p. 2. 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 Ethics Commission recommends adding major filers to the definition of “lobbying entity.” *See* proposed LAMC § 48.02(Q); Attachment A, p. 4.

## 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 Ethics Commission 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 Ethics Commission recommends that the MLO reflect the current reality that registration is required for anyone who must access the electronic filing system.

The Ethics Commission 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. 7-9. 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. 4.

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 Ethics Commission recommends moving the registration deadline to 10 business days after the date of qualification. *See* proposed LAMC § 48.07(A); Attachment A, p. 7. The Ethics Commission believes that a 10-day registration deadline more appropriately balances the burden of compliance with 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 Ethics

Commission recommends ensuring as much consistency as possible across all registration statements. *See* proposed LAMC § 48.07(D)-(G); Attachment A, pp. 7-9.

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. The recommended contents of registration statements are summarized by type of lobbying entity in the table below.

Recommended 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 Ethics Commission 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)(4)(c), (F)(5), (G)(4); Attachment A, pp. 8-9. 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, themselves. A similar requirement is

recommended for quarterly disclosure reports. See proposed LAMC § 48.08(B)(13), (C)(3), (D)(7), (E)(3); Attachment A, pp. 11, 12, 14, 16.

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 Ethics Commission recommends eliminating the fourth-quarter proration and applying the registration fee to all lobbying entities. See proposed LAMC § 48.07(C); Attachment A, p. 7.

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 Ethics Commission 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 Ethics Commission 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. 10-17. The table that begins below identifies the recommended quarterly disclosure requirements for each type of lobbying entity.

Recommended 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, member, officer, or employee.		X	X	
Name, address, email, 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, including any related address or reference number.	X	X	X	X
Position taken on each City matter.	X	X	X	X
Client payments received and incurred (total and by client).		X		
Total expenses attributable to attempts to influence, with itemization of each expense of \$1,000+.		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 or earmarked for 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

Recommended Disclosure Requirements				
Content	Lobbyist	Lobbying Firm	Lobbyist Employer	Major Filer
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 Ethics Commission 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, p. 17. 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 certain 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 Ethics Commission 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 often have an interest in influencing a council's recommendations. The Ethics Commission 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 Ethics Commission 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, p. 18. 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 Ethics Commission 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 Ethics Commission recommends 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 without charge or 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, pp. 5-6. 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 financial condition would be exempt, regardless of its purpose or activities.

The recommended exemption would not apply when an organization is attempting to influence a City decision concerning its own funding, contract, or permit. *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 Ethics Commission 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. 5. 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 Ethics Commission 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, p. 6; *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 Ethics Commission 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. 19. 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 Ethics Commission also recommends eliminating the “knowingly” element for criminal and civil penalties. *See* proposed LAMC § 48.12(B)(1), (C); Attachment B, pp. 18-19.

### 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 Ethics Commission recommends eliminating the print 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. 20. 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 Ethics Commission 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. 1-5, 7-17, 17-18.

## **D. Conclusion**

The recommendations in this report are the product of the Ethics Commission'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 personnel, the public, and the regulated community. Based on this information and experience, the Ethics Commission strongly recommends that the attached amendments to the MLO be adopted.

We would be happy to discuss the recommendations with you at any time. If you have questions, please do not hesitate to contact me or Policy Director Tyler Joseph.

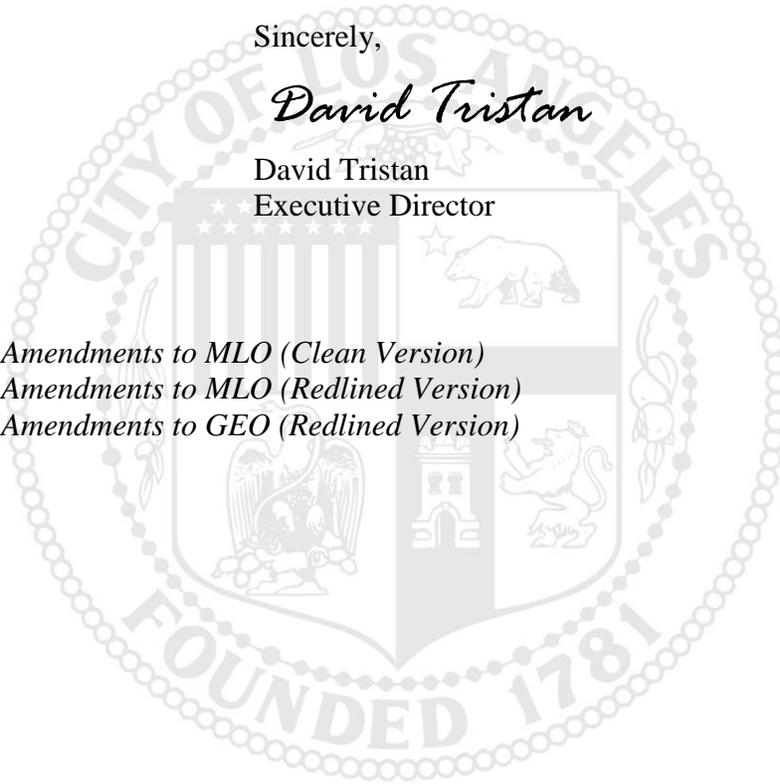
Sincerely,

*David Tristan*

David Tristan  
Executive Director

*Attachments:*

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



## 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 engaged in official duties. This exemption does not apply to an attempt by the organization or its employees or board members to influence a City matter regarding funding, a contract, or a permit for the organization.

#### **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.

**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.

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.
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 or 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~~ 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, tThis 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~~a 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 engaged in official duties. This exemption does not apply to an attempt by the organization or its employees or board members to influence a City matter regarding funding, a contract, or a permit for the organization.

- ~~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

~~elect~~ 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~~ elect 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~~ Records 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~~ elective City officer, candidate for ~~elective~~ elective 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~~ elective City officer or candidate for ~~elective~~ elective City office ~~during the reporting period to any and all controlled committees of any other~~ elective ~~other~~ elective City officers ~~or and~~ elective candidates for ~~elective~~ elective City office, ~~or to primarily formed committees;~~ the names s and addresses s of the payees s; the name of the ~~elective~~ elective City officer or candidate for ~~elective~~ elective 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~~ elective City officer or candidate for ~~elective~~ elective City office ~~during the reporting period~~ to any religious, charitable, s or other nonprofit organization; s; the names s and addresses s of the payees s; the name of the ~~elective~~ elective City officer or candidate for ~~elective~~ elective 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~~ elective City office, ~~or to a campaign for or against any candidate for elected City office or a proposed City ballot measure;~~ s; the name of the candidate, or committee or the ballot number or letter; the ~~elective~~ elective City office sought by the candidate, ~~the ballot number or letter of the ballot measure;~~ s; the date of the election; s; 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, t~~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, t~~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 ~~\$5~~1,000 or more shall be itemized and described.

~~6. Each agency the lobbyist employer attempted to influence.~~

~~7. 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. 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~~s~~, 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 aids 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 Article.

**E. Administrative Penalties.** In addition to any criminal prosecution, civil enforcement, or injunctive relief, ~~T~~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 ~~a~~Article 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;

...