

Article 7: Elections, Campaign Finance and Lobbying

Division 40: Municipal Lobbying (“*Municipal Lobbying*” added 5-18-1998 by O-18511 N.S.)

§27.4001 Purpose and Intent

It is the purpose and intent of the City Council of the City of San Diego in enacting this division to: ensure that the citizens of the City of San Diego have access to information about persons who attempt to influence decisions of City government through the use of paid lobbyists; establish clear and unambiguous registration and disclosure requirements for lobbyists in order to provide the public with relevant information regarding the financing of lobbyists and the full range of lobbying activities; prohibit registered lobbyists from exerting improper influence over City Officials or from placing City Officials under personal obligation to lobbyists or their clients; promote transparency concerning attempts to influence municipal decisions; avoid corruption and the appearance of corruption in the City’s decision-making processes; regulate lobbying activities in a manner that does not discourage or prohibit the exercise of constitutional rights; reinforce public trust in the integrity of local government; and ensure that this division is vigorously enforced.

(Amended 12-7-1998 by O-18606 N.S.)

(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008)

§27.4002 Definitions

All defined terms in this division appear in italics. Unless the context otherwise indicates, the defined terms have the meanings set forth below.

Activity Expense means any *payment* made to, or on behalf of, any *City Official* or any member of a *City Official’s immediate family*, by a *lobbyist*, *lobbying firm*, or *organization lobbyist* if (a) during the previous 12 months the *lobbyist*, *lobbying firm*, or *organization lobbyist* engaged in *lobbying* the *City Official’s department, agency, or City Board*; or (b) during the next 12 months it is reasonably foreseeable that the *lobbyist*, *lobbying firm*, or *organization lobbyist* will engage in *lobbying* the *City Official’s department, agency, or City Board*. *Activity expenses* include *gifts*, meals, consulting fees, salaries, and any other form of *compensation* to a *City Official* or a *City Official’s immediate family*, but do not include *contributions*.

Agent means a *person* who acts on behalf of any other *person*. *Agent* includes a *person* who acts on behalf of a *lobbyist*.

Candidate means any individual who is holding elective *City office* or otherwise meets the definition of “candidate” under section 27.2903.

Chairperson means the compensated individual holding the highest position of authority on an organization's board of directors. A *chairperson* includes an individual occupying that position in an acting or temporary capacity.

City means the City of San Diego or any of its organizational subdivisions, agencies, offices, or boards.

City Board includes the boards of directors of all *City* agencies, and any board, commission, committee, or task force of the *City* established by action of the *City Council* under authority of the *City Charter*, Municipal Code, or Council resolution, whose members are required to file a statement of economic interests pursuant to the California Political Reform Act of 1974, as amended.

City Official means any of the following officers or employees of the *City*, which includes all *City* agencies: elected officeholder; Council staff member; Council Committee Consultant; Council Representative; Assistant City Attorney; Deputy City Attorney; General Counsel; Assistant General Counsel; Chief; Assistant Chief; Deputy Chief; Assistant Deputy Chief; City Treasurer; City Auditor; Assistant City Auditor; City Comptroller; Independent Budget Analyst; Budget/Legislative Analyst; Financial Operations Manager; City Clerk; Labor Relations Manager; Facility Manager; Retirement Administrator; Director; Assistant Director; Deputy Director; Assistant Deputy Director; Chief Executive Officer; Chief Operating Officer; Chief Financial Officer; Chief Investment Officer; Assistant Investment Officer; President; Vice-President; and Assistant Vice President. *City Official* also means any member of a *City Board* and any *candidate* who has been elected to office but not yet sworn in. For purposes of this definition, a *candidate* is considered elected to office on the date the Council adopts its resolution declaring the results of the election.

Client means any *person* who provides *compensation* to a *lobbying firm* for the purpose of *influencing a municipal decision*, and any *person* on whose behalf *lobbying* is performed by a *lobbying firm*.

- (a) *Client* includes any *person* that retains a *lobbying firm* to engage in *lobbying* pursuant to a contingency agreement.
- (b) If a coalition or membership organization is a *client*, a member of that coalition or organization is not also a *client* unless that member paid, or agreed to pay, at least \$1,000 to the *lobbying firm* for *lobbying activities* performed on behalf of the coalition or organization with regard to a specific *municipal decision*. For purposes of this subsection, if a member is an individual, payments by that individual's *immediate family* are attributable to that individual member.

Compensation means any economic consideration for services rendered or to be rendered. *Compensation* does not include reimbursement for *travel expenses*.

Confidential Information has the same meaning as in San Diego Municipal Code section 27.3503.

Contact means the act of engaging in a *direct communication* with a *City Official* for the purpose of *influencing a municipal decision*. For purposes of this definition:

- (a) each discussion with a *City Official* regarding a different *municipal decision* is considered a separate *contact*;
- (b) each discussion regarding a *municipal decision* with a *City Official* and members of that official's immediate staff, or with multiple immediate staff members of the same *City Official*, is considered a separate *contact*;
- (c) multiple identical or substantially similar written communications made by letter, facsimile or electronic mail to one or more *City Officials* pertaining to a single *municipal decision* may be considered a single *contact* for that *municipal decision*.

Contribution has the same meaning as that term is used in Municipal Code section 27.2903, and includes a *payment* made to a professional expense committee under Municipal Code section 27.2965.

Direct communication means:

- (a) talking to (either by telephone or in person); or
- (b) corresponding with (either in writing or by electronic transmission or facsimile machine).

Enforcement Authority means the City of San Diego Ethics Commission. Nothing in this article limits the authority of the City Attorney, any law enforcement agency, or any prosecuting attorney to enforce the provisions of this article under any circumstances where the City Attorney, law enforcement agency, or prosecuting attorney otherwise has lawful authority to do so.

Expenditure lobbyist means any *person* who makes expenditures for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities designed to influence one or more *municipal decisions*, to the extent that such *payments* total \$5,000 or more within a calendar quarter. An expenditure is made on the date a *payment* is made or on the date consideration, if any, is received by the *expenditure lobbyist*, whichever is earlier. Expenditures for *lobbying activities* reported by a *lobbying firm or organization lobbyist* on a quarterly disclosure report shall not be considered for purposes of calculating the \$5,000 threshold.

Fundraising activity means soliciting, or directing others to solicit, *contributions* from one or more contributors, either personally or by hosting or sponsoring a fundraising event, and either:

- (a) personally delivering \$2,000 or more in *contributions* to:
 - (1) a *candidate's* election committee;
 - (2) a *candidate-controlled* ballot measure committee;
 - (3) a *candidate's* (including an elected *City Official's*) professional expense committee; or
 - (4) a committee primarily formed to support or oppose one or more *candidates*, or
- (b) identifying oneself to a *candidate* or a committee identified in subsection (a) as having any degree of responsibility for \$2,000 or more in *contributions* received as a result of that solicitation.

Gift means any *payment* that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public. Any *person*, other than a defendant in a criminal action, who claims that a *payment* is not a *gift* by reason of receipt of consideration has the burden of proving that the consideration received, is of equal or greater value. *Gifts* are subject to the exceptions set forth in Municipal Code section 27.3525. *Gifts* do not include a ticket, invitation, or other admission privilege to an event held for a non-profit entity.

Immediate family means an individual's spouse or registered domestic partner, and any dependent children.

Influencing a municipal decision means affecting or attempting to affect any action by a *City Official* on one or more *municipal decisions* by any method, including promoting, supporting, opposing, or seeking to modify or delay such action.

Influencing a municipal decision also includes providing information, statistics, analysis, or studies to a *City Official*.

Lobbying means *direct communication* with a *City Official* for the purpose of *influencing a municipal decision* on behalf of any other *person*.

Lobbying activities means the following and similar activities that are related to an attempt to *influence a municipal decision*: (a) *lobbying*; (b) monitoring *municipal decisions*; (c) preparing testimony and presentations; (d) engaging in research, investigation, and fact-gathering; (e) attending hearings; (f) communicating with clients; (g) waiting to meet with *City Officials*; and (h) communications with *City employees* who are not *City Officials*.

Lobbying entity means any *lobbying firm*, *organization lobbyist*, or *expenditure lobbyist*.

Lobbying firm means any entity that receives or becomes entitled to receive any amount of monetary or in-kind *compensation* to engage in *lobbying* on behalf of any other *person*, and that has at least one *direct communication* with a *City Official* for the purpose of *influencing a municipal decision*. A *lobbying firm* includes any entity that engages in *lobbying* on behalf of another *person* pursuant to a contingency fee agreement. Officers of a *lobbying firm* include those individuals charged by the firm with certain powers and duties as designated by the firm, its bylaws or articles of incorporation.

Lobbyist means any individual who engages in *lobbying* on behalf of a *client* and any individual owner, compensated officer, *chairperson*, or employee who engages in *lobbying* on behalf of an *organization lobbyist*. *Lobbyist* also means any individual owner, compensated officer, *chairperson*, or employee who has been designated on a *lobbying firm's* or *organization lobbyist's* registration form as being expected or authorized to *lobby*.

Ministerial action means any action that does not require a *City Official* to exercise discretion concerning any outcome or course of action. A *ministerial action* includes, but is not limited to, decisions on private land development made pursuant to Process 1 as described in Chapter 11 of the Municipal Code.

Municipal decision includes:

- (a) the drafting, introduction, consideration, reconsideration, adoption, defeat, repeal, or veto of any ordinance or resolution; and
- (b) the amendment of any ordinance or resolution; and
- (c) a report by a *City Official* to the *City Council*, a *City Council Committee*, or to the *Mayor*; and
- (d) contracts; and
- (e) quasi-judicial decisions, including:
 - (1) any decision on a land development permit, map or other matter decided pursuant to Process 2 through 5 as described in Chapter 11 of this Municipal Code; and
 - (2) any grant of, denial of, modification to, or revocation of a permit or license under Chapter 1 through 10 of this Municipal Code; and
 - (3) any declaration of debarment as described in Chapter 2, Article 2, Division 8, of this Municipal Code; and
- (f) any other decision of the *City Council* or a *City Board*.

Organization lobbyist means any business or organization, including any non-profit entity, that provides *compensation* to one or more employees for the purpose of *lobbying* on behalf of the business or organization and who have a total of 10 or more separate *contacts* with one or more *City Officials* for that purpose within 60 consecutive calendar days. An employee of any parent or subsidiary of the business or organization is considered an employee of that entity. “Employees” of an *organization lobbyist* include the owners, *chairpersons*, compensated officers, and employees of the business or organization. Officers of an *organization lobbyist* include those individuals charged by the organization with certain powers and duties as designated by the organization, its bylaws or articles of incorporation.

Payment means a payment, distribution, transfer, loan, advance, deposit, *gift* or other rendering of money, property, services, or anything else of value, whether tangible or intangible.

Person means any individual, business entity, trust, corporation, association, committee, or any other organization or group of *persons* acting in concert.

Public hearing means any meeting as defined by the Ralph M. Brown Act.

Public official means an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies; the State of California; the *City*; any political subdivision of the State, including counties and districts; or any public corporation, agency, or commission.

Travel expenses means reasonable expenses for transportation plus a reasonable sum for food and lodging.

(Amended 4-29-2002 by O-19055 N.S.)

(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

(Amended 10-27-2008 by O-19795; effective 1-1-2009.)

(Amended 12-2-2009 by O-19913 N.S.; effective 1-1-2010.)

(Amended 11-27-2012 by O-20227 N.S.; effective 1-1-2013.)

(Amended 2-9-2016 by O-20596 N.S.; effective 3-10-2016.)

(Amended 12-10-2018 by O-21024 N.S.; effective 1-9-2019.)

(Amended 7-29-2019 by O-21098 N.S.; effective 8-28-2019.)

§27.4004 Exceptions

The following *persons* and activities are exempt from the requirements of this division:

- (a) a *public official* acting in his or her official capacity and any government employee acting within the scope of his or her employment;
- (b) any newspaper or other regularly published periodical, radio station, or television station (including any individual who owns, publishes, or is employed by any such newspaper, periodical, radio station, or television station) that in the ordinary course of business publishes news items, editorials, or other comments or paid advertisements that directly or indirectly urge action on a *municipal decision*, if such newspaper, periodical, radio station, television station, or individual engages in no other activities to *influence a municipal decision*;
- (c) any *person* whose sole activity includes one or more of the following:
 - (1) to submit a bid on a competitively bid contract;

- (2) to submit a written response to a request for proposals or qualifications;
 - (3) to participate in an oral interview for a request for proposals or qualifications; or,
 - (4) to negotiate the terms of a contract or agreement with the *City*, once the *City* has authorized either by action of the *City Council*, *City Manager*, or voters, entering an agreement with that *person* whether that *person* has been selected pursuant to a bid, request for proposals or qualifications, or by other means of selection recognized by law.
 - (5) to communicate in connection with the administration of an existing contract between the *person* and the *City*.
- (d) any request for advice regarding, or for an interpretation of, laws, regulations, *City* approvals, or policies;
 - (e) any communication by an attorney with regard to his or her representation of a party or potential party to pending or actual litigation, or to a pending or actual administrative enforcement proceeding, brought by or against the *City*, or *City* agent, officer, or employee;
 - (f) any communication concerning a *ministerial action*;
 - (g) any communication concerning the establishment, amendment, administration, implementation, or interpretation of a collective bargaining agreement or memorandum of understanding between the *City* and a recognized employee organization, or concerning a proceeding before the Civil Service Commission;
 - (h) any communication concerning management decisions regarding the working conditions of represented employees that clearly relate to the terms of collective bargaining agreements or memoranda of understanding pursuant to (g) above;
 - (i) solely responding to questions from any *City Official*, or providing oral or written information in response to a subpoena or as otherwise compelled by law;
 - (j) solely appearing as a speaker at, or providing written statements that become part of the record of, a *public hearing*;
 - (k) any direct response to an enforcement proceeding with the *City*.

- (l) the provision of purely technical data or analysis to a *City Official* by an expert, so long as the expert does not otherwise engage in *direct communication* for the purpose of *influencing a municipal decision*. This subsection is intended to be interpreted in a manner consistent with title 2, section 18239(d)(3)(A) of the California Code of Regulations.
- (m) the publishing of any information on an Internet website that is accessible to the general public.

(Amended 11-8-1999 by O-18705 N.S.)

(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4006 Activity Expense on Behalf of Client

An *activity expense* shall be considered to be made on behalf of a *client* if the *client* requests, authorizes, or reimburses the expense.

("Registration Required" added 5-18-1998 by O-18511 N.S.)

(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4007 Registration Required

- (a) Every *lobbying firm* and *organization lobbyist* is required to register with the *City Clerk* no later than ten calendar days after qualifying as a *lobbying firm* or *organization lobbyist*.
- (b) *Lobbying firms* and *organization lobbyists* shall file their registration forms with the *City Clerk*, using forms provided by the *City Clerk*.
- (c) Nothing in this division precludes an entity from registering as a *lobbying firm* or *organization lobbyist* prior to qualifying as such.
- (d) An entity that registers as a *lobbying firm* or *organization lobbyist* retains that status through January 5 of the following calendar year unless and until it terminates that status in accordance with section 27.4022.
- (e) An entity that re-qualifies as a *lobbying firm* or *organization lobbyist* on January 5 shall renew its registration on or before January 15. An entity that re-qualifies as a *lobbying firm* or *organization lobbyist* after January 5 shall renew that registration within 10 calendar days after re-qualifying as a *lobbying firm* or *organization lobbyist*.

- (f) For purposes of renewing an *organization lobbyist*'s registration, an entity with one or more *contacts* in the current calendar year shall count all *contacts* made during the previous 60 days, regardless of calendar year. However, an entity is not required to renew its registration as an *organization lobbyist* if all its *contacts* within the previous 60 days took place during the prior calendar year and were reported on a quarterly disclosure report.

(Amended 12-7-1998 by O-18606 N.S.)

(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

(Amended 12-2-2009 by O-19913 N.S.; effective 1-1-2010.)

§27.4009 Contents of Registration Form

- (a) Every *lobbying firm* shall file with the *City Clerk* a registration form that contains the following information:
- (1) the *lobbying firm*'s name, address, and telephone number.
 - (2) the name of each individual employed by the *lobbying firm*:
 - (A) who has engaged in *lobbying* the *City* within the previous 30 calendar days, or
 - (B) who the *lobbying firm* reasonably anticipates will engage in *lobbying* the *City* in the future.
 - (3) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who engaged in *fundraising activities* for a current elected *City Official*'s election committee, controlled ballot measure committee, or professional expense committee, or for a committee primarily formed to support a current elected *City Official*, during the two year period preceding the filing date, along with the name of each applicable *City Official*.
 - (4) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who personally provided compensated campaign-related services to a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*.
 - (5) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who personally provided compensated services under a contract with the *City* during the two year period preceding the filing date, along with the name of the *City* department, agency, or board for which the services were provided.

- (6) for each *client* for whom the *lobbying firm* has had at least one *lobbying contact*:
- (A) the *client's* name, business or mailing address, and telephone number; in addition, if the *client* is a coalition or membership organization, include the name, business or mailing address, and telephone number of each member who also qualifies as a *client* under section 27.4002.
- (B) a specific description of each *client* in sufficient detail to inform the public of the nature and purpose of the *client's* business; and,
- (C) the specific *municipal decision(s)* for which the *lobbying firm* was retained to engage in *lobbying* for the *client*, or a description of the type(s) of *municipal decision(s)* for which the *lobbying firm* was retained to engage in *lobbying* for the *client*, and the outcome(s) sought by the *client*;
- (7) statements by a duly authorized owner or officer of the *lobbying firm* that he or she:
- (A) reviewed and understands the requirements of Division 40 governing municipal lobbying; and,
- (B) reviewed the contents of the registration form and verified under penalty of perjury that based on personal knowledge or on information and belief that he or she believes such contents to be true, correct, and complete.
- (8) the printed name, title, and original signature of the individual making the statements required by subsection (a)(7).
- (9) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.
- (b) Every *organization lobbyist* shall file with the *City Clerk* a registration form that contains the following information:
- (1) the *organization lobbyist's* name, address, and telephone number.

- (2) a specific description of the *organization lobbyist* in sufficient detail to inform the public of the nature and purpose of its business.
- (3) the name of each owner, compensated officer, *chairperson*, and employee of the *organization lobbyist* who is authorized to *lobby City Officials* on behalf of the *organization lobbyist*.
- (4) the total number of *lobbying contacts* with *City Officials* made on behalf of the *organization lobbyist* by the *organization lobbyist's* owners, compensated officers, *chairperson*, or employees during the 60 calendar days preceding the filing date, even if such *contacts* were made prior to January 1.
- (5) a description and the outcome sought for each *municipal decision* that the *organization lobbyist*:
 - (A) is currently seeking to influence; and
 - (B) *lobbied* on during the 60 calendar days preceding the filing date, even if such *lobbying* took place prior to January 1.
- (6) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who engaged in *fundraising activities* for a current elected *City Official*'s election committee, controlled ballot measure committee, or professional expense committee, or for a committee primarily formed to support a current elected *City Official*, during the two year period preceding the filing date, along with the name of each applicable *City Official*.
- (7) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who personally provided compensated campaign-related services to a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*.
- (8) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who personally provided compensated services under a contract with the *City* during the two year period preceding the filing date, along with the name of the *City* department, agency, or board for which the services were provided.
- (9) statements by a duly authorized owner or officer of the *organization lobbyist* that he or she:

- (A) reviewed and understands the requirements of Division 40 governing municipal lobbying; and,
 - (B) reviewed the contents of the registration form and verified under penalty of perjury that based on personal knowledge or on information and belief that he or she believes such contents to be true, correct, and complete.
- (10) the printed name, title, and original signature of the individual making the statements required by subsection (b)(9).
- (11) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.

(Amended 12-7-1998 by O-18606 N.S.)

(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

(Amended 12-2-2009 by O-19913 N.S.; effective 1-1-2010.)

(Amended 11-27-2012 by O-20227 N.S.; effective 1-1-2013.)

(Amended 2-9-2016 by O-20596 N.S.; effective 3-10-2016.)

§27.4010 Registration Fees

- (a) At the time a *lobbying firm* registers pursuant to section 27.4007, the *lobbying firm* shall pay an annual registration fee based on the number of *lobbyists* identified on its registration form, plus an annual *client* registration fee for each *client* identified on the registration form.
 - (1) A *lobbying firm* that initially qualifies to register during the last quarter of a calendar year (October through December) pursuant to section 27.4007 shall pay prorated registration fees.
 - (2) When a *lobbying firm* adds a *lobbyist* subsequent to the *lobbying firm*'s initial registration, the *lobbying firm* shall pay an additional *lobbyist* registration fee when filing its amended registration form as required by section 27.4012.
 - (3) When a *lobbying firm* acquires a *client* subsequent to the *lobbying firm*'s initial registration, the *lobbying firm* shall pay an additional *client* registration fee when filing its amended registration form as required by section 27.4012.

- (4) For the purpose of determining *client* registration fees, a coalition or membership organization shall be considered a single *client*, even if one or more of its members also qualify as *clients* under section 27.4002.
 - (5) Registration fees may be paid or reimbursed by a *client*.
- (b) At the time an *organization lobbyist* registers pursuant to section 27.4007, the *organization lobbyist* shall pay an annual *organization lobbyist* registration fee.
- (1) An *organization lobbyist* that initially qualifies to register during the last quarter of a calendar year (October through December) pursuant to section 27.4007 shall pay a prorated registration fee.
 - (2) An *organization lobbyist* shall pay a single registration fee regardless of the number of its owners, officers, and employees who engage in *lobbying*.
- (c) All registration fees shall be set by the *City Council* based upon the recommendation of the *City Clerk*. The *City Clerk* shall from time to time recommend fee amounts to the *City Council* that reflect, but do not exceed, the *City's* costs of administering the filing requirements set forth in this division. A copy of the fee schedule shall be filed in the rate book of fees on file in the office of the *City Clerk*.

(Amended 12-7-1998 by O-18606 N.S.)

(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

(Amended 12-2-2009 by O-19913 N.S.; effective 1-1-2010.)

§27.4012

Amendments to Registration Form

Within ten calendar days of any change in the information required on their registration forms, *lobbying firms* and *organization lobbyists* shall file amendments to their registration forms, disclosing the change in information.

(Amended 11-8-1999 by O-18705 N.S.)

(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4015 Quarterly Disclosure Report Required

- (a) *Lobbying firms and organization lobbyists* shall file quarterly disclosure reports for every calendar quarter during which they retain their status as a *lobbying firm or organization lobbyist*.
- (b) *Expenditure lobbyists* shall file quarterly disclosure reports for every calendar quarter in which they qualify as *expenditure lobbyists*. An entity has no filing obligations as an *expenditure lobbyist* for any calendar quarter in which it does not meet the definition of an *expenditure lobbyist*.
- (c) Each *lobbying entity* shall file its quarterly disclosure report with the *City Clerk*, using forms provided by the *City Clerk*.

(Amended 11-8-1999 by O-18705 N.S.)

(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4016 Filing Deadline for Quarterly Disclosure Report

Lobbying entities shall file quarterly disclosure reports no later than the last day of the months of April, July, October, and January. *Lobbying entities* shall disclose the information required by section 27.4017 for the calendar quarter immediately prior to the month in which the report is required to be filed.

(“Filing Deadline for Quarterly Disclosure Report” added 5-18-1998 by O-18511 N.S.)

(Amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4017 Contents of Quarterly Disclosure Report

- (a) Each *lobbying firm’s* quarterly disclosure report shall contain the following information:
 - (1) the *lobbying firm’s* name, address, and telephone number.
 - (2) the name, business or mailing address, and telephone number of each *client* registered by the *lobbying firm* during the reporting period (except that if the *client* is a coalition or membership organization, such identifying information need not be disclosed for any of its members who also qualify as *clients* under section 27.4002), along with the following information for that *client*:

- (A) the total *compensation*, rounded to the nearest \$1,000, that the *lobbying firm* became entitled to receive from that *client* during the reporting period for *lobbying activities* related to *lobbying* contacts that (i) took place during the reporting period, or (ii) took place on a contingency fee basis during a prior reporting period. The *lobbying firm* shall also state whether it *lobbied* on a contingency basis during the reporting period without becoming entitled to receive the contingent amount from the *client*.
 - (B) the specific *municipal decision(s)* for which the *lobbying firm* *lobbied* on behalf of the *client* during the reporting period, and the outcome(s) sought by the *client*;
 - (C) the name and department of each *City Official* who was subject to *lobbying* by the *lobbying firm* with regard to that specific *municipal decision*;
 - (D) the name of each *lobbyist* employed by the *lobbying firm* who engaged in *lobbying* with regard to that specific *municipal decision*; and,
 - (E) if the *lobbying firm* did not engage in any *lobbying* for the *client* during the reporting period, a statement to that effect shall be made instead of providing the information required by subsections (a)(2)(B) through (a)(2)(D).
- (3) an itemization of *activity expenses* that includes the following:
- (A) the date, amount, and description of any *activity expense* that exceeds \$10 on any single occasion made by the *lobbying firm* or any of its *lobbyists* during the reporting period for the benefit of a single *City Official* or any member of a *City Official's immediate family*;
 - (B) the name, title, and department of the *City Official* who benefited, or whose *immediate family* benefited, from the itemized *activity expense*;
 - (C) the name of each *lobbyist* who participated in making the *activity expense*;

- (D) the name and address of the payee of each itemized *activity expense*; and,
 - (E) the name of the *client*, if any, on whose behalf each itemized *activity expense* was made.
 - (F) If an *activity expense* paid to a *City Official* or a member of a *City Official's immediate family* is employment-related, such as an expense for salary, benefits, or contract services, the amount of the *activity expense* made during the reporting period may be expressed in a statement that it exceeded \$10 but did not exceed \$2,500, that it exceeded \$2,500 but did not exceed \$10,000, that it exceeded \$10,000 but did not exceed \$25,000, that it exceeded \$25,000 but did not exceed \$50,000, that it exceeded \$50,000 but did not exceed \$75,000, that it exceeded \$75,000 but did not exceed \$100,000, or that it exceeded \$100,000.
- (4) an itemization of any *contributions* totaling \$100 or more made by the *lobbying firm* or any of its owners, officers, or *lobbyists*, or by any of its sponsored committees, during the reporting period to any of the following committees:
- (A) a *candidate*'s election committee;
 - (B) a *candidate*-controlled ballot measure committee;
 - (C) a *candidate*'s (including an elected *City Official*'s) professional expense committee; or
 - (D) a committee primarily formed to support or oppose one or more *candidates*.
- The itemization shall include the date and amount of each *contribution* and the name of the applicable committee.
- (5) for each fundraising effort by an owner, officer, or *lobbyist* of the *lobbying firm* who engaged in *fundraising activities* during the reporting period:
- (A) the name of the owner, officer, or *lobbyist* who engaged in the *fundraising activity*;

- (B) the name of the campaign committee benefiting from the *fundraising activity*;
 - (C) a description of the ballot measure, if any;
 - (D) the date(s) of the *fundraising activity*;
 - (E) a brief description of the *fundraising activity*; and
 - (F) the approximate amount of (i) all *contributions* personally delivered by the owner, officer, or *lobbyist* to the *candidate* or committee; and (ii) all *contributions* for which the owner, officer, or *lobbyist* has identified himself or herself to the *candidate* or committee as having some degree of responsibility for raising.
- (6) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided campaign-related services to a *candidate* or a *candidate*-controlled committee during the reporting period in exchange for *compensation* or pursuant to a contingency fee agreement:
- (A) the name of the owner, officer, or *lobbyist* who provided the services;
 - (B) the *candidate*'s name, and the office sought by that *candidate*;
 - (C) the name of the *candidate*-controlled ballot measure committee and a description of the ballot measure, if applicable;
 - (D) the approximate amount of *compensation* earned during the reporting period for the services provided to the *candidate* or *candidate*-controlled committee; and,
 - (E) a description of the services provided.
- (7) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided compensated services under a contract with the *City* during the reporting period:
- (A) the name of the owner, officer, or *lobbyist* who provided the services;

- (B) the name of the department, agency, or board for which the services were provided;
 - (C) the approximate amount of *compensation* earned during the reporting period for the services provided under the contract; and,
 - (D) a description of the services provided.
- (8) a statement by a duly authorized owner or officer of the *lobbying firm* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
- (9) the printed name, title, and original signature of the individual making the statement required by subsection (a)(8).
- (10) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.
- (b) Each *organization lobbyist*'s quarterly disclosure report shall contain the following information:
- (1) the *organization lobbyist*'s full name, address, and telephone number.
 - (2) for each *municipal decision(s)* for which the *organization lobbyist* engaged in *lobbying* during the reporting period:
 - (A) a description of the specific *municipal decision*, and the outcome sought by the *organization lobbyist*;
 - (B) the name and department of each *City Official* who was subject to *lobbying* by the *organization lobbyist* during the reporting period with regard to that specific *municipal decision*; and,
 - (C) the name of each owner, compensated officer, *chairperson*, or employee of the *organization lobbyist* who engaged in *lobbying* on behalf of the *organization lobbyist* during the reporting period with regard to that specific *municipal decision*; and,

- (D) the total number of *lobbying contacts* with *City Officials* made on behalf of the *organization lobbyist* by the *organization lobbyist's* owners, compensated officers, *chairperson*, or employees with regard to that specific *municipal decision* during the reporting period.
- (3) an itemization of *activity expenses* that includes the following:
- (A) the date, amount, and description of any *activity expense* that exceeds \$10 on any single occasion made by the *organization lobbyist* or any of its *lobbyists* during the reporting period for the benefit of a single *City Official* or any member of a *City Official's immediate family*;
- (B) the name, title, and department of the *City Official* who benefited, or whose *immediate family* benefited, from the itemized *activity expense*;
- (C) the name of each *lobbyist* who participated in making the *activity expense*; and,
- (D) the name and address of the payee of each itemized *activity expense*.
- (E) If an *activity expense* paid to a *City Official* or a member of a *City Official's immediate family* is employment-related, such as an expense for salary, benefits, or contract services, the amount of the *activity expense* made during the reporting period may be expressed in a statement that it exceeded \$10 but did not exceed \$2,500, that it exceeded \$2,500 but did not exceed \$10,000, that it exceeded \$10,000 but did not exceed \$25,000, that it exceeded \$25,000 but did not exceed \$50,000, that it exceeded \$50,000 but did not exceed \$75,000, that it exceeded \$75,000 but did not exceed \$100,000, or that it exceeded \$100,000.
- (4) an itemization of any *contributions* totaling \$100 or more made by the *organization lobbyist* or any of its owners, compensated officers, or *lobbyists*, or by any of its sponsored committees, during the reporting period to any of the following committees:

- (A) a *candidate's* election committee;
- (B) a *candidate-controlled* ballot measure committee;
- (C) a *candidate's* (including an elected *City Official's*) professional expense committee; or
- (D) a committee primarily formed to support or oppose one or more *candidates*.

The itemization shall include the date and amount of each *contribution* and the name of the applicable committee.

- (5) for each fundraising effort by any of the *organization lobbyist's* owners, compensated officers, or *lobbyists* who engaged in *fundraising activities* during the reporting period:
 - (A) the name of the owner, officer, or *lobbyist* who engaged in the *fundraising activity*;
 - (B) the name of the campaign committee benefiting from the *fundraising activity*;
 - (C) a description of the ballot measure, if any;
 - (D) the date(s) of the *fundraising activity*;
 - (E) a brief description of the *fundraising activity*; and
 - (F) the approximate amount of (i) all *contributions* personally delivered by the owner, officer, or *lobbyist* to the *candidate* or committee; and (ii) all *contributions* for which the owner, officer, or *lobbyist* has identified himself or herself to the *candidate* or committee as having some degree of responsibility for raising.
- (6) for each of the *organization lobbyist's* owners, compensated officers, and *lobbyists* who personally provided campaign-related services to a *candidate* or a *candidate-controlled* committee during the reporting period in exchange for *compensation* or pursuant to a contingency fee agreement:

- (A) the name of the owner, officer, or *lobbyist* who provided the services;
 - (B) the *candidate*'s name, and the office sought by that *candidate*;
 - (C) the name of the *candidate*-controlled ballot measure committee and a description of the ballot measure, if applicable;
 - (D) the approximate amount of *compensation* earned during the reporting period for the services provided to the *candidate* or *candidate*-controlled committee; and,
 - (E) a description of the services provided.
- (7) for each of the *organization lobbyist*'s owners, compensated officers, and *lobbyists* who personally provided compensated services under a contract with the *City* during the reporting period:
- (A) the name of the owner, officer, or *lobbyist* who provided the services;
 - (B) the name of the department, agency, or board for which the services were provided;
 - (C) the approximate amount of *compensation* earned during the reporting period for the services provided under the contract; and,
 - (D) a description of the services provided.
- (8) a statement by a duly authorized owner or officer of the *organization lobbyist* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
- (9) the printed name, title, and original signature of the individual making the statement required by subsection (b)(8).
- (10) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.

- (c) An *expenditure lobbyist's* quarterly disclosure report shall contain the following information:
- (1) The name, address, and telephone number of the *expenditure lobbyist*.
 - (2) The name, title, address, and telephone number of the individual responsible for preparing the report.
 - (3) A description of each *municipal decision* that the *expenditure lobbyist* attempted to influence during the reporting period, and for each such *municipal decision*:
 - (A) The total expenditures the *expenditure lobbyist* made during the reporting period for the purpose of attempting to influence that *municipal decision*. An expenditure is made on the date a *payment* is made or on the date consideration, if any, is received by the *expenditure lobbyist*, whichever is earlier. An *expenditure lobbyist* need not disclose expenditures for *lobbying activities* reported by a *lobbying firm* or *organization lobbyist* on a quarterly disclosure report.
 - (B) The name, address, telephone number, and amount of *payment* for each *person* who made a *payment*, or the promise of a *payment*, of \$100 or more to the *expenditure lobbyist* for the express purpose of funding any expenditure identified in subsection (c)(3)(A).
 - (C) The outcome sought by the *expenditure lobbyist*.
 - (4) a statement by a duly authorized owner or officer of the *expenditure lobbyist* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
 - (5) the printed name, title, and original signature of the individual making the statement required by subsection (c)(4).

- (6) any other information required by regulation of the *Enforcement Authority* consistent with the purposes and provisions of this division, and as approved by the *City Council*.

(Amended 12-7-1998 by O-18606 N.S.)

(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

(Amended 12-2-2009 by O-19913 N.S.; effective 1-1-2010.)

(Amended 11-27-2012 by O-20227 N.S.; effective 1-1-2013.)

(Amended 2-9-2016 by O-20596 N.S.; effective 3-10-2016.)

(Amended 7-29-2019 by O-21098 N.S.; effective 8-28-2019.)

§27.4018 Amendments to Quarterly Disclosure Reports

Any *lobbying entity* that discovers incomplete or inaccurate information in a quarterly disclosure report that it filed with the *City Clerk* shall, within ten calendar days of the discovery, file an amended quarterly disclosure report with the *City Clerk* disclosing all information necessary to make the report complete and accurate.

("Amendments to Quarterly Disclosure Reports" added 8-3-2007 by O-19656 N.S.; effective 1-1-2008. Formerly Section 27.4018 "Accountability," retitled, amended and renumbered to 27.4019 on 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4019 Retention of Records

In addition to any other requirement of this division, every *lobbying entity* shall retain for a period of five years all books, papers, and documents necessary to substantiate the quarterly disclosure reports required to be made under this division.

("Accountability" added 12-7-1998 by O-18606 N.S.)

(Retitled and renumbered from Section 27.4018 to Section 27.4019 and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4022 Termination of Status as Lobbying Firm or Organization Lobbyist

A *lobbying firm* or *organization lobbyist* that ceases being a *lobbying entity* shall notify the *City Clerk* of this status upon the quarterly disclosure report form provided by the *City Clerk*. Upon terminating, the *lobbying firm* or *organization lobbyist* shall report any information required by section 27.4017 that has not been reported since its last quarterly disclosure report.

(Amended 12-7-1998 by O-18606 N.S.)

(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4023 Obligations of Individual Lobbyists

Every *lobbyist* shall:

- (a) disclose his or her status as a *lobbyist* to a *City Official* before making any *activity expense* to, or for the benefit of, that *City Official* or that *City Official's immediate family*;
- (b) abstain from doing any act with the purpose or intent of placing a *City Official* under personal obligation to the *lobbyist*, or to the *lobbyist's employer* or *client*;
- (c) correct, in writing, any misinformation given to a *City Official*, specifying the nature of the misinformation;
- (d) not deceive or attempt to deceive a *City Official* as to any material fact pertinent to any pending or proposed *municipal decision*;
- (e) not cause any communication to be sent to a *City Official* in the name of any fictitious *person*, or in the name of any real *person* without the consent of such real *person*;
- (f) not directly or indirectly accept, use, or disclose any *confidential information* from any *City Official* or *City Official's immediate family*;
- (g) not attempt to evade the obligations in this section through indirect efforts or through the use of *agents*, associates, or employees.

(Amended 5-30-2000 by O-18807 N.S.)

(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

(Amended 12-10-2018 by O-21024 N.S.; effective 1-9-2019.)

§27.4024 Employment of City Official by Lobbying Entity

If any *lobbying entity* employs or retains a current *City Official*, or any member of that official's *immediate family*, that *lobbying entity* shall file a written statement with the *City Clerk* within ten calendar days after such employment commences. This statement shall set forth the name of the individual employed, the date the individual was first employed by the *lobbying entity*, and the individual's position, title, and department in the *City*.

(Amended 12-7-1998 by O-18606 N.S.)

(Retitled and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4030 Gifts from Lobbying Entities and Lobbyists

- (a) It is unlawful for a *lobbying firm* or any of its *lobbyists* to make a *gift*, act as an *agent* or intermediary in the making of a *gift*, or arrange for the making of a *gift* if:
 - (1) the *gift* is given to a *City Official*, and
 - (2) the aggregate value of all *gifts* from the *lobbying firm* and its *lobbyists* to that *City Official* exceeds \$10 within a calendar month.
- (b) It is unlawful for a *organization lobbyist* or any of its *lobbyists* to make a *gift*, act as an *agent* or intermediary in the making of a *gift*, or arrange for the making of a *gift* if:
 - (1) the *gift* is given to a *City Official*, and
 - (2) the aggregate value of all *gifts* from the *organization lobbyist* and its *lobbyists* to that *City Official* exceeds \$10 within a calendar month.
- (c) For purposes of this section, an entity or individual "arranges for the making of a *gift*" if the entity or individual, either directly or through an *agent*, does any of the following:
 - (1) delivers a *gift* to the recipient;
 - (2) acts as the representative of the donor, if the donor is not present at the occasion of a *gift*, except when accompanying the recipient to an event where the donor will be present;

- (3) invites or sends an invitation to an intended recipient regarding the occasion of a *gift*;
- (4) solicits responses from an intended recipient concerning his or her attendance or nonattendance at the occasion of a *gift*;
- (5) is designated as the representative of the donor to receive responses from an intended recipient concerning his or her attendance or nonattendance at the occasion of a *gift*; or,
- (6) acts as an intermediary in connection with the reimbursement of a recipient's expenses.

(Added 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4040 Powers and Duties of the City Clerk

- (a) Upon receipt of a written request, the *City Clerk* may issue a notice of filing obligations to any *person* whom a *City Official* or any other *person* has reason to believe should file a registration form or quarterly disclosure report under this division. Before sending the notice, the Clerk:
 - (1) shall require the *City Official* or *person* making the request to provide a written statement of the factual basis for the belief; and,
 - (2) shall determine whether sufficient facts exist to warrant sending the notice.
- (b) Any *person* who in good faith and on reasonable grounds believes that he, she, or it is not required to comply with the provisions of sections 27.4007 or 27.4015 by reason of being exempt under any provision of this division shall not be deemed to have violated the provisions of these sections if, within ten calendar days after the *City Clerk* has sent specific written notice, the *person* either complies with the requirements of this division, or furnishes satisfactory evidence to the Clerk that he, she, or it is exempt from filing obligations.
- (c) As soon as practicable after the close of each quarter, the *City Clerk* shall complete a summary of the information contained in registration forms and quarterly disclosure reports required to be filed under the provisions of this division. This summary shall be forwarded to the Mayor, City Council, and the *Enforcement Authority*.

- (d) The *City Clerk* shall preserve all registration forms and quarterly disclosure reports required to be filed under this division for a period of five years from the date of filing. These registration forms and quarterly disclosure reports shall constitute part of the public records of the Clerk's office, and shall be open to public inspection. Copies shall be made available by the Clerk upon request and payment of any lawful copy charges.
- (e) The *City Clerk* shall report apparent violations of this division to the *Enforcement Authority*.
- (f) The *City Clerk* shall have the power to adopt all reasonable and necessary procedures to implement this division.

(Amended 11-8-1999 by O-18705 N.S.)

(Renumbered from Section 27.4025 to Section 27.4040 and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4041 Inspection of Forms and Reports

- (a) The *City Clerk* shall inspect, or cause to be inspected, each registration form and quarterly disclosure report filed under this division within thirty calendar days after the filing deadline. The Clerk shall notify an entity to file a registration form or quarterly disclosure report under this division if it appears that the entity has failed to file as required by law or that the registration form or quarterly disclosure report filed by the entity does not conform to law.
- (b) Any entity notified to file an original or amended registration form or quarterly disclosure report shall file the form or report by the deadline imposed in the notification from the Clerk.

(Amended 12-7-1998 by O-18606 N.S.)

(Renumbered from Section 27.4026 to Section 27.4041 and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4045 Online Disclosure of Forms and Reports

- (a) Every *lobbying entity* required to file a registration form or quarterly disclosure report pursuant to this division shall use the *City Clerk's* electronic filing system to file online such forms or reports.
- (b) It is unlawful for a *lobbying entity* to electronically file a registration form or quarterly disclosure report unless a duly authorized owner or officer of the *lobbying entity* has reviewed the contents of the form or report and electronically verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
- (c) A *lobbying entity* that has electronically filed a registration form or quarterly disclosure report using the *City Clerk's* online filing system is not required to file a paper copy of that form or report with the *City Clerk*.
- (d) In the event that the *City Clerk's* online filing system is not capable of accepting a required form or report, a *lobbying entity* shall file that form or report in paper format with the *City Clerk*.

(Added 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

(Amended 11-27-2012 by O-20227 N.S.; effective 1-1-2013.)

§27.4050 Enforcement Authority: Duties, Complaints, Legal Action, Investigatory Powers

- (a) Any *person* who believes that violation of any portion of this division has occurred may file a complaint with the *Enforcement Authority*.
- (b) The *Enforcement Authority* shall have such investigative powers as are necessary for the performance of the duties prescribed in this division. The *Enforcement Authority* may demand and shall be furnished any records that may prove or disprove the accuracy of information contained in a registration form or quarterly disclosure report. In the event that there is a claim that any such records are entitled to protection from disclosure under the attorney-client privilege, the *Enforcement Authority* shall be provided with sufficient documentation to verify the information to which the *City* is entitled under California Business and Professions Code section 6009.
- (c) The *Enforcement Authority* shall determine whether forms and reports have been filed as required and, if so, whether they conform to the requirements of this division.

- (d) The *Enforcement Authority* may elect to enforce the provision of this division administratively pursuant to Chapter 2, Article 6, Division 4, or may otherwise recommend or refer enforcement actions to the City Attorney or other law enforcement agency with jurisdiction.

(Amended 2-11-2002 by O-19034 N.S.)

(Renumbered from Section 27.4027 to Section 27.4050 and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)

§27.4055 Violations, Penalties and Defenses

- (a) Violations of this division may be prosecuted as misdemeanors subject to the fines and custody provided in San Diego Municipal Code section 12.0201. The *City* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202. In addition, if the matter is pursued by the *Enforcement Authority* as an administrative matter, any *person* found in violation is subject to the administrative penalties provided for in Chapter 2, Article 6, Division 4.
- (b) In addition to any other penalty or remedy available, if any lobbying entity fails to file any registration form or quarterly disclosure report required by this division after any deadline imposed by this division, that lobbying entity shall be liable to the *City* of San Diego in the amount of \$10 per calendar day after the deadline until the report is filed, up to a maximum amount of \$100.
- (c) Provisions of this division need not be enforced by the *City Clerk* if it is determined that the late filing was not willful and that enforcement of the penalty would not further the purposes of this division.
- (d) Provisions of this division shall not be waived if a registration form or quarterly disclosure report, or an amendment to correct any deficiency in a registration form or quarterly disclosure report, is not filed by the deadline imposed in the notification from the *City Clerk* of the filing requirement.
- (e) Any limitation of time prescribed by law within which prosecution for a violation of any part of this division must be commenced shall not begin to run until the *City's* discovery of the violation.

(Amended 7-18-2000 by O-18826 N.S.)

(Renumbered from Section 27.4028 to Section 27.4055 and amended 8-3-2007 by O-19656 N.S.; effective 1-1-2008.)