
Item 8

Action

Proposed Amendments to Lobbying Laws

Executive Summary: This item presents a set of proposed changes to the City’s lobbying laws. The changes were approved by the Ethics Commission in 2018, but were not acted on by the City Council at that time.

Recommended Action: Reapprove the 2018 amendments to the City’s lobbying laws or request further discussion about specific issues.

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Proposed Amendments to Lobbying Laws

A. Introduction

This item presents for consideration and potential approval a comprehensive set of proposed changes to the City’s lobbying laws. These recommendations were approved by the Ethics Commission in December 2017 and transmitted to the City Council in February 2018, but the City Council did not act on them. A copy of the 2018 recommendations is provided in Attachment A.

B. Background

The Municipal Lobbying Ordinance (MLO) has not been comprehensively updated since it was first adopted in 1994. In 2016, as part of its mandate to regularly review and make recommendations regarding the laws within its jurisdiction, the Ethics Commission undertook a comprehensive review of both the MLO and the laws in the Los Angeles City Charter and the Governmental Ethics Ordinance that affect lobbying entities. *See* Charter § 470(c)(11); Los Angeles Municipal Code §§ 48.01–48.11; 49.5.8; 49.5.13. The 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 recommendations that resulted from that review were transmitted to the City Council on February 28, 2018. *See* Council File No. 18-0171. The City Council did not act on those recommendations, and they expired on March 3, 2020. Pursuant to Council File No. 05-0553, any matter that is not placed on a City Council or City Council Committee agenda for two years is deemed to be received and filed and is automatically terminated. However, a matter that has expired may be reintroduced.

An interest in reintroducing the expired lobbying recommendations has been expressed, and staff initiated the conversation at the last meeting by presenting an introductory overview of the existing City lobbying laws. As a follow up, this item is intended to provide an opportunity to review the previously approved recommendations, determine whether lobbying recommendations should again be presented to the City Council, and either request more input on specific issues or re-approve the 2018 recommendations.

C. Recommendations

The 2018 recommendations represent a comprehensive overhaul of the City’s lobbying laws and impact every major component of the MLO. In addition to technical adjustments that streamline the language and structure of the laws, the recommendations make important changes to everything from basic definitions to filing obligations.

These changes include the foundational issue of redefining who qualifies as a “lobbyist” by moving from a time-based standard to a compensation-based standard. They also create consistency among all lobbying entities by, among other things, changing the term “major filer”—a person who makes or incurs expenditures of \$5,000 or more during a calendar quarter for the purpose of influencing municipal legislation—to “indirect lobbyist” and adjusting the associated filing and registration requirements.

Other important recommendations, such as faster registration and more frequent and meaningful disclosure, are designed to enhance transparency about lobbying in the City. The recommendations also help avoid corruption and the appearance of corruption. For example, to avoid a pay-to-play perception, the recommendations extend to lobbying clients the prohibition against making gifts to City officials.

D. Next Steps

The 2018 recommendations in Attachment A are a product of the Ethics Commission’s extensive review of the City’s lobbying laws, the lobbying laws in other jurisdictions, and input from City officials, the public, and the regulated community. If you elect to make lobbying recommendations to the City Council, you may decide to retransmit the 2018 recommendations, or you may request further discussion at future meetings about one or more specific issues.

If you re-approve the 2018 recommendations at this meeting, they will be retransmitted to the City Council in early 2021.

Attachment:

A Ethics Commission’s 2018 Proposed Amendments to Lobbying Laws



Los Angeles City Ethics Commission

February 28, 2017

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

Re: Amendments to the Municipal Lobbying Ordinance

FOR COUNCIL CONSIDERATION

Dear Councilmembers:

On December 20, 2017, following two years of detailed review and discussion, the Ethics Commission unanimously approved a comprehensive set of recommendations to amend the City's Municipal Lobbying Ordinance (MLO). Key aspects of the recommendations are discussed below and further detailed in Attachments A through C. To implement the recommended amendments, the Ethics Commission urges you to adopt the proposed ordinance language in Attachment D.

A. BACKGROUND

City laws regulating the conduct of lobbyists have been in effect for over 50 years. On July 1, 1967, the City enacted its first ordinance regulating lobbying activities by requiring any person who attempted to influence municipal legislation for pay to register with the City Clerk as a "municipal legislative advocate." See previous Los Angeles Municipal Code (LAMC) §§ 48.02-08. Once registered, legislative advocates had quarterly reporting requirements and were subject to regulations regarding their conduct.

After Los Angeles voters created the Ethics Commission in 1990, the legislative advocate ordinance was repealed and replaced by the MLO. See Ordinance No. 169916, effective August 10, 1994; LAMC §§ 48.01 *et seq.* The MLO currently requires registration by lobbyists and lobbying firms, as well as quarterly disclosures by lobbyists, lobbying firms, lobbyist employers, and major filers regarding their lobbying activities, compensation, expenses, and political activities.

Over the years, the MLO has undergone relatively few amendments, all of which were addressed in a piecemeal fashion. For example, the definition of "lobbyist" was amended in 2007, as the result of a measure placed on the ballot by the City Council. See Measure H, adopted November 7, 2006; effective January 15, 2007. More recently, in 2013, the Ethics Commission recommended and the City Council adopted a requirement that lobbying entities register and report their activities electronically. LAMC § 48.06(B).

In 2008, the Ethics Commission recommended a comprehensive set of changes to the MLO, but those recommendations were not implemented by the City Council. This set of recommendations was informed by but is not identical to the 2008 proposal, because it also reflects additional experiences that have been gained and other changes that have occurred in the intervening decade.

B. PROCESS

As with every Ethics Commission policy review, these recommendations are the result of many hours of staff discussions, across all of the disciplines within the agency and based on experiences administering the MLO over the past 24 years. As part of that process, lobbying laws in numerous other jurisdictions in California and across the United States were also evaluated.

In addition, feedback from the public and the regulated communities was solicited on multiple occasions throughout the review process. Requests for input were emailed to the thousands of Ethics Commission subscribers. Staff held several interested persons meetings, reached out to numerous non-profit organizations, and contacted registered lobbying entities. Staff also worked with the Department of Neighborhood Empowerment to solicit input from neighborhood councils and visited four regional alliances of neighborhood councils, representing 65 neighborhood councils, to discuss the MLO and proposed recommendations.

C. PRINCIPLES

The MLO enumerates 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.

LAMC § 48.01(B). These findings and principles underscore the City's historic goal of ensuring adequate and effective public disclosure about lobbying activity, while acknowledging the vital

role that lobbying plays in City life. Lobbyists can and do help individuals and organizations effectively educate and communicate their views to the City’s decision makers and can thereby help to improve outcomes for the community as a whole. The nonprofit organization City Ethics says it this way:

[I]t is important to acknowledge that lobbying ... is not a bad thing in and of itself. In fact, it plays an important role in our democracy. It is a way for citizens (including those who run businesses as well as those who lead citizen groups) to get their opinions heard by government officials; it is a way to educate government officials and the public; and it is a way to provide specialized expertise to government.

Wechsler, Robert, *The Regulation of Local Lobbying*, 2016, p. 26. To that end, the MLO is not intended to interfere with or limit lobbying. Instead, it is simply a statement that when lobbying activity reaches significant levels, the public has a right to know who is trying to influence the way government is run and how public tax dollars are spent.

The transparency that the MLO fosters is important, because it may encourage public officials “to meet with multiple parties in a matter and ... hear a range of views, which will help them make decisions in a more fair, balanced manner and, presumably, more in the public interest, rather than in the interest of well-connected companies.” *Id.* at 29-30. Transparency is also important to avoid the appearance of impropriety. “[I]t is on the basis of appearances that citizens decide how much to participate in local government, including by voting.” *Id.* at 30.

In short, the MLO is a disclosure law that is designed to support an informed citizenry, protect City decision makers, and promote accountability for those who attempt to influence City decisions. It is these principles that guided the Ethics Commission’s discussions and recommendations.

D. RECOMMENDATIONS

The Ethics Commission recommends a comprehensive set of amendments to the MLO. The following recommendations are discussed below:

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Several attachments are included to assist in your analysis of the Ethics Commission’s recommendations. Definitions are identified in Attachment A, key recommendations are summarized in Attachment B, and Attachment C summarizes the recommended contents of registration and disclosure statements. Attachments D and E are clean and redlined versions of the proposed MLO language.

1. Definitions

Some of the MLO’s most significant provisions are definitions, including the definition of “lobbyist”. The Ethics Commission recommends streamlining the definitions, ensuring consistency, incorporating subsection headers, and updating certain substantive aspects of key definitions.

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 being able to weigh in, 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.

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(U); Attachment A, p. 5; Attachment D, p. 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). *See* Chicago Municipal Code (CMC) Ch. 2-156- 010 (p); Houston Code of Ordinances (HCO), Art. 5 Sec. 18-71; Phoenix City Code (PCC) § 2-1000.7; San Antonio Ethics Code (SAEC) Art. III, Div. 5 § 2-62(h); San Diego Municipal Code (SDMC) § 27.4002; Dallas City Code (DCC), Art. II-A. § 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. *See* New York Legislative Law (NYLL), Art. 1-A § 1-e.; San Jose Municipal Code (SJMC) § 12.12.180. Philadelphia’s threshold, at \$10,000 per year, is the only one among top-ten cities that is higher than the recommended threshold. Philadelphia Code (PC), Ch. 20-1200. § 9.2(b).

b. Direct Communication

A direct communication is essentially any interaction with a City employee, whether conducted personally or through an agent. LAMC § 48.02. The definition is currently broad, as is the current scope of lobbying activity in the MLO. As long as it is compensated and related to a direct communication to influence City action, lobbying activity includes drafting ordinances, resolutions, and regulations; providing advice or recommending strategy to a client or others; conducting research and investigations; gathering information; seeking to influence a third party’s position through public relations or similar means; and even attending or monitoring City meetings and hearings. *Id.*

However, the Ethics Commission believes it is appropriate to balance the MLO's reach by narrowing the type of activity to which it applies. Feedback from the public and regulated community, analyses of lobbying laws in other jurisdictions, and our own experiences in administering the MLO over the years support the position that registration and reporting should be triggered by direct communications that occur outside the public's purview. At the core of public concern around lobbying are private meetings and interactions with City employees. The transparency and accountability that are vital to the public's confidence in City decisions are often lacking in those activities, and the Ethics Commission believes that disclosure should be focused there.

For these reasons, the Ethics Commission recommends narrowing the scope of regulated lobbying activity through the definition of "direct communication". To do this, the Ethics Commission recommends identifying specific exemptions. *See* proposed LAMC § 48.02(J); Attachment A, p. 2; Attachment D, p. 2. For example, the 15 recommended exemptions include communicating on the record at a publicly noticed meeting, responding to a contract solicitation, responding in an enforcement proceeding, providing legal representation for a party in litigation with the City, communicating solely to schedule a meeting or regarding a ministerial action, and providing technical data or specialized knowledge within a particular profession or discipline. *Id.* The recommendation also includes the possibility of expanding the list of exemptions by obtaining advice from the Ethics Commission that a particular activity is exempt. *Id.*

Lists of exempt activity such as this are common in other jurisdictions. *See, e.g.*, DCC § 12A-15.2(10)(B), New York City Administrative Code (NYCAC) § 3-211(c), PC § 20-1204, PCC § 2-1001, SDMC § 27.4004, San Francisco Campaign and Governmental Conduct Code (SFCGCC) § 2.106(b), SJMC § 12.10.050. In conjunction with the adopted registration threshold, this modified definition establishes a regulatory scheme that balances well the benefits of transparency with the burdens of compliance.

c. Agency

Currently, the MLO's definition of "agency" includes any department, bureau, office, board, commission, or body that is required to adopt a conflict of interests code subject City Council approval. LAMC § 48.02. The current definition does not capture neighborhood councils, because they are exempt from adopting a conflict of interest code. *See* Cal. Gov't Code § 87300, 2 Cal. Code Regs § 18751; Los Angeles Administrative Code (LAAC) §§ 2.20.1–2.20.2. As a result, an individual can currently lobby neighborhood councils without that lobbying activity counting toward the threshold for registering or reporting.

The Ethics Commission recommends including neighborhood councils in the MLO's definition of "agency". *See* proposed LAMC § 48.02(A); Attachment A, p. 1; Attachment D, p. 1. When the MLO was originally adopted, the neighborhood council system did not exist. There was no decision to exclude neighborhood councils from the MLO's definition of "agency"—they simply were not part of the City framework. Because they are now, the Ethics Commission believes it is important for the public to be informed when significant levels of lobbying activity are invested with them.

The neighborhood council system is vast. As of January 2017, the City had 96 individual neighborhood councils, each representing an average of 38,000 residents. Since its inception in 1999, the system has taken on an increasingly significant role in City processes. Neighborhood councils receive advance notice of City issues so that they can weigh in with their opinions. They hold public hearings about matters before the City Council and submit community impact statements on those matters. Los Angeles City Charter (Charter) § 908. They are entitled to address any City body regarding official business. They have the authority to spend public funds. Charter § 911. They are actively involved in the City's budget process each year and meet with the Mayor and City Council regarding the neighborhood council budget priorities. Charter § 909. They also monitor City services in their respective areas. Charter § 910.

The members of each neighborhood council, numbering more than 1,500 individuals, are public officials who are subject to state governmental ethics laws such as gift limits and the requirement that they disqualify themselves from participating in City decisions in which they have a financial interest. *See, e.g.*, Cal. Gov't Code § 87100. In addition, some City employees, including staff in elected City offices, serve as members of neighborhood councils.

For these reasons, the Ethics Commission believes that including neighborhood councils in the definition of "agency" will more accurately reflect City decision making processes and will better inform the public of significant levels of lobbying activity at any point in those processes.

d. Lobbying Firm

Currently, the MLO defines a lobbying firm as an entity that is entitled to receive \$1,000 or more in compensation for City lobbying activities performed on behalf of another person during a consecutive three-month period if a partner, owner, shareholder, officer, or employee of the entity qualifies as a lobbyist. LAMC § 48.02. This definition is money-based and is, therefore, out of sync with the current time-based definition of "lobbyist".

The Ethics Commission recommends streamlining this definition and ensuring that it is consistent with the definition of "lobbyist". The recommended definition clarifies that a lobbying firm qualifies as such if it receives or becomes entitled to receive any amount of compensation, does not lobby on its own behalf, and has a partner, owner, shareholder, officer, or employee who qualifies as a lobbyist. *See* proposed LAMC § 48.02(S); Attachment A, p. 5; Attachment D, p. 5.

e. Indirect Lobbyist

In addition to regulating persons who attempt to influence City action by communicating directly with City officials, the MLO also regulates persons who attempt to influence City action through indirect means, such as advertising, media relations, and public outreach. In contrast to lobbyists and lobbying firms, who receive money to influence City action, these persons spend money to influence City action.

Currently, a person who spends \$5,000 or more in a calendar quarter on indirect attempts to influence City action is referred to as a major filer. LAMC § 48.02. The term does not include other lobbying entities, and any money spent to compensate a lobbyist or lobbying firm does not count toward the qualification threshold. *Id.*

The Ethics Commission recommends two modifications to the current definition. First, the Ethics Commission recommends changing the term to “indirect lobbyist,” which is more descriptive and will help eliminate potential confusion. Second, to ensure consistency with the definition of “lobbyist”—and to ensure that the MLO treats all persons equitably—the Ethics Commission recommends modifying the registration threshold to \$5,000 per year. *See* proposed LAMC § 48.02(Q); Attachment A, p. 4; Attachment D, p. 4.

2. Exemptions

The MLO exempts certain persons from its regulatory reach, such as government employees acting in an official capacity and media outlets that publish editorials or advertising. LAMC § 48.03. The Ethics Commission recommends two amendments to the exemptions.

a. Consultants

The Ethics Commission recommends creating an exemption for consultants who are acting under a City consulting agreement. *See* proposed LAMC § 48.03(C); Attachment B, p. 3; Attachment D, p. 5. City consultants who communicate with other City departments could technically be considered lobbyists, but they are actually more akin to City employees. As a result, the Ethics Commission believes the MLO should clarify that consultants acting under a City consulting agreement are not subject to its regulation.

b. 501(c)(3) Organizations

The Ethics Commission also recommends expanding the current exemption for organizations that are tax-exempt under section 501(c)(3) of the Internal Revenue Code. Currently, a 501(c)(3) organization is exempt 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 believes this exemption should apply to a 501(c)(3) organization that meets either of the following criteria:

- a. It is formed primarily to provide food, clothing, shelter, child care, health, legal, vocational, relief, or other similar assistance to disadvantaged people at a significantly below-market rate; or
- b. It had gross receipts of less than \$2 million in the previous tax year.

See proposed LAMC § 48.03(E); Attachment B, p. 4; Attachment D, p. 5. The first criteria 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. It also eliminates outdated language and helps to ensure clarity by listing the types of assistance that qualify.

The second criteria 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 criteria would be exempt, regardless of its purpose or activities.

Finally, the recommended exemption would not apply when an organization is seeking funding, property, or a permit from the City on its own behalf. *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.

3. Prohibitions

The MLO prohibits lobbyists and lobbying firms from engaging in certain activity, such as placing a City employee under personal obligation, deceiving a City employee about a material fact, communicating in the name of a nonexistent person or in the name of an existing person without that person's consent, and making a gift that violates the gift limits in the Governmental Ethics Ordinance (GEO). LAMC § 48.04. The prohibited activities represent serious actions that are likely to significantly undermine the City's decision-making process and the public's confidence in that process.

The Ethics Commission recommends three amendments to the prohibitions. The first amendment would apply the prohibitions to all lobbying entities, not just to lobbyists and lobbying firms. See proposed LAMC § 48.04(A); Attachment B, p. 4; Attachment D, p. 6. If lobbying activity by a lobbying organization or indirect lobbyist is significant enough that registration and reporting are appropriate, it is also appropriate for them to abstain from the types of activities that erode the system.

The second amendment incorporates reference to existing campaign finance prohibitions. See proposed LAMC § 48.04(A)(5); Attachment B, p. 4; Attachment D, p. 6. Like the gift limits in the GEO, the Charter and the Campaign Finance Ordinance (CFO) impose contribution limits and aggregation requirements on lobbying entities. Charter § 470(c)(11); LAMC § 49.7.4. These laws exist independently of the MLO, and identifying them in the MLO will better inform lobbying entities of all laws that apply to them.

The final recommendation is to add a prohibition against clients offering, making, or arranging a gift to a City employee if the client's lobbyist or lobbying firm could not make the gift. See proposed LAMC § 48.04(B); Attachment B, p. 4; Attachment D, p. 6. The prohibition against gifts from lobbyists and lobbying firms to City officials is designed to guard against a perception that the City is a pay-to-play organization. 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 perception is that the decision was 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. It is only because a client desires a particular result that a lobbyist or lobbying firm becomes involved in a decision. Arguably, the person with the greatest interest in a City decision is the client, who is investing money in an attempt to achieve a favorable result. Because the client is essentially driving the lobbying activity of the lobbyist or lobbying firm, the Ethics Commission believes that the client's gift giving should also be restricted. Without this limitation, the MLO will continue to have a loophole in which a lobbyist cannot give a gift to a City official but the lobbyist's client can.

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. See Cal. PUC §§ 130051.18(a)(12), 130051.18(f)(1).

4. Record Keeping

Currently, the MLO requires lobbying entities to prepare and retain detailed records needed to comply with the MLO. LAMC § 48.05. Records must be retained for at least four years. LAMC § 48.05(a).

The Ethics Commission recommends two amendments to the record keeping requirements. The first is to require vendors and clients to comply with lawful requests to provide records that are governed by the MLO. See proposed LAMC § 48.05(C); Attachment B, p. 4; Attachment D, p. 6. The second is to require lobbying entities to notify their clients and vendors of this responsibility. *Id.*; see also proposed LAMC § 48.07(C)(1)(g).

A similar record keeping and production requirement already exists for suppliers of goods and services to a candidate or committee in connection with a campaign for a City office. Charter § 470(m). The Ethics Commission believes that these changes are important to support both the Ethics Commission's compliance mandate and a lobbying entity's ability to make accurate public disclosure.

5. 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, registration is required only of lobbyists and lobbying firms. LAMC § 48.07(D)–(E). However, all lobbying entities must file disclosure reports, and they must be filed

electronically. LAMC §§ 48.06(B), 48.08. To comply with their reporting requirement, lobbying organizations also register to access the electronic filing system.

The Ethics Commission recommends that the requirements of 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 B, p. 5; Attachment D, p. 7.

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). With the existing deadline, an individual could qualify as a lobbyist on the first day of the month and not have to register until 40 days later. In that period of time, the matter the individual was lobbying could be resolved, without the public ever knowing that lobbying was occurring.

To address this timeliness issue, the Ethics Commission recommends moving the registration deadline to 10 business days after qualification occurs. *See* proposed LAMC § 48.07; Attachment B, p. 5; Attachment D, p. 7. A 10-day registration deadline is a more appropriate balance of the burden of compliance and the benefit of timely disclosure. It is also in keeping with registration deadlines in other jurisdictions. For example, San Diego, San Jose, the County of Los Angeles, the Metropolitan Transportation Authority, and the state's Fair Political Practices Commission all require registration within 10 days after qualifying. *See* SDMC § 27.4007(a); SJMC § 12.12.400(A); Los Angeles County Code (LACC) Ch. 2.160 § 1.2; Cal. PUC § 130051.18(b); Cal. Gov't Code § 86101. San Francisco has an even shorter deadline and requires registration within five days after qualifying as a lobbyist. *See* SFCGCC § 2.110.

c. Content

i. Consistency

Currently, the information that must be disclosed through registration statements varies widely between lobbyists and lobbying firms. LAMC §§ 48.07(D)–(E). The Ethics Commission recommends ensuring as much consistency as possible across all registration statements. *See* proposed LAMC § 48.07(C)(1); Attachment D, p. 7.

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

ii. Indirect Lobbyist

In addition to the standard information required of all lobbying entities, the Ethics Commission recommends requiring an indirect lobbyist to identify the nature of its business. See proposed LAMC § 48.07(C)(5)(c); Attachment D, p. 8. Disclosing the nature of an indirect lobbyist's business will provide the public with a better understanding of who the indirect lobbyist is and why it is taking a certain position on a City matter.

Other cities, such as Houston, have begun to enhance public disclosure by implementing similar requirements. See HCO Art. 5. § 18-74 (a)(2). In addition, at least 21 states require a lobbying entity to disclose the nature of a client's business. See, e.g., Arizona Revised Statutes § 41-1232(A)(5), Cal. Gov't Code § 86104(d)(4)(B), Illinois Compiled Statutes Title 25 § 170/5(c-6), Maine Revised Statutes (ME) Title 3 § 3136(4), Pennsylvania Consolidated Statutes Title 65 § 13A04(b)(1)(v); see also National Conference of State Legislatures, *Lobbyist Registration Requirements*, <http://www.ncsl.org/research/ethics/50-state-chart-lobbyist-registration-requirements.aspx>, last viewed August 10, 2017.

iii. Prior City Service

The Ethics Commission also recommends amending registration statements by requiring individuals to identify whether they are former City employees and, if so, the last date of their service to the City. See proposed LAMC § 48.07(C)(2)(c); Attachment B, p. 5; Attachment D, p. 8.

The GEO permanently prohibits a former City official or employee from receiving compensation to attempt to influence a City matter in which the individual personally and substantially participated while in City service. LAMC § 49.5.13(B). Additionally, for one year after leaving City service, a City official is prohibited from receiving compensation to attempt to influence any matter pending with the official's former agency. LAMC § 49.5.13(C)(2).

Requiring individuals who register under the MLO to disclose prior City service will help to educate former City personnel by providing additional notice of the City's revolving door restrictions. It will also assist in the Ethics Commission's compliance mandate and help inform the public about who is communicating in an attempt to influence City decisions.

d. Fees

The MLO imposes registration fees on lobbying entities to help cover some of the costs to the public of administering the lobbying program. Currently, the registration fee for a lobbyist is \$450 (or \$337 after September 30). LAMC § 48.07(C). There is also a fee of \$75 (or \$56 after September 30) for each client from whom the lobbyist is entitled to receive \$250 or more. *Id.* These fees have been in place since 2003. When the MLO was first adopted in 1994, the registration fee was \$300 per lobbyist and \$50 per client (prorated to \$225 and \$37 for qualifications in the last quarter of the year).

The Ethics Commission recommends two amendments to the fee schedule. First, it recommends eliminating the fourth-quarter proration. *See* proposed LAMC § 48.07(B); Attachment B, p. 5; Attachment D, p. 7. The amount of work involved in processing registrations is the same, regardless of when the registration is received. Similarly, the compliance work associated with the lobbying program is relatively constant and entirely independent of when lobbying entities qualify and register.

Second, the Ethics Commission recommends applying the same \$450 registration fee to all lobbying entities. *See* proposed LAMC § 48.07(B); Attachment B, p. 5; Attachment D, p. 7. Currently, only lobbyists are assessed a registration fee, but no category of lobbying entity is, by definition, responsible for a greater share of the administrative costs of the lobbying program than any other. Imposing the same fee across the board is reasonable, will ensure equity among lobbying entities, and will help the public recover some of the costs of the program.

A \$450 registration fee is far lower than the actual costs of administering the lobbying program, which generates a variety of costs associated with salaries, maintaining the proprietary electronic filing system, providing advice and technical support to filers, and investigating potential violations of the MLO. Based on the cost allocation plan approved for the Fiscal Year 2018-19 budget, the estimated direct and indirect costs of the program total over \$770,000 per year. Based on the typical number of lobbying entities, a registration fee of nearly \$1,200 per lobbying entity would be required to fully pay for the lobbying program.

The \$450 registration fee also compares favorably with other jurisdictions. Los Angeles County has a \$450 registration renewal fee. *See* LACC Ch. 2-160 § 9.1. Miami levies a \$490 registration fee. *See* Miami-Dade County Code § 2-11.1(s)(2)(b). San Antonio and San Francisco have a \$500 registration fee. *See* SAEC Art. III, Div. 5 § 2-65(g); SFCGCC § 2.110(e)(1). At \$778, San Jose's registration fee is the highest in California. *See* SJMC § 12.12.440.

6. Reporting

To promote transparency, all lobbying entities are required to file quarterly disclosure statements. 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, but also recommends a number of amendments.

a. Duration

Currently, lobbyists and lobbying firms are required to file quarterly reports for every quarter beginning with the quarter in which they register through December 31 of that calendar year (unless they terminate their status earlier). LAMC § 48.08(A)(1). For other lobbying entities, the reporting requirement applies only to quarters in which they qualify as lobbying entities. *Id.*; LAMC § 48.08(A)(2).

The Ethics Commission recommends extending the annual reporting requirement to all lobbying entities, including lobbying organizations and indirect lobbyists. *See* proposed LAMC § 48.08(A); Attachment B, p. 1; Attachment D, p. 9. This consistency is important for compliance and robust public disclosure.

b. Frequency and Deadline

Lobbying entities are currently required to disclose their activities on a quarterly basis. They must file disclosure reports by the last day of the month following each calendar quarter. LAMC § 48.08(A). Under that structure, activity that occurs at the beginning of a quarter does not have to be reported until four months later. In that period of time, the matters being lobbied could be resolved before the public is made aware of the lobbying activity. To enhance transparency and provide more timely information to the public, the Ethics Commission recommends amending both the length of the reporting period and the deadline for filing reports.

First, the Ethics Commission recommends a bi-monthly reporting period. *See* proposed LAMC § 48.08(A); Attachment B, p. 1; Attachment D, p. 9. Shorter disclosure periods are not novel. Among cities, New York and Denver have bi-monthly reporting periods, San Francisco requires reporting every month, and San Jose requires weekly reporting. *See* NYLL Art. 1-A § 1-e. (a) (4); Denver Revised Municipal Code (DRMC) § 2-303; SFCGCC § 2.110(C); SJMC § 12.12.430(A). In addition, the state of New York has a bi-monthly reporting period, and 14 other states (Alaska, Arkansas, Colorado, Connecticut, Georgia, Kansas, Kentucky, Louisiana, Maine, Missouri, Montana, Nevada, Rhode Island, Texas) have monthly reporting periods. *See* King, Linda, *50-State Assessment of the Costs and Availability of Lobbying Expenditure Data*, National Institute on Money in State Politics, 2011.

In addition to promoting timely public awareness, a shorter reporting period may also promote compliance. Administrators in New York City indicated that the lobbying reports they receive have become more accurate since the bi-monthly reporting period was implemented, because their filers are more familiar with the reporting requirements and have to look back over shorter periods of time.

Second, the Ethics Commission recommends that lobbying entities be required to file their disclosure reports by the twentieth day after the end of each two-month period. *See* proposed LAMC § 48.08(B); Attachment D, p. 9. This deadline further supports more timely public awareness. And, again, this recommendation compares favorably to laws in other jurisdictions. For example, in San Francisco, the reporting deadline is the 15th day after the close of the monthly reporting period. *See* SFCGCC § 2.110(C). The deadline is also 15 days after the bi-monthly reporting period in both New York City and the state of New York. *See* NYLL Art. 1-A § 1-h(a). Among the 14 states with monthly reporting periods, 11 have reporting deadlines of 10 or 15 days after the close of the reporting period. *See, e.g.*, Colorado Revised Statutes Title 24 § 24-6-302(2.5)(a), Louisiana Revised Statutes Title 24 § 55(B), ME Title 3 § 15-317(1), Missouri Revised Statutes § 105.473.3, Montana Code Title 5 § 5-7-208(2)(b), Nevada Revised Statutes Title 17 § 218H.400(1)(b), Rhode Island General Laws Title 42 § 42-139.1-6(b), Texas Government Code Title 3 Subtitle A § 305.007(a). Georgia has a five-day reporting deadline. Georgia Code § 21-5-73. And the reporting deadline in San Jose, which has

a weekly reporting requirement, is 17 hours after the close of the reporting period. SJMC § 12.12.430(E).

c. Contacts

The MLO currently requires lobbying entities to disclose each City agency that they attempt to influence during a reporting period. LAMC § 48.08(B)(12)(b). Many City departments have hundreds of City officials, and some have thousands. Knowing only which department was lobbied does not provide much understanding of what lobbying activity is taking place. Knowing the title of the person lobbied could also potentially identify what stage of the legislative or administrative process a City decision is in.

To provide more useful context for lobbying activity in the City and better inform the public, the Ethics Commission recommends requiring disclosure of the title and division of each City official contacted during the reporting period. *See* proposed LAMC §§ 48.08(C)(2)(b)(iv), 48.08(C)(3)(b)(v), 48.08(C)(4)(b)(iv), 48.08(C)(5)(b)(iv); Attachment C, p. 2; Attachment D, pp. 12-14. A City official is an elected City officer, a board or commission member, a City employee, or a City consultant who is required to file a statement of economic interests pursuant to the Political Reform Act. *See* LAMC § 49.5.2(C); proposed LAMC § 48.02(F).

Similar specificity is required in other cities. For example, San Diego requires disclosure of the name and department of each official who was lobbied by an organization or firm lobbyist. SDMC § 27.4017 (b)(2)(B). San Francisco requires their contact lobbyists to disclose the name of each officer with whom they made contact and the date on which each contact was made. SFCGCC § 2.110. (c)(1). And San Jose requires disclosure of the official contacted, the date of each contact, the total number of contacts with that official during the review period, and, for contract lobbyists, the method of communication for each contact. SJMC § 12.12.420(G).

d. Position

The Ethics Commission also recommends requiring lobbying entities to identify the position they take on each City matter they attempt to influence. *See* proposed LAMC §§ 48.08(C)(2)(b)(ii), 48.08(C)(3)(b)(ii), 48.08(C)(4)(b)(ii), 48.08(C)(5)(b)(ii); Attachment C, p. 1; Attachment D, p. 12-14. It is not always apparent what outcome a client is seeking based solely on the client's identity. And it is important for members of the public to know a client's position in order to make an informed decision about whether they should also communicate with City decision makers about the matter.

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* PC, Ch. 20-1200. § 9.

e. Solicitations

When a lobbying entity produces, pays for, or distributes more than 50 copies of a political fundraising solicitation for a City candidate, officeholder, or ballot measure, a copy of the solicitation must be filed 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 candidate, officeholder, or ballot measure committee that benefited from the solicitation. *Id.* The Ethics Commission recommends two amendments to this requirement.

The first recommendation is to require disclosure when a lobbying entity pays for or distributes a political fundraising solicitation to 25 or more persons. See proposed LAMC § 48.09; Attachment B, p. 2; Attachment D, p. 14. This threshold mirrors the MLO's current definition of "host or sponsor", which includes asking more than 25 persons to attend a fundraising event and providing more than 25 names to be used for invitations to a fundraising event. LAMC § 48.02; see also proposed LAMC § 48.02(N)(7)–(8).

The second recommendation is to require the disclosure of information about the costs associated with the solicitation, including the dates and amounts of expenses and the names and addresses of payees and vendors. See proposed LAMC § 48.09(B)(5)–(6); Attachment B, p. 2; Attachment D, p. 15. This recommendation reflects the CFO, which requires City officeholders and persons who make independent expenditure communications to disclose dates, amounts, and payees. See LAMC §§ 49.7.21(C), 49.7.31(C)(1)(i). It also mirrors existing disclosure requirements in the MLO related to activity expenses and charitable donations. LAMC §§ 48.08(B)(4), 48.08(B)(9), 48.08(C)(5), 48.08(C)(11), 48.08(D)(7), 48.08(D)(12). This additional disclosure will assist with compliance regarding both the campaign financing and lobbying laws.

f. One-Day Reporting

The MLO currently requires lobbying entities to file notice with 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. A one-day notice is also required when a lobbying entity engages in fundraising for or delivers contributions to a City officeholder and the money at issue is more than \$15,000 for a City Council member or more than \$35,000 for a Citywide officeholder. LAMC § 48.08.7.

The Ethics Commission recommends eliminating these one-day reporting requirements, because they are no longer necessary. See Attachment B, p. 2. When these provisions were adopted, the law prohibiting contributions from lobbyists and lobbying firms did not exist. See Charter § 470(c)(11), effective December 13, 2006. Because that prohibition now exists, the likelihood that a lobbyist or lobbying firm would reach the disclosure thresholds is minimal. Data from the past seven years supports this position. No one-day notices for political contributions have been filed since 2012, and only four one-day notices for fundraising activity have been filed since 2010.

This amendment will not result in less disclosure. Lobbying entities will continue to report political contributions and fundraising activity on their periodic disclosure reports. If more frequent disclosure is required, as recommended above in Section D.5.b, that information will be available in a timely fashion. In addition, contributions are also disclosed in the campaign statements filed by City candidates and officeholders.

7. Miscellaneous

In addition to recommendations regarding the key components of the MLO, such as the registration and reporting requirements, the Ethics Commission recommends amendments to several general provisions.

a. Enforcement

The Ethics Commission is required to conduct investigations and enforce against violations of the laws within its jurisdiction, including the lobbying laws. Charter § 706. The Ethics Commission recommends amending the MLO's cap on civil penalties so that it is aligned with the caps in the CFO and GEO.

The cap on civil penalties in both the CFO and the GEO is the greater of \$5,000 or three times the amount of money at issue. LAMC §§ 49.5.16–17, 49.7.38–39. The same cap applies to administrative penalties that the Ethics Commission may impose. Charter § 706(c)(3).

At \$2,000, the MLO's civil penalties cap is currently out of sync with these other laws. See proposed LAMC § 48.11(B)(1); Attachment B, p. 3; Attachment D, p. 15. Amending the cap will ensure consistency and authorize a court to assign the same level of gravity to MLO violations that it can assign to violations of the GEO and CFO.

b. Contract Solicitations

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 option of reprinting the MLO in solicitations 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(B); Attachment B, p. 3; Attachment D, p. 17. 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 substantive modifications, the Ethics Commission also recommends a number of technical amendments to the MLO to help ensure clarity and internal consistency. This includes streamlining and updating language and creating a more use-friendly structure that

renumbers, reorganizes, and consolidates sections. *See, e.g.*, proposed LAMC §§ 48.02, 48.07, 48.08, 48.10.

E. CONCLUSION

The Ethics Commission has extensively reviewed and analyzed the MLO and lobbying laws in other jurisdictions. Based on that analysis, the Ethics Commission recommends amendments to strengthen the MLO, enhance transparency, and bolster public confidence in the City's decision making processes. To implement the recommended amendments, the Ethics Commission urges you to adopt the proposed ordinance language in Attachment D.

We would be happy to discuss these recommendations with you at any time. If you have questions, please do not hesitate to contact me or Director of Policy Arman David Tarzi.

Sincerely, 



Heather Holt
Executive Director

Attachments:

- A Key Definitions: Current v. Recommended*
- B Quick Guide to Key Recommendations*
- C Quick Guide to Registration and Disclosure Contents*
- D Proposed Municipal Lobbying Ordinance (clean)*
- E Proposed Municipal Lobbying Ordinance (redline)*

Municipal Lobbying Ordinance
Key Definitions: Current v. Recommended
 Los Angeles Municipal Code § 48.02

Term	Current	Proposed
Agency	The City or any department, bureau, office, board, commission, other agency of the City, or any other government agency, required to adopt a conflict of interest code subject to City Council approval, including the Community Redevelopment Agency and the Los Angeles City Housing Authority.	<i>The City; 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 City Charter.</i>
Attempt to Influence	Promoting, supporting, opposing or seeking to modify or delay any action on municipal legislation by any means, including but not limited to providing or using persuasion, information, statistics, analyses or studies.	<i>Directly or indirectly promoting, supporting, opposing, or seeking to modify or delay action on a City matter by any means. The term includes but is not limited to any of the following:</i> <ol style="list-style-type: none"> <i>1. Engaging in a direct communication.</i> <i>2. Drafting ordinances, resolutions, regulations, or other policy documents.</i> <i>3. Providing advice or recommending strategy.</i> <i>4. Researching, investigating, and gathering information.</i> <i>5. Seeking to influence the position of a third party.</i> <i>6. Other similar conduct.</i>
City Matter	Not defined. See “Municipal Legislation”.	<i>A matter that is proposed to or pending with an agency and in which a non-ministerial action may be taken.</i>
City Official	Not defined.	<i>An individual, as described in Section 49.5.2(c), who is as an elected City officer or an agency board member, officer, employee, commissioner, or consultant whose position with an agency is required to file a statement of economic interests pursuant to the Political Reform Act.</i>
Compensation	Not defined.	<i>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. It does not include reimbursement for reasonable lobbying expenses. There is a rebuttable presumption that compensation for lobbying services includes all payments given or owed by or on behalf of a client.</i>

Term	Current	Proposed
<p>Direct Communication</p>	<p>Appearing as a witness before, talking to, corresponding with, or answering questions or inquiries from a City official or employee, either personally or through an agent.</p>	<p><i>Talking to, corresponding with, or answering questions or inquiries from a City employee, either personally or through an agent, for the purpose of attempting to influence. The term does not include the following:</i></p> <ol style="list-style-type: none"> 1. <i>Communicating on the record at a publicly noticed meeting that is open to the general public. If a lobbying entity is entitled to receive compensation for the communication, the lobbying entity must disclose on the record the source of the compensation and on whose behalf the communication is made.</i> 2. <i>Submitting a document or other recording that relates to an item on a publicly noticed meeting agenda and is made part of the record at the public meeting. If a lobbying entity submitting the recording is entitled to receive compensation for doing so, the document or recording must identify the source of the compensation and on whose behalf it is submitted.</i> 3. <i>Submitting a bid or responding to a request for proposals or other contract solicitation, or participating in an interview related to the contract solicitation, as long as the information is provided only to the City employee or agency specifically designated in the contract solicitation to receive the information.</i> 4. <i>Negotiating the terms of a contract with a City employee who has the authority to participate in a decision regarding the contract after being selected by that employee’s agency to enter into the contract.</i> 5. <i>Communicating regarding the administration of or performance under an existing City contract with a City employee who administers the contract or provides legal advice regarding the contract. This exemption does not apply to a change order unless the change order addresses solely ministerial matters.</i> 6. <i>Requesting an interpretation of a law, regulation, or policy.</i> 7. <i>Responding to an agency enforcement proceeding as the subject of or a witness in that proceeding.</i> 8. <i>Communicating as an official representative of a recognized City employee organization with a City employee other than the Mayor, a City</i>

Term	Current	Proposed
		<p><i>Council member, or a member of their staffs, with regard to one of the following:</i></p> <ul style="list-style-type: none"> <i>a. The establishment, amendment, administration, or interpretation of a collective bargaining agreement or memorandum of understanding between an agency and the recognized City employee organization.</i> <i>b. A management decision regarding the working conditions of represented employees that relates to a collective bargaining agreement or memorandum of understanding between an agency and the recognized City employee organization.</i> <i>c. A proceeding before the Civil Service Commission or the Employee Relations Board.</i> <ul style="list-style-type: none"> <i>9. Providing legal representation as a licensed attorney for a party in litigation or an enforcement proceeding with an agency.</i> <i>10. Communicating solely to provide technical data or specialized knowledge within a particular profession or discipline.</i> <i>11. Communicating solely to schedule a meeting.</i> <i>12. Communicating solely regarding a ministerial action.</i> <i>13. Communicating under circumstances similar to those identified above, after receiving advice from the Ethics Commission that the communication is exempt.</i>

Term	Current	Proposed
Fundraising Activity	Soliciting a contribution or hosting or sponsoring a fundraising event or hiring a fundraiser or contractor to conduct any 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.	<p><i>Doing any of the following:</i></p> <ol style="list-style-type: none"> 1. <i>Asking another person to make a contribution to an elected City officer, a candidate for elected City office, or a controlled committee. This does not include a request for funds made through mass media or a suggestion to the entire audience at a public gathering.</i> 2. <i>Allowing one's name or likeness to be used on a written request for funds for an elected City officer, a candidate for elected City office, or a controlled committee.</i> 3. <i>Making or incurring expenses for or distributing a fundraising solicitation to 25 or more persons.</i> 4. <i>Providing the use of a home or business to hold a fundraising event without charging fair market value.</i> 5. <i>Paying for at least a majority of the costs of a fundraising event.</i> 6. <i>Hiring a person to conduct a fundraising event.</i> 7. <i>Asking 25 or more persons to attend a fundraising event.</i> 8. <i>Providing 25 or more names to be used for invitations to a fundraising event.</i>
Fundraising Solicitation	Not defined.	A written request that a person make a contribution to an elected City officer, a candidate for elected City office, or a controlled committee.
Host or Sponsor	Providing the use of a home or business to hold a political fundraising event without charging market value; asking more than 25 persons to attend the event; paying for at least a majority of the costs of the event; or providing more than 25 names to be used for invitations to the event.	Not defined. See "Fundraising Activity".
Indirect Lobbyist	Not defined. See "Major Filer".	A person, other than a lobbyist, lobbying firm, or lobbying organization, who makes or incurs expenses totaling \$5,000 or more in a calendar year for the purpose of attempting to influence one or more City matters. Payments and expenses include those made for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, and similar activities if they are not required to be reported by a lobbying entity. Compensation paid to a registered lobbyist or lobbying firm for attempting to influence does not count toward the threshold.

Term	Current	Proposed
Lobbying Activities	The following and similar compensated conduct when that conduct is related to a direct communication to influence municipal legislation: <ol style="list-style-type: none"> 1. Engaging in written or oral direct communication with a City official; 2. Drafting ordinances, resolutions or regulations; 3. Providing advice or recommending strategy to a client or others; 4. Research, investigation, and information gathering; 5. Seeking to influence the position of a third party on municipal legislation or a related issue; and 6. Attending or monitoring City meetings, hearings, or other events. 	<i>Not defined. See "Attempt to Influence".</i>
Lobbying Entity	A lobbyist, lobbying firm, or lobbyist employer.	<i>A lobbyist, lobbying firm, lobbying organization, or indirect lobbyist.</i>
Lobbying Firm	An entity, including an individual lobbyist, that receives or becomes entitled to receive \$1,000 or more in compensation in a consecutive three-month period for engaging in lobbying activities for the purpose of attempting to influence municipal legislation on behalf of another person if a partner, owner, shareholder, officer, or employee of the entity qualifies as a lobbyist.	<i>An entity, other than a lobbying organization or an indirect lobbyist, that receives or becomes entitled to receive compensation for one or more attempts to influence and that has a partner, owner, shareholder, officer, or employee who qualifies as a lobbyist.</i>
Lobbying Organization	Not defined. See "Lobbyist Employer".	<i>An entity, other than a lobbying firm or an indirect lobbyist, that employs a lobbyist in-house to attempt to influence on the entity's own behalf.</i>
Lobbyist	An individual who is compensated to spend 30 or more hours in a consecutive three-month period engaged in lobbying activities that include at least one direct communication for the purpose of attempting to influence municipal legislation on behalf of another person.	<i>An individual who engages in at least one direct communication and receives or becomes entitled to receive \$5,000 or more in compensation in a calendar year for attempting to influence on behalf of one or more other persons.</i>
Lobbyist Employer	An entity, other than a lobbying firm, that employs a lobbyist in-house to lobby on its behalf.	<i>Not defined. See "Lobbying Organization".</i>

Term	Current	Proposed
Major Filer	A person who makes payments or incurs expenditures totaling \$5,000 or more in a calendar quarter for the purpose of attempting to influence action on a matter of municipal legislation. Payments and expenses include those made for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, and similar activities. The term does not include a lobbyist, lobbyist employer, or lobbying firm. Payments for routine communications between an organization and its members do not count toward the threshold.	<i>Not defined. See "Indirect Lobbyist".</i>
Municipal Legislation	A legislative or administrative matter proposed or pending before any agency. The term does not include the following: <ol style="list-style-type: none"> 1. A request for advice or an interpretation of laws or policies 2. A direct response to an enforcement proceeding with the City Ethics Commission. 3. A ministerial action. 4. An action regarding a collective bargaining agreement or memorandum of understanding between the City and a recognized employee organization or a proceeding before the Civil Service Commission or the Employee Relations Board. This exception does not apply to an action taken by the Mayor, the City Council, a City Council member, a City Council committee, or a member of the staff of the Mayor or a City Council member. 5. Preparing or compiling maps, plans, lists, signatures, or other documents required by the City Planning Department. 	<i>Not defined. See "City Matter".</i>

Term	Current	Proposed
Solicit	Asking another person to make a contribution to an elected City officer, a candidate for elected City office, or a controlled committee, including allowing one's signature to be used on a written request for funds. A lobbying entity solicits a contribution only when the lobbying entity does so at the behest of the recipient (or a member of the recipient's campaign staff) or has informed the recipient that the person is soliciting the contributions. A person does not solicit by making a request for funds publicly to at least a majority of persons who attend a public gathering or by making a request that is published by newspaper, radio, or television.	Not defined. See "Fundraising Solicitation" and "Fundraising Activity".

Los Angeles City Ethics Commission
Quick Guide to Key Recommendations
Municipal Lobbying Ordinance

DISCLOSURE				
Issue	Current	Current Citation	Proposed	Proposed Citation
Content	See Attachment C.	LAMC §§ 48.08(B), 48.08(C), 48.08(D), 48.08(E)	<i>See Attachment C.</i>	LAMC § 48.08(C)
Deadline	A disclosure report must be filed by the last day of the month following the end of the reporting period.	LAMC § 48.08(A)	<i>A disclosure report must be filed within 20 days following the end of the reporting period.</i>	LAMC § 48.08(B)
Duration	Lobbyists, lobbying firms, and lobbyist employers must file disclosure statements for every reporting period through the end of the calendar year (unless they terminate their status earlier). Major filers must file disclosure statements for every reporting period in which they qualify as a major filer.	LAMC § 48.08(A)	<i>All lobbying entities must file disclosure statements for every reporting period through the end of the calendar year (unless they terminate their status earlier).</i>	LAMC § 48.08(A)
Frequency	A disclosure report is required for each calendar quarter.	LAMC § 48.08(A)(3)	<i>A disclosure report is required for every two-month period.</i>	LAMC § 48.08(B)

DISCLOSURE cont'd

Issue	Current	Current Citation	Proposed	Proposed Citation
Fundraising Solicitations	A lobbying entity that produces, pays for, or distributes more than 50 substantially similar copies of a written political fundraising solicitation on behalf of a City candidate, officeholder, or ballot measure must provide a copy of the solicitation to the Ethics Commission at the time the solicitation is distributed. The solicitation must be reported on the lobbying entity's next disclosure report, with information such as: <ol style="list-style-type: none"> 1. A description. 2. The dates of distribution. 3. The number of pieces distributed. 4. The candidate, officeholder, or ballot measure for which funds were solicited. 	LAMC § 48.08.5	<i>A lobbying entity that produces, pays for, or distributes substantially similar copies of a written political fundraising solicitation to 25 or more persons on behalf of a City candidate, officeholder, or ballot measure must notify the Ethics Commission within one business day. The notice must include a copy of the solicitation and the following information:</i> <ol style="list-style-type: none"> <i>1. A description.</i> <i>2. The dates of distribution.</i> <i>3. The number of copies distributed and the persons making the distributions.</i> <i>4. The candidate, officeholder, or ballot measure for which funds were solicited.</i> <i>5. The dates and amounts of the related expenses and the persons making or incurring the expenses.</i> <i>6. The name and address of each payee, vendor, and subvendor that provided service for the solicitation.</i> <i>The notice must be included on the lobbying entity's next disclosure report.</i>	<i>LAMC § 48.09</i>
One-Day Reports	Lobbying entities must notify the Ethics Commission and the City Clerk within one business day when either of the following occurs: <ol style="list-style-type: none"> 1. The lobbying entity contributes a total of more than \$7,000 to a City officeholder in a 12-month period. 2. The lobbying entity engages in fundraising activity that, in a 12-month period results in a total of \$15,000 raised for a City Council member or \$35,000 raised for a Citywide officeholder. 	LAMC §§ 48.08.6, 48.08.7	<i>Lobbying entities must report contributions and fundraising activity through their periodic disclosure statements.</i>	<i>LAMC §§ 48.08(C)(1)(e) 48.08(C)(1)(g) 48.08(C)(1)(h)</i>

ENFORCEMENT				
Issue	Current	Current Citation	Proposed	Proposed Citation
Civil Penalties	A person who violates the MLO may be held accountable in a civil action brought by the City Attorney. For an improper reporting violation, penalties may not exceed the greater of the amount not properly reported or \$2,000. For all other violations, penalties may not exceed \$2,000.	LAMC § 48.09(C)	<i>A person who violates the MLO may be held accountable in a civil action brought by the City Attorney, the Ethics Commission, or a City resident. Penalties may not exceed the greater of \$5,000 or three times the amount of money improperly reported, spent, or received.</i>	LAMC § 48.11(B)(1)
Liability	Not addressed.	N/A	<i>If two or more persons are responsible for a violation of the MLO, they are jointly and severally liable.</i>	LAMC § 48.11(B)(2)

GENERAL PROVISIONS				
Issue	Current	Current Citation	Proposed	Proposed Citation
Contract Solicitations	Bidders on certain City contracts must submit a certification that they will comply with the MLO if they qualify as a lobbying entity. City departments must provide a copy of the MLO in their contract solicitations, either on paper, in an electronic format, or through a link to an online version of the ordinance.	LAMC § 48.09(H)	<i>Bidders on certain City contracts must submit a certification that they will comply with the MLO if they qualify as a lobbying entity. City departments must provide in their contract solicitations the link to the MLO that is on the Ethics Commission's website.</i>	LAMC § 48.13
Exemptions	<ol style="list-style-type: none"> Public officials and government employees acting in official capacities. Media outlets that publish news, editorials, or advertising that attempts to influence City action (and their employees engaged in the same activity). Persons acting without compensation other than reimbursement of reasonable travel expenses Persons whose only activity is participating in a competitive bid process (unless they attempt to influence the Mayor, a City Council member, or their staffs).. 	LAMC § 48.03	<ol style="list-style-type: none"> <i>Public officials and government employees acting in official capacities.</i> <i>Media outlets that publish news, editorials, or advertising that attempts to influence City action (and their employees engaged in the same activity).</i> <i>Consultants acting under a City consulting agreement.</i> <i>Persons whose only activity is participating in a competitive bid process (unless they attempt to influence the Mayor, a City Council member, their staffs, or a board or commission member).</i> 	LAMC § 48.03

GENERAL PROVISIONS cont'd

Issue	Current	Current Citation	Proposed	Proposed Citation
	5. 501(c)(3) organizations that receive government funding and whose primary purpose is to represent indigent clients free of charge (and their employees engaged in the same activity).		5. <i>501(c)(3) organizations that is either created primarily to provide food, clothing, shelter, child care, health care, legal services, vocational services, relief, or other similar assistance to disadvantaged peopled at a significantly below market rate; or had gross receipts of less than \$2 million in the previous tax year.</i>	
Prohibitions	A lobbyist or lobbying firm may not: 1. Do anything with the intent of placing a City employee under personal obligation to the lobbyist, the lobbying firm, or a client. 2. Fraudulently deceive or attempt to deceive a City employee regarding a material fact that is pertinent to pending or proposed municipal legislation. 3. Cause or influence the introduction of municipal legislation for the purpose of thereafter being employed or retained to secure its passage or defeat. 4. Cause a communication to be sent to a City employee in the name of a nonexistent person or in the name of an existing person without consent. 5. Make or arrange for a payment to a City employee that would violate the Governmental Ethics Ordinance.	LAMC § 48.04	A lobbying entity may not: 1. <i>Do anything with the intent of placing a City employee under personal obligation to the lobbying entity or their client.</i> 2. <i>Deceive or attempt to deceive a City employee regarding a material fact that is pertinent to a City matter.</i> 3. <i>Cause or influence the introduction of a City matter for the purpose of thereafter being employed or retained to secure its passage or defeat.</i> 4. <i>Cause a communication to be sent to a City employee in the name of a nonexistent person or in the name of an existing person without consent.</i> 5. <i>Offer, make, or arrange for a payment to a City employee that would violate the Charter, the Campaign Finance Ordinance, or the Governmental Ethics Ordinance.</i> <i>A client may not offer, make, or arrange for a gift to a City employee that is prohibited for the client's lobbyist or lobbying firm.</i>	LAMC § 48.04(A)
Record Keeping	1. Lobbying entities and major filers must prepare and retain detailed records necessary to comply with the MLO. 2. Treasurers and fundraisers for City campaigns must prepare detailed contribution records for contributions received as a result of fundraising by a lobbying entity. 3. Records must be retained for at least four years.	LAMC § 48.05	1. <i>Lobbying entities must prepare and retain detailed records necessary to comply with the MLO.</i> 2. <i>Treasurers and fundraisers for City campaigns must prepare detailed contribution records for contributions received as a result of fundraising by a lobbying entity.</i> 3. <i>Records must be retained for at least four years.</i> 4. <i>Vendors and clients must comply</i>	LAMC § 48.05

GENERAL PROVISIONS cont'd

Issue	Current	Current Citation	<i>Proposed</i>	<i>Proposed Citation</i>
			<i>with a lawful request to provide records that detail activity governed by the MLO. Lobbying entities must notify their vendors and clients of this responsibility.</i>	

REGISTRATION

Issue	Current	Current Citation	<i>Proposed</i>	<i>Proposed Citation</i>
Applicability	Lobbyists and lobbying firms must register.	LAMC § 48.07(A)	<i>All lobbying entities must register.</i>	<i>LAMC § 48.07</i>
Content	See Attachment C.	LAMC §§ 48.07(D), 48.07(E)	<i>See Attachment C.</i>	<i>LAMC § 48.07(C)</i>
Deadline	A registration must be filed within 10 days after the end of the calendar month in which qualification occurs.	LAMC § 48.07(A)	<i>A registration must be filed within 10 business days after qualification occurs.</i>	<i>LAMC § 48.07</i>
Fees	Annual registration fees are \$450 per lobbyist plus \$75 per client. These fees are reduced to \$337 per lobbyist and \$56 per client if registration occurs in the last quarter of the year.	LAMC § 48.07(C)	<i>Annual registration fees are \$450 per lobbying entity plus \$75 lobbying firm per client.</i>	<i>LAMC § 48.07(B)</i>
Prior City Service	Not addressed.	N/A	<i>Individuals must state whether they are former City employees and, if so, their last date of service to the City.</i>	<i>LAMC §§ 48.05(C)(2)(b) 48.05(C)(5)(d)</i>

Los Angeles City Ethics Commission
Quick Guide to Registration and Disclosure Contents
 Los Angeles Municipal Code §§ 48.07, 48.08

New requirements are displayed in red.

PROPOSED REGISTRATION CONTENTS				
Content	Lobbyist	Firm	Organization	Indirect
Filer's name, address, email, and phone.	X	X	X	X
Name, title, address, email, and phone of individual responsible for the filing.	X	X	X	X
Name, address, email, and phone of clients.		X		
Date of qualification.	X	X	X	X
Each City agency that the filer will attempt to influence.	X	X	X	
Each City matter that the filer will attempt to influence.	X	X	X	X
Position taken on each City matter.	X	X	X	X
Name of each lobbyist who is a partner, owner, shareholder, officer, or employee.		X	X	
Name, address, email, and phone of filer's employer.	X			
The nature of the filer's business.				X
Statement regarding whether filer is a sole proprietor.	X			
Statement regarding whether filer is a former City employee and, if so, the last date of City service.	X			X
Statement that filer understand the MLO requirements.	X	X	X	X

PROPOSED DISCLOSURE CONTENTS				
Content	Lobbyist	Firm	Organization	Indirect
Filer's name, address, email, and phone.	X	X	X	X
Name, title , address, email, and phone of individual responsible for the filing.	X	X	X	X
Name, address, email, and phone of filer's employer.	X			
Name of each partner, owner, shareholder, officer, or employee who is a lobbyist.		X	X	X
Name, address, email, and phone of clients represented.	X	X		
Each City matter filer attempted to influence.	X	X	X	X
Position taken on each City matter.	X	X	X	X
Name, address, email, and phone of each person who had a financial interest in the City matter in the previous 12 months and contributed \$1,000+ or 20+% to expenses attributable to attempts to influence.				X
Name of each partner, owner, shareholder, officer, or employee who engaged in a direct communication.		X	X	X

PROPOSED DISCLOSURE CONTENTS cont'd				
Content	Lobbyist	Firm	Organization	Indirect
Agency, division, and title of City officials with whom filer had a direct communication and date of communication.	X	X	X	X
Client payments incurred.		X		
Client payments received.		X		
Total payments to lobbyist personnel.		X	X	
Total payments to non-lobbyist personnel.		X	X	X
Total expenses attributable to attempts to influence.		X	X	X
For each expense of \$5,000+ attributable to attempts to influence: description, date, amount, name and address of third-party payee, City matter, client if applicable.		X	X	X
Total amount of gifts given by filer and filer's clients to City employees and their immediate family members.	X	X	X	X
For each gift of \$25+ given by filer or filer's clients to City employee or immediately family member: date, amount, description, name and title of City employee, name and address of payee, name of client if applicable.	X	X	X	X
For each contribution of \$100+ given by filer to City candidate, officeholder, or committee: name of recipient, date, amount.	X	X	X	X
For each fundraising solicitation distributed to 25+ people: copy and description, distribution dates, number distributed, date and amounts of expenses, name and address of payee/vendor , name of beneficiary.	X	X	X	X
For each City candidate, officeholder, or committee that filer engaged in fundraising activity: name of beneficiary, dates of activity, number of persons solicited , amount raised, statement regarding whether another person was involved in the same activity.	X	X	X	X
For behested contributions totaling \$1,000+ made by filer to a City candidate, officeholder, or committee: date of behest, name of behest, date of contribution, amount, description, name and address of payee.	X	X	X	X
For behested donations totaling \$1,000+ made by filer: date of behest, name of behest, date of donation, amount, description, name and address of payee.	X	X	X	X
For compensated campaign services to City candidate, officeholder, or committee: name of compensator, date of election if applicable, compensation earned, compensation received , description of services.	X	X	X	X
For compensated services under City contract: agency, description of contract, compensation earned , compensation received, description of services.	X	X	X	X

Municipal Lobbying Ordinance

Los Angeles Municipal Code Chapter IV, Article 8

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 that 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, title, or other professional qualifications or license.
 - 4. Complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to maintaining public confidence in the integrity of City government.
 - 5. It is in the public interest to ensure that lobbyists do not misrepresent facts, their positions, or attempt to

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

- 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 identified below. Other terms used in this Article have the meanings identified in the Political Reform Act.

- A. **“Agency”** means the City of Los Angeles; any 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 City Charter.
- B. **“At the behest”** means under the control of; at the direction, request, or suggestion of; in cooperation, consultation, or coordination with; or with the express prior consent of an elected City officer or candidate for elected City office. The term does not apply to a donation solicited solely through mass media, a suggestion made to the entire audience at a public gathering, or written materials in which the name of the elected City officer or candidate is listed with other names.

C. **“Attempt to influence”** means directly or indirectly promoting, supporting, opposing, or seeking to modify or delay action on a City matter by any means. The term includes but is not limited to any of the following:

1. Engaging in a direct communication.
2. Drafting ordinances, resolutions, regulations, or other policy documents.
3. Providing advice or recommending strategy.
4. Researching, investigating, and gathering information.
5. Engaging in conduct designed to influence the position of a third party.
6. Other similar conduct.

D. **“City matter”** means a matter that is proposed to or pending with an agency and in which a non-ministerial action may be taken.

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

F. **“City official”** means an individual described in Section 49.5.2(C).

G. **“Client”** means both the person on whose behalf a lobbyist or lobbying

firm engages in one or more attempts to influence that entitle the lobbyist or the lobbyist’s employer to receive at least \$250 in compensation and the person who pays the compensation. The term does not include an individual member of an organization that is represented by a lobbyist or lobbying firm, unless the member provides compensation for personal representation in addition to usual membership fees.

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. It does not include reimbursement for reasonable lobbying expenses. There is a rebuttable presumption that compensation for lobbying services includes all payments given or owed by or on behalf of a client.

I. **“Controlled committee”** means a committee controlled by an elected City officer or a candidate for elected City office.

J. **“Direct communication”** means directly or indirectly talking to, corresponding with, or answering questions or inquiries from a City employee, either personally or through an agent, for the purpose of attempting to influence. The term does not include the following:

1. Communicating on the record at a publicly noticed meeting that is open to the general public. If a lobbying entity is entitled to

receive compensation for the communication, the lobbying entity must disclose on the record the source of the compensation and on whose behalf the communication is made.

2. Submitting a document or other recording that relates to an item on a publicly noticed meeting agenda and is made part of the record at the public meeting. If a lobbying entity submitting the recording is entitled to receive compensation for doing so, the document or recording must identify the source of the compensation and on whose behalf it is submitted.
3. Submitting a bid or responding to a request for proposals or other contract solicitation, or participating in an interview related to the contract solicitation, as long as the information is provided only to the City employee or agency specifically designated in the contract solicitation to receive the information.
4. Negotiating the terms of a contract with a City employee who has the authority to participate in a decision regarding the contract after being selected by that employee's agency to enter into the contract.
5. Communicating regarding the administration of or performance under an existing City contract with a City employee who administers the contract or provides legal advice regarding the contract. This exemption does

not apply to an in scope change order.

6. Requesting an interpretation of a law, regulation, or policy.
7. Responding to an agency enforcement proceeding as the subject of or a witness in that proceeding.
8. Communicating as an official representative of a recognized City employee organization with a City employee other than the Mayor, a City Council member, or a member of their staffs, with regard to one of the following:
 - a. The establishment, amendment, administration, or interpretation of a collective bargaining agreement or memorandum of understanding between an agency and the recognized City employee organization.
 - b. A management decision regarding the working conditions of represented employees that relates to a collective bargaining agreement or memorandum of understanding between an agency and the recognized City employee organization.
 - c. A proceeding before the Civil Service Commission or the Employee Relations Board.
9. Providing legal representation as a licensed attorney for a party in litigation or an enforcement proceeding with an agency.

10. Communicating solely to provide technical data or specialized knowledge within a particular profession or discipline.
 11. Communicating solely to schedule a meeting.
 12. Communicating solely regarding a ministerial action.
 13. Communicating under circumstances similar to those identified above, after receiving advice from the Ethics Commission that the communication is exempt.
- K. **“Donation”** means a payment to a charitable 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, or a controlled committee. This does not include making a request for funds through mass media or through a suggestion made to the entire audience at a public gathering.
 2. Allowing one’s name or likeness to be used on a written request for funds for an elected City officer, a candidate for elected City office, or a controlled committee.
 3. Making or incurring expenses for or distributing a fundraising solicitation to 25 or more persons.
 4. Providing the use of a home or business to hold a fundraising event without charging fair market value for the use of that location.
 5. Paying for at least a majority of the costs of a fundraising event.
 6. Hiring a person to conduct a fundraising event.
 7. Asking 25 or more persons to attend a fundraising event.
 8. Providing 25 or more names to be used for invitations to a fundraising event.
- O. **“Fundraising event”** means an event designed primarily for political fundraising at which contributions are solicited, delivered, or made for an elected City officer, a candidate for elected City office, or a controlled committee.
- P. **“Fundraising solicitation”** means a written request that a person make a contribution to an elected City officer, a candidate for elected City office, a controlled committee, or a City ballot measure committee.
- Q. **“Indirect Lobbyist”** means a person, other than a lobbyist, lobbying firm, or lobbying organization, who makes or incurs expenses totaling \$5,000 or more in a calendar year for public relations, media relations, advertising,

public outreach, research, investigation, reports, analyses, studies, and similar activities, if the expenses are made or incurred for the purpose of attempting to influence one or more City matters and are not required to be reported by a lobbyist or lobbying firm. Compensation paid to a registered lobbyist or lobbying firm for attempting to influence does not count toward the threshold.

- R. **“Lobbying entity”** means a lobbyist, indirect lobbyist, lobbying firm, or lobbying organization.
- S. **“Lobbying firm”** means an entity, other than a lobbying organization or indirect lobbyist, that receives or becomes entitled to receive compensation for one or more attempts to influence and that has a partner, owner, shareholder, officer, or employee who qualifies as a lobbyist.
- T. **“Lobbying organization”** means an entity, other than a lobbying firm or an indirect lobbyist, that employs a lobbyist in-house to attempt to influence on the entity’s own behalf.
- U. **“Lobbyist”** means an individual who engages in at least one direct communication and receives or becomes entitled to receive \$5,000 or more in compensation in a calendar year for one or more attempts to influence on behalf of one or more other persons.
- V. **“Political Reform Act”** means the California Political Reform Act of 1974 (California Government Code Sections 81000 *et seq.*) and the related regulations of the California

Fair Political Practices Commission as amended from time to time.

SEC. 48.03. Exemptions

The following persons are exempt from this Article:

- A. A public official or government employee acting in an official capacity and within the scope of employment.
- B. A media outlet that broadcasts news, editorials, or paid advertising that directly or indirectly attempts to influence and the media outlet’s employees engaged in the same activity. This exemption does not apply to other action by a media outlet and its employees.
- C. A consultant acting under an agency consulting agreement.
- D. A person whose only activity is participating in a competitive bid process. This exemption does not apply to 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 the 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 applies to the organization's employees and board members while engaged in official duties. This exemption does not apply when the organization is seeking funding, property, or a permit from the City on its own behalf.

SEC. 48.04. Prohibitions

- A. A lobbying entity shall not do any of the following:
 1. Engage in an act with the intent of placing a City employee under personal obligation to the lobbying entity or the lobbying entity's client.
 2. Deceive or attempt to deceive a City employee with regard to a material fact that is pertinent to a City matter.
 3. Cause or influence the introduction of a City matter for the purpose of thereafter being employed or retained to secure its passage or defeat.
 4. Cause a communication to be sent to a City employee in the name of a nonexistent person or in the name of an existing person without that person's consent.
 5. Offer, make, or arrange for a payment to a City employee that

would violate a provision of the Charter, the Campaign Finance Ordinance (Sections 49.7.1 *et seq.*), or the Governmental Ethics Ordinance (Sections 49.5.1 *et seq.*).

- B. A client shall not offer, make, or arrange for a payment to a City official, as defined in Section 49.5.2(C), that is prohibited for the client's lobbyist or lobbying firm under Section 49.5.8.

SEC. 48.05. Recordkeeping Responsibilities

- A. A lobbying entity shall prepare and maintain detailed records that demonstrate compliance with this Article.
- B. Treasurers and fundraisers for elected City officers, candidates for elected City office, and controlled committees shall prepare and maintain detailed records of contributions received as a result of fundraising activity engaged in by a lobbying entity.
- C. A lobbying entity and its vendors and clients shall comply with a lawful request to provide any record that details activity governed by this Article when the request is made by the Ethics Commission or another public officer with the authority to enforce this Article. A lobbying entity shall notify its vendors and clients of their responsibilities under this Section.
- 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. Every registration, report, and other filing 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 provide public access to all filings.
- B. A lobbying entity and a person who qualifies as a lobbying entity 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. An electronic filing is 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 lobbying entity shall register with the Ethics Commission within 10 business days after qualifying as a lobbying entity.

A lobbying entity shall file an amendment to its registration statement within 10 business days after the information in the registration statement changes.

- A. **Duration.** A person who registers as a lobbying entity shall retain that status through the earlier of December 31 of that calendar year or the date of filing a termination statement. A lobbying entity shall file a termination statement within 20 business days after ceasing all activity governed by this Article.
- B. **Registration Fees.** An annual registration fee of \$450 shall be paid for each lobbying entity. An individual who qualifies as both a lobbyist and a lobbying firm shall pay a registration fee only as a lobbying firm. An annual registration fee of \$75 shall be paid for each client of a lobbying firm.
- C. **Contents.**
 - 1. Every registration statement shall contain the following information:
 - a. The lobbying entity's name, address, email, and telephone number.
 - b. The name, title, address, email, and telephone number of the individual responsible for filing the registration statement.
 - c. The date of qualification as a lobbying entity.
 - d. Each agency that the lobbying entity has attempted and will attempt to influence.

- e. Each City matter that the lobbying entity has attempted and will attempt to influence, including City reference numbers.
 - f. The position that was taken or will be taken on each matter.
 - g. A statement that the lobbying entity has reviewed and understands the requirements of this Article, including the education requirement in Section 48.10, and will notify all clients and vendors of their responsibilities under Section 48.05(B).
 - h. Any other information required by regulation of the Ethics Commission, consistent with this Article.
2. In addition to the information in paragraph 1, a registration statement for a lobbyist must also contain the following:
- a. The name, address, email, and telephone number of the lobbyist's employer.
 - b. A statement regarding whether the lobbyist is a sole proprietor.
 - c. A statement regarding whether the lobbyist is a former City employee and, if so, the lobbyist's last date of service to the City.
3. In addition to the information in paragraph 1, a registration statement for a lobbying firm must also contain the following:
- a. The name of each lobbyist who is a partner, owner, shareholder, officer, or employee.
 - b. For each client:
 - i. The client's name, address, email, and telephone number.
 - ii. The name of each lobbyist who has attempted or will attempt to influence.
 - iii. The City matters regarding which each lobbyist will attempt to influence, including City reference numbers.
4. In addition to the information in paragraph 1, a registration statement for a lobbying organization must also contain the name of each lobbyist who is a partner, owner, shareholder, officer, or employee.
5. In addition to the information in paragraph 1, a registration statement for an indirect lobbyist must also contain the following:
- a. Each City matter the indirect lobbyist has attempted and will attempt to influence, including City reference numbers.
 - b. The indirect lobbyist's position on each City matter.
 - c. The nature of the indirect lobbyist's business.
 - d. For an individual, a statement regarding whether the indirect

lobbyist is a former City employee and, if so, the indirect lobbyist's last date of service to the City.

SEC. 48.08. Disclosure

A. Reporting Requirement. A lobbying entity shall file a disclosure report for every two-month reporting period during which the lobbying entity was registered, was required to register, or had reportable activity. An individual who qualifies as both a lobbyist and a lobbying firm shall file only lobbying firm reports.

B. Deadline. Disclosure reports shall be filed by the following deadlines and shall disclose activity for the two calendar months immediately preceding the deadline:

1. By March 20, for activity from January 1 through the last day of February.
2. By May 20, for activity from March 1 through April 30.
3. By July 20, for activity from May 1 through June 30.
4. By September 20, for activity from July 1 through August 30.
5. By November 20, for activity from September 1 through October 31.
6. By January 20, for activity from November 1 through December 31.

C. Contents.

1. Every disclosure report shall contain the following information:
 - a. The lobbying entity's name, address, email, and telephone number.
 - b. The name, title, address, email, and telephone number of the individual responsible for filing the disclosure report.
 - c. The total amount of all gifts and other financial benefits that the lobbying entity and the lobbying entity's clients gave to City employees and members of City employees' immediate families. For purposes of this Subparagraph and Subparagraph d, a gift includes but is not limited to a contribution to an individual's campaign for election to a neighborhood council, a pension board, or another City position other than an elected City office.
 - d. For each gift or other financial benefit valued at \$25 or more that the lobbying entity or one of the lobbying entity's clients gave to a City employee or a member of a City employee's immediate family:
 - i. The date given.
 - ii. The amount or fair market value.
 - iii. A description.

- iv. The name and title of the City employee.
 - v. The name and address of each payee.
 - vi. The name of the client, if any, for whom the gift or financial benefit was given. A gift or benefit is given for a client if the client requested or authorized it or if it was given in connection with an event at which the lobbying entity attempted to influence the City employee on behalf of the client.
- e. For each contribution of \$100 or more to an elected City officer, a candidate for elected City office, or a controlled committee that the lobbying entity made, delivered, or acted as an intermediary for:
- i. The name of the elected City officer, the candidate for elected City office, or the controlled committee.
 - ii. The date of the contribution.
 - iii. The amount of the contribution.
- f. If the lobbying entity made or incurred expenses for or distributed 25 or more substantially similar copies of a fundraising solicitation, the information required by Section 48.09(B).
- g. For each elected City officer, candidate for elected City office, or controlled committee for which the lobbying entity engaged in fundraising activity:
- i. The name of the elected City officer, the candidate for elected City office, or the controlled committee.
 - ii. The dates of the fundraising activity.
 - iii. The number of persons from whom contributions were solicited.
 - iv. The amount of funds raised as a result of the fundraising activity.
 - v. A statement regarding whether another person was involved in the same fundraising activity.
- h. If the lobbying entity made one or more contributions aggregating \$1,000 or more at the behest of an elected City officer or candidate for elected City office to controlled committees of other elected City officers or candidates for elected City office, the following for each contribution:
- i. The date of the behest.
 - ii. The name of the elected City officer or candidate for elected City office who made the behest.
 - iii. The date of the contribution.

- iv. The amount of the contribution.
 - v. A description of the contribution.
 - vi. The name and address of the payee.
- i. If the lobbying entity made one or more donations aggregating \$1,000 or more at the behest of an elected City officer or candidate for elected City to religious, charitable, or other nonprofit organizations, the following for each donation:
- i. The date of the behest.
 - ii. The name of the elected City officer or candidate for elected City office who made the behest.
 - iii. The date of the donation.
 - iv. The amount of the donation.
 - v. A description of the donation.
 - vi. The name and address of the payee.
- j. For each elected City officer, candidate for elected City office, or controlled committee to which the lobbying entity provided compensated services:
- i. The name of the elected City officer, candidate for elected City office, or controlled committee.
 - ii. The date of the election, if applicable.
 - iii. The amount of compensation earned.
 - iv. The amount of compensation received.
 - v. A description of the services provided.
- An individual shall report this information whether the services were provided by the individual personally or by a business entity in which the individual held an ownership or investment interest of at least 10 percent and whether the compensation was or is to be provided directly to the individual or to the business entity.
- k. For each contract under which the lobbying entity provided compensated services to an agency:
- i. The agency for which the services were provided.
 - ii. A description of the contract, including City reference numbers.
 - iii. The amount of compensation earned.
 - iv. The amount of compensation received.

- v. A description of the services provided.

An individual shall report this information whether the services were provided by the individual personally or by a business entity in which the individual held an ownership or investment interest of at least 10 percent and whether the compensation was or is to be provided directly to the individual or to the business entity.

- I. Any other information required by regulation of the Ethics Commission, consistent with this Article.
- 2. In addition to the information in paragraph 1, a disclosure report for a lobbyist must also contain the following:
 - a. The name, address, email, and telephone number of the lobbyist's employer.
 - b. For each City matter the lobbyist attempted to influence:
 - i. A description of the matter, including City reference numbers.
 - ii. The position taken on the matter.
 - iii. The name, address, email, and telephone number of the client on whose behalf the attempt to influence was made.

- iv. A description of each direct communication, including the date, the agency contacted, and the division and title of any City official contacted.
- 3. In addition to the information in paragraph 1, a disclosure report for a lobbying firm must also contain the following:
 - a. The name of each lobbyist who is a partner, owner, shareholder, officer, or employee.
 - b. For each City matter the lobbying firm attempted to influence:
 - i. A description of the matter, including City reference numbers.
 - ii. The position taken on the matter.
 - iii. The name, address, email, and telephone number of the client on whose behalf the attempt to influence was made.
 - iv. The name of each partner, owner, shareholder, officer, or employee who engaged in a direct communication.
 - v. A description of each direct communication, including the date, the agency contacted, and the division and title of any City official contacted.

- vi. Total client payments incurred for attempts to influence.
 - vii. Total client payments received for attempts to influence.
 - c. Total payments incurred and received from clients.
 - d. Total payments to lobbyist personnel for attempts to influence.
 - e. Total payments to non-lobbyist personnel for attempts to influence.
 - f. Total expenses attributable to attempts to influence, other than overhead expenses, including the amounts in Subparagraphs d and e and all other expenses that would not have been incurred but for an attempt to influence. Each expense of \$5,000 or more must be itemized with a description, the date, the amount, the name and address of each third-party payee, the related City matter, including City reference numbers, and the client on whose behalf the expense was incurred.
4. In addition to the information in paragraph 1, a disclosure report for a lobbying organization must also contain the following:
- a. The name of each lobbyist who is a partner, owner, shareholder, officer, or employee.
 - b. For each City matter the lobbying organization attempted to influence:
 - i. A description of the matter, including City reference numbers.
 - ii. The position taken on the matter.
 - iii. The name of each partner, owner, shareholder, officer, or employee who engaged in a direct communication.
 - iv. A description of each direct communication, including the date, the agency contacted, and the division and title of any City official contacted.
 - c. Total payments to lobbyist personnel for attempts to influence.
 - d. Total payments to non-lobbyist personnel for attempts to influence.
 - e. Total expenses attributable to attempts to influence, other than overhead expenses, including the amounts in Subparagraphs c and d and all other expenses that would not have been incurred but for an attempt to influence. Each such expense of \$5,000 or more must be itemized with a description, the date, the amount, the name and address of each third-party payee, the related City matter, including City reference numbers, and

the client on whose behalf the expense was incurred.

attributable to attempts to influence.

5. In addition to the information in paragraph 1, a disclosure report for an indirect lobbyist must also contain the following:
- a. The name of each lobbyist who is a partner, owner, shareholder, officer, or employee.
 - b. For each City matter the indirect lobbyist attempted to influence:
 - i. A description of the matter, including City reference numbers.
 - ii. The position taken on the matter.
 - iii. The name of each partner, owner, shareholder, officer, or employee who engaged in a direct communication.
 - iv. A description of each direct communication, including the date, the agency contacted, and the division and title of any City official contacted.
 - v. The name, address, email, and telephone number of each person who has, or in the previous 12 months had, a financial interest in the matter and contributed at least \$1,000 to the indirect lobbyist or paid for at least 20 percent of the indirect lobbyist's expenses

- c. Total payments to personnel for attempts to influence.
- d. Total expenses attributable to attempts to influence, other than overhead expenses, including the amount in Subparagraph c and all other expenses that would not have been incurred but for an attempt to influence. Each such expense of \$5,000 or more must be itemized with a description, the date, the amount, the name and address of each third-party payee, and the related City matter, including City reference numbers.

SEC. 48.09. Copies of Solicitations

A lobbying entity shall notify the Ethics Commission when it makes or incurs expenses for or distributes substantially similar copies of a fundraising solicitation to 25 or more persons.

- A. The notice shall be filed within one business day after the earlier of the date the fundraising solicitation is first distributed or the date an expense is made or incurred.
- B. The notice shall include the following:
 - 1. A copy of the fundraising solicitation.
 - 2. A description of the fundraising solicitation.

3. The dates on which the fundraising solicitation was distributed.
4. The number of copies distributed and, if not distributed by the lobbying entity, the names of the persons making the distributions.
5. The dates and amounts of the expenses that were made or incurred and, if not made or incurred by the lobbying entity, the names of the persons making or incurring the expenses.
6. The name and address of each payee and any vendor or subvendor that provided service for the fundraising solicitation.
7. The names of each elected City officer, candidate for elected City office, and controlled committee for which the fundraising solicitation was made.

SEC. 48.10. Education

An individual who is required to register as a lobbyist shall complete a training provided by the Ethics Commission at least once every two calendar years. An individual who is required to register as a lobbyist for the first time shall complete the training within 60 calendar days after qualifying as a lobbyist. Thereafter, the individual shall complete the training every other year, within 60 calendar days after registering as a lobbyist.

SEC. 48.11. Enforcement

A. Criminal Penalties.

1. A person who knowingly or willfully does any of the following is guilty of a misdemeanor:
 - a. Violates a provision of this Article;
 - b. Causes another person to violate a provision of this Article; or
 - c. Aides and abets another person in violating a provision of this Article.
2. Prosecution for violation of a provision of this Article must be commenced within one year after the date on which the violation occurred.
3. A person convicted of a violation of this Article may not act as a lobbying entity or otherwise attempt to influence for one year after such conviction.

B. Civil Enforcement.

1. A person who intentionally or negligently violates a provision of this Article is liable in a civil action brought by the City Attorney or the Ethics Commission. The amount of liability for a violation may not exceed the greater of \$5,000 or three times the amount the person improperly reported, contributed, expended, gave, or received. If the court determines that a violation was intentional, the court may order that the person be

prohibited from acting as a lobbying entity or otherwise attempting to influence for one year.

2. In determining the amount of liability pursuant to this Subsection, the court may 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 are jointly and severally liable.
4. An action alleging a violation of this Article may not be filed more than four years after the date the violation occurred.

C. **Injunction.** The City Attorney may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this Article.

D. **Administrative Penalties.**

1. The Ethics Commission may impose penalties and issue orders for violations of this Article pursuant to its authority under Charter Section 706(c).
2. A person found to have violated Charter Section 470(k) shall not act as a lobbying entity or otherwise attempt to influence City matters for four years. The Ethics Commission may reduce that period of time to not less than one year if it finds either of the following:

- a. The person admitted or otherwise accepted responsibility for the violation.
- b. The person took prompt remedial or corrective action.

SEC. 48.12. Late Filing Penalties

In addition to any other penalty, a person who files an original report or statement after a deadline imposed by this Article is liable to the Ethics Commission in the amount of \$25 per day after the deadline until the statement or report is filed, up to a maximum of \$500. Liability need not be enforced by the Ethics Commission if its Executive Director determines that the late filing was not willful and that enforcement of the penalty would not further the purposes of this Article. Liability may not be waived if a statement or report is not filed within 10 days after the Ethics Commission sends written notice that the statement or report is past due.

SEC. 48.13. Bidder Certification

- A. A bidder for a contract, as defined in Los Angeles Administrative Code Section 10.40.1, shall submit with its bid a certification, in a format prescribed by the Ethics Commission, that the bidder acknowledges and agrees to comply with this Article if the bidder qualifies as a lobbying entity.
- B. Every agency shall include in each request for bids, request for proposals, request for qualifications, or other contract solicitation the link

to the Ethics Commission's online version of this Article.

- C. This Section does not apply to the renewal, extension, or amendment of an existing contract, as long as the original contract solicitation met the requirements in Subsections A and B and the renewal, extension, or amendment does not involve a new contract solicitation.
- D. The exemptions contained in Section 48.03 and Los Angeles Administrative Code Section 10.40.4 do not apply to this Section.

SEC. 48.14. Severability

The provisions of this Article are severable. If any provision of this Article or its application to any person or circumstance is held invalid by a court, the remainder of this Article and the application of the provision to other persons and circumstances is not affected by that determination, to the extent that the provision or its application can be given effect.

. . . .

Municipal Lobbying Ordinance

Los Angeles Municipal Code Chapter IV, Article 8

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~~overnment 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 that~~ 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, ~~title~~, or other professional qualifications or license.
4. Complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to ~~the maintenance of citizen-maintaining public~~ confidence in the integrity of ~~local~~ City government.

5. It is in the public interest to ensure that lobbyists do not misrepresent facts, their positions, or attempt to deceive officials through false communications, do not place City officials under personal obligation to themselves or their clients, and do not represent that they can control the actions of City officials.

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 identified below~~. Other terms used in this Article ~~shall have the meanings set forth identified~~ 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~~.

~~“Activity expense” means any payment, including any gift, made to or directly benefiting any City official or member of his or her immediate family, made by a lobbyist, lobbying firm, or lobbyist employer.~~

A. ~~“Agency” means the City of Los Angeles or; any department, bureau, office, board, commission, other agency of the City, or any other government agency, entity~~ required to

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

B. "At the behest" means under the control of, at the direction, request, or suggestion of, in cooperation, consultation, or coordination with, 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 City officer or candidate if the donation is solicited solely 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 City officer or candidate solely because the name of the officer or candidate is listed with other names on, or written materials used to request donations or in which the name of the elected City officer or candidate makes a speech to the entire audience or is honored and given an award at an event sponsored by the organization is listed with other names.

C. "Attempting to influence" means directly or indirectly promoting, supporting, opposing, or seeking to modify or delay any action on municipal legislation 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. The term includes but is not limited to any of the following:

1. Engaging in a direct communication.
2. Drafting ordinances, resolutions, regulations, or other policy documents.
3. Providing advice or recommending strategy.
4. Researching, investigating, and gathering information.
5. Engaging in conduct designed to influence the position of a third party.
6. Other similar conduct.

D. "City matter" means a matter that is proposed to or pending with an agency and in which a non-ministerial action may be taken.

E. "City official employee" 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, of the following individuals who participates in the consideration of any municipal legislation a City matter in other than in a purely clerical, secretarial or ministerial capacity: an elected City officer; an agency officer, member, commissioner, or employee; or an

agency consultant who qualifies as a public official under the Political Reform Act.

F. “City official” means an individual described in Section 49.5.2(C).

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 engages in one or more attempts to influence such municipal legislation, even if the lobbyist or lobbying firm is compensated by another person for such representation that entitle the lobbyist or the lobbyist’s employer to receive at least \$250 in compensation and the person who pays the compensation. However, if a lobbyist or lobbying firm represents a membership organization ~~and The term does not include an individual members of that an organization that is represented by a lobbyist or lobbying firm, an individual member is not a client solely because the member is individually represented by the lobbyist or lobbying firm unless the member makes a payment provides compensation for such personal representation in addition to usual membership fees.~~

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. It does not include reimbursement for reasonable lobbying expenses. There is a rebuttable presumption that compensation for lobbying services includes all payments given or owed by or on behalf of a client.

“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 a 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, directly or indirectly talking to (either by telephone or in person), corresponding with, or answering questions or inquiries from, any City official or employee, either personally or through an agent who acts under one’s direct supervision, control or direction, for the purpose of attempting to influence. The term does not include the following:

1. Communicating on the record at a publicly noticed meeting that is open to the general public. If a lobbying entity is entitled to receive compensation for the communication, the lobbying entity must disclose on the record the source of the compensation and on whose behalf the communication is made.

2. Submitting a document or other recording that relates to an item on a publicly noticed meeting agenda and is made part of the record at the public meeting. If a lobbying entity submitting the recording is entitled to receive compensation for doing so, the document or recording must identify the source of the compensation and on whose behalf it is submitted.
3. Submitting a bid or responding to a request for proposals or other contract solicitation, or participating in an interview related to the contract solicitation, as long as the information is provided only to the City employee or agency specifically designated in the contract solicitation to receive the information.
4. Negotiating the terms of a contract with a City employee who has the authority to participate in a decision regarding the contract after being selected by that employee's agency to enter into the contract.
5. Communicating regarding the administration of or performance under an existing City contract with a City employee who administers the contract or provides legal advice regarding the contract. This exemption does not apply to an in scope change order.
6. Requesting an interpretation of a law, regulation, or policy.
7. Responding to an agency enforcement proceeding as the subject of or a witness in that proceeding.
8. Communicating as an official representative of a recognized City employee organization with a City employee other than the Mayor, a City Council member, or a member of their staffs, with regard to one of the following:
 - a. The establishment, amendment, administration, or interpretation of a collective bargaining agreement or memorandum of understanding between an agency and the recognized City employee organization.
 - b. A management decision regarding the working conditions of represented employees that relates to a collective bargaining agreement or memorandum of understanding between an agency and the recognized City employee organization.
 - c. A proceeding before the Civil Service Commission or the Employee Relations Board.
9. Providing legal representation as a licensed attorney for a party in litigation or an enforcement proceeding with an agency.
10. Communicating solely to provide technical data or specialized knowledge within a particular profession or discipline.
11. Communicating solely to schedule a meeting.

12. Communicating solely regarding a ministerial action.

13. Communicating under circumstances similar to those identified above, after receiving advice from the Ethics Commission that the communication is exempt.

K. “Donation” means a payment to a charitable organization for which full and adequate consideration is not received.

L. “~~Elective e~~Elected City 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 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, or a controlled committee. This does not include making a request for funds through mass media or through a suggestion made to the entire audience at a public gathering.

2. Allowing one’s name or likeness to be used on a written request for funds for an elected City officer, a candidate for elected City office, or a controlled committee.

3. Making or incurring expenses for or distributing a fundraising solicitation to 25 or more persons.

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

5. Paying for at least a majority of the costs of a fundraising event, soliciting a contribution or hosting or sponsoring a fundraising event or

6. hHiring a fundraiser or contractor person to conduct any fundraising event.

7. Asking 25 or more persons to attend a fundraising event.

8. Providing 25 or more names to be used for invitations to a fundraising event.

O. “Fundraising event” means an event designed primarily for political fundraising at which contributions are solicited, delivered, or made for an elective-elected City officer, a candidate for elective-elected City office, or any of his or her a controlled committees are solicited, delivered or made.

P. “Fundraising solicitation” means a written request that a person make a contribution to an elected City officer, a candidate for elected City office, a

controlled committee, or a City ballot measure committee.

“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.

Q. “Indirect Lobbyist” means a person, other than a lobbyist, lobbying firm, or lobbying organization, who makes or incurs expenses totaling \$5,000 or more in a calendar year for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, and similar activities, if the expenses are made or incurred for the purpose of attempting to influence one or more City matters and are not required to be reported by a lobbyist or lobbying firm. Compensation paid to a registered lobbyist or lobbying firm for attempting to influence does not count toward the threshold.

“Lobbying activities” includes the following and similar compensated conduct when that conduct is related to a direct communication to influence any municipal legislation:

- (1) engaging in, either personally or through an agent, written or oral direct communication with a City official;
- (2) drafting ordinances, resolutions or regulations;

(3) providing advice or recommending strategy to a client or others;

(4) research, investigation and information gathering;

(5) seeking to influence the position of a third party on municipal legislation or an issue related to municipal legislation by any means, including but not limited to engaging in community, public or press relations activities; and

(6) attending or monitoring City meetings, hearings or other events.

R. “Lobbying entity” means a lobbyist, indirect lobbyist, lobbying firm or lobbyist employer, as defined in this article, or lobbying organization.

S. “Lobbying firm” means any entity, including an individual lobbyist other than a lobbying organization or indirect lobbyist, which that 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 agents) during any consecutive three-month period, for the purpose of attempting one or more attempts to influence municipal legislation on behalf of any other person, provided any and that has a partner, owner, shareholder, officer, or employee of the entity who 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.

T. "Lobbying organization" means an entity, other than a lobbying firm or an indirect lobbyist, that employs a lobbyist in-house to attempt to influence on the entity's own behalf.

U. "Lobbyist" means any individual who is compensated to spend 30 or more hours in any consecutive three-month period engaged in lobbying activities which include engages in at least one direct communication with a City official or employee, conducted either personally or through agents, for the purpose of and receives or becomes entitled to receive \$5,000 or more in compensation in a calendar year for one or more attemptings to influence municipal legislation on behalf of any other one or more other persons.

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.

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

"Major filer" means any person who makes payments or incurs expenditures totaling \$5,000 or more 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 matter of municipal legislation, if these payments or expenditures are not required to be reported on a lobbyist or lobbying firm 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 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.~~

V. "Political Reform Act" means the California Political Reform Act of 1974 (California Government Code Sections 81000 *et seq.*) and the related regulations of the California Fair Political Practices Commission as amended from time to time.

~~"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.~~

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 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 publishes or media outlet that broadcasts news, editorials or other comments, or paid advertising, which that directly or indirectly attempts to influence action on municipal legislation 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 a media outlet and its employees.~~

- C. ~~A person consultant acting without any compensation or consideration other than reimbursement or payment of reasonable travel expenses under an agency consulting agreement.~~
- D. ~~Any person whose only activity is submitting a bid on a competitively bid contract, submitting a written response to or participating in an oral interview for a request for proposals or qualifications, or negotiating the terms of a written agreement with any City agency if selected pursuant to that bid or request for proposals or qualifications participating in a competitive bid process.~~ Except with regard to persons covered by subsections E and F, ~~†~~ This exemption shall ~~does~~ not apply to any person who attempts to influence the action of the Mayor or Mayor's staff, any member of the City Council member, or their a staffs member of the Mayor or a City Council member, or any board or commission member with regard to any such contract the 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 applies to the organization's employees and board members while engaged in official duties. This exemption does not apply when the organization is seeking funding, property, or a permit from the City on its own behalf.~~

~~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

~~A. No lobbyist or A lobbying firm subject to the requirements of this Article entity shall not do any of the following:~~

- ~~A1. Do any Engage in an act with the purpose and intent of placing any City official employee under personal obligation to the~~

~~lobbyist, the lobbying firm, entity or to the lobbyist's or firm's employer or lobbying entity's client.~~

~~B2. Fraudulently dDeceive or attempt to deceive any City official employee with regard to any material fact that is pertinent to any pending or proposed municipal legislation a City matter.~~

~~C3. 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.~~

~~D4. Cause any communication to be sent to any City official employee in the name of any nonexistent person or in the name of any existing person without the that person's consent of such person.~~

~~E5. MOffer, mmake, or arrange for any payment to a City official, or act as an agent or intermediary in making any such payment by any other person, if the arrangement or the payment employee that would violate any provision of the Charter, the Campaign Finance Ordinance (Sections 49.7.1 et seq.), or the City's Governmental Ethics Ordinance (Los Angeles Municipal Code Sections 49.5.1, et seq.).~~

~~B. A client shall not offer, make, or arrange for a payment to a City official, as defined in Section 49.5.2(C), that is prohibited for the client's lobbyist or lobbying firm under Section 49.5.8.~~

SEC. 48.05. Record ~~K~~keeping Responsibilities

- A. ~~LA~~ lobbying entities and major filers entity shall prepare and retain maintain detailed records ~~_(including all books, papers and other documents)_~~ needed to comply with the requirements of that demonstrate compliance with this Article.
- B. Treasurers and fundraisers for ~~elective elected~~ City officeholders and City officers, candidates for elective City office, or for any elective City officer's or City candidate's and controlled committees shall prepare and ~~retain~~ maintain detailed ~~contribution activity~~ records for any of 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 running for elective City office contracts with 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 shall make the records~~

~~available to the lobbying entity upon request of the lobbying entity.~~

- C. If an officeholder or a candidate running for elective City office contracts with 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 shall make the records available to the lobbying entity upon request of the lobbying entity.~~ A lobbying entity and its vendors and clients shall comply with a lawful request to provide any record that details activity governed by this Article when the request is made by the Ethics Commission or another public officer with the authority to enforce this Article. A lobbying entity shall notify its vendors and clients of their responsibilities under this Section.
- 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 for not less than four years. 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~~ Every 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 provide public access to all filings.
- B. ~~A~~ lobbying ~~entities~~ entity and a persons who ~~qualify~~ qualifies as a lobbying ~~entities~~ entity 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~~ An electronic filing ~~is~~ 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 lobbying entity shall register with the Ethics Commission within 10 business days after qualifying as a lobbying entity. A lobbying entity shall file an amendment to its registration statement within 10

business days after the information in the registration statement changes.

~~A. **Requirement.** An individual who qualifies as a lobbyist shall register with the City Ethics Commission within 10 days after the end of the calendar month in which the individual qualifies as a lobbyist. 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 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 so 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.~~

~~BA. **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 calendar year unless and until that person terminates the status as set forth below or the date of filing a termination statement. A lobbying entity shall file a termination statement within 20 business days~~

after ceasing all activity governed by this Article.

6B. Registration Fees. ~~Every lobbyist shall pay a~~ An annual registration fee of \$450 ~~plus \$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~~ shall be paid for each lobbying entity. An individual who qualifies as both a lobbyist and a lobbying firm shall pay a registration fee only as a lobbying firm. An annual registration fee of \$75 shall be paid for each client of a lobbying firm.

6C. Contents of Registration Statements — Lobbyists.

~~Registration statements of lobbyists shall contain the following:~~

1. Every registration statement shall contain the following information:
 - a. The lobbyist's lobbying entity's name, business address, business email, and business telephone number.
 - b. The lobbying firm, if any, of which the lobbyist is an employee, partner, officer or owner name, title, address, email, and telephone number of the individual responsible for filing the registration statement.
 - c. If the lobbyist is not an employee, partner, officer or owner of a lobbying firm, the

~~name, address and telephone number of the lobbyist's employer. The date of qualification as a lobbying entity.~~

4d. Each City agency that the lobbyist lobbying entity has the authority to attempted to and will attempt to influence on behalf of any client or employer.

e. Each City matter that the lobbying entity has attempted and will attempt to influence, including City reference numbers.

f. The position that was taken or will be taken on each matter.

5g. A statement that the lobbyist lobbying entity has reviewed and understands the requirements of this Article, including the education requirement in Section 48.10, and will notify all clients and vendors of their responsibilities under Section 48.05(B).

6h. Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provisions of this Article.

2. In addition to the information in paragraph 1, a registration statement for a lobbyist must also contain the following:

a. The name, address, email, and telephone number of the lobbyist's employer.

- b. A statement regarding whether the lobbyist is a sole proprietor.
 - c. A statement regarding whether the lobbyist is a former City employee and, if so, the lobbyist's last date of service to the City.
3. In addition to the information in paragraph 1, a registration statement for a lobbying firm must also contain the following:
- a. The name of each lobbyist who is a partner, owner, shareholder, officer, or employee.
 - b. For each client:
 - i. The client's name, address, email, and telephone number.
 - ii. The name of each lobbyist who has attempted or will attempt to influence.
 - iii. The City matters regarding which each lobbyist will attempt to influence, including City reference numbers.
4. In addition to the information in paragraph 1, a registration organization must also contain the name of each lobbyist who is a partner, owner, shareholder, officer, or employee.
5. In addition to the information in paragraph 1, a registration statement for an indirect lobbyist must also contain the following:
- a. Each City matter the indirect lobbyist has attempted and will attempt to influence, including City reference numbers.
 - b. The indirect lobbyist's position on each City matter.
 - c. The nature of the indirect lobbyist's business.
 - d. For an individual, a statement regarding whether the indirect lobbyist is a former City employee and, if so, the indirect lobbyist's last date of service to the City.
- ~~E. Contents of Registration Statements — Lobbying Firms~~
~~Registration statements of lobbying firms (including individual contract lobbyists) shall contain the following:~~
- ~~1. The name, address, email, and telephone number of the firm.~~
 - ~~2. The name of each lobbyist who is a partner, owner, shareholder, officer or employee of the firm.~~
 - ~~3. 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, and business or residence telephone number.~~

~~(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.~~

~~(d) Each City agency that the lobbying firm has the authority to attempt to influence on behalf of the client.~~

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

~~(f) The name, address, email, and telephone number of the person responsible for preparing the statement.~~

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

~~**F. Amendments to Registrations.** 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.~~

~~**G. Termination.** 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.~~

~~**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, A lobbying firm, lobbyist employer and major filer entity shall file the a quarterly disclosure reports required by this Section on or before the last day of the month following each calendar quarter. for every two-month reporting period during which the lobbying entity was registered, was required to register, or had reportable activity. An individual who~~

qualifies as both a lobbyist and a lobbying firm shall file only lobbying firm reports.

B. Deadline. Disclosure reports shall be filed by the following deadlines and shall disclose activity for the two calendar months immediately preceding the deadline:

1. By March 20, for activity from January 1 through the last day of February. ~~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. By May 20, for activity from March 1 through April 30. ~~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. By July 20, for activity from May 1 through June 30. ~~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.~~

4. By September 20, for activity from July 1 through August 30.
5. By November 20, for activity from September 1 through October 31.
6. By January 20, for activity from November 1 through December 31.

BC. Quarterly Reports by Lobbyists

—Contents. Quarterly reports by lobbyists shall contain the following information:

1. Every disclosure report shall contain the following information:
 - a. The lobbyist's lobbying entity's name, business address, email, and business telephone number.
 - 2b. The lobbying firm, if any, of which the lobbyist is a partner, owner, shareholder, officer or employee name, title, address, email, and telephone number of the individual responsible for filing the disclosure report.
 3. ~~If the lobbyist is not a partner, officer or owner of a lobbying firm, the name, address and telephone number of the lobbyist's employer.~~
 - 4c. The total amount of all gifts and other financial benefits that the lobbying entity and the lobbying entity's clients gave to City employees and members of City employees' immediate

families. For purposes of this Subparagraph and Subparagraph d, a gift includes but is not limited to a contribution to an individual's campaign for election to a neighborhood council, a pension board, or another City position other than an elected City office.

d. For each gift or other financial benefit valued at \$25 or more that the lobbying entity or one of the lobbying entity's clients gave to a City employee or a member of a City employee's immediate family:

i. The date given.

ii. The amount or fair market value.

iii. A description of each activity expense of \$25 or more made by the lobbyist during the reporting period.

iv. The name and title of the City official benefiting from the expense employee.

v. The name and address of the each payee, and

vi. The name of the client, if any, on whose behalf the expense was made for whom the gift or financial benefit was given. An activity expense shall be considered to be gift or benefit is made given on behalf of for a client if the client requested or

authorized the expense it or if the expense it was made given in connection with an event at which the lobbyist lobbying entity attempted to influence the official City employee on behalf of the client.

5. The total amount of activity expenses made by the lobbyist during the reporting period, whether or not itemized.

6e. The name of any elective City officer, candidate for elective City office, or any controlled committee of the officer or candidate to which the lobbyist made For each contributions of \$100 or more, or which were to an elected City officer, a candidate for elected City office, or a controlled committee that the lobbying entity made, delivered, by the lobbyist, or in connection with which the lobbyist acted as an intermediary, during the reporting period, and for:

i. The name of the elected City officer, the candidate for elected City office, or the controlled committee.

ii. The date and of the contribution.

iii. The amount of the contribution.

f. If the lobbying entity made or incurred expenses for or distributed 25 or more substantially similar copies of a

fundraising solicitation, the information required by Section 48.09(B).

~~7g. The name of any~~ For each elective-elected City officer, candidate for elective-elected City office, or any City controlled committee of the officer or candidate for which the lobbyist-lobbying entity engaged in any fundraising activity during the reporting period:

i. The name of the elected City officer, the candidate for elected City office, or the controlled committee.

ii. ~~The~~ date(s) of the fundraising activity.

iii. The number of persons from whom contributions were solicited.

iv. ~~and~~ The amount of funds the lobbyist knows or has reason to know were raised as a result of the fundraising activity.

v. A statement regarding whether another person was involved in the same fundraising activity.

~~8h. The date and amount of~~ If the lobbying entity made one or more contributions aggregating more than \$1,000 made by the lobbyist or more 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-elected City officers or candidates for elective-elected City office, the following for each contribution:~~

i. The date of the behest.

ii. The name of the elected City officer or candidate for elected City office who made the behest.

iii. The date of the contribution.

iv. The amount of the contribution.

v. A description of the contribution.

vi. ~~The~~ name and address of the payee, ~~the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.~~

~~9j. The date, amount and description of~~ If the lobbying entity made one or more donations aggregating \$1,000 or more made by the lobbyist at the behest of an elective-elected City officer or candidate for elective-elected City office during the reporting period to any religious, charitable, or other nonprofit organizations, the following for each donation:

i. The date of the behest.

ii. The name of the elected City officer or candidate for elected City office who made the behest.

iii. The date of the donation.

iv. The amount of the donation.

v. A description of the donation.

vi. The name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.

40j. If, during the quarterly reporting period, the lobbyist provided For each elected City officer, candidate for elected City office, or controlled committee to which the lobbying entity provided compensated services, including consulting services, to the campaign of any candidate for elective City office, or to a campaign for or against any City ballot measure;

i. The name of the elected City officer, candidate for elected City office, or controlled committee.

ii. the elective City office sought by the candidate, the ballot number or letter of the ballot measure, the

date of the election, if applicable.

iii. The amount of compensation earned for the compensated services;

iv. The amount of compensation received.

v. and a description of the nature of the services provided.

Such information An individual shall be reported this information if whether the services were provided by the lobbyist individual personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a 10% individual held an ownership or investment, interest of at least 10 percent and whether the compensation was or is to be provided directly to the lobbyist individual or to such the business entity.

41k. If, during the quarterly reporting period, the lobbyist provided compensated services under For each contract with the City or with any City agency, including consulting services, under which the lobbying entity provided compensated services to an agency:

i. the amount of compensation received, the agency for which the services were provided.

~~ii.~~ a description ~~or other identification~~ of the contract, including City reference numbers.

~~iii.~~ The amount of compensation earned.

~~iv.~~ The amount of compensation received.

~~v.~~ and the nature A description of the services provided.

~~Such information shall be reported if the lobbyist~~ An individual shall report this information whether the services were provided by the individual personally provided the services, or if the services were provided by a business entity in which the lobbyist owns individual held an ownership or investment interest of at least a 10% investment, percent and whether the compensation was or is to be provided directly to the lobbyist individual or to such the business entity.

~~12. Each City agency that the lobbyist attempted to influence.~~

~~13.]~~ Any other information required by regulation of the City Ethics Commission, consistent with the purposes and provisions of this Article.

2. In addition to the information in paragraph 1, a disclosure report for a lobbyist must also contain the following:

a. The name, address, email, and telephone number of the lobbyist's employer.

b. For each City matter the lobbyist attempted to influence:

i. A description of the matter, including City reference numbers.

ii. The position taken on the matter.

iii. The name, address, email, and telephone number of the client on whose behalf the attempt to influence was made.

iv. A description of each direct communication, including the date, the agency contacted, and the division and title of any City official contacted.

3. In addition to the information in paragraph 1, a disclosure report for a lobbying firm must also contain the following:

a. The name of each lobbyist who is a partner, owner, shareholder, officer, or employee.

b. For each City matter the lobbying firm attempted to influence:

i. A description of the matter, including City reference numbers.

- ii. The position taken on the matter.
 - iii. The name, address, email, and telephone number of the client on whose behalf the attempt to influence was made.
 - iv. The name of each partner, owner, shareholder, officer, or employee who engaged in a direct communication.
 - v. A description of each direct communication, including the date, the agency contacted, and the division and title of any City official contacted.
 - vi. Total client payments incurred for attempts to influence.
 - vii. Total client payments received for attempts to influence.
 - c. Total payments incurred and received from clients.
 - d. Total payments to lobbyist personnel for attempts to influence.
 - e. Total payments to non-lobbyist personnel for attempts to influence.
 - f. Total expenses attributable to attempts to influence, other than overhead expenses, including the amounts in Subparagraphs d and e and all other expenses that would not have been incurred but for an attempt to influence. Each expense of \$5,000 or more must be itemized with a description, the date, the amount, the name and address of each third-party payee, the related City matter, including City reference numbers, and the client on whose behalf the expense was incurred.
4. In addition to the information in paragraph 1, a disclosure report for a lobbying organization must also contain the following:
- a. The name of each lobbyist who is a partner, owner, shareholder, officer, or employee.
 - b. For each City matter the lobbying organization attempted to influence:
 - i. A description of the matter, including City reference numbers.
 - ii. The position taken on the matter.
 - iii. The name of each partner, owner, shareholder, officer, or employee who engaged in a direct communication.
 - iv. A description of each direct communication, including the date, the agency contacted, and the division and title of any City official contacted.

c. Total payments to lobbyist personnel for attempts to influence.

d. Total payments to non-lobbyist personnel for attempts to influence.

e. Total expenses attributable to attempts to influence, other than overhead expenses, including the amounts in Subparagraphs c and d and all other expenses that would not have been incurred but for an attempt to influence. Each such expense of \$5,000 or more must be itemized with a description, the date, the amount, the name and address of each third-party payee, the related City matter, including City reference numbers, and the client on whose behalf the expense was incurred.

5. In addition to the information in paragraph 1, a disclosure report for an indirect lobbyist must also contain the following:

a. The name of each lobbyist who is a partner, owner, shareholder, officer, or employee.

b. For each City matter the indirect lobbyist attempted to influence:

i. A description of the matter, including City reference numbers.

ii. The position taken on the matter.

iii. The name of each partner, owner, shareholder, officer, or employee who engaged in a direct communication.

iv. A description of each direct communication, including the date, the agency contacted, and the division and title of any City official contacted.

v. The name, address, email, and telephone number of each person who has, or in the previous 12 months had, a financial interest in the matter and contributed at least \$1,000 to the indirect lobbyist or paid for at least 20 percent of the indirect lobbyist's expenses attributable to attempts to influence.

c. Total payments to personnel for attempts to influence.

d. Total expenses attributable to attempts to influence, other than overhead expenses, including the amount in Subparagraph c and all other expenses that would not have been incurred but for an attempt to influence. Each such expense of \$5,000 or more must be itemized with a description, the date, the amount, the name and address of each third-party payee, and the related City matter, including City reference numbers.

SEC. 48.08.59. Copies of Solicitations

~~Each A~~ lobbying entity ~~that produces, pays shall notify the Ethics Commission when it makes or incurs expenses for, mails or distributes more than 50~~ substantially similar copies of a ~~written political~~ fundraising solicitation ~~to 25 or more persons, for any controlled committee of an elective City officer or candidate relating to seeking or holding City elective office or 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 distributed,~~

~~A. The notice shall be filed within one business day after the earlier of the date the fundraising solicitation is first distributed or the date an expense is made or incurred.~~

~~B. and shall report on its next quarterly report. The notice shall include the following:~~

- ~~1. A copy of the fundraising solicitation.~~
- ~~2. A description of the fundraising solicitation.~~
- ~~3. The date(s) on which it is mailed or the fundraising solicitation was distributed.~~
- ~~4. The number of copies distributed and, if not distributed by the lobbying entity, the names of the persons making the distributions.~~
- ~~5. The dates and amounts of the expenses that were made or incurred and, if not made or~~

~~incurred by the lobbying entity, the names of the persons making or incurring the expenses.~~

~~6. The name and address of each payee and any vendor or subvendor that provided service for the fundraising solicitation, and a general description of the content of the solicitation, the number of pieces mailed or distributed,~~

~~7. and The names of the elective each elected City officer, or candidate for elected City ballot measure office, and controlled committee for which the funds were solicited fundraising solicitation was made.~~

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. 48.08.7. Lobbying Disclosure— Fundraising Activity~~

~~A. Every lobbying entity who 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. The notice shall be filed on a form prescribed by the City Ethics Commission within one business day after any of these thresholds is exceeded. 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, 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 of the fundraising activity, and the amount of contributions raised, delivered or in connection with which the lobbying entity acted as an intermediary.~~

~~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.~~

~~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. 48.08.8. Lobbying Disclosure— Written Communications to Neighborhood Councils

~~(a) No lobbying entity registered with the City of Los Angeles shall deliver or send to a certified neighborhood council a written communication 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 lobbying entity.~~

~~(b) For purposes of subsection (a), 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 conspicuous 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. 48.10. Education.

An individual who is required to register as a lobbyist shall complete a training provided by the Ethics Commission at least once every two calendar years. An individual who is required to register as a lobbyist for the first time shall complete the training within 60 calendar days after qualifying as a lobbyist. Thereafter, the individual shall complete the training every other year, within 60 calendar days after registering as a lobbyist.

SEC. 48.0911. Compliance Measures and Enforcement

~~A. **Audits.** The City Ethics Commission shall have the authority to conduct audits of reports and statements 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.~~

BA. Criminal Penalties.

1. Any person who knowingly or willfully does any of the following is guilty of a misdemeanor:

a. ~~v~~Violates any provision of this Article ~~is guilty of a misdemeanor. Any person who knowingly or willfully e;~~

b. ~~C~~auses any other person to violate any provision of this ~~a~~Article; ~~or who knowingly or willfully a~~

c. ~~A~~ides and abets any other person in ~~violation of any violating a~~ provision of this ~~a~~Article, ~~is guilty of a misdemeanor.~~

2. Prosecution for violation of ~~any~~ provision of this ~~a~~Article must be commenced within one year after the date on which the violation occurred.
3. ~~No~~ A person convicted of a violation of this Article may not act as a lobbyist-lobbying entity or otherwise attempt to influence municipal legislation for compensation for one year after such conviction.

CB. 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 is~~ 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 is liable in a civil action brought by the City Attorney or the Ethics Commission. Failure to properly report any receipt or expenditure may result in civil penalties not to exceed the amount not properly reported, or

~~\$2,000, whichever is greater. Any other violation may result in civil penalties no greater than \$2,000. The amount of liability for a violation may not exceed the greater of \$5,000 or three times the amount the person improperly reported, contributed, expended, gave, or received.~~ If the court determines that a violation was intentional, the court may order that the ~~defendant person~~ be prohibited from acting as a ~~lobbyist lobbying entity~~ or otherwise attempting to influence ~~municipal legislation~~ for one year.

2. In determining the amount of liability pursuant to this ~~s~~Subsection, the court ~~shall may~~ 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 are~~ jointly and severally liable.

4. ~~No civil An~~ action alleging a violation of this Article ~~shall may~~ ~~not~~ be filed more than four years after the date the violation occurred.

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

~~ED.~~ **Administrative Penalties.**

1. The City Ethics Commission may impose penalties and issue orders

for violations of this Article pursuant to its authority under Charter Section 706(c).

2. A person found to have violated Charter Section 470(k) shall not act as a lobbying entity or otherwise attempt to influence City matters for four years. The Ethics Commission may reduce that period of time to not less than one year if it finds either of the following:

a. The person admitted or otherwise accepted responsibility for the violation.

b. The person took prompt remedial or corrective action.

F. SEC. 48.12. Late Filing Penalties.

In addition to any other penalty ~~or remedy available, if any person fails to who~~ files any original report or statement ~~required by this Article,~~ after any deadline imposed by this Article, ~~such person shall be is~~ 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 determines that the late filing was not willful and that enforcement of the penalty would not further the purposes of this Article. ~~No l~~Liability ~~shall may not~~ be waived if a statement or report is not filed within 10 days after the Ethics Commission ~~has sent specific sends~~ written notice ~~to the filer of the filing requirement that the statement or report is past due.~~

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 four years, 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 either
 - ~~(1) accepted responsibility for the violation in the form of having 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~~
 - ~~(2) 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.~~~~

H. ~~SEC. 48.13. Contract Bidder Certification of Compliance With Lobbying Laws.~~

- ~~4A. Any bidder for a contract, as ~~these terms are~~ defined in Los Angeles Administrative Code Section 10.40.1, shall submit with its bid a certification, ~~on in~~ a form ~~at~~ prescribed by the City Ethics Commission, that the bidder acknowledges and agrees to comply with ~~the disclosure requirements and prohibitions established in the Los Angeles Municipal Lobbying Ordinance this Article~~ if the bidder qualifies as a lobbying entity ~~under Section 48.02 of this article. 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.~~~~
- ~~2B. Each ~~Every~~ agency shall include the ~~Municipal Lobbying Ordinance~~ in each ~~invitation request~~ for bids, request for proposals, request for qualifications, or other ~~contract~~ solicitation ~~related to entering into a contract with the City. The ordinance must be provided in at least 10 point font and may be provided on paper, in an electronic format, or through a the link to the an Ethics Commission's online version of the ordinance. The ordinance is not required to be printed in a newspaper notice of the solicitation this Article.~~~~
- ~~3C. This ~~subs~~Section does not apply to the renewal, extension, or amendment of an existing contract, as long as the ~~original contract~~ solicitation ~~for the original contract~~ met the requirements in ~~Paragraphs~~~~

~~1 and 2 above~~ Subsections A and B and the renewal, extension, or amendment does not involve a new contract solicitation.

~~to be severable~~ or its application can be given effect.

~~4D. For purposes of this subsection, "agency" does not include a state agency operating solely within the City such as the Community Redevelopment Agency or Los Angeles City Housing Authority. The exemptions contained in Section 48.03 and Los Angeles Administrative Code Section 10.40.4 do not apply to this Section.~~

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. 48.114. Severability

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