

# BIDS and LOBBYING



## Do BID Reps Have to Register as Lobbyists?



Any individual may qualify as a lobbyist, regardless of occupation, education, training, or professional title. This may include the **owners' association members, directors, presidents, government liaisons, and other representatives of Business Improvement Districts (BIDs)**. It includes any individual who is compensated to lobby a City official regarding a City decision.

Everyone who meets the qualification criteria to the right must register with the Ethics Commission as a lobbyist. In addition to registering, lobbyists are required to disclose their lobbying activity on a quarterly basis. Lobbying registrations and quarterly reports may be searched and viewed online at [ethics.lacity.org/data/lobbying](https://ethics.lacity.org/data/lobbying).

Frequently asked questions can be found on the back of this sheet. If you believe you may qualify as a lobbyist, please contact the Ethics Commission for assistance. We are happy to help!

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### Checkpoint

Under the Municipal Lobbying Ordinance, an individual qualifies as a lobbyist when both of these thresholds are met in any consecutive three-month period:



The individual is paid to engage in at least

**30 hours of lobbying activities**

on behalf of another person;

and



The individual has at least

**one direct communication,**

either personally or through an agent, with a City decision maker in an attempt to influence a City matter.

## Frequently Asked Questions

**I am a BID employee, and I regularly work with City officials on projects that provide benefits within the district, such as Clean and Safe services, that are supplemental to similar services provided by the City. Doesn't this mean I am not a lobbyist, since I am working with the City?**

Any individual, including a BID employee, may be a lobbyist. Although a BID may provide services that benefit the general public, it is not part of City government. Under state law, a BID owners' association is a private entity that enters into a contract with the City. The association may not be considered a public entity—and its members may not be considered City officials—for any purpose. Therefore, if you meet the definition, you are a lobbyist.

**I work for a BID and have had one interaction with a City Council staff member regarding a BID issue. Since then, all I have done is conduct research and attend City Council and committee meetings related to the issue. Am I required to register as a lobbyist?**

Possibly yes. The interaction with City Council staff is a direct communication if it included an attempt to influence City action. If you have also spent at least 30 hours engaged in lobbying activity in a consecutive three-month period, you qualify as a lobbyist. Lobbying activity includes trying to influence a City employee, providing advice or recommending strategy to the BID, researching an issue, engaging in public relations, drafting an ordinance or resolution, attending or monitoring a City meeting, and engaging in other similar activities.

**I own a business in a neighborhood that wants to create a BID. My fellow business owners have asked me to represent everyone in talks with the City about forming the BID. Does that make me a lobbyist?**

Possibly no. An individual must be compensated to engage in lobbying activity on behalf of another person to qualify as a lobbyist. If you are not being paid to represent the neighborhood, you do not qualify. However, if your fellow business owners compensate you for the representation, you could qualify.

**Our BID hired someone to do all our lobbying. That individual is registered and reporting as required. If BID staff are paid to help our lobbyist with some of the work, are they required to register?**

Possibly yes. Hiring a professional lobbyist does not exempt BID staff members from qualifying as lobbyists. Any staff member who meets the definition is a lobbyist and must register.

**Our BID purchased billboard space asking people to contact their council members and urge them to vote for safety measure in our district, but we never spoke directly with anyone at City Hall. Are we required to register as lobbyist?**

If you did not have a direct communication with a City employee, you do not qualify as a lobbyist. However, if the BID spent \$5,000 in a quarter on its public outreach efforts, it qualifies as a "major filer" and must report the activity during that quarter.

**If I qualify as a lobbyist, what do I need to do?**

You must register with the Ethics Commission within 10 days after the end of the month in which you reach the qualification threshold. You must pay a registration fee for yourself and your client (the BID). You must submit quarterly disclosure reports regarding your lobbying activities. And you are subject to bans on the following: making campaign contributions to City candidate or officeholders; making gifts to City officials; and serving as a City commissioner.

**I am employed by a BID and, in that role, qualify as a lobbyist. What does that mean for the BID?**

In addition to lobbyists and major filers, City law also regulates lobbying firms and lobbyist employers. A lobbyist employer is any organization that employs a lobbyist in-house to lobby on the organization's behalf. Because you qualify as a lobbyist as a result of your work on behalf of the BID, the BID is a lobbyist employer and is also required to register and report its lobbying activity.

**Please contact the Ethics Commission for assistance regarding your specific situation.**