

ORDINANCE NO. 14-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE ADDING CHAPTER 2.13 TO TITLE 2 OF THE ORANGE MUNICIPAL CODE RELATED TO LOBBYIST REGISTRATION AND REPORTING

WHEREAS, in the interest of providing additional transparency in governmental decision-making, persons or firms that try to influence City decisions (engage in lobbying activities) should be required to register with the City and disclose certain information to the public; and

WHEREAS, the disclosure of the full range of lobbying activities engaged in by these persons or firms is essential to maintaining and preserving community confidence, integrity and transparency in government; and

WHEREAS, it is the desire of the City Council to serve the important public policies enumerated herein by adopting this Ordinance regulating and clarifying lobbying activities within the City of Orange and establishing a system of registration and reporting certain lobbying activities in the City of Orange.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I:

A new Chapter 2.13 of the Orange Municipal Code is hereby added to read as follows:

CHAPTER 2.13 LOBBYIST REGISTRATION AND REPORTING

- 2.13.010 Purpose
- 2.13.020 Definitions
- 2.13.030 Registration and Annual Reporting Required
- 2.13.040 Quarterly Activity Report
- 2.13.050 Exemptions
- 2.13.060 Reporting Made Available to the Public
- 2.13.070 Enforcement

2.13.010 Purpose.

The purposes of this Chapter are to require lobbyists engaged in lobbying activities as set forth herein, to register themselves and their clients and disclose the nature of their lobbying efforts, compensation, donations, and fundraising efforts. This information shall be accessible to the public.

2.13.020 Definitions.

As used in this chapter, the following terms and phrases shall have the meaning ascribed to them in this chapter, unless the context in which they are used clearly requires otherwise. If a term or phrase is not defined in this chapter, or elsewhere in this code, the most common dictionary definition is presumed to be correct.

“City Representative” means local officeholders designated in Government Code Section 87200 of the Political Reform Act, **or otherwise required to file “Form 700”** as may be amended.

“Client” means a Person who compensates a Lobbyist, or Lobbying Firm for the purpose of attempting to Influence a City Representative even if the Lobbyist or Lobbying Firm is compensated by another Person for such representation.

“Compensation” means money or anything of value, delivered or rendered; or promises to perform or provide services or contractual arrangements or awards.

“Influence” means contacting, either directly or indirectly, for the purpose of conducting Lobbying Activities, by any means.

“Lobbyist” or “Lobbying Firm” means any Person or firm that receives Compensation, for engaging in Lobbying Activities. A Lobbyist includes, but is not limited to, Lobbying Activities engaged in on behalf of another Person including contingency compensation agreements.

“Lobbying Activities” means Influencing or attempting to Influence a City Representative, by any means of verbal, written, or electronic communication, or otherwise, regarding any official decision of a City Representative, including but not limited to a legislative, quasi-judicial or administrative action or decision including adopting an ordinance, resolution, regulation or policy, granting or denying any permit, license or other entitlement of use, or awarding a contract or grant (“Official Action”).

“Person” means any individual or business entity including, but not limited to, a domestic or foreign corporation, association, syndicate, joint stock corporation, partnership of every kind, club, business or trust, society, or limited liability company.

2.13.030 Registration and Annual Reporting Required

A. Any Lobbyist who engages in Lobbying Activities shall register with the City Clerk ~~within ten (10) days of qualifying as a Lobbyist-per project~~ by:

1. Paying the Lobbyist Registration Fee (per project), which fee shall be adopted by resolution of the City Council. The Lobbyist Registration Fee, including annual renewal and penalties, shall cover, and not exceed, the costs associated with administering the Lobbyist registration and reporting program described herein.

2. Completing and filing the Lobbying Registration Form (per project), as provided by the City

Clerk, which shall include, at a minimum, ~~a written statement containing~~ the following information, certified as true under penalty of perjury:

- a. The full name, business address and telephone number of the Lobbyist, and, if the Lobbyist is a business entity or other organization, the full name, business address and telephone number of each Person employed by or otherwise associated with the business entity or organization who will be engaging in Lobbying Activities;
- b. The full name, business address and telephone number of the Person by whom the Lobbyist has been employed, retained or engaged by to perform Lobbying Activities;
- c. A description of Lobbying Activities which the Lobbyist has been employed, retained or engaged to do;
- d. The date and amount of all gifts, contributions, and behested payments, as those terms are defined within the Political Reform Act of 1974 and accompanying regulations as may be amended, over \$250.00, made to City Representatives, candidates or a candidate's controlled committee, as applicable, within the past 12 months.

B. An amendment to the Lobbyist Registration Form must be completed and filed with the City Clerk by the Lobbyist within thirty ~~en (10)(30)~~ days from the time Lobbyist knows, or should have known, of any change in the accuracy of the information provided in the initial or renewal registration.

C. Within ~~ten (10)~~thirty (30) days of the annual anniversary of initial registration, the Lobbyist shall submit a renewal form and pay the required Lobbyist Registration Fee.

D. No Person who qualifies as a Lobbyist shall contact or communicate with a City Representative without prior to completing and filing a Lobbying Registration Form and paying fees as a Lobbyist and identifying himself or herself to the City Representative as a Lobbyist.

~~E. A Person who lobbies or engages another Person to lobby, or any other Person acting on behalf of such Person, shall not cause any communication to be sent to a City Representative in the name of any fictitious Person or in the name of any real Person, except with the consent of such real Person.~~

~~FE.~~ A Person who lobbies or engages another Person to lobby, or any other Person acting on behalf of such Person, shall not represent, either directly or indirectly, orally or in writing, that that Person can control or obtain the vote or action of any City Representative.

~~G. Lobbyists shall report to the Clerk of the Council the names of all City Representatives contacted regarding an Official Action at least eight (8) days prior to a public hearing, if one is required, meeting or other activity wherein a decision may be made on an Official Action.~~

2.13.040 Quarterly Activity Report

~~A. In addition to registration required pursuant to Section 2.13.030, a Lobbyist shall file with the City Clerk a separate report signed under penalty of perjury that contains the Lobbying Activities for each Client the Lobbyist received Compensation of \$5,000 or more for Lobbying Activities during the prior calendar quarter. The report for the preceding calendar quarter shall be filed with the City Clerk on a Quarterly Activity Report Form between the first and 15th day of April, July, October, or January, or on the date registration on behalf of the Client is required, whichever comes later. If the Lobbyist is not an individual, an authorized officer or agent of the Lobbyist shall sign the report. The report shall be on the form prescribed by the City Clerk and shall include, with respect to the previous calendar quarter, to the extent applicable:~~

- ~~1. The name of the Lobbyist and the name of the Client;~~
- ~~2. A list of the specific issues upon which the Lobbyist engaged in Lobbying Activities, including, to the maximum extent practicable, a list of specific legislative proposals and other proposed, pending, or completed activity related to the Official Action(s);~~
- ~~3. A list of the City Representatives contacted by the Lobbyist on behalf of the Client with regard to the Official Action(s);~~
- ~~4. A list of the employees or agents of the Lobbyist who engaged in Lobbying Activities on behalf of the Client; and~~
- ~~5. The name and position of each City Representative or City Representatives' relative who is employed by the Lobbyist.~~

~~B. Each Lobbyist shall obtain and preserve and provide to the City within ten (10) days of any such request all books, papers and documents necessary to substantiate the activity reports required to be made pursuant to this section for five (5) years from the date of filing of the report containing such items.~~

~~C. No report is required if there is no activity during the preceding quarter calendar year and there are no other changes to items required to be reported.~~

~~D. A Person shall disclose employment to lobby on a contingent fee basis as well as any arrangement to engage in Lobbying Activities on a contingent fee arrangement.~~

2.13.050 Exemptions

The following persons are exempt from the requirements of this chapter unless otherwise specified:

- A. A public official or public employee acting in his or her official capacity.
- B. A Person who owns, publishes or is employed by a newspaper, radio station, television station or other media outlet that is engaged in the business of broadcasting news items, editorials, or commentary which directly or indirectly urges governmental action.

C. A Person hired by the City to conduct Lobbying Activities for the City ~~for City projects~~ projects.

D. Any employee, officer, or board member of a business entity when addressing, in his or her capacity as an employee, officer, or board member of such business entity, an issue impacting the business entity.

E. Any State licensed architect or engineer whose attempts to Influence any Official Action are limited to: (1) publicly appearing at a public meeting, public hearing, or other official proceeding open to the public; or (2) preparing or submitting documents or writings in connection with the action or decision for use at a public meeting, public hearing, or other official proceeding open to the public.

~~F. 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 related to a request for proposals or qualifications, or negotiating the terms of a written agreement with any city agency following a request for proposals or request for qualifications process.~~

2.13.060 Reporting Made Available to the Public

The Clerk shall make all lobbyist registration and quarterly activity reports available online to the public and copies available to the public through the Clerk's Office.

2.13.070 Enforcement

A. ~~Every violation of the provisions of this article~~ Violations of this Chapter -may be charged as ~~either a misdemeanor or as~~ an infraction ~~at the discretion of the citing officer or City Attorney~~ and, upon conviction thereof, shall be punishable as provided for in this Code.

B. Each day any violation of any said provision of this chapter shall continue shall constitute a separate offense.

C. Any Person ~~convicted of in~~ violation ~~violation~~ ing this chapter may not act as a Lobbyist within the City or otherwise attempt to Influence Official Action for one (1) year after such a conviction.

~~D. Residents of the City shall have standing to bring a civil action for enforcement of this chapter.~~

E. Use of criminal enforcement and/or administrative citations shall not prevent or preclude the City from seeking injunctive relief and civil penalties in court for violations of this chapter.

SECTION 3:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the

remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION 4:

No City Representative as defined in 2.13.020 Definitions may register as a Lobbyist or engage in Lobbying Activities for one (1) calendar year subsequent to leaving elected or appointed office or position of employment within the City of Orange. This includes regional appointments as a representative of the the City in which the term of office may extend beyond the individul's relinquishment of elected or appointed office and/or employment with the City of Orange.

SECTION 5:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this ____ day of _____, 2023.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM

Michael J. Vigliotta, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on

the ____ day of _____, 2023, and thereafter at the regular meeting of said City Council duly held on the ____ day of _____, 2023 was duly passed and adopted by the following vote, to wit:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange