



Agenda Item

City Council

Item #: 9.1.

11/28/2023

File #: 23-0787

TO: Honorable Mayor and Members of the City Council

THRU: Tom Kisela, City Manager

FROM: Mike Vigliotta, City Attorney

1. SUBJECT

Introduction and First Reading of Ordinance No. 14-23 adding Chapter 2.13 to Title 2 of the Orange Municipal Code Related to Lobbyist Registration and Reporting.

2. SUMMARY

Ordinance No. 14-13 adds registration and reporting requirements for lobbyists, as defined, and other related provisions, including those related to exemptions, prohibitions, and enforcement.

3. RECOMMENDED ACTION

Introduce and conduct First Reading of 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.

4. FISCAL IMPACT

None.

5. STRATEGIC PLAN GOALS

Goal 4: Provide Outstanding Public Service

- b: Provide facilities and services to meet customer expectations.
- d. Foster an environment of leadership, teamwork, and innovation.

6. DISCUSSION AND BACKGROUND

At the October 10, 2023, City Council meeting, the Orange City Council considered the introduction and first reading of Ordinance No. 14-23. During City Council discussion, the City Council expressed concerns with select ordinance provisions and its potential implications. In response, a City Council Ad-Hoc Committee (comprised of Mayor pro tem Barrios, Councilmember Dumitru, and Councilmember Tavoularis) was formed to revise the proposed ordinance for the entire City Council's consideration at a future City Council meeting.

While the revised ordinance retains the similar intent of promoting transparency, the Ad-Hoc Committee is proposing additional language, clarifications, and omissions that will alleviate misinterpretations as well as administrative time and oversight. Attached to the staff report is a redlined document further detailing the proposed changes; however, provided below is a summary of each change:

- **Section 2.13.020 - Definitions:**

- “City Representative” will also include personnel that are required to file a Fair Political Practices Commission Form 700.

- **Section 2.13.030 - Registration and Annual Reporting Required:**

- Clarifies that a Lobbyist (as defined) who engages in Lobbying Activities (as defined) shall register with the City Clerk on a per project basis.
 - Subsection A.2 removes the verbiage, “a written statement containing.”
 - Subsection A.2.d clarifies reporting requirements for gifts, contributions, and behested payments by identifying the reporting threshold as over \$250.
 - Subsection C clarifies Lobbyist Registration renewal forms must be submitted within 30 days.
 - Subsection D removes the word “without” and replaces with “prior to.”
 - Subsection E (Requirement that a person lobbying on behalf of someone and communicating with a City Representative shall have that person’s consent) has been deleted in its entirety.
 - Subsection G (Requirement that a Lobbyist submit a report naming City Representatives contacted at least eight days prior to a public hearing) has been deleted in its entirety.

- **Section 2.13.040 - Quarterly Activity Report:**

- Section has been deleted in its entirety.

- **Section 2.13.050 - Exemptions:**

- Subsection C: Clarifies that a person hired by the City to conduct lobbying activities for City projects are exempt.
 - Subsection F (A person submitting a competitive bid, providing a written response to a request for proposal or qualification, participating in an oral interview, or negotiating the terms of a written agreement is exempt) has been removed in its entirety.

- **Section 2.13.070 - Enforcement:**

- Subsection A: Clarifies that violations will be charged as an infraction (without the possibility of a misdemeanor) and removes language placing this determination at the discretion of the citing officer or City Attorney.
 - Subsection C: Removes “convicted” and replaces with “in violation.”

- Subsection D (Residents have standing to bring a civil action for enforcement) is removed in its entirety.
- **Additional Section - Section 4:**
 - This is added to clarify that City Representatives (as defined) cannot register as a lobbyist or engage in lobbying activities within one year after leaving a position of employment and elected or appointed office with the City of Orange.

7. ATTACHMENTS

- Ordinance No. 14-23 Clean Version
- Ordinance No. 14-23 Redlined Version