



## CITY OF BEVERLY HILLS STAFF REPORT

**Meeting Date:** July 21, 2009  
**To:** Honorable Mayor & City Council  
**From:** Cheryl Friedling, Deputy City Manager for Public Affairs  
**Subject:** Lobbyist Badges  
**Attachments:** 1. City of Henderson Lobbyist Requirements  
2. News Article: LA Times  
3. News Articles: San Francisco Examiner

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**INTRODUCTION:** At the request of Councilmember Mirisch, this item reviews initiatives that would require professional lobbyists to identify themselves in the City Council Chamber and on City property by wearing lobbyist identification badges.

**DISCUSSION:** Several cities or states have implemented or considered initiatives that require lobbyist identification badges.

Many of these jurisdictions provide badges to professional lobbyists to bypass security measures when they visit government buildings.

Numerous jurisdictions – including the City of Beverly Hills – require that lobbyists register by disclosing their professional relationship on behalf of clients.

Others have considered or implemented badges to enhance efforts to achieve ethics reform or government transparency, particularly when lobbyists meet with elected officials or staff.

The city of Henderson, Nevada and the state of New Hampshire have implemented a program requiring that lobbyists wear identification badges any time and at any location that they talk with elected officeholders or city administrators. The cities of San Francisco and Los Angeles have considered similar measures, which did not prevail.

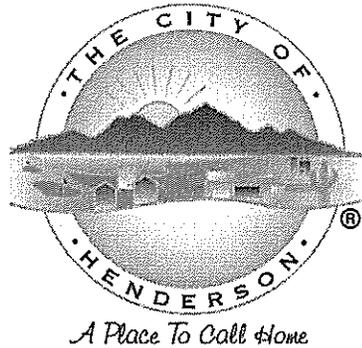
Should the Council determine that this initiative should move forward, issues requiring further clarification involve the following: a) definition of 'lobbyist,' b) definition of 'City property,' c) enforcement mechanisms, and; d) penalties for non-compliance, among others.

**FISCAL IMPACT:** There is minimal fiscal impact associated with providing badges for lobbyists. Enforcement requirements have not been determined, and could have a financial impact, particularly if additional staff is required.

**RECOMMENDATION:** The City Council is requested to provide direction on this issue.

Cheryl Friedling *cf*  
Approved By

# City of Henderson



## Lobbyist Requirements

Office of the Henderson City Clerk  
240 Water Street  
Henderson, NV 89015  
702.267.1400  
fax: 702.267.1401  
[www.cityofhenderson.com/clerk/clerk.html](http://www.cityofhenderson.com/clerk/clerk.html)

# City Council

Mayor James B. Gibson

Jack D. Clark

Amanda M. Cyphers

Andy A. Hafen

Steven D. Kirk

# Planning Commission

Dan Shaw ~ Chairman

Paul Bunker ~ Vice Chairman

George Bochanis

Craig Burr

Debra March

Gerri Schroder

Dale Lay

**ORDINANCE NO. 1711**

**(Establishes Requirements for Lobbyists)**

The City Council of Henderson declares that the operation of responsible representative government requires that the fullest opportunity be afforded to the people to petition their local government for the redress of grievances and to express freely to individual members of the City Council their opinions on legislation. The City Council also declares that, in order to prevent corruption and/or the appearance of corruption, spawned by real or reasonable imagined coercive influence of lobbyists, contacts by lobbyists with members of the City Council should be made a matter of public record.

**Definitions.**

**(a) "Lobbyist" means, except as limited by subsection (b), a person who:**

- (1) Appears in the Planning or City Council Chambers or any other building in which the Planning Commission or the City Council, or any of their standing committees, hold meetings; and
- (2) Communicates directly with a member of the Planning Commission or City Council on behalf of a business entity to influence legislative action whether or not any compensation is received for the communication.

**(b.) "Lobbyist" does not include:**

- (1) Persons who confine their activities to formal appearances before the Planning Commission and who clearly identify themselves and the interest or interests for whom they are testifying.
- (2) Employees of bona fide news medium who meet the definition of "lobbyist" only in the course of their professional duties and who contact members of the Planning Commission or City Council for the sole purpose of carrying out their news-gathering function.
- (3) Employees of departments or divisions of municipal government who appear before the Planning Commission or City Council only to explain the effect of legislation related to the scope of the office to which they were elected.
- (4) Public officers who confine their lobbying activities to issues directly related to the scope of the office to which they were elected.

- (5) Persons who contact the Mayor or members of the City Council who are elected from the ward in which they reside.

**Lobbying.**

**(a) Registration – Time for filing**

Every person who acts as a lobbyist shall complete a registration statement with the City Clerk for each personal communication with a public officer. If the communication occurs at City Hall, the registration form must be filed with the City Clerk the same day the communication occurs. If the communication occurs at a place other than City Hall, the registration form must be filed with the City Clerk within five working days of the communication or before the next scheduled City Council meeting. Registration may be accomplished by faxing your form to 702-267-1401.

**(b) Registration – Form for Filing**

The registration form shall contain the following information:

- (1) The lobbyist's full name, permanent address, place of business and temporary address while lobbying;
- (2) The full and complete address of each person, if any, by whom the lobbyist is retained or employed, or on whose behalf the registrant appears;
- (3) A description of the principal areas of interest on which the lobbyist expects to lobby; and
- (4) The name of the member of the City Council with whom the lobbyist communicates.

**(c) Identification Badge**

The City Clerk shall furnish an appropriate identification badge to each lobbyist who files a registration statement under this subsection. The identification badge must be worn by the lobbyist whenever he or she is engaged in lobbying activity with a public officer.

**(d) Annual Permits**

Persons who engage in lobbying activity on a regular basis may obtain an annual badge from the City Clerk who shall register the lobbyist's full name, permanent address, place of business, and temporary address while lobbying. Thereafter, the lobbyist need only file a registration form statement containing the lobbyist's name and information required in subsection (b)(2) through (b)(4).

### **3. Violations and Penalties.**

Any person who willfully and knowingly violates any of the provisions of this chapter is guilty of a misdemeanor.

#### **Temporary Badges**

The lobbyist registration form must be completed for each communication with a member of the City Council or Planning Commission and submitted to the City Clerk in order to obtain a "Lobbyist" badge which must be returned to the City Clerk's Office.

#### **Permanent Badges**

Lobbyists who are registered annually need to complete Section 2 of the lobbyist form only once. Lobbyists may also submit their completed form by fax to the City Clerk's office at 267-1401. The form can be accessed on the City's web site.

[www.cityofhenderson.com/clerk/clerk.html](http://www.cityofhenderson.com/clerk/clerk.html)

All annual badges expire on December 31<sup>st</sup> of each year and must be renewed with the City Clerk's Office.

*\*The completed registration form is a public document and shall be maintained in the Office of the City Clerk.*



# Los Angeles Times | California | Local

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Archive for Sunday, August 31, 2008

## L.A. Council may require lobbyists to wear badges

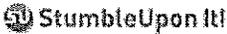
*Ethics Commission proposal would require that those who seek to influence city decisions wear ID badges in city buildings and at city-sponsored events. Interest groups are fiercely opposed.*

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By David Zahniser  
August 31, 2008 in print edition B-1



Lobbyists who work the corridors of Los Angeles City Hall are up in arms over a plan to make them wear badges identifying their profession each time they enter a municipal building.

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**The City** Ethics Commission will meet this week to begin reviewing a planned overhaul of its lobbying ordinance, which contains a proposal to require lobbyists to wear the badges at any city-sponsored event and any other location where they are "engaged in lobbying."

The proposal is part of a larger effort to help the commission smoke out those who fail to disclose that they are getting paid to influence city decisions, from the award of city contracts to the approval of large-scale development projects.

Still, the badge concept has become a particular lightning rod, with lobbyists accusing the city of trying to shame them -- by sticking the equivalent of a

"Scarlet L" on their lapels.

"It's another attempt by the Ethics Commission to make it undesirable to be a lobbyist, and it has no public policy benefit," said lobbyist Steve Afriat, whose firm represents billboard companies and other businesses.

Others have gone so far as to liken the proposed badge to the Star of David imposed on Jews in Nazi-era Germany.

"I refuse to wear the equivalent of a yellow arm band," said lobbyist Harvey Englander, whose firm has represented hotels near Los Angeles International Airport that fought a new living wage law for their employees.

Ethics officials have been taken aback by the references to anti-Semitism, saying their proposal has a valid and inoffensive policy goal. Elected officials have complained privately that they can't always tell if the person talking to them is getting paid to sway them on an issue, said David Tristan, the commission's director of program operations.

The badge "was never meant as something negative," he said. "In fact, we were hoping it could be viewed as something positive, where people could get familiar with who these people are."

The four-page lobbying proposal will be reviewed over the next two months and would ultimately need to be approved by the Los Angeles City Council. Although some of the changes are minor, one major objective is to help officials and employees identify unregistered lobbyists who are working on behalf of city contractors, real estate developers or other special interests.

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## Local

Should lobbyists receive a label?

Joshua Sabatini, The Examiner

2008-03-03 11:00:00.0

Current rank: *Not ranked*

### SAN FRANCISCO -

Lobbyists looking to influence City Hall decision-making could wind up sticking out in the crowd under a proposal by one city legislator that would require special-interest representatives to wear identification badges when making contact with elected and city officials — even at events outside the building.

Supervisor Chris Daly, who introduced the legislation, told The Examiner on Friday that it would add “transparency” to government and called it “very San Francisco.”

The badge would serve as a reminder to “decision-makers” that the lobbyist is representing a client “who has interests,” he said.

Reported money spent on lobbying efforts is on the rise in San Francisco. In 1996, \$2.7 million was spent on lobbying efforts by those required to report spending; last year, \$7.1 million was spent on lobbying efforts, according to reports by The City’s Ethics Commission.

Among clients lobbyists are representing are labor unions, developers with projects proposed for the Port and those before the Planning Commission, companies with contracts before the Board of Supervisors, hospitals and billboard companies, according to lobbyist filings with The City.

“I don’t have a problem with [the proposal]. I don’t have a problem with what I do. It might be a great marketing tool,” said registered lobbyist Sam Lauter with Barnes Mosher Whitehurst Lauter & Partners, which represents the Academy of Art University.

Supervisor Sean Elsbernd was skeptical about the proposal.

“Does giving them a Scarlet L truly achieve something? I’m not sure,” Elsbernd said.

Only those who earn \$3,200 in any consecutive three months for lobbying services or who has at least 25 separate contacts with city officials during any two months must register and report spending with the Ethics Commission, under the city’s lobbyist ordinance.

In April, when the Ethics Commission is expected to discuss Daly’s legislation, it will also consider lowering the threshold for having to report lobbying activity, said John St. Croix, the commission’s executive director. The proposed changes are in response to concerns that there are paid workers representing special interests who are not registering as lobbyists because they don’t technically meet the current criteria for the label.

“The citizens have a right to know who is being paid to influence governmental decisions,” St. Croix said.

Political analysts questioned the intent of the badge-proposal and said it raises legal issues.

“You can’t make people have to dress a certain way or look a certain way to address their views,” political analyst David Latterman said. Corey Cook, political science professor at University of San Francisco, said that lobbyists are often looked upon unfavorably, but that they are “integral” to the government process.

“For somebody who thinks lobbyists aren’t all evil, that seems a little bit over the top,” he said of Daly’s legislation.

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## Editorial

Lobbyist badges a welcome change

The San Francisco Examiner Newspaper

2008-03-08 11:00:00.0

Current rank: *Not ranked*

### SAN FRANCISCO -

At first glance, Supervisor Chris Daly's proposed legislation requiring registered lobbyists to wear identification badges anytime — and anywhere — that they talk to elected officeholders or city administrators does seem rather like "Big Brother." But Daly offers some powerful supporting arguments, and we back him on this issue.

Lobbying has become a booming business in San Francisco. City law defines a professional lobbyist as any person earning \$3,200 for direct lobbying services in three consecutive months or having 25 separate contacts with city officials during any two consecutive months. They are required to register with The City's Ethics Commission and report their spending.

The amount of money spent on registered lobbying efforts in San Francisco has nearly tripled in the last decade. Only \$2.7 million was reported spent for lobbying in 1996. But last year, \$7.1 million in spending was reported to the Ethics Commission. If lobbyist badges can bring a bit more transparency to San Francisco government, we will welcome the experiment.

One of the more common ways in which municipal lobbyists earn their fees is by giving persuasive testimony at public hearings. When they speak at hearings they appear to be just everyday citizens who happen to be giving the best arguments and are acting friendly with city officials.

Daly raises the point that it is unfair to members of the public who attend hearings on issues personally important to them not to be able to identify speakers being paid to effectively represent somebody else's viewpoint. He notes that a number of states, such as New Hampshire, already require lobbyists to wear identification and the results have been successful.

Today it has become commonplace for all sorts of corporate, governmental or academic facilities with security issues to require everybody entering to hang laminated photo IDs around their necks; so that their authorized level of access is instantly on display. Nobody finds this particularly controversial.

The Examiner would support a one- or two-year pilot program testing the effects of city lobbyist badges. However, any such law must be carefully written to reflect the way special interests actually work to influence City Hall. The legislation should dovetail with the Ethics Commission's current drive to widen today's standards for requiring registration as a professional lobbyist. Many of the most active lobbyists now do their work under cover of related activities. Common examples would be political campaign consultants working on issue referendums, attorneys for special-interest clients and public employee union officials seeking pay raises for their members. Operatives such as these should be required to register, too.

Lobbyist identification badges could be a small step forward in lessening undue pressure on city officials. So we say they are worth a try, as part of the Ethics Commission's oversight strengthening program.

*Examiner*

jsabatini@examiner.com



### **Peddling influence**

*Some clients represented by lobbyists in San Francisco:*

- » Bay Area Rapid Transit
- » California Pacific Medical Center
- » Chevron U.S.A. Inc.
- » City Park
- » Clear Channel Outdoor Inc.
- » Golden Gate Restaurant Association
- » Home Depot
- » Lennar Bay Area Urban
- » Pier 39
- » San Francisco Forty-Niners Ltd.
- » San Francisco Symphony
- » SEIU Local 247
- » Sequoia Voting Systems
- » Shorenstein Properties, LLC
- » Sunset Scavenger
- » The Roman Catholic Archbishop of San Francisco

*Source: San Francisco Ethics Commission, clients of contract lobbyists*

— Examiner photo illustration by Jeff Edwards

Examiner