



CITY OF BEVERLY HILLS AGENDA REPORT

Meeting Date: October 27, 2009
Item Number: E-1
To: Honorable Mayor & City Council
From: Cheryl Friedling, Deputy City Manager for Public Affairs
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS
REQUIRING LEGISLATIVE ADVOCATES TO WEAR
IDENTIFICATION BADGES AND AMENDING THE BEVERLY
HILLS MUNICIPAL CODE

Attachments:

1. Draft Ordinance
2. Proposed Badge Mock-Up
3. Proposed City Signage
4. Newspaper Articles

INTRODUCTION:

At its meeting of July 21, 2009, a City Council majority approved a proposal to require professional lobbyists to wear identification badges in City Hall when advocating on behalf of clients.

The objective is to assist City officials in identifying and understanding who lobbyists are representing, and to share that information with the public.

Several states have enhanced their lobbyist disclosure requirements by requiring that lobbyists wear identification badge when they meet with or advocate before elected officeholders or city administrators. Some states require that lobbyists wear a badge any time they enter state buildings or facilities.

States which have mandatory lobbyist badge programs include Connecticut, Delaware, Georgia, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, Pennsylvania and Rhode Island.

Several municipalities have deliberated lobbyist badge requirements. Current research indicates that only Henderson, Nevada has implemented a program.

The cities of Los Angeles, San Francisco, and Providence, Rhode Island have reviewed and rejected similar initiatives.

DISCUSSION:

The proposed ordinance provides that all legislative advocates (as currently defined in our municipal code) shall wear a badge issued by the City at all times during which he or she is engaged in legislative advocacy at City Hall. The badge must be worn in a manner that is clearly visible to a person speaking with the legislative advocate.

Failure to wear the badge will be a violation of the City's Municipal Code and can be cited as either a misdemeanor or an infraction.

Currently 38 legislative advocates are registered with the City of Beverly Hills. Many of them represent multiple clients.

If the Ordinance is approved by the City Council, staff would correspond with the 38 registered legislative advocates to inform them of the new lobbyist badge requirement. Signage would also be posted at entrances to City Hall and the City Council Chamber to inform unregistered lobbyists of the registration and badge requirements.

FISCAL IMPACT:

There would be minimal fiscal or staff time required to implement this ordinance.

RECOMMENDATION:

None.

Cheryl Friedling
Approved By



Attachment 1

Draft Ordinance

ORDINANCE NO. 09-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS REQUIRING LEGISLATIVE ADVOCATES TO WEAR IDENTIFICATION BADGES AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 1-9-106 shall be renumbered as Section 1-9-107.

Section 2. A new section 1-9-106 shall be added to Article 1 of Chapter 9 of Title 1 to read as follows:

“1-9-106. Identification Badges.

A. A legislative advocate shall wear a badge issued by the City identifying his or her status as a legislative advocate at all times during which he or she is engaged in legislative advocacy at City Hall. The badge shall be worn in a manner that is clearly visible to a person speaking with the legislative advocate.

B. A person required to register as a legislative advocate under this Article shall obtain a badge from the City at the time the completed registration form is filed with the City. A legislative advocate who is not required to register under this Article must obtain a badge from the City prior to engaging in legislative advocacy at City Hall.”

Section 3. Severability. The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

Section 4. The City Clerk shall cause this ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days

after its passage, in accordance with Section 36933 of the Government Code, shall certify to the adoption of this ordinance, and shall cause this ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 5. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

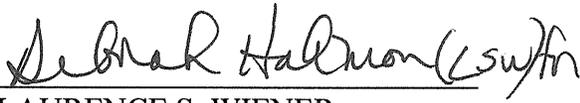
Adopted:
Effective:

NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM



LAURENCE S. WIENER
City Attorney

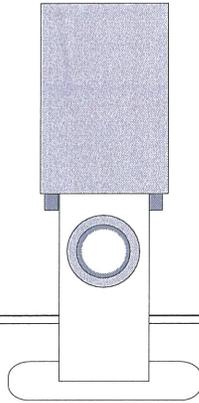
APPROVED AS TO CONTENT:

RODERICK J. WOOD, ICMA-CM
City Manager

Attachment 2

Proposed Badge Mock-Up

Proposed Badge




Registered Lobbyist
CITY OF BEVERLY HILLS

Name: Mary Jones

Effective Date: _____

Attachment 3

Proposed City Signage

Proposed Sign



Any individual serving as a paid lobbyist must register with the City Clerk's Office and wear an identification badge on City Hall property when advocating on behalf of a client.

B.H.M.C. Sec. _____

(Signage to be placed in Visitor Lobby and outside Council Chambers)

Attachment 4

Newspaper Articles

Lobbyists Say They Don't Need No Stinkin' Badges

GOVERNMENT: Proposed identification program stirs ire in Beverly Hills.

By **HOWARD FINE** Staff Reporter

Lobbyists are calling it the "Scarlet L." And their faces are turning red over a proposal in Beverly Hills to require paid lobbyists to wear identification badges when entering City Hall to advocate on behalf of their clients. Many of the clients are businesses, developers and the like.

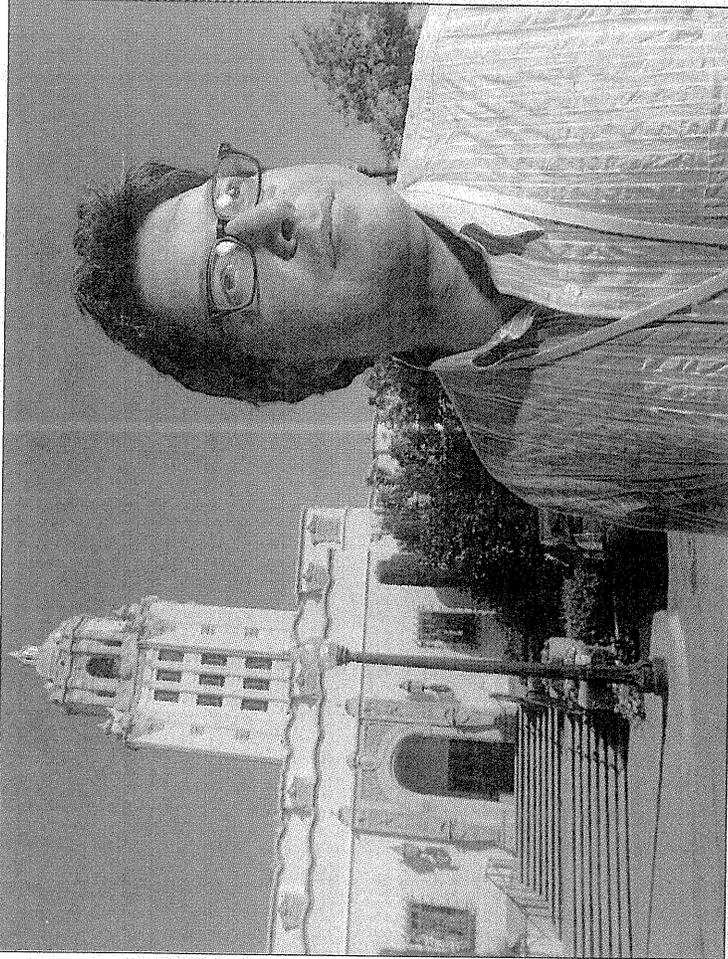
The proposal, initiated by newly elected Councilman John Mirisch, is intended to cut down on confusion that might arise when people address City Council members or planning officials in support of development projects without stating whether they're paid advocates for those projects.

"This is to create clarity," Mirisch said. "We've had times when people are not sure if someone addressing the council is speaking as a resident of the city or as a paid advocate."

But lobbyists see it differently. They say being forced to wear a badge identifying them as a lobbyist relegates them to "second-class" status, especially given the often sordid image that lobbyists have with the general public. They contend that there are more effective ways to make sure people know that a certain speaker is a paid lobbyist, such as a registration system or a requirement that any oral or written testimony state if the person is a paid advocate.

One lobbyist went so far as to draw a comparison with the yellow Star of David that Jews were forced to wear during the Holocaust.

"If I'm forced to wear a badge identifying me as a lobbyist, it will be in the shape of a Jewish star," said Harvey Englander, a princ-



FRINGO/H.W. CHIU/LA81

ID Man: Beverly Hills Councilman John Mirisch backs badges for lobbyists.

pal at Englander & Associates in downtown Los Angeles who has represented developers before the Beverly Hills City Council and Planning Commission. "The concept of someone wearing a label identifying who they are is repugnant."

Englander and other local lobbyists had previously opposed a similar badge proposal in Los Angeles. Last year, the Los Angeles Ethics Commission broached the idea of requiring lobbyists to wear identification badges whenever meeting with public officials, and it was met with protests. The commission claimed it dropped the proposal when it became too complicated to distinguish among

the types of lobbyists.

According to Cheryl Friedling, Beverly Hills deputy city manager for public affairs, the city of Henderson, Nev., and the state of New Hampshire have adopted measures requiring professional lobbyists to wear badges when addressing government officials.

For 14 years, Henderson has required lobbyists to wear identification badges when meeting with City Council members or planning officials. The requirement has not been controversial, a Henderson lobbyist said.

"When they first introduced the measure, I was a little skeptical, but I have not had any problems with it," said attorney John March-

ano, who is a paid lobbyist for developers and casino operators. "Wearing an identification badge has even helped my business. I've had people come up to me while I'm wearing the badge and said they have a problem they need my help with. I've given them my card and some have ended up being my clients. It's been an unintentional marketing tool."

Unlike the Beverly Hills proposal, the Henderson law does not require lobbyists to wear the badge when addressing the City Council.

The Beverly Hills proposal has not yet been written into a draft ordinance. That means the City Council may be a couple of months away from voting on the issue.

Which hat?

Mirisch said that much of the confusion over the role of lobbyists has stemmed from speaking appearances in front of the council.

"We have people who wear several different hats, who live in the city yet also are paid lobbyists for developers," Mirisch said. "Yet when they get up to speak in favor of a project, it's not clear which hat they are wearing."

Local lobbyists said that issue could be cleared up by requiring lobbyists to identify themselves as such — and to name the client they represent — in their spoken and written remarks.

"There are other ways to accomplish this goal of making lobbyists disclose they are representing people," said Beverly Hills attorney Murray Fischer, who advocates on behalf of developers and companies seeking to do business in the city.

Other cities, he said, require a speaker to fill out a card stating the person's name, affiliation and whether that person is being paid to advocate on behalf of someone else.

"That should be sufficient here," Fischer said. "There should be no need to resort to anything as offensive as identification badges."

Advertisement

Los Angeles Times

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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.

By David Zahniser, Los Angeles Times Staff Writer | August 31, 2008

Some within the city's lobbying ranks -- mostly those who have gone to the trouble of filling out the Ethics Commission's extensive paperwork -- have argued that there are a number of unregistered lobbyists who have gotten a free pass from the city's enforcement agency.

Former Los Angeles City Councilman Richard Alatorre did not register as a lobbyist until last year, after The Times reported that he had spoken to five elected officials and seven city departments regarding various companies and issues. One nonprofit group, the Los Angeles Alliance for a New Economy, registered in mid-January, weeks after city officials received a public records request from a law firm asking for the number of times the group had met privately with the city's elected officials.

Under the current law, lobbyists are not required to register with the Ethics Commission until they have spent at least 30 hours working on a particular issue in a single three-month period. The new proposal would require lobbyists to identify themselves when they have made a single contact -- for pay -- with an elected official or other city decision-maker.

"People that are on salary don't keep hourly records," Tristan said. "They're on salary, so a one-contact rule would basically mean that if you have one contact, you're basically a lobbyist."

Such a change would probably require registration by figures such as attorney Mickey Kantor, a former federal cabinet secretary who did not register as a lobbyist even though he spoke to city harbor commissioners three times last year on behalf of the Burlington Northern Santa Fe Railway, according to port documents.

Lobbying firms are still pushing for the city to require that unpaid groups, such as homeowners associations, register as well. And business leaders have voiced irritation about a plan to exempt some nonprofit groups from registering, saying that it would keep the public from understanding how certain public decisions are made.

Los Angeles is not the only city looking to tighten its lobbying rules. San Diego put a similar law into effect on Jan. 1, lowering the earning threshold for requiring a lobbyist to register from \$2,730 every three months to \$1.

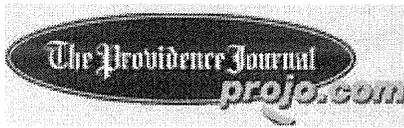
That change brought to light a number of unregistered lobbying clients, said Robert Stern, president of the Center for Governmental Studies, a nonprofit group that plans to weigh in on the Los Angeles lobbying proposal.

"Qualcomm [Stadium] had never registered before. SeaWorld had never registered before. And the unions never registered before," he said.

Despite the uproar over badges in Los Angeles, at least one lobbyist sounded willing to make a deal on the issue. Afriat said he would be willing to wear the new identification, as long as he no longer has to pass through the metal detectors that greet every person who enters City Hall.

"You let me get through security without emptying my pockets, and I'll wear anything," he said.

david.zahniser@latimes.com



Providence

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Lobbyists who want to prowl City Hall may need ID badge

01:00 AM EDT on Wednesday, March 14, 2007

By Daniel Barbarisi

Journal Staff Writer

PROVIDENCE — It's not exactly a scarlet "A," but political lobbyists walking the corridors of Providence City Hall might soon be branded with their own permanent label.

A bill has been introduced before the City Council that would require lobbyists to identify themselves and their associations whenever in City Hall by wearing a lobbyist badge, registering with the city clerk each year and providing detailed accountings of their employers and their income.

As written, the law would apply not only to paid, professional lobbyists that are normally hired to promote a company's business interest, but to anyone paid to advance any agenda before city officials.

The bill was introduced by Councilman John Iglizzi, who said he was prompted by the saga of former state Sen. John Celona, D-Providence, who was recently sentenced to 2½ years in prison on charges of selling his office to three health-care related companies that also had bills before his committee: the CVS drugstore chain, Roger Williams Medical Center and Blue Cross & Blue Shield of Rhode Island.

The ordinance will be introduced at tomorrow night's council meeting.

Under the proposal, lobbyists would have to wear the badge whenever they were in City Hall, register with the city clerk and pay a fee for the cost of creating the badge. Lobbyists would be required to file an annual report with the city including expenses in conjunction with lobbying at any level, including advertising expenses and campaign contributions of more than \$100. They must list all their employers and their sources of income.

If they failed to comply with any of the requirements, they would be banned from lobbying city officials for the of the calendar year and until they comply with the ordinance.

The bill is modeled on lobbyist requirements at the State House, where lobbyists must register and wear ID badges.

"City officials are often approached by individuals representing groups that are trying to influence various matters — both administrative and legislative," Iglizzi said. "The registration process will help city officials to identify and understand the private interests that individuals or groups are representing and it will provide the public with access to that information."

Lobbyist is a broadly defined term in Igliazzi's legislation. Lobbying is defined as communicating with city officials "for the purpose of influencing a municipal decision." And a lobbyist is "anyone who engages in lobbying as the appointed representative of another person."

There are exceptions: lobbyists for nonprofit organizations, other public officials and citizens lobbying for their own personal interests would not have to wear the badge.

The badges would include the word "lobbyist" in bold, in addition to the person's name, photo, registration number and their employer. The color of the badge would change each year and the lobbyist would have to "conspicuously display" the badge whenever inside City Hall.

"There are lobbyists and special interest groups that come and go in City Hall and the taxpayers should know who they are," Igliazzi said.

The intent of the bill is to make the political process more transparent, he said.

"There are lobbyists and special interest groups that come and go in City Hall and the taxpayers should know who they are."

Councilman JOHN IGLIOZZI

dbarbari@projo.com