



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: September 24, 2013
To: Honorable Mayor & City Council
From: Cheryl Friedling, Deputy City Manager for Public Affairs
Subject: Proposal from the Sunshine Task Force Regarding Lobbyist
Registration Forms

1. Proposed Recommendations for Lobbyist Disclosure Form
2. Proposed Online Lobbyist Disclosure Form Template
3. Current Lobbyist Disclosure Form

INTRODUCTION

The Mayor's Sunshine Task Force was established by the Mayor to promote greater transparency and public involvement in local government operations.

A priority initiative of the Task Force has been to revise the City's current Lobbyist Registration form and processes as they relate to compensated legislative advocates.

Attached is an outline of the elements along with a draft online template recommended by the Sunshine Task Force to be included in a Lobbyist Registration form.

DISCUSSION

At the City Council meeting of June 4, 2013, members of the Sunshine Task Force proposed revising the City's current Lobbyist Registration form and procedures. The City Council directed the Task Force to provide additional information along with a draft lobbyist registration form for review and discussion.

Key distinctions between the current Lobbyist Registration and proposed forms are:

- Information derived from the revised form(s) would be available for public view and accessible on a searchable database.
- The lobbyist/signer declares under 'penalty of perjury that the information is true.'
- Filers who knowingly violate provisions may be assessed a \$500 penalty.
- Lobbyists are required to provide all lobbying activities in the City of Beverly Hills for the prior year, including outcomes and compensation for services.
- Exempts all unpaid organizations who advocate for the general benefit of the Beverly Hills citizenry.

- Deadline to submit form is within 10-days after the signer commences lobbying activities that year.

The following observations from staff are listed for City Council consideration:

- The form improves transparency by providing additional information to the public
- Online filings promote easy access for all applicants
- Creates a searchable database available 24/7 to the public
- The term 'lobbyist' differs from the definition set forth in Municipal Code and the terms used in the definition may need further clarification
- The proposed exemption from the definition of client would not be possible for staff to administer as it requires a value judgment that would be inappropriate for staff to make
- Beverly Hills Municipal Code needs to be revised to match the requirements of the form before final form is enacted

FISCAL IMPACT

There is minimal fiscal impact associated with posting lobbyist disclosure forms to the City's website. Enforcement requirements have not been determined, and could have a financial impact, particularly if additional staff time is required.

RECOMMENDATION

The draft recommendations to the Lobbyist Registration form are submitted to the City Council for comment/direction. The City Attorney reviewed an earlier draft and provided preliminary comments, some of which are reflected in the current draft. Should the City Council approve the information as listed on the form, then staff will bring back an ordinance to amend the Beverly Hills Municipal Code for City Council consideration and adoption. The ordinance becomes effective 30 days after adoption.

Cheryl Friedling
Approved By



Attachment 1

Proposed Recommendations for Lobbyist Disclosure Form

LOBBYIST REGISTRATION AND CERTIFICATION STATEMENT

Pursuant to Beverly Hills Ordinance No. 00-0-2347 entitled “An Ordinance of the City of Beverly Hills Imposing Registration Requirements for Compensated Legislative Advocates and Amending the Beverly Hills Municipal Code,” the undersigned hereby submits and signs this Form **UNDER PENALTY OF PERJURY** in accordance with the laws of the State of California:

1. Definitions of Lobbyist and Client.

A “Lobbyist” is defined as any person or legal entity who receives compensation or other form of remuneration to influence a decision to be made by any governing body of the City of Beverly Hills.

A “client” is defined as “any person or other legal entity who provides compensation to a Lobbyist or lobbying firm or affiliated entity for the purpose of influencing a decision to be made by any governing body of the City of Beverly Hills, as well as any person or other legal entity on whose behalf lobbying is performed by the Lobbyist, affiliated organization or employer.”

In accordance with this definition, “client” includes any legal entity that pays the Lobbyist to lobby or who does not pay the Lobbyist but for whom the Lobbyist lobbies. In addition, a “client” encompasses any legal entity who retains the Lobbyist to engage in lobbying activities pursuant to a contingency agreement or one where there is the expectancy of receiving compensation even if the lobbying efforts are unsuccessful and no fees are received. Excluded from this definition are statutorily authorized charitable organizations whose sole purpose is to advocate a position that is for the general benefit of the Beverly Hills citizenry rather than to advance a special interest as well as organizations such as the Municipal League which advocate on behalf of the general public – unless such organization pays a Lobbyist in which case this exclusion shall not apply.

2. Contact Information for the Lobbyist.

- Please set forth your name, business address, telephone number, e-mail address and fax number (“Contact Information”).
- A detailed summary specifically describing each lobbying activity in which you have engaged in a matter involving the City of Beverly Hills during the prior year including the issue involved, the position you advanced and the outcome.
- The Contact Information for each person or organization that hired you for each lobbying activity that is identified in the immediately preceding paragraph.

3. Information Pertaining to the Lobbyist’s Employer.

- Please provide the Contact Information for your employer;

- A detailed summary specifically describing each lobbying activity in which your employer engaged – if different from your lobbying activities - in a matter involving the City of Beverly Hills during the prior year including the issue involved, the position advanced by your employer and the outcome.
- The Contact Information for each person or organization that hired your employer during the prior year to advocate with respect to any issue that is referred to in the immediately preceding paragraph.

Information Pertaining to the Client of the Lobbyist

4. Please provide the Contact Information for the Client.
5. Describe in detail the specific business in which the client is involved.
6. Please describe in detail each matter for which you or your employer has been hired involving the City of Beverly Hills for the current year as well as the date thereof.
7. Please identify the outcome that the Client is seeking to achieve with respect to each matter that has been described in paragraph 5.
8. This Form must be completed and submitted on or before January 15 of each year in which the Lobbyist intends to engage in lobbying activities as well as on each occasion during such year in which such lobbying activity takes place.

A written supplement of this form must be provided to the City of Beverly Hills within ten (10) calendar days during this calendar year if the Lobbyist commences lobbying on any additional matter.

Copies of this Form shall be available for public view in the City Clerk’s Office as well as the City’s Website in a searchable database and shall be forwarded to each City Official, the City Manager and the City Attorney.

On any occasion in which the Lobbyist makes a presentation to members of the public or at a formal meeting, the Lobbyist shall announce the specific matter being addressed and shall identify the client who the Lobbyist is representing.

Pursuant to the administrative remedies and procedures set forth in Title 1, Chapter 10, any person who knowingly and willingly violates any provision of this Chapter may be assessed an administrative penalty not to exceed five hundred dollars (\$500) per violation.

I declare under penalty of perjury that the information which has been included in this Registration Form is true and correct.

DATED: _____

Attachment 2

Proposed Online Lobbyist Disclosure Form Template



City of Beverly Hills
Lobbyist Registration and Certification Statement

Only Lobbyists Need to Complete This Form

“Lobbyist” is defined as any person or legal entity who receives compensation or other form of remuneration to influence a decision to be made by any governing body of the City of Beverly Hills. “Client” is defined as “any person or other legal entity who provides compensation to a Lobbyist or lobbying firm or affiliated entity for the purpose of influencing a decision to be made by any governing body of the City of Beverly Hills, as well as any person or other legal entity on whose behalf lobbying is performed by the Lobbyist, affiliated organization or employer.” (See addendum.)

Pursuant to Beverly Hills Ordinance No. 00-0-2347 entitled “An Ordinance of the City of Beverly Hills Imposing Registration Requirements for Compensated Legislative Advocates and Amending the Beverly Hills Municipal Code,” the undersigned hereby submits and signs this Form **UNDER PENALTY OF PERJURY** in accordance with the laws of the State of California:

Contact Information for the Lobbyist

Name	Telephone
Business address	E-mail
(Line 2)	Fax
City, State & Zip	
Employer (if applicable)	Employer telephone

Lobbyist’s Prior Activities in Beverly Hills

Please provide a detailed summary specifically describing each lobbying activity in which you have engaged in a matter involving the City of Beverly Hills during the prior year, including the issue involved, the position you advanced and the outcome. Also include the Contact Information for each person or organization that hired you. (Append additional sheets as necessary for each person or organization that hired you for each lobbying activity.)

Issue & position	
Outcome	
Representing	Telephone



City of Beverly Hills Lobbyist Registration and Certification Statement

Lobbyist Employer Activities

Please provide a detailed summary specifically describing each lobbying activity in which your employer engaged – if different from your lobbying activities - in a matter involving the City of Beverly Hills during the prior year including the issue involved, the position advanced by your employer and the outcome. Also include the Contact Information for each person or organization that hired your employer during the prior year to advocate with respect to any issue that is referred to in the immediately preceding paragraph. (Append additional sheets as necessary.)

Issue & position

Outcome

Representing

Telephone

Issue & position

Outcome

Representing

Telephone

Issue & position

Outcome

Representing

Telephone



City of Beverly Hills Lobbyist Registration and Certification Statement

Lobbyist Client Information	
Please provide the contact information for the client and describe in detail the specific business in which the client is involved. For more information about the North American Industry Classification System (formerly SIC) see https://www.census.gov/eos/www/naics/	
Client name	NAICS code
Specific business in which the client is involved	

Information Pertaining to the Client of the Lobbyist	
Please describe in detail each matter for which you or your employer has been hired involving the City of Beverly Hills for the current year as well as the date thereof. Please identify the outcome that the Client is seeking to achieve with respect to each matter that has been described. (Append additional sheets as necessary.)	
Lobbying matter	Date of engagement
Objective & outcome	
Lobbying matter	Date of engagement
Objective & outcome	
Lobbying matter	Date of engagement
Objective & outcome	



City of Beverly Hills Lobbyist Registration and Certification Statement

Instructions for Filing Lobbyist Registration and Certification Statement

This Form must be completed and submitted on or before January 15 of each year in which the Lobbyist intends to engage in lobbying activities as well as on each occasion during such year in which such lobbying activity takes place. A written supplement of this form must be provided to the City of Beverly Hills within ten (10) calendar days during this calendar year if the Lobbyist commences lobbying on any additional matter. Copies of this Form shall be available for public view in the City Clerk's Office as well as the City's Website in a searchable database and shall be forwarded to each City Official, the City Manager and the City Attorney. On any occasion in which the Lobbyist makes a presentation to members of the public or at a formal meeting, the Lobbyist shall announce the specific matter being addressed and shall identify the client who the Lobbyist is representing.

Sign and Date

Pursuant to the administrative remedies and procedures set forth in Title 1, Chapter 10, any person who knowingly and willingly violates any provision of this Chapter may be assessed an administrative penalty not to exceed five hundred dollars (\$500) per violation.

I declare under penalty of perjury that the information which has been included in this Registration Form is true and correct.

Signed

Date

Addendum

In accordance with the definitions cited above, "client" includes any legal entity that pays the Lobbyist to lobby or who does not pay the Lobbyist but for whom the Lobbyist lobbies. In addition, a "client" encompasses any legal entity who retains the Lobbyist to engage in lobbying activities pursuant to a contingency agreement or one where there is the expectancy of receiving compensation even if the lobbying efforts are unsuccessful and no fees are received. Excluded from this definition are statutorily authorized charitable organizations whose sole purpose is to advocate a position that is for the general benefit of the Beverly Hills citizenry rather than to advance a special interest as well as organizations such as the Municipal League which advocate on behalf of the general public – unless such organization pays a Lobbyist in which case this exclusion shall not apply.

Supplemental forms for sections 'Instructions for the Lobbyist' and 'Information Pertaining to the Client of the Lobbyist' are available at the City Clerk's office (310-285-2400).

Attachment 3

Current Lobbyist Disclosure Form



CITY OF BEVERLY HILLS
CITY CLERK'S OFFICE
LEGISLATIVE ADVOCATE REGISTRATION FORM
(This document shall be available for public review)

Please write legibly or use typewriter

Advocate's Name: _____

Telephone #: _____ Fax # _____

Business Address: _____

Identity of Client(s): _____

General Description of the matter of municipal legislation the legislative advocate is attempting to influence:

cc: Councilmembers
Planning Commissioners
Architectural Commissioners
Design Review Commission
Public Works Commissioners
City Manager
City Attorney