

ORDINANCE NO. 04-1306

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF CARSON, CALIFORNIA, ADDING
CHAPTER 2.5 OF THE CARSON MUNICIPAL
CODE RELATING TO LOBBYIST REGISTRATION**

WHEREAS, the City Council of the City of Carson is authorized to regulate activities of persons and groups of persons who are hired or contracted for the purpose of lobbying or otherwise influencing municipal legislation, as defined by this ordinance; and

WHEREAS, the City Council believes, finds and declares that requiring lobbyists to register and report their lobbying activities will benefit the citizens of Carson by informing them about the issues for which paid lobbyists have been hired to exert influence; and

WHEREAS, the City Council believes, finds and declares that this ordinance will benefit their own decision making process by allowing Councilmembers and others to know if the person who is advocating for or against a particular item of municipal legislation is, in fact, compensated for such advocacy;

NOW, THEREFORE, the City Council of the City of Carson, California, does hereby ordain as follows:

SECTION 1. A new chapter 2.5 is added to Article II of the Carson Municipal Code to read, in its entirety, as follows:

Chapter 2.5 - Lobbyist Registration

Sections

- 2250. Definitions.**
- 2251. Registration – Time.**
- 2252. Registration fee.**
- 2253. Registration requirements.**
- 2254. Renewal of registration.**
- 2255. Registration statement – Amendment – Termination.**
- 2256. Exemptions.**
- 2257. Duties of the City Clerk.**
- 2258. Enforcement.**
- 2259. Applicability of other laws.**

Section 2250. Definitions.

Unless otherwise apparent from the context, the words and phrases used in this chapter are defined as follows:

"City official" means any elected or appointed city officer, member, or employee of any agency, who, as part of his or her official duties, participates in the making of any municipal legislation other than in a purely clerical, secretarial or ministerial capacity. "City official" shall also mean any consultant who qualifies as a public official within the meaning of the Political Reform Act and is required to file a Statement of Economic Interest.

"Lobbyist" means any person who is employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to perform lobbying services which shall include communicating directly or through his or her agent with any city official for the purpose of influencing, supporting, promoting, modifying, opposing, delaying or advancing any municipal legislation.

"Municipal legislation" means a resolution, motion, appeal, application, entitlement, contract, petition, hearing, nomination, ordinance, amendment, and any other matter pending, proposed, or which is pending or expected to come before the city council, a city commission or committee, or any city official, for a decision. However, "municipal legislation" does not include any of the following:

- (1) A request for advice or for an interpretation of laws, regulations, city approvals or policies, or a direct response to an enforcement proceeding with the city;
- (2) Any ministerial action.

"Person" means an individual, proprietorship, firm, syndicate, committee, labor organization, joint venture, joint stock company, partnership, association, club, company, limited liability company, corporation, business trust, or any other organization or group of persons acting in concert.

Section 2251. Registration--Time.

Every lobbyist shall register by filing a registration statement with the city clerk no later than ten days after accepting employment or contracting to act as a lobbyist in the city.

Section 2252. Registration fee.

Each lobbyist required to file a registration statement under this chapter shall be charged a registration fee in the amount to be established by City Council resolution. The fee shall be reasonably related to the costs incurred by the City to administrate and enforce the provisions of this chapter.

Section 2253. Registration requirements.

The registration statement of a lobbyist shall contain the following:

- A. If the filer is an individual, the full name, business address and telephone number of the filer and the name and address of the filer's employer, if any;
- B. If the filer is a person other than an individual, the full name, business address and telephone number of the filer and of each person who will be providing lobbying services on behalf of the lobbyist;
- C. The name and address of each current client for whom lobbying is being or is to be performed;
- D. The existing or proposed municipal legislation the lobbyist is employed to support or oppose, and the client on whose behalf the lobbyist is employed for each lobbying effort;
- E. Any other information required by the city clerk consistent with the purposes and provisions of this chapter.

Section 2254. Renewal of registration.

Each registered lobbyist that will be conducting activities which require registration shall renew its registration annually by filing a registration statement with the city clerk on or before April 1st of each year. Such lobbyist shall be charged a renewal registration fee in the amount of twenty-five dollars or such other fee as may be designated by the council from time to time, except that lobbyists who file their initial registration within thirty days of April 1st shall not be required to renew their registration.

Section 2255. Registration statement--Amendment--Termination.

If any changes occur in any of the information contained in a registration statement, an appropriate amendment should be filed with the city clerk by the tenth day of the month following the month in which the change occurred. However, if the change includes the addition of the name of a client, the registration statement of the lobbyist shall be amended and filed to show that change prior to the lobbyist engaging in lobbying services as set forth in this chapter. Lobbyists which cease all activity which required registration shall file a notice of termination within twenty days after such cessation.

Section 2256. Exemptions.

The provisions of this chapter are not applicable to:

- A. Any public official acting in his or her official capacity, and any government employee acting within the scope of his or her employment;

- B. Any newspaper or other periodical of general circulation, book publisher, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisement, which directly or indirectly urge action upon municipal legislation;
- C. A person when representing a bona fide church or religious society solely for the purpose of protecting the public's right to practice the doctrines of such church;
- D. A person when representing a not-for-profit charitable, religious, civic, patriotic or community service organization, granted tax exempt status under Section 501(c)(3) of the Internal Revenue Code;
- E. A person whose activity is limited to meeting with city staff or appearing at public hearings on behalf of an application for a permit or license to provide translation services or to present architectural or engineering plans or drawings.

Section 2257. Duties of the city clerk.

The information provided in registration statements filed pursuant to this chapter shall be compiled by the city clerk and shall be forwarded to the city council and city manager within ten days of receipt of the statements.

In May of each year, the city clerk shall file an annual report with the city council, compiling the information filed by lobbyists who reregister before April 1st of each year.

All reports and statements filed with the city clerk under this chapter shall be preserved by the city clerk for a period of five years from the date of filing. Such reports and statements shall constitute part of the public records of the clerk's office and shall be open to public inspection.

Section 2258. Enforcement.

The city attorney may institute such legal action at such time as he or she deems necessary to prosecute, enjoin, or to redress a violation of any of the provisions of this chapter.

Section 2259. Applicability of other laws.

Nothing in this chapter shall exempt any person from, or excuse such person's noncompliance with applicable provisions of any other laws of the state or any other jurisdiction."

SECTION 2. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its passage.


SECTION 4. PUBLICATION. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same, or a summary thereof, or display advertisement, duly prepared according to law, to be published in accordance with law.

PASSED, APPROVED and ADOPTED this 18th day of May, 2004.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:

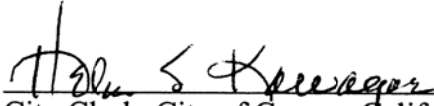


City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is four; that the foregoing ordinance, being Ordinance No. 04-1306 passed first reading on May 4, 2004, was duly and regularly adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 18th day of May, 2004, and that the same was passed and adopted by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Mayor Dear, Santarina, and Raber
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Calas



City Clerk, City of Carson, California