

AMENDMENT OF THE WHOLE
5/13/03

FILE NO. 030250

ORDINANCE NO.

1 [Increase Lobbyist Fees and Late Filing Fines.]

2

3 **Ordinance making environmental findings and amending the San Francisco Lobbyist**
4 **Ordinance, Article II, Chapter 1, sections 2.110 and 2.145 of the San Francisco**
5 **Campaign and Governmental Conduct Code, to increase registration fees from \$300.00**
6 **to \$500.00; client fees from \$50.00 to \$75.00; and late filing fines from \$25.00 per day to**
7 **\$50.00 per day.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are *strikethrough italics Times New Roman*.
10 Board amendment additions are double underlined.
11 Board amendment deletions are ~~strikethrough normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Findings. The Planning Department has determined that the actions
14 contemplated in this Ordinance are in compliance with the California Environmental Quality
15 Act (California Public Resources Code sections 21000 et seq.). Said determination is on file
16 with the Clerk of the Board of Supervisors in File No. 030250 and is incorporated herein by
17 reference.

18 Section 2. The San Francisco Campaign and Governmental Conduct Code is hereby
19 amended by amending Section 2.110, to read as follows:

20 SEC. 2.110. REGISTRATION OF LOBBYISTS REQUIRED; REGISTRATION,
21 REREGISTRATION, QUARTERLY REPORTS; FEES; CLIENT AUTHORIZATION;
22 TERMINATION.

23 (a) REGISTRATION OF LOBBYISTS REQUIRED. No person who qualifies
24 as a contract or business or organization lobbyist shall contact any officer of the City and
25 County, and no person who qualifies as an expenditure lobbyist shall make payments to

1 influence local legislative or administrative action, without first registering with the Ethics
2 Commission and complying with the disclosure requirements imposed by this Chapter.

3 (b) REGISTRATION REPORTS. At the time of initial registration each filer
4 shall report to the Ethics Commission the following information:

5 (1) The name, business address and business phone number of the filer;

6 (2) If the filer is a contract lobbyist, the filer shall also report the following:

7 (A) If the filer is an entity, the name of each individual who is an owner,
8 partner or officer of the filer as follows:

9 (i) If the filer is a sole proprietorship, list the name of the sole proprietor;

10 (ii) If the filer is a corporation, however organized, list the name of each
11 officer;

12 (iii) If the filer is a partnership, however organized, and if the partnership has
13 10 or more partners, list the name of the partnership; or

14 (iv) If the filer is a partnership, however organized, and if the partnership has
15 fewer than 10 partners, list the name of each partner.

16 (B) If the filer is an individual, the name of the filer's employer and a
17 description of the employer's business activity;

18 (C) The name of each person employed or retained by the filer, at the time of
19 filing or at any time during the two months immediately preceding filing, to contact officers of
20 the City and County;

21 (D) The name, address, and telephone number of each current client and
22 each client on whose behalf the filer provided lobbyist services during the preceding two
23 months;

24 (E) The total economic consideration promised by or received from clients
25 during the preceding two months in exchange for lobbyist services;

1 (F) The total number of contacts with officers of the City and County made
2 during the preceding two months; and

3 (G) For each current client, and each client on whose behalf the filer provided
4 lobbyist services during the preceding two months, describe the local legislative or
5 administrative action the filer was retained to influence, and the outcome sought by the filer.

6 (3) If the filer is a business or organization lobbyist, the filer shall also report
7 the following:

8 (A) A description of the nature and purpose of the business or organization,
9 including a statement indicating whether the filer is an industry, trade or professional
10 association;

11 (B) The name of each employee or member of the business or organization
12 authorized to contact officers of the City and County on behalf of the business or organization;

13 (C) The total amount of payments to influence local legislative or
14 administrative action made by the filer during the preceding two months;

15 (D) The total number of contacts with officers of the City and County, made
16 on behalf of the filer by the filer's employees or members during the preceding two months;
17 and

18 (E) A description of each local legislative or administrative action the filer
19 seeks to influence or sought to influence during the preceding two months; and the outcome
20 sought by the filer.

21 (4) If the filer is an expenditure lobbyist, the filer shall also report the
22 following:

23 (A) If the filer is an entity, a description of the nature and purpose of the
24 entity, and the name of each individual who is an owner, partner or officer of the filer as
25 follows:

- 1 (i) If the filer is a sole proprietorship, list the name of the sole proprietor;
- 2 (ii) If the filer is a corporation, however organized, list the name of each
3 officer;
- 4 (iii) If the filer is a partnership, however organized, and if the partnership has
5 10 or more partners, list the name of the partnership; or
- 6 (iv) If the filer is a partnership, however organized, and if the partnership has
7 fewer than 10 partners, list the name of each partner.
- 8 (B) If the filer is an individual, the name and address of the filer's employer, if
9 any, or his or her principal place of business if the filer is self-employed, and a description of
10 the business activity in which the filer or his or her employer is engaged;
- 11 (C) The total amount of payments to influence local legislative or
12 administrative action made during the preceding two months; and
- 13 (D) A description of each local legislative or administrative action the filer
14 seeks to influence or sought to influence during the preceding two months, and the outcome
15 sought by the filer.
- 16 (5) All political contributions of \$100 or more made or delivered by the filer, or
17 made by a client at the behest of the filer, during the preceding two months in support of or in
18 opposition to an officer of the City and County, a candidate for such office, a committee
19 controlled by such officer or candidate, or a committee primarily formed to support or oppose
20 such officer or candidate, or any committee primarily formed to support or oppose a ballot
21 measure to be voted on only in San Francisco. This report shall include all political
22 contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or
23 intermediary.
- 24 (6) Any other information required by the Ethics Commission consistent with
25 the purposes and provisions of this Chapter.

1 (7) No lobbyist shall be required to report activities described in Subsection
2 (d)(1) of Section 2.105, other than Subsections (d)(1)(C), (L) and (P) of Section 2.105.

3 (c) REREGISTRATION REPORTS. Each lobbyist shall reregister annually
4 no later than January 15. The reregistration report must include the date of the most recent
5 lobbyist workshop (as described in Section 2.140(j) of this Chapter) attended by the lobbyist.

6 (d) QUARTERLY REPORTS OF LOBBYIST ACTIVITY. Each lobbyist shall
7 file with the Ethics Commission quarterly reports containing the information specified in this
8 subsection. The quarterly report for the period starting January 1st and ending March 31st
9 shall be filed no later than April 15th; the quarterly report for the period starting April 1st and
10 ending June 30th shall be filed no later than July 15th; the quarterly report for the period
11 starting July 1st and ending September 30th shall be filed no later than October 15th; and the
12 quarterly report for the period starting October 1st and ending December 31st shall be filed no
13 later than January 15th. Quarterly reports shall include the following information:

14 (1) All activity expenses incurred by the filer during the reporting period,
15 including the following information:

16 (A) The date and amount of each activity expense;

17 (B) The full name and official position, if any, of the beneficiary of each
18 activity expense, a description of the benefit, and the amount of the benefit;

19 (C) The full name of the payee of each activity expense if other than the
20 beneficiary;

21 (D) Whenever a filer is required to report a salary of an individual pursuant to
22 this subsection, the filer need only disclose whether the total salary payments made to the
23 individual during the reporting period was less than or equal to \$250, greater than \$250 but
24 less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater
25 than \$10,000.

1 (2) All political contributions of \$100 or more made or delivered by the filer, or
2 made by a client at the behest of the filer during the reporting period to an officer of the City
3 and County, a candidate for such office, a committee controlled by such officer or candidate,
4 or a committee primarily formed to support or oppose such officer or candidate, or any
5 committee primarily formed to support or oppose a ballot measure to be voted on only in San
6 Francisco. This report shall include all political contributions arranged by the lobbyist, or for
7 which the lobbyist acted as an agent or intermediary.

8 (3) If the filer is a contract lobbyist, the filer shall also report the following:

9 (A) The name of each person employed or retained by the filer during the
10 reporting period to contract officers of the City and County;

11 (B) The name, address, and telephone number of each client on whose
12 behalf the filer provided lobbyist service during the reporting period;

13 (C) The total economic consideration promised by or received from clients
14 during the reporting period in exchange for lobbyist services;

15 (D) The name and title, if applicable, of each officer and department of the
16 City and County contacted by the filer during the reporting period;

17 (E) For each client, describe the local legislative or administrative action the
18 filer was retained to influence and the outcome sought by the filer; and

19 (F) For each client, describe the lobbyist services provided for which
20 economic consideration was received from or promised by the client.

21 (4) If the filer is a business or organization lobbyist, the filer shall also report
22 the following:

23 (A) The name of each employee or member of the business or organization
24 authorized to contact officers of the City and County, during the reporting period, on behalf of
25 the business or organization;

1 (B) The total amount of payments to influence local legislative or
2 administrative action made by the filer during the reporting period;

3 (C) The name and title, if applicable, of each officer and department of the
4 City and County contacted by the filer's employees or members during the reporting period;
5 and

6 (D) A description of each local legislative or administrative action the filer
7 sought to influence during the reporting period, and the outcome sought by the filer.

8 (5) If the filer is an expenditure lobbyist, the filer shall also report the
9 following:

10 (A) The total amount of payments to influence local legislative or
11 administrative action made during the reporting period; and

12 (B) A description of each local legislative or administrative action the filer
13 sought to influence during the reporting period, and the outcome sought by the filer.

14 (6) Each City and County contract awarded to the filer during the reporting
15 period. For purposes of this subsection, the term "contract" means a contract for: the
16 rendition of personal services; the furnishing of any material, supplies or equipment to or from
17 the City, whether by purchase or lease; the sale or lease of land or buildings to or by the City,
18 or the financing of the same.

19 (7) Payments made by City and County officers to the filer during the
20 reporting period, provided that the payment is made in exchange for "campaign consulting
21 services," as defined in Section 1.505 of this Code, and provided that the filer contacted the
22 officer within one year of the date of payment. The required disclosure of payments under this
23 Subsection shall not apply to information that is privileged under State law.

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1 (8) The name of each officer of the City and County who is employed or
2 retained by the filer, or by a client of the filer at the behest of the filer, at any time during the
3 reporting period.

4 (9) Any other information required by the Ethics Commission consistent with
5 the purposes and provisions of this Chapter.

6 (10) No lobbyist shall be required to report activities described in Subsection
7 (d)(1) of Section 2.105, other than Subsection (d)(1)(C), (L) and (P) of Section 2.105.

8 (e) FEES.

9 (1) At the time of registration or reregistration; each lobbyist shall pay a fee of
10 ~~\$500~~\$300. The Ethics Commission shall prorate the fee by calendar quarter.

11 (2) In addition, at the time of registration and reregistration, contract lobbyists
12 shall pay a fee of ~~\$75~~\$50 for each current client. When a contract lobbyist is retained by a
13 client subsequent to registration, payment of the ~~\$75~~\$50 fee shall accompany the filing of the
14 information required in Subsection (f) of this Section. The Ethics Commission shall prorate
15 these fees by calendar quarter.

16 (3) The Ethics Commission shall waive all registration and client fees for any
17 organization presenting proof of its tax-exempt status under 26 U.S.C. 501(c)(3) or 501(c)(4).

18 (4) The Ethics Commission shall deposit all fees collected pursuant to this
19 Section in the General Fund of the City and County of San Francisco.

20 (f) CLIENT AUTHORIZATION STATEMENTS. At the time of initial
21 registration, each contract lobbyist shall submit to the Ethics Commission a written
22 authorization from each client. The client authorization statement shall be signed by both the
23 contract lobbyist and the client.

24 If the lobbyist is retained by a client after the date of initial registration, the
25 lobbyist shall file a client authorization statement before providing any lobbyist services to the

1 client, and before receiving any economic consideration from the client in exchange for such
2 lobbyist services, and in any event no later than 15 days after being retained by the client.
3 The lobbyist is not required to amend previously filed registration, reregistration or quarterly
4 reports to include a client who retains the services of the lobbyist after the time the report was
5 filed.

6 If the lobbyist is retained by a client after the date of initial registration, the
7 lobbyist may submit a copy of the client authorization statement by facsimile machine. The
8 client authorization statement shall be deemed to be timely filed only if the facsimile copy is
9 received no later than the filing deadline, and within 15 days of the filing deadline the original
10 document is received by the Ethics Commission, and the original document is identical in all
11 respects to the facsimile copy.

12 The lobbyist is not required to resubmit client authorization statements at the
13 time of reregistration.

14 (g) CLIENT TERMINATION STATEMENTS. Within 15 days after a client
15 terminates the services of a contract lobbyist, the lobbyist shall submit to the Ethics
16 Commission a statement that the client has terminated the services of the lobbyist. The client
17 termination statement shall be signed by the contract lobbyist. A contract lobbyist may not
18 provide lobbyist services to a client after a client termination statement is filed, until a new
19 client authorization statement has been filed pursuant to Subsection (f) of this Section.

20 (h) LOBBYIST TERMINATION STATEMENTS. Once a person qualifies as a
21 "lobbyist" under this Chapter, the person shall be subject to all registration, reporting and other
22 requirements and prohibitions imposed by this Chapter until the person ceases all lobbyist
23 activity and files a lobbyist termination statement with the Ethics Commission pursuant to this
24 subsection, regardless of whether the person continues to meet the activity thresholds
25 established in Section 2.105(i). A lobbyist termination statement shall include all information

1 required by Subsection (d) of this Section for the period starting with the first day of the
2 calendar quarter and ending with the date of termination. A lobbyist termination statement
3 shall be filed no later than 30 days after the date the lobbyist ceased all lobbyist activity.
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5 Section 3. The San Francisco Campaign and Governmental Conduct Code is hereby
6 amended by amending Section 2.145, to read as follows:

7 SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.

8 (a) If any lobbyist files an original statement or report after any deadline
9 imposed by this Chapter, the Ethics Commission shall, in addition to any other penalties or
10 remedies established in this Chapter, fine the lobbyist ~~\$50~~\$25 per day after the deadline until
11 the statement or report is received by the Ethics Commission. The Ethics Commission may
12 reduce or waive a fine if the Commission determines that the late filing was not willful and that
13 enforcement will not further the purposes of this Chapter. The Ethics Commission shall
14 deposit funds collected under this Section in the General Fund of the City and County of San
15 Francisco.

16 (b) Any person who believes that the provisions of this Chapter have been
17 violated may file a complaint with the Ethics Commission. Upon receipt of a complaint, or
18 upon its own initiative, the Commission may investigate alleged violations of this Chapter and
19 may enforce the provisions of this Chapter pursuant to Charter Section C3.699-13 and to the
20 Commissioner's rules and regulations adopted pursuant to Charter Section C3.699-9.

21 (c) Any person or entity which knowingly or negligently violates this Chapter
22 may be liable in a civil action brought by the City Attorney for an amount up to \$1,000 per
23 violation, or three times the amount not properly reported, or three times the amount given or
24 received in excess of the gift limit, whichever is greater.
25

1 (d) In investigating any alleged violation of this Chapter the Ethics
2 Commission and City Attorney shall have the power to inspect, upon reasonable notice, all
3 documents required to be maintained under this Chapter. This power to inspect documents is
4 in addition to other powers conferred on the Ethics Commission and City Attorney by the
5 Charter or by ordinance, including the power of subpoena.

6 (e) Should two or more persons be responsible for any violation under this
7 Chapter, they shall be jointly and severally liable.

8 (f) The City Attorney may also bring an action to revoke for up to one year
9 the registration of any lobbyist who has knowingly violated this Chapter.

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11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

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By: _____
Chad A. Jacobs
Deputy City Attorney

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