

ORDINANCE 1207

AN ORDINANCE OF THE CITY OF TRACY ADDING A NEW CHAPTER 6.32, LOBBYING, TO THE TRACY MUNICIPAL CODE

WHEREAS, the City Council considered whether to propose lobbying regulations at its regular meetings on March 3, 2015, May 5, 2015, and November 3, 2015, and directed staff to prepare an ordinance for consideration.

The City Council of the City of Tracy does ordain as follows:

SECTION 1: A new Chapter 6.32, Lobbying Regulations, is added to Title 6 (Businesses, Professions and Trades) of the Tracy Municipal Code to read as set forth in the attached Exhibit A.

SECTION 2: The City Council finds that the adoption and implementation of this ordinance is exempt from the California Environmental Quality Act (CEQA) in that there is no possibility that the implementation of this ordinance may have a significant effect on the environment.


SECTION 3: This Ordinance shall take effect 30 days after its final passage and adoption.


SECTION 4: This Ordinance shall either (1) be published once in the TriValley Times, a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

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The foregoing Ordinance 1207 was introduced at a regular meeting of the Tracy City Council on February 2, 2016, and finally adopted on February 16, 2016, by the following vote:

- AYES: COUNCIL MEMBERS: MITRACOS, VARGAS, YOUNG, RICKMAN, MACIEL
- NOES: COUNCIL MEMBERS: NONE
- ABSENT: COUNCIL MEMBERS: NONE
- ABSTAIN: COUNCIL MEMBERS: NONE


MAYOR

ATTEST:

CITY CLERK

**"Chapter 6.32
Lobbying**

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6.32.010 Purpose.

City government serves all citizens. The citizens have a right to know the identity of people and interests that attempt to influence City government decisions. Everyone engaged in compensated lobbying activities aimed at influencing City decisions must be subject to the same regulations, regardless of their background, training or other professional qualifications or licenses. Complete public disclosure of the full range of activities by and financing of lobbyists, and those who employ them, is essential to maintaining citizen confidence in the integrity of local government.

6.32.020 Definitions.

In this chapter, terms have the meanings set forth below.

Attempting to influence means promoting, supporting, opposing or seeking to modify or delay a governmental decision.

City official means the Mayor, City Council Member, or Planning Commissioner.

Client means (a) the person who compensates a lobbyist for attempting to influence a governmental decision; and (b) the person on whose behalf a lobbyist attempts to influence a governmental decision, even if the lobbyist is compensated by another person for the representation. (If a lobbyist represents a membership organization, an individual member is not a client solely because the individual member is represented by the lobbyist unless the member makes a payment for such representation in addition to the usual membership fee.)

Compensation means money or anything of value that is received, or is to be received, in return for or in connection with lobbying services, including reimbursement for expenses incurred in lobbying.

Governmental decision means any legislative or administrative matter proposed or pending before the City, including but not limited to: the granting, denial, revocation, or modification of a license, permit or entitlement for use (including all land use permits); adoption of ordinances or resolutions. It does not include:

- (1) a ministerial action, not involving the exercise of discretion; or
- (2) an action related to a collective bargaining agreement or memorandum of understanding between the City and a recognized employee organization, or a management decision as to the working conditions of represented employees.

Lobbying means engaging in, either personally or through an agent, written or oral direct communication with a City official for the purpose of attempting to influence a governmental decision. *Lobbying* does not include a communication:

- (1) merely requesting information or inquiring about facts or status;
- (2) made by a public official or employee acting in his or her official capacity;
- (3) made in the course of preparing or disseminating news, information, or commentary to the public;
- (4) when appearing at or submitting documents for an open, public meeting;
- (5) made in a speech, publication or other material that is distributed and made available to the public, including a written public petition for a governmental decision;
- (6) which is a response to a request from the City, including a request for public bidding;
- (7) made by a person solely on behalf of that person or his or her relative. The term *relative* includes (biological or step-) spouse, child, father, mother, grandmother, grandfather, grandchild, brother, sister, aunt, uncle, cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law;
- (8) made on behalf someone regarding his or her City employment or benefits; or
- (9) made by an attorney made solely in connection with his or her duties representing a party to an administrative or quasi-judicial proceeding;

Lobbyist means a person who is compensated in monetary or in-kind compensation and who engages in lobbying.

Person includes an individual or entity.

6.32.030 Registration.

(a) Registration. Except as provided in subsection (b), each lobbyist must register with the City Clerk by filing a written statement under penalty of perjury. The written statement must be submitted on the form provided by the City Clerk, and will include:

(1) the lobbyist's full name, business address, telephone number, and email address. If the lobbyist is a firm, the information must include the information for the firm, and for each firm member who may be involved in the lobbying activity;

(2) the client's name, business address, telephone number and email address; and

(3) the governmental decision(s) that may be affected.

If there is a change to the written information, the lobbyist must submit an amended registration within 15 days of the change.

(b) Timing. The registration must be filed or renewed on an annual basis during January of each year, or within 15 days of the initial employment, whichever occurs first. The initial registration period begins 30 days after this chapter takes effect.

(c) Fees. When registering or renewing, the applicant must pay the registration or renewal fee in the amount established by City Council resolution.

(d) Public information. The City will make registration information available to the public on its website.

6.32.040 Prohibited acts.

(a) General. No person may act as a lobbyist in the City without having registered in compliance with section 6.32.030. No person may employ a person to act as a lobbyist in the City, if the lobbyist is not registered.

(b) Other prohibited acts. No lobbyist may:

(1) do anything whose purpose is to place a City official under personal obligation regarding City business, or represent that the lobbyist can control the official action.

(2) deceive a City official or staff member regarding a material fact pertinent to pending or proposed governmental decision.

6.32.050 Enforcement

A person who violates this chapter is subject to civil or criminal penalties, or both, as set forth in Chapter 1.04.

6.32.060 Expiration

This chapter expires in five years from its effective date unless extended by ordinance."