

City of Sacramento

Legislation Details (With Text)

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Title: Ordinance Amending Sacramento City Code Chapter 2.15, the City of Sacramento Lobbyist Registration and Reporting Code
Sponsors:
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Date	Ver.	Action By	Action	Result
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Title:
Ordinance Amending Sacramento City Code Chapter 2.15, the City of Sacramento Lobbyist Registration and Reporting Code

File ID: 2020-01306

Location: Citywide

Recommendation:

Receive and comment.

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Presenter: Mindy Cuppy, MMC, (916) 808-5442, Office of the City Clerk

Attachments:

- 1-Description/Analysis
- 2-Redline Ordinance
- 3-Clean Ordinance

Description/Analysis

Issue Detail: The purpose of the Lobbyist Registration and Reporting Code (Sacramento City Code chapter 2.15; the “Sacramento Lobbyist Code”) is to maintain a fair and open decision-making process in city government and to ensure that the public and city officials have full knowledge of lobbying activities that have been brought to bear on any legislative or administrative action. To that end, the Sacramento Lobbyist Code states that-

- the people of Sacramento have the need and right to know the identity of lobbyists who attempt to influence the decisions of city government and the means employed by them to advance their interests;
- full disclosure of lobbying activities of such persons and the identity of their employers, will contribute to public confidence in the integrity of local government; and
- full disclosure is also necessary to ensure that city officials are kept informed about the identity of persons whose interests the lobbyists represent.

(Sacramento City Code § 2.15.020.)

This report provides a comparison of the Sacramento Lobbyist Code with the lobbyist codes of five comparable cities: Berkeley, Oakland, Long Beach, Fresno, and San Diego. These cities have similar populations (San Diego excepted), registration activity, initial registration fees, and lobbyist-qualification provisions.

Comparable City Fees

City	Population	Reg. Fee	Client Fee	Registrations
Berkeley	121,363	\$500	\$0	43
Oakland	433,031	\$0	\$0	63
Long Beach	462,628	\$115	\$28	20
Sacramento	513,624	\$100	\$25	19
Fresno	531,576	\$25	\$0	31
San Diego	1,423,851	\$154	\$0	108

Comparable City Lobbyist Categories

Long Beach and Sacramento have the same lobbyist categories (i.e., contract; business or organization; expenditure), with lobbyist qualification determined by economic-consideration thresholds, entry into an agreement, or number of service hours over a specific time. Expenditures qualify if they equal or exceed \$5,000 in a calendar year.

San Diego also has lobbyist categories (i.e., firm; organization; expenditure) with very specific language on who qualifies. Firms qualify with 1 direct communication; organizations qualify with 10 or more separate contacts within 60 calendar days; and expenditures qualify if they equal or exceed \$5,000 in a calendar year.

Berkeley and Oakland have a broader definition of lobbyist: any person who is paid \$1,000 or more in a calendar month to communicate with city representatives to influence any proposed or pending action; and any employee or officer of an entity whose duties include communicating with city representatives to influence any proposed or pending action.

Fresno defines a lobbyist as “any person who is employed or contracts for economic consideration ... to perform lobbying services” such as communicating with any city representative “for the purpose of influencing, supporting, promoting, modifying, opposing, delaying, or advancing any municipal legislation.” Fresno’s lobbyist code has no qualifying financial thresholds.

Lobbyist Qualifications by Category				
City	Lobbyist	Contract or Firm	Business or Organization	Expenditure
Berkeley	\$1,000 or paid influence			
Oakland	\$1,000 or paid influence			
Long Beach		\$3,200 in 3 consecutive months	50 hours	\$5,000 calendar year
Sacramento		\$3,200 in 3 consecutive months	100 hours	\$5,000 calendar year
Fresno	Person paid to influence			
San Diego		1 direct communication	10 or more separate contacts in 60 days	\$5,000 calendar year

Non-Filing Penalties and Code Violations

Berkeley and Oakland have independent commissions that are charged with oversight authority, which includes making the initial determination of lobbyist qualification, reviewing complaints, conducting investigations, and assessing penalties for non-compliance or violations. These cities have the strictest penalties, including a three-month debarment for non-registration and fines of \$1,000 to \$5,000. Berkeley also has fines of up to \$25,000 for repeated offenses.

The remaining cities have daily penalties from \$0 to \$30 per day with a maximum cap. Long Beach and Sacramento have the highest maximum non-filing penalty, \$500. The city clerk assesses and collects these penalties.

Former Employee/Elected Official Prohibition

All cities have one- or two-year revolving-door restrictions on employees and elected officials. Some cities have included these restrictions in the charter or the city code; others rely on Government Code § 87406.3.

Gifts

All cities have some level of gift restrictions or gift reporting (or both) lobbyists. Some cities have the restrictions in a lobbyist code, an ethics code, or some other city code section; other cities refer to the California Political Reform Act's gift limitations and reporting requirements for lobbyists (Government Code §§ 87200-87300).

Summary

The Sacramento Lobbyist Code is consistent with those of comparable cities. To increase transparency and open decision-making, it is recommended that the filing fees be eliminated and replaced with late-filing and non-filing penalties for non-compliance. An electronic filing system will be available for the January 2021 filing deadline, and these modifications to the Sacramento Lobbyist Code and filing will provide greater transparency and consistency of filing.

A survey was sent to Sacramento's registered lobbyists, and 100% of the respondents were in favor of using electronic filing and replacing filing fees with late penalties and non-filing penalties.

Policy Considerations: It is a best practice to periodically compare the Sacramento Lobbyist Code with the codes of comparable cities to ensure that the Sacramento Lobbyist Code remains consistent with modern practices.

Economic Impacts: Not applicable.

Environment Considerations: Not applicable.

Sustainability: Not applicable.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: An update of the Sacramento Lobbyist Code will increase transparency, open decision-making, and efficiency of lobbyist registration and reporting.

Financial Considerations: Annual revenue from lobbyist registration and reporting is approximately \$3,300 (based on 5-year average); however, there is substantial administrative staff time to collect

the fees. The revenue is inconsequential compared to the projected increase in transparency and open decision-making.

Local Business Enterprise (LBE): Not applicable.