

EXCERPT FROM DRAFT MEETING MINUTES – FEBRUARY 15, 2022 - AGENDA ITEM NO. 2

2. Consider approval of Ordinance 2021-45, on the second of two readings, amending Chapter 2, Administration, Article 5, Code of Ethics, by adding a new Division 5 requiring registration of lobbyists and periodic reporting of contacts made by lobbyists with elected City officials, City Board and Commission members, and City Employees; establishing penalties for violations of this ordinance; providing certain exemptions from lobbying registration and reporting requirements; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

MOTION TO DENY: A motion was made by Mayor Pro Tem Scott, seconded by Mayor Gleason, to deny Ordinance 2021-45, on the second of two readings. The motion to deny failed by the following vote:

For: 2 - Mayor Pro Tem Scott and Council Member Gleason

Against: 5 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Garza and Council Member Prather

A motion was made by Council Member Baker, seconded by Council Member Gonzales, to approve Ordinance 2021-45, on the first of two readings.

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Prather, to amend Ordinance 2021-45, by removing "official", board or commission member" and "city employee" and insert "council member". The motion carried by the following vote:

For: 4 - Mayor Hughson, Mayor Pro Tem Scott, Council Member Prather and Council Member Gleason

Against: 3 - Council Member Baker, Council Member Gonzales and Deputy Mayor Pro Tem Garza

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Baker, to amend Ordinance 2021-45, by moving San Marcos Police Officers' Association (SMPOA) and San Marcos Professional Firefighters Association (SMPFFA) from the definition under Lobbying firm to Section 2.471 under Qualifying contracts, applications, and activities that can trigger lobbying registration and inserting #20. The new section will read as follows: "(20) Meet and Confer agreements between the City and the San Marcos Police Officers Association and the San Marcos Professional Firefighter's Local No. 3963. This means that if representatives of the San Marcos Police Officers Association or the San Marcos Professional Firefighter's Local No. 3963 wish to contact City Council members, they must register under this ordinance. This does not mean that representatives of the SMPOA or SMPFA are permitted to contact City Council members during Meet and Confer negotiations." The motion carried by the following vote:

For: 5 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Garza and Council Member Gleason

Against: 2 - Mayor Pro Tem Scott and Council Member Prather

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Baker, to amend Ordinance 2021-45, under Section 2.47 all Planning and Development Services related items be placed together. The motion carried by the following vote:

For: 6 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 1 - Mayor Pro Tem Scott

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Baker, to amend Ordinance 2021-45, by swapping Sections 2.471 and 2.473. The motion carried by the following vote:

For: 6 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 1 - Mayor Pro Tem Scott

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Baker, to amend Ordinance 2021-45, in Section 2.473(a) Disclosure Requirements to add a box on the form for NEW, UPDATE and REMOVE. The motion carried by the following vote:

For: 6 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 1 - Mayor Pro Tem Scott

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Baker, to amend Ordinance 2021-45, by inserting the following language into Section 2.472 (1): (g) Identification Number-Each registration will receive an identification number which is to be used on all reports and for contacting the city council. The motion to amend carried by the following vote:

For: 6 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 1 - Mayor Pro Tem Scott

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Baker, to amend Ordinance 2021-45, by inserting the following language into Section 2.472 (1): "(h) Any campaign contributions made for any council member for that council member's last election or since that election." The motion carried by the following vote

For: 4 - Mayor Hughson, Council Member Baker, Council Member Gonzales and Deputy Mayor Pro Tem Garza

Against: 3 - Mayor Pro Tem Scott, Council Member Prather and Council Member Gleason

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Gonzales, to amend Ordinance 2021-45, to strikethrough Section 2.473 (a)(2) A statement of all municipal questions on which the lobbyist or its agents or employees have lobbied for the client in the year preceding the filing of the registration or foreseeably will lobby. The motion carried by the following vote:

For: 7 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 0

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Gonzales, to amend Ordinance 2021-45, by inserting under Section 2.473(b): Updates to registration information
Any changes to any items on the registration form must be reported within thirty (30) days of the change on the same registration form and check the CHANGE box."

For: 7 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 0

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Gonzales, to amend Ordinance 2021-45, by inserting under Section 2.473(c): Removal from registration

Anyone who no longer intends to lobby for any reason, must complete the name section of the registration form, provide the identification number, and check the REMOVE box. A final report is required per (d) Activity Reports below."

For: 7 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 0

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Gonzales, to amend Ordinance 2021-45, to strikethrough "10 business days" and insert "15 business days" under Activity Reports in Section 2.473(d).

For: 7 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 0

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Gonzales, to amend Ordinance 2021-45, to insert the following language under Section 2.473(d)(1): "The identification number assigned by the City, name of the registered lobbyist, and the name of the client."

For: 7 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 0

MOTION TO AMEND: A motion was made by Mayor Hughson, seconded by Council Member Gonzales, to amend Ordinance 2021-45, to insert the following language under Section 2.473 (b)(2): "If there is an identifying number or code assigned by the city, such as a zoning change (ZC-year-xxx), it should be included"

For: 7 - Mayor Hughson, Council Member Baker, Council Member Gonzales, Mayor Pro Tem Scott, Deputy Mayor Pro Tem Garza, Council Member Prather and Council Member Gleason

Against: 0

MOTION TO POSTPONE A motion was made by Mayor Pro Tem Scott, seconded by Mayor Gleason, to postpone Ordinance 2021-45 to April 5th

Work Session. The motion to postponed carried by the following vote:

For: 4 - Mayor Hughson, Mayor Pro Tem Scott, Council Member Prather and Council Member Gleason

Against: 3 - Council Member Baker, Council Member Gonzales and Deputy Mayor Pro Tem Garza