

Jane's amendments summary - Lobbying Ordinance for July 6/Nov 3/Feb 2022 meeting

| # | ERC vote | | Content |
|----|--|----------------------|---|
| 1 | No (7-0) | Multiple | Delete "official or city employee" and change to "council member" |
| 2 | No (7-0) | 2.470 Def | Need definition of "City Official" in the definitions so all are clear as to the breadth of who must comply. <i>This definition is redundant, since it is defined in Sec. 2.422 of the San Marcos City Code of Ethics as Officer or Official.</i> |
| 3 | Motion 1 Yes (7-0) Motion 2 Yes (6-1) | From Def to 2.471 | SMPOA and SMPFFA are currently in the Definitions Lobbying firm and Lobbyist. Moved SMPOA and SMPFFA to Sec. 2.471. Qualifying contracts, applications, and activities that can trigger lobbying registration. (20) Meet and Confer. <i>Motion 1: to accept the redactions proposed in the definitions of Lobbying Firm and Lobbyist, since already included in Sec. 2.471</i> <i>Motion 2: to accept #20 to read as proposed with additional sentence to read as follows: "This does not mean that representatives of the SMPOA or SMPFFA are permitted to contact City Council members during Meet and Confer negotiations"</i> |
| 4 | Yes (7-0) | 2.471 | 2.471 –All the PADS related items should be placed together. |
| 5 | Yes (7-0) | Swap 2.472 2.473 | 2.472 and 2.473 should be swapped. We are telling the Lobbyist what to do before we explain the required registration process. |
| 6 | Yes (7-0) | 2.473a | FORM – Have a box for NEW, UPDATE, and REMOVE |
| 7 | Yes (7-0) | 2.473 (a) (1) g | When they register, they should be given an ID number. And anytime they ID themselves, as in 2.472, they should provide ID number. There may be confusion about who is who with similar names etc. The ID number should eliminate that. |
| 8 | Yes (7-0) | 2.473 (a) (1) h | Add to the registration list of items "Any campaign contributions made for ANY council member for that council member's last election or since." |
| 9 | Yes (6-1) | 2.473 (a) (2) | Remove the item on registering lobbyist has to report things done in the last year when the lobbying ordinance was not in effect. <i>Motion: accept strikethrough and add a statement of all municipal questions on which the lobbyists or its agents or employees have been hired to engage in lobbying on behalf of the client.</i> |
| 10 | Yes (7-0) | 2.473 (b) | New item. Specify information updates go on the register/update/remove form |

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| 11 | Yes (7-0) | 2.473 (c) | New item. How to Unregister, or more clearly, retire that ID. And to make it clear that we will need that last report. Same form as registration, just check the REMOVE (or other word) and not all information will be needed. Name, address, company name, and ID should be all that's needed for a REMOVE. |
| 12 | Yes (7-0) | 2.473 b/d | Activity reports. Give the City Clerk two weeks to process and post the reports. Motion to add clarity: in 10 business days |
| 13 | Yes (7-0) | 2.473 b/d 1 | In 2.473, b 1, ADD Lobby Registration ID as something to go on any and all reports. |
| 14 | Yes (7-0) | 2.473, b 2 | In include any identifying information, if known at the time of the report, to further specify the reason for the discussion. Example ZC-yr-##. This can ensure that complaints are accurate. |
| 15 | Yes (7-0) | 2.473, c | In Production of Records, need to add that these are records solely related to lobbying. Motion: to reject this item but amend 1st sentence to read: "It may be required for a registered lobbyist or representative of a registered lobbyist to produce certain documentation directly related to lobbying activities in the event of an ethics hearing." |
| 16 | Yes (7-0) | 2.473, d/f | Verb tense is incorrect, Council Members will be responsible for reports. Already included here is that for meetings with staff, that staff will report |
| 17 | Yes (7-0) | 2.473 d/f | These activity reports shall then be made available to the public by the City Clerk's office by the first of the following month on the City website. We have to give the Clerk a reasonable amount of time to post the information. That gives her two weeks to post it. And we want it on the web which we intend to do but this specifies to the public that it will be. |
| 18 | No vote (repeat of #14 listed) | 2.473, b/d 2 | Include any identifying information, if known at the time of the report, to further specify the reason for the discussion. Example ZC-yr-##. |
| 19 | Yes (7-0) | 2.473, d/f 5 | Add ID to the activity reports to ensure clarity as to which lobbyist is reporting. |

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| 20 | Motion 1 (e/g) No (7-0) Motion 2 (h) Yes (7-0) | 2.473 e/g h | Responsibility of providing guidance goes to the City Attorney's office to provide guidance on who has to register and who does not. Administration be such that E (1) – (5) (now 2-5 renumbered) is only City Clerk shall "Provide guidance and assistance on the registration... |
| 21 | Yes (7-0) | 2.474 (10) | Exceptions - We should add alcohol CUP included to make this clear. This is one occasion when the Planning and Zoning Commission hears from a lot of people. |
| 22 | No (6-1) | 2.474 (11) | Insert "social service" in front of "non-profit" here! Need to change from "non-profit" to "social service non-profit" because there are non-profits whose sole reason for being is to lobby. No problem with that but our exemption discussions have been about social service non-profits. |
| 23 | No vote | 2.475. (7) | Limitations on gifts. Is this any different from gifts elsewhere in our code? Yes Can we just reference the current section? No |
| 24 | No vote | 2.475 (8) | RFPs, etc. is this any different from what we already have in our code? Can we just reference the current section? This exists elsewhere and if applied here it's applied more broadly. |
| 25 | No vote | 2.476 | Complaints, review and hearings; sanctions for violations What is the statute of limitations on filing a complaint? 12 months per Sec. 2.444 (a)(1)g What would be the start date? |
| 26 | Motion 1 (time limit) Yes (7-0) Motion 2 (# of) Yes (7-0) Motion 3 (7-0) | 2.476 b/c | Complaints. We need a limit on the number of times a complaint can be filed, per person, that perhaps is just a delaying tactic for a project. We also need to limit the timeframe in which a complaint can be filed. Motion 1: Complaints regarding the alleged failure of registration or reporting must be filed within 12 months pursuant to Sec. 2.444 (a)(1)g in the Code of Ethics. Motion 2: Once a determination is made, any subsequent complaint alleging the same facts will not be accepted. Motion 3: Requests for determinations regarding requirements to register as a lobbyist or complaints regarding an individual's failure to register a lobbyist shall be referred to the Ethics Review Commission for a final decision to be made within thirty (30) days. During the this review process, any contract awards, activities, and applications that require a determination regarding the lobbyist registration requirement shall not be considered or approved. |

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| 27 | Yes (6-1) | 2.476 c/d 3 | Add "Ethics Review" in front of "Commission" to remove any doubt about which commission has the power to do this. This is the only occurrence of just "commission" in the ordinance with Ethics Review in front of it. |
| 28 | No (7-0) | 2.476 c 3 | <p>"Suspension of any business brought before the city or currently being processed by the registered lobbyists or the people or entities they represent."</p> <p>I first read this as the BUSINESS (the company) would be suspended! Clearly that's not the case. To be clear by inserting "city" in front of business Motion: replace "business" with "any matter" due to redundancy because it already reads "before the city"</p> |