

Discussion Draft of March 17, 2023
Revised Municipal Lobbying Ordinance
Ethics Commission Proposal
with Ad Hoc Government Reform Committee Revisions

SEC. 48.01. Title and Findings.

A. **Title.** This Article shall be known and may be cited as the Los Angeles Municipal Lobbying Ordinance.

B. **Findings.** The following findings are adopted in conjunction with the enactment of this Article:

1. City government functions to serve the needs of all citizens.
2. The citizens of the City have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests.
3. ~~All persons engaged in compensated activities aimed at influencing decisions by City government must, when so engaged, be subject to the same regulations, restrictions, and requirements, regardless of their background, training, other professional qualifications, license, title, or purpose.~~
4. Complete public disclosure of the full range of activities by and financing of lobbying entities and those who employ their services is essential to maintain public confidence in the integrity of City government.
5. It is in the public interest to ensure that lobbying entities,

nonprofit filers, and nonprofit representatives do not misrepresent facts or their positions, do not attempt to deceive City personnel, do not place City personnel under personal obligation to themselves or their clients, and do not represent that they can control the actions of City personnel.

6. It is in the public interest to ensure adequate and effective disclosure of information about efforts to lobby City government.

SEC. 48.02. Definitions.

The following terms have the meanings set forth below. Other terms used in this Article have the meanings set forth in the California Political Reform Act of 1974, as amended, and in the regulations of the California Fair Political Practices Commission, as amended.

- A. “Activity expense”** means a payment, including a gift, made by a lobbying entity to or directly benefiting any City personnel or member of any City personnel’s immediate family.
- B. “Agency”** means the City of Los Angeles; a department, bureau, office, board, commission, or entity required to adopt a conflict of interests code subject to City Council approval; or a neighborhood council certified under Article IX of the Charter.

C. “At the behest” means under the control of, at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express prior consent of an elected City officer or candidate for elected City office. A donation to a religious, charitable, or other nonprofit organization is not made at the behest of an elected City officer or candidate for elected City office if the donation is solicited through a newspaper publication, through radio, television, or other mass media, or through a suggestion made to the entire audience at a public gathering. A donation to a religious, charitable, or other nonprofit organization is not made at the behest of an elected City officer or candidate for elected City office solely because the name of the officer or candidate is listed with one or more other names on written materials used to request donations or the officer or candidate makes a speech to the entire audience or is honored and given an award at an event sponsored by the organization.

D. “Attempting to influence” means promoting, supporting, opposing, or seeking to modify, expedite, or delay any action in a City matter by any means, including but not limited to providing or using persuasion, information, statistics, analyses, or studies.

E. “City matter” means a matter that is proposed to or pending with an agency, or in which an agency may take an action, that involves discretion. **The term includes matters that do not have a City reference number or are newly raised by a lobbying entity, client, nonprofit**

representative, or nonprofit filer. The term does not include the following:

1. A request for advice or for an interpretation of a law, regulation, or policy.
2. A direct response by a witness or respondent to an enforcement proceeding with the Ethics Commission or other agency.
3. Either of the following, unless the Mayor, a City Council member, or a member of one of their respective staffs is involved:
 - a. An action relating to establishing, amending, administering, or interpreting a collective bargaining agreement or memorandum of understanding between an agency and a recognized City personnel organization, including a management decision regarding the working conditions of represented employees.
 - b. A proceeding before the Board of Civil Service Commissioners or the Employee Relations Board.
4. Legal representation by a licensed attorney for a party in litigation or an enforcement proceeding with an agency.
5. **A communication related to performance pursuant to an agency contract, so long as the communication does not involve a potential change in law, regulation, or policy. For purposes of this paragraph, a written response to a**

written request from an agency directed individually to a contracted party for information, input, or feedback is not a communication involving a potential change in law, regulation, or policy.

F. “City personnel” means one or more of the following individuals who participate in the consideration of any City matter other than in a purely ministerial capacity: an elected City officer; an agency officer, member, commissioner, board member, or employee; a neighborhood council member; or an agency consultant who qualifies as a public official under the Political Reform Act.

G. “Client” means the person on whose behalf a lobbyist or lobbying firm attempts to influence one or more City matters and, as a result, the lobbyist or lobbying firm becomes entitled to receive \$250 or more in compensation, or the person who pays the compensation. Client does not include an individual member of a bona fide trade association or membership organization that is represented by a lobbyist or lobbying firm, unless the member provides compensation for personal representation in addition to usual membership fees or the member pays a special assessment to the trade association or membership organization to pay a lobbying entity.

H. “Compensation” means money or any other tangible or intangible thing of value that is provided, owed, or received in exchange for services rendered or to be rendered. The term includes bonuses and contingent fees, regardless of whether payment

is ultimately received, and ownership interests in organizations.

Compensation does not include reimbursements for reasonable travel expenses. There is a rebuttable presumption that compensation for lobbying services includes all payments given or owed by or on behalf of a client. A person becomes entitled to receive compensation on the earlier of the date the person agrees to provide services subject to this Article or the date the person begins to provide those services.

I. “Controlled committee” means a City committee controlled by an elected City officer or candidate for elected City office, including any campaign, officeholder, legal defense, or ballot measure committee.

J. “Direct communication” means appearing as a witness before, talking to, corresponding with, or answering questions or inquiries from, any City personnel, either personally or through an agent.

K. “Donation” means a payment to a religious, charitable, or other nonprofit organization for which full and adequate consideration is not received.

L. “Elected City office” has the same meaning as in Section 49.7.2(G).

M. “Elected City officer” has the same meaning as in Section 49.7.2(H).

N. “Fundraising activity” means any of the following:

1. Asking another person, either personally or through an agent, to

make a contribution to an elected City officer, a candidate for elected City office, a controlled committee, or a primarily formed committee. Fundraising activity does not include making a request through mass media or through a suggestion made to the entire audience at a public gathering.

~~2. Delivering or acting as an intermediary in a contribution to an elected City officer, a candidate for elected City office, a controlled committee, or a primarily formed committee.~~

32. Hiring a person to conduct a fundraising event.

43. Paying for at least a majority of the costs of a fundraising event.

54. Providing the use of a home or business to hold a fundraising event without charging fair market value for the use of that location.

65. Asking 15 or more persons to attend a fundraising event or providing the names of 15 or more persons to be invited to a fundraising event.

76. Making or incurring expenses for or distributing to 15 or more persons a request for funds for an elected City officer, a candidate for elected City office, a controlled committee, or a primarily formed committee.

87. Allowing one's name or likeness to be used in an invitation to a fundraising event or a request for funds for an elected City officer, a

candidate for elected City office, a controlled committee, or a primarily formed committee.

O. **“Fundraising event”** means an event designed primarily for political fundraising, at which contributions for an elected City officer, a candidate for elected City office, a controlled committee, or a primarily formed committee are solicited, delivered, or made.

P. **“Lobbying activities”** includes the following and any similar compensated conduct when that conduct is related to an attempt to influence a City matter:

1. Engaging in, either personally or through an agent, written or oral direct communication with any City personnel;
2. Drafting communications, testimony, ordinances, resolutions, or regulations;
3. Providing advice or recommending strategy to a client or others;
4. Conducting research, conducting an investigation, or gathering information;
5. Seeking to influence the position of a third party on a City matter or an issue related to a City matter by any means, including but not limited to engaging in community, public, or media relations activities; and
6. Traveling to, attending, or monitoring agency meetings or hearings or other City events.

Q. “Lobbying entity” means a lobbyist, lobbying firm, lobbyist employer, or major filer.

R. “Lobbying firm” means an entity, including an individual lobbyist, which receives or becomes entitled to receive \$1,000 or more in compensation for engaging in lobbying activities (either personally or through an agent) for the purpose of attempting to influence one or more City matters on behalf of another person, provided a partner, owner, shareholder, member, officer, or employee of the entity qualifies as a lobbyist.

S. “Lobbyist” means an individual who receives or becomes entitled to receive \$5,000 or more in compensation in a consecutive 12-month period for engaging in lobbying activities (either personally or through an agent) which include at least one direct communication with any City personnel, for the purpose of attempting to influence one or more City matters on behalf of another person. **The term does not include a partner, owner, shareholder, member, officer, or employee of a nonprofit filer who engages in lobbying activities only on behalf of the nonprofit filer or its constituency.**

T. “Lobbyist employer” means an entity, other than a lobbying firm or nonprofit filer, ~~that employs~~ **has a partner, owner, shareholder, member, officer, or employee who qualifies as a lobbyist to lobby as a result of engaging in lobbying activities on its behalf of the entity.**

U. “Major filer” means a person other than a lobbyist, lobbying firm, or lobbyist employer who makes payments or incurs expenditures totaling \$5,000 or more in a consecutive 12-month period for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities, for the purpose of attempting to influence action on one or more City matters when the payments or expenditures are not required to be reported on a lobbyist, lobbying firm, or lobbyist employer quarterly report. Expenditures and payments for regularly published newsletters or other routine communications between an organization and its members shall not be included for the purpose of this definition.

V. “Nonprofit representative” means an individual who is a partner, owner, shareholder, member, officer, or employee of a nonprofit filer and receives or becomes entitled to receive \$5,000 or more from the nonprofit filer in a consecutive 12-month period for engaging in lobbying activities (either personally or through an agent) for the purpose of attempting to influence one or more City matters on behalf of the nonprofit filer or its constituency.

W. “Nonprofit filer” means an organization that is exempt from federal taxation pursuant to Section 501(c)(3) or Section 501(c)(5) of the Internal Revenue Code and has a partner, owner, shareholder, member, officer, or employee who qualifies as a nonprofit representative.

X. “Primarily formed committee” means a committee that is primarily formed to support or oppose an elected City officer, a candidate for elected City office, or a proposed City ballot measure.

SEC. 48.03. Exemptions.

The following persons are exempt from the requirements of this Article:

- A. A public official or government employee acting in an official capacity and within the scope of their employment.
- B. A media outlet that publishes or broadcasts news, editorials, or other comments, or paid advertising, which directly or indirectly attempts to influence action on a City matter and the media outlet’s employees engaged in the same activity. This exemption does not apply to any other action by the media outlet or its employees.
- ~~C. A person performing pursuant to an agency contract.~~
- ~~DC.~~ A person whose only activity is submitting a bid or a written response to a request for proposals or qualifications in a competitive bid process, responding to questions posed by the awarding agency during a competitive bid process, or negotiating the terms of a written agreement with the awarding agency if selected pursuant to a competitive bid process. This exemption does not apply to a person who attempts to influence the Mayor, a City Council member, a staff member of the

Mayor or a City Council member, or a board or commission member with regard to a competitive bid process.

~~E. An organization that is exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code when either of the following applies:~~

- ~~1. The organization was created primarily to provide food, clothing, shelter, child care, health care, legal services, vocational services, relief, or other similar assistance to disadvantaged people at a significantly below-market rate.~~
- ~~2. The organization had gross receipts of less than \$2 million in the previous tax year.~~

~~This exemption also applies to the organization’s employees and board members while engaged in official duties. This exemption does not apply to an attempt by the organization or its employees or board members to influence a City matter regarding funding, a contract, or a permit for the organization.~~

SEC. 48.04. Prohibitions.

- A. No Lobbying entities, nonprofit filers, nonprofit representatives, and or clients shall ~~not~~ do any of the following:
 - A1. Engage in an act with the intent of placing any City personnel under personal obligation to the lobbying entity, nonprofit filer, nonprofit representative, or client.

~~B~~2. Deceive or attempt to deceive any City personnel with regard to a material fact that is pertinent to a City matter.

~~C~~3. Cause or influence the introduction of a City matter for the purpose of thereafter being employed or retained to secure its passage or defeat.

~~D~~4. Cause a communication to be sent to any City personnel in the name of a nonexistent person or in the name of an existing person without that person's consent.

~~E~~5. Offer, make, or arrange for a contribution or gift to any City personnel or a candidate for elected City office that would violate the City Charter, the Campaign Finance Ordinance (Sections 49.7.1 *et seq.*), or the Governmental Ethics Ordinance (Sections 49.5.1 *et seq.*).

B. Lobbying entities shall not deliver or transmit, either personally or through an agent, a contribution made by another person to an elected City officer, a candidate for elected City office, or a controlled committee if the lobbying entity is registered, in the previous 90 days was registered, or is required to be registered to lobby the agency of the elected City officer or the agency to which the candidate seeks election.

C. The bans on contributions, gifts, and appointments to commissions that apply to lobbying entities do not apply to nonprofit filers or nonprofit representatives.

SEC. 48.05. Record Keeping Responsibilities.

A. Lobbying entities and nonprofit filers shall prepare and retain detailed records that demonstrate compliance with this Article.

B. Treasurers and fundraisers for elected City officers, candidates for elected City office, controlled committees, and primarily formed committees shall prepare and retain detailed contribution activity records for contributions received as a result of fundraising activity engaged in by a lobbying entity.

C. A lobbying entity or nonprofit filer and its vendors and clients shall make a record that details activity governed by this Article available to the Ethics Commission upon request.

D. Records shall be maintained for at least ~~four~~-five years. If a record relates to activity that must be disclosed through a public filing, the record shall be maintained for at least ~~four~~-five years after the filing deadline.

SEC. 48.06. Filing Methods.

A. All registrations, reports, and other filings required by this ~~a~~Article must be submitted under penalty of perjury by the person who is required to file and must be filed in a format prescribed by the Ethics Commission. The Ethics Commission shall provide public access to all filings.

B. ~~A Lobbying entities and persons who qualify as lobbying entities and a~~ nonprofit filer must file a registrations,

quarterly reports, terminations, and amendments to those filings electronically.

- C. If an electronic filing is required, the Ethics Commission must provide a unique identifier to the person who is required to file, to be used in place of a physical signature for submitting and verifying data under penalty of perjury. All electronic filings are presumed to be filed under penalty of perjury by the person required to file.
- D. If a paper filing is required, it must contain the physical signature of the person who is required to file. A document is considered filed on the earlier of the date of receipt by the Ethics Commission or the date of the postmark if it is mailed and bears the correct address and postage.

SEC. 48.07. Registration.

- A. **Requirement.** A person who qualifies as a lobbying entity or nonprofit filer shall register with the Ethics Commission within 10 calendar days after qualifying as a lobbying entity. A lobbying entity or nonprofit filer shall file an amendment to its registration statement within 10 calendar days after the information in the registration statement changes.
- B. **Duration of Status.** A person who registers as a lobbying entity or nonprofit filer shall retain that status through the earlier of December 31 of that year or the date of filing a termination statement. A lobbying entity or nonprofit filer may file a termination statement after ceasing all activity governed by this Article. A

termination date may not be more than 20 calendar days prior to the date the termination statement is filed.

- C. **Registration Fees.** A lobbying entity shall pay an annual registration fee of \$450. An individual who qualifies as both a lobbyist and a lobbying firm shall pay a registration fee only as a lobbying firm. A lobbyist shall pay an annual registration fee of \$75 for each client. A nonprofit filer shall pay an annual registration fee of \$__. A lobbying entity or nonprofit filer is not considered timely registered unless it has paid all required registration fees by the registration deadline.

D. Contents of Registration Statements — Lobbyists.

A lobbyist shall contain the following:

1. The lobbyist's name, address, email, and telephone number.
2. The date of qualification as a lobbyist.
3. The name, address, email, and telephone number of the lobbying firm, if any, of which the lobbyist is an employee, partner, officer, shareholder, member, or owner.
4. If the lobbyist is not an employee, partner, officer, shareholder, member, or owner of a lobbying firm, the name, address, email, and telephone number of the lobbyist's employer.
5. Each agency that the lobbyist has attempted or will attempt to influence on behalf of a client.

6. Each City matter that the lobbyist has attempted or will attempt to influence, any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.
7. A statement that the lobbyist has reviewed and understands the requirements of this Article.
8. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.

E. Contents of Registration

Statements — Lobbying Firms. A rRegistration statements of a lobbying firms (including a lobbyists who also qualify as a lobbying firms) shall contain the following:

1. The name, address, email, and telephone number of the lobbying firm and an individual who is an owner or employee with the authority to act on behalf of the lobbying firm.
2. The name of each lobbyist who is a partner, owner, shareholder, member, officer, or employee of the firm.
3. The date of qualification as a lobbying firm.
4. For each client:
 - a. The name, address, email, and telephone number of the client and, if the client is a business or other organization, an individual who is an owner or

employee with the authority to act on behalf of the client.

- b. Each agency that the lobbying firm has attempted or will attempt to influence on behalf of the client.
- c. Each City matter the lobbying firm has attempted or will attempt to influence, any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.

5. A statement that the lobbying firm has reviewed and understands the requirements of this Article.

6. The name, title, address, email, and telephone number of the person responsible for preparing the statement.

7. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.

F. Contents of Registration

Statements – Lobbyist Employers.

A rRegistration statements of a lobbyist employers shall include the following:

1. The name, address, email, and phone number of the lobbyist employer and, if the lobbyist employer is a business or other organization, an individual who is an owner or employee with the authority to act on behalf of the lobbyist employer.

2. The date of qualification as a lobbyist employer.
3. The name of each lobbyist who is a partner, owner, shareholder, member, officer, or employee of the lobbyist employer.
4. Each agency the lobbyist employer has attempted or will attempt to influence.
5. Each City matter the lobbyist employer has attempted or will attempt to influence, any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.
6. A statement that the lobbyist employer has reviewed and understands the requirements of this Article.
7. The name, title, address, email, and telephone number of the person responsible for preparing the statement.
8. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.

G. Contents of Registration Statements — Major Filers.

A registration statements of a major filers shall include the following:

1. The name, address, email, and phone number of the major filer- and; if the major filer is a business or other organization, an individual who is an owner or employee with the authority to act on behalf of the

major filer; and, if the major filer is an organization exempt from taxation under the Internal Revenue Code, the tax identification number.

2. The date of qualification as a major filer.
3. Each agency the major filer has attempted or will attempt to influence.
4. Each City matter the major filer has attempted or will attempt to influence, any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.
5. A statement that the major filer has reviewed and understands the requirements of this Article.
6. The name, title, address, email, and telephone number of the person responsible for preparing the statement.
7. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.

H. Contents of Registration Statements — Nonprofit Filers.

A registration statement of a nonprofit filer shall include the following:

1. The name, address, email, tax identification number, and telephone number of the nonprofit filer.

2. The section of the Internal Revenue Code under which the nonprofit filer is tax exempt.
3. The date of qualification as a nonprofit filer.
4. The name and title of the nonprofit filer's executive director or chief administrative officer.
5. The name and title of each nonprofit representative who is a partner, owner, shareholder, member, officer, or employee.
6. Each agency the nonprofit filer has attempted or will attempt to influence.
7. Each City matter the nonprofit filer has attempted or will attempt to influence, any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.
8. A statement that the nonprofit filer has reviewed and understands the requirements of this Article.
9. The name, title, address, email, and telephone number of the person responsible for preparing the statement.
10. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this article.

SEC. 48.08. Disclosure Reports.

A. Reporting Requirement. Every lobbying entity and nonprofit filer shall

disclose activity for each calendar quarter during which the lobbying entity or nonprofit filer is registered or qualifies as a lobbying entity or nonprofit filer. Disclosure reports must be filed on or before the last day of the month following each calendar quarter. An individual who qualifies as both a lobbyist and a lobbying firm shall file only a lobbying firm quarterly report.

B. Quarterly Reports by Lobbyists — Contents. A quarterly report by a lobbyist shall contain the following information:

1. The lobbyist's name, address, email, and telephone number.
2. The lobbying firm, if any, of which the lobbyist is a partner, owner, shareholder, member, officer, or employee.
3. If the lobbyist is not a partner, owner, shareholder, member, officer, or employee of a lobbying firm, the name, address, email, and telephone number of any employer of the lobbyist's.
4. The date, amount, and description of each activity expense of \$25 or more made by the lobbyist; the name and title of the City personnel benefiting from the expense; the name and address of the payee; and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event

- at which the lobbyist attempted to influence any City personnel on behalf of the client.
5. The total amount of activity expenses made by the lobbyist, whether or not itemized.
 6. The name of any elected City officer, candidate for elected City office, controlled committee, or primarily formed committee to which the lobbyist made or earmarked contributions of \$100 or more, or which were delivered by the lobbyist, or in connection with which the lobbyist acted as an intermediary, and the date and amount of the contribution.
 7. The fundraising activity in which the lobbyist engaged, including the names of the individuals and committees on whose behalf the activity was conducted, the dates of the activity, filings that were made under Section 48.09, and the amount of funds the lobbyist knows or has reason to know were raised as a result of the activity.
 8. The dates and amounts of one or more contributions aggregating \$1,000 or more made or earmarked by the lobbyist at the behest of an elected City officer or candidate for elected City office to controlled committees of other elected City officers and candidates for elected City office or to primarily formed committees; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.
 9. The dates, amounts, and descriptions of one or more donations aggregating \$1,000 or more made by the lobbyist at the behest of an elected City officer or candidate for elected City office to any religious, charitable, or other nonprofit organization; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.
 10. The compensated services, including consulting services, provided by the lobbyist to a candidate for elected City office or to a campaign for or against a candidate for elected City office or a proposed City ballot measure; the name of the candidate or committee or the ballot number or letter; the elected City office sought by the candidate; the date of the election; the amount of compensation the lobbyist received; the amount of compensation the lobbyist became entitled to receive; and a description of the services provided. This information shall be reported if the lobbyist personally provided the services or if the services were provided by a business entity in which the lobbyist directly or indirectly owns at least a 10% interest, whether the compensation was provided directly to the lobbyist or to such business entity.
 11. The compensated services provided by the lobbyist under

contract with an agency, including consulting services, the amount of compensation the lobbyist received; the amount of compensation the lobbyist became entitled to receive; the agency for which the services were provided; a description and identification number of the contract; and a description of the services provided. This information shall be reported if the lobbyist personally provided the services or if the services were provided by a business entity in which the lobbyist directly or indirectly owns at least a 10% interest, whether the compensation was provided directly to the lobbyist or to such business entity.

12. Each agency that the lobbyist attempted to influence.
13. A description of each City matter the lobbyist attempted to influence, including any address related to the City matter, any City reference numbers related to the matter, and the position taken on the matter.
14. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.

C. Quarterly Reports by Lobbying Firms — Contents. A ~~Quarterly~~ quarterly reports by a lobbying firms shall contain the following information:

1. The name, address, email, and telephone number of the firm.

2. The name of each lobbyist who is a partner, owner, shareholder, officer, member, or employee of the firm.
3. The name, address, email, and telephone number of each client that is required to be registered and was represented by the firm; a description of each City matter for which the firm or its lobbyists represented the client, including any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter; each agency the lobbying firm attempted to influence; the total amount of compensation received by the firm from each client for each City matter (including all fees, reimbursements for expenses and other payments); and the total amount of compensation the firm became entitled to receive from each client for each City matter.
4. The total compensation that the firm received and became entitled to receive from clients.
5. The date, amount, and description of each activity expense of \$25 or more made by the lobbying firm; the name and title of the City personnel benefiting from the expense; the name and address of the payee and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event

- at which the lobbying firm attempted to influence any City personnel on behalf of the client.
6. The total amount of activity expenses made by the lobbying firm, whether or not itemized.
 7. The total amount of expenses incurred in connection with attempts by the firm to influence one or more City matters. These expenses shall include:
 - a. Total payments to lobbyists employed by the firm;
 - b. Total payments to employees of the firm, other than lobbyists, who engaged in attempts to influence one or more City matters; and
 - c. Total expenses attributable to attempts to influence each City matter, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each expense of \$1,000 or more shall be itemized and described.
 8. The name of any elected City officer, candidate for elected City office, controlled committee, or primarily formed committee to which the lobbying firm made or earmarked contributions of \$100 or more, or which were delivered by the lobbying firm, or in connection with which the lobbying firm acted as an intermediary, and the date and amount of the contribution.
 9. The fundraising activity in which the lobbying firm engaged, including the names of the individuals and committees on whose behalf the activity was conducted; the dates of the activity; filings that were made under Section 48.09; and the amount of funds the lobbying firm knows or has reason to know were raised as a result of the activity.
 10. The dates and amounts of one or more contributions aggregating \$1,000 or more made or earmarked by the lobbying firm at the behest of an elected City officer or candidate for elected City office to controlled committees of other elected City officers and candidates for elected City office or to primarily formed committees; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behest; and the dates of the behests.
 11. The dates, amounts, and descriptions of one or more donations aggregating \$1,000 or more made by the lobbying firm at the behest of an elected City officer or candidate for elected City office to any religious, charitable, or other nonprofit organization; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.

12. The compensated services, including consulting services, provided by the lobbying firm to a candidate for elected City office or to a campaign for or against a candidate for elected City office or a proposed City ballot measure; the name of the candidate or committee; or the ballot number or letter; the elected City office sought by the candidate; the date of the election; the amount of compensation the lobbying firm received; the amount of compensation the lobbying firm became entitled to receive; and a description of the services provided.

13. The compensated services under contract with an agency, including consulting services, provided by the lobbying firm, including the amount of compensation the lobbying firm received; the amount of compensation the lobbying firm became entitled to receive; the agency for which the services were provided; a description and identification number of the contract; and a description of the services provided. For a lobbyist who also qualifies as a lobbying firm, such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist directly or indirectly owns at least a 10% interest, regardless of whether the compensation was provided directly to the lobbyist or to such business entity.

14. Each agency that the lobbyist attempted to influence.

15. The name, title, address, email, and telephone number of the person responsible for preparing the report.

16. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.

D. Quarterly Reports by Lobbyist Employers — Contents. A

Quarterly reports by a lobbyist employers shall contain the following information.

1. The name, address, email, and telephone number of the lobbyist employer.

2. The name of each lobbyist who is ~~employed by a~~ partner, owner, shareholder, member, officer, or employee of the lobbyist employer.

3. Total payments to lobbyists employed by the lobbyist employer. Such payments shall include solely payments for compensation and reimbursement of expenses relating to the lobbyists' attempts to influence one or more City matters.

4. Total payments to employees of the lobbyist employer, other than lobbyists, who engaged in attempts to influence one or more City matters. Such payments shall include payments for compensation and reimbursement

- of expenses relating to such persons' attempts to influence City matters.
5. Total payments for expenses incurred in connection with attempts to influence each City matter, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each expense of \$1,000 or more shall be itemized and described.
 6. Each agency the lobbyist employer attempted to influence.
 7. A description of each City matter the lobbyist employer attempted to influence, including any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.
 8. The date, amount, and description of each activity expense of \$25 or more made by the lobbyist employer; the name and title of the City personnel benefiting from the expense; and the name and address of the payee.
 9. The total amount of activity expenses made by the lobbyist employer, whether or not itemized.
 10. The name of any elected City officer, candidate for elected City office, controlled committee, or primarily formed committee to which the lobbyist employer made or earmarked contributions of \$100 or more, or which were delivered by the lobbyist employer, or in connection with which the lobbyist employer acted as an intermediary; and the date and amount of the contribution.
 11. The fundraising activity in which the lobbyist employer engaged, including the names of the individuals and committees on whose behalf the activity was conducted; the dates of the activity; filings that were made under Section 48.09; and the amount of funds the lobbyist employer knows or has reason to know were raised as a result of the activity.
 12. The dates and amounts of one or more contributions aggregating \$1,000 or more made or earmarked by the lobbyist employer at the behest of an elected City officer or candidate for elected City office to controlled committees of other elected City officers and candidates for elected City office or to primarily formed committees; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.
 13. The dates, amounts, and descriptions of one or more donations aggregating \$1,000 or more made by the lobbyist employer at the behest of an elected City officer or candidate for elected City office to any religious, charitable, or other nonprofit organization; the names and addresses of the payees; the

- name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.
14. The compensated services, including consulting services, provided by the lobbyist employer to a candidate for elected City office or to a campaign for or against a candidate for elected City office or a proposed City ballot measure; the name of the candidate or committee; or the ballot number or letter; the elected City office sought by the candidate; the date of the election; the amount of compensation the lobbyist employer received; the amount of compensation the lobbyist employer became entitled to receive; and a description of the services provided.
 15. The compensated services under contract with an agency, including consulting services, provided by the lobbyist employer; the amount of compensation the lobbyist employer received; the amount of compensation the lobbyist employer became entitled to receive; the agency for which the services were provided; a description and identification number of the contract; and a description of the services provided.
 16. The name, title, address, email, and telephone number of the person responsible for preparing the report.
 17. Any other information required by the Ethics Commission, consistent with the purposes and provisions of this Article.
- E. Quarterly Reports by Major Filers — Contents.** A 1~~Q~~ quarterly reports by a major filers shall contain the following information:
1. The name, address, email, and telephone number of the ~~person filing the report~~ major filer and, if the major filer is exempt from taxation under the Internal Revenue Code, the tax identification number.
 2. Each agency the major filer attempted to influence.
 3. A description of each City matter which the major filer attempted to influence, including any address related to the matter, any City reference numbers related to the matter, and the position take on the matter.
 4. The total payments made and expenses incurred for the purpose of attempting to influence each City matter, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each expense of \$1,000 or more shall be itemized and described.
 5. The date, amount, and description of each activity expense of \$25 or more made by the major filer; the name and title of the City personnel benefiting from the expense; and the name and address of the payee.

6. The total amount of activity expenses made by the major filer, whether or not itemized.
7. The name of any elected City officer, candidate for elected City office, controlled committee, or primarily formed committee to which the major filer made or earmarked contributions of \$100 or more, or which were delivered by the major filer, or in connection with which the major filer acted as an intermediary; and the date and amount of the contribution.
8. The fundraising activity in which the major filer engaged, including the names of the individuals and committees on whose behalf the activity was conducted; the dates of the activity; filings that were made under Section 48.09; and the amount of funds the major filer knows or has reason to know were raised as a result of the activity.
9. The dates and amounts of one or more contributions aggregating \$1,000 or more made or earmarked by the major filer at the behest of an elected City officer or candidate for elected City office to controlled committees of other elected City officers and candidates for elected City office or to primarily formed committees; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.
10. The dates, amounts, and descriptions of one or more donations aggregating \$1,000 or more made by the major filer at the behest of an elected City officer or candidate for elected City office to any religious, charitable, or other nonprofit organization; the names and addresses of the payees; the name of the elected City officer or candidate for elected City office who made the behests; and the dates of the behests.
11. The compensated services, including consulting services, provided by the major filer to a candidate for elected City office or to a campaign for or against a candidate for elected City office or a proposed City ballot measure; the name of the candidate or committee; the ballot number or letter; the elected City office sought by the candidate; the date of the election; the amount of compensation the major filer received; the amount of compensation the major filer became entitled to receive; and a description of the services provided.
12. The compensated services under contract with an agency, including consulting services, provided by the major filer, including the amount of compensation the major filer received; the amount of compensation the major filer became entitled to receive; the agency for which the services were provided; a description and identification number of the

contract; and a description of the services provided.

13. The name, title, address, email, and telephone number of the person responsible for preparing the report.
14. Any other information required by the Ethics Commission, consistent with the purposes and provision of this Article.

F. Quarterly Reports by Nonprofit Filers — Contents. A quarterly reports by a nonprofit filers shall contain the following information:

1. The name, address, email, tax identification number, and telephone number of the nonprofit filer.
2. The section of the Internal Revenue Code under which the nonprofit filer is tax exempt.
3. Each agency the nonprofit filer attempted to influence.
4. A description of each City matter which the nonprofit filer attempted to influence, including any address related to the matter, any City reference numbers related to the matter, and the position taken on the matter.
5. The total non-salary payments made and expenses incurred for the purpose of attempting to influence each City matter, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each expense of

\$1,000 or more shall be itemized and described.

6. The name, title, address, email, and telephone number of the person responsible for preparing the report.

SEC. 48.09. Copies of Solicitations.

Each lobbying entity that produces, pays for, mails, or distributes 15 or more substantially similar copies of a fundraising solicitation for an elected City officer, candidate for elected City office, controlled committee, or primarily formed committee shall send a copy of the solicitation to the Ethics Commission at the time the solicitation is first distributed. The lobbying entity shall report the dates on which the solicitation was mailed or distributed, a general description of the content of the solicitation, the number of pieces mailed or distributed, and the name of the individual or committee for which the funds were solicited.

SEC. 48.10. Lobbying Disclosure — Fundraising Activity.

- A. A lobbying entity who engages in fundraising activity must file a notice with the Ethics Commission when either of the following thresholds is met within any 12-month period:
 1. Aggregate contributions totaled \$15,000 or more for a City Council member; a candidate for City Council; a City Council member's controlled committee; or a committee primarily formed to support or oppose a City Council member or candidate.

2. Aggregate contributions totaled \$35,000 or more for the Mayor, City Attorney, or Controller; a candidate for Mayor, City Attorney, or Controller; a controlled committee of the Mayor, City Attorney, or Controller; or a committee primarily formed to support or oppose the Mayor, City Attorney, Controller, or candidate for Mayor, City Attorney, or Controller.
- B. The notice shall be filed on a form prescribed by the Ethics Commission within one business day after the lobbying entity knows or has reason to know that either of the thresholds in Subsection A has been exceeded. A separate notice must be filed for each elected City officer, candidate for elected City office, or controlled committee.
 - C. The notice shall contain the name, address, email, and telephone number of the filer; the name of the elected City officer, candidate for elected City office, controlled committee, or primarily formed committee on whose behalf the lobbying entity engaged in fundraising activities or delivered or acted as intermediary; the dates of the fundraising activity; and the amount of contributions raised, delivered, or in connection with which the lobbying entity acted as an intermediary.
 - D. For purposes of this section, a controlled committee does not include a committee that is primarily formed to support or oppose a proposed ballot measure or election to other than elected City office.

SEC. 48.11. Lobbying Disclosure —In Communications to Neighborhood Councils.

- A. When a lobbying entity, nonprofit filer, or nonprofit representative communicates, either personally or through an agent, with City personnel in writing or at a public meeting ~~at a neighborhood council or a neighborhood council member~~ on behalf of itself or a client, the lobbying entity, nonprofit filer, or nonprofit representative shall disclose or ensure the disclosure of its status as a lobbying entity, nonprofit filer, or nonprofit representative and the identity of the person on whose behalf the communication is made.
- B. For verbal communications, the disclosure shall be spoken at the beginning of the communication. For written communications, the disclosure shall be printed clearly, legibly, and conspicuously.

SEC. 48.12. Enforcement.

- A. **Audits.** The Ethics Commission shall have the authority to conduct audits of reports, statements, and other documents filed pursuant to this Article. Such audits may be conducted on a random basis or when the Ethics Commission staff has reason to believe that a report or statement may be inaccurate or has not been filed.
- B. **Criminal Penalties.**

1. A person who or willfully violates a provision of this Article is guilty of a misdemeanor. A person who knowingly or willfully causes any other person to violate a provision of this Article, or who knowingly or willfully aids and abets any other person in violating a provision of this Article, is guilty of a misdemeanor.
2. Prosecution for violating a provision of this Article must be commenced within ~~one~~ **five** years after the date on which the violation occurred.
3. No person convicted of a violation of this Article may act as a lobbyist or otherwise attempt to influence a City matter for compensation for one year after such conviction.
2. In determining the amount of a penalty pursuant to this subsection, the court shall take into account the seriousness of the violation and the degree of culpability of the defendant.
3. If two or more persons are responsible for a violation, they shall be jointly and severally liable.
4. No civil action alleging a violation of this Article shall be filed more than ~~four~~ **five** years after the date the violation occurred.

D. Injunction. The City Attorney, on behalf of the people of the City of Los Angeles, may seek injunctive relief to enjoin violations of or to compel compliance with the provisions of this Article.

C. Civil Enforcement.

1. A person who violates a provision of this Article shall be liable in a civil action brought by the City Attorney. Failure to properly report a receipt or expenditure may result in civil penalties not to exceed the amount not properly reported, or \$5,000, whichever is greater. Any other violation may result in civil penalties no greater than \$5,000 per violation or three times the amount of money at issue. If the court determines that a violation was intentional, the court may order that the defendant be prohibited from acting as a lobbyist or otherwise attempting to influence a City matter for one year.

E. Administrative Penalties. In addition to any criminal prosecution, civil enforcement, or injunctive relief, the Ethics Commission may impose penalties and issue orders for violations of this Article pursuant to its authority under Charter Section 706~~(e)~~ and **Administrative Code Division 24, Chapter 2.**

F. Late Filing Penalties. In addition to any other penalty or remedy available, if a person fails to file a report, statement, or other document required by this Article by the deadline imposed by this Article, such person shall be liable to the Ethics Commission in the amount of twenty-five dollars (\$25) per day after the deadline until the statement or report is filed, up to a maximum amount of \$500. Liability need not be enforced by the Ethics Commission if

its Executive Director determines that enforcement of the penalty would not further the purposes of this Article. Liability shall not be waived if a statement or report is not filed within 10 calendar days after the Ethics Commission has notified the filer of the filing requirement.

G. Restriction on Person Who Violates Certain Laws.

1. No person shall act or continue to act as a ~~lobbyist or lobbying firm~~ **entity, nonprofit filer, or nonprofit representative** for four years after that person has been found by the Ethics Commission to have violated City Charter Section 470(k). That determination shall be based either on a finding of the Ethics Commission made after an administrative hearing or on a stipulation entered into with the Ethics Commission.
2. If the Ethics Commission makes a finding that the person has done either of the following, the Ethics Commission may reduce the time period during which the prohibition applies to a period of not less than one year:
 - a. Accepted responsibility for the violation and entered into a stipulation with the Ethics Commission in which the party admits the violation or otherwise exhibits evidence of having accepted responsibility; or
 - b. Mitigated the wrongdoing by taking prompt remedial or corrective action.

SEC. 48.13. Bidder Notice.

Each agency shall include the Municipal Lobbying Ordinance in each invitation for bids, request for proposals, request for qualifications, or other solicitation related to entering into a contract with the City.

- A. The ordinance must be provided in at least 10-point font and may be provided through a link to the ordinance on the Ethics Commission's website. The ordinance is not required to be printed in a newspaper notice of the solicitation.
- B. This section does not apply to the renewal, extension, or amendment of an existing contract, as long as the solicitation for the original contract met the notice requirements and the renewal, extension, or amendment does not involve a new solicitation.
- C. For purposes of this section, "agency" does not include a state agency operating solely within the City, such as the Housing Authority of the City of Los Angeles.

SEC. 48.14. Education.

An individual who is registered or required to register as a lobbying entity, **qualifies as a nonprofit representative, or serves as a nonprofit filer's executive director or chief administrative officer** shall complete lobbying training provided by the Ethics Commission.

- A. A lobbying entity shall complete the training within 30 calendar days after first qualifying as a lobbying entity and, every two years thereafter, within 30 calendar days after registering.
- B. A nonprofit representative shall complete the training within 30 days after first qualifying as a nonprofit representative and, every two years thereafter, within 30 calendar days after the nonprofit filer registers.
- C. A nonprofit filer's executive director or chief administrative officer shall complete the training within 30 days after the nonprofit filer first qualifies as a nonprofit filer and, every two years thereafter, within 30 calendar days after the nonprofit filer registers.

SEC. 48.15. Severability.

If a provision of this Article or its application to any person or circumstance is held invalid by a court, the remainder of this Article and its application to other persons and circumstances shall not be affected by such invalidity. The provisions of this Article are declared to be severable.

Governmental Ethics Ordinance

SEC. 49.5.2. Definitions.

J. “Restricted source” means the following:

1. For elected City officers, a restricted source is the following:

- a. A person who registers or is required to register as a lobbying entity under Section 48.07 ~~or is a client, as defined in Section 48.02.~~

...

2. For all other City officials, a restricted source is the following:

- a. A person who seeks to influence decisions of the City official’s agency and registers or is required to register as a lobbying entity under Section 48.07 ~~or is a client, as defined in Section 48.02;~~

...

Los Angeles Administrative Code

SEC. 24.26. Probable Cause Determination.

(a) Probable Cause Report.

...

- (2) A probable cause report may not be served to commence administrative enforcement proceedings more than ~~four~~five years after the date of an alleged violation. This ~~four~~five-year period is tolled for the following periods:

...