

**CITY OF LONG BEACH
ETHICS COMMISSION
Ad Hoc Committee on the Lobbyist Ordinance**

**Margo Morales, Commissioner
Barbara Pollack, Commissioner
Susan Wise, Commissioner**



February 14, 2024

Ethics Commission
City of Long Beach
411 West Ocean Boulevard
Long Beach, CA 90802

RE: Proposed Changes to Lobbyist Ordinance for February 14, 2024, Ethics Commission meeting

The Ad Hoc Committee on the Lobbyist Ordinance is providing the enclosed memorandum of proposed changes to the Lobbyist Ordinance for the Commission's review and approval. As you know, the Commission created the Ad Hoc Committee on the Lobbyist Ordinance on February 16, 2022, comprised of Commissioners Susan Wise, Margo Morales, and Barbara Pollack, to study the Lobbyist Ordinance. The Ad Hoc Committee was tasked to study best practices and lobbyist ordinances in other jurisdictions with a focus on areas where the City's Ordinance might need clarification and/or strengthening.

As the Ad Hoc Committee has been in operation for over two years, a brief review of the steps conducted by the Ad Hoc is outlined in this memorandum. The Ad Hoc Committee reviewed existing ordinances from numerous California jurisdictions, several municipalities in other states, and rules applicable to the federal government. A summary of the laws and related rules reviewed is attached to the enclosed recommendations. With the assistance of City staff and pursuant to the City's Public Records Act, the Ad Hoc Committee requested copies of available calendars maintained by the Mayor and members of the City Council for the last six months of 2019.

Following review of the calendars provided in response to that request and of ordinances from other cities, the Ad Hoc Committee reported to the full Commission, which conducted a study session on June 29, 2022, to consider the information gathered and reviewed by the Ad Hoc Committee. The Commission instructed the Ad Hoc Committee to prepare recommended changes for submission to the City Council. The full Commission considered recommendations from the Ad Hoc Committee on February 8, 2023, directed the Ad Hoc Committee to consider several issues, and requested City staff to provide recommendations regarding ways to seek public input. At the Commission meeting on March 8, 2023, the Commission received numerous in-person and written public comments. The Commission directed the Ad Hoc to consider the public comments and return with a recommendation.

The Ad Hoc Committee met several times following the March 8th meeting to consider the issues raised by the full Commission and the public comments and to collect additional information, including information regarding the status of neighborhood associations and business improvement districts in Long Beach. In May and August, Commissioners Margo Morales and Barbara Pollack held meetings with representatives of the Non-Profit Partnership and Long Beach Forward to gain a better understanding of the concerns of non-profit entities. During September and October 2023, the City staff deployed a survey with wide distribution across the City, seeking

input regarding lobbying and transparency. The survey received just over 200 responses. The full Commission held a special evening meeting on October 25 to provide an additional opportunity for members of the public to provide input on the potential changes.

The Ad Hoc Committee met several times following the October meeting and continued to review best practices from other jurisdictions. The Committee also reviewed several provisions that mandate public disclosure by public officials, including those applicable to the California Coastal Commission and City officials in Santa Clara and San Jose.

The attached memorandum seeks to balance the public support for transparency with the intention to avoid excess burden on members of the public or public officials. Thank you for your consideration.

Margo Morales, Commissioner

Barbara Pollack, Commissioner

Susan Anderson Wise, Commissioner

ETHICS COMMISSION
RECOMMENDED AMENDMENTS TO
THE LONG BEACH LOBBYIST ORDINANCE

Pursuant to the City Charter, the Ethics Commission (Commission) is responsible for making recommendations to the City Council concerning the effectiveness of laws and policies related to governmental ethics, including lobbying.

After a comprehensive review of the City's Lobbyist Ordinance in Long Beach Municipal Code (LBMC) Ch. 2.08, (Lobbyist Ordinance or Ordinance), best practices, policies of other jurisdictions in the US and Canada, and consideration of public comment, the Commission finds that the current Lobbyist Ordinance does not capture major influences on the City's decision-making processes that the public deserves to know about. Further, the provisions that do exist in the Ordinance have not been sufficiently monitored or enforced to be effective. The Ordinance is also vague in certain respects and needs to be updated. The changes recommended below are proposed to address these issues and clarify the intent of the Ordinance to ensure the public can see who is influencing City decision-makers and for what cause(s).

Therefore, the Commission recommends the City Council request the City Attorney to prepare an ordinance amending the City's Lobbyist Ordinance to expand the scope of the Ordinance as outlined below.

BACKGROUND

From the Commission's first meeting, the topic most often raised during public comment pertained to lobbying and the need for greater understanding of the influences brought to bear on elected officials and staff.

The Commission created an Ad Hoc Committee that has been meeting and studying this issue for over two years. Meanwhile, the Commission has held several public meetings regarding the Lobbyist Ordinance and engaged in other outreach. Based on the public comments received, best practices in municipal government,¹ and the materials reviewed by the Ad Hoc Committee, the Commission recommends modification of the Ordinance to increase the transparency of City decision-making.

Lobbying is not inappropriate or inherently problematic. Lobbying is one way in which the community exercises their First Amendment rights to free speech and to petition the government for redress. Through lobbying, businesses and non-profit entities help decision-makers understand the broad implications and possible unintended consequences of proposed actions on the business community and on non-profit entities and the interests they represent. Lobbying is important to informed decision-making. At the same time, disclosure to the public

¹ See Attachment 1 for a summary of the Lobbyist rules in other jurisdictions reviewed by the Ad Hoc.

of major influences on the decision-making process will build and improve trust in the outcomes and in City government. The public deserves to know what the major influences are.

The Commission supports continued application of several current exemptions from disclosure, for example, for neighborhood associations, City business improvement districts, media when news gathering, and advocacy in public meetings. Other public access features provide adequate transparency for those activities.

Recommended changes to the Ordinance are outlined in detail below.

RECOMMENDATION #1
Simplify the Threshold for Disclosure of Lobbying Contacts

The Commission recommends simplifying the thresholds for registration and reporting of lobbying. Instead of looking at dollar amounts paid to Contract Lobbyists and number of hours spent by representatives of Businesses or Organization Lobbyists, the threshold should be the number of contacts with City Officials. The San Francisco lobbying statute uses a similar approach by requiring registration based on the number of contacts. The Commission believes this approach would be simpler, easier to measure, and more straight-forward. The Commission therefore recommends the following:

- For businesses or organizations that use employees, officers, directors, or other persons acting at the direction of the organization to lobby, “Business or Organization Lobbyists,” replace the time threshold (number of hours spent) with number of contacts, specifically, 3 or more contacts within any one calendar-month period by any means (e.g., in person, by telephone, or electronic) with City Officials. The business or organization is required to register on behalf of certain agents and based upon cumulative contacts with City Officials by any of its owners, officers, directors, employees, or other persons acting at the direction of the organization. The contacts may be made up of 3 contacts with one City Official or 3 single contacts with multiple Officials. A business or organization that hires an outside contractor to lobby on their behalf is not required to register on behalf of the outside contractor.
- Individuals who make one or more contacts in a calendar month with City Officials on behalf of any person or entity who pays or who becomes obligated to pay the individual or the individual’s employer for lobbyist services, “Contract Lobbyists,” would register following their first contact.

This proposed change would simplify the requirement for filing and capture potentially influential contacts that fall outside of the current Ordinance.

RECOMMENDATION #2

Replace “Expenditure Lobbyist” with “Grass Roots Lobbyist” and Reduce the Expenditure Threshold

Under the current Ordinance, an “expenditure lobbyist” is an individual or entity seeking to initiate a “grass roots” campaign to encourage individuals to lobby on behalf of a position. The Commission recommends replacement of the term “Expenditure Lobbyist” with “Grass Roots Lobbyist,” with registration required when an individual or entity spends \$2,500 or more to urge members of the community or other group to seek to influence City Officials to take specific action. Current exclusions from this amount for compensation, dues payments, and the like would remain. This reduction from \$5,000 to \$2,500 reflects the cost efficiencies available in the age of digital communications and social media outreach but remains high enough to avoid impacting residents seeking to communicate on neighborhood issues.

When a grass roots campaign is underway, transparency is critical to provide an understanding that the contacts are part of a coordinated initiative.

RECOMMENDATION #3

Require Additional Information and Monthly Reports

The Commission recommends changing the title of LBMC Section 2.08.090 to “Registration and Reporting Requirements.” Section 2.08.090.A should also be amended to require the following details:

- Mailing address (in addition to business address);
- A specific description of each municipal question, administrative action, or subject of a contact on which the registrant communicated and, if real property is the subject of the contact, the address or legal description of the property;
- The position taken (i.e., for/against a matter);
- The names of all individuals involved in the contact, including those engaged in preparation for the lobbying or advocacy contact (e.g., authors of reports provided to the City, but excluding purely clerical or administrative assistance).
- Copies of any materials provided to the City Officials (via any medium) in connection with the contact.

The Commission recommends the City Council direct the City Clerk to amend the registration and reporting website to provide drop down menus with agenda item numbers or space to provide license or application numbers. The website should also be designed to make copies of the materials provided to the City Officials available to the public through the website. If an individual or entity is serving multiple reportable roles (e.g., Business or Organization lobbyist and Grass Roots lobbying), the form should capture the dual roles in a single filing. The Commission also recommends that lobbyists and lobbying entities register within 5 days of a qualifying contact, file monthly disclosure reports, rather than semi-annual reports, and submit

the monthly report within 5 business days following the month in which the contact(s) occurred.

The City Council intended the Ordinance to provide residents with information regarding influences on City decision-making. In several instances, the required registrations and periodic reports do not provide sufficient information for members of the public to comprehend fully the nature of the matter discussed. Also, to be more transparent in a useful way, the information must be made available in a timely manner, particularly when a matter is scheduled to appear on an upcoming City Council agenda.

RECOMMENDATION #4

Narrow Exemption for 501(c)(3) Non-Profits and Eliminate Exemption for other Non-Profits that Lobby through Unpaid Officers

A significant portion of the public comments on the Commission's review of the Lobbyist Ordinance came from non-profits. While they focused much of their input on the addition of non-lobbying advocacy (see Recommendation #5), a number of non-profits noted the burden of compliance with registration requirements on non-profits with limited resources and reliance on volunteer labor.

In consideration of this input, and to balance the significant influence on decision-making that many large non-profits may have against the undue burden of registration on small entities, the Commission recommends that 501(c)(3) non-profits with annual revenue less than \$1 million continue to be exempt from the registration and reporting requirements of the Lobbyist Ordinance. This would include exemption from registration as Business or Organization Lobbyists as well as for Grass Roots lobbying campaigns and non-lobbying advocacy. For these small 501(c)(3) non-profits with revenue less than \$1 million, the exemption would expressly include lobbying by "officers" and unpaid "members" and volunteers, as well as Board members or employees already exempted in the current Ordinance.

The Commission recommends eliminating blanket exemptions for lobbying and advocacy by 501(c)(3) non-profit entities that have annual revenue of \$1 million or more. The Commission also recommends eliminating the exemption for lobbying by uncompensated members or directors of other types of non-profits such as chambers of commerce [e.g., those that are organized under 501(c) (4) – (7)], regardless of their annual revenue. The Commission recommends effectuating these changes with language deleting the exemptions from the definition of "lobbyist" found in 2.08.020 K.4.c and h and clarifying the scope of the remaining exemptions.

Annual revenue will be determined by the non-profit entity's most recently filed IRS Form 990. The revenue of an organization fiscally sponsored by a non-profit will be determined based upon the sponsor's Form 990.

Non-profit organizations serve important interests in the Long Beach community and provide important and essential services to Long Beach residents. They advocate on behalf of various segments of our community, for health and welfare of Long Beach residents, appreciation of the arts, education of our youth, and a myriad of other important interests. Members of City leadership support non-profits through decision-making such as the award of grant funding or other City support to their groups or efforts. Larger non-profits have interests in real property in Long Beach; they have interest in and influence upon issues that may impact the community at large while serving their clients/members (for example regarding housing issues); and they seek funding from the City budget that relates to the accomplishment of their mission.

Non-profits have access to and the ability to influence the decision-making of elected officials, as well as other members of City leadership.

RECOMMENDATION #5
Expand Scope of the Ordinance to Include “Non-Lobbying Advocacy”

Non-lobbying advocacy contacts focus on seeking support for an issue not yet under consideration or educating City officials about a particular issue of concern, as opposed to lobbying regarding a particular legislative or administrative action. A substantial group of comments received from the public regarding the Commission’s work on the Lobbyist Ordinance focused on concerns about the addition of non-lobbying “advocacy” to the Ordinance. There are, however, certain issues about which the community survey showed a desire for more disclosure regarding the operative influences on decision-making.² Based upon the survey conducted by the Commission, the top four issues about which people want a high level of disclosure are: (1) Land use and zoning; (2) Housing; (3) City Budget; and (4) Tax proposals.

The Commission recommends expanding the scope of the Ordinance to require registration and reporting of activities covered under “non-lobbying advocacy” (hereafter “advocacy”), as regards these four issues. Therefore, the Commission proposes to define “advocacy” as “the influencing or attempting to influence any action or decision-making of the City regarding land use and zoning, affordable and accessible housing issues, City budget, or municipal taxes and bonds, without reference to a specific legislative or administrative action by the City.” The Commission recommends amendment of the title of the Ordinance to reflect the requirement to register for advocacy efforts.

The Ordinance would apply to “advocacy” by any entity whose employees, officers, members of the Board, or anyone authorized by the Board or officers to speak on behalf of the entity to carry out advocacy on its behalf. The registration and reporting required for advocacy would be

² The Commission deployed an anonymous survey tool used by the City in other contexts. Some responders expressed concern the survey could be “gamed” by individuals submitting multiple responses. We took those concerns into consideration and used the survey results as one source of information with recognition the tool could be abused. A summary of the survey results is attached as Attachment 2.

the same as for lobbying - an entity's lobbying and advocacy contacts by all representatives acting on their behalf would be combined to determine when registration is required. The exemption for small 501(c)(3) non-profits would apply to non-lobbying advocacy as well as traditional lobbying activities. Other exemptions in the Ordinance also would apply to non-lobbying advocacy. For example, neighborhood associations would not be required to register or report on non-lobbying advocacy. Reporting of advocacy would be done using the same form as is used for Lobbying and would be due on the 5th business day of the month immediately following the month in which the contact(s) occurred.

The current Ordinance defines "lobbying" to include attempts to influence legislative or administrative action. (See LBMC 2.08.020 J). Although the term "influence" is defined quite broadly under the Ordinance, lobbying registration generally follows only when there is a specific legislative or administrative matter pending. Efforts to obtain general support for a cause or business interest do not require registration for "lobbying" under the Ordinance but would be captured as "advocacy" if this change is adopted. Coordination of activities between a non-profit and the City would not fall within the definition of advocacy. For example, non-profits that work with the City to deliver coordinated assistance to persons experiencing homelessness would not be fall within the definition of advocacy by virtue of working with the City in furtherance of their assistance mission.

Disclosure of non-lobbying advocacy would allow the public to see more clearly the interests and considerations that influence City decision-making on issues of importance to the community. At times, the interests pursued by a non-profit may diverge from the interests of a portion of the residents, business community or other part of the City. All of this information and input provides a healthy backdrop for consideration by decision-makers; all these influences and points of view should be subject to the sunlight of disclosure under the Ordinance.

Under the City Attorney's auspices, we obtained an opinion of outside counsel to confirm that a requirement to register and disclose "non-lobbying advocacy," as defined above, should not impact the legal status of the non-profits. A copy of the outside counsel opinion is attached as Attachment 3.

RECOMMENDATION #6 **Disclosure of Calendar Information by "City Leaders"**

Disclosure of calendar information by certain City Leaders will go a long way to improve transparency and build public confidence in City decision-making. The Commission recommends that City Leaders be required to maintain publicly available calendars.

The Mayor, Members of the City Council, all other elected officials, the City Manager, and non-City Manager Department heads, shall upload from their City-provided electronic calendars to the City website by the 10th of each month for the previous month. The remaining City Leaders,

as identified below, shall maintain calendars as a public record subject to inspection and disclosure under the Public Records Act starting the 10th of each month for the prior month. For purposes of this disclosure obligation only, the term “City Leaders” should include the Mayor, Members of the City Council, other elected officials, the City Manager, Assistant and Deputy City Manager(s), City Clerk, Department Heads, non-City Manager Department heads or equivalent, Assistant Department heads or equivalent, bureau managers or equivalent, and Commissioners on Charter Commissions: Civil Service, Harbor, Utilities, Ethics, Redistricting, Police Oversight, and Planning Commissions.

The City of Santa Clara has implemented such a disclosure requirement since 2016. The calendars must show all scheduled non-internal meetings, public events or speaking engagements, and non-scheduled meetings with persons regarding City business. The calendars are disclosed monthly, for the prior month. The City of San Jose has also implemented a calendar disclosure requirement. The Commission recommends mirroring the exemptions under the Santa Clara ordinance and the California Public Records Act, for example, to protect attorney-client privileged information, information important to protection of security, personnel issues, investigations, etc.

The Council should also direct the City Clerk to develop an on-line form for Commissioners who do not have access to City computers to maintain a record of meetings related to Commission business. Other City Leaders may use the same form or upload specified information categories directly from their calendars to a uniform report form.

Disclosure by City Leaders will demonstrate the commitment of the City and of the City’s Leaders to transparency and open government. Such disclosure will help build the community’s trust in our municipal government. Based upon the Ad Hoc review of some of the calendars, it likely would also demonstrate the diligence of City Officials in seeking input from the Community. This disclosure obligation is not intended to cover instances when a community member tries to grab two minutes of a council member’s time in the grocery store or at a café about a neighborhood issue, such as issues with refuse or tree trimming, but rather to capture substantive discussions regarding City business that influence the decision-making of City Leaders.

The disclosure by City Leaders also will provide data against which the adequacy of filings by lobbyists and advocates can be compared. At present, there is virtually no mechanism to enforce the requirement for filing by lobbyists so there is little deterrence for non-compliance. The disclosure by City Leaders would provide that check and incentive.

RECOMMENDATION #7
Enforcement To Include Funding for Audits of Lobbyist and Advocacy Registrations and Education of those Impacted

Provide additional staffing and requisite funding for the City Clerk to monitor registrations and reports for compliance and to conduct (1) education sessions upon approval of the changes and annually thereafter and (2) audits of lobbying registrations and reports.

The office of the City Clerk reviews lobbyist registrations for facial compliance with the reporting requirements. The City Clerk currently does not, however, have the personnel or funding to conduct regular audits of the adequacy of the filings or compliance with the filing requirements. Upon approval of the changes noted above, there will be a need for a significant education effort for non-profits, as well as lobbyists and organizations engaged in advocacy. Education needs to explain the requirements in an easy and simple way.

Currently, the Ordinance may be enforced by misdemeanor or infraction pursuant to Long Beach Municipal Code Chapter 1.32. The Commission recommends expanding enforcement in the Ordinance to include any civil and administrative remedies available, such as administrative citations. Expanding the Ordinance to include multiple enforcement remedies will provide the City more options to ensure compliance with its requirements. It is possible that these changes will have an impact on the workload of the City Prosecutor, although the addition of civil and administrative remedies may cause a reduction in workload. We recommend a review of the workload impact on the Office of the City Prosecutor two years after approval of the changes to the Ordinance.

Finally, we recommend a fee waiver for all non-profits that file IRS Form 990 (to include any version, e.g., 990N, 990 EZ).

RECOMMENDATION #8
Clarify certain requirements of the Ordinance

Add a clause to the definition of “Lobbying” to provide clarity that lobbying takes place whether or not a specific item discussed is pending at the time of the contact and includes contacts that seek to obtain consideration of a matter not on an agenda at the time of the contact. Provide clear authority for enforcement against a business or organization, as well as its employees or agents, that fail to comply with the Ordinance.

Add a clause to provide clarity to the exemptions in 2.08.020 K.4.g applicable to discussions regarding collective bargaining agreements with recognized City employee associations, e.g. unions and other bargaining units. The exemption needs to expressly state that it does not exempt from the lobbying registration and reporting requirements other matters discussed in the same meeting or communication and does not exempt communications between unions and decision-makers about anything other than an agreement with an existing recognized City employee association, working conditions that clearly relate to a collective bargaining

agreement or MOU, or proceedings before the Civil Service Commission. For example, if a union representative meets with a City Official regarding an issue of working conditions of represented employees and in the same meeting discusses the City's position on minimum wage rates for a particular non-municipal industry, the latter discussion must be reported if the thresholds for registration and reporting are met.

Add exemption for communications by a party or prospective party to a contract provided the contact is in accordance with City rules government RFPs and the contracting process.

Remove the definition of "activity expenses" as it is not used in the Ordinance. Eliminate reference to the Redevelopment Agency, which no longer exists.

ATTACHMENT 1

ATTACHMENT 1

Lobbying Disclosure Requirements Survey
Supplemental Information to the AD-Hoc Report
June 29, 2022
*UPDATED: February 5, 2024

What information is required to be disclosed by lobbyists (or electeds) regarding lobbying efforts?

	What city official the lobbyist met with?	Topics?	Position advocated for?	# of hours meeting with electeds or city officials?	Prep time?	Dates?	Unscheduled meetings?	Are electeds required to report anything?	Are non-profits exempt from reporting?	Notes (additional notes below table)
Long Beach	Yes	Yes	No	No	No	No	No	No	Yes	Ordinance Ordinance Amendment Lobbyist Registration & Reporting Form
Los Angeles	Yes	Yes	No	No	No	No	No	No	No	LA City Ordinance Quarterly reports Required training every 2 years provided by EC, through the Lobbying Electronic Filing System David Tristan, Exec Dir
Oakland	Yes	Yes	Yes	No	No	No	No	No	No	Oakland Lobbying Ordinance Lobbyist Rules Quarterly reports Data dashboards Whitney Barazoto, Exec Dir
Pasadena	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Pasadena does not have an ordinance/disclosure requirements Mark Jomsky, City Clerk
Sacramento	Yes	Yes	Yes	No	No	No	No	No	No	Sacramento Lobbying Ordinance Mindy Cupp, City Clerk

San Francisco (City & County)	Yes	Yes	Yes	No	No	Yes	No	No	Yes	San Francisco Lobbying Ordinance SF seemingly has a very rich ethics program; website is very informative, lots of resources including data dashboards; requires lobbyist training w/i one year of registration
San Diego	Yes	Yes	Yes	Yes	Yes		No	No	No	San Diego Lobbing Ordinance 5 different forms Lobbying Disclosure Forms FAQ Other lobbying docs Must disclose the compensation earned for all ‘lobbying activities’ during reporting period – includes researching, monitoring, etc. Sharon Spivak, Exec Dir
Orange County	No	No	No	No	No	No	No	No		https://ocethics.com/lobbyists Denah Hoard, Exec Dir ‘Registration only’ law
Other Jurisdic tions										
Austin	Yes	Yes	Yes	No	No	Yes	No	No	No	Austin Lobbying Ordinance Bolder Advocacy FAQ Provides a FAQ for lobbyists Seems to focus on financial disclosures
*Colorado	Yes	Yes	Yes	Yes	Yes	Yes			No	Colorado Lobbyists Page
*Connecticut	Yes	Yes	Yes			Yes			No	Connecticut Lobbyists Page
*Chicago	Yes	Yes	Yes						No	Chicago FAQ Chicago Sun Times Article

*Miami-Dade County									Yes	
*Quebec										
Seattle	No	Yes	Yes	No	No	No	No	No		Seattle Lobbying Ordinance Report sample Primarily an expense report; required to include a narrative of subjects lobbied for
Federal										Lobbying Disclosure Act Guidance

RESOURCES AND ADDITIONAL NOTES:

<https://bolderadvocacy.org/wp-content/uploads/2018/06/CA-City-County-and-SD-Local-Lobbying-Ordinances.pdf>

Council of Governmental Ethics Laws (COGEL) 2023 Lobbying Blue Book https://cdn.ymaws.com/www.cogel.org/resource/resmgr/cogel_blue_books/2023_COGEL_Lobbying_Blue_Boo.pdf

State: <https://www.sos.ca.gov/campaign-lobbying/lobbying-disclosure-requirements/lobbying-forms-instructions>

ARE NON-PROFITS COMPLETELY EXEMPTED?

Long Beach – Yes

Los Angeles – No

Addl. Notes:

Any organization exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, which receives funding from any federal, state or local government agency for the purpose of representing the interests of indigent persons and whose primary purpose is to provide direct services to those persons, if the individual or individuals represented by the organization before any City agency provide no payment to the organization for that representation. **This exemption shall not apply to direct contracts with a City official in other than a publicly noticed meeting, for the purpose of attempting to influence a City decision with regard to any City funding which the organization is seeking.**

For every calendar quarter in which an individual qualifies or is registered as a lobbyist, the individual must file a disclosure statement. These quarterly reports detail information about the lobbyist's employer, activity expenses, City campaign contributions, City fundraising activity, campaign contributions and charitable donations behested by a City candidate or officeholder, services to a City committee, and contracts with the City.

Quarterly reports are due by the last day of the month following the end of a calendar quarter and must be filed through [LEFS](#).

Additional disclosure requirements apply, including filing reports within one business day after reaching certain levels of contribution or fundraising activity, filing copies of written communications to neighborhood councils, and filing copies of fundraising solicitations sent to 50 or more people.

Detailed filing requirements can be found under [“What Do I File?”](#).

A lobbyist is required to prepare and maintain detailed records needed to show compliance with the lobbying laws. This includes books, papers, receipts, invoices, fundraising information, contracts, and other documents. Records must be maintained for at least four years.

Oakland - No

Addl. Notes:

3.20.110 - Quarterly disclosure.

For each calendar quarter in which a local governmental lobbyist was required to be registered, he or she shall file a quarterly report with the Public Ethics Commission. The reports shall be due no later than thirty (30) days after the end of the calendar quarter. The report shall contain the following information:

The item(s) of governmental action and the name and address of the client(s) on whose behalf the local governmental lobbyist sought to influence.

For each item of governmental action sought to be influenced, (1) the name of each City officer with whom the local governmental lobbyist communicated, (2) the name and title of any City board member or commissioner with whom the local governmental lobbyist communicated, and (3) the identity of any City employee with whom the local

governmental lobbyist communicated identified only by the office or department in which the employee works and his or her job title.

A brief narrative description (no longer than three (3) sentences) of the position advocated by the local governmental lobbyist on behalf of the identified client.

If any local governmental lobbyist, or a registered client at the behest of a local governmental lobbyist, employs or hires an elected City officeholder, candidate for elected City office, a designated employee, or a member of the immediate family of one (1) of these individuals, the local governmental lobbyist shall disclose (1) the name of the person employed or hired, (2) a description of the services actually performed, and (3) the total payments made during the reporting period identified only by the following categories: less than two hundred fifty dollars (\$250.00); between two hundred fifty dollars (\$250.00) and one thousand dollars (\$1,000.00); greater than one thousand dollars (\$1,000.00) but less than ten thousand dollars (\$10,000.00); greater than ten thousand dollars (\$10,000.00).

If any elected City officeholder or candidate for elected City office employs or hires a local governmental lobbyist to provide compensated services to the officeholder or candidate, the local governmental lobbyist shall disclose (1) the name of the person who employed or hired the local governmental lobbyist, (2) a description of the services actually performed, and (3) the total payments made during the reporting period identified only by the following categories: less than two hundred fifty dollars (\$250.00); between two hundred fifty dollars (\$250.00) and one thousand dollars (\$1,000.00); greater than one thousand dollars (\$1,000.00) but less than ten thousand dollars (\$10,000.00); greater than ten thousand dollars (\$10,000.00).

If a local governmental lobbyist solicits any person to make a contribution to an elected City officeholder, candidate for City office or to any committee or fund controlled by such officeholder or candidate, the local governmental lobbyist shall disclose the names of the persons whom the local governmental lobbyist solicited, and the officeholder or candidate for whose benefit each solicitation was made. A solicitation does not include a request for a contribution made (1) in a mass mailing sent to members of the public, (2) in response to a specific request for a recommendation, (3) to a gathering which members of the public may attend, or (4) in a newspaper, on radio or television, or in any other mass media. A local governmental lobbyist does not "solicit" solely because his or her name is printed with other names on stationary or a letterhead used to request contributions. If a local governmental lobbyist makes a solicitation to more than fifty (50) individual members or employees of a corporation, union or other association that is a registered client of the local governmental lobbyist, or if the local governmental lobbyist makes a solicitation to all members or employees of a corporation, union or association that is a registered client of the local governmental lobbyist, the local governmental lobbyist may choose to disclose the name of the registered client instead of the names of the persons whom the local governmental lobbyist actually solicited

Sacramento – No

Addl. Notes:

2.15.120 Disclosure.

The initial registration shall contain the name, primary contact, business address, telephone number, and email address of all persons required to register pursuant to this chapter, including the names of all owners of sole proprietorships and partnerships of fewer than 10 persons. If the registrant is a corporation, it shall also include the names of the president, secretary, chief financial officer, and agent for service of process, if any. Any business or organization registering under this chapter shall also briefly describe the nature of its business or organization. In addition to this information, the report shall contain the following:

- A. Contract Lobbyist. The name, business address, telephone number, and email address of each client, the nature of each client's business and the item of legislative or administrative action the lobbyist is seeking to influence on behalf of the client; and the name of each person employed or retained by the lobbyist to lobby on behalf of each client.
- B. Business or Organization Lobbyist. The names of owners, officers or employees conducting lobbying activities and the item of legislative or administrative action the lobbyist is seeking to influence.
- C. Expenditure Lobbyists. The item of legislative or administrative action the lobbyist is seeking to influence.
- D. All campaign contributions by a lobbyist or a client at the lobbyist's behest, to any city official, identified by name and by office, to a controlled committee, office holder's fund or legal expense fund, given personally or through an intermediary, totaling \$100 or more, made during the calendar quarter.
- E. Payment received by the reporting lobbyist for services as a consultant or in any other capacity for services rendered to a city agency, any city official or their controlled committees, any officeholder committee, or ballot measure committee. The dates of payment and name of each payer shall be included.
- F. The name, address, title, telephone number, and email address of the person responsible for preparing the report, together with that individual's signature attesting to the authority of the signatory and the accuracy and truthfulness of the information submitted. (Ord. 2021-0001 § 6; Ord. 2003-034 § 1)

San Diego – No

Addl. Notes:

- If you own or work for a business or organization, including a non-profit or charitable organization, and your lobbying activities are performed on behalf of your business or employer (and not on behalf of outside clients), then that business or employer may be an "Organization Lobbyist." It will qualify as an "Organization Lobbyist" if its owners, compensated officers, or employees have a total of 10 or more separate lobbying contacts with City Officials on behalf of the business or organization within any 60 calendar day period.

Each lobbying firm's quarterly disclosure report shall contain the following information:

- (1) the lobbying firm's name, address, and telephone number.

(2) the name, business or mailing address, and telephone number of each client registered by the lobbying firm during the reporting period (except that if the client is a coalition or membership organization, such identifying information need not be disclosed for any of its members who also qualify as clients under section 27.4002), along with the following information for that client:

(A) the total compensation, rounded to the nearest \$1,000, that the lobbying firm became entitled to receive from that client during the reporting period for lobbying activities related to lobbying contacts that (i) took place during the reporting period, or (ii) took place on a contingency fee basis during a prior reporting period. The lobbying firm shall also state whether it lobbied on a contingency basis during the reporting period without becoming entitled to receive the contingent amount from the client.

- (B) the specific municipal decision(s) for which the lobbying firm lobbied on behalf of the client during the reporting period, and the outcome(s) sought by the c;
- (C) the name and department of each City Official who was subject to lobbying by the lobbying firm with regard to that specific municipal decision;
- (D) the name of each lobbyist employed by the lobbying firm who engaged in lobbying with regard to that specific municipal decision; and,
- (E) if the lobbying firm did not engage in any lobbying for the client during the reporting period, a statement to that effect shall be made instead of providing the information required by subsections (a)(2)(B) through (a)(2)(D).

San Francisco - Yes

Addl. Notes:

*"Contact lobbyist" means any individual who (1) makes five or more contacts in a calendar month with officers of the City and County on behalf of the individual's employer; or (2) makes one or more contacts in a calendar month with an officer of the City and County on behalf of any person who pays or who becomes obligated to pay the individual or the individual's employer for lobbyist services. An individual is not a contact lobbyist if that individual is lobbying on behalf of a business of which the individual owns a 20% or greater share.

*"Local legislative or administrative action" includes, but is not limited to, the drafting, introduction, consideration, modification, enactment, defeat, approval, veto, granting or denial by any officer of the City and County of any resolution, motion, appeal, application, petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement to use or contract.

***Registration:** Registration is required within five business days of the date that the individual meets the qualification thresholds described above. No individual who qualifies as a lobbyist may make any additional contacts with any City officers without first registering with the Ethics Commission.

***Reports:** For each calendar month after registering, each lobbyist must submit a report no later than the fifteenth calendar day following the end of the month.

***Nonprofit Organization and Lobbyist Fees Reduced or Waived:** The Ethics Commission shall waive all registration fees for any full-time employee of a tax-exempt organization presenting proof of the organization's tax-exempt status under 26 U.S.C. Section 501(c)(3) or 501(c)(4).

LOBBYIST DISCLOSURES. For each calendar month, each lobbyist shall submit the following information no later than the fifteenth calendar day following the end of the month:

(1) **Contact lobbyists.** Each contact lobbyist shall report to the Ethics Commission the following information:

(A) The name, business address and business telephone number of each person from whom the lobbyist or the lobbyist's employer received or expected to receive economic consideration to influence local legislative or administrative action during the reporting period.

(B) The name of each officer of the City and County of San Francisco with whom the lobbyist made a contact during the reporting period.

(C) The date on which each contact was made.

(D) The local legislative or administrative action that the lobbyist sought to influence, including, if any, the title and file number of any resolution, motion, appeal,

application, petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement, or contract, and the outcome sought by the client.

(E) The client on whose behalf each contact was made.

(F) The amount of economic consideration received or expected by the lobbyist or the lobbyist's employer from each client during the reporting period.

(G) All activity expenses incurred by the lobbyist during the reporting period, including the following information:

(i) The date and amount of each activity expense;

(ii) The full name and official position, if any, of the beneficiary of each activity expense, a description of the benefit, and the amount of the benefit;

(iii) The full name of the payee of each activity expense if other than the beneficiary;

(iv) Whenever a lobbyist is required to report a salary of an individual pursuant to this subsection (c)(1), the lobbyist need only disclose whether the total salary payments made to the individual during the reporting period was less than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater than \$10,000.

Austin – no

Addl. Notes:

Annual Lobbyist Registration Fee: \$300

Lobby Registration Fee registrant whose only lobbying activity is lobbying on behalf of one or more 501(c)(3) nonprofit organizations: \$25

Annual Lobbyist Registration Fee for a business association making the election under §4-8- 4(B)(1): \$100 for the business association, and \$50 for each employee-lobbyist of the business association

If I work for a nonprofit organization and lobbying is only a portion of the services provided, how do I report compensation?

Per § 4-8-6 (B) registered lobbyists must make a reasonable allocation between compensation for lobby activity and compensation for other activities. The quarterly activity report only requires the amount of compensation allocated to lobbying. See §4-8-3(D)

<https://www.ethics.state.tx.us/data/search/lobby/2021/2021RegisteredLobbyists.pdf>

<https://bolderadvocacy.org/wp-content/uploads/2018/08/Austin-factsheet.pdf>

***Chicago – no**

Addl. Notes:

Lobbyist: Any person who, on behalf of any person other than himself, or as any part of his duties as an employee of another, undertakes to influence any legislative or administrative action, including but not limited to: (1) A bond inducement ordinance; (2) A zoning matter; (3) A concession agreement; (4) The creation of a tax increment financing district; (5) The establishment of a Class 6(b) Cook County property tax classification; (6) The introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the city council; (7) The preparation of contract specifications; (8) The solicitation, award or administration of a contract; (9) The award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or (10) Any other determination made by an elected or appointed city official or employee of the city with respect to the procurement of goods, services or construction.

The term "lobbyist" shall include, but is not limited to, any attorney, accountant, or consultant engaged in the above-described activities; provided, however, that an attorney shall not be considered a lobbyist while representing clients in a formal adversarial hearing. **Effective January 1, 2021, a person who seeks to influence legislative or administrative action on behalf of a not-for-profit entity shall be deemed a lobbyist only if such person: (i) is paid or otherwise compensated for those efforts; or (ii) undertakes those efforts as a matter of professional engagement, regardless of pay or other compensation.**

Administrative Action: Any decision on, or any proposal, consideration, enactment or making of any rule, regulation, or any other official non-ministerial action or non-action by any executive department, or by any official or employee of an executive department, or any matter which is within the official jurisdiction of the executive branch.

Legislative Action: The introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto or other official action or non-action on any ordinance, resolution, motion, order, appointment, application or other matter pending or proposed in the city council or any committee or subcommittee thereof.

Nonprofit Organization and Lobbyist Fees Reduced or Waived: Upon written request, the Board will waive fees if the lobbyist is paid or otherwise compensated to influence legislative or administrative action solely on behalf of one not-for-profit entity, and the entity is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code, per 2-156-230(d).

***Colorado – no**

Addl. Notes:

Nonprofit Organization and Lobbyist Fees Reduced or Waived: Upon request, the Secretary of State's Office may waive the registration fee for a professional lobbyist who is lobbying for a nonprofit organization if the professional lobbyist's only compensation is from the nonprofit organization. To receive a waiver, the professional lobbyist must submit a written request to the Secretary of State's Office along with a copy of the nonprofit organization's most recent IRS form 990, 990EZ, or 990-N showing gross annual revenue of \$50,000 or less.

***Connecticut – no**

Addl. Notes:

Communicator Lobbyist: A lobbyist who communicates directly or solicits others to communicate with an official or his staff in the legislative or executive branch of government or in a quasi-public agency for the purpose of influencing legislative or administrative action. Conn. Gen. Stat. § 1-91(v)

Administrative Action: Any action or non-action of any executive agency of the state with respect to the proposal, drafting, development, consideration, amendment, adoption or repeal of any rule, regulation or utility rate, and any action or non-action of any executive agency or quasipublic agency, as defined in section 1-79, regarding a contract, grant, award, purchasing agreement, loan, bond, certificate, license, permit or any other matter which is within the official jurisdiction or cognizance of such an agency. Conn. Gen. Stat. § 1-91(a).

Legislative Action: Introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto, overriding of a veto or any other official action or non-action with regard to any bill, resolution, amendment, nomination, appointment, report, or any other matter pending 55 or proposed in a committee or in either house of the legislature, or any matter which is within the official jurisdiction or cognizance of the legislature. Conn. Gen. Stat. § 1-91(j).

Grassroots Lobbying: Yes, soliciting others to contact a state official constitutes lobbying and requires a registration and financial disclosure. Note, however, that a preliminary investigation by the Office of State Ethics regarding grassroots lobbying activities of the Catholic Diocese of Bridgeport, CT was subject to a First Amendment challenge and federal lawsuit. The OSE is working with the Office of the Attorney General and the Connecticut General Assembly to possibly amend the definition of "lobbying" to provide greater clarity regarding the use of the terms "direct communication" and "soliciting others to communicate." The latter term in particular implicates grass roots lobbying, which consequently requires further explanation and guidance in order to meet the requisite constitutional test.

Nonprofit Organization and Lobbyist Fees Reduced or Waived: No

***Miami-Dade County – yes**

Addl. Notes:

Lobbyist means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities. The term "Lobbyist" specifically excludes the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.

Nonprofit Organization and Lobbyist Fees Reduced or Waived: The fee is waived for lobbyists working on behalf of non-profits, certified small businesses and as representatives of a company they own.

Seattle

Who must file?

To qualify for required disclosure under the ordinance a person must:

1. Be paid to lobby, as a contractor or as some part of their regular employment duties; and
2. Not qualify for one of these exemptions:
 - a. Only lobby in public sessions of the City Council or its Committees, or;
 - b. Lobby four days or less during any calendar quarter (appearances before public sessions of the City Council or its Committees don't count), or;
 - c. Only lobby on behalf of any local, state or federal government and do this as only a part of their regular employment duties, i.e. a person who is specifically paid to be lobbyist for a government must register and disclose under the ordinance.

Anyone who is paid to lobby and wishes to voluntarily register and report may do so at any time.

*Quebec

Lobbying: (Section 2 of the Lobbying Transparency and Ethics Act) Any oral or written communication with a public office holder in an attempt to influence or that may reasonably be considered by the initiator of the communication as capable of influencing a decision concerning 1) the development, introduction, amendment or defeat of any legislative or regulatory proposal, resolution, policy, program or action plan, 2) the issue of any permit, licence, certificate or other authorization, 3) the awarding of any contract, otherwise than by way of a call for public tenders, or of any grant or other financial benefit or the granting of any other form of benefit determined by government regulation, or 4) the appointment of any public office holder within the meaning of the Act respecting the Ministère du Conseil exécutif (chapter M-30) or the appointment of any deputy minister or other holder of a position referred to in section 55 of the Public Service Act (chapter F3.1.1) or any holder of a position referred to in section 57 of that Act, constitutes lobbying or a lobbying activity within the meaning of this Act. The arranging by a lobbyist of a meeting between a public office holder and any other person

is considered to be a lobbying activity.

Public Officeholders: (Section 4) The following persons are considered to be public office holders for the purposes of this Act: 370 1) government ministers and members of the National Assembly, as well as persons on their staffs; 2) government employees; 3) persons appointed to a government agency within the meaning of the Auditor General Act (chapter V-5.01), as well as employees of any such agency (including the Québec's health institutions since 2015 – the 13 integrated health and social services centres, the 9 integrated university health and social services centre and the 7 unamalgamated health institutions); 4) persons appointed to a non-profit agency established for the purpose of managing and providing financial support for activities of a public nature out of funds originating principally from the government, without itself delivering products or services to the public, as well as employees of any such agency ; and 5) mayors, municipal or borough councillors, wardens, chairs and other members of the council of a metropolitan community, as well as persons on their staff and employees of municipalities and municipal bodies referred to in section 18 or 19 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3)

ATTACHMENT 2

Date: October 25, 2023

To: Ethics Commission

From: Heather Van Wijk, Ethics Officer

Subject: **2023 Community Survey Results: Proposed Changes to City of Long Beach Lobbyist Ordinance**

BACKGROUND

In part, the Ethics Commission is responsible, for making recommendations to the Mayor and City Council concerning campaign finance reform, lobbying, conflicts of interest, and governmental ethics and to report the effectiveness of these laws to the City Council per City Charter [Section 2402](#). On February 16, 2022, the Ethics Commission established the Ad Hoc Committee on the Lobbyist Ordinance (Ad Hoc).

The Ad Hoc been tasked with researching and collecting information as to whether the provisions of the City's current Lobbying Ordinance in Long Beach Municipal Code Ch. 2.08 (Ordinance) should be expanded to allow more transparency and accountability surrounding who is influencing the decisions of City officials in furtherance of building the public trust, including expanding the scope of reportable contacts with City officials to include contacts that are made in furtherance of a cause or policy; to expand on the frequency of filings and the people required to make said filings; and to expand the scope of who reports contacts (e.g., City officials, lobbyists, advocates).

The purpose of lobbying activities is to influence or attempt to influence the decisions of public officials related to administrative actions and laws. Lobbyists may represent various interests, including community, businesses, labor unions, non-profit organizations, and individuals. Lobbyists may use various methods to influence public officials, including meeting with them or their staff, providing them with information, and testifying at public meetings and hearings. The Ordinance requires semi-annual reporting to monitor lobbying activity based on certain criteria.

The Commission has considered a few recommendations to change the Ordinance by the Ad Hoc and began collecting public input in March 2023. Public input has included public comment, both in-person and electronically, meetings with the non-profit community, and a community survey (survey). A full copy of the questions used in the community survey are enclosed as the Attachment.

SURVEY

The Commission used a survey as a supplemental tool to gather public input on the type of information to collect regarding influential communications and the collection method. The

survey was available in Spanish, Khmer, and Tagalog from September 20, 2023 to October 19, 2023, and consisted of 14 questions.

Outreach

Outreach for the survey included:

- Partnership with The Non-Profit Partnership
- Email blasts from the City's Neighborhood Resource Center
- Public notice to the media
- Posts on the City's social media outlets
- City newsletter
- City Council newsletters
- City website
- City Clerk resources

Feedback

The survey was intentionally designed to be anonymous to not collect any personal information from participants. In addition to protecting the privacy of participants, conducting anonymous community surveys allows the community to provide honest and unbiased feedback, increases participation, and helps to identify hidden issues that may not otherwise be revealed by requiring personal information. While there are several benefits to conducting anonymous community surveys, the Office of Ethics and Transparency also understands the potential negatives, including the potential for abuse through multiple submissions from the same individual. As such, 11 responses were noted as a repeat by the same participant, evident by the consistent language in each response and via an email admission.

The Office of Ethics and Transparency received 222 survey responses, with varying response rates for each question from the respondents. Most respondents indicated that information between City officials and organizations should be made available to the public (Figure 1). Most respondents either live or work in Long Beach (Figure 10) and 4 respondents identified as a lobbyist as defined by the Ordinance (Figure 12). There were 46 respondents who shared that they act on behalf of a group or organization that meets with City officials about changes in policy and/or how the City spends public dollars (Figure 13). The number one subject that participants felt should be disclosed was communication regarding land-use and zoning. Number two was tax proposals, with the City's annual budget and staffing at number three (Figure 2).

Regarding types of communications (Figure 4), all choices received a fair number of votes. The highest was communications with paid lobbyists (82%), followed by communications with labor unions (67%), communications with trade industry associations or chambers of commerce (67%), and communications with all non-profits (43%).

Regarding disclosures, almost 80% of respondents indicated that City officials should be responsible for reporting communications; 64% indicated lobbyists should report; 53% indicated labor unions should report; and 35% indicated that non-profits should report (Figure 5). 37% indicated that reporting should be done monthly (Figure 6).

Data

Figure 1: Do you think that information about communications between City officials and organizations should be made available to the public?

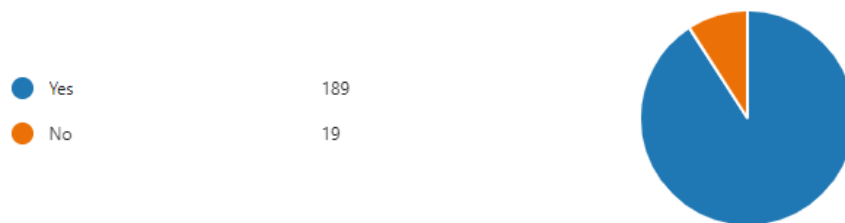


Figure 2: If you answered yes to Question 1, please select all subjects that you want to know about when discussed with City officials by persons acting on behalf of businesses or non-profit entities.

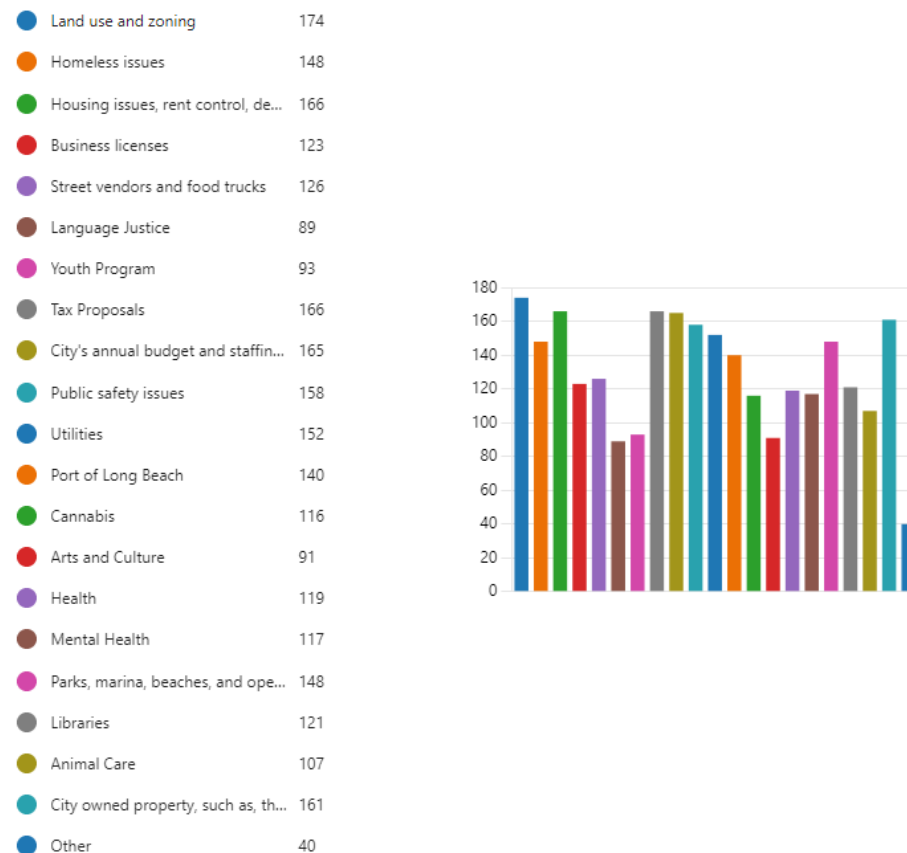
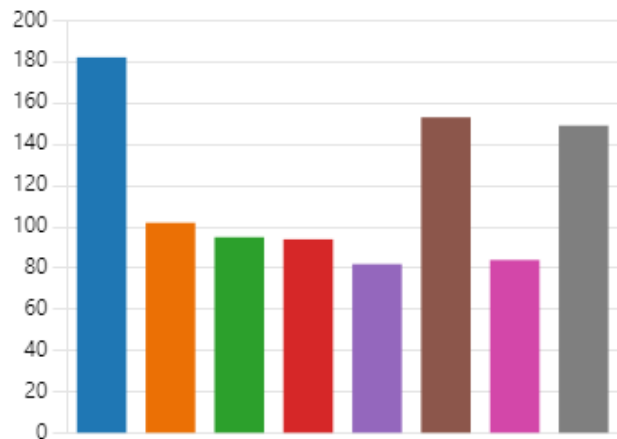
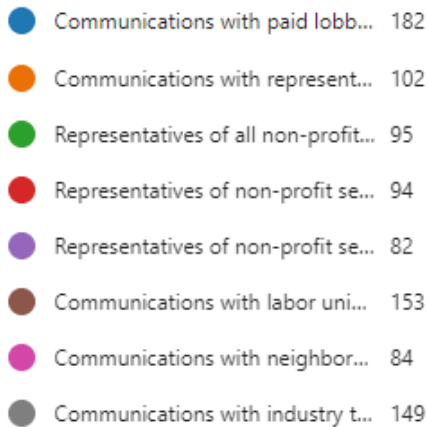


Figure 3: If you answered 'other' to Question 2, please fill in the blank.*

2 Responses

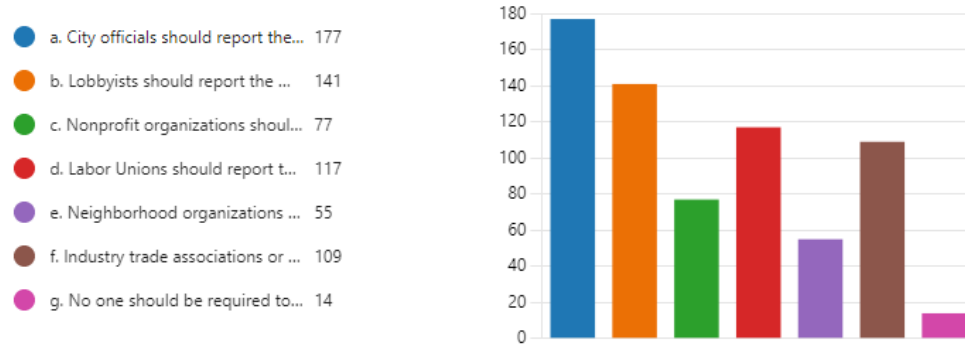
ID	Name	Responses
1	anonymous	1.We need to know exactly where the Financial is going in how is helping our community 2>I believe every department needs to have authorship once a year >>>>
2	anonymous	Me gustaria saber de de salud, y salud Mental pero nomas pude escojer una solo asunto; tambien Estacionamientos afuera de las casas. I would like to know about health and mental health but I could only choose one topic; Also Parking outside the houses.

Figure 4: If you answered yes to Question 1, which communications with City officials do you think should be disclosed? Please check all that apply:



- a. Communications with paid lobbyists, both those employed by an organization or acting as a consultant.
- b. Communications with representatives of a non-profit service organization.
- c. Representatives of all non-profit service organizations.
- d. Representatives of non-profit service organizations only with operating budgets above \$2 million. Service non-profits with operating budgets under \$2 million should be exempt.
- e. Representatives of non-profit service organizations only with operating budgets above \$5 million. Service non-profits with operating budgets under \$5 million should be exempt.
- f. Service non-profits with operating budgets under \$5 million should be exempt.
- g. Communications with labor unions that do not represent the interest of City employees.
- h. Communications with neighborhood organizations.
- i. Communications with industry trade associations or chambers of commerce.

Figure 5: Who should be required to report communications with City officials? Please check all that apply.



- a. City officials should report the meeting.
- b. Lobbyists should report the meeting.
- c. Nonprofit organizations should report the meeting.
- d. Labor Unions should report the meeting.
- e. Neighborhood organizations should report the meeting.
- f. Industry trade associations or chamber of commerce should report the meeting.
- g. No one should be required to report these communications.

Figure 6: If you checked anything other than g in question 5 above, how often should such reports be filed?

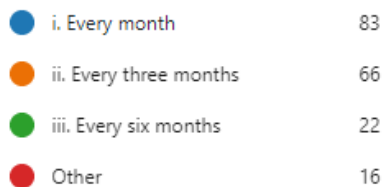


Figure 7: If you checked 'other' in question 6, how often should such reports be filed?

26 responses

ID	Name	Responses
1	anonymous	electronically via an unalterable report
2	anonymous	"other" is in question 5, not 6.
3	anonymous	every month at least
4	anonymous	monthly
5	anonymous	The instant they take a bribe is the instant we need to know. The us isn't an oligarchy we shouldn't have lobbyists in the first place..
6	anonymous	City officials should report communications within 24 hours, all others every month. In this day of electronic communications there is no reason emails, phone logs, presentations, video and audio recordings should not be available immediately; whereas meeting minutes should take no longer than 24 hours.
7	anonymous	City officials should report communications within 24 hours, all others every month.
8	anonymous	This is question 6, so you have a typo in this question. Every other Monday means information would be required while still new.
9	anonymous	When they happen or by the following day at least.
10	anonymous	Immediately after the incident
11	anonymous	Immediately following the incident
12	anonymous	Monthly, on-going and every time it affects my money, property and where I live
13	anonymous	Immediately so that no one forgets.
14	anonymous	Monthly.
15	anonymous	Every time a single lobbyist speaks with anyone in the public domain
16	anonymous	I think you mean question 5 above
17	anonymous	Twice a month; 5th & 20th

Figure 7 (Continued)

ID	Name	Responses
18	anonymous	Small non profits should be completely exempt from any lobbying ordinances.
19	anonymous	As update is made or after each meeting with decisions and next agenda
20	anonymous	Immediately after public officials meet with all concerned stakeholders. Explain positions, reasons, agreements, proposed contracts. Basically, complete transparency.
21	anonymous	As they occur
22	anonymous	Experts to determine
23	anonymous	Within 48 hours after the meeting or conversation
24	anonymous	It should be reported same day and every time it happens
25	anonymous	Within 1-2 weeks of the conversation. Delay doesn't help anyone who isn't up to no good.
26	anonymous	We have programs in our community for years and continue being supported by grants from the city is they're not working we need to stop supporting programs inside Siri in community if they're not making any changes

Figure 8: What information should be collected about communications between City officials and organizations? Please select all that apply:

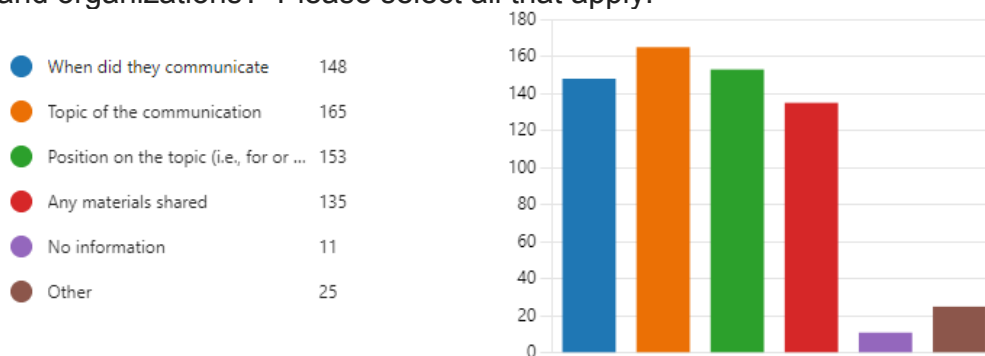


Figure 9: If you answered 'other' to question number 8, please fill in the blank below.*

26 responses

ID	Name	Responses
1	anonymous	Although the question said "Select all that apply," the survey allowed the selection of one response. I believe the public information should include when they communicated, the topic of the communication, and any materials shared--in addition to the position on the issue that my response indicate.
2	anonymous	all
3	anonymous	I couldn't pick more than one - I think when did they communicate and topic of the communication
4	anonymous	All of the above
5	anonymous	All of the above
6	anonymous	What is question number 8?
7	anonymous	it won't let me select multiple. i think when, what, position and materials should be available.
8	anonymous	Materials, and all of the "other" above.
9	anonymous	When did they communicate, topics or issues discussed, position on the topic or issue, and any materials shared.
10	anonymous	see comment.
11	anonymous	Campaign contributions or family member conflicts of interest
12	anonymous	"other" is in question 7, not 8.
13	anonymous	All donations, gifts, trips, and other form of payment or recompense, including value regardless of the way such a donation, gift, trip or other form of payment or recompense was paid for and by whom.
14	anonymous	value of gifts or compensation given
15	anonymous	Anything that you a bribed to do we should know about. Again nascar jackets with who owns you on it.
16	anonymous	This is question number 8; your numbering references are incorrect

Figure 9 (Continued)

ID	Name	Responses
17	anonymous	when it happens or is proposed
18	anonymous	Question #8? This is #8
19	anonymous	Who is promoting the policy and funding the policy.
20	anonymous	Agreements / decisions
21	anonymous	Are you stupid? This IS question number 8!
22	anonymous	The public has every right to know how lobbyists are influencing government. From the looks of it, the "service" unions, developers and special interests own this city. And that is NOT their right.
23	anonymous	"organizations" is too vague. Only Paid Lobbyists and city officials should be required to report all the above.
24	anonymous	Must include Budget. How much tax money for what item and we need to know how much was actually spent on it after all
25	anonymous	What 3rd party was invited to verify communication or could all such events be recorded so public could access it
26	anonymous	I do not believe our local non-profit neighborhood associations need to be affiliated in any way with paid lobbyist. Our local non-profit group is here to better our neighborhood through maintaining the historical aspects, beatification and safety.
27	anonymous	We need to have updates and visitation not only from the consult community members

Figure 10: Are you a resident of or do you work in Long Beach?

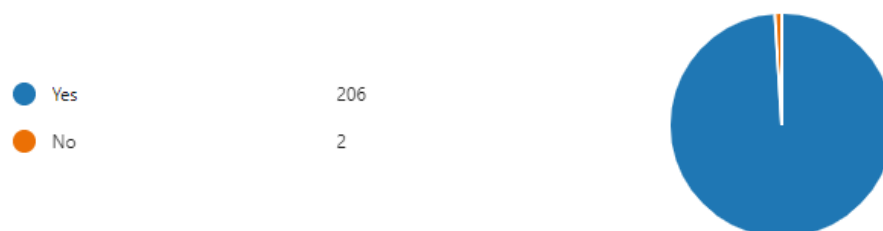


Figure 11: If you live in Long Beach, what Council district do you live in?

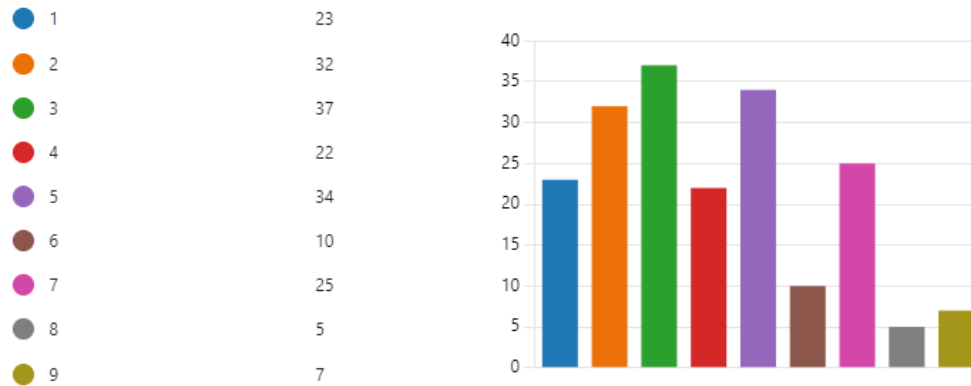


Figure 12: Are you a lobbyist, as currently defined by the Long Beach Municipal Code?

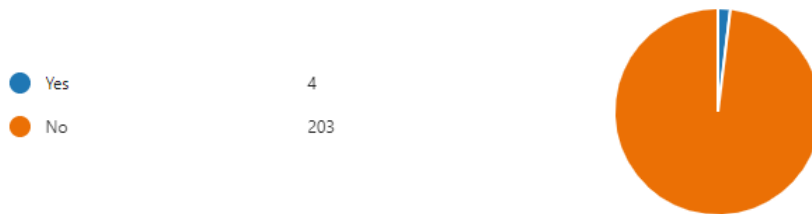


Figure 13: Do you act on behalf of any group or organization that meets with City officials about changes in policy and/or how the City spends public dollars?



Figure 14: Please add any additional comments:

91 comments

ID	Name	Responses
1	anonymous	Only paid lobbyists should have to report on lobbying activities and communication. If you require city officials and commissions to report on all communications, they will be less likely to have meetings with community organizations, individuals, business. The reporting requirements in the draft ordinance the Ad Hoc committee has been working on will cause less communication, less transparency, and will not uncover the inappropriate transitions you are concerned about uncovering.
2	anonymous	This is a flawed survey--for example, "do you live or work in LB" violates the rules of surveys. because it is impossible to determine how many people who answered the survey live in LB (or, put another way, it confounds two ideas). This is made worse by the following question about the district lived in (what about people who work in LB, but may not live here?). I pointed out the glitch in another question.
3	anonymous	This survey is biased... I don't think the ethics commission should be requiring ANYONE that isn't a registered lobbyist to have meetings reported. And the meetings/discussions should be disclosed by the elected officials and city staff (between themselves and any registered lobbyists). Having nonprofits, neighborhood associations, the chamber of commerce, etc report who they have spoken with is just a waste of time. Reporting who and what elected officials and city staff met with should be on their shoulders. They have staff and budgets and are making the decisions. That is part of their job. Period.
4	anonymous	Don't add neighborhood organizations!!! They will stop communicating because of the difficulty in reporting
5	anonymous	Thank you for surveying residents. There are a few errors in this survey that should be fixed. No question 8. Doesn't allow for multiple responses in 7. Question 1 should define what qualifies as an "organization"
6	anonymous	We residents on the east side of LB get very little if any communication on civic or city projects. We would like to see a communication system implemented for use between residents and city departments, such as global emails with opportunities to comment or respond. The council person does not respond, so it would be helpful to have a list of department officials and their email addresses.

Figure 14 (Continued)

ID	Name	Responses
7	anonymous	Thank You for allowing public input.
8	anonymous	Do not use these rules to make the work of neighborhood associations harder!
9	anonymous	Transparency is needed to prevent some of the abuses and conflicts of interest we've seen in the last few years.
10	anonymous	Any government official, any commissioner or representative, whether elected, paid or otherwise appointed in any position whatsoever should be required to complete a monthly declaration of any item, regardless of value, received from any person, organization or interested party. For example, CD5 sent 3 reps to our local block party on October 1st, where we ask households for a donation of \$30 towards the cost of putting the event together. Those CD5 staff members (which included to councilmember) should declare that they received free food and entertainment for the afternoon. Any government official, any commissioner or representative should not receive anything gratis for any reason in pursuance of their job or position.
11	anonymous	Member League of Women Voters who promotes transparency in government
12	anonymous	Its long overdue this whole transparency and ethics thing. Dianne Feinstein makes \$200k a year yet died with \$200m in assets while us hardworking folks cant afford anything
13	anonymous	We MUST have transparency in our city of Long Beach!!!
14	anonymous	You shouldn't have lobbyists in the first place the united states isn't an oligarchy to have you guys be bought and sold. complete and utter bull, but you need to be as up front about its possible we already had one lady up for reelection after stealing tax payer money, we don't need more.
15	anonymous	Neighborhood organizations should be exempt from these regulations, as they represent the constituents of the public officials they talk to, not any private special interests. City officials rely on input from grassroots neighborhood organizations, because they often have more insight into what residents need than they do. Creating a reporting requirement, especially one that comes with a licensing fee, would kill the neighborhood organizations that Long Beach is famous for and would sever an important line of communication that community members have with their public officials.

Figure 14 (Continued)

ID	Name	Responses
16	anonymous	I work for a nonprofit organization in Long Beach and meet with city councilmembers to educate them and their staff about what we do in the city and in their districts. It is basically to develop a relationship with the councilmember and their staff and to mutually partner on similar projects for their constituents. It would make it very difficult and cumbersome as a nonprofit to be considered a "lobbyist" and to have to pay any fees or file any reports since we are very careful fiscally about how we budget our program and management expenses. If anything, having nonprofits being considered as a lobbying body may hinder any future potential collaborations. It would be a divisive policy during a time when the city and nonprofit organizations need to work and collaborate together.
17	anonymous	I believe City Council members should disclose their meeting calendars as to whom they are meeting with to assess whether or not access is equitable.
18	anonymous	Long Beach City government is ridiculously corrupt.
19	anonymous	City employees should not become lobbyist, the City needs true revolving door protections like other cities and other government agencies have
20	anonymous	Make it illegal to provide services or goods, to elected officials, at no cost.....especially when they want something specific (or represent those that do).
21	anonymous	I'm on the board of a neighborhood association.
22	anonymous	There is a distinction between a neighborhood association or smaller nonprofit organization, and a paid lobbyist. Paid lobbyists should be required to disclose their interactions with City officials, as this is their job, to INFLUENCE the positions that City officials take with projects that could involve millions of dollars. Neighborhood associations are typically run by unpaid volunteers, and many nonprofit organizations have small staffs with below-market salaries or stipends. Please do not burden or harm small nonprofit organizations and neighborhood associations with these rules that were originally intended to shine light of what paid lobbyists were doing behind the scenes.
23	anonymous	Special interests including Polce and Fire Unions have an immense impact on the decisions of elected and city officials and any contacts with those organizations including the subjects should be required to be public.

Figure 14 (Continued)

ID	Name	Responses
24	anonymous	Lobbyist should be strictly forbidden in the city of Long Beach. Representatives should only listen to their constituents, period. No lobbyists, shady organizations, etc. Listen ONLY to your constituents.
25	anonymous	Neighborhood organizations should NOT be grouped with paid lobbyists
26	anonymous	Neighborhood groups should be exempt from these requirements
27	anonymous	Neighborhood organizations should be exempt from this. This is ridiculous and burdensome on small groups that are volunteer run and struggling to get clear communication from the city and representatives already. If a lobbyist or labor union is petitioning for any support it should be reported.
28	anonymous	This is a weirdly worded survey. Communications between city leaders and lobbyists should continue to be disclosed and regulated. Neighborhood organizations (some are nonprofits too) are not lobbyists and to lump them in as lobbyists does not make sense.
29	anonymous	This is a very shitty survey. Did the city actually pay a professional to produce this? It's embarrassing.
30	anonymous	City staff needs to be a 5 year ban on becoming lobbyist as well as applying for any rfp 5 years after leaving city service (looking at you JOHN GROSS
31	anonymous	Public trust in our elected officials, govt leaders, decision makers and institutions is vital. It will only become more vital in these upcoming years. Trust cannot exist without transparency. Citizens & tax payers have a right to clarify when it comes to how our taxes are being spent and how decisions are being made when it comes to our city. Access to information is currently limited and purposefully convoluted. Decisions are being made in vacuums that aren't logical or don't seem to be in the public's best interest. Budget spend often favors marginalized groups/interests over the benefit of the general public. Committees are not bipartisan and are echo chambers with single views. Leader's & decision makers do not act as though they are public employees who serve the tax payers but rather as elitist controllers. Transparency will bring accountability and highlight redundancy. Many of us struggle to make ends meet as we watch our taxes disappear into an abyss. We see basic needs not being funded while city officials celebrate an "accomplishment" that wasn't necessary or vital but was prioritized as a budget spend. It's time for a change.

Figure 14 (Continued)

ID	Name	Responses
32	anonymous	This "survey", like every "survey" the city has published (to my knowledge), is fatally flawed for the following reasons: Any person can complete this form as many times as they wish. Any person with access to cheap labor or the wherewithal to hire a programmer or purchase a bot can complete the form unlimited number of times. The above puts regular people at a disadvantage because we can't do what a corporation or lobbyist can do, and lobbyists are known by the city to game the system, such as when lobbyist Mike Murchison hoarded all the speaking slots available during a hearing, blocking out community members who wished to speak against his client's project. The City Clerk, Mayor, and Councilmembers were made aware of this. Lastly, based on question 9, any person not living in Long Beach, or even California, or presumably not even in the U.S., can complete the survey. Please invalidate all responses to the survey and start all over again using any number of survey programs that limit one response per person (via ip address).
33	anonymous	I prefer no changes to the current lobbying rules. It is also unclear if you happen to speak to a Port of Long Beach staff member when you unexpectedly see them at an event, whether a 30 second mention of a client's proposed contract is considered lobbying. to me the most important thing to consider changing in the rules is better defining what is and isn't lobbying. For instance if an existing Port tenant has a lease extension up for approval. is it lobbying to ask business groups to send a letter of support when the staff already are in support? ETC.
34	anonymous	There is no need to keep information from the public
35	anonymous	I'm concerned about any survey (like this one) that can be manipulated by allowing anyone to answer it multiple times.
36	anonymous	Please do not implement a policy that nonprofits, neighborhood groups, business associations, cannot do what is always done and that is talk to our elected officials and city staff. We are all part of this city working for the betterment and as most of these meetings are not meetings of opponents, they are meetings of partners. We should not be inhibiting the important flow of information in our city.
37	anonymous	All paid and non paid representatives of lobbyists organizations or trade and business and union representatives should be required to file; and paid representatives of non profit organizations should be required to file. Non paid representatives of non profit organizations may be exempt. Neighborhood organizations should be exempt. This survey is NOT AVALID SURVEY because it can be gamed by anyone and anywhere who chooses. There is no identifying information, anyone can send multiple submittals thereby skewing the results.

Figure 14 (Continued)

ID	Name	Responses
38	anonymous	How the two million dollar bond the city had for teachers and equipment at the two campuses of LBCC that was used to fix city sewers is a prime example of the abuse that goes on in Long Beach, and how the corruption in the city will continue without complete transparency by everyone, including the board of long beach university and city colleges.
39	anonymous	This survey is NOT A VALID SURVEY because it can be gamed by anyone from anywhere. There are no measures preventing anyone from sending multiple submittals, thereby skewing the results.
40	anonymous	This survey is NOT A VALID SURVEY because it can be gamed by anyone from anywhere. There are no measures preventing anyone from sending multiple submittals, thereby skewing the results.
41	anonymous	This survey is NOT A VALID SURVEY because: 1) it can be gamed by anyone from anywhere. There are no measures preventing anyone from sending multiple submittals, thereby skewing the results. 2) it allows contradictory information to be entered. 3) it allows responses from non-resident individuals and non-voting residents and organizations.
42	anonymous	This survey is NOT A VALID SURVEY because: 1) it can be gamed by anyone from anywhere. There are no measures preventing anyone from sending multiple submittals, thereby skewing the results. 2) it allows contradictory information to be entered. 3) it allows responses from non-resident individuals and non-voting residents and organizations.
43	anonymous	This survey is NOT A VALID SURVEY because: 1) it can be gamed by anyone from anywhere. There are no measures preventing anyone from sending multiple submittals, thereby skewing the results. 2) it allows contradictory information to be entered. 3) it allows responses from non-resident individuals and non-voting residents and organizations.
44	anonymous	This survey is NOT A VALID SURVEY because: 1) it can be gamed by anyone from anywhere. There are no measures preventing anyone from sending multiple submittals, thereby skewing the results. 2) it allows contradictory information to be entered. 3) it allows responses from non-resident individuals and non-voting residents and organizations.
45	anonymous	This survey is NOT A VALID SURVEY because: 1) it can be gamed by anyone from anywhere. There are no measures preventing anyone from sending multiple submittals, thereby skewing the results. 2) it allows contradictory information to be entered. 3) it allows responses from non-resident individuals and non-voting residents and organizations.

Figure 14 (Continued)

ID	Name	Responses
46	anonymous	This survey is NOT A VALID SURVEY because: 1) it can be gamed by anyone from anywhere. There are no measures preventing anyone from sending multiple submittals, thereby skewing the results. 2) it allows contradictory information to be entered. 3) it allows responses from non-resident individuals and non-voting residents and organizations.
47	anonymous	This is a sham survey. You should be put in jail for trying to overthrow our democratic republic. Shame on you and every single fascist in your department.
48	anonymous	Fucked up survey. Anyone can submit. I don't even live in Long beach, but hey take my survey. For the record, I oppose everything you want.
49	anonymous	This survey is NOT A VALID SURVEY because: 1) it can be gamed by anyone from anywhere. There are no measures preventing anyone from sending multiple submittals, thereby skewing the results. 2) it allows contradictory information to be entered. 3) it allows responses from non-resident individuals and non-voting residents and organizations.
50	anonymous	This survey is NOT A VALID SURVEY because: 1) it can be gamed by anyone from anywhere. There are no measures preventing anyone from sending multiple submittals, thereby skewing the results. 2) it allows contradictory information to be entered. 3) it allows responses from non-resident individuals and non-voting residents and organizations.
51	anonymous	This survey is NOT A VALID SURVEY because: 1) it can be gamed by anyone from anywhere. There are no measures preventing anyone from sending multiple submittals, thereby skewing the results. 2) it allows contradictory information to be entered. 3) it allows responses from non-resident individuals and non-voting residents and organizations.
52	anonymous	Not a valid survey. This is a PR tool to satisfy some BS you are already planning on doing as well as enabling the city to check off the "community engagement " box.
53	anonymous	Tax monies belong to the public and city employees and politicians and public servants and beholden to us... the public.
54	anonymous	Not a valid survey. This is a PR tool to satisfy some BS you are already planning on doing as well as enabling the city to check off the "community engagement " box.

Figure 14 (Continued)

ID	Name	Responses
55	anonymous	Redistricting was a horrific decision especially 6 & 7. Decision like this were made with no residents input just like so many other decisions that affect our homes, our monies and our welfare and safety. Shame on the city.
56	anonymous	Just a concerned resident.
57	anonymous	Get better. LB residents should be able to use all pools for free.
58	anonymous	The more transparent, the better. The more information we all have, the more informed our opinions and decisions will be.
59	anonymous	Clean up your act. People are watching, getting fed up, and are going to do something about it.
60	anonymous	Why would this survey even be necessary?
61	anonymous	the wording in question 3 is not clear and there might be some missing words - this could affect your results.
62	anonymous	Citizens United allowed lobbyists and special interests to actively control government and influence anyone in government. That kind of DARK MONEY has no place in our lives and should be illegal. And Robert Garcia needs to return the \$1M+ given to him by SBF now. If you don't think that was lobbying, you're all in a cult.
63	anonymous	How much taxpayer money are you wasting on these surveys? Disclose THAT 😞
64	anonymous	I am a member of two non-profit organizations. We may at some time in the future meet with city officials to garner help with our objectives and apply for funding. However, saddling a non-profit organization with all the additional reporting required of a paid lobbyist would be a detriment to their ability to work on their objectives. Also note that I'm told this survey does not have adequate controls to be credible or used to make decisions. It allows a person to fill it out multiple times.
65	anonymous	I am a City Employee.
66	anonymous	Please prove the government staff, officials and mayor are competent. So far all you do is wasting our tax. If you don't know what you are doing, follow the successful cities such as Irvine, Cypress or Manhattan Beach, cleaner and safer cities that do not tolerate crime and homelessness so that decent business would want to invest in our city then decent residents will move in.

Figure 14 (Continued)

ID	Name	Responses
67	anonymous	I'm as mad as hell!!! And, I'm tired of the city council and mayor refusing to disclose the reasons for their actions.
68	anonymous	Represent Olive Court HOA located at Dayman and Long Beach BLVD, back of the building faces E. 19th Street..
69	anonymous	The city should be the one to have report. There are fewer of them compared to the thousands of constituents. Especially the electeds and top city management.
70	anonymous	Lobbying efforts by any companies should be recorded, and documents made public related to programs or ordinances they stand to favor from if enacted.
71	anonymous	The non profit issue is salient for me; my son lives in Sandwich, MA where non profits weasel tax funds and get privileges that hobble the general public.
72	anonymous	City ordinances should require disclosure of actual and potential conflicts of interests... to make public even appearances of conflicts.
73	anonymous	Please do not burden non-profits any more than they already are!
74	anonymous	Neighborhood organizations and nonprofits are not lobbyists and should not be considered lobbyists. Many that I'm aware of are small and all-volunteer driven with no or very small budgets. Neighborhood organizations need to communicate with council members and vice versa. If they were considered lobbyists, then that would negatively impact their role, their ability to function, and the value they bring to the city. Please do not change the ordinance to include them.

Figure 14 (Continued)

ID	Name	Responses
75	anonymous	<p>I believe PAID lobbyists should be the only group subject to reporting a meeting, if any. I do not agree that non profits or neighborhood associations should be held at the same standard of a paid lobbyist or employed consultant member. Paid lobbyists would seem to be specifically seeking to change city employees stances with a particular agenda item or topic and money could directly affect influence. Very different in motivation. Direct communication of council members with neighborhood associations seems highly important in creating a good working relationship for resident issues and collaboration between neighborhoods, council members and city employees. This should not require a report each time this occurs and seems very misguided. Reports for neighborhoods or small non profits would become a wedge and create cumbersome documentation to get anything achieved or discussed at such basic levels. Please do not create a lobbyist ordinance that creates unnecessary restrictions to non profits and neighborhood associations.</p>
76	anonymous	<p>By introducing an additional layer of regulation through the proposed lobbying ordinance, we risk burdening nonprofits with duplicative requirements, wasting valuable resources, and restricting their ability to fulfill their missions effectively.</p>
77	anonymous	<p>The City of Long Beach has a widely-known and problematic history. Having open, honest and transparent communications with lobbyist, non-profit organizations and neighborhood groups is the path forward to rebuilding trust in the community.</p>
78	anonymous	<p>I am on a board of a Long Beach neighborhood association, a volunteer led nonprofit that helps to address the needs of its residents. We are not lobbyists and should not be defined under such!</p>
79	anonymous	<p>Transparency for the tax payers</p>
80	anonymous	<p>As the President of the Alamitos Heights Improvement Association (AHIA), I have had cause to share feedback from our neighbors with our 3rd District Council Member. One of the functions of the AHIA is to share concerns that neighbors raise with our elected officials. Topics range from noise pollution, traffic, safety, dead trees, and summer concerts etc. The AHIA is staffed by volunteers who live in the neighborhood. While I support transparency for the public, any reporting requirements for neighborhood associations, especially if they were complicated, might be more than the volunteers are able to reasonably manage and could discourage the AHIA from working with our City Leadership. Regards, Richard Wherry President Alamitos Heights Improvement Association 501 (c) 4 Non Profit Organization EIN #95-3537230 5318 East 2nd Street #263 Long Beach, CA 90803 Mobile: 562.477.5829</p>

Figure 14 (Continued)

ID	Name	Responses
81	anonymous	I have been an active member of the community for many years. I am a resident of 31 years, LB small business owner on Broadway corridor of 17 years, and a board member of my neighborhood association of 6 years.
82	anonymous	The City does not need to create more bureaucracy requiring more employees since I seriously doubt the reporting would be truthful or complete. Too many deals in Long Beach occur behind closed doors and I doubt it will change. Allowing more public participation in Council and Commission meetings would be more helpful to the Democratic process. Our City government has become used to hiding behind the COVID restrictions and it seems to love operating in a vacuum without any input or push back from residents. City Officials need to remember they work for the residents of Long Beach.
83	anonymous	I'm a board member of BHNA
84	anonymous	Council persons need some freedom to query possibilities among interested parties out of the public eye. We need to avoid prohibited favoritism or self-enrichment by other means. Council persons should be required to keep a calendar of meetings that could be subpoenaed should suspicion arise.
85	anonymous	Non-profit organizations should be able to update city council officials regarding the services and programs available for residents of Long Beach.
86	anonymous	I am opposed to the proposed ordinance
87	anonymous	Neighborhood Associations represent interests of taxpayers and voters. Non-profits that are based in the City and in the same district as the representative should be exempt from any reporting. Churches, synagogues, mosques, should all not be required to report if talking to their representative. Only those that are outside of the district should report.
88	anonymous	It is important that taxpayers know about conversations between paid lobbyists, unions and corporations with city officials that could potentially affect how the tax monies are spent and how city property is handled.

Figure 14 (Continued)

ID	Name	Responses
89	anonymous	<p>It seems ridiculous that residents of a neighborhood by virtue of being in an association would have to report their communications with their city councilperson. This entire recommendation seems aimed at increasing the power and voice of organizations who can afford to have staff to meet onerous bureaucratic requirements and diminishing the voice of neighborhood residents who voluntarily try to organize together to make a positive difference for their communities. How this can be considered "ethical" is beyond me. The outcome of a change like this will tip balance in the favor of corps and away from community members. A better recommendation would have been to set a revenue threshold of some kind but I suspect that wasn't recommended because that would not have the obviously intended effect of this recommendation which is to concentrate advocacy with the few who can afford to jump through bureaucratic hoops instead of making advocacy available to all who seek to to engage with our city government.</p>
90	anonymous	<p>This questionnaire leaves no room for nuance and contains a number of errors. Question 3, point 5 appears to include an incomplete sentence; questions 5 & 6 refer to question above with incorrect numbers. That said, many non-profit groups are small, neighborhood groups that often meet with City staff and their council members to discuss specific neighborhood issues, some of which are wide-ranging and may have budgetary implications. If the Ethics Commission is considering making it more difficult for these resident-led organizations to interact with their council representatives and City staff, I believe it will be making a HUGE mistake. We are, after all, residents of the city of Long Beach who pay taxes and who have a right to interact with City officials and staff without restrictions placed on us. The neighborhood organization I belong to takes a non-partisan stand; indeed 501c(3) non-profit guidelines prohibit such groups from promoting political candidates and using a substantial portion of their funds influencing legislation. Chambers of Commerce, on the other hand, are involved in public policy debates and should be categorized as "lobbyists". In summary, all non-profits whose mission is to influence public policy should be considered "lobbyists", particularly those with substantial budgets. Leave the small 501c(3) non-profits alone.</p>
91	anonymous	<p>We need to be transparent what is the financial of our city? That's the only way we can I know what is working what is not working?</p>

Attachment

ATTACHMENT

Community Survey: Proposed Changes to City of Long Beach Lobbyist Ordinance

The City Charter, as amended by the voters of Long Beach, directs the Ethics Commission to make recommendations regarding the City lobbying laws, among other topics. At this time, the Commission is exploring whether to recommend an increase in information available to the public where a communication may influence the decisions of City officials. The purpose of this survey is to get input from the public about what information should be collected and how.

Please see the following links for more information:

https://library.municode.com/ca/long_beach/codes/municipal_code?nodeId=TIT2ADPE_CH2.08LO
https://library.municode.com/ca/long_beach/codes/city_charter?nodeId=CH_ARTXXIVETCO

"City officials" in the questions below means elected officials, Members of City Boards and Commissions, and City Department heads.

1. Do you think that information about communications between City officials and organizations should be made available to the public?

☐ Yes

☐ No

2. If you answered yes to Question 1, please select all subjects that you want to know about when discussed with City officials by persons acting on behalf of businesses or non-profit entities.

- ☐ Land use and zoning
- ☐ Homeless issues
- ☐ Housing issues, rent control, development
- ☐ Business licenses
- ☐ Street vendors and food trucks
- ☐ Language Justice
- ☐ Youth Program
- ☐ Tax Proposals
- ☐ City's annual budget and staffing allocations
- ☐ Public safety issues
- ☐ Utilities
- ☐ Port of Long Beach
- ☐ Cannabis
- ☐ Arts and Culture
- ☐ Health
- ☐ Mental Health
- ☐ Parks, marina, beaches, and open spaces
- ☐ Libraries
- ☐ Animal Care
- ☐ City owned property, such as, the Queen Mary, the Convention Center, the Ranchos
- ☐ Other

3. If you answered 'other' to Question 2, please fill in the blank.

4. If you answered yes to Question 1, which communications with City officials do you think should be disclosed? Please check all that apply:

- ☐ Communications with paid lobbyists, both those employed by an organization or acting as a consultant.
- ☐ Communications with representatives of a non-profit service organization.
- ☐ Representatives of all non-profit service organizations.
- ☐ Representatives of non-profit service organizations only with operating budgets above \$2 million. Service non-profits with operating budgets under \$2 million should be exempt.
- ☐ Representatives of non-profit service organizations only with operating budgets above \$5 million. Service non-profits with operating budgets.
- ☐ Communications with labor unions that do not represent the interest of City employees.
- ☐ Communications with neighborhood organizations.
- ☐ Communications with industry trade associations or chambers of commerce.

5. Who should be required to report communications with City officials? Please check all that apply.

- ☐ a. City officials should report the meeting.
- ☐ b. Lobbyists should report the meeting.
- ☐ c. Nonprofit organizations should report the meeting.
- ☐ d. Labor Unions should report the meeting.
- ☐ e. Neighborhood organizations should report the meeting.
- ☐ f. Industry trade associations or chamber of commerce should report the meeting.
- ☐ g. No one should be required to report these communications.

6. If you checked anything other than g in question 5 above, how often should such reports be filed?

- ☐ i. Every month
- ☐ ii. Every three months
- ☐ iii. Every six months
- ☐ Other

7. If you checked 'other' in question 6 above, how often should such reports be filed?

8. What information should be collected about communications between City officials and organizations? Please select all that apply:

- ☐ When did they communicate
- ☐ Topic of the communication
- ☐ Position on the topic (i.e., for or against an issue)
- ☐ Any materials shared
- ☐ No information
- ☐ Other

9. If you answered 'other' to question number 8, please fill in the blank below.

10. Are you a resident of or do you work in Long Beach?

- ☐ Yes
- ☐ No

11. If you live in Long Beach, what Council district do you live in?

- ☐ 1
- ☐ 2
- ☐ 3
- ☐ 4
- ☐ 5
- ☐ 6
- ☐ 7
- ☐ 8
- ☐ 9

12. Are you a lobbyist, as currently defined by the Long Beach Municipal Code?

https://library.municode.com/ca/long_beach/codes/municipal_code?nodeId=TIT2ADPE_CH2.08LO

- ☐ Yes
- ☐ No

13. Do you act on behalf of any group or organization that meets with City officials about changes in policy and/or how the City spends public dollars?

- ☐ Yes
- ☐ No

14. Please add any additional comments:

This content is neither created nor endorsed by Microsoft. The data you submit will be sent to the form owner.



ATTACHMENT 3

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

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OUR FILE NUMBER:

005780.00108
38588704.1

September 22, 2022

VIA EMAIL ONLY

Taylor Anderson
Deputy City Attorney
Office of the City Attorney
Departmental Counsel Division
411 W. Ocean Blvd., 9th Floor
Long Beach, CA 90802

Re: Nonprofit Organizations and Questions re Advocacy and Lobbying.

Dear Taylor:

You requested our advice as to certain questions the Ethics Commission has identified regarding nonprofit political and lobbying activities. These questions have arisen as part of the Ethics Commission's evaluation of policy recommendations to the City Council regarding the City's Lobbyist Ordinance.

The Ethics Commission's specific questions are listed below, followed by my responses:

Question #1. Please review the second paragraph above. Are the sentences accurate? Are these statements about what the IRS allows and how it distinguishes between lobbying and advocacy accurate? Can they be stated in a way that provides more clarity?

The second paragraph referenced in this question generally relates to the distinction between 501(c)(6) trade organizations and 501(c)(3) public charities, each of their limits on lobbying activities, and the distinction between lobbying and advocacy. I have suggested some revisions I believe are advisable to the language in the second paragraph, as reflected below:

The non-profit sector is diverse and influential. Under the Internal Revenue Code, some non-profit entities are formed to promote the common business interests of its business members and generally improve the business industry of which its members are a part, e.g., 501(c)(6), while others provide charitable ~~direct~~ services to the public ~~individual-clients~~, e.g., 501(c)(3). Regardless of form, the non-profit sector is influential. For certain entities, notably 501(c)(3)

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

Taylor Anderson
September 22, 2022
Page 2

entities, the IRS rules distinguish between advocacy and lobbying. In general, “lobbying” involves the assertion of a position with respect to a specific piece of introduced legislation, while “advocacy” supports an organization’s mission ~~without and may or may not~~ reference ~~to~~ specific proposed legislation. While all “lobbying” is “advocacy”, not all “advocacy” is “lobbying”. The IRS allows entities organized under Section 501(c)(3) to engage in lobbying but to a very limited extent, while it allows 501(c)(6) entities to engage in lobbying without restriction as long as the lobbying furthers the organization’s exempt purpose.

As you can see, one distinction that I have made with my suggested revisions relates to the difference between advocacy and lobbying. Advocacy can include any promotion of an organization’s core message. For example, it could include educating the public on issues relating to homelessness if that is the organization’s exempt purpose. While it certainly need not constitute lobbying, it could include an organization’s advocacy for the passage of certain legislation. In short, lobbying can be viewed as a subset of advocacy.

Question #2. Can 501(c)(3) organizations provide the level of detail required above without unintentionally jeopardizing their non-profit status? Put another way, will the registration and notice requirement above cause permissible advocacy under the IRS Code to become impermissible lobbying?

Lobbying activities are generally defined as attempts to influence “legislation”. The term “legislation” includes “action by the Congress, by any State legislature, by any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure.” Reg. § 1.501(c)(3)-1(c)(3)(ii).

Many activities relating to proposed or pending legislation or molding public opinion on legislative matters can qualify as lobbying. An organization is regarded as attempting to influence legislation if the organization contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation. Reg. § 1.501(c)(3)-1(c)(3)(ii). Likewise, an organization will be considered to engage in lobbying if it advocates the adoption or rejection of legislation. Id.

Certainly a number of the example situations you have identified as being types of contemplated reportable transactions by nonprofit organizations would constitute lobbying transactions that fall within the IRS limitations on lobbying activities. For example, a nonprofit’s solicitation of the general public to contact council members about budget items would constitute grass-roots lobbying activities. See IRC Reg. § 56-4911-2(d)(4).

Other example situations you have identified may not fall within the definition of lobbying. See your example number 2 relating to a nonprofit whose staff meets with elected officials to identify projects funded with a City set-aside for organizations such as the nonprofit, with no discussion of the funding mechanism. This scenario appears similar to an example set forth in Regulation

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Section 56-5911-2(d)(4). Regulation § 56-5911-2(d)(4) discusses the fact that the term “any attempt to influence any legislation” will not include an attempt to influence or persuade an executive body to form or acquire property to be used for a public park, as opposed to “attempts to persuade a legislative body, a member thereof, or other governmental official or employee, to promote the appropriation of funds for such an acquisition or other legislative authorization of such an acquisition.” The regulation uses as an example the fact that a nonprofit would not be considered to be influencing legislation if it proposed to a Park Authority that it purchase a particular tract of land for a new park, even though the purchase would require the Park Authority to seek appropriations to support a new park. The Regulation notes that the organization would be influencing legislation if it provided the Park Authority with a proposed budget to be submitted to a legislative body.

Here, some of the sample activities you have identified as reportable would constitute lobbying activities and some of the proposed reportable transactions will include activities which are broader than the IRS’s definition of lobbying. The issue then becomes whether the required disclosure of lobbying activities would negatively affect reporting nonprofit organizations with respect to the IRS limitations on lobbying activities, and/or whether it would turn activities which otherwise would not constitute lobbying activities into potentially impermissible lobbying activities.

I do not believe that the mere reporting of such contacts and activities and the reporting of the nonprofit’s recommendation or specific action sought would have an impact on the nonprofit with respect to the IRS’s limitations on lobbying activities. If the underlying action or contact by the nonprofit does not constitute lobbying, the mere reporting of the contact and action sought should not change the nature of the activity so as to result in action which would otherwise not be considered to be lobbying to by reason of the reporting requirement constitute impermissible lobbying activities. As such, I do not believe the proposed mere registration and notice requirement will negatively affect the nonprofit in terms of the IRS’s restrictions on lobbying.

Question #3. If the answer to (2) is that we would cause non-profits unnecessary tax issues as a consequence of the changes discussed above, is there another way we can achieve the transparency we seek without the potential harm to non-profits in our City?

If the Ethics Commission so desires, in an attempt to soften the perceived impact of the registration requirement on nonprofits, it could limit the disclosure requirements of the nonprofit to identification of the subject matter of the contact without inclusion of the specific action sought. By taking this action, the nonprofit will be disclosing the matter at issue without disclosing what position the nonprofit has advocated on the matter. Having said that, given the conclusion to Question #2, above, this limitation is likely not be necessary.

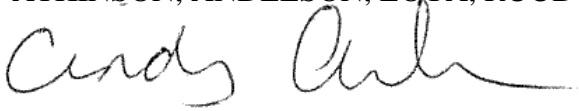
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If you have any questions regarding the matters outlined above, please feel free to call me.

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A handwritten signature in black ink, appearing to read "Cindy Arellano", written over a horizontal line.

Cindy Strom Arellano