

Memorandum



DATE April 1, 2010
TO The Honorable Mayor and Members of the City Council
SUBJECT Lobbyist Registration Ordinance

Please find attached for Wednesday's briefing the materials for the Lobbyist Registration Ordinance.

Please contact me should you have any questions.



THOMAS P. PERKINS, JR.
City Attorney

Attachment

c: Mary K. Suhm, City Manager
Ryan S. Evans, First Assistant City Manager
Forest E. Turner, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Deborah A. Watkins, City Secretary
Craig Kinton, City Auditor
The Honorable C. Victor Lander, Administrative Judge
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Office
Helena Stevens-Thompson, Assistant to the City Manager

**PROPOSED AMENDMENTS TO THE
LOBBYIST REGISTRATION ORDINANCE**

- **ON NOVEMBER 9, 2009, THE CITY COUNCIL PASSED ORDINANCE NO. 27748 WHICH ESTABLISHED LOBBYIST REGISTRATION AND REPORTING REQUIREMENTS FOR PERSONS RECEIVING COMPENSATION OR REIMBURSEMENT OF \$200 OR MORE IN A CALENDAR QUARTER FOR LOBBYING DALLAS CITY OFFICIALS.**
- **THE ORDINANCE BECAME EFFECTIVE APRIL 1, 2010.**
- **OVER THE LAST SEVERAL MONTHS, THE CITY SECRETARY'S OFFICE AND THE CITY ATTORNEY'S OFFICE HAVE CONDUCTED A SERIES OF PUBLIC ORIENTATION/TRAINING SESSIONS ON THE ORDINANCE'S REQUIREMENTS.**
- **THE PROPOSED ORDINANCE AMENDMENT ADDRESSES TWO CONCERNS RAISED DURING THOSE SESSIONS.**

- **FIRST, THE PROPOSED ORDINANCE WOULD AMEND SECTION 12A-15.2(10) TO PROVIDE AN EXCEPTION FROM THE DEFINITION OF LOBBYING FOR NARROWLY TAILORED ORAL RESPONSES TO SPECIFIC QUESTIONS FROM CITY OFFICIALS.**
- **THE CURRENT PROVISION ONLY EXEMPTS WRITTEN RESPONSES.**
- **SECOND, THE PROPOSED ORDINANCE WOULD AMEND SECTION 12A-15.3 TO ALLOW A CORPORATION OR ORGANIZATION THAT IS NOT REQUIRED TO REGISTER AS A LOBBYIST, BUT THAT HAS SEVERAL STAFF LOBBYISTS, TO ONLY PAY ONE ANNUAL \$300 REGISTRATION FEE.**
- **THIS WOULD TREAT A CORPORATION OR ORGANIZATION THE SAME AS A PAID LOBBYING FIRM, WHICH IS CURRENTLY ALLOWED TO REGISTER ALL OF ITS STAFF LOBBYISTS UNDER THE SAME REGISTRATION WITH ONE ANNUAL \$300 FEE.**

- **THIRD, PURSUANT TO A MEMORANDUM DATED FEBRUARY 24, 2010, A THIRD PROPOSED ORDINANCE APPEARS ON TODAY'S AGENDA.**
- **THE PROPOSAL AMENDS SECTION 12A-15.4 TO ADD PARAGRAPH (9) TO EXEMPT ORGANIZATIONS REGISTERED WITH THE INTERNAL REVENUE SERVICE UNDER SECTIONS 501(c)3, 501(c)4, 501(c)5, AND 501(c)6 AND THEIR MEMBERS, FROM THE REGISTRATION AND ACTIVITY REPORT REQUIREMENTS OF THE ORDINANCE WHEN LOBBYING ON A MUNICIPAL QUESTION THAT AFFECTS THAT ORGANIZATION.**

- **THE PROPOSED ORDINANCE AMENDMENT WOULD EXEMPT CHARITABLE ORGANIZATIONS, SOCIAL WELFARE ORGANIZATIONS, LABOR OR AGRICULTURAL ORGANIZATIONS AND BUSINESS LEAGUES, CHAMBERS OF COMMERCE, AND REAL ESTATE BOARDS.**
- **ORGANIZATIONS DESCRIBED IN SECTION 501(c) 3 ARE PROHIBITED FROM CONDUCTING POLITICAL CAMPAIGN ACTIVITIES TO INTERVENE IN ELECTIONS FOR PUBLIC OFFICE.**
- **HOWEVER, 501(c)3 ORGANIZATIONS ARE PERMITTED TO CONDUCT A LIMITED AMOUNT OF LOBBYING TO INFLUENCE LEGISLATION, PROVIDED THAT “NO SUBSTANTIAL PART” OF A PUBLIC CHARITY’S ACTIVITIES MAY BE DEVOTED TO LOBBYING ACTIVITIES.**
- **501(c)4, 501(C)5 AND 501(c)6 ORGANIZATIONS MAY ENGAGE IN LOBBYING ACTIVITIES.**

- **THE FOLLOWING FREQUENTLY ASKED QUESTION AND ANSWER IS POSTED ON THE CITY SECRETARY’S WEBSITE:**
 - **SECTION 12A-15.3 OF THE DALLAS CITY CODE REQUIRES A PERSON WHO RECEIVES COMPENSATION OR REIMBURSEMENT OF \$200 OR MORE IN A CALENDAR QUARTER FOR LOBBYING ACTIVITIES TO REGISTER AS A LOBBYIST AND TO REPORT CERTAIN INFORMATION REGARDING HIS OR HER LOBBYING ACTIVITIES. SECTION 12A-15.2(3)(B) OF THE CITY CODE SPECIFICALLY PROVIDES THAT “COMPENSATION” DOES NOT INCLUDE PAYMENTS TO AN INDIVIDUAL REGULARLY EMPLOYED BY A PERSON IF LOBBYING ACTIVITIES ARE NOT PART OF THE INDIVIDUAL’S REGULAR RESPONSIBILITIES. THUS, COMPENSATION DOES NOT INCLUDE AN INDIVIDUAL’S REGULAR SALARY IF LOBBYING IS NOT PART OF THE INDIVIDUAL’S REGULAR JOB DUTIES.**

- **CONSEQUENTLY, THE LOBBYIST REGISTRATION AND REPORTING REQUIREMENTS WOULD ONLY APPLY TO AN EMPLOYEE OF A CHAMBER OF COMMERCE OR NON-PROFIT ENTITY WHOSE REGULAR JOB DUTIES CONSISTED OF LOBBYING ACTIVITIES, OR TO A CHAMBER OF COMMERCE OR NON-PROFIT ENTITY THAT HAS BEEN RETAINED FOR LOBBYING ACTIVITIES AND RECEIVES COMPENSATION OR REIMBURSEMENT OF \$200 OR MORE IN A CALENDAR QUARTER FOR THOSE ACTIVITIES.**
- **PERSONS WHO ENGAGE IN OCCASIONAL OR INCIDENTAL LOBBYING ACTIVITIES, BUT WHOSE REGULAR JOB RESPONSIBILITIES DO NOT INCLUDE LOBBYING, WOULD NOT HAVE TO COMPLY WITH THE LOBBYIST REGISTRATION AND REPORTING REQUIREMENTS.**