
CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**REVISED****Council Meeting Date: 08/18/2016**
Agenda Item: 6C5

ACTION: Hold the second and final public hearing to adopt an ordinance amending Chapter 2 to add Article IX to the Tempe City Code relating to lobbyist registration. (Ordinance No. O2016.46)

FISCAL IMPACT: There is no fiscal impact to the City.

RECOMMENDATION: Adopt Ordinance No. O2016.46.

BACKGROUND INFORMATION: The lobbyist registration proposal was brought to the Committee of Whole (COW) on June 16, 2016 and direction was given to place the ordinance on an upcoming Regular Council Meeting agenda.

The goal of the registration is to provide the public with information about the identity of paid lobbyists (as well as the individuals and organizations whose interests are being served by the lobbyists); detail the funds being expended and those who are benefiting from the expenditures.

The ordinance provides for the following:

- The City of Tempe creates a lobbyist registration program that requires those who are compensated to lobby for a person or organization to register on an annual basis with the City Clerk's office. This ordinance would apply whether the lobbyist was lobbying the City Council, a Board or Commission, or the Hearing Officer.
- At the time of their registration, a lobbyist may file a statement declaring that they do not intend to make expenditures reportable under the ordinance. If the lobbyist does make such expenditure, then they would have to notify the City Clerk of the expenditure within 10 days and would then be subject to expenditure reporting.
- Any expenditure to a public official over \$50 be itemized and listed separately along with amount and nature of the expenditure and the name of the public official receiving or benefitting from the expenditure.
- The definition of a "gift" not include items like: an inheritance, a plaque or similar item, expenses relating to an event to which all members of the Council or Board or Commission, and expenses to an event sponsored by a regional, statewide or national association of public officials.
- There would be certain exceptions to the lobbyist registration including a person who is not compensated for lobbying, a person who acts on their own behalf to support or oppose an official action, an expert introduced or identified by a lobbyist, or a person who contacts a public official for the purpose of obtaining information.
- No person would be able to make a gift or expenditure on behalf of a public official through another person in order to conceal the identity of the person making the gift or expenditure.
- A violation of the provision would be filed in writing with the Clerk's Office and that the first offense would be a civil offense punishable by a fine, while a second and subsequent violation within a 12 month period would be a Class 1 misdemeanor.

Since the first public hearing on August 4, 2016, staff has clarified in the ordinance that all measurements of days are calendar days, and that the initial registration and exemption statement are valid until December 31 of the year following the initial registration, if the initial registration and exemption statement are filed between October 1 and December 31.

ATTACHMENTS: Ordinance

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