

3/17/10

ORDINANCE NO. 27834

An ordinance amending Sections 12A-15.2 and 12A-15.3 of CHAPTER 12A, "CODE OF ETHICS," of the Dallas City Code, as amended; defining terms; providing an exception from the definition of "lobbying" for oral responses to specific questions from city officials; allowing a lobbying firm that is not required to register as a lobbyist to so register if it has multiple employees who would otherwise be required to register individually as lobbyists; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection (10) of Section 12A-15.2, "Definitions," of Article III-A, "Lobbyists," of CHAPTER 12A, "CODE OF ETHICS," of the Dallas City Code, as amended, is amended to read as follows:

"(10) LOBBY or LOBBYING.

(A) "Lobby or lobbying" means any oral or written communication (including an electronic communication) to a city official, made directly or indirectly by any person in an effort to influence or persuade an official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any municipal question.

(B) "Lobby or lobbying" does not include a communication:

(i) merely requesting information or inquiring about the facts or status of any municipal question, matter, or procedure, and not attempting to influence a city official;

(ii) made by a public official or employee (including, but not limited to, an official or employee of the city of Dallas) acting in his or her official capacity;

(iii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iv) made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, or any other medium of mass communication;

(v) made at a meeting open to the public under the Texas Open Meetings Act;

(vi) made in the form of a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(vii) made in writing as a petition for official action and required to be a public record pursuant to established city procedures;

(viii) made in an oral or written [~~in writing to provide information in~~] response narrowly tailored to address an oral or written request by a city official for specific information;

(ix) the content of which is compelled by law;

(x) made in response to a public notice soliciting communications from the public and directed to the official specifically designated in the notice to receive such communications;

(xi) made on behalf of an individual with regard to that individual's employment or benefits;

(xii) made by a fact witness or expert witness at an official proceeding; or

(xiii) made by a person solely on behalf of that individual, his or her spouse or domestic partner, or his or her minor children."

SECTION 2. That Subsection (11) of Section 12A-15.2, "Definitions," of Article III-A, "Lobbyists," of CHAPTER 12A, "CODE OF ETHICS," of the Dallas City Code, as amended, is amended to read as follows:

"(11) LOBBYING FIRM means:

(A) a self-employed lobbyist; [ø€]

(B) a person who has one or more employees that are lobbyists on behalf of a client or clients other than that person; or

(C) a person who has one or more employees that are lobbyists on the person's behalf and the person is the client."

SECTION 3. That Section 12A-15.3, "Persons Required to Register as Lobbyists," of Article III-A, "Lobbyists," of CHAPTER 12A, "CODE OF ETHICS," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 12A-15.3. PERSONS REQUIRED TO REGISTER AS LOBBYISTS.

(a) Except as provided by Section 12A-15.4, a person must register with the city secretary if the person:

- (1) receives compensation of \$200 or more in a calendar quarter for lobbying;
- (2) receives reimbursement of \$200 or more in a calendar quarter for lobbying; or
- (3) lobbies as the agent or employee of a person who:
 - (A) receives compensation of \$200 or more in a calendar quarter for lobbying;
 - (B) receives reimbursement of \$200 or more in a calendar quarter for lobbying.

(b) A lobbying firm that is not required to register under Subsection (a) of this section may register as a lobbyist with the city secretary if the lobbying firm has more than one employee who is required to register under Subsection (a). A lobbying firm that chooses to register under this subsection for all of its employees that are lobbyists, instead of having them register individually, will be deemed to be a "registrant" and "a person required to register" for all purposes of this article and will be subject to all requirements, procedures, and penalties applicable to a "registrant" and "person required to register," as those terms are used in this article."

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 5. That CHAPTER 12A of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

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SECTION 7. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

Passed APR 07 2010

LC/DCC/00480A

AGENDA ITEM # 8

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: April 7, 2010

COUNCIL DISTRICT(S): All

DEPARTMENT: Mayor and City Council

CMO: NA

MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 12A of the Dallas City Code to: (1) provide an exception from the definition of "lobbying" for oral responses to specific questions from city officials; and (2) allow a lobbying firm that is not required to register as a lobbyist to so register if it has multiple employees who would otherwise be required to register individually as lobbyists - Financing: No cost consideration to the City

BACKGROUND

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 on April 1, 2010. The City Secretary's Office and City Attorney's Office conducted several public orientation/training sessions on the new requirements. The proposed ordinance would address a couple of concerns that arose at the sessions. First, the proposed ordinance would amend Section 12A-15.2(10) of the Dallas City Code 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 of the Dallas City Code to allow a corporation or organization that is not required to register as a lobbyist (because it does not receive compensation or reimbursement of \$200 or more in a calendar quarter) to so register if it has multiple employees who would otherwise be required to register individually as lobbyists. This allows a corporation or organization with several staff lobbyists to only pay one annual \$300 registration fee. This would give the corporation or organization the same advantage as a paid lobbying firm, which is currently allowed to register all of its staff lobbyists under the same registration after paying one annual \$300 fee.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.