

Municipalities: Local Lobbying Law Roundup

March 2011

Orange County, California, and Tallahassee, Florida, have joined the long list of other municipalities, including Chicago, Los Angeles and San Francisco, in requiring lobbyists to register when lobbying local government. The new ordinances are described in the following paragraphs. Also, important information about the scope of New York City's lobbying ordinance and a reminder about Philadelphia's new lobbying law are included below.

Orange County, California. On February 8, 2011, the Orange County Board of Supervisors passed an ordinance requiring persons lobbying the county government to register with the Clerk of the Board. According to press reports, Orange County was the largest California municipality without lobbyist disclosure rules.

The new law defines "lobbying activities" to include "any oral, written, or electronic communication to a County Supervisor, made directly or indirectly, for the purpose of persuading or influencing official actions or decisions of the Orange County Board of Supervisors." But the new law also includes several exceptions to this definition, including for a written petition for official action that is made part of a public record, so long as it is publicly recorded before a vote or action.

A lobbyist triggers registration if he or she receives compensation of \$500 or more per month or is employed by his or her employer and receives \$500 or more per month for engaging in lobbying. When registering, a lobbyist must disclose any person or entity that contracted with the lobbyist for lobbyist services.

Registration renewals also are required annually. The registration fee is \$75, and the renewal fee is \$50. No additional reporting is required. The new law goes into effect on July 1, 2011.

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Tallahassee, Florida. As in Orange County, California, Tallahassee's City Commission recently enacted a lobbying ordinance. The ordinance becomes effective on April 1, 2011, and the major attributes of the new law are summarized below.

The new ordinance broadly defines "lobbying" as communications by a lobbyist outside of a noticed public meeting or hearing on the record with city commissioners, members of any decision-making body under the City Commission's jurisdiction, or any city employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for action before such persons. A "lobbyist" is a person compensated for lobbying or a person principally employed by another person for governmental affairs.

Exemptions to the definition of a lobbyist include, among others, persons making factual information requests to city commissioners or employees.

Lobbyists or lobbying firms employing lobbyists must register with the City Treasurer-Clerk and pay \$25 per principal before engaging in lobbying. Registration occurs on an annual basis, and, for 2011, lobbyists must register by April 1. Reporting forms are due 30 days after the end of each quarter and are filed with the City Treasurer-Clerk.

New York City. In late 2010, the city of New York's Office of the City Clerk announced an opinion by the city's Law Department that investment firm employees, placement agents and other third parties retained by investment firms to attempt to influence decisions of the New York City Comptroller (and his or her staff) or the boards of trustees of New York City's pension funds and retirement systems (as well as their staffs) about the investment of pension funds are lobbying. In this announcement, the City Clerk's Office also stated that beginning in January 2011, the Clerk's Office will review the activities of organizations attempting to influence such investment decisions to ensure compliance with the city's lobbying law. (A copy of the notice is available at <http://www.cityclerk.nyc.gov/downloads/pdf/cc-lobbyinglawletter.pdf>.)

New York City's lobbying law requires a lobbyist to register and pay a registration fee. Both the lobbyist and the client also have reporting obligations. Importantly, a lobbyist may not receive compensation that in whole or part is contingent or dependent upon legislative, executive or administrative action.

Philadelphia, Pennsylvania. As a reminder, Philadelphia's new lobbying ordinance goes into effect on July 1, 2011. The ordinance requires registration and quarterly reporting. Additional information about this new ordinance is available from the July 2010 "Lobbyist Registration and Reporting Coming to Philadelphia in 2011" article in Wiley Rein's *Election Law News*.