



## Reporting Requirements for Lobbyists on Behalf of the City

S.F. Sunshine Ordinance §67.29-4

### Introduction

The San Francisco Sunshine Ordinance, S.F. Admin. Code Section 67.1 *et seq.*, requires lobbyists who contract for economic consideration with the City to represent the City in matters before any local, regional, state or federal administrative or legislative body to file quarterly activity reports with the Ethics Commission. These persons and entities are referred to as “Lobbyists on Behalf of the City.” **Please note:** Lobbyists on Behalf of the City should not be confused with lobbyists who attempt to influence City officers on local legislative or administrative action on behalf of private parties. The latter are regulated by the San Francisco Lobbyist Ordinance, S.F. Campaign and Governmental Conduct Code Section 2.100, *et seq.*, not by the Sunshine Ordinance.

### Who is a Lobbyist on Behalf of the City?

1. A **person** qualifies as a Lobbyist on Behalf of the City if that person is hired by the City to lobby on behalf of the City, and:
  - The person receives or becomes entitled to receive \$300 or more total compensation in any calendar month for influencing legislative or administrative action on behalf of the City;

**OR**

  - The person has at least 25 separate contacts with local, state, regional or national officials for the purpose of influencing legislative or administrative action on behalf of the City within any two consecutive calendar months.
2. A **business or organization** qualifies as a Lobbyist on Behalf of the City if the business or organization is hired by the City to lobby on behalf of the City and:
  - It compensates its employees or members for their lobbying activities on behalf of the City;

**AND**

- The compensated employees or members have at least 25 separate contacts within any two consecutive calendar months with local, state, regional or national officials for the purpose of influencing legislative or administrative action on behalf of the City.

### **What is a “contact?”**

A “contact” is an oral or written communication made for the purpose of influencing local, state, regional or national legislative or administrative action on behalf of the City.

### **How are “total compensation” and “total number of contacts” calculated?**

“Total compensation” is calculated by combining all compensation received from the City during a calendar month for all lobbying activities. “Total number of contacts” is calculated by combining all contacts made during a two calendar month period on behalf of the City for all lobbying activities.

### **Reporting Requirements**

Lobbyists on Behalf of the City (hereafter “filers”) must file a “Quarterly Report of Lobbyist on Behalf of the City” each quarter in which they meet the qualifying threshold.

Filers must report the total payments received from the City during the reporting period in exchange for lobbyist services, a description of each local, state, regional or national legislative or administrative action supported or opposed, and the names of officials contacted for each action. Filers must also report expenses incurred or payments made during the reporting period in connection with lobbying activities. These payments are called “activity expenses.”

#### **Reporting Payments Received**

Filers must report all payments received during the filing period from the City and County of San Francisco in consideration for lobbying on the City’s behalf. Reportable payments include, but are not limited to, fees, retainers and reimbursements.

#### **Reporting Activity Expenses**

An activity expense is any expense incurred or payment made by a filer which benefits any local, state, regional or national official whom the filer contacted during the quarter. Activity expenses include gifts (e.g., food, beverages, candy, flowers, tickets to a ballgame), compensation (e.g., consulting fees and/or salaries) and other forms of economic consideration benefiting officials.

*Example:* On February 5, a filer pays \$100 for a luncheon for ten people (\$10 per person). Luncheon attendees include two officials, A and B. On March 1, the filer contacts Official A in an effort to influence legislative or administrative action. The filer does not contact Official B during the quarter. The lobbyist would report its activity expenses in the following way:

Date of expense	Description of expense	Official(s) benefited (name, title, agency/department)	Amount of expense
Feb. 5, 2000	Luncheon at Capitol Grill	Official A, Assistant Secretary, Department of Commerce	\$ 10

The filer does not need to report the \$10 expense which benefited Official B because the filer did not contact Official B during the quarter. The filer need only report the amount which benefited Official A (the \$10 luncheon), not the total amount of the luncheon (\$100).

## Miscellaneous Filing Information

### 1. Filing deadlines

The quarterly reporting periods and deadlines are as follows:

Reporting Period	Filing Deadline
February 1 to April 30	May 15
May 1 to July 31	August 15
August 1 to October 31	November 15
November 1 to January 31	February 15

Quarterly reports must be received by the Ethics Commission no later than **5:00 p.m.** on the filing deadline. Whenever a filing deadline falls on a Saturday, Sunday, or City holiday, the filing deadline is the next business day.

### 2. Filing originals and copies

Filers are required to file one completed, original Quarterly Report *plus* one copy with the Ethics Commission. Reports must be typed or printed in ink. If the filer requests a date-stamped copy of its report, the filer must provide an additional copy. If the filer requests the Ethics Commission to mail the date-stamped copy, the filer must also provide the Commission with a self-addressed postage-paid envelope.

### 3. Filing under penalty of perjury

Filers must verify, under penalty of perjury, the accuracy and completeness of the information required to be filed with the Ethics Commission.

### 4. Filing amended forms

If a filer submits a report to the Ethics Commission which contains an error or omission, the filer must amend the report. The Quarterly Report form includes a box which filers may check to indicate they are amending a form which has been filed previously. Filers should resubmit only those pages of the form which the filer is amending.

## **5. Review of filings by the Ethics Commission**

The Ethics Commission reviews all filed forms for timeliness, completeness and content. The Ethics Commission will ask filers to amend forms that are incomplete or lacking in sufficient detail.

## **6. Recordkeeping**

Filers are encouraged to maintain a recordkeeping system to ensure the accuracy and reliability of all information in connection with lobbying activities on behalf of the City.

## **7. Lobbyist filings are public documents**

All reports filed with the Ethics Commission are public records and are available to the public for review and copying. S.F. Admin. Code §67.29-4(a).

### **Penalties for violation of the Sunshine Ordinance**

Failure to file a quarterly report with the required disclosures is a violation of the Sunshine Ordinance and may subject the filer to administrative fines, civil suit and the payment of attorney fees if a private action is necessary to compel filing of the report.

### **If you have additional questions**

If you have additional questions regarding Reporting Requirements for Lobbyists on Behalf of the City, you may contact the Ethics Commission staff at 415-581-2300. The Commission encourages persons to submit their questions in writing to: San Francisco Ethics Commission, 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102.



## Sunshine Ordinance Section 67.29-4 Lobbyist on Behalf of the City

(a) Any lobbyist who contracts for economic consideration with the City and County of San Francisco to represent the City and County in matters before any local, regional, state, or federal administrative or legislative body shall file a public records report of their activities on a quarterly basis with the San Francisco Ethics Commission. This report shall be maintained by the Ethics Commission and not be exempt from disclosure. Each quarterly report shall identify all financial expenditures by the lobbyist, the individual or entity to whom each expenditure was made, the date the expenditure was made, and specifically identify the local, state, regional or national legislative or administrative action the lobbyist supported or opposed in making the expenditure. The failure to file a quarterly report with the required disclosures shall be a violation of this Ordinance.

(b) No person shall be deemed a lobbyist under section (a), unless that person receives or becomes entitled to receive at least \$300 total compensation in any month for influencing legislative or administrative action on behalf of the City and County of San Francisco or has at least 25 separate contacts with local, state, regional or national officials for the purpose of influencing legislative or administrative action within any two consecutive months. No business or organization shall be deemed as a lobbyist under section (a) unless it compensates its employees or members for their lobbying activities on behalf of the City and County of San Francisco, and the compensated employees or members have at least 25 contacts with local, state, regional or national officials for the purpose of influencing legislative or administrative action within any two consecutive months. "Total compensation" shall be calculated by combining all compensation received from the City and County of San Francisco during the month for lobbying activities on matters at the local, state, regional or national level. "Total number of contacts" shall be calculated by combining all contacts made during the two-month period on behalf of the City and County of San Francisco for all lobbying activities on matters at the local, state, regional or national level.

(c) Funds of the City and County of San Francisco, including organizational dues, shall not be used to support any lobbying efforts to restrict public access to records, information, or meetings, except where such effort is solely for the purpose of protecting the identity and privacy rights of private citizens.