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SPONSORED BY: Peña, Harris, Sanchez, Borrego

ORDINANCE

**AMENDING THE LOBBYIST AND LOBBYIST ORGANIZATION REGISTRATION
AND DISCLOSURE ORDINANCE AT SECTIONS 2-3-2, 2-3-3, 2-3-4, 2-3-5, AND
2-3-7**

WHEREAS, in 2001 the City of Albuquerque adopted the Lobbyist and Lobbyist Organization Registration and Disclosure Ordinance; and

WHEREAS, the Lobbyist and Lobbyist Organization Registration and Disclosure Ordinance was last amended in 2003; and

WHEREAS, the City desires to encourage transparency and preserve and maintain the integrity of the governmental decision making process in the City.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. Chapter 2, Article 3, Subsection 2 of the Albuquerque Code of Ordinances is hereby amended as follows:

§ 2-3-2 INTENT.

To declare and identify all professional lobbyists who represent entities that attempt to influence and/or otherwise contribute to public or private discussion with City of Albuquerque public officials including the Mayor and the City Council as elected officials [and to help ensure compliance with the Lobbying and Lobbyist Organization Registration and Disclosure Ordinance to promote transparency in government].

SECTION 2. Chapter 2, Article 3, Subsection 3 of the Albuquerque Code of Ordinances is hereby amended as follows:

1 § 2-3-3 DEFINITIONS.

2 CITY OFFICIAL. ~~[A person holding the office of Mayor, City Councillor, or any~~
3 ~~member of any city board, committee or commission.]~~ [The Mayor or Mayor-
4 Elect, all members of the Council or Councilors-elect, all members of boards,
5 commissions and committees; all directors and the equivalent thereof for each
6 department, division or section; assistant, associate or deputy department,
7 division or section directors and the equivalent thereof; the Director of
8 Council Services; the Chief Administrative Officer; Deputy or Assistant Chief
9 Administrative Officers and the equivalent thereof and all other city employees
10 appointed directly by the Council, Mayor or Chief Administrative Officer.]

11 ...

12 [CLIENT. The real party in interest for whose benefit the services of a lobbyist
13 are actually performed. An individual member of a business, association, or
14 organization shall not be deemed to be a "client" solely by reason of the fact
15 that such member is individually represented by an employee or agent of the
16 same as a regular part of such employee's or agent's duties or responsibilities
17 as long as such member does not pay an amount of money or other
18 consideration specifically for the purpose of representation in a lobbying
19 capacity.]

20
21 SECTION 3. Chapter 2, Article 3, Subsection 4 of the Albuquerque Code of
22 Ordinances is hereby amended as follows:

23 § 2-3-4 REGISTRATION [AND ACTIVITY] STATEMENT[S] TO BE FILED;
24 CONTENTS; MODIFICATION TO STATEMENT.

25 (A) Before any service or lobbyist campaigning covered by the Lobbyist and
26 Lobbyist Organization Registration and Disclosure Ordinance commences,
27 any individual who is initially employed or retained as a lobbyist or any
28 lobbyist organization shall register with the City Clerk filing a single
29 registration statement under oath on a prescribed form showing:

- 30 (1) The lobbyist's or lobbyist organization's full name, permanent business
31 address and business address while lobbying or conducting lobbyist
32 campaigning;
33 (2) The name and address of each of the lobbyist's employers;

1 [(3) The name and address of each of the lobbyist's clients;]
2 ~~[(3)]~~ [(4)] The item(s) of official action, identifying for for each item the
3 name and address of the client(s) on whose behalf the lobbyist is acting or
4 participating~~[The official action the lobbyist or lobbyist organization~~
5 ~~supports or opposes];~~
6 ~~[(4)]~~ [(5)] The name, address and telephone number of the lobbyist
7 organization's chairperson and treasurer and all parties having signature
8 authorization for the lobbyist organization's ~~[checking]~~ [business bank]
9 account, the name and address of the bank where the lobbyist organization
10 has its ~~[checking]~~ [business bank] account ~~[and the bank account number];~~
11 and
12 ~~[(5)]~~ [(6)] The name and address of the bank where the lobbyist has his/her
13 ~~[checking]~~ [business bank] account for the checking account required in
14 this Ordinance when the lobbyist campaigns for or against an official
15 action. ~~[The checking account number.]~~ The name ~~[add]~~ [and] address of
16 any person who has signature authorization for such checking account.
17 (B) The City Clerk may charge a reasonable registration fee for the initial
18 registration by a lobbyist or lobbyist organization. No additional fee may be
19 charged for amendments to the original registration or for the annual
20 statement required in this section. Lobbyist organizations that file a lobbyist
21 campaign registration concerning an official action different from that
22 designated in a previous registration shall pay the registration fee required in
23 this subsection for each such subsequent registration. ~~[No registration fee~~
24 ~~shall be required of lobbyists receiving only reimbursement of personal~~
25 ~~expenses and no other compensation or salary for lobbying unless they are~~
26 ~~filing for the purpose of conducting lobbyist campaigning.]~~
27 (C) For each succeeding year that an individual is employed or retained as a
28 lobbyist by the same employer, and for whom all the information disclosed in
29 the initial registration statement remains substantially the same, the lobbyist
30 shall file a simple annual registration renewal 12 months following initial
31 registration and every 12 months thereafter for each of the lobbyist's
32 employers together with a short, abbreviated prescribed form for renewal. The
33 annual statement shall be in addition to any lobbyist campaign registration

1 and disclosure statement that the lobbyist may be required to file under the
2 provisions of this Ordinance.

3 (D) Whenever there is a modification of the facts required to be set forth by
4 this section or there is a termination of the lobbyist's employment as a
5 lobbyist before the end of the year, the lobbyist shall notify the City Clerk
6 within one month of such occurrence.

7 (E) Lobbyists and lobbyist organizations shall file a separate registration with
8 the City Clerk for each official action the lobbyist or lobbyist organization
9 supports or opposes. When lobbyists or lobbyist organizations support or
10 oppose an official action other than the official action identified in any
11 previous registration they have filed with the City Clerk, they shall file an
12 additional separate registration for each such official action supported or
13 opposed.

14 [(F) Each registrant shall file between the first and tenth day of April, July,
15 October, and January a report of the registrant's lobbying activities during the
16 previous calendar quarter. The report shall be on a prescribed form. If a
17 registrant has not engaged in any lobbying in twelve months (12) the
18 registrant may file a Notice of Discontinuation of Lobbying with the City Clerk.
19 Once such Notice is filed with the City Clerk the registrant will no longer be
20 responsible for filing quarterly reports. In the event that the registrant seeks to
21 resume lobbying, they will be required to re-register pursuant to Subsection
22 (A) of this Section.]

23
24 SECTION 4. Chapter 2, Article 3, Subsection 5 of the Albuquerque Code of
25 Ordinances is hereby amended as follows:

26 § 2-3-5 ENFORCEMENT OF ACT; INVESTIGATIONS BY THE CITY ATTORNEY;
27 DUTIES OF THE CITY CLERK.

28 (A) The City Attorney shall adopt procedures for processing complaints and
29 notifications of violations[, and for monitoring lobbyist registration and
30 reporting in order to identify potential violations].

31 (B) Upon [notification from the City Clerk, or] the sworn complaint of any
32 person who has reason to believe, and presents an affidavit listing the basis
33 for such complaint, that there is, or has been a violation of the Lobbyist and

1 Lobbyist Organization Registration and Disclosure Ordinance, the City
2 Attorney shall investigate the allegation when there is reason to believe such
3 person, lobbyist, lobbyist organization or lobbyist's employer is, or has been,
4 acting in violation of the Lobbyist and Lobbyist Organization Registration and
5 Disclosure Ordinance.

6 (C) When the City Attorney has reason to believe that any person, lobbyist,
7 lobbyist organization or lobbyist's employer has violated or is violating any
8 provision of the Lobbyist Registration Ordinance, he shall notify the
9 suspected violator of the alleged violation and hold an informal meeting
10 before initiating further action.

11 (D) In addition to any other powers and duties specified by law, the City Clerk
12 shall have the duty to administer the provisions of this subchapter, prepare
13 uniform forms for the statements and reports required by this subchapter, and
14 promulgate such rules as he or she deems necessary for the proper
15 administration of this subchapter. Any rules promulgated by the City Clerk for
16 the purposes of administering the Lobbyist and Lobbyist Organization
17 Registration and Disclosure Ordinance shall be submitted for receipt to the City
18 Council.

19 (E) The City Clerk shall work with city agencies and the city council to develop
20 notices and advertisements to be placed in print and electronic media
21 intended to reach persons and organizations doing business with the city that
22 will inform them of the requirements set forth in this subchapter.

23 (F) The City Clerk shall develop an online training program for lobbyists. Such
24 program shall include information and training regarding conduct that may
25 subject lobbyists and clients to the criminal and civil penalties set forth in this
26 subchapter. As soon as practicable, the City Clerk, in conjunction with the City
27 Attorney, shall incorporate an anti-corruption component in such training.

28 (G) The City Clerk shall develop a protocol to review sources of information
29 that may assist the City Clerk in identifying lobbyists required to file
30 statements of registration pursuant to section 2-3-4 of this subchapter who
31 have not filed. Such review shall include, but need not be limited to, the
32 following sources:

- 1 (1) statements of registration filed with the Secretary of State Lobbyist
- 2 Regulation;
- 3 (2) notices of appearances or meetings compiled by city departments, the
- 4 City Council, or other City Boards or Commissions; and
- 5 (3) any other source the City Clerk determines appropriate to identify
- 6 lobbyists.]

7 SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, word or
8 phrase of this ordinance is for any reason held to be invalid, or unenforceable
9 by any court of competent jurisdiction, such decision shall not affect the
10 validity of the remaining provisions of this ordinance. The Council hereby
11 declares that it would have passed this ordinance and each section,
12 paragraph, sentence, clause, word or phrase thereof irrespective of any
13 provision being declared unconstitutional or otherwise invalid.

14
15 SECTION 6. COMPILATION. Sections 1 through 5 of this ordinance shall
16 amend, be incorporated in and made part of the Revised Ordinances of
17 Albuquerque, New Mexico, 1994.

18
19 SECTION 7. EFFECTIVE DATE. This ordinance shall take effect five days
20 following publication by title and general summary.