Legislation Details (With Text)

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Title: C/S 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 (Peña, Harris, Sanchez, Borrego)

Sponsors:

Indexes:

Code sections:

Attachments: 1. O-57, 2. O-57 Approved Committee Substitute.pdf, 3. CS O-57Enacted

Date	Ver.	Action By	Action	Result
10/30/2019	3	City Clerk	Published	
10/22/2019	3	Mayor	Signed by the Mayor	
10/18/2019	2	City Council	Sent to Mayor for Signature	
10/7/2019	2	City Council	Passed as Amended	Pass
10/7/2019	2	City Council	Amended	Pass
9/18/2019	2	City Council	Accepted Without Recommendation, As Substituted	
9/9/2019	1	Finance & Government Operations Committee	Substituted	Pass
9/9/2019	1	Finance & Government Operations Committee	Sent to Council Without Recommendation, as substituted	Pass
4/1/2019	1	President	Referred	
4/1/2019	1	City Council	Introduced and Referred	

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. C/S O-19-57 ENACTMENT NO. _____

SPONSORED BY: Peña, Harris, Sanchez, Borrego

ORDINANCE

C/S Amending The Lobbyist And Lobbyist Organization Registration And Disclosure

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Ordinance At Sections 2-3-2, 2-3-3, 2-3-4, 2-3-5, AND 2-3-7 (Peña, Harris, Sanchez, Borrego)

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:

§ 2-3-3 DEFINITIONS.

CITY OFFICIAL. **The Mayor or Mayor-Elect, all members of the Council or Councilors-elect, all members of boards, commissions and committees; all directors and the equivalent thereof for each department, division or section; assistant, associate or deputy department, division or section directors and the equivalent thereof; the Director of Council Services; the Chief Administrative Officer; Deputy or Assistant Chief Administrative Officers and the equivalent thereof and all other city employees appointed directly by the Council, Mayor or Chief Administrative Officer.**

…

CLIENT**. The real party in interest for whose benefit the services of a lobbyist are actually performed. An individual member of a business, association, or organization shall not be**

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deemed to be a "client" solely by reason of the fact that such member is individually represented by an employee or agent of the same as a regular part of such employee's or agent's duties or responsibilities as long as such member does not pay an amount of money or other consideration specifically for the purpose of representation in a lobbying capacity.

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

§ 2-3-4 REGISTRATION AND ACTIVITY STATEMENTS TO BE FILED; CONTENTS; MODIFICATION TO STATEMENT.

(A) Within 48 hours of any service or lobbyist campaigning covered by the Lobbyist and Lobbyist Organization Registration and Disclosure Ordinance commences, any individual who is initially employed or retained as a lobbyist or any lobbyist organization shall register with the City Clerk filing a single registration statement under oath on a prescribed form showing:

(1) The lobbyist's or lobbyist organization's full name, permanent business address and business address while lobbying or conducting lobbyist campaigning;

(2) The name and address of each of the lobbyist's employers;

(3) The name and address of each of the lobbyist's clients;

(4) The item(s) of official action, identifying for each item the name and address of the client(s) on whose behalf the lobbyist is acting or participating;

(5) The name, address and telephone number of the lobbyist organization's chairperson and treasurer and all parties having signature authorization for the lobbyist organization's business bank account, the name and address of the bank where the lobbyist organization has its business bank account; and

(6) The name and address of the bank where the lobbyist has his/her business bank account for the checking account required in this Ordinance when the lobbyist campaigns for or against an official action. The name and address of any person who has signature authorization for such checking account.

(B) The City Clerk may charge a reasonable registration fee for the initial registration by a lobbyist or lobbyist organization. No additional fee may be charged for amendments to the original registration or for the annual statement required in this section. Lobbyist organizations that file a lobbyist campaign registration concerning an official action

different from that designated in a previous registration shall pay the registration fee required in this subsection for each such subsequent registration.

(C) For each succeeding year that an individual is employed or retained as a lobbyist by the same employer, and for whom all the information disclosed in the initial registration statement remains substantially the same, the lobbyist shall file a simple annual registration renewal 12 months following initial registration and every 12 months thereafter for each of the lobbyist's employers together with a short, abbreviated prescribed form for renewal. The annual statement shall be in addition to any lobbyist campaign registration and disclosure statement that the lobbyist may be required to file under the provisions of this Ordinance.

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

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

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

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

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

(A) The City Attorney shall adopt procedures for processing complaints and notifications

of violations, and for monitoring lobbyist registration and reporting in order to identify potential violations.

(B) Upon notification from the City Clerk, or the sworn complaint of any person who has reason to believe, and presents an affidavit listing the basis for such complaint, that there is, or has been a violation of the Lobbyist and Lobbyist Organization Registration and Disclosure Ordinance, the City Attorney shall investigate the allegation when there is reason to believe such person, lobbyist, lobbyist organization or lobbyist's employer is, or has been, acting in violation of the Lobbyist and Lobbyist Organization Registration and Disclosure Ordinance.

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

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

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

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

(G) The City Clerk shall develop a protocol to review sources of information that may assist the City Clerk in identifying lobbyists required to file statements of registration pursuant to section 2-3-4 <http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.

(1) statements of registration filed with the Secretary of State Lobbyist Regulation;

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(2) notices of appearances or meetings compiled by city departments, the City Council, or other City Boards or Commissions; and

(3) any other source the City Clerk determines appropriate to identify lobbyists.

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

SECTION 6. COMPILATION. Sections 1 through 4 of this ordinance shall amend, be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

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

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