City of Tracy Lobbying Ordinance

(DRAFT)

SEC. xx.01 Title and Findings

A. **Title.** This Article shall be known and may be cited as the City of Tracy Lobbying Ordinance.

B. **Findings.** The following findings are adopted in conjunction with the enactment of this Article:

1. City Government functions to serve the needs of all citizens.

2. The citizens of the City of Tracy have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests.

3. All persons engaged in compensated lobbying activities aimed at influencing decisions by City government must, when so engaged, be subject to the same regulations, restrictions and requirements, regardless of their background, training or other professional qualifications or license.

4. Complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of local government.

5. It is in the public interest to ensure that lobbyists do not misrepresent facts, their positions, or attempt to deceive officials through false communications, do not place City officials under personal obligation to themselves or their clients, and do not represent that they can control the actions of City officials.

6. It is in the public interest to adopt this ordinance to ensure adequate and effective disclosure of information about efforts to lobby City government.

SEC. xx.02 Definitions

The following terms used in this Article shall have the meanings set forth below. Other terms used in this Article shall have the meanings set forth in the California Political Reform Act of 1974, as amended, and in the regulations of the California Fair Political Practices Commission, as amended, if defined therein.

"Activity expense" means any payment, including any gift, made to or directly benefiting any City official or member of his or her immediate family, made by a lobbyist, lobbying firm, or lobbyist employer.

"Agency" means the City of Tracy or any department, bureau, office, board, commission,

other agency of the City, any joint powers authority of which the City is a party, or any other government agency required to adopt a conflict of interest code subject to City Council approval.

"Attempting to influence" means promoting, supporting, opposing or seeking to modify or delay any action on municipal legislation by any means, including but not limited to providing or using persuasion, information, statistics, analyses or studies. A person attempts to influence City legislation when he or she engages in lobbying activities for the purpose of influencing a decision.

"City official" means any elective or appointed City officer, member, employee or consultant (who qualifies as a public official within the meaning of the Political Reform Act) of any agency, who, as part of his or her official duties, participates in the consideration of any municipal legislation other than in a purely clerical, secretarial or ministerial capacity.

"Client" means both

(1) the person who compensates a lobbyist or lobbying firm for the purpose of attempting to influence municipal legislation and

(2) the person on whose behalf a lobbyist or lobbying firm attempts to influence such municipal legislation, even if the lobbyist or lobbying firm is compensated by another person for such representation.

However, if a lobbyist or lobbying firm represents a membership organization and individual members of that organization, an individual member is not a client solely because the member is individually represented by the lobbyist or lobbying firm unless the member makes a payment for such representation in addition to usual membership fees.

"Compensated services" means services for which compensation was paid during a reporting period or for which the lobbyist or lobbying firm became entitled to compensation during that period.

"Direct communication" means appearing as a witness before, talking to (either by telephone or in person), corresponding with, or answering questions or inquiries from, any City official or employee, either personally or through an agent who acts under one's direct supervision, control or direction.

"Elected City officer" means the Mayor, Members of the City Council, and the City Treasurer.

"Lobbying activities" includes the following and similar compensated conduct when that conduct is related to a direct communication to influence any municipal legislation:

(1) engaging in, either personally or through an agent, written or oral direct communication with a City official;
(2) drafting ordinances, resolutions or regulations;
(3) providing advice or recommending strategy to a client or others;
(4) research, investigation and information gathering;
(5) seeking to influence the position of a third party on municipal legislation or an issue related to municipal legislation by any means, including but not

limited to engaging in community, public or press relations activities; and

(6) attending or monitoring City meetings, hearings or other events.

"Lobbying entity" means a lobbyist, lobbying firm or lobbyist employer, as defined in this article.

"Lobbying firm" means any entity, including an individual lobbyist, which receives or becomes entitled to receive $1,000 or more in monetary or in-kind compensation for engaging in lobbying activities (either personally or through its agents) during any consecutive three-month period, for the purpose of attempting to influence municipal legislation on behalf of any other person, provided any partner, owner, shareholder, officer or employee of the entity qualifies as a lobbyist. Compensation does not include reimbursement of or payment for reasonable travel expenses. An entity receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this article or is received for other activities as well; however, only that portion of compensation received for the lobbying activities shall count toward the qualification threshold. An entity "**becomes entitled to receive compensation**" when the entity agrees to provide services regulated by this Article, or performs those services, whether or not payment is contingent on the accomplishment of the client's purposes.

"Lobbyist" means any individual who is compensated to spend 30 or more hours in any consecutive three-month period engaged in lobbying activities which include at least one direct communication with a City official or employee, conducted either personally or through agents, for the purpose of attempting to influence municipal legislation on behalf of any other person.

Compensation does not include reimbursement of or payment for reasonable travel expenses. A person receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this Article or is received for both lobbying activities and other activities as well. However, only the compensation for the lobbying activities shall be calculated to determine whether an individual qualifies as a lobbyist. An individual "**becomes entitled to receive compensation**" when the individual or the entity in which the individual is an employee, partner, owner, shareholder or officer, agrees to provide services regulated by this Article, or performs those services, regardless of whether payment is contingent on the accomplishment of the client's purposes. A lobbyist includes a person who owns an investment in a business entity if that person attempts to influence municipal legislation on behalf of the business entity and if the person acquires the investment as compensation for his or her lobbying services or in contemplation of performing those services.

"Lobbyist employer" means an entity, other than a lobbying firm, that employs a lobbyist in-house to lobby on its behalf.

"Major filer" means any person who makes payments or incurs expenditures totaling $2,500 or more during any calendar quarter for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities, for the purpose of attempting to influence action on any proposed or pending matter of municipal legislation, if these payments or expenditures are not required to be reported on a lobbyist or lobbying firm quarterly report. A "**major filer**" does not include a lobbyist, lobbyist employer, or lobbying firm. Expenditures and payments for regularly

published newsletters or other routine communications between an organization and its members shall not be counted for the purpose of this definition.

"Municipal legislation" means any legislative or administrative matter proposed or pending before any agency (as defined in this Article), including but not limited to those involving the granting, denial, revocation, restriction or modification of a license, permit or entitlement for use (including all land use permits) if the Mayor, the City Council, any of its committees, any agency board, commission, committee, or general manager, or any agency officer or employee charged by law with holding a hearing and making a decision, is charged by law with making a final decision on the matter. However, "**municipal legislation**" does not include any of the following:

(1) A request for advice or for an interpretation of laws, regulations, City approvals or policies, or a direct response to an enforcement proceeding.

(2) Any ministerial action. An action is ministerial if it does not require the City official or employees involved to exercise discretion concerning any outcome or course of action.

(3) Any action relating to the establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or memorandum of understanding between an agency and a recognized employee organization. Further, it does not include management decisions as to the working conditions of represented employees that clearly relate to the terms of such collective bargaining agreement or memorandum of understanding. Nevertheless, "**municipal legislation**" does include any action relating to collective bargaining taken by the City Council, any of its committees or members (including the staffs of such members).

(4) Preparation or compilation of any radius map, vicinity map, plot plan, site plan, property owners or tenants list, abutting property owners list, photographs of property, proof of ownership or copy of lease, or neighbor signatures required to be submitted to the City Planning Department.

"Person" means any individual, business entity, trust corporation association, committee, or any other organization or group of persons acting in concert.

SEC. xx.03 Exemptions

The following persons are exempt from the requirements of this Article:

A. Any public official acting in his or her official capacity, and any government employee acting within the scope of his or her employment.

B. A newspaper or other regularly published periodical, radio or television station or network, including any individual who owns, publishes or is employed by such newspaper, periodical or station or network, when, in the ordinary course of its business, it publishes or broadcasts news, editorials or other comments, or paid advertising, which directly or indirectly attempts to influence action on municipal legislation. This exemption does not apply to any other action by any such newspaper, periodical, station or network, or by any such person, to attempt to influence municipal legislation, if such activity otherwise regulated by this Article.

C. A person acting without any compensation or consideration otherthan reimbursement or payment of reasonable travel expenses.

D. Any person whose only activity is submitting a bid on a competitively bid contract, submitting a written response to or participating in an oral interview for a request for proposals or qualifications, or negotiating the terms of a written agreement with any City agency if selected pursuant to that bid or request for proposals or qualifications. Except with regard to persons covered by subsections E and F, this exemption shall not apply to any person who attempts to influence the action of the Mayor, any member of the City Council or their staffs, or any board or commission member with regard to any such contract.

E. Any organization exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, which receives funding from any federal, state or local government agency for the purpose of representing the interests of indigent persons and whose primary purpose is to provide direct services to those persons, if the individual or individuals represented by the organization before any City agency provide no payment to the organization for that representation. This exemption shall not apply to direct contacts with a City official in other than a publicly noticed meeting, for the purpose of attempting to influence a City decision with regard to any City funding which the organization is seeking.

F. Any person employed by an organization described in Subsection E with respect to his or her activities as an employee of the organization.

SEC. xx.04 Prohibitions

No lobbyist or lobbying firm subject to the requirements of this Article shall:

A. Do any act with the purpose and intent of placing any City official under personal obligation to the lobbyist, the lobbying firm, or to the lobbyist's or firm's employer or client.

B. Fraudulently deceive or attempt to deceive any City official with regard to any material fact pertinent to any pending or proposed municipal legislation.

C. Cause or influence the introduction of any municipal legislation for the purpose of thereafter being employed or retained to secure its passage or defeat.

D. Cause any communication to be sent to any City official in the name of any nonexistent person or in the name of any existing person without the consent of such person.

E. Make or arrange for any payment to a City official, or act as an agent or intermediary in making any such payment by any other person, if the arrangement or the payment would violate any provision (to the extent applicable) of the City's campaign finance ordinance, or the California Fair Political Practices Act of 1974, as amended.

SEC. xx.05 Record Keeping Responsibilities

Lobbyists, lobbying firms, lobbyist employers and major filers shall prepare and retain detailed records (including all books, papers and other documents) needed to comply with the requirements of this Article. These records shall be retained for not less than four years.

SEC. xx.06 Registration/Disclosure Forms

All lobbyist and lobbying firm registrations, and all other statements and reports required by this Article shall be verified under penalty of perjury and shall be filed in duplicate (original and copy) on forms provided by the City Clerk.

Any paper report or statement properly addressed and bearing the correct postage shall be considered filed on the date of the postmark or on the date of delivery to the City Clerk, whichever is earlier.

SEC. xx.07 Registration

A. **Requirement.** An individual who qualifies as a lobbyist shall register with the City Clerk within 10 days after the end of the calendar month in which the individual qualifies as a lobbyist. A person, including an individual lobbyist, shall register with the City Clerk as a lobbying firm within 10 days after the end of the calendar month in which a partner, owner, shareholder, officer or employee qualifies as a lobbyist. If a person is not registered as a lobbyist or lobbying firm, but is performing acts which would require that person to so register, that person may continue to act as a lobbyist or lobbying firm so long as the person registers with the City Clerk within 10 days after the person knew or should have known of the obligation to register. A lobbyist or lobbying firm shall register each client on whose behalf or from which the lobbyist or lobbying firm receives or becomes entitled to receive $500 or more in a calendar quarter for engaging in lobbying activities related to attempting to influence municipal legislation.

B. **Duration of Status.** A person who registers as a lobbyist or lobbying firm shall retain that status through December 31 of that year unless and until that person terminates the status as set forth below.

Registration Fees. Every lobbyist shall pay an annual registration fee of $250 plus $50 for each client on whose behalf or from which the lobbyist receives or becomes entitled to receive $250 or more in a calendar quarter. Persons who initially register during the last quarter of a calendar year (October through December) shall pay prorated registration fees of $150 for each lobbyist plus $30 for each client.

C. **Contents of Registration Statements — Lobbyists.** Registration statements of lobbyists shall contain the following:

1. The lobbyist's name, business address, and business telephone number.

2. The lobbying firm, if any, of which the lobbyist is an employee, partner, officer or owner.

3. If the lobbyist is not an employee, partner, officer or owner of a lobbying firm,

the name, address and telephone number of the lobbyist's employer, together with a letter from the employer authorizing the lobbyist to lobby on behalf of the employer.

4. Each City agency that the lobbyist has the authority to attempt to influence on behalf of any client or employer.

5. Any other information required by regulation of the City Clerk, consistent with the purposes and provisions of this Article.

D. **Contents of Registration Statements — Lobbying Firms**
Registration statements of lobbying firms (including individual contract lobbyists) shall contain the following:

1. The name, address and telephone number of the firm.

2. The name of each lobbyist who is a partner, owner, shareholder, officer or employee of the firm.

3. The registration statement prepared by each lobbyist so identified, appended to the statement.

4. For each client on whose behalf or from which the firm received or became entitled to receive $250 in compensation during the calendar quarter for engaging in lobbying activities related to attempting to influence municipal legislation within the meaning of this Article:

   (a) The client's name, business or residence address and business or residence telephone number.

   (b) The period during which the representation will occur.

   (c) The item or items of municipal legislation for which the firm was retained to represent the client, or, if no specific items of municipal legislation for which the firm was retained to represent the client can be identified, a description of the types of municipal legislation for which the firm was retained to represent the client.

   (d) Each City agency that the lobbying firm has the authority to attempt to influence on behalf of the client.

   (e) A letter from the client authorizing the firm to represent the client.

   (f) In the case of a lobbyist who is an individual contract lobbyist, a statement that he or she has reviewed and understands the requirements of this Article.

   (g) The name of the person or persons responsible for preparing the statement.

   (h) Any other information required by regulation of the City Clerk,

consistent with the purposes and provisions ofthis Article.

E. **Filing Registration Statements.** Every lobbying firm shall file its registration statement with the City Clerk and shall attach the registration statements of all lobbyists who are partners, owners, shareholders, officers or employees of the firm. Every lobbyist who is not a partner, owner, shareholder, officer or employee of a lobbying firm shall file his or her registration statement with the City Clerk.

F. **Amendments to Registrations.** Lobbyists and lobbying firms shall file amendments to their registration statements within 10 days of any change in information required to be set forth on the registration statement.

G. **Termination.** Any person registered under this Article shall file a Registration Termination form with the City Clerk within 20 days after ceasing all activity governed by this Article.

H. **Education Requirement.** Every individual who is required to register as a lobbyist shall attend a City lobbying information session conducted by the City Clerk no less than once every two calendar years, according to the following schedule:

(1) An individual who has not registered as a lobbyist in the immediately preceding two calendar years shall attend a City lobbying information session within six months of his or her registration date as a lobbyist.

(2) A registered lobbyist who did not attend a City lobbying information session during the previous calendar year shall attend a City lobbying session by the end of the current calendar year.

(3) A registered lobbyist who attends a City lobbying information session during the current calendar year is not required to attend a City lobbying information session during the following calendar year.

SEC. XX.08 Disclosure Reports.

A. **Reporting Requirement.** Every lobbyist, lobbying firm, lobbyist employer and major filer shall file the quarterly disclosure reports required by this section on or before the last day of the month following each calendar quarter. A report properly addressed and bearing the correct postage shall be considered filed on the date of the postmark or on the date of delivery to the City Clerk, whichever is earlier.

1. All lobbyists and lobbying firms shall file quarterly reports for every calendar quarter during which they retain that status. An individual who qualifies both as a lobbyist and lobbying firm shall file only a lobbying firm quarterly report. Lobbyist employers shall file quarterly reports for every calendar quarter during which any individual employed by that employer retains the status as lobbyist. Information required to be disclosed concerning compensation received or expenditures made for lobbying shall be disclosed either by the lobbyist or by his or her lobbying firm or employer.

2. Major filers shall file quarterly reports for every calendar quarter during which they made qualifying payments or incurred qualifying expenditures totaling

$5,000 or more.

3. Quarterly reports shall disclose all required information for the calendar quarter immediately prior to the month in which the report is required to be filed. The reports shall be filed in duplicate (one original and one copy).

B. **Quarterly Reports by Lobbyists — Contents.** Quarterly reports by lobbyists shall contain the following information:

1. The lobbyist's name, business address and business telephone number.

2. The lobbying firm, if any, of which the lobbyist is a partner, owner, shareholder, officer or employee.

3. If the lobbyist is not a partner, officer or owner of a lobbying firm, the name, address and telephone number of the lobbyist's employer.

4. The date, amount and description of each activity expense of $25 or more made by the lobbyist during the reporting period, the name and title of the City official benefiting from the expense, the name and address of the payee, and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event at which the lobbyist attempted to influence the official on behalf of the client.

5. The total amount of activity expenses made by the lobbyist during the reporting period, whether or not itemized.

6. The name of any elective City officer, candidate for elective City office, or any controlled committee of the officer or candidate to which the lobbyist made contributions of $100 or more, or which were delivered by the lobbyist, or in connection with which the lobbyist acted as an intermediary during the reporting period, and the date and amount of the contribution.

7. The name of any elective City officer, candidate for elective City office, or any City controlled committee of the officer or candidate for which the lobbyist engaged in any fundraising activity during the reporting period, the date(s) of the activity and the amount of funds the lobbyist knows or has reason to know were raised as a result of the activity.

8. The date and amount of one or more contributions aggregating more than $500 made by the lobbyist at the behest of an elective City officer or candidate for elective City office during the reporting period to any and all controlled committees of any other elective City officer or candidate for elective City office, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.

9. The date, amount and description of one or more donations aggregating $500 or more made by the lobbyist at the behest of an elective City officer or

candidate for elective City office during the reporting period to any religious, charitable or other nonprofit organization, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.

10. If, during the quarterly reporting period, the lobbyist provided compensated services, including consulting services, to the campaign of any candidate for elective City office, or to a campaign for or against any City ballot measure, the name of the candidate, the elective City office sought by the candidate, the ballot number or letter of the ballot measure, the date of the election, the amount of compensation earned for the compensated services, and a description of the nature of the services provided. Such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a 10% investment, whether the compensation was provided directly to the lobbyist or to such business entity.

11. If, during the quarterly reporting period, the lobbyist provided compensated services under contract with the City or with any City agency, including consulting services, the amount of compensation received, the agency for which the services were provided, a description or other identification of the contract and the nature of the services provided. Such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a 10% investment, whether the compensation was provided directly to the lobbyist or to such business entity.

12. Each City agency that the lobbyist attempted to influence.

13. The name, address and telephone number of the person responsible for preparing the report.

14. Any other information required by regulation of the City Clerk, consistent with the purposes and provisions of this Article.

C. **Quarterly Reports by Lobbying Firms — Contents.** Quarterly reports by lobbying firms, including individual contract lobbyists, shall contain the following information:

1. The name, address and telephone number of the firm.

2. The name of each lobbyist who is a partner, owner, shareholder, officer or employee of the firm and whose quarterly report is required to be attached to the report.

3. The original quarterly report of each lobbyist identified pursuant to subdivision 2 above, attached as an exhibit to the report of the lobbying firm.

4. The name, address and telephone number of each client that is required to be registered and was represented by the firm during the reporting period; a description of each item of municipal legislation for which the firm or its

lobbyists represented the client during the reporting period; the total amount of payments received by the firm from each client (including all fees, reimbursements for expenses and other payments) during the reporting period for such representation.

5. The total payments received from clients required to be registered by the firm during the reporting period in connection with the firm's representation of clients on municipal legislation.

6. The date, amount and description of each activity expense of $25 or more made by the lobbying firm during the reporting period, the name and title of the City official benefiting from the expense, the name and address of the payee, and the client, if any, on whose behalf the expense was made. An activity expense shall be considered to be made on behalf of a client if the client requested or authorized the expense or if the expense was made in connection with an event at which the lobbying firm attempted to influence the official on behalf of the client.

7. The total amount of activity expenses made by the lobbying firm during the reporting period, whether or not itemized.

8. The total amount of expenses incurred in connection with attempts by the firm to influence municipal legislation. These expenses shall include:

   (a) total payments to lobbyists employed by the firm;

   (b) total payments to employees of the firm, other than lobbyists, who engaged in attempts to influence municipal legislation during the reporting period; and

   (c) all expenses attributable to attempts to influence municipal legislation, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each such expense of $2,000 or more shall be itemized and described.

9. The name of any elective City officer, candidate for elective City office, or any controlled committee of the officer or candidate to which the lobbying firm made contributions of $100 or more, or which were delivered by the lobbying firm, or in connection with which the lobbying firm acted as an intermediary during the reporting period, and the date and amount of the contribution.

10. The name of any elective City officer, candidate for elective City office, or any City controlled committee of the officer or candidate for which the lobbying firm engaged in any fundraising activity during the reporting period, the date(s) of the activity and the amount of funds the lobbying firm knows or has reason to know were raised as a result of the activity.

11. The date and amount of one or more contributions aggregating more than $500 made by the lobbying firm at the behest of an elective City officer or candidate for elective City office during the reporting period to any and all

controlled committees of any other elective City officer or candidate for elective City office, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.

12. The date, amount and description of one or more donations aggregating $500 or more made by the lobbying firm at the behest of an elective City officer or candidate for elective City office during the reporting period to any religious, charitable or other nonprofit organization, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.

13. If, during the quarterly reporting period, the lobbying firm provided compensated services, including consulting services, to the campaign of any candidate for elective City office, or to a campaign for or against any County ballot measure, the name of the candidate, the elective City office sought by the candidate, the ballot number or letter of the ballot measure, the date of the election, the amount of compensation earned for the compensated services and a description of the services provided.

14. If, during the quarterly reporting period, the lobbying firm provided compensated services under contract with the City or with any agency, including consulting services, the amount of compensation received, the agency for which the services were provided, a description or other identification of the contract and the nature of the services provided. For an individual contract lobbyist who qualifies as a lobbying firm, such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a 10% investment, regardless of whether the compensation was provided directly to the lobbyist or to such business entity.

15. For an individual contract lobbyist who qualifies as a lobbying firm, each City agency that the lobbyist attempted to influence.

16. The name, address and telephone number of the person responsible for preparing the report.

17. Any other information required by regulation of the City Clerk, consistent with the purposes and provisions of this Article.

D. **Quarterly Reports by Lobbyist Employers — Contents.** Quarterly reports by lobbyist employers shall contain the following information.

1. The name, address and telephone number of the entity filing the report.

2. The name of each lobbyist who is employed by the entity and whose quarterly report is required to be attached as an exhibit to the report.

3. The original quarterly report of each lobbyist identified pursuant to Subdivision 2 above, attached as an exhibit to the report of the lobbyist employer.

4. Total payments during the reporting period to lobbyists employed by the entity. Such payments shall include solely payments for compensation and reimbursement of expenses relating to the lobbyists' attempts to influence municipal legislation.

5. Total payments to employees of the entity, other than lobbyists, who engaged in attempts to influence municipal legislation during the reporting period. Such payments shall include payments for compensation and reimbursement of expenses relating to such persons' attempts to influence municipal legislation.

6. Total payments for expenses incurred in connection with attempts by the entity during the reporting period to influence municipal legislation. These expenses shall include all expenses attributable to attempts to influence municipal legislation, other than overhead, and other expenses that would not be incurred but for the attempts to influence. Each such expense of $2,000 or more shall be itemized and described.

7. A description of each item of municipal legislation which the entity attempted to influence during the reporting period.

8. The date, amount and description of each activity expense of $25 or more made by the lobbyist employer during the reporting period, the name and title of the City official benefiting from the expense, and the name and address of the payee.

9. The total amount of activity expenses made by the lobbyist employer during the reporting period, whether or not itemized.

10. The name of any elective City officer, candidate for elective City office, or any controlled committee of the officer or candidate to which the lobbyist employer made contributions of $100 or more, or which were delivered by the lobbyist employer, or in connection with which the lobbyist employer acted as an intermediary during the reporting period, and the date and amount of the contribution.

11. The name of any elective City officer, candidate for elective City office, or any City controlled committee of the officer or candidate for which the lobbyist employer engaged in any fundraising activity during the reporting period, the date(s) of the activity and the amount of funds the lobbyist employer knows or has reason to know were raised as a result of the activity.

12. The date and amount of one or more contributions aggregating more than $500 made by the lobbyist employer at the behest of an elective City officer or candidate for elective City office during the reporting period to any and all controlled committees of any other elective City officer or candidate for elective City office, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.

13. The date, amount and description of one or more donations aggregating $500 or more made by the lobbyist employer at the behest of an elective City officer or candidate for elective City office during the reporting period to any religious, charitable or other nonprofit organization, the name and address of the payee, the name of the elective City officer or candidate for elective City office who made the behest and the date of the behest.

14. The name, address and telephone number of the person responsible for preparing the report.

15. Any other information required by regulation of the City Clerk, consistent with the purposes and provisions of this Article.

E. **Quarterly Reports by Major Filers — Contents.** Quarterly reports by major filers shall contain the following information:

1. The name, address and telephone number of the person filing the report.

2. A description of each item of municipal legislation which the entity attempted to influence during the reporting period.

3. The total payments made during the reporting period for the purpose of attempting to influence action on each proposed or pending matter of municipal legislation.

4. The name, address and telephone number of the person responsible for preparing the report.

5. Any other information required by regulation of the City Clerk, consistent with the purposes and provision of this Article.

SEC. XX.09 Compliance Measures and Enforcement

A. **Audits.** The City Clerk shall have the authority to conduct audits of reports and statements filed pursuant to this Article. Such audits may be conducted on a random basis or when the City Clerk staff has reason to believe that a report or statement may be inaccurate or has not been filed.

B. **Criminal Penalties.**

1. Any person who knowingly or willfully violates any provision of this Article is guilty of a misdemeanor. Any person who knowingly or willfully causes any other person to violate any provision of this article, or who knowingly or willfully aides and abets any other person in violation of any provision of this article, is guilty of a misdemeanor.

2. Prosecution for violation of any provision of this article must be commenced within one year after the date on which the violation occurred.

3. No person convicted of a violation of this Article may act as a lobbyist or

otherwise attempt to influence municipal legislation for compensation for one year after such conviction.

C. **Civil Enforcement.**

1. Any person who knowingly violates any provision of Section XX.04 shall be liable in a civil action brought by the City Attorney. Any person who intentionally or negligently violates any other provisions of this Article shall be liable in a civil action brought by the City Attorney. Failure to properly report any receipt or expenditure may result in civil penalties not to exceed the amount not properly reported, or $2,000, whichever is greater. Any other violation may result in civil penalties no greater than $2,000. If the court determines that a violation was intentional, the court may order that the defendant be prohibited from acting as a lobbyist or otherwise attempting to influence municipal legislation for one year.

2. In determining the amount of liability pursuant to this subsection, the court shall take into account the seriousness of the violation and the degree of culpability of the defendant.

3. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

4. No civil action alleging a violation of this Article shall be filed more than four years after the date the violation occurred.

D. **Injunction.** The City Attorney on behalf of the people of the City of Tracy may seek injunctive relief to enjoin violations of or to compel compliance with the provisions of this article.

E. **Late Filing Penalties.** In addition to any other penalty or remedy available, if any person fails to file any report or statement required by this Article, after any deadline imposed by this Article, such person shall be liable to the City Clerk in the amount of twenty-five dollars ($25) per day after the deadline until the statement or report is filed, up to a maximum amount of $500. Liability need not be enforced by the City Clerk if the Clerk determines that the late filing was not willful and that enforcement of the penalty would not further the purposes of this Article. No liability shall be waived if a statement or report is not filed within 10 days after the City Clerk has sent specific written notice to the filer of the filing requirement.

F. **Restriction on Person Who Violates Certain Laws.**

1. No person shall act or continue to act as a registered lobbyist or lobbying firm if, within the prior four years, that person has been found by the City Clerk, in a proceeding adopted by the City Council, to have violated this Article on any occasion. That determination shall be based either on a finding of the City Clerk made after an administrative hearing or on a stipulation by the lobbyist or lobbying firm entered into with the City Clerk within the previous four years.

2. If the City Clerk makes a finding that the person has either:

(1) accepted responsibility for the violation in the form of having entered into a stipulation with the City Clerk in which the party admits the violation, or otherwise exhibits evidence of having accepted such responsibility, or

(2) mitigated the wrongdoing by taking prompt remedial or corrective action, then the City Clerk may reduce the time period during which the above prohibition would apply to a period of not less than one year.

SEC. XX.10 City Clerk Reports

As soon as practicable after the close of each quarterly reporting period, the City Clerk shall prepare a report to the City Council of lobbying activity which occurred during the reporting period. Such report shall be in a form which, in the opinion of the Clerk, best describes the activities, receipts and expenditures of persons subject to the requirements of this article.

SEC. XX.11 Severability

If any provision of this article, or its application to any person or circumstance, is held invalid by any court, the remainder of this article and its application to other persons and circumstances, other than that which has been held invalid, shall not be affected by such invalidity, and to that extent the provisions of this article are declared to be severable.

COMMUNITY CONNECTIONS CENTER

THE CITY & CITIZENS OF TRACY PROMOTE QUALITY OF LIFE FOR ALL RESIDENTS
CONNECTING OR RE- CONNECTING LOW-INCOME AND HOMELESS COMMUNITY MEMBERS

Basic Operations

- ✓ Warming & Cooling Center
  Hygiene: showers, laundry
- ✓ Benefits
- ✓ Jobs search
- ✓ Housing search

Supporting Advocates

(See attached list)

Supporting Agencies

Coalition of Tracy Citizens
to Assist the Homeless

HART

Tracy Interfaith Ministries

Tracy Senior Association

February 2015

To: Presentation to City Council

From: Community Connections Center Advocates

Subject: Re-purposing an existing City owned property to utilize as a Community Connections Center.

I am Marvin Rothschild and live at _____. I'm speaking on behalf of numerous citizens working with the homeless and low income families in Tracy as well as those who support our efforts.

About two months ago, Chief of Police Hampton called for a meeting with those Pastors and others feeding the poor in Dr. Powers Park. We understood that the Police Chief wanted to stop feeding in the Park. In fact, most churches much prefer to serve meals at their church sites and are now prepared to do so Monday through Friday.

We discussed the concerns of the PD and we in turn shared ours. Also, out of this meeting and subsequent meetings of approximately three dozen people directly involved in services to the hungry, there was a growing consensus among those working with the homeless, that it was time for us and the City to finally come together to do things to solve the homeless needs, not just to feed them.

More than 17 churches are feeding the low income and homeless every month. Combine that with what Tracy Interfaith does, and we can say that no one need go hungry in Tracy; and that there is little money coming directly from the City.

To really help the homeless, we need to address their needs for a shower, mail boxes, hygiene products, and a warming center in a facility that can also connect them to jobs and housing.

What we need is a building that can house these services. In over four years of searching with the help of real estate agents, business people and City officials, no place could be found. With no solution in sight, we came upon the Fire Station in Pescardaro Park. It is almost the perfect answer. It would meet nearly all the identified needs. So we are today asking the City Council to direct management to sit down with us to see if we can work something out for establishing a Community Connections Center at this site. Attached are the endorsement signature of Pastors and those who struggle every day in the vineyard. This does not yet include all who support us, just some of those most directly involved.

Concerned Citizens

	Please Print		Community Connectio
	Name	Title or Role	Church or Agency
1	Brian Richardson	Pastor	Tracy Community Church
2	Ivan Kirk	Pastor	Good Shepherd Community Chur
3	Clint Yandris	Pastor	Faith Tabernacle Church
4	Skot Lokers	Pastor	Impact Community Ch
5	Ralph Frugugliettti	Pastor	Victory Christian Church
6	Tyler Lane	Pastor	Journey Christian Church
7	Amy Scudder	Board Member	Tracy Interfaith Ministri
8	Greg Smith	Pastor	Family Church of Pra
9	Pat Pacheco	Pastor	City on A Hill
10			
11			

	Please Print		Community Connectio
	Name	Title or Role	Church or Agency
1	Debbie Miller	Treasurer	Coalition / Tracy Citizens Hon[illegible] To Assist the Hon[illegible]
2	Leanelle Odell	Minister	Power Pack Ministry
3	Linda Gleason	Concerned Citizen	Tracy Interfaith Ministry
4	Debra Padaong	Coordinator	FCP
5	Doug Ramirez	Volunteer	Least of these
6	Sue Miller	VOLUNTEER	SDA
7	Bob miller	VOLUNTEER	SDA
8	Amy Scudder	Volunteer	Tracy Interfaith Minist
9	W.H SYLER	PROVIDER	THE SYLERS
10	KATHY SYLER	PROVIDER	"
11	Willie Gonzalez	Pastor	Valley Community Baptist Church
12	Roger Winkler	~~Manager~~ Volunteer	First Presbyterian
13	Patricia Winkler	Volunteer	First Presybterian
14	Sandra Raimondi	Food coordinator	City On A Hill
15	Susan J. Campos	Director of Outreaches @ →	City ON A HILL

	Please Print		Community Co
	Name	Title or Role	Church or Agency
1	Earl J. Barrios	HART Director	HART
2	David Lee		
3	Don Bisbee		FB Lions Presbyterian
4	WES HUFFMAN		SDA Church
5	Gerald Lewis		Agape
6	Lisa Balogh		St Bernards
7	Charles Carrigan		GRACE CHURCH PLEASANT HILL
8	Brian Lloyd	Least of these	Ministry leader
9	Lydia Lloyd	Least of these	Ministry Leader
10	Carol SNUDDERLY	Outreach	New Heart
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