

ORDINANCE NO. 565

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
DESERT HOT SPRINGS, CALIFORNIA, ADDING CHAPTER
2.22 "LOBBYIST" TO THE DESERT HOT SPRINGS
MUNICIPAL CODE**

WHEREAS, the City of Desert Hot Springs has paramount interests in ensuring fair and impartial governmental decisions, identifying the true voice of those who exert political pressure on government decisions, reducing corruption and the appearance of corruption in the decision-making process, promoting integrity in public office, enhancing transparency and public confidence in City government, and protecting each citizen's right to representation; and

WHEREAS, the City Council finds that restricting former City officials and former designated employees from unfairly profiting from or otherwise trading upon the contacts, associations and special knowledge they acquired during their tenure with the City as former officials and former employees meets the City's stated interests; and

WHEREAS, the City Council finds that prohibiting or requiring disclosure of compensation contingent on the result of a proposed governmental action meets the City's stated interests; and

WHEREAS, the Revolving Door Prohibitions contained in Govt. Code §87406.3 state that local elected officials, chief administrative officers, and city managers are prohibited from appearing before or communicating with their former agency for compensation in an attempt to influence legislative or administrative action or matters involving a permit, license, grant, or contract, or the sale or purchase of goods or property for 1 (one) year after leaving that position, and Govt. Code §87406.3(c) provides that local regulations may establish stricter revolving door standards than Govt. Code §87406.3.

WHEREAS, the City Council finds that broadening the scope of Govt. Code §87406.3 and imposing reasonable registration and disclosure requirements on lobbyists meets the City's stated interests; and

WHEREAS, the City Council finds that requiring elected officials to disclose contacts with registered lobbyists related to a legislative or administrative action before voting on the action meets the City's stated interests.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Desert Hot Springs as follows:

Section 1. RECITALS

That the above recitals are true and correct and are incorporated as though fully set forth herein.

Section 2. ADDITION OF CHAPTER 2.22

Title 2 "Administration and Personnel" of the City of Desert Hot Springs Municipal Code is amended as follows:

CHAPTER 2.22

Lobbyists

2.22.010 Purpose

The purposes of this Chapter are:

- A. To assure the independence, impartiality and integrity of City officials and designated employees in making governmental decisions and taking governmental actions.
- B. To prevent former City officials and designated employees from using their former positions with the City for personal gain.
- C. To prevent private for-profit business entities from obtaining a real or perceived unfair advantage in dealing with the City by hiring former officials and designated employees.

2.22.015 Definitions

For purposes of this Chapter, the terms below shall have the following meaning:

- A. "City Official" means the Mayor and City Council Members.
- B. "Commission" means any body created by the City Council whose members are required to file statements of economic interest pursuant to the Political Reform Act of 1974 as amended (Gov. Code §§ 81000 et seq.).
- C. "Employee" has the same meaning as set out in Title 20 of the Code of Federal Regulations § 404.1007(b).
- D. "Lobbyist" means any individual who is compensated to engage in lobbying activities, which include at least one direct communication with a City Official, City Employee, or City Commissioner conducted either personally or through agents, for the purpose of attempting to influence municipal legislation or any administrative action on behalf of any other person.
- E. "Nonprofit organization" means an entity that would qualify as such under the Federal Internal Revenue Code and has engaged in programs or projects that have received financial or other formal support from the City Council within the past five years.
- F. "Transitional services" means services involving technical or specialized knowledge required to complete a project or to provide temporary consulting services to the City.
- G. "Work" means any activity for which compensation is received from any source, including compensation received as an independent contractor. Work includes the supervision or direction of others performing work. Work for the City also includes any action of any sort whatsoever taken in one's official capacity. Service by a City official or designated employee on any type of board, committee or similar body as a representative of the City is deemed to be work for the City.

2.22.020 Prohibitions for Former Officials and Designated Employees

No City Official or designated employee, for one (1) year after terminating City employment, may:

A. Work on any legislative or administrative matter on which the official or employee worked on behalf of the City during the twelve (12) months prior to termination of service, or which was within the former City official's or designated employee's area of job responsibility. "Work on any legislative or administrative matter" includes, but is not limited to, providing advice or recommending any action with regard to a City legislative or administrative matter such as a project involving land use, development, or public works. Legislative matters include City Council or commission actions related to ordinances, resolutions, agreements, permits or licenses.

B. Represent anyone else on any matter, whether or not for compensation, before the City Council, or any commission thereof, any individual member of the City Council, or commission, or any staff of the City.

C. Receive any gift or payment from any person who was, in any way, involved in or affected by the work of the official or employee during the twelve (12) months prior to the termination of service.

2.22.030 Prohibition for Former Commission Members

No former member of any City commission may, for one (1) year after leaving the commission, represent anyone else, whether or not for compensation, before the commission on which the former member served.

2.22.040 Exceptions

The following persons are not subject to the prohibitions of this chapter:

A. An employee or volunteer of a bona fide nonprofit organization of the State of California;

B. An employee or official of a government entity;

C. An independent contractor of the City where it has been determined that it is in the best interest of the City to retain the former official or employee to provide transitional services. Such determination will be made by the person or body authorized to enter into such a contract. In such event, the City will contract directly with the former official or employee. The rate of compensation for such services must not exceed the former official's or employee's rate of pay, including benefits, at the time City service terminated.

2.22.050 Registration

Lobbyists shall register with the city clerk within fifteen (15) days after qualifying as a Lobbyist under Section 2.22.015(D) of this Chapter, and shall file the Required Annual Registration Information pursuant to Section 2.22.080 of this Chapter. No Lobbyist shall engage in lobbying unless he or she is registered with the City Clerk.

2.22.060 Annual Registration Renewal

A Lobbyist shall renew his or her registration by January 15 of each year unless he or she has terminated their status as a Lobbyist pursuant to Section 2.22.070 of this Chapter on or before January 15.

2.22.070 Termination of Lobbyist Status

A person or entity that was registered as a Lobbyist shall be deemed to be a Lobbyist for the purposes of this Chapter until such time as that person or entity files a declaration with the City Clerk attesting to the termination of lobbying services within the City. The declaration shall be executed on a form prescribed by the City Clerk for that purpose, and shall be filed with the City Clerk within thirty (30) days of the termination of Lobbyist status.

2.22.080 Required Annual Registration Information

The initial and subsequent annual registration shall be in a format prescribed by the City Clerk, and shall contain the following information:

A. The name, business address, and telephone number of all persons required to register as a Lobbyist under this Chapter. The registrant shall inform the City Clerk, in writing, within fifteen (15) days, of any change in address or telephone number. Any business entity or other organization registering under this Chapter shall also briefly describe the nature of its business or organization.

B. The name, business address and telephone number of each client, the nature of each client's business, and the item(s) of legislative or administrative action that the Lobbyist is seeking to influence on behalf of the client; and the name of each person employed or retained by the Lobbyist, if any, to lobby on behalf of the each client.

2.22.090 Disclosure

Before voting on any action, Elected Officials shall disclose all contacts that they have had in the past one (1) year with any registered Lobbyists related to a legislative or administrative action before voting on such action.

2.22.100 Applicability

The provisions of this chapter will not prevent a former City official or designated employee from testifying as a percipient witness in any legal proceeding.

2.22.200 Waiver

The City Council may waive the prohibitions of this chapter if the City Council finds that such waiver is in the best interest of the City and that such waiver is consistent with the purposes of this Chapter.

2.22.210 Enforcement

A. The City Attorney may conduct inquiries or investigate complaints of violations of this chapter. The City Attorney may seek judicial relief to enjoin violations of or to compel compliance with the provisions of this Chapter.

B. A current or former City official, designated employee or person who is subject to the provisions of this Chapter may request a formal written opinion from the City Attorney and may reasonably rely on such advice in order to comply with the requirements of this Chapter. Before such opinion is rendered, such official or employee must fully cooperate with the City Attorney in disclosing facts and information in order to prepare the formal opinion.

C. Any person may file a complaint alleging a violation of this Chapter with the Office of the City Clerk.

D. The City Attorney may put persons on notice of a potential violation of the requirements of this Chapter, whether or not a complaint is filed with the City Clerk.

2.22.220 Violations.

A. Any violation of any of the provisions of this chapter shall constitute a misdemeanor violation and upon conviction thereof any violation shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

B. In lieu of issuing a misdemeanor citation, the city may issue an administrative citation, and/or assess an administrative fine of up to one thousand dollars (\$1,000.00) for each violation of this ordinance pursuant to the procedures set forth in Title 4.

C. A separate offense occurs for each day any violation of this chapter is continued and/or maintained.

D. The remedies provided herein are not to be construed as exclusive remedies, and in the event of violation, the city may pursue any proceedings or remedies otherwise provided by law.

Section 3. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 4. REPEAL OF CONFLICTING PROVISIONS

All the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 5. AMENDING OF BAIL SCHEDULE

The City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 6. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its second reading.

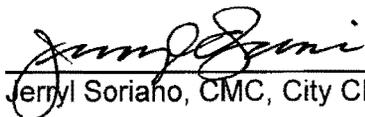
Section 7. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the 21st day of April, 2015 by the following vote:

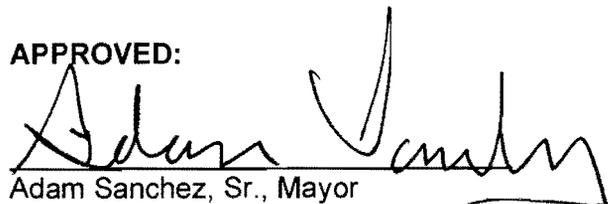
- AYES:** 4 – Betts; Matas; McKee; and Mayor Sanchez.
- NOES:** 1 – Pye.
- ABSENT:** None.
- ABSTAIN:** None.

ATTEST:



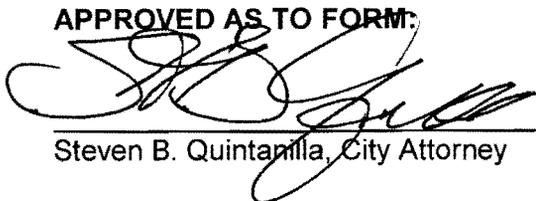
Jerryl Soriano, CMC, City Clerk

APPROVED:



Adam Sanchez, Sr., Mayor

APPROVED AS TO FORM:



Steven B. Quintanilla, City Attorney