

ORDINANCE NO. 3022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE EL MONTE MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 2.28 (LOBBYIST) TO ESTABLISH LOCAL LOBBYIST REGISTRATION, REPORTING, DISCLOSURE REQUIREMENTS AND PROHIBITIONS ON THE EMPLOYMENT OF LOBBYIST

WHEREAS, the El Monte City Council ("City Council") wishes to enact local regulations designed to ensure ethical conduct on the part of elected and appointed officials, officers and employees of the City of El Monte ("City"); and

WHEREAS, the City Council also wishes to establish policies that promote transparency and public trust in local government; and

WHEREAS, the citizens of El Monte have the right to know the identity of interests which attempt to influence decisions by City government, as well as the means employed by those interests; and

WHEREAS, 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; and

WHEREAS, 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 City government; and

WHEREAS, it is in the public interest to adopt this chapter to ensure adequate and effective disclosure of information about efforts to lobby City government.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Title 2 (Administration and Personnel) of the El Monte Municipal Code is hereby amended by the addition of a new Chapter 2.28 (Lobbyist Registration) which shall read as follows:

Chapter 2.28. Lobbying Registration.

2.28.010 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings set forth as follows:

- A. "Administrative action" means the proposal, drafting, development, consideration, amendment, enactment or defeat by any board or commission, or, when authorized, by the City Manager or department head, of plans, proposals, conditions, maps, or other administrative projects carried out in the ordinary course of municipal operations by staff members and employees of the city, or proposed for adoption or approval by the planning commission of the city, or any other city agency or body, or any action subject to approval by the City Manager or any department head.***

- B. ***“City” means the City of El Monte, a general law City organized under the general law of the State of California.***
- C. ***“City Council” means the seven-member legislative body of the City of El Monte which is comprised of six (6) elected City Council members serving staggered 4-year terms of office and one (1) elected Mayor serving a 2-year term of office.***
- D. ***“City body” means the City Council; all other legislative or decision-making bodies of the City whose membership is the membership of the City Council; all committees of the City Council, including all City Council standing committees and ad hoc committees; the El Monte Planning Commission; the El Monte Zoning Review Committee; and all other City boards, committees and commissions.***
- E. ***“City official” means all members of the City Council; all members of other legislative or decision-making bodies of the City whose membership is the membership of the City Council; the City Treasurer; the City Clerk and all members of all other City bodies.***
- F. ***“Compensation” means any economic consideration for lobbying services rendered or to be rendered, including reimbursement of expenses incurred in lobbying. Compensation includes, but is not limited to, financial gain that a person may realize as a result of the determination of a municipal question, including gains in the form of a contingent fee. Compensation which has not yet been received is considered to be received on the date that it is earned, if that date is ascertainable; otherwise, it is received on the date on which the contract or agreement for compensation is made, or on the date lobbying commences, whichever is first. Compensation does not include any amounts previously reported.***
- G. ***“Legislative action” means the drafting, introduction, consideration, modification, enactment or defeat of any motion, minute order, resolution, ordinance, amendment, report, nomination, or other matter by the City Council, the Redevelopment Agency, the Planning Commission, or by any committee or subcommittee thereof, or by a City officer or member of the City staff regularly working with or preparing reports or recommendations to or for any such body.***
- H. ***“Legislative Body” shall have the meaning set forth in California Government Code Section 54952, as it may be amended from time to time.***
- I. ***“Lobby” or “Lobbying” means performing services, for compensation, for the purpose of influencing legislative or administrative action.***
- J. ***“Lobbyist” shall mean any individual or entity who is employed, retained or contracts for economic consideration to communicate with any elective official or any officer or employee of the City of El Monte for the purpose of influencing legislative or administrative action.***
- K. ***“Municipal question” means a public policy issue of a discretionary nature pending before the City Council or another City body identified in the definition of City official, including, but not limited to, proposed action, or proposals for action, in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts. The term “municipal questions” does not include day-to-day application,***

administration, or execution of City programs and policies such as permitting, zoning and planning matters, but does include the amendment, modification or revision of the City's General Plan or Zoning Ordinance.

- L. "Person" means an individual, business entity, trust, corporation, association, firm, partnership, committee, club, legal entity or any other organization or group of persons acting in concert.*

2.28.020 Initial Registration and Disclosure Requirements.

- A. Within fifteen (15) days of Lobbying the City of El Monte, any lobbyist shall register with the City Clerk by filing a lobbying registration form, as provided by the City Clerk, which shall thereon disclose, at a minimum, a written statement containing the following information, certified as true under penalty of perjury:*

- i. The lobbyist's full name, business address, e-mail address and telephone number;*
- ii. The name, business address and telephone number of any individual or entity by whom the lobbyist is employed, retained or engaged for compensation to perform lobbying services in the City;*
- iii. The legislative or administrative actions for the City as to which the lobbyist has been engaged;*
- iv. The date, amount, and description of any payment made to, or on behalf of any City official or member of an official's family. Payments to be disclosed include gifts, meals, fees, salaries and any other form or compensation or remuneration, but do not include campaign contributions; and*
- v. Any other information, including total compensation, description of any payment made to, or on behalf of any City official or member of an official's family, required by the City Clerk consistent with the purposes and provisions of this Chapter.*

2.28.030 Semi-Annual Report. *Each Lobbyist shall file a report disclosing any Lobbying of the City of El Monte with the City Clerk on a semi-annual basis on a form provided by the City Clerk and made available on the City Clerk's webpage. The report shall be filed and received by the City Clerk on the last day of the semi-annual date and shall be posted on the City Clerk's webpage. The report shall include information from section 2.28.020 (iii) through (v), including legislative or administrative actions the Lobbyist supported or opposed during the reporting period. The failure to file a semi-annual report with the required disclosures shall be a violation of this Chapter and a penalty fee may be assessed by the City Clerk, as set by resolution.*

2.28.040 Appearance of Unregistered Lobbyist. *If a Lobbyist who has not registered appears at a public meeting of any City legislative body in order to make a presentation on behalf of a client, the Lobbyist will be permitted to make the presentation upon stating the information required by Section 2.28.020 on the record. The Lobbyist shall be required to file the required registration form and pay the registration fee and any penalty fee as set by resolution, to the City Clerk within seven (7) days of such presentation.*

2.28.050 Registration Fee. *The City Council may by resolution establish a registration fee as set forth therein to defray the reasonable cost of regulating Lobbying activities in the City. Registration shall not be complete until the fee is paid.*

2.28.060 Registration Time. Every lobbyist required to file a registration statement under this chapter shall register with the City Clerk no later than fifteen (15) days after being engaged as a lobbyist and shall renew the registration annually as required in Section 2.28.070.

2.28.070 Registration Duration. Registration shall be filed with the City Clerk on an annual basis between January 1st and January 31st of each year or upon initial employment if that occurs after the annual filing period. Should the registration be filed upon initial employment after the filing period, such registration shall be filed within fifteen (15) days of such initial employment. Registration shall be valid for one (1) year.

2.28.080 Registration Amendment. If any change occurs concerning any of the information required by Section 2.28.020 or Section 2.28.030, the lobbyist shall file an amendment reflecting the change within fifteen (15) days of the change.

2.28.090 Notice of Termination. Lobbyist may file a notice of termination with the City Clerk within fifteen (15) days after ceasing all activity which required registration.

2.28.100 Exemptions. The provisions of Chapter 2.28 shall not apply to:

- 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. Any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorial or other comments, or paid advertisements, which directly or indirectly urge action upon municipal legislation;
- C. A person when representing a bona fide church or religious society solely for the purpose of protecting the public's right to practice the doctrine of such church or society;

A person when representing a not-for-profit charitable, religious, civic, patriotic or community service organization, granted tax exempt status under Section 501(c)(3) of the Internal Revenue Code, unless such person is lobbying for a specific project, issue or person for which the organization has received compensation or a contribution to lobby for or against a specific project, issue or person; or

- D. A person invited by the City Council or any of its committees, or by any board or commission, or any committee of a board or commission, or by any officer or employee of the City charged by law with the duty of conducting a hearing and making a decision as to a pending or proposed matter, for the purpose of giving testimony to aid the body or person extending the invitation.

2.28.110 Prohibited act. It is unlawful for any person or entity to act as a lobbyist in the City without having registered in compliance with this chapter, or knowingly to employ a person or entity to serve as a lobbyist when such person is not registered pursuant to this chapter.

2.28.120 Gift prohibitions. No lobbyist shall make to a City official and no City official shall knowingly receive from a registered lobbyist a gift or gifts aggregating more than fifty (\$50) dollars in any calendar month. No lobbyist shall act as an agent or intermediary in the making of any such gift or arrange for the making of any such gift by any other person.

2.28.130 Notice of registration required. *The City Clerk shall issue a "notice of registration required" upon the written request of 1) the City Council or any of its members, 2) any board or commission pursuant to a majority vote of its total membership, or 3) any officer or employee of the City charged by law with conducting a hearing and making a decision on a matter pending or proposed. Any person who in good faith and on reasonable grounds believes that he or she is not required to comply with the provision of section 2.28.020 or section 2.28.030 by reason of his or her being exempt under section 2.28.100 or section 2.28.110 shall not be deemed to have violated the provisions of 2.28.020 if, within thirty (30) days after notice from the City Clerk, he or she either complies with this section or furnishes satisfactory evidence to the City Clerk that he or she is exempt from registration.*

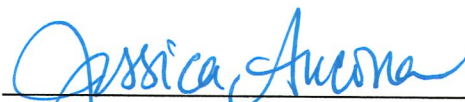
2.28.140 Enforcement.

A. Administrative Enforcement. *The provisions of this chapter may also be prosecuted as an infraction and enforced through the issuance of administrative citations and the imposition of administrative fines in such amounts as set forth under Section 1.18.040 and Section 1.18.050 of the El Monte Municipal Code as the same may be adopted and from time to time amended by resolution of the City Council.*

SECTION 3. This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. 14 Cal. Code Regs. § 15378(a). Further, this Ordinance is exempt from CEQA as there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. 14 Cal. Code Regs. § 15061(b)(3).

SECTION 4. The Mayor shall sign, and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 18th day of April, 2023.



Jessica Ancona, Mayor
City of El Monte

ATTEST:



Gabriel Ramirez, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Gabriel Ramirez, City Clerk of the City of El Monte, hereby certify that the foregoing Ordinance No. 3022 was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 18th day of April, 2023 and that said Ordinance was adopted by the following vote, to-wit:

AYES: Mayor Ancona, Mayor Pro Tem Herrera, Councilmembers Cortez, Martinez Muela, Puente, Rojo and Ruedas

NOES: None

ABSTAIN: None

ABSENT: None



Gabriel Ramirez, City Clerk
City of El Monte