



SMART GROWTH MADISON

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TO: CCOC members
FROM: Delora Newton, Executive Director
RE: Lobbying ordinance – 3rd substitute

Although some business groups support the compromise version of the lobbying ordinance, Smart Growth Madison respectfully disagrees that the ordinance accurately and fairly defines lobbying activities.

The main point of contention is defining any development or redevelopment over 10,000 sq ft for commercial projects and 10 dwelling units for residential projects as lobbying activities. We support the registration requirements for projects taking public assistance, but do not believe projects using only private funds should be singled out as lobbying activities.

When a development or redevelopment is proposed in Madison, the public is informed of the proposal in many different ways – news coverage, neighborhood association meetings, letters sent by the City to nearby property owners and tenants, and notices of public hearings for various City committees (including, but not limited to – Plan Commission, Urban Design, Pedestrian/Motor Vehicle/Bicycle, Landmarks, and Common Council). Usually the developer, employees, and the project's design professionals (including, but not limited to architects, engineers, surveyors, consultants, landscape architects, realtors, attorneys, etc.) are expected to appear at the public hearings and provide information about the project.

In fact, the City's Developer Handbook states on page 21 that, **"You should attend both public hearings and be prepared to answer detailed questions on your rezoning. You are responsible for justifying the need for rezoning."**

So City policies and procedures REQUIRE the developer/business owner seeking development or redevelopment to attend specific meetings and persuade committee members/council members to support the project. Now, the City wants to require these same people to register as lobbyists for something they are commanded to do by the City. This doesn't make sense.

Some alders believe that asking developers and their clients to report expenses related to project approval is “no big deal”. They believe that it only takes a couple hours to fill out the form and send it in. Well, actually, there is much more to it than that.

If the report only required the principal to calculate time spent talking to alders, staff and city committees, the calculations would be easy. However, the ordinance requires an accounting of all prep time, the cost of materials used in handouts and illustrations, costs of all staff who worked on the project and inclusion of a portion of the company overhead costs. Most developers and design professional firms do not keep track of billing hours this way. So it will be onerous to create new ways to track expenses and report them.

A few months ago, a Madison activist ‘hired’ a lobbyist to attend a meeting and represent her views on the lobbying ordinance. She claimed that it took 30 minutes to complete the form and the associated costs were \$10. Her calculation illustrates the reporting problem.

True costs had to be more than \$10. The ‘paid lobbyist’ spoke after waiting about three hours to testify. Add that three hours to time and cost spent traveling to the meeting and preparing remarks. Even at minimum wage, true costs were over \$20. Image how much more complicated these calculations become when someone is required to track expenditures on a large project.

So.....the bottom line. I am a paid lobbyist. People like me should be required to disclosure our contacts. But defining development and redevelopment projects as lobbying contacts is unfair and paints an inaccurate picture of who is attempting to influence government. Smart Growth Madison asks CCOC to remove this onerous provision from the ordinance.

In addition, tracking time spent instead of dollars spent on lobbying is easier for recordkeeping and more accurately informs the public of how much lobbying is taking place because two competing firms may spend the same amount of time lobbying, but may report vastly different expenses because labor and overhead costs greatly differ. Therefore, the ordinance should be amended to require reporting of time spent rather than expenses incurred while lobbying.

Please feel free to contact me with any questions you may have.