

CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511

DATE: June 5, 2012

MEMORANDUM

TO: **Common Council Organizational Committee**

FROM: Michael P. May, City Attorney

SUBJECT: **Draft Substitute Ordinance on Lobbying Regulation**

Attached to this memo is the current draft of the Substitute Ordinance on Lobbying Regulation. This draft makes the following changes from prior drafts:

1. Any reference to a seven year retention period for records has been eliminated.
2. A definition of Business Owner, which is similar to current definition in the law, is created, to be placed in the definitions section of the ordinance. See paragraph 1 of the draft substitute.
3. An expanded exemption for participation in joint public/private boards or committees has been added. See paragraph 5 of the draft substitute. This was at the request of both the Mayor's Office and Ald. Konkel. It is to govern such bodies as the Small Business Advisory Committee or a number of neighborhood related committees or commissions that have joint public and private members. Participation in the commission itself would not be lobbying, but the members would not be exempt for actions taken outside of the commission or committee.
4. Adding to the individual right to lobby exemption a provision for business owners for communicating with a council member in the district where the business is located. See paragraph 6 of the draft substitute.
5. Modifying the prior draft of the de minimus exemption to exclude application of the \$500 exemption for entities seeking to obtain funds from the City in excess of \$10,000. See paragraph 7 of the draft.

It is my understanding that these were the changes requested at the last meeting of the Subcommittee, together with the one suggested by the Mayor and Ald. Konkel.

Ald. Konkel also contacted me with an alternative method of providing an individual right to lobby for business owners. Under Ald. Konkel's proposal, the following changes would be made in the ordinance:

- A. The de minimus exemption would be eliminated.
- B. A new exemption for business owners would be created. A Business Owner would be

defined as: "A person or entity which owns or leases real property used for commercial or other business purposes, regardless of the form of ownership. For purposes of the exemption set forth in sub. (3)(h) of this ordinance, any employees, directors, or officers of the business would be entitled to the exemption for the Business Owner when acting on behalf of the Business Owner."

C. The language in the current draft set out in (3)(h)3. would be amended to read:

"By a Business Owner communicating solely with the Council member who represents the district in which the property of the Business Owner is located, on matters related to that property, provided, however that a business may only use one location within the City for this exemption."

D. The City TIF Coordinator would be added to the definition of officials, contact with whom would constitute lobbying.

Michael P. May
City Attorney

MPM:pah

Encl.