

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

DATE: March 11,2005

MEMORANDUM

TO: **Common Council Organizational Committee**

FROM: Michael P. May, City Attorney

SUBJECT: **Ides of March Meeting: Amendments to Lobbying Regulation Ordinance**

Attached to this memo are both the current draft of the substitute ordinance on lobbying regulation, and a complete copy of Sec. 2.40, MGO, which is intended to reflect the amendments proposed in that draft substitute.

The additional proposed amendments that our office received are as follows:

1. Amendments Offered by Aids. Konkel & Verveer:
 - A. The definition of business owner in sub. 2.)(d) would be changed to be as follows:

A person or entity that owns or leases real property used for commercial or other business purposes (including non-profit entities), regardless of the form of ownership. For purposes of the exemption set forth in sub. (3)(h) of this ordinance, any employees, directors, officers, or members of the business would be entitled to the exemption for the Business Owner when acting on behalf of the Business Owner.
 - B. The exemption in sub. (3)(e) would be changed to read as follows:

Participation as a member of a City of Madison board, committee, or commission, or a committee or subcommittee thereof, or participation as a member of any board, committee, or commission, or a committee or subcommittee thereof, which body includes as a member thereof a City official appointed by the Mayor and approved by the Common Council, in his or her capacity as a City official.
 - C. The definition of official in sub. (2)(i) would be amended by adding the City TIF Coordinator.

- D. The exemption under individual right to lobby for business owners in sub. (3)(h)3. would be modified 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 the business, provided, however, that a business may only use one location within the City for this exemption.

2. Amendments Offered By Ald. Skidmore:

- A. The reporting period would be changed to six months; the definition in sub. (2)(m) would be amended to read as follows:

"Reporting Period" means each ~~calendar quarter including six month period beginning with January 1 through March 31; April 1 through and ending with June 30 or beginning with July 1 through September 30; and October 1 through and ending with December 31.~~

- B. The individual right to lobby exception for businesses in sub. (3)(h)3. would read as follows:

"By communicating solely with a Council member who represents the district in which a principal place of business is located and the individual is communicating on behalf of that business."

- C. The registration requirement in (6)(a) would be modified to keep the five days in which to file the initial registration.

- D. The lobbyist authorization in sub. (7) would be modified to require that the authorization take place "prior to or simultaneously with registration under sub. 6."

- E. Sub. (10)(a) with respect to expense statements, would be modified to require statements only twice a year, on July 31 and January 31. Similarly, sub. (10)(a) 4. would strike the word "quarterly" with reference to the expense statements.

- F. Sub. (11)(f) of the ordinance would read:

"The City Clerk, in consultation with the Organizational Development and Training Unit, shall conduct quarterly training workshops concerning the laws relating to lobbying."

- G. Sub. (12)(a) would require that the City Attorney participate in the quarterly workshops conducted by the City Clerk.

3. Amendment Offered By Ald. Onken:

- A. Ald. Onken proposes that the dollar limit for the de minimus exceptions set forth in sub. (3)(i) be increased from \$500 per year to \$2,000 per year.

4. Alternative Amendments Offered by Ald. Konkel.

- A. Business Owner Right to Lobby Own Alder: Modify any exemption for a business owner right to lobby in sub. (3)(h)3. by eliminating the requirement that it apply to only one business location. This may be accomplished by the language offered by Ald. Skidmore.
- B. De Minimus Exemption: Delete the “number of contacts” tests in proposed sub. (3)(i)1. of 3 days in a reporting period and 5 days in a year and replace them with one test of 3 days in a calendar year.
- C. Exemption for Public Testimony: Exempt from any registration and reporting requirements under subs. (6), (7), (9) and (10) any testimony before a Committee, Board, or Commission when the registrant registered at the time of the testimony.

5. Amendment Offered by Ald. Brandon.

Alder Brandon offered an amendment to require registration and reporting for any entity seeking \$10,000 or more assistance from the City. Note that the draft substitute includes a restriction on the De Minimus exemption for those seeking this amount of aid from the City, see sub. (3)(i)1.c of the draft substitute.

The intent of this proposal is to require those seeking larger grants or aid from the city to register and report, regardless of any other exemption. If approved, the related language currently in the draft substitute in the de minimus exception would become surplusage. The amendment would be accomplished by adding the following language to both sub. (3)(h) on the individual right to lobby, and on sub. (3)(i) on the de minimus exception:

"Any person or entity seeking direct cash assistance from the City, in the form of loans, grants or contracts for the purchase of goods or services by the City (except for responses to City RFPs and public works contracts), in an amount exceeding ten thousand dollars (\$10,000) in a calendar year shall be ineligible for the exemption set forth in this sub. (3)(h) [or (3)(i)]."

cc: All Alders
Mayor Cieslewicz
Janet Piraino
Roger Allen

Attachments