

October 23, 2015

TO: City Council

FROM: Santa Monica Coalition for a Livable City (SMCLC)

**RE: Opposition to Revised Proposed Lobbying Ordinance, 10.27.15 Council Item 7-C**

The Santa Monica Coalition for a Livable City (SMCLC) commends the City Council for seeking to adopt a Lobbying Ordinance and for recognizing the importance of transparency in building residents' faith and confidence in their city government.

Unfortunately, we oppose the current revised draft of this Ordinance. This proposal, while containing some improvements on the original draft presented to Council on July 14, 2015, overall is headed sharply in the wrong direction.

This new draft has major loopholes. It eliminates paid lobbying of the Planning Commission and other bodies, eliminates a private right of action, eliminates prohibitions on improper lobbying, and requires the disclosure of such limited information -- even less than the first draft -- and in an untimely fashion. Consequently, it will do little to promote a transparent and open government. As the City Attorney wrote:

**“The revised ordinance is basic and simple. It would merely require lobbyists to register with the City, disclose minimal information about their lobbying activities, and pay a fee...”**

We don't need a Lobbying Ordinance just to say we have one. We need a Lobbying Ordinance that will have the real ability to promote good government. To do that, the following needs to be addressed:

1. **Lobbying the Planning Commission should be included.** The new draft eliminates lobbying of the Planning Commission, ARB, Landmarks Commission and Personnel Board, all of which were included in the first draft. (See Definition of Lobbyist.) This is a serious cutback in coverage, as important decisions are made at the Planning Commission level, with the Council not having the time to carry out the detailed review of the PC. They should be included.
2. **Registration requirements should be made meaningful.** The proposed registration requirements are very weak —as the staff report explained it would only require disclosure of “minimal information.” Here is the basic information that would be required in the current Lobbying Ordinance draft:

**“I, Mary Smith, of Mary Smith Lobbying, Inc., will be lobbying on behalf of Hines, a developer, seeking approval of its Hines Bergamot Project.”**

That's it. File it within 10 days, once for the year.

What's missing and needed:

- (a) **Who is being lobbied** -- Lobbyists should be required to say who they are lobbying, e.g., planner xyz, planning director mcz, Planning Commissioners abc and wcs, Councilmembers sdf, wer, and utz (other jurisdictions, such as Oakland, require this vital information);
  - (b) **How many times were the above lobbied**, as required in the prior draft;
  - (c) **Disclosure of activity expenses** by the lobbyist that benefitted any city official, as also was required in the prior draft; and
  - (d) **Timely filing**—this draft eliminates quarterly filing and substitutes annual filing, and neither draft had what is essential to make the process more transparent -- updated filing information before any body publicly considers the matter so the public can be informed at the time of the hearing. **What possible public good is there in *not* disclosing who has been lobbied before an important City decision is made?**
3. **In-house lobbyist inclusion should be clarified.** While the Staff Report says the ordinance has been redrafted “to ensure that...in-house lobbyists are covered...,” it may be unclear here who is an “in-house lobbyist.” Does it only cover those specifically employed to lobby, or does it include owners, board members and officers who also communicate for the purpose of influencing a legislative or administrative action but who may claim they aren’t employed specifically for that purpose? **This should be made clearer at the risk of having a vague or unenforceable ordinance.**
  4. **A private right of action should be reinstated.** The new draft also eliminates any private right of action, leaving enforcement solely to the City, which has a past track record of not looking pro-actively for potential violations of Santa Monica laws. Without a private right of action, even the already “minimal disclosure” ordinance may well face minimal enforcement.

It does not serve the public good to have a weak and ineffective lobbying ordinance. To enact a weak lobbying ordinance would only increase, not decrease residents’ skepticism of their city government. We urge you to add these important provisions.

Cc: Rick Cole  
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Community and Neighborhood Leaders