



City of Pittsburgh

Legislative File Number 2009-1327 (version 1)

..Title

Ordinance supplementing the Pittsburgh Code, Title One, Administrative, Article VII, Procedures, Chapter 161 Contracts, by adding a new section 161.37 entitled "Lobbyist Registration."

..Body

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code, Title One, Administrative, Article VII, Procedures, Chapter 161, Contracts, is hereby supplemented by adding a new section 161.37 entitled "Lobbyist Registration."

§161.37 Lobbyist Registration

A) Legislative Intent

1. City Government functions to serve the needs of all citizens.
2. The citizens of the City of Pittsburgh have a right to know the identity of interests which attempt to influence decisions of City government.
3. 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 or license.
4. 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 local government.
5. It is in the public interest to adopt these amendments to the City's regulations of lobbyists to ensure adequate and effective disclosure of information about efforts to lobby City government.

B) Definitions

"Client" - (1) the person who compensates a lobbyist or lobbying firm for the purpose of attempting to influence municipal legislation and (2) the person on whose behalf a lobbyist or lobbying firm attempts to influence such municipal legislation, even if the lobbyist or lobbying firm is compensated by another person for such representation. However, if a lobbyist or lobbying

firm represents a membership organization and individual members of that organization, an individual member is not a client solely because the member is individually represented by the lobbyist or lobbying firm unless the member makes a payment for such representation in addition to usual membership fees.

"Direct communication" - appearing as a witness before, talking to (either by telephone or in person), corresponding with, or answering questions or inquiries from, any City official or employee, either personally or through an agent who acts under one's direct supervision, control or direction.

"Elective city officer" - the Mayor, Controller and City Council Member

"Lobbying activities" - includes the following and similar compensated conduct when that conduct is related to a direct communication to influence any municipal legislation:

(1) Engaging in, either personally or through an agent, written or oral direct communication with a City official;

(2) Drafting ordinances, resolutions or regulations;

(3) Providing advice or recommending strategy to a client or others;

(4) Research, investigation and information gathering;

(5) Seeking to influence the position of a third party on municipal legislation or an issue related to municipal legislation by any means, including but not limited to engaging in community, public or press relations activities; and

(6) Attending or monitoring City meetings, hearings or other events.

"Lobbyist" - any individual who is compensated to spend 30 or more hours in any consecutive three-month period engaged in lobbying activities which include at least one direct communication with a City official or employee, conducted either personally or through agents, for the purpose of attempting to influence municipal legislation on behalf of any other person. Compensation does not include reimbursement of or payment for reasonable travel expenses. A person receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this Section or is received for both lobbying activities and other activities as well. However, only the compensation for the lobbying activities shall be calculated to determine whether an individual qualifies as a lobbyist. An individual becomes entitled to receive compensation when the individual agrees to provide services regulated by this Section, or performs those services, regardless of whether payment is contingent on the accomplishment of the client's purposes. A lobbyist includes a person who owns an investment in a business entity if that person attempts to influence municipal legislation on behalf of the business entity and if the person acquires the investment as compensation for his or her lobbying services or in contemplation of performing those services.

C) Exemptions

The following persons are exempt from the requirements of this Section:

1. Any public official acting in his or her official capacity, and any government employee acting within the scope of his or her employment.
2. A newspaper or other regularly published periodical, radio or television station or network, including any individual who owns, publishes or is employed by such newspaper, periodical or station or network, when, in the ordinary course of its business, it publishes or broadcasts news, editorials or other comments, or paid advertising, which directly or indirectly attempts to influence action on municipal legislation. This exemption does not apply to any other action by any such newspaper, periodical, station or network, or by any such person, to attempt to influence municipal legislation, if such activity otherwise regulated by this Section.
3. A person acting without any compensation or consideration other than reimbursement or payment of reasonable travel expenses.
4. Any person whose only activity is submitting a bid on a competitively bid contract, submitting a written response to or participating in an oral interview for a request for proposals or qualifications, or negotiating the terms of a written agreement with any City agency if selected pursuant to that bid or request for proposals or qualifications. Except with regard to persons covered by subsections 5 and 6, this exemption shall not apply to any person who attempts to influence the action of the Mayor or Mayor's staff, any member of the City Council or their staffs, or any board or commission member with regard to any such contract.
5. Any organization exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, which receives funding from any federal, state or local government agency for the purpose of representing the interests of indigent persons and whose primary purpose is to provide direct services to those persons, if the individual or individuals represented by the organization before any City agency provide no payment to the organization for that representation. This exemption shall not apply to direct contracts with a City official in other than a publicly noticed meeting, for the purpose of attempting to influence a City decision with regard to any City funding which the organization is seeking.
6. Any person employed by an organization described in Subsection 5 with respect to his or her activities as an employee of the organization.

D) Registration

1. Requirement. An individual who qualifies as a lobbyist shall register with the City Controller within 10 days of the date that the individual qualifies as a lobbyist. If a person is not registered as a lobbyist, but is performing acts which would require that person to so register, that person may continue to act as a lobbyist so long as the person registers with the City Controller within 10 days after the person knew or should have known of the obligation to register. A lobbyist shall register each client on whose behalf or from which the lobbyist receives compensation for engaging in lobbying activities related to attempting to influence municipal legislation.
2. Duration of Status. A person who registers as a lobbyist shall retain that status through

December 31 of that year unless and until that person terminates the status as set forth below.

3. Registration Fees. Every lobbyist shall pay an annual registration fee of \$100.

4. Contents of Registration Statements. Registration statements of lobbyists shall contain the following:

- a. The lobbyist's name, business address, and business telephone number.
- b. The lobbying firm, if any, of which the lobbyist is an employee, partner, officer or owner.
- c. A statement that the lobbyist has reviewed and understands the requirements of this Article.

5. Amendments to Registrations. Lobbyists shall file amendments to their registration statements within 10 days of any change in information required to be set forth on the registration statement.

6. Termination. Any person registered under this Section shall file a Registration Termination form with the City Controller within 10 days after ceasing all activity governed by this Section.

E) Compliance Measures and Enforcement

1. Audits. The City Controller shall have the authority to conduct audits of reports and statements filed pursuant to this Section. Such audits may be conducted on a random basis or when the City Controller has reason to believe that a report or statement may be inaccurate or has not been filed.

2. Civil Enforcement.

- a. Any person who knowingly violates any provision of this Section shall be liable in a civil action brought by the City Solicitor. Any violation may result in civil penalties no greater than \$2,000. If the court determines that a violation was intentional, the court may order that the defendant be prohibited from acting as a lobbyist or otherwise attempting to influence municipal legislation for one year.
- b. In determining the amount of liability pursuant to this subsection, the court shall take into account the seriousness of the violation and the degree of culpability of the defendant.
- c. If two or more persons are responsible for any violation, they shall be jointly and severally liable.
- d. No civil action alleging a violation of this Section shall be filed more than four years after the date the violation occurred.

3. Injunction. The City Solicitor may seek injunctive relief to enjoin violations of or to compel compliance with the provisions of this Section.

F) Severability

If any provision of this article, or its application to any person or circumstance, is held invalid by

any court, the remainder of this article and its application to other persons and circumstances, other than that which has been held invalid, shall not be affected by such invalidity, and to that extent the provisions of this article are declared to be severable.