

CITY OF PEORIA, AZ LOBBYIST HANDBOOK



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SECTION 1 REQUIREMENTS FOR LOBBYISTS

DEFINITIONS OF LOBBY AND LOBBYIST

City Code 2-39

“Lobby” means any communication with any elected City official for the purpose of influencing official action.

“Lobbyist” means any person who is compensated to lobby for a person other than himself.

WHO SHOULD REGISTER AS A LOBBYIST

City Code 2-40

Any individual or organization that is compensated to lobby must register, unless exempt pursuant to Section 2-41 of the Peoria City Code.

Registration as a lobbyist is required, if *any* part of a person’s job includes communicating with a City of Peoria elected official for the purpose of influencing official action.

LOBBYIST REGISTRATION AND DUE DATE

City Code 2-40

Lobbyists should register with the City Clerk’s Office prior to lobbying or within ten (10) calendar days after lobbying occurs. Lobbyist registrations must be renewed annually, between January 1st and January 31st, following the first full calendar year after initial registration.

Organizations may register all of its officers and employees that provide lobbying services for the organization on one registration form. Organizations electing to register employees and officers must include all of its employees and officers that will be lobbying the City of Peoria on one registration form. For each person listed, include the names and business addresses of all persons by whom each lobbyist is compensated to lobby and on whose behalf lobbying is performed.

If an organization includes officers and employees in its lobbyist registration, notification must be given to the lobbyists that the organization has registered on their behalf. [A.R.S. § 41-1232.D]

CHANGES IN REGISTRATION INFORMATION

City Code 2-40

Changes in registration information must be reported to the City Clerk’s Office within thirty (30) days by filing an amended registration form.

LOBBYIST EXPENDITURE REPORTS

City Code 2-40

“Expenditure”- means a payment, distribution, loan, advance, deposit or gift, and includes a promise or agreement, whether or not legally enforceable, to make an expenditure that provides a benefit to an elected City official that is incurred by or on behalf of a lobbyist.

LOBBYIST EXPENDITURE REPORTS (continued)

City Code 2-40

Expenditure reports are due annually to the City Clerk's Office by January 31st. Filing deadlines that fall on Fridays, weekends or holidays are due the next business day. See below for reporting exemptions.

Expenditures over twenty-five dollars (\$25) should be itemized separately, listing the date, amount, and nature of the expenditure, the name of the elected City official receiving or benefiting from the expenditure, and the person on whose behalf the expenditure was made.

Expenditures for events where more than one elected official is invited should be allocated on a pro-rata basis based on the total number of elected officials invited.

If no expenditures are made during the reporting period an Expenditure Report, indicating that no reportable expenditures were made, should be filed by the January 31st reporting deadline.

Lobbyists are responsible for compliance with expenditure reporting requirements; however, organizations may file individual expenditure reports on behalf of its registered lobbyists.

LOBBYISTS INTENDING TO MAKE NO EXPENDITURES

City Code 2-40

Lobbyists may file an Exemption Statement certifying the intent to make no expenditures for the year. Upon filing this statement, the lobbyist is exempt from filing an annual Expenditure Report as long as no reportable expenditures are made.

If a lobbyist makes a reportable expenditure after filing an Exemption Statement, an Expenditure Report must be filed and the lobbyist will be subject to expenditure reporting.

LOBBYIST EXPENDITURE REPORTING EXEMPTIONS

City Code 2-40

The following lobbyist expenditures are not required to be reported:

- Personal sustenance
- Family gifts
- Personal hospitality
- Preparation or distribution of informational materials
- Campaign contributions
- Professional or consulting services not made on behalf of another person for compensation, and not rendered primarily for the benefit of an elected City official
- Office expenses
- Filing fees
- Legal fees
- Employees
- Compensation
- Travel

PROHIBITED PRACTICES; VIOLATIONS

City Code 2-42

The following is prohibited:

- Gifts to, or expenditures on behalf of, an elected City official through a third party to conceal the identity of the person making the gifts or expenditures.
- Gifts to an elected City official for the performance of official duties or if it may be reasonably interpreted to be offered in order to influence an action or decision of an elected City Official.

“Gift” - means money, real property or tangible personal property. [For further explanation and exceptions, see Section 2-39(d)]

LOBBYIST RESPONSIBILITY TO COMPLY

City Code 2-40

Lobbyists are responsible for compliance with Sections 2-39 through 2-42 of the Peoria City Code. All lobbyists are responsible for filing required reports. Organizations registered as one entity may file the required reports on behalf of the organization and each of its registered lobbyists.

SECTION 2 FREQUENTLY ASKED QUESTIONS

DO SPOKESPERSONS FOR CITIZEN GROUPS NEED TO REGISTER AS LOBBYISTS?

Unpaid spokespersons for citizens groups are not required to register; even if the spokespersons are reimbursed for expenses incurred while lobbying, such as parking fees.

Paid spokespersons that communicate with elected City officials to influence action to benefit a citizens group are required to register.

DO EXECUTIVE DIRECTORS OF NON-PROFIT AGENCIES NEED TO REGISTER AS LOBBYISTS?

Unpaid executives for non-profit agencies are not required to register; even if the executives are reimbursed for expenses incurred while lobbying, such as parking fees.

Paid executives that communicate with elected City officials to influence action to benefit a non-profit agency are required to register.

DO LOBBYISTS THAT ARE NOT COMPENSATED TO LOBBY NEED TO REGISTER?

Unpaid lobbyists are not required to register; even if the lobbyists are reimbursed for expenses incurred while lobbying, such as parking fees.

Paid lobbyists that communicate with elected City officials to influence action to benefit an organization, are required to register.

IF I LOBBY FOR MORE THAN ONE PERSON OR ORGANIZATION, ON WHOSE BEHALF DO I REGISTER?

On the registration form, list all persons or organizations, including business addresses, that compensate you to lobby and on whose behalf you lobby regardless of who compensates you.

For example, a lobbyist may be paid by ABC Corporation to lobby on behalf of the firm's clients, who in turn pay the firm for the lobbying services. The lobbyist would list ABC Corporation as the firm who compensates them, as well as the clients of the ABC Corporation for whom the lobbyist are providing the services.

WHO NEEDS TO REGISTER - THE ORGANIZATION OR THE INDIVIDUAL DOING THE LOBBYING?

Organizations may register all of its officers and employees that lobby or have its officers and employees register as individual lobbyists.

HOW WILL OFFICERS AND EMPLOYEES KNOW IF THE ORGANIZATION REGISTERS FOR THEM?

The organization must notify all officers and employees that they have been registered as lobbyists under the organization's registration.

IF AN ORGANIZATION REGISTERS ITS LOBBYISTS, WHO IS RESPONSIBLE FOR FILING ANNUAL REPORTS?

Individual lobbyists are responsible for filing reports; however, organizations may file the reports on behalf of the lobbyists. If the organization files reports on behalf of its officers and employees, separate reports must be filed for each individual lobbyist.

WHAT IF I NEED TO MAKE A CHANGE ON MY REGISTRATION FORM?

Changes to registration information must be reported on an Amended Registration Form and filed with the City Clerk's Office within thirty (30) days.

WHAT IF I HAVE EMPLOYEES WHO CONTACT ELECTED CITY OFFICIALS OCCASIONALLY?

If employees lobby elected City officials even occasionally, they must be registered as a lobbyist. However, employees do not need to register if they contact elected City officials solely for the purpose of obtaining information.

WHAT IF EXPENDITURES ARE MADE AFTER AN EXEMPTION STATEMENT HAS BEEN FILED?

If reportable expenditures are made after filing an Exemption Statement, the lobbyist should file an Expenditure Report with the City Clerk's Office within ten (10) days of making the expenditure. The lobbyist is then subject to expenditure reporting.

WILL I BE NOTIFIED WHEN REPORTS OR REGISTRATION FORMS ARE DUE?

Notification will not be provided when reports or registration forms are due. Lobbyists are responsible for complying with registration and reporting requirements pursuant to Peoria City Code.

HOW DO I OBTAIN REGISTRATION OR REPORTING FORMS?

Registration and reporting forms are available through the City Clerk's Office or online at www.peoriaaz.com/clerk (select "Lobbyist Information Registration" from the Quick Links menu).

PEORIA CITY CLERK'S OFFICE CONTACT INFORMATION.

Peoria City Clerk's Office
8401 W. Monroe Street
Peoria, Arizona 85345

623-773-7340 (telephone)
623-773-7304 (fax)
cityclerk2@peoriaaz.gov (email)
www.peoriaaz.gov/clerk (website)

SECTION 3 CITY CODE

Sec. 2-39 Lobbying; definitions.

- (a) “Elected City Official” means the Mayor and members of the City Council, whether serving by election or appointment.
- (b) “Expenditure” means a payment, distribution, loan, advance, deposit or gift, and includes a promise or agreement, whether or not legally enforceable, to make an expenditure that provides a benefit to an elected City official that is incurred by or on behalf of a lobbyist.
- (c) “Family Gift” means a gift to an elected City official or a member of his household from a lobbyist who is a relative of the elected City official or a member of his household if the donor is not acting for someone not covered by this paragraph.
- (d) “Gift” means money, real property or tangible personal property. For purposes of this section, gift does not include:
- (1) A gift or inheritance from a spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother or sister-in-law, nephew, niece, aunt, uncle, first cousin, any such persons spouse, or as devisee in a will, if the donor is not acting for someone not covered by this paragraph and gifts of personal nature were customarily received from such persons before becoming an elected City official.
 - (2) The value of meals, entertainment or lodging that is reported or exempt from reporting under this Chapter.
 - (3) Salary, compensation or employer reimbursed expenses lawfully paid to an elected City official.
 - (4) The value of professional or consulting services not rendered to obtain a benefit for any lobbyist or lobbyist’s client.
 - (5) Expenses relating to an event sponsored by a regional, statewide or national association of elected City officials.
 - (6) Expenses relating to an event to which all members of the City Council or any council committee are invited.
 - (7) A monetary award given to an elected City official in recognition of service or notable accomplishment.
 - (8) Informational material such as books, reports, pamphlets, tapes, calendars, periodicals or computer software.

- (9) A campaign contribution that is properly received and reported as required by law.
- (10) An item given to an elected City official if an item of similar value is given by the elected City official at the same time or on a similar occasion under similar circumstances.
- (d) “Lobby” means any communication with any elected City official for the purpose of influencing official action.
- (e) “Lobbyist” means any person who is compensated to lobby for a person other himself.
- (f) “Official Action” means the action of the City Council.
- (g) “Person” means an individual, partnership, committee, association, limited liability company or corporation or any other organization of persons.
- (h) “Personal Hospitality” means meals, beverages, transportation or lodging furnished non-commercially by a person on his or his family’s property of facilities.

Sec. 2-40. Lobbyists, registration; reports; filing.

- (a) Lobbyists shall register prior to lobbying or within ten (10) calendar days after first lobbying, by filing a statement with the City Clerk, containing the following:
 - (1) The name and business address of the lobbyist and any employee of the lobbyist who acts as a lobbyist, provided that an individual who is included as a lobbyist on the registration of the entity under subparagraph (2) of this section need not register separately.
 - (2) If the lobbyist is an organization, the legal name and business address of the entity, its chief executive officer and all its officers and employees who are designated to act as lobbyists in the City.
 - (3) The name and business address of all persons by whom the lobbyist is compensated to lobby and all persons on whose behalf lobbying is performed.
- (b) A copy of a registration filing by a lobbyist in another municipality having an ordinance substantially similar as determined by the City Attorney to this chapter shall constitute a valid registration under this chapter. The lobbyists may file a copy of the registration filed in the other municipality with the City Clerk. The City Attorney shall file a list with the City Clerk of cities that have been deemed to have similar lobbyist ordinances.
- (c) Any change in the information required by subsection (a) shall be reported to the City Clerk within thirty days.
- (d) The registration shall be good for a period of one year, except that the first registration shall be valid until one year after January 1 of the year following initial registration.

(e) All statements required by this chapter shall be under oath and on forms prescribed by the City Clerk.

(f) At the time of registration or any time thereafter a lobbyist may file a statement certifying that the lobbyist intends to make no expenditures reportable under this chapter. Upon filing this statement, the lobbyist shall be exempt from the reporting requirements of this section, so long as no expenditures are made. If a lobbyist makes a reportable expenditure, the lobbyist shall file a report of such expenditure in the manner required by this Chapter and shall thereafter be subject to expenditure reporting requirements of one year, at which time a new statement of no expenditures may be filed. The statement under this subsection may also include a copy of a similar statement filed in another jurisdiction having an ordinance substantially similar to this chapter.

(g) Lobbyists shall report expenditures annually. The report shall be filed on each January 31, following the reportable year ending the prior December 31. Expenditures over twenty-five dollars shall be itemized separately, listing the date, amount and nature of the expenditure, the name of the elected City official receiving or benefiting from the expenditure and the person on whose behalf the expenditure was made. If no expenditures were made during the reporting period, a lobbyist may file a sworn written statement certifying that no reportable expenditures were made. The statement under this subsection may also include a copy of a similar statement filed in another jurisdiction having an ordinance substantially similar to this chapter.

(h) All expenditures for events to which more than one elected official are invited shall be allocated on a pro-rata basis based on the total number of and/or elected officials invited.

(i) Expenditures for the lobbyist's personal sustenance, family gifts, personal hospitality, preparation or distribution of informational materials, campaign contributions, professional or consulting services not made on behalf of another person for compensation, and not rendered primarily for the benefit of an elected City official, office expenses, filing fees, legal fees, employees, compensation and travel are not required to be reported.

Sec. 2-41. Lobbyists; exceptions to registration.

This chapter does not apply to:

(a) A person who is not compensated for lobbying activity other than reimbursement for actual expenses.

(b) A person, acting in his own behalf, who appears before an elected City official or contacts an elected City official to support or oppose official action.

(c) A public official, public employee or member of a state, county or local board, commission or council or an organization of governmental entities of which the City is a member acting in his official capacity on matters pertaining to his office, employment, board, commission or council.

(d) An expert introduced or identified by a registered lobbyist, or elected City official, who provides technical information or answers technical questions, and makes no expenditure required to be reported by this chapter.

(e) A person who performs professional services in drafting legislation or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation.

(f) An attorney who represents clients at any quasi-judicial hearing held by a City official or in any litigation matter in which the City is an opposing party and the elected City official is contacted pursuant to a duly filed notice, subpoena or request filed with counsel or the appropriate court.

(g) A person, including but not limited to a Lobbyist, who contacts an elected City official solely for the purpose of obtaining information.

(h) A person who contacts an elected City official concerning any procurement awarded through a competitive procurement process.

Sec. 2-42. Lobbyists; prohibited practices; violations.

(a) No person shall make a gift to, or expenditure on behalf of an elected City official through another person to conceal the identity of the person making the gift or expenditure.

(b) No person shall give a gift to an elected City official for the performance of official duties or it may reasonably be interpreted to be offered in order to influence an action or decision of an elected City official. A gift of less than Fifty Dollars in value shall raise a rebuttable presumption that the purpose of the Gift is not to influence an action or decision of a City official.

(c) A person who is convicted of a violation of any provision of sections 2-39 through 2-41 shall be guilty of a class one misdemeanor.