



LOBBYIST
HANDBOOK



Prepared as a Public Service by
The City of Peoria, City Clerk's Office
July 1997, R/2002



CITY OF PEORIA

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Upon request, the City Clerk's Office will make this publication available through appropriate auxiliary aids or services to accommodate an individual with a disability by calling 623-773-7340.

FOREWORD

The purpose of this handbook is to provide lobbyists with information to aid in meeting registration and reporting requirements of the City's Lobbyist Ordinance No. 97-05, which was adopted by the Peoria City Council on February 4, 1997, and became effective March 10, 1997.

The Lobbyist Ordinance was adopted to provide the public with information about the identity of paid lobbyists, individuals and organizations whose interests are being served by paid lobbyists, what funds are being expended, and who is benefiting from these expenditures and campaign contributions.

It is the goal of the City Clerk staff to facilitate compliance with lobbyist registration requirements by providing comprehensive guidelines outlining the procedures to be followed. All persons compensated to lobby on behalf of persons or organizations other than themselves must register prior to lobbying or within ten calendar days thereafter. In addition, registered lobbyists must re-register and file expenditure reports annually. All statements and reports shall be under oath as prescribed by the City Clerk and filed in the office of the City Clerk.

Lobbyists are reminded that it is their responsibility to comply with this Ordinance. City Clerk staff will answer questions to assist in the completion of the registration form and the expenditure reports, but this department does not have the resources or legal mandate to review, monitor, verify, or track the completeness or accuracy of such reports.

The forms, which must be filed with the City Clerk's office, are included in this handbook and may be reproduced. Please feel free to contact the City Clerk's office at 623-773-7340 if you have any questions.

Mary Jo Kief, CMC
City Clerk

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SECTION 1

- January 1 Lobbyist Annual re-registration begins
- January 31 Lobbyist annual report due
- January 31 Lobbyist annual re-registration deadline

SECTION 2

DEFINITION OF LOBBYING

As defined in Section 2-39 of Ordinance 97-05, "Lobby" means any communication with any elected City official for the purpose of influencing official action.

WHO SHOULD REGISTER AS A LOBBYIST

Any individual or organization who is compensated to lobby must register, unless exempt. If any part of a person's job includes communication with elected City of Peoria officials about a pending City issue, that person should consider whether or not registration as a lobbyist is required. Even if trying to influence or persuade the Council or a Council member is only a small part of a person's job, registering as a lobbyist will be required if the person is paid and is not exempt from registration.

Registration is not required for individuals acting on their own behalf, for persons providing technical information or contacting a Council person solely to acquire information. (Other exceptions are given in Section 2-41 of Ordinance 97-05.)

LOBBYIST REGISTRATION

A Lobbyist shall register prior to lobbying or within ten calendar days after first lobbying. Re-registration must be done annually in the January following the first full calendar year after initial registration. Lobbyists are required to list the name and business address of all persons that pay them to lobby and on whose behalf lobbying is performed.

Individual Registration: If lobbyists register as individuals, they must list their employees who lobby and these employees must also register separately.

Organization Registration: An organization has the option of registering all its officers and employees that lobby as a group; or not registering as an entity, if all its officers and employees that lobby are registered individually. If the organization registers as an entity, the Chief Executive Office and each officer and employee who acts as a lobbyist, must be listed on the registration form. For each person listed, the name and business address of all persons by whom each lobbyist is compensated to lobby and on whose behalf lobbying is performed shall be indicated. Organizations registering multiple lobbyists may attach an addendum to the registration form.

An addendum must include the name of the organization at the top of each page, appropriate headings from the registration form, and all the information required under each heading. Lobbyists must be notified by the organization in writing that they have been registered as lobbyists.

CHANGES IN REGISTRATION INFORMATION

Any changes in registration information required by Section 2-40(a) shall be reported to the City Clerk within thirty days. An amended registration form may be filed or an addendum may be added to the original registration. If an addendum is used, the name of the organization and/or lobbyist(s) affected, the ID number(s), and the reason for the addendum must be clearly stated in the cover letter. The addendum must include the heading(s) from the registration form and all information required under each heading.

LOBBYISTS INTENDING TO MAKE NO EXPENDITURES

At the time of registration or at any time thereafter, a lobbyist may file a statement certifying that the lobbyist intends to make no expenditures. Upon filing this statement the lobbyist shall be exempt from the reporting requirements, 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 and shall thereafter be subject to expenditure reporting requirements for one year, at which time a new statement of no expenditures may be filed. The statement required to be filed may also include a copy of a similar statement filed in another jurisdiction having an ordinance substantially similar to that of the City of Peoria's ordinance.

LOBBYIST EXPENDITURE REPORTS

All expenditures, whether or not made in the course of lobbying, which benefit an elected City official such as meals, tickets to sporting events, etc. must be reported unless specifically exempted. Lobbyists who are subject to the expenditure reporting requirements shall file an expenditure report on an annual basis whether or not any expenditure was made. Individuals listed as lobbyists on the registration of an organization may comply with this requirement through reports filed by the registered organization. Reports shall be filed on each January 31, following the reportable year ending the prior December 31st. If the filing deadline day falls on a weekend or holiday, the report shall be due the next business day.

“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.

All single expenditures over twenty-five dollars shall be itemized separately, listing the date, amount and nature of the expenditure, the name of the person or elected City official receiving or benefiting from the expenditure and the person on whose behalf the expenditure was made.

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

LOBBYIST EXPENDITURE REPORTING EXEMPTIONS

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 compensated, and travel are not required to be reported.

LOBBYIST RESPONSIBILITY TO COMPLY

It is the lobbyist’s responsibility to comply with this Ordinance. Each individual listed as a lobbyist on any lobbyist registration shall be responsible for providing the information and filing the reports required. Individuals listed as lobbyists on the registration of an organization may comply with this requirement through reports filed by the organization.

City Clerk staff will answer whatever questions they can to help complete the registration form and annual reports, but this department does not have the resources or legal mandate to review, monitor or track the completeness or accuracy of such reports, nor the resources to research or compile statistical information regarding lobbyist filings.

PROHIBITED PRACTICES; VIOLATIONS

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.

No person shall give a gift to an elected City official for the performance of official duties or if 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 (\$50) 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. A person who is convicted of a violation of any prohibited practice shall be guilty of a class one misdemeanor.

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

SECTION 3

DO SPOKESPERSONS FOR CITIZEN GROUPS NEED TO REGISTER?

If you are an unpaid spokesperson for a citizens' group, you do not need to register as a lobbyist even if you are reimbursed for expenses, such as parking fees incurred while lobbying. If you are a paid representative and you communicate with elected City officials to influence action to benefit your citizen's group, you would need to register.

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

If, as a paid executive, you communicate with elected City officials to influence action to benefit your agency, you would need to register. If you serve without compensation, you do not have to register as a lobbyist even if you are reimbursed for expenses, such as parking fees incurred while lobbying.

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

If you communicate with elected City officials to influence action to benefit your organization, but receive absolutely no compensation other than expenses as mentioned above, you do not need to register. However, if you receive a salary, although not specifically to lobby, and may communicate with elected City officials to influence action to benefit your organization, you would be considered compensated, and would need to register.

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

List on the registration form all persons or organizations, including their 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 the firm to lobby on behalf of the firm's clients, who in turn may pay the firm for the lobbying. Under these circumstances, the lobbyist would list the entities who pay the firm for lobbying.

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

Organizations have the option of registering all their officers and employees that lobby as a group or not registering them if all officers and employees that lobby register individually.

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

The organization must notify, in writing, all registered officers and employees that they have been registered as lobbyists.

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

Each individual lobbyist shall be responsible for providing the information and filing the reports; however, the organization may file the reports for their lobbyists. For lobbyists listed on the registration of an organization, reports may be filed by either the individual or the organization. If the organization files a report on behalf of its employees who lobby, a report must still be filed in the name of each registered lobbyist.

WHAT IF THERE ARE CHANGES IN INFORMATION ON THE REGISTRATION FORM WHICH WAS FILED?

Information changes must be filed within 30 days. An amended registration form may be filed, or an addendum may be added to the original registration. If an addendum is used, the name of the organization and/or lobbyist(s) affected, the ID number(s), and the reason for the addendum must be clearly stated in the cover letter. The addendum must include the heading(s) from the registration form and all information required under each heading.

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

If your employees lobby elected City officials even occasionally, they must be registered and follow all the requirements set forth in Ordinance No. 97-05.

WHAT IF MORE SPACE IS NEEDED TO ENTER INFORMATION ON THE FORM?

If more space is needed, information may be listed on a separate sheet of paper, noting the appropriate heading(s) using the same format as prescribed on the form with all appropriate information under each heading or additional copies of the form may be made and attached to the original registration or report. Additional pages must contain the lobbyist's name and/or organization name, phone number, be numbered and must be attached to the appropriate forms.

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

If, after filing an exemption statement, reportable expenditures are made, notify the City Clerk in writing of these expenditures. (There is no special form for this notification.) The appropriate expenditure report(s) must be filed at the end of the annual reporting period.

WILL I BE NOTIFIED WHEN IT IS TIME TO FILE?

There will be **NO NOTIFICATION**. It is the responsibility of the lobbyist to comply with the Ordinance, to file all statements and reports as necessary, and to ensure the completeness and accuracy of all reports that are filed.

HOW DO I OBTAIN THE NECESSARY FILING FORMS?

You may obtain forms at the Office of the City Clerk, or you may photocopy the forms contained in this handbook.

HOW CAN I FIND OUT WHO HAS REGISTERED AND/OR FILED AN ANNUAL REPORT?

All documents filed with the City Clerk's Office, unless otherwise specified, are public records. Anyone can visit the City Clerk's Office and review the registration forms and annual reports on file, provided reasonable notice is given and the request falls within normal business hours. Call (623) 773-7340 or (623) 773-7109 to schedule time for

records review.

SECTION 4

ORDINANCE NO. 97-05 (text)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY RESERVING SECTIONS 2-45 THROUGH 2-50 AND AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY ADDING SECTION 2-39 PERTAINING TO DEFINITIONS OF LOBBYING AND ADDING SECTION 2-40 PERTAINING TO LOBBYISTS, REGISTRATION; REPORTS AND FILING AND ADDING SECTION 2-41 PERTAINING TO EXCEPTIONS TO REGISTRATION AND ADDING SECTION 2-42 PERTAINING TO LOBBYISTS PROHIBITED PRACTICES AND VIOLATIONS AND ADDING SECTION 2-43 PERTAINING TO CITY CHARTER, ETHICS PROVISIONS, PROHIBITED PRACTICES AND VIOLATIONS AND ADDING SECTION 2-44 PERTAINING TO OPINIONS OF THE CITY ATTORNEY AND IMMUNITY AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

Section 1. Chapter 2 of the Peoria City Code (1992) is amended by reserving Sections 2-45 through 2-50.

Section 2. Chapter 2 of the Peoria City Code (1992) is amended by adding Section 2-39 pertaining to definitions of Lobbying and which shall read as follows:

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.

(e) "Lobby" means any communication with any elected City Official for the purpose of influencing official action.

(f) "Lobbyist" means any person who is compensated to lobby for a person other than himself.

(g) "Official Action" means the action of the City Council.

(h) "Person" means an individual, partnership, committee, association, limited liability company or corporation or any other organization of persons.

(i) "Personal Hospitality" means meals, beverages, transportation or lodging furnished non-commercially by a person on his or his family's property or facilities.

Section 3. Chapter 2 of the Peoria City Code (1992) is amended by adding Section 2-40 pertaining to Lobbyists registration, reports and filing and which shall read as follows:

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 of 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) on 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 by 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 lobbyist 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 changes 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 for one year, at which time a new statement of new 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) Lobbyist 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 person or elected City Official receiving or benefiting from the expenditure and the person on whose behalf the 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, processional or consulting services not made on behalf of another person for compensation, and not rendered primarily for the benefit of an or elected City Official, office expenses, filing fees, legal fees, employees, compensation and

travel are not required to be reported.

Section 4. Chapter 2 of the Peoria City Code (1992) is amended by adding Section 2-41 pertaining to exceptions to registration and which shall read as follows:

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.

Section 5. Chapter 2 of the Peoria City Code (1992) is amended by adding Section 2-42 pertaining to Lobbyists, prohibited practices and violations and which

shall read as follows:

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 if 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 section 2-39 through 2-41 shall be guilty of a class one misdemeanor.

Section 6. Chapter 2 of the Peoria City Code (1992) is amended by adding Section 2-43 pertaining to City Charter, ethics provisions, prohibited practices and violations and which shall read as follows:

Sec. 2-43. City Charter; ethics provisions; prohibited practices; violations.

(a) A violation of Article VIII.1, Sections 1 through 4 of the Peoria City Charter by an employee or public official of the city shall be deemed to be a violation of the City's personnel regulations and may be punished in the same manner as other misconduct.

(b) A violation of Article VIII.1, Sections 1 through 4 of the Peoria City Charter by an elected public official of the City shall be deemed be misconduct and shall be punished by the City Council by reprimand or censure.

Section 7. Chapter 2 of the Peoria City Code (1992) is amended by adding Section 2-44 pertaining to the Opinions of the City Attorney and Immunity and which shall read as follows:

Sec. 2-44 Opinions of the City Attorney; immunity.

(a) Any elected public official may request an opinion from the City Attorney as to their duties under sections 2-39 through 2-41. The final opinion of the City

Attorney shall be a public record and shall be placed on file with the City Clerk.

(b) Notwithstanding any provision of this chapter or Article VIII.1 of the Peoria City Charter, no elected public official or employee is personally liable for acts done in their official capacity in good faith reliance upon a written opinion of the City Attorney.

Section 8. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 9. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 4th day of February, 1997.

Dated: February 7, 1997

/s/ _____
Ken C. Forgia, Mayor

ATTEST:

/s/ _____
Janice L. Graziano, City Clerk

APPROVED AS TO FORM:

/s/ _____
Stephen M. Kemp, City Attorney

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SECTION 5

LOBBYIST COMPLETED SAMPLE FORMS

SECTION 6

LOBBYIST BLANK FORMS

