

# Proposed Changes to Lobbyists' Rules

Closed Sep 25, 2015 · Discussion · 16 Participants · 3 Topics · 68 Answers · 43 Replies · 21 Votes

16

PARTICIPANTS

3

TOPICS

68

ANSWERS

43

REPLIES

21

VOTES

## SUMMARY OF TOPICS

### CITY OVERSIGHT OF LOBBYISTS 10 Answers · 5 Replies

What level of oversight should the City exercise with regard to compliance and enforcement of lobbyist regulations? For example, should the City periodically review or audit lobbying registrations and activity reports? Should lobbyists who violate the regulations be subject to criminal prosecution? What about civil fines?

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**Annette Naish** · Citizen · (Postal Code: unknown) · Sep 17, 2015 3:14 pm

 0 Votes

If there are no consequences for breaking the rules, some people will not be very interested in following the rules.

**Response:**

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:34 pm  
Thanks for your comment, Annette. What types of consequences would you propose?  
-Moderator

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**Heidi Johnson** · Citizen · (Postal Code: 78757) · Sep 17, 2015 3:40 pm

 0 Votes

I think putting the lobbyist registration forms into a publicly searchable database (section 7) will do a lot to prevent abuses. The proposal's provisions for review seem OK to me, though I don't what it means to "facially" review a document (section 16.) Do we really want to rule out voice interfaces? Being banned from further lobbying seems like a sufficient punishment.

**Response:**

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:35 pm  
Thanks for your comments, Heidi. -Moderator

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**Joan Deluca** · Citizen · (Postal Code: unknown) · Sep 17, 2015 4:48 pm

 0 Votes

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A publicly searchable data base, as suggested by Heidi Johnson is a good idea. Based on the idea that actions speak louder than words, the lobbying that the lobbyists do should be monitored by city employees using notes taken by decision makers of contacts made and the nature of the discussion. These "actions" should be compared to the "words" in the application to become a lobbyist. Consequences should include a "second chance" to clean up your act, so to speak, followed by banning from lobbying.

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:35 pm  
Thanks for your comment, Joan. -Moderator

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**Sumit DasGupta** · Citizen · (Postal Code: unknown) · Sep 17, 2015 10:21 pm

👍 0 Votes

This is a very serious matter, so the city has to be very vigilant. Here are my thoughts on it:

1. A publicly searchable data base, as suggested by Heidi Johnson, is a good idea. The question is what should it contain. I think it should contain the names of the lobbyists, who they are lobbying for and any infractions committed by the lobbyists (assuming that it is legally possible to do so).
2. The City should periodically review or audit lobbying registrations and activity reports, as in "trust but verify."
3. Lobbyists who violate the regulations should be subject to penalties on a sliding scale, from civil fines for first offenses, to criminal prosecution for egregious offenses,...to possibly being removed as a lobbyist for a period of time.

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:36 pm  
Thanks for your comment, Sumit. -Moderator

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**Jennifer Houlihan** · Citizen · (Postal Code: unknown) · Sep 21, 2015 11:36 am

👍 0 Votes

There's already a list of registered lobbyists, and who they work for, on the City website. City staff keep calendars of who they meet with and what topics were discussed. What are the specific "offenses" you think should result in fines or, apparently, criminal prosecution, that are not currently prohibited?

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:39 pm  
Thanks for your comment, Jennifer. Are there any such offenses that would suggest, or do you disagree with the premise of such a consequence? -Moderator

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## CRITERIA FOR DEFINING A "LOBBYIST" 45 Answers · 32 Replies

What criteria should apply to classifying someone as a lobbyist who must

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register with the City? &nbsp;For instance, should it apply to someone compensated for work done to influence public policy, or should it also apply to unpaid advocates? &nbsp;Should it be only for people who communicate directly with&nbsp;high ranking City&nbsp;officials,&nbsp;or&nbsp;should&nbsp;it also apply to people who&nbsp;communicate with any City staff member, including lower level employees, or even communication with City contractors, agents, or other representatives?&nbsp; Should it only apply to people who are trying to influence a City official or employee with regard to a matter over which the official or employee exercises discretionary power?

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**Tim Thomas** · Citizen · (Postal Code: unknown) · Sep 17, 2015 2:23 pm

👍 1 Votes

We absolutely should classify those who do unpaid work for specific organizations as lobbyists. There are several retirees who dominate almost all conversations at city hall. You could not actually pay someone to be at city hall as much as they are, and they shouldn't have more of a voice just because they don't have a job.

### Response:

**Carol Stall** · Citizen · (Postal Code: 78703) · Sep 17, 2015 8:56 pm

. You've got the wrong idea about what a lobbyist is. Why on earth would you classify unpaid advocates as lobbyists? That is apples and oranges. There are plenty of developers such as Richard Suttle and scores of others whose voices are heard at City Council week after week, year after year. If you don't agree with an advocate's message doesn't mean they are profiting from their advocacy.

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**Heidi Johnson** · Citizen · (Postal Code: 78757) · Sep 17, 2015 3:29 pm

👍 1 Votes

I always thought the word "lobbyist" entailed compensation. It's that person's paid job to press the views of their employer on the government. It's useful to maintain a distinction between lobbying and advocacy, regardless of the age of the advocates. This proposal looks pretty reasonable to me.

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 12:28 pm

Thanks for your comment, Heidi. -Moderator

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**casey giles** · Citizen · (Postal Code: unknown) · Sep 17, 2015 3:44 pm

👍 9 Votes

it should apply to anyone who seeks to meet with policy makers. payed or not is irrelevant. But it should NOT apply to everyday activities, or meetings with city staff regarding the policies that have already been made. The proposal will make every engineer that meets with City staff to discuss review comments a lobbyist, and it will make every contractor who meets with their inspector to discuss the project a lobbyist.

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But most importantly, it will then keep any expert from ever being appointed to a board or commission because now they are a "lobbyist"?? Why do we want to preclude a very knowledgeable group from those positions?

I think the questions that needs to be DIRECTLY asked and answered are "What are we trying to stop," and/or "What are we REALLY trying to accomplish" with this proposal???

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 12:47 pm  
Thanks for your comment, Casey. How would you answer the questions you propose?  
-Moderator

### Response:

**Nick Sandlin** · Citizen · (Postal Code: unknown) · Sep 18, 2015 11:47 am  
This is incredibly important to understand. Great post.

### Response:

**Britton Thomas** · Citizen · (Postal Code: unknown) · Sep 18, 2015 1:47 pm  
Could not agree more. Well said Casey.

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**Joan Deluca** · Citizen · (Postal Code: unknown) · Sep 17, 2015 4:37 pm

👍 3 Votes

I think the term lobbyists ought to apply to those who contact decision makers in an effort to influence a decision over which the decision maker has control. The important concepts are "decision maker" and "influence." A decision maker is a person who can or does make a final decision on a policy or a person who has significant input into that decision. A decision maker is not the person who collects my garbage or reads my electric meter. To influence means that the "influencer" has a specific idea in mind about a policy, including how it should be written and communicated, and how it should be implemented. A person who simply contacts a city employee for clarification of a rule/ordinance/policy is not a lobbyist.

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 12:47 pm  
Thanks for your comment, Joan. -Moderator

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**Tim Thomas** · Citizen · (Postal Code: unknown) · Sep 17, 2015 5:24 pm

👍 1 Votes

Also I should add that many citizens of Austin have seen hundreds of thousands of dollar increases in their homes and rental properties due to their "unpaid" activism. People can be compensated in different ways.

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 12:52 pm  
Thank you for your comment, Tim. For clarification, are you suggesting that we should regulate the kind of indirect compensation you're describing by requiring those

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individuals to register as lobbyists?

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**Carol Stall** · Citizen · (Postal Code: 78703) · Sep 17, 2015 8:46 pm

👍 1 Votes

Lobbyist are people who are paid to represent a subject or item and any advocate who will directly benefit monetarily from lobbying. Unpaid advocates are just that -- advocates.

**Response:**

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 12:55 pm  
Thanks for your comment, Carol. -Moderator

**Response:**

**casey giles** · Citizen · (Postal Code: unknown) · Sep 18, 2015 2:12 pm  
unpaid advocates often benefit monetarily a la property values, or other non-monetary benefits. if there wasn't a benefit to them, why would the be advocating for something?

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**Sumit DasGupta** · Citizen · (Postal Code: unknown) · Sep 17, 2015 10:00 pm

👍 0 Votes

It is a tricky thing. If we stick to the literal meaning and root of the word, "lobbyist" as derived from "to lobby or influence", then everyone who goes to present to the City Council to sway their thinking is a lobbyist. I fear then that everyone who is motivated to participate in city decision making will have to sign all the forms and feed into the inevitable bureaucracy of this process. So, let's keep it simple, at least for now:

1. It should apply to someone compensated for work done to influence public policy,
2. It should also apply to people who communicate with any City staff member, including lower level employees, i.e., one who is paid a salary by the city, and finally,
3. It should only apply to people who are trying to influence a City official or employee with regard to a matter over which the official or employee exercises discretionary power.

And a year from now, we should review these procedures to see if it is working well.

**Response:**

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:00 pm  
Thanks for your comment, Sumit. -Moderator

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**Patricia Budak** · Citizen · (Postal Code: 78723) · Sep 17, 2015 10:08 pm

👍 1 Votes

An advocate seeks to educate an elected official involving a specific topic. A volunteer advocate has no expectation of monetary gain. For example, I recently contacted my Council Member to advise her of a dangerous intersection near my home. A safe

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resolution would be beneficial to local residents and all others who drive down this street.

### Response:

**casey giles** · Citizen · (Postal Code: unknown) · Sep 18, 2015 2:14 pm  
advocates also often seek to stop other from doing something they don't like.

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:07 pm  
Thanks for your comment, Patricia. Would you say that an expectation of monetary gain should be a requirement for someone do be seen as a lobbyist as opposed to an advocate?

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**Richard G** · Citizen · (Postal Code: 92612) · Sep 17, 2015 10:18 pm

👍 3 Votes

Under these rules, I will have to register as a lobbyists if I want to request my librarian to order certain books. Whose idea was this? We should give them full credit.

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:13 pm  
Thanks for your comment, Richard. For clarity, are you saying that lobbyists should only be considered as such if they are directly communicating with top city officials? Are you saying that only direct monetary compensation should be a requirement for an individual to be considered a lobbyist? -Moderator

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**Carol Stall** · Citizen · (Postal Code: 78703) · Sep 18, 2015 7:50 am

👍 0 Votes

Advocates are advocates not lobbyists. If it's a paid advocate or make money from what they're advocating then they're lobbyists. Naturally this could get sticky-- is a homeowner trying to save his neighborhood from something that would lower the property values a lobbyist?

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:15 pm  
Thanks for your comment, Carol. How would you answer your question? Should both direct and indirect compensation be considered when defining someone as a lobbyist? -Moderator

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**Tom Terkel** · Citizen · (Postal Code: 78748) · Sep 18, 2015 10:03 am

👍 6 Votes

I fully support greater transparency for people seeking to influence city policies and legislation, but we don't need to include folks who go down to meet a council member a couple of times a year. We all deserve to know who the folks are like Suttle and others who are there every week and for that matter, RECA advocates and other industry or single interest lobbying groups who are frequently lobbying (ANC, Sierra Club, FAN,

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AURA, etc.). What we don't need to know about is every landscape architect or engineer seeking to move a permit through the system. That is total over reach which will make the whole system so cluttered as to devalue the whole exercise.

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:19 pm

Thanks for your comment, Tom; please be sure to avoid speaking of specific individuals in your posts. -Moderator

### Response:

**Larry Hanrahan** · Citizen · (Postal Code: unknown) · Sep 18, 2015 11:59 am

comment...Agreed. Lower level staff members, with whom engineers meet frequently as a project moves through the system, have discretion to grant waivers on items that affect the site plan. Site plan approval can be appealed to a city board or commission.

Example: There is a Heritage tree to be preserved that is located where another code section demands that a building or driveway be placed. A staff member has discretion to waive the requirement that a building be placed so as to cause the removal of the Heritage tree. If I discuss this with the staff member, I am a lobbyist, because I am paid to process a site plan for my client. This is a routine, DISCRETIONARY activity for any site plan, as the code has so many conflicting provisions. What public benefit is derived from my registration as a lobbyist? As others have asked: What exactly is the author of this resolution trying to accomplish? If it is to bring the system to a grinding halt, the objective will be achieved if passed in its present form.

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**Jenilee Mead** · Citizen · (Postal Code: unknown) · Sep 18, 2015 1:51 pm

 3 Votes

The way the resolution is written today targets an entire industry of professionals who are hired to prepare and process permit applications by excluding them from participating on boards and commissions. Silencing citizens who are experienced with how the Land Development Code works from conception to Certificate of Occupancy wastes a valuable resource and gives neighborhood advocates with vested interest in their personal property values an even larger voice. Many of these active advocates spend considerably more hours at City Hall than an engineer or architect ever would but because they are not linearly compensated for time spent, they're not considered lobbyists. That doesn't sound very fair.

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:22 pm

Thanks for your comment, Jenilee. -Moderator

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**Jennifer Houlihan** · Citizen · (Postal Code: unknown) · Sep 21, 2015 11:18 am

 1 Votes

I am paid to lobby for a specific industry by my employer, a small nonprofit. I am also an unpaid advocate for issues that are of personal interest to me. I am happy to pay a small fee as part of our annual budget to register as a paid lobbyist, and to disclose when I testify that I am doing so as a representative of the organization. However, when I testify for personal issues, such as those affecting my family or neighborhood, and act

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as a private citizen, that is a different matter. Registering as a lobbyist does have a drawback to those of us interested in being of service to our communities: I was nominated a while back for an appointment to a commission that had nothing to do with my paid job. I was excited by the opportunity, and was very much looking forward to volunteering. However, because lobbyists are not permitted to serve on boards and commissions, period, I had to turn in down. Sadly, that seat remained empty for some time, as do several board and commission seats to this day, because of a lack of qualified and interested citizens.

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:24 pm  
Thanks for your comment, Jennifer. -Moderator

### Response:

**Tom Terkel** · Citizen · (Postal Code: 78748) · Sep 21, 2015 5:16 pm  
Jennifer's post points out the need to distinguish between the types of lobbying that citizens, paid or not, may do. As she points out, a citizen advocating about a neighborhood park or an isolated zoning case should not be considered a lobbyist. But what about a neighborhood representative that is in front of council members multiple times a year on multiple issues - IMO, they should register. Unless someone is compensated to regularly lobby council about zoning or matters having city wide impacts, I see no reason to preclude them from serving on a Board or Commission - why exclude the expertise of one slice of the community?

## DISCLOSURES FOR LOBBYISTS

 13 Answers · 6 Replies

What should a registered lobbyist be required to disclose to the public as part of the registration process? &nbsp;For instance,&nbsp;the amounts they are paid, the specific matters they are lobbying on, details of their expenditures, or the names and pay of the persons assisting them, etc.&nbsp;When a lobbyist approaches a City official or employee, should the lobbyist be required to identify himself/herself as a registered lobbyist and state what clients the lobbyist is representing?

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**Annette Naish** · Citizen · (Postal Code: unknown) · Sep 17, 2015 3:12 pm

 2 Votes

I believe this is very important. It is almost as important as making certain that every city employee or official is aware of this as well as what their responsibilities are to the city.

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:26 pm  
Thanks for your comment, Annette. -Moderator

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**Heidi Johnson** · Citizen · (Postal Code: 78757) · Sep 17, 2015 3:33 pm

 0 Votes

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Section 13 calls for lobbyists to declare the names of those for whom they are lobbying. That should follow the trail to the actual money-provider. I agree that they don't need to list staff who don't communicate with city officials. They need to provide the facts of influence: who's paying them, how much are they being paid, and what exactly are they being paid for? And yes, they should wear bright orange name tags at all times, to declare themselves at a glance.

### Response:

**Jennifer Houlihan** · Citizen · (Postal Code: unknown) · Sep 21, 2015 11:32 am  
What's the point of the orange tags, exactly? What purpose would they serve?

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:27 pm  
Thanks for your comment, Heidi. -Moderator

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**casey giles** · Citizen · (Postal Code: unknown) · Sep 17, 2015 3:51 pm

👍 5 Votes

why is someone representing another party so horrible, but someone representing their own self interest so great? I'm much more interested in stopping/punishing people who present blatantly false information to City staff/officials, regardless of who they are and whether or not they are registered as one thing or another.

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:29 pm  
Thanks for your comments, Casey. To make sure I hear you, how do you propose codifying that in ethics rules regarding lobbying city officials? -Moderator

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**Joan Deluca** · Citizen · (Postal Code: unknown) · Sep 17, 2015 4:44 pm

👍 0 Votes

The most important disclosure by a lobbyist is WHO is paying him/her. It should also be disclosed if the lobbyist is performing this function as a volunteer, with no payment. Further, information about the "who" should include information about the group or individual to the effect that one can learn why this group or individual is interested in influencing the decision, including financial benefits to the financier if a decision goes a certain way. Further, the disclosure should include statements about the purpose/mission of an organization or individual, particularly if the name of the group or individual does not make the mission easily discernible (e.g. Citizens for a Great City of Austin).

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:30 pm  
Thanks for your interest, Joan. -Moderator

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**Sumit DasGupta** · Citizen · (Postal Code: unknown) · Sep 17, 2015 10:10 pm

👍 0 Votes

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Again, I am trying to suggest that we keep things simple so we don't create a big bureaucracy,... still I do want the following simple rules to manage lobbyist behavior:

1. When a lobbyist approaches a City official or employee, the lobbyist should be required to identify himself/herself as a registered lobbyist and state which clients the lobbyist is representing,
2. The lobbyist must also declare the amounts they are paid, the specific matters they are lobbying on, and details of their expenditures. However, they should not be required to provide names or other details of assistants who are assisting them in their lobbying tasks.

### Response:

**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:30 pm  
Thanks for your comment, Sumit. -Moderator

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**Jennifer Houlihan** · Citizen · (Postal Code: unknown) · Sep 21, 2015 11:29 am

👍 0 Votes

I am paid to advocate (among many, many other duties) for a specific industry by my employer, a small nonprofit. Do I declare my entire salary, which covers many other duties, or do I need to start tracking which hours are spent in active advocacy and calculate an hourly fee? Am I paid the same for an hour of lobbying as I am for an hour of folding t-shirts or picking up bumper stickers? If an issue affects only a subgroup of my full body of constituents, how do I prorate my compensation? What about the many people in the industry who are not members of our organization, but stand to benefit from my work, without even knowing? If, other than my time, I don't spend a dime on advocacy in a given quarter - or a year - what should I disclose? Does the monthly fee for our constituent database count as a lobbying expense?

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**Coapublic Information** · Admin · (Postal Code: unknown) · Sep 22, 2015 1:32 pm

👍 0 Votes

Thanks for your comment, Jennifer. To make sure we hear and understand you, how would you answer the questions you propose? -Moderator