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1 this section does not discharge a person's liability for a criminal offense under
2 this chapter.

3 (B) The city clerk shall determine from any available evidence whether a report
4 under this chapter is late.

5 (1) A report that is not timely filed is late.

6 (2) A registration or report is not properly filed without ~~[the]~~ a required fee
7 being paid timely. Accordingly, a registration or report filed without
8 the required fee being paid timely is late. The City Clerk may use an
9 electronic form that will prevent a filer from submitting a required
10 report until all registration, renewal, or late fees owed by a registrant or
11 employee lobbyist are paid.

12 (C) The city clerk may not extend a deadline or waive a late fee caused by an
13 inadvertent error or omission of a person responsible for filing a report, or the
14 error or omission of the person's authorized officer or agent.

15 (D) The city clerk may extend a deadline for a period of up to ____ days and may
16 waive up to ____ late fees if the registrant or person responsible for filing a
17 report is unable to timely file a report due to:

18 (1) a business interruption caused by a natural catastrophic event (such as
19 tornado, flood, fire, hurricane, or earthquake), a serious weather-related
20 event (such as heavy winds, ice, or snow), or other unsafe condition
21 affecting the person's business or access to the person's business that
22 is not caused by the person; or

23 (2) a personal emergency related to: (a) the death, disability, or serious
24 medical condition of the person or the person's relative within the
25 second degree of consanguinity or affinity; or (b) a natural catastrophic
26 event.

27 (E) Except to provide public testimony at a meeting subject to the requirements
28 of the Texas Open Meetings Act, a lobbyist may not lobby a City Official
29 unless all fees have been paid and all required reports have been filed.

30 ([E]F) On making a determination that a report is late, the clerk shall immediately
31 send, by ~~[registered]~~ email or other traceable method, a notice of the
32 determination to the person responsible for the filing, notifying the person of
33 the fee for late filing, and charging the fee.

1 ((D)G) If the late fee is not paid before the 10th day after the date on which the notice
2 is ~~[received]~~ sent by the city clerk to the person responsible for filing the
3 report, the person is liable to the City for an additional late fee.

4 (1) Until the person files the report, the clerk shall send a written notice by
5 email to the person every 10th day. ~~[After the first notice, the clerk need~~
6 ~~not send notices by registered mail.]~~ The person is liable for an
7 additional late fee each time the clerk sends a 10-day notice up to a
8 cumulative maximum of \$500. The clerk need not send additional
9 notices when the total of the late fee has reached the maximum amount
10 and may not send the notices more frequently than every 10th day.

11 ((E)H) The clerk shall provide a copy of each notice sent under this section to the
12 city attorney.

13 ((F)I) The clerk shall deposit and use money received from late fees in the manner
14 prescribed in this chapter for a registration fee.

15 ((G)J) A report ~~[subject to a fee, for which the fee is not paid,]~~ is not properly or
16 timely filed in compliance with this chapter if the registrant or lobbyist
17 responsible for filing the report has failed to pay any fee owed under this
18 Chapter prior to or at the time of the filing.

19 **PART 3.** Subsection (A) of City Code Section 4-8-12 (*City Attorney's Report*) is
20 amended to read:

21 (A) The city attorney shall at least quarterly submit a written public report to the
22 Audit and Finance Committee, and at least annually make an oral report in an
23 open session of the Audit and Finance Committee, on the enforcement of this
24 chapter, including:

- 25 (1) the number of referrals by the city clerk, city auditor, and other City
26 departments;
- 27 (2) the number of citizen complaints;
- 28 (3) the number of investigations opened by the city attorney, whether on
29 account of a referral or on the city attorney's own initiative;
- 30 (4) the number of cases settled;
- 31 (5) the number of subpoenas for documents issued;
- 32 (6) the number of witnesses subpoenaed;

- (7) the number of cases tried;
- (8) the number of cases in which a fine was imposed;
- (9) the number of cases in which a fine was not imposed or the person was adjudged not liable;
- (10) the amount of fines assessed and collected; and
- (11) the number of city attorney staff hours devoted for the period for the enforcement of this chapter.

PART 4. Subsection (C) of City Code Section 4-8-15 (*Affirmative Defenses*) is amended to read:

(C) It is an affirmative defense to a prosecution for filing a late report, incomplete, or incorrect report that the person responsible for filing the report:

- (1) filed a complete and correct report not later than the 14th business day after the date the person [~~responsible for filing the report~~] becomes aware of the error or omission, other than by or after a filed complaint or an audit under [§] Section 4-8-10 (*Audit*), in the registration or report originally filed; or
- (2) filed a complete and correct report in compliance with an extended deadline and lobbying restrictions in accordance with subsections (D) and (E) of Section 4-8-11.

PART 5. Subsection (A) of City Code Section 2-7-76 (*Filing Dates for Statements*) is amended as follows:

§ 2-7-76 - FILING DATES FOR STATEMENTS.

Statements required by this article shall be received by the city clerk by [4:45]11:59 p.m. on the last day required. When the last day falls on a Saturday or Sunday, or on an official City holiday as established by city council, the deadline for receipt by the city clerk is extended to [4:45]11:59 p.m. of the next day which is not a Saturday or Sunday or official City holiday.

PART 6. Council amends Exhibit A to Ordinance No. 20180911-002, the Fiscal Year 2018-2019 Fees, Fines, and Other Charges Ordinance, to amend lobbyist registration fees as follows:

1 Annual Lobby Registration Fee for a ~~[regular employee]~~ registrant whose only
2 lobbying activity is lobbying on behalf of one or more [of a] 501(c)(3) nonprofit
3 organizations ~~[and whose only lobbying activity is for the person's regular~~
4 ~~employer]~~: \$25.

5 **PART 7.** This ordinance takes effect on _____.

6
7 PASSED AND APPROVED

8 §
9 §
10 _____, 2019 § _____
11 Steve Adler
12 Mayor
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18 APPROVED: _____
19 Anne L. Morgan
20 City Attorney
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ATTEST: _____
Jannette S. Goodall
City Clerk