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- 31 (2) the registrant's permanent business street address, ~~[and]~~ business mailing
32 address, and business email address;
- 33 (3) the name and address, and the nature of the business of each client on
34 whose behalf the registrant will lobby;
- 35 (4) a specific description of each municipal question on which the registrant
36 will lobby; and, if applicable:
- 37 (a) if real property is the subject of the municipal question, an address
38 or legal description of the real property; and
- 39 (b) the subject matter from a list of subjects provided on the registration
40 form by the city clerk; and
- 41 (c) for each person employed or retained by the registrant (excluding
42 purely clerical or administrative assistance) for the purpose of
43 assisting in, or preparing for, lobbying, the full name, business
44 address, and occupation of the person.

45 (C) A registrant and a registrant's employee lobbyists, if any, shall file activity
46 reports until the registrant terminates the registrant's registration. A registrant
47 who ceases reportable activity may terminate the registrant's registration by
48 filing a notice of termination. The registrant must file the activity report for
49 the reporting period in which the registrant files the notice of termination.

50 (E) If there is a change in the information reported on a registrant's registration
51 form, including a new client or municipal matter, the registrant shall provide
52 a written update to the information reported in the registrant's registration
53 form not later than the tenth working day after the date the person first directly
54 communicates with a City Official to lobby on a new municipal question or
55 for a new client, or after the date of the change of any other information
56 required to be reported.

57 **PART 3.** Subsection (D) of City Code Section 4-8-6 (*Activity Reports*) is amended
58 to read:

59 (D) A registrant and the employee lobbyists of a registrant, if any, shall file a
60 quarterly activity report whether or not reportable activity has occurred during
61 the preceding quarter. If no reportable events have occurred, a statement to
62 that effect is sufficient for the report.

63 **PART 4.** Subsections (A) and (B) of City Code Section 4-8-9 (*Forms; Oaths;*
64 *Review of Reports; Rules*) are amended to read:

- 65 (A) Except as provided by Section ~~[§ 4-8-9]~~ 4-8-8(C) (*Appearance*), the city clerk
66 may design and promulgate a form for any information required to be reported
67 under this chapter. In this section "report" includes a registration, a report, and
68 an update of, or an amendment to, a registration or a report. If the city clerk
69 promulgates a form, a person required to file a report must file the report on
70 the form.
- 71 (B) A person filing a report shall file the report electronically, under procedures
72 determined by the city clerk, in an electronic format that allows for a
73 downloadable, searchable database for the general public. The city clerk may
74 waive the electronic filing requirement or provide other reasonable
75 accommodation to accommodate a disability pursuant to City Code Chapter
76 5-6 (*Discrimination Against a Person with Disabilities*), other law, or to
77 facilitate prompt receipt of a report from a person who has suffered a business
78 interruption or personal emergency as described in subsection (D) of Section
79 4-8-11 (*Late Filing Fee*). The city clerk shall post every report on the City's
80 Web site not later than the second business day after the date the city clerk
81 accepts the report. The city clerk shall create common queries for public
82 accessibility, such as total compensation within ranges for a particular
83 lobbyist, all clients of a particular lobbyist, and all lobbyists and their
84 compensation within ranges for a particular municipal question or client.

85 **PART 5.** City Code Section 4-8-11 (*Late Filing Fee*) is amended to read:

86 **§ 4-8-11 LATE FILING FEE**

- 87 (A) A person responsible for filing a late report is liable to the City for payment
88 of a late filing fee. The amount of the late filing fee shall be set by ordinance.
89 A late filing fee is not penal in nature, and is in addition to an available
90 sanction for a late filing of a report. A person's payment of a late fee under
91 this section does not discharge a person's liability for a criminal offense under
92 this chapter.
- 93 (B) The city clerk shall determine from any available evidence whether a report
94 under this chapter is late.
- 95 (1) A report that is not timely filed is late.

96 (2) A registration or report is not properly filed without ~~[the]~~ a required fee
97 being paid timely. Accordingly, a registration or report filed without
98 the required fee being paid timely is late. The city clerk may use an
99 electronic form that will prevent a filer from submitting a required
100 report until all registration, renewal, or late fees owed by a registrant or
101 employee lobbyist are paid.

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

105 (D) The city clerk may extend a deadline for a period of up to 30 days and may
106 waive up to two late fees if the registrant or person responsible for filing a
107 report is unable to timely file a report due to:

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

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

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

120 ((C)F) On making a determination that a report is late, the clerk shall immediately
121 send, by ~~[registered]~~ email or other traceable method, a notice of the
122 determination to the person responsible for the filing, notifying the person of
123 the fee for late filing, and charging the fee.

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

127 (1) Until the person files the report, the clerk shall send a written notice by
128 email to the person every 10th day. ~~[After the first notice, the clerk need~~
129 ~~not send notices by registered mail.]~~ The person is liable for an

130 additional late fee each time the clerk sends a 10-day notice up to a
131 cumulative maximum of \$500. The clerk need not send additional
132 notices when the total of the late fee has reached the maximum amount
133 and may not send the notices more frequently than every 10th day.

134 ([E]H) The clerk shall provide a copy of each notice sent under this section to the
135 city attorney.

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

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

142 **PART 6.** Subsection (A) of City Code Section 4-8-12 (*City Attorney's Report*) is
143 amended to read:

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

- 148 (1) the number of referrals by the city clerk, city auditor, and other City
149 departments;
- 150 (2) the number of citizen complaints;
- 151 (3) the number of investigations opened by the city attorney, whether on
152 account of a referral or on the city attorney's own initiative;
- 153 (4) the number of cases settled;
- 154 (5) the number of subpoenas for documents issued;
- 155 (6) the number of witnesses subpoenaed;
- 156 (7) the number of cases tried;
- 157 (8) the number of cases in which a fine was imposed;
- 158 (9) the number of cases in which a fine was not imposed or the person was
159 adjudged not liable;
- 160 (10) the amount of fines assessed and collected; and

- 161 (11) the number of city attorney staff hours devoted for the period for the
162 enforcement of this chapter.

163 **PART 7.** Subsection (C) of City Code Section 4-8-15 (*Affirmative Defenses*) is
164 amended to read:

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

- 167 (1) filed a complete and correct report not later than the 14th business day
168 after the date the person [~~responsible for filing the report~~] becomes
169 aware of the error or omission, other than by or after a filed complaint
170 or an audit under [~~§~~] Section 4-8-10 (*Audit*), in the registration or report
171 originally filed; or
172
173 (2) filed a complete and correct report in compliance with an extended
174 deadline and lobbying restrictions in accordance with subsections (D)
175 and (E) of Section 4-8-11 (*Late Filing Fee*).
176

177 **PART 8.** Subsection (A) of City Code Section 2-7-76 (*Filing Dates for Statements*)
178 is amended to read:

179 **§ 2-7-76 - FILING DATES FOR STATEMENTS.**
180

181 Statements required by this article shall be received by the city clerk by [~~4:45~~]11:59
182 p.m. on the last day required. When the last day falls on a Saturday or Sunday, or on
183 an official City holiday as established by city council, the deadline for receipt by the
184 city clerk is extended to [~~4:45~~]11:59 p.m. of the next day which is not a Saturday or
185 Sunday or official City holiday.
186

187 **PART 9.** Council amends Exhibit A to Ordinance No. 20180911-002, the Fiscal
188 Year 2018-2019 Fees, Fines, and Other Charges Ordinance, to amend lobbyist
189 registration fees as follows:
190

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

195 **PART 10.** This ordinance takes effect on _____.

196
197 PASSED AND APPROVED

198
199 §
200 §
201 _____, 2019 § _____
202 Steve Adler
203 Mayor

204
205
206
207
208
209 APPROVED: _____ ATTEST: _____
210 Anne L. Morgan Jannette S. Goodall
211 City Attorney City Clerk