

OUTLINE

- I. **Lobbyist Registration - Article III-A, Chapter 12A, Dallas City Code (Ordinance No. 27748, eff. 4/1/2010)**

- II. **Campaign Contribution Restrictions - Section 15A-4.1, Chapter 15A, Dallas City Code (Ordinance No. 27749, eff. 12/1/2009)**

NOTE: This outline is a summary only. Consult the cited sections of the ordinances for details and exceptions.

I. Lobbyist Registration.

A. Who is required to register. [§12A-15.3]

1. A person must register with the city secretary as a lobbyist if the person: [§12A-15.3]
 - a. receives compensation of \$200 or more in a calendar quarter for lobbying; [§12A-15.3(1)]
 - b. receives reimbursement of \$200 or more in a calendar quarter for lobbying; or [§12A-15.3(2)]
 - c. lobbies as an agent or employee of a person who receives \$200 or more in compensation or reimbursement in a calendar quarter for lobbying. [§12A-15.3(3)]
2. “Compensation” means anything of value received for lobbying services, including reimbursement. “Compensation” does not mean an individual’s regular salary if lobbying is not part of the individual’s regular job duties. “Compensation” does not include amounts that were previously reported in quarterly activity reports. [§12A-15.2(3)]
3. “Lobbyist” means a person engaged in lobbying. If an agent or employee engages in lobbying for a principal or employer, both the agent or employee and the principal or employer are lobbyists. [§12A-15.2(9)]
4. “Lobbying” means direct or indirect oral or written communication to a city official to influence or persuade the city official to favor or oppose, recommend or not recommend, vote for or against, or take action or refrain from taking action on a municipal question. [§12A-15.2(10)]
 - “Lobbying” does not include a communication:
 - i. requesting information;
 - ii. made by a public official or employee in his or her official capacity;
 - iii. made by a media representative gathering and disseminating news to the public;
 - iv. made in a publication, article, or other material distributed to the public through a medium of mass communication;

- v. made at a meeting open to the public under the Texas Open Meetings Act;
- vi. made in writing during a public proceeding;
- vii. made in a written petition for official action and required to be a public record;
- viii. made in a written response to a request for information from a city official;
- ix. required by law;
- x. made in response to a public notice soliciting comments from the public;
- xi. made by an individual with regard to his or her employment or benefits;
- xii. made by a fact witness or expert witness at an official proceeding; or
- xiii. made by a person on behalf of that person or his or her spouse, domestic partner, or minor children. [§12A-15.2(10)]

5. “City official” means the mayor and city council members, the city manager and assistant city managers, the city attorney and first assistant city attorney, the city secretary and first assistant city secretary, the city auditor and first assistant city auditor, municipal judges, department directors, and City of Dallas appointed members of the following designated boards and commissions (*Board of adjustment and board of adjustment alternate members; building inspection advisory, examining, and appeals board; city plan and zoning commission; civil service board and civil service board adjunct members; community development commission; Dallas area rapid transit board; Dallas-Fort Worth international airport board; ethics advisory commission; fire code advisory and appeals board; housing finance corporation board; landmark commission and landmark commission alternate members; local government corporation boards; municipal management district boards; park and recreation board; permit and license appeal board; reinvestment zone boards*). [§12A-15.2(1)]

6. “Municipal question” means a public policy issue of a discretionary nature that is pending before, or that may be the subject of action by, the city council or a city board or commission. “Municipal question” does not include day-to-day application, administration, and execution of city programs and policies. [§12A-15.2(12)]

B. Who is not required to register. [§12A-15.4]

1. An owner or employee of a media outlet (newspaper, TV, radio, etc.) that opines on municipal questions, unless the media outlet has an economic interest in the municipal question being lobbied. [§12A-15.4(1)]
2. A person who only encourages or solicits persons in a group or entity to contact public officials. [§12A-15.4(2)]
3. Governmental entities. [§12A-15.4(3)]
4. A person who does not know that a municipal question is pending at the time of contact with the city official. [§12A-15.4(4)]
5. An attorney or other person who contacts the city to resolve a dispute, if the city official contacted has no vote or final authority in the matter. [§12A-15.4(5)]
6. An agent or employee of a lobbying firm, if the lobbying firm files a registration. [§12A-15.4(6)]
7. A person who lobbies, but does not receive compensation or reimbursement. [§12A-15.4(7)]
8. A neighborhood association, crime watch group, or homeowners association lobbying on municipal questions that affect the group or association as a whole. [§12A-15.4(8)]

C. Registration forms and fees. [§12A-15.5]

1. A separate registration form must be filed by the lobbyist for each client. [§12A-15.5(a)]
 - “Client” means the person on whose behalf lobbying is conducted. “Client” includes a coalition or association, but not the individual members. “Client” includes the managers or general partners of a limited liability company or limited partnership, but not non-managing members or limited partners. “Client” includes a parent or subsidiary company if it has a direct economic interest in the municipal question. [§12A-15.2(2)]

2. An initial registration form must be filed within five days after the beginning of lobbying or, in a zoning case, within five days after the zoning application is filed. [§12A-15.5(a)]
3. Subsequent registration forms must be filed annually by January 15 if lobbying for the client is continuing. [§12A-15.5(b)]
4. The registration form must include:
 - a. The name, phone number, address, and nature of the business of the registrant, the client, any person who pays for or controls the lobbying, the lobbying firm, and any employee or agent of the registrant that acts as a lobbyist. [§12A-15.5(c)(1)]
 - b. A description of the municipal questions on which the registrant has lobbied for the client in the preceding three months and will foreseeable lobby in the next three months. City officials contacted and the type of contact must be identified. [§12A-15.5(c)(2)]
 - c. If the municipal question concerns a zoning case, the name of each city official contacted prior to filing the registration and the type of contact made. [§12A-15.5(c)(3)]
 - d. Disclosure of any employment or arrangement to lobby for the client on a contingent fee basis. [§12A-15.5(c)(4)]
 - e. A list of any positions held by the registrant as a city official or city employee in the preceding 24 months [§12A-15.5(c)(5)] and a statement that the lobbying activities do not violate city ethics rules for former city officials and former city employees, if applicable. [§12A-15.5(c)(7)]
 - f. A statement that the registration is true, correct, and complete. [§12A-15.5(c)(6)]
5. The annual lobbyist registration fee is \$300, regardless of the number of clients registered during the year. [§12A-15.5(d)]

D. Activity reports. [§12A-15.6]

1. A lobbyist must file a quarterly activity report between the first and 15th day of April, July, October, and January. [§12A-15.6(a)]
2. The activity report must include:

- a. The names of the registrant and the client, and any changes to the registration statement. [§12A-15.6(a)(1)]
- b. A list of municipal questions that were lobbied in the calendar quarter. [§12A-15.6(a)(2)]
- c. Disclosure of any employment or arrangement to lobby for the client on a contingent fee basis. [§12A-15.6(a)(3)]
- d. The name of each city official contacted and the type of contact. [§12A-15.6(a)(4)]
- e. A list of employees or agents who lobbied on behalf of the lobbyist for the client. [§12A-15.6(a)(5)]
- f. A list of lobbying expenditures totaling over \$5,000 in the calendar quarter, categorized as advertising and publications; compensation to other than full-time employees; reimbursement to others; reimbursed personal sustenance, lodging, and travel; and other expenses. [§12A-15.6(a)(6)]
 - “Expenditure” means a payment, distribution, loan, advance, reimbursement, deposit, or gift of money or anything of value. “Expenditure” does not mean an individual’s regular salary if lobbying is not part of the individual’s regular job duties. “Expenditures” do not include photocopying of city documents. [§12A-15.2(6)]
- g. An itemized list of gifts totaling over \$25 given to a city official or a member of his or her immediate family in the calendar quarter. [§12A-15.6(a)(7)]
 - “Immediate family” means a spouse, domestic partner, or dependent child. [§12A-15.2(8)]
- h. An itemized list of exchanges of money, goods, services, or anything of value with a business entity in which a city official has a substantial economic interest or for which the city official serves as a director or officer or in another policy making position. This only applies if, in the calendar quarter, the exchanges total \$250 or more and the city official was lobbied by the registrant or served on a board, commission, or other city body with appellate jurisdiction over the subject matter. “Exchanges” do not include routine purchases of which the city official is unaware. [§12A-15.6(a)(8)]

- i. The name and position of each city official or city official's immediate family member employed by the registrant. [§12A-15.6(a)(9)]
 - j. A statement that the activity report is true, correct, and complete. [§12A-15.6(a)(10)]
3. Persons whose activities must be included in the activity report must provide information to the registrant five days before the activity report is due. [§12A-15.6(b)]
 4. The registrant must preserve for two years any records needed to substantiate the activity reports. [§12A-15.6(c)]
 5. An activity report is not required if there is no activity and no changes to registration information during the calendar quarter. [§12A-15.6(d)]

E. Non-registrant disclosure statements. [§12A-15.7]

1. An applicant, property owner, or property purchaser who lobbies a city council member or city plan commissioner on a designated zoning case must file a non-registrant disclosure statement with the city secretary within five days after the contact. This only applies to contacts made after the zoning application is filed. [§12A-15.7(a)(1)]
 - "Designated zoning case" means a change of zoning where:
 - i. the property is 25 acres or more;
 - ii. the proposed floor area for retail or personal service uses is 200,000 square feet or more;
 - iii. the proposed floor area for industrial uses is 1,000,000 square feet or more;
 - iv. the proposed zoning change is to a multifamily district of 10 acres or more;
 - v. the proposed zoning change allows 60 dwelling units or more per acre; or
 - vi. the staff recommendation and the city plan commission recommendation do not agree. [§12-15.2(5)]

2. An applicant, property owner, or property purchaser who lobbies a city council member on a designated public subsidy matter must file a non-registrant disclosure statement with the city secretary within five days after the contact. This only applies to contacts made after the matter is posted on a city council or city council committee agenda. [§12A-15.7(a)(2)]
 - “Designated public subsidy matter” means a tax abatement, housing tax credit, historic development tax abatement, federal grant money administered by the city, tax increment financing, or economic development grant or loan. [§12A-2.(4)]
3. The non-registrant disclosure statement must include:
 - a. The name, phone number, address, and nature of the business of the applicant, the property owner, the property purchaser, and the person filing the form. [§12A-15.7(b)(1) and (2)]
 - b. The address of the property. [§12A-15.7(b)(3)]
 - c. A description of the designated zoning case or designated public subsidy matter. [§12A-15.7(b)(4)]
 - d. The name of each city council member and city plan commissioner contacted on a designated zoning case and the type of contact made. [§12A-15.7(b)(5)]
 - e. The name of each city council member contacted on a designated public subsidy matter and the type of contact made. [§12A-15.7(b)(5)]
 - f. A statement that the non-registrant disclosure statement is true, correct, and complete. [§12A-15.7(b)(6)]
4. Subsequent non-registrant disclosure statements must be filed quarterly between the first and 15th day of April, July, October, and January. [§12A-15.7(c)]
5. There is no fee to file a non-registrant disclosure statement. [§12A-15.7(d)]
6. Registered lobbyists are not required to file non-registrant disclosure statements. Neighborhood associations, crime watch groups, and homeowners associations are not required to file non-registrant disclosure statements if the municipal question being lobbied affects the group or association as a whole. [§12A-15.7(e)]

F. Restricted activities. [§12A-15.8]

1. A lobbyist shall not make a false or misleading statement to any city official or give a document containing a false statement to a city official. [§12A-15.8(a)]
2. A lobbyist who learns that a statement in a registration form or activity report is false must correct the statement, in writing, within 30 days after learning of the false statement. [§12A-15.8(b)]
3. A lobbyist may not do anything intended to place a city official under personal obligation to the lobbyist. [§12A-15.8(c)]
4. A lobbyist may not introduce an ordinance, resolution, or other action for the purpose of thereafter being employed as a lobbyist to secure its passage or defeat. [§12A-15.8(d)]
5. A lobbyist may not send a communication to a city official using a false name, or the name of a real person without that person's consent. [§12A-15.8(e)]
6. A lobbyist shall not represent that he or she can control or obtain the vote of a city official. [§12A-15.8(f)]
7. A person submitting a bid or proposal for a city contract may not lobby city council members from the date of advertisement or public notification of the request for bids or proposals until the contract is awarded. [§12A-15.8(g)]

G. Identification of clients. [§12A-15.9]

1. A lobbyist must identify himself or herself and his or her client before addressing the city council or a city board or commission. A lobbyist must sign a sign-in sheet and disclose his or her identity, the client's identity, and whether he or she is registered as a lobbyist. [§12A-15.9(a)]
2. A lobbyist who has oral contact with a city official must, if requested, disclose whether he or she is registered as a lobbyist and the name of the client. [§12A-15.9(b)]
3. A lobbyist who has written contact with a city official shall identify himself or herself as a lobbyist and disclose the name of the client. [§12A-15.9(c)]

H. Timeliness. [§12A-15.10]

1. A registration, activity report, or non-registrant disclosure statement filed by first-class United States mail or by common or contract carrier must be properly addressed with postage and handling charges prepaid, bear a post office cancellation mark or a receipt mark from a common or contract carrier for a date before the applicable filing deadline, and be received by the city secretary. [§12A-15.10(a)]
2. An electronically-filed registration, activity report, or non-registrant disclosure statement must be time and date stamped as having been received by the city's server by 5 p.m. on the last day permitted for filing the document. [§12A-15.10(b)]

I. Administration. [§12A-15.11]

1. The city secretary will provide guidance and assistance on lobbyist registration, activity reports, and non-registrant disclosure statements. [§12A-15.11(1)]
2. The city secretary will review lobbyist registrations, activity reports, and non-registrant disclosure statements for completeness and timeliness. [§12A-15.11(2)]
3. The city secretary will maintain records of lobbyist registrations, activity reports, and non-registrant disclosure statements and make them available to the public. [§12A-15.11(3), (5), and (6)]
4. The city secretary will provide quarterly lists of registered lobbyists, lobbying firms, and their clients to the city council, city manager, city attorney, city auditor, administrative municipal judge, department heads, and chairs of designated boards and commissions. [§12A-15.11(4)]

J. Violations. [§12A-15.12]

A violation of the lobbyist registration ordinance is subject to a criminal fine of up to \$500. [§12A-15.12(b)]

II. Campaign Contribution Restrictions.

- A. “Applicant” means:
1. The owner of the property.
 2. The property owner’s parent, child, spouse, domestic partner, or other family member within the first degree of consanguinity or affinity (mother-in-law, father-in-law, daughter-in-law, son-in-law, or step child).
 3. A representative of the property owner.
 4. A person affiliated with either the property owner or representative of the property owner.
 5. An employee of either the property owner or representative of the property owner. [§15A-4.1(a)(2)]
- B. An applicant in a designated zoning case may not make a campaign contribution to a city council member from the date the first notices of a public hearing before the city plan commission are mailed until the later of:
1. 60 days after the zoning case is withdrawn;
 2. 60 days after the city plan commission decision on the zoning case becomes final and unappealable; or
 3. 60 days after a final decision by the city council on the zoning case. [§15A-4.1(b)]
 - “Designated zoning case” means a change of zoning where:
 - i. the property is 25 acres or more;
 - ii. the proposed floor area for retail or personal service uses is 200,000 square feet or more;
 - iii. the proposed floor area for industrial uses is 1,000,000 square feet or more;
 - iv. the proposed zoning change is to a multifamily district of 10 acres or more;
 - v. the proposed zoning change allows 60 dwelling units or more per acre; or

- vi. the staff recommendation and the city plan commission recommendation do not agree. [§15A-4.1(a)(4)]
- C. The restrictions on campaign contributions do not apply to historic districts, conservation districts, or neighborhood stabilization overlays. [§15A-4.1(c)]
- D. An applicant in a designated public subsidy matter may not make a campaign contribution to a city council member from the time the matter is posted on a city council committee or city council agenda until 60 days after the city council votes on the matter or the application is withdrawn. [§15A-4.1(d)]
 - “Designated public subsidy matter” means a tax abatement, housing tax credit, historic development tax abatement, federal grant money administered by the city, tax increment financing, or economic development grant or loan. [§15A-4.1(a)(3)]
- E. A person submitting a bid or proposal on a city contract may not make a campaign contribution to a city council member from the date of advertisement or public notification of the request for bids or proposals until 60 days after the contract is awarded by the city council. [§15A-4.1(e)]
- F. A violation of the campaign contribution restrictions ordinance is subject to a criminal fine of up to \$500. [§2, Ordinance No. 27749)