



Agenda Report

24-650

Agenda Date: 7/2/2024

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Update on Review of SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials")
(DEFERRED FROM JUNE 3, 2024)

BACKGROUND

At the March 4, 2024 Governance and Ethics Committee meeting, staff provided information on an item carried over from the June 7, 2021 Governance and Ethics Committee meeting when the former City Attorney presented on the Lobbyist Ordinance and Calendaring Ordinance which included recommendations as outlined in the report to the Committee (Attachment 1). Due to the transition of staff, this item was never placed on a City Council agenda. As a significant amount of time has passed, and the membership of the Committee has changed since June 2021, staff requested confirmation or alternative direction regarding the proposed amendments to SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials"). This item was on the agenda for the June 3, 2024 Governance and Ethics Committee meeting. The Committee was unable to complete the agenda due to timing and deferred the item for future discussion.

DISCUSSION

At the March 4, 2024 Governance and Ethics Committee meeting, the Committee discussed the past proposed amendments. Committee members also had questions regarding the enforcement of the lobbyist ordinance and the staffing requirements necessary to manage potential changes to public calendars or lobbying ordinances, which would also require reconciling lobbyist reporting with public calendars.

Based on the feedback from the Committee, staff will return to a future Governance and Ethics Committee meeting with additional information on the following:

- Staff to conduct a staffing analysis to determine the staffing needs for the enforcement of the lobbying ordinance.
- Staff conducts benchmarking to review other jurisdiction's ordinances to understand how comparable jurisdictions regulate in this area and to identify other best practices for enforceability.
- Staff to provide information and background on the determination of the lobbyist fee amount. At this time, through the Municipal Fee schedule process, during an annual review, the department recommends appropriate adjustments after considering the total costs to the City for each service provided. Costs include (1) personnel time (providing the service and

collecting data), (2) equipment used, (3) material, service and supply costs, (4) department and City-wide overhead, and (5) any other costs that may be incurred that are directly related to the specific fees, rates or charges. Periodically, the City will contract with an outside consultant to perform a comprehensive review/study of fees.

This item will return to the Governance and Ethics Committee at a future date when staff has completed and analyzed the referrals from the Committee.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

COORDINATION

This report was coordinated between the City Manager’s Office and the City Attorney’s Office.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time for basic processing and archiving of submitted lobbyist reports.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics Committee agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

Reviewed by: Elizabeth Klotz, Assistant City Attorney

Approved by: Jōvan D. Grogan, City Manager and Glen Googins, City Attorney

ATTACHMENTS

1. March 4, 2024 Report to Governance and Ethics Committee