



City of San José

## Lobbyist Registration Cover Sheet

Contract Lobbyist

Expenditure Lobbyist

In House Lobbyist

*Office use only*

\_\_\_\_\_  
NAME OF LOBBYIST/LOBBYING FIRM

\_\_\_\_\_  
BUSINESS ADDRESS

\_\_\_\_\_  
PHONE NUMBER

\_\_\_\_\_  
MAILING ADDRESS (IF DIFFERENT FROM ABOVE)

\_\_\_\_\_  
FAX NUMBER

\_\_\_\_\_  
CONTACT NAME

\_\_\_\_\_  
EMAIL ADDRESS

I certify that I have been authorized by the Lobbyist identified above to make this verification. I have reviewed the requirements of the provisions of the San José Municipal Code (Chapter 12.12). I certify under penalty of perjury under the laws of the State of California that I have reviewed this Lobbyist Report and to the best of my knowledge the information contained herein is true and complete.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
E-MAIL ADDRESS

*For fee payments, mail first two pages of signed form and any applicable fees to City Clerk, City of San José, 200 E Santa Clara Street, San José, CA 95113 or contact us at 408-535-1260 to pay by credit card. **Registration is not filed until payment is received.***

*Check all that apply*

- New Registration
- Annual Registration Renewal (Due January 15)  
*Also attach Schedule E*
- Amendment of Report filed on:  
\_\_\_\_\_  
*(attach cover, summary and affected pages only)*
- Termination of Registration effective:  
Report covers:  
  
*date of last report to date of termination*

*Check all that apply*

- Schedule A Campaign Contribution, Independent Expenditure, Fundraising, donation
  - Schedule B Payment for Consultant or Other Services
  - Schedule C Activity Expenses
  - Schedule D \* Contingent Compensation
  - Schedule E Annual Registration and Client Renewal
  - Schedule F \* Notice of Client Termination
  - Schedule G\* Notice of New Client (see Schedule for Applicable Fees)
- \* These Schedules may be filed at any time with Cover and Summary Sheet  
All other Schedules require full Reporting Form and are filed Quarterly*

<input type="checkbox"/>	Annual Registration Fee (Due January 15)		\$ -
<input type="checkbox"/>	New Registration Fee (January 1-June 30) OR New Registration Fee, Prorated (July 1-December 31)		\$ -
<input type="checkbox"/>	New Client Fee	Number of Clients _____ X Fee	\$ -
<input type="checkbox"/>	Annual Client Renewal	Number of Clients _____ X Fee	\$ -
<input type="checkbox"/>	Late fee for Registration-- 5% of Registration Fee per day late	<b>Days late:</b> _____	\$ -

*See Schedule of Fees on City Clerk's Website for current fees . Fees are annually adjusted on July 1.  
Consult with the Office of the City Clerk to determine if you are subject to late fees*

**TOTAL \$ -**

How is your firm organized?  Sole Proprietership  For-Profit Corporation  
 Partnership  Non-Profit Corporation \*  Other

If the Lobbyist is a sole proprietor or a partnership of fewer than five (5) persons, state the name(s) of the sole proprietor or persons with an ownership interest in the business:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If Lobbyist is a Corporation (for-profit or non-profit), state the names of the Officers and Agent for Service of Process:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CONTRACT LOBBYIST  IN-HOUSE LOBBYIST  EXPENDITURE LOBBYIST

Name of each person working for the *Contract Lobbyist* that is engaged in lobbying activity OR Name of each owner, compensated officer, or compensated employee engaged in lobbying activity on behalf of the *In-House Lobbyist* OR Name of each person working for the *Expenditure Lobbyist* that is engaged in lobbying activity. **IF LOBBYIST IS A FORMER EMPLOYEE OF THE CITY, PLEASE INDICATE WITH AN ASTERISK \*.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check the type of Lobbyist and complete contact information:

A **Lobbyist** may be any person that meets the following definitions:

A **Contract Lobbyist** (either an entity or an individual) engages in lobbying activity on behalf of one or more clients and has received or entered into an agreement for compensation of \$1,000 or more for services that include lobbying activity during any consecutive 3 month period.

A Contract Lobbyist has a choice of registering as an entity or individual. *For example, if Mr. Smith and Ms. Jones are employed by a firm ACME Inc. to engage in lobbying activity on behalf various clients, Mr. Smith and Ms. Jones may register separately as individuals who qualify as Contract Lobbyists or register ACME Inc., the entity, as the Contract Lobbyist and list themselves as persons that are engages in lobbying activity on the client's behalf.*

An **In-House Lobbyist** (the business or organization) engages in lobbying activity through its owners, compensated officers, or compensated employees and whose aggregate time engaging in lobbying activity on behalf of the business or organization are 10 hours or more in any consecutive 12 month period.

**Note:** An employee who engages in lobbying activity on his or her own initiative without being compensated for the time may petition City Officials or City Official-Elect regarding a legislative or administrative action affecting the In-House Lobbyist. The time spent by this employee would not be attributed to the 10 hours per any 12 consecutive month period threshold for qualifying as an In-House Lobbyist.

An **Expenditure Lobbyist** makes payments or incurs expenditures in the aggregate amount of \$5,000 or more in a calendar year to carry out public relations, advertising, or similar activity to urge other persons to communicate directly with a City Official to influence a legislative or administrative action. The \$5,000 threshold does not include compensation paid to Contract Lobbyists or In- House Lobbyists for lobbying activity; or dues, donations, or other economic consideration paid to an organization.

### Verification

Complete the verification by signing the statement and entering the date signed. When you sign, you are stating, under penalty of perjury that to the best of your knowledge the information contained herein is true and complete. **Do not alter the verification statement. Contingent Compensation Disclosure Forms with altered verification statements will not be accepted by the Office of the City Clerk.**

Submit the originally signed Lobbyist Report to the Office of the City Clerk. **An unsigned Lobbyist Report will be deemed unfiled.**

- If this is the initial registration, check the box marked “Registration Report.” If it’s an annual renewal, check the box marked “Annual Registration Renewal” and attach Schedule E.
- If you have filed a Registration Report and this is a report to disclose information regarding a particular quarter, check the box marked “Quarterly Report,” and the applicable calendar quarter covered by the report. (Quarterly reports are due by the 15<sup>th</sup> of the month following the close of each quarter. Penalties apply thereafter. See Fees Due.)

- If this is an amendment to a previously filed report, check the box for “AMENDMENT” and indicate the date of the report that is being amended. ATTACH ONLY THE PAGES WITH THE NEW INFORMATION.
- If you have terminated all lobbying activity, check the box marked “TERMINATION Report” and indicate the date range of the termination report from the last report date to when you ceased all lobbying activity.
- If the Lobbyist has reviewed the instructions for all of the forms and instructions and has determined that there is reportable activity, check the box and specify which schedules or forms are attached. If the Lobbyist has reviewed the instructions for all of the schedules and forms and has determined there is nothing to report, do not select any of the Schedules.
- For the Quarterly Report/ Annual Registration due on January 15, a Lobbyist that plans to continue to engage in lobbying activity must complete and attach Form E (Lobbyist Annual Registration and Client Renewal).
- If the Contract Lobbyist has terminated a Client in the quarter covered by this report, the Contract Lobbyist must complete and attach Form F (Contract Lobbyist Client Notice of Termination), to the Quarterly Report. This form does not need to be attached if it was filed separately during the quarter. Lobbying activity during the quarter on behalf of a terminated client must still be disclosed on the Quarterly Report.

**Fees Due--[See the City Clerk’s website for the current Schedule of Fees.](#)**

- If the Registration Report should have been filed between January 1 and June 29, the Lobbyist must pay an annual registration fee. If the Lobbyist is not required to register until on or after July 1 of the calendar year, the Lobbyist may pay a prorated annual registration fee. A Registration is not considered complete until the registration fee is paid. If submitting electronically, mail your registration payment with first two pages to City Clerk, City of San José, 200 E Santa Clara Street, San José, CA 95113 or contact us at 408-535-1260 to pay by credit card.
- An initial Client Fee is due for any Client that compensates the Contract Lobbyists in an amount greater than \$500.
- Late fees are calculated by business days and begin the day after the due date and end the day payment is made.

If a Client, for whom the Contract Lobbyist has paid a Client Fee in the last calendar year, will continue to retain the Contract Lobbyist in the current calendar year, the box for the Annual Client Fee Renewal must be checked and a Form E (Annual Client Renewal) must be attached to the Quarterly Report due on January 15.

- Check the applicable type(s) of Lobbyist and proceed to fill out the corresponding section(s) requesting information for each type of Lobbyist checked.
- Check the box describing how the Lobbyist is organized. If none of the boxes are applicable, check “Other” and describe how it is organized.
- If the Lobbyist type is a sole proprietorship or partnership of fewer than 5 persons, check the box and list the name of the sole proprietor or the names of each person with an ownership interest in the business.

- If the Lobbyist type is a corporation, check the box and list the names of the officers and the agent for service of process.
- If the Lobbyist is registered as an entity and not an individual, list the name of each person that is engaged in lobbying activity:  
**Contract Lobbyist:** Identify the name of each person working for the Contract Lobbyist to engage in lobbying activity. The person may be an individual employed by the Contract Lobbyist, an individual working as an independent contractor for the Contract Lobbyist, or an entity that has a subcontract with the Contract Lobbyist, to engage in lobbying activity. In addition, if the independent contractor or subcontractor meets the \$1,000 threshold for compensation during any 3 consecutive month period, they must separately register as Contract Lobbyists and identify the Clients they represent. In this instance, the independent contractor or subcontractor may not be directly compensated by the Client whose interest they are advancing but by the Contract Lobbyist that had the initial arrangement with the Client.

**In-House Lobbyist:** Identify the name of each owner, compensated officer, and compensated employee of the In-House Lobbyist engaged in lobbying activity on behalf of the In-House Lobbyist.

### **Exemptions from the Lobbyist Regulations**

The individuals engaged solely in the following activities are not Lobbyists:

- A public official acting in his or her official capacity.
- A person engaged solely in publication or broadcasting in news items, editorials, or commentary which directly or indirectly urges governmental action.
- A person hired by the City of San José
- A person who prepares documents for approval by the City under the California Environmental Quality Act of 1970 and San Jose Municipal Code Title 21.
- A person invited, for the purpose of giving testimony, by the City
- The owner of a business whose attempts to influence a governmental action are on behalf of the business and who meets three criteria. The three criteria are (1) the owner or business has not made or solicited contributions for the elected official contacted, or a candidate or independent expenditure committee at the behest of the elected official contacted, in an amount over \$1,000 within the last 12 months in a City election; (2) the owner or business has not retained a person to engage in lobbying activity on behalf of the owner or business; and (3) the officers or employees of the business have not engaged in lobbying activity on behalf of the owner or business.
- A person whose attempts to influence governmental action are limited to publicly appearing at a public meeting and/or preparing, processing, or submitting documents in connection with a public meeting.
- A person whose sole activity includes submitting a bid on a competitively bid contract; submitting a written response to a request for proposals or qualifications; participating in an oral interview for a request for proposals or qualifications; and/or negotiating the terms of an agreement with the City Official authorized to negotiate such agreement.
- A person who meets with City Officials solely to lodge a complaint relating to improper governmental activity.
- A person who meets with the City Attorney or City Clerk regarding a claim or litigation matter, negotiation of any agreements with the City, or requirements or interpretations of San Jose Municipal Code Chapter 12.16.
- Uncompensated members or uncompensated members of the board of directors of non-profit organizations.
- Members of neighborhood associations, Neighborhood Advisory Committees, or Project Area Committees.

- Persons whose communications are solely related to collective bargaining and proceedings before the Civil Service Commission.
- A person whose communications with City Officials are solely in connection with the administration of a City or SARA agreement.
- Compensated officers or employees of a non-profit organization with tax exempt status under Section 501(c) (3) of the Internal Revenue Code whose attempts to influence governmental action are on behalf of the organization.

### **RESTRICTIONS ON LOBBYING**

- During the Solicitation Period, contact between lobbyists may need to adhere to the Respondent's Code of Conduct if employed by a respondent. Please see Resolution 77135 for more information.
- 12.10.030 - Prohibitions for former officials and designated employees (12.10.030 SJMC)

No city or agency official or designated employee, for two years after terminating city or agency office or employment, may:

A. Work on any legislative or administrative matter on which the official or employee worked on behalf of the city or agency during the twelve months prior to termination of service, or which was within the former city or agency official's or designated employee's area of job responsibility. "Work on any legislative or administrative matter" includes, but is not limited to, providing advice or recommending any action with regard to a city or agency legislative or administrative matter such as a project involving land use, development, or public works. Legislative matters include city council, agency board and city board or commission actions related to ordinances, resolutions, agreements, permits or licenses.

B. Represent anyone else on any matter, whether or not for compensation, before the city council, redevelopment agency board, any commission thereof, any individual member of the city council, redevelopment agency board, or commission, or any staff of the city or agency. "