

FORM D

LOBBYIST DISCLOSURE of CONTINGENT COMPENSATION

(SJMC § 12.12.310)

This is an AMENDMENT to the Form D filed on:

SEE INSTRUCTIONS ON REVERSE

File Original with the City Clerk



For Official Use Only

Page ____ of ____

NAME OF LOBBYIST:

TELEPHONE NUMBER:

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BUSINESS ADDRESS: (Number and Street) (City) (State) (Zip Code)

FAX NUMBER:

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Client Name, Address, and Telephone Number: (For Contract Lobbyist Only)

Date Entered Into Contingent Compensation Arrangement:

Specify the nature and purpose of the Client's business: (For Contract Lobbyist Only)

List (1) the name of each individual working for the Contract Lobbyist to engage in lobbying activity on behalf of the Client ; or (2) the name of the owner, compensated officer, and compensated employee engaged in lobbying activity on behalf of the In-House Lobbyist.

1. _____
2. _____
3. _____
4. _____

Describe in detail the legislative or administrative action the Lobbyist seeks to influence and the outcome sought.

This page may be duplicated. If more space is needed, check box and fill out a duplicate continuation sheet.

FORM D INSTRUCTIONS

TO COMPLETE THE FORM:

The Contingent Compensation Disclosure (Form D) must be filed with the Office of the City Clerk **at least 1 business day before any lobbying activity unless the person engaged in lobbying activity is not yet required to register**. A person engaged in lobbying activity could but may not be required to register because the threshold has not been met. In this instance, the person may attach Form D with the Registration Report.

Note: A Lobbyist may not accept compensation for lobbying services that is contingent on the outcome of a legislative or administrative action after August 1, 2007. Contingent compensation for non-lobbying services, however, is not prohibited but must be disclosed even if the arrangement was made before August 1, 2007.

- If this is an amendment to a previously filed Form D, check the box for "AMENDMENT" and indicate the date of the report that is being amended. When more specific information regarding the basis for compensation is available, Form D should be amended within 10 days of having the information.
- Fill in the page number information. If attached to the Registration Report, continue the numbering from the last page of the Registration Report, Schedule A, Schedule B, or Schedule C, whichever is applicable.
- Enter the Lobbyist information including name, address, telephone number, and facsimile number.
- If the Lobbyist is a Contract Lobbyist, list the name, address, and telephone number of the Client with whom the Contract Lobbyist has a contingent compensation arrangement for non-lobbying services (e.g. legal services, brokerage services, engineering services).

A **Client** is any person who compensates the Contract Lobbyist for representation.

Compensation is any economic consideration for services rendered or to be rendered in the future. For example, compensation may include a payment, distribution transfer, loan advance, deposit, money, property, services, or anything else of value (monetary or non-monetary).

- Specify the date when the Lobbyist entered into the contingent compensation arrangement.
- If the Contract Lobbyist has a contingent compensation arrangement with more than 1 Client, a separate page should be filled out for each Client.

- Describe the nature and purpose of the Client's business.
- If the Lobbyist is a Contract Lobbyist, identify the name of each individual working for the Contract Lobbyist to engage in lobbying activity on behalf of the Client.
- If the Lobbyist is an In-House Lobbyist, identify the name of each owner, officer, and employee of the In-House Lobbyist engaged in lobbying activity on behalf of the In-House Lobbyist and with whom the In-House Lobbyist has a contingent compensation arrangement.
- Describe in detail the legislative or administrative action(s) the Lobbyist seeks to influence and the outcome sought.

Lobbying Activity is any activity where a person influences or attempts to influence a City Official or City Official-Elect on a legislative or administrative action of the City or Agency.

A **City Official** includes the Mayor, Council members, and their staff; Redevelopment Agency Board Members; members of the Planning Commission, Appeals Hearing Board, and Civil Service Commission; any City representative to a joint powers authority where the City is a party; the City Manager, Assistant City Managers, and Deputy City Managers; Executive Director of the Redevelopment Agency and his or her Assistant and Deputies; City department heads; and Redevelopment Agency division heads.

A list of City Officials is available for review at the Office of the City Clerk. This list is complete as of the date indicated. Lobbyists should inquire with the Office of the City Clerk if they have any questions regarding individuals or positions not on the list.

A **City Official-Elect** is any person elected but not yet sworn into a City office.

A **Legislative action** includes the drafting, introduction, consideration, modification, enactment or defeat of a resolution, ordinance, amendment thereto, report, nomination, or other action of the Mayor, the City Council, Redevelopment Agency, board, commission, task force, or joint powers authority.

An **Administrative action** is the proposal, drafting, development, consideration, advocacy, recommendation, adoption, amendment or approval of any rule, regulation, agreement, contract, permit, license or hiring action.

Lobbyist Contingent Compensation Disclosure

SEE INSTRUCTIONS ON REVERSE
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Describe the non-lobbyist services you provide under the contingent compensation arrangement:

If total contingent compensation for non-lobbyist services can be calculated at this time, specify the approximate total compensation:

- | | | | | |
|--|---|--|--|--|
| <input type="checkbox"/> \$0 | <input type="checkbox"/> \$1-\$500 | <input type="checkbox"/> \$1,001-\$10,000 | <input type="checkbox"/> \$100,001-\$200,000 | <input type="checkbox"/> \$300,001-\$400,000 |
| <input type="checkbox"/> \$501-\$1,000 | <input type="checkbox"/> \$10,001-\$100,000 | <input type="checkbox"/> \$200,001-\$300,000 | <input type="checkbox"/> Over \$400,001 | |

If total contingent compensation for non-lobbyist services cannot be calculated at this time, provide a brief description of the basis for determining the compensation and the legislative/administrative action and/or additional events that must occur before the Lobbyist is entitled to receive compensation:

This page may be duplicated. If more space is needed, check box and fill out a duplicate continuation sheet.

VERIFICATION

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 Jose Municipal Code (Chapter 12.12). I have used all reasonable diligence in preparing this Contingent Compensation Disclosure. I certify under penalty of perjury under the laws of the State of California that I have reviewed the Contingent Compensation Disclosure and to the best of my knowledge the information contained herein is true and complete.

Print Name _____ Title _____

Signature _____ Executed On _____
(month, day, year)

FORM D INSTRUCTIONS

Description of non-lobbyist services:

Describe the non-lobbyist services you provide under the contingent compensation arrangement. For examples, the types of non-lobbyist services may include, but not be limited to, legal services, brokerage services, architectural and engineering services.

If the Contingent Compensation can be calculated:

- If the Contract Lobbyist has a contingent compensation arrangement for non-lobbying services (e.g. legal services, brokerage services, engineering services) with a Client listed on this form, and the contingent compensation for non-lobbying services can be calculated, check the box indicating the range of the compensation arrangement with the Client.

For example, a law firm that is a Contract Lobbyist may need to disclose whether it will provide a bonus for legal services to an associate attorney that engages in lobbying activity for achieving a specific result on a legislative or administrative action. If a Client has a direct arrangement with the associate or through the arrangement with the law firm that a bonus will be given to the associate that obtains the desired result, this contingent compensation arrangement must be disclosed. The Contract Lobbyist law firm that provides bonuses to an associate for exemplary legal services independent of any arrangements with a Client is not required to disclose the arrangement.

- If the In-House Lobbyist has a contingent compensation arrangement for non-lobbying services (e.g. legal services, brokerage services, and engineering services) with an owner, compensated officer or employee, check the box indicating the total range of the compensation arrangement with the owner, officer, and employee. In the lines below, specify the specific range, if known, for each owner, compensated officers, and compensated employees.

If the Contingent Compensation cannot be calculated:

- If the Contract Lobbyist has a contingent compensation arrangement for non-lobbying services (e.g. legal services, brokerage services, engineering services) with a Client listed on this form, but the compensation cannot be calculated at this time, provide a brief description of how the amount of compensation will be determined and the legislative and/or administrative action and/or additional events that must occur before the Lobbyist is entitled to receive compensation.

- If the In-House Lobbyist has a contingent compensation arrangement for non-lobbying services (e.g. legal services, brokerage services, engineering services) with an owner, officer, or employee, but the compensation cannot be calculated at this time, provide a brief description of the basis for determining the compensation and the legislative and/or administrative action and/or additional events that must occur before the owner, officer, or employee is entitled to receive compensation. List the name of the individual with whom the In-House Lobbyist has a contingent compensation arrangement.

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 Contingent Compensation Disclosure to the Office of the City Clerk. **An unsigned Contingent Compensation Disclosure will be deemed unfiled.**