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ORDINANCE NO.

**An ordinance of San Bernardino County, State of California,
to add Division 11 to Title 1 of the San Bernardino County
Code, relating to Lobbyist Transparency, Registration and
Reporting.**

The Board of Supervisors of the County of San Bernardino, State of California,
ordains as follows:

SECTION 1. Division 11 of Title 1 is added to the San Bernardino County Code,
to read:

DIVISION 11: LOBBYIST TRANSPARENCY, REGISTRATION AND REPORTING
CHAPTER 1: GENERAL PROVISIONS

- Section 111.0101 Definitions**
- Section 111.0102 Registration and Annual Reporting**
- Section 111.0103 Prohibited Acts**

Section 111.0101 Definitions

For purposes of this Division, the following words or phrases shall have the
following meanings:

- (a) ADMINISTRATIVE ACTION. Means the following:
 - (1) The proposal, drafting, development, consideration, amendment,
enactment, or defeat of any rule, regulation, policy, or other action in any proceeding that
will apply to a person or generally to a group or class of persons; or
 - (2) Any decision to initiate, defend, appeal, or take any other action
regarding litigation by or against a County governed entity.
- (b) COUNTY GOVERNED ENTITY. All entities governed by the San
Bernardino County Board of Supervisors/Board of Directors.
- (c) COUNTY LOBBYIST. Any individual, firm, or organization that receives

1 compensation of at least \$1,000 in a calendar month, excluding reimbursement for
2 reasonable expenses, for engaging in lobbying. This definition excludes any individual,
3 firm or organization retained by a County governed entity who advocates on behalf of a
4 County governed entity before state or federal bodies, provided the advocate activities
5 are within the scope of work.

6 (d) COUNTY OFFICIAL. Members of the Board of Supervisors and their staff
7 (excluding administrative staff), all elected County officers, appointees of the Board of
8 Supervisors, Chief Executive Officer, Chief Financial Officer, Assistant Executive Officer,
9 Chief Communications Officer, Public Information Officer, Deputy Executive Officer,
10 County department head, head of any County governed entity or Board-Governed Special
11 District, members of County boards or commissions, and persons who have been elected
12 to a County office but have not yet been sworn into office.

13 (e) LEGISLATIVE ACTION. The drafting, introduction, consideration,
14 modification, enactment, or defeat of any resolution, ordinance, report, nomination, policy
15 or other action of the governing body of a County governed entity.

16 (f) LOBBYING. Any direct communication with a County official, whether in
17 person, by telephone, in writing, or electronically, for the purpose of influencing or
18 attempting to influence a legislative, quasi-judicial or administrative action of a County
19 governed entity. Provided however, lobbying shall not include:

20 (1) A request for information or inquiry about the facts or status of any
21 matter when the request is not made to attempt to influence official action;

22 (2) A written comment filed in the course of a public proceeding or any
23 other communication that is made on the record at a public meeting;

24 (3) A written communication as a petition for official action and required
25 to be a public record pursuant to County procedures provided it is publicly recorded and
26 disclosed before the vote or action;

27 (4) A written response to a request by a County official for specific
28 information;

1 (5) A communication made by an elected official or public employee
2 acting in his or her official capacity;

3 (6) A response to a public notice soliciting communications from the
4 public and directed to the County official specifically designated in the notice to receive
5 such communications;

6 (7) A communication by an attorney or advocate made solely in
7 connection with his or her duties representing a party to an administrative proceeding the
8 decision of which is reviewable by a court pursuant to California Code of Civil Procedure
9 section 1094.5; or

10 (8) A written communication applying for a County grant or responding
11 to a County solicitation for goods or services.

12 (g) QUASI-JUDICIAL ACTION. Means any of the following:

13 (1) The consideration or re-consideration of the granting or denial of any
14 permit, license, or other entitlement of use;

15 (2) The awarding, granting or denial of any County contract for the
16 purchase or sale of property, goods, or services by a County governed entity; or

17 (3) The awarding, granting or denial of any County contract with any
18 public employee bargaining unit.

19 **Section 111.0102 Registration and Annual Reporting**

20 (a) Within ten (10) days of becoming a County lobbyist, the County lobbyist
21 shall register with the County, either electronically or through a hard copy paper form, as
22 determined by the Clerk of the Board of Supervisors.

23 (b) The registration shall require the County lobbyist to disclose all of the
24 following:

25 (1) The full name, business address, telephone number, and e-mail
26 address of the County lobbyist.

27 (2) The full name, business address, telephone number and e-mail
28 address of each person or entity that has contracted for the services of the County lobbyist

1 to conduct lobbying on its behalf.

2 (c) An amendment to the registration form must be completed and filed by the
3 County lobbyist with the Clerk of the Board of Supervisors within ten days of any change
4 in the accuracy of the information reported on the form, including but not limited to, the
5 addition or loss of any County lobbyist employer identified in section 111.0102(b)(2).

6 (d) A County lobbyist shall renew their registration by January 15 of each year,
7 beginning in 2027, by filing a renewed registration, unless they have terminated their
8 status as a County lobbyist.

9 (e) A registered County lobbyist may terminate their registration, and no longer
10 be required to renew their registration, upon filing with the Clerk of the Board of
11 Supervisors a termination of County lobbyist status form. The contents of the form and
12 the manner of filing it, either electronically or hard copy paper form, shall be determined
13 by the Clerk of the Board of Supervisors.

14 (f) The Clerk of the Board of Supervisors shall post all lobbyist registration
15 forms on a public County website.

16 **Section 111.0103 Prohibited Acts**

17 (a) A County lobbyist is prohibited from the following:

18 (1) Doing anything with the purpose of placing any County official under
19 personal obligation to the County lobbyist. This shall not include any personal, non-
20 County-related, business on terms that are available to members of the public when such
21 terms are offered in the normal course of business and offered without regard to the
22 County official's public status.

23 (2) Deceiving or attempting to deceive any County official regarding any
24 material fact pertaining to an administrative, legislative or quasi-judicial action.

25 (3) Representing, either directly or indirectly, that the County lobbyist
26 can control the official action of any County official.

27 (4) Sending or causing any communications to be sent to any County
28 official in the name of any non-existent person or in the name of an existing person without

1 the express or implied consent of such person.

2 (5) Contacting any County official in the name of any non-existent
3 person or in the name of any existing person, except with the consent of such existing
4 person.

5 (6) Making any gifts or contributions to a County official in violation of
6 California or federal law.

7
8 SECTION 2. The Board of Supervisors declares that it would have adopted this
9 ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the
10 fact that any one or more sections, subsections, clauses, phrases or portions of it be
11 declared invalid or unconstitutional. If for any reason any portion of this ordinance is
12 declared invalid or unconstitutional, then all other provisions of it shall remain valid and
13 enforceable.

14
15 SECTION 3. This ordinance shall take effect thirty (30) days from the date of
16 adoption.

17
18 _____
DAWN ROWE, Chair
19 Board of Supervisors

20 SIGNED AND CERTIFIED THAT A COPY
21 OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD

22 LYNNA MONELL, Clerk of the
23 Board of Supervisors

1 STATE OF CALIFORNIA)
2) ss.
3 SAN BERNARDINO COUNTY)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the _____ day of _____, 20__, at which meeting
7 were present Supervisors: _____

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
9 wit:

10 AYES: SUPERVISORS:

11 NOES: SUPERVISORS:

12 ABSENT: SUPERVISORS:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
14 of the Board of Supervisors this ____ day of _____, 20__.

15 LYNNA MONELL, Clerk of the
16 Board of Supervisors of
17 San Bernardino County,
18 State of California

19 _____
20 Deputy

21 Approved as to Form:

22 LAURA FEINGOLD
23 County Counsel

24 By: _____
25 JOLENA E. GRIDER
26 Deputy County Counsel

27 Date: _____
28