

ORDINANCE NO. 1265

**AN ORDINANCE OF THE CITY OF HOLLISTER ADDING CHAPTER
1.20 “LOBBYING” TO TITLE 1 “GENERAL PROVISIONS” OF THE
CITY OF HOLLISTER MUNICIPAL CODE**

WHEREAS, the City of Hollister (“City”) seeks to maintain a fair and open decision-making process in City government; and

WHEREAS, the City believes the public disclosure of the identities of lobbyists, the interests they represent, and the financing behind their activities fosters public confidence in the integrity of City government; and

WHEREAS, the City seeks to impose registration and disclosure requirements to ensure that City officials are aware of the interests lobbyists represent when they engage in lobbying activities; and

WHEREAS, the City further believes it is in the public interest that lobbyists do not misrepresent facts or their positions, deceive City representatives through false communications, place City representatives under personal obligations, or claim control over their actions.

NOW THEREFORE, the City seeks to amend Title 1 of the City of Hollister Municipal Code to include Chapter 1.20: Lobbying, as set forth below.

The City Council of the City of Hollister ordains as follows:

SECTION 1. Chapter 1.20: Lobbying is hereby added to Title 1 of the City of Hollister Municipal Code to read as follows:

Chapter 1.20: Lobbying

Section

1.20.010	Purpose
1.20.020	Definitions
1.20.030	Registration and Disclosure Requirements
1.20.040	Exemption
1.20.050	Prohibitions
1.20.060	Penalties
1.20.070	Enforcement

1.20.010 PURPOSE.

- (A) The purpose of this Chapter is to maintain a fair and open decision-making process in City government which functions to serve the needs of all citizens. Both the public and City officials should have full knowledge of lobbying activities that influence legislative or administrative actions.
- (B) The purpose of this Chapter is also to impose registration and disclosure requirements on those engaged in lobbying efforts to influence the decisions of

City policy makers for compensation. Public disclosure of the identities of lobbyists, the interests they represent, and the financing behind their activities fosters public confidence in the integrity of City government.

- (C) Additionally, these disclosure and registration requirements ensure that City officials are aware of the interests lobbyists represent when they engage in lobbying activities. It is in the public interest to adopt this chapter to provide adequate and effective transparency regarding lobbying efforts aimed at influencing City government.
- (D) The disclosure and registration requirements furthers the public interest that lobbyists do not misrepresent facts or their positions, deceive City representatives through false communications, place City representatives under personal obligations, or claim control over their actions.

1.20.020 DEFINITIONS.

Whenever used in this Chapter, the following words and phrases shall have the definitions provided in this section. Other terms used and not defined in this Chapter have the meanings set forth in this Title, and terms not used and not defined in this Title have the meanings set forth in the California Political Reform Act of 1974, as amended.

ADMINISTRATIVE ACTION includes the proposal, drafting, development, consideration, advocacy, recommendation, adoption, amendment, termination, extension, or approval of any rule, regulation, agreement, contract, permit, license, policy, land use entitlement, or hiring action.

AT THE BEHEST means at the means under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of.

CONTRIBUTION means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the behest of a candidate, committee or elected City official is a contribution to the candidate, committee or elected City official unless full and adequate consideration is received for making the expenditure.

1. The term " contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fundraising events; the candidate's own money or property used on behalf of his or her candidacy; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.
2. The term " contribution" further includes any transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.

3. The term "contribution" further includes any transfer of anything of value received by a Controlled Committee from another committee, unless full and adequate consideration is received.
4. The term "contribution" does not include:
 - a. Amounts received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution;
 - b. A payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office if the costs for the meeting or fundraising event are five hundred dollars (\$500.00) or less; or
 - c. Volunteer personal services or payments made by any individual for his or her own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him or her.

CANDIDATE means an individual who has filed a statement of organization as a committee for election to Elective City Office, a declaration of intent for election to Elective City Office or a declaration of candidacy to Elective City Office, whichever occurs first. An individual person shall not be deemed a candidate for purposes of this Chapter (1) after the individual is sworn into Elective City Office, or (2) if the individual lost the election, after the individual has terminated their campaign statement filing obligation for Elective City Office pursuant to Government Code section 84214, or after certification of the election results, whichever is earlier.

CLIENT means the person who compensates a lobbyist for representation before a City official.

CONTROLLED COMMITTEE means a committee which is controlled directly or indirectly by a Candidate, or which acts jointly with a Candidate in connection with the making of expenditures. A Candidate controls a committee if the Candidate, their agent or any other committee the Candidate controls has a significant influence on the actions or decisions of the Controlled Committee.

CITY OFFICIAL means members of the City Council, appointees of the City Council, the City Attorney, the City Treasurer, City department heads, members of City boards or commissions, and persons who have been elected to a City office but have not yet been sworn into office.

CONTACT OR CONTACTING means attendance at a meeting with a City official, or any direct communication with a City official, whether oral, electronic, or in writing, including, but not limited to communication through an agent, associate, or employee, for the purpose of engaging in Lobbying Activity.

COMPENSATED or COMPENSATION means any economic consideration for services rendered or to be rendered in the future, including, without limitation, payment, distribution transfer, loan advance, deposit, other rendering of money, property, services, or anything else of value.

ELECTIVE CITY OFFICE means the City Council and the Treasurer, or other City

positions which are elected by the voters.

ELECTED OFFICER means an individual who holds Elective City Office or has been elected to Elective City Office but has not yet taken office.

GIFT shall be defined as set forth in the Political Reform Act, Government Code Section 81000 et seq., and the regulations adopted thereunder; except that the exclusion for contributions shall be defined and governed as set forth in this chapter.

INFLUENCING means contacting, either directly or indirectly, for the purpose of promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the official actions of the City official, by any means, including, but not limited to providing, preparing, processing, or submitting information, incentives, statistics, studies, or analyses.

LEGISLATIVE ACTION means the drafting, introduction, consideration, modification, enactment, or defeat of any resolution, ordinance, amendment thereto, report, nomination, policy, or other action of the City Council; a City board, commission, or task force; or any joint powers authority of which the City is a party.

LOBBYING ACTIVITY means influencing, or attempting to influence, directly or indirectly, a City official regarding public policy, legislative or administrative actions of the City, or decision-making on behalf of a particular interest or organization.

1. Lobbying activity does not include: general donations to organizations unless specifically intended for lobbying efforts in the City; expenditures to support a ballot measure; professionals advocating for their own applications or contracts; attending public meetings or submitting written statements to the official record; or volunteering with organizations, such as neighborhood groups not for compensation. For more details, see Section 1.20.040: Exemptions, below.

LOBBYIST, unless exempt under Section 1.20.040, means:

1. **CONTRACT LOBBYIST** means any person, whether an entity or individual, engaging in Lobbying Activity on behalf of one or more clients (acting individually or through agents, associates, employees, or contractors) and who has received or has entered into an agreement for compensation of one thousand dollars (\$1,000.00) or more for any services that include engaging in Lobbying Activity during any consecutive three-month period.
2. **IN-HOUSE LOBBYIST** means any person, including a business, corporation, association, political action committee, or any other organization if its owners, officers, or employees have engaged in Lobbying Activity on its behalf.
3. **EXPENDITURE LOBBYIST** means any person who makes payments or incurs expenditures in the aggregate amount of five thousand dollars (\$5,000.00) or more during any calendar year in connection with carrying out public relations, advertising, or similar activities with the intent of soliciting or urging, directly or indirectly, other persons to communicate directly with any City official in order to attempt to influence a legislative or administrative action. The five thousand dollars (\$5,000.00) threshold does not include:
 - a. Compensation paid to contract lobbyists or in-house lobbyists for Lobbying

Activity; or

- b. Dues, donations, or other economic consideration paid to a membership organization that is ongoing in nature and whose membership services are not limited to Lobbying Activity, regardless of whether the dues, donations, or other economic consideration are used in whole or in part for Lobbying Activity.
4. **LAND USE LOBBYIST** means any person who, during any consecutive twelve (12) month period (i) makes payments or incurs expenditures in the aggregate amount of \$5,000.00 or more attempting to influence a major land use approval; or (ii) spends an aggregate amount of ten or more hours of compensated time attempting to influence a major land use approval, including time spent by officers, employees, agents, and members.
- a. The exemptions in subsections (d), (i), (j), (l), and (m) of Section 1.20.040 (Exemptions) do not apply to land use lobbyists.
 - b. Officers, employees, agents, and members of a land use lobbyist are not required to separately comply with Section 1.20.030 (Registration and Disclosure Requirements) for time or funds expended on behalf of the land use lobbyist in the scope of that relationship.

LOBBYIST DISCLOSURE REPORT means a document, with requirements outlined in section 1.20.030, that lobbyists, and lobbying firms are required to file to register as lobbyists and report their lobbying activities.

MAJOR LAND USE APPROVAL means any legislative or administrative action by the City on an application relating to:

1. Construction, demolition, alteration, development, or use of property in the unincorporated City that, if approved, would affect, in the aggregate, more than 25,000 gross square feet of existing, approved, or proposed buildings or structures;
2. The surface mining operation or reclamation of mined lands involving the disturbance or reclamation of more than 25,000 gross square feet of land; or
3. A "major subdivision," as defined in Section 16.04.040 of the City of Hollister Municipal Code.

OWNER means any individual with greater than a fifty (50) percent interest in the business.

PERSON means any individual, business entity, trust, corporation, association, committee, or any other organization or group of persons acting in concert.

1.20.030 REGISTRATION AND DISCLOSURE REQUIREMENTS.

(A) Lobbyist Registration.

1. Initial Registration. A Lobbyist is required to register his or her Lobbying Activity by filing a "Lobbyist Disclosure Report" (outlined below) with the City Clerk no later than ten days after accepting employment or contracting as a lobbyist and paying a registration fee.
 - a. Lobbyist Disclosure Reports are available on the City Clerk's official webpage, and require disclosure of Lobbyist details (including name,

- business address, and contact information), employees engaged in lobbying, clients represented, and specifics of Lobbying Activities.
 - b. Amendments to Lobbyist Disclosure Reports must be submitted promptly following any changes to the provided information.
 - c. A Lobbyist who meets the threshold requirements of one or more of the categories (Contract Lobbyist, In-House Lobbyist, Expenditure Lobbyist, or Land Use Lobbyist) is only required to register once but must make all disclosures in the Lobbyist Disclosure Report.
 - d. Only Lobbying Activity that occurs after the effective date of this ordinance shall be considered for the purpose of qualifying as a Lobbyist.
2. Annual Registration. A Lobbyist shall renew their registration by January 15 of each year by filing a Lobbyist Disclosure Report and paying a registration fee, unless they have terminated their status as a Lobbyist pursuant to this section.
3. Quarterly Disclosures. Every Lobbyist registered or required to be registered pursuant to this Chapter must file a Lobbyist Disclosure Report for every calendar quarter with the City Clerk no later than fifteen (15) calendar days after the end of each quarter after Initial Registration whether or not any Lobbying Activities have occurred during such period unless they have filed a declaration attesting to the termination of Lobbying Activity pursuant to the requirements of this section.
- a. Quarterly Lobbyist Disclosure Reports must be filed by April 15, July 15, and October 15 for the prior calendar quarter.
 - b. The quarterly Lobbyist Disclosure Reports shall be filed with the City Clerk, and must include:
 - i. The name(s) and title(s) of the City Officer or Employee who was communicated with, or received the service or thing of value;
 - ii. A description of the governmental decisions or issues discussed;
 - iii. Any payments or other forms of compensation provided during the interaction(s); and
 - iv. Signature under penalty of perjury.
 - c. For purposes of determining the amount expended during one quarter, the amounts expended on any one City Officer or Employee by all representatives, officers, directors and employees of a corporation, firm, or organization shall be aggregated.
- (B) Registration Fees.
- 1. Each Lobbyist required to file a Lobbyist Disclosure Report under this Chapter shall be charged an initial registration fee of two hundred and fifty dollars (\$250.00), and an annual renewal fee of one hundred and fifty dollars (\$125.00).
 - 2. If the fee is not paid at the time of registration or registration renewal, a late registration fee will be assessed each day until the registration fee is paid in full. In no event will the late registration fee exceed one hundred (100) percent of the unpaid registration fee.
 - 3. Lobbyists who fail to file a quarterly Lobbyist Disclosure Report on the date due will be assessed a late fee of ten dollars (\$10.00) per day per violation.
- (C) Lobbyist Disclosure Report.
- 1. A Lobbyist who meets the threshold requirements of one or more of the categories (Contract Lobbyist, In-House Lobbyist, Expenditure Lobbyist, or Land Use Lobbyist) must fill out a Lobbyist Disclosure Report and quarterly

- updates with all the applicable information including the following:
- a. Name;
 - b. Business address;
 - c. Telephone and fax numbers;
 - d. Email address;
 - e. Names of all owners if the Lobbyist is a sole proprietorship or partnership of fewer than five persons;
 - f. Names of the officers and agent of service of process, if any, if the Lobbyist is a corporation;
 - g. If applicable, a description of the nature of, the business, corporation, association, committee, or any other organization in sufficient detail to inform the reader of its nature and purpose; and
 - h. If applicable, contacts made with City officials during the preceding calendar quarter for the purpose of conducting Lobbying Activity. Contact information must include a brief description of the item(s) of legislative or administrative action the Lobbyist is seeking to influence and the number of contacts in the following ranges: one, two to five, six to ten, eleven or more.
2. All Contract Lobbyists must also provide the following information for each client:
 - a. Name of each client represented before City officials;
 - b. A brief description of the legislative or administrative action(s) the lobbyist seeks to influence on behalf of each client;
 - c. Name of each person employed or retained by the lobbyist to engage in Lobbying Activity on behalf of each client; and
 - d. The total compensation promised or received from each client listed during previous calendar quarter for Lobbying Activity within the following ranges: zero dollars (\$0.00) to one hundred thousand dollars (\$100,000.00), and over one hundred thousand dollars and one cent (\$100,000.01).
 3. All In-House Lobbyists must also provide the following information:
 - a. Names of each owner, officer, and employee conducting Lobbying Activities on its behalf; and
 - b. A brief description of the legislative or administrative action(s) the Lobbyist seeks to influence.
 4. All Expenditure Lobbyists must also provide the following information:
 - a. Names of each owner, officer, and employee conducting Lobbying Activities on its behalf; and
 - b. A brief description of the legislative or administrative action(s) the Lobbyist seeks to influence.
 5. Land Use lobbyists:
 - a. All Land Use Lobbyists must provide the following information for each major land use approval the Land Use Lobbyist has attempted to influence during the reporting period:
 - i. A description of the major land use approval.
 - ii. A summary of the Land Use Lobbyist's activities during the reporting period relating to influencing the major land use approval, including reports prepared, events held, advertisements purchased, robocalls made, mailers distributed, and public officials contacted.
 - iii. The total amount the Land Use Lobbyist expended during the

reporting period relating to influencing each major land use approval, excluding compensation to officers and employees.

- iv. Each entity to which the Land Use Lobbyist made payments of \$500.00 or more, in the aggregate, during the reporting period for activities relating to influencing a major land use approval; the date of each payment; and the purpose for which the payment was made.
 - v. All contacts by the Land Use Lobbyist, including by its officers, employees, agents, and members, with public officials, including officers and employees of counties, cities, special districts, and state agencies, for the purpose of influencing the major land use approval. The report must include the name of each public official, the date of the contact, and the nature of the contact.
 - vi. The client (if any) on whose behalf the Land Use Lobbyist sought to influence the major land use approval.
 - vii. Any other information required by the City Clerk through regulation consistent with the purposes and provisions of this Chapter.
- b. Land Use Lobbyists must update the reports required by this Section at least two (2) days, but not more than twenty-one (21) days, before any meeting or public hearing at which an action relating to the major land use approval, or any component thereof, will be on the agenda.

(D) Employment of City Officers or Employees.

1. A Lobbyist registered or required to be registered pursuant to this Chapter, or an individual, corporation, firm or organization employing or represented by a Lobbyist registered or required to be registered who knowingly employs a City Officer or Employee shall file a written notice with the City Clerk.
 - a. The notice shall be filed with the City Clerk within ten (10) days after employing a City Officer or Employee. The notice shall be entitled, "Notice of Lobbyist Employing a City Officer or Employee" and shall contain the full name and business address of the person filing the statement, the full name of the City Officer or Employee the Lobbyist is employing, and the date the Lobbyist first employed the City Officer or Employee.

(E) Termination of Registration.

1. If Lobbyists file a declaration attesting to the termination of Lobbying Activity no later than the date the annual registration or quarterly disclosure is due, they will not be required to file any further Lobbyist Disclosure Reports. This declaration must be accompanied by a final Lobbyist Disclosure Report, disclosing any Lobbying Activities that occurred during the quarter of termination.

(F) 1.28.050 Identification of Clients.

1. Unless otherwise excused by law, each lobbyist who appears before the City Council or City board, commission or committee to engage in lobbying activities shall identify himself or herself and the client(s) he or she represents upon addressing the body.
2. Any lobbyist who makes an oral lobbying contact with a City representative shall, at the time of the initial lobbying contact with each City representative, identify himself or herself as a registered lobbyist and identify the client or clients on whose behalf the lobbying contact is made.
3. Any lobbyist who makes an initial written lobbying contact (including an

electronic communication) with a City representative and/or City employee shall identify the client(s) on whose behalf the lobbying contact is made and identify himself or herself as a registered lobbyist.

- (F) Submission of Information. All information required under this section shall be submitted to the City Clerk in the format designated by the City Clerk.
- (G) Verification of Information. Lobbyists shall verify, under penalty of perjury, the accuracy and completeness of the information provided under this chapter
- (H) Retention of Documents. Lobbyists are requested retain for a period of five (5) years all books, papers and documents necessary to substantiate the registration and disclosure reports required by this Chapter.

1.20.040 EXEMPTION.

The following persons are exempt from the requirements of this Chapter unless otherwise specified:

- (A) A public official acting in his or her official capacity.
- (B) A person engaged solely in publication or broadcasting of news items, editorials, or commentary which directly or indirectly urges governmental action.
- (C) A person hired by the City for work performed on behalf of City, or a person who prepares documents for approval by the City under the California Environmental Quality Act of 1970, or a person who has been specifically invited by a City official for the purpose of giving testimony in aid of the body or person extending the invitation or invited to attend a meeting such as a City task force or department committee meeting to provide information or assistance requested by City staff.
- (D) The owner of a business whose attempts to influence governmental action are on behalf of the business and:
 - 1. The owner or business has not retained a person to engage in Lobbying Activity on behalf of the owner or business; or
 - 2. Officers or employees of the business (not including the owner) have not engaged in Lobbying Activity on behalf of the owner or business
 - 3. This exemption applies only to the threshold for becoming an In-House Lobbyist as defined in this Chapter. An owner of a business who meets this exemption is subject to the requirements of this Chapter if he or she meets the definition of Contract Lobbyist or Expenditure Lobbyist as defined under this Chapter.
- (E) A person whose attempts to influence governmental action limited to:
 - 1. Publicly appearing at a public meeting, public hearing, or other official proceeding open to the public; and/or
 - 2. Preparing, processing or submitting documents or writings in connection with governmental action for use at a public meeting, public hearing, or other official proceeding open to the public.
- (F) A person whose sole activity includes one (1) or more of the following:
 - 1. Submitting a bid on a competitively bid contract or other solicitation for goods or services;
 - 2. Submitting a written response to a request for proposals or qualifications or other solicitation for goods or services;
 - 3. Participating in an oral interview or other process in connection with a request for proposals or qualifications, or other solicitation for goods or services; or
 - 4. Negotiating the terms of an agreement with the City official authorized to negotiate such an agreement.
- (G) A person who meets with City officials solely to lodge "whistleblower" complaints

- relating to improper governmental activity such as mismanagement, waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
- (H) A person who meets with the City Attorney or City Clerk regarding any claim or litigation matter, negotiation of any agreements where the City is a party, or the requirements or interpretation of this chapter.
 - (I) Members of non-profit organizations or the uncompensated members of the board of directors of a non-profit organization when they attempt to influence City officials on behalf of the non-profit organization.
 - (J) Members of neighborhood associations, neighborhood advisory committees, or project area committees.
 - (K) A person whose communications are solely related to:
 - 1. The establishment, amendment, administration, implementation, or interpretation of a collective bargaining agreement or a memorandum of agreement between the City and a recognized employee organization;
 - 2. Management decisions as to the working conditions of represented employees that clearly relate to the terms of a collective bargaining agreement or memorandum of agreement between the City and a recognized employee organization; or
 - (L) A person whose communications with City officials are solely in connection with the administration of an existing contract or agreement between the person and the City.
 - (M) Compensated officers or employees of a nonprofit 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.
 - (N) A person performing a duty or professional service that requires a license, including but not limited to attorneys, architects, certified public accountants (CPAs), or engineers licensed to practice in the State of California.

1.20.050 PROHIBITIONS.

- (A) No Lobbyist shall commit any of the following acts:
 - 1. Deception. Deceiving or attempting to deceive any City official regarding any material fact pertaining to any pending or proposed legislative or administrative action.
 - 2. Unauthorized Communications. Sending or causing any communication to be sent to any City official in the name of any non-existent person or in the name of an existing person without the express or implied consent of such person.
 - 3. Fictitious Persons. Contacting any City official in the name of any non-existent person or in the name of any existing person, except with the consent of such existing person.
 - 4. Indirect Violations. Attempting to evade the requirements of this chapter through indirect efforts or through the use of agents, associates, intermediaries, or employees.
 - 5. Creation of Obligations. Performing or sponsoring any act with the purpose and intent of placing any City official under personal obligation to the lobbyist.
 - 6. Appearance of Obligations. Representing, directly or indirectly, orally or in writing, that he or she can control or obtain the vote or action of any City Official.
 - 7. Unlawful Gifts. Making gifts to any City official aggregating more than \$10 in a calendar month; acting as an agent or intermediary in the making of such gifts; or arranging for the making of such gifts by any other person.
- (B) No Elected Officer shall accept any Contribution from a person registered

pursuant to this chapter where the person's Lobbyist Disclosure Report includes the Elective City Office that the Elected Officer holds.

(C) No Candidate or Controlled Committee shall accept any Contribution from a person registered pursuant to this chapter where the person's Lobbyist Disclosure Report includes the Elective City Office to which the Candidate is seeking election.

(D) An Elected Officer, Candidate or Controlled Committee may reasonably rely on the information contained in the most recent list of registrants compiled by the City Clerk in determining whether Contributions may be accepted from any person. Acceptance of Contributions which would not be prohibited based on the information set forth in the City Clerk's most recent list of registrants shall not constitute a violation of this section.

(E) No City official shall knowingly accept any gift from an individual registered pursuant to this chapter. An Elected Officer, Candidate or Controlled Committee may reasonably rely on the information contained in the most recent list of registrants compiled by the City Clerk in determining whether a gift may be accepted from an individual.

1. Acceptance of a gift from an individual or entity not on the City Clerk's most recent list of registrants shall not constitute a violation of this section unless the Elected Officer, Candidate or Controlled Committee knows that the individual or entity making the gift has registered, even though the registrant has not been included on the list.

1.20.060 PENALTIES.

(A) Negligent and unintentional violations of this chapter shall be punishable in accordance with procedures set forth in Chapter 1.18 (Administrative Citation) of this Code.

(B) Administrative fines for negligent and unintentional violations of this chapter shall be assessed in the following amounts:

1. A fine not exceeding two hundred and fifty dollars (\$250.00) for a first violation;

2. A fine not exceeding five hundred dollars (\$500.00) for a second violation within two (2) years from the date of a prior violation; and

3. A fine not exceeding one thousand dollars (\$1,000.00) for a third violation, or any subsequent violation, within two (2) years from the date of any prior violation(s).

(C) The City Clerk shall post on the City website and make available to the public a list of all Lobbyists who have received notices or paid fines for violating the provisions of this chapter within the previous four (4) years.

(D) Willful, knowing, or intentional violations of the provisions of this Chapter shall be liable in a civil action brought by the Office of the City Attorney. Any violation of the provisions of this chapter may result in civil penalties of up to five thousand dollars \$5,000.00 per violation, or the amount of the compensation received for the Lobbying Activity, whichever is greater.

(E) Three (3) negligent or unintentional violations, or one (1) intentional violation of this Chapter shall result in a prohibition against engaging in Lobbying Activity for compensation. Such debarment will be in effect for two (2) years from the date the City Clerk determines that a violation has occurred or until the Lobbyist has come into compliance with this Chapter, whichever is later.

(F) Violation of this Chapter shall not constitute a criminal misdemeanor.

1.20.070 ENFORCEMENT.

(A) Any person may file a complaint with the City Clerk alleging a violation of this Chapter.

(B) Enforcement protocol.

1. Upon discovering a potential violation of this Chapter, the City Clerk must notify the Lobbyist of the alleged violation and the requirements of this chapter. Persons notified of a potential violation will have thirty (30) days to correct the error or demonstrate to the City Clerk that they have not violated this Chapter.

2. The City Clerk, or their designee, will investigate alleged violations of this Chapter in conjunction with the Office of the City Attorney.

a) The City Clerk has the power to inspect all documents required to be maintained by this Chapter.

b) The City Clerk may issue an order to show cause to any person for violations under this Chapter. Such an order must specify a time and place where such person must appear to provide evidence that he or she has complied with the requirements of this Chapter.

3. The City Clerk shall assess and collect fees and administrative penalties as an Enforcement Officer, in conjunction with the Office of the City Attorney, in compliance with the administrative procedures established by Chapter 1.18 (Administrative Citation) of this Code.

4. Decisions of the City Clerk shall be appealable to a Hearing Officer established by Chapter 1.18 (Administrative Citation) of this Code.

(C) In addition to any other remedies provided in this Chapter or any other law, ordinance, or regulation, and regardless of whether the administrative enforcement process in this chapter has occurred, the Office of the City Attorney may bring a civil action against any person who has violated or is violating any provision of this Chapter. Any person determined by a court to have violated this Chapter may be subject to civil penalties provided in this Chapter and any other relief ordered by the court.

(D) The City Clerk may promulgate rules, regulations, guidelines, and policies to implement and administer the provisions of this Chapter.

a. The City Clerk is authorized to establish policies and procedures necessary for the implementation of the program, including, but not limited to, public outreach, advertising, marketing, training sessions, seminars, and conducting both public and internal City training programs.

b. The City Clerk may collaborate with internal departments and external partners to promote the program's success.

c. The City Clerk is further authorized to make technical amendments to policies, applications, and filing forms as necessary.

d. The City Clerk is also empowered to allocate and expend general fund resources as budgeted and approved by the City Council for the implementation of the program and to perform such other duties as may be necessary to fulfill the purposes of this ordinance.

SECTION 2. CODIFICATION.

Sections 1.20.010 through 1.20.070, inclusive, of this ordinance shall be codified. The remaining sections of this ordinance shall not be codified.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Chapter. Every section, subsection, sentence, clause, or phrase of this Chapter is severable from all

other sections, subsections, sentences, clauses, or phrases.

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect and be in full force and effect November 6, 2025. Before the expiration of fifteen (15) days after the passage of this ordinance, the entire ordinance or a summary of the ordinance shall be published once with the names of the members of the City Council voting for and against the ordinance in a newspaper of general circulation published in the City of Hollister, State of California.

INTRODUCED at a regular City Council meeting on September 15, 2025 and adopted as an ordinance of the City of Hollister at a regular City Council meeting on October 6, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Roxanne Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:
Lozano Smith Attorneys at Law

Jennifer Woodworth, MMC, City Clerk

Mary F. Lerner, City Attorney

I, JENNIFER WOODWORTH, MMC, City Clerk of the City of Hollister, do hereby certify that the attached Ordinance No. 1265 is an original ordinance, or true and correct copy of a City ordinance, duly adopted by the Council of the City of Hollister at a regular meeting of said Council held on October 6, 2025, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Hollister on October 6, 2025.

Jennifer Woodworth, MMC
City Clerk of the City of Hollister