



Item 7a - Staff Memo

Ryan Micik, Chair
Charlotte Hill, Vice Chair
Alea Gage
Arvon J. Perteet
Vincent Steele
Francis Upton IV

Nicolas Heidorn, Executive Director

TO: Public Ethics Commission
FROM: Nicolas Heidorn, Executive Director
DATE: January 3, 2023
RE: LRA Administrative Rules – Training Frequency

In November 2023, the City Council amended the Lobbyist Registration Act (LRA) to, among other changes, require that lobbyists periodically take an online training on the LRA offered by Public Ethics Commission (PEC or Commission). Lobbyists must complete the training within 60 days of the lobbyist's initial registration, and complete additional trainings in the PEC's discretion. This memo, and attached policy, proposes that returning lobbyists be required to take the PEC's training every two years.

Staff recommends that the PEC adopt the attached “Lobbyist Registration Act Administrative Rules,” requiring that lobbyist complete a training on the LRA every two years.

Background

Unlike many other cities that require local lobbyists to register and periodically report on their lobbying activities, until recently Oakland did not require that lobbyist take a training on the LRA's requirements. In August 2023, the PEC recommended that the City Council make a number of changes to the LRA, including adding a requirement that lobbyists periodically attend training sessions offered by the PEC. On November 7, 2023, the City Council unanimously adopted the PEC's proposal.

OMC 3.20.045 now provides:

3.20.045 Lobbyist training.

- A. Each local governmental lobbyist must complete a lobbyist training session offered by the Public Ethics Commission within 60 days of the local governmental lobbyist's initial registration. Thereafter, local governmental lobbyists shall engage in additional training sessions as required by the Public Ethics Commission, at its discretion.
- B. The Public Ethics Commission shall make local governmental lobbyist training sessions available online.
- C. On or before the deadline for completing any required local governmental lobbyist training session, a local governmental lobbyist must file a signed declaration with the Public Ethics Commission stating, under penalty of perjury, that the local governmental lobbyist has completed the required training session.
- D. The Public Ethics Commission may invalidate a registration for failure to comply with this section.

The PEC will be implementing this training requirement for the first time in 2024. The PEC is developing the online training and expects to have it ready in January 2024. To complete their initial registration,

Item 7a - Staff Memo

lobbyists will have to watch the online training video, pass a brief test on its contents, and certify that they have completed the training.

Currently, Oakland’s Municipal Code only requires that lobbyists complete the training after their “initial registration.” The PEC has not yet adopted ongoing training requirements for reregistering lobbyists. As of mid-December 2023, there are 71 registered lobbyists in Oakland, many of whom will likely re-register.

Proposal

Staff proposes that returning lobbyists be required to complete an LRA training session every two years. (Since no lobbyist has yet taken an LRA training, lobbyists who were registered in 2023 and re-register in 2024 would be required to take the training in 2024.) Returning lobbyists who reregister in January would have until March 31 to register; returning lobbyists who reregister at other times would have 60 days to complete the online training. Since most PEC lobbyists reregister in January of each year, the March 31 deadline provides a consistent deadline for the plurality of filers.

Staff believes a two-year time period will ensure lobbyists receive a regular refresher on their obligations under the LRA and remain up to date on any changes to the law or its implementing rules, while not requiring repetitive trainings and minimizing the administrative burden on staff of implementing this requirement. A once-per-two years training frequency also aligns with the ethics training requirement for City employees. Under the Government Ethics Act, city employees that file an annual Form 700 Statement of Economic Interest must take a PEC training on government ethics requirements every two years. (O.M.C. 2.25.080(A).) Similarly, State lobbyists are required to take a training on lobbying rules and ethics every two years, as are local lobbyists in Los Angeles.

Lobbyist Training Requirements for the State and Select Cities

Jurisdiction	Requirement
State	Once per two years
Los Angeles	Once per two years
San Diego	No training requirement
San Jose	No training requirement
San Francisco	Upon initial registration and at the discretion of the Executive Director
Oakland	Upon initial registration and at the discretion of the PEC

PEC Rule Adoption

Under OMC 2.24.020, the PEC’s adoption of “policies, procedures, and regulations for the conduct of its business” must be transmitted to the City Council within seven days of adoption. Within 60 days of adoption, the City Council may, by a two-thirds vote, veto those policies, procedures, and regulations. Staff will submit the proposed policy, if adopted, to the City Council.

Item 7a - Staff Memo

Staff Recommendation

Staff recommends that the Commission adopt the attached “Lobbyist Registration Act Administrative Rules.”

Attachment: Lobbyist Registration Act Administrative Rules