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City of Boston
Municipal Lobbying Compliance Commission

****REVISED NOTICE****

Wednesday, July 17, 2019

4:30 PM

Piemonte Room

Boston City Hall, 5th Floor

Meeting Agenda:

- 1. Approval of 6/26/19 Meeting Minutes*
- 2. Approval of 7/1/19 Meeting Minutes*
- 3. Letter from Foley Hoag*
- 4. Update on Regulations*



CITY OF BOSTON
Municipal Lobbying Compliance Commission

Minutes

Wednesday, June 26, 2019, 4 P.M.
Boston City Hall – Piemonte Room – 5th Floor
One City Hall Square, Boston, MA 02201

Commission Members Present: Sammy Nabulsi, Stephanie Everett, Vivien Li, Christine O’Donnell representing City Council President Andrea Campbell and City Clerk Maureen Feeney

Others Present: Assistant City Clerk Alex Geourntas, Clerk to the Commission

Call to order at 4:10 PM.

City Clerk Maureen Feeney called to order the first meeting of the Municipal Lobbying Compliance Commission and the first order of business was to swear-in each Commission Member.

City Clerk Maureen Feeney administered the oath to each Commission member and distributed copies of the Open Meeting Law, Conflict of Interest Information, What is a “Special Municipal Employee” by the Municipal Advocate provide by the State Ethics Commission and Standards of Conduct.

Next order of business was to elect a Commission Chair and Stephanie Everett nominated Sammy Nabulsi as Chair and it was seconded by Vivien Li. All in favor.

Discussion ensued relative to how Commission meetings are to be conducted in terms of allowing for public input during Commission meetings at a specific time during each meeting, each member’s name should be visible to the public during meetings and Commission members will express opinions and collectively reach decisions. Vivien Li’s suggestions were well taken by Commission members and as Chair, Sammy Nabulsi will work cooperatively with all members during their deliberations. Stephanie Everett agreed with the points made, but expressed some concerns about the public comment period until the Commission establishes criteria and suggested creating a Sign-In Sheet that would be available at each meeting for the public to sign when arriving for the meeting.

There is a sense of urgency, but Commission will make decisions based on data and information provided by City Clerk. The quorum of the Commission shall be three (3).

City Clerk Maureen Feeney presented her Report to the Commission on Lobbying in the City of Boston which is attached.

There are 371 registrations of Lobbyists, Lobbying Entities and Clients since April 16, 2019 and an additional 12 registrations that are either incomplete due to non-payment of fee or waiver requests for non-for-profit organizations.

Sammy Nabulsi inquired about the 12 incomplete registrations and is there outreach to address concerns. City Clerk Maureen Feeney informed the Commission that there has been outreach by staff by direct contact and/or by emails.

City Clerk Maureen Feeney reviewed the reporting statements that will be submitted by Lobbyists, Lobbying Entities and Clients.

Vivien Li expressed concerns about the reporting dates and should reports include items that occurred on July 20th which is the submission date as well?

Stephanie Everett has concerns about responses from the Commission. Would it be Sammy Nabulsi as Commission Chair? Also, Frequently Asked Questions are needed to be placed on the website as public information.

Sammy Nabulsi suggested that creating regulations to address these issues and others is a priority and the Commission will also address “gray areas” in the City Ordinance in a timely manner.

REPORTING DATES:

As a newly constituted Commission, discussion ensued relative to defining the “reporting period dates” and the “report filing dates” that was mentioned earlier in the meeting.

Quarterly Reports by Lobbyists, Lobbying Entities and Clients are due on July 20, 2019.

The Reporting Period is from April 16, 2019 or date of registration through July 1, 2019.

No Reports are to be filed before July 10, 2019.

Subsequent reporting period must include lobbying activities from July 1-20, 2019.

Motion by Sammy Nabulsi to establish defined reporting and filing date periods for Quarterly Reporting and enforced through the Commission, seconded by City Clerk Maureen Feeney. All in favor.

Stephanie Everett discussed the need for Frequently Asked Questions section on the City Clerk’s web pages as a resource for reporting process. Commission members in agreement that some type of FAQ section will be helpful and this will be discussed at next Commission meeting proposed for July 1, 2019.

Suggested Frequently Asked Questions could include:

What is the reporting period?

What are the filing dates?

Who files reports?

How to amend reports?

Should there be separate sections for Lobbyists, Lobbying Entities and Clients?

Commission members discussed a series of meetings to be scheduled due to the various issues that are ongoing and relevant to the first reporting period on July 20, 2019. The suggested meeting dates and times are as follows:

Monday, July 1, 2019 at 10 AM

Suggested Agenda:

July 20, 2019 Reporting Frequently Asked Questions

Non-Profit Fee Waivers

Attorneys and Registration

Timelines for Commission Regulations

Commission members agreed to also schedule a Commission Meeting on **Wednesday, July 17, 2019** and **Wednesday, July 31, 2019** at 4 PM in the Piemonte Room. Public meeting postings will be on city calendar with an agenda update 48 hours prior to the meeting.

Motion to adjourn was offered by Vivien Li and seconded by Stephanie Everett. All in favor.

Meeting adjourned at 6:22 PM.



OFFICE OF THE CITY CLERK

Maureen Feeney, City Clerk

TO: Members of the Municipal Lobbying Compliance Commission

FROM: Maureen Feeney, City Clerk

RE: *Report to the Commission on Lobbying in the City of Boston*

DATE: June 26, 2019

On April 16, 2019, the Lobbyist Registration and Regulation Ordinance took effect requiring all Lobbyists, Lobbying Entities and Clients to register with the city annually and to file quarterly reports throughout the registration year.

Prior to going “live” with the online registration, our office and the IT Team worked tirelessly to create a platform where everyone could go online to register and to pay the filing fee required by the city ordinance. This was a huge undertaking that required many hours of working together to create an online system including testing that would be operational and easy to use. This included meetings with the Division of Lobbying Registration at the Massachusetts Secretary of State’s Office as they are responsible for Lobbyist Registration on the state level. Their input was invaluable as we moved forward to create our process for the city. The reporting criteria at the state level are quite different compared to the requirements of the city ordinance.

Our work also included creating a new section of the City Clerk’s web pages on the city’s website with specific language on the registration process that also allows access to a Lobbying Registration Powerpoint summary of registration requirements and the city ordinance. We worked with the web team to ensure these new additions to our web pages were easy to understand and would guide the user to the registration process.

There have been 371 registrations of Lobbyists, Lobbying Entities and Clients since April 16, 2019. Registration is allowed throughout the year as described by the city ordinance; however, all Lobbyists, Lobbying Entities and Clients will be required to register by December 15, 2019 for registration year 2020. This registration process and payment of fees will occur annually.

There are an additional 12 registrations that are either incomplete due to non-payment of fee or waiver requests that not-for-profit organizations may seek as described by the city ordinance. Each waiver request must be reviewed separately and approved by the City Clerk. These requests are ongoing and other registrations need technical support to complete the process.

The second part of the city ordinance requires quarterly reports from every Lobbyist, Lobbying Entity and Client that has registered with the city. The quarterly reports are due on January 20th, April 20th, July 20th and October 20th.

Our staff has been diligent in creating the reporting documents that will be required to be filed by each Lobbyist, Lobbying Entity and Client. After several iterations, we have created a set of reports that we believe will fulfill the requirements of the city ordinance. The Lobbyist Reporting includes 5 statements that are required under oath and the Lobbying Entity Reporting and Client Reporting include 3 statements that are also required under oath. I have included these reports for your review.

The first reporting deadline is on July 20, 2019 and we continue to work with the IT and Web Teams to create the process to complete and file reports online utilizing IPS where each report would be attached to their respective account utilizing their individual registration number (CCL) that was assigned when creating an online account. We are still working with the IT and Web Teams to finalize the reporting process and begin testing.

The reporting process also necessitates a new section on the City Clerk's web page that will direct Lobbyists, Lobbying Entities and Clients to complete their individual reports and to file them online.

Our office staff reconfiguration is finally in place and we now have the assigned staff that will be responsible for the various aspects of this city ordinance. This is a labor-intensive undertaking for our office as it demands a great deal of time and attention to detail by staff especially for the reporting aspect of this city ordinance. With 383 registrations, that translates into about 1100 quarterly reporting statements filed by Lobbyists, Lobbying Entities and Clients that must be reviewed by staff responsible for processing this workload to ensure reporting accuracy.

After the initiation of the registration process, one of the most challenging issues relative to the city ordinance is in fact the not-for-profit waiver requests. There is still a great deal of ambiguity around the question, "do I need to register as a Lobbyist?" As an example, many attorneys are unsure if they need to register as they represent clients when they appear at various Boards, Commissions and public hearings. Under Lobbying or Lobbying activities that shall not be included, see item "g" of the city ordinance.

In seeking counsel, we have been advised that our role was to implement the ordinance not interpret it. Our inability to interpret the law has been frustrating because we are unable to respond to various inquiries presented to our office.

It is our hope that formalizing of this Compliance Commission will answer many of these questions and others as they relate to Lobbying.



CITY OF BOSTON

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MEETING MINUTES

Municipal Lobbying Compliance Commission

MEETING DATE: *July 1, 2019*

MEETING LOCATION: *Boston City Hall, 5th Floor, Piemonte Room*

MEETING TIME: *10:00AM (start 10:08AM, end 12:00PM)*

SUBJECT: **Municipal Lobbying**

MEMBERS PRESENT: *Andrea J. Campbell, City Council President; Stephanie Everett; Maureen Feeney, City Clerk; Vivien Li and Sammy Nabulsi, Chair.*

Issues Discussed

Chairman Nabulsi convened the meeting and the Commission discussed frequently asked questions (“FAQs”) for the July 20th 2019 reporting period. Chairman Nabulsi explained that there is a lack of clarity regarding the date of lobbying activity that needs to be included in each reporting period. Chairman Nabulsi asked about the status of emailing the registered lobbyists concerning the reporting requirements and whether the information is on the City Clerk’s website. The Clerk explained that the Clerk’s Office will send reminders by email to the lobbyists concerning the reporting requirements and that the information will be on the website. The Commission reviewed the reporting guidelines and the filing dates. The Commission reviewed the forms for the quarterly statements and reporting requirements. The Clerk suggested that the cut-off date for the reporting period be the last day of the month and proposed that the Commission amend the cut-off date for the July 20, 2019 reporting period from July 1, 2019 to June 30, 2019. The Chair moved to amend the July 20, 2019 reporting period to include activity from April 16, 2019 to June 30, 2019 and the Commission adopted the motion. Moving forward the reporting period will fall on the last day of the month. The Commission discussed access to FAQs.

The Commission discussed the non-profit fee waivers, not for profit entities, and exclusive representation. Chairman Nabulsi asked how not for profit status is determined. The Clerk explained that the entity provides a copy of their 501 (c) (3) and Articles of Organization. The Commission discussed whether the not for profit fee waiver extends to employees and if the waiver is granted to the entity does the waiver also extend to the lobbyist. The Commission discussed the waiver provision in the ordinance and the Clerk’s discretionary power. The Commission recognized that there is no threshold language in the ordinance regarding waivers or who qualifies for waivers. Commission members discussed the need for regulations to establish criteria and standards for waiver qualifications and determining exclusivity.

The Commission discussed attorneys and registration requirements. The Commission discussed the extent of the attorney exemption and the fact that the exemption is limited under the terms of the ordinance. The Commission discussed required activities such as meetings, site visits, and inspections and when such activities become lobbying activities. Commissioner Everett suggested making a list of issues that may need ordinance attention. The Commission discussed the timeline for regulations. Chairman Nabulsi stated that the Commission should check with the City’s Law Department regarding draft regulations. The Commission discussed that the City Clerk’s Office will set up a dedicated email for questions. The Commission will hold meetings on July 17th and July 31st. The motion to adjourn was adopted.