

## What is lobbying in Laredo, Texas?

Are you required to register as a lobbyist and report your lobbying activities?<sup>1</sup>

The City of Laredo Code of Ordinances requires individuals and organizations who lobby in Laredo to register with the city and file activity reports if they meet certain requirements.

In Laredo, a lobbyist is a person who:

- Communicates orally or in writing with a city official,
- to influence or persuade the city official to favor or oppose, recommend or not recommend, vote for or against, or to take action or refrain from taking action,
- on a city question

If an agent or employee engages in lobbying for a principal or employer, both the agent and the principal, or the employee and the employer, are considered lobbyists according to the Code.

Lobbying does not include a communication:

- (a) made by a public official or employee acting in an official capacity
- (b) made by a representative of a media organization if it is to disseminate news and public information
- (c) made in a speech, article, publication or other material that is distributed to the public, or via radio, television, or other medium of mass communication
  - a. made in an open public meeting, including written comments or communications made on the record in a public meeting
- (d) made in writing as a petition for official action (which is a public record)
- (e) made in writing to provide information in response to an oral or written request by a city official
- (f) which is required to be made by law
- (g) made as public communications after a solicitation for comments by the city
- (h) made on behalf of an individual with regard to that individual's employment or benefits
- (i) made by an expert witness at an official proceeding; or
- (j) made by a person solely on behalf of him/herself, their spouse or minor children.

CITY OFFICIAL means:

- the mayor;
- a council member;
- municipal court judges and assistant municipal court judges;
- the city manager, deputy city manager, and assistant city managers;
- the city secretary;

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- department directors and assistant department directors;
- the internal auditor and assistant internal auditor;
- the city finance director; or
- a member of any of the following boards and commissions:
  - firefighter's and police official's civil service commission
  - ethics commission
  - civil service commission
  - parks and leisure advisory committee
  - third party funding committee
  - charter review commission
  - civil service commission
  - historical district landmark board, or
  - any decision-making board.

CITY QUESTION means an issue pending or that could become pending before city council or any board or commission including but not limited to proposed action, or proposals for action including:

- (a) ordinances,
- (b) resolutions,
- (c) motions,
- (d) recommendations,
- (e) reports,
- (f) regulations,
- (g) policies,
- (h) nominations,
- (i) appointments,
- (j) sanctions,
- (k) bids, or
- (l) adoption of specifications, awards, grants or contracts.

The definition of "city question" as it applies to lobbyists does not include:

- (i) the day-to-day application, administration, or execution of city programs, policies, ordinances, resolutions or practices; and
- (ii) matters that may be approved administratively without consideration by a board, a commission, or the city council.

Practically, this exception narrows the application of city question to those items on which a board/commission or city council would actually vote. Calling to discuss an ongoing project or program within the city, or to discuss questions about how city ordinances may be applied, are not considered city questions which would trigger lobby registration.

## Registration Requirements

A person or entity who engages in lobbying must register with the city secretary if the person/entity:

- (1) engages in lobbying activities on behalf of clients for compensation; or
- (2) expends monies for lobbying activities.

The City [exempts from registration](#) certain individuals and groups, including:

- Individuals who do not receive **compensation** or **expend** money for lobbying on behalf of a client;
- Licensed attorneys who perform acts that may be performed only by licensed attorneys (i.e. legal representation of clients);
- Nonprofit organizations whose only lobbying expenses relate to encouraging constituents or members to communicate with city officials (e.g. groups that do not directly lobby themselves but instead motivate others to speak out about municipal questions);
- Media outlets, unless they are seeking to influence a municipal question in which the media had an economic interest;
- Employees/agents of lobbying firms so long as their lobbying activities are registered and reported by their lobbying firm; and
- Those who did not know or have reason to know that there was a municipal question pending when they contacted a city official.

## Examples for Nonprofits in Practice

Some common nonprofit organization activities could trigger lobbyist registration, such as:

- Advocacy campaigns on local issues which involve an employee of the nonprofit sending messages directly to city staff or city officials urging action on a pressing issue. This activity is considered lobbying because it is a direct communication to a city official or city employee that recommends action on a municipal question. Note that this type of action would be considered lobbying even if the issue was not currently pending before city council or on the agenda for action because the definition of municipal question is sufficiently broad that it covers anything that is or could be taken up for a vote at the city level.

- Setting up meetings with city staff to discuss the nonprofit's issues and concerns and asking the city to take a certain action on those issues. However, if you do not make a recommendation or request for action on your issues at this meeting, it is not considered lobbying.

## Entity Lobby Registration

If your organization has one or more employees that are subject to lobby registration requirements you can either:

1. [Register the entity itself](#), pay the appropriate entity fees (see Lobbyist Registration Costs below) and report all activity from employee lobbyists or
2. Have each employee register and report individually themselves.

The advantage of entity registration is realized when an entity employs multiple lobbyists. All reportable activity of the entity's lobbyists is then consolidated within one combined report each time a report is due. Liability for any mistakes on a report will fall on the entity as a whole rather than on any individual.

Individual reporting allows the entity to avoid liability for errors on reports, but it also places responsibility on the individual lobbyists and requires that they detail their lobbying activities on mandatory lobbying reports.

## Lobbyist registration costs

Annual Lobby Registration Fee: \$300.

Annual Lobby Registration Fee for an organization making the entity registration election: \$300 for each lobby employee, up to a maximum of \$1,200.

## Timeline to Register

If you are either compensated to lobby or make expenditures to lobby and are required to register as a lobbyist, you must register [within forty five \(45\) working days](#) after beginning lobbying activity for a client.

## Quarterly Activity Reporting

Each registrant is required to file a quarterly [activity report](#) detailing lobbying activity for the previous quarter. These reports must be filed between the first and fifteenth days in April, July, October, and January. If a registrant did not engage in any reportable activity in a reporting period and has no other changes to report, an activity report is not required to be filed.

These reports should include information on each of the registrant's clients, each issue worked on, a list of city officials contacted, and information about a registrant's lobbying activity. This includes any exchange of money, goods, or services totaling more than \$1,000 with any business entity in which the lobbyist knows or should know that a city official has an economic interest. Registrants must also preserve all records that corroborate lobbying activity for five years from the date of filing the quarterly report that includes those lobbying activities.

## Miscellaneous Lobbyist Requirements

A lobbyist must orally [identify himself](#) and the client he represents when:

1. The lobbyist speaks at a public meeting of city council or a city board/commission, and
2. In any oral communication with a city official (i.e. on the phone)

Lobbyists must also identify themselves, their clients, and their status as a lobbyist in writing on sign-in sheets and in any written lobbying contact with a city official.

## Restrictions

### Gifts

No lobbyist may give [more than \\$50 in gifts](#) per year to a city official/employee or the official/employee's immediate family. Any expenditure over \$50 per city official per day triggers detailed reporting requirements.

Not included as "gifts":

- Items with nominal value
- Meals of \$50 or less at any occurrence and no more than \$500 in the aggregate per year.

### False Statements

Lobbyists may not make any false or misleading statement of fact to any city official or provide misleading documents to city officials. Lobbyists have thirty (30) days to correct any erroneous statements on lobby registration forms or activity reports upon learning of the false statement. Additionally, lobbyists are prohibited from using false identification when communicating with city officials.

### Improper Influence

Lobbyists may not cause or influence the introduction of any ordinance, resolution, appeal, application, petition, nomination or amendment if the purpose is to then secure employment as a lobbyist to secure its passage or defeat.

For example, a lobbyist who wants a lucrative lobby contract from a scooter company may not convince a city council member to introduce an ordinance which sets heavy regulations on scooters in the city in order to then get hired by the company to work to defeat the proposed ordinance.

### City Contracting

Lobbyists are prohibited from lobbying city officials and employees regarding a contract with the city after a request for proposals, request for qualifications, or other solicitation for bids has been released. The no-contact time period ends when the contract is posted as a city council agenda item.

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