



LOBBYIST REGULATION GUIDE

City of Aurora

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Letter of Introduction

This packet provides general information on Aurora's lobbyist regulations. Reliance solely on this document is not advised. Ultimately, lobbyists are responsible for compliance with the City Code.

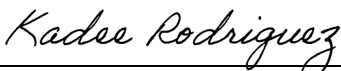
Please be aware that the City Clerk and the City Attorney's Office do not represent the interest of individual lobbyists, but of the City generally, and are unable to offer legal advice to individual lobbyists or clients. Lobbyists and their representatives are strongly encouraged to consult private legal counsel if they have questions on complying with the Aurora City Code.

Many questions that are not specifically covered in this packet can be found using online resources. Please do not hesitate to contact the City Clerk's Office with any additional questions you may have.

Online Resources:

Website - https://www.auroragov.org/city_hall/departments/city_clerk/lobbyist_registration

City Code - https://aurora.municipal.codes/Code/2_ArtIX



Kadee Rodriguez, City Clerk

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GENERAL OVERVIEW

LOBBYIST REGULATION

General Overview

Lobbying Defined

Lobbying occurs when a lobbyist communicates with a covered official for the purpose of influencing official action. Communication with the covered official can be direct or indirect and the method can vary. The crucial element is that the communication is made with the intent to influence the covered official.

"Lobbying" excludes communications by persons who are not otherwise registered as lobbyists and who:

1. Limit their activities to appearances for the purpose of giving testimony or providing information to the city council or a committee thereof, or a city board or commission at a public hearing or meeting; or
2. Give testimony or provide information at the request of public officials or employees and who clearly identify themselves and the interest for whom they are testifying or providing information.

Lobbyist Defined

A lobbyist is any individual who is self-employed or is employed/retained by another person or organization for the purpose of engaging in lobbying or whose scope of work requires them to lobby from time to time.

"Lobbyist" does not include:

1. Any elected official, any city official, any person duly appointed to a city board, commission or other such body, or any city employee acting in their official capacity.
2. An attorney representing a client or self in a pending or imminent publicly noticed judicial or quasi-judicial proceeding; however, the attorney must register as a lobbyist before engaging in an ex-parte communication regarding such a proceeding or its settlement.

'Covered Official' Defined

- a. The mayor and members of the city council;
- b. The city manager and any deputy or assistant city manager;
- c. The director of any city department or agency, and any deputy or assistant director, or division manager;
- d. The chief of police, the fire chief, and any deputy or division chief of the police or fire department;
- e. The city attorney and any deputy city attorney;
- f. The appointed members of the Board of Adjustment and Appeals, the Building Code and Contractors Appeals and Standards Board, the Planning and Zoning Commission, and the Civil Service Commission;
- g. The court administrator and the presiding judge; and
- h. Any candidate who has been elected to office but not yet sworn in. For purposes of this definition, a candidate is considered elected to office on the date the city council adopts its resolution declaring the results of the election.

'Official Action' Defined

- a. Any legislative matter, including the drafting, introduction or sponsorship of any ordinance, resolution, amendment, motion, or other matter, whether or not in writing, pending or proposed for consideration by the city council or a committee thereof;
- b. Any development application, including the review, recommendation for or against, approval, denial, administration, or enforcement of any permit, site plan, rezoning, variance, or other action that would change the character or appearance of real property and any improvements thereon;
- c. Any contract to which the city, or any agency or instrumentality thereof, is a party, including the review, recommendation for or against, approval, denial, administration, or enforcement of any such contract, purchase order, lease, concession, franchise, grant, or other obligation; or
- d. The review, issuance, denial, administration, or enforcement of any permit or license for which the City is the issuing authority.



REPORTING REQUIREMENTS

LOBBYIST REGULATION

Reporting Requirements

Who is required to report?

All lobbyists and any person communicating directly, or soliciting others to communicate, with a covered official for the purpose of influence or to persuade the covered official must file disclosure reports detailing their lobbying activities.

Whenever engaged in lobbying activities, attorneys must follow all of the rules set forth in Chapter 2, Article IV of the City Code and may not use the attorney-client privilege as a defense to the registration requirement.

Exceptions

The provisions of Article IX of the City Code do not apply to:¹

1. Any newspaper or other regularly published periodical, radio or television station, including any individual who owns, publishes or is employed by any such newspaper, periodical, radio or television station, which, in the ordinary course of business, publishes news items, editorials or other comments or paid advertisements which directly or indirectly urge action upon any official action, if such newspaper, periodical, radio or television station or individual engages in no further or other activities in connection with action upon such official action.
2. Any individual communicating and/or appearing on his own behalf, or appearing without compensation or consideration on behalf of an ad hoc committee, with respect to any official action, whether in support thereof or in opposition thereto, and pursuant to a procedure mandated by state or federal law, or local ordinance or rule or regulation.
3. Any communication concerning the establishment, amendment, administration, implementation, or interpretation of a collective bargaining agreement between the city and a recognized employee organization.
4. Any communication concerning management decisions regarding the working conditions of represented employees that clearly relate to the terms of collective bargaining agreements.

¹ ACC Sec. 2-956

Registration

A lobbyist must register *before* engaging in any lobbying activities. Failure to do so may result in fines or other penalties.²

Annual Registration

Lobbyists must file an annual registration by January 15th for every succeeding year where they intend to lobby covered officials. The Certificate of Registration is valid until January 15th of the following year, when the annual registration is due.

Preemptive Registration

Lobbyists can register at any time during the year in advance of lobbying activities. The Certificate of Registration is valid until January 15th of the following year, when the annual registration is due.

Amending Registration

Lobbyists must submit an amended registration within 5 business days from the date of any information changes on their original registration, including adding or dropping an existing client.

Terminating Registration

A lobbyist may terminate registration by filing an amended registration.

Required Registration Information

1. The lobbyist's full name, lobbyist's employer, business mailing and email address, and business telephone number;
2. The name, business mailing and email address, and business telephone number of each client:
 - a. Who reimburses, retains or contracts with the lobbyist to lobby on any official action;
 - b. On whose behalf the lobbyist lobbies on any official action; and
 - c. By whom the lobbyist is paid or to be paid for such lobbying.
3. The matters of official action on which the lobbyist lobbies; and
4. The name of any covered official with whom the lobbyist has any familial relationship or is engaged in any business or employment relationship.

² ACC Sec. 2-953

Financial Reports

Reporting Schedule

Financial reports are required to be filed with the City Clerk by the due dates listed in the schedule below in which the lobbyist receives any income or makes any expenditures for lobbying. Quarterly financial reports are due even if no lobbying activity took place.³

Due Date	Report	Inclusive Dates
April 15 th	First Quarter Report	January 1 st – March 31 st
July 15 th	Second Quarter Report	April 1 st – June 30 th
October 15 th	Third Quarter Report	July 1 st – September 30 th
January 15 th	Fourth Quarter Report	October 1 st – December 31 st

Required Information

1. Gross Income - The name of and total gross income for lobbying received from each client or other for whom the lobbyist lobbied during the previous quarter.
2. Statement of Expenditures
 - a. Itemized list and estimated value of any gift, entertainment, or direct expenditure equal to or in excess of \$89.00 to, on behalf of, or benefiting the covered official for lobbying purposes (monies, tickets, gratuities, expressed agreements, etc.)
 - b. Name of the client or employer on whose behalf money is expended
 - c. Name and title of the covered official lobbied
 - d. Date lobbied and the official action on which the covered official was lobbied

³ ACC Sec. 2-954



PROHIBITED PRACTICES & COMPLAINTS

LOBBYIST REGULATION

Prohibited Practices

Noncompliance with any aspect of the [A.C.C Article IX Regulation of Lobbyists](#) may require the City Clerk to deny a certificate or registration. The City Clerk may impose a fine or bar or suspend a certified registration.

Complaint Form

The [Lobbyist Disclosure Complaint Form](#) serves as a sworn complaint alleging a violation has occurred. The complaint must specifically identify one or more 'Respondents' and allege sufficient facts to support a factual and legal basis.

Prohibited Practices

No person engaged in lobbying shall:⁴

1. Do so without first registering;
2. Make any agreement under which any consideration is to be given, transferred, or paid to any covered official contingent upon the passage or defeat of any legislation or the decision to take or refrain from taking any other official action;
3. Attempt to influence any covered official by means of deceit or by threat of violence or economic or political reprisal against or political or personal advantage to any person or property, with intent thereby to alter or affect such covered official's decision, vote, or opinion concerning any official action which is to be considered or performed by him or her or the agency or body of which he or she is a member;
4. Knowingly provide false information to any covered official as to any material fact pertaining to any official action which is to be considered or performed by him or her or the agency or body of which he or she is a member;
5. Knowingly file any document provided for in this article which contains any materially false statement or material omission;
6. Conceal from a covered official the identity of the person or entity for whom the lobbyist is lobbying; or
7. Attempt to evade the obligations in this article through indirect efforts or through the use of agents, associates, or employees.

⁴ ACC Sec. 2-959

Rules & Regulations

Rules and Regulations were approved by Resolution 2022-03 to define, interpret, implement and enforce the provisions of the City Code pertaining to Regulation of Lobbyists.

The Rules and Regulations outline the:

- Process for submitting a sworn complaint
- Initial investigation and determination process
- Public hearing or written brief process
- Possible penalties and fees for violations

Late Filing Fee Schedule

Registration statements and quarterly financial reports

- The first three days a statement or report is not filed by the due date - \$50 per day
- After the first three days until the statement or report is filed - \$100 per day
- After 30 days of demand – Referred to a hearing officer

Sanctions

Each violation of Article IX, with the exception of late filings, constitutes a separate and distinct civil offense to which a separate penalty or fine may apply.⁵

The sanctions for a violations can be one or more of the sanctions stated below:

1. Written warning to the individual or organization that committed the violation.
2. Revocation or suspension of the certificate of registration issued for a maximum period of 12 months.
3. A bar on the individual or organization from registration for a maximum period of 12 months.
4. A fine of \$125.00 per violation, not to exceed \$2,500 per total charge.

⁵ ACC Sec. 2-961

Definitions

Certificate of Registration

Upon filing of a registration statement in accordance with the requirements of this section, the City Clerk shall issue a certificate of registration to the lobbyist.

Communication

A transmittal of information, data, ideas, opinions, or anything of similar nature, by oral, written, or any other means to a covered official.

Expenditure

A payment, distribution, loan, advance, deposit, or gift of money or anything of value directly connected to the purpose of lobbying, including any contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

Lobbying

Communicating directly, or soliciting others to communicate, with a covered official for the purpose of aiding in or influencing the covered official to favor or oppose, recommend or not recommend, vote for or against, or to take or refrain from taking any official action.

Lobbyist

Any individual, including an attorney, who is self-employed or is employed or otherwise retained by any other person or organization, no matter the organization's legal or IRS designation:

- (a) For the purpose of engaging in lobbying; or
- (b) Whose scope of work requires him or her to lobby from time to time.