



AMERICAN COUNCIL OF ENGINEERING COMPANIES
OF MASSACHUSETTS

The Voice of the Engineering Business Community

Advancing the Business of Engineering



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Government Affairs Mission

ACEC and ACEC/MA seeks to create a favorable business environment for the engineering industry through the passage of legislation and regulatory reform.

City of Boston Lobbying Registration and Reporting Overview and Requirements

Website: <https://www.boston.gov/departments/city-clerk/lobbying-city-boston>

In effect as of 4/16/2019, City Ordinance (Chapter 2-15.1)
[\[https://www.boston.gov/sites/default/files/lobbying-ordinance-2019.pdf\]](https://www.boston.gov/sites/default/files/lobbying-ordinance-2019.pdf)

Enacted to promote transparency in government by requiring registration and disclosure of lobbying activities

This Requires you to register with the City Clerk's Office each year if you are a:

- lobbyist
- lobbyist entity, or
- lobbying client.
- You also must file disclosure statements four times each calendar year.

Covered and Exempted Practices

Under the Ordinance, lobbying *includes* any attempt to influence:

- Legislative action by City Council: introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval or veto or other action or non-action on any ordinance, resolution, motion, order appointment, application, or other matter.
- Administrative action by Mayor to support, oppose, approve, disapprove any local legislation or resolution.
- Decisions or administrative actions by a city employee on procurement, including the preparation of contract specifications, or the solicitation, award, or administration of a contract.
- Decisions on approval, denial, or postponement of a decision concerning the development of real property or zoning, including zoning approval.
- Any legislative or administrative action regarding adoption, defeat or postponement of a standard, rate, rule or regulation, promulgated pursuant to any local or special law; the adoption or rejection of a policy position.

Actions also *excluded* from lobbying, including:

- A request for a meeting or a request for the status of an action.
- Participation in an advisory committee or task force.
- Written responses in response to a written request for specific information by a city employee.
- An act required by subpoena, civil investigative demand, or otherwise compelled by law.
- Communications made with regard to the status of a judicial proceeding, criminal or law enforcement inquiry, investigation or proceeding.
- An act made in compliance with written board or agency procedures regarding an adjudicatory proceeding or evidentiary proceedings conducted by any department, board, commission or employee.
- Attorneys, **consultants**, or advocates representing a client solely in an appearance at a publicly noticed meeting of a city board or commission.

More actions *excluded* from lobbying include:

- A petition for action by the city made in writing and required to be a matter of public record pursuant to established procedures.
- Any act done in furtherance or obtaining a non-discretionary city approval, such as applying for a permit or license.
- A response to a request for proposals or similar public invitation, provided, however, that any communication with a city employee seeking to encourage the city to procure a particular item or service, or to consider a particular vendor is not subject to the exception.
- Participation in a bid conference.
- An appeal or request for review of a procurement decision.
- Persons who participate as witnesses, attorneys, or other representatives in public rule making or rate making proceedings.

Registration Requirements: (in 2019)

- Lobbyists must register within 10 days of being retained, employed, or designated by any client or lobbying entity (with or without compensation) to engage in lobbying activity.
 - A lobbyist is every person retained, employed, or with or without compensation to engage in lobbying activity.
 - A lobbyist does not include any uncompensated volunteer of a not-for-profit entity who seeks to influence legislative or administrative action solely on behalf of that entity, thus permitting grassroots lobbying by non-profit organizations.
 - There is no *de minimis* exception like in the state requirements.
- A client or lobbying entity must register within 10 days of qualifying as such.
- Annual renewal by December 15 each year.
- Annual registration fee of \$300 for every lobbying entity and \$150 for every client and lobbyist.

Reporting Requirements: (in 2019)

- The reporting requirements are very similar to state law, but required on a quarterly instead of a semi-annual basis.
- Quarterly reports (due January 20, April 20, July 20 and October 20) must list all actions on which the lobbyist worked including the lobbyist's position on the matter, compensation, expenditures, and campaign contributions.
- Failure to report results in a \$50 a day fine for the first twenty days, and then a \$100 dollar a day fine for every day after the twentieth day.

Implementation: (in 2019)

- The Ordinance became effective April 16, 2019. Online lobbying registration can now be **found here**.
 - <https://www.boston.gov/departments/city-clerk/lobbying-city-boston>
- The Office of the City Clerk is responsible for implementation and administration of the of the Ordinance.
- The Ordinance also establishes a Municipal Lobbying Compliance Commission, which is authorized to promulgate regulations with respect to the ordinance.
 - Commission members are appointed by the Mayor after a public hearing by the City Council.
- The Commission is also charged with enforcing compliance with the ordinance.

Key Differences from State Lobbying Law: (in 2019)

The Ordinance differs from the state law in several key respects:

1. The Ordinance does not include a *de minimis* exception to the lobbyist reporting requirements. Under the state law, there is minimum of either “hours worked” or “compensation received” that a lobbyist must meet in the reporting period in order to incur reporting obligations. *No such exception exists in the Ordinance.*
2. The Ordinance *does not* exempt uncompensated lobbying from the reporting requirements. However, it does exclude uncompensated volunteers of a not-for-profit entity, effectively permitting grassroots lobbying by non-profit organizations.
3. The Ordinance requires *quarterly* reporting, compared to semi-annual reporting required under the state law.
4. The Ordinance includes in the definition of lobbying an attorney representing a client in a contract negotiation with the city over a procurement.

ACEC/MA Comments on:

<https://files.engineers.org/file/2019-9-6-ACECMA-Letter-BostonLobbyingOrdinance-003-September-2019.pdf>

- Ordinance, as currently written, create unintended consequences and uncertainty that would result in the need for thousands of design professionals to register as lobbyists as the result of providing technical professional work
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- Design Professionals: architects, engineers, landscape architects, land surveyors, scientists, geologists, licensed site professionals and planners (“Design Professionals”) - may be required to register as lobbyists for participating in meetings in which their role is to provide factual information and technical analysis.
- The Ordinance should be modified so it will not discourage these technical experts from participating in meetings and so that city officials will not lose the benefit of this technical expertise.



What You Can Do

Find my election information

Massachusetts

<http://www.sec.state.ma.us/wheredoivotema/bal/myelectioninfo.aspx>

Boston Residents: City Councilors

<https://www.boston.gov/departments/city-council/who-my-boston-city-councilor>

<https://www.boston.gov/departments/city-council/who-my-boston-city-councilor#map--245761>

What You Can Do To Help:

- **Boston Voters:** Email agoodman@engineers.org with the neighborhood city council district where you live for grassroots efforts.
- **Register to Vote**
- **VOTE—in every election**
- **Legislative Alerts – Contact your legislators (or city councilors!)**
- **May: Engineers & Land Surveyors Day at the State House**
- **Visit your elected officials**
- **Contribute to candidates**

What Else Can You Do To Help?

- **Serve on an appointed board or commission – municipal or state**
- **Run for Office**

More info:

[https://www.acecma.org/about/news/
boston-lobbying-ordinance-update-
2657](https://www.acecma.org/about/news/boston-lobbying-ordinance-update-2657)

Questions?