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**Chapter 2.39**  
**CODE OF ETHICS FOR LOBBYISTS**

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**2.39.010 Definitions.**

When used in this part, unless the context other requires:

"Administrative action" means any action or non-action of any executive agency of the city with respect to the proposal, drafting, development, consideration, amendment, adoption or repeal of any rule, or regulation, and any action or non-action of any executive agency regarding a contract, grant, award, purchasing agreement, loan, bond certificate, license, permit, abatement of part or all of personal property or real property taxes, any payment in lieu of taxes agreement or any other matter which is within the official jurisdiction or cognizance of such an agency.

"Business organization" means a sole proprietorship, corporation, limited liability company, association, firm or partnership, other than a client lobbyist, which is owned by, or employs one or more individual lobbyists.

"Candidates for public office" means any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, or who has raised or expended money in furtherance of such candidacy, or who has been nominated for appointment to serve as a public official; but shall not include a candidate for the office of senator or representative in the United States Congress or the State of Connecticut Legislature.

"Commission" means the city's commission on ethics established by Section 2.38.040 A through C.

"Compensation" means any value received or to be received by a person acting as a lobbyist, whether in the form of a fee, salary or forbearance.

"Employee" means any employee of the city including any teacher, whether or not in the classified service, except: elected officials; boards, agency and commission members; department heads; members of the city's unclassified service; and persons appointed pursuant to Section 24(b) or 27.1 of the city Charter.

"Executive agency" means a commission, board, agency, or other body or official in the executive branches of the city government and any independent body of the city government that is not a part of the legislative branch.

"Expenditure" means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, unless expressly excluded; any payments for telephone, mailing, postage, printing and other clerical or office services and materials; any paid communications, costing fifty dollars (\$50.00) or more in any calendar year, disseminated by means of any printing, broadcasting or other medium, provided such communications refer to pending administrative or legislative action; any contract, agreement, promise or other obligation; any solicitation or solicitations, costing fifty dollars (\$50.00) or more in the aggregate for any calendar year, of other persons to communicate with a public official or city employee for the purpose of influencing any legislative or administrative act and any pledge, subscription of money or anything of use. "Expenditure" shall not include the payment of a registrant's fee, any expenditure made by any club, committee, partnership, organization, business, union, association or corporation for the purpose of publishing a newsletter or other release to its members, shareholders or employees, or contributions, membership dues or other fees paid to associations, non-stock corporations or tax-exempt organizations under Section 501(c) of the Internal Revenue Code of 1954, as from time to time amended.

"Gift" means a payment, a subscription, advance, forbearance, rendering of services, deposit of money or anything of value unless consideration of equal or greater value is received. A gift shall not include a political contribution otherwise reported as required by law; services provided without compensation by persons volunteering their time, a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business; a gift received from an individual's spouse or parent, brother or sister of such spouse, or such individual's child or spouse of such child; or food or beverage or both, consumed on a single occasions, the cost of which is less than fifty dollars (\$50.00) per person.

"Immediate family" means any spouse, dependent children or dependent relatives who reside in the individual's household.

"Individual" means a natural person.

"Legislative action" means introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto, overriding of a veto or any other official action or non-action with regard to any ordinance, resolution, amendment, nomination, appointment, report, or any other matter pending or proposed in a committee of the city council, or any matter which is within the official jurisdiction or cognizance of the city council.

"Lobbying" means communicating directly or soliciting others to communicate with any official or a member of his staff in the legislative or executive branch of government for the purpose of influencing any legislative or administrative action except that the term "lobbying" does not include (1) communications by or on behalf of a party to, or an intervenor in, a contested case before an executive agency, (2) communications by a representative of a vendor or by an employee of the registered client lobbyist which representative or employee acts as a salesperson and does not otherwise engage in lobbying regarding any administrative action, (3) communications by an attorney

made while engaging in the practice of law and regarding any matter other than legislative action as defined in this section or the proposal, drafting, development, consideration, amendment, adoption or repeal of any rule or regulations, or (4) other communications exempted by regulations adopted by the commission.

"Lobbyist" means a person who in lobbying and in furtherance of lobbying makes or agrees to make expenditures, or receives or agrees to receive compensation, reimbursement or both, and such compensation, reimbursement or expenditures are five hundred dollars (\$500.00) or more in any calendar year or the combined amount thereof is five hundred dollars (\$500.00) or more in any such calendar year. Lobbyist shall not include:

- (1) A publisher, owner or an employee of the press, radio, or television while disseminating news or editorial comment to the general public in the ordinary course of business;
- (2) An individual representing himself or another person before the legislature or a city agency other than for the purpose of influencing legislative or administrative action;
- (3) Any individual or employee who receives no compensation or reimbursement specifically for lobbying and who limits his activities solely to formal appearances to give testimony before public hearings or sessions of the city council, its committees or public hearings of city agencies and who, if he testifies, registers his appearance in the records of such committees or agencies;
- (4) A member of an advisory board acting within the scope of his appointment;
- (5) A senator or representative in Congress or the State Legislature acting within the scope of his office;
- (6) Any person who receives no compensation or reimbursement specifically for lobbying and who spends no more than five hours in furtherance of lobbying unless such person (a) exclusive of salary, receives compensation or makes expenditures, or both, of five hundred dollars (\$500.00) or more in any calendar year for lobbying or the combined amount thereof is five hundred dollars (\$500.00) or more in any such calendar year or (b) expends fifty dollars (\$50.00) or more for the benefit of a public official in the legislative or executive branch, a member of his staff or immediate family;
- (7) A communicator lobbyist who receives or agrees to receive compensation, reimbursement, or both, the aggregate amount of which is less than five hundred dollars (\$500.00) from each client in any calendar year.

"Client lobbyist" means a lobbyist on behalf of whom lobbying takes place and who makes expenditures for lobbying and in furtherance of lobbying.

"Communicator lobbyist" means a lobbyist who communicates directly or solicits others to communicate with an official or his staff in the legislative or executive branch of government or in a quasi-public agency for the purpose of influencing legislative or administrative action.

"Member of an advisory board" means any person appointed by a public official as an adviser or consultant or member of a committee, commission or council established to advise, recommend or consult with a public official or branch of government or committee thereof and who receives no public funds other than per diem payments or reimbursement for his actual and necessary expenses incurred in the performance of his official duties and who has no authority to expend any public funds or to exercise the power of the city.

"Official" means any elected officer in the executive or legislative branch of city government; any member of any city agency, board or commission; any department head; and any person appointed to any office in the city government by the mayor, by any other elected official or officer or by any agency, board or commission with or without the consent of the city council, and who is not categorized an "employee" as that term is defined in this section.

"Person" means business, individual, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.

"Political contribution" has the same meaning as in Section 9-333b except that for purposes of this part, the provisions of subsection (b) of that section shall not apply.

"Registrant" means a person who is required to register pursuant to this chapter.

"Reimbursement" means any money or thing of value received or to be received in the form of payment for expenses as a lobbyist, not including compensation.

(Ord. dated 9/17/02)

### **2.39.020 Lobbyist registration with the commission.**

A lobbyist shall register with the commission pursuant to this part if it or he:

1. Receives or agrees to receive compensation or reimbursement for actual expenses, or both, in a combined amount of five hundred dollars (\$500.00) or more in a calendar year for lobbying, whether that receipt of compensation or reimbursement or agreement to receive such compensation or reimbursement is solely for lobbying or the lobbying is incidental to that person's regular employment; or
2. Makes or incurs an obligation to make expenditures of five hundred dollars (\$500.00) or more in a calendar year for lobbying.

(Ord. dated 9/17/02)

### **2.39.030 Registration procedures– Fees.**

A. Each registrant shall file every two years with the commission on a registration form signed under penalty of false statement on or before January fifteenth of odd numbered years or prior to the commencement of lobbying whichever is later. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form. Such registration shall be on a form prescribed by the commission and shall include:

1. If the registrant is an individual, the registrant's name, permanent address and temporary address while lobbying and the name, address and nature of business of any person who compensates or reimburses, or agrees to compensate or reimburse the registrant and the terms of the compensation, reimbursement or agreement, but shall not include the compensation paid to an employee for his involvement in activities other than lobbying;
2. If the registrant is a corporation, the name, address, place of incorporation and the principal place of business of the corporation;
3. If the registrant is an association, group of persons, or an organization, the name and address of the principal officers and directors of such association, group of persons or organization. If the registrant is formed primarily for the purpose of lobbying, it shall disclose the name and address of any person contributing five hundred dollars (\$500.00) or more to the registrant's lobbying activities in any calendar year;
4. If the registrant is not an individual, the name and address of each individual who will lobby on the registrant's behalf; and
5. The identification, with reasonable particularity, of areas of legislative or administrative action on which the registrant expects to lobby.

B. Each registrant shall pay a reasonable fee not in excess of the cost of administering the registration form provided for in subsection A of this section plus the cost of collecting, filing, copying and distributing the information filed by registrants under Section 2.39.040, but not less than twenty-five dollars (\$25.00). A registrant who commences lobbying in an even-numbered year shall file with the commission, on or before January fifteenth of such odd-numbered year or prior to the commencement of lobbying, whichever is later, a registration form signed under penalty of false statement and shall pay one-half of the biennial registration fee established by the commission.

C. Each registrant shall file a notice of termination within thirty (30) days after he ceases the activity that required his registration, provided the registrant does not intend to resume the activity during the biennial period for which he is registered; but termination shall not relieve him of the reporting requirements of Section 2.39.040 for the period preceding the date his notice of termination is received by the commission or for the period commencing on such date and ending on December thirty-first of the year in which termination occurs.

(Ord. dated 9/17/02)

### **2.39.040 Financial reports of registrants– Requirements.**

A. Each client lobbyist registrant shall file with the commission between the first and tenth day of July and January a financial report, signed under penalty of false statement covering its lobbying activities during the previous two calendar quarters. In addition to such reports, each client lobbyist registrant which attempts to influence legislative action shall file, under penalty of false statement, interim monthly reports of its lobbying activities except that no monthly report shall be required for any month in which it neither expends nor agrees to expend one hundred dollars (\$100.00) or more, in furtherance of lobbying. Such interim monthly reports shall be filed with the commission no later than the tenth day of the month following the last day of the month reported. If the client lobbyist registrant is not an individual, an authorized officer or agent of the client lobbyist registrant shall sign the form.

B. Each individual communicator lobbyist registrant and each business organization communicator lobbyist registrant shall file with the city clerk between the first and tenth day of January, a report or reports, signed under penalty of false statement, reporting the amounts of compensation and reimbursement received from each of its clients during the previous year. In addition, each individual communicator lobbyist registrant and each business organization communicator lobbyist registrant shall: (1) report the fundamental terms of contracts, agreements or promises to pay or receive compensation or reimbursement or to expenditures in furtherance of lobbying, including the categories of work to be performed and the dollar value or compensation rate of the contract, at the time of registration; (2) report, in accordance with the schedule set forth in subsection A of this section, any amendments to these fundamental terms, including any agreements to subcontract lobbying work, and (3) report, in accordance with the provisions of subsection A of this section, any expenditures for the benefit of an official in the legislative or executive branch or a member of his staff or immediate family, which are unreimbursed and required to be itemized. Such report shall not include the disclosure of food and beverage provided by a communicator lobbyist registrant to an official in the legislative or executive branch or a member of his staff or his immediate family at a major life event, as defined by the commission, of the registrant. All such information shall be reported under penalty of false statement.

C. An individual communicator lobbyist registrant shall file a separate report for each person from whom he received compensation or reimbursement. Notwithstanding any provision of this subsection to the contrary, a business organization to which one or more individual communicator lobbyist registrants belong may file a single report for each client lobbyist in lieu of any separate reports that individual registrants are required to file pursuant to this subsection.

D. Each registrant who files a notice of termination under subsection C of Section 2.39.030 shall file with the commission a financial report, under penalty of false statement, between the first and tenth day of January of the year following termination.

E. Each client lobbyist registrant financial report shall be on a form prescribed by the commission and shall state expenditures made and the fundamental terms of contracts, agreements or promises to pay compensation or

reimbursement or to make expenditures in furtherance of lobbying. Any such fundamental terms shall be reported once in the monthly, quarterly or post-termination report next following the entering into of such contract. Such financial report shall include an itemized statement of each expenditure of ten dollars (\$10.00) or more per person for each occasion made by the reporting registrant or a group of registrants which includes the reporting registrant for the benefit of a public official in the legislative or executive branch, a member of his staff or immediate family, itemized by date, beneficiary, amount and circumstances of the transaction. The requirement of an itemized statement shall not apply to an expenditures made by a reporting registrant or a group of registrants, which include the reporting registrant for (1) the benefit of the members of the city council at an event that is a reception to which all such members are invited as such term is used in Section 2.39.010, unless the expenditure is thirty dollars (\$30.00) or more per person, or (2) benefits personally and directly received by an official or employee at a charitable or civic event at which the official or employee participates in his official capacity, unless the expenditure is thirty dollars (\$30.00) or more per person, per event. If the compensation is required to be reported for an individual whose lobbying is incidental to his regular employment, it shall be sufficient to report a prorated amount based on the value of the time devoted to lobbying. On the first financial report following registration each client lobbyist registrant shall include any expenditures incident to lobbying activities which were received or expended prior to registration and not previously reported to the commission.

F. The commission shall, by regulations adopted in accordance with Section 2.39.130, establish minimum amounts for each item required to be reported, below which reporting may be made in the aggregate. The provisions of this subsection shall not apply to expenditures made for the benefit of an official or a member of such person's staff or immediate family.

G. Each former registrant shall (1) report receipts or expenditures incident to lobbying activities during his period of registration which are received or expended following termination of registration and (2) report each expenditure of ten dollars (\$10.00) or more per person for each occasion made by him for the benefit of an official or a member of such official's immediate family or staff which occurs within six months after termination of registration.

H. The commission shall, within thirty (30) days after receipt of a financial report which contains the name of a public official in the legislative or executive branch or a member of such official's staff or immediately family, send a written notice to such public official, of the filing of the report and the name of the person who filed it.

(Ord. dated 9/17/02)

#### **2.39.050 Maintenance of substantiating documents– Random audits of registrants.**

A. Each registrant shall obtain and preserve all accounts, bills, receipts and other documents necessary to substantiate the financial reports required by Section 2.39.040 for a period of three years from the date of the filing of the report referring to such financial matters, provided this section shall apply to each expenditure for the benefit of a public official of ten dollars (\$10.00) or more and all other expenditures of fifty dollars (\$50.00) or more.

B. The commission may require, on a random basis, any registrant to make all such documents substantiating financial reports concerning lobbying activities on and after the effective date of this ordinance available for inspection and copying by the commission for the purpose of verifying such financial reports. Nothing in this subsection shall require a registrant to make any documents concerning nonlobbying activities available to the commission for inspection and copying.

(Ord. dated 9/17/02)

#### **2.39.060 Public access to computerized data from financial reports.**

On and after January 1, 2003, the city ethics commission shall use reasonable efforts to make all computerized data from financial reports required by Section 2.39.040 available to the public through the internet or any other generally available on-line computer network.

(Ord. dated 9/17/02)

**2.39.070 Statement whether expenditures for city council reception are reportable.**

Each registrant or business organization that hosts a city council reception to which all members are invited shall include in its invitation or any published notice of such reception whether the registrant or business organization reasonably expects such expenditures to be reported pursuant to subsection E of Section 2.39.040.

(Ord. dated 9/17/02)

**2.39.080 Statements of necessary expenses paid or reimbursed by registrants.**

Each registrant who pays or reimburses an official or employee ten dollars (\$10.00) or more for necessary expenses shall, within thirty days, file a statement with the city clerk indicating the name of such individual and the amount and nature of the expenses.

(Ord. dated 9/17/02)

**2.39.090 Restrictions on activities of registrants– Contingent fees.**

A. No registrant or anyone acting on behalf of a registrant shall knowingly give a gift, as defined in Section 2.39.010, to any employee, official, candidate for public office or a member of any such person's staff or immediate family.

B. No person shall be employed as a lobbyist for compensation that is contingent upon the outcome of any administrative or legislative action.

C. No lobbyist may: (1) do anything with the purpose of placing any public official under personal obligation; (2) attempt to influence any legislative or administrative action for the purpose of thereafter being employed to secure its defeat; and (3) cause any communication to be sent to any official in the name of any other individual except with the consent of such individual.

D. Any person who gives to an official, employee or candidate for public office, or a member of any such person's staff or immediate family anything of value which is subject to the reporting requirements pursuant to subsection E of Section 2.39.040, shall, not later than ten days thereafter, give such recipient a written report stating the name of the donor, a description of the item or items given, the value of such items and the cumulative value of all items given to such recipient during that calendar year. The provisions of this subsection shall not apply to a political contribution otherwise reported as required by law.

(Ord. dated 9/17/02)

**2.39.100 Complaints, investigations and hearing procedures.**

Upon the complaint of any person on a form prescribed by the commission, signed under penalty of false statement, or upon the affirmative vote of three members of the commission, the commission shall investigate any alleged violation of this chapter to determine whether or not there is probable cause to believe that a violation of this chapter has occurred. The commission, not later than fifteen (15) days after receipt of such complaint, shall notify, by registered or certified mail or any manner by which service of process may be made, any respondent against whom such complaint is filed. A copy of such complaint shall accompany such notice. The commission shall also notify the complainant of its receipt of such complaint not later than fifteen (15) days thereafter. Any investigation to determine whether or not there is probable cause to believe a violation of this chapter has occurred shall be confidential and no person shall disclose his knowledge of such investigation to a third party unless the respondent requests that such investigation and disclosure be open. The respondent shall have the right to appear and be heard

and to offer any information which may tend to clear him of probable cause to believe he has violated any provision of this chapter. The respondent shall also have the right to be represented by legal counsel and to examine and cross-examine witnesses. The commission shall make no finding that there is probable cause to believe the respondent is in violation of any provision of this chapter except upon concurring vote of four of its members. The commission shall, not later than ten days after determining whether probable cause exists, notify the complainant and the respondent that the investigation has been terminated and the results thereof, thereafter make a decision and forthwith transmit the same to the complainant and the respondent. The record of such investigation shall remain confidential except upon the request of the respondent and except that some or all of the record may be used in subsequent proceedings. If a preliminary investigation indicates that probable cause exists to believe that a violation of this chapter has occurred, the commission shall initiate hearings within thirty (30) days to determine whether there has been a violation of this chapter. No hearing shall be conducted with less than four members in attendance. At the hearing, the accused shall be afforded the protection of due process consistent with that established for state agencies under the Connecticut Uniform Administrative Procedure Act, including, but not limited to, the right to be represented by legal counsel, the right to call and examine witnesses, the right to introduce exhibits and the right to cross-examine opposing witnesses and the complainant. The commission may administer oaths and issue subpoenas to compel the attendance of witnesses and the production of books, documents, records and papers and may utilize the services of the city police department who shall provide such services upon request. The complainant's attendance at such hearing is at the discretion of the commission; provided, however, that such attendance shall be required when so requested by any person accused under the provision of this chapter. The commission shall make and keep a record of all proceedings pursuant to this chapter. No complaint may be made under this section except within two years next after the violation alleged in the complaint has been committed. The commission shall find no violation of any provision of this chapter except upon the concurring vote of four of its members. The commission shall not later than fifteen (15) days after the close of the hearing file its findings as to a violation of this chapter, together with a memorandum of its reasons therefore with the city clerk, and publish a notice thereof in a newspaper circulated in the city.

(Ord. dated 9/17/02)

#### **2.39.110 Authority of commission after finding violation.**

A. The commission, upon a finding made pursuant to Section 2.39.100 that there has been a violation of any provision of this part, shall have the authority to order the violator to do any or all of the following: (1) cease and desist the violation of this part; (2) file any report, statement or other information as required by this part; or (3) pay a fine of not more than ninety-nine dollars (\$99.00) per day for each day that the violation shall continue.

B. Notwithstanding the provisions of subsection A, the commission may upon the concurring vote of five of its members, impose a fine not to exceed ten dollars (\$10.00) per day upon any registrant who fails to file any report, statement or other information as required by this part. Each distinct violation of this subsection shall be a separate offense and, in case of a continued violation, each day thereof shall be deemed a separate offense. In no event shall the aggregate penalty imposed for such failure to file exceed five hundred dollars (\$500.00).

C. Any individual, business or corporation that receives contracts or economic benefit from the city as the result of hiring an unregistered lobbyist or hiring a lobbyist it knows or should have known is operating contrary to the policies set forth in this chapter, may have those agreements with the city declared null and void by the city council.

(Ord. dated 9/17/02)

#### **2.39.120 Advisory opinions.**

Any registrant who questions the applicability of this chapter to a pending or potential act, may request an opinion from the commission. If he or she so requests, the person making the request shall be given a prompt opportunity to explain his or her position and the interpretation of the code of ethics before the commission. Opinions of the commission shall be advisory, and such requests shall be confidential unless the person making the request

authorizes the commission in writing to disclose the same. Any advisory opinion concerning the registrant who requested the opinion, and who acted in reliance thereon in good faith, shall be binding on the commission.

(Ord. dated 9/17/02)

**2.39.130 Regulations.**

The commission shall develop written rules of procedure, definitions, and forms necessary to carry out the intent of this chapter which shall be approved by the city council. The rules and any amendments thereto shall be filed in the office of the city clerk.

(Ord. dated 9/17/02)

**2.39.140 Lobbyists identification.**

Each individual who is a lobbyist shall, while engaged in lobbying, wear a distinguishing badge that shall identify him as a lobbyist. The size, color, material and other requirements of such badge shall be prescribed by regulation of the commission. Each individual while engaged in lobbying via written communications or oral communications, in which a badge would not be visible, must identify themselves as lobbyists and identify the individual or firm that they are representing at that time.

(Ord. dated 9/17/02)

**2.39.150 Public notification.**

A. The City of Bridgeport shall in all solicitations for bid and requests for proposals and/or qualifications, include language that will notify respondents to the existence of this chapter related to the use and registration of lobbyists as well as how to obtain a copy of such ordinance.

B. Furthermore, the city shall publicly display in the purchasing department, planning and economic development office, land use offices and city clerk's office a public notice of this ordinance.

C. The city shall post on its official web-site a section related to lobbyist registration along with notice of this ordinance.

(Ord. dated 9/17/02)