



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
MARTIN J. WALSH

July 12, 2018

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit for your approval a Home Rule Petition to the General Court entitled: "Petition for a Special Law re: An Act to Regulate Lobbying Activities before the City of Boston". This Home Rule Petition modifies Docket #0101, passed by your Honorable Body on June 27, 2018, which remains unsigned and will not be submitted to the General Court for consideration.

In 2016, I filed a Home Rule Petition with your Honorable Body that sought to increase government transparency and be a strong and effective accountability measure, as it relates to lobbying activities before the City of Boston and the City's quasi-public agencies, including the Boston Redevelopment Authority, d/b/a the Boston Planning and Developing Agency, the Boston Public Health Commission, the Boston Licensing Board, and the Boston Water and Sewer Commission. Following the Council's inaction on my original proposal, I re-filed the Home Rule Petition again in 2017. And then again a third time in 2018.

Unfortunately, the redrafted Home Rule Petition that was finally acted on, and approved, by your Honorable Body, after an unexpectedly brief legislative process that lasted less than one week following the filing of your own proposed regulations on lobbying activities, fails to adequately cover lobbying activities before all quasi-independent municipal agencies and does not provide the City with the strong enforcement tools that were included in my original proposal.

As your Honorable Body has often remarked when considering my legislative proposals, it is absolutely imperative that we implement policy that is effective in achieving its goals and empowers the City with robust tools to adequately enforce it. It is with that goal in mind that I seek to submit for approval by your Honorable Body a redrafted Home Rule Petition that, upon passage, will truly empower the City to achieve the shared goals of my Administration and the City Council. It includes provisions of my original filing (Docket #0101) that can only be established as law via approval of the Massachusetts Legislature, including:

- Establishing civil penalties of up to \$10,000 for violations of our lobbying registration and reporting requirements,
- Authorizing judicial review and collaboration with the Attorney General and State Court system in the pursuit of both civil and criminal prosecutions,
- Codifying the confidentiality of compliance investigations,
- Applying the regulations of lobbying activity to the City's quasi-independent public agencies listed above.

I urge your Body to expeditiously approve this strong and effective Home Rule Petition.

Sincerely,

Martin J. Walsh
Mayor of Boston

CITY OF BOSTON

IN CITY COUNCIL

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this Order be, and hereby is, approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that the legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

PETITION FOR A SPECIAL LAW RE: AN ACT TO REGULATE LOBBYING ACTIVITIES BEFORE THE CITY OF BOSTON

SECTION 1. If the city of Boston adopts an ordinance regulating lobbying activities, it may, in addition to pursuing other remedies, assess a civil penalty in an amount not exceeding \$10,000 for each violation thereof, and may file a civil action in superior court to enforce such order.

The supreme judicial court or superior court may, upon application by the city of Boston, issue summons and compel the attendance of witnesses and the giving of testimony under oath in furtherance of any investigation conducted pursuant to such ordinance and may grant equitable or mandamus relief enforcing the provisions of such ordinance. All adjudicatory proceedings conducted pursuant to such ordinance shall be conducted pursuant to chapter 30A of the General Laws.

Final action by the city of Boston pursuant to such ordinance shall be subject to judicial review by the superior court upon petition of an aggrieved party within 30 days after the action for which review is sought. The court shall enter a judgment enforcing, modifying, or setting aside the order, or it may remand the proceedings to the city of Boston for such further action as the court may direct.

Upon investigation and when deemed appropriate the attorney general shall cause criminal prosecutions to be instituted for violations of such ordinance, which shall be punished by a fine of not less than \$100 nor more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 ½ years, or both.

SECTION 2. If the city of Boston adopts an ordinance regulating lobbying activities, such ordinance shall apply to lobbying activities before the city of Boston and its commissions and boards, the Boston Redevelopment Authority, d/b/a Boston Planning and Development Agency, the Boston Public Health Commission, the licensing board of the city of Boston, and Boston Water and Sewer Commission.

SECTION 3. If the city of Boston adopts an ordinance regulating lobbying activities, all proceedings and records relating to a preliminary inquiry or initial staff review used to determine whether to initiate a preliminary inquiry shall be confidential, except that the city may provide to

the attorney general, the United States Attorney or a district attorney of competent jurisdiction evidence which may be used in a criminal proceeding.

Any information provided to the local enforcing entity pursuant to this section shall be confidential, except that such information may be used by the officer or agency to whom it was provided in any investigation or in subsequent proceedings.

Any person who violates the confidentiality of an inquiry shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or both.

SECTION 4. If the city of Boston adopts an ordinance regulating lobbying activities, it may set fees to cover the administrative cost of registration at an amount not to exceed \$1,000 per registrant.

SECTION 5. This act shall take effect immediately upon passage.

I HEREBY CERTIFY THAT
THE FOREGOING, IF PASSED IN
THE ABOVE FORM, WILL BE IN
ACCORDANCE WITH LAW.

BY Eugene L. O'Flaherty
EUGENE L. O'FLAHERTY
CORPORATION COUNSEL *EO*