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ATTACHMENT 3

Joyce Smith

From: Aaron Nelson [anelson@carolinachamber.org]
Sent: Friday, June 11, 2004 3:47 PM
To: Cal Horton; Sally Greene (w); Bill Strom; Cam Hill; Dorothy Verkerk ; Ed Harrison; Jim Ward (w) ; Kevin Foy; Mark Kleinschmidt ; Jim Ward; Edith Wiggins; Bruce Heflin; Flo Miller; Joyce Smith; Ralph Karpinos; Sandy Cook; Emily Dickens; Catherine Lazorko
Subject: Lobbying Ordinance

Mayor Foy and Members of Council,

Thank you in advance for your consideration of the Chamber's attached letter regarding the proposed lobby. Also attached is a copy of a worksheet we have prepared that we think is useful in considering the impact of the proposed ordinance.

We will be informing our membership of our opposition to this proposed ordinance and encouraging them to contact you. Please imagine how their communication might be regulated or modified by the ordinance you are considering and if each of them would need to register in order to send you their emails on topics like this or commercial trash collection or other important issues.

Aaron

Aaron Nelson
Executive Director
Chapel Hill-Carrboro Chamber of Commerce
919.967.7075 phone
919.968.6874 fax
anelson@carolinachamber.org
www.carolinachamber.org
****Visit our new Learning Center at <http://learning.carolinachamber.org>**



Chapel Hill-Carrboro Chamber of Commerce
Post Office Box 2897
Chapel Hill, NC 27515

June 11, 2004

Mayor Kevin Foy and the Chapel Hill Town Council
Town Hall
306 N. Columbia St.
Chapel Hill, N.C. 27514

Dear Mayor Foy and Council members:

Thank you for taking public comment on the proposed ordinance to regulate lobbying in Chapel Hill. The proposal before you has the potential to dramatically hinder the ability of nonprofits and businesses to communicate openly and effectively with elected officials, town staff and advisory board members.

The Chamber has long been an advocate of better government – government that responds fairly to all citizens and works honestly and openly to the benefit of all. The proposal to require paid lobbyists to register and report their activities in theory could advance that goal, but in practice would have the opposite effect.

The proposed ordinance appears to undermine the Council's long-standing commitment to community discussion and informed debate.

The burden would be primarily be borne by nonprofits, whose paid staff members would be required to register and produce itemized reports of contacts with elected officials and town staff members. Business owners who own less than half of their company, general managers and other paid employees to local businesses will also be subject to the ordinance.

The Chamber has some technical concerns about definitions within the ordinance and how it would be put into operation:

1. Has the Town Council or staff studied how many persons currently in contact with the Council or staff would be defined as "lobbyists" under the proposed definition?
2. Does the ordinance take away the right to petition town officials from a person defined as a "paid lobbyist" who is also a resident or is speaking on behalf of the property their organization owns or leases?
3. In calculating the time and money spent lobbying, does the definition of lobbying cover the time spent preparing or researching issues? Is lobbying the hour it takes to research and compose an email, the five seconds it takes to send the email or the 10 minutes it takes to read the email?
4. Is the threshold of \$200/quarter or \$800/annually too low? Counting strictly by pro-rated salary alone, a nonprofit director making \$40,000 annually would only be allowed 3 hours of lobbying a month before reporting requirements kick in. That would mean they could spend only 20 minutes a month per Council member talking to them about key issues in the community or before the Council.



5. Would requiring a registered lobbyist to publicize his or her employment retainer (in Section 2-89-c) harm his or her ability to do business? An example would be a building or design professional who would be required to register and disclose their private compensation structure in order to work with Planning Department staff on a development application.
6. Would not every "lobbyist" need to disclose his or her salary for town regulators to know if they should be considered a lobbyist or when you have inappropriately lobbied (how can you fine someone for lobbying unless you know their salary to calculate the money spent lobbying).

The enforcement of this ordinance is murky if you consider the many roles that community leaders play in Chapel Hill. Attached, you will find a worksheet that presents different hypothetical situations and asks whether it is lobbying or not lobbying. The lines are unclear.

We ask you to set aside the proposed lobbying ordinance, and if you feel additional legislation is required, adopt the Disclosure and Ethics Guidelines for Council Members also before you.

Ethical guidelines are already in place for town advisory boards, and have proven successful in other cities. Ethical guidelines encourage integrity and openness in elected officials and serve as daily reminder to conduct the people's business aboveboard and beyond reproach.

Please do not create additional bureaucracy where none is needed. The Chamber and its 930 members are pledged to work with the town to make this community a better place to live, and we want to keep the communication lines open.

Sincerely,

Aaron Nelson
Executive Director

Hypotheticals

Lobbying

Not Lobbying

- | | | |
|---|---|----|
| 1. Delores Bailey, as co-director of EmPOWERment Inc., asking Chief Gregg Jarvies for additional police patrols in Northside. | L | NL |
| 2. Delores Bailey, as a resident of Northside, asking Chief Gregg Jarvies for additional police patrols in Northside. | L | NL |
| 3. Phil Post asking Roger Waldon for clarification on a Special Use Permit as a civil engineer hired by Zinn Design Build. | L | NL |
| 4. Phil Post, as general partner in Phil Post and Associates, asking for changes to the Land Use Management Ordinance. | L | NL |
| 5. Chris Moran, as executive director of IFC, asking for additional money to support local social services. | L | NL |
| 6. Natalie Ammarell, as board chair of IFC, asking for additional money to support local social services. | L | NL |
| 7. Aaron Nelson, as executive director of the Chamber, asking for grant money for El Centro Latino to help train Spanish-speaking workers. | L | NL |
| 8. Aaron Nelson, as a board member of El Centro Latino, asking for grant money for El Centro Latino to help train Spanish-speaking workers. | L | NL |
| 9. Robert Dowling, as executive director of the Orange Community Housing and Land Trust, asking for additional Council funds to purchase property for the Land Trust. | L | NL |
| 10. Robert Dowling, as executive director of the Orange Community Housing and Land Trust, asking the Council to approve Habitat for Humanity's Sunrise Road project. | L | NL |
| 11. Susan Levy, executive director of Habitat, asking the Council to approve the Sun Rise Road Project. | L | NL |
| 12. Doug Schworer, member of a local neighborhood association, asking the Council to vote no on the Sunrise Road Project. | L | NL |
| 13. Aaron Nelson, as executive director of the Chamber, talking with Town Finance Director about how to improve Parking Lot 5. | L | NL |
| 14. Stephen Dear, as executive director of People of Faith Against the Death Penalty, asking the Council to support a death penalty moratorium. | L | NL |
| 15. Stephen Dear, as a resident, asking the Council to not support a panhandling ordinance. | L | NL |
| 16. The Rev. J.R. Manley, as pastor of First Baptist Church, asking the Council for additional funds to support Manley Estates, an affordable housing option for the elderly. | L | NL |
| 17. The Rev. J.R. Manley, as pastor of First Baptist Church, asking the Council for better sidewalks on West Rosemary Street. | L | NL |
| 18. Mark Chilton, as a Carrboro Alderman, asking the Council to allocate more affordable housing money to community organizations. | L | NL |
| 19. Mark Chilton, as director of Community Realty, asking the Council to allocate more affordable housing money to community organizations | L | NL |
| 20. Scott Gardner, as chair of the Greater Triangle Regional Council, asking the Council to support clean air initiatives. | L | NL |
| 21. Robert Porter, as chair of the Sierra Club, asking the Council to support clean air initiatives. | L | NL |
| 22. Aaron Nelson, as executive director of the Chamber, asking the Council to support clean air initiatives. | L | NL |
| 23. Chair of the Alliance of Neighbors Near Campus meeting with Council members individually to ask them to enact an ordinance to regulate lobbying. | L | NL |

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Joyce Smith

From: Carol Abernethy on behalf of Cal Horton
Sent: Monday, June 14, 2004 10:41 AM
To: 'Fjryan3@aol.com'
Cc: Sally Greene (w); Bill Strom; Cam Hill; Dorothy Verkerk ; Ed Harrison; Jim Ward (w) ; Kevin Foy; Mark Kleinschmidt ; 'Jim Ward'; 'Edith Wiggins'; Toni Pendergraph; Bruce Heflin; Cal Horton; Catherine Lazorko; Emily Dickens; Flo Miller; Joyce Smith; Ralph Karpinos
Subject: Citizen Comment RE: Lobbying Ordinance

A copy of your email message has been forwarded to each Council Member.

*Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill*

-----Original Message-----

From: Fjryan3@aol.com [mailto:Fjryan3@aol.com]
Sent: Friday, June 11, 2004 10:20 PM
To: Town Council
Cc: anelson@carolinachamber.org
Subject: Lobbying Ordinance

I learned today that the town is considering and ordinance regulating lobbying activities. My understanding of what is under consideration is summarized below:

(The ordinance would require "lobbyists" – which could include **nonprofit staff members, business managers, employees and part owner of companies** – to register with the town and report any phone calls, e-mails or written messages to Council members, senior town staff or town advisory board members, if you try to influence a town decision.)

Although I can understand the towns desire to restrict professionally backed lobbying efforts by parties that may not have a vested interest in Chapel Hill. I believe the ordinance that is being considered goes too far and has the potential of locking town officials in an "ivory tower" that will seriously restrict the input they need to receive from many interested members of the community who have the best interests of Chapel Hill in mind.

Regards,
Frank Ryan
The Pita Pit
115 E. Franklin Street

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Joyce Smith

From: Carol Abernethy on behalf of Cal Horton
Sent: Monday, June 14, 2004 10:44 AM
To: 'Marc Pons'
Cc: Sally Greene (w); Bill Strom; Cam Hill; Dorothy Verkerk ; Ed Harrison; Jim Ward (w) ; Kevin Foy; Mark Kleinschmidt ; 'Jim Ward'; 'Edith Wiggins'; Toni Pendergraph; Bruce Heflin; Cal Horton; Catherine Lazorko; Emily Dickens; Flo Miller; Joyce Smith; Ralph Karpinos
Subject: Citizen Comment RE: Lobby Ordinance

A copy of your email message has been forwarded to each Council Member.

*Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill*

-----Original Message-----

From: Marc Pons [mailto:mpons@bellsouth.net]
Sent: Saturday, June 12, 2004 3:51 PM
To: Town Council
Subject: Lobby Ordinance

To Whom It May Concern:

I support the Chamber of Commerce in opposition to the lobbying ordinance. It is unnecessary and a bad idea.

Marc Pons



Joyce Smith

From: Carol Abernethy on behalf of Cal Horton
Sent: Monday, June 14, 2004 10:53 AM
To: 'Glen Greenstreet'
Cc: Sally Greene (w); Bill Strom; Cam Hill; Dorothy Verkerk ; Ed Harrison; Jim Ward (w) ; Kevin Foy; Mark Kleinschmidt ; 'Jim Ward'; 'Edith Wiggins'; Toni Pendergraph; Bruce Heflin; Cal Horton; Catherine Lazorko; Emily Dickens; Flo Miller; Joyce Smith; Ralph Karpinos
Subject: Citizen Comment RE: Lobbyists

A copy of your email message has been forwarded to each Council Member.

*Carol Abernethy
 Exec. Asst., Manager's Office
 Town of Chapel Hill*

-----Original Message-----

From: Glen Greenstreet [mailto:ggreenstreet@mindspring.com]
Sent: Sunday, June 13, 2004 11:15 PM
To: Town Council
Subject: Lobbyists

Dear Council and Mayor

I am confused and troubled by the intentions of a registering system for "lobbyists"

If I meet with staff as a Board Member (I serve the HBA, Habitat for Humanity, The Chamber, etc.), I am not a lobbyist...but if I have assistance from a staff member of my organization, I am? If I use material prepared by a staff person? If I turn information over to a staff person and they re-contact your staff for additional information? Who decides? Who polices? Who pays to keep revamping the system? Who explains to people who want to talk about their concerns or share their ideas why they are being treated with mistrust?

The root of this idea is that the information exchanged in a discussion with a "lobbyist" may be in conflict with the interests of...whom? Citizens? How? If a lobbyist represents some distant interest other than those of Chapel Hill, how can they have undue influence over a local audience that has direct access to the source of the debate? And if a "lobbyist" is a local entity...how can it not be in the local interest for them to have an unencumbered voice.

The Town's quasi-judicial processes already restrict inappropriate discussions regarding matters at hand, and require that any matter of opinion or evidence that a party wishes to have considered during a particular vote MUST be entered into the public record. That is clear and well enforced. So...we are saying that even discussions of opinions about general issues are to be documented? How? By what means will any meaningful record be kept other than basics "statistics" of how often somebody brought

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up a particular issue...or to whom? Now you are making politics out of the process of participating in the process. Why should a citizen, who may be acting on, say, an interest in a relationship with a third party, or perhaps just self interest to protect an economic interest of their own, be given a de-facto green light to politic "in private", while, say a business manager or a fee-for-service professional with actual expertise on a matter of discussion should be treated with a "filter".

If this was D.C....I'd understand what we are talking about. But as a local government, your staff and yourselves have direct access to the source documents that shape your opinions on any matter...the foundation of your policies are not being based on source documents generated by special interests. Lobbyists, it seems to me, are registered to document from whence comes the information they introduce in to the process...In Chapel Hill, you already know who you are talking to, what group they are from, and what source documents or professional expertise they are basing their information on...so what information are you looking to collect that isn't already apparent.

Honestly...I don't get it...and since I don't get it, all I feel is the shadow of a bigotry against "business" interests in favor of "citizen's" interests...accept I don't see any benefit for the citizens. Identifying all these people as lobbyists comes with an inherent attitude of suspicion, and promoting any more suspicion and mistrust in Chapel Hill seems wrong...

Glen Greenstreet
206 Oak Park Dr
Chapel Hill NC 27517

(lol)

Joyce Smith

From: Carol Abernethy on behalf of Cal Horton
Sent: Monday, June 14, 2004 10:49 AM
To: 'Diana Steele'
Cc: Sally Greene (w); Bill Strom; Cam Hill; Dorothy Verkerk ; Ed Harrison; Jim Ward (w) ; Kevin Foy; Mark Kleinschmidt ; 'Jim Ward'; 'Edith Wiggins'; Toni Pendergraph; Bruce Heflin; Cal Horton; Catherine Lazorko; Emily Dickens; Flo Miller; Joyce Smith; Ralph Karpinos
Subject: Citizen Comment RE: Lobbying ---

A copy of your email message has been forwarded to each Council Member.

*Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill*

-----Original Message-----

From: Diana Steele [mailto:dianabet@bellsouth.net]
Sent: Sunday, June 13, 2004 11:28 AM
To: Town Council
Cc: Nelson Aaron
Subject: Lobbying ---

To Whom It May Concern:

I don't see what the problem is about daylighting the lobbying done by people who are paid for such efforts. Presumably, they believe in what they are trying to persuade others to buy into. Why would being open about it be "chilling"?

Besides, it affects so few people. Private citizens would not be affected. Most business owners would be exempted. Non-profits don't do that much of it, do they? The University is exempted, unless it wants to participate in order to show good faith.

What's the problem?

Diana Steele

Diana Whittinghill Steele, Director/Teacher
Willow Hill Preschool
1207 Mason Farm Road, Chapel Hill, 27514
Telephone: 919-929-8922

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Joyce Smith

From: Carol Abernethy on behalf of Cal Horton
Sent: Monday, June 14, 2004 10:44 AM
To: 'Mark Prokop'
Cc: Sally Greene (w); Bill Strom; Cam Hill; Dorothy Verkerk ; Ed Harrison; Jim Ward (w) ; Kevin Foy; Mark Kleinschmidt ; 'Jim Ward'; 'Edith Wiggins'; Toni Pendergraph; Bruce Heflin; Cal Horton; Catherine Lazorko; Emily Dickens; Flo Miller; Joyce Smith; Ralph Karpinos
Subject: Citizen Comment RE: lobbying ordinance proposed to the Council has serious problems

A copy of your email message has been forwarded to each Council Member.

Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill

-----Original Message-----

From: Mark Prokop [mailto:ftsfa@nc.rr.com]
Sent: Sunday, June 13, 2004 12:21 AM
To: Town Council
Cc: anelson@carolinachamber.org
Subject: lobbying ordinance proposed to the Council has serious problems

Dear Mayor Kevin C. Foy and Council Members Sally Greene, Ed Harrison, Cam Hill, Mark Kleinschmidt, Bill Strom, Dorothy Verkerk, Jim Ward, and Edith M. Wiggins,

The lobbying ordinance proposed to the Council has serious problems and will have a negative impact on the ability of local businesses and non-profits to communicate with the Council and senior officials with the town.

Thank you for your time.

Mark Prokop
Executive Director
Friends of Triangle Seniors and Food Assistance (a non-profit)
105 St. Ayers Way
Chapel Hill, NC 27517
919-493-2982
Non-Profit Website: <http://www.ftsfa.org>

Joyce Smith

From: Carol Abernethy on behalf of Cal Horton
Sent: Monday, June 14, 2004 10:53 AM
To: 'Richardson, Celie B.'
Cc: Sally Greene (w); Bill Strom; Cam Hill; Dorothy Verkerk ; Ed Harrison; Jim Ward (w) ; Kevin Foy; Mark Kleinschmidt ; 'Jim Ward'; 'Edith Wiggins'; Toni Pendergraph; Bruce Heflin; Cal Horton; Catherine Lazorko; Emily Dickens; Flo Miller; Joyce Smith; Ralph Karpinos
Subject: Citizen Comment RE: Lobbying ordinance

A copy of your email message has been forwarded to each Council Member.

Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill

-----Original Message-----

From: Richardson, Celie B. [mailto:CRichardson@sandsanderson.com]
Sent: Monday, June 14, 2004 8:07 AM
To: Town Council
Subject: Lobbying ordinance

Please vote against the proposed lobbying ordinance. I agree that some limits on lobbying may be necessary at some levels of government. But this is not one of them. This would limit the ability of people who live in Chapel Hill to communicate with their own elected officials, a far cry from people employed as lobbyists to wine and dine legislators.

The definitions are broad enough to cover a church member who is on a town board who talks with the minister of the church. If the lobbying rules at the state and federal level were this broad, teachers who take a bus load of children to visit their congressional representatives would have to register as lobbyists.

One part of the proposed ordinance should receive some consideration, a requirement that town officials report gifts received over a certain amount.

Celie Richardson
925 Lystra Lane
Chapel Hill, NC 27517

Celie B. Richardson
Sands Anderson Marks & Miller, P.C.
P.O. Box 51266
Durham, NC 27717
Phone: (919) 401-6818
Fax: (919) 401-8114
Email: crichardson@sandsanderson.com
<http://www.sandsanderson.com>

1044

Joyce Smith

From: Carol Abernethy on behalf of Cal Horton
Sent: Monday, June 14, 2004 10:55 AM
To: 'audrey@insidecarolina.com'
Cc: Sally Greene (w); Bill Strom; Cam Hill; Dorothy Verkerk ; Ed Harrison; Jim Ward (w) ; Kevin Foy; Mark Kleinschmidt ; 'Jim Ward'; 'Edith Wiggins'; Toni Pendergraph; Bruce Hefin; Cal Horton; Catherine Lazorko; Emily Dickens; Flo Miller; Joyce Smith; Ralph Karpinos
Subject: Citizen Comment RE: Public Forum on Proposed Lobbying and Ethics Ordinance

A copy of your email message has been forwarded to each Council Member.

Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill

-----Original Message-----

From: Audrey Pukash [mailto:audrey@insidecarolina.com]
Sent: Monday, June 14, 2004 9:44 AM
To: Town Council
Cc: 'Aaron Nelson'
Subject: Public Forum on Proposed Lobbying and Ethics Ordinance

I am opposed to this because it will have a negative impact on the ability of local businesses and non-profits to communicate with the Council and senior officials with the town.

All the best,

Audrey Pukash
Director of Sales & Marketing
Inside Carolina
The Independent Voice of UNC Sports

office: 919-489-3758
cell: 919-451-1979
audrey@insidecarolina.com
<http://www.insidecarolina.com>

Citadel Partners, LLC & TheInsiders.com Network Home:
<http://www.theinsiders.com/>

GO TAR HEELS!

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Joyce Smith

From: Carol Abernethy on behalf of Cal Horton
Sent: Monday, June 14, 2004 10:55 AM
To: 'Anita Badrock'
Cc: Sally Greene (w); Bill Strom; Cam Hill; Dorothy Verkerk ; Ed Harrison; Jim Ward (w) ; Kevin Foy; Mark Kleinschmidt ; 'Jim Ward'; 'Edith Wiggins'; Toni Pendergraph; Bruce Heflin; Cal Horton; Catherine Lazorko; Emily Dickens; Flo Miller; Joyce Smith; Ralph Karpinos
Subject: Citizen Comment RE: proposed lobbying ordinance

A copy of your email message has been forwarded to each Council Member.

*Carol Abernethy
 Exec. Asst., Manager's Office
 Town of Chapel Hill*

-----Original Message-----

From: Anita Badrock [mailto:abadrock@smithernc.com]
Sent: Monday, June 14, 2004 9:54 AM
To: Town Council
Subject: proposed lobbying ordinance

Dear Mayor Foy and members of the Town Council,

Please consider the overwhelming impact to the many non-profits and small businesses in our community if you vote in favor of this ordinance. The cost of complying with the reporting requirements will, in many instances, require additional staff and take funds away from the direct services that non-profits provide to our community, as well as increase the cost of many goods and services from local businesses.

Another concern is that, once an ordinance is enacted, it must be enforced, and documentation must be part of the public record. Enforcement requires appropriating town funds and town staff to meet the reporting requirements. Trying to work with the thousands of businesses and non-profits in the area to gather reports, making those reports available to the public, and responding to any legal challenges that might be raised is simply not practical.

The easiest and most efficient way to ensure transparency in the Town Council's dealings is for you to require ethical and open disclosure from each other. Your desire to let members of our community know about the contacts you receive from various groups is laudable, but can be accomplished yourselves by simply documenting and publicizing those contacts on your end. If you enacted a proposal requiring yourselves to keep track of and make those contacts public, you would be able to better enforce the rule within your own ranks. Getting reports and enforcing compliance from a half dozen or so people is much simpler than than what is currently proposed.

Thank you for your consideration.

Anita Badrock

Smither and Associates personnel services

Anita W. Badrock
Vice-President

"...partnering exceptional talent with valued clients..."

100 Europa Drive, Suite 460
Chapel Hill, NC 27517

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abadrock@smithernc.com

tel: 919-929-0127
fax: 919-933-5566
mobile: 919-260-3153

Powered by Plaxo

Want a signature like this?

(107)

Joyce Smith

From: Carol Abernethy on behalf of Cal Horton
Sent: Monday, June 14, 2004 10:56 AM
To: 'Janet Smith'
Cc: Sally Greene (w); Bill Strom; Cam Hill; Dorothy Verkerk ; Ed Harrison; Jim Ward (w) ; Kevin Foy; Mark Kleinschmidt ; 'Jim Ward'; 'Edith Wiggins'; Toni Pendergraph; Bruce Heflin; Cal Horton; Catherine Lazorko; Emily Dickens; Flo Miller; Joyce Smith; Ralph Karpinos
Subject: Citizen Commenty RE: Comments on the proposed Lobbying Amendment

A copy of your email message has been forwarded to each Council Member.

*Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill*

-----Original Message-----

From: Janet Smith [mailto:janet@jlfsmithassociates.com]
Sent: Monday, June 14, 2004 10:16 AM
To: Town Council
Cc: anelson@carolinachamber.org
Subject: Comments on the proposed Lobbying Amendment
Importance: High

I would like to voice opposition to the stringency of the proposed lobbying amendment to be considered at tonight's Town Council Meeting.

Specifically, I think the registration and documentation provisions are excessive. They will cause a burden not only on lobbyists, but also on the council members and the clerks who must record and maintain all the information and ultimately on the taxpayers who will have to pay for this.

I believe the purpose of the proposal is to make council members fully aware of who lobbyists are so that they are not "fooled" into thinking they are having a casual conversation with a disinterested party. I think that is entirely appropriate. I think this can be accomplished by requiring that all lobbyists register (and de-register) their status with the clerk's office and that this information be distributed to all council members, other town officials and staff (who are also in a position to be influenced and to influence others), on a regular (monthly?) basis as well as being available on the website for reference at any time. The fact is that if you are dealing with a lobbyist, there is no such thing as a casual conversation or relationship. Documenting every contact is excessive.

The other point I would like to wade in on is setting the amount of "gifts" that may be acceptable. NO AMOUNT of gift is acceptable! If a public official is invited to attend a dinner that is not a public function, they should be paying their own way. Winston Churchill had it right - we're just haggling over price. Next year should we raise the amount that it takes to bribe a public official because of inflation? I think the town feels very strongly about this. I believe it is the reason why one of the candidates for town council, who worked in the facilities office of UNC failed to gain election, and it is absolutely the reason why there was such an outrage expressed over another council member's real estate deal with the University. I think there should be strict rules of conduct and council members

6/14/2004

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should be held accountable for them. Recusal, censure and recall elections are all methods available to keep the council squeaky clean. Perhaps the money that would be spent on recording every lobbyist communication would be better spent on ethics training for the council and staff.

Lobbying is an important part of communicating the needs, particularly of the business community, to public officials. As a member of the Chapel Hill Chamber of Commerce, I appreciate and value the voice that the Chamber gives me in Chapel Hill decision-making. I do not have the time to track and voice my opinion on every business-affecting issue raised in the town. The Chamber does an effective job of doing just that. It is a non-profit agency and this proposal would dramatically impact its costs as well and provide no real benefit to anyone.

I urge you to reconsider the complexity and limitations of this proposal in light of the thoughts provided here.

Janet Smith

Principal

Janet L. F. Smith & Associates, LLC

Strategic Telecommunications Consulting

308 W. Rosemary St., Suite 303B

Chapel Hill, NC 27516

Ofc 919.537.0756

Fax 919.933.5542

Cell 919.345.0524

Email janet@jlfsmithassociates.com

www.jlfsmithassociates.com

Society of Telecommunications Consultants Member

Joyce Smith

From: Emily Dickens
Sent: Monday, June 14, 2004 1:14 PM
To: Sally Greene (sally@ibiblio.org); Bill Strom; Cam Hill; Dorothy Verkerk (dverkerk@nc.rr.com); Ed Harrison; Edith Wiggins; Jim Ward; Mark Kleinschmidt; Kevin Foy
Cc: Toni Pendergraph (E-mail); Bruce Heflin; Cal Horton (E-mail); Carol Abernethy; Flo Miller (E-mail); Joyce Smith (E-mail); Ralph Karpinos (E-mail); Sonna Loewenthal (E-mail)
Subject: FW: lobbying proposal

Emily M. Dickens, Esq.
Mayoral Aide
Town of Chapel Hill
919-968-2888 ext. 225

-----Original Message-----

From: Cynthia Barnett [mailto:cynthia@ncwriters.org]
Sent: Monday, June 14, 2004 1:11 PM
To: Emily Dickens
Subject: lobbying proposal

To Town Council members:

I must oppose the current proposal to increase lobbying reporting requirements.

Although our small non-profit of 3 fulltime workers will probably not be lobbying the town in the near future, I cannot imagine the amount of time and effort these pesky requirements will cost staff. And I mean ALL staff-- those at the non-profits, and those you will now need to employ to read and confirm all this paperwork.

Most non-profits I know are seriously underfunded and understaffed to begin with. They are too poor, frankly, to have the staff to see to these requirements. And I cannot believe their influence on town council members is so fearsome that they have to be so regulated!

For the occasional "Please support the arts" or "We hope you will help the homeless" messages that they have time to send, is there really a need for all this?

Respectfully,

Cynthia Barnett

Cynthia Barnett
Executive Director
North Carolina Writers' Network
PO Box 954
Carrboro, NC 27510
919.967.9540

cynthia@ncwriters.org
www.ncwriters.org

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**Joyce Smith**

From: Carol Abernethy on behalf of Cal Horton
Sent: Monday, June 14, 2004 3:11 PM
To: 'chandler.burns@rbc.com'
Cc: Sally Greene (w); Bill Strom; Cam Hill; Dorothy Verkerk ; Ed Harrison; Jim Ward (w) ; Kevin Foy; Mark Kleinschmidt ; 'Jim Ward'; 'Edith Wiggins'; Toni Pendergraph; Bruce Heflin; Cal Horton; Catherine Lazorko; Emily Dickens; Flo Miller; Joyce Smith; Ralph Karpinos
Subject: Citizen Comment RE: Lobbying Ordinance

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*Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill*

-----Original Message-----

From: chandler.burns@rbc.com [mailto:chandler.burns@rbc.com]
Sent: Monday, June 14, 2004 1:40 PM
To: Town Council
Subject: Lobbying Ordinance

Dear Mayor and Members of Council:

I am writing to express opposition to the proposed new Lobbying Ordinance. Given its ill-conceived petition from a few citizens against further development at UNC-CH, I am shocked and disappointed that this proposed new ordinance has gotten this far in the process. I question the impetus or driving force behind this proposal. I can only assume that the Council felt incumbent to take this issue to its full due diligence as a matter of process. Therefore, I hope the Council will vote against this proposed ordinance and move on to more productive issues.

If for a moment to consider actually imposing such an ordinance on the citizens of Chapel Hill, the Town Council would be voting in support of critically blocking free and open communications with its elected officials and staff, not to mention adding more bureaucracy and unnecessary burdens on its citizens. One must ask oneself, does this proposed ordinance "fix" a current problem?or who truly benefits from an ordinance such as this?

Sincerely,

Chandler Burns

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6/14/2004



Scott T Gardner
06/14/2004 06:47 PM

(112)

To: mayorandcouncil@townofchapelhill.org
cc: anelson@carolinachamber.org
Subject: Lobbying Ordinance

Dear Mayor Foy and Members of Chapel Hill Town Council,

I am writing to voice opposition to the proposed lobbying ordinance for the Town. On the surface, this is an example of "over regulating" in an effort to solve a problem that does not exist or is such a small problem, it needs a much simpler solution.

At issue is defining "lobbying". We view lobbying as "sharing information for the purpose of better—decisions." Our view has also been to ensure the integrity of the democratic process, more specifically that of representative government. In the case of Duke Power, there are state and federal elected officials who represent geographies that Duke Power serves, the Town of Chapel Hill included. For example, Joe Hackney and David Price. Consequently, if the Town were to propose legislation at the state level that has a potential impact on Duke, I can meet or speak with Rep. Hackney because he represents the area we serve. On the other hand, I cannot meet or speak with a legislator from the part of the state we do not serve. Our lobbyist, however, can make those contacts. So, our belief is that, as long as we pay taxes, own property, hire employees, and provide a service to the citizens of the Town, we should be able to do meet with or contact Town officials to discuss our concerns about proposed legislation without the unnecessary action of having to "register" to do so.

Equally important to this subject is the goal of effective and efficient government. Again, as one of the largest taxpayers in Chapel Hill, we question the outcome of this proposed lobbying ordinance on the effectiveness and efficiency of Town government. Frankly, what IS important is that we talk to each other to share information and gain understanding about potential impacts of changes to town policy, and to document findings and conclusions from those discussions. What is NOT important is take the time to document the details of each and every contact and to have to pay people in town government track the same information and manage the "fine" and "collection" process proposed. Again, what is the problem we are trying to solve?

There is a basic assumption being made here, that Town Council members and key staff are incapable of managing the relationship with individuals or entities who have an issue with the Town. We disagree. This Town Council, as those before you, have demonstrated the capability to manage relationships and the information flow.

If there is a problem with a citizen or two, or group or two, who want to overstep bounds to overly influence elected leaders, then we suggest a more practical solution: simply get with that individual or entity and negotiate a reasonable approach to sharing information and gaining understanding in a way that achieves mutual satisfaction. Please do not create a new beauracatic process that: 1) makes conducting business with the Town more difficult for the many of us who "do the right thing"; 2) is not the practical, reasonable approach needed to improve the type and amount of information flow between the town and affected parties, and 3) does little to solve any problem,

The unanticipated consequence of this proposed ordinance is you can expect to further discourage people to come to you with their questions or clarifying information which has the impact of decisions being made with less input. And that flies in the face of what this Town and this Council have long stood for, a place where all can voice their concerns and share information in the hope that the best decision is made. Please vote "No" for the proposed "lobbying ordinance".

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