



CITY OF SACRAMENTO

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November 12, 1981

Hon. City Council
Council Chamber
Sacramento, CA 95814

Re: COMMERCIAL SOLICITATION ORDINANCE
(R. L. POLK COMPANY)

Dear Council Members:

SUMMARY

The Law and Legislation Committee recommends adoption of the attached ordinance which would require identification and disclosure by commercial solicitors of certain information to City residents. The ordinance is designed to eliminate some problems which have developed as a result of solicitations conducted by the R. L. Polk Company.

BACKGROUND INFORMATION

The R. L. Polk Company publishes an annual Sacramento directory of name, address, occupation and listed telephone number of each resident and business. The Polk Company conducts a mail and door-to-door canvass of residents in January and February of each year to obtain information for its directory. This directory was, until last year, called the "City Directory." It is now called the "Polk Directory." For more than two years the City Manager's office and some Council members have received complaints from residents concerning the solicitation process. The residents were opposed to giving personal information to the Polk Company but were under the impression they were obligated to do so because they thought the directory had some official connection with the City of Sacramento. Apparently some of the Polk Company solicitors have given this impression to residents when they were soliciting information.

In order to clarify this situation, and hopefully eliminate the problem, the attached ordinance has been prepared. The ordinance would require persons soliciting personal information for a directory to identify themselves and their employer and to state the nature and purpose of the solicitation. The ordinance would also require a disclosure that neither the City of Sacramento nor

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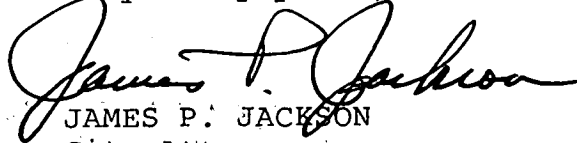
any other governmental agency is in any way connected with the solicitation. Finally, the ordinance would require the resident to be informed that he or she is under no obligation to provide the information requested.

The City staff and the Law and Legislation Committee have had many meetings and hearings with Polk Company representatives during the past two years. At its meeting on November 5, 1981, the Committee decided to recommend adoption of the attached ordinance. Other alternatives were considered, such as inserting a notice in the utility bills to advise residents of the non-City connection and the voluntary nature of the solicitation. This idea was rejected because the notice would reach only a fraction of the City residents and would not be received by any residents until after the next Polk canvass.

RECOMMENDATION

The Law and Legislation Committee recommends adoption of the attached ordinance.

Very truly yours,



JAMES P. JACKSON
City Attorney

JPJ/p

Attachment

81-102

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ORDINANCE NO.

FOURTH SERIES

AN ORDINANCE ADDING ARTICLE IV, BEGINNING WITH SECTION 10.60, TO CHAPTER 10 OF THE SACRAMENTO CITY CODE, RELATING TO SOLICITATIONS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Article IV is hereby added to Chapter 10 of the Sacramento City Code, to read as follows:

ARTICLE IV: SOLICITING INFORMATION FOR COMMERCIAL PURPOSES

Section 10.60 Definitions.

For the purpose of this article, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

(1) "Interviewee" means a person from whom information is requested by a solicitor as defined in this article.

(2) "Soliciting" means requesting information on the background, occupation, economic status, social status, religious status, political status, attitudes, viewpoints, telephone number, address, furnishings, or the like of another person or the occupants of a residence for the purpose of compiling such information as raw data or refined data into a document, record, book or directory to be sold, or to be used wholly or in part, for a commercial purpose.

(3) "Solicitor" means the person or organization soliciting as defined in this article.

Section 10.61 Disclosure Required.

Every person or organization which engages in soliciting information by means of calling upon places of residence or by means of direct personal contact in public places or upon public property shall, immediately prior to making any request for information, disclose both orally and in writing the following information to the interviewee:

- (1) The identity of the solicitor;
- (2) The identity of the solicitor's employer;
- (3) The nature and purpose of the solicitation;

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 NOV 17 1961
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 CITY CLERK

(4) That neither the City of Sacramento nor any other government entity is in any way connected with the solicitation of information;

(5) That the interviewee has no obligation and need not provide any or all information the solicitor requests.

Section 10.62 Penalty for Violation of Article.

The violation of any provision of this article shall be punishable as provided in Section 1.7 of this Code.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

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