

Chapter 2.196

LOBBYIST REGISTRATION AND DISCLOSURE

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2.196.010 Title for citation.

The ordinance codified in this chapter shall be known and may be cited as the "lobbyist registration and disclosure ordinance." (Ord. 91-1484 § 1, 1991)

2.196.020 Definitions.

As used in this chapter, unless the context otherwise requires:

"Administrative action" means the taking of any recommendation, report or nonministerial action, the making of any decision or taking any action to postpone any action or decision, action of the mayor in approving or vetoing any ordinance or resolution, the promulgation of a rule and regulation, or any action of a quasi-legislative nature, by an official in the executive branch.

"Association" means a union, league, chamber of commerce, committee, club, or other membership organization;

"Candidate for public office" means an individual who has made a formal announcement of his candidacy or qualified under the law of this state to seek nomination for election or elections to any metropolitan government office, or has received contributions or made expenditures except for incidental expenditures to determine if one shall be a candidate, or has given his consent for a campaign committee to receive contributions or make expenditures with a view to bringing about his nomination for election or the election to metro government office, and any individual who has been nominated for appointment as an official in the legislative or executive branch.

"Compensation" means any salary received or to be received by anyone acting as a lobbyist, whether in the form of a fee or salary, and any combination thereof. Compensation does not include the salary of an individual whose lobbying is incidental to his regular employment.

"Executive agency" means a commission, board, agency or other body in the metropolitan government that is not a part of the legislative or judicial branch.

"Expenditure" means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make an expenditure; "expenditure" also includes any honorarium.

"Gift" means a payment, honorarium, subscription, loan, advance, forbearance, rendering or deposit of money or services, any of which are valued at fifty dollars or more, unless consideration of equal or greater value is received. "Gift" does not include a political contribution otherwise reported as required by law, a commercially reasonable loan made in the ordinary course of business, or a gift received from a member of the person's immediate family or from a relative within the third degree of consanguinity of the person or of the person's spouse, or from the spouse of any such relative. "Gift" does not include the waiver of a registration fee for a conference or educational seminar. A "gift" to an officer or employee of the executive branch of metro government means a payment, honorarium, subscription, loan, advance, forbearance, rendering or deposit of money or services, any of which are valued at twenty-five dollars or more, unless consideration of equal or greater value is received.

"Honorarium" means payment of money or anything of value for an appearance, speech or article, but "honorarium" does not include actual and necessary travel expenses which are not paid or reimbursed.

"Immediate family" means a spouse or minor child living in the household.

"Influencing legislative or administrative action" means promoting, supporting, influencing, modifying, opposing or delaying any legislative or administrative action by any means, including but not limited to the provision or use of information, statistics, studies or analyses, but not including the furnishing of information, statistics, studies or analyses requested by an official of the legislative or executive branch to such official, or the giving of testimony by an individual testifying at an official hearing conducted by officials of the legislative or executive branch.

"Legislative action" means introduction, sponsorship, debate voting or any other nonministerial official action

or nonaction on any ordinance, resolution, amendment, nomination, appointment, report or any other matter pending or proposed in a council committee or in the council.

"Lobby" means to communicate, directly or indirectly, with any official in the legislative branch or executive branch for pay or for any consideration, for the purpose of influencing any legislative action or administrative action.

"Lobbyist" means any person who engages in lobbying.

"Ministerial action" means an action that a person performs in a prescribed manner in obedience to the mandate of legal authority, without regard to, or the exercise of, his own judgment upon the propriety of the action being taken.

"Official in the executive branch" means any member or employee of a commission, agency or other body in the executive branch who takes any administrative action.

"Official in the legislative branch" means any member, member-elect, any staff person or employee of the council.

"Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

"Political contribution" means any amount of more than one hundred dollars, in the form of an advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge, purchase of a ticket to a testimonial or similar fundraising event, or subscription of money or anything of value, in connection with a political campaign, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a political contribution; however, "political contribution" does not mean volunteer services or personal expenses.

(Ord. 91-1484 § 2, 1991)

2.196.030 Administration of provisions—Powers and duties.

A. This chapter shall be administered by the metropolitan clerk. It shall be the duty of the metropolitan clerk:

1. To prescribe forms for statements, reports and other information required to be filed by this chapter, and to furnish such forms to persons required to file such statements, reports and information;

2. To prepare and publish a manual setting forth prescribed forms and procedures to assist persons required to file statements by this chapter;

3. To preserve such statements, reports and other information required to be filed by this chapter for a period of five years from date of receipt;

4. To develop a filing, coding and cross-indexing system consonant with the purposes of this chapter;

5. To seek from the director of law, issue, and publish, upon proper request from any lobbyist or public official, advisory opinions upon the requirements of this chapter;

6. To accept and file any information voluntarily supplied that exceeds the requirements of this chapter;

7. To make statements and other information filed with him available for public inspection and copying during regular office hours, and to make copying facilities available at a charge not to exceed actual cost;

8. To prepare and publish such reports as may be deemed appropriate; and

9. To promulgate any rules and regulations as may be appropriate for the administration of this chapter.

B. It shall be the duty of the director of law to render opinions and give counsel to the metropolitan clerk upon request. (Ord. 91-1484 § 3, 1991)

2.196.040 Registration—Required when—Term—Fee.

A. 1. Every person qualifying as a lobbyist under this chapter shall register by filing a form prescribed by the metropolitan clerk within five days after becoming a lobbyist, as defined in Section 2.196.020.

2. Any person who registers as a lobbyist, as defined in Section 1.196.020, shall furnish written proof of his authority to lobby on behalf of each employer to the metropolitan clerk before doing any lobbying.

B. At the time of registration, each individual shall pay an annual filing fee of twenty-five dollars for each person for whom such individual registers as a lobbyist. Any lobbyist who is an official of the executive or judicial branch shall register, but shall be exempt from such fee. All fees collected by the metropolitan clerk shall be paid into the general fund of the general services district.

C. The registration year shall run from January 1st through December 31st.

D. A person need not register with the metropolitan clerk pursuant to this section if he is:

1. A public official performing the duties of his office;

2. A person, or a duly licensed attorney-at-law acting in a representative capacity on behalf of a client, appearing before an official in the executive branch for the purpose of determining or obtaining his legal rights and obligations by presenting evidence, making oral arguments, or submitting written briefs to the official; or

3. An editor or working member of the press, radio or television who, in the ordinary course of business, disseminates news or editorial comment to the general public.

E. Registration is required if such person engages in lobbying that would directly or specifically benefit the economic, business or professional interest of such person or his employer. (Ord. 91-1484 § 4, 1991)

2.196.050 Registration—Contents—New filing required when.

A. The registration shall be written and shall contain the following information:

1. The individual's name and business address;
2. The name and address of each person for whom such individual registers for the purpose of lobbying; and
3. A listing of the general categories of subject matters on which the registrant lobbies.

B. In addition to all other requirements of the law, after the filing of any registration required by Section 2.196.040, if a lobbyist is engaged by any new employer for a fee, fixed or contingent, which is not disclosed on the lobbyist's current registration statement, the lobbyist shall file with the metropolitan clerk a report identifying any such new employer within five days of the new engagement. (Ord. 91-1484 § 5, 1991)

2.196.060 Lobbying report requirements.

A. Every person registered under this chapter shall file annually with the metropolitan clerk a sworn report concerning his lobbying activities. Such report shall be filed no later than January 30th of the following year.

B. Such report shall be written and shall contain the following:

1. A report detailing the extent of any direct business arrangement or partnership with any candidate for public office, and any official in the legislative or executive branch;

2. An itemized list, by date, beneficiary, amount and circumstance of the transaction, of each gift of fifty dollars or more and each political contribution of more than one hundred dollars made by the registrant or anyone acting at the specific direction of the registrant to benefit a candidate for public office, an official in the legislative branch, a member of his staff or immediate family, or a campaign committee or testimonial committee established for the benefit of a candidate for public office or such official. Such report shall also contain an itemized list by date, beneficiary, amount and circumstance of the transaction of each gift of twenty-five dollars or more and each political contribution of more than one hundred dollars made by the registrant or anyone acting at the specific direction of the registrant to

benefit an official in the executive branch, a member of his staff or immediate family, or a campaign committee or testimonial committee established for the benefit of such official;

3. An itemized list, by dates, beneficiaries, amounts and circumstances of the transactions, of gifts or expenditures with a cumulative total of more than five hundred dollars during the reporting period made by a registrant or anyone acting at the specific direction of the registrant to benefit an official in the legislative branch; and

4. Any cumulative total of more than fifty dollars of expenditures during a single week to benefit an official in the legislative branch.

B. Events where invitations are extended to the entire membership of the council shall be exempt from the reporting requirements of this section.

C. In determining the threshold for the reporting levels required by this chapter of an event attended by more than one official of the legislative branch, a staff member, or immediate family member, a lobbyist may attribute only the actual cost for any gift or expenditure to each such official or member in attendance.

D. Any person providing funds to make a gift or expenditure other than a political contribution for the purpose of lobbying shall comply with the reporting requirements of this section whenever the purpose of such funds is to assist indirectly an official of the executive or legislative or judicial branch, or any state educational institution to lobby a specific program or programs on which legislative action is pending. Such person shall also report the source and amount of the funds which such gift or expenditure is made.

E. When the employer of a lobbyist makes a gift or an expenditure to an official in the legislative branch, and the lobbyist has no prior actual knowledge of such gift or expenditure, such lobbyist shall not be responsible for including such gift or expenditure in the reports required by this chapter. (Ord. 91-1484 § 6, 1991)

2.196.070 Employment agreements for lobbyists.

Any employment agreement between a lobbyist and the employer of a lobbyist containing a provision wherein the fee to be paid the lobbyist is contingent upon success shall be in writing. (Ord. 91-1484 § 10, 1991)

2.196.080 Unlawful activities designated.

A. No lobbyist or anyone acting at the specific direction of a lobbyist shall offer or attempt to offer anything of value to an official in the legislative or executive branch, or to his immediate family, based on any stated or tacit understanding that the official's vote, official action or judgment would be influenced thereby.

B. No lobbyist shall knowingly or wilfully make or cause to be made any false statement or misrepresentation of the facts concerning any matter for which he is registered to lobby to any official in the legislative or executive branch.

C. No official in the legislative or executive branch or a member of his staff or immediate family shall solicit or accept anything of value in violation of subsection A of this section.

D. No lobbyist shall make a loan of money to any candidates for public office, officials in the legislative or executive branch, or to anyone on their behalf.

E. No candidate for public office, official in the legislative or executive branch, or a member of his staff or immediate family, shall solicit or accept a loan in violation of subsection D of this section.

F. No lobbyist or anyone acting at the direction of a lobbyist shall pay or agree to pay an official in the legislative or executive branch compensation for property or services substantially in excess of that charged in the ordinary course of business.

G. No lobbyist or anyone acting at the specific direction of a lobbyist shall permit an official in the legislative or executive branch, or a staff member or a member of the official's immediate family, to use the credit or credit card or that of a lobbyist's employer or any other credit or credit card over which the lobbyist has control, unless the lobbyist attends the meal or other activity in which the official, staff member or immediate family member participates. (Ord. 91-1484 § 7, 1991)

2.196.090 False complaints.

It is a violation of this chapter for any person to file with the metropolitan clerk a sworn complaint which is false or for the purpose of harassment. (Ord. 91-1484 § 8, 1991)

2.196.100 Violation—Penalty.

Any violation of this chapter shall be punished by a fine of more than five hundred dollars, and upon conviction the metropolitan clerk shall have the authority to suspend the registration of a lobbyist and suspend any person from the privilege of lobbying for a period of suspension not to exceed two years. (Ord. 95-1329 § 3, 1995; Ord. 91-1484 § 9, 1991)