LOBBYING RULES AND REGULATIONS

WHO IS A LOBBYIST

A lobbyist is any person * employed or retained by a principal who seeks to encourage the passage, defeat or modifications of 1) ordinance, resolution, action or decision of the County Commission; 2) any action, decision, recommendation of any County board or committee; or 3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission or a county board or committee." The term "lobbyist" specifically includes the principal whether or not lobbying activity is within the normal scope of employment.

WHO IS NOT CONSIDERED A LOBBYIST

- Attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications. A quasi-judicial proceeding is a hearing before a County or municipal commission or board where the rights of particular persons or entities are determined and for which prior notice, the opportunity to be heard and the introduction or evaluation of evidence are required.

- Expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings.

- Representatives of neighborhood associations who appear without compensation or reimbursement for the appearance. A neighborhood association is an organization of residential homeowners and tenants created to address quality of life issues in a defined neighborhood or community.

- Representatives of not for profit community based organizations who are seeking grant funds. A community based organization is a not for profit organization organized under state or local law to engage in community development activities and has as its primary purpose the improvement of the physical, economic or social environment by addressing one or more of the critical needs of the area, with particular attention to the needs of people with low or moderate incomes.
Employees of the principal whose normal scope of employment does not include lobbying activities

REGISTRATION REQUIREMENTS

- Every lobbyist must file an annual registration by January 15th of each year and pay a registration fee of four hundred and ninety ($490.00) dollars.

- Every lobbyist must register within five days of being retained and a principal must submit an authorization form within three days of the lobbyist's registration.

- Every lobbyist must file an expenditure report by July 1rst of each year for the preceding year's expenditures.

- A representative of a non-profit organization (unless the representation falls within the exemptions) must register and file required expenditure reports. Upon request, the registration fee may be waived by the Clerk's Office.

- An automatic fine of fifty ($50.00) dollars per day is assessed for late filing of the expenditure report. A lobbyist is automatically suspended after September 1rst and may not lobby until the report is filed and all late fees are paid.

- A late fee may be appealed to the Ethics Commission.

- A lobbyist must file a Certificate of Withdrawal when the representation is concluded.

CONTINGENCY FEES

- After May 16, 2003, no person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person, may, in whole or in part, receive or agree to receive a contingency fee.

- A contingency agreement is a fee, bonus or non-monetary benefit as compensation which is dependent or in any way contingent upon the passage, defeat or modification of: 1) any ordinance, resolution, action or decision of the County Commission; 2) any action, decision or recommendation of the County Manager or any County board or committee; or 3) any action, decision or recommendation of any County personnel during the time period of the entire decision-making process
regarding such action, decision or recommendation which forseeably will be heard or reviewed by the County commission or a County board or committee.

**SELECTION COMMITTEE PRESENTATIONS**

- Any person who appears as a representative for an individual or firm for an oral presentation before a County certification, evaluation, selection, technical review or similar committee shall list on an affidavit provided by the County, all individuals who may make a presentation. The affidavit shall be filed with the Clerk of the Board at the time the response is submitted.

- The individual or firm must submit a revised affidavit at least two days prior to the oral presentation if additional members are added to the oral presentation team.

- Any person not listed on the revised affidavit will not be permitted to participate in the oral presentation.

- All additional team members, who are lobbyists as defined herein, must file a registration form with the Clerk of the Board if they have previously registered as a lobbyist for the individual or firm.

**VISITOR LOGS**

- All departments and agencies must maintain a visitor log for anyone seeking to do business with the department or agency or seeking administrative action from the department or agency.

- The log should include information regarding the name of the visitor, the staff person or persons visited and the purpose of the visit (i.e. name of matter or agenda item number)

**VERIFICATION OF LOBBYIST’S STATUS**

- All County personnel shall be diligent to ascertain whether persons appearing before them have registered as lobbyists. County personnel may check on a person’s status through the lobbyist registration section of the Metronet or by calling the Clerk of the Board of County Commissioners.