



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 30, 2002

Ordinance 14442

Proposed No. 2002-0335.3

Sponsors Sullivan and Hague

1 AN ORDINANCE relating to lobbyist disclosure
2 administration, complaints and investigations; and
3 amending Ordinance 13320, Section 2, Ordinance 13320,
4 Section 3 and Ordinance 13320, Section 14.
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7 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

8 SECTION 1. Ordinance 13320, Section 2, is hereby amended to read as follows:

9 **Definitions.**

10 For the purposes of this ordinance, certain terms are defined as follows:

11 A. "Compensation" means anything of economic value, however designated,
12 which is paid, granted or transferred, or is to be paid, granted or transferred for, or in
13 consideration of, personal services to any person, except that minor incidental personal
14 expenses, such as mileage, parking, meals, photocopying, telephone, and facsimiles for
15 persons not employed or retained as lobbyists are not included in "compensation".

16 A. "Council staff" means any person employed in the legislative branch of King
17 County government.

18 B. "County employee" means any individual who is appointed as an employee by
19 the appointing authority of a county department, agency, or office. The term "county
20 employee" also includes any person elected at a general or special election to any county
21 elected office and any person appointed to fill a vacancy in any such office. The term
22 "county employee" also includes members of county boards, commissions, committees or
23 other multi-member county bodies established by ordinance or motion.

24 C. "Department" means the department of ~~((information and administrative))~~
25 executive services.

26 D. "Expenditure" includes a payment, contribution, subscription, distribution,
27 loan, advance, deposit, gift, contract, promise or agreement to make an expenditure. The
28 term "expenditure" also includes a promise to pay, a payment or a transfer of anything of
29 value in exchange for goods, services, property, facilities or anything of value. For the
30 purposes of this ordinance, agreements to make expenditures, contracts and promises to
31 pay may be reported as estimated obligations until actual payment is made.

32 E. "Gift" means the same as the definition of "gift" in the employee code of
33 ethics, K.C.C. 3.04.017G.

34 F. "Legislation" means any ordinance or motion that is proposed to be or is
35 introduced before the council under the provisions of Sections 230 and 240 of the county
36 charter or any other matter that may be the subject of action by the council or any of its
37 committees and any ordinance or motion that, having been adopted by the council, is
38 required to be presented for approval or veto by the executive provided that the following
39 shall not be considered legislation for the purposes of this ordinance:

- 40 1. Ordinances introduced on matters considered to be quasi-judicial under state
41 law;
42 2. Motions introduced to confirm or reject appointments by the executive; and
43 3. Motions introduced to exercise the council's power of appointment or
44 removal.

45 G. "Lobby" and "lobbying" each mean attempting to influence, by
46 communicating with councilmembers or council staff, the metropolitan King County
47 council to develop, adopt, modify or reject legislation, or attempting to influence, by
48 communicating with the executive or executive staff, the King County executive to
49 approve or veto adopted legislation, or part thereof, presented to him or her.

50 For purposes of this ordinance the terms "lobby" and "lobbying" do not include
51 any of the following:

- 52 1. The act of communicating with the members of an association or organization
53 by that same association or organization;
54 2. Communications or other actions made by a person related to a quasi-judicial
55 proceeding before the council;
56 3. Communications or actions made by a person related to proposed motions to
57 confirm or reject appointments by the executive;
58 4. Communications or actions made by a person related to proposed motions to
59 exercise the council's power of appointment or removal;
60 5. Communications or other actions related to proposed employment actions
61 concerning legislative branch employees;

62 6. Communications or other actions by any county employee acting within the
63 scope of his or her employment with the county;

64 7. Communications or other actions by representatives of labor organizations
65 related to existing or proposed collective bargaining agreement(s) with the county or
66 other legislation which could affect specific existing or proposed collective bargaining
67 agreements; or

68 8. Communications or other actions by a person with the executive or executive
69 staff regarding legislation at any time prior to its adoption by the council.

70 H. "Lobbyist" means any person who lobbies for compensation.

71 I. "Lobbyist's employer" means the person or persons by whom a lobbyist is
72 employed or otherwise compensated for acting as a lobbyist. For purposes of this
73 ordinance, the term "lobbyist's employer" includes, but is not limited to:

74 1. Every person who engages or utilizes the services of any other person to
75 lobby, upon an agreement express or implied, for compensation or for other
76 consideration; and

77 2. The officers and employees of such person and/or any third party who is
78 engaged, employed or utilized by such person to lobby.

79 M. "Month" is a calendar month.

80 N. "Person" includes an individual, partnership, joint venture, public or private
81 corporation, association, federal, state or local governmental entity or agency however
82 constituted, candidate, committee, political committee, political party, executive
83 committee thereof, or any other organization or group of persons, however organized.

84 O. "Polling" means contacting individuals or groups to determine or change their
85 positions using telephone interviews, face to face interviews or focus groups.

86 P. "Public relations" means any activity, and research to support such activity,
87 that is intended to inform, educate, persuade or reinforce public opinion including, but
88 not limited to, advertising, press conferences, editorial boards and speakers bureaus.

89 Q. "Quarter" is a calendar quarter, i.e., January through March, April through
90 June, July through September, and October through December.

91 R. "Representatives of labor organizations" means any employee or designated
92 spokesperson of a bargaining representative that represents county employees.

93 SECTION 2. Ordinance 13320, Section 3, is hereby amended to read as follows:

94 **Registration of Lobbyists.**

95 A. A lobbyist shall file a lobbyist registration statement for each of his or her
96 lobbyist's employers. The lobbyist registration statement shall be filed with the
97 department of ~~((information and administrative))~~ executive services within seven days
98 after being employed or otherwise retained as a lobbyist. The lobbyist registration
99 statement shall show, in such detail as shall be prescribed by rule:

- 100 1. His or her name, permanent business address and, if the permanent business
101 address is not in King County, any temporary address in King County;
- 102 2. The name, address and occupation or business of the lobbyist's employer;
- 103 3. The duration of his or her employment;
- 104 4. His or her compensation for lobbying, how much he or she is to be paid for
105 expenses and what expenses are to be reimbursed;

106 5. Whether the person from whom he or she receives that compensation
107 employs him or her solely as a lobbyist or whether he or she is a regular employee
108 performing services for his or her employer which include, but are not limited to,
109 lobbying;

110 6. The general subject or subjects of his or her lobbying interest;

111 7. A written authorization from each of the lobbyist's employers confirming
112 such employment;

113 8. The name and address of the person who will have custody of the accounts,
114 bills, receipts, books, papers and documents required to be kept by Section 8 of this
115 ordinance; and

116 9. If the lobbyist's employer is an entity, including, but not limited to, a
117 business or trade association whose members include businesses, groups, associations, or
118 organizations or which as a representative entity undertakes lobbying activities for
119 businesses, groups, associations, or organizations, the name and address of each member
120 of such entity, or person represented by such entity, whose fees, dues, payments or other
121 consideration paid to such entity during either of the prior two years have exceeded five
122 hundred dollars or who is obligated to or has agreed to pay fees, dues, payments or other
123 consideration exceeding five hundred dollars to such entity during the current year.

124 B. Whenever a termination or significant modification of the lobbyist's
125 employment occurs, the lobbyist shall furnish full information regarding the same within
126 seven calendar days of such termination or modification by filing with the department an
127 amended registration statement.

128 SECTION 3. Ordinance 13320, Section 14, is hereby amended to read as follows:

129 **Complaints and ~~(F)~~investigations -- penalties.**

130 A. Except for allegations of untimely filing of statements and reports, which are
131 processed by the department under Section 13 L, ~~(C)~~complaints alleging a violation of
132 any of the provisions of ~~(this-ø))~~Ordinance 13320, shall be filed with the county auditor.
133 Any such a complaint shall be in writing, verified and signed by the complainant. The
134 complainant shall describe the basis for the complainant's belief that ~~(this-ø))~~Ordinance
135 13320 has been violated. The complainant may state in the written complaint whether
136 the complainant desires that his or her name be withheld from disclosure under RCW
137 42.17.310(1)(e) if the complaint is the subject of a public records disclosure request.

138 B. Within twenty days of receiving a complaint meeting the requirements of
139 subsection A of this section, the auditor shall serve or mail, by certified mail, return
140 receipt requested, a copy of the complaint to the person alleged to have violated ~~(this~~
141 ~~ø))~~Ordinance 13320. Within forty days of receiving the complaint the auditor shall
142 analyze the merits of the complaint to determine whether a full investigation is warranted.
143 The auditor shall have the authority to issue an order dismissing the complaint, or
144 specific sections of the complaint, if the auditor determines that the complaint or specific
145 sections of the complaint, as written, alleges a di minimis violation or does not state facts
146 ~~((upon which relief under this ordinance may be granted))~~ that, even if true, would
147 constitute a violation of Ordinance 13320.

148 C. If the auditor determines that a full investigation of the complaint is warranted,
149 then the investigation shall be directed to ascertain the facts concerning the violation or
150 violations ~~((of the ordinance))~~ alleged in the complaint and shall be conducted in an
151 objective and impartial manner. The auditor is authorized to contract for such

152 investigative services and other assistance as may be needed to conduct the investigation,
153 subject to the council's appropriation of adequate funds to pay for the costs of the
154 contracts. In furtherance of such an investigation, the auditor is authorized to use the
155 subpoena power to compel sworn testimony from any person and require the production
156 of any records relevant or material to the investigation except information ~~((which))~~ that
157 is legally privileged. Upon request of the auditor, county employees shall provide sworn
158 testimony and produce any records relevant or material to the investigation, except
159 information that is legally privileged.

160 D. During the investigation, the auditor shall consider any statement of position
161 or evidence with respect to the allegations of the complaint ~~((which))~~ that the
162 complainant or respondent wishes to submit.

163 E. The results of the investigation shall be reduced to written findings of fact and
164 a finding shall be made that there either is or is not reasonable cause for believing that the
165 respondent has violated one or more provisions of ~~((the -o))~~ Ordinance 13320.

166 F. If a finding is made that there is no reasonable cause, then the finding shall be
167 served or mailed, by certified mail, return receipt requested, to the complainant and the
168 respondent and the finding shall be final. The original of the auditor's finding shall be
169 filed with the clerk of the council.

170 G. If a finding is made that reasonable cause exists to believe that the respondent
171 has violated one or more of the provisions of ~~((this -o))~~ Ordinance 13320, then the auditor
172 shall prepare an order to that effect, copies of which shall be served or mailed, by
173 certified mail, return receipt requested, to the complainant and the respondent. The

174 original of the auditor's order shall be filed with the clerk of the council. The reasonable
175 cause order shall include:

176 ~~((a-))~~ 1. ~~((a))~~A finding that one or more violations of ~~((this e))~~Ordinance 13320
177 has occurred;

178 ~~((b.))~~ 2. ~~((t))~~The factual basis for ~~((such))~~ the finding;

179 ~~((e-))~~ 3. ~~((t))~~The amount of the civil penalty or penalties imposed for remedial
180 purposes to be assessed for each violation ~~((of the ordinance: provided, that))~~. ~~((a))~~A
181 person who is found to have violated ~~((a provision of this e))~~Ordinance 13320 shall be
182 given a written warning for the first violation by certified mail, return receipt requested,
183 and shall be subject to a civil penalty of up to one thousand dollars for each subsequent
184 violation after the warning has been given. ~~((And f))~~Further ~~((provided that no))~~, an
185 individual penalty may not exceed one thousand dollars per violation and in any case
186 where multiple violations are involved in a single complaint, the maximum aggregate
187 civil penalty shall not exceed two thousand five hundred dollars; and

188 ~~((d-))~~ 4. ~~((a))~~A notice informing the respondent that the respondent has the right
189 to a hearing before the hearing examiner as set forth in Ordinance 13320, Section 15 ~~((of~~

190 ~~this ordinance.~~

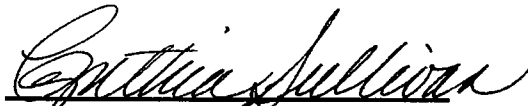
191 ~~The original of the auditor's order shall be filed with the clerk of the council).~~

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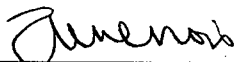
Ordinance 14442 was introduced on 7/22/2002 and passed as amended by the Metropolitan King County Council on 7/29/2002, by the following vote:

Yes: 11 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr. Pelz, Mr. Constantine, Mr. Pullen, Mr. Gossett, Ms. Hague and Ms. Patterson
No: 0
Excused: 2 - Mr. McKenna and Mr. Irons

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 9 day of August, 2002


Ron Sims, County Executive

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CLERK
KING COUNTY COUNCIL

Attachments None