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Clerk 07/30/2002

AN ORDINANCE relating to lobbyist disclosure administration, complaints and investigations; and amending Ordinance 13320, Section 2, Ordinance 13320, Section 3 and Ordinance 13320, Section 14.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

Definitions.

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

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

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

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

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

D. "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit,

gift, contract, promise or agreement to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value. For the purposes of this ordinance, agreements to make expenditures, contracts and promises to pay may be reported as estimated obligations until actual payment is made.

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

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

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

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

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

1. The act of communicating with the members of an association or organization by that same association or organization;
2. Communications or other actions made by a person related to a quasi-judicial proceeding before the council;
3. Communications or actions made by a person related to proposed motions to confirm or reject appointments by the executive;

4. Communications or actions made by a person related to proposed motions to exercise the council's power of appointment or removal;

5. Communications or other actions related to proposed employment actions concerning legislative branch employees;

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

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

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

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

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

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

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

M. "Month" is a calendar month.

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

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

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

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

R. **"**Representatives of labor organizations" means any employee or designated spokesperson of a bargaining representative that represent**s** county employees.

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

Registration of Lobbyists.

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

1. His or her name, permanent business address and, if the permanent business address is not in King County, any temporary address in King County;

2. The name, address and occupation or business of the lobbyist's employer;

3. The duration of his or her employment;

4. His or her compensation for lobbying, how much he or she is to be paid for expenses and what expenses are to be reimbursed;

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

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

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

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

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

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

SECTION 3. Ordinance 13320, Section14, is hereby amended to read as follows:

Complaints and ((I))investigations -- penalties.

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

B. Within twenty days of receiving a complaint meeting the requirements of subsection A of this

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

C. If the auditor determines that a full investigation of the complaint is warranted, then the investigation shall be directed to ascertain the facts concerning the violation or violations ((~~of the ordinance~~)) alleged in the complaint and shall be conducted in an objective and impartial manner. The auditor is authorized to contract for such investigative services and other assistance as may be needed to conduct the investigation, subject to the council's appropriation of adequate funds to pay for the costs of the contracts. In furtherance of such an investigation, the auditor is authorized to use the subpoena power to compel sworn testimony from any person and require the production of any records relevant or material to the investigation except information ((~~which~~)) that is legally privileged. Upon request of the auditor, county employees shall provide sworn testimony and produce any records relevant or material to the investigation, except information that is legally privileged.

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

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

F. If a finding is made that there is no reasonable cause, then the finding shall be served or mailed, by certified mail, return receipt requested, to the complainant and the respondent and the finding shall be final.

The original of the auditor's finding shall be filed with the clerk of the council.

G. If a finding is made that reasonable cause exists to believe that the respondent has violated one or more of the provisions of ((~~this o~~))Ordinance 13320, then the auditor shall prepare an order to that effect, copies of which shall be served or mailed, by certified mail, return receipt requested, to the complainant and the respondent. The original of the auditor's order shall be filed with the clerk of the council. The reasonable cause order shall include:

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

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

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

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

~~this ordinance.~~

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

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