

**RULES RELATIVE TO
COUNTY OF LOS ANGELES
LOBBYIST ORDINANCE
CHAPTER 2.160 OF THE COUNTY CODE**

Section 1.0 Registration

1.1 Duties and Prohibitions of Lobbyists, Lobbying Firms, and Lobbyist Employers. When any duty or prohibition is imposed upon a lobbyist, lobbying firm or lobbyist employer by the Lobbyist Ordinance, Chapter 2.160 of the Los Angeles County Code, that duty or prohibition shall begin as of the day the person or entity meets the definition of a County lobbyist, lobbying firm, or lobbyist employer as set forth in the Lobbyist Ordinance and Section 2.0 of these Rules.

1.2 Initial Registration. Within 10 days of first becoming a County lobbyist, lobbying firm or lobbyist employer, that person or entity shall file with the Executive Officer of the Board of Supervisors the necessary completed registration forms supplied by the Executive Officer. The registration forms submitted to the Executive Officer shall be accompanied by payment of the appropriate fee or fees as provided in Section 9.0 of these Rules.

1.3 Annual Renewal of Registration.

A. Any County lobbyist, lobbying firm, or lobbyist employer currently registered with the Executive Officer as of January 1, 2008, shall retain that status through December 31, 2008, unless the registration is terminated prior to that time. Thereafter, as of January 1, 2009, all registrations shall automatically terminate, unless renewed as provided in this Subsection.

B. Beginning on January 1, 2009, any person or entity seeking to retain its status as County lobbyist, lobbying firm, or lobbyist employer, must annually renew its registration and pay any applicable annual registration fees to the Executive Officer as provided in Section 9.0 of these Rules. The annual renewal of registration and appropriate fee(s) are due on or before the 10th day of January of the year of renewal. However, additional fees for late filing will not be imposed if a County lobbyist, lobbying firm, or lobbyist employer files an annual renewal of registration and all required fees at the same time as the quarterly report for the last quarter of the previous year is filed, i.e., on or before the 31st of January of the year of renewal.

1.4 Acceptable methods of registering. A registration is deemed acceptable if it is originally signed by the registrant and transmitted to the Executive Officer of the Board of Supervisors via the U. S. Mail, guaranteed overnight delivery service, or hand delivery, or by another method of transmission which has been expressly approved and authorized by the Executive Officer. A registration is not acceptable if it is filed with the Executive Officer via fax equipment or any method not expressly approved and authorized by the Executive Officer.

1.5 Terminated Registration. As provided in Subsection 11.1 of these Rules, a registration shall not be accepted if (A) the person or entity has been found to be in violation of the Lobbyist Ordinance and has failed to pay all fees or otherwise satisfy all sanctions or penalties imposed under the Lobbyist Ordinance; or (B) the person or entity attempts to re-register within the period of time in which such person or entity is prohibited from re-registration pursuant to Section 11.0 of these Rules.

Section 2.0 Definitions

2.1 Lobbyist.

A. A lobbyist is any individual who is employed, contracts or otherwise receives compensation, other than reimbursement for reasonable travel expenses, to communicate directly, or through agents, employees or subcontractors, with any County official for the purpose of influencing official County action, if a substantial or regular portion of the activities for which he or she receives such compensation is for the purpose of influencing official County action.

B. To determine whether or not the activities for which an individual is compensated for the purpose of influencing official County action constitutes "substantial" or "regular," two tests shall be applied. A person who meets the requirements of either of the following tests shall be considered a County lobbyist.

1. The compensation test: The person receives or becomes entitled to receive at least \$1,000 in compensation in any calendar month for influencing official County action. Compensation received by a full time employee engaged primarily to perform services other than influencing official action, or for administrative testimony, shall not be included in computing the amount of compensation in this test.

2. The contact test: The person receives or becomes entitled to receive any amount of compensation for engaging in direct communication, other than administrative testimony, with County officials for the purpose of influencing official County action on at least five separate occasions in any three consecutive calendar months.

2.2 Lobbying or lobbyist firm means a business entity, including an individual lobbyist, which receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of influencing official action on behalf of any other person, if either any partner, owner, officer or employee of the business entity is a lobbyist, or a substantial or regular portion of the activities for which the business entity receives compensation is for the purpose of influencing official County action. Whether or not the activities for which such entity or individual is compensated for the purpose of influencing official County action constitutes "substantial" or "regular," and therefore, the entity or individual is considered to be a lobbying firm, shall be determined pursuant to the tests set forth in Subsection 2.1 of these Rules.

2.3 Lobbyist employer is a person or entity, other than a lobbying firm, who, for economic consideration other than reimbursement for reasonable travel expenses, either employ one or more lobbyists or contracts for the services of a lobbyist or lobbying firm for the purpose of influencing official County action.

2.4 Administrative testimony means appearing as an attorney or advocate representing a party to an administrative proceeding, the decision of which is reviewable by a court pursuant to Code of Civil Procedure Section 1094.5. Time spent representing clients in such formal quasi-judicial administrative proceedings should not be counted in evaluating the level of lobbying activities to determine whether a person meets the "substantial" or "regular" test. Administrative testimony does not refer to public hearings of the type often held by the Board of Supervisors to receive public comment on matters pending before the Board.

2.5 Direct communication includes appearing as a witness before, talking to (either by telephone or in person), corresponding with (including, but not limited to, electronic mail), or answering questions or inquiries from, any County official, either personally or through an agent who acts under one's direct supervision, control or direction. Direct communication does not include any request for or provision of purely technical data or analysis to a County agency by a person who does not otherwise engage in direct communication for the purpose of influencing official County action.

2.6 County official includes a member of the Board of Supervisors, the Sheriff, the Assessor, the District Attorney, a county commissioner, and any other County officer or employee whose duties are not primarily clerical or manual.

2.7 Official County action means the drafting, introduction, consideration, modification, enactment or defeat of any County ordinance or Board of Supervisors motion or resolution, or the granting or denial of any County contract, permit, grant, license or franchise.

2.8 Influencing official County action means promoting, supporting, influencing, modifying, opposing or delaying any official action by any means, including but not limited to the provision or use of information, statistics, studies or analyses. Influencing official County action does not include actions strictly limited to compliance of formal County requirements for approval or granting of a County contract, permit, grant, license or franchise.

2.9 Time deadline. When any registration, report, or other required document is properly addressed to the Executive Officer and sent first-class mail, postage prepaid, or by guaranteed overnight delivery service, it shall, for purposes of any time deadline, be deemed to have been received on the date of the deposit in the mail. It shall be presumed until the contrary is established that any date stamped by the post office or guaranteed overnight delivery service on the envelope containing the registration, report, or other required document is the date it was deposited in the mail. Mail that is not received by the Executive Officer shall be presumed not to have been sent unless the filer possesses a post office receipt or receipt from a guaranteed overnight delivery service establishing the date of deposit and the name and address of the addressee. When the last day to perform or complete any act provided for in the Lobbyist Ordinance or these Rules falls on a Saturday, Sunday, or County holiday, the time deadline is extended until the next business day.

Section 3.0 Departments' Responsibilities

3.1 All County departments are to identify individuals and entities that may be subject to the Lobbyist Ordinance and to advise them of the information contained in the ordinance. Departments are to make a reading copy of the ordinance available. Department heads are to post signs at each location where people who are potentially subject to its provisions are likely to contact the department. Departments must revise appropriate forms to include a signed certification by contractors and applicants for permits, licenses, grants, and franchises that they are familiar with the requirements of Chapter 2.160 of the Los Angeles County Code. Departments are to distribute copies of Section 2.160.120 of the County Code regarding gifts to all employees whose duties involve responsibilities other than clerical or manual functions. Further, each department's new-employee orientation procedures shall include a copy of Section 2.160.120 of the County Code which shall be given to all new employees who are subject to its provisions.

3.2 All County departments are to periodically review the Lobbyist Ordinance information posted on the website of the Executive Officer of the Board of Supervisors to see whether any individuals or entities directly communicating with the department have failed to comply with the Lobbyist Ordinance. Such periodic reviews are to be performed whenever a department is considering the award of a contract, permit, grant, license, or franchise, or upon receiving notice from the Executive Officer that an individual or entity has been determined to be in violation of the Lobbyist Ordinance.

Section 4.0 Payment Contingent Upon Success Of Influencing - Exception

The Lobbyist Ordinance prohibits any arrangement whereby the compensation of a contract lobbyist or lobbying firm for a particular lobbying effort is specifically contingent upon success in that effort.

This section is not intended to prohibit an in-house lobbyist of a County lobbyist employer, including a company sales representative who qualifies as a County lobbyist, from participating in a company profit sharing plan or from receiving a sales commission when a portion of his or her employer's profit or sales volume is generated from business done with the County.

Section 5.0 Quarterly Reports

5.1 Quarterly Reports. County lobbyists, lobbying firms (including sole proprietors) and lobbyist employers shall file quarterly reports with the Executive Officer no later than the last day of the month following the close of the calendar quarter. Quarterly reports shall be filed on forms provided by the Executive Officer in accordance with instructions accompanying the forms.

5.2 Reporting Requirement for Other Persons or Entities

A. A quarterly report shall be filed by "\$5,000 filer," which is any person or entity who is not a lobbyist or lobbying firm, nor employs a lobbyist or contract with a lobbying firm, but who directly or indirectly makes payments to influence official County action aggregating \$5,000 or more in a calendar quarter. The quarterly report shall be filed in the same manner and within the same time as set forth in this Section 5.0. A \$5,000 filer who fails to comply with this Section 5.0 shall be subject to the provisions of Sections 8.0 and 11.0 of these Rules.

B. Examples:

In April, the Association of Valley Growers pays for newspaper advertisements urging readers to communicate with the Los Angeles County Board of Supervisors on a pending County ordinance. The total cost of the advertisements exceeds \$5,000 during the second calendar quarter. The Association qualifies as a \$5,000 filer and must file a report for the second quarter, April 1 - June 30.

In October, the Association of Valley Growers pays a telephone solicitor \$10,000 to call constituents of a Supervisorial District regarding a County ordinance. The solicitor routes or otherwise directs the constituent to a County Official's office so that the constituent can speak directly to the County Official's staff regarding the ordinance. The Association qualifies as a \$5,000 filer and must file a report for the fourth quarter, October 1 - December 31.

5.3 Forms. The Executive Officer shall mail the necessary report forms to each person or entity registered with the Executive Officer. Failure of the Executive Officer to mail the necessary report forms shall not relieve that person or entity of any reporting responsibilities the person or entity may have under the ordinance. The forms will be mailed by the end of the quarterly report period. Individuals and entities that register within that last week of the reporting period will receive their quarterly report documents within the following week.

5.4 Delivery of Reports. Reports must be originally signed by the filer and transmitted to the Executive Officer via the U. S. Mail, guaranteed overnight delivery service, hand delivery, or by another method which has been expressly approved and authorized by the Executive Officer. Reports that are submitted via fax equipment, or any method not expressly approved and authorized by the Executive Officer, will not be accepted.

5.5 Reporting payments to lobbyists and lobbying firms by lobbyist employers. All payments to lobbying firms and lobbyists made by lobbyist employers in connection with attempts to influence official actions of the County shall be reported by the lobbyist employer on the quarterly report covering the period during which the payment was made. Similarly, lobbyists and lobbying firms shall report all payments received from a lobbyist employer on the quarterly report covering the period during which the payment was made. Only that portion of a payment to a lobbyist or lobbying firm which includes fees and expenses related to influencing official action of the County need be reported. Any portion of payments to lobbyists and lobbying firms which are in no way related to influencing official action of the County should not be included.

Lobbyists, lobbying firms and lobbyist employers shall keep records in order to be able to demonstrate how the reported figures were calculated.

5.6 Deleting or ceasing activities relative to lobbying. When a County lobbying firm or County lobbyist employer ceases all activities related to influencing official action, this fact shall be indicated in the last quarterly report filed.

Section 6.0 Registration Amendments and Terminations

6.1 An amendment to the registration must be filed within 10 days for the following changes:

- A. Lobbying firm adding a new lobbyist or lobbyist employer adding a new in-house employee lobbyist. (See also Subsection 6.2 below)
- B. Lobbying firm adding lobbyist employer/client. The lobbying firm is prohibited from representing the new client until the amendment to the registration is complete and filed with the Executive Officer.
- C. Lobbying firm deleting a lobbyist employer/client.
- D. Registered lobbyist employer adding a lobbying firm.
- E. Registered lobbyist employer/client deleting a lobbyist firm.
- F. Lobbying firm or lobbyist employer deleting a lobbyist.
- G. Changes to the registration, such as changing the responsible officer, address, or telephone number.

6.2 An amendment to the registration to add a lobbyist to a currently registered lobbying firm or to add an in-house employee lobbyist of a currently registered lobbyist employer pursuant to Subsection 6.1 above, requires the payment of a registration fee for each lobbyist or in-house employee lobbyist so added as provided in Subsections 9.1 and 9.2 of these Rules.

Section 7.0 Public Records

The Executive Officer shall make available to the public, upon request, copies of the registration statements and amendments and completed quarterly activity reports. Copies of the current statements and reports shall be made available for inspection, upon request, in the Executive Office, 383 Kenneth Hahn Hall of Administration, 500 W. Temple Street, Los Angeles 90012.

Section 8.0 Failure to Register or File Report

8.1 If a County lobbyist, lobbying firm, or lobbyist employer fails to register or file a required report or other document within the time deadline imposed under the terms of the Lobbyist Ordinance and these Rules, the Executive Officer shall send a notice of noncompliance with the ordinance to that person or entity. The notice shall include a warning that the person or entity will be subject to imposition of additional fees as described in Section 9.0 of these Rules, if the

registration, report or other required document is not filed, along with payment of any required fees, within 10 days of the date of the letter.

8.2 If a person or entity fails to register or file a required report or other document by the date specified pursuant to Subsection 8.1 above, the Executive Officer shall send the person or entity a letter notifying him or her of all potential additional fees, penalties, and sanctions described in Chapter 2.160 of the Los Angeles County Code and Sections 9.0 and 11.0 of these Rules, and requiring compliance within 14 days of the date of the letter.

8.3 If the filer fails to file the required registration, report or other document, or fails to pay all applicable fees including additional fees for late filing within the time deadline prescribed in Subsection 8.2, the Executive Officer may institute an administrative proceeding to determine the appropriate administrative fines and noncompliance fees to be imposed against the person or entity, and make any recommendations on appropriate actions to the Board of Supervisors, as provided in Section 10.0 of these Rules.

Section 9.0 Fees

9.1. Registration

	Initial Registration	Annual Renewal
County Lobbyist	\$ 35 if filed prior to July 1, 2008 \$ 337 if filed during July 1, 2008 through December 31, 2008 \$ 450 if filed after January 1, 2009 and during the first three quarters of the calendar year (January through September) \$ 337 if filed after January 1, 2009 and during the last quarter of a calendar year (October through December): \$337	\$450 (effective for the calendar year 2009 and for each year thereafter)
County Lobbying Firm	\$35 if filed prior to December 31, 2008 No fee if filed after January 1, 2009	No fee
County Lobbyist Employer	\$35 if filed prior to July 1, 2008 \$56 if filed during July 1, 2008 through December 31, 2008 \$75 if filed after January 1, 2009 \$56 if filed after January 1, 2009 and during the last quarter of a calendar year (October through December)	\$75 (effective for the calendar year 2009 and for each year thereafter)

9.2. Fees for Registration of Additional County Lobbyist. Any registration fees provided in Subsection 9.1 above, shall also be paid for each individual lobbyist or in-house employer lobbyist who is added to the registration of a lobbying firm or lobbyist employer pursuant to Section 6.1 of these Rules.

9.3 Fees for Other Filings. Except as provided in Subsection 9.2 above, there shall be no fee associated with the filing of any amendments to registration or any quarterly reports required under the Lobbyist Ordinance. However, any late filing or failure to file any of the foregoing shall be subject to additional fees as provided in Subsection 9.4 below.

9.4 Additional Fees for Late Filing. If the filing of an initial registration or annual renewal of registration, registration amendment, quarterly report, separate quarterly campaign contribution report, or other document required under the Lobbyist Ordinance is made beyond its due date and the Executive Officer concludes that the filer is in violation of the ordinance, in addition to the regular filing fee set forth in this Section, the filer shall be required to pay an additional fee as follows:

- A. \$25 per day for the first ten days after the due date of the filing;
- B. Thereafter, \$50 per day for the next ten days if the filing is not made within ten days after the due date; and
- C. Thereafter, \$75 per day until the earlier of (1) the date that the filer comes into compliance or (2) the date that any other penalties are imposed by the Board of Supervisors or the Executive Officer as provided in Section 10.0 of these Rules.

9.5 Waiver of Liability for Payment of Additional Fees. The Executive Officer may waive any additional fees imposed under this Section 9.0, in whole or in part, if the violation was not willful and the Executive Officer determines that enforcement of the additional fees would not further the purposes of the Lobbyist Ordinance. Any person or entity seeking such waiver shall complete and submit the form required by the Executive Officer. The request must explain why the filer believes the late filing was not willful and enforcement will not further the purposes of the law. If the filing was late due to exceptional circumstances beyond the filer's control (such as hospitalization, incapacitation or death of the filer, or loss of records due to natural disaster), the request should describe the exceptional circumstances and attach documentation.

Section 10.0 Investigations

10.1 Any person may file a charge with the Executive Officer that any lobbyist, lobbying firm, lobbyist employer or other person or entity has violated any provision of the Lobbyist Ordinance. The allegations of any violation of the ordinance must be in writing and must be specific in nature. The Executive Officer shall not investigate oral or anonymous allegations. If the Executive Officer deems it advisable, he or she may refer the matter to the Auditor-Controller for investigation of the allegations.

10.2 Upon receiving a charge that a person or entity has violated the Lobbyist Ordinance, the Executive Officer shall give such person or entity reasonable notice of the charge and opportunity to present information in response thereto. Upon completion of the investigation, the Executive Officer may take any appropriate actions, including but not limited to those actions set forth in Sections 8.0, 9.0 and 11.0 of these Rules.

Section 11.0 Enforcement

11.1 Imposition of Sanctions and Penalties by the Board of Supervisors

A. Upon making a determination that a person or entity has violated the Lobbyist Ordinance, the Executive Officer may submit a written report to the Board of Supervisors, recommending imposition of the sanctions and penalties provided herein.

B. If the Board of Supervisors agrees with any of the recommendations, any of the following sanctions and penalties may be imposed against any person or entity ("violation") who has been found to be in violation of the Lobbyist Ordinance:

1. The violator shall be refused permission to address the Board of Supervisors or any County commission, except on his or her own behalf, during such period that the violator remains in noncompliance, including failure to satisfy any other penalties, including payment of required fees, imposed under the Lobbyist Ordinance.

2. A person or entity on whose behalf the violator acted shall be denied the County contract, permit, grant, license or franchise that was the objective of the improper lobbying activities.

3. The registration of the violator shall be terminated and the violator shall be required to pay all fees and penalties imposed under these Rules. In addition, the violator shall not be permitted to re-register as a lobbyist, lobbying firm, or lobbyist employer as follows:

a. No previous violations: the violator shall be prohibited from re-registering for a period of up to three months following the Board's approval of the termination of the registration;

b. One previous violation: the violator shall be prohibited from re-registering for a period of up to six months following the Board's approval of the termination of the registration;

c. Two or more previous violations: the violator shall be prohibited from re-registering for a period of up to twelve months following the Board's approval of the termination of the registration.

4. The violator shall be liable in a civil action brought by the County for an amount up to \$5,000.00 for each failure to comply.

11.2 Imposition of Administrative Fines and Noncompliance Fees by Executive Officer.

A. In addition to or in lieu of making a recommendation to the Board of Supervisors for imposition of sanctions and penalties pursuant to Subsection 11.1 above, the Executive Officer may commence a proceeding to determine whether an administrative fine or noncompliance fee shall be imposed against the person or entity as provided herein.

B. Any violation of the Lobbyist Ordinance is subject to an administrative fine of up to \$5,000.00, and a noncompliance fee of up to \$5,000.00, which shall be determined by the Executive Officer, as set forth in the Operational Procedures approved by the Board of Supervisors.

11.3 Referral to Treasurer and Tax Collector. Any person or entity who fails to satisfy any penalties, fees, or fines imposed pursuant to Subsections 11.1 and 11.2 of these Rules shall be referred for collection to the Los Angeles County Treasurer and Tax Collector.

11.4 Waiver of Liability. The Board of Supervisors may, in its discretion, waive any of the sanctions, penalties, administrative fines or noncompliance fees described in Subsections 11.1 and 11.2 of these Rules, in whole or in part, if it determines that there was no willful violation and enforcement would not further the purposes of the Lobbyist Ordinance.