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MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA



Larry J. Monteilh, Executive Officer
Clerk of the Board of Supervisors
383 Hall of Administration
Los Angeles, California 90012

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On motion of Supervisor Edelman, seconded by Supervisor Dana, unanimously carried, the attached recommendations were adopted.

Attachment

December 14, 1993

0000055



BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

181 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

GLORIA MOLINA
YVONNE BRATHWAITE BURKE
EDMUND D. EDELMAN
DEANE DANA
MICHAEL D. ANTONOVICH

LARRY J. MONTEILH, EXECUTIVE OFFICER
(213) 974-1411

December 2, 1993

Honorable Board of Supervisors
County of Los Angeles
500 W. Temple St., Room 383
Los Angeles, CA 90012

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Dear Supervisors:

COUNTY LOBBYIST RULES

On April 6, 1993 your Board adopted Ordinance No. 93-0031 (Chapter 2.160 of the Los Angeles County Code), the Lobbyist Ordinance. Section 2.160.150 of the Los Angeles County Code authorizes the Executive Officer to develop rules for the administration of Chapter 2.160.

Attached, for your consideration, are proposed rules developed by my office. The rules have been reviewed by County Counsel for legality, clarity and structure.

IT IS, THEREFORE, RECOMMENDED THAT YOUR BOARD:

1. Approve the attached County Lobbyist Rules.
2. Instruct the Executive Officer to distribute copies of the rules to registered lobbyists, lobbying firms, lobbyist employers and to all County Department/District Heads.

Very truly yours,

LARRY J. MONTEILH
EXECUTIVE OFFICER

LJM:dh

Attachment

0060656

RULES RELATIVE TO
COUNTY OF LOS ANGELES
LOBBYIST REGISTRATION

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RULES RELATIVE TO
COUNTY OF LOS ANGELES
LOBBYIST REGISTRATION

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 Chapter 2.160 of the Los Angeles County Code, that duty or prohibition shall begin as of the day the lobbyist meets the definition of a County lobbyist as set forth in Section 2.1 of these Rules.
- 1.2 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 the necessary completed registration forms supplied by the Executive Office. The registration forms submitted to the Executive Officer shall be accompanied by payment of the appropriate fee or fees.
- 1.3 Acceptable methods of registering. A registration is deemed acceptable if it is originally signed by the registrant and mailed via the U. S. Mail, guaranteed overnight delivery service, or hand delivered to the Executive Office of the Board of Supervisors. A registration is not acceptable if it is filed with the Executive Office via fax equipment.

SECTION 2.0 DEFINITIONS

- 2.1 Definition of Lobbyist. Chapter 2.160 of the Los Angeles County Code defines a lobbyist as 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 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 action.

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 test shall be considered a lobbyist.

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.

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 5 separate occasions in any two consecutive calendar months.

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

2.3 Definition of administrative testimony. 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

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.

- 2.4 Definition of direct communication. Direct communication includes appearing as a witness before, talking to (either by telephone or in person), corresponding with, 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.
- 2.5 Definition of County official. 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.
- 2.6 Definition of official County action. 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.
- 2.7 Definition of influencing official County action. 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.

SECTION 3.0 DEPARTMENTS' RESPONSIBILITIES

All County departments are to identify individuals and entities who may be subject to the 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.

SECTION 4.0 PAYMENT CONTINGENT UPON SUCCESS OF INFLUENCING - EXCEPTION

Section 2.160.130 of the Los Angeles County Code imposes restrictions making it unlawful for a County lobbyist or County lobbying firm to:

"Accept or agree to accept any payment in any way contingent upon success by the county lobbyist or county lobbying firm in influencing official action.

The lobbyist ordinance prohibits any arrangement whereby a contract lobbyist or lobbying firm's compensation 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 lobbyist employer, including a company sales representative who qualifies as a 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 FAILURE TO REGISTER

- 5.1 If a lobbyist or employer fails to register by the deadline imposed under the terms of the lobbyist ordinance, the Executive Officer shall send a notice that he or she is not in compliance with the lobbying ordinance. The notice shall include a warning that he or she will be subject to a fine of \$250 if the registration is not filed within 30 days of the date of the letter.
- 5.2 If a person or entity fails to register by the date specified pursuant to Section 5.1 above the Executive Officer shall send the person or entity a letter notifying him or her of all potential penalties described in Chapter 2.160 of the Los Angeles County Code and requiring compliance within 14 days of the date of the letter.
- 5.3 If a person or entity fails to file the required registration with the Executive Officer by the date specified pursuant to Section 5.2, the Executive Officer shall send a letter notifying him or her that a fine of \$250 has been assessed and that the person or entity may be subject to additional penalties, at the discretion of the Board of Supervisors, including an additional fine of up to \$2,000 if the registration and payment of the \$250 fine are not submitted to the Executive officer within 14 days after the date of the letter.
- 5.4 If the filer fails to register pursuant to the deadline prescribed in Section 5.3, the Executive Officer shall submit a report to the Board of Supervisors stating the facts surrounding the filer's failure to comply with the ordinance and recommending appropriate sanctions in accordance with the ordinance.
- 5.5 If a filer files his registration late pursuant to Section 5.3, but fails to pay the \$250 fine assessed by the Executive Officer, the Executive Officer shall place the matter before the Board of Supervisors pursuant to Section 5.4.

SECTION 6.0 LOBBYIST QUARTERLY REPORTS

- 6.1 Quarterly Reports. Lobbying firms (including sole proprietors) and lobbyist employers shall file quarterly reports with the Executive Officer by the 20th 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.
- 6.2 Mailed Reports. The Executive Officer shall mail the necessary report forms to each entity registered with the Board of Supervisors. 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.
- 6.3 Timely Reports. Any lobbying firm (including a sole proprietor) or lobbyist employer who does not submit a report timely is not in compliance with the Lobbyist Ordinance. When a report is properly addressed to the Executive Officer, and has been sent first-class mail or by guaranteed overnight delivery service it shall, for purposes of any 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 report or statement is the date it was deposited in the mail. Mail which 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.
- 6.4 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.

- 6.5 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 7.0 FAILURE TO FILE A QUARTERLY REPORT

- 7.1 If a filer fails to file a report by the deadline, the Executive officer shall send the filer a notice that he or she is not in compliance with the lobbyist ordinance and notify the filer that he or she will be subject to a fine of \$250 if the report is not filed within 10 days from the date of the letter.
- 7.2 If a filer fails to file his or her report with the Executive Officer by the date specified pursuant to Section 7.1, the Executive Officer shall send the filer a letter notifying him or her that a fine of \$250 has been assessed and that the filer may be subject to additional penalties, at the discretion of the Board of Supervisors, including an additional fine of up to \$2,000 if the quarterly report and payment of the \$250 fine are not submitted to the Executive Officer within 14 days after the date of the letter.
- 7.3 If the filer fails to file pursuant to the deadline prescribed in Section 7.2, the Executive Officer shall submit a report to the Board of Supervisors.

stating the facts surrounding the filer's failure to comply with the ordinance and recommending appropriate sanctions in accordance with the ordinance.

SECTION 8.0 PUBLIC RECORDS

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

SECTION 9.0 REGISTRATION AMENDMENTS AND TERMINATIONS

9.1

An amendment to the registration must be filed, along with a fee of \$15.00, 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 9.2 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 Office.
- 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.

**RULES RELATIVE TO
COUNTY OF LOS ANGELES
LOBBYIST REGISTRATION**

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SECTION 1.0 REGISTRATION.

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- 6.3 Timely Reports. Any lobbying firm (including a sole proprietor) or lobbyist employer who does not submit a report timely is not in compliance with the Lobbyist Ordinance. When a report is properly addressed to the Executive Officer, and has been sent first-class mail or by guaranteed overnight delivery service it shall, for purposes of any 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 report or statement is the date it was deposited in the mail. Mail which 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.
- 6.4 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.
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SECTION 7.0 FAILURE TO FILE A QUARTERLY REPORT.

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to additional penalties, at the discretion of the Board of Supervisors, including an additional fine of up to \$2,000 if the quarterly report and payment of the \$250 fine are not submitted to the Executive Officer within 14 days after the date of the letter.

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- 9.1 An amendment to the registration must be filed, along with a fee of \$15.00, 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 9.2 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 Office.
 - 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.
- 9.2 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 9.1A above. An additional registration fee of \$35 is required for each lobbyist to be added.

SECTION 10.0 INVESTIGATIONS.

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 Chapter 2.160 of the Los Angeles County Code. The 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 may refer the matter to the Auditor-Controller for investigation of the allegations. Upon completion of the investigation, the Executive Officer shall make recommendations for appropriate action to the Board of Supervisors.