

1.07 LOBBYIST DISCLOSURE

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1.07.010 Policy. It is the policy of King County to encourage the full participation and expression of interest of all of the people of King County in the legislative process. The provisions of this chapter shall be liberally construed to promote full disclosure of lobbying in order to protect the openness and integrity of the legislative process. (Ord. 13320 § 1, 1998).

1.07.020 Definitions. For the purposes of this chapter, 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."

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

C. "County employee" means any individual who is appointed as an employee by the appointing 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 multimember county bodies established by ordinance or motion.

D. "Department" means the department of executive services.

E. "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 chapter, agreements to make expenditures, contracts and promises to pay may be reported as estimated obligations until actual payment is made.

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

G. "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 chapter:

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.

H. "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 the executive.

For purposes of this chapter 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 the employee's 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.

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

J. "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 chapter, 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.

K. "Month" means a calendar month.

L. "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.

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

N. "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.

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

P. "Representatives of labor organizations" means any employee or designated spokesperson of a bargaining representative that represents county employees. (Ord. 18618 § 4, 2017: Ord. 14442 § 1, 2002: Ord. 13320 § 2, 1998).

1.07.030 Registration of lobbyists.

A. A lobbyist shall file a lobbyist registration statement for each of the lobbyist's employers. The lobbyist registration statement shall be filed with the department of 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. The lobbyist's 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 the lobbyist's employment;
4. The lobbyist's compensation for lobbying, how much the lobbyist is to be paid for expenses and what expenses are to be reimbursed;
5. Whether the person from whom the lobbyist receives that compensation employs the lobbyist solely as a lobbyist or whether the lobbyist is a regular employee performing services for the lobbyist's employer that include, but are not limited to, lobbying;
6. The general subject or subjects of the 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 K.C.C. 1.07.080; 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. (Ord. 18618 § 5, 2017: Ord. 14442 § 2, 2002: Ord. 13320 § 3, 1998).

1.07.040 Exemptions -- citizen lobbyists. Persons who lobby without compensation or with compensation or other consideration limited to reimbursement for minor incidental personal expenses, such as mileage, parking, meals, photocopying, telephone and facsimiles, shall be considered citizen lobbyists and shall be exempt from registration. The exemption contained in this section is intended to permit and encourage citizens of the county to lobby any councilmember or the executive without

incurring any registration or reporting obligation. Any person exempt under this section may at the person's option register and report under this chapter. (Ord. 18618 § 6, 2017: Ord. 13320 § 4, 1998).

1.07.050 Exemptions -- technical experts.

A. It is understood that businesses may employ a specific person or persons as lobbyists. In addition, other employees of a business, or contracted experts, may have occasion to meet on an irregular basis with councilmembers or the executive or appear before public sessions of the council or its committees to provide information or expert testimony. Such other employees or contracted experts shall not be required to register or report under this chapter only if:

1. They restrict their activities as defined in this section to no more than six days or parts thereof during any quarter. Appearing before public sessions of the council and committees of the council are not counted towards the six days; and

2. They are not registered as a lobbyist with the Washington State Public Disclosure Commission as a representative of the same client or organization for which they are an employee or contracted technical expert.

B. Any person exempt under this section may at the person's option register and report under this chapter. (Ord. 18618 § 7, 2017: Ord. 15610 § 2, 2006: Ord. 13320 § 5, 1998).

1.07.060 Exemptions -- governmental officials, officers and employees.

Except for a person or persons specifically employed or otherwise retained by a government agency to lobby, elected officials, officers and employees of any local, state or federal government agency acting within the scope of their representation of or employment with such agency are not required to register or report under this chapter. (Ord. 13320 § 6, 1998).

1.07.070 Exemptions -- media persons. News or feature reporting activities and editorial comment by working members of the press, radio or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station or television station shall be exempt from registration and reporting under this chapter. Any person exempt under this section may at the person's option register and report under this chapter. (Ord. 18618 § 8, 2017: Ord. 13320 § 7, 1998).

1.07.080 Reporting by lobbyists.

A. Each lobbyist shall file a report with the department of the lobbyist's activities for each employer. Such reports must be signed by the lobbyist. The reports shall be made in the form and manner prescribed by the department. The department shall design the reporting forms to match as closely as reasonably possible the forms required for lobbyist reporting to the Washington state Public Disclosure Commission. The reports shall be filed within fifteen calendar days after the last day of the calendar quarter. The due dates for such reports are January 15, April 15, July 15 and October 15. The January report shall cover the preceding calendar year; the April, July and October reports shall each cover the preceding calendar quarter.

B. Each periodic report shall contain:

1. The totals of all expenditures for lobbying activities made or incurred by such lobbyist. The totals of all expenditures for lobbying activities made or incurred on behalf of such lobbyist by the lobbyist's employer or any other person with the lobbyist's knowledge. Such total expenditures for lobbying activities shall include the following: food and refreshments, entertainment and other expenses or services. The report shall

specify the amount of the expenditure, the person to whom the amount was paid and a brief description of the activity. Notwithstanding the preceding, lobbyists are not required to report any expenses incurred for their personal travel or meals, telephone and any office expenses including rent and salaries and wages paid for staff and secretarial assistance;

2. The total compensation paid to the lobbyist for lobbying purposes during the reporting period by the lobbyist employer;

3. The subject matter which the lobbyist has been supporting or opposing during the reporting period, including specific ordinances and motions;

4. Other information relevant to lobbying activities as shall be prescribed by rule; and

5. Information regarding any termination or significant modification of the lobbyist's employment.

C. Information supporting any activities which are required to be reported under this section is subject to audit by the department. However, the person subject to audit is not required to disclose information which is covered by the attorney-client privilege. (Ord. 18618 § 9, 2017: Ord. 13320 § 8, 1998).

1.07.090 Reports by employers of registered lobbyists and other persons.

A. Every employer of a lobbyist registered under this chapter shall report on such employment either by:

1. Verifying, by signing along with the lobbyist, the January 15 report required to be filed by K.C.C. 1.07.080; or

2. Filing with the department on or before the last day of February of each year a statement disclosing for the preceding calendar year the following information:

a. the total expenditures made by the reporting person for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise;

b. the name and address of each lobbyist, registered under this chapter, employed by the reporting person and the total expenditures made by such person for each such lobbyist for lobbying purposes; and

c. such other information as shall be prescribed by rule.

B. Each employer shall obtain and preserve all accounts, bills, receipts, books, papers and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least five years from the date of filing of the statement containing such items. These accounts, bills, receipts, books, papers and documents shall be made available for inspection by the department during regular business hours.

C. Information supporting any activities which are required to be reported under this section is subject to audit by the department. However, the person subject to audit is not required to disclose information which is covered by the attorney-client privilege. (Ord. 13320 § 9, 1998).

1.07.100 Professional grass roots lobbying campaign.

A. Any person who has made expenditures exceeding ten thousand dollars in the aggregate within any consecutive twelve-month period or who will expend ten thousand dollars within any consecutive twelve-month period presenting a program addressed to the public which is specifically intended, designed or calculated to influence legislation that may be the subject of action by the council shall be required to register and report, as provided in subsection B. of this section, as a sponsor of a professional grass roots lobbying campaign.

B. Within seven days after becoming a sponsor of a professional grass roots lobbying campaign, the sponsor shall register by filing with the department a registration statement, as shall be prescribed by rule, showing:

1. The sponsor's name, address and business or occupation, and, if the sponsor is not an individual, the names, addresses and titles of the controlling persons responsible for managing the sponsor's affairs;

2. The name, address and business or occupation of all persons organizing and managing the grass roots lobbying campaign, or hired to assist the campaign, and the terms of compensation for all such persons;

3. The name and address of each person contributing services or money with a value of one hundred dollars or more to the grass roots lobbying campaign;

4. The purpose of the grass roots lobbying campaign, including the specific legislation that is the subject matter of the effort; and

5. The total of all expenditures made or incurred to date on behalf of the grass roots lobbying campaign, which totals shall be segregated according to financial category, including, but not limited to, the following: advertising segregated by media; telemarketing or polling; public relations; entertainment, including food and refreshments; office expenses, including rent, salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying activities; consultants; printing and mailing expenses; and other expenditures as shall be prescribed by rule.

C. Every sponsor who has registered under this section shall file quarterly reports with the department. The reports shall be filed for each calendar quarter and shall be due within fifteen days after the last day of the quarter covered by the report. The due dates for such reports are January 15, April 15, July 15 and October 15. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show totals of expenditures made during the quarter, in the same manner as provided for in the registration statement.

D. Each sponsor of a grass roots lobbying campaign shall obtain and preserve all accounts, bills, receipts, books, papers and documents necessary to substantiate the financial reports required to be made under this section for a period of at least five years from the date of filing of the statement containing such items. These accounts, bills, receipts, books, papers and documents shall be made available for inspection by the department during regular business hours. Should the sponsor be unable to maintain the financial records of the grass roots lobbying campaign, the sponsor may file the records, including all accounts, bills, receipts, books, papers and documents, with the appropriate county agency for preservation for five years.

E. Information supporting any activities which are required to be reported is subject to audit by the department. However, the person subject to audit is not required to disclose information which is covered by the attorney-client privilege. (Ord. 18618 § 10, 2017; Ord. 13320 § 10, 1998).

1.07.110 Employment of unregistered persons. It shall be a violation of this chapter for any person to employ for compensation or any consideration, or pay or agree to pay any compensation or consideration to, a person to lobby who is not registered under this chapter except upon condition that such person register as a lobbyist as provided by this chapter, and such person does in fact so register in conformance with this chapter, K.C.C. 1.07.030. (Ord. 13320 § 11, 1998).

1.07.120 Lobbyist duties and restrictions. A person required to register as a lobbyist under this chapter shall also have the following obligations, the violation of

which may subject the person, and the person's employer, if that employer willfully aids, abets, ratifies or confirms any such act, to civil penalties, as provided by this chapter:

A. A person required to register as a lobbyist shall obtain and preserve all accounts, bills, receipts, books, papers and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least five years from the date of the filing of the statement containing such items. These accounts, bills, receipts, books, papers and documents shall be made available for inspection by the department during regular business hours: provided, that if a lobbyist or sponsor is required under the terms of the lobbyist or sponsor's employment contract to turn any records over to the lobbyist or sponsor's employer, responsibility for the preservation of such records under this subsection shall rest with that employer;

B. In addition, a person required to register as a lobbyist under this chapter shall not:

1. Engage in any activity as a lobbyist before registering as such;
2. File any statement or report with the department that is incomplete in any material respect or contains a statement that is false or misleading with respect to any material fact;
3. Fail to comply with any of the reporting requirements of this chapter;
4. Knowingly deceive or attempt to deceive any councilmember or the council as to any fact pertaining to any pending or proposed legislation;
5. Cause or influence the introduction of any legislation or amendment thereto for the purpose of thereafter being employed to secure its defeat;
6. Exercise any undue influence, extortion or unlawful retaliation upon any councilmember by reason of such councilmember's position with respect to, or the councilmember's vote upon, any legislation; or
7. Enter into any agreement, arrangement, or understanding according to which the lobbyist's compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation. (Ord. 18618 § 11, 2017: Ord. 13320 § 12, 1998).

1.07.130 Administrative duties. The department shall:

A. Prepare, publish and update, as appropriate, documents written in plain language explaining the provisions of this chapter and, further, develop and implement other methods to educate the public, including, but not limited to, grassroots campaign lobbying groups, employers and lobbyists concerning the requirements of this chapter;

B. Develop and provide forms for the reports and statements required to be made under this chapter;

C. Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;

D. Compile and maintain a current list of all filed reports and statements;

E. Annually publish and disseminate a directory of lobbyists which sets forth the name, employer, if applicable, and telephone number of each lobbyist;

F. Determine whether properly completed statements and reports have been filed within the times required by this chapter;

G. Review at least every five years the monetary reporting thresholds and penalties of this chapter. The focus of this review shall include recognition of economic changes and any related changes promulgated by rule. Upon completion of its review, the department shall recommend to the council necessary changes, if any, to the monetary reporting thresholds and penalties of this chapter;

H. Adopt rules to carry out the policies and purposes of this chapter in a manner prescribed in K.C.C. chapter 2.98;

I. Prepare and publish such reports as in its judgment will address the purposes of this chapter including reports and statistics concerning lobbying and enforcement of this chapter;

J. Audit the registrations and reports of lobbyists, sponsors of professional grass roots lobbying campaigns and lobbyists' employers;

K. Give a written warning for the first violation to any person registered under this chapter who fails to file required statements and reports within the timelines established herein by certified mail, return receipt requested. Each subsequent violation after the initial warning has been given shall be assessed a late report filing fee of fifty dollars and an additional late fee of ten dollars per day for up to thirty days. Late fees shall be assessed by the department and may be appealed in accordance with K.C.C. 20.22.080. (Ord. 18635 § 1, 2017: Ord. 18230 § 69, 2016: Ord. 13320 § 13, 1998).

1.07.140 Complaints and investigations -- penalties.

A. Except for allegations of untimely filing of statements and reports, which are processed by the department under K.C.C. 1.07.130.K, complaints alleging a violation of any of the provisions of this chapter shall be filed with the county ombuds. 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 chapter has been violated. The complainant may state in the written complaint whether the complainant desires that the complainant's 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 ombuds shall serve or mail, by certified mail, return receipt requested, a copy of the complaint to the person alleged to have violated this chapter. Within forty days of receiving the complaint the ombuds shall analyze the merits of the complaint to determine whether a full investigation is warranted. The ombuds shall have the authority to issue an order dismissing the complaint, or specific sections of the complaint, if the ombuds determines that the complaint or specific sections of the complaint, as written, alleges a de minimis violation or does not state facts that, even if true, would constitute a violation of this chapter.

C. If the ombuds 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 alleged in the complaint and shall be conducted in an objective and impartial manner. The ombuds 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 ombuds 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 that is legally privileged. Upon request of the ombuds, 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 ombuds shall consider any statement of position or evidence with respect to the allegations of the complaint 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 chapter.

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 ombuds'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 chapter, then the ombuds 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 ombuds's order shall be filed with the clerk of the council. The reasonable cause order shall include:

1. A finding that one or more violations of this chapter has occurred;
2. The factual basis for the finding;
3. The amount of the civil penalty or penalties imposed for remedial purposes to be assessed for each violation. A person who is found to have violated this chapter 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. Further, 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
4. A notice informing the respondent that the respondent has the right to a hearing before the hearing examiner as set forth in K.C.C. 1.07.150. (Ord. 18635 § 2, 2017: Ord. 18618 § 12, 2017: Ord. 15610 § 2, 2006: Ord. 14442 § 3, 2002: Ord. 13320 § 14, 1998).

1.07.150 Appeals.

A. Any respondent aggrieved by an order of the ombuds may appeal that order by complying with K.C.C 20.22.080 and by providing a copy of the appeal to the complainant.

B. If an order of the ombuds has been timely appealed, an examiner shall conduct a hearing and shall affirm, deny or modify the order. The parties to the hearing shall be the respondent and the ombuds. There shall be a verbatim record kept of the hearing and the hearing examiner shall have the power to administer oaths and affirmations, issue subpoenas, compel attendance, take evidence and require the production of any books, papers, correspondence, memoranda or other documents relevant or material to the hearing, except information which is covered by the attorney-client privilege. The burden of proving that a violation occurred shall at all times be upon the ombuds. The decision of the hearing examiner shall be based upon a preponderance of the evidence. Such a hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given to the parties and the complainant at least ten days before the date of the hearing.

C. At the hearing each party shall have the following rights:

1. To call and examine witnesses on any matter relevant to the issues raised by the order of the ombuds;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any relevant matter;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut evidence against the party; and
6. To self-represent or to be represented by anyone of the party's choice who is lawfully permitted to do so.

D. Following review of the evidence submitted the hearing examiner shall, within a reasonable time, enter written findings and conclusions and shall affirm or modify the

order previously issued if the hearing examiner finds that one or more violations of this chapter have occurred. The hearing examiner shall reverse the order if the hearing examiner finds that no violations of this chapter have occurred. A copy of the hearing examiner's decision shall be served or mailed, by certified mail, return receipt requested, to the ombuds, the respondent and the complainant. The original of the hearing examiner's decision shall be filed with clerk of the council.

E. A decision of the hearing examiner shall be a final and conclusive action unless within twenty-one calendar days from the date of issuance of the hearing examiner's decision an aggrieved person files an appeal in superior court, state of Washington, for the purpose of review of the action taken. (Ord. 18618 § 13, 2017: Ord. 18230 § 70, 2016: Ord. 15610 § 3, 2006: Ord. 13320 § 15, 1998).