City of Portland
Lobbying Entity Regulation Program
City Official Reporting 101

Revised December 2012

Published by
Office of the City Auditor
1221 SW 4th Avenue, Room 140
Portland, OR 97204-1987
www.portlandonline.com/auditor/lobbyist
phone 503-823-3546 fax 503-823-4571
e-mail lobbyist@portlandoregon.gov

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I. Introduction

Welcome
This "City Official Reporting 101" information packet is intended to provide information to City elected officials, the at will staff of elected officials, City directors and appointees to certain commissions who are subject to the reporting requirements of City Code Chapter 2.12 and Administrative Rule ARB-ADM-15.02.

The City Auditor is charged with the administration of this program by City Code Chapter 2.12. Specifically, the Auditor:

- shall prescribe and provide forms for registrations, statements and reports
- shall accept registrations and reports in an electronic format
- shall make registrations, statements and reports available for public inspection
- may audit registrations and reports
- is authorized to adopt administrative rules to administer this program.

Authority
Use of this information packet is intended solely as a reference guide. Every effort has been made to present accurate and reliable information, however, information in the packet changes periodically. As a result, this packet may contain some inadvertent errors. The Auditor's Office would appreciate your kindness in notifying us of any inaccuracies by phone, e-mail or in person.

Readers of this information packet should take note that the information contained herein should not be considered as having the same weight and authority as City Code or City Administrative Rules. In the event any information conflicts, this packet is not controlling and users must instead follow relevant legal authority.

Contact Information
Office of the City Auditor
Lobbying Entity Registration Program
1221 SW 4th Ave Room 140
Portland, OR 97204-1987
www.portlandonline.com/auditor/lobbyist
phone 503-823-3546 fax 503-823-4571
e-mail lobbyist@portlandoregon.gov

II. General Information About Regulation of Lobbying Entities

Purpose of the Program
"The City finds that to preserve the integrity of its decision making process, lobbying entities that engage in efforts to influence City officials, should report their lobbying efforts to the public."

-(City Code Section 2.12.010)

Program Implementation Timeline

- **December 21, 2005**
  - City Council passed Ordinance No. 179843
- **April 1, 2006**
  - Effective Date of Ordinance No. 179843 and City Code Chapter 2.12
  - Auditor began accepting online lobbying entity registrations
- **October 1, 2006**
  - Auditor may begin imposing penalties
- **November 15, 2006**
  - Commissioner of Public Utilities submitted report to Council on implementation and effectiveness of program; next review in six months
- **November 22, 2006**
  - City Council passed Ordinance No. 180620, amending City Code Chapter 2.12
- **December 22, 2006**
  - Effective Date of Ordinance No. 180620
- **June 20, 2007**
  - Commissioner of Public Utilities submitted second report to Council on implementation and effectiveness of program
- **August 8, 2007**
  - City Council passed Ordinance No. 181204, amending City Code Chapter 2.12
- **September 7, 2007**
  - Effective date of Ordinance No. 181204; lobbying entity cumulative reporting threshold reduced from 16 hours to 8 hours beginning with Q4 (10/1/07 – 12/31/07)

Online Lobbying Entity Registration & Reporting System
The Auditor's Office partnered with the Bureau of Technology Services to develop an online registration and reporting system. This system was launched in 3 Phases:

- **Phase One**
  - Lobbying Entity Registration
  - Launch Date April 1, 2006

- **Phase Two**
  - Lobbying Entity & City Official Report Submission
  - Launch Date June 2006

- **Phase Three**
  - Lobbying Activity Reports available for review & download by public
  - Launch Date July 2006

Definitions

- **"Lobbying Entity":** Any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group who lobbies either by employing or otherwise authorizing a lobbyist to lobby on that person's behalf.

- **"Unregistered Lobbying Entity":** Any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group who lobbies either by employing or otherwise authorizing a lobbyist to lobby on that person's behalf, but does not meet or exceed the cumulative 8 hour quarterly reporting threshold required for registration as a lobbying entity with the City.

- **"Lobbyist":** Any individual who is authorized to lobby on behalf of a lobbying entity.

- **"Unregistered Lobbyist":** Any individual who is authorized to lobby on behalf of an unregistered lobbying entity.

- **"Lobby" or "Lobbying" or "Lobbies":** Attempting to influence the official action of City Officials. Lobbying includes time spent preparing emails and letters and preparing for oral communication with a City official. Lobbying does not include:

  1. Time spent by an individual representing his or her own opinion to a City official.

  2. Time spent participating in a board, committee, working group, or commission created by City Council through approval of resolution or ordinance.

3. Time spent by a City Official or City employee acting in their official capacity as an official for the City.

4. Time spent submitting a bid, responding to related information requests, and negotiating terms on a competitively bid contract or intergovernmental agreement.

5. Oral or written communication made by a representative of a labor organization that is certified or recognized, pursuant to ORS 243.650 et seq., as the exclusive bargaining representative of employees of the City of Portland, to the extent that such communications do not deal with actual or potential ordinances that are unrelated to the collective bargaining process, or implementation or application of any collective bargaining agreement provision.

6. Formal appearances to give testimony before public hearings or meetings of City Council.

7. Work performed by a contractor pursuant to a contract with or grant from the City.

8. Time spend by any person holding elected public office, or their specifically authorized representative, acting in their official capacity.

➲ **"Calendar Quarters":** One of the following four three-month periods

1. First Quarter - January 1 to March 31
2. Second Quarter - April 1 to June 30
3. Third Quarter - July 1 to September 30
4. Fourth Quarter - October 1 to December 31.

➲ **"Calendar Year":** The period of January 1 through December 31.

➲ **"City Official":**

1. Any City elected official (Mayor, Commissioner or Auditor)

2. At will staff of a City elected official

3. City Directors - Director or individual in charge of:

   a) Bureau of Development Services
   b) Bureau of Emergency Communications
   c) Bureau of Environmental Services
   d) Bureau of Housing & Community Development
   e) Bureau of Parks & Recreation
   f) Bureau of Planning
   g) Bureau of Police

h) Bureau of Revenue
i) Bureau of Water Works
j) Office of Cable Communications and Franchise Management
k) Office of Government Relations
l) Office of Management & Finance
m) Office of Neighborhood Involvement
n) Office of Sustainable Development
o) Office of Transportation
p) Portland Development Commission
q) Portland Fire & Rescue OR
r) Portland Office of Emergency Management

4. Appointee to the:

a) Design Commission
b) Fire & Police Disability & Retirement Board
c) Portland Development Commission
d) Portland Planning Commission

- **"Consideration":** Gift, payment, distribution, loan, advance or deposit of money or anything of value. Includes a contract, promise, or agreement, whether or not legally enforceable.

- **"Gift":** something of economic value given to a City official without valuable consideration of equivalent value, including full or partial forgiveness of indebtedness, which is not extended to others who are not City officials on the same terms and conditions; and something of economic value given to a City official for valuable consideration less than that required from others who are not City officials.

Note: "gift" does not mean:

1. Campaign contributions as described in ORS Chapter 260;
2. Gifts from family members.

- **"Official Action":** Introduction, sponsorship, testimony, debate, voting or any other official action on any ordinance, measure, resolution, amendment, nomination, appointment, or report, or any matter, including administrative action, that may be the subject of action by the City.

- **"Person"**: Any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group.

III. City Official Reporting Requirements

Basic Information
In addition to the reports of lobbying activities required for lobbying entities, City Code Chapter 2.12 and Administrative Rule ARB-ADM-15.02 also place the following reporting requirements on City Officials:

- City Officials (defined on pages 4 and 5) must file Quarterly Statements documenting:

  1. Gifts, meals or entertainment received from a lobbying entity or lobbyist, or unregistered lobbying entity or unregistered lobbyist, in excess of $25 OR

  2. Any donations or gifts of personal or real property to the City requested (and agreed to) from a lobbying entity or lobbyist, or unregistered lobbying entity or unregistered lobbyist.

- City Officials, other than elected officials, are not required to file reports with the Auditor if the amount of the gift, meal or entertainment is less than $25.00 or if no gifts or donations have been requested in the calendar quarter.

- Elected officials must always file Quarterly Statements.

- City Elected Officials and City Directors (defined on pages 4 and 5) must post their Calendars of activities related to official City business to the web each quarter, unless a City Elected Official or City Director determines that such posting poses a safety threat.

Reporting Periods & Deadlines

Quarter	Reporting Period	Last Day to File Report
4	10/1/12 – 12/31/12	Tuesday January 15, 2013
1	1/1/13 – 3/31/13	Tuesday, April 15, 2013
2	4/1/13 – 6/30/13	Monday, July 15, 2013
3	7/1/13 – 9/30/13	Tuesday, October 15, 2013
4	10/1/13 – 12/31/13	Wednesday, January 15, 2014

- All reports are due by 5:00 pm on the last day to file.

- If a filing deadline falls on a Saturday, Sunday or other legal City holiday, the report shall be due by 5:00 pm the next business day.

- A City Official may amend a quarterly report without penalty if he or she files the amended report within 25 days after the end of the calendar quarter.

How do City Officials File Their Quarterly Reports and Post Their Calendars?
Per City Administrative Rule ARB-ADM-15.02:

- City Officials must use the Online Lobbying Entity Registration & Reporting System to file their Quarterly Statements. This system can be accessed by clicking on the words "Click Here to Enter Online Application" at www.portlandonline.com/auditor/lobbyist.

- City Elected Officials and Bureau Directors must provide the Auditor with a link to their Official Calendars located on their Portland Online website. The Auditor will include a link on the Lobbying Entity Registration & Reporting website.

IV. Creating Your City Official Quarterly Statement

Any City Official (defined on pages 4 and 5) who:

- receives gifts, meals or entertainment in excess of $25 from a lobbying entity or lobbyist, or an unregistered lobbying entity or unregistered lobbyist, or

- requests (and request is agreed to) donations or gifts of personal or real property from a lobbying entity or lobbyist, or an unregistered lobbying entity or unregistered lobbyist

must file a City Official Quarterly Statement.

To Create your City Official Quarterly Statement:

1. Go to the Lobbying Entity Regulation website
   www.portlandonline.com/auditor/lobbyist

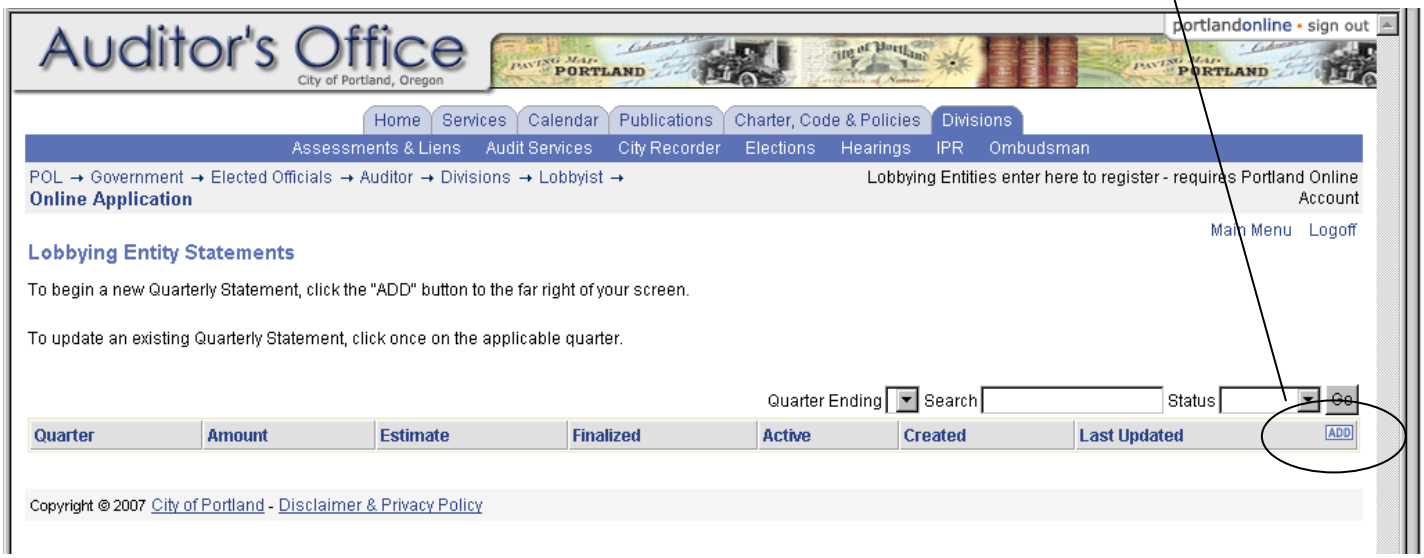
2. Enter the Online application by clicking once on the words "Click Here to Enter Online Application."

3. You will be prompted to sign in with your Portland Online user name and password. Enter the information and click once on the Sign-In button. You will be taken to City Official Reporting Main Menu.

   NOTE - if you are a City staff person completing the report for a City Official, you will need to use the City Official's *personal* Portland Online username and password! Any other username will result in an invalid filing.

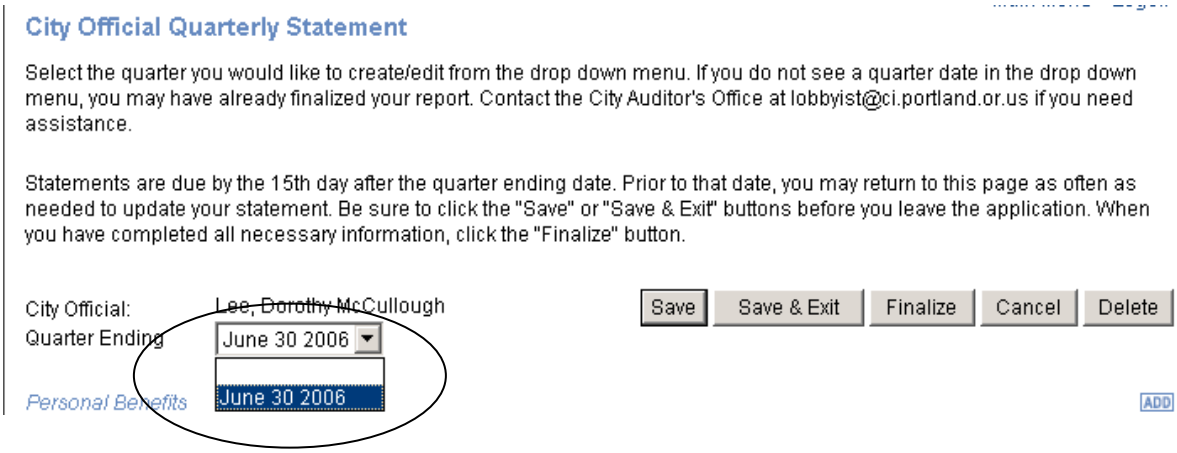
4. Click once on the words "Manage Quarterly Statements."

5. You will be taken to the City Official Statements page. Click once on the "ADD" button to the far right of your screen to begin a new Quarterly Statement.

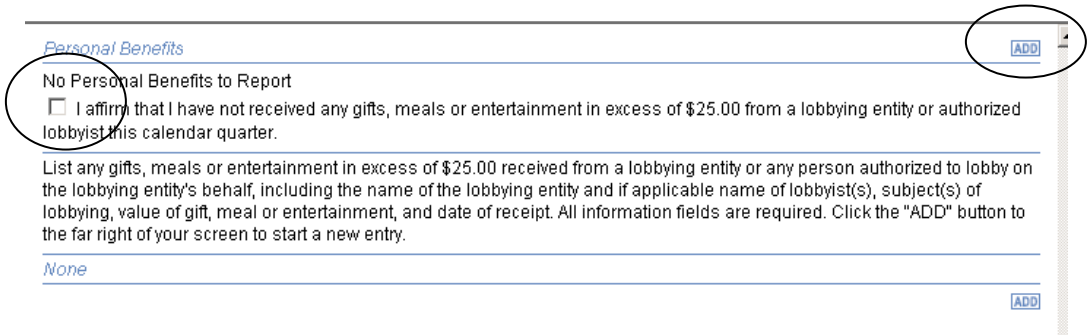


6. You will be taken to the City Official Quarterly Statements entry page. Follow the instructions below to complete your report.

7. Select the current quarter from the drop down menu to the right of the words "Quarter Ending."

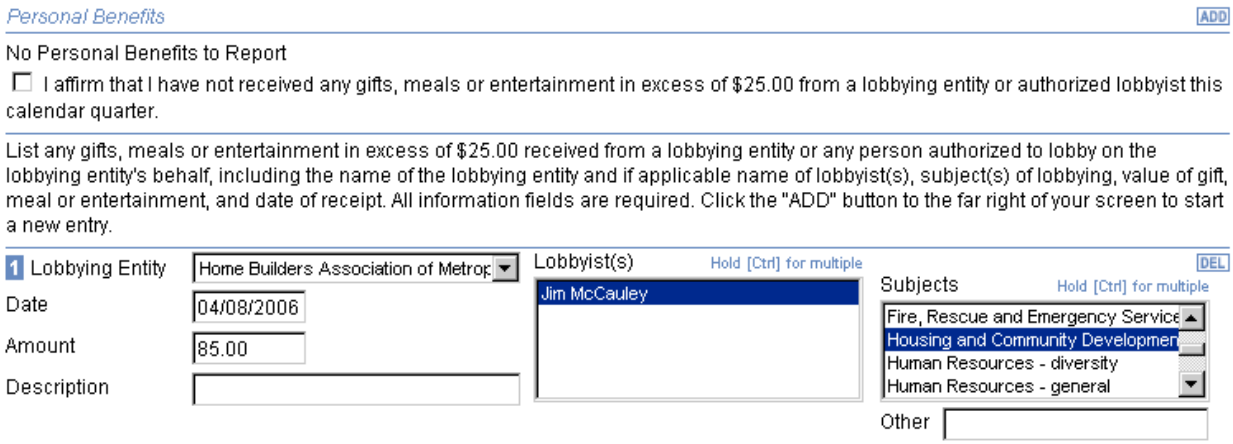


8. **Personal Benefits.** City Officials must report any gifts, meals or entertainment in excess of $25.00 received from a lobbying entity or authorized lobbyist, or unregistered lobbying entity or unregistered lobbyist.



<u>No personal benefits to report?</u> Click once on the check box below the words "No personal benefits to report."

<u>Personal benefits to report?</u> Click once on the "ADD button to the far right of the screen to start a new entry.



- Lobbying Entity: Select the name of the lobbying entity from the drop down menu. If the lobbying entity is unregistered, select “Unregistered Entity.”

- Lobbyist: Select the name of the authorized lobbyist from the drop down menu. If “Unregistered Entity” has been selected in the “Lobbying Entity” drop down menu, highlight the line in the “Lobbyist(s)” field.

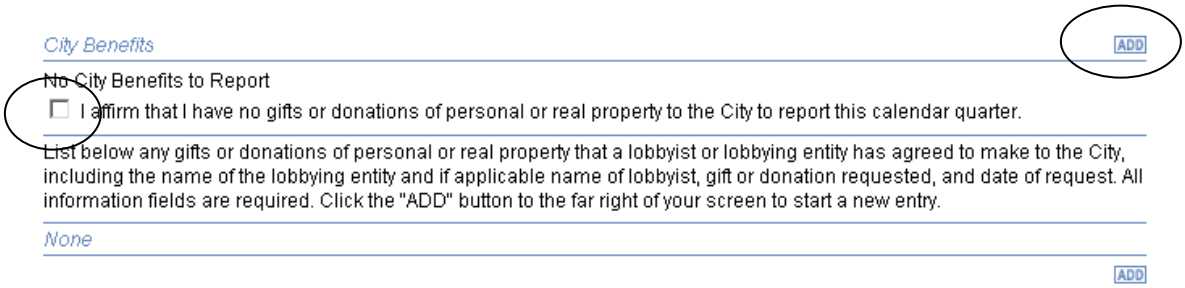
- Date: Enter the date (MM/DD/YYYY) the benefit was received.

- Amount: Enter the dollar value of the benefit without a dollar sign or commas (decimal points are ok).

- Description: Enter a brief description of the personal benefits received.

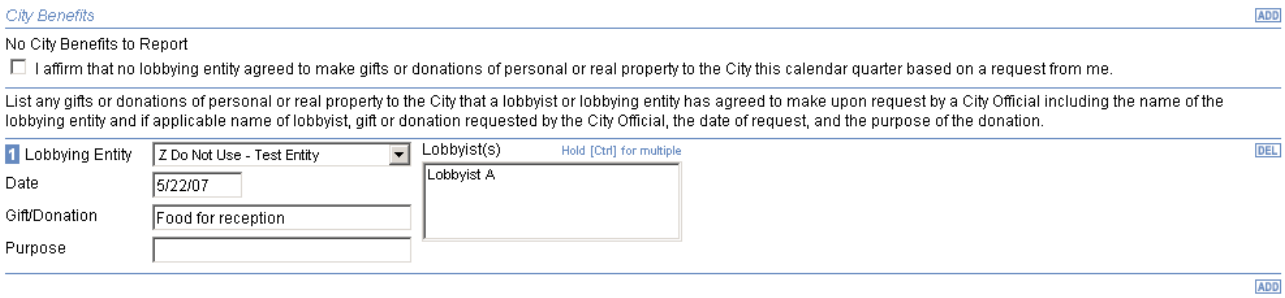
- Subject of Interest: Select the general subject of the lobbying activity. If you select "Other" include a description of the subject in the text box.

9. **City Benefits.** City Officials must report any gifts of personal or real property requested from and agreed to by a lobbying entity or authorized lobbyist, or unregistered lobbying entity or unregistered lobbyist, on behalf of the City.



No City benefits to report? Click once on the check box below the words "No City benefits to report."

City benefits to report? Click once on the "ADD button to the far right of the screen to start a new entry.



- Lobbying Entity: Select the name of the lobbying entity from the drop down menu. If the lobbying entity is unregistered, select “Unregistered Entity.”

- Lobbyist: Select the name of the authorized lobbyist from the drop down menu. If “Unregistered Entity” has been selected in the “Lobbying Entity” drop down menu, highlight the line in the “Lobbyist(s)” field.

- Date: Enter the date (MM/DD/YYYY) the benefit was requested.

- Gift/Donation: Describe the benefit in the text field.

- Purpose: Describe the purpose of the benefit in the text field.

10. **Saving & Finalizing Your Report.** Quarterly Reports are due by the 15th day after the quarter ending date. Prior to that date, you may return to this page as often as needed to update your statement. Be sure to click the "Save" or "Save & Exit" buttons before you leave the application. When you have completed all necessary information for the entire quarter, click the "Finalize" button. See page 12 for instructions on submitting your report.

V. Amending Your City Official Quarterly Statement

Quarterly Reports are due by the 15th day after the quarter ending date.

Prior to that date, you may return to the Online Lobbying Entity Registration & Reporting System as often as you need to update your quarterly statement.

1. Go to the Lobbying Entity Regulation website
   www.portlandonline.com/auditor/lobbyist

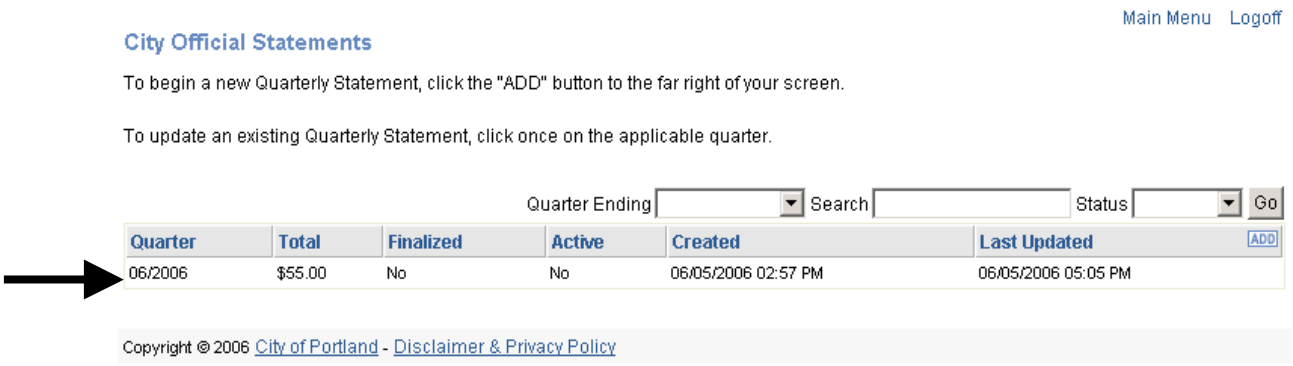
2. Enter the Online application by clicking once on the words "Click Here to Enter Online Application."

3. You will be prompted to sign in with your Portland Online user name and password. Enter the information and click once on the "Sign In" button.

4. You will be taken to the City Official Reporting Main Menu.

5. Click once on the words "Manage Quarterly Statements."

6. You will be taken to the City Official Statements page. Click once on the applicable quarter to open your Statement.



If you have already finalized your report, you will be able to view the printed statement but not able to amend it. Contact the Auditor's Office at lobyist@portlandoregon.gov (X3-3546) to arrange access if necessary.

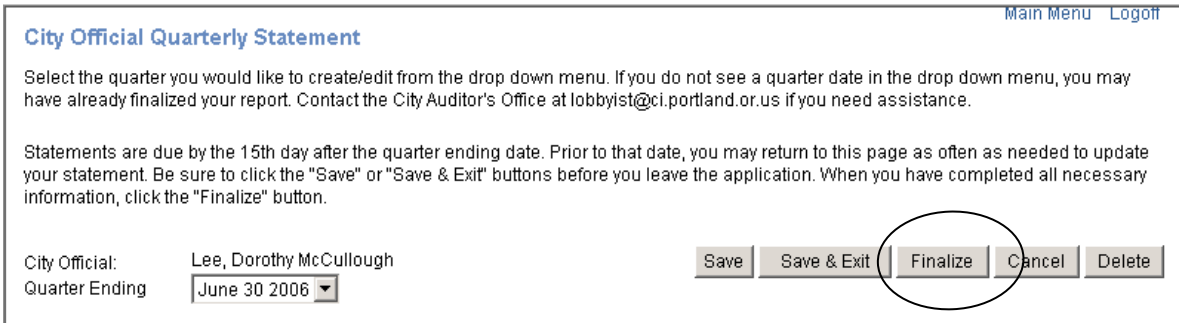
7. You may now amend any of the information on this form. Follow Steps 7 to 10 in the previous section on Creating Your Quarterly Statement.

Each Time You Amend Your Report: Be sure to click the "Save & Exit" button.

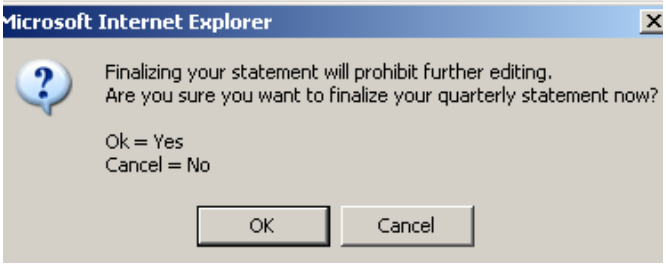
When You Are Ready to Submit Your Report: Click the "Finalize Button.

VI. Submitting Your City Official Quarterly Statement

1. When you have entered all required information for your Quarterly Statement, you may finalize the report by clicking the "Finalize" button on the Quarterly Statement page.



2. A pop-up menu will appear asking you if you are sure you want to finalize your quarterly statement. Clicking yes will lock you out of the ability to edit your statement any further (you will be able to view and print the statement).



   Click OK to finalize your statement.

3. You will be taken to a Confirmation page. Your filing is not considered final until you print the Quarterly Statement, sign it and mail or fax to the Auditor's Office.

4. Click once on the words "Print the Quarterly Statement." Your form will be printed.

5. Sign and date the declaration at the end.

6. Mail, fax, email, or hand-deliver the signed form to:
   City of Portland
   Office of the City Auditor
   1221 SW 4th Ave Room 140
   Portland, OR 97204
   FAX 503-823-4571
   Lobbyist@portlandoregon.gov

7. Click once on the words "Logoff" to exit the application pending the Auditor's receipt, review and approval of your Quarterly Statement.

8. You will receive an automated email once the Auditor has accepted your report.

VII. Calendar of Official City Business

City Elected Officials and City Directors (defined on pages 4 and 5) must post their calendars of activities of official City business to the City website by the 15th day after the end of the calendar quarter for the previous calendar quarter.

How to meet this requirement:

- Post your calendar on your bureau's City website. There are different methods that your schedulers/assistants can use to post your calendars to the website.
    - Use a WordCal program of Outlook to transport the Outlook calendar into a Word document. Contact the bureau of technology services help desk for assistance with this process.
    - The Bureau of Technology Services recommends that calendars be turned into PDF's through Outlook and then posted to the Internet. There are instructions in Appendix A of this packet.
- Once you have established your calendar page on your Bureau website, contact the Auditor's Office lobbying regulation staff at lobbyist@portlandoregon.gov. The Auditor's Office will place a link on the Lobbying Regulation website to your calendar.
- City Code Section 2.12.070 D. allows for a public safety exemption to the calendar reporting requirement. If a City Elected Official or City Director determines that such posting poses a safety threat, he or she may file a public safety exemption declaration with the City Auditor in lieu of posting their calendar.

VIII. Other Regulations, Reporting Requirements & Penalties

Prohibited Conduct
No former City Elected Official, City Director or other employee shall, for a period of one year after the termination of the employee's term of office or employment, lobby for money or other consideration a City Official, regarding any subject matter on which the employee participated personally and substantially during the employee's term of office or employment; provided, that if the employee exercised contract management authority with respect to a contract, this prohibition shall be permanent as to that contract.

These prohibitions shall not apply to:

1. Prevent any former City Elected Official or other City employee from representing himself or herself, or any member of his or her immediate family, in their individual capacities, in connection with any matter pending before the City;

2. The activities of any former City Elected Official or other City employee who is an elected or appointed officer or employee of any public body, when that former City Elected Official or other City employee is solely representing that agency in his or her official capacity as an officer or employee of the public body;

3. Any ministerial action. A ministerial action is one that does not require a City official or other City employee to exercise discretion concerning any outcome or course of action;

4. Prevent City officials or other City employees from seeking information or participating from former City Elected Officials or other City employees where the public interest would be served by the information or participation.

Declaration Required by Lobbyist
A lobbyist must declare which lobbying entity he or she is authorized to represent:

- Prior to offering public testimony before City Officials
- At the beginning of any meetings or phone calls with City Officials
- In emails or letters to City Officials.

Lobbying Entity Registration & Reports
Lobbying entities that spend a cumulative 8 or more hours (combined total for all authorized lobbyists) lobbying during a calendar quarter must:

1. Register each calendar year in which they meet or exceed the 8-hour threshold.

2. Report their lobbying activities each calendar quarter in which they meet or exceed the 8-hour threshold. The report includes:
   - Subjects of lobbying and description of contacts with City Officials
   - Total amount of lobbying expenditures
   - Information about City Officials benefited by expenditures in excess of $25.00

Penalties & Enforcement
A person may be subject to a civil penalty in an amount not to exceed $500.00 per violation if the person:

- violates any provision of City Code Chapter 2.12 **or**

- fails to file any report, registration or statement required by Chapter 2.12 **or**

- fails to furnish any information required by Chapter 2.12.

At the request of the Auditor, the City Attorney may seek civil penalties and enforcement of any provision of Chapter 2.12 in Multnomah County Circuit Court or other appropriate venue.