ORDINANCE No. 180620 AS AMENDED

Amend Regulation of Lobbying Entities and City Officials to clarify definitions, scope and exemptions (Ordinance; amend Code 2.12.020, 2.12.040, 2.12.050, 2.12.070)

The City of Portland ordains:

Section 1. The Council finds:

- 1. On December 21, 2005, the City passed Ordinance No. 179843 regulating the registration of Lobbying Entities.
- 2. The Council adopts as its findings and incorporates into this Ordinance the findings of Ordinance 179843.
- 3. City Officials need additional clarity to comply with reporting requirements because the definitions section of the lobbying regulations does not define what constitute a "gift."
- 4. The Council recognizes that neighborhood associations play an integral role in shaping our community, and are advocates for the well being of their respective neighborhoods.
- 5. Entities that comply with certain Office of Neighborhood Involvement and State organizational standards and that obtain State non-profit classification are officially recognized and thus should be exempt from the lobbying regulations.
- 6. Due to the contractual relationship between the City and its contractors, work performed pursuant to a contract should be recognized as fulfillment of the contractual agreements, not as lobbying.
- 7. The city intends to implement a transparent system of lobbyist registration for the benefit of the residents of Portland.

NOW, THEREFORE, the Council directs:

- a. City Code subsection 2.12.020 G is amended as follows:
 - **G.** "Lobby" or "Lobbying" or "Lobbies" means 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, negotiating terms on a competitively bid contract.
- 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.
- <u>7.</u> Work performed by a contractor or grantee pursuant to a contract with or grant from the City.
- **8.** Time spent by any person holding elected public office, or their specifically authorized representative, acting in their official capacity.
- b. City Code section 2.12.020 is amended by adding a new subsection K as follows:
 - <u>K.</u> "Gift" means something of economic value given to a City official without valuable consideration of equivalent value, including the 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. However, "gift" does not mean:
 - 1. Campaign contributions, as described in ORS Chapter 260.
 - 2. Gifts from family members.
- c. City Code subsection 2.12.040 A is amended as follows:
 - **A.** A lobbying entity registered with the City Auditor or required to register with the City Auditor shall file a report, if the lobbying entity has spent an estimated 16 hours during the preceding calendar quarter lobbying, with the City Auditor, by April 15, July 15, October 15, and January 15, showing:

- 1. The specific subject or subjects of the official action of interest to the lobbying entity, including but not limited to the names of City officials a lobbying entity met with or contacted through direct mail, email or telephone regarding such subject or subjects, the name of the registered lobbyist representing the entity and the date of the contact.
- 2. A good faith estimate of total moneys, if the total exceeds \$1000.00, expended by the lobbying entity or any lobbyist employed by or otherwise authorized to lobby on behalf of the lobbying entity, for the purpose of lobbying City officials on behalf of the lobbying entity in the preceding calendar quarter reporting period for:
 - **a.** Food, refreshments, travel and entertainment;
 - **b.** Printing, postage and telephone;
 - **c.** Advertising, direct mail and email;
 - **d.** Miscellaneous and gifts;
 - e. Compensation paid to lobbyists; and
 - **f.** Reimbursements to lobbyists for their expenses.
- **3.** The name of any City official to whom or for whose benefit, on any one occasion, the lobbying entity made an expenditure in excess of \$25.00 in the preceding calendar quarter for the purposes of lobbying, and the date, name of payee, purpose and amount of that expenditure.
- d. City Code subsection 2.12.040 E is amended as follows:
 - **E.** The lobbying entity official An authorized representative of the Lobbying Entity must sign the declaration required by section 2.12.090 A for each quarterly report.
- e. City Code subsection 2.12.040 is amended by adding a new subsection G as follows:
 - **G.** A lobbying entity may amend a quarterly report without penalty if it files the amended report within 25 days after the end of the calendar quarter.
- f. City Code subsection 2.12.050 C is amended as follows:
 - **C.** Any lobbying entity that satisfies all three of the following requirements:

- 1. Complies with state public record and meeting laws or with the standards referenced in Section 3.96.020 G.;
- 2. Is an Internal Revenue Code Section 501(c) 3 Organization classified as a non-profit organization, registered with the Oregon Secretary of State Corporation Division; and
- **3.** Is formally recognized or acknowledged by the Office of Neighborhood Involvement or City of Portland through City Council resolution or ordinance.
- g. City Code subsection 2.12.070 amended as follows:

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- C. If a City Official has not received any gifts over \$25.00, then the City Official shall file a report with the Auditor's office stating that no gifts were received.
- **CD.** The reports, if any, required by subsections 2.12.070 A., and B. and C. shall be filed with the City Auditor 15 days after the end of the calendar quarter. 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.
- **<u>D</u>E.** Elected officials and City directors shall post their calendars of activities related to official City business to the lobbyist website designated by the City Auditor 15 days after the end of the calendar quarter for the previous calendar quarter, unless an elected official or City director determines that such posting poses a safety threat.
- **E F.** 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.

The remainder of this subsection is unchanged.

Passed by Council, November 22, 2006 Commissioner Sam Adams Prepared by Shoshanah E. Oppenheim GARY BLACKMER
Auditor of the City of Portland
By /s/Susan Parsons
Deputy

BACKING SHEET INFORMATION

AGENDA NO. 1501, 1579-2006

ACTION TAKEN:

NOVEMBER 15, 2006 PASSED TO SECOND READING AS AMENDED NOVEMBER 22, 2006 9:30 AM

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 180620 As Amended

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
ADAMS	X	
LEONARD	X	
SALTZMAN	X	
STEN	X	
POTTER	X	