



New Orange County, CA Lobbyist Registration Ordinance

02.10.2011 | By **Frederick T. Domb III**

On Tuesday, February 8, 2011, the Orange County, California Board of Supervisors ("the Board") passed an ordinance effective July 1, 2011, requiring "county lobbyists" to register within 10 days and report as lobbyists. Lobbyist filings will be posted on the Clerk of the Board website and will disclose to the public the lobbyist's name, business address, phone number, and e-mail address, and the same information regarding each of the lobbyist's clients. The purpose of the ordinance is to increase transparency in response to an Orange County grand jury report in which Orange County lobbyists were termed a "shadow government."

A "county lobbyist" is any person who receives more than \$500 in a calendar month for engaging in "lobbying activities" whether as an outside contractor or as an "in-house" employee of a corporation or other entity.

- "Lobbying activities" means any oral, written, or electronic communication to a County Supervisor, made directly or indirectly, for the purpose of persuading or "influencing official actions" or decisions of the Orange County Board of Supervisors."
- "Influencing official action" means "promoting, supporting, influencing, modifying, opposing, or delaying any administrative, legislative, or quasi-judicial action of the Orange County Board of Supervisors, and includes soliciting County contracts or funds.

Exemptions

Exempted from registration are representatives of 501(c)(6) organizations, "who meet with County Supervisors for the sole purpose of discussing issues relating to their non-profit organization." An exemption for 501(c)(3) organizations is not included in the current draft, but the Board is expected to consider modifying the ordinance to include conditions under which representatives of 501(c)(3) organizations will also be exempt.

Prohibited Acts

The ordinance contains a list of "prohibited acts" including:

- doing anything to place a Supervisor under personal obligation to a lobbyist or their employer;
- deceiving any Supervisor or their staff;
- causing the introduction of a matter for the purpose of being employed to secure its defeat;
- sending communications to a public official in a false name; or
- representing that the county lobbyist can control the official action of a county official.

In addition to those imposed by the California Political Reform Act, Orange County's gift restrictions prohibit "county officers" and other "designated employees" from accepting a gift from certain persons. This prohibition applies to lobbyists and lobbyist firms.

Penalties

Late filings are subject to fines of up to \$500, depending on the length of the delay in filing. A civil action may also be brought by the Office of the County Counsel for knowing, intentional, or negligent violations which may result in a penalty of up to \$2,500.

Nossaman's Public Policy Practice Group would be pleased to answer your questions regarding compliance with this new ordinance.