



Departmental Standard Operating Procedure (DSOP)

DSOP No. 15-01

Effective: AUGUST 28, 2015

SUBJECT: POLICY FOR RECORDING LOBBYING ACTIVITIES WITHIN THE MIAMI-DADE AVIATION DEPARTMENT

PURPOSE AND SCOPE: To establish the policy for recording all lobbying activities within the Miami-Dade Aviation Department.

I. AUTHORITY:

- A. Section 2-11.1(s) of the Code of Miami-Dade County
- B. Lobbying Rules of Procedure adopted by the Commission on Ethics and Public Trust
- C. Chapter 25 of the Miami-Dade County Code, Miami-Dade Aviation Department Rules and Regulations
- D. Operational Directive 99-03, Aviation Department Written Directive System

II. DEFINITIONS:

- A. Lobbyist: All persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) an ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of any County Board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee.
- B. Lobbying Activity: Refer to Lobbying Rules of Procedure adopted by the Commission on Ethics and Public Trust (*see Attachment I*).

III. POLICY:

Section 2-11.1(s) of the Code of Miami-Dade County (the Code) requires all lobbyists, as defined above, to register with the Clerk of the Board of County Commissioners before engaging in any lobbying activities. Further, County personnel may not knowingly allow an individual who has not registered to conduct lobbying activities. As such, this DSOP establishes the Department's

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policy for recording lobbying activities within Aviation and the process by which verification of registration should be accomplished.

Section 9.14 of the Lobbying Rules of Procedure outlines the Department's responsibility in recording lobbying activities. In accordance with the requirements, as of the effective date of this directive, each division must maintain a log (*see Attachment II*) indicating the name of the visitor, the staff person(s) visited, and the purpose of the visit. Further, all employees shall confirm lobbyist registration through the County's Lobbyist Registration Information System accessible through the website for the Clerk of the Courts (<http://www.miamidade.gov/cob/>). If such lobbyist is not registered with the County as required, planned discussions must be cancelled until such registration can be obtained and/or confirmed.

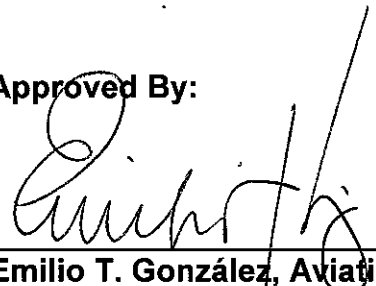
The policy set forth herein also requires that, on a quarterly basis, each division electronically forward a copy of its Lobbying Activity Log to the Department's Ethics Officer for retention.

IV. REVOCATION:

Standard Operating Procedure (SOP) 00-03 relating to Verifying Lobbyist Registration is hereby revoked in its entirety as of the effective date of this DSOP.

Nothing in this directive is to be construed to supersede the Code of Miami-Dade County. This directive was developed to establish the Department's policy pertaining to recording of any such lobbying activity.

Approved By:



Emilio T. González, Aviation Director

Date: 8/28/15

Attachment I – Lobbying Rules of Procedure – Commission on Ethics and Public Trust
Attachment II – Lobbying Activity Log

Lobbying Rules of Procedure
Commission on Ethics and Public Trust



ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairman
Robert H. Newman, Vice Chairman
Gail A. Doison
Dawn E. Addy
Brenda Rivera

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

January 18, 2005

Dear Lobbyist,

Please find attached the Lobbying Rules of Procedure that were recently adopted by the Ethics Commission. Pursuant to Sections 2-1071 and 2-11.1(s) of the Code of Miami-Dade County, the rules were promulgated to implement the 2003 changes to the lobbying ordinance. The attached rules contain several changes including new selection committee registration requirements, clarification of the contingency fee ban and definitions for the recently enacted exclusions. Please take the time to familiarize yourself with the new rules. If you have any questions regarding the rules or the ordinance, please contact the undersigned or Ardyth Walker, Staff General Counsel at 350-0616.

Sincerely Yours,

Robert Meyers
EXECUTIVE DIRECTOR

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SECTION I. LOBBYING

9.1 Purpose and Scope of Lobbying Rules

a) The following rules delineate the responsibilities of lobbyists and County personnel in implementing the requirements of the lobbying section of the Conflict of Interest and Code of Ethics ordinance.

9.2 Definition of "Lobbyist"

a) A lobbyist is any person, firm or corporation employed or retained by a principal that seeks to encourage the passage, defeat or modification of: 1) any ordinance, resolution, action or decision of the County Commission; 2) any action, decision, or recommendation of the County Manager or any County board or committee; or 3) any action, decision, or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities.

9.3 Exclusions

a) Attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communication. A quasi-judicial proceeding is a hearing before a County or municipal commission or board where the rights of particular persons or entities are determined and for which prior notice, the opportunity to be heard and the introduction and evaluation of evidence are required (e.g. Value Adjustment Board, Community Zoning Appeals Board, Equal Opportunity Board).

b) Expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings. An expert witness is a person duly and regularly engaged in the practice of a profession who holds a professional degree from a university or college and special training or experience, or a person who is possessed of special knowledge or skill about the subject.

c) A representative of a neighborhood association who appears without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item. A neighborhood association is an organization of residential homeowners and tenants created to address quality of life issues in a defined neighborhood or community.

d) A representative of a not-for-profit community based organization for the purpose of requesting a grant, without special compensation or reimbursement for the appearance. A community based organization is a not-for-profit association or corporation organized under state or local law to engage in community development activities (including, but not limited to, housing and economic development activities) and has as its primary purpose the improvement of the physical, economic or social environment by addressing one or more of the critical needs of the area, with particular attention to the needs of people with low or moderate incomes

e) Employees of a principal whose normal scope of employment does not include lobbying activities.

9.4 Examples of Lobbying Activities

a) Lobbying activities include but are not limited to:

- 1) Meetings or communication with elected officials or staff regarding a particular solicitation or product (i.e. time frames for the solicitation, specifications, qualifications, etc.)
- 2) Meetings or communication with elected officials or staff to discuss issues regarding a prior or ongoing solicitation or contract when a resolution of the matter may require approval of the Board of County Commissioners, the County Manager and his or her designee or a County board or committee.
- 3) Meetings or communication with elected officials or staff regarding any matter where the lobbyist is seeking to influence a decision or recommendation of staff on any matter that will require action or decision by the Board of County Commissioners, the County Manager or any County board or committee
- 4) Meetings or communication with elected officials or staff regarding policy matters that may foreseeably before the Board of County Commissioners, the County Manager or any County board or committee.

9.5 Examples of Activities Not Constituting Lobbying

a) Activities that do not constitute lobbying include but are not limited to the following:

- 1) Requests for information about procedures, forms, budgets or other requirements on behalf of another
- 2) Appearances at meetings or communications with staff or an elected official at the department or elected official's request or a description of materials or services available in response to a departmental request
- 3) Advice or services communicated to a department or an elected official which arise out of an existing contractual obligation to the county or municipality

4) Meetings or communication to provide staff or elected officials with general information regarding a firm's background or expertise.

9.6 General Registration Requirements

- a) Every lobbyist must file an annual registration form with the Clerk at the time of initial registration and on or before January 15th of each year thereafter, along with an annual registration fee of four hundred and ninety dollars (\$490.00).
- b) Every lobbyist must file a registration form with the Clerk of the Board for each client within five days of being retained by a principal or before conducting any lobbying activities, whichever comes first.
- c) The principal must also submit a lobbying authorization form prior to any lobbying. The principal must identify whether the lobbyist is retained for a particular matter or may lobby on any matter regarding the principal.
- d) Every lobbyist must file a Notice of Withdrawal when the representation ends. The lobbyist must file an expenditure statement for the preceding year.

9.7 Selection Committee Registration Requirements

- a) Any person who appears as a representative for an individual or firm for an oral presentation before a County certification, evaluation, selection, technical review or similar committee shall be listed on an affidavit provided by the County. The affidavit shall be filed with the Clerk of Board at the time the response is submitted.
- b) The individual or firm must submit a revised affidavit with the names of any additional team members with the Clerk of the Board at least 2 days prior to the oral presentation. Any person not listed on the revised affidavit or who is not a registered lobbyist **will not** be permitted to participate in the oral presentation.

9.8 Not for Profit Registration Requirements

- a) A lobbyist for a not-for-profit organization (unless lobbying for a community-based organization seeking grant funds) must register and file the required expenditure form. Upon request, the Clerk of the Board may waive the applicable registration fees.

9.9 Expenditure Reports

- a) All registered lobbyists must file an expenditure report with the Clerk of the Board by July 1st of each year. The date of filing is the date that the report is received by the Clerk's office.
- b) A lobbyist must file a report for every principal and must list all expenditures in excess of twenty-five dollars (\$25.00) for the preceding calendar year. The form must be filed even if the lobbyist did not make any expenditures during the prior year.

9.10 Expenditure Categories

- a) The lobbyist must report expenditures in the following categories: communications, entertainment, food and beverages, lodging, media advertising, publications and other. The information covered in each category is:

1) "Communications" means dissemination of information, including but not limited to the following means: audio-visual materials, signs, placards, buttons, promotional materials, or other display materials; together with any associated production services. This category does not include media advertising, publications or research.

- 2) "Entertainment" means amusement or recreation including but not limited to sporting, hunting, fishing, theatrical, artistic, cultural and musical activities or events.
- 3) "Food and Beverages" means meals, snacks or edible substances or liquids for drinking including services associated therewith.
- 4) "Lodging" means sleeping or living accommodations for an individual for one or more nights.
- 5) "Media advertising" means newspaper and magazine advertising, radio and television advertising and outdoor advertising including production services and copyrighting services.
- 6) "Other" means any item or service which is not included in one of the specified categories; this category does not include any item or service which is not required by law to be reported.
- 7) "Publications" means mass-produced, printed materials including but not limited to magazines, newsletters, brochures or pamphlets, which expressly encourage to communicate with agency officials or employees or to influence an agency with respect to a decision of the agency in the area of policy or procurement or which are designed to communicate with agency officials or employees.
- 8) "Research" means obtaining information relating to a specific policy issue or procurement matter regardless of the form or medium in which such information is provided including but not limited to surveys, information services, periodicals and consultants or consultant services to gather data or statistics.
- 9) "Special Events" means large scale functions, including but not limited to receptions, banquets, dinners or fairs to which more than 250 persons are invited and for which the expenditures associated with hosting the function are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.
- 10) "Travel" means transporting an individual from, one place to another, regardless of the means used.
- b) Certain items such as communications, publications and research are office expenses if performed by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are reportable under the appropriate expenditure category.
- c) If an expense is incurred for a business purpose unrelated to lobbying and the product of that expense is later used for a lobbying purpose, the expenditure does not have to be reported.

9.11 Penalties for Late Filing

- a) A late fee of fifty dollars per day per report will automatically be assessed for any report filed after the due date. All fines must be paid to the Clerk of the Board of County Commissioners.
- b) The Clerk of the Board of County Commissioners will notify all lobbyists who have failed to file by July 15th of each year that they are not in compliance with the ordinance and of the current fines assessed against the lobbyist.
- c) A lobbyist is automatically suspended and may not lobby any employee, elected official or before any County board (including the Board of County Commissioners) if the lobbyist has not filed an expenditure report by September 1st of each year.
- d) The Clerk of the Board of County Commissioners must provide the Ethics Commission with a report listing all lobbyists who have either failed to file disclosure reports or pay

assessed fines by October 1st of each calendar year. The Ethics Commission will provide the list to the Commission Advocate who may initiate complaint proceedings against any lobbyist for failure to file an expenditure report and/or pay assessed fines.

9.12 Appeals

a) Any lobbyist may appeal a fine and request a hearing before the Ethics Commission by filing an appeal with the Ethics Commission within fifteen days receipt of the Notice of Violation. Late fees will continue to accrue after an appeal unless the required forms are filed.

b) The lobbyist must mail or fax a letter to the Executive Director of the Ethics Commission stating the reasons for the appeal. The lobbyist must include in his or her notice of appeal any request for a hearing before the Ethics Commission. The lobbyist must attach any documentation or evidence for consideration by the Ethics Commission in making a determination on the appeal at the time the notice of appeal is filed.

c) The Ethics Commission may delegate determinations of appeals without a request for hearing to Commission staff. The staff may have the authority to waive fines in whole or part for good cause shown. Any determinations by staff must be ratified by the Ethics Commission or a committee appointed by the Chair.

d) A hearing on an appeal under this ordinance may be heard by a committee appointed by the Chair or the Ethics Commission as a whole. The Ethics Commission may waive any fines, in whole or part, for good cause shown.

9.13 Contingency Fees

a) After May 16, 2003, no person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee.

b) A contingency fee is a fee, bonus, commission or non-monetary benefit as compensation which is dependent on or in any way contingent upon the passage, defeat, or modification of: 1) any ordinance, resolution, action or decision of the County Commission; 2) any action, decision or recommendation of the County Manager or any County board or committee; or 3) any action, decision or recommendation of any County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission or a County board or committee.

9.14 Departmental Responsibilities

a) All departments and agencies must maintain a visitor log for anyone seeking to do business with the department or agency or seeking administrative action from the department or agency. The log should include information regarding the name of the visitor, the staff person or persons visited and the purpose of the visit (i.e. name of matter or agenda item number).

b) All elected officials, board members and employees shall be diligent to ascertain whether persons appearing before them have registered as lobbyists. County personnel may check on a lobbyist's status through the Lobbyist Registration section of the Metronet or by calling the Clerk of the Board of County Commissioners. Elected officials, board members and employees may not knowingly permit a person who is not registered to lobby them.

regarding an issue.

9.15 Penalties for Lobbying Violations

a) The Ethics Commission may prohibit any lobbyist who commits a lobbying violation from lobbying before the Board of County Commissioners or any committee, board or personnel of the Miami-Dade County for a period of: 1) ninety days following determination of the first violation; 2) one year following determination of the second violation and 3) five years from determination of the third violation.

b) Any lobbyist who commits a lobbying violation is also subject to a two hundred and fifty-dollar fine for the first violation and a five hundred-dollar fine for the second violation.

c) The County Manager or the Board of County Commissioners may void any contract where a lobbying violation has occurred.

