



**City of Portland
Lobbying Entity Regulation Program
City Official Reporting 101**

Revised December 2017

Published by Office of the City Auditor
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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 City Elected Officials, City Directors and appointees to certain boards and 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 methods 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 and enforce this program.

New All-Online Filing System

In 2017, the Auditor's Office partnered with the Bureau of Technology Services to update the City's Lobbyist Registration filing application. The new filing system allows easier input of information with an electronic signature and submission process. Paper forms to the Auditor's Office are no longer required.

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

www.portlandoregon.gov/auditor/lobbyist

Office of the City Auditor

Lobbying Registration Program

1221 SW 4th Ave Room 310

Portland, OR 97204-1987

e-mail: lobbyist@portlandoregon.gov | phone: 503-823-3546

II. General Information About the City's Lobbying Regulations

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)

➤ September 1, 2016

- Effective date of Ordinance No [187854](#): lobbying entity requirement for registration changed to 8 hours *or* \$1,000 spent lobbying in calendar quarter, penalties updated, other City Official requirements and prohibited conduct clarified

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 or \$1,000 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 written or 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 Emergency Management
 - e) Bureau of Fire and Police Disability and Retirement
 - f) Bureau of Housing
 - g) Bureau of Human Resources
 - h) Bureau of Internal Business Services
 - i) Bureau of Parks & Recreation
 - j) Bureau of Planning and Sustainability
 - k) Bureau of Police
 - l) Bureau of Revenue and Finance
 - m) Bureau of Technology Services
 - n) City Budget Office
 - o) Office of Equity and Human Rights
 - p) Office of Government Relations
 - q) Office of Management & Finance
 - r) Office of Neighborhood Involvement
 - s) Portland Bureau of Transportation
 - t) Portland Development Commission
 - u) Portland Fire & Rescue
 - v) Portland Water Bureau

4. Appointees to the:
 - a) Design Commission
 - b) Fire & Police Disability & Retirement Board
 - c) Portland Development Commission
 - d) Portland Planning and Sustainability 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:

- Campaign contributions as described in ORS Chapter 260;
- 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 AND
 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.

Calendars must:

- Include date and length of scheduled official business involving other City Officials or outside parties;
- Be retained in accordance with City Administrative Rules and posted publicly on the office's website for a period of at least one calendar year.

Please contact the City Auditor's Office with further questions about calendars and posting requirements or technical instructions.

Reporting Periods & Deadlines

<u>Quarter</u>	<u>Reporting Period</u>	<u>Last Day to File Report</u>
1	1/1/18 – 3/31/18	Monday April 16, 2018
2	4/1/18 – 6/30/18	Monday, July 16, 2018
3	7/1/18 – 9/30/18	Monday, October 15, 2018
4	10/1/18 – 12/31/18	Friday, January 15, 2019
1	1/1/19 – 3/31/19	Monday, April 15, 2019

- 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. Dates above reflect business day due dates.
- 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 through the Auditor's Office Lobbying Registration Homepage at www.portlandoregon.gov/auditor/lobbyist.
- City Elected Officials and City Directors must provide the Auditor with a link to their Official Calendars located on the originating office's website. The Auditor will post links to all City Directors' and Elected Officials' calendars.


IV. Filing Your City Official Quarterly Statement

Elected officials must file reports regardless of activity. In addition, any City Official (defined on pages 4 and 5) must file a City Official Quarterly Statement 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.

To Create your City Official Quarterly Statement:

1. Go to the Lobbying Regulations website
 www.portlandoregon.gov/auditor/lobbyist

2. Access the online filing application via the Auditor's Office lobbying regulations home page by clicking on the main slide show or under the "I want to..." options. The direct link is: <https://www.portlandoregon.gov/auditor/lobbyist/lobby.cfm?login=1>

3. You will be prompted to sign in with your Portland Online user name and password. Enter the information to be taken directly to the filing application. If preparing a statement for another user for review, you must enter the official's credentials.

4. Once in the application, click once on the words "Quarterly Statements."

City Official Reporting

Quarterly Statements



*File new quarterly statements
or view previous ones*



Quarterly Statements

5. If a statement is available to submit, pick the appropriate reporting quarter and press “continue”.

Add City Official Quarterly Statement

— QUARTERLY STATEMENT —

Select the quarter you would like to file a quarterly statement for.

Quarter ending *

December 31, 2017 ▾



Continue

Cancel

6. The statement overview page will guide you through the filing process and the two sections that must be completed before electronically signing and finalizing the statement.
7. Click on 1. Gifts, Meals, or Entertainment and either add items in the lower section as appropriate or select that there are no reportable items for the quarter.

Quarterly Statement Overview

Reporting Quarter: [October 1, 2017–December 31, 2017](#)

This quarterly statement is due by **January 16, 2018 5:00 PM**. You may update your statement as often as 1

— STATEMENT OVERVIEW —

You must complete the following sections:

1. [Gifts, Meals, or Entertainment](#) ✖
2. [Donations to City](#) ✖

— REVIEW & SUBMIT —

You cannot review or submit your quarterly statement until you complete each of the sections above.

Section 1: Gifts, Meals, or Entertainment

[Back to Statement Overview](#)

List any gifts, meals or entertainment in excess of \$25 received from a lobbying entity in the box below if there are no such benefits to report.



I affirm that I have not received any gifts, meals or entertainment in excess of \$25 in any quarter.

OR

Date	Amount	Lobbying Entity	Lobbyist
------	--------	-----------------	----------



[+ Add Gifts, Meals, or Entertainment](#)

OK

- To add gifts, meals, or entertainment, fill out the fields for each item and press save.
Note: the entity and/or lobbyist, whether registered or not, who provided the item must be listed.

For unregistered entities, check the “Lobbying entity is not displayed above” box and add the information.

Add Gifts, Meals, or Entertainment

List any gifts, meals or entertainment in excess of \$25 received from a lobbying entity or any person authorized on behalf, including the name of the lobbying entity and if applicable, the name of lobbyist(s) (whether registered or unregistered); value of gift, meal or entertainment; and date of receipt.

BENEFIT DETAILS

Date *

Amount *

\$

Description *

LOBBYING ENTITY

Lobbying entity *

Lobbying entity is not displayed above

Lobbyist(s)

If a lobbyist is not displayed, please contact lobbyist@portlandoregon.gov

SUBJECTS

Subject(s) *

Other

Save

Cancel

9. Save items and return to the statement overview. Click on Section 2: Donations to City and either add items in the lower section as appropriate by clicking “Add Donations to City” or select that there are no reportable items for the quarter and press OK when finished.

Section 2: Donations to City

[Back to Statement Overview](#)

List any gifts or donations of personal or real property to the City that a lobbyist (whether registered or not) has agreed to make upon request by a City Official, or check the box below if there are no such



I affirm that no lobbying entity agreed to make gifts or donations of personal or real property to the City upon request from me.

OR

Date	Lobbying Entity	Lobbyist(s)	Gift/Donation
------	-----------------	-------------	---------------



[+ Add Donations to City](#)

OK

10. To add a gift or donation a City Official has requested from a lobbyist or lobbying entity, fill out the fields for each item and press save.
Note: the entity and/or lobbyist, whether registered or not, who provided the item must be listed.

For unregistered entities, check the “Lobbying entity is not displayed above” box and add the information.

Add Donations to City

List any gifts or donations of personal or real property to the City that a lobbyist (whether registered with the agreed to make upon request by a City Official including the name of the lobbying entity and if applicable, the donation requested by the City Official; the date of request; and the purpose of the donation.

BENEFIT DETAILS

Date *

Description of gift or donation requested *

Purpose *

LOBBYING ENTITY

Lobbying entity *

Lobbying entity is not displayed above

Lobbyist(s)

If a lobbyist is not displayed, please contact lobbyist@portlandoregon.gov

Save

Cancel

11. **Reviewing & Finalizing Your Report.** Once both sections have been completed, a green check mark will indicate the report is ready to be signed and submitted electronically by clicking the Review Quarterly Statement button.

Quarterly Statement Overview

Reporting Quarter: [October 1, 2017–December 31, 2017](#)

This quarterly statement is due by **January 16, 2018 5:00 PM**. You may u

— STATEMENT OVERVIEW —

You must complete the following sections:

1. [Gifts, Meals, or Entertainment](#) ✓
2. [Donations to City](#) ✓

— REVIEW & SUBMIT —

→ [Review Quarterly Statement](#)

12. After reviewing and editing any necessary changes, the City Official identified on the statement must electronically sign and affirm the declaration regarding false statement and penalties. To complete the process, click the Submit Quarterly Statement button.

— DECLARATION AND SIGNATURE —



I acknowledge and affirm under the penalties of false swea
may be imposed under City Code Chapter 2.12.

AND

Electronic signature of city official



[Submit Quarterly Statement](#) [Cancel](#)

13. A confirmation page will provide additional information and an email will be sent to the email associated with the account.

V. Amending Your City Official Quarterly Statement

Quarterly Reports are due by the 15th day after the quarter ending date or the next business day if the 15th is a weekend or holiday recognized by the City of Portland.

Prior to that date at 5:00 PM, you may return to the Online Lobbying Entity Registration & Reporting System as often as you need to update your quarterly statement. You may also provide an amendment to a submitted statement until the 25th day after the end of the quarter, or the next business day if the 25th is a weekend or holiday recognized by the City of Portland.

Editing the statement prior to the deadline or submitting an amendment during the amendment period:

1. Go to the Lobbying Regulations homepage: www.portlandoregon.gov/auditor/lobbyist
2. Enter the Online application by clicking on the slide show, in the "I want to..." section or going directly to: <https://www.portlandoregon.gov/auditor/lobbyist/lobby.cfm?login=1>
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. Click on Quarterly Statements as in step 4. in Section III of these instructions.
5. Recently submitted or worked on reports are displayed in a table toward the bottom of the page. Click on the row of the report to be edited as shown in the highlighted row below.

City Official Statements

City Officials are required to file quarterly statements documenting:

- Gifts, meals or entertainment exceeding \$25.00 from a lobbying entity or lobbyist or
- Gifts of personal or real property requested from a lobbyist or lobbying entity on behalf of the City

[Add New Quarterly Statement](#)

My Statements

Click on any of the quarterly reports in the table below to access them.

Search Status

Quarter	Personal Total	City Gifts	Finalized	Amended	Active	Created	Date Finalized	Last Updated
12/2017			No	No	No	12/18/2017 03:45 PM		12/18/2017 03:45 PM
03/2017			No	No	No	02/08/2017 04:24 PM		03/16/2017 12:22 PM

6. If submitting amendments during the amendment period, the system will allow amendments during the amendment period and alert you to the deadline, as shown below. Follow step 11 in section III in these instructions to edit Gifts, Meals, or Entertainment or Donations to City. Once done, if the statement had been previously signed and submitted, **it must be re-signed and the declaration must be re-affirmed by the City Official after making any edits or amendments.**

VI. 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.

Calendars must:

- Include date and length of scheduled official business involving other City Officials or outside parties;
- Be retained in accordance with City Administrative Rules and posted publicly on the office's website for a period of at least one calendar year.

How to meet this requirement:

- ➡ Post your calendar on your office's City website. There are different methods that staff can use to post calendars to the website.
 - There are multiple methods available to export an Outlook calendar into various programs resulting in a Word or PDF document for posting. Contact the Auditor's Office or Bureau of Technology Services (BTS) helpdesk x3-5199 if you need assistance.
- ➡ Once you have established your calendar page on your office website, the Auditor's Office will directly link to it. If it can't be found or isn't in a clearly public location on the website, your office may be contacted by the Auditor's Office regarding this requirement. The Auditor's Office will place a link on the Lobbying Regulation website to all required calendars.
- ➡ 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.

VII. Other Regulations, Reporting Requirements & Penalties

Prohibited Conduct

- A. City Elected Official: No former City Elected Official shall, for a period of 2 years after the termination of the official's term of office, lobby for money or other consideration a City Elected Official or their salaried at-will staff.

- B. Salaried at-will staff of City Elected Official: No former salaried at-will staff of a City Elected Official, shall, for a period of 1 year after the termination of employment, lobby for money or other consideration any City elected official or their salaried at-will staff.

- C. City Director: No former City Director shall, for a period of 2 years after termination of the director's appointment, lobby for money or other consideration the current City director of the office or bureau to which the former City Director was appointed or, regarding matters within the powers and duties of the bureau to which the former City director was appointed, the City elected official in charge of the office or bureau to which the City director was appointed.

- D. No Former City employee shall lobby a City Official for money or other consideration regarding a contract if the employee exercised contract management authority with respect to that contract while employed by the City. This prohibition shall be for the duration of the contract.

- E. The prohibitions in this Section 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. For purposes of this subsection, 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 participation 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) or \$1,000 per quarter lobbying during a calendar quarter must:

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

Penalties & Enforcement

A person may be subject to a civil penalty in an amount up to \$3,000.00 per violation. This may occur if a City Official:

- 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.

See administrative rule [5.03 Enforcement and Civil Penalties](#) for enforcement criteria. At the request of the Auditor, the City Attorney or outside counsel may seek civil penalties and enforcement of any provision of Chapter 2.12 in Multnomah County Circuit Court or other appropriate venue.