

Chapter 2.12 Regulation of Lobbying Entities

(Chapter added by Ordinance 179843, effective April 1, 2006.)

2.12.010 Purpose.

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

2.12.020 Definitions.

(Amended by Ordinances 180205, 180620, 180917, 181204, 182389, 182671, 184046, 184882, 185304, 186028, 186176, 189078, 189556, 190644, 191008, 191150 and 191736, effective July 1, 2024.)

As used in this Chapter unless the context requires otherwise:

A. “Calendar quarter” means one of the four three-month periods of January 1 to March 31, April 1 to June 30, July 1 to September 30 and October 1 to December 31.

B. “Calendar year” means the period of January 1 through December 31.

~~**C. “City director”** means the director or individual in charge of the following or its successors: the Bureau of Transportation, the Office of Management and Finance, the Office of Government Relations, the Office of Community & Civic Life, the Bureau of Planning and Sustainability, the Portland Bureau of Emergency Management, the Bureau of Emergency Communications, Portland Fire & Rescue, the Bureau of Police, the Bureau of Parks and Recreation, the Bureau of Environmental Services, the Portland Water Bureau, the Portland Permitting & Development, the Portland Housing Bureau, the Bureau of Revenue and Financial Services, the City Budget Office, the Office of Equity and Human Rights, the Bureau of Fire and Police Disability and Retirement, the Bureau of Human Resources, the Bureau of Technology Services, the Division of~~

Exhibit A

~~Community Safety, Prosper Portland, Office for Community Technology, and IPR –Independent Police Review.~~

C. City director means the City Administrator, the Assistant City Administrator, the Equity Officer, the Sustainability Officer, the Deputy City Administrators or persons otherwise responsible for City service areas, and the directors or individuals in charge of City bureaus or other similar offices, excluding the Office of the City Attorney. A list of positions covered by this definition will be included in an Auditor’s Office administrative rule.

D. “City official” means any City elected official; the at will staff of a City elected official; any City director as defined in this ~~section~~Section; or any appointee to the Prosper Portland ~~Development Commission~~Board of Commissioners, the Planning Commission, the Design Commission, and the Fire and Police Disability and Retirement Board.

E. “Consideration” includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.

F. “Official action” means 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.

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 their 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 participating in a board, committee, working group, or commission created by the Mayor that adheres to state public meeting requirements.

Exhibit A

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

5. -Beginning when the City publishes any competitively bid request for proposals;

a. 4. Time or funds spent submitting a ~~bid,~~ response to the City's bid;

b. Time or funds spent responding to related City information requests; ~~;~~ and

c. Time or funds spent negotiating terms ~~on~~ of any contract resulting from a competitively bid ~~contract or~~ request for proposals.

6. Time spent negotiating terms of an intergovernmental agreement.

7. 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.

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

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

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

11. Time spent responding to requests for information made by City officials if:

a. the request is made for the purpose of evaluating any actual or potential administrative action of the City;

b. any person providing the requested information confines their responses to information sought by City officials; and

c. to the extent any person providing the requested information attempts to influence the official action of City officials during the course of providing such information, no such person, and no lobbying entity represented by such person, stands to obtain any direct financial benefit as a result of such action.

H. “Lobbying entity” means 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.

I. “Lobbyist” means any individual who is authorized to lobby on behalf of a lobbying entity.

J. “Person” means any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group.

K. Office of the City Administrator means the City Administrator, the Assistant City Administrator, the Equity Officer, the Sustainability Officer, and the Deputy City Administrators.

L. “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.

2.12.030 Registration for Lobbying Entities.

(Amended by Ordinances 180205, 181204 and 187854, effective September 1, 2016.)

Exhibit A

A. Within three ~~working~~business days after a lobbying entity has ~~(i)~~ spent ~~8~~eight hours or more or estimates that it has spent cumulative ~~8~~eight hours or more ~~or during any calendar quarter lobbying, or~~ (ii) has spent at least \$1,000 during any calendar quarter lobbying, the lobbying entity ~~shall~~must register with the ~~City~~-Auditor by filing with the Auditor a statement in the manner provided by the Auditor's Office and containing the following information:

1. The name, address, email, website and telephone number of the lobbying entity;
2. A general description of the trade, business, profession or area of endeavor of the lobbying entity;
3. The names, addresses, ~~email, website~~emails, websites and telephone ~~number~~numbers of all lobbyists who are employed by or otherwise authorized to lobby on behalf of the lobbying entity. The list must include:
 - a. Individuals who are paid to lobby for the interests of the lobbying entity.
 - b. Other persons, including lobbying entity employees or volunteers, who are authorized to lobby on behalf of the lobbying entity.
 - c. Previous City of Portland employment status of individuals who are paid or otherwise authorized to lobby on the entity's behalf, the affiliated bureau(s) or office(s) of employment, and ~~dates~~the years of employment.
4. The subjects and any specific official actions of interest to the lobbying entity.

B. A business, organization, or association ~~who~~that anticipates registering as a lobbying entity is encouraged to register at the beginning of each calendar year.

C. Registrations ~~shall~~will expire December 31 of every year. Lobbying entities ~~shall~~must renew their registrations once the ~~8~~eight-hour or \$1,000 threshold has been reached in ~~each~~any quarter during a calendar year.

D. An authorized representative of the lobbying entity must sign the registration required by this Section.

E. Business day in this Section refers to a weekday other than a City holiday and days when the City is not otherwise closed for business.

2.12.040 Quarterly Reporting Requirements for Lobbying Entities.

(Amended by Ordinances 180205, 180620, 181204, 186176 and 187854, effective September 1, 2016.)

A. A lobbying entity required to be registered with the ~~City Auditor~~ or required to register must file a report with the ~~City Auditor~~ shall file a report, if the lobbying entity has, within the preceding calendar quarter, spent either an estimated ~~eight~~ eight hours or more or at least \$1,000 ~~during the preceding calendar quarter~~ lobbying, ~~with the City Auditor~~, Such reports are due by April 15, July 15, October 15, and January 15, ~~showing unless the deadline falls on a weekend, City holiday, or a day when the City is otherwise not open for business, in which case the deadline moves to the next business day.~~ The reports must show:

- 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, online meeting platform, 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, ~~expended in the preceding calendar quarter for the purpose of lobbying City officials~~ if the total meets or exceeds \$1,000, ~~and is~~ 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~~ its behalf for:

- a.** Food, refreshments, travel and entertainment;
- b.** Printing, postage and telephone;
- c.** Advertising, direct mail and email;

Exhibit A

- 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~~ or more in the preceding calendar quarter for the purposes of lobbying, and the date, name of payee, purpose and amount of that expenditure.

B. Statements required by this ~~section~~Section need not include amounts expended by the lobbying entity for personal living and personal travel expenses and office overhead, including salaries and wages paid for staff providing clerical assistance and others not engaged in lobbying activities and maintenance expenses. If the amount of any expenditure required to be included in a statement is not accurately known at the time the statement is required to be filed, an estimate of the expenditure ~~shall~~must be submitted in the statement and designated as an estimate. The exact amount expended for which a previous estimate was made ~~shall~~must be submitted in a subsequent report when the information is available.

C. A lobbying entity ~~shall~~must update any information submitted in Section 2.12.030 that has changed since registration.

D. A statement required by this ~~section shall~~Section must include a copy of any notice provided to a City official for honoraria or other item as authorized under ORS 244.100.

E. An authorized representative of the Lobbying Entity must sign the declaration required by ~~Section~~Subsection 2.12.090 A. for each quarterly report.

~~**F.** Lobbying entities who expect to spend 8 hours or more lobbying City Officials in a calendar quarter, but do not anticipate spending over \$1,000 in the same reporting period for the purpose of lobbying may sign and file a certificate of limited expenditure provided by the Auditor's office in lieu of the financial portion of the quarterly report described in Section 2.10.040 A.2. The certificate affirms that the lobbying entity will spend less than the threshold required for quarterly financial reporting of moneys expended under Section 2.12.040 A.2. If a lobbying entity that files a certificate of limited expenditure spends over~~

~~\$1,000 in a calendar quarter for the purpose of lobbying, the lobbying entity shall withdraw the certificate of limited expenditure and shall report moneys expended pursuant to Section 2.12.040 A.2.~~

G. F. 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, unless the deadline falls on a weekend, City holiday, or a day when the City is otherwise not open for business, in which case the deadline moves to the next business day.

2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.

(Amended by Ordinances 180620, 181204, 188286 and 189078, effective July 18, 2018.)

In addition to the thresholds set forth in ~~Section~~Sections 2.12.030 and 2.12.040 for the registration, reporting and financial reporting of lobbying entities, Sections 2.12.030 and 2.12.040 do not apply to the following persons:

- A.** News media, or their employees or agents, that in the ordinary course of business directly or indirectly urge official action but that engage in no other activities in connection with the official action.
- B.** 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~~Subsection 3.96.020 G.;
 - 2.** Is classified as a non-profit organization, registered with the Oregon Secretary of State Corporation Division; and
 - 3.** Is formally recognized by the Office of Community & Civic Life or through City Council resolution or ordinance.

2.12.060 Declaration Required by Lobbyists

(Amended by Ordinance 180205, effective June 7, 2006.)

Exhibit A

Prior to offering public testimony before City officials, at the beginning of any meetings or phone calls with City officials, or in emails and letters to City officials, a lobbyist must declare which lobbying entity ~~he or she is~~ they are authorized to represent for that communication.

2.12.070 Reporting Requirements for City Officials.

(Amended by Ordinances 180205, 180620, 187854 and 187961, effective September 1, 2016.)

A. City officials ~~shall~~must file written reports documenting any gifts, meals or entertainment ~~in excess of~~ -\$25 or more received from a lobbying entity, regardless of the entity's registration status, or any person authorized to lobby on the lobbying entity's behalf. Such reports ~~shall~~must include:

1. Name of lobbying entity, and if applicable, name of lobbyist;
2. Subject of lobbying;
3. Value of gift, meal or entertainment; and
4. Date of receipt.

B. City officials ~~shall~~must file written reports after a lobbyist or lobbying entity, regardless of the entity's registration status, has agreed to ~~make a donation~~ of donate personal or real property to the City. Such reports ~~shall~~will include:

1. Name of lobbying entity, and if applicable, name of lobbyist;
2. Gift or donation requested;
3. Purpose of donation; and
4. Date of request.

C. The reports, if any, required by ~~subsections~~Subsections 2.12.070 A. and B. ~~shall~~must 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

Exhibit A

with the Auditor if the amount of the gift, meal or entertainment is less than \$25 or if no gifts or donations have been requested in the calendar quarter.

D. City ~~Elected~~elected officials and City directors ~~shall~~must post their calendars of activities that reflect official City business 15 days after the end of the calendar quarter for the previous calendar quarter, unless ~~an elected official or the City director~~Attorney or their designee determines that ~~such posting poses~~doing so would pose a safety threat pursuant to criteria contained in administrative rules developed by the Auditor in conjunction with the City Attorney's Office.

1. Unless otherwise exempted, calendars required by this Section ~~shall~~must note the date and length of scheduled official business that includes other City ~~Elected~~elected officials, City directors or outside parties. Calendar items must list primary participants or organizations in attendance.

2. Elected officials' and City directors' quarterly calendars required by this Section ~~shall~~will be retained in accordance with City Administrative Rules ~~and, be~~ posted publicly on the originating office's website, and remain posted for a period of at least one calendar year.

E. A City ~~Official~~official may amend a quarterly report or published calendar without penalty if ~~he or she files~~they file the amended report within 25 days after the end of the calendar quarter, unless the deadline falls on a weekend, City holiday, or a day when the City is otherwise not open for business, in which case the deadline moves to the next business day

2.12.080 Prohibited Conduct.

(Amended by Ordinance 187854, effective September 1, 2016.)

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

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

Exhibit A

C. ~~No former City director shall, for a period of 2~~No former salaried at-will staff of the Mayor, will, for a period of one year after the termination of employment, lobby for money or other consideration the Office of the City Administrator, the Mayor, or the Mayor's salaried at-will staff.

D. No former salaried at-will staff of the Auditor, will, for a period of one year after the termination of employment, lobby for money or other consideration the Auditor or the Auditor's salaried at-will staff.

E. No former City director will, for a period of two 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. In addition, no former City director will, for a period of two years after the termination of their appointment lobby for money or, other consideration the Mayor or the Office of the City Administrator regarding matters within the powers and duties of the bureau or office 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.

DF. No ~~Former~~former City employee ~~shall~~will 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~~will be for the duration of the contract.

EG. 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~~themselves, or any member of ~~his or her~~their 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~~their official capacity as an officer or employee of the public body;
3. Any ministerial action. For purposes of this ~~subsection~~Subsection, a ministerial action is one that does not require a City official or other City

Exhibit A

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.

2.12.090 Verification of Reports, Registrations and Statements.

(Amended by Ordinance 181204, effective September 7, 2007.)

A. Each report, registration or statement required by this Chapter ~~shall~~must contain or be verified by a written or electronic declaration that it is made under the penalties of false swearing. Such declaration ~~shall~~will be in lieu of any oath otherwise required.

B. No person ~~shall~~will willfully make and subscribe any document ~~which~~that contains or is verified by a written or electronic declaration for false swearing which the person does not reasonably believe to be true and correct to every matter.

2.12.100 Public Nature of Reports, Registrations and Statements.

(Amended by Ordinance 186176, effective August 30, 2013.)

All information submitted to the ~~City~~ Auditor in any report, registration or statement required by this Chapter is a public record and will be posted on the Office of the Auditor website within three business days after receipt, except if the information is subject to amendment under this Chapter, the Auditor will post the information within three business days after the amendment period has closed, unless the date falls on a weekend, City holiday, or a day when the City is otherwise not open for business, in which case the deadline moves to the next business day.

2.12.110 Auditor's Duties.

Exhibit A

(Amended by Ordinances 187854 and 188842, effective March 30, 2018.)

In carrying out the provisions of this Chapter, the ~~City~~ Auditor:

- A.** ~~Shall~~Will prescribe forms for registrations, statements and reports, and provide such forms to persons required to register and to file such statements and reports;
- B.** ~~Shall~~Will accept registrations and reports in an electronic format;
- C.** ~~Shall~~Will accept and file any information voluntarily supplied that exceeds the requirements of this Chapter;
- D.** ~~Shall~~Will make registrations, statements and reports filed available for public inspection and copying during regular office hours, and make copies available. The Auditor may charge fees to recover the cost of retrieval and copying;
- E.** May audit whether registrations and reports required by this Chapter have been completed properly and within the time frames specified in this Chapter;
- F.** May initiate investigations and accept and investigate complaints of alleged violations of this Chapter;
- G.** May make such inquiries and obtain such reasonable assistance and information, including records, from any office or person as the Auditor ~~shall~~will require for enforcement purposes, including requests to produce documentary or other evidence that is reasonably relevant to the matters under investigation;
 - 1.** For information and records sought from City offices, employees or officials, the Auditor or any agent or employee of the Auditor employed for the purpose of auditing or investigating the City may obtain confidential and legally privileged information and records held by the City so long as privilege is not waived as to third parties. The Auditor ~~shall~~will not disclose confidential or legally privileged information and records and ~~shall~~will be subject to the same penalties as the legal custodian of records for any unlawful or unauthorized disclosure.
- H.** May recover all reasonable costs incurred in enforcement in this Chapter, including but not limited to attorney's fees.

Exhibit A

I. Is authorized to adopt administrative rules to carry out the duties and to administer the provisions of this Chapter.

2.12.120 Penalties.

(Amended by Ordinances 187854 and 188842, effective March 30, 2018.)

A person who violates any provision of this Chapter or fails to file any report, registration or statement or to furnish any information required by this Chapter ~~shall~~ may be subject to ~~a~~ warnings or civil ~~penalty~~ penalties in an amount not to exceed \$3,000 per violation. By administrative rule, the Auditor ~~shall~~ will establish enforcement criteria with increased fines for repeated violations. In the name of the City, the Auditor may seek civil penalties and enforcement of any provision of this Chapter in Multnomah County Circuit Court or other appropriate venue. The Auditor may bring such an action through independent legal counsel retained or employed by the Auditor, or may request that the City Attorney provide such representation.

2.12.130 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is held invalid by any court, the remainder of this Chapter and its application to other persons and circumstances, other than that which has been held invalid, ~~shall~~ will not be affected by such invalidity, and to that extent the provisions of this Chapter are declared to be severable.