



County of Fairfax, Virginia

MEMORANDUM

DATE: January 3, 2011

TO: Senior Management Team

FROM: Anthony H. Griffin
County Executive

SUBJECT: Annual Memorandum -- State and Federal Lobbying by County Agencies, Boards, Authorities and Commissions – 2011 General Assembly, 112th Congress

IMMEDIATE ATTENTION -- Agency Directors should distribute this memorandum to appropriate staff, as well as any boards, authorities, or commissions for which they have staff/coordination responsibilities.

County Lobbying Policy

This memo serves as the annual reminder concerning Fairfax County's policy on lobbying at the state or federal level. As you know, established County policy prohibits independent lobbying of the Virginia General Assembly, the Governor's Office or any other state agency or official by County agencies, boards, authorities or commissions on issues that are not included in the adopted legislative program and/or policies of the Board of Supervisors. This County policy also extends to lobbying legislative issues at the federal level, in particular, with members of Congress or their staff, or executive branch officials.

In addition to adopting an annual state legislative program, federal legislative principles, and a federal appropriations request list, the Board approves positions on ongoing legislative issues under consideration by the General Assembly, the Congress, or the state or federal executive branches throughout the year, as well as positions for testimony on state and federal administrative actions or regulations. (The current 2011 state legislative program is available online at <http://www.fairfaxcounty.gov/government/board/>). This fall, the Board's Legislative Committee also considered a number of bills introduced by the 111th Congress; based on this review, County government relations staff coordinated our lobbying efforts with the County's congressional offices. Staff efforts are also supplemented on Capitol Hill by a contract lobbyist team for transportation issues, as well as certain general issues of interest to the County.

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Upcoming General Assembly – 2011

As you know, general direction of the County's legislative effort year-round is a function of my office. Dr. Susan Mittereder, the County's Legislative Director and registered lobbyist, will continue to have day-to-day control of the County's state and federal legislative efforts. I have also registered the other members of the County's legislative team who are authorized to lobby on behalf of Fairfax County during the 2011 General Assembly.

State law is quite specific as to what constitutes "lobbying," which is defined as follows: (i) influencing or attempting to influence executive or legislative action through oral or written communication with an executive or legislative official; or (ii) soliciting others to influence an executive or legislative official.¹ In addition, any local government employee who lobbies is defined as a "lobbyist," and all such lobbyists are required to be registered with the Secretary of the Commonwealth. Va. Code §2.2-419 (see **Attachment I**).

In order to comply with the County's lobbying policy, as established by the Board of Supervisors and Virginia law, it is essential that County efforts on legislative or executive actions throughout the year be coordinated with the Legislative Director. In particular, if a member of County staff intends to participate in the Richmond legislative process and attend General Assembly meetings or public hearings pertaining to issues of interest or impact to the County on legislative or executive actions, he or she should contact Susan or other members of the Richmond team during the General Assembly. Any information which is important to formulating a County position on a particular bill should also be communicated to Susan. This will ensure that our County efforts will be consistent. If Richmond legislative staff is unavailable and you need immediate assistance, please contact Katie Boyle (all contact information is provided on the next page).

Additionally, during the Session, Katie Boyle will be working with a staff team appointed by me to represent major County program areas, and these team members will analyze the impact of legislation affecting the County. As in past years, rapid review of bills is essential, and by using computer support, the review of legislation has been expedited and simplified. All technical questions during the Session concerning pending legislation should be routed to Katie. The information provided by County staff to the Richmond team will be utilized in helping me to make recommendations to the Board for possible County positions during weekly meetings of the Legislative Committee.

No County official or County agency should conduct any lobbying activities in violation of County policy or Virginia law. However, please note that the County lobbying policy is not intended to discourage County agencies, boards, commissions and authorities from maintaining

¹ Virginia's lobbying disclosure and regulations do not apply to all interactions with State agencies. The definition of "lobbying" specifically uses the term "executive action," and that term is defined as "the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or official of **legislation or executive orders** issued by the Governor." Va. Code § 2.2-419.

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professional relationships with appropriate state agencies. If you have any questions or need clarification about the County's lobbying efforts related to your area of responsibility, you should check with Susan. She will coordinate with me on how best to handle the issue or effort, in order that our lobbying activities are consistent county-wide. Additionally, this policy does not deny any individual his or her right as a private citizen to lobby the state on matters of individual concern.

Thank you for your assistance.

2011 General Assembly Contact Information

Richmond Office Information

Address: 1207 E. Main Street, 2nd Floor
Richmond, Virginia 23219
Phone: (804) 788-4536
Fax: (804) 649-2872

Fairfax Office Information

Susan E. Mittereder: (703) 324-2640

Katie Boyle: (703) 324-2649

The 2011 Session begins Wednesday, January 12, 2011, and is scheduled to end Saturday, February 26, 2011.

Attachments: Virginia Code §2.2-419
Legislative Review Team Member List

cc: Members, Board of Supervisors
Richmond Team
Legislative Review Team (**Attachment II**)

Attachment I

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§ 2.2-419. Definitions.

As used in this article, unless the context requires a different meaning:

"Anything of value" means:

1. A pecuniary item, including money, or a bank bill or note;
2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
4. A stock, bond, note, or other investment interest in an entity;
5. A receipt given for the payment of money or other property;
6. A right in action;
7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
8. A loan or forgiveness of indebtedness;
9. A work of art, antique, or collectible;
10. An automobile or other means of personal transportation;
11. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
12. An honorarium or compensation for services;
13. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an executive or legislative official, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
14. A promise or offer of employment; or
15. Any other thing of value that is pecuniary or compensatory in value to a person.

"Anything of value" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Compensation" means:

1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value; or
2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value, for services rendered or to be rendered.

"Compensation" does not mean reimbursement of expenses if the reimbursement does not exceed the amount

actually expended for the expenses and it is substantiated by an itemization of expenses.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or official of legislation or executive orders issued by the Governor.

"Executive agency" means an agency, board, commission, or other body in the executive branch of state government. "Executive agency" includes the State Corporation Commission, the Virginia Department of Workers' Compensation, and the State Lottery Department.

"Executive official" means:

1. The Governor;
2. The Lieutenant Governor;
3. The Attorney General;
4. Any officer or employee of the office of the Governor or Lieutenant Governor other than a clerical or secretarial employee;
5. The Governor's Secretaries, the Deputy Secretaries, and the chief executive officer of each executive agency; or
6. Members of supervisory and policy boards, commissions and councils, as defined in § 2.2-2100, however selected.

"Expenditure" means:

1. A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or anything of value for any purpose;
2. A payment to a lobbyist for salary, fee, reimbursement for expenses, or other purpose by a person employing, retaining, or contracting for the services of the lobbyist separately or jointly with other persons;
3. A payment in support of or assistance to a lobbyist or the lobbyist's activities, including the direct payment of expenses incurred at the request or suggestion of the lobbyist;
4. A payment that directly benefits an executive or legislative official or a member of the official's immediate family;
5. A payment, including compensation, payment, or reimbursement for the services, time, or expenses of an employee for or in connection with direct communication with an executive or legislative official;
6. A payment for or in connection with soliciting or urging other persons to enter into direct communication with an executive or legislative official; or
7. A payment or reimbursement for categories of expenditures required to be reported pursuant to this chapter.

"Expenditure" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Fair market value" means the price that a good or service would bring between a willing seller and a willing buyer in the open market after negotiations. If the fair market value cannot be determined, the actual price paid for the good or service shall be given consideration.

"Gift" means anything of value to the extent that a consideration of equal or greater value is not received.

"Gift" does not mean:

1. Printed informational or promotional material;
2. A gift that is not used and, no later than sixty days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
3. A gift, devise, or inheritance from an individual's spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subdivision; or
4. A gift of a value of \$25 or less.

"Immediate family" means (i) the spouse and (ii) any other person who resides in the same household as the executive or legislative official and is the dependent of the official.

"Legislative action" means:

1. Preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion, report, nomination, appointment, or other matter by the General Assembly or a legislative official;
2. Action by the Governor in approving, vetoing, or recommending amendments for a bill passed by the General Assembly; or
3. Action by the General Assembly in overriding or sustaining a veto by the Governor, considering amendments recommended by the Governor, or considering, confirming, or rejecting an appointment of the Governor.

"Legislative official" means:

1. A member or member-elect of the General Assembly;
2. A member of a committee, subcommittee, commission, or other entity established by and responsible to the General Assembly or either house of the General Assembly; or
3. Persons employed by the General Assembly or an entity established by and responsible to the General Assembly.

"Lobbying" means:

1. Influencing or attempting to influence executive or legislative action through oral or written communication with an executive or legislative official; or
2. Solicitation of others to influence an executive or legislative official.

"Lobbying" does not mean:

1. Requests for appointments, information on the status of pending executive and legislative actions, or other ministerial contacts if there is no attempt to influence executive or legislative actions;
2. Responses to published notices soliciting public comment submitted to the public official designated in the notice to receive the responses;
3. The solicitation of an association by its members to influence legislative or executive action; or
4. Communications between an association and its members and communications between a principal and its lobbyists.

"Lobbyist" means:

1. An individual who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, for the purpose of lobbying;
- ~~2. An individual who represents an organization, association, or other group for the purpose of lobbying; or~~
3. A local government employee who lobbies.

"Lobbyist's principal" or "principal" means the entity on whose behalf the lobbyist influences or attempts to influence executive or legislative action. An organization whose employees conduct lobbying activities on its behalf is both a principal and an employer of the lobbyists. In the case of a coalition or association that employs or retains others to conduct lobbying activities on behalf of its membership, the principal is the coalition or association and not its individual members.

"Local government" means:

1. Any county, city, town, or other local or regional political subdivision;
2. Any school division;
3. Any organization or entity that exercises governmental powers that is established pursuant to an interstate compact; or
4. Any organization composed of members representing entities listed in subdivisions 1, 2, or 3 of this definition.

"Local government employee" means a public employee of a local government.

"Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert.

"Value" means the actual cost or fair market value of an item or items, whichever is greater. If the fair market value cannot be determined, the actual amount paid for the item or items shall be given consideration.

(1994, cc. [85Z](#), [93Z](#), § 2.1-780; 2001, c. [844](#); 2006, cc. [78Z](#), [843](#), [892](#).)

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Attachment II

Legislative Review Team
2011 General Assembly

Kambiz Agazi, Environmental Coordinator
Peter Andreoli, Office of the County Attorney
Claudia Arko, Office of the County Executive
Albena Assenova, Department of Management and Budget
Deborah Babcock-Daley, Park Authority
Kimberly Bassarab, Department of Public Works and Environmental Services
Tom Biesiadny, Department of Transportation
Ava Blair, Fire and Rescue Department
Katie Boyle, Office of the County Executive
Tricia Brock, Department of Public Safety Communications
Adrienne Broitman, Juvenile and Domestic Relations Court
John Burke, Fire and Rescue Department
Lougenia Carnell, Office of Elections
Leonard Clark, Risk Management, Department of Finance
Michael Congleton, Department of Code Compliance
Jill Cooper, Department of Planning and Zoning
Edgardo Cortes, General Registrar
Christopher Costa, Office of the County Attorney
Sherryn Craig, Health Department
Linda Czarcinski, Health Department
John Dargle, Park Authority
John DeOrnellas, Human Resources
Noelle Dominguez, Department of Transportation
David J. Ferris, Police Department
Judy Flaig, Office of Elections
Tom Fleetwood, Department of Housing and Community Development
Rosalyn Foroobar, Health Department
John T. Frey, Clerk of the Circuit Court
Mariann Gabor, Department of Family Services
Lynn Green, Department of Public Works and Environmental Services
Kevin Greenlief, Department of Tax Administration
Tracey Guard, Juvenile and Domestic Relations Court
Jay Guy, Department of Transportation
Susan Hafeli, Department of Cable Communications and Consumer Protection
Karen Harwood, Office of the County Executive
Kathy Ichter, Department of Transportation
Patti Innocenti, Department of Purchasing and Supply Management
Gordon Jarratt, Department of Information Technology
Barbara Kenney, Circuit Court
Lara Larson, Community Services Board
Corinne Lockett, Office of the County Attorney
Nancy Loftus, Office of the County Attorney
Emily Johnson, Police Department

Michael Long, Office of the County Attorney
Renee Loustaunau, Department of Human Resources
Suzanne Lubkeman, Circuit Court
Maggi Luca, Electoral Board
Vanessa Makely, Department of Public Works and Environmental Services
Pam Martin, Department of Transportation
Megan Mayor-Yost, Department of Finance
David McKernan, Office of Emergency Management
Bob Mears, Retirement Administration Agency
Charise Mitchell, Office of the Sheriff
Susan E. Mittereder, Office of the County Executive
Cathy Muse, Department of Purchasing and Supply Management
Leanna O'Donnell, Department of Planning and Zoning
Carol Patterson, Retirement Administration Agency
Debra Piansky, Office of Emergency Management
Steve Pierson, Department of Purchasing and Supply Management
Ellen Posner, Office of the County Attorney
Carolyn Quetsch, Department of Tax Administration
Monica Reid, Office of the County Executive
Jenna Rosenberger, Community Services Board
John Ruthinoski, Department of Family Services
Gary Scott, Office of Elections
Randall Scott, Department of Cable Communications and Consumer Protection
Steve Sinclair, Department of Cable Communications and Consumer Protection
Mary Stevens, Department of Housing and Community Development
Laurie Stone, Fire and Rescue Department
James Stratoudakis, Community Services Board
Bernard Suchicital, Department of Planning and Zoning
Catherine Tilley, Department of Transportation
Erin Ward, Office of the County Attorney
Marcia Wilds, Department of Management and Budget
Susan Woodruff, Department of Human Resources
Darla Younts, Department of Family Services