



# Commission Policy

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## A. Purpose

Because the proposed Agreement for Management, Operation and Maintenance Services for the Milwaukee Metropolitan Sewerage District’s wastewater treatment system (the “O&M contract”) deals with management of the system, compliance with the District’s water pollution abatement permits, and maintenance of water quality in the metropolitan area, the Milwaukee Metropolitan Sewerage Commission determines that, to maintain the integrity of the decision-making process with regard to letting of the O&M contract, it is necessary to regulate and publicly disclose the identity, expenditures, and activities of Persons who engage in, hire others, or are hired to engage in efforts to influence the decisions or actions of the Commission or the District or any Persons acting on their behalf with regard to the O&M contract.

## B. Definitions

1. “Administrative Action” means the proposal, drafting, development, consideration or issuance of staff recommendations. This term does not include a purely Ministerial Action by a District Official or employee and does not include action related to an enforcement action commenced by a written order, a citation or a summons and complaint.
2. “District Official” means any individual holding a position designated by Commission Policy 1-01.04 as being required to file a Statement of Economic Interests under Administrative Policy 2-01.04.
3. “Legislative Action” means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or defeat of any policy, resolution, rule, amendment, report, nomination or other matter by the Commission, a Commission committee or subcommittee, or by a Commission member or employee of the Commission acting in an official capacity. This term also includes the action of any District Official or employee in the development of any memorandum, report, recommendation, or other similar matter or proposal for any other District Official or for introduction to or consideration by the Commission or a Commission committee or subcommittee.



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4. “Lobbying” or “To Lobby” means any attempt to influence Legislative Action or Administrative Action by oral or written communication with any Commissioner, District Official or employee, or any Person acting on behalf of the Commission or the District.
5. “Lobbying Expenditure” means an expenditure related to the performance of Lobbying, whether paid in the form of an advance or subsequent reimbursement.
6. “Lobbyist” means any Person who is employed by a Principal or who contracts for or receives economic consideration other than reimbursement for actual expenses from a Principal, and who Lobbies on behalf of the Principal within a single Reporting Period.
7. “Ministerial Action” means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual’s own judgment as to the propriety of the action being taken.
8. “Person” means any individual, corporation, association, firm, limited liability company, partnership, committee, club, organization or group of persons who are voluntarily acting in concert. This term also includes a recognized employee organization, association and its representatives.
9. “Principal” means any Person who employs a Lobbyist, or contracts for the services of a Lobbyist, or Lobbies on behalf of his or her own corporation, association, limited liability company, or partnership. This term also includes: a government department, agency and organization of another political subdivision within the State of Wisconsin; another state; or the federal government.
10. “Real Party in Interest” means any Person, other than an intermediary, for whom a Lobbyist acts.
11. “Registrant” means any Person required to register under this Commission Policy.
12. “Relative” means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, spouse, fiancée, or registered domestic partner.



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13. “Reporting Period” means each 1-month period beginning with April 1, 2007 and ending on March 1, 2008.

C. Lobbyist and Principal – Registration Required

1. Any Person meeting the definition of Lobbyist shall, within 15 days of meeting the definition, register with the Commission Secretary on forms provided therefor. The forms shall include the following:

- a) The full name, occupation, and principal place of employment of the Lobbyist, and the address, telephone number, and e-mail address of the Lobbyist relating to the principal place of employment.
- b) The full name, occupation, and principal place of business of the Person who is directing the Lobbying activities and whose interests the Lobbyist is representing, and the address, telephone number, and e-mail address of the Person represented relating to the principal place of business.
- c) Any direct or indirect economic interest in the letting of the O&M Contract that the Lobbyist may have, as well as the direct or indirect interest of the Real Party in Interest.
- d) The name, telephone number, address, and e-mail address of an agent listed by the Principal who shall be designated the official contact for the Principal in all matters pertaining to Lobbying.
- e) The name, telephone number, address, and e-mail address listed by the Principal of any individual authorized to sign documents on behalf of the Principal.
- f) A statement that the Registrant has received a copy of the rules and regulations relating to this Policy.



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2. The Lobbyist shall at the time of registration file with the Commission Secretary a written authorization, signed by the Principal, for the Lobbyist to represent the Principal. In those instances in which a Lobbyist represents multiple Principals, the Lobbyist shall file a separate authorization for each Principal.
  
3. In the event a Principal engages in Lobbying within a single Reporting Period, the Principal shall within 15 days register with the Commission Secretary pursuant to Subsection C.1.
  
4. When appearing before the Commission or a Commission committee or subcommittee, a Registrant shall orally identify himself or herself as a Lobbyist or Principal before engaging in Lobbying. At a Commission or Commission committee or subcommittee meeting, a District Official may require oral disclosure of the identify of the Principal the Lobbyist is representing, and any economic interest the Lobbyist or Principal may have in the matter.
  
5. Unless otherwise noted in this subchapter, a Registrant shall notify the Commission Secretary of any changes in the circumstances set forth in his or her original registration within 10 days of the changes taking place.

## D. Principals' Expense Statements

1. Every Principal shall, no more than 30 days after the end of each Reporting Period, file with the Commission Secretary an expense statement covering the preceding Reporting Period. The statement shall contain the following information:
  - a) The total amount of Lobbying Expenditures made and obligations incurred for Lobbying activities by the Principal and all Lobbyists for the Principal. With respect to Lobbying Expenditures and obligations, the following shall be included:
    - (1) Compensation for Lobbying made to Lobbyists or to the Principal or officers or employees of the Principal.



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(2) Lobbying Expenditures made or obligations incurred for paid advertising or any other activities conducted for the purpose of urging members of the general public to attempt to influence Legislative Action or Administrative Action. The name and address of the Lobbyist and the total amount of Lobbying Expenditures made or obligations incurred shall be listed.

(3) Any other Lobbying Expenditures made or obligations incurred. The name and address of the Lobbyist and the total amount of other Lobbying Expenditures made or obligations incurred shall be listed.

b) A detailed description of each subject area in which the Principal attempted to influence Legislative Action or Administrative Action during the Reporting Period, including all of the following:

(1) The subject matter and specific issues in the proposals on which the Principal attempted to influence Legislative Action or Administrative Action in each subject area.

(2) A contemporaneous record disclosing the time and resources spent on each attempt to influence Legislative Action or Administrative Action in each subject area. The contemporaneous record shall be submitted on a form provided by the Commission Secretary. This form shall include an itemization of the time spent meeting with District Officials as well as any other activity that involved Lobbying.

2. If a Principal has made no Lobbying Expenditures in a Reporting Period, the Principal shall file a statement to that effect with the Commission Secretary.

3. A Lobbyist whose activities and Lobbying Expenditures are required to be reported by a Principal under Subsection D.1 shall provide to the Principal any information that the Principal determines is needed to prepare the statement.



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4. All accounts, bills, receipts, books, papers and other documents necessary to substantiate an expense statement filed pursuant to Section D shall be obtained, organized and preserved by the Principal and any Lobbyist engaged by the Principal for 3 years after the filing of the expense statement.

5. The following shall be exempt from filing an expense statement under Section D: a government department, agency or organization of another political subdivision within the State of Wisconsin; another state; or the federal government.

## E. Termination of Lobbyist Status

1. Upon termination of a Person's engagement or employment as a Lobbyist, the Principal shall notify the Commission Secretary in writing on a form provided therefor by the Commission Secretary.

## F. Exceptions

1. The provisions of this Commission Policy shall not apply to:

a) A District Official, provided he or she is solely engaged in matters of governmental interest.

b) A Person who owns, publishes, or is employed by a newspaper, any regularly published periodical, a radio station, a television station, a wire service or any other bona fide news medium that, in the ordinary course of business, disseminates news, letters to the editor, editorial or other comment, or paid advertisements that directly or indirectly oppose or promote Legislative Action or Administrative Action provided the Person does not engage in other activities that require registration under this Commission Policy and does not represent another Person in connection with influencing Legislative Action. This paragraph does not exempt a Person whose relation to the news media is only incidental to a Lobbying effort.



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c) A Person who, without compensation and not as part of or in the ordinary course of his or her regular employment, presents the position of a civic organization such as a taxpayer’s association, a community organization or other organization, however formally or informally organized. This paragraph does not exempt a Person when a position taken or advocated directly impacts, affects, or seeks to influence legislation in which that Person has a direct or indirect financial interest.

d) A Person who presents the position of a religious organization on matters involving the religious beliefs of the organization.

e) A member of the State Bar of Wisconsin, acting on behalf of a client in an attorney-client relationship, while performing a duty or service which can be performed lawfully only by an attorney licensed to practice law in the State of Wisconsin.

f) Requests for information from a District Official and the furnishing of that information when the District Official is acting in an official capacity.

g) Requests for interpretation of existing Rules or Policies; contract or bidding inquiries; or grant applications.

h) A District employee who represents the position of a certified collective bargaining unit of which the employee is a member.

2. Nothing in this Commission Policy shall be applied to or interfere with the right of any Person to communicate with the Commission member who represents the municipality in which the Person resides, whether or not this communication is made on behalf of the Person or on behalf of another Person.

## G. Duties of the Executive Director and the Commission Secretary

1. The Executive Director shall create all forms necessary for implementation of this Commission Policy and make them available to interested Registrants.



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2. The Commission Secretary shall be the custodian of all completed Registrant forms and reports. The Commission Secretary shall prepare and keep a file in which shall be entered the name and business address of each Registrant as well as the general areas of Legislative Action and Administrative Action and specific matters to which the Lobbying activities of the Registrant relate.

3. The information contained in reports filed pursuant to this Commission Policy shall be compiled by the Commission Secretary and shall be forwarded to the Commission.

4. The Commission Secretary shall make available on the District web site all registration information and expense statements filed under this Commission Policy.

5. All reports filed pursuant to this Commission Policy shall be preserved by the Commission Secretary for 7 years from the date of filing.

## H. Prohibited Practices

1. No Lobbyist may:

- a) Offer or give to any District Official, directly or indirectly, anything of pecuniary value.
- b) Contract to receive or receive compensation dependent in any manner upon the success or failure of any Legislative Action or Administrative Action.

2. No Principal may engage in the practices prohibited under Subsection H.1. Subsection H.2 does not apply to the furnishing of transportation, lodging, food, meals, beverages or any other thing of pecuniary value that is also made available to the general public.



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3. Subsection H.1(a) does not apply to the furnishing of anything of pecuniary value by an individual who is a Lobbyist or Principal to a relative of the individual or an individual who resides in the same household as the individual, nor to the receipt of anything of pecuniary value by that relative or individual residing in the same household as the individual.

4. Subsection H.1(a) does not apply to the furnishing of educational or informational material by a Lobbyist or Principal to a District Official, or acceptance thereof by a District Official.

5. Section H does not prohibit lodging, transportation, food, meals, beverages, money or any other thing of pecuniary value permitted and reported under ch. 11, Wis. Stats.

## I. Allegations of Violations

1. The Commission Secretary shall accept from any individual, either personally or on behalf of an organization or governmental body, a sworn statement on a form provided by the Commission Secretary that states the name of any Person alleged to have committed a violation of this Commission Policy and that sets forth the particulars thereof. The Commission Secretary shall immediately forward the sworn statement to the District’s Director of Legal Services for review and shall forward to the accused within 10 days a copy of the sworn statement.

2. If the Director of Legal Services determines that the sworn statement does not allege facts sufficient to constitute a violation of this Commission Policy, the Director of Legal Services shall so notify the Commission Secretary, the complainant and the accused.

3. If the Director of Legal Services determines that the sworn statement alleges facts that, if true, would be sufficient to constitute a violation of this Commission Policy, the Director of Legal Services may make a further investigation with respect to such alleged violation and may initiate any appropriate enforcement action.

## J. Suspension, Violations and Penalties



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1. Failure to comply with the provisions of Section C of this Commission Policy within 10 days of written notification from the Commission Secretary may result in a suspension of Lobbying privileges. The privilege of any Principal to Lobby, or a Lobbyist to Lobby on behalf of a Principal shall be restored immediately upon filing the delinquent report. The notices shall be sent by first class, prepaid mail to the address listed by both the Principal and the Lobbyist in an envelope bearing the return address of the Commission Secretary.
  
2. Any violation of any provision of Sections D or H of this Commission Policy by a Principal or a Lobbyist acting on a Principal's behalf shall be cause to disqualify the Principal from further participation in the process with regard to letting of the O&M contract.