

**Boards, Committees and Commission  
General Remarks on Lobbying  
July 25, 2011  
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A. General Observations

- A. Individuals – may take any action unless prohibited by law
- B. Government Entity – has no power to take action except those powers delegated to the government agency by an organic document (e.g. constitution, charter, statute, resolution, executive order, etc.)
- C. A committee must look to the organic document creating the committee to determine the committee’s mission.
- D. A committee’s organic document must be consulted to determine if the committee has the authority to lobby. If the authority to lobby exists, the organic document must also be consulted to determine who the committee has the authority to lobby. The Council? The General Assembly? Congress?

II. Lobbying; Educating; and Advising

- A. Lobbying is engaging in advocacy that is intended to influence a decision maker to take a course of action that is desired by the lobbyist.
- B. By way of contrast, education is intended to develop knowledge through a systematic study of a matter. Unlike lobbying, education contains no specific intent to persuade a decision maker to undertake a certain course of action.
- C. Providing advice, in addition to providing information, contains an element of sharing with the decision maker an opinion or recommendation. Providing advice falls between the functions of education and lobbying. Lobbying generally involves an activity (often sustained) whose goal is to achieve a specific result. By contrast, engaging in an advisory function respects the right of the decision maker to arrive at a different conclusion.

III. The Office of Intergovernmental Relations (OIR)

- A. OIR has been assigned the responsibility to “provide coordination of liaison and, as appropriate, respond to legislation, regulations, or other policy issues involving nearby counties or states, municipalities within the County, regional agencies, the District of Columbia, and the federal government”.
- B. Those few committees authorized to lobby entities outside of the County government, must coordinate its lobbying efforts with OIR.
- C. Lack of coordination damages the County’s credibility.

#### IV. Individual Action

- A. Although any rule that restricts the freedom of a committee to proselytize may appear suspect, remember that a committee is a creature of county government.
- B. Individual members of a committee retain their first amendment rights to free speech and to petition their government *in their personal capacity*.
- C. When engaged in personal political activity, members of committees should exercise caution in identifying their association with a County committee.
  - 1. County ethics law prohibits an individual from using the prestige of his or her office for private gain or the gain of another.
  - 2. Committee members engaging in private political activity should disclose that they are not speaking on behalf of a County committee.

**Notes:** Advisory falls between lobbying and education. Lobbying is more sophisticated, systematic, beats on decision maker to agree with them. Obligated to coordinate with Intergovernmental Affairs. Commission is government entity.