

## Sanchez, Rodzandra (COE)

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**From:** Perez, Martha D. (COE)  
**Sent:** Wednesday, October 12, 2016 11:45 AM  
**To:** 'JRobinson@afscme.org'  
**Cc:** Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE); Turay, Radia (COE)  
**Subject:** Jessica Robinson, AFSCME, North Miami Beach, Lobbying, INQ 16-228  
**Attachments:** RQO 09-26 Bober, J. Letter.pdf; INQ 13-248 Sanchez.pdf

Dear Ms. Robinson,

You inquire whether an employee of a national labor union designated to represent the City of North Miami Beach (NMB) employees' local union, AFSCME Local 3293, is required to register as a lobbyist and thus, be responsible for paying the registration fee and filing an expenditure report.

### Background

The City of North Miami Beach's local employees' union, AFSCME Local 3293 (3293), represents one of several bargaining representatives/units for NMB employees. Its national component- AFSCME- wishes to designate one of its national union employees to represent 3293 on legislative and public policy matters before NMB government. The AFSCME national union employee is not a NMB employee or local union representative.

The Agreement between the City of NMB and NMB City Employees Local 3293, AFSCME, recognizes 3293 as the exclusive bargaining representative of the City's employees. The Agreement further provides that City employees shall be selected and certifies as union stewards to tend to union business.

### Analysis

Section 2-11.1(s)(3)(a), Miami-Dade County Ethics Code, provides that any public officer, employee or appointee who appears in his or her official capacity is not required to register as a lobbyist. The Ethics Commission has interpreted this exception to the lobbyist registration requirement to apply to *County* [city] employees who represent *local* County [city] unions. See RQO 09-26.

Similarly, Section 2-78 (4)(e) of the NMB Code also provides an exception from lobbyist registration to "any person who has been designated and is so recognized *by the City* as a representative of a collective bargaining unit composed of *City employees*..." This exception requires an official designation and recognition by the City (via certification in writing as specified in the Agreement) of those *City* employees selected to represent 3293.

Hence, the exception to the lobbyist registration requirement, both under the County and NMB codes, **does not extend to non-City advocates** hired, selected or otherwise designated by the local labor union or its parent organization, to represent the interests of its local members and encourage official action on government-related legislative or public policy matters. See INQ 13-248. Consequently, a non-City advocate, designated to represent the City's AFSCME Local 3293 on government-related matters, is required to register as a lobbyist, pay the \$250 annual registration fee and submit an annual expenditures report by February 1<sup>st</sup> of each year, in accordance with Section 2-78 of the NMB Code.

This opinion is based on the facts presented. If any of these facts change, please contact us.

Sincerely,

**Martha D. Perez**  
Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST  
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**From:** Jessica Robinson [<mailto:JRobinson@afscme.org>]  
**Sent:** Wednesday, October 05, 2016 12:16 PM  
**To:** Ethics (COE) <[ethics@miamidade.gov](mailto:ethics@miamidade.gov)>  
**Cc:** Linda Bates <[LBates@afscme.org](mailto:LBates@afscme.org)>; Judith Rivlin <[JRivlin@afscme.org](mailto:JRivlin@afscme.org)>  
**Subject:** North Miami Beach lobbying registration questions

Good Afternoon:

I have a couple of questions about lobbying registration requirements for North Miami Beach that (NMB) I hope you can answer.

First, one of our local unions, AFSCME Local 3293, is the exclusive representative of one or more bargaining units of NMB City employees. As I read § 2-78.4(e) of NMB's lobbying registration ordinance, that local union is a "person" not required to register because it is the recognized representative of a bargaining unit. However, the national union – AFSCME – would like to designate one of its employees to represent AFSCME Local 3293 on NMB legislative and other public policy issues before the NMB City Government. Is that employee required to register in order to lobby on behalf of AFSCME Local 3293?

Secondly, I note that only those persons required to register are required to pay the Annual Registration Fee. See NMB Code § 2-78.2. This makes sense. However, the language of the lobbying registration ordinance does not explicitly state that persons who meet the definition of "lobbyist" under § 2-78.1, but who are exempt from registering pursuant to §2-78.4, are likewise exempt from the reporting requirements set out at § 2-78.6. But, I assume that the reporting requirements are not, in fact, imposed upon persons not required to register as lobbyists. Can you confirm that NMB's lobbying reporting requirements only apply to lobbyists who are required to register?

I appreciate your assistance with this matter. If you have questions, or need more information, please feel free to contact me.

Jessica Robinson

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