



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** *December 21, 2022*

**TO:** Senior Management Team

**FROM:** Bryan J. Hill  
County Executive *[Signature]*

**SUBJECT:** Annual Memorandum – State and Federal Lobbying by County Agencies, Boards, Authorities and Commissions – 2023 General Assembly, 118<sup>th</sup> Congress

**IMMEDIATE ATTENTION – Agency Directors should immediately 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 and the federal legislative strategy and principles, 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 2023 state legislative program and federal strategy and principles are available online on the Board's webpage at: <https://www.fairfaxcounty.gov/boardofsupervisors/>.) This year, the Board also considered a number of bills introduced by the 118<sup>th</sup> 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 lobbying team for transportation issues, as well as certain general issues of interest to the County.

Upcoming General Assembly – 2023

As you know, general direction of the County's legislative effort year-round is a function of my office. Claudia Arko, the County's Legislative Director and registered lobbyist, will 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 2023 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 of others to influence an executive or legislative official.<sup>1</sup> 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**).

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 Claudia 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 Claudia. This will ensure that our County efforts will be consistent.

Additionally, during the session, the Legislative Associate on the Government Relations staff 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. The Legislative Associate position has been held by Arielle McAloon for the past six years, but Arielle has recently been promoted to the position of Human Services Legislative Liaison. We are in the process of hiring her replacement, and we will provide a follow up to this memo with updated contact information for that person as soon as they are onboard. 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 the Legislative Associate (Arielle can assist in answering questions in the meantime). 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.

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<sup>1</sup> 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. 'Executive action' includes procurement transactions." Va. Code § 2.2-419.

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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 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 Claudia. 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.

**2023 General Assembly Contact Information**

**Richmond Office Information**

(office will be staffed January 9 –February 24, 2023)

**Address:** 1207 E. Main Street, 2<sup>nd</sup> Floor  
Richmond, Virginia 23219

**Phone:** (804) 788-4536

**Fairfax Office Information**

Claudia Arko: (703) 324-2647

Jennifer Van Ee: (703) 324-2640

Arielle McAloon: (703) 324-2649

The 2023 session begins Wednesday, January 11, 2023, and is scheduled to end Saturday, February 25, 2023.

Attachment: Virginia Code §2.2-419

cc: Members, Board of Supervisors  
Richmond Team  
Legislative Review Team

Code of Virginia  
Title 2.2. Administration of Government  
Subtitle I. Organization of State Government  
Part A. Office of the Governor  
Chapter 4. Secretary of the Commonwealth  
Article 3. Registration of Lobbyists

## § 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.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 50-355.

"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 action" includes procurement transactions.

"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 Workers' Compensation Commission, and the Virginia Lottery.

"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, Lieutenant Governor, or Attorney General 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, including any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value, and includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind or by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"Gift" does not mean:

1. Printed informational or promotional material;

2. A gift that is not used and, no later than 60 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 devise or inheritance;

4. A gift of a value of less than \$20;

5. Any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;

6. Any food or beverages provided to an individual at an event at which the individual is performing official duties related to his public service;

7. Any food and beverages received at or registration or attendance fees waived for any event at which the individual is a featured speaker, presenter, or lecturer;

8. An unsolicited award of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service;

9. Any gift to an individual's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse or the donee's son-in-law or daughter-in-law;



10. Travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House Committee on Rules or its Chairman or the Senate Committee on Rules or its Chairman;

11. Travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; or

12. Attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered.

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

"Procurement transaction" means all functions that pertain to obtaining all goods, services, or construction on behalf of an executive agency, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration where the stated or expected value of the contract is \$5 million or more.

"Secretary" means the Secretary of the Commonwealth.

"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.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who are members of a public, civic, charitable, or professional organization, (ii) who are from a particular industry or profession, or (iii) who represent persons interested in a particular issue.

1994, cc. 857, 937, § 2.1-780; 2001, c. 844; 2006, cc. 787, 843, 892; 2014, cc. 225, 792, 804; 2015, cc. 763, 777; 2016, cc. 773, 774; 2017, cc. 829, 832.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.