

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2011 - 0897

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA AMENDING CHAPTER 2 OF THE CITY OF LIGHTHOUSE POINT CODE OF ORDINANCES, ENTITLED "ADMINISTRATION", TO CREATE ARTICLE VIII, TO BE CALLED "LOBBYING ACTIVITIES"; PROVIDING FOR DEFINITIONS; PROVIDING FOR LOBBYIST REGISTRATION; PROVIDING FOR FILING OF A CONTACT LOG; PROVIDING FOR A PROHIBITION ON USE OF LOBBYING STATEMENTS; PROVIDING FOR CONTINGENCY FEES, AND DISCLOSURES; PROVIDING FOR HEARINGS AND PENALTIES FOR VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Broward County recently enacted Ordinance #2011-19, requiring all municipalities in Broward County to establish lobbyist registration procedures; and,

WHEREAS, the City Commission deems it to be in the best interest of the City to enact lobbyist registration regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified as true and correct and are incorporated herein by this reference.

Section 2. Chapter 2, of the Code of Ordinances of the City of Lighthouse Point, entitled "Administration," is amended by creating Article VIII to be entitled "Lobbying Activities," as follows:

ARTICLE VIII. LOBBYING ACTIVITIES

Sec. 2-290. Title; intent and purpose.

- (a) Sections 2-290 through 2-296 of Chapter 2, Lighthouse Point Code of Ordinances, may be cited as the "Lighthouse Point Lobbyist Registration Act" (referred to in this Part as the "Act").

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- (b) The Broward County Code of Ethics for Elected Officials provides that all municipalities in Broward County shall establish lobbyist registration procedures. The City Commission determines that the registration of lobbyists promotes the integrity of the governmental decision-making process and fosters transparency in government by providing the identity and activities of certain persons who engage in efforts to influence City Commissioners and decision-making bodies under the jurisdiction of the City Commission.

Sec. 2-291. Definitions.

As used in this Article, unless the context otherwise indicates:

- (a) *Board* means the City Commission of Lighthouse Point, Florida or any other decision-making body under the jurisdiction of the City Commission.
- (b) *Covered Individual* means (i) any member of a Board; (ii) the Mayor; (iii) any individual directly appointed to an employment position by the City Commission or Mayor; (iv) any individual serving on a contractual basis as the City Attorney; (v) an individual serving on a contractual basis as a planner or zoning administrator; (vi) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a City procurement; (vii) any City employee, official, or member of a City committee that has authority to make a final decision regarding a public procurement; and (viii) the head of any City department who makes final recommendations to a final decision-making authority regarding items that will be decided by the final decision-making authority.
- (c) *Lobbying* or *lobbying activities* means a communication, by any means, from a lobbyist to a member of a Board or Covered Individual regarding any item that will foreseeably be decided by the Board and/or a Covered Individual, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications made on the record at a duly-noticed public meeting or hearing.
- (d) *Person* means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.
- (e) *Lobbyist* means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:

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- (1) An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.
- (2) An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.
- (3) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
- (4) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

Sec. 2-292. Lobbyist registration and statements.

- (a) *Registration Statement Required.* Prior to engaging in lobbying activities, every lobbyist shall file with the City Clerk a registration statement under oath containing the following information:
 - (1) The lobbyist's full name, residence address, business address, and nature of business.
 - (2) The full name and address of all persons on whose behalf the lobbyist will be lobbying.
 - (3) The subject matters which the lobbyist seeks to influence.
 - (4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Lighthouse Point. For the purposes of this Article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.
 - (5) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter.

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A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required this subsection.

- (b) *List of Current Lobbyists.* The City Clerk's Office shall keep a current list of registered lobbyists and their respective reports required under this Article, all of which shall be open for public inspection.
- (c) *Lobbyist Responsibilities to Update Registration.* The Lobbyist Statements provided pursuant to this Section shall remain active and effective so long as the lobbyist does not advise the City in writing that he or she has ceased lobbying activities in the City. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, or on a subject matter not listed on the registration statement, the lobbyist shall, prior to engaging in such additional lobbying activities, file an amendment to the registration statement in form prescribed by the City Clerk, containing all the information required in the annual registration statement.
- (d) *Annual Lobbyist Registration.* Regardless of the date of the original filing of the required lobbyist statement, or any amended registration, the lobbyist registration shall expire each calendar year on December 31. Should a lobbyist desire to continue lobbying on a subject matter beyond that date, he or she must file a new Lobbyist Statement.
- (e) *Fees.* A Lobbyist shall pay to the City Clerk's Office a registration fee for each registration and update. The registration fees required by this section shall be expended for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section and shall be determined by resolution of the City Commission. A lobbyist, who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities provided that he or she files an affidavit in a form acceptable to the City Attorney confirming his or her volunteer status.

Sec. 2-293. Filing of Contact Log.

To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with a member of the Board and/or Covered Individual for the purpose of engaging in lobbying activities, regardless of the location of the meeting, must legibly complete a contact log listing each member of the Board with whom the lobbyist, principal, or employer meets or intends on meeting or communicating.

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- (1) The information stated on the contact log shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of each member of the board with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.
- (2) The contact log shall be completed contemporaneously with the meeting(s) and shall be filed with the City Clerk for public inspection.

Sec. 2-294. Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this Article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

Sec. 2-295. Contingency fees; disclosure

- (a) "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific action of the City Commission.
- (b) A lobbyist shall separately disclose to the City Clerk any compensation received in the form of contingency.

Sec. 2-296. Penalties.

- (a) The City Administrator, or his designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this Act.
- (b) Upon receipt of information relating to a potential prohibition of this Act, unless the City Administrator can confirm that no violation occurred, the City Administrator shall schedule a hearing at the next available Code Enforcement Special Magistrate hearing, during which the Special Magistrate will conduct a hearing to determine whether a violation has occurred and, should a violation be found, impose a fine consistent with the limitations in Chapter 162, Florida Statutes, and the City's Code of Ordinances.

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- (c) The Special Magistrate may recommend sanctions in addition to a fine, including warning, reprimanding, or censuring the violator; suspension; or, prohibition on the violator from appearing on behalf of any employer before any Board in the City or from otherwise lobbying for any employer in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years. The imposition of such additional sanctions is within the discretion of the City Commission.
- (d) The results of each alleged violation of this Act shall be reported to the City Commission.
- (e) The validity of any action taken by the City Commission, city employees, or any decision-making body under the jurisdiction of the City Commission, shall not be affected by the failure of any person to comply with the provisions of this Act.
- (f) In addition to the penalties provided by this section, individuals found to be in violation may be subject to additional penalties as provided by law. Nothing in this section shall be construed to limit the authority of the Broward County Office of the Inspector General as provided for by Article VIII of the Broward County Charter.

Section 3. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Lighthouse Point, Florida.

Section 4. All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 5. If any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 6. This Ordinance shall take effect immediately upon its passage.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE FIRST READING, THIS 29th DAY OF November, 2011.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE SECOND AND FINAL READING, THIS 13th DAY OF December, 2011.

BY: Susie E. Gordon
SUSIE E. GORDON, COMMISSION PRESIDENT

ATTEST:

BY: Jennifer M. Oh
JENNIFER M. OH, INTERIM CITY CLERK

APPROVED AS TO FORM:

BY: [Signature]
OFFICE OF THE CITY ATTORNEY



	Yes	No	Absent
Commission President Gordon	<u>X</u>	_____	_____
Commission Vice President Long	<u>X</u>	_____	_____
Commissioner Hasis	<u>X</u>	_____	_____
Commissioner Johnson	<u>X</u>	_____	_____
Commissioner Troast	<u>X</u>	_____	_____