

ORDINANCE NO. 2011-030

AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING CHAPTER 2, CODE OF ORDINANCES, ENTITLED "ADMINISTRATION" BY CREATING A NEW ARTICLE XIII THEREOF, ENTITLED "LOBBYISTS" BY CREATING SECTIONS 2-1000 THROUGH 2-1005, WHICH SECTIONS REQUIRE ALL PERSONS WHO ARE LOBBYISTS TO REGISTER WITH THE CITY CLERK'S OFFICE; PROVIDING FOR A DEFINITION OF A LOBBYIST; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Commission deems it necessary to comply with the mandates of Broward County Ordinance No. 2011-19, which ordinance requires the registration of persons intending to lobby municipal officials;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing "Whereas" clause is hereby ratified and confirmed as being true and correct and is hereby made a part of this Ordinance.

Section 2: Chapter 2, Code of Ordinances, entitled "Administration" is hereby amended by the creation of a new Article XIII, entitled "Lobbyists" to read and provide as follows:

CHAPTER 2. ADMINISTRATION

ARTICLE XIII

LOBBYISTS

Sec. 2-1000 Intent and purpose.

The City Commission of the City of Coconut Creek, Florida, hereby determines and declares that the intent and purpose of this Article is to comply with the mandates of Broward County Ordinance No. 2011-19, which ordinance requires the registration of persons intending to lobby municipal elected officials.

Sec. 2-1001. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Legislation means any ordinance, resolution, contract, bid award, action, decision or proposal of any kind that is the subject of present or prospective action by the City Commission, a City board, or committee; or any action, decision or recommendation of the City Manager or City staff regarding any legislation to be considered or foreseeably to be considered by the City Commission, City Boards, or committees.

Lobbying means communicating directly or indirectly, either in person, by telephone, letter, electronic means or other method, with the City Commission members, City Board members or Committee members or the City Manager or City staff for the purpose of influencing legislation or other official action. Lobbying does not include the activities of a person undertaken in connection with a request for information, the submission of an application for a City permit, making inquiries regarding such application or providing any information required to be submitted in support of such application. Lobbying does not include communications:

- a. Made on the record at a duly-noticed public meeting or hearing; or

- b. From an attorney to an attorney representing the City of Coconut Creek regarding a pending or imminent judicial or adversarial administrative proceeding against the City of Coconut Creek.

“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:

- a. An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.
- b. An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual unless the individual is principally employed by that person or entity to lobby.
- c. 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
- d. Any employee, any officer, or any board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization or other organization or group.

Principal means a person who authorizes a lobbyist to act on their behalf as an agent to undertake lobbying.

Sec. 2-1002. Lobbying registration and statements.

(1) *Registration required.* Prior to engaging in lobbying activities, every lobbyist shall file with the City Clerk and provide under oath the following information for each principal that the lobbyist represents:

a. The lobbyist's full name, business name and address, telephone number, fax number and email address as well as the nature of business, occupation, or profession.

b. The name, business name, business address and nature of the business, occupation or profession of the lobbyist's principal.

c. The general and specific subject matters that the lobbyist seeks to influence.

d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Coconut Creek. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

(2) A lobbyist representing a person or entity shall, prior to engaging in lobbying, receive appropriate written authorization from said person or entity to lobby on that person's or entity's behalf upon a particular subject matter. A copy of the applicable documentation, including but not limited to letters, agreements, minutes, motions or other evidence of action authorizing the lobbyist to lobby on behalf of the person or entity shall be provided with the information required by this section.

a. Completed registration forms shall be public records and open to public inspection, copying, and in an on-line data base.

b. Each lobbyist who withdraws representation for a principal shall file with the City Clerk notice of withdrawal as a lobbyist for that principal.

c. The City Clerk's office shall maintain a current list of registered lobbyists and all documentation required under this article. The registration must be signed by the lobbyist and attested to under penalty of perjury. The City Clerk may approve a form of registration consistent with this Ordinance, which shall be used in all cases, except where unavailable.

d. A lobbyist shall file a separate statement for each principal on whose behalf he or she lobbies.

e. An annual lobbyist registration fee may be established by resolution of the City Commission. Such fee shall be for the purpose of providing funding to the City to offset the cost of recording, transcription, administration or any other costs incurred in compiling and maintaining these records and making them available to the public.

f. Registration will be yearly, running from October 1 to September 30 of each year, and shall be renewed for each year during which lobbying activities are to take place. Only one annual registration form is required per principal. However, if any of the information required in the registration form is new or changed (for example, a new principal, or a new specific subject of lobbying), then the lobbyist must supplement or amend the registration before additional lobbying.

Sec. 2-100 3. Statement of representation.

All persons engaging in lobbying activities shall make a statement of representation at the beginning of their conversation, presentation, letter, telephone call, e-mail or facsimile transmission or other method of communication with the City Commission members, City Board members or Committee members or the City Manager or City staff, stating the name of the principal for whom he or she is lobbying. In addition, the City Clerk shall maintain a contact log, which shall contain all of the information required in Section 2-1002, and shall be required every time a lobbyist meets with or intends on meeting with City Commission members, City Board members, or Committee members.

Sec. 2-1004 Persons excluded.

The following persons shall not be required to register or make a statement of representation and shall not be prohibited from lobbying:

(1) Any person who in his or her individual capacity communicates with the City Commission members, City Board members or Committee members or City Manager or City staff for the purpose of self-representation without compensation or reimbursement for such communication, to express support of or opposition to any legislation.

(2) Any person who lobbies as a representative of a not-for-profit corporation or entity such as a homeowners association without compensation or reimbursement for the appearance.

(3) Any public officer, employee or appointee who only appears in his or her official capacity.

(4) Notwithstanding any provision to the contrary in this Ordinance, no person shall be required to register solely as a result of the fact that the person has spoken at any public hearing or public meeting in the City of Coconut Creek, Florida.

Sec. 2-1005. Penalties.

Violation of any provision of this article shall be punishable by reprimand, censure or a prohibition of the violator from lobbying the City Commission members, City Board members or Committee members or the City Manager or City staff for a period not to exceed two (2) years.

Section 3: That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 4: That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 5: That all Ordinances or parts of Ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

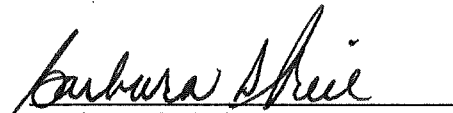
Section 6: That this Ordinance shall be in full force and effect immediately upon its passage.

PASSED FIRST READING this 1st DAY OF December, 2011.

PASSED SECOND READING this 8th DAY OF December, 2011.


Lou Sarbone, Mayor

ATTEST:


Barbara S. Price, MMC
City Clerk

	1 st	2 nd
Sarbone	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Gerber	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Aronson	<u>Aye</u>	<u>Aye</u>