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ORDINANCE NO. 944

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA ADDING ARTICLE IX, SECTIONS 2-352 – 2-358, “LOBBYING ACTIVITIES” TO CHAPTER 2, “ADMINISTRATION”, OF THE CITY’S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission deems it to be in the best interests of the City to adopt this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, THAT:

Section 1: The foregoing “WHEREAS” clause is hereby ratified as true and correct and is incorporated herein by this reference.

Section 2: Part II, Chapter 2, of the Code of Ordinance of the City of Wilton Manors is amended by adding Article IX, Sections 2-352 – 2-358, “Lobbying Activities,” as follows:

ARTICLE IX. LOBBYING ACTIVITIES

Sec. 2-352. Title; intent and purpose.

(a) Sections 2-352 through 2-358 of Chapter 2, Wilton Manors Code of Ordinances, may be cited as the “Wilton Manors Lobbyist Registration Act.”

(b) The City Commission determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their city government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity, expenditures, fees, and activities of certain persons who engage in efforts to influence City Commissioners, decision-making bodies under the jurisdiction of the City Commission, and certain city employees on matters within their official jurisdictions, either by direct communication to such City

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1 Commissioners, decision-making bodies, or city employees, or by solicitation
2 of others to engage in such efforts, be publicly and regularly disclosed.

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5 Sec. 2-353. Definitions.

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

7 (a) Board means the City Commission of Wilton Manors, Florida.

8 (b) Lobbying means communicating directly or indirectly, either in person, by
9 telephone or by letter, or any other form of communication, with any city
10 Commissioner or any member of any decision-making body under the
11 jurisdiction of the City Commission, or any city employee, where the lobbyist
12 seeks to encourage the passage, defeat, modification, or repeal of any item
13 which may be presented for a vote before the City Commission, or any
14 decision-making body under the jurisdiction of the City Commission, which
15 may be presented for consideration by a city employee as a recommendation to
16 the City Commission or decision-making body or any employee making a final
17 city procurement decision.

18 (c) Person means any individual, business, corporation, association, firm,
19 partnership, nonprofit organization, or other organization or group.

20 (d) Lobbyist means any person who is employed and receives payment or
21 who contracts for economic consideration for the purpose of lobbying, or a
22 person who is principally employed for governmental affairs by another person
23 or governmental entity to lobby on behalf of that other person or governmental
24 entity. Any person who, in his or her individual capacity, merely communicates
25 with the City Commission, a Commissioner, a decision-making body under the
26 jurisdiction of the City Commission, or any city employee, for the purpose of
27 self-representation, without compensation or reimbursements, to express
28 support of or opposition to any item which may be presented for a vote before
29 the City Commission, and who shall so declare to the person or body with
30 whom he or she discusses any such item, shall not be required to register as a
31 lobbyist. Additionally, any individual who engages in lobbying as a volunteer,
32 without payment of any compensation or reimbursement of expenses, either
33 directly or indirectly, shall not be required to register as a lobbyist.

34 (e) Employer means any person providing compensation of any kind to a
35 lobbyist in consideration for his or her performance of lobbying activities.

36
37 Sec. 2-354. Lobbying registration and statements.

38 (a) Registration Statement Required. Every lobbyist shall file with the City
39 Clerk the following information:

40 (1) Prior to engaging in lobbying activities, a registration statement under oath
41 containing the following information:

42 a. The lobbyist's full name, residence address, business address, and nature of
43 business.

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- 1 b. The full name and address of his or her employer, if any.
- 2 c. The general and specific subject matters which the lobbyist seeks to
- 3 influence.
- 4 d. The extent of any direct business association by the lobbyist with any
- 5 current elected or appointed official or employee of the City of Wilton Manors.
- 6 For the purposes of this Article, the term "direct business association" shall
- 7 mean any mutual endeavor undertaken for profit or compensation.
- 8 e. A lobbyist representing a group, association, or organization shall, prior to
- 9 engaging in lobbying, receive appropriate authorization from said group,
- 10 association, or organization to lobby on its behalf upon a particular subject
- 11 matter. A copy of the applicable minutes, motion, or other documentation of
- 12 action shall be attached to the statements required by paragraphs (1) and (2) of
- 13 this subsection.
- 14 (2) A lobbyist shall annually submit to the City Clerk's Office a signed
- 15 statement under oath, disclosing all lobbying expenditures, contingency fees,
- 16 and the sources from which funds for making such expenditures and paying
- 17 such contingency fees have come. The statement required herein for the period
- 18 from October first to September thirtieth shall be filed no later than October
- 19 fifteenth of each year. Lobbying expenditures shall not include personal
- 20 expenses for lodging, meals, and travel. Said statements shall be rendered in
- 21 the form provided by the City Attorney's Office and shall be open to public
- 22 inspection. A statement shall be filed even if there have been no expenditures
- 23 during a reported period. A public official acting in his or her official capacity
- 24 shall not be required to file the statement required by this subsection.
- 25 (3) Statements shall be filed not later than 5 p.m. on the date the statement is
- 26 due. However, any statement that is postmarked by the United States Postal
- 27 Service no later than midnight of the due date shall be deemed to have been
- 28 filed in a timely manner, and a certificate of mailing obtained from and dated
- 29 by the United States Postal Service at the time of the mailing, or a receipt from
- 30 an established courier company which bears a date on or before the due date,
- 31 shall be proof of mailing in a timely manner. The City Clerk shall provide for a
- 32 procedure by which a lobbyist who fails to timely file a statement shall be
- 33 notified and assessed fines. The procedure shall provide for the following:
- 34 a. Upon determining that the statement is late, the person designated to review
- 35 the timeliness of statements shall immediately notify the lobbyist as to the
- 36 failure to timely file the statement and that a fine is being assessed for each late
- 37 day. The fine shall be Fifty Dollars (\$50) per day for each late day.
- 38 b. Upon receipt of the statement, the person designated to review the
- 39 timeliness of statements shall determine the amount of the fine due based upon
- 40 the earliest of the following:
- 41 1. When a statement is actually received.
- 42 2. When the statement is postmarked.
- 43 3. When the certificate of mailing is dated.

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1 4. When the statement from an established courier company is dated.
2 c. Such fine shall be paid within twenty (20) days after receipt of the notice of
3 payment due, unless appeal is made to the City Commission.
4 d. A fine shall not be assessed against a lobbyist the first time any statement
5 for which the lobbyist is responsible is not timely filed. However, to receive
6 the one-time fine waiver, all statements for which the lobbyist is responsible
7 must be filed within twenty (20) days after receipt of notice that any statements
8 have not been timely filed. A fine shall be assessed for any subsequent late-
9 filed statement.
10 e. Any lobbyist may appeal or dispute a fine, based upon unusual
11 circumstances surrounding the failure to file on the designated due date, and
12 may request and shall be entitled to a hearing before the City Commission,
13 which shall have the authority to waive the fine in whole or in part for good
14 cause shown. Any such request shall be made within twenty (20) days after
15 receipt of the notice of payment due. In such case, the lobbyist shall, within the
16 20-day period, notify the person designated to review the timeliness of
17 statements in writing of his or her intention to bring the matter before the City
18 Commission.
19 (b) List of Current Lobbyists. The City Clerk's Office shall keep a current list
20 of registered lobbyists and their respective reports required under this Article,
21 all of which shall be open for public inspection.
22 (c) List of Employers. A lobbyist shall file a registration statement for each
23 employer on whose behalf he or she lobbies.
24 (d) Partial Year Filing Required. Discontinuance of lobbying activities
25 during a year shall not relieve the lobbyist from the requirement of filing the
26 statement required by subsection (a)(2) above for that portion of the year
27 during which the lobbyist was engaged in lobbying activities.

28
29 Sec. 2-355. Prohibition on use of lobbying statements.

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

34
35 Sec. 2-356. Contingency fees; disclosure; penalties.

36 (a) "Contingency fee" means a fee, bonus, commission, or nonmonetary
37 benefit as compensation which is dependent or in any way contingent on the
38 enactment, defeat, modification, or other outcome of any specific action of the
39 City Commission.

40 (b) A lobbyist shall disclose any compensation received in the form of
41 contingency fees in the annual statement filed pursuant to Section 2-354(a)(2).

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1 (c) In addition to the penalties provided in Section 2-354 and 2-357, any
2 knowing or intentional violation of this section shall be punishable as provided
3 by law.

4
5 Sec. 2-357. Penalties.

6 (a) The City Attorney or City Manager, or their designee, shall be informed of
7 any person engaged in lobbying activities who has failed to comply with the
8 registration, reporting requirements and prohibitions of this act, and, in each
9 such instance, shall conduct such investigation as he or she shall deem
10 necessary under the circumstances. The results of each investigation shall be
11 reported to the City Commission.

12 (b) The City Commission may warn, reprimand, or censure the violator or
13 may suspend or prohibit the violator from appearing on behalf of any employer
14 before the City Commission or any decision-making body under the
15 jurisdiction of the City Commission or from otherwise lobbying for any
16 employer in any fashion for a period of time; provided, however, that any
17 suspension or prohibition may not exceed a period of two (2) years, and no
18 sanction shall be imposed unless the lobbyist allegedly in violation has been
19 afforded reasonable notice and an opportunity to be heard. The penalties
20 provided in this section shall be the exclusive penalties imposed for violations
21 of the registration and reporting requirements of this act, except as provided in
22 2-356(c). The intentional failure or refusal of any lobbyist to comply with any
23 order of the City Commission suspending or prohibiting the lobbyist from
24 lobbying shall be punishable as provided by law and shall otherwise be subject
25 to such civil remedies as the city may pursue, including injunctive relief.

26 (c) The validity of any action taken by the City Commission, city employees,
27 or any decision-making body under the jurisdiction of the City Commission,
28 shall not be affected by the failure of any person to comply with the provisions
29 of this Article.

30
31 Sec. 2-358. Registration of contacts.

32 All persons shall sign, at each time of contact, the contact logs maintained and
33 available at City Hall and each department of city government. The person
34 shall state his or her name; the name of each employer, if any, represented in
35 the course of the particular contacts; with whom the contact is made; and the
36 topic of the contact. The contact logs shall be transmitted to the City Manager
37 at the end of each quarter.

38
39 **Section 3:** It is the intention of the City Commission, and it is hereby ordained that
40 the provisions of this Ordinance shall become and be made a part of the Code of the City of
41 Wilton Manors, Florida.

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Section 4: That all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith, be and the same are hereby repealed, to the extent of such conflict.

Section 5: That 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: That this Ordinance shall become effective immediately upon the date of adoption.

PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, THIS 10th DAY OF FEBRUARY, 2009.

PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 3rd DAY OF March, 2009.

CITY OF WILTON MANORS, FLORIDA

By: Gary Resnick
GARY RESNICK

ATTEST:

Angela D. Scott
ANGELA D. SCOTT, CMC/AAE
CITY CLERK

I HEREBY CERTIFY that I have approved the form of this Ordinance.

Kerry L. Ezrol
KERRY L. EZROL
CITY ATTORNEY

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CITY OF WILTON MANORS

"THE ISLAND CITY"

COMMISSION AGENDA REPORT

MEETING DATE: March 23, 2009

From: Joseph L. Gallegos, City Manager
Prepared by: Leigh Ann Henderson, Assistant to the City Manager

(a) Subject: Second Reading of Ordinance No. 944 Adding Lobbyist Regulations

(b) City Manager Recommendation: Recommend approval of Ordinance No. 944

(c) Report In Brief: Ordinance No. 944 adds the Lobbyist Registration Act, Article IX, Section 2-352 – 2-358, "Lobbying Activities" to Chapter 2, "Administration", to the City's Code of Ordinances.

(d) Discussion: The Lobbyist Registration Act requires lobbyist to file a Registration Statement with the City Clerk's Office prior to engaging in lobbying activities. A lobbyist is defined as any person who is employed and receives payment or who contracts for economic consideration for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. Lobbying means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any city Commissioner or any member of any decision-making body under the jurisdiction of the City Commission, or any city employee, where the lobbyist seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the City Commission, or any decision-making body under the jurisdiction of the City Commission, which may be presented for consideration by a city employee as a recommendation to the City Commission or decision-making body or any employee making a final city procurement decision.

(e) Strategic Plan Consistency: Goal 2, Financially Sound City Government; Goal 6, Quality City Services Valued by our Citizens

(f) Concurrences:

(g) Fiscal Impact: None

(h) Alternatives: None Recommended

(i) Attachments: Ordinance No. 944