

REQUESTED COMMISSION ACTION:

Consent
 Ordinance
 Resolution
 Consideration/ Discussion
 Presentation

SHORT TITLE: RESOLUTION ESTABLISHING A LOBBYIST REGISTRATION FEE

Summary of Purpose and Why:

In an effort to offset costs of recording, transcribing, administrating and maintaining lobbyist registration records, the City Clerk's Office is recommending establishing a Lobbyist Registration Fee. Additionally, pursuant to Section 34.402(G) of the City's Code of Ordinances, a resolution was drafted to allow such a fee to be established, a copy of which is attached for your consideration.

Listed below is a summary of the findings of a survey conducted of twenty-six (26) municipalities within Broward County. Please see Exhibit 1 for details.

<u>Fee Charged</u>	<u>Number of Municipalities</u>
No Fee	4
\$25	1
\$50	6
\$75	1
\$100	10
\$150	4

Therefore, based on the data gathered from the survey, staff recommends establishing the following annual registration fees, which would be effective October 1, 2015 upon the Commission's approval:

Initial and annual lobbyist registration: \$50; Each principal (initial registration only): \$75.

Currently, there are 70 lobbyists and 70 principals registered with the City. Assuming the same level of registrations for next year, the fee would generate approximately \$8,750.



Accomplishing this item supports achieving Initiative 3.3.7. "Explore establishing a lobbyist registration fee," as identified in our Strategic Plan.

- (1) Origin of request for this action: City Clerk's Office
- (2) Primary staff contact: Kervin Alfred/ Asceleta Hammond Ext. 4611
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: _____

<u>DEPARTMENTAL COORDINATION</u>	<u>DATE</u>	<u>DEPARTMENTAL RECOMMENDATION</u>	<u>DEPARTMENTAL HEAD SIGNATURE</u>
City Attorney	8/10/15	Approve	City Attorney's Comm. #2015-1394
City Clerk's Office	8/25/15	Approve	<i>[Signature]</i>
<input checked="" type="checkbox"/> City Manager	<i>[Signature]</i>		<i>[Signature]</i>

ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	<u>Workshop</u>
<u>1st Reading</u>	<u>1st Reading</u>	<u>Results:</u>	<u>Results:</u>
_____	_____	_____	_____
<u>2nd Reading</u>	_____	_____	_____
_____	_____	_____	_____



City Attorney's Communication #2015-1394

August 10, 2015

TO: Kervin Alfred, Deputy City Clerk
FROM: Jill R. Mesojedec, Legal Assistant
VIA: Gordon B. Linn, City Attorney *[Signature]*
RE: Resolution – Lobbyist Registration Fee

2015 AUG 11 AM 11:09
CITY OF POMPANO BEACH
OFFICE OF THE CITY CLERK

As requested in your memorandum dated August 5, 2015, City Clerk's Office Memorandum No. 2015-56, I have prepared and attached the following form of Resolution:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ESTABLISHING A LOBBYIST REGISTRATION FEE AND PROVISIONS FOR FAILURE TO PAY THE FEE; PROVIDING AN EFFECTIVE DATE.

If I may be of further assistance, please feel free to contact me.

[Signature]

JILL R. MESOJEDEC

l:cor/clerk/2015-1394
Attachment

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ESTABLISHING A LOBBYIST REGISTRATION FEE AND PROVISIONS FOR FAILURE TO PAY THE FEE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 34.402 of the Code of Ordinances of the City of Pompano Beach, lobbyists are required to register with the City prior to engaging in lobbying activities; and

WHEREAS, pursuant to Section 34.402 (G) a fee may be established by resolution adopted by the City Commission 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; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That a Lobbyist Registration Fee is hereby approved and adopted pursuant to Section 34.402 (G) of the Code of Ordinances of the City of Pompano Beach, Florida as follows:

Initial and annual lobbyist registration	\$50.00
Each principal (initial registration only)	\$75.00

The lobbyist registration fees shall be due commencing October 1, 2015 and each year thereafter, and shall be paid to the City Clerk along with the following:

a. an updated application made under oath including a list of current principals and any other revisions to an application on file with the City Clerk; and

b. the initial fee for each principal shall be due regardless of whether such principal was previously registered; and

c. the annual lobbyist registration fee.

If any of the fees provided are not paid on or before January 2 of the year in which the fees are due, the lobbyist's name shall be removed from the lobbyist register kept by the City Clerk and the lobbyist shall no longer be considered to be registered in conformance with Section 34.400 to 34.405 of the Code of Ordinances. The name of a principal that is not included on the annual updated application provided in accordance with subsection b. of Section 1 of this Resolution shall be removed from the list of principals registered by that lobbyist. If lobbying activities are conducted by a person that has not paid their fees as provided herein, he or she shall be in violation of Section 34.400 to 34.405 and punishable as provided therein.

SECTION 2. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

GBL/jrm
8/10/15
l:reso/2015-442

EXHIBIT 1

Municipality	Lobbyist Registration Fee	Registration & Fees Applied	Period	Special Exceptions
Plantation	\$25	Per matter/client/lobbyist	January 1 - December 31	
Coconut Creek	\$50	Per principal (Individual/Firm)	October 1 - September 30	
Cooper City	\$50	Per matter/client/lobbyist	January 1 - December 31	
Hollywood	\$50	Per matter/client/lobbyist	August 1 - July 31	
Lauderdale-By-The Sea	\$50	Per lobbyits/firm	January 1 - December 31	
Pembroke Pines	\$50	Per lobbyist/firm	January 1 - December 31	
Davie	\$50	Per firm/client	1 year from date of registration	
Coral Springs	\$100	Per matter/client/lobbyist	1 year from date of registration	
Dania Beach	\$100	Per lobbyist/firm	January 1 - December 31	
Hallandale Beach	\$100	Per matter/client/lobbyist	1 year from date of registration	
Lauderdale Lakes	\$100	Per lobbyist/firm	1 year from date of registration	
Lauderhill	\$100	Per matter/client/lobbyist	1 year from date of registration	
Lighthouse Point	\$100	Per matter/client/lobbyist	January 1- December 31	
Margate	\$100	Per lobbyist/firm	October 1 - September 30	
Miramar	\$100	Per principal (Individual/Firm)	January 1- December 31	
North Lauderdale	\$100	Per client	January 1 - December 31	
Weston	\$100	Per matter/client/lobbyist	January 1- December 31	
City of Wilton Manors	\$150	Per firm	1 year from date of registration	
Deerfield Beach	\$150	Per lobbyist/firm	July 1 - June 30	
Parkland	\$150	Per lobbyist/firm	January 1 - December 31	
Tamarac	\$150	Per lobbyist/firm	January 1 - December 31	
City of Fort Lauderdale	\$150 Principal; \$75 Lobbyist	Per principal (Individual/Firm)/lobbyist	October 1 - September 30	All Principals remain on the list indefinitely. Each lobbyist from the firm renew annually for \$75.
Hillsboro Beach	No Fee	N/A	January 1 - December 31	Each lobbyist is required to submit an annual registration.
Oakland Park	No Fee	Per lobbyist/firm/matter	N/A	
Pembroke Park	No Fee	N/A	N/A	
Sunrise	No Fee	Per lobbyist/firm	October 1 - September 30	

Print

Pompano Beach, Florida Code of Ordinances

LOBBYISTS

§ 34.400 INTENT AND PURPOSE.

The City Commission determines and declares that, to maintain the integrity of the government decision-making process, the City Commission, staff and residents have a legitimate need to know certain information about the activities of lobbyists, as defined in this subchapter. The City Commission also finds that lobbying, as defined in this subchapter, is a legitimate form of free speech, which is frequently an important and necessary part of the legislative process. As such, this subchapter seeks to impose the least burden which is reasonably necessary on lobbyists, in order to satisfy this public need for information.

(Ord. 2003-6, passed 10-8-02)

§ 34.401 DEFINITIONS.

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

LEGISLATION. 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 board, or committee. Legislation does not include hearings before a Special Master in Code Enforcement.

LOBBYING. Communicating directly or indirectly, either in person, by telephone, letter, electronic means or other method with the City Commission, city board or committee or any member thereof 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 EXPENDITURES. Any payment, disbursement, service, consideration, expenditure, transfer or any funds or thing of value, or favor, including but not limited to gifts, entertainment, entertainment expenses, travel, travel expenses, advertising, donations, printing, postage (other than nominal amounts) and other distribution and courier expenses, services, employment, solicitation of employment, and solicitation of consideration and other things of value from others, whether or not the value can be ascertained. This term does not include nominal expenditures for office supplies nor the value of utilities and other office expenses incurred in the ordinary course of business and not incurred specifically for the purpose of one or more lobbying efforts.

LOBBYIST. Any person who engages in lobbying either directly or that does so indirectly by the solicitation of others to engage in lobbying activities.

PERSON. Any individual, business, corporation, association, firm, partnership, nonprofit organization or other organization or group.

(Ord. 2003-6, passed 10-8-02)

§ 34.402 LOBBYING REGISTRATION AND STATEMENTS.

(A) Registration required. Except as provided in § 34.404, prior to engaging in lobbying activities, every lobbyist shall file with the City Clerk and provide under oath the following information:

(1) The lobbyist's full name, business address and name and nature of business, occupation or profession;

(2) The name, business address and name and nature of the business, occupation or profession of each of the lobbyists' principals;

(3) The general and specific subject matters that 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 Pompano Beach. For the purposes of this subchapter, the term DIRECT BUSINESS ASSOCIATION shall mean any mutual endeavor undertaken for profit or compensation; and

(5) A lobbyist representing a person shall, prior to engaging in lobbying, receive appropriate written authorization from said person to lobby on that person'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 shall be provided with the information required by this subchapter.

(B) Beginning October 1, 2003, a registered lobbyist shall submit to the City Clerk's office a signed statement under oath, listing all lobbying expenditures related to City of Pompano Beach lobbying activities incurred in the past 12 months and the sources of funds for such expenditures. The statement of expenditures for the period from October 1 to September 30, shall be filed no later than October 15 of each year. Lobbying expenditures shall not include the lobbyist's own personal expenses for lodging, meals and travel. Said statements shall be rendered in the form provided by the City Clerk. A statement shall only be filed if there have been expenditures during a reported period. Discontinuance of lobbying activities during a year shall not relieve the lobbyist from the requirement of filing the statement required by this subsection for that portion of the year during which the lobbyist was engaged in lobbying activities.

(C) Completed registration forms and statements of lobbying expenditures shall be public records and open to public inspection.

(D) Each person who withdraws as a lobbyist for a particular person shall file with the City Clerk notice of withdrawal as a lobbyist for that person.

(E) List of current lobbyists. The City Clerk's office shall maintain a current list of registered lobbyist and all documentation required under this subchapter.

(F) List of principals. A lobbyist shall file a separate statement for each principal on whose behalf he or she lobbies.

(G) Registration fee. An annual lobbyist registration fee may be established by resolution adopted by 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.

(H) Term of registration. Registration filed in conformance with this section shall be for a term of one year from the date of filing. Should lobbying activities exceed the one year term, registration must be recommenced as provided in division (A) above. Registration that is not renewed within the one year period shall expire, may not be relied upon by the lobbyist, and the City Clerk shall remove the name of the lobbyist from the city's list of active lobbyists.

(I) Termination of registration. Should lobbying activities cease, and if desired by a lobbyist, a termination of registration form may be filed with the City Clerk and upon filing registration shall be terminated, no further lobbying activities shall be permitted, and the City Clerk shall remove the name of the lobbyist from the city's list of active lobbyist.

(Ord. 2003-6, passed 10-8-02; Am. Ord. 2014-55, passed 9-9-14)

§ 34.403 STATEMENT OF REPRESENTATION.

All persons engaging in lobbying activities must 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, city board or committee or any member thereof or the City Manager or city staff, stating the name of the principal for whom he or she is lobbying.

(Ord. 2003-6, passed 10-8-02)

§ 34.404 PERSON EXCLUDED.

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

(A) Any person who in his or her individual capacity communicates with the City Commission, city board or committee or member thereof 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.

(B) 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.

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

(D) Any person who, pursuant to the terms of a collective bargaining agreement, has been designated, and so recognized by the city as being a representative of a collective bargaining unit composed of city employees.

(Ord. 2003-6, passed 10-8-02)

§ 34.405 PENALTIES.

(A) The City Attorney or City Manager, or their 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 and, in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the City Commission.

(B) The City Commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the Commission or any decision-making body under the jurisdiction of the Commission 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 years and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard.

(C) The penalties provided in this section shall be the exclusive penalties imposed for violations of the registration and reporting requirements of this act, except as provided in § 34.402. The intentional failure or refusal of any lobbyist to comply with any order of the Commission suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the city may pursue, including injunctive relief.

(D) The validity of any action taken by the Commission, city employees, or any decision-making body under the jurisdiction of the Commission, shall not be affected by the failure of any person to comply with the provisions of this subchapter.

(Ord. 2003-6, passed 10-8-02)

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