

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 34, "CITY POLICY", OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH RELATING TO LOBBYISTS BY CREATING SECTION 34.400, "INTENT AND PURPOSE"; SECTION 34.401, "DEFINITIONS"; SECTION 34.402, "LOBBYING REGISTRATION AND STATEMENTS", TO REQUIRE REGISTRATION PRIOR TO ENGAGING IN LOBBYING ACTIVITIES; SECTION 34.403, "STATEMENT OF REPRESENTATION", TO REQUIRE DISCLOSURE OF LOBBYIST PRINCIPAL; SECTION 34.404, "PERSON EXCLUDED", TO PROVIDE FOR CERTAIN EXCLUSIONS INCLUDING SELF-REPRESENTATION; SECTION 34.405, "PENALTIES", TO PROVIDE FOR PENALTIES FOR NONCOMPLIANCE WITH REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1: That Section 34.400, "Intent and Purpose", of the City of Pompano Beach Code of Ordinances is hereby created, to read as follows:

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 article seeks to impose the least burden which is reasonably necessary on lobbyists, in order to satisfy this public need for information.

SECTION 2: That Section 34.401, "Definitions", of the City of Pompano Beach Code of Ordinances is hereby created, to read as follows:

§ 34.401 DEFINITIONS.

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

SECTION 3: That Section 34.402, "Lobbying Registration and Statements", of the City of Pompano Beach Code of Ordinances is hereby created, to read as follows:

§ 34.402 LOBBYING REGISTRATION AND STATEMENTS.

A. Registration required. Except as provided in Section 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.

(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 twelve (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 article.

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.

SECTION 4: That Section 34.403, "Statement of Representation", of the City of Pompano Beach Code of Ordinances is hereby created, to read as follows:

§ 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.

SECTION 5: That Section 34.404, "Person Excluded", of the City of Pompano Beach

Code of Ordinances is hereby created, to read as follows:

§ 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.

SECTION 6: That Section 34.405, "Penalties", of the City of Pompano Beach Code of

Ordinances is hereby created, to read as follows:

§ 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 (2) years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable

notice and an opportunity to be heard. 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 Section 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.

C. 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 article.

SECTION 7: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8: This Ordinance shall become effective upon passage.

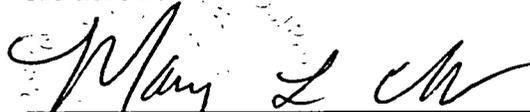
PASSED FIRST READING this 24th day of September, 2002.

PASSED SECOND READING this 8th day of October, 2002.



WILLIAM F. GRIFFIN, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL/jrm
9/9/02
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