

ORDINANCE NO. 2012 - 004

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, REPEALING ORDINANCE NO. 2010-04 "REGISTRATION OF LOBBYISTS"; AMENDING THE TOWN'S CODE OF ORDINANCE TO CREATE A NEW SECTION, IN CONFORMITY WITH BROWARD COUNTY'S ETHICS CODE, ENTITLED "REGISTRATION OF LOBBYISTS"; REQUIRING THE DISCLOSURE OF THE IDENTITY AND ACTIVITIES OF PERSONS WHO ENGAGE IN EFFORTS TO INFLUENCE COVERED INDIVIDUALS EITHER BY DIRECT COMMUNICATION TO SUCH COVERED INDIVIDUALS OR BY SOLICITATION OF OTHERS TO ENGAGE IN SUCH EFFORTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR LOBBYING REGISTRATION AND STATEMENTS; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 21st, 2010, pursuant to Ordinance No. 2010-04, the Town of Southwest Ranches ("Town") adopted one of the most stringent lobbyist registrations in the State; and

WHEREAS, the Town found that in order to preserve and to maintain the integrity of the governmental decision-making process, complete public disclosure of the identity and activities of certain persons who engage in efforts of supporting or opposing an item before the Town Council, should be publicly and regularly disclosed; and

WHEREAS, nearly two years after the enactment of the Town's regulations, Broward County adopted and implemented a Code of Ethics applicable to all municipalities in Broward County; and

WHEREAS, certain aspects of Broward County's Code of Ethics, including numerous definitions, conflict with the Town's Code; and

WHEREAS, as a result, the Town desires to modify its lobbyist registration provisions to coincide with the Broward County's requirements; and

WHEREAS, this Ordinance serves to replace Ordinance No. 2010-04 to resolve any conflicts between the two code provisions; and

WHEREAS, the Town Council finds that the requirement of registering lobbyists, in conformity with the County's requirements, is in the best interest of the general health, safety, and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

Section 2: Ordinance No. 2010-04 is hereby repealed in its entirety.

Section 3: That a Section entitled "Registration of Lobbyists", of the Code of Ordinances of the Town of Southwest Ranches, Florida is hereby created to read as follows:

REGISTRATION OF LOBBYISTS.

1. DEFINITIONS.

- (a) "Candidate" means an individual who is conducting a campaign for elected office in the Town.
- (b) "Campaign" means the election process for any elected Town Official whether opposed or not and whether a special or regular election, beginning with the date of officially filing for office with the Town Clerk and ending with the last day of voting which finally determines the outcome of the election.
- (c) "Consideration" means something of actual value.
- (d) "Covered Individual" means (i) any member of the Town's governing body; (ii) any member of a final decision-making body under the jurisdiction of the Town; (iii) any individual directly appointed to a municipal employment position by the Town Council; (iv) any individual serving on a contractual basis as a municipality's chief legal counsel or chief administrative officer, when such individual is acting in his or her official capacity; (v) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a municipal procurement; (vi) any employee, any official, or any member of a board or committee that has authority to make a final decision regarding a public procurement; (vii) the head of any department, division, or office of the Town who makes final recommendations to a final decision-making authority

regarding items that will be decided by the final decision-making authority; and (viii) members of all quasi-judicial boards, and appointed committees and boards.

(e) "Elected Official" means anyone elected or appointed as a Town Municipal Official.

(f) "Immediate family" means a spouse, "significant other", domestic partner, or a person who is related to a member of the Council, candidate to become a member of the Council as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, sister-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the member of the Council, candidate to become a member of the Council or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the member of the Council, candidate to become member of the Council or intends to form a household, or any other natural person having the same legal residence as the public officer or employee. For purposes of this Ordinance, "domestic partner" is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

(g) "Legislation" means any Ordinance, Resolution, or proposal of any kind which is the subject of present or prospective action by the Municipal Official.

"Lobbying" means a communication, by any means, from a lobbyist to a Covered Individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. 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 Town regarding a pending or imminent judicial or adversarial administrative proceeding against the Town.

(h) "Lobbyist" or "Lobbying Activities" 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 the Town 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 on a full-time or part-time basis, 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, 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.

(i) "Municipal Official" means any individual serving as a member of the governing body of the Town.

(j) "Person" means any individual, business, corporation, association, partnership, governmental agency or other association recognized as a legal entity pursuant to Florida law.

(k) "Registration" means providing the information required by this ordinance, in writing, annually, and in Supplements and Amendments, as may be required. "Register" means to provide a registration in such a manner.

2. REGISTRATION.

(a) Prior to engaging in lobbying activities, every lobbyist shall register with the Town by filing with the Town Clerk the following information in writing:

i. The name, address and telephone number of the lobbyist. The "address" must be a physical address (e.g. not a Post Office Box) where the lobbyist either resides or customarily does business.

ii. The name, address and telephone number of who the lobbyist represents. The "address" must be a physical address (e.g. not a Post Office Box) where the lobbyist either resides or customarily does business.

- iii. The general and specific matters upon which the lobbyist intends to lobby, if known at the time of registration.
 - iv. The nature and extent of any business, professional or familial relationship which the lobbyist, or any member of the lobbyist's immediate family, or the lobbyist's client or principal, has had with any Covered Individual, or member of the immediate family of any Covered Individual within the period of time commencing twenty-four (24) months prior to registration and extending through the date of registration.
 - v. Any lobbyist receiving consideration for their lobbyist activities, must list of all campaign contributions to sitting Municipal Officials in the past four (4) years as well as contributions of all immediate family, lobbyist's principal, the officers, directors, shareholders of the lobbyist if the lobbyist is a corporation, or partners if the lobbyist is a partnership, or members, whether general or limited, if the lobbyist is a limited liability company, or lobbyist's client, which shall be disclosed in accordance with the Town's Code of Ethics.
 - vi. Any lobbyist receiving consideration for their lobbyist activities, must also include a list of any gift, including meals, valued over \$25 given to any Municipal Official, spouses or registered domestic partners, their other relatives, and the municipal office staff.
- (b) All lobbyists shall fully, completely, accurately, and not misleadingly register and not omit material information, and/or file misleading and/or deceitful information in the registration.
 - (c) There shall be a \$50 annual registration fee charged by the Town to any lobbyist receiving consideration for their lobbying activities. Only one annual registration fee and form is required. However, if any of the information required in the registration form is new or changed, then the Lobbyist must supplement or amend the registration before performing additional lobbying activities.
 - (d) The registration information, and any supplement or amendment information shall be filed in the Town Clerk's office. The registration must be signed by the lobbyist and attested to under penalty of perjury.

- (e) Registration will be annual based upon the calendar year, and shall be renewed annually by the Lobbyist for each year during which the lobbying activities are to take place.
- (f) Notwithstanding any provision to the contrary in this Ordinance, no lobbyist shall be required to register if the lobbyist only speaks at a public meeting of the Town.

3. Penalties.

- (a) Once the Town Clerk has been notified of a failure to comply with registration requirements, the Town shall collect a \$100.00 late registration fee and register the lobbyist. Further, the failure to register shall be brought to the attention of the Town Council, who may set additional fines, reprimand, suspend, or prohibit the lobbyist from lobbying before the Town Council or members thereof, for a period not to exceed two (2) years.

Section 3: Inclusion. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. The Town Clerk is hereby directed, if necessary, to record a copy of this Ordinance in the Public Records of Broward County, Florida.

Section 5. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

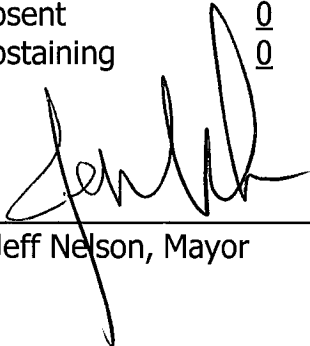
Section 6. Severability. If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 7. Effective Date. This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 22nd day of March, 2012, on a motion made by Council Member Breitzkreuz and seconded by Council Member Jablonski.

PASSED ON SECOND READING this 10th day of May 2012, on a motion by Council Member Breitkreuz and seconded by Vice Mayor McKay.

Nelson	<u>YES</u>	Ayes	<u>5</u>
Fisikelli	<u>YES</u>	Nays	<u>0</u>
Breitkreuz	<u>YES</u>	Absent	<u>0</u>
Jablonski	<u>YES</u>	Abstaining	<u>0</u>
McKay	<u>YES</u>		



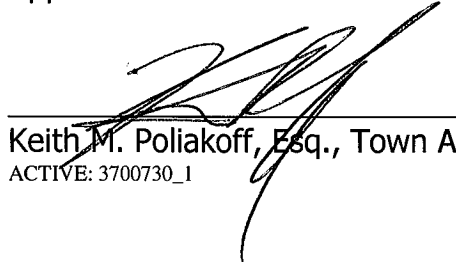
Jeff Nelson, Mayor

Attest:



Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, Esq., Town Attorney
ACTIVE: 3700730_1