

CITY OF CORAL GABLES

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING SECTION 2-243, OF THE CODE OF THE CITY OF CORAL GABLES, ENTITLED "LOBBYING" AND PROVIDING FOR REPEALER, CODIFICATION, ENFORCEABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Clerk is tasked with administering the process of lobbyist registration;
and

WHEREAS, the City Clerk wishes to make several edits to the City Code section on lobbyist registration in order to provide clarity, efficiency, consistency, and an increased registration fee; and

WHEREAS, the City Commission wishes to adopt the changes proposed by the City Clerk.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That Section 2-243 of the "Code of the City of Coral Gables" pertaining to "Lobbying" is hereby amended to read as follows: (Words and figures underscored are additions to existing law; words and figures ~~struck through~~ are deletions.)

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

Expenditure: A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.

Lobbyist: An individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a principal who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modifications of (a) any ordinance, resolution, action or decision of any city commissioner; (b) any action, decision, recommendation of the city manager, any city board or committee, including but not limited to quasijudicial, advisory board, trust, authority, division, or council; or (c) any action, decision or recommendation of city personnel during the time period of the entire decision-making process on the action, decision or recommendation which foreseeably will be heard or reviewed by the city commission, or a city board or committee, including but not limited to quasijudicial, advisory board, trust, authority, or council.

Person: Any individual, corporation, partnership or other legal entity or an agent or employee thereof.

Principal: The person which has employed or retained the services of a lobbyist. Lobbyist specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities.

(b) *Registration.*

(1) All lobbyists shall, before engaging in lobbying activities, register annually with the city clerk. Every person required to so register shall:

(a) Register on a form prepared by the city clerk;

(b) Pay an annual registration fee of ~~\$150.00~~ \$250.00; and

(c) State under oath the name and business address of the registrant; the name and business address of each principal which has employed or retained the registrant to lobby; the specific issue for which he/she has been employed or retained to lobby and the existence of any direct or indirect business association, partnership, or financial relationship with any employee of the city.

(2) Any lobbyist who paid the annual registration fee for a particular issue and the issue remains unresolved by the end of the calendar year, shall register for the following year but is not required to pay the registration fee in order to complete his/her work on that particular item or issue.

(3) Any change to any information originally filed shall require that he/she file an amendment to the registration forms, although no additional fee shall be required for such amendment. He/she has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs. Separate annual registration shall be required for each principal represented on each specific issue. Such issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable of a pending request for a proposal, invitation to bid, or public hearing number. No additional fee shall be required for each issue.

(3) Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal.

(4) The registration fees required by this section shall be deposited by the city clerk for the purpose of recording, transcribing, administration, and other costs incurred in maintaining these records for availability to the public.

(5) The city clerk shall waive the fee requirements of this section upon a finding of financial hardship, based upon the sworn statement of the applicant, or may waive it at his discretion where such waiver serves a public purpose, including for non-profit organizations.

(6) Any person who appears as a representative for an individual or firm for an oral presentation before a City certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the City, all individuals who may make a presentation. The affidavit shall be filed by staff with the Clerk's office at the time the proposal is submitted. For the purpose of this subsection only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the Clerk's office and has paid all applicable fees.

(c) Contingency fees; prohibited. No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the City Commission; (2) any action, decision or recommendation of the City Manager or any City board or committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the City Commission, or a City board or committee.

(d) Exceptions to registration. The following shall not be required to register under this section:

- (1) Any public official or ~~city~~ their staff who appears in his or her official capacity; discussing matters relevant to their official duties;
- (2) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, including but not limited to those who are members of homeowner or neighborhood associations;
- (3) Any person requested to appear before the city commission, city board, committee, or any member thereof, or the city manager or city staff in a quasijudicial proceeding or any agent, attorney, officer or employee or such person;
- (4) Any person under contract with the city who communicates with any public official or city staff regarding issues related only to the performance of their services under contract;
- (5) Any person who has been designated and is so recognized by the city as a representative of a collective bargaining unit composed of city employees;
- (6) Any foreign dignitary appearing in his/her official capacity;
- (7) Any a person who owns, publishes or is employed by a newspaper, periodical, radio station, or other bone fide news media;
- (8) Any a person who merely appears before, the mayor, city commission, city board or committee, the city manager or city staff in an individual capacity for the purpose of self-representation;
- (9) Attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications.
- (10) Employees of a principal whose normal scope of employment does not include lobbying activities.

(e) Reporting requirements.

- (1) On October 1 of each year, lobbyists subject to the registration requirements of this section shall submit to the city clerk a signed statement under oath as provided herein listing the full name and business address of the lobbying entity; name of each of the entity's lobbyists; and all expenditures for the preceding calendar year with regard to the specific issue on which the lobbyist has been

engaged to lobby. A statement shall not be filed if there have been no expenditures during the reporting period.

(2) The city clerk shall keep a current list of registered lobbyists and the reports required under this section which shall be open to the public for inspection.

(f) Investigation of violations and penalties. The office of the city clerk shall submit a report to the city attorney and city commission as to those lobbyists who have failed to comply with the registration and/or the annual filing requirement of this section. The office of the city attorney shall investigate any person engaged in lobbying activities which is reported to be in violation of the registration or reporting requirements. A report of the city attorney's findings shall be provided to the city commission and to the alleged violator. If the city commission finds that a person is in violation of this section, that person may be reprimanded, suspended or prohibited from lobbying before the city commission, a city board, a city committee, or members thereof, city manager or city staff ~~for a period not to exceed two years.~~ If, after being debarred, the person continues to lobby, the action accomplished while debarred may be voidable.

SECTION 2. That all sections or parts of sections of the City Code of the City of Coral Gables, all ordinances or parts of ordinances and all laws of the City of Coral Gables in conflict herewith, shall be and they are hereby repealed insofar as there is a conflict or inconsistency.

SECTION 3. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, 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. This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF NOVEMBER, A.D., 2017.

(Moved:

APPROVED:

RAUL VALDES-FAULI
MAYOR

APPROVED AS TO FORM AND

ATTEST:

LEGAL SUFFICIENCY:

WALTER J. FOEMAN
CITY CLERK

CRAIG E. LEEN
CITY ATTORNEY