ORDINANCE NO: 2004-31

AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY ADDING SECTION 2-3 TO ARTICLE I, BY ENACTING REGULATIONS GOVERNING THE REGISTRATION AND ACTIVITIES OF LOBBYISTS IN THE CITY AND BY PROVIDING A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE

WHEREAS, the City Commission, desires to require lobbyists to register with the City and to disclose publicly their lobbying activities within the City; and

WHEREAS, municipalities throughout the State recently enacted lobbyist registration and disclosure regulations; and

WHEREAS, the City Commission finds that such regulation of lobbyists will assist in promoting and maintaining the integrity of municipal government; and

WHEREAS, the City Commission finds that such regulation of lobbyists will protect and serve the best interests of the citizens of Hallandale Beach; and

WHEREAS, the city Commission further finds it desirable to reasonably restrict persons from engaging in "ex parte" communications in "quasi-judicial" matters, as well as in other matters that come before the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

SECTION 1. That Section 2-3 of the code of Ordinances is hereby added as follows:

Sec. 2-3. Lobbyists; Registration and Disclosure; Enforcement.

(A) THE FOLLOWING DEFINITIONS SHALL APPLY:

31 *LOBBYIST.* All persons, firms, organizations and corporations (and their staff members)
32 whether or not acting either on their own behalf on or on behalf of others on a matter before the
33 City in which they may obtain a direct pecuniary gain and/or are paid by a party, principal or
34 client who seek to participate, obtain and/or encourage the passage, defeat, or modification of
35 any ordinance, resolution, contract, bid award, RFP, RFQ, and any action, decision or
36 recommendation of the City Commission or any action, decision or recommendation of any City
37 Board, Agency or Committee.

38 *LOBBYIST* does not mean a city employee when acting in his official capacity.

39 *LOBBYIST* does not mean any person in the public such as a resident who merely appears
40 before the City Commission, City Board, Agency or Committee, in an individual capacity for the
41 purpose of expressing his/her opinion without obtaining a direct pecuniary gain and is not
42 specifically paid for the purpose of expressing support of or in opposition to any ordinance,
43 resolution, decision or action on a matter of the City Commission or any action recommendation
44 or decision of any City Board, Agency or Committee.

45 *LOBBYIST* does not mean a person who, pursuant to the terms of a collective bargaining
46 agreement, has been designated, and so recognized by the city as being a representative of a
47 collective bargaining unit composed of city employees.

48 (B) **REGISTRATION.**

49 Every lobbyist shall file the registration in part (C) below with the City Clerk's office on
50 the form provided by the city. Under no circumstances shall a lobbyist working for the City
51 lobby the City Commission.

52 (C) **ANNUAL REGISTRATION.**

53 Commencing January 1, 2005, and annually thereafter, every lobbyist shall submit to the
54 City Clerk's office a signed statement under oath identifying themselves and their respective
55 principals or clients and/or the party they represented on city matters over the past year or in
56 accordance with administrative policy. Such annual disclosure statements shall be submitted on
57 the form provided by the City Clerk's office. A fee of One Hundred ($100.00) Dollars shall be
58 paid to the City for annual lobbyist registration.

59 **(D) INVESTIGATION BY CITY.**

60 At the request of the City Manager, the Internal Affairs Department of the City's Police
61 Department shall investigate any person engaged in lobbying activities which may be in
62 violation of this ordinance and/or who has allegedly fraudulently made representations to the
63 City, and/or allegedly intentionally mislead the City or abused their influence. Internal Affairs of
64 the City's Police Department shall report the results of the investigation to the City Manager.
65 Upon a finding by the City Manager of a violation by a lobbyist of this ordinance, the City
66 Manager shall report to the City Commission who may publicly reprimand, censure, fine and/or
67 prohibit such person or firm from lobbying before the City Commission or a City Board, Agency
68 or Committee for a period of up to but not to exceed two (2) years.

69 **(E) CONE OF SILENCE.**

70 Lobbyists shall cease all contact and communication with the City Commission forty-
71 eight (48) hours before the date set for a decision on a matter, unless contacted by a City
72 Commissioner. No City Board, Agency or Committee shall have contact forty-eight (48) hours
73 before the date set for a decision on a matter.

74 **(F) ADMINISTRATIVE POLICY.**

The City Manager shall create an administrative policy to supplement this ordinance to include a lobbyist registration form and to carry out its purpose.

SECTION 2. If any section, subsection, clause or provision this ordinance is declared by a court to be invalid, such decision shall not affect the validity of the remainder of this ordinance other than the part declared invalid.

SECTION 3. That all sections or parts of sections of the Code of Ordinances, all ordinances, or parts of ordinances, and all resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect immediately upon passing.

Passed and adopted on first reading on November 16, 2004.

Passed and adopted on second reading on December 7, 2004.

MAYOR-COMMISSIONER

ATTEST:

CITY CLERK

	VOTE AYE / NAY
Mayor Cooper	✓ /
Vice-Mayor Julian	✓ /
Comm. Gibbons	/ ✓
Comm. Ross	/ ✓
Comm. Schiller	✓ /