

ORDINANCE NO. 2019 - 010

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING SECTION 2-3, "LOBBYISTS; REGISTRATION AND DISCLOSURE; ENFORCEMENT" TO REVISE REGISTRATION REQUIREMENTS TO REQUIRE REGISTRATION PRIOR TO LOBBYING FOR EACH INDIVIDUAL PRINCIPAL AND UPDATE THE LOBBYIST REGISTRATION FEE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City requires lobbyists to register annually and disclose their lobbying efforts; and

**WHEREAS**, the City's current lobbyist registration requires updating to be in compliance with the Broward Code of Ethics for Elected Officials; and

**WHEREAS**, the Mayor and City Commission desire to update the registration requirements for lobbyists and increase the registration fee to cover City costs of administration.

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

**SECTION 1.** The foregoing "Whereas" clauses are hereby incorporated herein.

**SECTION 2.** Section 2-3, "Lobbyists; Registration and Disclosure; Enforcement," is amended to read as follows:

**ARTICLE I. IN GENERAL**

**Sec. 2-3. - Lobbyists; registration and disclosure; enforcement.**

(a) The following definitions shall apply:

(1) *Lobbyist* means all persons, firms, organizations and corporations (and their staff members) whether or not acting either on their own behalf on or on behalf of others on a matter before the city in which they may obtain a direct pecuniary gain and/or are paid by a party, principal or client who seek to participate, obtain and/or encourage the passage, defeat, or modification of any ordinance, resolution, contract, bid award, RFP, RFQ, and any action, decision

or recommendation of the city commission or any action, decision or recommendation of the city board, agency or committee.

(2) "Lobbyist" does not mean a city employee when acting in his official capacity.

(3) "Lobbyist" does not mean any person in the public such as a resident who merely appears before the city commission, city board, agency or committee, in an individual capacity for the purpose of expressing his/her opinion without obtaining a direct pecuniary gain and is not specifically paid for the purpose of expressing support of or in opposition to any ordinance, resolution, decision or action on a matter of the city commission or any action recommendation or decision of any city board, agency or committee.

(4) "Lobbyist" does not mean a 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.

(b) *Registration.* Every lobbyist shall file ~~the a registration in part (c) below~~ with the city clerk's office on the form provided by the city. ~~Under no circumstances shall a lobbyist working for the city lobby the city commission.~~ Such registrations must be submitted for each principal by which a lobbyist is engaged, prior to the commencement of any lobbying activities for said principal, and filed again annually after October 1<sup>st</sup> and before October 30<sup>th</sup> for every subsequent year the lobbyist intends to lobby and continues to be engaged by the principal.

(1) Every lobbyist shall submit to the city clerk's office a signed statement under oath:

a. Identifying themselves and their respective principals or clients and/or the party they represent on any matter foreseeably to be decided by the City Commission.

b. The terms and amount of compensation to be paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby.

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69 (2) A fee shall be paid to the city for each registration. The city commission  
70 will adopt and may, from time to time, amend the lobbyist registration fee by  
71 resolution as it deems appropriate.

72 (3) Under no circumstances shall a lobbyist working for the city lobby the city  
73 commission.

74 (4) Any lobbyist representing a 501(c)(3) organization is required to submit a  
75 registration, but is exempt from payment of the registration fee.

76 ~~(c) Annual registration. Commencing January 1, 2005, and annually thereafter, every~~  
77 ~~lobbyist shall submit to the city clerk's office a signed statement under oath identifying~~  
78 ~~themselves and their respective principals or clients and/or the party they represented~~  
79 ~~on city matters over the past year or in accordance with administrative policy. Such~~  
80 ~~annual disclosure statements shall be submitted on the form provided by the city clerk's~~  
81 ~~office. A fee of \$100.00 shall be paid to the city for annual lobbyist registration. The city~~  
82 ~~commission may, from time to time amend the lobbyist registration fee by resolution as it~~  
83 ~~deems appropriate.~~

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85 ~~(d) Investigation by city.~~ At the request of the city manager, the internal affairs  
86 department of the city's police department shall investigate any person engaged in  
87 lobbying activities which may be in violation of this section and/or who has allegedly  
88 fraudulently made representations to the city, and/or allegedly intentionally mislead the  
89 city or abused their influence. Internal affairs of the city's police department shall report  
90 the results of the investigation to the city manager. Upon a finding by the city manager of  
91 a violation by a lobbyist of this section, the city manager shall report to the city  
92 commission who may publicly reprimand, censure, fine and/or prohibit such person or  
93 firm from lobbying before the city commission or a city board, agency or committee for a  
94 period of up to but not to exceed two years.

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96 ~~(e) Code of silence.~~ Lobbyists shall cease all contact and communication with the city  
97 commission 48 hours before the date set for a decision on a matter, unless contacted by  
98 a city commissioner. No city board, agency or committee shall have contact 48 hours  
99 before the date set for a decision on a matter.

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(fe) *Administrative policy.* The city manager shall create an administrative policy to supplement this section to include a lobbyist registration form and to carry out its purpose.

**SECTION 3. Conflict.** All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

**SECTION 4. Severability.** Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

**SECTION 5. Codification.** It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

**SECTION 6. Effective date.** This Ordinance shall take effect immediately upon adoption.  
PASSED AND ADOPTED on 1<sup>st</sup> reading on April 17, 2019.

PASSED AND ADOPTED on 2<sup>nd</sup> reading on May 22, 2019.

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JOY ADAMS  
MAYOR

SPONSORED BY: VICE MAYOR SABRINA JAVELLANA

ATTEST:

\_\_\_\_\_  
JENORGEN GUILLEN, CMC  
CITY CLERK

FILE NO. 19-005

139 APPROVED AS TO LEGAL SUFFICIENCY  
140 FORM

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144 JENNIFER MERINO  
145 CITY ATTORNEY  
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**FIRST READING VOTE ON ADOPTION**

Mayor Adams	<u>Yes</u>
Vice Mayor Javellana	<u>Yes</u>
Commissioner Butler	<u>Yes</u>
Commissioner Lazarow	<u>Yes</u>
Commissioner Lima- Taub	<u>Yes</u>

**FINAL VOTE ON ADOPTION**

Mayor Adams	<u>Yes</u>
Vice Mayor Javellana	<u>Yes</u>
Commissioner Butler	<u>Yes</u>
Commissioner Lazarow	<u>Yes</u>
Commissioner Lima- Taub	<u>Yes</u>

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