

ORDINANCE NO. 2011/053

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA AMENDING SECTION 2-536 OF THE CITY OF DEERFIELD BEACH CITY ETHICS CODE DEFINITIONS AND REPORTING OF MEETINGS WITH LOBBYISTS; CONTAINING A PROVISION FOR INCLUSION IN THE CITY CODE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN EFFECTIVE DATE

WHEREAS, on October 12, 2011, Broward County adopted a countywide Ethics Code that is applicable to elected officials in the City of Deerfield Beach;

WHEREAS, the City Commission wishes to the definition of lobbying and lobbyist to conform to the newly adopted countywide Ethics Code; and

WHEREAS, the City wishes to add additional reporting requirements;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. Section 2-532, definitions, is hereby amended to revise the following definitions:

~~**Lobbying** means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any city commissioner or any member of any decision-making body under the jurisdiction of the city commission, or any city employee, where the lobbyist (the person making the communication to the city commissioner, board member, employee, etc.) seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the city commission, or any decision-making body under the jurisdiction of the city commission, which may be presented for consideration by a city employee as a recommendation to the city commission or decision-making body or any employee making a final city procurement decision.~~

~~**Lobbyist** means any person who engages in **lobbying** either directly or that does so indirectly by the solicitation of others to engage in **lobbying** activities.~~

“Lobbying” or “Lobbying Activities” means a communication, by any means from a lobbyist to a City official or employee with final decision making authority or authority to make a recommendation regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade said City official or employee 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 any attorney representing the City regarding a pending or imminent judicial or adversarial administrative proceeding against the City;

“Lobbyist” 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 City in his or her official capacity; or

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.

SECTION 2. A new Section 2-533 A. is hereby adopted as follows:

Sec. 533 A. Contact Log

(1) All lobbyists and their principals or employers who intend to meet with or otherwise communicate with a City Commissioner at any City facility shall complete a contact log, on a form created by the City, which lists the name of the Commissioner, the lobbyist’s name, the entity by which the lobbyist is employed or for whom he or she is lobbying, the date and time of the meeting and the specific purpose and subject of the meeting. The log shall be completed contemporaneously with the meeting and the log shall be filed daily with the City Clerk and be available for public inspection.

(2) For any meetings with lobbyists, or their principals or employers outside of a City facility where lobbying occurs, the City Commissioner shall, disclose the name of the lobbyist, the entity by whom the lobbyist is employed or for whom they are lobbying, the Commissioner’s name, the date, time and location of the meeting, and the specific purpose and subject matter of the meeting. The disclosure shall be in writing and filed with the City Clerk within 10 days of the meeting or prior to the vote on the subject of the lobbying activity, whichever occurs first. The disclosures shall be available for public inspection.

SECTION 3. It is the intention of the City Commission and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Deerfield Beach, and that the sections of this ordinance may be renumbered to accomplish such intent.

SECTION 4. Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

SECTION 5. This ordinance shall be in full force and effect on January 2, 2012.

PASSED 1ST READING ON THIS 1ST DAY OF NOVEMBER, 2011.

PASSED 2ND READING ON THIS 15TH DAY OF NOVEMBER, 2011.

PEGGY NOLAND, MAYOR

ATTEST:

ADA GRAHAM-JOHNSON, MMC, CITY CLERK