

ORDINANCE C-393

AN ORDINANCE OF THE TOWN OF MEDLEY, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" BY CREATING ARTICLE V "LOBBYING" TO PROVIDE FOR DEFINITIONS, LOBBYIST REGISTRATION REQUIREMENTS, EXCEPTIONS, PENALTIES AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Medley, Florida ("Town Council") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the Town Council desires to create lobbying registration and reporting requirements to provide transparency relating to third party interests within the Town; and

WHEREAS, it is the intent of this Ordinance to implement all applicable County laws pertaining to lobbying; and

WHEREAS, the Town Council finds that adopting this lobbying Ordinance is in the best interest of the Town.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MEDLEY, FLORIDA, HEREBY ORDAINS AS FOLLOWS:¹

Section 1. Recitals Adopted. Each of the above recitals is hereby confirmed and adopted.

Section 2. Code Amended. Chapter 2 is hereby amended to create ARTICLE V to read as follows:

ARTICLE I. – IN GENERAL

ARTICLE V. – LOBBYING

Sec. 2-141. – Definitions.

¹Additions to existing code text are shown by underline; deletions from existing code text are shown by ~~strikethrough~~. Changes between first and second reading are indicated with highlight.

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 paid or provided directly or indirectly to or for the benefit of any elected official or employee of the Town for the purpose of lobbying.

Lobbyist means any 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 modification of any ordinance, resolution, action or decision of the Town Council, or any action, decision, recommendation of any Town board or committee, or any action, decision or recommendation of any Town personnel during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the Town Council, or a Town board or committee. The term specifically includes the principal as well as any employee engaged in lobbying activities.

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

Principal: The person that has employed or retained the services of a lobbyist.

Other terms: Any other term used herein and not defined, shall have the meaning ascribed to it in the Miami-Dade County Conflict of Interest and Ethics Ordinance, as that may be amended from time to time (the "County Ordinance").

Sec. 2-142. – Registration.

All lobbyists shall, before engaging in lobbying activities, register with the Town Clerk. Every person required to register as a lobbyist shall:

- (1) Register on a form prepared by the Town Clerk; and
- (2) File a form with the Town Clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal; and
- (3) State under oath the following:
 - a. name and business address of the registrant;
 - b. the name and address of each principal which has employed or retained the registrant to lobby;
 - c. the specific issue for which he/she has been employed or retained to lobby;

- d. the existence of any direct or indirect business association, partnership, or financial relationship with any employee or representative of the Town;
 - e. the fact that no contingent fees or contingent compensation is being paid to the lobbyist; and
- (4) Pay the annual registration fee of one hundred fifty dollars (\$150.00) for each lobbyist, plus an additional fee of fifty dollars (\$50.00) for each principal represented for each issue lobbied on behalf of any principal. The registration fees shall be deposited by the Town Clerk into a separate account and shall be expended for the purpose of recording, transcribing, and other administrative costs incurred in maintaining these records for availability to the public. Unexpended funds shall be transferred to the Town's general revenue at the end of each fiscal year. The Town Council may, in its discretion, waive the registration fee in demonstrated instances of financial hardship. All lobbyist registrations shall expire on December 31 of each year and shall be renewed on a calendar year basis.

Any change to any information originally filed shall require that person to file an amendment to the registration forms. Every person has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs. For each separate principal/event/occurrence or representation, an additional disclosure form shall be filed.

Sec. 2-143. – Exceptions to registration.

The following shall not be required to register under this section:

- (1) Any public official or Town staff discussing matters relevant to their official duties;
- (2) Any individual (citizen/resident) who only appears in his/her individual capacity or on behalf of an immediate family member 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 who must appear or is requested to appear before the Town Council, board, committee or any member thereof, or Town staff in a quasi-judicial proceeding or any agent, attorney, officer or employee of such person;
- (4) A foreign dignitary appearing in his/her official capacity.

Sec. 2-144. – Exemptions from fee payment.

The following shall be required to register but shall be exempt from paying any registration fees:

- (1) Any person appearing before the Town Council, committee, or board on behalf of the community's interest, as a volunteer and without compensation, representing the position of a bona fide community organization such as a taxpayers association, a civic or homeowners' association, a public interest group or a chamber of commerce.
- (2) Any non-profit community based organization seeking grant services and/or grant funding from the Town.

Sec. 2-145. – Reporting requirements; Notice for failure to register; Penalties; Enforcement.

- (1) *Reporting Requirements.* All lobbyists subject to registration requirements shall submit to the Town Clerk's office a signed statement under oath listing all lobbying expenditures for the preceding calendar year with regards to the specific issue on which the lobbyist has been engaged to lobby. The lobbying statement shall include expenditures for food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events. Such statement of expenditures, entitled "Annual Expenditures Report," shall be rendered on the form provided by the Town Clerk's office and shall be open for public inspection. Such statement shall be filed by February 1st of each year, even if there have been no expenditures during the preceding calendar year. The lobbyist and principal have a continuing duty to supply accurate information and amend said reports when so needed. The Town Clerk shall keep a current list and a file of registered lobbyists and registration forms required under this section, which shall be open to the public for inspection.
- (2) *Notice for failure to register.* The Town Clerk shall notify any lobbyist (or principal) who fails to timely file the expenditure or fee disclosure reports referenced in subsection (1) above.
- (3) *Penalties.* In addition to any other penalties which may be imposed pursuant to the Town Code of Ordinances, any lobbyist who fails to file the required expenditure

report by April 30 shall be assessed a fine of \$50.00 per day (beginning on May 1) and automatically suspended from lobbying until all fines are paid.

- (4) *Enforcement.* The Council hereby delegates to the Miami-Dade Commission on Ethics the enforcement of this Ordinance and any violations thereof, including penalties as provided for under section 2-11.1(s) of the County Ordinance.

Section 3. **Repealer.** All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Codification.** That it is the intention of the Town Council, and hereby ordained, that the provisions of the Ordinance shall become and be made a part of the Code of the Town of Medley; that the sections of this Ordinance may be re-numbered and/or re-lettered to accomplish such intentions; and that the word, "Ordinance," shall be changed to "Section" or such other appropriate word.

Section 6. **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this 4th day of May, 2015.

PASSED AND ADOPTED on second reading this 1 day of June, 2015.



ROBERTO MARTELL, MAYOR

ATTEST:

L. Orange Helvia Taborda
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

L. Orange
WEISS SEROTA HELFMAN COLE
BIERMAN & POPOK, P.L.,
TOWN ATTORNEY

SUMMARY OF VOTE – FIRST READING

The motion to PASS the foregoing Ordinance of FIRST READING IN FULL was made by DiGiacomo and seconded by Ayala and on roll call, the following vote was had:

Mayor Roberto Martell	<u>yes</u>
Vice-Mayor Jack Morrow	<u>yes</u>
Councilperson Edgar Ayala	<u>yes</u>
Councilperson Griselia DiGiacomo	<u>yes</u>
Councilperson Susana Guasch	<u>yes</u>

SUMMARY OF VOTE – SECOND READING

The motion to PASS AND ADOPT the foregoing Ordinance of SECOND READING BY TITLE ONLY was made by DiGiacomo and seconded by Ayala and on roll call, the following vote was had:

Mayor Roberto Martell	<u>yes</u>
Vice-Mayor Jack Morrow	<u>yes</u>
Councilperson Edgar Ayala	<u>yes</u>
Councilperson Griselia DiGiacomo	<u>yes</u>
Councilperson Susana Guasch	<u>yes</u>