

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2006-11**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF CORAL GABLES, FLORIDA, CHAPTER 2, ENTITLED "ADMINISTRATION", ARTICLE V, ENTITLED "CODE OF ETHICS" BY ADDING A SECTION PROVIDING THAT THE REQUIREMENTS OF THE MIAMI-DADE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE SHALL NOT BE APPLICABLE TO THE CITY OF CORAL GABLES; BY ADDING A SECTION PROVIDING FOR DEFINITIONS; PROVIDING FOR LOBBYIST REGISTRATION; PROVIDING FOR EXEMPTIONS TO LOBBYIST REGISTRATION; PROVIDING FOR LOBBYIST REPORTING REQUIREMENTS; PROVIDING FOR INVESTIGATION AND PENALTIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission has determined it is in the best interest of the City of Coral Gables to exercise the right to "opt-out" of the Miami-Dade County Conflict of Interest and Code of Ethics, except as expressly provided in the City's Code of Ethics Ordinance;

**WHEREAS**, the City Commission of the City of Coral Gables finds that to preserve and maintain the integrity of the governmental decision-making process, complete public disclosure of the identity, expenditures and activities of certain persons who engage in support of or against an item before the City Commission or staff be publicly and regularly disclosed;

**WHEREAS**, the Commission of the City of Coral Gables finds that the requirement of registering lobbyists is in the best interest of the citizens of the City of Coral Gables.

**NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**SECTION 1.** That the Code of the City of Coral Gables, Florida is hereby amended by adding the following sections to Chapter 2, Article V, of the "Code of Ethics" of the City of Coral Gables to read as follows:

**SECTION 2.** The requirements of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance shall not be applicable to the City of Coral Gables except as provided in the City's Code of Ethics Ordinance.

**Lobbying.**

**1. 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 Quasi-Judicial, Advisory Board, Trust, Authority, 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 Quasi-Judicial, 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.

## 2. Registration.

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; 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 of Coral Gables.

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.

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

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.

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.

### 3. Exceptions to Registration.

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

(a) Any public official or city staff discussing matters relevant to their official duties;

(b) Any person who only appears in his 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;

(c) 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 quasi-judicial proceeding or any agent, attorney, officer or employee or such person; and

(d) 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.

(e) 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; foreign dignitary appearing in his/her official capacity; a person who owns, publishes or is employed by a newspaper, periodical, radio station, or other bone fide news media; 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.

### 4. Reporting Requirements.

(a) On October 1<sup>st</sup> 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 be filed even if there have been no expenditures during the reporting period.

(b) 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.

5. 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 (2) years.

**SECTION 3. SEVERABILITY.**

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 4. REPEALER.**

All ordinances or parts of ordinances in conflict herewith, be and the same, are hereby repealed.

**SECTION 5. CODIFICATION.**

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 6. EFFECTIVE DATE.**

This ordinance shall become effective thirty days from the date of its adoption by the City Commission.

PASSED AND ADOPTED THIS SIXTH DAY OF JUNE, A.D., 2006.

(Moved: Kerdyk/Seconded: Withers)

(Yeas: Anderson, Cabrera, Kerdyk, Withers, Slesnick)

(Unanimous/ 5-0 vote)

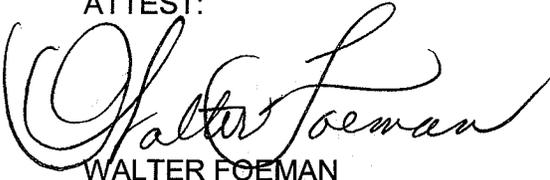
(Agenda Item E-1)

APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:



WALTER FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY