Temp. Ord. No. O1546
11/14/11
12/7/11

CITY OF MIRAMAR
MIRAMAR, FLORIDA

ORDINANCE NO. 12-08

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING ARTICLE IX. LOBBYING, SECTION 2-310 DEFINITIONS OF THE CITY CODE TO REFLECT CHANGES MANDATED BY THE NEWLY ADOPTED BROWARD COUNTY ETHICS ORDINANCE; PROVIDING FOR SEVERABILITY ; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has recently amended Section 1-19 "Code of Ethics for Elected Officials" of the Broward County Code of Ordinances (the "County Ethics Code"), to generally subject all elected municipal offices to the Code of Ethics imposed on the Board of County Commissioners effective January 2, 2012; and

WHEREAS, the County Ethics Code requires that all lobbyists who intend on engaging in lobbying activities with City Commissioners must register as a lobbyist with the City, and the City has provided certain lobbyist registration requirements since 1992; and

WHEREAS, in order to comply with the recent changes to the County Ethics Code, the City is required to revise the definition of "Lobbyist" in Section 2-310 of its City Code; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to revise the definition of "Lobbyist"

contained in Section 2-310, City Code, to comply with the mandates of the Board of County Commissioners.

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

Section 1: That the foregoing "**WHEREAS**" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: That Article IX. Lobbying, Section 2-310. Definitions, of the City's Code of Ordinances is hereby amended to read as follows*:

Sec. 2-310. Definitions.

~~*Lobbyist* means any person who, for compensation, seeks to influence the governmental decision making of the agency or seeks to encourage the passage, defeat or modification of any ordinance, resolution, contract, bid award, proposal, recommendation, action or decision of the agency.~~

~~Lobbyist does not mean :~~

~~(1) A city employee when acting in his official capacity.~~

~~(2) Any person who appears before the city commission, city board or committee, or the city manager or staff in an individual capacity for the purpose of self-representation or for the representation of others without compensation or reimbursement to express support of or in opposition to any ordinance, resolution, decision or action of the city commission; or any resolution, action, recommendation or decision of any city board, agency or committee, or any action, decision or recommendation of the city manager.~~

*Coding: Underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, and shaded text shows changes between first and second readings.

"*Covered Individual*" means (i) any member of the city commission of the City; (ii) any member of a final decision-making body under the jurisdiction of the city commission; (iii) any individual directly appointed to a City employment position by the city commission; (iv) any individual serving on a contractual basis as the City's chief legal counsel (ie: City Attorney) or chief administrative officer (ie: city manager), when such individual is acting in his or her official capacity; (v) any member of a selection, evaluation, or procurement committee of the City that ranks or makes recommendations to any final decision-making authority regarding a City procurement; (vi) any employee, official, or member of a committee of the City that has authority to make a final decision regarding a public procurement; and (vii) the head of any department, division, or office of the City government who makes final recommendations to a final decision-making authority of the City regarding items that will be decided by the final decision-making authority of the City.

"*Elected Official*" means any member of the city commission of the City.

"Lobbying" or "*Lobbying Activities"* means a communication, by any means, from a lobbyist to a Covered Individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the Covered Individual 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 an attorney representing Broward County or any municipality within Broward County regarding a pending or imminent judicial or adversarial administrative proceeding against Broward County or against any municipality within Broward County.

"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 Broward County or of any municipality within Broward County communicating in his or her official capacity.

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

Section 4: Should any section or provision of this Ordinance or any paragraph, section 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 hereof, other than the part declared to be invalid.

Section 5: It is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miramar and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter", "Section", "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

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Section 6: That this Ordinance shall take effect immediately upon adoption after second reading.

PASSED FIRST READING: November 30, 2011

PASSED AND ADOPTED ON SECOND READING: January 10, 2012

Mayor, Lori C. Moseley

Vice Mayor, Winston F. Barnes

ATTEST:

City Clerk Yvette M. McLeary

I HEREBY CERTIFY that I have approved this ORDINANCE as to form:

DRG

City Attorney
Weiss Serota Helfman
Pastoriza Cole & Boniske, P.L.

Requested by Administration	Voted
Vice Mayor Winston F. Barnes	Yes
Commissioner Alexandra P. Davis	Absent
Commissioner Wayne M. Messam	Yes
Commissioner Troy R. Samuels	Yes
Mayor Lori C. Moseley	Yes