

ORDINANCE NO. 4080-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE VII OF THE CODE OF ORDINANCES BY AMENDING DIVISION 4, TO ADD SECTION 2-567 RELATING TO DISCLOSURES AND AMENDING DIVISION 5 TO ADD SECTION 2-581 THROUGH 2-583 RELATING TO LOBBYING; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND A CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, public trust and confidence in the ethics of officers and employees of the City of West Palm Beach is of paramount concern to the City; and

WHEREAS, the City deemed it in the best interest of the City to establish a formal ethics program that includes a code of ethics; and

WHEREAS, by Ordinance No. 4023-07, the City adopted its ethics code on August 13, 2007; and

WHEREAS, by Ordinance No. 4076-07, the City amended the ethics code; and

WHEREAS, the City now desires to add additional provisions to the ethics code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission hereby amends Chapter 2, Article VII, Division 4 of the Code of Ordinances to add Section 2-567 as follows:

ARTICLE VII. CITY OF WEST PALM BEACH CODE OF ETHICS

Division 4. GIFTS, HONORARIA AND FINANCIAL DISCLOSURE

Sec. 2-567. Disclosure of specified interests.

(a) If any elected official is an officer, director, partner, proprietor, associate, or general agent (other than a resident agent solely for service of process) of, or owns a material interest in any business entity, he shall file a statement disclosing such facts not later than forty-five (45) days after becoming an elected official, or no later than forty-five (45) days after the acquisition of

such position or material interest, or no later than forty-five (45) days after the effective date of this section, as applicable. The disclosure statement shall give the name, address, and principal business activity of the business entity and shall state the position held with such business entity or the fact that a material interest is owned and the nature of such interest. The disclosure statement shall be made upon forms provided by the city and filed with the city clerk.

(b) If the business entity referred to in Sec. 2-567(a) above has, or is proposing to have any contractual relationship with, or rendering or proposing to render for any consideration services to the city, or any department, board or agency of the city, or is seeking any approvals from the city, then the elected official shall disclose such facts at the earliest opportunity at a public meeting and shall file a statement disclosing such facts not later than 15 days after becoming aware of such facts. The disclosure statement shall be made upon forms provided by the city and filed with the city clerk.

(c) An elected official shall disclose transactions in which the official's employer or a business entity referred to in Sec. 2-567(a) is involved, if such transaction also involves persons or entities which have a contract, are proposing to have a contract or render services to the city, or are seeking approvals from the city.

(d) An elected official shall disclose all contractual relationships between the business entity referred to in Sec. 2-567(a) and any governmental or quasi-governmental entity. Such disclosures shall be included in the disclosure statement filed pursuant to Sec. 2-567(a) and shall also be disclosed whenever the governmental or quasi-governmental entity is involved in a matter under consideration by the City.

[see generally F.S. § 112.3144 and § 112.3145]

SECTION 2: The City Commission hereby amends Chapter 2, Article VII, Division 4 of the Code of Ordinances to add Sections 2-581 through 2-583 as follows:

Sec. 2-581. Lobbyist Registration.

(a) Definitions.

Unless expressly provided herein to the contrary, for purposes of this section, the following definitions will apply:

Lobbying shall mean seeking to influence the decision of any city commissioner, any advisory board member, any employee or any other decision maker with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to such entities as applicable.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal. "Lobbyist" shall not include any employee as defined in this article when acting in the course of his or her employment, any elected local official when the official is lobbying on behalf of the governmental agency which the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency by which the staff member is employed.

(b) *Registration required.* All lobbyists shall register with city administration before engaging in lobbying. Every lobbyist shall submit a form prepared by city administration and shall state his or her name, address, the name and address of each principal represented, the general and specific areas of legislative interest, and the nature and extent of any direct business association or partnership with any current city commissioner, advisory board member, employee or other decision maker. A lobbyist's registration shall automatically expire on December 31 of the year of registration. If at any time during the year, a lobbyist commences representing a principal for which the lobbyist has not registered pursuant to this article, such lobbyist shall register with respect to that principal prior to lobbying. Lobbying prior to registration is prohibited.

(c) *Registration exceptions.* Registration shall not be required for the following:

- (1) City commissioners, advisory board members employees or other decision makers discussing matters relevant to their official duties;
- (2) Persons under contract with the city who communicate with city commissioners, advisory board members or employees regarding issues related only to the performance of their services under their contract;
- (3) Any person who lobbies only in his or her individual capacity for the purpose of self-representation;
- (4) Any person who appears before the city commission or advisory board or other decision maker in a quasi-judicial proceeding.

(d) **Prohibited Lobbying.** No person, firm or corporation or others representing such person, firm or corporation who or which has submitted a bid or proposal to the City shall contact or lobby the mayor, any city commissioner, city staff, or evaluation committee member regarding such bid or proposal, nor any other person authorized on behalf of the City related to the bid or proposal, from the time the bid or proposal is submitted to the City to the time an award has been made.

(e) **False statements.** A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying city commissioners, advisory board members, employees or other decision makers.

Sec. 2-582. Reserved.

Sec. 2-583. Enforcement.

(a) If any person engaged in lobbying activities has failed to comply with the requirements of this article, the city shall conduct such investigation as deemed necessary under the circumstances. If the city determines that a violation has occurred based on the results of the investigation, a notice of violation shall be transmitted to the person and a hearing scheduled before the special magistrate. The special magistrate may impose penalties as provided in Sec. 2-623.

SECTION 3: The validity of any action taken by the city commission, the advisory boards, any employees or other decision maker, shall not be affected by the failure of any person to comply with the provisions of this article.

SECTION 4: Should any section or provision of this Ordinance or any portion hereof, 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.

SECTION 5: All ordinances or parts of all other ordinances in conflict herewith are hereby repealed.

SECTION 6: The provisions of this Ordinance may be codified.


SECTION 7: This Ordinance shall become effective in accordance with law.

FIRST READING THIS 24th DAY OF September, 2007.

SECOND READING THIS 9th DAY OF October, 2007.

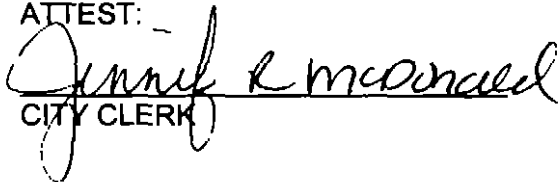
(CORPORATE SEAL)

CITY OF WEST PALM BEACH
BY ITS CITY COMMISSION



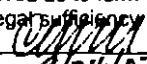
PRESIDING OFFICER

ATTEST:



CITY CLERK

Deputy

CITY ATTORNEY'S OFFICE
Approved as to form
and legal sufficiency
By: 
Date: 9/24/07