

**RESOLUTION NO. 2011-40**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ESTABLISHING A REQUIREMENT FOR LOBBYIST REGISTRATION; CONTAINING DEFINITIONS, REGISTRATION REQUIREMENTS, ONE-TIME REGISTRATION FEES, DISCLOSURE OF EXPENDITURES; PROVIDING FOR EXEMPTIONS, PROVIDING FOR PENALTIES; PROVIDING FOR A SUNSET CLAUSE UPON PASSAGE OF A COUNTYWIDE REGISTRATION ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council of the Village of Palm Springs, Florida, had declared that the operation of responsible government requires that the fullest opportunity be afforded for its residents to freely express to the elected officials their opinions on legislation and other actions and issues; and

**WHEREAS**, the Village Council wishes to assure maximum transparency of its public operations and decision-making process; and

**WHEREAS**, as part of this goal, it is necessary that the identity and activities of certain persons who engage in efforts to influence Village Council Members, Village Board or Committee Members, the Village Manager or Village employees (hereinafter "Village Representatives") on matters related to their official duties, either by direct communication to such Village Representatives, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed; and

**WHEREAS**, the Village Council of the Village of Palm Springs, Florida, wishes, upon its own initiative, to establish a Lobbyist Registration Procedure for the Village, until such time as the Palm Beach County Commission on Ethics brings forth a countywide Registration Ordinance.

**NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:**

**Section 1.** The Village Council of the Village of Palm Springs hereby establishes

a Lobbyist Registration Procedure, as follows:

**VILLAGE OF PALM SPRINGS LOBBYIST REGISTRATIONS**

**Section 1. Definitions**

**“Lobbying”** shall mean communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any Village Representative, where the lobbyist (the person making the communication to the Village Representative) seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the Village Council, or any decision-making body under the jurisdiction of the Village Council, which may be presented for consideration by a Village Representative as a recommendation to the Village Council or decision-making body, or any Village Representative making a final Village procurement decision.

**“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; and shall include an employee whose principal responsibility to the employer is overseeing the employer’s various relationships with government, or representing the employer in its contacts with government. This includes any person who reasonably knows or anticipates that he or she may be employed and receive payment or who may enter a contract for economic consideration, for the purpose of lobbying on behalf of a principal.

**“Lobbyist” shall not include:**

- (1) any employee, contract employee, or independent contractor of a governmental agency or entity lobbying on behalf of that agency or entity, any elected local official when the official is lobbying on behalf of the governmental agency or entity 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 or entity by which the staff member is employed.

(2) any person who is retained or employed for the purpose of representing an employer, principal or client only during a publicly noticed quasi-judicial hearing or comprehensive plan hearing, provided the person identifies the employer, principal or client at the hearing.

(3) any expert witness who is retained or employed by an employer, principal or client to provide only scientific, technical or other specialized information provided in agenda materials, or testimony only in public hearings, so long as the expert identifies the employer, principal or client at the hearing.

(4) any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation.

(5) any person who, pursuant to the terms of a collective bargaining agreement, has been designated, and so recognized by the Village, as being a representative of a collective bargaining unit composed of Village employees.

"Person" means any individual, business, corporation, association, firm, partnership, non-profit organization, or other organization or group.

"Principal"(or "Client") means the person, firm, corporation or other entity which has employed or retained a lobbyist and pays such lobbyist any remuneration or expenses for lobbying activities in the Village.

"Village Representative" means any elected or appointed Village Council Member, any Village Board or Committee Member, the Village Manager or any Village

employee.

**Section 2. Lobbying registration and statements.**

**(a) Registration required.** Prior to engaging in any lobbying activities, every lobbyist shall file with the Village Clerk and provide under oath the following information:

(1) The lobbyist's full name, business address and name and nature of business, occupation or profession.

(2) The name, business address and name and nature of the business, occupation or profession of each of the lobbyists' principals.

(3) The general and specific subject matters that the lobbyist seeks to influence.

(4) The extent of any direct business association by the lobbyist with any Village Representative of the Village of Palm Springs. For the purposes of this section, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

(5) A lobbyist representing a person shall have, prior to engaging in lobbying, received appropriate written authorization from said person to lobby on that person's behalf upon a particular subject matter. A copy of the applicable documentation, including but not limited to letters, agreements, minutes, motions or other evidence of action authorizing the lobbyist to lobby on behalf of the person shall be provided with the information required by this section.

**(b) Registration fee.** A one-time registration fee, in the amount of Twenty-five dollars (\$25.00) shall be paid for the purpose of providing funding to the Village to offset

the cost of recording, transcription, administration or any other costs incurred in compiling and maintain Lobbyist records.

**(c) List of current lobbyists.** The Village Clerk's Office shall maintain a current list of registered lobbyists and all documentation required under this section.

**(d) List of principals.** A lobbyist shall file a separate statement for each principal on whose behalf he or she lobbies.

**(e) Lobbyist Expenditures.** Beginning July 1, 2011, and continuing annually thereafter, a registered lobbyist shall submit to the Village Clerk's Office a signed statement under oath, listing all lobbying expenditure related to the Village of Palm Springs lobbying activities incurred in the past twelve (12) months and the sources of funds for such expenditures. The statement of expenditures for the period July 1 to June 30 shall be filed no later than July 15 of each year. Lobbying expenditures shall not include the lobbyist's own personal expenses for lodging, meals and travel. A statement shall only be filed if there have been expenditures during a reported period.

**(f) Discontinuance of lobbyist activities.** Each person who withdraws as a lobbyist for a particular person shall file with the Village Clerk notice of withdrawal as a lobbyist for that person. Discontinuance of lobbying activities during a year shall not relieve the lobbyist from the requirement of filing the statement of expenditures for that portion of the year during which the lobbyist was engaged in lobbying activities.

**(g) Lobbyist Forms.** Completed registration forms, with all required documentation, shall be public records and open to public inspection.

### **Section 3. Statement of Representation**

All persons engaging in lobbying activities must make a statement of representation

at the beginning of their conversation, presentation, letter, telephone call, email or facsimile transmission, or any other form of communication with any Village Representative, stating the name of the principal for whom he or she is lobbying.

**Section 4. Prohibition of lobbying by former Village Council Members, Board Members and Employees.**

A person who has been elected to the Village Council, appointed as a Village Manager or Village Department Head shall not conduct lobbying activities for a period of one (1) year after the termination of office or of employment with the Village, or within one (1) year from the last day of service to the Village in any official capacity. This provision shall apply to officials or employees of the Village after the effective date of this section.

**Section 5. Penalties**

Violation of any provision of this resolution shall be punishable by a fine of Fifty Dollars (\$50.00), and the lobbyist shall be prohibited from lobbying the Village of Palm Springs until such time as the lobbyist properly registers, has paid the registration fee of \$25 plus the fine of \$50.00. If the Lobbyist has not registered within 10 days of notice of violation, at the discretion of the Village Manager and/or his designee, the lobbyist may be prohibited from lobbying the Village of Palm Springs for up to six (6) months. At the end of the six (6) months, the lobbyist must register, pay the registration fee and the prior registration fine before being allowed to lobby in the Village.

**Section 6. Sunset Clause or Conversion to Ordinance.**

It is the intention of the Village Council, and it is hereby resolved, that the provisions of this Resolution shall remain in force until such time as the Palm Beach County Commission on Ethics presents and adopts a countywide Lobbyist Registration Ordinance.

Should for any reason, this ordinance not be adopted by the Palm Beach County Commission on Ethics, or it not be applicable to the Village, it is the intent of the Village Council to then readopt the provisions of this resolution as an ordinance, to be codified and made a part of the Village Code of Ordinance.

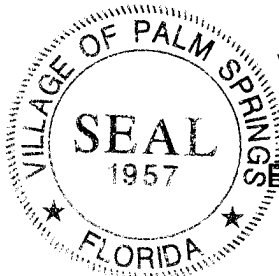
**Section 7.** If any clause, section, or other part or application of this resolution shall be held in any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

**Section 3.** This Resolution shall take effect immediately upon adoption.

Council Member Gunter offered the foregoing resolution. Council Member Brinkman seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, MAYOR PRO TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SERGIO ESCALADA, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared this Resolution duly passed and adopted this 23<sup>rd</sup> day of JUNE 2011.



VILLAGE OF PALM SPRINGS, FLORIDA

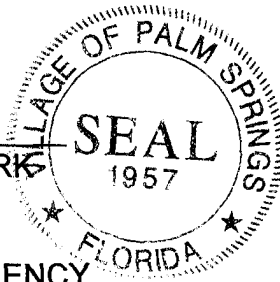
BY:

[Signature]  
BEV SMITH, MAYOR

ATTEST:

Resolution No. 2011-40

BY: Virginia M. Walton  
VIRGINIA M. WALTON, VILLAGE CLERK



REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: Glen J. Torcivia  
GLEN J. TORCIVIA, VILLAGE ATTORNEY