

Condensed Title:

An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Entitled "Standards Of Conduct"; Amending Section 2-482, Entitled "Registration"; Amending Section 2-482(A) And 2-482(F) Thereof, To Respectively Increase The "Per Issue" And Annual Lobbyist Registration Fees; And Also Amending Appendix "A" Thereto, Entitled "Fee Schedule"; Providing For Repealer, Severability, And An Effective Date.

Key Intended Outcome Supported:

Improve the City's overall financial health and maintain overall bond rating.

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Issue:

Shall the Mayor and City Commission approve the Ordinance?

Item Summary/Recommendation:

SECOND READING AND PUBLIC HEARING

In March 1992, via Ordinance 92-2777, the City Commission authorized a twenty-five dollar (\$25) lobbyist registration fee. In June 1992, via Ordinance 92-2785, the City Commission authorized, in addition to the registration fee, a biennial registration fee of one hundred twenty-five dollars (\$125) every even year. In February 2004, via Ordinance 2004-3435, the City Commission authorized a twenty-five dollar (\$25) per issue registration fee and an annual registration fee of one hundred twenty-five (\$125), which are the current fees.

The registration fees are for the purpose of covering the costs incurred in maintaining these records for public access. The City Clerk's office is responsible for maintaining the lobbyist database, which is available on the City's website; notifying via email, newly registered lobbyists; processing lobbyist withdrawals; processing of the annual lobbyist expenditures reports; and notifying the Miami-Dade County Commission on Ethics of lobbyists who fail to provide their annual expenditure report.

As part of the budget process, the lobbyist registration fees were discussed at the July 7, 2009 meeting of the Finance and Citywide Projects Committee (FCWPC).

At the FCWPC meeting, the Administration suggested increasing the annual fee to \$490, and the per issue fee to remain at \$25. However, the Committee recommended increasing the lobbyist fee from \$125 to \$490 annually, and increasing the per issue fee from \$25 to \$100.

The lobbyist registration fees are imposed to recover the cost to the City of operating the lobbyist registration program. At the September 10, 2009 Commission Meeting, the City Commission approved an annual registration fee of \$1,000 and a fee of \$200 for each issue.

Advisory Board Recommendation:

Finance and Citywide Projects Committee (FCWPC) meeting of July 7, 2009.

Financial Information:

Source of Funds:		Amount	Account
	1		
	2		
OBPI	Total		

Financial Impact Summary: Based on 86 lobbyists registering with an average of three (3) "issues" each, if the rate recommended by the City Commission of \$1,000 annually and \$200 per issue, it will result in an annual lobbyist registration total of \$86,000 and a "per issue" total of \$51,600 for a projected total of \$137,600 or an annual increase of approximately \$109,825. This, of course, is only a projection and will vary depending on the issues throughout the year. The fully allocated cost of providing this service including salary and department operating costs is estimated to be approximately \$147,000.

City Clerk's Office Legislative Tracking:

Robert Parcher x7411

Sign-Offs:

Department Director	Assistant City Manager	City Manager
REP <i>[Signature]</i>	HF <i>[Signature]</i>	JMG <i>[Signature]</i>

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: *Jorge M. Gonzalez*
Jorge M. Gonzalez, City Manager

DATE: September 24, 2009

SECOND READING
PUBLIC HEARING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, ENTITLED "STANDARDS OF CONDUCT"; AMENDING SECTION 2-482, ENTITLED "REGISTRATION"; AMENDING SECTION 2-482(a) AND 2-482(f) THEREOF, TO RESPECTIVELY INCREASE THE "PER ISSUE" AND ANNUAL LOBBYIST REGISTRATION FEES; AND ALSO AMENDING APPENDIX "A" THERETO, ENTITLED "FEE SCHEDULE"; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

KEY INTENDED OUTCOMES SUPPORTED

Improve the City's overall financial health and maintain overall bond rating.

ANALYSIS

In March 1992, via Ordinance 92-2777, the City Commission authorized a twenty-five dollar (\$25) lobbyist registration fee. In June 1992, via Ordinance 92-2785, the City Commission authorized, in addition to the registration fee, a biennial registration fee of one hundred twenty-five dollars (\$125) every even year. In February 2004, via Ordinance 2004-3435, the City Commission authorized a twenty-five dollar (\$25) per issue registration fee and an annual registration fee of one hundred twenty-five (\$125), which are the current fees.

The registration fees are for the purpose of covering the costs incurred in maintaining these records for public access. The City Clerk's office is responsible for maintaining the lobbyist database which is available on the City's website; notifying via email, newly registered lobbyists; processing lobbyist withdrawals; processing of the annual lobbyist expenditures reports; and notifying the Miami-Dade County Commission on Ethics of lobbyists who fail to provide their annual expenditure report.

Below, for your reference, is a list of lobbying fees for several other government agencies in Miami-Dade County:

Annual Registration Fee		
City of Miami	\$500	\$100 per principal
Miami-Dade County	\$490	\$0 per issue/per principal
West Miami	\$125	\$ 25 per issue
North Bay Village	\$300	\$125 initial fee
Aventura	\$200	\$100 per principal annually
Miami Springs	\$490	\$0 per issue/per principal

The lobbyist registration fees were discussed as part of the budget process at the July 7, 2009 meeting of the Finance and Citywide Projects Committee (FCWPC). Robert Parcher, City Clerk, stated that the lobbyist fee was initiated in March 1992 with lobbyist paying \$25. In June 1992, the City Commission authorized, in addition to the registration fee, a biennial registration fee of one hundred twenty-five dollars (\$125) every even year. The last change to the lobbyist fee was in February 2004, when the City Commission authorized the twenty-five dollar (\$25) per issue registration fee and an annual registration fee of one hundred twenty-five (\$125), which are the current fees. At the FCWPC meeting, the Administration suggested increasing the annual fee to \$490 and the per issue fee to remain at \$25. However, the Committee recommended increasing the lobbyist fee from \$125 to \$490 annually, and increasing the per issue fee from \$25 to \$100.

The lobbyist registration fees are imposed to recover the cost to the City of operating the lobbyist registration program. At the September 10, 2009 Commission Meeting, the City Commission approved an annual registration fee of \$1,000 and a fee of \$200 for each issue.

Based on 86 lobbyists registering with an average of three (3) "issues" each, if the rate recommended by the City Commission of \$1,000 annually and \$200 per issue, it will result in an annual lobbyist registration total of \$86,000 and a "per issue" total of \$51,600 for a projected total of \$137,600 or an annual increase of approximately \$109,825. This, of course, is only a projection and will vary depending on the issues throughout the year. The fully allocated cost of providing this service including salary and department operating costs is estimated to be approximately \$147,000.

CONCLUSION

The Administration recommends approving the ordinance.


JMG/REP

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, ENTITLED "STANDARDS OF CONDUCT"; AMENDING SECTION 2-482, ENTITLED "REGISTRATION"; AMENDING SECTION 2-482(a) AND 2-482(f) THEREOF, TO RESPECTIVELY INCREASE THE "PER ISSUE" AND ANNUAL LOBBYIST REGISTRATION FEES; AND ALSO AMENDING APPENDIX "A" THERETO, ENTITLED "FEE SCHEDULE"; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, in March 1992, via Ordinance No. 92-2777, the City Commission authorized a twenty-five dollar (\$25) lobbyist registration fee; and

WHEREAS, in June 1992, via Ordinance No. 92-2785, the City Commission authorized, in addition to the registration fee, a biennial lobbyist registration fee of one hundred twenty-five dollars (\$125), every even year; and

WHEREAS, in February 2004, via Ordinance No. 2004-3435, the City Commission authorized a twenty-five dollar (\$25) "per issue" lobbyist registration fee, and an annual lobbyist registration fee of one hundred twenty-five dollars (\$125); and

WHEREAS, at the July 7, 2009 meeting of the Finance and Citywide Projects Committee, the Committee recommended an increase to the annual lobbyist registration fee, to four hundred and ninety dollars (\$490), and an increase in the per issue fee, to one hundred dollars (\$100); and

WHEREAS, at the September 10, 2009 Commission Meeting, the City Commission voted to increase the annual lobbyist registration fee, to one thousand dollars (\$1,000), and an increase in the per issue fee, to two hundred dollars (\$200).

NOW THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Sections 2-482 (a) and 2-482 (f), including Appendix "A" thereto, of the City Code are hereby, respectively, amended as follows:

Section 2-482 Registration

(a) All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to register shall register on forms prepared by the clerk, pay a registration fee of ~~\$25.00~~ 200.00, as specified in appendix A and state under oath:

- (1) His name;
- (2) His business address;
- (3) The name and business address of each person or entity which has employed the registrant to lobby;
- (4) The commissioner or personnel sought to be lobbied, and whether the lobbyist has entered into any contractual relationship (paid or unpaid) with said city commissioner or personnel from 12 months preceding such person's commencement of service with the city to

the present date, stating the general nature of the subject contractual relationship.

(5) The specific issue on which he has been employed to lobby; and

(6) The terms and amount of compensation to be paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby.

Cross references: List of expenditures; fee disclosure; reporting requirements, § 2-485.

* * * *

(f) In addition to the ~~\$25.00~~ 200.00 per issue registration fee required in subsection (a) of this section registration of all lobbyists shall be required prior to October 1 of each year; and the fee for annual registration shall be ~~\$125.00~~ 1,000.00, as specified in appendix A.

* * * *

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held 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. EFFECTIVE DATE.

This Ordinance shall take effect ten (10) days following adoption.

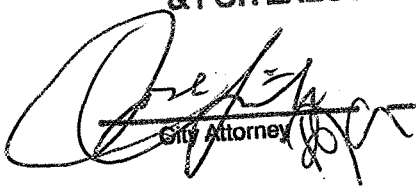
PASSED and ADOPTED this _____ day of _____, 2009.

MAYOR MATTI HERRERA BOWER

ATTEST:

ROBERT PARCHER, CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney Date



MIAMI BEACH

CITY OF MIAMI BEACH

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that second readings and public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Thursday, September 24, 2009**, to consider the following:

5:05 p.m.

An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Entitled "Standards Of Conduct"; Amending Section 2-482, Entitled "Registration"; Amending Section 2-482(A) And 2-482(F) Thereof, To Respectively Increase The "Per Issue" And Annual Lobbyist Registration Fees; And Also Amending Appendix "A" Thereof, Entitled "Fee Schedule."

Inquiries may be directed to the City Clerk's Office at (305) 673-7411.

5:05 p.m.

An Ordinance Amending Article XI, Entitled "Dangerous Intersection Safety," Of Chapter 106, Entitled "Traffic And Vehicles," Of The Miami Beach City Code, By Amending Section 106 - 490, Entitled "Penalties" To Amend The Fines For Violations.

Inquiries may be directed to the City Manager's Office at (305) 673-7010.

5:05 p.m.

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division 1, Entitled "Generally," By Amending Section 106-55, Entitled "Parking Rates, Fees, And Penalties," By Amending Parking Meter Rates North Of 23rd Street.

Inquiries may be directed to the Parking Department at (305) 673-7275.

5:05 p.m.

An Ordinance Amending Chapter 110 Of The Miami Beach City Code, Entitled "Utilities," Amending Article III Thereof, Entitled "Stormwater Utility," Amending Section 110-109 Thereof Entitled "Stormwater Utility Fees," By Amending Appendix A Thereof Entitled "Fee Schedule," To Increase The Stormwater Utility Service Charge Imposed By The City As Of October 1, 2009.

Inquiries may be directed to the Public Works Department at (305) 673-7080.

5:05 p.m.

An Ordinance Amending Chapter 110 Of The Miami Beach City Code Entitled "Utilities," Amending Article IV, Entitled "Fees, Charges, Rates And Billing Procedure Thereof," Amending Division 2 Thereof, Entitled "Rates, Fees And Charges," By Amending Section 110-168 (C) Thereof, Entitled "Sanitary Sewer Service Charge," To Provide Additional Sanitary Sewer Service Charge Fees; And Also Amending Appendix A To Chapter 110, Entitled "Fee Schedule" To Increase The Water Rates And Sanitary Sewer Service Charges Imposed By The City Pursuant To Sections 110-166 (A) And (B), 110-168 (A), And Providing A Submetering Fee In Section 110-170(A); Amending Section 110-170 To Be Entitled "Submetering" To Create Provisions For Submeters.

Inquiries may be directed to the Public Works Department at (305) 673-7080.

5:05 p.m.

An Ordinance Amending Chapter 86 Of The Miami Beach City Code Entitled "Sales," By Amending Article III Thereof, Entitled "Nonprofit Vending And Distribution," By Amending Division 2, Entitled "Permit," By Amending Section 86-174, Entitled "Processing Fee," To Add A \$50.00 Permit Application Fee.

Inquiries may be directed to the Finance Department at (305) 673-7466.

5:05 p.m.

An Ordinance Amending Chapter 102 Of The City Code, Entitled "Taxation," By Amending Division V Therein, Entitled "Local Business Tax," Amending Section 102-379 Therein, Entitled "Schedule Of Taxes"; Said Amendment Providing For A \$15.00 Business Tax Receipt Application Fee.

Inquiries may be directed to the Finance Department at (305) 673-7466.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #559