

ORDINANCE NO. 05-72

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, CONCERNING CONSULTANT DISCLOSURE; PROVIDING FOR REGISTRATION WITH THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Miami Lakes (the “Town”) finds that it is in the best interest of the residents of the Town to make fully informed decisions about Town actions and policies; and

WHEREAS, the Town Code presently provides for the registration of all lobbyists who appear before the Town Council in support of or against an item; and

WHEREAS, persons who are paid a fee to serve as consultants in support of or against any item, but who do not physically appear before the Town Council or staff, are not required to register; and

WHEREAS, the Town finds that a requirement of entities to register their consultants is in the best interest of the Town.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The following section shall be added to Chapter ___ to read as follows:

Section 21-____. Consultant Disclosure.

(1) Definitions.

- a. Consultant is defined as an individual, corporation, partnership or business entity that has been retained, for financial compensation, which includes non-monetary compensation of similar value, to assist or provide any professional services to an Entity in seeking approval of an item from the Town Council or staff, or to obtain a contract with the Town.
 - i. The term "Consultant" specifically excludes the following persons: any person who has been retained solely to provide mailing, delivery, copy and other reproduction services of bid items and related bid materials; any person retained solely to provide professional engineering services, as certified under Chapter 471 of the Florida Statutes; any person retained solely to provide land surveying and mapping services, as certified under Chapter 472 of the Florida Statutes; and any person retained solely to provide architectural services, as certified under Chapter 481 of the Florida Statutes.
- b. Entity shall mean an individual, corporation, partnership or business entity that engages the services of a Consultant, for financial compensation, which includes non-monetary compensation of similar value, to assist or to provide any services to the Entity in seeking approval of an item from the Town Council or staff, or to obtain a contract with the Town.

(2) Registration of Consultants.

- a. All Entities shall register, on the prescribed Consultant Disclosure Form as provided by the Town Clerk, the name of any Consultant and the capacity in which he or she has been retained by the said Entity.
- b. Said form shall be filed by the Entity with the Town Clerk within seven (7) days of the Council meeting where the Entity's item will be discussed or before the Consultant performs services on behalf of the Entity, whichever shall come first.
- c. It shall be unlawful for an Entity to obtain services from a Consultant on any

item or contract requiring official Town action until said Entity has properly registered the Consultant with the Town pursuant to this section.

d. The fee payable to the Town by the Entity for registration of each Consultant

shall be \$250.00 per item or contract. The registration fees required by this Subsection shall be deposited with the Town Clerk and shall cover any and all Consultants retained for said item or contract by the Entity for the purposes described herein.

(3) Business Prohibition.

If an Entity is found in violation of Section 2 above, that Entity shall not be permitted to conduct business with the Town for a period of two (2) years following the violation.

(4) Enforcement.

A violation of this Ordinance or any resolution adopted pursuant to this Ordinance may be enforced pursuant to Section 8CC-10 of the Town Code and by issuance of a uniform civil violation notice, citation, summons, notice to appear in county court, or by filing an action in civil court for injunctive relief. This Ordinance is supplemental and nothing contained herein shall prohibit the Town from enforcing this Ordinance by any other lawful means.

Section 3. Amendment to Chapter 8CC-10. Chapter 8CC-10 is hereby

amended to include penalties for violations of this Ordinance as follows:

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
	* * *	
_____	<u>Failure of Entity to Register a Consultant before obtaining services in violation of Section 21-[]2</u>	<u>\$500.00</u>

Section 4. Repeal of Conflicting Provisions. Any provision of the Code that conflicts with this Ordinance is hereby repealed.

Section 5. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Inclusion In The Code. It is the intention of the Town Council that the provisions of this ordinance shall become and be made a part of the Code of Miami Lakes, Florida. 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 other appropriate word.

Section 7. Effective Date. This Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember Thomson, who moved its adoption on first reading. The motion was seconded by Simon and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	<u>yes</u>
Councilmember Robert Meador, II	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>
Councilmember Peter Thomson	<u>yes</u>
Vice Mayor Roberto Alonso	<u>yes</u>
Mayor Wayne Slaton	<u>yes</u>

PASSED AND ADOPTED on first reading this 12 day of July, 2005.

The foregoing Ordinance was offered by Councilmember Michael Pizzi, who moved its adoption on second reading. The motion was seconded by Councilmember Peter Thomson, and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	<u>no</u>
Councilmember Robert Meador, II	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>
Councilmember Peter Thomson	<u>yes</u>
Vice Mayor Roberto Alonso	<u>absent</u>
Mayor Wayne Slaton	<u>yes</u>

PASSED AND ADOPTED on second reading this 13 day of Sept., 2005.

Wayne Slaton
Wayne Slaton
MAYOR

ATTEST:

Debra Eastman
Debra Eastman, MMC
TOWN CLERK

Approved as to form and legality for the use and benefit of the Town of Miami Lakes only:

[Signature]
Weiss, Serota, Helfman, Pastoriza,
Cole & Boniske, P.A.
TOWN ATTORNEY