VILLAGE OF ESTERO, FLORIDA

VILLAGE COUNCIL MEETING
April 6, 2015

REQUEST FOR VILLAGE COUNCIL CONSIDERATION

Agenda Item: 4. (D)	Prepared By: Derek Rooney
Agenda Section: Council Business	
Subject: First Reading of Ordinance Amending Chapter 22 – Record Keeping Responsibilities Regarding Lobbyist Communications	

BACKGROUND:

Ordinance amending record keeping responsibilities for lobbyist communications.

FUNDING SOURCE / FISCAL IMPACT:

N/A

RECOMMENDATION:

Approve first reading of Ordinance 15-03 amending record keeping responsibilities regarding lobbyist communications.

POTENTIAL MOTION:

I make a motion to approve the first reading of Ordinance 15-03 amending record keeping responsibilities regarding lobbyist communications.

ORDINANCE
NUMBER 2015 - ____

AN ORDINANCE OF THE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING CHAPTER 22, LICENSES AND BUSINESS REGULATIONS, OF THE CODE OF LAWS AND ORDINANCES OF THE VILLAGE OF ESTERO, FLORIDA; REMOVING CERTAIN RECORD-KEEPING REQUIREMENTS; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners of Lee County, Florida ("Board") adopted Lee County Ordinance 03-14 regulating lobbying activities relating to the Board and employees of the County; and

WHEREAS, the requirements of Ordinance 0-14 were codified in Chapter 22 of the Code of Laws and Ordinances of Lee County, Florida ("Lee County Code"); and

WHEREAS, Section 22-72 of the Lee County Code requires the Board and its employees to maintain certain records relating to lobbyist activities; and

WHEREAS, the Charter of the Village of Estero, established by Chapter 2014-249, Laws of Florida, provides in Section 11(5) thereto that all applicable ordinances of Lee County contained in the Lee County Code shall, until otherwise affected by the Village Council of the Village of Estero ("Council"), constitute the Code of Laws and Ordinances of the Village of Estero ("Estero Code"); and

WHEREAS, the Council has determined that maintaining the provisions of Section 22-72 of the Estero Code no longer serves the public interest; and

WHEREAS, pursuant to Chapter 166, Florida Statutes, the Council has all powers of self-government not inconsistent with general or special law, including the power and authority to adopt ordinances providing for the public health, safety and welfare of the residents of the Village of Estero.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Estero, Florida:

Section 1. Chapter 22, Licenses and Business Regulations, Article VI, Lobbyists, is hereby amended as follows (underlined provisions are additions; ~~strikethrough~~ provisions are deletions):

~~Sec. 22-72. - Record-keeping responsibilities.~~

~~County commissioners and employees as specified in subsection 22-71(e), who make regulatory decisions or recommendations to the board of county commissioners shall be responsible for maintaining a written log which documents each oral lobbying communication or meeting with a lobbyist whether paid or unpaid, held for the purpose of lobbying outside a duly noticed public meeting or hearing on the record. The written log shall be of uniform form (Exhibit "A", hereto). County commissioners nor county employees shall be required to maintain a record of their contact with each other, while acting within the scope of their official capacities and duties. The log shall, at a minimum, reflect the name of the lobbyist, the date of the oral lobbying communication or lobbying meeting, and the subject matter discussed.~~

~~County commissioners shall deliver their logs to the clerk of court at the end of each quarter and at the conclusion of their final term in office. County employees as designated in subsection 22-71(e) must deliver their logs to the clerk at the end of each quarter and upon the conclusion of their employment with Lee County. All lobby logs must be in the form provided for in Exhibit "A", hereto.~~

~~Individuals who serve as members of advisory boards or advisory committees to the county, who are either volunteers or receive no compensation from the county for their services, are not required to maintain the logs as described in this section.~~

~~All individuals subject to the requirements of this section must file lobby logs as set out above, regardless of whether any lobbying contacts are reported during any reporting period.~~

Section 2. Conflict with other Ordinances. The provisions of this article shall supersede any provisions of existing ordinances in conflict herewith to the extent of said conflict.

Section 3. Severability. In the event that any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Village Council.

PASSED AND DULY ADOPTED this ____ day of _____, 2015.

VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA

By: _____
Nick Batos, Mayor

ATTEST:

By: _____
Interim Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By:_____
Burt Saunders, Village Attorney

Vote:	AYE	NAY
Mayor Batos	____	____
Vice Mayor Levitan	____	____
Councilor Ribble	____	____
Councilor Brown	____	____
Councilor Errington	____	____
Councilor Boesch	____	____
Councilor Wilson	____	____