

# CITY OF TALLAHASSEE

## CITY COMMISSION AGENDA ITEM

<b>ACTION REQUESTED ON:</b>	January 25, 2012
<b>SUBJECT/TITLE:</b>	<b>Update to Disclosure Representation Policy in reference to citizen appearances before the City Commission (City Policy - CP126)</b>
<b>TARGET ISSUE:</b>	N/A

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### STATEMENT OF ISSUE

On May 26, 1993, the City Commission adopted a Disclosure of Representation policy to require that persons who appear before the City Commission disclose the person(s), firm, or company he or she is representing if they are being compensated either directly or indirectly for such representation. The 1993 policy was implemented as an alternative to requiring lobbyists to register with the City.

In February 2011, the City Commission adopted Ordinance 11-O-03AA, requiring the registration of lobbyists and requiring the filing of quarterly compensation reports. While the ordinance requires lobbyists to register, the ordinance does not apply to persons who appear before the City Commission during an open, public meeting. In addition, on December 7, 2011, the City Commission modified the regular meeting protocol to create a new *Citizen Input on Agenda Items* section on the meeting agenda, allowing citizens to speak at the beginning of each Commission meeting in reference to any item(s) on the agenda. This protocol change prompted minor revisions to the Speaker Appearance Form.

Staff recommends adoption of the revised Disclosure of Representation policy, with several minor updates to bring the policy in line with the recent ordinance and protocol changes.

### RECOMMENDED ACTION

- 1) Option 1: Adopt the revised City Commission Policy 126 – Disclosure of Representation and amendments to the Speaker Appearance Form.

### FISCAL IMPACT

None

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Matthew J. Lutz  
Records Administrator

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James O. Cooke, IV  
City Treasurer-Clerk

For information, please contact: Matt Lutz, Records Administrator, 850-891-8130

**ITEM TITLE: Update to Disclosure Representation Policy in reference to citizen appearances before the City Commission (City Policy - CP126)**

City Commission Agenda Item

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**SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS**

**HISTORY/FACTS & ISSUES**

On May 26, 1993, the City Commission adopted a Disclosure of Representation policy to require that persons who appear before the City Commission disclose the person(s), firm, or company he or she is representing if they are being compensated either directly or indirectly for such representation. The original policy was implemented as an alternative to requiring lobbyists to register with the City.

In February, 2011, the City Commission adopted Ordinance 11-O-03AA, requiring the registration of lobbyists and requiring the filing of quarterly compensation reports. While the ordinance requires lobbyists to register, the ordinance does not apply to persons who appear before the City Commission during an open, public meeting. In addition, on December 7, 2011, the City Commission modified the Commission Meeting Protocol to create a new *Citizen Input on Agenda Items* section on the meeting agenda, allowing citizens to speak in reference to any item(s) on the agenda, at the beginning of each Commission meeting. This protocol change prompted minor revisions to the Speaker Appearance Form, including simplifying the form by reducing the information solicited from public speakers and condensing the instructions on the reverse of the form. As a "green" initiative, the form was also reduced in size to save paper. To supplement the smaller, simplified form, staff intends to post an official notice of the Disclosure of Representation policy and Lobbyist Registration Ordinance on placards posted inside the Commission Chambers and on a bulletin board placed outside the Chambers on days when Commission Meetings are conducted.

Staff recommends adoption of the revised Disclosure of Representation policy, with several minor updates to bring the policy and Speaker Appearance Form in line with the recent ordinance and protocol changes.

**CHARITABLE CONTRIBUTIONS**

N/A

**OPTIONS**

- 1) Adopt the revised City Commission Policy 126 – Disclosure of Representation and amendments to the Speaker Appearance Form.
- 2) Provide further direction to staff.

**ATTACHMENTS/REFERENCES**

- 1) Revised City Commission Policy 126
- 2) Revised Speaker Appearance Form
- 3) May 26, 1993 Agenda Item

DEPARTMENT: Treasurer-Clerk

DATE ADOPTED: May 26, 1993

DATE OF LAST REVISION: July 6, 2011

**126.01 AUTHORITY:** ~~City Commission action of May 26, 1993-~~

- City Commission

**126.02 PURPOSE:** The purpose of this policy is to require that persons who appear before the City Commission disclose the person(s), firm or company he or she is representing, if other than themselves or member of their immediate family. This disclosure is essential when these persons are being compensated either directly or indirectly for such representation.

**126.03 DEFINITIONS:**

**Representative:** A person shall be deemed to be acting as a representative if he is directly in the employ of or being paid a fee by another, or will receive other economic benefit to speak on behalf of another.

**126.04 GENERAL STATEMENT:** It is the policy of the City Commission to comply both with the letter of the law and general intent of the "Sunshine Law" in order to maintain a government that is open to all citizens. To this end, ~~consistent with the requirement~~ any individual who wishes to influence the actions of the City must likewise disclose his or her relationship(s) with ~~the clients~~those he or she represents.

**126.05 SCOPE AND APPLICABILITY:** This policy will be applicable to all individuals who appear before the City Commission at a City Commission meeting.

**126.06 GUIDELINES:**

1. All persons who wish to appear before the City Commission meeting will be required to complete a speaker's slip form (~~see a~~Attachment #1) prior to making any remarks. All categories on the speaker's slip should be completed for purposes of the official record. All speakers who are being compensated directly or indirectly for such representation must identify individual, firm or business being represented. ~~Individual are strongly encouraged when meeting individually with Commissioners or staff to disclose if they are there representing another.~~ Prior to the appearance of the speaker, the City Treasurer-Clerk or other official will state, for the official record, the person(s) the speaker is representing.
2. Notice of this policy will be included on the speaker's slip form used to register appearances at meetings of the City Commission. Additionally, notice of the need to advise members of the Commission and staff of this representation policy shall be posted outside of the City Commission Office.
3. ~~Pursuant to Ordinance 11-O-03AA,~~ persons who are compensated to lobby on behalf of entities are required to register annually with the City Treasurer-Clerk, submit a listing of all clients (principals) represented and pay a \$25 fee for each principal so represented. In addition, registered lobbyists are required to file quarterly compensation reports disclosing the ranges of compensation received from each principal represented.

**126.07 AMENDMENTS:** It shall be the responsibility of the City Treasurer-Clerk to administer this policy and make recommendations for amendments after consultation with other appointed officials.

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Comment [CJ1]: Notice of the need to advise members of the Commission and staff of representation under this policy shall be posted outside of the City Commission office.

**126.08 EFFECTIVE DATE:** This policy will become effective immediately upon adoption by the City Commission and will remain in effect until [revised or](#) repealed.

~~Sunset June 1, 1998~~

Revision History:  
Adopted: May 26, 1993  
January 25, 2012

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