



To: Vince Lago, Mayor

From: Cristina M. Suárez, City Attorney *cms*

Re: Clarification regarding Section 2-307 of the City Code which sets forth a prohibition on campaign/political consultants lobbying and doing business with the city.

Date: October 27, 2025

Mayor Lago:

You have requested clarification regarding Section 2-307 of the City Code which sets forth a prohibition on campaign/political consultants lobbying and doing business with the city. Section 2-307, adopted by the City Commission on August 24, 2021 pursuant to Ordinance No. 2021-27 (the "Ordinance," attached as **Exhibit "A"**), is set forth below in its entirety:

Sec. 2-307. - Prohibition on campaign/political consultants lobbying and doing business with the city.

(a) *Definitions.*

Campaign/political consultant means any person or entity that receives or is promised economic consideration in exchange for campaign/political consulting services to a candidate for elected office in the city and shall include any individual who has an ownership interest of ten percent or greater in the campaign consulting entity and any employee of the campaign/political consultant.

Campaign/political consultant shall not include an employee of the campaign/political consultant whose duties are solely clerical.

- (b) A campaign/political consultant shall be prohibited from lobbying the city commission for a period commencing upon the retention of such campaign/political consultant by an incumbent elected official or upon the swearing-in of a newly-elected official and shall end 24 months following the swearing-in of any elected official for whom the campaign/political consultant provided campaign consulting services within the past election cycle. If a campaign/political consultant is retained by an incumbent elected official who is not re-elected, then the prohibition period shall end upon the swearing-in of the new elected official.

- (c) A campaign/political consultant shall be prohibited from lobbying the elected official for whom the consultant currently provides or has provided consulting services within the past election cycle, for a period commencing upon the retention of such campaign/political consultant by an incumbent elected official or upon the swearing-in of a newly-elected official and shall end 24 months following the swearing-in of that elected official. If a campaign/political consultant is retained by an incumbent elected official who is not re-elected, then the prohibition period shall end (with respect to that incumbent elected official) upon the swearing-in of the new elected official.
- (d) A campaign/political consultant shall be prohibited from contracting with the city for a period commencing upon the retention of such campaign/political consultant by an incumbent elected official or upon the swearing-in of a newly-elected official and shall end 24 months following the swearing-in of any elected official for whom the campaign/political consultant provided campaign consulting services within the past election cycle. If a campaign/political consultant is retained by an incumbent elected official who is not re-elected, then the prohibition period shall end upon the swearing-in of the new elected official.
- (e) Passthroughs are expressly prohibited.
- (f) In addition to the penalties prescribed in section 2-302 of this Code, upon a determination by the Miami-Dade County Commission on Ethics and Public Trust of a violation of this section a fine of \$500.00 for each violation shall be imposed on every person who violates this section.

Specifically, you have requested an interpretation regarding the conduct that is prohibited pursuant to subsection (d). I have reviewed Section 2-307, the Ordinance, the Cover Memo dated August 24, 2021 which accompanied the proposed ordinance on second reading (the “Second Reading Cover Memo,” attached as **Exhibit “B”**), and the verbatim transcripts of the Commission Meetings dated July 12, 2021 (the “First Reading Transcript,” attached as **Exhibit “C”**) and August 24, 2021 (the “Second Reading Transcript,” attached as **Exhibit “D”**).

Subsection (d) states that “[a] campaign/political consultant shall be prohibited from contracting with the city for a [24-month] period.” However, Section 2-307 is titled “Prohibition on campaign/political consultants lobbying and *doing business with the city*” (emphasis added). The Second Reading Cover Memo, included as part of the agenda item for the proposed ordinance on second reading, expressly states that the draft ordinance on second reading adds a prohibition “on campaign/political consultant *doing business with the City* for 24 months.” See **Exhibit B** (emphasis added). The verbatim transcript of the July 12, 2021 meeting during which the proposed ordinance was considered by the City Commission on first reading indicates that following the Commission’s approval on first reading, Vice Mayor Mena brought up adding the prohibition on doing business with the city, as follows:

Vice Mayor Mena: Can I make one quick follow up point on F-3 actually, and its just something for everybody to consider once we get to second reading. You may also want to consider having campaign consultant's same category whether they should be allowed to have contracts with the city at all and receive remuneration from the city through some sort of contract or otherwise.

City Attorney Ramos: So, look at that for second reading.

Mayor Lago: Yes. Vice Mayor Mena: Something for everybody to consider, because again, it's the same underlying principal, right?

Commissioner Menendez: That's the gray area.

Mayor Lago: Which was an issue a few years back.

Vice Mayor Mena: Because you could be lobbying for a third party, but you could be the third party seeking a contract.

City Attorney Ramos: Or an employee of a third party, right.

Vice Mayor Mena: An employee of a third party or an owner of an entity who is doing business with the city and I don't really see a distinction at that point. So that's something to consider for second reading.

See Exhibit C at 15. Moreover, on Second Reading, the then-City Attorney explained that the version on second reading included "an additional prohibition not just on campaign consultants lobbying the city, but also on them doing business with the city for 24 months." See Exhibit D at 1.

Therefore, in my opinion, as set forth in the title of section 2-307; as set forth in the third "Whereas" clause in the Ordinance; as set forth in the Second Reading Cover Memo; as discussed by the Commissioners during first reading on July 12, 2021 and second reading on August 24, 2021, the prohibition on "contracting" was intended to refer to "doing business with the city," such as entering into a contract with the City for the provision of goods or services in exchange for compensation. There was no discussion regarding prohibiting political/campaign consultants from seeking permits or other regulatory approvals from the City.

This opinion is issued pursuant to Section 2-252(e)(1) and (8).

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2021-27

AN ORDINANCE OF THE CITY COMMISSION AMENDING THE CITY OF CORAL GABLES ETHICS CODE TO ADD SECTION 2-307, "PROHIBITION ON CAMPAIGN/POLITICAL CONSULTANTS LOBBYING AND DOING BUSINESS WITH THE CITY" PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables continuously strives to be an example of ethical and transparent government; and

WHEREAS, allowing campaign/political consultants to lobby the City Commission and City Commissioners may lead the public's trust in government to diminish; and

WHEREAS, allowing campaign/political consultant to do business with the City may cause the public's trust in government to diminish; and

WHEREAS, Section 2-11.1(q) of the Miami-Dade Ethics Code and Section 2-299 of the Coral Gables Ethics Code prohibit elected officials, departmental personnel, or employees from lobbying any city official for a period of twenty-four (24) months;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing recital is hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Article V, "Conflict of Interest and Code of Ethics," of Chapter 2, "Administration," of the City Code is amended to create Section 2-307, "Prohibition on Campaign Consultants Lobbying":

Chapter 2 – Administration

* * *

Article V – Conflict of Interest and Code of Ethics

* * *

Sec. 2-307. – Prohibition on Campaign/Political Consultants Lobbying and Doing Business with the City

(a) *Definitions.*

Campaign/political consultant means any person or entity that receives or is promised economic consideration in exchange for campaign/political consulting services to a candidate for elected office in the City and shall include any individual who has an ownership interest of ten (10) percent or greater in the campaign consulting entity and any employee of the campaign/political consultant.

Campaign/political consultant shall not include an employee of the campaign/political consultant whose duties are solely clerical.

- (b) A campaign/political consultant shall be prohibited from lobbying the City Commission for a period commencing upon the retention of such campaign/political consultant by an incumbent elected official or upon the swearing-in of a newly-elected official and shall end twenty-four (24) months following the swearing-in of any elected official for whom the campaign/political consultant provided campaign consulting services within the past election cycle. If a campaign/political consultant is retained by an incumbent elected official who is not re-elected, then the prohibition period shall end upon the swearing-in of the new elected official.
- (c) A campaign/political consultant shall be prohibited from lobbying the elected official for whom the consultant currently provides or has provided consulting services within the past election cycle, for a period commencing upon the retention of such campaign/political consultant by an incumbent elected official or upon the swearing-in of a newly-elected official and shall end twenty-four (24) months following the swearing-in of that elected official. If a campaign/political consultant is retained by an incumbent elected official who is not re-elected, then the prohibition period shall end (with respect to that incumbent elected official) upon the swearing-in of the new elected official.
- (d) A campaign/political consultant shall be prohibited from contracting with the City for a period commencing upon the retention of such campaign/political consultant by an incumbent elected official or upon the swearing-in of a newly-elected official and shall end twenty-four (24) months following the swearing-in of any elected official for whom the campaign/political consultant provided campaign consulting services within the past election cycle. If a campaign/political consultant is retained by an incumbent elected official who is not re-elected, then the prohibition period shall end upon the swearing-in of the new elected official.
- (e) Passthroughs are expressly prohibited.
- (f) In addition to the penalties prescribed in section 2-302 of this Code, upon a determination by the Miami-Dade County Commission on Ethics and Public Trust of a violation of this section a fine of five hundred (\$500.00) dollars for each violation shall be imposed on every person who violates this section.

SECTION 4. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be 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 5. REPEALER.

This Ordinance is intended to provide authority to the City Attorney without limiting any other authority of the City Attorney or other City officers provided in other parts of the City Charter, City Code, and Zoning Code. Accordingly, any other ordinances or parts of ordinances that provide authority to the City Attorney or other City officers are not repealed by this Ordinance.

SECTION 6. CODIFICATION.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FOURTH DAY OF AUGUST, A.D., 2021.

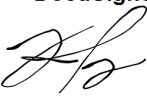
(Moved: Anderson / Seconded: Mena)

(Yeas: Mena, Menendez, Anderson, Fors, Jr., Lago)


(Unanimous: 5-0 Vote)

(Agenda Item: F-1)

APPROVED:


DocuSigned by:

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

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MIRIAM SOLER RAMOS
CITY ATTORNEY



City of Coral Gables
CITY COMMISSION MEETING
August 24, 2021

ITEM TITLE:

Ordinance on Second Reading: AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING THE CITY OF CORAL GABLES ETHICS CODE TO ADD SECTION 2-307, "PROHIBITION ON CAMPAIGN/POLITICAL CONSULTANTS LOBBYING AND DOING BUSINESS WITH THE CITY" PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE (Sponsored by Mayor Lago)

BRIEF HISTORY:

In the City's consistent stride toward serving as an example of ethical and transparent government, this Ordinance prohibits campaign/political consultants from lobbying the City Commission, as a whole, or the elected official for whom the consultant provided services, for 24 months following the last election cycle/swearing in of that particular elected official. In addition, the ordinance prohibits campaign/political consultants from doing business with the City for 24 months following the election of an elected official on whose campaign he/she worked.

The ordinance applies to all election cycles held after April 1, 2021, thereby applying both prohibitions to campaign/political consultants that worked on campaigns during that cycle.

Changes from first to second reading (denoted in redline in the attached ordinance):

- Changed period of time from 12 to 24 months;
- Added a prohibition on campaign/political consultant doing business with the City for 24 months;
- Added an express prohibition on passthroughs; and
- Changed exemption from employees of campaign/political consultants whose duties are "primarily" clerical, to those whose duties are "solely" clerical.

1. Draft Ordinance

City of Coral Gables City Commission Meeting
Agenda Items F-3 and F-4 are related
July 13, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors, Jr.

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias (Absent)

Assistant City Manager, Ed Santamaria

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Public Speaker(s)

Jose Arrojo, Miami-Dade County Commission on Ethics

Debra Register

Maria Cruz

Agenda Items F-3 and F-4 are related

Time Certain 6:00 p.m.

F-3: An Ordinance of the City Commission amending the City of Coral Gables Ethics Code to add Section 2-307, "Prohibition on Campaign/Political Consultants Lobbying" providing for a severability clause, repealer provision, codification, and providing for an effective date. (Sponsored by Mayor Lago)

F-4: An Ordinance of the City Commission amending Section 2-305, "Lobbying," of the City of Coral Gables Ethics Code to make it consistent with amendments to the Miami-Dade County Lobbying Ordinance and adding a "Duty to Announce" requirement, providing for a severability clause, repealer provision, codification, and providing for an effective date. (Sponsored by Mayor Lago)

Mayor Lago: We have a 6 p.m. time certain item F-3 and F-4, Madam City Attorney.

City Commission Meeting

City Attorney Ramos: Yes. We'll take one at a time. I'll also like to recognize Jose Arrojo, who is in the audience here with us. He is the Executive Director of the Miami-Dade Ethics Commission and I consulted with him as I was drafting these two ordinances for you Mayor. The first ordinance is an Ordinance of the City Commission amending the City of Coral Gables Ethics Code to add Section 2-307, "Prohibition on Campaign/Political Consultants Lobbying" providing for a severability clause, repealer provision, codification, and providing for an effective date. This is a first reading ordinance, and it is a public hearing item. Mayor, you had expressed to me yesterday, you wanted to make a change on the floor, which was to amend this from being a 12-month prohibition to a 24-month prohibition. I'd also like to note that Commissioner Fors alerted me this morning that the City of Miami Beach was sued on almost an identical ordinance earlier this year. It is very new, nothing's happened on the case, but it's something we need to know. Certainly, if we adopted this and Miami Beach lost, then we would strike it, but it's something that I wanted to make you all aware of.

Mayor Lago: So, thank you. I would like to welcome Mr. Arrojo, thank you for being here, it's a pleasure. And I'd also like to thank you for taking the time, because we've had multiple discussions on this issue, and I welcome you to the City of Coral Gables.

Mr. Arroyo: Thank you. I'm Jose Arrojo, I'm Jose Arrojo, I'm the Executive Director of the Miami-Dade Commission on Ethics and Public Trust and my address is 701 N.W. 1st Court, Miami, Florida and I want to thank the Mayor and the City of Coral Gables for engaging with us and consulting with us and also your City Attorney who we speak to on a regular basis. It's very gracious of you and I'm happy to answer questions, if you have them, if not I'll quietly sit down and let you get through your business.

Mayor Lago: Before you sit down sir. We've been having these discussions for probably the last few months, maybe I think it was right before I got elected, we started having a discussion on the opportunity to be as transparent as possible. And there is another amendment that I'd like to make, and I'd like your opinion what I'm considering. Besides changing the way that lobbyists can conduct themselves in the city, I also want to make sure and also there's an issue about fees and how they are paying fees, but I also want to make sure that when a lobbyist or when an item comes before the Commission that the person who is reading this agenda, I don't think there are many people in this room that understand that there is a lobbyist registration form in the City of Coral Gables like every other city. They can look up to see who is lobbying us on certain items. What I'd like for is for each item to have a lobbyist name, whoever is lobbying on behalf of this item, and I think that's important, because that provides a certain level of accountability in regard to the item that we as elected officials are voting on or what members of the Commission is supporting, or members of the community is supporting. I want people to really understand that there should be a level of transparency in regard to lobbying in our city. We are not the first city to do this, and I want to be very clear. There are other cities doing this throughout Miami-Dade County, but I think the opportunity of having it listed on the actual agenda will provide another further step of clarity in regard to items before they become law.

Mr. Arrojo: So certainly, I think that that is a more unique provision. I know that there are other municipalities that do it, it certainly is not the mode. It would increase transparency. My board always directs me to encourage transparency in the process. As I stand here today, anything that is going to augment transparency and give your citizenry greater information on who is addressing you is a good thing. I need to stay in my lane also and defer to your City Attorney on whether that's appropriate and consistent with your code or otherwise. But it is relatively unique, and it would add greater transparency to the process.

City Attorney Ramos: So, Mayor, if we made that amendment, I would make it to actually F-4, not to F-3.

Mayor Lago: Yes, I'm just bringing it up now, it's an opportunity.

City Attorney Ramos: So, if you have no further questions of Mr. Arrojo on F-3, then maybe we can have discussion and public comment and I can explain F-4.

Commissioner Fors: I have a question. I want to thank the Mayor for bringing this ordinance. When you analyze ethics ordinances and transparency ordinances to try to ascertain whether what behavior incentivizes versus which you're not incentivizing. When I first discussed it with Miriam today, the first one that came to my mind at least was, is there any concern of sort of disincentivizing lobbyist from lobbying without registering? In other words, I know it happens where you have campaign consultants.

Mr. Arrojo: So, if I understand your question, Commissioner, are you asking me whether in my opinion increase requirements on lobbyists either registration or disclosure requirements, whether that is going to act as a motivator to cause some lobbyists just not to register at all.

Commissioner Fors: And not lobbyists in general. I'm thinking really about political consultants, is it going to cause them to not register? – and is it going to promote that type of behavior?

Mr. Arrojo: All I can say to that is, just like I'm sure in your city you expect compliance with your Code of Ordinances, at the county we expect compliance with our Code of Ordinances. My agency is uniquely in place because we've been authorized by Charter and by Ordinance to enforce compliance. I would hope that additional measures of transparency would not cause advocates not to register, or not to comply. I have not seen that. I can't say that lobbyists are completely enamored with registration ordinances or that they are particularly enamored with taking ethics courses like they are required to do in the county, but if you are asking me sir, do I believe that increased requirements are going to cause folks not to comply, I would hope not and I really have not seen that, certainly in the county or in other cities that have rigorous lobbying ordinances or robust lobbying ordinances like the City of Miami, like Coral Gables, like Miami Beach, which I think has some of the more robust lobbying ordinances.

Commissioner Fors: What is your opinion on the 24 months versus 12 months?

Mr. Arrojo: So, 24 months is greater. I think at last count there are two jurisdictions in Miami-Dade County, I know that Miami Beach and North Miami Beach, I believe are two jurisdictions that have similar provisions, and this was kind of started a couple of years ago, I know that Miami Gardens at one point considered it. The county does not have this requirement in the county ordinance. So certainly by 24 months you would be putting a greater, kind of a greater time period than currently exist in Miami Beach and currently exist in North Miami Beach. It is kind of akin to the two-year prohibition on rotating government staff members that are continuing a lot of ordinances, like for example, if you are a county employee and you leave county service there is a two-year bar on you lobbying your former government. So that's where I see the two-year bar a lot, but this would be a little bit greater than two other jurisdictions in Miami-Dade County.

Commissioner Fors: And what's the implication on an ordinance like this that, I guess a lobbyist who was formerly a political consultant for a candidate, I guess in the course of the campaign they become friends or friendlier than a lobbyist in general.

Mr. Arrojo: So just to be very, very clear, you are asking me my personal opinion. I don't know what the policy of reasoning is for your ordinance and policy is what you do in your city. Speaking as someone who is a professional ethics advocate, I see these types of ordinances as really contributing, affording greater confidence to your citizens, perhaps addressing an appearance of impropriety that someone that was in a financial relationship or was a political advocate to an elected official that there should be kind of a cooling off period before he or she appears before that advocate, to lobby them again. I really see it as an appearance of impropriety or something to give greater confidence to your citizenry. Again, that is a policy decision for this board, that's just my personal opinion as to why I think municipalities consider this.

Commissioner Fors: By the way, I agree with you that I say it all the time, that the appearance of impropriety is almost importance as actual propriety, because that's what gives confidence and legitimacy to.

Mr. Arrojo: And I think, Commissioner, its very similar to the two year bar on government employees that rotate out, so today I am the zoning director in your city and I interact on a regular basis with elected officials and I have all my subordinate employees, and then I leave city service, and so I'm going to go from this side of the podium to that side of the podium, so the suggestion is that you put a cooling in period so that my former subordinates are not showing more favor to my projects than to other projects, and citizens don't believe, oh sure, that guy is going to have greater access to elected officials because he worked there for 20 years, so you build in that cooling off period. I think it's a similar motivation.

Mayor Lago: Can I ask you a quick question.

Mr. Arrojo: Of course, Mr. Mayor.

Mayor Lago: When a person is no longer in office, maybe the City Attorney can refresh my memory. We have a gap where that person or that individual is not allowed to lobby.

City Commission Meeting

City Attorney Ramos: Two years.

Mayor Lago: Two years – is that par for the course or are other municipalities doing – does that also apply to the City Attorney, City Manager, City Clerk and maybe some directors in the city? I'll tell you why after my question.

Mr. Arrojo: Sure. I think that that is a more commonplace restriction, that's a restriction in the County Ethics Code and actually in County Ethics Code there is a reverse also, so not only is there a two year restriction on former government employees from lobbying their former cities, but if you hire someone from the private sector and bring them into government employee, they are prohibited from having monitoring or supervisory responsibility over their former employers in the private sector, so it's a reverse two year rule also.

Mayor Lago: Do we have that for employees, Madam City Attorney?

City Attorney Ramos: We have it, but also the county has it, so we have to abide by it. We have it in our code, but the county has it.

Mayor Lago: And I'll tell you my reasoning, I'm sorry, just one last thing Commissioner. My brother is a very prominent land use attorney in South Florida. He works for Greenberg Traurig. He is the highest partner that you can receive. He's been there well before I got elected to city office. I sat down with Miriam, and I sat down with then Craig Leen, who was the City Attorney, along with the Ethics Commission, and I got an interpretation that my brother could present clients before the City of Coral Gables Commission. He just could not represent himself saying he was buying a building or a piece of property he was coming in regard to a zoning matter, he could not represent himself. I have barred my brother from ever walking into the city for eight years as an elected official. He's only stepped into the city twice, once when I was elected Commissioner and the second when I was elected Mayor. To say that it has not affected our relationship, it's a problem, it's his livelihood and everyone's entitled to make a livelihood, but at the end of the day I want that next level of transparency to ensure that they can never say that I allowed and gave my brother who is an exceptional attorney, by the way, preferential treatment or more access than someone else. I bring that up today because we are having this discussion back and forth, I think it's a very healthy discussion, and as you can tell I'm surrounded by attorneys, except for Mr. Santamaria.

Mr. Arrojo: I empathize with you.

Mayor Lago: We are surrounded. So, I wanted to put that out there if people didn't know the story of one of the additional steps that I've taken in my own personal life to ensure that the reason that sense of impropriety which is like Commissioner Fors mentioned sometimes is even greater than anything ever happening. Commissioner, I apologize, thank you for your patience.

Commissioner Menendez: Everything that's being said is important, so the more we discuss this the better it is for the community, better it is for us as a governing body. Some thoughts. Having this discussion what's a lobbyist, what's not a lobbyist. I understand the City Code and the Ethics Commission, the county, the state, the federal, but in reality, we are all technically lobbyists are advocates, we are all advocates in some aspect of our life. You could be an advocate for parks, you could be an advocate for bike lanes, you could be advocate for less development, we are all advocates. When we ran or we run for Commissioner and Mayor and elected office, we get endorsements, you know, mine took a while, but I finally got some; and former Commissioners, former Mayors, they endorsed us, we had the fliers, and it makes a difference, because people—those are folks people trust, we get elected we come to office. They have influence just like the community has influence, like the neighborhood associations have influence. It's a rhetorical question, where does one draw the line, because there are so many people in the community with influence, former Mayor has influence, a family member, not attorney, but others, they have influence. So, my biggest concern is where do we draw the line? I think I spoke to the City Attorney, we have something in the code that says everyone's a lobbyist, or there are exceptions that I think its important that we look at those exceptions, because maybe times have changed where, I think Commissioner Fors says its hard to tell who's a lobbyist, who's not a lobbyist, because now everybody wears multiple hats and society is transformed itself. I worked in city government for 13 years and actually worked with the Mayor's brother, tremendous young man, and looking at that restriction for two years, especially dealing with city employees, in my opinion those city employees have knowledge of the inner workings of government. They have contacts in the department level of staff, so if they pick up the phone and they call somebody who is an assistant director or somebody lower, they can pull levers. I think, in my opinion, that's where that two-year restriction on city employees comes, because they are in the belly of the beast, and I think there is a distinction between folks that have worked within the belly of the beast and people who are on the outside looking in. I just throw these different ways of looking at it, because I think it's sort of murky, in reality its murky and its difficult and I would love to have some clarity and hopefully we can lead the way, but there is a lot of gray out there and no matter how we slice it we are still going to have gray going forward.

Mr. Arrojo: Just a very, very short response to your comment and what I would say to you that gray area which is where lawyers live, the County Ethics Code contemplates that and so the best response that I can give is, if someone finds themselves in one of those gray areas, all they have to do is pick up the phone and ask for guidance and someone in my office, your City Attorney can certainly tell them, listen, before you act if you believe that you are in a gray area, let me share this ethics guidance with you.

Commissioner Menendez: But there are a lot of people that thrive in the gray area.

Mr. Arrojo: Yes.

Commissioner Fors: The gray area will never cease to exist. There will always be a gray area.

Mr. Arrojo: But if you ask and then you act in good faith then you are protected and I would share with you, Commissioner, I mean, that's bread and butter for our agency, we do that five days a week, 52 weeks a year that's what we do.

Mayor Lago: And hopefully this legislation will remove some of that gray area.

Commissioner Anderson: I think its going to do a wonderful thing for our community, know who it is that's approaching us. We are always going to have some gray area where there is a de facto campaign consultant receiving remunerations somewhere or another that works as a lobbyist, but I think that's something the law can deal with where people are being deceptive and representing who they are, and investigations will reveal that. I applaud your efforts, Mayor, on bringing this forward and putting it on the agenda to where we know who are the lobbyists that are standing up and moving us for items.

Commissioner Fors: I just want to be clear and I know you know this, that there is that list of the lobbyists and their link to who they advocate for, its just I guess not, you have to know that list is there and you have to go look for it, but they are there assuming that they do lobby and it is a gray area and sometimes you run into folks who lobby and don't even realize they are lobbying, and you say you realize you are lobbying, right, and that happens to lawyers too, because lawyers are just used to being lawyers and that's their job. They go and advocate somebody else's interest on their behalf. I will make a distinction and I know the Mayor bans his brother from walking in here and that his brother hates him for it.

Mayor Lago: Not hates, the roads have gotten kind of smoother.

Commissioner Fors: If I was his brother, I would hate him for it too, but I do think a distinction should be made between that and this is that his firm can still do work in the Gables, they have to register and they always do just like everybody else. Whereas here the entire firm would be disqualified from advocating. I do, I am biased, I'm a lawyer, I think lawyers are a little bit different because they do offer legal work when his brother's firm comes in here. Its not purely lobbying, its actually analysis of zoning codes and I think it is a little bit different. I think there is a distinction there. My general view on this is, I think it's a good thing and I thank the Mayor for bringing it up. I want to say on the record that I personally don't believe its necessary because I view us up here as judges and we are expected to receive both sides of an issue advocating their side and our job is to listen to one side and listen to the other side. Everybody knows that I have two different people, some cases more pushing me to make a certain decision and its our job to be neutral and act in the interest of the city anyway. But with being said, I still think it's a good ordinance, I know speaking to you even though you only came here to opine on it generally. I'm a little hesitant, I was thrown off by the amendment of 24 months. I haven't even decided if that makes a difference for me or not, because I only heard about that later in the game, but otherwise I have some hesitancy with the 24 months, but 12 months is fine with me, as drafted.

Vice Mayor Mena: I have a couple of questions though. There are really two sides to this. There is, are you a campaign political consultant and are you lobbying, right. So, on the first part of that,

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I guess my question would be, this may not be a question for you, it may be a question for the sponsor and for the City Attorney.

Mr. Arrojo: Mr. Vice Mayor if its not a question for me, I will look...

Vice Mayor Mena: No, please stay, as we value your perspective. The question is, what is intended to fall under that? In other words, would vendors, for example, that a campaign hires to print something or make yard signs or make a T-shirt, whatever vendors campaigns hire, will those be under this umbrella?

Mr. Arrojo: I'm going to defer to Ms. Ramos on that, but I don't believe so.

City Attorney Ramos: So as drafted, it says for political consulting services. The question then becomes how do we define that? The beauty of it is, we define it however we want. This definition is out of Miami Beach. They don't give a further definition of what that is. We can. We can say we want it to include those groups and we can say we don't.

Vice Mayor Mena: I don't see a distinction between somebody who is hired in exchange for remuneration of some kind from a campaign for A, B, or C, at the end of the day the principle behind it is that there is some sort of financial incentive.

Mr. Arrojo: For whatever its worth, I agree with you. I think you are talking about the paid political consultant; you are not talking about the vendor that's printing the signs, or the vendor that's doing the mailers.

Vice Mayor Mena: Right. Although, I don't see that there is much of a distinction between the two, frankly.

Mayor Lago: I have no issues.

City Attorney Ramos: So, we can expressly include it. We can say this includes...

Vice Mayor Mena: We are just discussing it. Then the second part is, what is considered actual lobbying, right? – and I think its important, I don't know if you want to explain it, or you want to explain for everybody to understand what we are actually talking about.

Mr. Arrojo: I've committed a little script to memory because I'm asked this question all the time. At least from the County Ethics Commission's perspective, we focus less on the person self-definition, whether the person is a landscape architect, a lawyer, a traditional third-party lobbyist, that's what they do, someone that sells widgets. We focus a lot less on how they self-identify, what their academic training is and really on what the advocacy is. So, if they are engaged in advocacy, whether its policy or legislation advocacy or procurement advocacy, and the focus on decisions that are ultimately going to be decided by a municipal board or by this board, then that's generally going to constitute lobbying. There are carveouts, so we carveout for attorneys that are

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engaging quasi-judicial hearings, right, to Commissioner Fors point, right. A lawyer acting like a lawyer in front of a quasi-judicial board that's not considering lobbying. We carveout for representatives of certain non-for-profits and homeowners associations. We carveout for a person that is here because they live in Coral Gables and they want to talk about a bike lane on their street, that would not be considered lobbying. So, it really focuses on, certainly on traditional third-party advocates that are retained for legislative or policy or procurement lobbying, and again, we try to carveout, I know that in the modifications to your ordinance you are also refining it and crystalizing it, so that its clear that there is this whole community of folks that are involved in procurement that they are carved out also. These are changes that went through first reading at the county also, so that the folks that are providing technical guidance whether its how the widget is made or how the computer program works, or what the financing is, that all of those folks are carved out as part of the procurement process, so that they don't have to go through the whole registration process, and I know that there is refining language in your ordinance there. But to your point, Commissioner Menendez, yes, certainly there is always going to be some gray area, because that's legislation.

Commissioner Fors: And I think most certainly the concerns are hesitant points of caution that we may have on here don't prevent us from taking this to second reading, because they all really deal with just refinement of language if we think its necessary, perhaps then and now conducting a little deeper now since the Miami Beach case, although that's never been something that really concerns us. I don't think we'll end up in a lawsuit, we just have to monitor that lawsuit. So, I'm prepared to vote for it on first reading.

Vice Mayor Mena: May I ask what the nature of the, just because I wasn't aware of it.

City Attorney Ramos: It's a First Amendment argument, so I don't know that 12 versus 24 is going to make any difference.

Vice Mayor Mena: Sure. Sure.

City Attorney Ramos: But it's based on a First Amendment argument.

Vice Mayor Mena: Can you send that to us, so that we can familiarize ourselves with.

City Attorney Ramos: Sure.

Commissioner Fors: I had seen it, it rang a bell because as lawyers we get newsletters with cases all the time and I said, pretty sure somebody is suing somebody about that, and in fact that's what it was, the Miami Beach one.

Mayor Lago: So, if there are no further comments, I'll entertain a motion.

City Attorney Ramos: It's a public hearing item sir.

Mayor Lago: Yes, excuse me.

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Mr. Arrojo: Thank you very much for your time. I appreciate it.

City Attorney Ramos: Don't go anywhere, we have another ordinance. Thanks Jose.

Mayor Lago: Thank you sir.

City Clerk Urquia: First speaker is Ms. Debra Register.

Ms. Register: Hello, my name is Debra Register, I reside at 1240 Placetas Avenue, here in Coral Gables, and thank you again for having the evening meeting. I have one, we are talking about gray area; the new thing here says campaign political consultant shall not include any employee of the campaign political consultant whose duties are primarily clerical, primary is a gray area. It should be only clerical, because doesn't mean that somebody does 95 clerical and 5 percent their lobbyist. So, to me, primary is a gray area, and it should specifically say only clerical. Thank you, appreciate it.

Commissioner Fors: Very good point. You went to law school, Debra.

Commissioner Menendez: You are an honorary attorney.

City Clerk Urquia: Next speaker is Ms. Maria Cruz.

Ms. Cruz: I told you I was coming back. From the resident side. I think that the way most of us non attorneys will look at this as, if there is an impression that leads us to believe that the person is getting paid to come here or to convince people, that to me is a lobbyist. If you, do it like some of us do, just because we want something better for the city and we have no benefit whatsoever, that is not a lobbyist. I think people that do it as a business, they lobby today for this person, tomorrow for somebody else; they don't live in the city, they have no connection whatsoever that is a lobbyist very clearly. And political consultants, obviously, they are clear too. I am one that believes that it is very hard for somebody who – when somebody is running for office, whatever office it is, and you hire somebody to assist you, to help you, to guide you to get where you want to get, which is to be elected, its very hard once you get elected to cut those ties and disregard that person, and I think that's what we are talking about here. If you have, you know the two years, I think its wonderful, you know it gives time for people to separate. You know you are not my consultant anymore; I don't have anything to do with you, now you can come and talk because you're not influencing me anymore. I think what we are doing tonight is very important, you have to earn the trust of the people, and this is one way to do it. You have to make sure that your residents believe that you are being transparent, and this is it. I think this is long coming. I think you need to do something like this to really put yourself in place, you know what, lobbyist can go work some place else. Political consultants, there are plenty of political campaigns in this town. They are not going to go hungry, okay, for two years if they have to sit it out, and I think you will gain the trust of your people, your residents, if you do this. This is very important. Thank you.

Mayor Lago: Thank you. Are there any further comments? – any further speakers?

City Clerk Urquia: No sir.

Mayor Lago: If there are no further comments, I'll entertain a motion.

Commissioner Menendez: I have a quick question for City Attorney, and it will be quick. So, we have a list, public notes of who is a registered lobbyist.

City Attorney Ramos: On the City Clerk's page you can search for all lobbyists.

Commissioner Menendez: And would it be possible, just a thought in terms of how different ways to look at this, to put when they are lobbyist something that notifies the public that they worked on a campaign with one of the elected officials.

City Attorney Ramos: So, the whole point of this ordinance is that they won't be able to do that.

Commissioner Menendez: It will be notified.

City Attorney Ramos: No, that its prohibited.

Commissioner Menendez: No, but I'm saying...

Mayor Lago: They've got to pick one side of the isle.

Commissioner Menendez: Okay.

City Attorney Ramos: Yes, so it won't be allowed, if this ordinance passes.

Commissioner Menendez: But if it doesn't pass, I'm just playing, not playing devil's advocate, just a question, if it doesn't pass. Could we put something that when there are lobbyists registered and they did serve on a campaign as a campaign manager, whatever, political consultant that there could be an asterisk or something that identifies those people as.

City Attorney Ramos: If we did adopt legislation that said that we would have the Clerk's office form have some sort of box that says, have you acted as a political consultant, if so, for whom, they would have to self-disclose, otherwise the Clerk would have to almost do investigations of each lobbyist.

Commissioner Menendez: Just a question. Thank you.

Commissioner Anderson: Mayor how do you feel about the primarily clerical versus only clerical.

Mayor Lago: I have no issues. Whatever strengthens the legislation and makes my colleagues feel as comfortable as possible. Whatever you feel comfortable. We can decide that on second reading.

Commissioner Fors: I've read purely clerical before.

Mayor Lago: Will anybody like to make a motion? We have a long agenda.

City Attorney Ramos: Whoever makes the motion just please include whether its 12 or 24 months and if you want changes to that language.

Vice Mayor Mena: The last thing I would just add is that when you are running a campaign there are a lot of people who help you get elected and not all of them are for hire.

City Attorney Ramos: This does not cover those people.

Vice Mayor Mena: Correct. I would just say that oftentimes...

Mayor Lago: You want to add all.

Vice Mayor Mena: No, no, no, we'll have to think about it, but sometimes people, organizations that are not necessarily for hire financially, come in front of this board, and I'm not sure that there is really any distinction between the two at the end of the day in terms of what kind of sway they may have over...

Commissioner Fors: A major donor versus a campaign consultant.

Vice Mayor Mena: Right – what's the difference there at the end of the day there.

City Attorney Ramos: Just Supreme Court cases.

Commissioner Fors: Here the First Amendment comes into play.

Commissioner Anderson: I'll make a motion and modify the language for 24 months and I'd like us to look at the language versus only or purely or primarily clerical before the next reading, but to move it as is at the moment and we'll take a look at it for second reading.

Mayor Lago: Do we have a second?

Vice Mayor Mena: I'll second.

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Fors: Yes

Vice Mayor Mena: Yes

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Mayor Lago: Yes
(Vote: 5-0)

Mayor Lago: Thank you.

City Attorney Ramos: F-4 is a corollary and we've had a lot of discussion that's going to trigger F-4, but it's an Ordinance of the City Commission amending Section 2-305, "Lobbying," of the City of Coral Gables Ethics Code to make it consistent with amendments to the Miami-Dade County Lobbying Ordinance and adding a "Duty to Announce" requirement, providing for a severability clause, repealer provision, codification, and providing for an effective date. So just as the Mayor was asking me to look at this "Duty to Announce" requirement, I learned that the County Commission had adopted a bunch of revisions on first reading to the County Code. And as you all know, the County Code is the minimum standard we can be stricter, but not less strict. So, I thought it was a good opportunity to go through our code and do strikethroughs and underlines and a general update, we hadn't done it in a long time. So, I did that. I consulted with the Ethics Commission. I consulted with the Clerk, there were a couple things he wanted to clarify. So that's the strikethrough and underline that you see here. I'll highlight a couple of points. It amends a lot of definitions, again, which are just consistent with the County Code, it adds a lot more restrictions and lobbying requirements for procurement matters, that was a focus for the county. It requires for the principal to acknowledge. So, after I register to lobby on behalf of Vice Mayor Mena, Vice Mayor Mena has to confirm that I'm in fact allowed to register on his behalf. So, there is now a corollary where the principal has to acknowledge that person as a lobbyist. Those are all county changes. In addition, and one that we should all be cognizant of is the county's strengthening the diligence requirement, meaning that we are all going to have larger duty under the County Code, whether we adopted this or not, frankly, to ascertain whether someone is in fact registered before they lobby us. So, we have to all be aware of that. With that, we also added to this, this Duty to Announce requirement, which was the impetus for us looking at this ordinance, and what it does is it requires for lobbyists to disclose on the record when he or she is registered as a lobbyist. So, we see people come up here they say, my name is Miriam Ramos, whose offices at 12345 Biltmore Way, on behalf of blank. Now you have a duty to say, I am a registered lobbyist in the City of Coral Gables, that's what the Mayor wanted to accomplish with this. As you heard earlier, the Mayor wanted to also add to this ordinance that the Clerk must list the lobbyists that are registered on behalf of each item, and so, it occurs to me that you might want to discuss whether we want to do that only for projects or if we want to do that for all ordinances. I think and I'll let the Clerk speak for himself, it might be easier for him to do that if its on behalf of a project, you know some big development versus if you are in favor of bikes or not bikes. Then it gets a little bit harder, I think, to police, that's just something for your consideration. Something else which was an open question. The County Ethics requires the county lobbyist and obtain county ethics training within a certain amount of time. The county is allowing us to opt out of that. We don't have that right now, we can add it, or we can leave it out, that's up to the Commission.

Mayor Lago: Let me ask you a question. What if the person doesn't lobby the county, they wouldn't have to take the ethics training, I think is important?

City Attorney Ramos: Agreed. That's just for your consideration.

Mayor Lago: That's fine. They should take the ethics training, number one; number two, I agree with the issue of the projects, but what about a major procurement that's forthcoming?

City Attorney Ramos: So, you could say projects and procurement and leave out purely legislative matters, for example.

Mayor Lago: Yes – projects and procurement. Lobbyists need to be included on the agenda underneath the item, people clearly read through the agenda, they don't have to go back, like Commissioner Fors said to the list on the website and find and cross-reference and find the lobbyist of what projects they are working on. I want it to be just simple and clean as possible here on the agenda.

City Attorney Ramos: So, we would add that between first and second. Mr. Arrojo, did I miss anything on the county side that's important to highlight?

Commissioner Fors: Spoiler alert – its going to be the same five people every time who usually register for everything.

City Attorney Ramos: That's true.

Commissioner Fors: Or who do register for everything every time.

City Attorney Ramos: So, this is a public hearing item and obviously up for discussion.

City Clerk Urquia: No sir, no one from the public.

Mayor Lago: I'll entertain a motion.

Commissioner Anderson: I'll move it with the noted amendments that you made regarding projects and procurement and training for the lobbyists.

Commissioner Fors: Second.

Mayor Lago: Mr. Clerk.

Commissioner Anderson: Yes

Commissioner Fors: Yes

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Mayor Lago: Yes

(Vote: 5-0)

City Commission Meeting

July 13, 2021

Agenda Item F-3 and F-4 are related – Ordinance amending

Coral Gables Ethics Code to add Section 2-307, "Prohibition on Campaign/Political Lobbying"

Vice Mayor Mena: Can I make one quick follow up point on F-3 actually, and its just something for everybody to consider once we get to second reading. You may also want to consider having campaign consultant's same category whether they should be allowed to have contracts with the city at all and receive remuneration from the city through some sort of contract or otherwise.

City Attorney Ramos: So, look at that for second reading.

Mayor Lago: Yes.

Vice Mayor Mena: Something for everybody to consider, because again, it's the same underlying principal, right?

Commissioner Menendez: That's the gray area.

Mayor Lago: Which was an issue a few years back.

Vice Mayor Mena: Because you could be lobbying for a third party, but you could be the third party seeking a contract.

City Attorney Ramos: Or an employee of a third party, right.

Vice Mayor Mena: An employee of a third party or an owner of an entity who is doing business with the city and I don't really see a distinction at that point. So that's something to consider for second reading.

Mayor Lago: And Madam City Attorney, I also want to make sure that on second reading we look at the possibility to, I know we can never stop it, but to put some sort of repercussions for pass-throughs where somebody hides through another entity.

Commissioner Anderson: De facto-type lobbying.

Mayor Lago: We can write it and say no pass-throughs allowed, make it clear. Again, there is only so much that we can do.

City Attorney Ramos: Going back one second to the vote on F-4. I heard yes on the training requirement, but I didn't hear it in Commissioner Anderson's motion, did you intend to include the training requirement?

Commissioner Anderson: I did.

City Attorney Ramos: Okay.

Commissioner Anderson: It was.

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City Attorney Ramos: Perfect.

Commissioner Anderson: I was facing away from you.

City Attorney Ramos: We'll work on that for second reading.

City of Coral Gables City Commission Meeting
Agenda Item F-1
August 24, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors, Jr.

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

Assistant City Manager, Ed Santamaria

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item F-1[Start 11:14 a.m.]

An Ordinance of the City Commission amending the City of Coral Gables Ethics Code to add Section 2-307, “Prohibition on Campaign/Political Consultants Lobbying” providing for a severability clause, repealer provision, codification, and providing for an effective date. (Sponsored by Mayor Lago)

Mayor Lago: We’ll move onto F-1, Ordinances on Second Reading.

City Attorney Ramos: Yes sir. Ordinance F-1 is an Ordinance of the City Commission amending the City of Coral Gables Ethics Code to add Section 2-307, “Prohibition on Campaign/Political Consultants Lobbying” providing for a severability clause, repealer provision, codification, and providing for an effective date. There were some changes made between first and second reading in accordance with the Commission’s will at the last meeting. One thing that changed was that the period of time is now 24 months instead of 12 months. There is also an additional prohibition not just on campaign consultants lobbying the city, but also on them doing business with the city for 24 months. There is an expressed prohibition that’s been added on pass-throughs, prohibiting pass-throughs; and last time we had a conversation about clerical, it was drafted as primarily

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August 24, 2021

Agenda Item F-1 – Ordinance amending City of Coral Gables Ethics Code to Add Section 2-307, “Prohibition on Campaign/Political Consultants Lobbying”

[Date]

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clerical staff being exempt, and now it is solely clerical staff. I also would like to update the Commission that the Miami Beach ordinance which had been challenged in federal court, that lawsuit has been dismissed by the Judge. The Judge did not reach the merits of the case, but it was dismissed on standing and there are no other challenges to similar ordinances that I'm aware of. This is a public hearing item.

Mayor Lago: Mr. Clerk do we have any speakers?

City Clerk Urquia: Not at this time Mr. Mayor.

Mayor Lago: I have no further comment, if not, I'll entertain a motion.

Vice Mayor Mena: Did we finally include, sorry, you mentioned, it's been a while, sort of remind me the pass-throughs you referenced. Are we including vendors?

City Attorney Ramos: Yes.

Vice Mayor Mena: Okay.

City Attorney Ramos: That's one of the changes.

Mayor Lago: Anybody wants to make a motion?

Commissioner Fors: Is it still retroactive?

City Attorney Ramos: So, the ordinance will be effective starting today. We changed that instead of being retroactive to April, it will start today or tomorrow, but it will apply to this past election cycle. So, it is drafted to start at the election cycle or to capture people who are political consultants in the last election cycle.

Commissioner Fors: Alright. That's the only part of the ordinance I don't feel great about, the retroactive application. I don't know how important it is to Mayor Lago proposing it. For me, what I don't like about it is, I feel like it could be a little reactionary to the recent election, I don't think it is, but I think it gives that impression, it feels that way. Apart from that I'm 100 percent on board with it, but I'm only one vote. I would propose that, for discussion, the retroactive application and discussion on how necessary it is, otherwise we can move forward to a vote, if anybody wants to reconsider the retroactive application.

Commissioner Menendez: Then when would it be in effect from your position?

Commissioner Fors: Just going forward.

Commissioner Menendez: Just going forward.

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Commissioner Fors: Going forward. I was actually surprised to hear it wasn't illegal to make it retroactive, but its not, is that right Madam City Attorney?

City Attorney Ramos: Yes, we don't believe that its illegal.

Commissioner Fors: And why isn't it exactly?

City Attorney Ramos: Why is it that its not or that it is?

Commissioner Fors: That it's not.

City Attorney Ramos: Because the city can regulate who lobbies before them. I know where you're going. Your concern is notice, right, that if you are a political consultant and you want to chose whether you lobby the city and you are a political consultant that you didn't have notice. But in terms of making laws, the Commission has the right to make a law that regulates an industry or regulates who registers as a lobbyist or when you can lobby or how much you are charged, etc., etc.

Commissioner Fors: Alright...so that's my stance on it. I don't love the retroactive applicability of it, and I won't mince words, I think one of the reasons because it was a bit of a conspiracy going on, conspiracy theory circulating during the last election. There was one particular campaign consultant who was representing a particular candidate and if that candidate got elected there would be a coalition of folks who had been represented by this consultant. Many of us up here have been represented by him at one point or another, by that company I should say, at one point or another. For that reason, as I've said it here before, whenever something feels reactionary to me a specific claim or theory that I don't agree with, I don't like to do it, because I feel like it impliedly agrees with that theory that was circulating. Other than that, I'm 100 percent in favor of it and in favor of the ordinance, that is, and every measure of it, including increasing the period of time from 12 to 24 months. That's my two cents.

Commissioner Anderson: Just a few comments. I think this ordinance is necessary for our residence to have confidence in the political process, as well as the votes that are submitted by this Commission, to know that we do not have lobbyist promoting a particular individual, and then having special access to that individual going forward. So, I would support the ordinance as written and would make a motion to adopt it as written.

Commissioner Fors: And I want to be clear. Maybe because I'm from the inside looking out – nobody has special access to me; I don't think anybody has special access to anybody in here. So, I guess I'm just being stubborn about that particular point.

Mayor Lago: If I may Commissioner, and I understand your comments, and the last thing I wanted to make it seem as if its reactionary or we are dropping the hammer on anyone. But if it happens today or it takes effect in two years, its going to take effect, because we all believe in the legislation, so that's the truth of the matter. Obviously, I want to move forward with the way the legislation is

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written today, I think its beneficial for the community and it offers transparency. I just want to see how my colleagues feel. We have a very good working Commission and that matters more than anything else. We may disagree on legislation, the Mayor's legislation, but at the end of the day we'll tweak it to find some common ground. So, if my colleagues are not comfortable, obviously you know that Commissioner Anderson and myself are fine with it the way it is, but if my colleagues are not comfortable with it, I don't have a problem tweaking the legislation. I'd rather have the legislation pass than fail, but I feel comfortable with this legislation because it sends a strong message. We just saw what happened in Miami Beach where it was upheld, and I think it sends a strong message on behalf of this Commission as-a-whole and on behalf of the city that we are open for business, but we want things done a certain way.

Commissioner Fors: And I don't want anybody to feel pressure to tweak it just for me.

Mayor Lago: I'm backing you 110 percent.

Commissioner Fors: I can express my point of view and I understand I'm just one vote.

Mayor Lago: And I value your points, they are well taken.

Commissioner Menendez: I want to just add that I think we are all in agreement, like you said Mayor, that its necessary and sends the right message to the community and puts everyone on notice, I think. I think, actually if you look at the item, perhaps the only part that may be considered to be a little bit subjective is when it starts. The rest of it I see very clear, very objective, and if Commissioner Fors feels strongly about it, I'm more than happy to entertain that aspect of it, but the rest of it I think the objectivity is solid and its something we definitely should move forward with. I'm willing to have a discussion on Commission Fors concerns.

City Attorney Ramos: And I'll add two points on that. You don't have a Constitutional right to lobby the Commission, you have a right to speak before them on your personal opinion, but you don't have a Constitutional right to lobby or to do business with the city, as long as we are not being discriminatory, right. So, I wanted to add that to my analysis, but also, just because I think something is legal doesn't mean someone may not challenge it. And so, the Commission needs to know that, certainly making it prospective rather than retrospective, right, it eliminates that potential challenge. Another consideration for you all to have.

Commissioner Fors: Someone challenging it isn't a concern for me. I just, you know, I've given my points. As the attorneys up here know, you learn, there's more to it, its nuanced but in law school they teach you that retroactivity is usually a bad thing. I understand exactly why its not here, but that's where it came from, because I think Commissioner Menendez said put it in a good way, it's the only aspect that could arguably be viewed as subjective, everything else is pretty objective, pretty solid, in my view, and I'm not even saying it, it is subjective.

Mayor Lago: At the end of the day, we either do it today or we do it in two years. So, it's going to happen one way or another, so that's the decision.

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Vice Mayor Mena: I think it will start today no matter what, no?

City Attorney Ramos: Right. Well, what would change was that at the beginning of the ordinance the operative provision says, shall be in place beginning with any election held after April 1, 2021, which would include the last one. So that language would be stricken.

Mayor Lago: And what would take its place is the next election which is in a year and nine months.

City Attorney Ramos: That would be in a year and-a-half.

Vice Mayor Mena: Right, but if somebody starts a campaign tomorrow...

City Attorney Ramos: Right.

Vice Mayor Mena: And they hire somebody, they have a vendor working, that person is immediately foreclosed from lobbying tomorrow, right.

City Attorney Ramos: Correct. Correct. That is correct.

Mayor Lago: That's a good point.

Vice Mayor Mena: That's what I'm saying.

Mayor Lago: That's a good point. Again, these elections are every two years, depending on...

City Attorney Ramos: No, hold on, hold on. No, because the way its drafted is, prohibited from lobbying the City Commission for a period of 24 months following the swearing-in of an elected official for whom the campaign consultant provided services.

Vice Mayor Mena: That doesn't make a lot of sense.

Mayor Lago: So how about I meet you halfway.

Vice Mayor Mena: Because you're saying that if somebody starts a campaign tomorrow and hires a consultant and starts paying them money, you're saying they can lobby until the election?

City Attorney Ramos: So, what I'm saying is it was drafted like that because it was thought to start in April. If we are going to remove the April, we may want to change that language.

Vice Mayor Mena: Yes. I see what you're saying.

Mayor Lago: We have a motion on the floor.

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Vice Mayor Mena: Time out, time out, time out, sorry, sorry.

City Attorney Ramos: It still wouldn't capture someone from....

Vice Mayor Mena: A new person.

City Attorney Ramos: You're right.

Vice Mayor Mena: It would only capture people that worked on the April election, but anybody that starts working on a new campaign tomorrow...

City Attorney Ramos: You're right.

Vice Mayor Mena: Right – has too also be prospective.

City Attorney Ramos: You're right.

Mayor Lago: That's why it was clear just to go retroactive, its clear, you start the moment right there.

Vice Mayor Mena: I hear what you are saying, but I think there is a part of it that's unclear. Retroactive to April means that anybody that worked on Commissioner Menendez', yours or Commissioner Anderson's campaign is foreclosed from lobbying for a period of two years since April.

Mayor Lago: Yup.

Vice Mayor Mena: You're up for election in a year and nine months, whatever it is, if you open your campaign tomorrow and hire a new consultant that didn't work on your April campaign, that person should immediately be foreclosed from lobbying, right.

City Attorney Ramos: So that would need to be changed.

Vice Mayor Mena: The goal of, I think of what you're doing, right.

City Attorney Ramos: So that would need to be changed.

Vice Mayor Mena: But that should be clarified regardless.

Commissioner Fors: But that concern would only work for people that are or would only be applicable for people that are already up here, right,

City Attorney Ramos: Right.

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Commissioner Fors: because if somebody is running a campaign for somebody who is not an incumbent then there is no real reason for stopping them from doing anything, I guess.

City Attorney Ramos: Correct. Well, they couldn't. They couldn't lobby you because you are not here.

Commissioner Fors: Right.

Commissioner Menendez: So, my question is...

Vice Mayor Mena: That begs another question. Is the person foreclosed from lobbying anybody in the city or just the person who hired them?

City Attorney Ramos: So, the way its drafted right now, it's the Commission as-a-whole or the person who hired them one-on-one. So arguably, then this is drafted like Miami Beach and North Miami Beach. They could go to four of you one-on-one, and not to the fifth, but could not come before the Commission.

Vice Mayor Mena: Got you.

Commissioner Menendez: So, my question is, if it stays as-is, do we still need to tweak it?

City Attorney Ramos: Yes.

Commissioner Menendez: And if we decide that we want to entertain removing the retro part, still need to tweak it?

City Attorney Ramos: Right. Regardless we are going to have to tweak it.

Commissioner Menendez: Would your office be able to tweak it and we bring it back later in the Commission meeting?

Mayor Lago: We can do it on the floor right now.

Commissioner Menendez: But I want to make sure the wording is, you're comfortable and your office is comfortable with the wording.

City Attorney Ramos: I'm sure one of us could handle it. This would be a long meeting.

Commissioner Fors: I missed, I'm sorry, go ahead. I missed why it would need to be tweaked anyway.

Vice Mayor Mena: Because if you start a campaign tomorrow and you hire somebody to run your campaign who did not work in the April election.

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Commissioner Fors: They already have quote/unquote special access.

Vice Mayor Mena: They can lobby you from now until April of 23. Its not really the spirit of what I think the goal of this thing is, right.

City Attorney Ramos: For incumbents it would not be from the swearing in.

Mayor Lago: That's exactly well stated. For an incumbent it would not be from...it would be from the moment that you hire the individual. It has to be very clearly delineated in the legislation. I don't have a problem, like Commissioner Mena says, let's have our City Attorney work on it for a few hours, see what comes back, and we'll come back to this item, not a big deal, we'll come back to F-1 and F-2.

Commissioner Fors: Okay.

City Attorney Ramos: F-2, I think we can go forward with.

Mayor Lago: By the way, just so you know, for procedural reasons, there is a motion on the floor by Commissioner Anderson.

City Attorney Ramos: There is a motion on the floor, do you want to withdraw your motion?

Commissioner Anderson: Yes, I'll withdraw my motion.

Mayor Lago: Out of respect I wanted to make sure.

Commissioner Anderson: Not a problem.

City Attorney Ramos: We can do F-2 though, because it's not really related.

[Note for the record: The item was resumed at the end of the meeting]

Mayor Lago: So, I think we have one item, and it's my item, the lobbying ordinance.

City Attorney Ramos: F-1 – yes. The Deputy City Attorney has added a bunch of language and we are ready to go through it, and then Mayor, don't forget the four condo associations.

Mayor Lago: Yes, we are going to do that. So, let's just go through.

City Attorney Ramos: I'll read like this; I promise.

Mayor Lago: This is 30 seconds. So where are we right now on the draft?

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Deputy City Attorney Suarez: So what we added language to account for when an incumbent begins to campaign and hires a political consultant, and so, what the language says, you all have the new version, but it basically says, prohibited from lobbying the City Commission for a period commencing upon the retention of such campaign political consultant by an incumbent and elected official or upon the swearing in, if a newly elected official and shall end 24 months following the swearing in of any elected official, and then if a campaign political consultant is retained by an incumbent elected official who is not re-elected then the prohibition period shall end with respect to that incumbent upon the swearing in of the new elected official, and we put that in each of the three sections.

Mayor Lago: This is a very collegial Commission and I want to use it as an example. I wrote this piece of legislation, some of my colleagues wanted it to be tweaked, I am more than willing to have it tweaked. At the end of the day, I think in a year and-a-half or in six months, we get to the end goal, I think its beneficial. At the end of the day, we are making progress. So, I'm perfectly fine with the way it's written.

Deputy City Attorney Suarez: One other open point though is...

City Attorney Ramos: April 1st – it still shows as April 1st.

Mayor Lago: It's still retroactive.

City Attorney Ramos: We just need direction if we want to move that April 1st and keep the rest.

Mayor Lago: Commissioner Fors is not happy and I'm willing to work on that, if he can meet me in the middle.

Vice Mayor Mena: The only thing I didn't like about the retroactivity is just a fairness issue that people that worked on your three campaigns didn't have the opportunity to choose, right, like I'm not going to work on Commissioner Anderson's campaign or Mayor Lago's campaign.

Mayor Lago: And I'm fine with that. Listen, I'm the first one that's going to be T'd up, I'm the first one next.

Commissioner Fors: I'm fine with the removal of retroactivity and the way...

Vice Mayor Mena: It would start immediately?

City Attorney Ramos: It would start tomorrow of going forward, it wouldn't apply to people that were campaign consultants in the April election.

Mayor Lago: Would anybody make a motion?

Commissioner Anderson: I'll move it.

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Vice Mayor Mena: Second.

Vice Mayor Mena: Yes
Commissioner Menendez: Yes
Commissioner Anderson: Yes
Commissioner Fors: Yes
Mayor Lago: Yes
(Vote: 5-0)