

ORDINANCE NO. 23-18

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA; AMENDING CHAPTER 2 OF THE COOPER CITY CODE OF ORDINANCES, ENTITLED “ADMINISTRATION;” BY AMENDING ARTICLE II, ENTITLED “CITY COMMISSION;” CREATING SECTION 2-26, TO BE ENTITLED “PROHIBITED CAMPAIGN CONTRIBUTIONS;” PROHIBITING CANDIDATES FOR CITY COMMISSION FROM SOLICITING OR ACCEPTING CAMPAIGN CONTRIBUTIONS FROM CITY VENDORS, LOBBYISTS OR REAL ESTATE DEVELOPERS; CREATING SECTION 2-27, TO BE ENTITLED “DISCLOSURE OF CAMPAIGN CONTRIBUTIONS;” REQUIRING MEMBERS OF THE CITY COMMISSION TO DISCLOSE WHETHER THEY PREVIOUSLY RECEIVED ANY CAMPAIGN CONTRIBUTIONS FROM CITY VENDORS AT THE TIME OF THE COMMISSION AWARD OF A CONTRACT TO SUCH VENDOR; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Cooper City (the “City”) seeks to ensure transparency and preserve the highest integrity in its election process; and

WHEREAS, the City Commission, to the extent legally permissible, seeks to reduce the influence of money in the political process and to promote transparency and confidence in the award of public contracts for goods and services; and

WHEREAS, Sec. 106.08(11), F.S., prohibits the City from setting campaign contribution limits which differ from state law, or from limiting campaign contributions to political committees or electioneering communications organizations; and

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WHEREAS, the City Commission seeks to require members of the commission to disclose whether they have received campaign contributions from applicants or legal counsel for applicants appearing before the City Commission in quasi-judicial matters; and

WHEREAS, the City Commission finds that disclosure requirements set forth in this ordinance are in the best interests of the citizens and residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA THAT:

SECTION 1: The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2: The City Commission of the City of Cooper City hereby amends Chapter 2, entitled "Administration," of the City of Cooper City Code of Ordinances, by creating Section 2-26, to be entitled "Prohibited Campaign Contributions" as follows:

Sec. 2-26 Prohibited Campaign Contributions

A) Definitions. For the purposes of this section, the following definitions shall apply:

- 1) *Candidate* shall have the meaning set forth in Section 97.021, F.S., as may be amended from time to time.
- 2) *Contribution* shall have the meaning set forth in Section 106.011, F.S., as may be amended from time to time.
- 3) *Controlling financial interest* shall mean the ownership, directly or indirectly, of ten percent (10%) or more of the outstanding capital stock in in any corporation or a direct or indirect interest of ten percent (10%) or more in a firm.
- 4) *Development Agreement* shall have the meaning set forth in Ch. 163, F.S., as may be amended from time to time. The term "development agreement" shall include any amendments, extensions, modifications or clarifications thereto.

- 5) Firm shall mean a corporation, partnership, business trust or any legal entity other than a natural person.
- 6) Lobbyist shall mean an individual who is registered with the City in accordance with the City's lobbyist registration system, as set forth in Section 2-233 of the City's Code of Ordinances.
- 7) Real Estate Developer shall mean an individual or entity who has a pending application for a development agreement or approval with the City or who is currently negotiating with the City for a development agreement or approval, including individuals or entities who have a present or pending application with the City for a change of the City's zoning map designation or a change to the City's future land use plan. This term shall include an individual or entity that holds a controlling financial interest in a real estate developer entity.
- 8) Vendor shall mean a person or entity that is currently supplying any goods or services to the City, that has supplied any goods or services to the City within the current or prior two (2) calendar years, or that has, by submitting a response to a currently open competitive solicitation, expressed an interest in supplying any goods or services to the City. The term "vendor" shall not include those individuals or entities that provide goods or services to the City not exceeding \$20,000 in a fiscal year wherein City Commission action is not required to approve an award of a contract.

B) Contributions prohibited.

- 1) No lobbyist, real estate developer or vendor shall give a campaign contribution, directly or indirectly, to a candidate for the office of mayor or commissioner.
- 2) No candidate for mayor or commissioner, or member of the City Commission shall, directly or indirectly, solicit, accept or deposit into such candidate's campaign account any campaign contribution from a lobbyist, real estate developer or vendor. Candidates, or those acting on a candidate's behalf, including incumbent members of the City Commission, shall ensure compliance with this section by confirming with the city clerk's office the status of any potential donor.

C) Contracts and Procurement. Commencing on the effective date of this ordinance, all City contracts, requests for proposals, requests for qualifications, or any other competitive solicitation issued by the City shall incorporate this provisions of this section to notify lobbyists, real estate developers and vendors of the limitations and restrictions set forth herein.

D) Penalties. All contributions deposited by a candidate into a campaign account in violation of this section shall be forfeited to the City's general revenue fund.

SECTION 3: The City Commission of the City of Cooper City hereby amends Chapter 2, entitled "Administration," of the City of Cooper City Code of Ordinances, by creating Section 2-27, to be entitled "Disclosure of Campaign Contributions" as follows:

Sec. 2-27 Disclosure of Campaign Contributions

Prior to the award of any contract for goods or services, members of the City Commission shall publicly disclose whether they have received any campaign contributions in their most recent election from the individual or entity whose contract is being considered for approval by the City Commission.

SECTION 4: It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 5: All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are to be severable.

SECTION 7: This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2023.

**PASSED AND FINAL ADOPTION on Second Reading this __ day of _____,
2023.**

GREG ROSS
Mayor

ATTEST:

TEDRA ALLEN
City Clerk

ROLL CALL

Mayor Ross _____
Commissioner Green _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
City Attorney

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