
From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, October 21, 2015 4:26 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Steve Shiver, City Manager, Opa-Locka (Lobbying) INQ 15-236
Attachments: Lobbying FAQs 2014.docx

[INQ 15-236 Shiver](#)

From: Perez, Martha D. (COE)
Sent: Wednesday, October 21, 2015 2:52 PM
To: sshiver@opalockafl.gov
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: Steve Shiver, City Manager, Opa-Locka (Lobbying) INQ 15-236

Dear Mr. Shiver,

It was a pleasure speaking with you this morning. You have inquired about the City and County lobbying ordinances, specifically, whether an individual or entity is required to register as a lobbyist when appearing before the Mayor & City Commission or City staff to seek a renewal or modification of a contract or to advocate for a contract on behalf of a principal.

Pursuant to the Miami-Dade County Ethics Code at Section 2-11.1(s)(1)(b) and the Opa-Locka Lobbying Ordinance at Section 2-18(b), a "lobbyist" is any person, firm or corporation that seeks to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of the city commission; any action, decision or recommendation of city personnel during the time period of the entire decision-making process on such action, decision or recommendation, which foreseeably will be reviewed by the city commission or a city board or committee.

Lobbying activities include any meetings or communications with elected officials or staff to influence the decision on a contract or solicitation as well as any meetings or communications with elected officials and staff to discuss a prior or ongoing contract or solicitation when a resolution of the matter may require the approval of the Mayor, City Commission, City Manager, city board or committee. Although meetings or communications between vendors and city employees in the course of *servicing* existing contracts are not considered lobbying, **any meetings or communications intended to influence the award of a contract or the modification of an existing contract are considered lobbying**, requiring compliance with lobbying requirements under the City and County codes. See RQO10-28, RQO 06-65.

Furthermore, under Section 2-11.1(s)(10) of the County Ethics Code, all elected officials, board members and City personnel must be diligent in ascertaining whether persons appearing before them have registered as lobbyists. Elected officials, board members and City personnel may not knowingly permit a person who is not registered to lobby them regarding an issue.

I am attaching our "Lobbying-FAQ's" (2014) for informational purposes. We would be glad to provide further guidance concerning specific scenarios involving lobbying activities.

Sincerely,

Martha D. Perez

Staff Attorney
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
19 West Flagler St. Suite 820
Miami, FL 33130
(305)350-0656
PEREZMD@miamidade.gov

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Steve Shiver [<mailto:sshiver@Opalockafl.gov>]
Sent: Wednesday, October 21, 2015 9:01 AM
To: Ethics (COE) <ethics@miamidade.gov>
Cc: Vincent Brown <vbrown@Opalockafl.gov>; yharrell@thebrownlawgroup.net; David Chiverton <dchiverton@Opalockafl.gov>; Tom Marko <tmarko@Opalockafl.gov>; Joanna Flores <jflores@Opalockafl.gov>
Subject: Lobbyist Registration

Mr. Centorino,

Over the past several weeks, I have been working with several vendors on items that will be and are before the city commission here in Opa-Locka. I have discussed with a member of your team as well as a recent inquiry by the Miami Herald a particular item, pump station #5. After a recent conversation with Attorney Martha Perez in your office I thought it would be prudent to ask for a formal opinion regarding the registration of those that have actively been involved in the discussion on this topic in particular. The question is, if the Mayor & Commission or any city staff reasonably expects an issue to come before the voting body for contract renewal/modification, advocating for a position or contract on behalf of a company, etc. does that individual and/or legal entity need to register as a lobbyist with our City Clerk and adhere to the attached section of our code?

As these issues continue to be discussed, I want to make sure that my staff and our entire organization clearly understands their responsibilities and obligations under our ordinance and the penalties for noncompliance. Feel free to call or email me if you have any questions or you require additional information.

Please understand that these issues are ongoing and I want to ensure immediate compliance so your quick response would be much appreciated.

Regards,
Steve Shiver, City Manager
City of Opa-Locka, Florida
780 Fisherman Street
Opa-Locka FL 33054
Office: 305-953-1203
Cell: 305-926-2160
Fax: 305-953-3060
Email: sshiver@opalockafl.gov



Established in 1926

Public Records Notice: Under Florida Law, email addresses and electronic communications are public records. If you do not want your email address or the content of your electronic communication released in response to a public records request, do not send electronic mail to this entity.