



Memorandum No: 24-013

City Attorney's Office

To: Honorable Mayor, Vice Mayor and Commissioners

From: Thomas J. Ansbro, City Attorney

Date: February 14, 2024

RE: Code of Conduct for Mayor and Commissioners

In response to a suggestion for information regarding a code of conduct for the Mayor and Commissioners, I have prepared a brief response and provided several examples of adopted codes of conduct adopted by other Florida municipalities.

Currently, there is no code of conduct applicable to City elected officials. There are Florida ethics laws that are broadly applicable to all elected municipal officials, including laws contained in Chapter 112, Florida Statutes, as well as grounds for removal of elected municipal officials codified in Section 112.51, Florida Statutes, which specifies offenses for which the Governor may remove elected municipal officials. There is also a Broward County Code of Ethics which is applicable to you.

The City Commission may adopt its own code of conduct to codify its specific expectations and standards for the Mayor and the Commissioners, as long as it is not inconsistent with applicable federal and state laws. Please find attached several examples of codes of conduct applicable to other cities and their elected city officials.

Please let me know if you have any additional questions or concerns regarding this matter.

c: Greg Chavarria, City Manager

TA/mp

Sec. 2-28. Code of conduct.

In addition to adhering to the requirements of state law, all councilmembers shall commit to the following code of conduct by written affirmation, which shall remain on file with the city clerk, as follows:

- (a) I affirm that the proper statutory and City Charter role of a councilmember, as with any elected member of a legislative body, is to act collectively, not individually, to set and/or revise and/or to apply the city's governing policies and that the city manager and staff administer such policies.
- (b) I understand that a councilmember does not manage the affairs of the city. I will not intrude into daily operations or spheres of responsibility designated by Florida Statutes, City Code, and City Charter to the city manager as the chief executive officer; or undermine the city manager's lawful authority. Further, I understand that the city manager is responsible for administering the policy direction established by a majority vote of the city council and not the policy wishes of one individual councilmember.
- (c) I will represent the interests of the entire city when making decisions and will rely upon available facts and my independent judgment. In my capacity as a councilmember, I will avoid conflicts of interest and avoid using my official position for personal, professional, or partisan gain.
- (d) I will demonstrate dignity, respect, and courtesy toward those whom I am in contact with in my capacity as a councilmember. I will refrain from intimidation and ridicule of fellow councilmembers, city manager, city attorney, staff, citizens of the city, and city utility customers.
- (e) In my capacity as a councilmember, I will refrain from inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an elected official and the honor of the city council.
- (f) I will focus on solving problems. I will maintain appropriate decorum and professional demeanor in the conduct of city business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process.
- (g) I will demonstrate patience and refrain from demanding, interruptive access to staff or immediate responses or services when requesting information that requires significant staff time in research, preparation or analysis or that will result in staff neglect of urgent duties. Such requests will be made through the city manager for scheduling and prioritizing through consensus of the city council.
- (h) I will devote adequate time for preparation prior to city council meetings and as much as possible, I will be in attendance at such meetings and all other scheduled events where my participation is required.
- (i) I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow city councilmembers, city manager, city attorney, staff, citizens of Cape Canaveral, and city utility customers. I will listen actively and objectively to others' concerns or constructive criticisms.
- (j) I will refrain from any individual action that could compromise lawfully authorized decisions of the city or the integrity of the city and my fellow councilmembers. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a representative of the city.
- (k) I will maintain in confidence any privileged or confidential information provided to me by the city and will not disclose such information publicly or to any person who has not been duly authorized by the city to receive such information, unless such disclosure is duly authorized by the city council or city manager or required by law. In addition, I will refrain from copying any written privileged or confidential documents provided to me by the city and will keep such documents in safekeeping.

Further, upon leaving office or upon request by the city council or city manager, I will return to the city any privileged or confidential documents or materials provided to me by the city while serving on the city council.

- (l) I will abide by all laws of the state applicable to my conduct as a councilmember, including, but not limited to, the Government in the Sunshine Law, the Florida Code of Ethics for Public Officers, and city rules of procedure and codes of conduct.
- (m) I will promote constructive relations in a positive climate with all city employees, city attorney, and city contractors and consultants consistent with my role as a councilmember, as a means to enhance the productivity and morale of the city. I will support the city manager's decision to employ the most qualified persons for staff positions. I will recognize the bona fide achievements of the city manager, staff, city attorney, city contractors and consultants, business partners, and other sharing in, and striving to achieve, the city's mission.
- (n) I will enhance my knowledge and ability to contribute value to the city as a councilmember by keeping abreast of issues and trends that could affect the city through reading, continuing education and training. I will study policies and issues affecting the city, and will attend training programs if required by the city. My continuing goal will be to improve my performance as a councilmember.
- (o) I will value and assist my fellow councilmembers by exchanging ideas, concerns, and knowledge through lawful means of communication. I will help build positive community support for the city's mission and the policies established by the city council.
- (p) I will support and advocate for my beliefs, but will remain open to understanding the views of others. I recognize that I share in the responsibility for all city decisions and will accept the will of duly authorized decisions of the city council and city electorate.
- (q) I understand that my first priority as a councilmember will always be to look out for the best interests of the citizens of the city and the public health, safety and welfare. I will seek to provide appropriate leadership that nurtures and motivates city citizens to be stakeholders in the affairs and achievements of the city.
- (r) I will be accountable to the city council for violations of this code of conduct.

(Ord. No. 09-2011, § 2, 10-18-11)

Sec. 2-102. Ethics code adopted; applicability; scope; penalty.

- (a) This section 2-102 shall be designated as the "City of Cooper City Code of Ethics Ordinance" or "ethics code." The ethics code shall apply to City officers and employees, as applicable. The ethics code shall consist of the applicable provisions and ethics standards of Part III of Chapter 112, F.S., the "Code of Ethics for Public Officers and Employees" (the "state ethics code"), as amended from time to time by the Florida Legislature, and which state ethics code is hereby adopted as the City's ethics code.
- (b) Enforcement of this section 2-102 as to the conduct of City Commissioners, City board members, City vendors (when provisions are applicable), and the City Manager, shall be by the City Commission. As to City Commissioners, this includes, but is not limited to, forfeiture of commission office proceedings under City Charter Section 3.10 (2). The City Commission shall follow quasi-judicial procedures in determining any such violation, and may establish such procedures via resolution. The quasi-judicial procedures resolution may provide for the use of a hearing officer to conduct hearings and make recommendations to the City Commission. Alternatively, the City Commission may refer an alleged violation of this section by a City Commissioner to the Broward County Office of Inspector General for handling.
- (c) Enforcement of this section 2-102 as to the conduct of City employees (except for the City Manager) shall be by the City Manager pursuant to the City's Manual of Personnel Policies and with procedures to be established by the City Manager.
- (d) The provisions of article VIII "Lobbyist Regulation" of chapter 2 of the City Code shall remain in full force and effect.
- (e) City employees shall also comply with the applicable ethical standards of Section 1.27 of the City's Manual of Personnel Policies.
- (f) City employees and officers, during the course and scope of their employment with the City, may receive information that is not a public record, as defined by state law. City employees and officers shall not disclose any exempt information received during the performance of their duties unless required by law. City employees and officers shall sign a form acknowledging that they may receive or have access to information during their employment that is not a public record and that they shall abide by the provisions of this subsection.
- (g) Except as otherwise provided above, each violation of this section 2-102 which falls under the enforcement jurisdiction of the City Commission shall be subject to a civil penalty of up to \$500.00. Each day that a violation continues shall be a separate violation.
- (h) Except as otherwise provided above, each violation of this section 2-102 by City employees which falls under the jurisdiction of the City Manager shall be subject to reprimand, suspension or termination of the employee who is found in violation, in accordance with the Manual of Personnel Policies established by the City Manager and approved by the City Commission.
- (i) In addition to the penalties set forth in subsections (g) and (h), violations of this section may be enforced pursuant to section 1-8 of the City's Code of Ordinances

(Ord. No. 17-5-1, § 2, 5-9-17; Ord. No. 21-15, § 2, 5-11-21)

Sec. 2-43. Code of conduct of the City of Maitland.

The following code of conduct of the City of Maitland is hereby adopted for the city council and its members pursuant to the requirements of Article II of the City of Maitland City Charter. Upon taking the oath of office, all council members shall be subject to the code of conduct.

(Ord. No. 1257 , § 2, 8-11-14)

Sec. 2-44. Applicability.

All City Council members holding office as of the effective date of Ord. No. 1257 shall be subject to the Code of Conduct. Council Members appointed or elected subsequent to the effective date of this ordinance shall be subject to the Code of Conduct upon taking the oath of office. As set forth in Article II of the City of Maitland City Charter, the violation of the Code of Conduct shall also constitute a violation of the City Charter and therefore serve as additional grounds for statutory recall.

(Ord. No. 1257 , § 2, 8-11-14)

Sec. 2-45. Code of conduct.

The following code of conduct is hereby adopted for the city council and the members thereof as an additional public statement of expected city council conduct and ethics. all present and future city council members hereby agree that the following acts shall be deemed violations of the city's code of conduct:

- (1) Malfeasance.
- (2) Misfeasance.
- (3) Neglect of duty.
- (4) Public drunkenness or intoxication.
- (5) Incompetence.
- (6) Permanent inability to perform official duties.
- (7) Admission to or conviction of a felony involving moral turpitude.
- (8) Disclosure or furnishing of any confidential information concerning city personnel, litigation strategy, or other confidential proceedings of the city (not including public information) that is obtained as a result of the city council member's position with the city.
- (9) Using city facilities, equipment, vehicles, supplies, on-duty personnel, or services for non-city business in violation of any policy adopted by the city.
- (10) Using public resources for private gain or personal purposes except on the same basis that they are otherwise normally available to the public.
- (11) Violating the state laws and regulations governing conflicts of interest.
- (12) Violating the Government in the Sunshine Law or Public Records Law.
- (13) Violating the Florida Code of Ethics for Public Officers.
- (14) Perpetration of a crime that brings discredit upon the city or the city council.

(15) Failure by a city council member to report his/her arrest to the city council within five (5) days of such arrest.

(Ord. No. 1257 , § 2, 8-11-14)

Sec. 2-5-1. Created.

There is hereby created a code of ethics for the city, which shall be applicable to all elected and appointed officials of the city, including all city employees, regardless of capacity of employment.

(Code 1986, § 2-6-1; Ord. No. 07-11, § 1, 4-7-2011)

Charter reference(s)—Requirement to adopt a code of ethics, § 9.01.

Sec. 2-5-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appear or *appear before* means to communicate in any form, including, without limitation, personally, through another person, by letter, or by telephone. This definition also applies to the noun form, "appearance."

Appearance of a conflict of interest means objective circumstances that would lead a reasonable person to conclude that a proposed decision by an individual official or employee may be reasonably criticized on the basis of bias, favoritism, or partiality, regardless of whether the circumstances meet the definition of a conflict of interest in F.S. ch. 112, pt. III.

Commission on ethics means the state commission on ethics established and created by section 8(f), article II of the state constitution, and F.S. §§ 112.3191—112.3241.

Consultant means an independent contractor or professional person or entity engaged by the city or advising a city official, and in a position to influence a city decision or action, or have access to confidential information.

Financial benefit includes any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law. A "financial interest" is a relationship to something such that a direct or indirect financial benefit has been, will be, or might be received as a result of it.

A *gift* is a financial benefit as defined in F.S. ch. 112, pt. III.

Household includes anyone whose primary residence is in the official or employee's home, including non-relatives who are not rent payers or domestic employees.

An *interest in a contract* is a relationship to a contract such that a direct or indirect financial or other material benefit has been or will be received as a result of that contract. The official or employee does not need to be a party to the contract to have an interest in it. Indirect benefit includes a benefit to the official's family or outside business or employer.

Ministerial act means an action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

Official or *employee* means any elected or appointed official or employee of the city, whether paid or unpaid, and includes all members of a board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, committee, or subcommittee of the city. This definition includes members of council and the mayor.

Personal benefit includes benefits other than those that are directly financially advantageous. These include financial benefits to relatives and business associates, as well as non-financial benefits to these people and to oneself, including such intangible matters as reputation and the success of one's career. A "personal interest" means a relationship to something such that a personal benefit has been, will be, or might be obtained by action or inaction with respect to it.

Relative means a spouse, child, step-child, brother, sister, parent or step-parent, or a person claimed as a dependent on the official or employee's latest individual federal income tax return.

State code of ethics means F.S. §§ 112.311—112.326, as those provisions are interpreted and applied by the state commission on ethics, and as those provisions may be amended from time to time.

Subordinate means another official or employee over whose activities an official or employee has direction, supervision, or control.

(Code 1986, § 2-6-2; Ord. No. 07-11, § 1, 4-7-2011)

Sec. 2-5-3. Prohibitions.

- (a) All provisions of the state are hereby adopted and incorporated by reference into this Code, as they currently exist upon the effective date and as they may be modified or amended from time to time.
- (b) The code of ethics adopted by the city council in its rules and procedures of the city council, effective at noon, January 10, 2011, applying to the members of council and incorporating the council's regulations of council travel policies and procedures, as that code of ethics may be altered or amended by council from time to time, is hereby adopted and incorporated by reference into this chapter.
- (c) The code of ethics, adopted by the mayor and applicable to all city employees within the mayor's employment, as provided in the City of Pensacola Employment Manual, as that code of ethics may be altered or amended by the mayor from time to time, is hereby adopted and incorporated by reference into the provisions of this chapter.
- (d) All members of council shall abstain from casting their vote and shall so declare upon the record and execute the appropriate form to be filed with the city clerk, whenever they have established that they would have an appearance of a conflict of interest by casting such vote.
- (e) The mayor shall refrain from taking any action or conferring any benefit upon any person, group of persons or entity, when to do so would create a conflict of interest or circumstances establishing the appearance of a conflict of interest. In lieu of taking such action, the mayor shall designate an alternative decision-maker who shall have no interest in the transaction, no conflict of interest and no appearance of a conflict of interest, to execute the responsibility of the office of the mayor in that matter.
- (f) An official or employee must refrain from acting upon or participating in, formally or informally, a decision-making process with respect to any matter before the city, if acting on the matter, or failing to act upon the matter, may personally or financially be of personal benefit to himself, herself or a relative or business associate.
- (g) An official or employee of the city may not, directly or indirectly, treat anyone, including himself or herself and his or her family or business associates, preferentially or in any other manner that is not generally accorded to city residents.
- (h) An official or employee of the city, or a former official or employee, a contractor or a consultant, may not disclose any confidential information obtained formally or informally as part of his or her work for the city or due to his or her position with the city, or use any such confidential information to further his or her own or any other person or entity's personal or financial interests.
- (i) No official or employee may promise an appointment or use his or her influence to obtain an appointment to any position as a reward for any political activity or contribution.
- (j) No official or employee of the city may use, or permit others to use, any property owned by the city for profit or personal convenience or benefit, except:

- (1) When such use is available to the public generally, or to a class of residents, on the same terms or conditions;
- (2) When permitted by policies approved by the city's legislative body or executive; or
- (3) When, in the conduct of official business, used in a purely incidental way for personal convenience.

This applies not only to property such as vehicles, computers, office equipment, telephones and other tangible and intangible city property, but also to travel and other expense reimbursements, which may not be requested or spent on anything other than official business of the city.

- (k) No official or employee in his or her official capacity may publicly endorse products or services in any manner that associates that official or employee with the city. A consultant retained by the city may not represent a person or entity other than the city in any matter, transaction, action, or proceeding in which the consultant participated personally and substantially as a consultant to the city; nor may a consultant represent a person or entity in any matter, transaction, action, or proceeding against the interest of the city unless the city provides a written waiver of any such conflict.
- (l) No person seeking to become an official or employee, consultant or contractor of the city may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or rendering service to the city.

(Code 1986, § 2-6-3; Ord. No. 07-11, § 1, 4-7-2011)

Sec. 2-5-4. Enforcement.

- (a) The provisions of the state code of ethics are interpreted and enforced by the commission on ethics pursuant to state law.
- (b) The provisions of the code of ethics adopted by the city council in its rules and procedures of the city council, shall be enforced by the city council.
- (c) The provisions of the code of ethics applicable to city employees as set forth in the City of Pensacola Employment Manual, shall be enforced by the mayor.
- (d) Enforcement of the remaining provisions of this code of ethics shall be enforced by the mayor, if violated by any employee of the city, and by the city council to the extent authorized by law if violated by the mayor or any member of council. Any violation of this code of ethics may be subject to a penalty imposed by the city council or the mayor, as applicable, at their discretion.

(Code 1986, § 2-6-4; Ord. No. 07-11, § 1, 4-7-2011)

Sec. 2-216. - Town board and committee code of conduct.

In addition to adhering to the requirements of state law, all current and future councilmembers shall commit to the following code of conduct by written affirmation, which shall remain on file with the town clerk, as follows:

(1) *Definitions.* For purposes of this section the following definitions shall apply:

Board or committee shall mean any public body established by the town council, including but not limited to planning and zoning board, board of adjustments, parks and recreation board, and trails and greenways committee.

Town or town shall mean the Town of Malabar.

Town administrator shall mean the town administrator, or designee, of the Town of Malabar. See [section 2-300\(c\)](#) of the Code of Ordinances of the town

Town council shall mean collectively the five elected councilmembers and the office of the mayor, see Town Charter [2.02](#).

(2) *Code of conduct.*

- a. I affirm that the proper statutory and Town Charter role of members of appointed town boards or committees, as with any member of an appointed government body, is to act collectively, not individually, to apply the town's governing policies, and that the town administrator and staff administer such policies.
- b. I understand that an appointed board or committee member does not manage the affairs of the town. I will not intrude into daily operations or spheres of responsibility designated by Florida Statutes, Town Code, and Town Charter to the town administrator; or undermine the town administrator's lawful authority. Further, I understand that the town administrator is responsible for administering the policy direction established by a majority vote of the town council and not the individual wishes of board or committee members. See article IX, [chapter 2](#) of the Code of Ordinances of the town.
- c. I will represent the interests of the entire town when making decisions and will rely upon available facts and my independent judgment. In my capacity as an appointed board or committee member, I will avoid conflicts of interest and avoid using my official position for personal, professional, or partisan gain.
- d. I will demonstrate dignity, respect, and courtesy toward those whom I am in contact with in my capacity as an appointed board or committee member. I will refrain from intimidation and ridicule of fellow board or committee members, town council members, town administrator, town attorney, staff, citizens of the town, members of the public, vendors of the town and those conducting business with the town.

- e. In my capacity as an appointed board or committee member, I will refrain from inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an appointed official and the honor of my respective town board or committee.
- f. I will focus on solving problems. I will maintain appropriate decorum and professional demeanor in the conduct of town business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process.
- g. I will demonstrate patience and refrain from demanding, interruptive access to staff or immediate responses or services when requesting information that requires significant staff time in research, preparation or analysis or that will result in staff neglect of urgent duties. Such requests will be made through the town administrator for scheduling and prioritizing through consensus of my respective town board or committee.
- h. I will devote adequate time for preparation prior to my respective town board or committee meetings and as much as possible, I will be in attendance at such meetings and all other scheduled events where my participation is required.
- i. I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow board or committee members, town council members, town administrator, town attorney, staff, citizens of the town, members of the public, vendors of the town and those conducting business with the town.
- j. I will listen actively and objectively to others' concerns or constructive criticisms.
- k. I will refrain from any individual action that could compromise lawfully authorized decisions of the town or the integrity of the town and my fellow board or committee members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a town board or committee member.
- l. I will maintain in confidence any privileged or confidential information, as provided by law, provided to me by the town and will not disclose such information publicly or to any person who has not been duly authorized by the town to receive such information, unless such disclosure is duly authorized by the town council or required by law.

In addition, I will refrain from copying any written privileged or confidential documents provided to me by the town and will keep such documents in safekeeping. Further, upon leaving office or upon request by the town council, I will return to the town any privileged or confidential documents or materials or town property provided to me by the town while serving on the town council.

m.

I will abide by all laws of the state applicable to my conduct as a member of the town council, including, but not limited to, the government in the Sunshine Law, the Florida Public Records Law, the Florida Code of Ethics for Public Officers, and town rules of procedure and codes of conduct.

- n. I will promote constructive relations in a positive climate with all members of the town council, town employees, town attorney, and town contractors and consultants consistent with my role as a board or committee member, as a means to enhance the productivity and morale of the town. I will support the town administrator's decision to employ the most qualified persons for staff positions. I will recognize the bona fide achievements of the town council, town administrator, staff, town attorney, town contractors and consultants, business partners, and others sharing in, and striving to achieve, the town's mission.
- o. I will enhance my knowledge and ability to contribute value to the town as a board or committee member by keeping abreast of issues and trends that could affect the town through reading, continuing education and training. I will study policies and issues affecting the town, and will attend training programs if required by the town. My continuing goal will be to improve my performance as a board or committee member.
- p. I will value and assist my fellow board or committee members by exchanging ideas, concerns, and knowledge through lawful means of communication. I will help build positive community support for the town's mission and the policies established by the town council.
- q. I will support and advocate for my beliefs, but will remain open to understanding the views of others. I recognize that I share in the responsibility for all town decisions that my respective board makes and will accept the will of the majority.
- r. I will always hold the best interests of the citizens of the town and the public health, safety and welfare of the community in the highest regard. I will seek to provide appropriate leadership that nurtures and motivates town citizens to be stakeholders in the affairs and achievements of the town.
- s. I will be accountable to the town council for violations of this code of conduct.

(Ord. No. 2017-07, § 1, 8-21-17)

Sec. 2-459. Certain appearances prohibited.

- (a) No member of a city board, agency or committee or a member of any board, agency or committee created hereafter which is designated as a board, agency or committee subject to the purview of this section shall:
- (1) Either directly or through an associate, appear, represent or act on behalf of a third person before the city commission or any city agency with respect to any agency action sought by the third person.
 - (2) Either directly or through an associate be engaged as a lobbyist for and on behalf of a third person with respect to any official action by any public officer sought by such third person.
- (b) Definitions. As used in this section, the following definitions shall apply:

Agency means any board, commission, committee or authority of the city, whether advisory, ad hoc or standing in nature.

Associate means any person or entity engaged in or carrying on a business enterprise with a city agency member as a partner, joint venturer, or co-corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange or co-owner of property. Associate shall further include a business affiliation with a city agency member where an "employee" or "of counsel" relationship exists.

Lobbyist means all persons, firms, or corporations employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat, or modification(s) of any of the following: (1) ordinance, resolution, action or decision of any commissioner; (2) any action, decision, or recommendation of any city board or committee; or (3) any action, decision or recommendation of the city manager, deputy city manager, assistant city managers, all department heads, all division heads, city attorney, chief deputy city attorney, deputy city attorneys, and/or all assistant city attorneys (except when such personnel are acting in connection with administrative hearings) during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the city commission or a city agency. "Lobbyist," as defined above, specifically includes the principal, as described above, as well as any agent, attorney, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, attorney, officer or employee.

- (1) For purposes of this section, and with limited applicability to those agencies that are not standing in nature, "lobbyist" shall exclude any person who only appears as a representative of a not for profit corporation or entity (such as a charitable organization, a neighborhood or homeowner association, a local chamber of commerce or a trade association or trade union) without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item.
- (2) For purposes of this section, and with limited applicability to those agencies that are standing in nature:
 - a. Lobbying by a board, agency or committee member shall be permitted when such person is affiliated with a not for profit corporation or entity (such as a charitable organization, a neighborhood or homeowner association, a local chamber of commerce or a trade association or trade union) in a capacity other than as a managerial employee and appears as a representative of that particular not for profit corporation or entity without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item.
 - b. Lobbying by the associate of a board, agency or committee member shall be permitted:
 - (i) When a board, agency or committee member is affiliated with a not for profit corporation or entity in a capacity other than as a managerial employee, and the subject associate is

appearing as a representative of that particular not for profit corporation or entity without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item.

(ii) When a board, agency or committee member is a managerial employee of a not for profit corporation or entity, and the subject associate is appearing as a representative of that particular not for profit corporation or entity without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item and is affiliated with said not for profit corporation or entity in a capacity other than as a managerial employee.

c. The term "managerial employee" shall mean any employee of a nonprofit corporation or entity who has supervision and operational responsibilities/control of all or some departments of said entity.

Public officer means any person elected or appointed to hold office in the city, as a member of an agency which shall include an advisory body.

(Ord. No. 97-3105, § 1, 12-17-97; Ord. No. 2007-3561, § 1, 6-6-07; Ord. No. 2009-3634, § 1, 4-22-09)