



**Memorandum No: 25-009**

**City Attorney's Office**

**To:** Honorable Mayor and City Commissioners  
**From:** D'Wayne M. Spence, Interim City Attorney *DMS*  
**Date:** January 21, 2025  
**Re:** Rules and Regulations Governing City Boards and Committees

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Throughout 2024, the City Commission requested that the City Attorney's Office evaluate certain aspects of the rules and regulations governing the City's boards and committees. This memorandum provides a brief analysis of the following:

- Remote participation in City Commission, advisory board and committee meetings.
- Prohibition of lobbyists' appointments to city advisory boards.
- Limitation on appointments to multiple city boards.
- Revise board and committee quorum requirement.

### **Remote Participation**

The City Commission adopted Resolution No. 20-214 revising and consolidating its policies for absent members of the City Commission and City's Boards and Committees to participate in meetings through communications technology. Following guidance from the Florida Attorney General's Office, the resolution also provides guidance for when members of the City Commission and boards or committees may participate remotely.

The Florida Attorney General's Office has long advised that members of boards or commissions may attend a meeting under extraordinary circumstances if a quorum is physically present to carry out business.<sup>1</sup> The determination as to what constitutes extraordinary circumstances is to be made by the board in its good judgment.<sup>2</sup>

The City Commission currently recognizes six extraordinary circumstances which permit remote participation but may amend Resolution No. 20-214 to incorporate additional circumstances such as absence due to military service.

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<sup>1</sup> See Fla. Informal Op. July 19, 2016; Op. Att'y Gen. Fla. 2003-41.

<sup>2</sup> Id.

#### **OFFICE OF THE CITY ATTORNEY**

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### **Prohibiting lobbyist from being appointed to City Advisory Boards**

The City Commission has asked our office to draft language that prohibits lobbyists from serving on City of Fort Lauderdale advisory boards and committees. In drafting proposed language, our office must consider the following legal principles:

1. Lobbyists have a protected First Amendment right to petition their government.<sup>3</sup>
2. Government is free to choose its advisors at the exclusion of others, however, may not impose unconstitutional conditions upon the advisors they select.<sup>4</sup>
3. Government imposition of conditions of appointment that infringe on the constitutional rights of government appointed advisors are subject to scrutiny.<sup>5</sup>
4. Government may not burden its public appointees' exercise of constitutional rights "that would be plainly unconstitutional if applied to the public at large."<sup>6</sup>
5. Any regulation restricting the exercise of a constitutional right must be both content neutral and narrowly tailored to serve a significant governmental interest without unnecessarily restricting free speech.

Federal case law in this area was significantly developed through challenges to an Obama-era ban on the appointment or reappointment of registered federal lobbyists to advisory committees and other boards and commissions. The identified significant government interest was "...reducing the undue influence of special interests that for too long has shaped the national agenda and drowned out the voices of ordinary Americans." The complete ban on the appointment or reappointment of Federally registered lobbyists was the subject of the challenge. After litigation, the regulations were narrowly tailored to "...not apply to lobbyists who are appointed in a "representative capacity", meaning that they are appointed for the express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry sector, labor unions, or environmental groups, etc.), or state or local government."

In crafting City regulations that limit lobbyists' participation on City boards, it is essential to ensure that these rules are not overly broad. A regulation that prohibits all lobbyists from serving on any city board could be seen as an impermissible restriction on their First Amendment rights. Instead, the regulation should be narrowly tailored to address specific concerns, such as conflicts of interest, without broadly infringing on the rights of individuals to participate in governmental processes. This approach ensures that the regulation serves its intended purpose while respecting constitutional protections.

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<sup>3</sup> See Liberty Lobby, Inc. v. Pearson, 390 F.2d 489, 491 (D.C.Cir.1968) (holding lobbying is protected by the right to petition government); see also Riley v. National Federation of the Blind of North Carolina, Inc., 487 U.S. 781, 801, 108 S.Ct. 2667, 101 L.Ed.2d 669 (1988) (holding that First Amendment rights are "not lost merely because compensation is received").

<sup>4</sup> Autor v. Pritzker, 740 F.3d 176, 181, (D.C. Cir. 2014)

<sup>5</sup> Id.

<sup>6</sup> Id. (citing United States v. National Treasury Employees Union, 513 U.S. 454, 465, 115 S.Ct. 1003, 130 L.Ed.2d 964 (1995) (citing Pickering, 391 U.S. 563, 88 S.Ct. 1731).

Broward County's approach to lobbyist regulation provides a useful template. Their policy restricts members of appointed boards from engaging in lobbying activities related to the board on which they serve, rather than imposing a blanket prohibition.

"No member of an appointed board shall, during the member's term of appointment and for a period of two (2) years after such term of appointment, lobby for compensation any employee of the County divisions or departments that provide support services to the appointed board." - Section 26-70(b), Broward County Code of Ordinance.

This method effectively addresses potential conflicts of interest while remaining content-neutral and narrowly focused. By adopting a similar framework, the City can uphold the integrity of its boards and committees while safeguarding the constitutional rights of its citizens. An amendment to Section 2-264 – Lobbying by former city commissioners, board members and employees; prohibition is suggested.

### **Limit the ability for individuals from being appointed to multiple city boards**

The rule governing the ability for individuals to service on multiple city boards or committees is Section 1. 5. entitled "Membership of Resolution 97-187 as amended by Resolution 08-12. The section provides as follows:

"5. Membership - Advisory Board members may only serve on one advisory board at a time (not including committees). Upon appointment to an advisory board, membership on any advisory board to which the member had been previously appointed shall be immediately terminated. The only exception is existing members can fulfill their last current term if they are appointed to a newly-created Advisory Board."

Our office finds no legal bar to restricting the appointment of members to only one board or committee. That can be accomplished by amending this section of the resolution.

### **Revise Board and Committee Quorum Requirement**

The quorum requirement for boards and committees is set forth by their respective establishing ordinance or resolution and vary. Additionally, the quorum requirement for some boards and committees is set forth in Ordinance No. C-09-05. That ordinance provides that a majority of the members appointed to such board and committee on the date a meeting is held shall constitute a quorum to conduct business. This quorum requirement can be amended through the adoption of a subsequent ordinance. This ordinance is applicable to the following boards and committees:

- Beach Redevelopment Board
- Cemetery System Board of Trustees
- Centennial Celebration Committee
- Community Appearance Board
- Community Services Board
- Education Advisory Board
- Economic Development Advisory Board
- Fire-Rescue Facilities Bond Issue Blue Ribbon Committee
- Insurance Advisory Board
- Parks, Recreation and Beaches Board
- Sustainability Advisory Board
- Marine Advisory Board
- Northwest-Progresso-Flager Heights Redevelopment Board
- Utility Advisory Committee

DMS/jkc

### **Attachments**

Exhibit 1: Resolution No. 20-214

Exhibit 2: Florida Attorney General Informal Opinion dated July 19, 2016

Exhibit 3: Florida Attorney General Opinion 2003-41

Exhibit 4: Section 26-70, Broward County Code of Ordinances

Exhibit 5: Section 2-264, City of Fort Lauderdale Code of Ordinances

Exhibit 6: Resolution No. 08-12

Exhibit 7: Resolution No. 97-187

Exhibit 8: Ordinance No. C-09-05

RESOLUTION NO. 20-214

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REVISING AND CONSOLIDATING POLICIES FOR ABSENT CITY COMMISSION AND BOARD AND COMMITTEE MEMBERS TO PARTICIPATE IN MEETINGS THROUGH COMMUNICATIONS TECHNOLOGY, RESCINDING RESOLUTION NO. 12-84, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution No. 06-101 adopted on June 20, 2006, the City Commission established a policy for absent City Commission members to participate in meetings through electronic communications media technology; and

WHEREAS, pursuant to Resolution No. 10-198 adopted on July 7, 2010, the City Commission established a policy for absent City advisory board and committee members to participate in meetings through electronic communications media technology;

WHEREAS, pursuant to Resolution No. 12-84 adopted on May 1, 2012, the City Commission revised and consolidated policies for absent City Commission and Board and Committee Members to participate in meetings through communications technology;

WHEREAS, the City Commission desires to rescind and replace Resolution No. 12-84 by further revising its policy regarding participation in meetings by absent City Commission and Board and Committee Members through communications technology;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Resolution No. 12-84 is hereby rescinded.

SECTION 2. That the City Commission hereby revises and consolidates its policies for absent members of the City Commission and the City's Boards and Committees to participate in meetings through communications technology as follows:

A member who is physically absent from a city commission, board or committee meeting may participate through the use of communications technology if:

1. The cause for the absence is an extraordinary circumstance as determined by the City Commission. The City Commission has determined that physical absences for the following reasons constitute extraordinary circumstances:

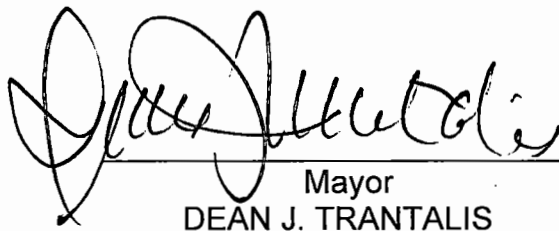
- a. During local states of emergency declared by the City Commission or Mayor pursuant to Section 2-274, Code of Ordinances, or states of emergency declared by Broward County, the Governor of the State of Florida, or the Federal government;
  - b. Physical disability, illness or medical treatment of the member;
  - c. Matters related to death or illness in the member's family;
  - d. The member is out of Broward County for business purposes, only to be exercised once per fiscal year;
  - e. The member is on City business;
  - f. The member is on vacation, only to be exercised once per fiscal year.
2. Except during states of emergency pursuant to Subsection 1(a) of this Section, it is not a quasi-judicial proceeding or matter requiring a public hearing by law or ordinance.
  3. Except during states of emergency pursuant to Subsection 1(a) of this Section, there is a quorum physically present at the meeting.
  4. There is a communication system that allows the absent member to hear and talk to other members and the public, and view materials or exhibits presented during the meeting. Additionally, the system must enable the public and members present to hear and talk to the absent member.
  5. If possible, notice that a city commission member will be absent must be given in writing to the city clerk at least seven days before the meeting and included on the posted notice. Less notice can be given in case of emergency. The member's notice must specify the extraordinary circumstance resulting in the absence.
  6. Written notice that a board or committee member will be absent from a meeting must be given to the city clerk at least seven days prior to such meeting and included on the posted notice for the meeting. In the event of an emergency that makes it impossible to provide notice at least seven days prior to the meeting, written notice shall be provided to the city clerk at least 24 hours prior to the scheduled meeting. Except for states of emergency pursuant to Subsection 1(a) of this Section, at the beginning of such meeting, the board or committee shall determine by vote whether the event constitutes an emergency. If the board or committee finds that such event does not constitute an emergency, then the member will not be allowed to participate through

the use of communications technology. The member's notice must specify the extraordinary circumstance resulting in the absence.

SECTION 3. That all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Resolution shall be in full force and effect immediately upon its adoption.

ADOPTED this 5th day of November, 2020.

  
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Mayor  
DEAN J. TRANTALIS

ATTEST:



\_\_\_\_\_  
City Clerk  
JEFFREY A. MODARELLI

## **Videoconferences -- Public Meetings**

**Number:** INFORMAL

**Date:** July 25, 2016

**Subject:**  
Videoconferences -- Public Meetings

The Honorable David Cheifetz  
Mayor, Town of Manalapan  
600 South Ocean Boulevard  
Manalapan, Florida 33462-3398

Dear Mayor Cheifetz:

The Office of the Attorney General has received your inquiry as to whether the Manalapan Town Commission may conduct public meetings in which a quorum could consist of both commissioners who are physically present and commissioners who are not physically present but are participating by videoconference.

This office has addressed public meetings via electronic media in prior opinions that are cited in the following excerpt from the 2016 edition of the Government in the Sunshine Manual:[1]

“2. Authorization to conduct public meetings via telephone, video conferencing, computer, or other electronic media

a. State boards

In AGO 98-28, the Attorney General’s Office concluded that s. 120.54(5)(b)2., F.S., authorizes state agencies to conduct public meetings via electronic means provided that the board complies with uniform rules of procedure adopted by the state Administration Commission. These rules contain notice requirements and procedures for providing points of access for the public. See Rule 28-109, F.A.C.

b. Local boards

(1) Meetings

As to local boards, the Attorney General’s Office has noted that the authorization in s. 120.54(5)(b)2., to conduct meetings entirely through the use of communications media technology applies only to state agencies. AGO 98-28. Thus, since s. 1001.372(2)(b), F.S., requires a district school board to hold its meetings at a ‘public place in the county,’ a quorum of the board must be physically present at the meeting of the school board. *Id.* And see AGOs 09-56 (where a quorum is required and absent a statute to the contrary, the requisite number of members must be physically present at a meeting in order to constitute a quorum), and 10-34 (city may not adopt an ordinance allowing members of a city board to appear by electronic



means to constitute a quorum). Cf. s. 163.01(18), F.S., authorizing certain entities created by interlocal agreement to conduct public meetings and workshops by means of communications media technology. However, if a quorum of a local board is physically present, 'the participation of an absent member by telephone conference or other interactive electronic technology is permissible when such absence is due to extraordinary circumstances such as illness[;] . . . [w]hether the absence of a member due to a scheduling conflict constitutes such a circumstance is a determination that must be made in the good judgment of the board.' AGO 03-41.

For example, if a quorum of a local board is physically present at the public meeting site, a board may allow a member with health problems to participate and vote in board meetings through the use of such devices as a speaker telephone that allow the absent member to participate in discussions, to be heard by other board members and the public and to hear discussions taking place during the meeting. AGO 94-55. And see AGOs 92-44 (participation and voting by ill county commissioner), and 02-82 (physically-disabled city advisory committee members participating and voting by electronic means).

## (2) Workshops

The physical presence of a quorum has not been required where electronic media technology (such as video conferencing and digital audio) is used to allow public access and participation at workshop meetings where no formal action will be taken. The use of electronic media technology, however, does not satisfy quorum requirements necessary for official action to be taken. For example, the Attorney General's Office advised that airport authority members may conduct informal discussions and workshops over the Internet, provided proper notice is given, and interactive access by members of the public is provided. AGO 01-66. Such interactive access must include not only public access via the Internet but also at designated places within the authority boundaries where the airport authority makes computers with Internet access available to members of the public who may not otherwise have Internet access. *Id.* For meetings, however, where a quorum is necessary for action to be taken, the physical presence of the members making up the quorum would be required in the absence of a statute providing otherwise. *Id.* Internet access to such meetings, however may still be offered to provide greater public access. *Id.* Cf. AGO 08-65, noting that a city's plan to provide additional public access to on-line workshop meetings by making computers available at a public library 'should ensure that operating-type assistance is available at the library where the computers are located.'

However, the use of an electronic bulletin board to discuss matters over an extended period of days or weeks, which does not permit the public to participate online, violates the Sunshine Law by circumventing the notice and access provisions of that law. AGO 02-32. And see *Inf. Op. to Ciocchetti*, March 23, 2006 (even though the public would be able to participate online, a town commission's proposed use of an electronic bulletin board to discuss matters that foreseeably may come before the commission over an extended period of time would not comply with the spirit or letter of the Sunshine Law because the burden would be on the public to constantly monitor the site in order to participate meaningfully in the discussion). Compare AGO 08-65 (city advisory boards may conduct workshops lasting no more than two hours using an on-line bulletin board if proper notice is given and interactive access to members of the public is provided).

Moreover, there is no apparent authority for the use of electronic media technology to allow

board members to remove a workshop or meeting from within the jurisdiction in which the board is empowered to carry out its functions and claim compliance with the Sunshine Law by providing the public electronic access to the remote meeting. Inf. Op. to Sugarman, August 5, 2015.”

I hope this excerpt and the opinions cited are helpful to you. I recommend that you contact your Town Attorney for further guidance in this matter.

Sincerely,

Ellen B. Gwynn  
Assistant Attorney General

EBG/tsh

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[1] Government in the Sunshine Manual, pp. 16-17 (2016 ed.). The manual is available online at: <http://www.myfloridalegal.com/sun.nsf/sunmanual>. Attorney General Opinions are available online at: <http://myfloridalegal.com/ago.nsf/Opinions>.

## Sunshine, participation by telephone

**Number:** AGO 2003-41

**Date:** September 04, 2003

**Subject:**  
Sunshine, participation by telephone

Mr. Sidney R. Payne  
Chair, Tampa Human Rights Board  
102 East 7th Avenue  
Tampa, Florida 33602

RE: MUNICIPALITIES–GOVERNMENT IN THE SUNSHINE–participation of board member by telephone due to scheduling conflict when quorum of board members physically present at meeting. s. 286.011, Fla. Stat.

Dear Mr. Payne:

On behalf of the City of Tampa Human Rights Board, you ask substantially the following question:

May a member of the human rights board who is physically absent from a board meeting because of a scheduling conflict participate in the meeting by means of a telephone conference when a quorum of the members of the board is physically present at the meeting?

Section 286.011(1), Florida Statutes, Florida's Government-in-the-Sunshine Law, provides:

"All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting."

This office has been asked on several occasions to provide assistance to local governmental boards or commissions regarding the participation of its members in a public meeting through use of telecommunications media and the compliance of such meetings with the Government-in-the-Sunshine Law. In Attorney General's Opinion 92-44, this office concluded that a county commissioner who was physically unable to attend a commission meeting because of medical treatment could participate in the meeting by using an interactive video and telephone system that allowed her to see the other members of the board and the audience at the meeting and that allowed the board and audience to see her. This office recognized that section 125.001, Florida Statutes, required that meetings of the county commission be held in a public place in the county but noted that a quorum of the members of the county commission would be present at the public place.[1]

A similar conclusion was reached in Attorney General's Opinion 98-28, which concluded that a district school board could use electronic media technology in order to allow a physically absent member to attend a public meeting if a quorum of the members of the board is physically present at the meeting site. More recently, in Attorney General Opinion 02-82, this office concluded that physically-disabled members of the City of Miami Beach Barrier-free Environment Committee could participate and vote on board matters by electronic means if they are unable to attend, as long as a quorum of the members of the board is physically present at the meeting site.[2]

The City of Tampa Human Rights Board was created by ordinance to, among other things, receive and initiate complaints alleging violations of the city's human rights ordinance, which prohibits discrimination in employment, housing and public accommodations based on race, color, religion, national origin, sex, sexual orientation, age, handicap, familial status, or marital status.[3] As a public board created by ordinance to carry out a governmental purpose, the board is clearly subject to the Government-in-the-Sunshine Law.[4]

According to your letter, regular board meetings are held once every two months, with special meetings called by the board chair. You state that the rules of the board provide that its meetings are to be held at the city's Office of Community Relations. Such a requirement would appear to be analogous to the statutory requirements that meetings of the county commission or the school board be held at an appropriate place in the county.[5] Thus, the code clearly contemplates the physical presence of board members at public meetings.

You state that a quorum of the board would be physically present at the meeting. The member who wishes to participate by telephone conference cannot physically attend the meeting, due not to illness but rather to a scheduling conflict.

You note the reluctance of this office to extend public officials' participation in public meetings by electronic means to situations other than those involving a serious medical condition and the presence otherwise of a quorum at the public meeting place. For example, in Attorney General Opinion 98-28, this office noted that state agencies and their boards and commissions are authorized by Chapter 120, Florida Statutes, to adopt rules providing procedures for conducting public meetings by means of communications media technology.[6] The opinion recognized the rationale behind statutory authorization for state agency use, as contrasted with local agency utilization, of communications media technology for conducting meetings:

"Allowing state agencies and their boards and commissions to conduct meetings via communications media technology under specific guidelines recognizes the practicality of members from throughout the state participating in meetings of the board or commission. While the convenience and cost savings of allowing members from diverse geographical areas to meet electronically might be attractive to a local board or commission such as a school board, the representation on a school board is local and such factors would not by themselves appear to justify or allow the use of electronic media technology in order to assemble the members for a meeting."

Concerns about the validity of official actions taken by a public body when less than a quorum is present argue for a very conservative reading of the statutes. Thus, this office has concluded that, in the absence of a statute to the contrary, a quorum of the members must be physically

present at a meeting in order to take action.[7]

Where, as here, the statute or rules contemplate that the meeting will be held in a public place with the members physically present, this office has considered the participation of an absent member by telephone conference or other interactive electronic technology permissible when such absence is due to extraordinary circumstances such as illness. To conclude otherwise would alter the intent and purpose of such a statute or rule.

Accordingly, it is my opinion that where a rule or statute contemplates that a meeting will be held in a public place with the members physically present, the participation of an absent member in the meeting by telephone conference should be permitted only in extraordinary circumstances and when a quorum of the board members is physically present at the meeting. Whether the absence of a member due to a scheduling conflict constitutes such a circumstance is a determination that must be made in the good judgment of the board.

Sincerely,

Charlie Crist  
Attorney General

CC/tjw

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[1] *And see* Op. Att'y Gen. Fla. 94-55 (1994), in which this office concluded that a member of the board of trustees of a public museum could participate in public meetings through the use of a telephone when a quorum of the board was physically present at the public meeting. The member who was requesting to participate by telephone had health problems that precluded his attendance at the publicly designated meeting place.

[2] The Barrier-free Environment Committee was created by ordinance for the purpose of providing accessibility-related input to a number of departments within city government. This office concluded that the city code contemplated the physical presence of board members at public meetings.

[3] Section 12-5, City of Tampa Code.

[4] *See, e.g., City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971) (Sunshine law applies to any board or commission or any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision).

[5] *See* s. 125.001 and s. 1001.372(2), Fla. Stat., respectively.

[6] *See* s. 120.54(5)(b)2., Fla. Stat.

[7] *See, e.g., Ops. Att'y Gen. Fla. 83-100* (1983), and 89-39 (1989), quoting 62 C.J.S. *Municipal Corporations* s. 399, p. 757, which provides:

"In order to constitute a quorum the requisite number of members must be actually present at the meeting and the requisite number cannot be made up by telephoning absent members and obtaining their vote over the telephone."

*Cf. Penton v. Brown-Crummer Inv. Co.*, 131 So. 14 (Ala. 1930) (where there was no quorum present at meeting of city council, but resolution was attempted to be passed by calling up absent members over the telephone, resolution of city council was ineffective); *Fargnoli v. Cianci*, 397 A.2d 68 (R.I. 1979) (in determining whether "quorum" was present at city council meeting, it was error to include member who was not physically present).

Sec. 26-70. - Prohibition on lobbying by appointed board members.

- (a) The prohibitions stated in this section shall apply to all persons appointed to advisory boards (including those characterized as boards, committees, commissions, councils, and task forces) established by Broward County ordinance or resolution and to all persons appointed by the Board of County Commissioners (the "Board") to agencies, development and redevelopment authorities, and regulatory and adjustment boards established pursuant to federal or state law, the Broward County Charter, or interlocal agreements (collectively "appointed boards"), except where any such prohibition would be inconsistent with the Broward County Charter, general or special law, or the enabling enactments of such appointed boards.
- (b) No member of an appointed board shall, during the member's term of appointment and for a period of two (2) years after such term of appointment, lobby for compensation any employee of the County divisions or departments that provide support services to the appointed board.
- (c) Any member of an appointed board who lobbies in violation of this section shall be disqualified as a member of the appointed board and his or her appointment shall immediately cease, subject to the timely filing of an appeal as referenced below.
- (d) Additionally, the County Administrator shall provide for a procedure applicable to any member of an appointed board who is charged with a violation of the provisions of this section. The procedure shall provide for the following:
  - (1) Upon determining that a violation has occurred, the Office of the County Administrator shall notify the member of the offense, and a fine of One Hundred Dollars (\$100) shall be assessed for each occurrence.
  - (2) The member shall pay the fine within twenty (20) days after receipt of the notice of payment due, unless a timely appeal is made to the Board as provided below.
  - (3) Any member of an appointed board may appeal the alleged violation and assessed fine, and may request and shall be entitled to a hearing before the Board, which shall have the authority to determine whether a violation has occurred and, if it determines that a violation has occurred, to waive the fine in whole or in part for good cause shown. To be entitled to such appeal, the member must, within twenty (20) days after receipt of the notice of payment due, deliver a letter requesting a hearing to the Office of the County Administrator.
- (e) For purposes of this section:
  - (1) "Department" means those departments of County government listed in Section 2.5 of the Broward County Administrative Code, as same may be amended.
  - (2) "Division" means those divisions and offices under the control of any Department, as listed in Section 2.11 of the Broward County Administrative Code, as same may be amended.
  - (3) The following terms shall have the meanings stated in the referenced sections:

- a. "Compensation" shall have the meaning stated in Section 1-261 of the Broward County Code of Ordinances ("Code");
- b. "Final Decision-Making Authority" shall have the meaning stated in Section 26-72.5 of the Code;
- c. "Lobby," "Lobbies," "Lobbying," and "Lobbyist" shall have the meanings stated in Section 1-19(b) of the Code.

(Ord. No. 2010-21, § 1, 8-10-10; Ord. No. 2015-35, § 1, 9-10-15; Ord. No. 2022-50, § 3, 12-6-22, eff. 12-31-22; Ord. No. 2023-20, § 3, 5-23-23, eff. 5-25-23)



Sec. 2-264. - Lobbying by former city commissioners, board members and employees; prohibition.

A person who has been elected to the city commission or who is employed by the city in Management Categories, I, II or III as identified in the Schedule of Salary Ranges adopted by the city commission as amended from time to time shall not conduct lobbying activities for a period one (1) year after the termination of employment with the city, or within one (1) year from the last day of service to the city in any official capacity. The provisions of this subsection shall only apply to persons who are officers or employees of the city after the effective date of this section.

(Ord. No. C-00-27, § 1, 6-6-00)

## RESOLUTION NO. 08-12

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 97-187 TO REVISE BOARD MEMBER ATTENDANCE REQUIREMENTS.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Resolution No. 97-187 is hereby amended to read as follows:

1. Attendance –

(a) Except as provided in subparagraph (b) below, aAbsence by a board member from three consecutive regular meetings in the term year for the board ~~a calendar year~~ shall constitute an automatic resignation of such member (from Ordinance No. C-78-112). Except as provided in subparagraph (b) below, aAbsence by a board member from four (4) regular meetings or one-third (1/3) of the total regular meetings in the term year for the board ~~a calendar year~~, whichever is greater, shall constitute an automatic resignation of such member.

(b) The Civil Service Board and the Board of Adjustment have term years that are divided into three segments, with term years ending January 3<sup>rd</sup>, April 7<sup>th</sup> and April 23<sup>rd</sup> for the Civil Service Board and term years ending May 20<sup>th</sup>, September 20<sup>th</sup> and December 20<sup>th</sup> for the Board of Adjustment. Accordingly, the phrase “in the term year for the board” as set forth in subparagraph (a) above as applied to the Civil Service Board and the Board of Adjustment, shall be deemed to refer to the term year within which the board member is appointed.

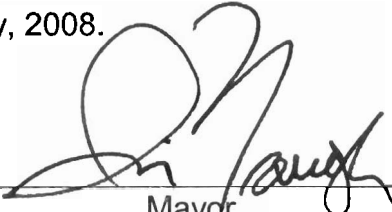
(c) In order for a member to be reinstated, a recommendation from the Chair will be submitted to the City Commission, which will consider it during the Advisory Board Vacancies section of the Conference Agenda.

2. Term Limits – Advisory board members are limited to serve for 6 consecutive one-year terms, 3 consecutive two-year terms, 2 consecutive three or four-year terms (from Ordinance No. C-91-22). Interim terms will not be counted toward term limits.

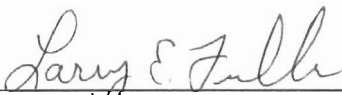
3. Subcommittees – Any Advisory Board that wishes to create a subcommittee must first get approval from the City Commission under Conference Reports (from February 16, 1993 Conference Meeting).

4. Residency – Advisory Board members must be residents of the City of Fort Lauderdale, with the following exceptions: Beach Redevelopment Board, Economic Development Board, Downtown Development Authority (from Code Section 2-216); Cemeteries Board of Trustees (funeral directors only) (from Conference Meeting of November 17, 1992); and Northwest-Progresso-Flagler Heights Redevelopment Board (from Ordinance No. C-96-23).
5. Membership – Advisory Board members may only serve on one advisory board at a time (not including committees). Upon appointment to an advisory board, membership on any advisory board to which the member had been previously appointed shall be immediately terminated. The only exception is existing members can fulfill their last current term if they are appointed to a newly-created Advisory Board.
6. Voting Conflicts – When Advisory Board members have a voting conflict, they must state this the very beginning of the item (before discussion ensues), remove themselves from the table/dais, sit with the general public, and if they wish to address the Board, they must do so as a member of the general public (from June 4, 1996 Conference Meeting).

ADOPTED this the 8<sup>th</sup> day of January, 2008.

  
\_\_\_\_\_  
Mayor  
JIM NAUGLE

ATTEST:

  
\_\_\_\_\_  
Asst City Clerk  
for JONDA K. JOSEPH

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RESOLUTION NO. 97-187

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 97-51 TO REVISE BOARD MEMBER ATTENDANCE REQUIREMENTS.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Resolution No. 97-51 is hereby amended as follows:

1. Attendance - Absence by a board member from three consecutive regular meetings or ~~four regular meetings~~ in a calendar year shall constitute an automatic resignation of such member (from Ordinance C-78-112). Absence by a board member from four (4) regular meetings or one-third (1/3) of the total regular meetings in a calendar year, whichever is greater, shall constitute an automatic resignation of such member.

In order for a member to be reinstated, a recommendation from the Chair will be submitted to the City Commission, which will consider it during the Advisory Board Vacancies section of the Conference Agenda.

2. Term Limits - Advisory Board members are limited to serve for 6 consecutive one-year terms, 3 consecutive two-year terms, 2 consecutive three or four-year terms (from Ordinance C-91-22). Interim terms will not be counted toward term limits.
3. Subcommittees - Any Advisory Board that wishes to create a subcommittee must first get approval from the City Commission under Conference Reports (from February 16, 1993 Conference Meeting).
4. Residency - Advisory Board members must be residents of the City of Fort Lauderdale, with the following exceptions: Beach Redevelopment Board, Economic Development Board, Downtown Development Authority (from Code Section 2-216); Cemeteries Board of Trustees (funeral directors only) (from Conference Meeting of November 17, 1992); and Northwest-Progresso-Flagler Heights Redevelopment Board (from Ordinance C-96-23).

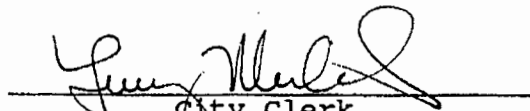
5. Membership - Advisory Board members may only serve on one advisory board at a time (not including committees). Upon appointment to an advisory board, membership on any advisory board to which the member had been previously appointed shall be immediately terminated. The only exception is existing members can fulfill their last current term if they are appointed to a newly-created Advisory Board.
6. Voting Conflicts - When Advisory Board members have a voting conflict, they must state this the very beginning of the item (before discussion ensues), remove themselves from the table/dais, sit with the general public, and if they wish to address the Board, they must do so as a member of the general public (from June 4, 1996 Conference Meeting).

ADOPTED this the 4th day of November, 1997.



Mayor  
JIM NAUGLE

ATTEST:



City Clerk  
LUCY MASLIAH

**ORDINANCE NO. C-09-05**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REDUCING THE QUORUM REQUIREMENT FOR THE BEACH REDEVELOPMENT, CEMETERIES, EDUCATION ADVISORY, ECONOMIC DEVELOPMENT, INSURANCE, PARKS, RECREATION AND BEACHES AND THE NORTHWEST-PROGRESSO-FLAGLER HEIGHTS REDEVELOPMENT, COMMUNITY APPEARANCE; THE COMMUNITY SERVICES AND THE MARINE ADVISORY BOARDS; AND THE UTILITY ADVISORY, THE FIRE-RESCUE FACILITIES AND THE CENTENNIAL CELEBRATION COMMITTEES AND THE UTILITY ADVISORY SUBCOMMITTEES.**

WHEREAS, pursuant to Section 2-216 of the Code of Ordinances of the City of Fort Lauderdale, Florida, the City Commission has created several City boards and committees; and

WHEREAS, the City Commission has established by ordinance, resolution or policy the quorum required for a board or committee to conduct business; and

WHEREAS, the quorum required for the boards and committees provided herein to conduct business is a majority of the membership of such board or committee; and

WHEREAS, at times the seats on such boards or committees are vacant while qualified persons are found to be appointed by the City Commission; and

WHEREAS such boards or committees need to conduct business during their meetings while the vacant seats are in the process of being filled; and

WHEREAS, the boards and committees that are the subject of this amendment to the quorum requirement are as follows:

Beach Redevelopment Board, Cemetery System Board of Trustees, Education Advisory Board, Economic Development Advisory Board, Insurance Advisory Board, Parks, Recreation and Beaches Board and the Northwest-Progresso-Flagler Heights Redevelopment Board; quorum established by Ordinance No. C-78-112 adopted on November 21, 1978;

Community Appearance Board; quorum established pursuant to Ordinance No. C-96-65 adopted on December 3, 1996;

Community Services Board; quorum established pursuant to Ordinance No. C-69-76 adopted on September 30, 1969;

Marine Advisory Board; quorum established pursuant to Ordinance No. C-2074 adopted on December 8, 1964;

Utility Advisory Committee; quorum established pursuant to Resolution No. 03-17 adopted on February 4, 2003, including the Tree and the Infrastructure Subcommittees;

Fire-Rescue Facilities Bond Issue Blue Ribbon Committee; quorum established pursuant to Resolution No. 04-220 adopted on December 7, 2004;

Centennial Celebration Committee; quorum established pursuant to Resolution No. 08-108 adopted on May 20, 2008;

all such boards and committees hereinafter referred to as "Boards and Committees".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

**SECTION 1.** That the ordinances and resolutions providing the quorum requirement for the Boards and Committees referenced in this Ordinance are hereby amended to provide that a majority of the members appointed to such board or committee on the date a meeting is held shall constitute a quorum which is required to conduct business.

**SECTION 2.** That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

**SECTION 3.** That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect ten days from the date of final passage.

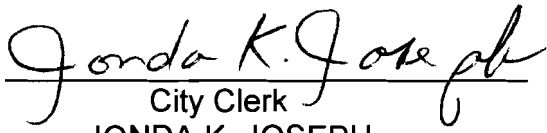
PASSED FIRST READING this the 21st day of January, 2009.

PASSED SECOND READING this the 3rd day of February, 2009.

A handwritten signature in black ink, appearing to read "Jim Naugle", is written over a horizontal line.

Mayor  
JIM NAUGLE

ATTEST:

A handwritten signature in black ink, appearing to read "Jonda K. Joseph", is written over a horizontal line.

City Clerk  
JONDA K. JOSEPH

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