



BROWARD OFFICE OF THE INSPECTOR GENERAL

OIG ETHICS COMPLIANCE REVIEW

RE: *FILING FOR PUBLIC INSPECTION OF LOBBYING CONTACTS LOGS*

SUMMARY

The Broward Office of the Inspector General (OIG) conducted this review between August 2013 and June 2014 to determine whether the elected officials of Broward County and its thirty-one (31) municipalities were complying with their obligation to ensure that lobbying contacts are documented and filed for public inspection as required by the Broward Code of Ethics for Elected Officials (the Ethics Code).

The OIG contacted those ten municipalities whose Ethics Code compliance we could not confirm by observation of their websites. We communicated the logging and disclosure requirements and worked with municipal clerks and attorneys to bring the elected officials of those municipalities into compliance. We continued to work with city officials and, as recently as June 27, 2014, we communicated with the final municipality which had not made its lobbying activity log available online. In the ensuing days, that city has made considerable effort to make the log reliably accessible and, for that reason, we now find that the county and its thirty-one (31) municipalities are in apparent compliance with the lobbying contact logging requirements.¹

RELEVANT GOVERNING AUTHORITIES AND BACKGROUND

Section 1-19 of the Broward County Code of Ordinances, Code of Ethics for Elected Officials

Section 1-19(c) of the Ethics Code enumerates several “Standards of Conduct” for each elected official of Broward County.² One of those standards, titled “Lobbyists,” requires the capture of certain information whenever an elected official has contact that includes lobbying activity with a lobbyist, principal of a lobbyist, or employer of a lobbyist.³ When a meeting occurs on the premises of the government, the log should be completed, at the time of the meeting, by the lobbyist, principal or employer intending to meet the elected official. B.C.C. Sec. 1-19(c)(3)b. Because the Ethics Code applies to elected officials and does not apply to the persons engaging in lobbying activity, this

¹ This review was limited to the question of whether, if lobbying activity was occurring during contacts with elected officials, logs were designed to capture the data points required by the Ethics Code, and whether the logs were made available on the county and municipal websites once filed.

² Members of the Broward County Commission, members of the governing boards of the municipalities within the county, and the municipal mayors in the county are all “elected officials” under the Ethics Code. B.C.C. Sec. 1-19(b)(3) and (9).

³ The information to be captured for meetings that occur on the elected official’s government’s premises is: “the lobbyist’s name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of each Elected Official with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.” B.C.C. Sec. 1-19(c)(3)b. The information for all other contacts is: “the lobbyist’s name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the date, time, and location of the meeting; and the specific purpose and subject matter of the meeting.” B.C.C. Sec. 1-19(c)(3)c.

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provision is interpreted to require that the elected officials safeguard that lobbying visitors properly complete the contact log. For all other contacts, including telephone and electronic communications and meetings outside of government premises, the elected official must complete the log within ten days or prior to any vote on a matter that was a subject of the contact, whichever is earlier. B.C.C. Sec. 1-19(c)(3)c. Wherever and however a contact involving lobbying activity occurs, the contact must be properly documented and then “filed for public inspection,” that is, the log itself or all of the information from the log must be entered into a searchable internet database. B.C.C. Sec. 1-19(b)(4) and (c). Again, because the Ethics Code applies to elected officials and not to other local officials or employees, this provision is understood to mean that the elected officials are responsible to ensure that the documents that they file with their local government clerk are indeed uploaded onto the government’s website.

REVIEW

Between August and October 2013, the OIG determined that the elected officials of the county and twenty-two (22) municipalities were aware of and in compliance with log maintenance and posting requirements. However, by November 2013 we were unable to find proper lobbying contact logs from nine municipalities. Two of those municipalities did not have a website, six had websites that did not reflect any lobbying contacts in 2013, and one did not list the times of lobbying contacts.

In our follow up to these initial findings, we were told that there are no registered lobbyists and no lobbying contacts with the elected officials of three municipalities: the villages of Lazy Lake and Sea Ranch Lakes, and the city of West Park. Hillsboro Beach has registered lobbyists but, according to the city clerk, there have been no filings of lobbying contacts with their elected officials.

The city clerk of Coral Springs acknowledged having received lobbyist contact filings, arranged to post them online by December 10, 2013, and advised that future filings would be posted as received. The North Lauderdale and Parkland city clerks stated that they were unaware of the requirements to post the contact log information on the city website, and then arranged to do so. We confirmed compliance was achieved by November 5, 2013 and January 21, 2014, respectively. While Hollywood’s internet site reflected lobbying contacts, the postings were missing contact times. The city clerk remedied this deficiency by January 21, 2014.

By December 10, 2013, the city clerk of Lauderdale Lakes advised us that she maintained log filings that were not available on the city’s website. In late January 2014, the OIG communicated with the city attorney with notice to the elected officials, informing them that lobbying contact logs were not properly available and searchable on the internet and cautioning that this failure may constitute violations of the Ethics Code. As of February 18, 2014, a finite spreadsheet of on-premises lobbying visits through January 2014 was linked to the city website’s “Open Government” page. However, as we repeatedly returned to the Lauderdale Lakes website due to its erratic function, we found that this spreadsheet was not consistently available on the city’s website and that the Lauderdale Lakes’ Open Government search feature, located at www.lauderdalelakes.org/134/Open-Government, continued to fail to operate properly. We communicated with the clerk, city manager, city attorney, and the elected officials of that city on June 27, 2014, informing them of our continued inability to reliably

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access lobbying activity data.⁴ In the two weeks since that communication, Lauderdale Lakes has apparently remedied the problem.

CONCLUSION

Prior to our compliance review, the elected officials of five municipalities within Broward were not ensuring that filed lobbying contacts were properly “filed for public inspection,” that is, that all the required information was made available on a searchable internet database.

After our efforts to work with municipal officials, the elected officials of the county and all its thirty-one (31) municipalities appear to be in compliance with the requirements to document and make available for internet searching the lobbying activity contacts the elected officials have with lobbyists, principals of lobbyists, and employers of lobbyists. In this regard, the transparency intended by the framers of the Ethics Code has been achieved.

⁴ We informed these officials that we found the Lauderdale Lakes “Open Government” page to be dysfunctional as to all disclosures that elected officials are required to be made available on a searchable internet database. As of the release of this memorandum, that page’s search function appears to have been restored; however, we will continue to monitor that website for the reliable availability of documents required to be filed for public inspection, and we will otherwise follow up, as necessary.