

MEMORANDUM

Agenda Item No. 6 (B)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed. D. and Members, Board of County Commissioners
DATE: (Second Reading 6-8-04) March 16, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance Relating to
Conflict of Interest and
Code of Ethics

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: June 8, 2004

FROM: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

SUBJECT: Ordinance relating to
Conflict of Interest and Code
of Ethics

This ordinance relating to Conflict of Interest and Code of Ethics ordinance amending section 2.11.1(e) of the Code of Miami-Dade County will have no fiscal impact on Miami-Dade County.

Fiscal/002404

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MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: June 8, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(B)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 6 (B)

Veto _____

6-8-04

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(e) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT COMMISSIONERS MAY SOLICIT GIFTS ON BEHALF OF NONPROFIT ORGANIZATIONS; PROVIDING FOR DISCLOSURE OF GIFTS HAVING A VALUE IN EXCESS OF \$100.00; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-11.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Section. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.

* * *

(e) *Gifts.*

* * *

(2) *Exceptions.* The provisions of subsection (e)(1) shall not apply to:

a. Political contributions specifically authorized by State law;

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- b. Gifts from relatives or members of one's household;
- c. Awards for professional or civic achievement;
- d. Material such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;
- e. Gifts solicited by County employees or departmental personnel on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business;
- f. Gifts solicited by Commissioners on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business.
- >>g. Gifts solicited by Commissioners on behalf of any nonprofit organization for use solely by that organization where neither the Commissioner nor his or her staff receives any compensation as a result of the solicitation. As used in this subsection, a "nonprofit organization" shall mean any entity described in section 501(c)(3) of the Internal Revenue Code (the "Code") that is tax exempt under section 501(a) of the Code. As used in this subsection, "compensation" means any money, gift, favor, political contribution, thing of value or other financial benefit.<<

* * *

- (4) *Disclosure.* Any person included in the term defined in subsection (b)(1) through (6) shall disclose as provided herein any gift, or series of gifts from any one person or entity, having a value in excess of ~~[[twenty five dollars (\$25.00)]]~~ >>one hundred dollars (\$100.00)<<. Said disclosure shall be made by filing a copy of the disclosure form required by

Chapter 112, Florida Statutes, for "local officers" with the Clerk of the Board of County Commissioners simultaneously with the filing of the form with the Secretary of State.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:

GKS

Gerald K. Sanchez

Sponsored by Commissioner Jose "Pepe" Diaz