

# MEMORANDUM

Agenda Item No. 7(A)  
(Second Reading 7-20-10)  
March 16, 2010

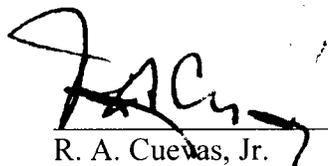
**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:**

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance amending Conflict  
of Interest and Code of Ethics  
Ordinance amending prohibition  
on transacting business with the  
County

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.  
County Attorney

RAC/up

# Memorandum



**Date:** July 20, 2010

**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**From:** George M. Burgess   
County Manager

**Subject:** Ordinance amending Section 2-11.1 of the Code of Miami-Dade County

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The ordinance amending Section 2-11.1 of the Code relating to conflict of interest and code of ethics ordinance will have no fiscal impact to Miami-Dade County.

  
\_\_\_\_\_  
Alina Hudak,  
Assistant County Manager

Fis04510



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** July 20, 2010

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 7(A)

Veto \_\_\_\_\_

7-20-10

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE (“ETHICS ORDINANCE”); AMENDING PROHIBITION ON TRANSACTING BUSINESS WITH THE COUNTY; PROVIDING THAT COUNTY COMMISSIONERS, COMMUNITY COUNCIL MEMBERS AND OTHER SPECIFIED INDIVIDUALS MAY NOT VOTE ON OR PARTICIPATE IN MATTERS WHERE A FINANCIAL INTEREST EXISTS; PROVIDING FOR DEFINITION OF FINANCIAL INTEREST; EXTENDING LIMITED EXCLUSION FROM PROHIBITION ON CONTRACTING WITH THE COUNTY TO DEPARTMENTAL PERSONNEL; PROHIBITING COUNTY COMMISSIONERS, MAYOR, QUASI-JUDICIAL PERSONNEL, AUTONOMOUS PERSONNEL AND ADVISORY PERSONNEL FROM PARTICIPATING FOR SPECIFIED TIME PERIOD IN ANY MATTER REGARDING PRIOR EMPLOYER OR ENTITY IN WHICH OFFICIAL HELD A FINANCIAL INTEREST; PROVIDING THAT DEPARTMENTAL PERSONNEL AND EMPLOYEES WHO WERE PREVIOUSLY EMPLOYED BY A NOT-FOR-PROFIT ENTITY ARE PRECLUDED FOR SPECIFIED PERIOD OF TIME FROM PERFORMING CONTRACT-RELATED DUTIES REGARDING THAT ENTITY; AMENDING EXEMPTION THAT PROVIDES THAT FORMER COUNTY OFFICIALS, DEPARTMENTAL PERSONNEL AND EMPLOYEES ARE NOT PROHIBITED FROM LOBBYING ON BEHALF OF GOVERNMENTAL ENTITIES, NONPROFIT ENTITIES OR EDUCATIONAL INSTITUTIONS WITHIN THE TWO-YEAR PERIOD AFTER COUNTY SERVICE; AMENDING SECTION 2-11.1(V) OF THE CODE RELATING TO VOTING CONFLICTS TO INCLUDE AUTONOMOUS PERSONNEL; AMENDING SECTION 20-45 OF THE CODE RELATING TO CONFLICT OF INTEREST PROVISIONS APPLICABLE TO COMMUNITY COUNCIL MEMBERS; PROHIBITING FORMER MEMBER OF COMMUNITY COUNCIL FROM APPEARING BEFORE ANY COMMUNITY COUNCIL FOR PERIOD OF TWO YEARS AFTER SERVICE; 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 to read as follows:<sup>1</sup>

**Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.**

(a) *Designation.* This section shall be designated and known as the "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance." This section shall be applicable to all County personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees of municipalities in the County insofar as their individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefore be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to.

(b) *Definitions.* For the purposes of this section the following definitions shall be effective:

\* \* \*

(8) The term "controlling financial interest" shall refer to ownership, directly or indirectly, ~~of~~ of ten (10) percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten (10) percent or more in a firm, partnership, or other business entity.

\* \* \*

(10) The term "transact any business" shall refer to the purchase or sale by the County of specific goods or services for a consideration.

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<sup>1</sup> 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.

(11) The term "Ethics Commission" shall refer to the Miami-Dade County Commission on Ethics and Public Trust.

\* \* \*

(c) *Prohibition on transacting business within the County.*

(1) No person included in the terms defined in subsection >>§<< (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business, except as provided in subsections (c)[[(2)]]>>(3)<< through (c)[[(6)]]>>(7)<< in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Willful violation of this subsection shall constitute malfeasance in office and shall effect forfeiture of office or position.

>>(2) No person included in the terms defined in subsections (b)(1) through (6) and in subsection (b)(9) shall, except as provided in subsections (c)(3) through (c)(7), enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or she or any member of his or her immediate family has a controlling financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Willful violation of this subsection shall constitute malfeasance in office and shall effect forfeiture of office or position.<<

[[~~(2)~~]]>>(3)<<County employees' limited exclusion from prohibition on contracting with the [[~~e~~]]>>C<<ounty. Notwithstanding any provision to the contrary herein, subsection[[s]] (c) [[~~and (d)~~]] shall not be construed to prevent any employee as defined by subsection>>§<< >>(b)(5)<< and (b)(6) [[~~excluding departmental personnel as defined by subsection (b)(5)~~]] or his or her immediate family as defined by subsection (b)(9) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County, as long as (1) entering into the contract would not interfere with the full and

faithful discharge by the employee of his or her duties to the County, (2) the employee has not participated in determining the subject contract requirements or awarding the contract, and (3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the ~~[[e]]>>C<<ounty~~ department which will enforce, oversee or administer the subject contract.

~~[[3]]>>(4)<<~~Limited exclusion from prohibition on autonomous personnel, advisory personnel and quasi-judicial personnel contracting with ~~[[e]]>>C<<ounty~~. Notwithstanding any provision to the contrary herein, subsection~~[[s]]~~ (c) ~~[[and (d)]]~~ shall not be construed to prohibit any person defined in subsection (b)(2), (b)(3) and (b)(4) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the board member or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County. However, any person defined in subsection (b)(2), (b)(3) and (b)(4) is prohibited from contracting with any agency or department of Miami-Dade County subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board of which the person is a member.

~~[[4]]>> (5) <<~~ Any person defined in subsections (b)(2) through (b)~~[[4]]>>(6)<< [[and subsection (b)(6)]]~~ shall seek a conflict of interest opinion from the Miami-Dade County Commission on Ethics and Public Trust ("the Ethics Commission") prior to submittal of a bid, response, or application of any type to contract with the County by the person or his or her immediate family. A request for a conflict of interest opinion shall be made in writing and shall set forth and include all pertinent facts and relevant documents. If the Ethics Commission finds that the requirements of this section pertaining to exclusions for persons defined in subsections (b)(2) through ~~[[b)(4) and subsection]]~~ (b)(6) are not met and that the proposed transaction would create a conflict of interest, the person defined in subsections (b)(2) ~~>>through<<[[, (b)(3), (b)(4) or]]~~ (b)(6) may request a waiver from the Board of County Commissioners within ten (10) days of the Ethics Commission opinion by filing a notice of appeal to the

Ethics Commission. The Ethics Commission shall forward the notice of appeal and its opinion and any pertinent documents to the Clerk of the Board of County Commissioners (the "Clerk") forthwith. The Clerk shall place the request on the commission agenda for consideration by the Board. The Board of County Commissioners may grant a waiver upon an affirmative vote of two-thirds (2/3) of the entire Board of County Commissioners, after public hearing, if it finds that the requirements of this ordinance pertaining to the exclusion for a County employee from the Code have been met and that the proposed transaction will be in the best interest of the County. The Board of County Commissioners may, as provided in subsection (c)~~[[6]]~~<sup>7</sup>, grant a waiver to any person defined in subsection (b)(2) through (b)(4) regarding a proposed transaction. Such findings shall be included in the minutes of the ~~[[b]]~~<sup>B</sup>oard. This subsection shall be applicable only to proposed transactions, and the Board may in no case ratify a transaction entered into in violation of this subsection.

If the affected person or his or her immediate family member chooses to respond to a solicitation to contract with the County, such person shall file with the Clerk a statement in a form satisfactory to the Clerk disclosing the person's interest or the interest of his or her immediate family in the proposed contract and the nature of the intended contract at the same time as or before submitting a bid, response, or application of any type to contract with the County. Along with the disclosure form, the affected person shall file with the Clerk a copy of his or her request for an Ethics Commission opinion and any opinion or waiver from the Board. Also, a copy of the request for a conflict of interest opinion from the Ethics Commission and any opinion or waiver must be submitted with the response to the solicitation to contract with the County.

Notwithstanding any provision herein to the contrary, the County and any person or agency acting for Miami-Dade County shall not award a contract to any person defined in subsections (b)(2) through ~~[[b)(4) and subsection]]~~ (b)(6) or his or her immediate family individually or through a firm, corporation, partnership or business entity in which the person or any member of his or her immediate family has a controlling financial interest, unless the Ethics Commission has rendered an opinion that entering the contract would not be a conflict of interest or the Board waives the conflict in accordance with the provisions of this ordinance.

The County Manager is directed to include language in all solicitations for county contracts advising persons defined in subsections (b)(2) through ~~[(b)(4) and subsection]~~ (b)(6) of the applicable conflict of interest code provisions, the provisions of this ordinance, including the requirement to obtain an Ethics Commission opinion and make disclosure, and the right to seek a legal opinion from the State of Florida Ethics Commission regarding the applicability of state law conflict of interest provisions.

~~[(5)]~~ >>(6)<< Nothing herein shall prohibit or make illegal (1) the payment of taxes, special assessments or fees for services provided by County government; (2) the purchase of bonds, anticipation notes or other securities that may be issued by the County through underwriters or directly from time to time; (3) the participation of the persons included in the terms defined in subsection >>5<< (b)(1) through (6), except for employees of the general services administration and their "immediate family" as defined in (b)(9), in the public auction process utilized by the County for the disposal of surplus motor vehicles; (4) the purchase of surplus personal property, pursuant to administrative order, by persons defined in subsection (b)(1) through (6) and (9); (5) an application for direct assistance from the Miami-Dade County Department of Housing and Urban Development or an application to participate in a program administered by the Department of Special Housing has been submitted by an applicant who is a County person as defined in subsection (b) and who would but for this section be eligible for such assistance from said department; provided, however, that the exception provided in this paragraph shall not extend to an employee of the Miami-Dade County Department of Housing and Urban Development or the Department of Special Housing who participates in the administration of said programs; or (6) an~~[[d]]~~ application to participate in a single-family mortgage loan program sponsored by the Housing Finance Authority of Miami-Dade County, has been submitted by a County person as defined in subsection (b), and would but for this section be eligible for participation in said program; provided, however, that the exception provided in this paragraph shall not extend to an employee of the Miami-Dade County Finance Department who participates in the administration of said single-family mortgage loan program.

~~[(6)]~~ >>(7)<< Extension of waiver to county commissioners, autonomous personnel, quasi-judicial personnel, and advisory personnel. The requirements of this subsection may

be waived for a particular transaction only by affirmative vote of two-thirds of the entire Board of County Commissioners, after public hearing. Such waiver may be affected only after findings by two-thirds of the entire Board that:

(1) An open-to-all sealed competitive bid has been submitted by a County person as defined in subsection (b)(2), (3) and (4), or

(2) The bid has been submitted by a person or firm offering services within the scope of practice of architecture, professional engineering, or registered land surveying as defined by the laws of the State of Florida and pursuant to the provisions of the Consultants' Competitive Negotiation Act, and when the bid has been submitted by a County person defined in subsection (b)(2), (3) and (4), or

(3) The property or services to be involved in the proposed transaction are unique and the County cannot avail itself of such property or services without entering a transaction which would violate this subsection but for waiver of its requirements, or

(4) That the property or services to be involved in the proposed transaction are being offered to the County at a cost of no more than 80 percent of fair market value based on a certified appraisal paid for by the provider, and

(5) That the proposed transaction will be to the best interest of the County.

Such findings shall be spread on the minutes of the Board. This subsection shall be applicable only to prospective transactions, and the Board may in no case ratify a transaction entered in violation of this subsection.

Provisions cumulative. This subsection shall be taken to be cumulative and shall not be construed to amend or repeal any other law pertaining to the same subject matter.

(d) ~~[[Further prohibition on transacting business with the County. No person included in the terms defined in subsections (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with Miami Dade County or any person or agency acting~~

~~for Miami Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. The remaining provisions of subsection (c) will also be applicable to this subsection as though incorporated herein by recitation.]]>>Voting Conflicts. No person included in the term defined in subsection (b)(1) shall vote on any matter or participate in any official action directly or indirectly affecting a business in which he or she or any member of his or her immediate family has a financial interest. As used herein and in subsections (n), (v)(2), (x) and (cc), the term "financial interest" shall refer to: (a) ownership, directly or indirectly, of one (1) percent or more of the outstanding capital stock in any corporation, and shall not include capital stock owned through a professionally managed mutual fund that pools money from multiple investors and invests in stocks; (b) a direct or indirect interest of one (1) percent or more in a firm, partnership or other business entity; or (c) where any portion of a person's annual income is attributable to a salary, wage or other compensation derived from self-employment, or employment with such business entity or other person.<<~~

Additionally, no person included in the term defined in subsection (b)(1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any person included in the term defined in subsection (b)(1) who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Board of County Commissioners shall absent himself or herself from the Commission meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter.

>>Further, no person included in the term defined in subsection (b)(1) who was previously employed by or held a financial interest in a for-profit entity, not-for-profit entity, partnership or other business entity (hereinafter "business entity") shall, for a period of eighteen (18) months following termination of his or her prior relationship with the business entity, vote on or participate in any way in any matter relating to that entity.<<

\* \* \*

(n) *Actions prohibited when financial interests involved.* No person included in the terms defined in subsections (b)(1) through (6) shall participate in any official action directly or indirectly affecting a business in which he >>or she<< or any member of his >>or her<< immediate family has a financial interest >>as defined in subsection (d)<<. ~~[[A financial interest is defined as a special financial interest, direct or indirect, as that term is used in Section 4.03 of the County's Charter; or as a financial interest as defined in Section 769 of the Restatement of the Law of Torts as an investment or something in the nature of an investment.]]~~ >>As used in this subsection (n), a financial interest also includes a special financial interest, direct or indirect, as that term is used in Section 5.03 of the County's Charter or where a person covered by this subsection would or might, directly or indirectly, profit or be enhanced by any official action.<< This section shall not prohibit any official, officer, employee or person from taking official action (1) to promote tourism or downtown development or redevelopment within the County or any portion thereof, or (2) to authorize the expenditure of public funds for promoting tourism or downtown development or redevelopment, so long as no such authorized public funds are to be paid to such person or a member of his >>or her<< immediate~~[[ly]]~~ family or any business in which he >>or she<< or any member of his >>or her<< immediate family has a financial interest.

\* \* \*

(q) *Continuing application after county service.*

(1) No person who has served as an elected county official, i.e., mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, departmental personnel or employee shall, for a period of two (2) years after his or her county service or employment has ceased, lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. ~~[[Additionally, no person who has served as a community council member shall, for a period of two (2) years~~

~~after his or her county service or employment has ceased, lobby, with regard to any zoning or land use issue, any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect.]]~~  
 Nothing contained in this Subsection (q)(1) shall prohibit any individual included within the provisions of this subsection from submitting a routine administrative request or application to a county department or agency during the two-year period after his or her county service has ceased.

(2) The provisions of this Subsection (q) shall not apply to officials, departmental personnel or employees who become employed by governmental entities, 501(c)(3) non-profit entities or >>public<< educational institutions or entities, and who lobby on behalf of such entities in their official capacities >>without special compensation or reimbursement for the appearance<<.

(3) The provisions of this section shall apply to all individuals as described in Subsection (q)(1) who leave the county after the effective date of the ordinance from which this section derives.

(4) ~~[[Any former county officer, departmental personnel or employee who has left the county within two (2) years prior to the effective date of this ordinance and has entered into a lobbying contract prior to the effective date of this ordinance shall, for a period of two (2) years after his or her county service or employment has ceased, comply with Subsection (q) as it existed prior to the effective date of the ordinance from which this section derives and as modified by this Subsection (q)(4) when lobbying pursuant to said contract. No former county officer, departmental personnel or employee who has left the county within two (2) years prior to the effective date of the ordinance from which this section derives shall for a period of two (2) years after his or her county service or employment has ceased enter into a lobbying contract to lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami Dade County or one (1) of its agencies or instrumentalities is a party or has a direct and substantial interest; and in which he or she~~

~~participated directly or indirectly as an officer, departmental personnel or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, during his or her county service or employment. As used herein, a person participated "directly" where he or she was substantially involved in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, during his or her county service or employment. As used herein, a person participated "indirectly" where he or she knowingly participated in any way in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of legal advice, investigation or otherwise, during his or her county service or employment. Former county officers, departmental personnel and employees who have left the county within two (2) years prior to the effective date of the ordinance from which this section derives shall execute an affidavit on a form prepared by the Office of the Inspector General prior to lobbying any county officer, departmental personnel or employee stating that the requirements of this section do not preclude said person from lobbying any officer, departmental personnel or employee of the county. The Inspector General shall verify the accuracy of each affidavit executed by former county officers, departmental personnel or employees.]]~~

(5) Any individual who is found to be in violation of this Subsection (q) shall be subject to the penalties provided in either Subsection ~~[[(1)]]~~ ~~>>(dd)(1)<<~~ or Subsection ~~[[(2)]]~~ ~~>>(dd)(2)<<~~.

\* \* \*

(s) *Lobbying.*

\* \* \*

(9) The Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection (s). In the event that a violation is found to have been committed the Ethics Commission may, in addition to the penalties set forth in subsection ~~[[(z)]]~~ ~~>>(dd)<<~~, prohibit such person from lobbying before the County Commission or any committee, board or personnel of the County as provided herein. Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

1<sup>st</sup> violation for a period of 90 days from the date of determination of violation;

2<sup>nd</sup> violation for a period of one (1) year from the date of determination of violation;

3<sup>rd</sup> violation for a period of five (5) years from the date of determination of violation;

A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three (3) or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The County Manager shall include the provisions of this subsection in all County bid documents, RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of such failure illegal per se.

\* \* \*

(v) *Voting Conflicts*[[:-]] >>: Autonomous Personnel and<< Members of Advisory and Quasi-Judicial Boards.

>>(1)<< No person included in the terms defined in subsections >>(b)(2) (autonomous personnel),<< (b)(3) (quasi-judicial personnel) and (b)(4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves >>or<< [[,-and]] the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor.

>>(2) Additionally, no person included in the term defined in subsections (b)(2), (b)(3) and (b)(4) who was previously employed by or held a financial interest in a for-profit entity, not-for-profit entity, partnership or other business entity (hereinafter "business entity") shall, for a period of eighteen (18) months following termination of his or her prior relationship with the business entity,

vote on or participate in any way in any matter relating to that entity. The prohibition provided for in this paragraph relating to advisory personnel shall only apply to those individuals serving on boards which have the authority to recommend the award of grants or contracts.<<

\* \* \*

(x) *Prohibition on county employees and departmental personnel performing contract-related duties.* No person included in subsections (b)(5)(departmental personnel) and (b)(6) (employees), who was previously employed by or held a ~~[[controlling]]~~ financial interest>>, as defined in subsection (d),<< in a for-profit ~~[[firm]]~~ >>entity<<, >>not-for-profit entity,<< partnership or other business entity (hereinafter "business entity") shall, for a period of two years following termination of his or her prior relationship with the business entity, perform any county contract-related duties regarding the business entity, or successor in interest, where the business entity is a county bidder, proposer, service provider, contractor or vendor. As used in this subsection (x), "contract-related duties" include, but are not limited to: service as a member of a county certification, evaluation, selection, technical review or similar committee; approval or recommendation of award of contract; contract enforcement, oversight or administration; amendment, extension or termination of contract; or forbearance regarding any contract. Notwithstanding the foregoing, the provisions of this subsection (x) shall not apply to the County Manager or the Director of Procurement Management.

\* \* \*

>>(cc) Community Councils.

(1) Voting. A Community Council member shall not vote on any matter or participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest as defined in subsection (d). Additionally, a Community Council member is prohibited from voting on or participating in any way in any matter presented to the Community Council on which the member serves if the member has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Community Council on which the member serves: i) officer, director, partner, of council, consultant

employee, fiduciary or beneficiary; or ii) stockholder, bondholder, debtor or creditor, if in any instance the transaction or matter would affect the Community Council member in a manner distinct from the manner in which it would affect the public generally. Any Community Council member who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Community Council on which the member serves shall absent himself or herself from the Community Council meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter.

- (2) Continuing application after County service. No person who has served as a member of a Community Council shall, for a period of two (2) years after his or her service on the Community Council has ceased, lobby or appear before any Community Council on behalf of a third party. Additionally, no person who has served as a Community Council member shall, for a period of two years after his or her county service has ceased, lobby, with regard to any zoning or land use issue, any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Nothing contained in this subsection (cc) shall prohibit any individual included within the provisions of this subsection from submitting a routine administrative request or application to a County department or agency during the two-year period after his or her County service has ceased.<<

[[ee]]>>(dd)<<Penalty.

\* \* \*

Section 2. Section 20-45 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 20-45. Community Councils; conflict of interest.

- (1) ~~[[In addition to t]]>>T<<he provisions of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance[[,]] >>shall be applicable to members of Community Councils.<< [[each Community Council member is prohibited from voting on or participating in any way in any matter presented to the Community Council on which the member serves if the member has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Community Council on which the member serves: i) officer, director, partner, of council, consultant, employee, fiduciary or beneficiary; or ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the Community Council member in a manner distinct from the manner in which it would affect the public generally. Any Community Council member who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Community Council on which the member serves shall absent himself or herself from the Community Council meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter.]]~~

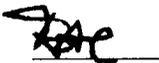
Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. 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.

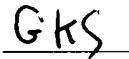
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Gerald K. Sanchez

Prime Sponsor: Commissioner Rebeca Sosa  
Co-Sponsor: Commissioner Sally A. Heyman