

MEMORANDUM

Agenda Item No. 7(E)

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

DATE: September 21, 2010

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

SUBJECT: Ordinance relating to Conflict of Interest and Code of Ethics Ordinance; amending Section 2-11.1(s) of the Code, to provide that twenty percent of funds generated by lobbyist registration fees shall be deposited into a separate account to be used by Miami-Dade County Commission on Ethics and Public Trust to fund educational outreach, the rendering of advisory opinions and enforcement of provisions regarding lobbyists

The attached ordinance was amended at the Health, Public Safety & Intergovernmental Committee to provide that fifteen (15) percent of future funds generated by lobbyist registration fees after the effective date of this ordinance shall be deposited into a separate account, and shall be expended by the Ethics Commission for the purposes of educational outreach, the rendering of advisory opinions and enforcement of the provisions of Section 2-11.1(s) relating to lobbyists.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez and Co-Sponsors Vice-Chairman Jose "Pepe" Diaz, Commissioner Sally A. Heyman, Commissioner Dorrin D. Rolle, Commissioner Rebeca Sosa and Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum



Date: September 21, 2010
To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
From: George M. Burgess
County Manager
Subject: Ordinance relating to Conflict of Interest and Code of Ethics Ordinance; amending
Section 2-11 (s) of the Code

The proposed ordinance amending Section 2-11 of the Code of Miami-Dade County, relating to the Conflict of Interest and Code of Ethics ordinance increasing the amount of lobbyist registration fees deposited into the Commission of Ethics and Public Trust to twenty percent of existing and future collections may have a fiscal impact to the Clerk of Courts operations.

Currently the Clerk's Office utilizes the Lobbyist Trust Fund to subsidize a portion of the operation of the Clerk of the Board. For FY 2010-11, expenditures in this trust fund are projected to be \$752,000. The trust fund collection amounts vary significantly month to month depending on the items that come before the Board. This variability makes it difficult to project future collection levels. However based on historical information, the annual collections average approximately \$372,000. If there are insufficient funds in the trust account to cover the planned expenditures, then the operations of the Clerk of Board will be negatively impacted. This may result in a reduction in the level of service provided not just to the public the Clerk serves, but also the internal County departments, including the availability of staff present at hearings and County Commission and Committee meetings.

A handwritten signature in black ink, appearing to read "Jennifer Glazer-Moon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jennifer Glazer-Moon, Special Assistant/Director
Office of Strategic Business Management



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners **DATE:** September 21, 2010

FROM: R. A. Cuevas, Jr.  **SUBJECT:** Agenda Item No. 7(E)
County Attorney

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(E)
9-21-10

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(S) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT TWENTY PERCENT OF FUNDS GENERATED BY LOBBYIST REGISTRATION FEES SHALL BE DEPOSITED INTO A SEPARATE ACCOUNT TO BE USED BY MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST TO FUND EDUCATIONAL OUTREACH, THE RENDERING OF ADVISORY OPINIONS AND ENFORCEMENT OF PROVISIONS REGARDING LOBBYISTS; 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(s) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Chapter 2

ADMINISTRATION

* * *

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

* * *

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.

(s) *Lobbying.*

* * *

(2) All lobbyists shall register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall:

(a) Register on forms prepared by the Clerk;

(b) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby. If the lobbyist represents a corporation, the corporation shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership, or trust. Registration of all lobbyists shall be required prior to January 15 of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be four hundred and ninety dollars (\$490.00). Every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1). The registration fees required by this subsection shall be deposited by the Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. >>Notwithstanding the foregoing, ~~[[twenty (20)]]~~²>>fifteen (15)<< percent of ~~[[existing and]]~~ future funds generated by lobbyist registration fees >>after the effective date of this ordinance<< shall be deposited into a separate account, and shall be expended by the Ethics Commission for the purposes of educational outreach, the rendering of advisory opinions and enforcement of the provisions of Section 2-11.1(s) relating to lobbyists.<< There shall be no fee required for filing a notice of withdrawal and the Board of County Commissioners may, in its discretion, waive the registration fee upon a finding of financial hardship.

² Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

* * *

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.

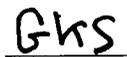
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Gerald K. Sanchez

Prime Sponsor:	Commissioner Joe A. Martinez
Co-Sponsor:	Vice-Chairman Jose "Pepe" Diaz
Co-Sponsor:	Commissioner Sally A. Heyman
Co-Sponsor:	Commissioner Dorrin D. Rolle
Co-Sponsor:	Commissioner Rebeca Sosa
Co-Sponsor:	Senator Javier D. Souto