MEMORANDUM

SPAGO
Agenda Item No. 2B

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: August 25, 2015

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

SUBJECT: Resolution rescinding Administrative Order No. 7-7 relating to employees having knowledge of a crime and approving Implementing Order No. 7-7 establishing an Honor Code for elected and appointed County officials and County employees

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

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

SUBJECT: Agenda Item No.

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 Mayor'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
Veto _____
Override _____

Agenda Item No.
10-6-15

RESOLUTION NO. _____

RESOLUTION RESCINDING ADMINISTRATIVE ORDER NO. 7-7 RELATING TO EMPLOYEES HAVING KNOWLEDGE OF A CRIME AND APPROVING IMPLEMENTING ORDER NO. 7-7 ESTABLISHING AN HONOR CODE FOR ELECTED AND APPOINTED COUNTY OFFICIALS AND COUNTY EMPLOYEES

WHEREAS, the first duty of a public servant is to protect the public interest, which requires a higher level of ethical conduct than is acceptable in private-sector affairs; and

WHEREAS, public trust in government institutions is a necessary precondition to the success of a democracy; and

WHEREAS, government, and those who serve in it at all levels, have experienced a loss of public trust and respect; and

WHEREAS, it is the collective duty of all public servants to respond to the public's concerns by redoubling their efforts to honor and serve the public interest by promoting the values of honesty, integrity, leadership and fairness; and

WHEREAS, restoring and maintaining a sense of honor in public service is an important component in fulfilling the goals of the Miami-Dade County Citizens' Bill of Rights, as well as the County's commitment to delivering excellence every day to the citizens of Miami-Dade County; and

WHEREAS, the most fundamental way for Miami-Dade County officials and employees to address this goal is to support all public servants who both perform their duties honorably and possess the moral courage not to tolerate less than the same from their fellow public servants; and

WHEREAS, the Miami-Dade County Commission on Ethics and Public Trust has adopted a resolution calling upon all County officials and employees to raise the standard of ethics in public service by establishing a public service honor code ("Honor Code") for the prevention of corruption and unethical practices in County government; and

WHEREAS, the Commission believes that establishing an Honor Code is in the best interest of the citizens of Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board hereby rescinds Administrative Order No. 7-7 which relates to employees having knowledge of a crime, and adopts Implementing Order No. 7-7 establishing an Honor Code, in substantially the form attached hereto.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. GKS

Gerald K. Sanchez

I.O. No.: 7-7
Ordered:
Effective:

MIAMI-DADE COUNTY
IMPLEMENTING ORDER

POLICIES AND PROCEDURES ESTABLISHING A PUBLIC SERVICE HONOR CODE FOR ELECTED AND APPOINTED COUNTY OFFICIALS AND COUNTY EMPLOYEES

AUTHORITY:
Citizens' Bill of Rights and Sections 1.01, 2.02 and 5.02 of the Miami-Dade County Home Rule Charter; Commission on Ethics and Public Trust Enabling Ordinance, Section 2-1066 et seq., of the Code of Miami-Dade County, Florida ("the Code"); and the Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 of the Code.

SUPERSEDES:
This Implementing Order supersedes and replaces Administrative Order 7-7 ("Employees Having Knowledge of a Crime"), which became effective on October 22, 1964. Administrative Order 7-7 established the policy that County officials and employees under the jurisdiction of the County Manager who have knowledge or information of activity which may constitute a crime shall report such information immediately and personally to either the State Attorney or Grand Jury, and that such officials and employees who so report shall also cooperate fully with the investigating authority.

POLICY:
It shall be the policy of Miami-Dade County that all elected and appointed County officials and County employees shall adhere to this Public Service Honor Code ("Honor Code"). The Honor Code consists of the following minimum standards regarding the responsibilities of all public servants in the County. Violation of any of the mandatory standards listed below may result in enforcement action as provided below under ENFORCEMENT.

Each elected and appointed public official and employee of the County shall, when acting in his or her official capacity, comply with the following mandatory standards:

1) Serve and protect the public interest above any personal or institutional interest or loyalty; and

2) Act as the public's surrogate by protecting it against waste or fraud; and

3) Respect and uphold laws, ordinances, resolutions, rules, and regulations that protect the public against abuses in County government by assisting law enforcement and other Federal, State, County and local authorities charged with protecting the public trust; and

4) Report any information concerning activity which may constitute a crime, of which he or she has personal knowledge, immediately and personally to either the State Attorney or Miami-Dade County Grand Jury; and

5) Cooperate fully with law enforcement agencies or other official investigative authorities in providing truthful testimony and other relevant information pertaining to any alleged violation of the public trust.

RESPONSIBILITIES OF SUPERVISORS AND ETHICS OFFICERS:
County supervisors and ethics officers shall counsel and encourage employees in their respective departments to report violations of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance to the Miami-Dade Commission on Ethics and Public Trust ("Ethics Commission"), and any waste, fraud or other abuse of public resources to the Miami-Dade County Office of the Inspector General.

ENFORCEMENT:
The Honor Code shall be enforced as follows:

1) The Mayor or the Mayor's designee may use the administrative process of the County for violations of the Honor Code committed by all appointed officials or employees subject to the authority of the Mayor.

2) The Ethics Commission shall have jurisdiction over violations of the Honor Code committed by elected County officials and by all other County officials and employees not subject to the administrative authority of the Mayor. The Ethics Commission shall follow the procedures outlined in Section 2-1074 of the Code in conducting such investigations or hearings as it deems appropriate. The Ethics Commission may impose a letter of reprimand or letter of instruction following a determination that a violation of the Honor Code has occurred. Such action by the Ethics Commission shall not prevent the Board of County Commissioners or any department head or supervisor from taking any additional action or imposing any penalty that they are authorized to take or impose.

3) Whenever any elected or appointed County official or employee is in doubt as to the proper interpretation or application of the Honor Code as to himself or herself, he or she may request a binding opinion from the Ethics Commission.

4) Adherence to the Honor Code by County employees shall be included, wherever appropriate and to the extent legally permissible, in the criteria for evaluations for merit increases, promotions, and professional recognition.

5) The Ethics Commission shall include the Honor Code in its ethics training programs for County officials and employees.

PROTECTION OF EMPLOYEES:
The County shall not dismiss, discipline, or take any other adverse personnel action against an employee for complying with the Honor Code. Further, the County shall not take any adverse action that affects the rights or interests of any employee in retaliation for the employee's compliance with the Honor Code. If the County takes any of the adverse actions stated in the preceding sentences as a result of an employee's compliance with the Honor Code, the employee shall be entitled to apply to the Mayor, the appropriate department, entity or agency director and/or to the Ethics Commission for redress, each of which shall take appropriate steps within their authority and discretion to ensure that no employee is penalized for compliance with the Honor Code.

Approved by County Attorney
as to form and legal sufficiency. _____