

MEMORANDUM

Agenda Item No. 4(C)

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

DATE: October 18, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to educational expenses reimbursement for County Commissioners; amending the Conflict of Interest and Code of Ethics Ordinance, section 2-11.1 of the Code; creating certain limitations on expenditures from Commission district office funds for educational programs that serve a public purpose; providing that the County's tuition refund and reimbursement program shall be the exclusive means for obtaining reimbursement for educational expenses pertaining to eligible coursework under such program

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



Abigail Price-Williams
County Attorney



APW/cp



MEMORANDUM

(Revised)

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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
- Statement of social equity 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. 4(C)
10-18-16

ORDINANCE NO. _____

ORDINANCE RELATING TO EDUCATIONAL EXPENSES REIMBURSEMENT FOR COUNTY COMMISSIONERS; AMENDING THE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE, SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING CERTAIN LIMITATIONS ON EXPENDITURES FROM COMMISSION DISTRICT OFFICE FUNDS FOR EDUCATIONAL PROGRAMS THAT SERVE A PUBLIC PURPOSE; PROVIDING THAT THE COUNTY'S TUITION REFUND AND REIMBURSEMENT PROGRAM SHALL BE THE EXCLUSIVE MEANS FOR OBTAINING REIMBURSEMENT FOR EDUCATIONAL EXPENSES PERTAINING TO ELIGIBLE COURSEWORK UNDER SUCH PROGRAM; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, County Commissioners have broad discretion as to how they may utilize their Commission district office funds, so long as the expense provides a public benefit to the County; and

WHEREAS, currently, there is no formal policy regarding the use of Commission district office funds for educational purposes; and

WHEREAS, in the past, any County Commissioner enrolled in an educational program could utilize the County's existing tuition reimbursement program available to all County employees to obtain partial reimbursement for the Commissioner's educational expenses, or allocate Commission district office funds to cover those costs in part or in full, provided that the Commissioner deemed the expense to be for the benefit of the Commissioner's district; and

WHEREAS, the Miami-Dade Commission on Ethics and Public Trust (the “Ethics Commission”) recently recommended that a reasonable monetary limit be established for allocations by any Commissioner to pay for educational programs for himself or herself that serve a public purpose, including, but not limited to, self-improvement courses, conferences, seminars, and local good governance courses designed to educate elected officials on specific and relevant topics related to their service; and

WHEREAS, the Ethics Commission recommended that any such expenditures in excess of \$5,000 for educational programs that serve a public purpose should require approval by the Board of County Commissioners; and

WHEREAS, the Ethics Commission further recommended that when any Commissioner elects to pursue a long-term educational program that culminates in the award of an academic degree, such as a B.A., M.A., or Ph.D., and wishes to use County dollars to cover his or her educational expenses, the Commissioner should utilize the tuition reimbursement program available to all County employees; and

WHEREAS, the County’s existing tuition refund/reimbursement program, established in Administrative Order 7-4, was put in place to encourage County employees to improve their effectiveness by obtaining additional training, and provides that employees enrolled in accredited educational institutions may be reimbursed by the County for 50 percent of tuition costs (*i.e.*, instruction and lab fees, but not including textbooks, exams, audit fees, or any other expenses), for approved coursework that will enable them to improve their performance in their current positions and prepare them for increased responsibilities; and

WHEREAS, according to the Ethics Commission, restricting the use of Commission District Office funds in these ways will avoid the situation in which it is left to each Commissioner's sole discretion to determine whether attending a college or university and obtaining a degree, particularly from an out-of-town institution, in some way benefits the public in his or her Commission district; and

WHEREAS, the provisions of this Ordinance are applicable to County Commissioners and constitute a minimum standard of ethical conduct and behavior for City Commissioners pursuant to Section 2-11.1(a) of the Code of Miami-Dade County, Florida; and

WHEREAS, this Board wishes to adopt the Ethics Commission's recommendations, as more particularly set forth in this ordinance,

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:¹

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

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.

concerned. References in the section to County personnel shall therefor be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to.

* * *

>>(dd) Limitations on expenditures of Commission district office funds for educational programs.

- (a) No County Commissioner may: (i) expend for himself or herself more than \$5,000 per fiscal year from Commission district office funds for educational programs that serve a public purpose, including, but not limited to, self-improvement courses, conferences, seminars, and local good governance courses designed to educate elected officials regarding specific and relevant topics related to their service; or (ii) expend Commission district office funds for educational programs that do not serve a public purpose. Any expenditure from Commission district office funds exceeding the above-stated \$5,000 threshold in a single fiscal year shall be permissible only if approved by resolution of the Board of County Commissioners.

- (b) No County Commissioner may expend Commission district office funds for a Commissioner's educational expenses pertaining to coursework eligible under the County's tuition refund/reimbursement program (the "program") including, but not limited to, when a Commissioner elects to pursue a long-term educational program that culminates in the award of an academic degree, such as a B.A., M.A., or Ph.D. When a Commissioner participates in the program, the Commissioner shall not use Commission district office funds, or other County funds, to pay for the half of the tuition not reimbursed by the County through the program. Any expenses pertaining to ineligible coursework shall not be subject to reimbursement through the program and shall not be paid for, in whole or in part, with Commission district office fund expenditures.<<

* * *

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:

GBL for MAW
GKS for JEK

Prepared by:

James Eddie Kirtley, Jr.

Prime Sponsor: Commissioner Juan C. Zapata