

MEMORANDUM

Agenda Item No. 7(B)

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

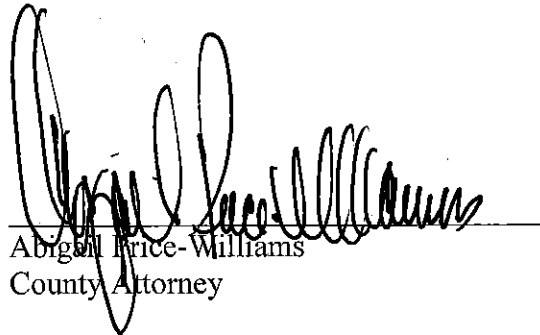
DATE: (Second Reading 5-17-16)
February 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to Rules of
Procedure of the County
Commission and the Conflict of
Interest and Code of Ethics
Ordinance; amending sections
2-1 and 2-11.1 of the Code to
establish procedure to be
followed when a member of the
Board of County Commissioners
has a conflict of interest
regarding any matter presented to
the Commission

Ordinance No. 16-47

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

APW/cp

Memorandum



Date: May 17, 2016

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Fiscal Impact for Ordinance Code Relating to Rules of Procedure of the County Commission and the Conflict of Interest and Code of Ethics

The proposed Ordinance relating to Rules of Procedure of the County Commission and the Conflict of Interest and Code of Ethics, amends Sections 2-1 and 2-11.1 of the Code of Miami-Dade County and establishes a procedure that would require any Commissioner with a conflict of interest on a particular matter before the Board to announce publicly at the meeting the nature of the conflict of interest before the matter is heard, absent himself/herself from the commission chambers during that portion of the meeting when the matter is conferred, and file a written disclosure of the nature of the conflict with the Clerk of the Board within 15 days after the vote. The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Edward Marquez", written over a horizontal line.

Edward Marquez
Deputy Mayor

Fis02816 160296

Memorandum



Date: May 17, 2016

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

Subject: Ordinance relating to Rules of Procedure of the County Commission and the Conflict of Interest and Code of Ethics Ordinance; Amending Sections 2-1 and 2-11.1 of the Code to Establish Procedure to be Followed When a Member of the Board of County Commissioners Has a Conflict of Interest Regarding Any Matter Presented to the Commission

This proposed ordinance, amending sections of the Code, establishing the procedure to be followed when a member of the Board of County Commissioners has a conflict of interest regarding any matter presented to the Commission.

No specific social equity burden, as described in Ordinance No. 15-83, as a result of this proposed amendment to the Board's Rules of Procedure can be determined. However, this change could continue to encourage a more transparent and open County government.



MEMORANDUM

(Revised)

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

DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(B)

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. 7(B)
5-17-16

ORDINANCE NO. 16-47

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE COUNTY COMMISSION AND THE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTIONS 2-1 AND 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO ESTABLISH PROCEDURE TO BE FOLLOWED WHEN A MEMBER OF THE BOARD OF COUNTY COMMISSIONERS HAS A CONFLICT OF INTEREST REGARDING ANY MATTER PRESENTED TO THE COMMISSION; 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 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

**CHAPTER 2 – ADMINISTRATION
ARTICLE I. – IN GENERAL**

* * *

Sec. 2-1. RULES OF PROCEDURE OF COUNTY COMMISSION.

* * *

PART 7. RULES OF DEBATE

Rule 7.01. RULES OF DEBATE

* * *

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.

- (g) EXPLANATION OF VOTE; CONFLICTS OF INTEREST. Upon any roll call, there shall be no discussion by any commissioner voting, and the commissioner shall vote yes or no. Any commissioner, upon voting, may give a brief statement to explain his or her vote. A commissioner shall have the privilege of filing with the clerk a written explanation of his or her vote. Any commissioner with a conflict of interest on a particular matter shall>>:<<[[~~refrain from voting or otherwise participating in the proceedings related to that matter and shall leave the commission chambers until the consideration of that matter is concluded.~~]]>>(1) announce publicly at the meeting the nature of the conflict before the matter is heard; (2) absent himself or herself from the commission chambers during that portion of the meeting when the matter is considered; and (3) file a written disclosure of the nature of the conflict with the Clerk of the Board within 15 days after the vote. The filing of the State of Florida form prescribed for written disclosure of a voting conflict shall constitute compliance with this subsection.<< Any such Commissioner who does not leave the chambers shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.

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

**CHAPTER 2 – ADMINISTRATION
ARTICLE I. – IN GENERAL**

* * *

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

* * *

(d) *Further prohibition on transacting business with the County.*

* * *

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.~~ (1) announce publicly at the meeting the nature of the conflict before the matter is heard; (2) absent himself or herself from the Commission chambers during that portion of the meeting when the matter is considered; and (3) file a written disclosure of the nature of the conflict with the Clerk of the Board within 15 days after the vote. The filing of the State of Florida form prescribed for written disclosure of a voting conflict shall constitute compliance with this subsection.

* * *

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: May 17, 2016

Approved by County Attorney as
to form and legal sufficiency:

ADW

Prepared by:

GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Daniella Levine Cava

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