

# MEMORANDUM

Agenda Item No. 7(B)

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<b>TO:</b>	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	<b>DATE:</b>	(Second Reading: 6-1-22) March 15, 2022
<b>FROM:</b>	Geri Bonzon-Keenan County Attorney	<b>SUBJECT:</b>	Ordinance relating to Conflict of Interest and Code of Ethics Ordinance; amending section 2-11.1 of the Code; revising definition of immediate family to include siblings of the person involved

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



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Geri Bonzon-Keenan  
County Attorney

GBK/smm

# Memorandum



**Date:** June 1, 2022

**To:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava   
Mayor

**Subject:** Fiscal Impact Statement for Ordinance Relating to Code of Ethics, Immediate Family to Include Siblings

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The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.


  
Edward Marquez  
Chief Financial Officer

# Memorandum



**Date:** June 1, 2022

**To:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

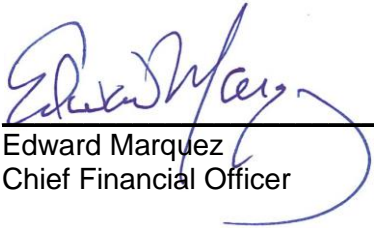
**From:** Daniella Levine Cava   
Mayor

**Subject:** Social Equity Impact Statement for Ordinance relating to Conflict of Interest and Code of Ethics Ordinance; amending section 2-11.1 of the Code; Revising Definition of Immediate Family to Include Siblings of the Person Involved

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This proposed ordinance seeks to amend section 2-11.1 of the Code of Miami-Dade County, titled Conflict of Interest and Code of Ethics Ordinance, by revising the definition of "immediate family" to include siblings.

The implementation of this amendment to the ordinance will have a social benefit, as it will preserve the integrity of the existing procurement process while enhancing and increasing the confidence of the vendor community in the award of County contracts. Additionally, the amendment would also further clarify the Ordinance, thus eliminating any ambiguity as to the meaning of immediate family.

  
Edward Marquez  
Chief Financial Officer



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** June 1, 2022

**FROM:**   
Gen Bonzon-Keenan  
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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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)  
6-1-22

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

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING DEFINITION OF IMMEDIATE FAMILY TO INCLUDE SIBLINGS OF THE PERSON INVOLVED; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, in 1996, Miami-Dade County residents voted to amend the Home Rule Charter to create an ethics commission; and

**WHEREAS**, subsequently, the Board enacted Ordinance No. 97-105, establishing the Commission on Ethics and Public Trust (the “Ethics Commission”), an independent agency with advice-giving and quasi-judicial powers that is charged with interpreting and enforcing the County’s ethics rules; and

**WHEREAS**, these ethics rules are set forth in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the “Ethics Ordinance”), which is codified in section 2-11.1 of the County Code; and

**WHEREAS**, the Ethics Ordinance contains provisions that apply to County officials and employees, as well as certain provisions pertaining to their immediate family members; and

**WHEREAS**, section 2-11.1(b) provides a definition for “immediate family” that includes spouses, domestic partners, parents, stepparents, children, and stepchildren, but does not include siblings; and

**WHEREAS**, on January 19, 2022, the Ethics Commission adopted a resolution recommending that the definition of “immediate family” be revised to include siblings; and

**WHEREAS**, including siblings would align the Ethics Ordinance with the definition of “immediate family” in various provisions of state law, as well as with common dictionary definitions of the term; and

**WHEREAS**, amending the definition of “immediate family” in the Ethics Ordinance to include siblings would also make the definition appropriately comprehensive and would further the purposes of the Ethics Ordinance, which include bolstering public trust in the administration of government and ensuring that government officials and employees serve the public in a fair and just manner; and

**WHEREAS**, this Board wishes to amend the above-referenced definition of “immediate family” in the Ethics Ordinance,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** The foregoing recitals are approved and are incorporated herein.

**Section 2.** Section 2-11.1 of the Code of Miami-Dade County is hereby amended to read as follows:<sup>1</sup>

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

\* \* \*

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

\* \* \*

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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.

- (9) The term "immediate family" shall refer to the spouse, domestic partner, parents, stepparents, >>siblings, half-siblings, step-siblings,<< children>><sub>2</sub><< and stepchildren of the person involved.

\* \* \*

**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:

James Eddie Kirtley



Prime Sponsor: Commissioner Rebeca Sosa