

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CITY CODE, ENTITLED "ADMINISTRATION," ARTICLE VII, "STANDARDS OF CONDUCT," DIVISION 2, "OFFICERS, EMPLOYEES, AND AGENCY MEMBERS," SECTION 2-462, "PROHIBITING MEMBERS OF CITY COMMISSION FROM HAVING CERTAIN POST-SERVICE CONTRACTS WITH CITY," TO AMEND THE PROVISIONS RELATING TO WAIVERS OF THE POST-SERVICE RESTRICTIONS APPLICABLE TO MEMBERS OF THE CITY COMMISSION, BY REQUIRING A DULY NOTICED PUBLIC HEARING IN ORDER TO GRANT SUCH A WAIVER; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, City Code Section 2-462(a) provides that, "[f]or a period of two years after leaving [C]ity service, no member of the [C]ity [C]ommission shall be eligible to apply for or to serve as employee, independent contractor, or agent for the [C]ity, or otherwise enter into any contract (other than for voluntary, noncompensated services) with the [C]ity on any matter"; and

**WHEREAS**, the provisions of City Code Section 2-462(a) may be waived upon a five-sevenths vote of the City Commission, finding that "the public interest would be served by such a waiver"; and

**WHEREAS**, the Mayor and City Commission now desire to amend City Code Section 2-462 to require that, consistent with other City Code provisions governing waivers of ethics rules, the City Commission must hold a duly noticed public hearing prior to waiving the post-service restrictions set forth in City Code Section 2-462.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** Chapter 2 of the City Code, entitled "Administration," is hereby amended as follows:

**CHAPTER 2  
ADMINISTRATION**

\* \* \*

**ARTICLE VII. STANDARDS OF CONDUCT**

\* \* \*

**DIVISION 2. OFFICERS, EMPLOYEES AND AGENCY MEMBERS**

\* \* \*

**Sec. 2-462. Prohibiting members of city commission from having certain post-service contracts with city.**

- (a) For a period of two years after leaving city service, no member of the city commission shall be eligible to apply for or to serve as employee, independent contractor, or agent for the city, or otherwise enter into any contract (other than for voluntary, noncompensated services) with the city on any matter.
- (b) The provisions of this section shall apply to all individuals elected or appointed/re-elected or re-appointed to serve on the city commission subsequent to the original effective date of this section.
- (c) The requirements of this section may be waived, for former members of the city commission (having left city service within the two-year period set forth in subsection (a) above), and/or sitting members of the city commission who have submitted an irrevocable letter of resignation effective immediately upon the grant of waiver, following a duly noticed public hearing, which shall be advertised not less than seven (7) days prior to such hearing, and upon a five-sevenths vote of the city commission finding that the public interest would be served by such waiver.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 4. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. 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. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 2018.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Dan Gelber, Mayor

Underline denotes additions  
Strikethrough denotes deletions

(Sponsored by Commissioner Michael Góngora)

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

2005  
City Attorney

2-26-18  
Date

NK