

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE VII, ENTITLED "STANDARDS OF CONDUCT," BY AMENDING DIVISION 2, ENTITLED "OFFICERS, EMPLOYEES AND AGENCY MEMBERS," BY AMENDING SECTION 2-458, ENTITLED "SUPPLEMENTAL ABSTENTION AND DISCLOSURE REQUIREMENTS," TO PROVIDE ADDITIONAL DISCLOSURE REQUIREMENTS FOR PUBLIC OFFICERS RELATING TO PERSONAL RELATIONSHIPS WITH PERSONS DIRECTLY BENEFITED BY A VOTE OF THE AGENCY ON WHICH THE PUBLIC OFFICER SERVES, AND CLARIFYING EXISTING PROVISIONS THEREIN; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Miami Beach City Commission is committed to the principles of integrity, transparency, and adherence to the highest ethical standards in government.

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

**SECTION 1.** That section 2-458 of Division 2 of Article VII of Chapter 2 of the Code of the City of Miami Beach is hereby amended as follows:

CHAPTER 2

ADMINISTRATION

\* \* \*

Article VII. Standards of Conduct

\* \* \*

Division 2. Officers, Employees and Agency Members

\* \* \*

**Sec. 2-458. - Supplemental abstention and disclosure requirements.**

In addition to those conflict of interest abstention and disclosure requirements currently required by state and/or county law, the following requirements shall also apply to public officers:

(a) *Conflicting relationships.*

- (1) A public officer with a conflict of interest on a particular matter is prohibited from participating in that matter and shall further absent himself from the Agency meeting on which he serves during its discussion of the subject item. "Participation" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

(2) Written disclosures of conflict of interest shall contain the full nature of the conflict at issue, including, but not limited to, names of individuals whose relationship with the officer results in the subject conflict, and all material facts relevant to the conflict issue. The written memorandum disclosing conflict of interest shall be stated into the record before any discussion begins on the subject agenda item. This written disclosure memorandum must be filed regardless of whether the officer possessing the conflict was in attendance or not at the subject Agency meeting.

(b) *Other relationships requiring disclosure.* In those instances involving neither a legal conflict or declared appearance of conflict, each public officer shall, before any discussion begins on the subject agenda item, further disclose by written disclosure memorandum and public announcement the existence of:

(1) any family and/or business relationship of which the public officer is aware, with any person or business entity who is directly benefited by the subject vote of the agency on which the public officer serves.

(2) any personal relationship with any person who is directly benefited by the subject vote of the agency on which the public officer serves.

This written disclosure memorandum must be filed regardless of whether the subject public officer was in attendance or not during consideration of the subject agenda item.

(c) *{Duration of requirements.}*—The disclosure requirements set forth in subsections (a) (2) and (b) above shall have continuing applicability for a period of up to 18 months after the subject relationship has ended.

(d) *Definitions.* As used in this section, the following definitions shall apply:

*Agency* shall mean any board, commission, committee or authority of the city, whether advisory, ad hoc or standing in nature.

*Business relationship* (for purposes of subsection (b) above) shall mean the situation in which a public officer has a relationship with a person or business entity wherein:

(1) The person/business entity is a customer of the public officer (or of his/her employer) and transacts more than \$10,000.00 of the business of the public officer (or of his/her employer) in the 12-month period immediately preceding the subject vote; or

(2) The public officer is a customer of the person/business entity and transacts more than \$10,000.00 of the business of the person/business entity in the 12-month period immediately preceding the subject vote.

(3) The \$10,000.00 threshold referenced hereinabove shall be adjusted annually to reflect increases in the Consumer Price Index.

*Family* shall mean the spouse, domestic partner, parents, stepparents, in-laws, children, and stepchildren of the public officer.

*Personal Relationship* shall mean a close personal relationship such as a long-term friendship, or a dating, ~~sexual~~, or romantic relationship, that would cause a reasonable person to conclude that the public officer is likely to act or fail to act as a

relationship, or which appears to a reasonable person as inappropriate in the context of the proper discharge of the public official's duties in the public interest and gives an appearance of impropriety.

*Public officer* includes any person presently serving who has been elected or appointed to hold office in any agency.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same 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 \_\_\_\_\_, 2016.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Philip Levine, Mayor

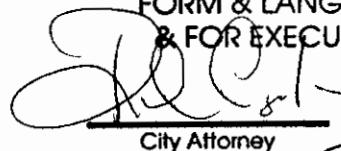
**ATTEST:**

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

Underline denotes additions  
~~Strikethrough~~ denotes deletions

(Sponsored by Commissioner John Elizabeth Aleman)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

10/17/16  
\_\_\_\_\_  
Date