

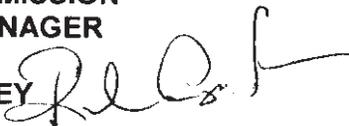
MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: JOHN ELIZABETH ALEMÁN
CITY COMMISSIONER

CC: MAYOR PHILIP LEVINE
MEMBERS OF THE CITY COMMISSION
JIMMY L. MORALES, CITY MANAGER

FROM: RAUL AGUILA, CITY ATTORNEY 

DATE: OCTOBER 19, 2016

SUBJECT: AMENDED ORDINANCE REGARDING DISCLOSURE OF PERSONAL RELATIONSHIPS

After reviewing emails and on-line postings regarding the inclusion of the term “sexual” in the definition of “personal relationship,” it’s apparent that this term has caused concern among some individuals, specifically as to what type of disclosure would be required with regard to same.

Since my job as City Attorney is to ensure that any legislation considered by the City Commission be legally sufficient, the definition of the term “personal relationship” was based upon analysis in case law from the Supreme Court of Nevada, which withstood U.S. Supreme Court scrutiny, as well as ethics opinions and other similar legislation.

I take **FULL RESPONSIBILITY** for the drafting of this Ordinance and the inclusion of the word “sexual.” At the time I drafted the Ordinance, I did not anticipate the confusion subsequently caused by the inclusion of the word in the definition of “personal relationship.”

In retrospect, I apologize that my drafting of the Ordinance has portrayed your proposed legislation in an unfair light. I also think that the inclusion of that particular term has caused the overall intent of the Ordinance to be misconstrued. When you asked me to commence researching this Ordinance this past Summer, I know that you simply wanted a neutral disclosure requirement (i.e., simply requiring disclosure of a personal relationship, without any explicit detail, and which would not preclude an elected official from participating in, discussing, and/or voting on a matter; absent a legal conflict of interest).

I believe that the attached revised Ordinance, removing the word “sexual” from the definition of “personal relationship,” better clarifies your intent. I would request that this version, rather than the prior version, be placed on the Commission Agenda.