

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REAFFIRMING THE CITY'S LONGSTANDING POLICY REQUIRING CITY EMPLOYEES TO SAFEGUARD THE CONFIDENTIALITY OF SENSITIVE INFORMATION CONCERNING THE CITY OR ITS OPERATIONS, WHICH POLICY IS IMPLICIT IN CITY CODE SECTION 2-452, PROHIBITING THE DISCLOSURE OF CONFIDENTIAL INFORMATION BY OFFICERS AND EMPLOYEES OF THE CITY, AND IN OTHER PROVISIONS OF THE CITY CODE AND STATE LAW.

WHEREAS, the Citizen's Bill of Rights, which is enshrined in the City Charter, provides as follows:

The public's confidence and trust in City of Miami Beach operations and government must meet the most demanding ethical standards and demonstrate the highest level of achievement in its adherence to ethics laws. City of Miami Beach officials and employees are agents of the people and hold their positions for the benefit of the public—as public servants, they are to observe in their official acts a high standard of conduct and to discharge faithfully the duties of their office regardless of personal considerations and interests, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern. In upholding the values of accountability and responsibility, all city officials and employees shall abide by applicable codes of ethical conduct, and be subject to all penalties provided for in such regulations.

Citizens' Bill of Rights, at Section (A)18; and

WHEREAS, in the course of performing their duties, City employees may have access to or gain knowledge of confidential or otherwise sensitive information concerning the City or its operations (including, without limitation, matters relating to employment, security, law enforcement investigations, audits, certain financial information, or trade secrets); and

WHEREAS, Chapter 119, Florida Statutes, entitled "Public Records," sets forth a number of exemptions from public records requirements for information that is confidential and/or exempt from disclosure; and

WHEREAS, the Cone of Silence Ordinance, at City Code Section 2-486, prohibits certain communications during the procurement process, in order to protect the integrity of the process by shielding it from undue influences prior to the City Manager's recommendation to award a contract; and

WHEREAS, City Code Section 2-452 provides that "[n]o officer or employee of the city shall disclose confidential information gained by reason of [the employee's] official position . . ."; and

WHEREAS, implicit in these provisions is a duty on the part of City employees to safeguard the confidentiality of sensitive information concerning the City; and

WHEREAS, this implied duty extends to communications between individual City Commissioners and members of the Administration regarding pending matters before the City Commission, Commission Committees, or other City boards or committees (if such matters may foreseeably come before the City Commission in the future); and

WHEREAS, the unauthorized release of confidential information may compromise the public's health, safety, and/or welfare, or may negatively impact the City's bargaining position in procurements or other business transactions; and

WHEREAS, the Mayor and City Commission now desire to reaffirm the City's longstanding policy requiring City employees to safeguard the confidentiality of sensitive information.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby reaffirm the City's longstanding policy requiring City employees to safeguard the confidentiality of sensitive information concerning the City or its operations, which policy is implicit in City Code Section 2-452, prohibiting the disclosure of confidential information by officers and employees of the City, and in other provisions of the City Code and State law.

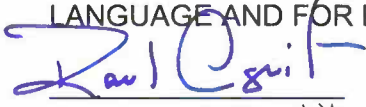
PASSED and ADOPTED this _____ day of _____ 2020.

ATTEST:

Rafael Granado
City Clerk

Dan Gelber
Mayor

(Sponsored by Vice Mayor Steven Meiner)

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION


City Attorney NK 11/10/20
Date