

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 II, ENTITLED "CITY COMMISSION" BY CREATING SECTION 2-16, ENTITLED "CODE OF PROFESSIONAL CONDUCT," TO ESTABLISH A CODE OF CONDUCT FOR INTERACTIONS AMONG ELECTED OFFICIALS, ADMINISTRATIVE STAFF, AND THE PUBLIC; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, it is imperative for elected officials to uphold the highest standards of integrity, professionalism, and respect in all interactions, whether on the dais, when addressing administrative staff and residents, or when engaging with each other; and

WHEREAS, elected officials are expected to engage in debates with civility and decorum, refraining from personal attacks or disrespectful language towards their colleagues, staff, or the public; and

WHEREAS, at meetings, elected officials should always maintain decorum, remain focused on the substance of legislative matters under consideration, and avoid disrespectful or inflammatory remarks; and

WHEREAS, elected officials should engage with each other in a professional manner, allowing for thorough examination of issues and respectful dialogue while refraining from disruptive behavior; and

WHEREAS, the establishment and adherence to a comprehensive code of conduct is indispensable to the effective functioning of any legislative body; and

WHEREAS, the Mayor and City Commission wish to establish a code of professional conduct and accountability among elected officials and staff.

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

SECTION 1. That Article II of Chapter 2 of the Code of the City Miami Beach is hereby amended as follows:

CHAPTER 2. ADMINISTRATION

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ARTICLE II. CITY COMMISSION

Sec. 2-16. Code of professional conduct.

Legislative intent. The code of professional conduct is intended to set forth the manner in which the Mayor and members of the City Commission should treat one another, City staff, constituents, and others they come into contact with in the course of their service as elected representatives for the City of Miami Beach. Each member's behavior shall be consistent with the importance of the responsibilities and duties of governance entrusted to them by the people of the City of Miami Beach.

(a) Elected Officials' Conduct with One Another.

1. Definitions

- a. Civility means politely circumspect behavior in personal interaction; propriety and courtesy in conduct; the absence of rudeness.
- b. Decorum means the customs of formality and courtesy observed by the members and presiding officer of a board in conducting business in a professional workplace setting.
- c. Grandstanding means conducting oneself or performing showily or ostentatiously in an attempt to impress onlookers.
- d. Member or elected official means mayor or member of the city commission.

- 2. Members shall maintain civility and decorum during public meetings at all times.
- 3. Members shall not unnecessarily cause delay or interrupt the proceedings of a meeting, nor disturb any other member while speaking. Members shall abide by the orders of the chairperson of either the city commission or commission committee with regard to this section or any other provision in Chapter 2, Article II of this Code.
- 4. Members shall not make abusive, disparaging, impertinent, offensive, personally insulting, slanderous, or threatening comments to any person.
- 5. Role of the Chairperson in maintaining order. It is the responsibility of the mayor or presiding officer to keep the comments of elected officials on track during public meetings. Elected officials should honor efforts by the mayor or presiding officer to focus the discussion on business currently under consideration. Pursuant to section 2-12, the mayor or presiding officer has the authority to call to order any member and decide questions or order, consistent with chapter 2, article II of this Code and Robert's Rules of Order, subject to a motion to appeal.

(b) Elected Officials' Conduct with City Staff.

1. Elected officials shall treat all staff professionally, and communicate in a clear, honest manner while respecting the abilities, experience, and dignity of each individual. Inappropriate, disrespectful, derogatory, or hostile behavior towards staff is not acceptable at any time.
2. Contact with city staff. Elected officials, as individual members of the City Commission, direct staff through agenda items approved by the governing body, and shall not individually attempt to reorganize an employee's priorities or influence the manner by which city staff performs their assigned functions or duties.
3. Scheduling meetings with city staff in advance, whenever possible. Elected officials shall not disrupt city staff while they are in previously scheduled meetings, or are otherwise engaged in performing their job functions, in order to have their individual needs met. Elected officials are encouraged to schedule meetings with city staff in advance, so as to allow staff time to adequately prepare and/or achieve all of the priorities otherwise established by the city commission.
4. No interference in regulatory functions. Elected officials must not attempt to unduly influence or interfere with City staff on the selection of consultants, vendors, processing of development applications, or granting of City regulatory permits or other regulatory approvals. The foregoing shall not preclude or in any way limit Elected Officials from requesting information regarding any matter, facilitating communications between City staff and constituents or other interested stakeholders, or otherwise providing feedback or developing policy regarding any matter.
5. Public criticism of individual employees. Elected officials should express concerns about the performance of a city employee to the city manager, to allow the city manager and/or human resources director to address the matter in a professional manner, pursuant to established city policies. Comments about staff performance should only be made to the city manager, or department director, through private correspondence or conversation wherever possible, to avoid creating a hostile work environment or culture of intimidation within the organization.
6. Confidentiality. If the city manager, city attorney, police chief, or other senior staff provides elected officials with information that is confidential and identified as such, elected officials shall maintain confidentially consistent with their obligations pursuant to section 2-452 of the city code.
7. Elected officials shall not retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations. Any concerns relating to

the performance of an individual employee shall be relayed to the city manager for appropriate follow-up.

8. Elected officials shall not threaten any city employee with disciplinary action. Any concerns relating to the performance of an individual employee shall be relayed to the city manager for appropriate follow-up.

(c) Elected Officials Conduct with the Public.

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of elected officials toward an individual participating in a public forum. Every effort should be made to be fair and impartial to public testimony.

1. Elected officials are expected to treat the public with respect in any interaction, including during public hearings. Elected officials should commit their full attention to the speakers, actively listen to speakers, and any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful, and professional. Questions by elected officials to speakers should seek to clarify or expand information.
2. Elected officials may, if necessary, ask members of the public for clarification, but should avoid excessive debate or argument with the public. Elected officials may raise a point of order if a speaker is off topic or exhibiting behavior that does not comport with the rules of decorum set forth herein.

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SECTION 2. 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 3. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the ____ day of _____, 2024.

PASSED AND ADOPTED this ____ day of _____, 2024.


ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(sponsored by Mayor Steven Meiner)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney PAZ 3-29-24
Date