

**ORDINANCE No. 2015-28**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ARTICLE VII "CODE OF ETHICS," IN CHAPTER 2, "ADMINISTRATION," OF THE CITY CODE OF ORDINANCES BY REVISING PROVISIONS IN CONFLICT WITH MIAMI-DADE COUNTY CODE PERTAINING TO FINANCIAL AND GIFT REPORTING REQUIREMENTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 2.07 of the Charter of the City of Doral (the "City") requires the City Council pass ordinance(s) that provide for a code of ethics in the City; and

**WHEREAS**, the City adopted Ordinances 2012-16 and 2012-22 which established a code of ethics and an enforcement mechanism; and

**WHEREAS**, pursuant to Section 2-371 of the City Code, the City Council desires to establish standards that are in line with those promulgated by Miami-Dade County, applicable to all municipalities in Miami-Dade County unless a policy in conflict is adopted.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above Recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Code Amended.** Article VII, "Code of Ethics," of Chapter 2, "Administration," of the Code of Ordinances of the City of Doral is hereby amended as follows:

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CHAPTER 2. ADMINISTRATION

ARTICLE VII. CODE OF ETHICS

DIVISION 2. – ENFORCEMENT MECHANISM FOR CODE OF ETHICS

\* \* \*

Sec. 2-395. – Financial Disclosure of candidates and elected officials.

- ~~(1) Upon qualifying for any elected city office, any candidate for such office shall, in addition to all other disclosures required by state or county law, submit Form 6 of the Florida Commission on Ethics to the city clerk.~~
- ~~(2) All elected officials in office as of September 19, 2012 shall submit Form 6 of the Florida Commission on Ethics to the city clerk within 30 days of September 19, 2012.~~
- ~~(3) Elected officials and charter officials shall submit Form 6 of the Florida Commission on Ethics to the city clerk annually by July 1 of each calendar year, provided, however, that this section shall not apply to the city attorney when the city attorney is a law firm and not an individual.~~

(1) All elected officials, candidates for any elected City office upon qualification, and charter officials shall file, no later than 12:00 noon of July 1st of each year, including the July 1st following the last year that person is in office or held such employment, a current certified financial statement on a form of the type approved for use by State listing all assets and liabilities having a value in excess of one thousand dollars (\$1,000.00) and a short description of each  
Compliance with the financial disclosure provisions of Chapter 112 (Part III), Florida Statutes, as amended, or with the provisions of Article II, Section 8 of the Florida Constitution, as amended, and any general laws promulgated thereunder, by the filing of Statement of Financial Interest, Form 1, as may be changed or re-designated from time to time, shall constitute compliance with this section.

(2) All documents required to be filed hereunder by City persons shall be filed with the City Clerk.

(3) All documents filed pursuant to this subsection shall constitute public records within the meaning of Chapter 119, Florida Statutes.

(4) The construction of this subsection shall be considered as supplemental to and not in substitution of any requirements of Chapter 112, Florida Statutes, or any rules and regulations promulgated thereunder.

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Sec. 2-396. - Prohibited gifts from vendors and lobbyists.

~~(1) A member of the city council, charter official, or city employee, may not directly or indirectly, accept any gift, greater than \$25.00 in value, from any city vendor or registered lobbyist.~~

(1) *Definition.* The term "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single sitting or meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(2) *Exceptions.* The provisions of subsection (e)(1) shall not apply to:

- a. Political contributions specifically authorized by State law;
- b. Gifts from relatives or members of one's household;
- c. Awards for professional or civic achievement;
- d. Material such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;
- e. Gifts solicited by a charter official or city employee on behalf of the City in the performance of their official duties for use solely by the City in conducting its official business;
- f. Gifts solicited by a member of the City Council on behalf of the City in the performance of their official duties for use solely by the City in conducting its official business;
- g. Gifts solicited by a member of the City Council, or their staff members, on behalf of any nonprofit organization for use solely by that organization where neither the member of the City Council, nor his or her staff receives any compensation as a result of the solicitation. As used in this subsection, a "nonprofit organization" shall mean any entity described in section 501(c)(3) of the Internal Revenue Code (the "Code") that is tax exempt under section 501(a) of the Code. As used in this subsection, "compensation" means any money, gift, favor, political contribution, thing of value or other financial benefit.

(3) *Prohibitions.* A member of the City Council, charter official, or city employee shall neither solicit nor demand any gift. It is also unlawful for any person or entity to offer, give or agree to give to a member of the city council, charter official, or city employee or a member of the city council, charter official, or city employee to accept or agree to accept from another person or entity, any gift for or because of:

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- a. An official public action taken, or to be taken, or which could be taken;
- b. A legal duty performed or to be performed, or which could be performed; or
- c. A legal duty violated or to be violated, or which could be violated by a member of the city council, charter official, or city employee

(4) Disclosure. A member of the city council, charter official, or city employee shall disclose as provided herein any gift, or series of gifts from any one person or entity, having a value in excess of one hundred dollars (\$100.00). Said disclosure shall be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes, for "local officers" with the City Clerk and the Secretary of State.

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**Section 3. Implementation.** The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

**Section 4. Incorporation into the Code.** The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word "ordinance" may be changes to "section," "article," or such other appropriate word or phrase in order to accomplish such intention.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they

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shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6.** **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 7.** **Effective Date.** This Ordinance shall become effective immediately

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The foregoing Ordinance was offered by Councilmember Fraga, who moved its adoption. The motion was seconded by Councilmember Rodriguez, and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Sandra Ruiz	Yes
Councilman Pete Cabrera	Absent/Excused
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING THIS 9 day of June 2015.

PASSED AND ADOPTED on SECOND READING THIS 15 day of June 2015.



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LUIGI BORIA, MAYOR

ATTEST:



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CONNIE DIAZ, CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE SOLE USE  
OF THE CITY OF DORAL



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WEISS, SEROTA, HELFMAN, COLE, & BIERMAN, PL  
CITY ATTORNEY

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