

ORDINANCE #2012-22

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION _____ OF THE CITY CODE OF THE CITY OF DORAL, FLORIDA ESTABLISHING AN ENFORCEMENT MECHANISM FOR THE CODE OF ETHICS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 2.07 of the City of Doral Charter requires the City Council to pass ordinance(s) that address a code of ethics; and

WHEREAS, the City of Doral adopted Ordinance 2012-16 which established a Code of Ethics; and

WHEREAS, that Ordinance required that enforcement mechanisms be established by separate Ordinance; and

WHEREAS, the enforcement mechanisms referred to are established in this Ordinance.

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

Section 1. Section ____ of the City Code of the City of Doral is hereby created to read as follows:

Section _____. Definitions.

(1) All terms used herein shall have the same meaning as those in Section 2-11.1 of the Miami-Dade County Code of Ordinances except for the following:

- a. A "city vendor" is a person and/or entity who has been selected by the city as the successful contractor on a present or pending solicitation for goods, equipment or services, or has been approved by the city on a present or pending award for goods, equipment or services prior to or upon execution of a contract,

purchase order, standing order, direct payment or purchasing card payment.

- b. The term “immediate family” shall refer to the spouse, domestic partner, parents, stepparents, children and stepchildren, spouses of a child or stepchild of the person involved.
- c. The term “Members of the Council” shall mean the Mayor and Councilmembers of the City of Doral.

Section _____. Ethics Training.

- (1) All Members of the Council shall attend an ethics training course offered by the Miami-Dade County Commission on Ethics and Public Trust at least once annually.
- (2) All lobbyists registered with the City shall attend an ethics training course offered by the Miami-Dade County Commission on Ethics and Public Trust at least once annually.

Section _____. Meeting with Unregistered Lobbyists Prohibited. Penalties

- (1) No Member of the Council, Charter Official or city employee shall meet with any person required to register as a lobbyist pursuant to Section _____ of the Miami-Dade County Code without verifying that the lobbyist has registered with the City Clerk.
- ~~(2) A Member of the Council found to have violated this Section shall be subject to the following penalties:
 - a. \$500.00 for the first violation.
 - b. \$1000.00 for the second violation.
 - c. \$1500.00 for the third and subsequent violations.~~
- ~~(3) A city employee found to have violated this Section shall be subject to disciplinary action consistent with the City policies as interpreted by the City Manager.~~
- ~~(4) A Charter Official found to have violated this Section shall be subject to discipline as determined by the City Council.~~

Section _____. Prohibited Outside Employment.

- (1) No entity may be a city vendor if a Member of the Council is an owner, director, employee, consultant for or has any financial relationship with the entity or a subcontractor of the entity.

- (2) No entity may be a city vendor if a Member of the Council's immediate family is an owner, director, employee, consultant for or has any financial relationship with the entity or a subcontractor of the entity.
- (3) The City shall have the right to immediately terminate, for cause, any contract with any city vendor in the event that a relationship in violation of this Section is discovered after the execution of the contract.

Section _____. Financial Disclosures 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 the Effective Date of this Ordinance shall submit Form 6 of the Florida Commission on Ethics to the City Clerk within 30 days of the Effective Date of this Ordinance.
- (3) Elected officials and Charter Officials shall submit Form 6 of the Florida Commission on Ethics to the City Clerk annually by July 1st 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.

Section _____. 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 twenty five dollars (\$25.00) in value, from any city vendor or registered lobbyist.

Section _____. Disqualification from serving as city vendor/lobbyist.

- (1) Definition. For purposes of this section, the term "disqualified" shall be defined to include:
 - (a) Termination of a city vendor/lobbyist's existing contract with the city, subject to the waiver provisions of subsection (5); and
 - (b) Disqualification of a response to solicitation requests for prospective city vendor/lobbyist contracts with the city, subject to the waiver provisions of subsection (5).
 - (c) For purposes of this section, "city vendor/lobbyist" status shall terminate upon completion of the agreement for the provision of goods, equipment or services.

- (d) For purposes of this section, the term “services” shall mean the rendering by a city vendor/lobbyist through competitive bidding or otherwise, of labor, professional and/or consulting services to the city.
 - (e) The term contribution shall have the meaning ascribed to such term in F.S. ch. 106, as amended and supplemented (copies available in city clerk’s office).
- (2) Except as provided herein, any willing violation of this Ordinance by a vendor or lobbyist may lead to disqualification as defined in this Section.
- (3) Waiver of prohibition. Conditions for waiver. The requirements of this section may be waived by a four-fifths vote for a particular transaction by city council vote after public hearing upon finding that:
- (a) The goods, equipment or services to be involved in the proposed transaction are unique and the city cannot avail itself of such goods, equipment or services without entering into a transaction which would violate this section but for waiver of its requirements; or
 - (b) The business entity involved in the proposed transaction is the sole source of supply as determined by the City Manager; or
 - (c) An emergency contract must be made in order to protect the health, safety or welfare of the citizens of the city, as determined by a four-fifths vote of the city council; or
 - (d) A contract for the provision of goods, equipment or services exists which, if terminated by the city, would be adverse to the best economic interests of the city.
- (4) Full disclosure. Any grant of waiver by the city council must be supported with a full disclosure of the subject campaign contribution.
- (5) Applicability. This section shall be applicable only to prospective transactions, and the city council may in no case ratify a transaction entered into in violation of this section.

Section _____. ~~Doral Ethic Commission Created.~~

- ~~(1) By separate Ordinance, the City Council shall create mechanisms to enforce this Ordinance including, but not limited to, a Doral Ethics Oversight Board.~~

Section _____ . Enforcement and Penalties.

- (1) The Miami-Dade Ethics Commission shall investigate alleged violations of this Section. The City Manager and the City Attorney shall negotiate with the Ethics Commission as to terms of enforcement and compensation. In addition to any penalties imposed by the Ethics Commission, violators of this Ordinance shall be subject to additional penalties as provided herein.
- (2) A Member of the Council found to have violated any section of this Ordinance shall be subject to the following penalties:
a. \$500.00 for the first violation.
b. \$1000.00 for the second violation.
c. \$1500.00 for the third and subsequent violations.
Any fine due by a Member of the Council shall be deducted from his or her stipend by the Finance Director at the direction of the City Manager. Such funds shall be refunded to the City's General Revenue Fund.
- (3) A city employee found to have violated this Section shall be subject to disciplinary action consistent with the City policies as interpreted by the City Manager.
- (4) A Charter Official found to have violated this Section shall be subject to discipline as determined by the City Council.
- (5) All alleged violations of this Section shall be reported to the City Clerk or the City Attorney who shall then be responsible for transmission of such allegations to the Miami-Dade Ethics Commission. IN the even that the allegation is made directly to the Miami-Dade Ethics Commission, the Commission shall investigate the matter pursuant to its agreement with the City but shall inform the City Attorney of such allegations.

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code conflict with this Chapter, those provisions are repealed in their entirety.

Section 3. 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 shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective after adopted on second reading.

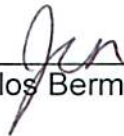
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The foregoing Ordinance was offered by Councilman Cabrera who moved its adoption. The motion was seconded by Councilman Boria and upon being put to a vote, the vote was as follows

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Luigi Boria	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 22 day of August, 2012.

PASSED AND ADOPTED on SECOND READING this 19 day of September, 2012.



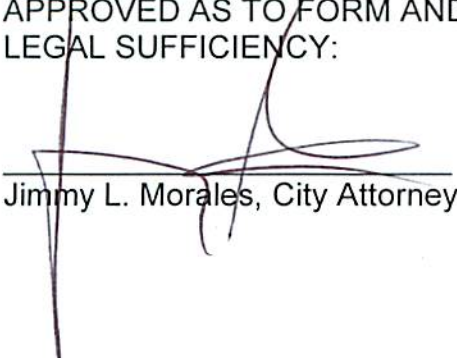
Juan Carlos Bermudez, Mayor

ATTEST:



Barbara Herrera, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Jimmy L. Morales, City Attorney