

ORDINANCE No. 2021-34

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ARTICLE VII OF THE CITY'S CODE OF ORDINANCES ENTITLED "CODE OF ETHICS", BY INCLUDING DEFINITIONS IN SECTION 2-370 AND CREATING SECTION 2-384 ENTITLED "BUSINESS ENTITY CODE OF BUSINESS ETHICS AND CONDUCT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, a conflict of interest occurs when an individual's personal interests – family, friendships, financial, or social factors – could compromise his or her judgment, decisions, or actions; and

WHEREAS, a common source of alleged wrongdoing revolves around conflicts of interest. Whether real or perceived, these allegations often arise out of situations involving personal financial gain, employment, or special treatment for family members or business relations; and

WHEREAS, identifying and resolving conflict-of-interest situations is crucial to good governance and maintaining trust in public institutions; and

WHEREAS, the disclosure of external activities is not a matter of trust; rather, it serves as a safeguard from inadvertent engagement in any circumstances that may be considered a conflict of interest, thereby protecting the reputation of the City, its employees, and the integrity of their actions.

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

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

Section 2. Code Amended. Article VII, "CODE OF ETHICS", Sec. 2-370 Definitions, of the Code of Ordinances of the City of Doral is hereby amended as follows:

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ARTICLE VII. – CODE OF ETHICS

Sec. 2-370. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attitude means the manner in which one shows one's dispositions, opinions, and feelings.

Behavior means external appearance or action; manner of behaving; carriage of oneself.

Business entity is defined as “a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

Civility means politeness, consideration, courtesy.

Conduct means the way one acts; personal behavior.

Contracting officer is the person(s) appointed by client to oversee the development of the project and responsible for awarding contracts to subcontractors.

Contractor means a contractor licensed under Chapter 489 Florida statutes appointed by the client to carry out construction work.

Courtesy means politeness connected with kindness.

Decorum means suitable; proper; good taste in behavior.

Grandstanding means utilizing public meeting time ostentatiously and hampering the efficient conduct of business.

Manners means a way of acting; a style, method, or form; the way in which things are done.

Point of order means an interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration.

Point of personal privilege means a challenge to a speaker to defend or apologize for comments that a fellow member considers offensive.

Propriety means conforming to acceptable standards of behavior.

Protocol means the courtesies that are established as proper and correct.

Public disruption means behavior that disrupts the proceedings in a manner obviously hostile to the purpose of the meeting.

Public official means any appointed or elected official and specifically includes, but is not limited to, the mayor and city council, and all board and committee members.

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Real Estate Developer is a company or individual who finds and buys land suitable for their project, obtains the necessary regulatory approvals, improves it accordingly, and builds on it.

Subcontract means a subcontract awarded directly by the contracting officer which includes but is not limited to real estate developer, architect, engineer or the Contractor for the purpose of acquiring supplies or services (including construction) for performance of a prime contract for a Development Construction related service. It does not include the Contractor's supplier agreements with vendors, such as long-term arrangements for materials or supplies that benefit multiple contracts and/or the costs of which are normally applied to a Contractor's general and administrative expenses or indirect costs.

Subcontractor means is a business entity awarded a portion of an existing contract by the prime contractor and performs a portion of work or services for a contractor or for another subcontractor including subdisciplines and trades associated with development and construction related services.

(Ord. No. 2009-10, § 1(b), 3-11-2009)

Secs. 2-384 - Business Entity Code of Business Ethics and Conduct.

The City will not contract or transact business with a person, corporation, partnership, firm or other business entity in the event of a conflict of interest -under state or local law if: (1) neither an exemption nor opportunity to waive the conflict of interest exists; or (2) an opportunity to waive the conflict exists, but the City does not waive it. If a conflict of interest is waivable, the City Council shall have the sole Authority for waiving it.

Business Entities

Vendors shall be familiar and comply with all applicable conflict of interest legal requirements including Florida's Code of Ethics for Public Officers, Chapter 112, Part III, Florida Statutes, Sec. 2-11.1. - Conflict of Interest Ordinance, Code of Miami Dade County.

Applicability and Reporting Requirements.

All persons, corporations, partnerships, firms or other business entities transacting business with the City shall be familiar and comply with local and state conflict of interest laws, nepotism, ordinances, policies or directives (hereinafter "conflict of interest law").

Compulsory disclosure by firms doing business with the city or in the city.

In order to ensure that the city and all business entities conduct business with the city do so according to the highest standards of ethics, the city has established reasonable procedures designed to prevent and detect conflicts of interest. The city is committed to avoiding conflicts of interest and maintaining interactions with business entities seeking city council approval in a fully transparent manner. Accordingly, requiring the full disclosure of principals, companies and subcontractors minimizes the potential for conflicts of interest.

Any business entity which has business commitments to or from the City through solicitations, contracts, and orders for services or is working on a project in the City that may go before the City Council for approval shall comply with the disclosure requirements of this section.

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- (a) The Contracting officer shall report annually by October 31, for services performed under this contract during the preceding fiscal year (October 1-September 30).
1. Subcontract number (including subcontractor name and unique entity identifier); and
 2. The number of subcontractors direct-labor hours expended on the services performed during the previous city fiscal year.
 3. The total dollar amount invoiced for services performed during the previous city fiscal year under the contract.
- (b) The Contracting office shall also require that all vendors and subcontractors complete and return the conflict-of-interest disclosure form.
- (c) For projects placed on the City Council agenda for approval, the Contracting officer shall file a report with the City Clerk no later than seven days before the item is scheduled to be heard by the city council. The report shall contain shall report the following information:
1. The names of all subcontractors providing services.
 2. The value of each subcontract.
 3. The number of subcontractors direct-labor hours expended/or anticipated on the services.
 4. A list of names of subcontractors proposed to perform principal portions of the work.
- (d) Whenever any person is in doubt as to the applicability of conflict-of-interest law to himself or herself or his or her company, that person may submit to the Office of the City Attorney a full written statement of the facts and questions he or she has. The Office of the City Attorney shall render an opinion to that person.

Section 3. 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.

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Section 4. **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 5. **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption.

The foregoing Ordinance was offered by Councilmember Puig-Corve who moved its adoption. The motion was seconded by Councilmember Cabrera upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 13 day of October, 2021.

PASSED AND ADOPTED on SECOND READING this 10 day of November, 2021.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

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