



***City of North Miami Beach, Florida***  
***Community Redevelopment Agency (CRA)***



Board of Commissioners Meeting  
City Council Chambers, 2nd Floor  
City Hall, 17011 NE 19th Avenue  
North Miami Beach, FL 33162

**Thursday, August 25<sup>th</sup> 2016**  
**6:00 P.M.**

***CRA Board of Commissioners:***

Chairman George Vallejo  
Commissioner Anthony DeFillipo  
Commissioner Barbara Kramer  
Commissioner Marlen Martell  
Commissioner Frantz Pierre  
Commissioner Phyllis S. Smith  
Commissioner Beth E. Spiegel

***Staff:***

Executive Director Ana M. Garcia  
CRA Attorney Jose Smith  
Deputy City Manager Candido Sosa-Cruz  
CRA Administrator Patrick Brett

**AGENDA**

- 
- 1. Call to Order / Roll Call:**
  - 2. Public Comment:**
  - 3. Approval of Minutes:** Regular CRA Meeting: April 28<sup>th</sup>, 2016
  - 4. Action Item:**  
Resolution 2016-03: an Amendment to the CRA Board By-Laws  
RAB Recommendation: Vote 7 - 0 at August 18<sup>th</sup> meeting
  - 5. Action Item:**  
Public Hearing on Resolution 2016-04: Adopting the CRA FY2016-2017 Budget  
RAB Recommendation: Vote 7 - 0 at August 18<sup>th</sup> meeting
  - 6. Discussion Items:** Executive Director's Report
    - a. CRA FY16 budget approved by the Miami-Dade County Board of County Commissioners in May through County Resolution R-385-16
    - b. CRA website improvements
      - i. Continuous updates
      - ii. Addition of proposed Charter School
      - iii. Prior year meeting agenda packages
    - c. CRA staff involvement with local businesses
    - d. CRA Business Attraction
  - 7. Next CRA Board Meeting:** September 22<sup>nd</sup>, 2016
  - 8. Adjournment:**

**CITY OF NORTH MIAMI BEACH  
COMMUNITY REDEVELOPMENT AGENCY  
APRIL 28, 2016 MEETING MINUTES**

**NAME OF BOARD/COUNCIL:** COMMUNITY REDEVELOPMENT AGENCY, BOARD OF COMMISSIONERS

**NAME OF PERSON PREPARING SUMMARY:** L. EDMONDSON, PROTOTYPE

**NAMES OF STAFF, AND INVITED GUESTS PRESENT:** CRA ADMINISTRATOR PATRICK BRETT, EXECUTIVE DIRECTOR ANA M. GARCIA, CITY ATTORNEY JOSE SMITH, ASSISTANT CITY ATTORNEY SARAH JOHNSTON

**BOARD MEMBERS:** CHAIR GEORGE VALLEJO, COMMISSIONER PHYLLIS SMITH, COMMISSIONER FRANTZ PIERRE, COMMISSIONER BARBARA KRAMER, COMMISSIONER MARLEN MARTELL

**TYPE OF MEETING:** REGULAR MEETING     **DATE:** APRIL 28, 2016

**MINUTES**

---

**AGENDA ITEM 1 – Call to Order / Roll Call.** Chair Vallejo called the meeting to order at 6:00 p.m. Roll was called and it was noted a quorum was present.

---

**AGENDA ITEM 2 – Public Comment.** Chair Vallejo opened public comment. As there were no individuals wishing to speak, the Chair closed public comment and brought the discussion back to the Board.

---

**AGENDA ITEM 3 – Approval of Minutes: Regular Meeting, January 28, 2016**

**Motion** made by Commissioner Martell, seconded by Commissioner Pierre, to approve the minutes of the January 28, 2016 meeting. In a voice vote, the motion passed unanimously (4-0, with Commissioner Smith not yet in attendance).

---

**AGENDA ITEM 4 – Action Item**

- Board's Consideration: Façade Beautification Program Application 201601 for 1058-1064 NMB Blvd., North Miami Beach, FL 33162 - The Athenian Corporation

Mr. Brett provided a summary of the staff report to the Board stating that the application meets all criteria for approval. The building is listed under one folio number, but has four bays. The allowed amount for painting will be a maximum of \$1,800.

Commissioner Kramer commented that it appears no improvements have been made to the building aside from the previous painting which had been accomplished through the program. Commissioner Martell agreed, adding that there should be more substantial improvements made to the building other than just exterior paint. In response to Commissioner Pierre's question regarding the grant being limited to painting, Mr. Brett stated that larger commercial grants are available but were not applied for by the property owner.

Chair Vallejo confirmed that there are no outstanding code issues, although Mr. Brett

noted there had been a verbal warning on one tenant for signage which had not been cited.

Mr. Brett did advise the Board that the RAB is in the process of discussing amending the guidelines for the beautification program.

**Motion** made by Commissioner Martell, seconded by Chair Vallejo, to approve Application 201601 for 1058-1064 NMB Blvd. for the painting with the recommendation or stipulation that the fascia board of the building is also taken care of, at discretion of staff. In a voice vote, the motion passed 3-1 (with Commissioner Kramer opposed and Commissioner Smith not yet in attendance).

---

### **AGENDA ITEM 5 – Action Item**

- Resolution 2016-01: CRA Board By-Laws

Mr. Smith read the resolution into the record. “Resolution of the Chairman and Board Members of the North Miami Beach Community Redevelopment Agency amending and restating the Agency’s By-Laws authorizing the CRA staff to implement the By-Laws.

Mr. Brett clarified that staff is bringing forward the Amended and Restated By-Laws for adoption as there was confusion with previous versions. The majority of the By-Laws is boilerplate language, however, the substantial changes were made to the following Articles:

- Article 2 clarifies that the chief executive officer is the Executive Director/City Manager and clarifies the role of the CRA Administrator as the Board Secretary.
- Article 3 clarifies the voting requirement which now permits a simple majority vote.
- Article 4 clarifies that the CRA uses the City as a purchasing agent abiding by the City’s purchasing ordinance and procurement policies.
- Legal counsel is to be the City Attorney, who may hire outside counsel when necessary, with the Board’s permission.

Commissioner Smith inquired regarding the prior super majority requirement and was advised by Mr. Brett that there is no state requirement for the CRA have a super majority vote; however, it is at the Board’s discretion. It was confirmed there would be no conflict with the Administrator also serving as Board secretary. There is no legal requirement that these changes be approved by Miami-Dade County.

Mr. Smith explained that utilizing the City Attorney for the CRA will be a cost-saving measure and that traditionally CRAs have the City Attorney as their counsel. Mr. Zerkowitz will still be available as outside counsel to assist on an as-needed basis as determined by the City Attorney.

**Motion** made by Commissioner Martell, seconded by Commissioner Kramer, to approve Resolution 2016-1. In a voice vote, the motion passed unanimously (5-0).

---

### **AGENDA ITEM 6 – Discussion Items:                      Executive Director’s Report**

- Miami-Dade County Economic Prosperity Committee passed the FY2015/2016 CRA Budget on April 14th, 2016

Ms. Garcia reported the budget had been approved on consent; the next step will be for the budget to go before the Miami-Dade County Commission for their approval.

- CRA participated at the 2016 Bike305

There have been discussions regarding the CRA Administrator going out into the community to recruit business and also being more involved in community events. One of these events had been the Bike 305 event. A booth had been set up, information was provided, and developers and investors were reached out to in order to educate them on the CRA.

- CRA FY 2015 Annual Report

The report was prepared and will be amended into the City's Consolidated Annual Financial Report per State Statute to be incorporated within the audit.

Commissioner Smith suggested that as a Board they be advised of how much money is spent on events in the future, with guidance provided to staff on what activities to undertake and monies to be expended on marketing efforts.

---

**AGENDA ITEM 7 – Next CRA Board Meeting:** May 26, 2016

---

**AGENDA ITEM 8 - Adjournment.** As there was no further business to come before the Commission at this time, the meeting was adjourned at 6:30 p.m.

**CRA POLICY RESOLUTION NO. R2016-03**

**A RESOLUTION OF THE CHAIRMAN AND BOARD MEMBERS OF THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING AMENDMENTS TO THE AGENCYS' BY-LAWS ADOPTING THE MIAMI-DADE COUNTY CONFLICT OF INTEREST AND CODE OF ETHICS AND ADOPTING THE CITY OF NORTH MIAMI BEACH COST RECOVERY PROCEDURES; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO IMPLEMENT THE BY-LAWS.**

**WHEREAS**, the Chairman and Board members of the North Miami Beach Community Redevelopment Agency ("CRA") desire to amend the CRA's By-Laws incorporated by reference and attached as Exhibit "1" (the "By-Laws"); and

**WHEREAS**, the by-laws did not provide for conflict of interest guidelines, a code of ethics or for cost recovery procedures; and

**WHEREAS**, it is best practices to have adopted guidelines governing conflicts of interest, a code of ethics, and cost recovery procedures; and

**WHEREAS**, the amendments to the CRA By-Laws adopt the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and the City of North Miami Beach's Cost Recovery Procedures, both attached hereto as Exhibit "2" and incorporated by reference; and

**WHEREAS**, the Chairman and Board members hereby find and determine that it is in the best interest of the CRA to amend the by-laws, providing for an adopted conflict of interest and code of ethics and cost recovery procedures.

**NOW, THEREFORE, BE IT RESOLVED BY THE CHAIRMAN AND BOARD MEMBERS OF THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY:**

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The Chairman and Board Members hereby approve and adopt the CRA By-Laws, as amended, incorporated by reference and attached hereto as Exhibit "1".

**Section 3.** The Executive Director is authorized to do all things necessary to implement the approved and adopted CRA By-Laws.

**Section 4.** This resolution shall become effective immediately upon its adoption and signature of the Chairman.

**APPROVED AND ADOPTED** by a \_\_\_\_\_ vote of the Board of the North Miami Beach Community Redevelopment Agency at the regular meeting assembled this \_\_ day of August, 2016.

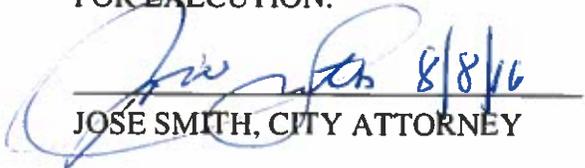
ATTEST:

NORTH MIAMI BEACH COMMUNITY  
REDEVELOPMENT AGENCY:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
GEORGE VALLEJO, CHAIRMAN

APPROVED AS TO FORM & LANGUAGE  
FOR EXECUTION:

 8/8/16  
\_\_\_\_\_  
JOSE SMITH, CITY ATTORNEY

SPONSORED BY: LEGAL

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Vote:

Chairman George Vallejo	(Yes)	(No)
Board Member Anthony F. DeFillipo	(Yes)	(No)
Board Member Barbara Kramer	(Yes)	(No)
Board Member Marlen Martell	(Yes)	(No)
Board Member Frantz Pierre	(Yes)	(No)
Board Member Phyllis S. Smith	(Yes)	(No)
Board Member Beth E. Spiegel	(Yes)	(No)

# EXHIBIT “1”



**BY-LAWS  
OF  
CITY OF NORTH MIAMI BEACH  
COMMUNITY REDEVELOPMENT AGENCY  
Adopted by CRA Policy Resolution 2016-1  
Amended by CRA Policy Resolution 2016-3**

A Community Redevelopment Agency Created  
Pursuant to Chapter 163, Part III, *Florida Statutes*

These By-laws of the North Miami Beach Community Redevelopment Agency (the "CRA") address the administration and management of the CRA. Chapter 163, Part III, Florida Statutes shall prevail if a conflict arises between these By-laws and Florida Statutes or the Interlocal Cooperation Agreement dated October 11th, 2005 (the "Interlocal Agreement") between Miami-Dade County, the City, and the CRA.

**ARTICLE 1  
GENERAL**

1.1 **Establishment and Name.** Pursuant to Chapter 163, Part III, Florida Statutes, ("the Act") and the Interlocal Agreement, the City Council of the City of North Miami Beach, Florida (the "City"), established a community redevelopment agency known as the North Miami Beach Community Redevelopment Agency.

1.2 **Purpose and Objectives.** The purpose of the CRA is to formulate a workable redevelopment plan including programs utilizing private and public resources to eliminate and prevent the development or spread of blight, improve property values, reduce and prevent incidents of crime, encourage business development, and make the North Miami Beach community a more vibrant, flourishing place to live, work, play, and raise a family.

1.3 **Seal; logo.** The CRA will have a corporate seal that shall bear the name of the CRA. The City Clerk or the Secretary shall be the custodian of the corporate seal. The CRA shall also have a logo which shall be included on all official CRA correspondences and memoranda.

1.4 **Members and Terms.** In accordance with Section 163.357(1), Florida Statutes, the City Council has designated itself as the CRA governing board. Reference to the members of the CRA, as a whole, shall be "Board of Commissioners" or "Commissioners" or "CRA Board." An individual member of the CRA Board shall be referred to as a "Commissioner." The term as Commissioner shall run concurrently with their term on the City Council.

1.5 **Compensation.** In accordance with Section 163.356(3)(a), Florida Statutes, the Commissioners shall serve without compensation from the CRA, but shall be entitled to reimbursement for their actual and necessary expenses incurred in the discharge of their duties for the CRA. Requests for reimbursement shall be subject to the requirements of applicable law.

**ARTICLE 2**  
**OFFICERS AND EMPLOYEES**

2.1 **Executive Officers.** The executive officers of the CRA Board shall be a Chair and Vice-Chair. The Mayor of the City shall be the Chair and the Vice-Mayor shall be the Vice-Chair.

2.2 **Chair.** The Chair shall preside at all meetings of the CRA Board, execute instruments in the name of the CRA Board as may be required, and have other such duties as may be determined by the CRA Board and consistent with law.

2.3 **Vice-Chair.** The Vice-Chair shall, in the absence, disqualification, resignation, death or disability of the Chair, or at the Chair's direction, exercise the function of the Chair.

2.4 **Executive Director; CRA Administrator; Employees.** The CRA Board shall employ and appoint an Executive Director to administer its business and operations as well as hiring other employees as necessary and appropriate to operate the CRA.

2.4.1 General. The Executive Director shall be the chief executive and administrative officer of the CRA and shall serve at the pleasure of the CRA Board.

2.4.2 Responsibility. The Executive Director shall be responsible for carrying out the policies established by the CRA Board and shall have general supervision over, and be responsible for, the performance of the day-to-day operations of the CRA. The Executive Director shall be responsible for preparing an annual budget for the CRA Board's approval, and shall be otherwise responsible for the CRA's fiscal operations. The Executive Director may perform such other duties as may be assigned by the CRA Board. The Executive Director may delegate such duties as may be assigned by the CRA Board.

2.4.3 CRA Administrator as Secretary. The CRA Administrator shall serve as the Secretary of the CRA. The CRA Administrator, under the Executive Director's direction, shall have prepared the CRA Board and Redevelopment Advisory Board agendas, be custodian of the official seal, have prepared the minutes of the CRA Board and Redevelopment Advisory Board meetings, send out notices of meetings, prepare the agenda packages, and perform such other duties as may be designated by the Executive Director.

2.4.4 Agents and Consultants. The CRA administrative and operational needs shall be served by the City pursuant to the terms of an "Interagency Services Agreement" approved by the City and CRA whereby the City shall provide staff and consultant services, including but not limited to, managerial, accounting, public relations, and general clerical services. The City shall be entitled to reimbursement for the cost of providing such services, pursuant to the "Interagency Services Agreement," and the Interlocal Agreement. The CRA also may hire, retain and engage such employees, agents, consultants, experts, and specialists as it deems appropriate.

2.4.5 Legal Counsel. The City Attorney or designee shall serve as legal counsel to the CRA.

2.5 **Code of Conduct.** The CRA Board shall be governed by the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, as amended, and any policies that the CRA Board may adopt.

**ARTICLE 3**  
**MEETINGS**

3.1 **Regular Meetings.** The CRA shall hold a regular meeting at least six (6) times each fiscal year on a day, time, and place to be designated from time to time by the CRA Board.

3.2 **Special Meeting.** The Chair or any other two (2) Commissioners of the CRA may require the calling of a special meeting at a reasonable time and place by requesting the Executive Director to arrange for and give notice of such special meeting.

3.3 **Emergency Meetings.** Emergency meetings of the CRA may be called at any time and place by the Chair or by a majority of the Commissioners.

3.4 **Notice of Meetings.** As directed by the Executive Director, the CRA Administrator shall provide the CRA Board with notice of meetings by electronic mail or other means, notice the meeting on the City's website in the Calendar of Events, and post the notice in City Hall on the 1<sup>st</sup> floor bulletin board.

3.4.1 Regular Meetings. The CRA Board will receive at least three (3) days prior notice of a regular meeting.

3.4.2 Special Meetings. The CRA Board will receive at least two (2) days prior notice of a special meeting. The notice of any special meeting shall set forth the purpose of the special meeting and no other business shall be conducted at that meeting unless a waiver of notice is obtained from all Commissioners.

3.4.3 Emergency Meetings. The CRA Board will receive notice of an emergency meeting as soon as reasonable under the circumstances. Notice of an emergency meeting shall set forth the meeting's purpose and no other business shall be conducted at the meeting.

3.4.4 Public Notice. Notice of all meetings shall be provided to the CRA Board, the public, appropriate City officials, and the news media as required by law and these By-Laws. Notice of special and emergency meetings may be waived in writing by all Commissioners before, during, or after the meeting.

3.4.5 Regular CRA Meeting Schedule. The governing body shall adopt and have published in a newspaper of general paid circulation an annual, semi-annual, or quarterly schedule of CRA Board regular meetings as set forth and required in the Uniform Special District Accountability Act, Section 189.015, Florida Statutes.

3.5 **Quorum and Voting.** A majority of the Commissioners shall constitute a quorum for the purpose of conducting business. When a quorum is present, the CRA Board may act by a vote of a majority of the Commissioners present, unless otherwise provided by law or these By-Laws. If any meeting cannot be conducted because a quorum is not present, the Commissioners that are present may adjourn the meeting to a time and place certain, and notice of such adjourned meeting shall be given each Commissioner.

3.6 **Recessed and Continued Meetings.** When during the course of meeting that was set and noticed under the provisions of these By-Laws is recessed to a future time and place certain, there shall be no requirements for giving of notice of the time and place of continuation of said meeting other than the announcement thereof at said recessed meeting.

3.7 **Rules of Order.** All meetings shall be conducted under the most recent edition of Robert's Rules of Order (the "Rules") unless otherwise provided by applicable law. The Rules will be applied liberally to further the business of the CRA, and the Chair shall be the arbiter of the application of the Rules, provided that upon the call of any two (2) Commissioners the question of the application of the Rules shall be put to a vote. The result of said vote shall prevail.

3.8 **Execution of Resolutions.** CRA Board Resolutions shall be executed by the Chair, attested by the City Clerk or CRA Secretary, and the form of any such instrument shall be previously approved as to legal form and sufficiency by the City or CRA attorney, or duly authorized designee.

**ARTICLE 4**  
**CONTRACTS; REAL PROPERTY; PURCHASING**

4.1 **Execution of Contracts.** Contracts shall be executed by the Executive Director and the form of any such instrument shall be previously approved as to legal form and sufficiency by the City or CRA Attorney or duly authorized designee.

4.2 **Real Property Acquisition and Disposition.** The acquisition and disposition of real property by the CRA shall be done in accordance with the provisions of Chapter 163, Part III, Florida Statutes, and all other applicable state and federal laws.

4.3 **Purchasing Procedures.** The City shall function as the purchasing agent for the CRA in accordance with an "Interagency Services Agreement" entered into and between the CRA and the City. All purchases by the CRA shall be conducted in accordance with the procedures stated in the Purchasing Ordinance of the City. The City Manager shall set the required approvals when involving purchases by the CRA in accordance with the City's Purchasing Ordinance.

4.4 **Cost Recovery Procedures.** The CRA Board adopts the City's Cost Recovery Procedures codified in the North Miami Beach Zoning and Land Development Section 24-170, as amended and adopted by Ordinance No. 2015-19. The CRA Executive Director or designee shall administer the cost recovery procedures.

**ARTICLE 5**  
**FISCAL MATTERS**

5.1 **Fiscal Year.** The fiscal year of the CRA shall begin on October 1 and end on September 30 of each year.

5.2 **Budget.** The CRA Board shall cause to be prepared an annual budget with a work program for each year, and such other budgets as the Commissioners may determine. The CRA shall not expend any funds for any purpose other than those specified in said budget and work program, provided that the CRA Board shall have the power to amend its budget as may from time to time be necessary. Final approval of the budget is vested with the Miami-Dade County Board of County Commissioners as described in the Interlocal Agreement.

5.3 **Accounting Procedures.** The City shall provide financial accounting services to the CRA in accordance with an "Interagency Services Agreement" between the CRA and the City. The CRA shall follow the City's accounting practices and procedures.

5.4 **Annual Audit.** The CRA Board shall arrange for an independent financial audit each fiscal year and a report of such audit by an independent certified public accountant. The annual audit shall be included in the City's Consolidated Annual Financial Report. The CRA shall submit a copy of the audit report to the City Council, to Miami-Dade County pursuant to the Interlocal Agreement, to each taxing authority that contributes to the CRA Trust Fund, to the Florida Department of Financial Services, and to the State Auditor General. The CRA Board shall select the auditor. The auditor selected by the CRA Board may be the same auditor that prepares the annual audit for the City.

5.5 **Annual Financial Report.** The CRA shall submit to the Florida Department of Financial Services the Annual Financial Report required of all special districts in Florida. This is a separate document from the annual audit referred to above.

5.6 **Annual Report.** The CRA shall submit to the City and Miami-Dade County on or before March 31 of each year, a report of its activities and finances for the preceding fiscal year in accordance with the provisions of Section 163.356(3)(c), Florida Statutes. The CRA shall publish in a newspaper of general circulation in the City a notice that such report has been submitted to the City and is available for inspection during business hours in the Office of the City Clerk and the CRA's office.

5.7 **Bonding of Officers and Employees.** The CRA may require that any and all Commissioners and employees be required to post bond for faithful performance of duty. The CRA may pay bonding costs for all such bonds it requires.

5.8 **Maintenance and Disbursement of Funds.** All revenue received by the CRA shall be deposited in a Redevelopment Trust Fund managed by the City. Funds shall be distributed only at the direction and approval of the CRA Board pursuant to a budget adopted by the CRA Board. The City shall function as the fiscal agent for the CRA on all matters involving the Redevelopment Trust Fund.

## **ARTICLE 6 COMMITTEES**

6.1 **Power to Create.** The CRA Board may create committees from time to time as necessary to carry out the functions, purposes, and objectives of the CRA. The City Council appoints the members of a Redevelopment Advisory Board as described in the City Ordinances.

## **ARTICLE 7 AMENDMENTS**

7.1 **Amendments.** The By-Laws of the CRA may be amended by resolution at any regular or special meeting with a majority vote of the Commissioners. No such amendment shall be adopted unless at least two (2) day's written notice thereof has been previously given to the Commissioners.

## **ARTICLE 8 INDEMNIFICATION AND INSURANCE**

8.1 **Indemnification of CRA, its Officers, Members, and Employees.** Any of the CRA, its officers, commissioners or employees may be indemnified or reimbursed by the CRA for reasonable expenses (including, but not limited to, attorney's fees, judgments and payments in settlement) actually in connection with any action, suit or proceeding, civil or criminal, actual or threatened, to which she/he or they shall be made a party by reason of being or having been, or by reason of any actual or alleged acts performed or omitted to be performed in connection with such person being or having been an officer, member or employee of the CRA; provided, however, that no person shall be so indemnified or reimbursed in relation to any matter in such action, suit or proceeding as to which she/he shall finally be adjudged to have been guilty of or liable for gross negligence or willful misconduct or criminal acts in the performance of her/his duties to the CRA; and provided further, that no person shall be so indemnified or reimbursed in relation to any matters in such action, suit or proceeding which has been made the subject of a compromise settlement except with the approval of a court of competent jurisdiction, and the CRA acting by vote of members not parties to the same or substantially the same action, suit or proceeding, constituting a majority of the remaining Commissioners. The foregoing right of indemnification or

reimbursement shall not be exclusive of other rights to which such person, her/his heirs, executors or administrators may be entitled as a matter of law.

8.2 **Insurance.** The CRA may self-insure or purchase insurance for the purpose of indemnifying its officers, members, and other employees to the extent that such indemnification is allowed in Section 8.1 herein. The CRA may purchase other insurance, including liability and hazard insurance, as it deems necessary and appropriate.

# EXHIBIT "2"

**Sec. 2-11.1. – Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. (January 2016)**

- (a) Designation. This section shall be designated and known as the "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance." This section shall be applicable to all County personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees of municipalities in the County insofar as their individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefor be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-27, § 1, 3-20-73)
- (b) Definitions. For the purposes of this section the following definitions shall be effective:
- (1) The term "Commissioners" shall refer to the Mayor and the members of the Board of County Commissioners as duly constituted from time to time.
  - (2) The term "autonomous personnel" shall refer to the members of semi-autonomous authorities, boards, and agencies as are entrusted with the day to day policy setting, operation and management of certain defined County functions or areas of responsibility, even though the ultimate responsibility for such functions or areas rests with the Board of County Commissioners.
  - (3) The term "quasi-judicial personnel" shall refer to the members of the Community Zoning Appeals Board and such other boards and agencies of the County as perform quasi-judicial functions.
  - (4) The term "advisory personnel" shall refer to the members of those County advisory boards and agencies whose sole or primary responsibility is to recommend legislation or give advice to the Board of County Commissioners.
  - (5) The term "departmental personnel" shall refer to the Manager, his or her department heads, the County Attorney and all Assistant County Attorneys.
  - (6) The term "employees" shall refer to all other personnel employed by the County.
  - (7) The term "compensation" shall refer to any money, gift, favor, thing or value or financial benefit conferred in return for services rendered or to be rendered.
  - (8) The term "controlling financial interest" shall refer to ownership, directly or indirectly, to ten (10) percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten (10) percent or more in a firm, partnership, or other business entity.
  - (9) The term "immediate family" shall refer to the spouse, domestic partner, parents, stepparents, children and stepchildren of the person involved.
  - (10) The term "transact any business" shall refer to the purchase or sale by the County of specific goods or services for a consideration.
  - (11) The term "Ethics Commission" shall refer to the Miami-Dade County Commission on Ethics and Public Trust.
  - (12) The term "domestic partner" shall mean a person who is a party to a valid domestic partnership relationship as described in section 11A-72(b)(1),(2), (3), (4) and (6) of the Code.
  - (13) The term "contract staff" shall mean any employee and/or principal of an independent contractor, subcontractor (of any tier), consultant or sub-consultant (of any tier), designated in a contract with the County as a person who shall be required to comply with the provisions of Subsections 2-11.1(g), (h), (j), (l), (m), (n) and (o) of the Conflict of Interest and Code of Ethics Ordinance. Prior to determining whether to designate a person as contract staff in a RFP, RFQ, bid or contract, the Mayor or his or her designee shall seek a recommendation from the Executive Director of the Ethics Commission.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-23, § 1, 3-20-73; Ord. No. 86-24, § 3, 4-1-86; Ord. No. 10-48, § 1, 7-8-10)

(c) Prohibition on transacting business within the County.

- (1) No person included in the terms defined in subsection (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business, except as provided in subsections (c)(2) through (c)(6) in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Willful violation of this subsection shall constitute malfeasance in office and shall effect forfeiture of office or position.
- (2) County employees' limited exclusion from prohibition on contracting with the county. Notwithstanding any provision to the contrary herein, subsections (c) and (d) shall not be construed to prevent any employee as defined by subsection (b)(6) [excluding departmental personnel as defined by subsection (b)(5)] or his or her immediate family as defined by subsection (b)(9) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County, as long as (1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, (2) the employee has not participated in determining the subject contract requirements or awarding the contract, and (3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract.
- (3) Limited exclusion from prohibition on autonomous personnel, advisory personnel and quasi-judicial personnel contracting with county. Notwithstanding any provision to the contrary herein, subsections (c) and (d) shall not be construed to prohibit any person defined in subsection (b)(2), (b)(3) and (b)(4) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the board member or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County. However, any person defined in subsection (b)(2), (b)(3) and (b)(4) is prohibited from contracting with any agency or department of Miami-Dade County subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board of which the person is a member.
- (4) Any person defined in subsections (b)(2) through (b)(4) and subsection (b)(6) shall seek a conflict of interest opinion from the Miami-Dade County Commission on Ethics and Public Trust ("the Ethics Commission") prior to submittal of a bid, response, or application of any type to contract with the County by the person or his or her immediate family. A request for a conflict of interest opinion shall be made in writing and shall set forth and include all pertinent facts and relevant documents. If the Ethics Commission finds that the requirements of this section pertaining to exclusions for persons defined in subsections (b)(2) through (b)(4) and subsection (b)(6) are not met and that the proposed transaction would create a conflict of interest, the person defined in subsections (b)(2), (b)(3), (b)(4) or (b)(6) may request a waiver from the Board of County Commissioners within ten (10) days of the Ethics Commission opinion by filing a notice of appeal to the Ethics Commission. The Ethics Commission shall forward the notice of appeal and its opinion and any pertinent documents to the Clerk of the Board of County Commissioners (the "Clerk") forthwith. The Clerk shall place the request on the commission agenda for consideration by the Board. The Board of County Commissioners may grant a waiver upon an affirmative vote of two-thirds (2/3) of the entire Board of County Commissioners, after public hearing, if it finds

that the requirements of this ordinance pertaining to the exclusion for a County employee from the Code have been met and that the proposed transaction will be in the best interest of the County. The Board of County Commissioners may, as provided in subsection (c)(6), grant a waiver to any person defined in subsection (b)(2) through (b)(4) regarding a proposed transaction. Such findings shall be included in the minutes of the board. This subsection shall be applicable only to proposed transactions, and the Board may in no case ratify a transaction entered into in violation of this subsection.

If the affected person or his or her immediate family member chooses to respond to a solicitation to contract with the County, such person shall file with the Clerk a statement in a form satisfactory to the Clerk disclosing the person's interest or the interest of his or her immediate family in the proposed contract and the nature of the intended contract at the same time as or before submitting a bid, response, or application of any type to contract with the County. Along with the disclosure form, the affected person shall file with the Clerk a copy of his or her request for an Ethics Commission opinion and any opinion or waiver from the Board. Also, a copy of the request for a conflict of interest opinion from the Ethics Commission and any opinion or waiver must be submitted with the response to the solicitation to contract with the County.

Notwithstanding any provision herein to the contrary, the County and any person or agency acting for Miami-Dade County shall not award a contract to any person defined in subsections (b)(2) through (b)(4) and subsection (b)(6) or his or her immediate family individually or through a firm, corporation, partnership or business entity in which the person or any member of his or her immediate family has a controlling financial interest, unless the Ethics Commission has rendered an opinion that entering the contract would not be a conflict of interest or the Board waives the conflict in accordance with the provisions of this ordinance.

The County Manager is directed to include language in all solicitations for county contracts advising persons defined in subsections (b)(2) through (b)(4) and subsection (b)(6) of the applicable conflict of interest code provisions, the provisions of this ordinance, including the requirement to obtain an Ethics Commission opinion and make disclosure, and the right to seek a legal opinion from the State of Florida Ethics Commission regarding the applicability of state law conflict of interest provisions.

- (5) Nothing herein shall prohibit or make illegal (1) the payment of taxes, special assessments or fees for services provided by County government; (2) the purchase of bonds, anticipation notes or other securities that may be issued by the County through underwriters or directly from time to time; (3) the participation of the persons included in the terms defined in subsection (b)(1) through (6), except for employees of the general services administration and their "immediate family" as defined in (b)(9), in the public auction process utilized by the County for the disposal of surplus motor vehicles; (4) the purchase of surplus personal property, pursuant to administrative order, by persons defined in subsection (b)(1) through (6) and (9); (5) an application for direct assistance from the Miami-Dade County Department of Housing and Urban Development or an application to participate in a program administered by the Department of Special Housing has been submitted by an applicant who is a County person as defined in subsection (b) and who would but for this section be eligible for such assistance from said department; provided, however, that the exception provided in this paragraph shall not extend to an employee of the Miami-Dade County Department of Housing and Urban Development or the Department of Special Housing who participates in the administration of said programs; or (6) and application to participate in a single-family mortgage loan program sponsored by the Housing Finance Authority of Miami-Dade County, has been submitted by a County person as defined in subsection (b), and would but for this section be eligible for participation in said program; provided, however, that the exception provided in this paragraph shall not extend to an employee of the Miami-Dade County Finance Department who participates in the administration of said single-family mortgage loan program.
- (6) Extension of waiver to county commissioners, autonomous personnel, quasi-judicial personnel, and advisory personnel. The requirements of this subsection may be waived for a particular transaction only by affirmative vote of two-thirds of the entire Board of County Commissioners,

after public hearing. Such waiver may be affected only after findings by two-thirds of the entire Board that:

- (1) An open-to-all sealed competitive bid has been submitted by a County person as defined in subsection (b)(2), (3) and (4), or
- (2) The bid has been submitted by a person or firm offering services within the scope of practice of architecture, professional engineering, or registered land surveying as defined by the laws of the State of Florida and pursuant to the provisions of the Consultants' Competitive Negotiation Act, and when the bid has been submitted by a County person defined in subsection (b)(2), (3) and (4), or
- (3) The property or services to be involved in the proposed transaction are unique and the County cannot avail itself of such property or services without entering a transaction which would violate this subsection but for waiver of its requirements, or
- (4) That the property or services to be involved in the proposed transaction are being offered to the County at a cost of no more than 80 percent of fair market value based on a certified appraisal paid for by the provider, and
- (5) That the proposed transaction will be to the best interest of the County.

Such findings shall be spread on the minutes of the Board. This subsection shall be applicable only to prospective transactions, and the Board may in no case ratify a transaction entered in violation of this subsection.

Provisions cumulative. This subsection shall be taken to be cumulative and shall not be construed to amend or repeal any other law pertaining to the same subject matter. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-24, § 1, 3-20-73; Ord. No. 73-45, § 1, 5-1-73; Ord. No. 75-91, § 1, 11-4-75; Ord. No. 75-119, § 1, 12-16-75; Ord. No. 79-85, § 1, 10-16-79; Ord. No. 80-33, § 1, 5-6-80; Ord. No. 85-84, § 1, 10-1-85; Ord. No. 85-98, § 1, 11-5-85; Ord. No. 87-58, § 1, 9-1-87; Ord. No. 88-102, § 1, 10-18-88; Ord. No. 91-113, § 1, 10-1-91; Ord. No. 00-1, § 1, 1-13-00; Ord. No. 00-151, § 1, 11-28-00)

- (d) Further prohibition on transacting business with the County. No person included in the terms defined in subsections (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. The remaining provisions of subsection (c) will also be applicable to this subsection as though incorporated herein by recitation.

Additionally, no person included in the term defined in subsection (b)(1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any person included in the term defined in subsection (b)(1) who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Board of County Commissioners shall absent himself or herself from the Commission meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-45, § 2, 5-1-73; Ord. No. 86-11, § 1, 2-18-86; Ord. No. 86-24, § 1, 4-1-86)

- (e) Gifts.

- (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 County employees or departmental personnel on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business;
  - f. Gifts solicited by Commissioners on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business;
  - g. Gifts solicited by Commissioners, or their staff members, on behalf of any nonprofit organization for use solely by that organization where neither the Commissioner, 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 person described in subsection (b)(1) through (6) shall neither solicit nor demand any gift. It is also unlawful for any person or entity to offer, give or agree to give to any person included in the term defined in subsection (b)(1) through (6) or for any person included in the term defined in subsection (b)(1) through (6) to accept or agree to accept from another person or entity, any gift for or because of:
- 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 any person included in the term defined in subsection (b)(1).
- (4) Disclosure. Any person included in the term defined in subsection (b)(1) through (6) 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 Clerk of the Board of County Commissioner simultaneously with the filing of the form with the Secretary of State.

(Ord. No. 78-82, § 1, 11-21-72; Ord. No. 86-25, § 1, 4-1-86; Ord. No. 87-70, § 1, 10-20-87; Ord. No. 91-62, § 1, 6-4-91; Ord. No. 99-124, § 1, 2-11.1; Ord. No. 99-145, § 1, 10-19-99; Ord. No. 10-48, § 1, 7-8-10)

- (f) Compulsory disclosure by employees of firms doing business with the County. Should any person included in the terms defined in subsections (b)(1) through (6) be employed, either himself or herself or through a member of his or her immediate family, by a corporation, firm, partnership or business entity in which he or she does not have a controlling financial interest, and should the said corporation, firm, partnership or business entity have substantial business commitments to or from the County or any County agency, or be subject to direct regulation by the County or a County agency, then said person shall file a sworn statement disclosing such employment and interest with the Clerk of the Circuit Court in and for Miami-Dade County.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

- (g) Exploitation of official position prohibited. No person included in the terms defined in subsection (b)(1) through (6) and (b)(13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

- (h) Prohibition on use of confidential information. No person included in the terms defined in subsection (b)(1) through (6) and (b)(13) shall accept employment or engage in any business or professional activity which he or she might reasonably expect would require or induce him or her to disclose confidential information acquired by him or her by reason of his or her official position, nor shall he or she in fact ever disclose confidential information garnered or gained through his or her official position with the County, nor shall he or she ever use such information, directly or indirectly, for his or her personal gain or benefit.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

- (i) Financial disclosure.

- (1) All persons and firms included within subsections (a) and (b)(2), (3) and (4) of this section 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, one (1) of the following:
  - a. A copy of that person's or firm's current federal income tax return; or
  - b. A current certified financial statement on a form of the type approved for use by State or national banks in Florida listing all assets and liabilities having a value in excess of one thousand dollars (\$1,000.00) and a short description of each; or
  - c. An itemized source of income statement, under oath and on a form approved by the County for said purpose.

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 by the voters on November 2, 1976, and any general laws promulgated thereunder, shall constitute compliance with this section.

- (2) County and municipal personnel. The following County personnel shall comply with the filing requirements of subsection (i)(1) above: The Mayor and members of the Board of County Commissioners; County Attorney and Assistant County Attorneys; County Manager; Assistant County Manager(s); Special Assistant(s) to the County Manager; heads or directors of County departments and their assistant or deputy department heads; employees of the Miami-Dade Police with the rank of captain, major and chief; Building and Zoning Inspectors. References herein to specified County personnel and Boards shall be applicable to municipal personnel and Boards that serve in comparable capacities to the County personnel and Boards referred to.
- (3) Candidates for County and municipal office. All candidates for County and municipal elective office shall comply with the filing requirements of subsection (i)(1) above at the same time that candidate files qualifying papers.
- (4) Consultants. All persons or firms providing professional services as defined by Section 2-10.4(1)(a) and (b) of the Code of Miami-Dade County, to Miami-Dade County or any municipalities, their agencies, or instrumentalities, shall comply with the filing requirements of subsection (i)(1) above within ninety (90) days of the effective date hereof. All persons or firms

subsequent to the effective date of this section, which engage in competitive negotiation with Miami-Dade County or any of its municipalities, their agencies or instrumentalities under and pursuant to Section 2-10.4 of the Code of Miami-Dade County shall comply with the reporting requirements of subsection (i)(1) of this section within thirty (30) days of execution of a contract arising out of said competitive negotiations and prior to any payments from said County, municipalities or other agencies or instrumentalities. Failure to comply with the terms hereof by such persons or firms shall render existing contracts voidable and shall automatically void any contracts negotiated and executed subsequent to the effective date of this section where the required information is not furnished within thirty (30) days of the execution of said contract as noted herein.

- (5) Reports; filing. All documents required to be filed hereunder by County persons or consultants shall be filed with the supervisor of elections. Documents required to be filed hereunder by municipal persons or consultants shall be filed with the municipal Clerk of that entity.
- (6) Public disclosure. All documents filed pursuant to this subsection shall constitute public records within the meaning of Chapter 119, Florida Statutes.
- (7) Construction. 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.

(Ord. No. 77-13, § 1, 3-1-77; Ord. No. 83-18, § 1, 4-19-83; Ord. No. 84-39, § 1, 5-15-84)

- (j) Conflicting employment prohibited. No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 2, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

- (k) Prohibition on outside employment.

- (1) No person included in the terms defined in subsections (b)(5) [departmental personnel] and (6) [employees] shall receive any compensation for his or her services as an officer or employee of the County, from any source other than the County, except as may be permitted by Section 2-11 of this Code of Ordinances.
- (2) All full-time County and municipal employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County, or the respective municipality, or any of their agencies or instrumentalities, shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to same and any amount or types of money or other consideration received by the employee from said outside employment. Said County employee's reports shall be filed with the supervisor of elections no later than 12:00 noon on July 1st of each year, including the July 1st following the last year that person held such employment. Municipal employee reports shall be filed with the Clerk of their respective municipalities. Said reports shall be available at a reasonable time and place for inspection by the public. The County Manager or any city manager may require monthly reports from individual employees or groups of employees for good cause.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 3, 3-1-77; Ord. No. 77-79, § 1, 1-11-77; Ord. No. 77-87, § 1, 12-6-77; Ord. No. 83-18, § 2, 4-19-83; Ord. No. 84-39, § 2, 5-15-84; Ord. No. 10-48, § 1, 7-8-10)

- (l) Prohibited investments. No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall have personal investments in any enterprise, either himself, herself, or through a member

of his or her immediately family, which will create a substantial conflict between his or her private interests and the public interest.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

(m) Certain appearances and payment prohibited.

- (1) No person included in the terms defined in subsections (b)(1), (5), (6) and (13) [commissioners, the Mayor, departmental personnel, employees and contract staff] shall appear before any County Board or agency and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third person, who has applied for or is seeking some benefit from the County or a County agency, in connection with the particular benefit sought by the third person. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a party who seeks legal relief from the County or a County agency through the suit in question.
- (2) No person included in the terms defined in subsections (b)(2), (3) and (4) [autonomous personnel, quasi-judicial personnel, and advisory personnel] shall appear before the County board or agency on which he or she serves, either directly or through an associate, and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third party, who has applied for or is seeking some benefit from the County board or agency on which such person serves, in connection with the particular benefit by the third party. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a third party who seeks legal relief from the County board or agency on which such person serves through the suit in question. However, this section shall not prohibit an architect serving without compensation on the Miami-Dade County Board of Energy Regulation or on any architectural Board, whose sole function is to pass on the aesthetics of plans submitted, from submitting plans on behalf of a client so long as such member makes known his or her representation of the applicant and disqualifies himself or herself from speaking or voting or otherwise participating on such application.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-25, § 1, 3-20-73; Ord. No. 73-51, § 1, 5-15-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 79-39, § 1, 6-19-79; Ord. No. 10-48, § 1, 7-8-10)

(n) Actions prohibited when financial interests involved. No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. A financial interest is defined as a special financial interest, direct or indirect, as that term is used in Section 4.03 of the County's Charter; or as a financial interest as defined in Section 769 of the Restatement of the Law of Torts as an investment or something in the nature of an investment. This section shall not prohibit any official, officer, employee or person from taking official action (1) to promote tourism or downtown development or redevelopment within the County or any portion thereof, or (2) to authorize the expenditure of public funds for promoting tourism or downtown development or redevelopment, so long as no such authorized public funds are to be paid to such person or a member of his or her immediate family or any business in which he or she or any member of his or her immediate family has a financial interest.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-50, § 1, 5-15-73; Ord. No. 75-76, § 1, 9-17-75; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

- (o) Acquiring financial interests. No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall acquire a financial interest in a project, business entity or property at a time when he or she believes or has reason to believe that the said financial interest will be directly affected by his or her official actions or by official actions by the County or County agency of which he or she is an official, officer, employee or contract staff.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

- (p) Recommending professional services. No person included in the terms defined in subsections (b)(1) through (6) may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving the County or any of its agencies, provided that such recommendation may properly be made when required to be made by the duties of office and in advance at a public meeting attended by other County officials, officers or employees.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77)

- (q) Continuing application after county service.

- (1) No person who has served as an elected county official, i.e., mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, departmental personnel or employee shall, for a period of two (2) years after his or her county service or employment has ceased, lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Additionally, no person who has served as a community council member shall, for a period of two (2) years after his or her county service or employment has ceased, lobby, with regard to any zoning or land use issue, any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Nothing contained in this Subsection (q)(1) shall prohibit any individual included within the provisions of this subsection from submitting a routine administrative request or application to a county department or agency during the two-year period after his or her county service has ceased.
- (2) The provisions of this Subsection (q) shall not apply to officials, departmental personnel or employees who become employed by governmental entities, 501(c)(3) non-profit entities or educational institutions or entities, and who lobby on behalf of such entities in their official capacities.
- (3) The provisions of this section shall apply to all individuals as described in Subsection (q)(1) who leave the county after the effective date of the ordinance from which this section derives.
- (4) Any former county officer, departmental personnel or employee who has left the county within two (2) years prior to the effective date of this ordinance and has entered into a lobbying contract prior to the effective date of this ordinance shall, for a period of two (2) years after his or her county service or employment has ceased, comply with Subsection (q) as it existed prior to the effective date of the ordinance from which this section derives and as modified by this Subsection (q)(4) when lobbying pursuant to said contract. No former county officer, departmental personnel or employee who has left the county within two (2) years prior to the effective date of the ordinance from which this section derives shall for a period of two (2) years after his or her county service or employment has ceased enter into a lobbying contract to lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP,

RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has a direct and substantial interest; and in which he or she participated directly or indirectly as an officer, departmental personnel or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, during his or her county service or employment. As used herein, a person participated "directly" where he or she was substantially involved in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, during his or her county service or employment. As used herein, a person participated "indirectly" where he or she knowingly participated in any way in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of legal advice, investigation or otherwise, during his or her county service or employment. Former county officers, departmental personnel and employees who have left the county within two (2) years prior to the effective date of the ordinance from which this section derives shall execute an affidavit on a form prepared by the Office of the Inspector General prior to lobbying any county officer, departmental personnel or employee stating that the requirements of this section do not preclude said person from lobbying any officer, departmental personnel or employee of the county. The Inspector General shall verify the accuracy of each affidavit executed by former county officers, departmental personnel or employees.

- (5) Any individual who is found to be in violation of this Subsection (q) shall be subject to the penalties provided in either Subsection (u)(1) or Subsection (u)(2).

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 99-2, § 1, 1-21-99)

- (r) Ethics Commission to render opinions on request. Whenever any person included in the terms defined in subsection (b)(1) through (6), (b)(9) and (b)(13) is in doubt as to the proper interpretation or application of this Conflict of Interest and Code of Ethics Ordinance as to himself or herself, or whenever any person who renders services to the County is in doubt as to the applicability of the said ordinance as to himself or herself, he or she may submit to the Ethics Commission a full written statement of the facts and questions he or she has. The Ethics Commission shall then render an opinion to such person and shall publish these opinions without use of the name of the person advised unless such person requests the use of his or her name. Any person included in the term defined in subsection (b)(1) (i.e., Mayor or Commissioner) who is employed or retained by an entity that receives County funds or is under contract with the County shall, within sixty (60) days after (a) being retained or employed by the entity, or (b) becoming aware of the entity's receipt of County funds or of the entity's contract with the County, whichever is later, seek an opinion from the Ethics Commission or the Executive Director of the Ethics Commission regarding the applicability of the Conflict of Interest and Code of Ethics Ordinance. Any person included in the term defined in subsection (b)(1) who is employed or retained by an entity that receives County funds or is under contract with the County and has received an opinion from the Ethics Commission or the Executive Director of the Ethics Commission prior to the effective date of this ordinance regarding the applicability of the Conflict of Interest and Code of Ethics Ordinance to himself or herself shall not be required to seek another opinion from the Ethics Commission.

(Ord. No. 73-26, § 1, 3-20-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 97-105, § 2, 7-8-97; Ord. No. 10-48, § 1, 7-8-10; Ord. No. 12-22, § 1, 4-3-12)

- (s) Lobbying.

- (1) (a) As used in this section, "County personnel" means those County officers and employees specified in Section 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

- (b) As used in this section, "Lobbyist" means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities. The term "Lobbyist" specifically excludes the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.
- (2) All lobbyists shall register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall:
- (a) Register on forms prepared by the Clerk;
- (b) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby. If the lobbyist represents a corporation, the corporation shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership, or trust. Registration of all lobbyists shall be required prior to January 15 of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be four hundred and ninety dollars (\$490.00). Every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1). The registration fees required by this subsection shall be deposited by the Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Notwithstanding the foregoing, fifteen (15) percent of future funds generated by lobbyist registration fees after the effective date of this ordinance shall be deposited into a separate account, and shall be expended by the Ethics Commission for the purposes of educational outreach, the rendering of advisory opinions and enforcement of the provisions of Section 2-11.1(s) relating to lobbyists. There shall be no fee required for filing a notice of withdrawal and the Board of County Commissioners may, in its discretion, waive the registration fee upon a finding of financial hardship.
- (c) Prior to conducting any lobbying, all principals must file a form with the Clerk of the Board of County Commissioners, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. The principal and the lobbyist must also submit a joint affidavit stating that the principal has not offered and the lobbyist has not agreed to accept any contingency or success fees as defined in subsection (s)(7). Failure of a principal to file the required forms may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the Clerk of the Board at the point in time at which a lobbyist is no longer authorized to represent the principal.

- (d) Each lobbyist shall, within sixty (60) days after registering as a lobbyist, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course"). Lobbyists who have completed the initial Ethics Course mandated by the preceding sentence and have continuously registered as a lobbyist thereafter shall be required to complete a refresher Ethics Course every two years. Each lobbyist who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion within sixty (60) days after registering as a lobbyist. The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; and the Public Records Law. The fee for the Ethics Course shall be one hundred dollars (\$100.00). The registration fees required by this subsection shall be deposited into a separate account, and shall be expended by the Ethics Commission for Ethics Courses and related costs. The requirements of this subsection relating to the Ethics Course shall not be applicable to any municipal lobbyist in Miami-Dade County unless said municipality has adopted an ordinance providing for ethics training of lobbyists, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection. The Executive Director of the Ethics Commission may waive the Ethics Course requirement for a particular lobbyist when he or she determines that the lobbyist has taken an initial or refresher Ethics Course offered by a municipality which satisfies the requirements of this subsection.
- (3) (a) Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.
- (b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist. A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but shall not be required to pay any registration fees.
- (4) Any person who only appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees. Any principal who only appears as a representative of a certified Micro Enterprise, as defined in Section 2-8.1.1.1.1 of the Code, as a representative of a certified Level I Community Small Business Enterprise, as defined in Section 10-33.02 or as a representative of a certified Tier 1 Community Business Enterprise, as defined in Section 2-10.4.01, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.
- (5) Any person who appears as a representative for an individual or firm for an oral presentation before a county certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the County, all individuals who may make a presentation. The affidavit shall be filed by staff with the Clerk's office at the time the proposal is submitted. For the purpose of this subsection only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the Clerk's office and has paid all applicable fees.
- (6) (a) On July 1 of each year, the lobbyist shall submit to the Clerk of the Board of County Commissioners a signed statement under oath, as provided herein, listing all lobbying expenditures in excess of twenty-five dollars (\$25.00) for the preceding calendar year. A

statement shall not be filed if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.

- (b) The Clerk of the Board of County Commissioners shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed as provided in subsection (s)(9), a fine of fifty dollars (\$50.00) per day shall be assessed for reports filed after the due date. Where a fine of fifty dollars (\$50.00) per day is assessed, the Ethics Commission shall not impose a fine as provided in subsection (z). Any lobbyist who fails to file the required expenditure report by September 1 shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Ethics Commission.
  - (c) The Clerk of the Board of County Commissioners shall notify the Commission on Ethics and Public Trust of the failure of a lobbyist or principal to file a report and/or pay the assessed fines after notification.
  - (d) A lobbyist or principal may appeal a fine and may request a hearing before the Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Commission on Ethics and Public Trust within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form. The Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or part, based on good cause shown. The Commission on Ethics and Public Trust shall have the authority to adopt rules of procedure regarding appeals from the Clerk of the Board of County Commissioners.
- (7) No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the County Commission; (2) any action, decision or recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee.
- (8) The Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this subsection (s). All logs required by this ordinance shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to Section 11.045, Florida Statutes.
- (9) The Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection (s). In the event that a violation is found to have been committed the Ethics Commission may, in addition to the penalties set forth in subsection (z), prohibit such person from lobbying before the County Commission or any committee, board or personnel of the County as provided herein.

Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

- 1st violation for a period of 90 days from the date of determination of violation;
- 2nd violation for a period of one (1) year from the date of determination of violation;
- 3rd violation for a period of five (5) years from the date of determination of violation;

A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer

has violated this section, either directly or indirectly or any combination thereof, on three (3) or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The County Manager shall include the provisions of this subsection in all County bid documents, RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of such failure illegal per se.

- (10) All members of the County Commission, and all County personnel, shall be diligent to ascertain whether persons required to register pursuant to this subsection have been complied. Commissioners or County personnel may not knowingly permit a person who is not registered pursuant to this subsection to lobby the Commissioner, or the relevant committee, board or County personnel.
- (11) Except as otherwise provided in subsection (s)(9), the validity of any action or determination of the Board of County Commissioners or County personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection (s).

(Ord. No. 86-24, § 1, 4-1-86; Ord. No. 91-22, § 1, 2-19-91; Ord. No. 92-27, § 1, 4-21-92; Ord. No. 95-21, § 1, 2-7-95; Ord. No. 98-73, § 1, 6-2-98; Ord. No. 98-76, § 1, 6-2-98; Ord. No. 00-19, § 1, 2-8-00; Ord. No. 01-93, § 1, 5-22-01; Ord. No. 01-162, § 1, 10-23-01; Ord. No. 10-03, § 1, 1-21-10; Ord. No. 10-04, § 1, 1-21-10; Ord. No. 10-34, § 1, 6-3-10; Ord. No. 10-56, § 1, 9-21-10; Ord. No. 12-10, § 1, 3-6-12; Ord. No. 12-63, § 1, 9-6-12)

(t) Cone of Silence.

1. Contracts for the provision of goods and service other than audit and independent private sector inspector general (IPSIG) contracts.
  - (a) "Cone of Silence" is hereby defined to mean a prohibition on:
    - (i) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the County's professional staff including, but not limited to, the County Manager and his or her staff;
    - (ii) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff;
    - (iii) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the selection committee therefor;
    - (iv) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the selection committee therefor;
    - (v) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor, County Commissioners and their respective staffs; and
    - (vi) Any communication regarding a particular RFP, RFQ, or bid between any member of the County's professional staff and any member of the selection committee therefore.

The County Manager and the Chairperson of the selection committee may communicate about a particular selection recommendation, but only after the committee has submitted an award recommendation to the manager and provided that should any change occur in the committee recommendation, the content of the communication and of the corresponding

change as well as the reasons for such change shall be described in writing and filed by the Manager with the Clerk of the Board and be included in any recommendation submitted by the Manager to the Board of County Commissioners. Notwithstanding the foregoing, the Cone of Silence shall not apply to:

- (i) Competitive processes for the award of CDBG, HOME, SHIP and Surtax Funds administered by the Miami-Dade County Office of Community and Economic Development and the community-based organization (CBO) competitive grant processes administered by the Park and Recreation, Library, Water and Sewer, and Solid Waste Departments, Cultural Affairs and Tourist Development Councils and the Department of Environmental Resources Management;
  - (ii) Communications with the County Attorney and his or her staff;
  - (iii) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees of the Management and Technical Assistance Unit of the Department of Business Development regarding small business and/or minority business programs, the Community Business Enterprise and Equitable Distribution Programs;
  - (iv) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees responsible for administering disadvantaged business enterprise programs in County departments receiving federal funds, provided the communications are limited strictly to matters of programmatic process or procedure;
  - (v) Duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the County Manager makes his or her written recommendation;
  - (vi) Any emergency procurement of goods or services pursuant to Administrative Order 3-2;
  - (vii) Communications regarding a particular RFP, RFQ or bid between any person and the Vendor Information Center staff, the procurement agent or contracting officer responsible for administering the procurement process for such RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;
  - (viii) Communications between a potential vendor, service provider or bidder and employees of the Department of Procurement Management or other department identified in the solicitation document as the issuing department; and
  - (ix) Consultations by employees of the Department of Procurement Management with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.
- (b) Procedure.
- (i) A Cone of Silence shall be imposed upon each RFP, RFQ and bid after the advertisement of said RFP, RFQ or bid. At the time of imposition of the Cone of Silence, the County Manager or his or her designee shall provide for public notice of the Cone of Silence. The County Manager shall issue a written notice thereof to the affected departments, file a copy of such notice with the Clerk of the Board, with a copy thereof to each Commissioner, and shall include in any public solicitation for goods and services a statement disclosing the requirements of this ordinance.
  - (ii) The Cone of Silence shall terminate at the time the Manager makes his or her written recommendation to the County Commission; provided, however, that if the Commission refers the Manager's recommendation back to the Manager or staff for further review, the Cone of Silence shall be reimposed until such time as the Manager makes a subsequent written recommendation. The foregoing notwithstanding, for contracts and

purchases which the County Manager has the delegated authority to award under Sec. 2-8.1(b) of this Code, the Cone of Silence shall terminate: (i) at the time the award recommendation letter is issued and filed with the Clerk of the Board for such contracts and purchases involving the expenditure of over one hundred thousand dollars (\$100,000); (ii) at the time the written award recommendation is posted in accordance with Section III of A.O. 3-21 for such contracts or purchases involving the expenditure of over \$25,000 up to \$100,000; or (iii) at the time the award recommendation is issued in accordance with Section IV of A.O. 3-21 for contracts and purchases involving the expenditure of \$25,000 or less.

(iii) While the Cone of Silence is in effect, County Staff shall create a written record of any oral communications with potential vendor, service provider, bidder, lobbyist, or consultant related to or regarding a solicitation, bid, proposal, or other competitive process. The record shall indicate the date of such communication, the persons to whom staff communicated, and a general summation of the communication. This subsection applies to all communications made while the Cone of Silence is in effect for a particular solicitation.

(c) Exceptions.

(i) The provisions of this ordinance shall not apply to oral communications at pre-bid conferences, oral presentations before selection committees duly noticed as a public meeting, recorded contract negotiations and contract negotiation strategy sessions in compliance with the exemption in Florida Statutes Section 286.0113, public presentations made to the Board of County Commissioners during any duly noticed public meeting or communication in writing at any time with any County employee, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to any person upon request.

(ii) The provisions of this ordinance shall also not apply to oral communications at briefings held by county commissioners and the County Mayor or his designee, after the selection committee or other evaluating group makes its recommendation to the County Manager, provided that the briefings are not intended to influence the outcome of the selection committee or other evaluating group's recommendation to the County Manager; provided, however, that this exception shall not apply to outside groups such as lobbyists or representatives of the responding or bidding companies or entities.

2. Audit and IPSIG contracts.

(a) "Cone of Silence" is hereby defined to mean a prohibition on: (a) any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff; (b) any oral communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff. Notwithstanding the foregoing, the Cone of Silence shall not apply to (a) communications with the County Attorney and his or her staff; (b) communications between a potential vendor, service provider or bidder and employees of the Department of Procurement Management or other department identified in the solicitation document as the issuing department; and (c) consultations by employees of the Department of Procurement Management with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.

(b) Except as provided in Subsections 2(c) and 2(d) hereof, a Cone of Silence shall be imposed upon each RFP, RFQ and bid for audit and IPSIG services after the advertisement of said RFP, RFQ or bid. At the time of the imposition of the Cone of Silence, the County Manager

or his or her designee shall provide for the public notice of the Cone of Silence. The Cone of Silence shall terminate when the County Manager executes a particular audit or IPSIG contract.

- (c) Nothing contained herein shall prohibit any bidder or proposer: (i) from making public presentations at duly noticed pre-bid conferences or before duly noticed selection committee meetings; (ii) from engaging in recorded contract negotiations in compliance with the exemption in Florida Statutes Section 286.0113; or (iii) from communicating in writing with any County employee or official for purposes of seeking clarification or additional information from, subject to the provisions of the applicable RFP, RFQ or bid documents. Any recordings made pursuant to this section shall be made available, as a public record, upon the conclusion of the selection committee or negotiation meetings notwithstanding the elapsed time from bid or proposal opening. The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to the general public upon request.
  - (d) Nothing contained herein shall prohibit any lobbyist, bidder, proposer or other person or entity from publicly addressing the Board of County Commissioners during any duly noticed public meeting regarding action on any audit or IPSIG contract. The County Manager shall include in any public solicitation for auditing or IPSIG services a statement disclosing the requirements of this ordinance.
3. Penalties. In addition to the penalties provided in Subsections (s) and (v) hereof, violation of this Subsection (t) by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to said bidder or proposer voidable. Any person who violates a provision of this ordinance shall be prohibited from serving on a Miami-Dade County competitive selection committee. In addition to any other penalty provided by law, violation of any provision of this ordinance by a Miami-Dade County employee shall subject said employee to disciplinary action up to and including dismissal. Additionally, any person who has personal knowledge of a violation of this ordinance shall report such violation to the State Attorney and/or may file a complaint with the Ethics Commission.
  4. The requirements of Section 2-11.1(t) shall not apply to any municipality in Miami-Dade County that has adopted an ordinance providing that the cone of silence shall not apply to that municipality. Any municipality that opts out of the requirements of Section 2-11.1(t) shall provide the Ethics Commission with a copy of the ordinance.
  5. Within thirty days of a recommendation from a selection committee, the County Mayor or his designee shall either appoint a negotiation committee or take other affirmative action with respect to the solicitation, including but not limited to rejection of proposals or recommendation for award. In the event that negotiations have not commenced within thirty days, or if such other affirmative action has not been taken within thirty days, the County Mayor or his designee shall report such event, and the reasons therefore, to the Board of County Commissioners. Additionally, the County Mayor or his designee shall present the Clerk of the Board with a recommendation for award, or a recommendation to reject proposals, within ninety days from the date a selection committee makes a recommendation. In the event that the County Mayor or his designee has not provided such recommendation to the Clerk of the Board within ninety days, the County Mayor or his designee shall provide a report on the status of the solicitation to the Board of County Commissioners, including the reasons for any delay.

(Ord. No. 98-106, § 1, 7-21-98; Ord. No. 99-1, § 1, 1-21-99; Ord. No. 00-149, § 1, 11-28-00; Ord. No. 01-149, § 1, 9-25-01; Ord. No. 01-150, § 1, 9-25-01; Ord. No. 02-3, § 1, 1-29-02; Ord. No. 04-77, § 1, 4-27-04; Ord. No. 08-111, § 1, 10-7-08)

- (u) Prohibition on certain business transactions. No person who is serving as an elected county official or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager or department director shall enter into a business transaction with any person or entity that

has a contract with Miami-Dade County or any shareholder, partner, officer, director or employee of said contractor, unless said business transaction is an arm's length transaction made in the ordinary course of business. The provisions of this subsection (u) shall not apply to a business transaction between an elected county official, a member of the staff of an elected county official, the county manager, a senior assistant to the county manager or a department director and a not-for-profit entity. As used herein, a "shareholder" shall mean any person owning ten (10) percent or more of the outstanding capital stock of any corporation. As used herein, "elected county official" shall mean the mayor, county commissioners and community council members. As used herein, "business transaction" shall mean any contract wherein persons either sell, buy, deal, exchange, rent, lend or barter real, personal or intangible property, money or any other thing of value, or render services for value.

- (v) Voting Conflicts. Members of Advisory and Quasi-Judicial Boards. No person included in the terms defined in subsections (b)(3) (quasi-judicial personnel) and (b)(4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor.
- (w) Prohibition on acceptance of travel expenses from county vendors. Notwithstanding any other provision of this section, no person included in subsections (b)(1)(Mayor and Commissioners), (b)(5)(departmental personnel) or (b)(6) (employees) shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county contractor, vendor, service provider, bidder or proposer. The Board of County Commissioners may waive the requirements of this subsection by a majority vote of the Commission. The provisions of this subsection (w) shall not apply to travel expenses paid by other governmental entities or by organizations of which the County is a member if the travel is related to that membership.
- (x) Prohibition on county employees and departmental personnel performing contract-related duties. No person included in subsections (b)(5)(departmental personnel) and (b)(6) (employees), who was previously employed by or held a controlling financial interest in a for-profit firm, partnership or other business entity (hereinafter "business entity") shall, for a period of two years following termination of his or her prior relationship with the business entity, perform any county contract-related duties regarding the business entity, or successor in interest, where the business entity is a county bidder, proposer, service provider, contractor or vendor. As used in this subsection (x), "contract-related duties" include, but are not limited to: service as a member of a county certification, evaluation, selection, technical review or similar committee; approval or recommendation of award of contract; contract enforcement, oversight or administration; amendment, extension or termination of contract; or forbearance regarding any contract. Notwithstanding the foregoing, the provisions of this subsection (x) shall not apply to the County Manager or the Director of Procurement Management.
- (y) Powers and jurisdiction of Ethics Commission. The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the Conflict of Interest and Code of Ethics Ordinance. Jurisdiction of the Ethics Commission shall automatically extend to Commissioners, the Mayor, autonomous personnel, quasi-judicial personnel, departmental personnel, employees, contract staff, advisory personnel, immediate family, lobbyists as defined in subsections (b) and (s) who are required to comply with the Conflict of Interest and Code of Ethics Ordinance; and any other person required to comply with the Conflict of Interest and Code of Ethics Ordinance including, but not limited to, contractors, consultants and vendors. In the event that the Ethics Commission does not assume jurisdiction as provided in the preceding sentence, the Ethics Commission may refer the complaint to the State Attorney for appropriate action. Notwithstanding the foregoing, the Ethics Commission shall not have jurisdiction to consider an alleged violation of subsection (c) if the requirements of subsection (c) have been waived for a particular transaction as provided therein.

(Ord. No. 10-48, § 1, 7-8-10)

- (z) Prohibition on participation in settlement negotiations. Neither the Mayor, a County Commissioner nor any member of their staff shall participate in settlement negotiations of claims or lawsuits, including but not limited to contract scope or compensation adjustments involving the County without prior approval of the Board of County Commissioners.
- (aa) County Attorney's Office participation in contract adjustments. County staff shall request the participation of the County Attorney's Office to provide legal advice regarding scope or compensation adjustments which increase by more than one million dollars (\$1,000,000), the value of a construction contract or a contract involving the purchase of goods or services.
- (bb) Affidavit and Ethics Course. Each person who is elected to serve as a member of the Board of County Commissioners or as Mayor of Miami-Dade County shall execute an affidavit, on a form prepared by the Ethics Commission, stating that he or she has read the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and agrees to comply with the provisions of said ordinance. Each elected official covered by the requirements of this subsection shall file the required affidavit with the Ethics Commission prior to being sworn into office. Each elected official, as defined in subsection (b)(1), shall, within ninety (90) days after being sworn into office, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course"). Each employee of the County, as defined in subsection (b)(5) and b(6), shall within one hundred and eighty (180) days of the effective date of this ordinance or within sixty (60) days after being hired by the County, submit to the Clerk of the Board a certificate of completion of an Ethics Course offered by the Miami-Dade County Commission on Ethics and Public Trust. Employees shall be required to complete a refresher Ethics Course every two years thereafter. Each employee who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion. The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; the Public Records Law and the Citizens' Bill of Rights. The requirements of this subsection (bb) relating to the Ethics Course for employees shall not be applicable to any municipality in Miami-Dade County unless said municipality has adopted an ordinance providing for the Ethics Course, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection.

(Ord. No. 12-11, § 1, 3-6-12; Ord. No. 13-50, § 1, 6-4-13)

(cc) Penalty.

- (1) Proceeding before Ethics Commission. A finding by the Ethics Commission that a person has violated this section shall subject said person to an admonition or public reprimand and/or a fine of five hundred dollars (\$500.00) for the first such violation and one thousand dollars (\$1,000.00) for each subsequent violation. Where the Ethics Commission finds that a person has intentionally violated this section and determines that a fine is appropriate, said person shall be subject to a fine of one thousand dollars (\$1,000.00) for the first such violation and two thousand dollars (\$2,000.00) for each subsequent violation. Actual costs incurred by the Ethics Commission, in an amount not to exceed five hundred dollars (\$500.00) per violation, may be assessed where the Ethics Commission has found an intentional violation of this section. The Ethics Commission may also order the person to pay restitution when the person or a third party has received a pecuniary benefit as a result of the person's governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission.
- (2) Prosecution by State Attorney in State court. Every person who is convicted of a violation of this section in State court shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment in the County Jail for not more than thirty (30) days, or by both such fine and imprisonment.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-26, § 1, 3-20-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 86-24, § 2, 4-1-86; Ord. No. 91-22, § 1, 2-19-91; Ord. No. 92-27, § 1, 4-21-92; Ord. No. 95-

21, § 1, 2-7-95; Ord. No. 97-105, § 2, 7-8-97; Ord. No. 98-73, § 1, 6-2-98; Ord. No. 98-76, § 1, 6-2-98; Ord. No. 98-106, § 1, 7-21-98; Ord. No. 98-125, § 1, 9-3-98; Ord. No. 99-150, § 1, 11-2-99; Ord. No. 00-46, § 1, 4-11-00; 00-149, § 1, 11-28-00; Ord. No. 01-199, § 1, 12-4-01; Ord. No. 03-73, § 1, 4-8-03; Ord. No. 03-107, § 1, 5-6-03; Ord. No. 03-140, § 1, 6-3-03; Ord. No. 04-55, § 1, 3-16-04; Ord. No. 04-119, § 1, 6-8-04; Ord. No. 04-204, § 1, 12-2-04; Ord. No. 05-71, § 1, 4-5-05; Ord. No. 06-148, § 1, 10-10-06; Ord. No. 10-11, § 1, 2-2-10; Ord. No. 10-48, § 1, 7-8-10; Ord. No. 13-53, § 1, 6-4-13; Ord. No. 14-96, § 1, 10-7-14)

**Editor's note**— Ord. No. 72-82, § 1, amended this Code by repealing former § 2-11.1 relative to County officers and employees transacting business with the County and enacted in lieu thereof a new § 2-11.1 as herein set out. Former § 2-11.1 was derived from Ord. No. 59-44, §§ 2—5, adopted Dec. 1, 1959.

Annotations—AO 7-1; CAO's 76-8, 76-32, 76-36, 76-39, 76-43, 76-46, 76-50, 76-55, 77-1, 77-9, 77-14, 77-16, 77-19, 77-26, 77-33, 77-37, 77-40, 77-41, 77-44, 77-52, 77-53, 77-56, 77-63, 77-68, 78-2, 78-10, 78-11, 78-12, 78-17, 78-25, 78-33, 78-44, 78-47, 78-53, 78-54, 79-6, 79-7, 79-12, 79-16, 79-19, 79-32, 79-37, 80-3, 80-4, 80-11, 80-21, 80-24, 80-25, 80-28, 80-29, 81-4, 81-13, 81-18, 81-22, 81-31, 81-38, 82-1, 82-10, 82-13, 82-19, 82-24, 82-25, 82-28, 82-29, 83-2, 83-6, 83-11, 83-22, 85-8.

**State Law reference**— Code of ethics for public officers and employees, F.S. § 112.311 et seq.

Sec. 2-11.1.1. - Ethical campaign practices ordinance.

- (A) Applicability of Ethical Campaign Practices Ordinance. The Ethical Campaign Practices Ordinance shall extend to: (i) candidates, and their respective campaign staffs, for the Miami-Dade County Commission or Mayor; (ii) candidates, and their respective campaign staffs, for the Miami-Dade Fire and Rescue Service District Board; (iii) candidates, and their respective campaign staffs, for Miami-Dade County Community Councils; (iv) candidates, and their respective campaign staffs, for any municipal elective office within Miami-Dade County; (v) Candidates, and their respective campaign staffs, for the Property Appraiser of Miami-Dade County; and (vi) any candidate, and his or her campaign staff, for elective office with a constituency in whole or in part in Miami-Dade County who agrees to abide by the mandatory and/or voluntary fair campaign practices provided in subsections (C) and (D). As used herein, "candidate" means any person to whom any one (1) or more of the following applies:
- (1) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her election to, or retention in, public office.
  - (2) Any person who appoints a treasurer and designates a primary depository.
  - (3) Any person who files qualification papers and subscribes to a candidate's oath as required by law.
- (B) Miami-Dade County Commission on Ethics and Public Trust. The Miami-Dade County Commission on Ethics and Public Trust ("Ethics Commission") shall have jurisdiction over the Ethical Campaign Practices Ordinance. The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the mandatory and voluntary fair campaign practices provided in subsections (C) and (D).
- (C) Mandatory Fair Campaign Practices.

- (1) Prohibitions. A candidate, and his or her campaign staff, for the Miami-Dade County Commission, Mayor of Miami-Dade County, Property Appraiser of Miami-Dade County, Miami-Dade Fire and Rescue Service District Board, Miami-Dade County Community Councils or for any municipal elective office within Miami-Dade County shall not:
  - (a) With actual malice make or cause to be made any untrue oral statement about another candidate or a member of his or her family or staff which exposes said person to hatred, contempt, or ridicule or causes said person to be shunned or avoided, or injured in his or her business or occupation;
  - (b) With actual malice publish or cause to be published by writing, printing, picture, effigy, sign or otherwise than by mere speech any untrue statement about another candidate or a member of his or her family or staff which exposes said person to hatred, contempt, or ridicule or causes said person to be shunned or avoided, or injured in his or her business or occupation;
  - (c) Willfully injure, deface or damage or cause to be injured, defaced or damaged by any means any campaign poster, sign, leaflet, handbill, literature or other campaign material of another candidate;
  - (d) Knowingly obtain, or cause to be obtained the campaign property of another candidate with the intent to, temporarily or permanently, deprive the candidate of a right to the property or a benefit therefrom; or
  - (e) Knowingly file with the Ethics Commission a groundless or frivolous complaint against another candidate.
- (2) Agreement to abide by Mandatory Fair Campaign Practices. A candidate for any elective office with a constituency in whole or in part in Miami-Dade County who is not required to comply with the mandatory fair campaign practices as provided in subsection (C)(1) may at any time declare that he or she agrees to abide by the mandatory fair campaign practices, and that he or she recognizes as compulsory the jurisdiction of the Ethics Commission (a) to decide whether said candidate has violated the mandatory fair campaign practices and, if so, (b) to impose the appropriate penalty, if any. The declaration shall be on a form approved by the Ethics Commission and shall be irrevocable. Copies of the declaration form shall be on file with the Ethics Commission, the Miami-Dade County Supervisor of Elections and the Clerk of the Board of each municipality within Miami-Dade County.
- (3) Penalties. In addition to any other penalty provided by law, a finding by the Ethics Commission that a candidate or a member of his or her staff has violated one (1) or more of the mandatory fair campaign practices shall subject said candidate, a member of his or her staff, or both, to an admonition or public reprimand and/or a fine of five hundred dollars (\$500.00) for the first such violation and one thousand dollars (\$1,000.00) for each subsequent violation. The Ethics Commission may also order a person who violates a mandatory fair campaign practice to pay restitution when the person or a third party receives a pecuniary benefit as a result of the person's violation. The procedure for determining restitution shall be governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission.

(D) Voluntary Fair Campaign Practices.

- (1) Statement of Fair Campaign Practices. The following voluntary Statement of Fair Campaign Practices shall guide candidates for public office in Miami-Dade County:

STATEMENT OF FAIR CAMPAIGN PRACTICES

As a candidate for public office in Miami-Dade County, I believe that political issues can be freely debated without appealing to racial, ethnic, religious, sexual or other prejudices. I recognize that such negative appeals serve only to divide this community and create long-term moral, social and economic problems.

Therefore:

1. I shall not make my race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign.
  2. I shall not make my opponents' race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign.
  3. I will condemn any appeal to prejudice based on race, creed, national origin, religion, gender, physical disability or sexual orientation.
  4. I shall not without just cause attack or question my opponent's patriotism.
  5. I shall not publish, display or circulate any anonymous campaign literature or political advertisement.
  6. I shall not tolerate my supporters engaging in these activities which I condemn nor shall I accept their continued support if they engage in such activities. I will not permit any member of my campaign organization to engage in these activities and will immediately and publicly repudiate the support of any other individual or group which resorts to the methods and tactics I condemn.
  7. I shall run a positive campaign emphasizing my qualifications for office and positions on issues of public concern.
  8. I will limit my attacks on an opponent to legitimate challenges to that person's record, qualifications, and positions.
  9. I will neither use nor permit the use of malicious untruths or innuendoes about an opponent's personal life, nor will I make or condone unfounded accusations discrediting that person's credibility.
  10. I will take personal responsibility for approving or disavowing the substance of attacks on my opponent that may come from third parties supporting my candidacy.
  11. I will not use or permit the use of campaign material that falsifies, distorts, or misrepresents facts.
- (2) Agreement to abide by Statement of Fair Campaign Practices. A candidate for public office in Miami-Dade County as described in subsection (A) may at any time declare that he or she agrees to abide by the Statement of Fair Campaign Practices, and that he or she recognizes as compulsory the jurisdiction of the Ethics Commission (a) to decide whether said candidate has violated the Statement of Fair Campaign Practices and, if so, (b) to impose the appropriate penalty. The declaration shall be on a form approved by the Ethics Commission and shall be irrevocable. Copies of the declaration form shall be on file with the Ethics Commission, the Miami-Dade County Supervisor of Elections and the Clerk of the Board of each municipality within Miami-Dade County. Declarations shall be filed with the Ethics Commission.
- (3) Penalty. In addition to any other penalty provided by law, a finding by the Ethics Commission that a candidate has violated one (1) or more of the voluntary fair campaign practices shall subject said candidate to an admonition or public reprimand.
- (E) Procedure. The procedures provided in Chapter 2, Article LXXVIII of the Code of Miami-Dade County shall govern all complaints or requests for advisory opinions brought pursuant to the Ethical Campaign Practices Ordinance. Notwithstanding the foregoing, the Ethics Commission may conduct an expedited proceeding, with the assistance of hearing examiners, when a complaint is filed pursuant to the Ethical Campaign Practices Ordinance within fifty (50) days of a primary, general or special election. Expedited proceedings shall be governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission. No action may be taken on a complaint filed more than one (1) year after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation.

(Ord. No. 98-94, § 1, 7-7-98; Ord. No. 04-204, § 1, 12-2-04; Ord. No. 06-157, § 1, 10-24-06;  
Ord. No. 08-62, § 1, 5-20-08)

**ORDINANCE NO. 2015-19**

**AN ORDINANCE OF THE MAYOR AND COUNCIL AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER XXIV "ZONING AND LAND DEVELOPMENT", ARTICLE XV "OTHER DEVELOPMENT REVIEW PROCEDURES", SECTION 24-170 "RESERVED" AND SECTION 24-180 "DENIALS, NOTICES, AND FEES" TO REQUIRE THAT CHARGES INCURRED BY THE CITY FOR CONSULTANTS NECESSARY FOR REVIEW OF ANY ZONING APPLICATION BE PAID BY THE APPLICANT IN ACCORDANCE WITH THE ACTUAL HOURLY RATES AND IN ADDITION TO ANY OTHER APPLICATION FEES REQUIRED BY LAW; PROVIDING THAT THE APPLICANT SHALL REIMBURSE THE CITY FOR THE COST OF CONSULTANT SERVICES UPON SUBMISSION OF A VOUCHER; PROVIDING FOR THE ESTABLISHMENT OF AN ESCROW ACCOUNT FROM WHICH WITHDRAWALS MAY BE MADE TO REIMBURSE THE CITY FOR THE PROFESSIONAL REVIEW SERVICES; PROVIDING THAT THE BALANCE IN THE ESCROW ACCOUNT, WHEN REDUCED TO ONE-THIRD OF THE INITIAL AMOUNT, SHALL BE REPLENISHED BY THE APPLICANT AND THAT THE CITY MAY SUSPEND REVIEW OF THE APPLICATION FOR FAILURE TO REPLENISH THE ESCROW ACCOUNT; AND FURTHER PROVIDING THAT A BUILDING PERMIT OR CERTIFICATE OF USE AND OCCUPANCY SHALL NOT BE ISSUED UNLESS ALL PROFESSIONAL REVIEW FEES CHARGED IN CONNECTION WITH THE APPLICANT'S PROJECT HAVE BEEN REIMBURSED; PROVIDING THAT ALL FEES REQUIRED UNDER THIS ORDINANCE SHALL BE COLLECTED BY THE CITY MANAGER OR DESIGNEE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.**

WHEREAS, from time to time it is necessary for the City of North Miami Beach to retain independent consultants in connection with zoning applications, including engineering, traffic, planning, legal, technical, environmental, or professional(s) in order to assess and make a recommendation on the applications; and

WHEREAS, the City should be reimbursed for the actual charges for such services, provided it maintains a separate escrow account for these amounts; and

**ORDINANCE NO. 2015-19**

**WHEREAS**, these fees are in addition to any and all other fees required by any other law, rule, or regulation of the City Code; and

**WHEREAS**, the City's Planning and Zoning Board, as the Local Planning Agency, held a duly noticed public hearing on October 19, 2015, and reviewed the proposed amendment for consistency with the City of North Miami Beach's Comprehensive Plan, and recommends approval by a vote of 6 to 0 ; and

**WHEREAS**, the City Council believes the proposed amendment is consistent with the North Miami Beach Comprehensive Plan and is in the best interests of the City.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the city of North Miami Beach, Florida, as follows:

Section 1. The foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. The City Council of the City of North Miami Beach, Florida Zoning and Land Development Code is amended as follows:

#### **Chapter XXIV Zoning And Land Development**

#### **Article XV Other Development Review Procedures**

#### **Sec. 24-170 - ~~Reserved~~. Cost Recovery for Consulting Services.**

- A) Established. The City Manager or designee in reviewing any application, may refer it to an independent engineering, planning, legal, technical, or environmental consultant or professional(s) retained by the City as the Manager shall deem reasonably necessary to enable review of such application. Charges made by the independent consultant shall be in accord with those customarily made for services in Miami-Dade County, and pursuant to an existing agreement between the City and the independent consultant. Charges to the applicant for consulting services shall be similar to the hourly rates charged by the consultants. The applicant shall reimburse the City for the cost of such consultant or professional upon submission of a voucher and within thirty (30) days of submission. These fees are in addition to all other fees required by law, rule, or regulation.
- B) Escrow Accounts. Upon submission of any application or thereafter, the City Manager or

designee may require an escrow account be established. The applicant shall provide funds for deposit into the account, as determined by the City Manager or designee. Withdrawals from that account shall reimburse the City for the cost of professional review services. The applicant shall be provided a voucher for such services when submitted to the City. When the balance in the escrow account is below one-third (1/3) of its initial amount, the applicant shall deposit additional funds up to the amount of the initial deposit. If the account is not replenished within thirty (30) days after the applicant is notified, in writing, of the requirement for such additional deposit, the City may suspend its review of the application. An application shall be deemed incomplete if any amount is outstanding. A building permit or certificate of use and occupancy shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the City. Once all pertinent charges have been paid, the City shall refund to the applicant any funds remaining on deposit.

- C) Collection of Fees. All fees required pursuant to this chapter shall be collected by the City Manager or designee.

**Sec. 24-180 - Denials, Notices and Fees.**

\*\*\*

- (C) Filing Fees. All applications shall be accompanied by an official filing fee which shall be used to defray expenses for administration, notices and advertisements, additional fees may be required pursuant to Section 24-170. The fees are specified in the Land Development Fee Schedule which is Appendix A of this Chapter.

\*\*\*

Section 3. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and word "Ordinance" may be changed to "Section," "Article" or other appropriate word as the codifier may deem fit.

Section 4. Repealer. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5 Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 6. Effective Date. This Ordinance shall become effective ten days after adoption on second reading.

APPROVED BY TITLE-ONLY on first reading this 3<sup>rd</sup> day of November, 2015.

APPROVED AND ADOPTED on second reading this 17<sup>th</sup> day of November, 2015.

ATTEST:

  
PAMELA L. LATIMORE  
CITY CLERK

  
GEORGE VALLEJO  
MAYOR

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
JOSE SMITH  
CITY ATTORNEY

11-12-15

SPONSORED BY: Mayor and City Council

ORDINANCE NO. 2015-19

**CRA POLICY RESOLUTION NO. 2016-4**

**A RESOLUTION OF THE CHAIRMAN AND BOARD MEMBERS OF THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING THE FISCAL YEAR 2016-2017 BUDGET; AUTHORIZING THE CRA EXECUTIVE DIRECTOR TO TAKE ALL ACTION NECESSARY TO COMPLETE THE APPROVAL PROCESS FOR THE FISCAL YEAR 2016-2017 BUDGET WITH THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY; AUTHORIZING APPROPRIATION OF CARRY FORWARD REVENUES AND INTEREST FROM FISCAL YEAR 2015-16 BUDGET.**

**WHEREAS**, on June 7, 2005, the Miami-Dade Board of County Commissioners adopted Resolution R-611-05 approving the Interlocal Cooperation Agreement (“Agreement”) between Miami-Dade County (“County”), the City of North Miami Beach (“City”), and the North Miami Beach Community Redevelopment Agency (“CRA”); and

**WHEREAS**, the Agreement requires that the CRA approve and adopt an annual budget, and transmit its annual budget to the City for approval prior to transmitting said budget to the County for approval; and

**WHEREAS**, the Fiscal Year 2016-2017 CRA Budget is attached hereto as Exhibit “A” (the “Fiscal Year 2016-2017 CRA Budget”); and

**WHEREAS**, all the expenses included in the Fiscal Year 2016-2017 CRA Budget are in accordance with state law, interlocal agreements including the Agreement and the CRA Redevelopment Plan; and

**WHEREAS**, the CRA Board desires to approve the Fiscal Year 2016-2017 CRA Budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Chairman and Board Members of the North Miami Beach Community Redevelopment Agency:

**Section 1. Recitals.** The recitals in the whereas clauses are true and correct, and incorporated into this Resolution.

**Section 2. Approval and Adoption of Budget.** The Fiscal Year 2016-2017 CRA Budget attached hereto as Exhibit “A” is hereby approved and adopted.

**Section 3. Transmittal of Budget.** The CRA Executive Director is hereby authorized to transmit the Fiscal Year 2016-2017 CRA Budget to the City and the County for review and approval.

**Section 4. Authority of Executive Director.** The CRA Executive Director is hereby authorized to take all action necessary to complete the approval process for the Fiscal Year 2016-2017 CRA Budget with the City and the County.

**Section 5. Carry Forward.** All revenues and interest carried forward from Fiscal Year 2015-16 shall be appropriated according to established guidelines and applicable law.

**Section 6. Effective Date.** This Resolution shall take effect immediately upon approval.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Board of the North Miami Beach Community Redevelopment Agency, this **25<sup>th</sup>** day of **August, 2016**.

ATTEST:

NORTH MIAMI BEACH COMMUNITY  
REDEVELOPMENT AGENCY

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
GEORGE VALLEJO, CHAIRMAN

APPROVED AS TO FORM:

\_\_\_\_\_  
JOSE SMITH, CRA ATTORNEY

SPONSORED BY: Administration

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote:

Chairman George Vallejo	_____ (Yes)	_____ (No)
Board Member Anthony F. DeFillipo	_____ (Yes)	_____ (No)
Board Member Barbara Kramer	_____ (Yes)	_____ (No)
Board Member Marlen Martell	_____ (Yes)	_____ (No)
Board Member Frantz Pierre	_____ (Yes)	_____ (No)
Board Member Phyllis S. Smith	_____ (Yes)	_____ (No)
Board Member Beth E. Spiegel	_____ (Yes)	_____ (No)

# EXHIBIT "A"



**City of North Miami Beach, Florida**  
**Community Redevelopment Agency (CRA)**



***CRA Board of Commissioners:***

Chairman George Vallejo  
Commissioner Anthony DeFillipo  
Commissioner Barbara Kramer  
Commissioner Marlen Martell  
Commissioner Frantz Pierre  
Commissioner Phyllis S. Smith  
Commissioner Beth E. Spiegel

***Staff:***

Executive Director Ana M. Garcia  
CRA Attorney Jose Smith  
Deputy City Manager Candido Sosa-Cruz  
CRA Administrator Patrick Brett

**Fiscal Year 2017 Budget**

For the Fiscal Year Starting on October 1<sup>st</sup>, 2016 and ending on September 30<sup>th</sup>, 2017

---

The North Miami Beach Community Redevelopment Agency (“CRA”) was created in 2005 by the Miami-Dade County Board of County Commissioners (“BCC”). The BCC delegated many of the CRA powers to the City of North Miami Beach (“City”), which then created the CRA. The BCC retained other CRA powers such as final approval of the annual budget, amending the CRA Redevelopment Plan, approval of long-term debt such as loans and bonds, and other CRA powers, which was described in the 2005 Interlocal Agreement between the BCC, City, and CRA.

The CRA’s goals are:

- 1) Eliminate and prevent blight,
- 2) Improve the public infrastructure, and
- 3) Prevent and reduce incidents of crime.

The CRA is a dependent special district that may only take on projects and programs that were approved in the Redevelopment Plan.

The CRA anticipates the approval of the 2015 Amended Redevelopment Plan by the BCC, which contained updated financial projections, projects, programs, and capital improvements.

## **CRA FY 2015-2016 ACCOMPLISHMENTS**

Hired a full-time CRA Administrator.

Approved the first Tax Increment Finance Incentive for the Read Capital Apartments development (350 unit residential, mixed-use with first floor retail) that was approved for an underutilized and blighted property located at West Dixie Highway and Hanford Blvd in the designated Downtown.

Approved a Façade Beautification Program application.

Started a preparation for a Request for Proposals for a targeted industry business attraction redevelopment project.

Improved the CRA website to improve transparency and public awareness. A direct link to the webpage is now available: [www.nmbcra.org](http://www.nmbcra.org).

Promoted the CRA at community events such as the Heart Health Walk, Bike 305, and the International Council of Shopping Centers annual conference.

Installed Royal Palm trees on Hanford Blvd the designated Downtown.

Promoted the Redevelopment Area through in-person marketing by meeting with businesses and walking door to door to promote private investment.

Coordinated with South Florida Regional Transportation Authority and Miami-Dade County Transit for the future passenger rail line on Florida East Coast tracks.

Completed the West Dixie Highway Implementation Strategy for the reconstruction of West Dixie Highway from 163<sup>rd</sup> Street to 172<sup>nd</sup> Street and the bridge over the Royal Glade Canal.

Submitted to the BCC the 2015 Amended Redevelopment Plan. An amendment to the existing plan was required to:

- Reflect recent changes to the Comprehensive Plan and Zoning Code;
- Removal of outdated language and images;
- Update of the financial projections;
- Update program descriptions to reflect current policies and practices;
- Integrate the West Dixie Highway Implementation Plan;
- Make adjustments required by changes in State law;
- Highlight current priority projects.

Met with the Miami-Dade County Water and Sewer Department to assist with the expansion of a County wastewater line being funding in part by the CRA.

**REVIEW OF FY 2015-2016 BUDGET GOALS**

The CRA FY 2015-2016 budgeted included seven (8) descriptive targets. Five (5) were completed, two (2) are still in progress, one (1) was incomplete, and one (1) was determined not CRA applicable.

<b>Status</b>	<b>Description from FY 16 Budget</b>
SUCCESS	Attract new development through marketing and promotion of new zoning and adopted Tax Increment Recapture Incentive program.
SUCCESS	Technical assistance, targeting and funding of existing and new businesses improvements through the CRA's Façade and Commercial Improvement program focusing on strategic investments that will provide the highest functional and visual impacts.
SUCCESS	Conduct an analysis to identify the number and location of businesses within the CRA which are unable to grow due to lack of sanitary sewer. Identify potential funding and/or create incentives to connect all existing businesses within the CRA to sewer.
IN PROGRESS	Complete Miami-Dade County sewer extension project along 163rd Street and NE 21st Avenue
SUCCESS	Implement specific short term recommendations from the West Dixie Highway Implementation Plan.
IN PROGRESS	Continue to monitor and work with Miami Dade County PWWM Department on design and engineering of the West Dixie Highway Roadway Improvement project and Royal Glade Canal Bridge Replacement Project to ensure consistency with the City vision (Design firm to be under contract with Miami Dade County, Fall of 2015. Funding has been allocated per the 5-Year Transportation Improvement Plan)
NOT CRA APPLICABLE	Negotiate a public/private partnership for City owned parking lot along the West Dixie Highway corridor.
INCOMPLETE	Develop an overall Marketing Plan for the CRA to solicit and attract investment. Fund portions of implementation.

**CRA 2016-2017 REVENUES**

Total Revenues for the CRA FY2016-2017 is estimated at \$1,878,392. The sources of revenue include tax increment receipts from the City of \$411,413 and Miami-Dade County of \$602,770 respectively and a carry forward from FY2015-2016 of \$855,000 plus a projected \$9,209 on investments. Please see the comparative table below:

**CRA Estimated Revenues Comparative Table**

	(FY 15-16)	(FY 16-17)
TIF City Contribution	\$ 404,477	\$ 602,770
TIF County Contribution	\$ 289,030	\$ 411,413
Carry Forward	\$ 730,233	\$ 855,000
Interest on Investments	\$ 10,000	\$ 9,209
Total Revenues:	\$1,433,740	\$1,878,392

**CRA FY2016-2017 EXPENSES**

**ADMINISTRATIVE EXPENSES**

**1. Employee Salary and Fringe (\$ 30,138)**

25% Administrative personnel costs charges to the CRA for the CRA Administrator

**Total for Salary/Fringe: \$30,138**

**2. Annual Audit (\$ 4,200)**

The CRA is audited as a part of the City of North Miami Beach’s annual audit (CAFR) and, as with all funds, pays its pro-rata share of the cost of the audit.

**3. Advertising and Notices (\$ 5,000)**

Legal notices placed and published for CRA Board, Redevelopment Advisory Board, and special meetings, announcements, workshops, and public information.

**4. Travel (\$ 4,746)**

Travel for conventions, seminars, continuing education, conferences, and developer meetings.

**5. City Administrative Support (\$ 120,705)**

As per the Interlocal Agreement approved by Miami-Dade County BCC, the City of North Miami Beach CRA is governed by a 6% cap of total TIF expenditures within a set fiscal year for the purposes of assessing an indirect cost and overhead allocation.

The City of North Miami Beach will provide support services to the CRA, in particular from the City Manager Office, City Attorney Office, City Clerk Office, and Finance, Procurement, Information Technology, and Community Development Departments.

**6. Other Administrative Expenses (\$ 24,525)**

Overhead expenses include but are not limited to operating supplies, bank fees, education program, communication services, repair and maintenance, office supplies, operating supplies, books and memberships, maintenance and repair of vehicles, fuel, computer equipment and software, postage, professional organization membership dues, subscriptions to publications, and maintenance agreements. Also included in the annual Florida Special Districts fee.

**7. County Administrative Charge (\$ 6,172)**

Required County Fee @ 1.5% of County's tax increment contribution.

**Total Administrative Expenses including salary/fringe \$195,486**

**OPERATING EXPENSES**

**1. Employee Salary and Fringe (\$ 90,414)**

75% of Administrator's salary and fringe

**2. Contractual Services (\$ 83,250)**

CRA will contract will consultants to assist with, but not limited to, review of Tax Increment Finance Recapture Incentive applications, meeting recording, meeting minutes, targeted industry market analysis, marketing, branding, and economic development services.

**3. Printing and Publishing (\$ 5,000)**

Covers the cost of producing agendas / annual reports and other documents required by the CRA Board and the Redevelopment Advisory Board. Also included are developer recruitment packages, welcome packages including annual public information and other documents needed to provide economic overview of the City & CRA.

**4. Marketing (\$ 15,000)**

Through promotional activities, the CRA will promote its services and activities to new businesses and developers interested in doing business and applying for existing programs and incentives.

**5. Legal Services Costs (\$ 20,000)**

Outside (non-City) legal assistance for development agreements/legal issues and attendance at CRA Board & Redevelopment Advisory Board Meetings. "Legal services" shall include review of contracts and agreements, and the rendering of legal opinions as requested.



	FY (15-16)	FY (16-17)
<b>Total Administrative Expenses:</b>	<b>\$ 136,605</b>	<b>\$ 195,486</b>
<b>Total Operating Expenses:</b>	<b>\$ 623,093</b>	<b>\$ 657,906</b>
<b>Capital Improvements:</b>	<b>\$ 674,042</b>	<b>\$ 1,025,000</b>
<b>Total CRA Budget</b>	<b>\$ 1,433,740</b>	<b>\$ 1,878,392</b>

**North Miami Beach CRA – FY2016-2017 Budget**

**August 18, 2016:**

**Other Administrative Expenses**

Bank Fees: \$250  
Education Programs: \$10,000  
Communication Services: \$525  
Repair and Maintenance Services: \$500  
Office Supplies: \$1,250  
Operating Supplies: \$2,500  
Books and Memberships: \$2,500  
Maintenance and Repair of Vehicles: \$1,250  
Fuels and Lubricants: \$2,000  
Data Processing Equipment: \$3,750

Total: \$24,525

**City Services and Support Provided to the CRA:**

City Manager's Office  
City Attorney's Office  
City Clerk's Office  
Finance Department  
Community Development Department  
Information Technology Division  
Procurement Division  
Fleet Maintenance

Total: \$120,705

**City of North Miami Beach**  
**Community Redevelopment Agency FY 2016-2017 Budget**

(FY 16-17 begins October 1, 2016)

	FY14-15 Approved Budget	FY14-15 Actual Budget	FY15-16 Approved Budget	FY15-16 Actual Budget	FY16-17 * Proposed * Budget
<b>Revenues</b>					
City Tax Increment Revenue	343,597	343,597	404,477	404,477	602,770
County Tax Increment Revenue	275,311	194,472	289,030	289,030	411,413
<b>Additional City Funding</b>					
County Carryover					
Carryover from prior year (cash & equiv.)	578,759	681,027	730,233	730,233	855,000
Loan Proceeds					
Interest earnings	10,000	10,000	10,000	10,000	9,209
<b>Revenue Total</b>	<b>1,207,667</b>	<b>1,229,096</b>	<b>1,433,740</b>	<b>1,433,740</b>	<b>1,878,392</b>
<b>Expenditures</b>					
<b>Administrative Expenditures:</b>					
Employee salary and fringe	16,875	16,875	30,928	30,928	30,138
Audits	3,150	3,150	3,780	3,780	4,200
Advertising and notices	700	700	700	2,700	5,000
Travel	1,000	926	1,000	1,000	4,746
City Administrative Support	-	-	80,896	80,896	120,705
Other Admin. Exps (attach list)	12,916	4,649	12,966	12,966	24,525
<b>(A) Subtotal Admin Expenses, %</b>	<b>34,641</b>	<b>26,300</b>	<b>130,270</b>	<b>132,270</b>	<b>189,314</b>
County Administrative Charge at 1.5%	4,130	2,917	4,335	4,335	6,172
<b>(B) Subtotl Adm Exp</b>	<b>38,771</b>	<b>29,217</b>	<b>134,605</b>	<b>136,605</b>	<b>195,486</b>
<b>Operating Expenditures:</b>					
Employee salary and fringe	50,625	50,625	93,193	93,193	90,414
Contractual services	60,000	60,000	70,000	70,000	83,250
Printing and publishing	5,000	3,723	5,000	5,000	5,000
Promotional Activities	10,000	6,930	12,000	10,000	15,000
Legal services/court costs	21,500	11,500	41,500	41,500	20,000
Capital Projects- Encumbered	-	74,980	-	-	-
Capital Projects - Grants	130,000	26,450	200,000	200,000	-
Targeted Industry Incentive Project	-	-	-	-	500,000
West Dixie Implementation Strategy	424,900	-	-	-	225,000
Wayfinding Signage, Placemaking, and Branding	-	-	-	-	150,000
Wastewater Tie-In Grants	-	-	-	-	133,342
Passenger Rail Station	-	-	-	-	100,000
Commercial Improvement Grants	-	-	-	-	70,000
Parking Facility	-	-	-	-	50,000
Art in Public Places Grants	-	-	-	-	25,000
Historic Preservation Grants	-	-	-	-	15,000
Hanford Blvd Renovations	45,000	28,452	-	-	-
CRA wide infrastructure improvements	-	-	459,157	459,157	-
Sewer 163rd St & NE 21st Ave	214,885	-	214,885	214,885	-
Debt service payments (capital imp.)	206,986	206,986	203,400	203,400	200,900
Debt service payments (property)	-	-	-	-	-
Transfers out to others (attach list)	-	-	-	-	-
Other Oper. Expenses (attach list)	-	-	-	-	-
<b>(C) Subtotal Oper. Expenses</b>	<b>1,168,896</b>	<b>469,646</b>	<b>1,299,135</b>	<b>1,297,135</b>	<b>1,682,906</b>
<b>(D) Reserve/Contingency</b>					
<b>Expenditure Total (B+C+D)</b>	<b>1,207,667</b>	<b>498,863</b>	<b>1,433,740</b>	<b>1,433,740</b>	<b>1,878,392</b>
<b>Projects:</b>					
Redevelopment & Infrastructure	-	-	459,157	459,157	-
Capital Projects	-	-	-	-	-
Targeted Industry Incentive Project	-	-	-	-	500,000
West Dixie Highway Implementation Strategy	424,900	388,490	-	-	225,000
Wayfinding Signage, Placemaking, and Branding	-	-	-	-	150,000
Passenger Rail Station	-	-	-	-	100,000
Parking Facility	-	-	-	-	50,000
Sewer NE 163rd & NE 20th Ave	214,885	214,885	214,885	214,885	-
Hanford Blvd Renovations	45,000	28,452	-	-	-
<b>Total project dollars:</b>	<b>684,785</b>	<b>631,827</b>	<b>674,042</b>	<b>674,042</b>	<b>1,025,000</b>
<b>Year End Carry Over</b>		730,233	-	855,000	-



# NORTH MIAMI BEACH *Florida*



## City of North Miami Beach CRA

FY 2016-17  
CRA Board  
Budget Presentation



August 25<sup>th</sup> 2016 (r2)



# NORTH MIAMI BEACH *Florida*



## FY 16 to FY 17 Comparison

<b>CRA</b>
Fund # 104

FY 2015-2016 Budget	FY 2016-2017 Budget	Change +/-	Change %
\$ 1,433,740	\$ 1,878,392	\$ 444,652	31.01%

Revenues	FY16 Budget	FY17 Budget	Change +/-	Change %
Carry-Over	\$ 730,233	\$ 855,000	\$ 124,767	17.09%
County TIF	\$ 298,030	(1) \$ 411,413	\$ 113,383	38.04%
City TIF	\$ 404,477	(2) \$ 602,770	\$ 198,293	49.02%
Interest on Investments	\$ 10,000	\$ 9,209	\$ (791)	-7.91%

- (1) Gross: 1.5% County Administrative Fee Excluded (Re: 2005 Interlocal for \$6,172) makes FY17 County Net Contribution \$405,241
- (2) Gross: City Administrative Services (\$120,705) makes FY17 City Net Contribution \$482,065



# NORTH MIAMI BEACH *Florida*



Expenditures	FY16 Budget	FY17 Budget	Change +/-	Change %
Salaries and Fringe	\$ 124,722	\$ 120,552	\$ (4,170)	-3.34%
City Administrative Services to CRA	\$ 80,896	\$ 120,705	\$ 39,809	49.21%
Other Administrative Expenses	\$ 22,781	\$ 30,697	\$ 7,916	34.75%
Grants and Incentives	\$ 200,000	\$ 243,342	\$ 43,342	21.67%
Operating Expenses	\$ 128,499	\$ 137,196	\$ 8,697	6.77%
Debt Service	\$ 203,400	\$ 200,900	\$ (2,500)	-1.23%
Capital Expenses	\$ 674,042	\$ 1,025,000	\$ 350,958	52.07%
Total Expenses	\$ 1,433,740	\$ 1,878,392	\$ 444,652	31.01%



# NORTH MIAMI BEACH *Florida*



## Grants



- New Opportunities:
  - Wastewater (sewer) Tie-In
  - Art in Public Places
  - Historic Preservation and Recognition
- Continuation:
  - Commercial Property Improvement Program
- Sunsetting:
  - Façade Beautification Program



# NORTH MIAMI BEACH *Florida*



## Capital Projects



- New:
  - Wayfinding Signage, Placemaking, and Branding of the Redevelopment Area
  - Targeted Industry Incentive Project
  - Passenger Rail Station
  - Parking Facility
- Funding Continuation:
  - West Dixie Highway Implementation Strategy
- Encumbered Projects:
  - Wastewater NE 20<sup>th</sup> Avenue and alleyway



# NORTH MIAMI BEACH *Florida*



## The End

Presented by: Patrick Brett, CRA Administrator



August 25<sup>th</sup> 2016 (r2)



***City of North Miami Beach, Florida***  
***Community Redevelopment Agency (CRA)***



**MEMORANDUM**

---

**TO:** CRA Board

**FROM:** Ana M. Garcia, Executive Director and City Manager

**VIA:** Candido Sosa-Cruz, Deputy City Manager  
Patrick Brett, Administrator

**DATE:** August 19<sup>th</sup>, 2016

**RE:** **Executive Director's Report**

---

CRA Fiscal Year 2015-2016 Budget

The Miami-Dade County Board of County Commissioners approved the CRA FY2015-2016 budget in May through County Resolution R-385-16.

Continued CRA Website Improvements

The website provides the public a single stop location to see the approved redevelopment projects in the Redevelopment Area. A rendering of an approved charter school, Boca Juniors Clubhouse next to Mischon Field was recently published on the website. This redevelopment project is situated in the core of the Redevelopment Area. Additionally, CRA documents continue to be added to the website to promote transparency.

CRA Staff Involvement with Local Businesses

CRA staff meets with business owners to discuss and promote CRA incentives and what more the CRA can do to assist with their success. The feedback is discussed amongst the City staff team. The business owners are invited to meet with the City staff to discuss various options.

CRA Business Attraction

The CRA staff, along with its RMA consultants, have identified a microbrewery targeted industry potential for the Redevelopment Area. Staff is developing a plan.

Thank you.