MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

BY-LAWS

ARTICLE I – IDENTICATION

Section 1: Name

The Miami-Dade Commission on Ethics & Public Trust (Ethics Commission).

Section 2: Offices

19 West Flagler Street, Suite 820
Miami, Florida 33130
or such address where the Commission may be located from time to time

ARTICLE II – MISSION STATEMENT

Section 1: Mission

The mission of the Ethics Commission is to ensure the integrity of both the governmental decision-making process and the electoral process, to maintain public confidence in government, and to serve as the guardian of the public trust.

Section 2: Strategy

In order to accomplish its mission, the Ethics Commission shall:

1. Educate the public, candidates for elective office, elected and appointed officials, lobbyists, and public employees on existing standards of ethical conduct;
2. Issue advisory opinions on matters under the Ethics Commission's jurisdiction;
3. Actively enforce the standards of conduct that apply to candidates for elective office, elected and appointed officials, lobbyists, and public employees;
4. Recommend changes in or additions to ordinances under the Ethics Commission's jurisdiction, as well as to applicable State and Federal statutes related to ethics in government.

ARTICLE III – ETHICS COMMISSION

Section 1: Number, Appointing Authority and Qualifications

The Ethics Commission shall consist of five (5) members. The Chief Judge of the Eleventh Judicial Circuit shall appoint two (2) members of the Commission. The Dean of the University of Miami School of Law or St. Thomas University School of Law shall, on a rotating basis, appoint one member. The Dean of the University of Miami shall have the authority to appoint the first member. The Director of Florida International University's Center for Labor Research and Studies and the Miami-Dade County League of Cities, Inc., each shall appoint one (1) member of the Commission. One (1) member appointed by the Chief Judge shall be a former federal judge, former United States magistrate or a former state court judge. The second member appointed by the Chief Judge shall be a former United States Attorney or Assistant United States Attorney, former State Attorney or Assistant State Attorney, former County Attorney or Assistant County Attorney, former City Attorney or Assistant City Attorney. The member appointed by the law school deans shall have taught a course in professional legal ethics or published or performed services in the field of professional legal ethics. The Florida International University Labor Center shall appoint one (1) individual. The League of Cities, Inc., shall appoint an individual who has held elective office at the local level prior to appointment.

Section 2: Term of Appointment

The members of the Ethics Commission shall serve staggered terms of four (4) years each, provided that of the original members, two (2) shall be appointed to a term of two years and three shall be appointed for a term of four years.

Section 3: Conditions of Appointment

During their tenure, members of the Commission may not hold or campaign for any elective political office, hold office in any political party or political committee, actively participate in or contribute to any political campaign or political action committee, be employed by Miami-Dade County or any municipality within Miami-Dade County or allow his or her name to be used by a campaign in support of or against any candidate for political office or any referendum or other ballot question. Each member of the Ethics Commission shall be a United States Citizen and a resident of Miami-Dade County.

Section 4: Duties and Responsibilities

The Ethics Commission shall:

1. Develop educational programs and materials and engage in community outreach to inform and educate County and municipal officials and employees, lobbyists, and the public at large about County and municipal ethics ordinances, ethical campaign practices ordinances, the Citizen's Bill of Rights and any other County or municipal provisions that authorize the Ethics Commission to exercise its jurisdiction.
2. Issue advisory opinions regarding conflicts of interest faced by candidates for elective office, elected and appointed officials, lobbyists, and public employees.
3. Review, interpret and render advisory opinions regarding the applicability of the Citizens' Bill of Rights.
4. Make legal sufficiency and probable cause determinations, approve settlement agreements, issue Letters of Instruction and Reprimands, conduct public hearings, issue public reports and issue final orders regarding disposition and penalties.
5. Make determinations regarding lobbyist appeals as provided in Section 2-11.1(s).

Section 5: Compensation

Ethics Commissioners shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

Section 6: Vacancy

A vacancy during or at the expiration of a member's term on the Ethics Commission shall be filled as provided in Article III, Section 1. The newly appointed member shall not serve out the remainder of his or her predecessor's term but shall start a new four (4) year term. An exception is made in the case of a joint appointment between St. Thomas University School of Law and the University of Miami School of Law. A person appointed from either law school shall only serve out the remainder of his or her predecessor's term. At the expiration of a member's term, the Executive Director or his or her designee shall contact the appointing official to fill the position. For vacancies occurring during an existing term, the Executive Director or his or her designee shall contact the appointing official to fill the position.

Section 7: Removal

An Ethics Commissioner may be removed for:

1. Failure to meet the eligibility requirements as provided herein.

2. An unexcused absence from three (3) or more regularly scheduled meetings during the course of a calendar year. The determination of an unexcused absence for any member of the Commission, other than the Chair, shall be made by the Chair. The determination of an unexcused absence by the Chairperson, shall be made by the Vice-Chairperson.

Should removal be necessary, it shall be done by the appointing authority upon notification by the Executive Director.

ARTICLE IV – OFFICERS

Section 1: Officers

The officers of the Ethics Commission are a Chairperson and a Vice-Chairperson.

Section 2: Term of Office

The term of the Chairperson and Vice-Chairperson is two (2) years.

Section 3: Chairperson

The Chairperson shall preside at all meetings of the Ethics Commission and perform all additional duties as may be enumerated in the Ethics Commission's by-laws or Rules of Procedure.

Section 4: Vice-Chairperson

In the absence or disability of the Chairperson, the Vice-Chairperson shall perform the duties described in Article IV, Section 3.

ARTICLE V – ETHICS COMMISSION STAFF

Section 1: Executive Director

The Executive Director shall be appointed by and serves at the pleasure of the Ethics Commission. The Executive Director shall serve as the chief executive of the department and shall be a member of the Florida Bar.

Section 2: General Counsel

The General Counsel shall be appointed by and serves at the pleasure of the Ethics Commission as set out in the Ethics Commission's Personnel Manual.

Section 3: Advocate

The Advocate shall be appointed by and serves at the pleasure of the Ethics Commission. The Advocate shall prosecute cases before the Ethics Commission as set out in the Ethics Commission's Personnel Manual.

Section 4: Other Employees

The Executive Director shall have the authority to appoint, remove and suspend other employees.

ARTICLE VI – COMMITTEES

Section 1: Committee Chairs

The Ethics Commission may appoint committee chairs to perform specific tasks or functions.

Section 2: Personnel Committee

The Ethics Commission shall establish a personnel committee to review personnel policies, hear formal employee grievances and complaints and perform other personnel-related functions as determined by the Ethics Commission.

Section 3: Education and Public Outreach

The Ethics Commission may establish an education and public outreach committee to assist the Executive Director and the staff in developing policies and programs related to the Ethics Commission's education and public outreach function.

Section 4: Other Ad Hoc Committees

The Chairperson and/or the Ethics Commission may establish other committees to perform certain tasks as deemed necessary.

ARTICLE VII – MEETINGS

Section 1: Agenda

The Executive Director shall establish the agenda for regular and special meetings. Any member of the Ethics Commission may direct the Executive Director to place an item on the agenda for consideration by the Commission. All action items for an Ethics Commission agenda, including requests for opinions and motions regarding complaints, must be received at least three (3) days prior to the meeting to be placed in the agenda, unless otherwise stated in the Ethics Commission's Rules of Procedure.

Section 2: Quorum

At all meetings of the full Commission, the presence of a majority of three (3) members shall constitute a quorum for all purposes. The act of the majority of the members of the Commission shall be the act of the full membership.

Section 3: Attendance by Electronic Means

A member may attend a meeting and vote by electronic means such as speakerphone or videoconference as long as a quorum is physically present at the meeting.

Section 4: Public Input

All interested persons shall be allowed to express their views (oral and/or written) at Ethics Commission meetings regarding any matter on the agenda or within the jurisdiction of the Ethics Commission during the public comments section of the meeting and subject to time limits as set forth in the Ethics Commission's Rules of Procedure and other reasonable restrictions to maintain order and decorum.

Section 5: Meeting Minutes

Minutes shall be taken at every regular and special Commission meeting and shall be approved by a majority vote of the Ethics Commission. All minutes of Ethics Commission meetings shall be public record.

Section 6: Regular Meetings

The Ethics Commission shall schedule regular monthly meetings.

Section 7: Notice of Meetings

Notices of all regular and special Ethics Commission meetings shall be posted on the Miami-Dade County Meeting Calendar. Agendas shall be mailed, faxed, or e-mailed to each Ethics Commissioner at least 24 hours before the meeting. Notice of regular meetings shall be posted at least 72 hours before the meeting. Notice of special meetings shall be posted at least 24 hours before the meeting.

Section 8: Closed Sessions

The Ethics Commission shall hold closed sessions at regular meetings for purposes of confidential discussions related to preliminary investigations, legal sufficiency and probable cause determinations.

ARTICLE VIII – VOTING

Section 1: Voting

Each member present at an Ethics Commission meeting shall vote on all matters put to a vote.

Section 2: Recusal

Any Commissioner may recuse himself or herself, for bias, prejudice or interest, from any matter before the Ethics Commission. If the member recuses him or herself from voting, the member must state the reason for the recusal on the record.

Section 3: Disqualification

A member of the Ethics Commission may, by majority vote of the Ethics Commission, be disqualified from sitting as a member of the Commission when voting on the issuance of an advisory opinion, at the probable cause hearing, during a motion hearing, or at the final hearing for bias, prejudice or interest. Disqualification may be raised by the Respondent, the Advocate, Staff Attorney or any member of the Commission.

Section 4: Voting by Proxy

A member may not vote by proxy.

ARTICLE IX – PARLIMENTARY PROCEDURE

Section 1: Robert's Rules of Order

Except where the Code or other rules provide to the contrary, or in the case of an emergency, meetings shall be governed by Robert's Rules of Order.

ARTICLE X – BY-LAW AMENDMENTS

Section 1: By-Laws

These by-laws shall be reviewed as necessary. They may be amended at any regular meeting of the Ethics Commission by a majority vote of those present, provided such proposed amendments are circulated in writing to all Commissioners at least ten (10) days prior to such meeting and public notice of the meeting is given at least ten (10) days prior thereto.