

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, August 26, 2013 11:28 AM
To: 'Pepe, Thomas F.'
Cc: Menendez, Maria M.; Steven J. Alexander; Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: Ethics Course for elected officials (INQ 13-209)
Attachments: electedofficialsethicscourse.doc

Mr. Pepe,

The new ordinance requiring municipal elected officials to take an ethics course within 90 days after being sworn into office applies only to those officials who were elected after the passage of the ordinance, *i.e.*, after June 4, 2013.

Officials who were elected prior to June 4, 2013, would not be required to take an ethics course unless they are subsequently re-elected after June 4, 2013.

If your city wishes to require elected officials who were elected prior to June 4, 2013, to take an ethics course, your city may do so because your requirement would be stricter than the County requirement.

Attached is our Executive Director's memo regarding the new ordinance.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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From: Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]
Sent: Friday, August 23, 2013 11:58 AM
To: Frigo, Victoria (COE)
Cc: Menendez, Maria M.; Steven J. Alexander
Subject: Code of Ethics Ordinance; amending Section 2-11.1(bb)

The City Clerk wants an opinion as to the application of the County's ordinance relating to Conflict of Interest and Code of Ethics which amends Section 2-11.1(bb) of the Code to require county and municipal elected officials to complete an ethics course within a specified time period.

The following text is what was underlined in the amended ordinance:

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").

If this amended text applies to any of the sitting city commission members, who were elected more than 90 days before the enactment of this ordinance, then they were in violation of this ordinance as of the date of its enactment. Obviously, that could not have been the intent of the amendment. If it was, this section of the ordinance would have been unconstitutional.

I am suggesting that the sitting commissioners obtain their certification within 180 days of the enactment of the ordinance. It is my understanding that the ordinance was enacted on or about June 4, 2013.

Am I misreading this amendment to the ordinance and its effect on commissioners who were elected more than 90 days before the enactment of the ordinance?

Very truly yours,

Thomas F. Pepe

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