

A RESOLUTION OF THE MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST ESTABLISHING A 90 DAY GRACE PERIOD FOR COUNTY EMPLOYEES TO DISCLOSE PREVIOUSLY UNREPORTED OUTSIDE EMPLOYMENT, FILE THE REQUIRED OUTSIDE EMPLOYMENT FINANCIAL DISCLOSURES, AND FILE THE AFFIDAVIT DISCLOSING EMPLOYMENT WITH A COUNTY VENDOR FOR THE 2018 DISCLOSURE YEAR, PURSUANT TO MIAMI-DADE CODE SECTIONS 2-11.1(J),(K), AND (F); SUSPENDING ENFORCEMENT PROCEEDINGS DURING THE GRACE PERIOD; PROVIDING FOR AN EXTENSION OF THE GRACE PERIOD UPON A MAJORITY VOTE OF THE COMMISSION OF ETHICS; AND REQUESTING THAT THE COUNTY ADOPT POLICIES CONSISTENT WITH THE GRACE PERIOD ESTABLISHED BY THE COMMISSION ON ETHICS.

WHEREAS, County employees' principal duty is to serve the public in a manner that fosters public trust in the operation of County government; and

WHEREAS, the Mission of the Miami-Dade Commission on Ethics and Public Trust is to ensure the integrity of both the governmental decision-making process and the electoral process, to restore public confidence in government, and to serve as the guardian of the public trust; and

WHEREAS, Miami-Dade County has adopted the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance which *inter alia* governs the outside employment of County employees and which is within the jurisdiction of the Commission on Ethics; and

WHEREAS, Sections 2-11.1(j), (k), and (f) of the Miami-Dade County Conflict Of Interest and Code of Ethics Ordinance prohibit Miami-Dade County employees from engaging in outside employment which would impair the employee's independence of judgment in the performance of his or her public duties; require a financial disclosure of the income earned in outside employment; and require filing of an affidavit disclosing employment with a county vendor; and

WHEREAS, Section 2-11 of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance requires County employees to obtain permission to engage in outside employment annually from their department director; and

WHEREAS, Miami-Dade County has issued administrative Order 7-1 and Procedure 403, among others, to implement all of the foregoing ordinances pertaining to outside employment; and

WHEREAS, compliance with these County ordinances and policies has been difficult to implement due to the large workforce in Miami-Dade County which is comprised of approximately 28,000 employees who function in offices throughout Miami-Dade County; and

WHEREAS, pursuant to the forgoing and based on the experience of the Commission on Ethics including the preparation and issuance of numerous opinions and enforcement actions regarding outside employment since the inception of the Commission, the Commission finds that it would facilitate compliance with the Code of Ethics to establish a 90 day grace period, subject to extension, for County employees to complete disclosure of previously unreported outside employment, filing of the required outside employment financial disclosure and the affidavit disclosing employment with a county vendor for the 2018 disclosure year, pursuant to Miami-Dade Code Sections 2-11.1(j),(k), and (f), during which time the Commission will suspend enforcement proceedings for violations of the above provisions; and

WHEREAS, Miami-Dade County in collaboration with the Commission on Ethics had developed a new system using information technology to administer the outside employment on a Countywide basis; and

WHEREAS, the COE believes it is in the best interests of Miami-Dade County to have consistent policies on this issue, and that such consistency may be achieved by the adoption by the County of administrative policies consistent with the grace period for enforcement of Miami-Dade Code Sections 2-11.1(j), (k), and (f);

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST:

1. The recitals and findings contained in the preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this section.
2. The Commission on Ethics hereby adopts a 90-day grace period for county employees on disclosure of previously unreported outside employment, filing of the required outside employment financial disclosure and the affidavit disclosing employment with a county vendor for the 2018 disclosure year, pursuant to Miami-Dade code sections 2-11.1(j), (k), and

(f), during which the commission will suspend enforcement proceedings for violations of these provisions

3. The grace period and suspension of enforcement proceedings are limited to the 2018 disclosure year. County employees are expected to comply with the Code of Ethics on an annual basis prospectively beginning with the 2019 disclosure cycle.

4. The 90-day grace period is subject to extension(s) based upon a majority vote of the Commission on Ethics.

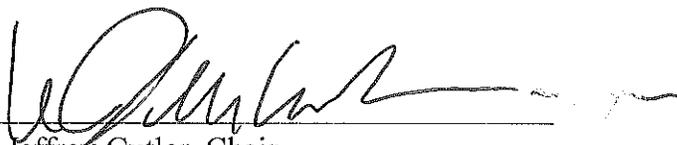
5. The Commission on Ethics requests that the County adopt policies consistent with the grace period for enforcement of Miami-Dade Code Sections 2-11.1(j), (k), and (f).

6. This Resolution shall become effective on April 10, 2019.

7. A copy of this Resolution shall be forwarded forthwith to the County Attorney, County Clerk, Human Resources Department, and Elections Department of Miami-Dade County.

Adopted this 10th day of April, 2019

THE MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST



H. Jeffrey Cutler, Chair

ja/gdg