

ORDINANCE No. 2022-18

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ARTICLE VII, "CODE OF ETHICS," IN CHAPTER 2, "ADMINISTRATION," OF THE CITY'S CODE OF ORDINANCES BY CREATING SECTION 2-385, "IMPROPER INFLUENCE BY IMMEDIATE FAMILY MEMBERS"; CREATING SECTION 2-386 "PROHIBITION ON TRANSACTING BUSINESS WITHIN THE CITY; CREATING SECTION 2-387, " SECURITY SCREENING AT VISITING CITY HALL"; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Article V of Chapter 2 of the City of Doral's (the "City") Code of Ordinances (the "Code") provides, for the rules and procedures, regarding our administration; and

WHEREAS, as stewards of taxpayer's resources and to protect the city's interests, the city must make sure that a clear and proper process of business protocols is done within any transaction; and

WHEREAS, when a company or vendor has an immediate family member within any department that can be influential, it may hinder the transparent process of and would be bring pecuniary and / or other direct personal benefit; and

WHEREAS, creating a section of improper influence by immediate family members provides guidelines and a mechanism for the city to ban any company or vendor that has any immediate relative within influential departments and allow the City to proceed and award contracts to answerable vendors.

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

Section 1. Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. Code Amended. Chapter 2 of the City of Doral Code of Ordinances is hereby amended as follows:

CHAPTER 2. ADMINISTRATION

ARTICLE V. PURCHASING AND PROCUREMENT

DIVISION 1. GENERALLY

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Sec. 2-370. Definitions.

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

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

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

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

Civility means politeness, consideration, courtesy.

Conduct means the way one acts; personal behavior.

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

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

Courtesy means politeness connected with kindness.

Decorum means suitable; proper; good taste in behavior.

Employees means all personnel employed by the City.

Immediate Family means a spouse, domestic partner, parents, stepparents, children, and stepchildren of the person involved.

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

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

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

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

Propriety means conforming to acceptable standards of behavior.

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

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

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

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

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

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

Sec. 2-385 Improper influence by immediate family members.

- (a) The Immediate family members of the Mayor, City Council, Charter Officials, Legislative Aids of the City and employees are hereby prohibited from directly or indirectly influencing, or attempting to influence, the decision and/or official act of any city staff which would bring pecuniary and/or other direct personal benefit.
- (b) An Immediate family member of the Mayor, City Council, Charter Official, Legislative Aid or Department Head of the City shall not make an agreement for, charge, or collect fees for processing or expediting administrative approvals in the City.

Sec. 2-386 Prohibition on transacting business within the City.

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts the City shall not award service contracts or sign contracts, tasks or delivery orders,

blanket purchase agreements, with immediate family members of the Mayor, City Council, Charter Officials, Legislative Aids, and employees.

Sec. 2-387 Security Screening at Visiting City Hall

To ensure complete transparency in all city business and further ensure the safety of employees and visitors all visitors must check in the 1st floor reception desk. All visitors are required to go through the security screening process in the main lobby, including:

1. Present a valid, Government issued ID.
2. The Public Service Aid will sign the visitor in, take photo, and issue a visitor badge which must be prominently displayed at all times above the waist.
3. The Public Service Aid will contact the visitor's designated point of contact (POC) for confirmation of the visitor, and their arrival.
4. Visitors to the third floor must sign in on the third floor.
5. All visitors must enter the building through the main lobby.
6. No visitor may enter the building without a visitor's badge.

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change the word "ordinance" to "section," "article," or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity

of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. **Effective Date.** This Ordinance shall become effective immediately upon passage by the City Council on second reading.

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

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

PASSED AND ADOPTED on FIRST READING this 9 day of August, 2022.

PASSED AND ADOPTED on SECOND READING this 14 day of September, 2022.

ATTEST:



JUAN CARLOS BERMUDEZ, MAYOR



CONNIE DIAZ, MMC
CITY CLERK

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



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY