

ORDINANCE NO. 17 – 1660

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 “ADMINISTRATION” ARTICLE VII “CODE OF ETHICS”; SPECIFICALLY CREATING SECTION 2-227.1 “HONOR CODE FOR ELECTED AND APPOINTED TOWN OFFICIALS AND TOWN EMPLOYEES”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the first duty of a public servant is to protect the public interest, which requires a higher level of ethical conduct than is acceptable in private-sector affairs; and

WHEREAS, public trust in government institutions is a necessary precondition to the success of a democracy; and

WHEREAS, it is the collective duty of all public servants to respond to the public’s concerns by redoubling their efforts to honor and serve the public interest by promoting the values of honesty, integrity, leadership and fairness; and

WHEREAS, maintaining a sense of honor in public service is an important component in fulfilling the goals of the Town of Surfside (“Town”); and

WHEREAS, the most fundamental way for Town officials and employees to address this goal is to support all public servants who both perform their duties honorably and possess the moral courage not to tolerate less than the same from their fellow public servants; and

WHEREAS, the Miami-Dade County Commission on Ethics and Public Trust has adopted a Resolution calling upon all County officials and employees to raise the standard of ethics in public service by establishing a public service honor code (“Honor Code”) for the prevention of corruption and unethical practices in County government; and

WHEREAS, the Town Commission believes that establishing an Honor Code is in the best interests of the citizens of the Town of Surfside; and

WHEREAS, the Town Commission finds the codification and implementation of the proposed Honor Code, will serve the best interests of all Town residents; and

WHEREAS, the Town Commission held its first public hearing on January 10, 2017 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on February 16, 2017 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The Code of Ordinances of the Town of Surfside, Chapter 2 “Administration” Article VII. - Code of Ethics, Section 2-227.1 “Honor code for elected and appointed town officials and town employees.” is hereby created.

* * *

Section 2-227.1 Honor code for elected and appointed town officials and town employees.

- (a) It shall be the policy of the town that all elected and appointed town officials and town employees shall adhere to the Public Service Honor Code (“Honor Code”). The Honor Code consists of the following minimum standards regarding the responsibilities of all public servants in the town.
- (b) Each elected and appointed public official and employee of the town shall, when acting in his or her official capacity, comply with the following standards:
 - (1) Serve and protect the public interest above any personal or institutional interest or loyalty; and
 - (2) Act as the public’s surrogate by protecting it against waste or fraud; and
 - (3) Respect and uphold laws, ordinances, resolutions, rules, and regulations that protect the public against abuses in town government by assisting law enforcement and other federal, state, county and local authorities charged with protecting the public trust; and
 - (4) Report any information concerning activity which may constitute a crime, of which he or she has personal knowledge, immediately and personally to the State Attorney and/or the Miami-Dade County Commission on Ethics and Public Trust; and
 - (5) Cooperate fully with law enforcement agencies or other official investigative authorities in providing truthful testimony and other relevant information pertaining to any alleged violation of the public trust.
- (c) Town supervisors shall counsel and encourage employees in their respective departments to report violations of town code, including waste, fraud or other abuse of public resources, to the appropriate agency.
- (d) The Honor Code shall be enforced as follows:
 - (1) The Town Manager or the Town Manager’s designee may use the administrative process of the Town for violations of the Honor Code committed by all officials or employees subject to the authority of the Town Manager.

- (2) The Miami-Dade County Commission on Ethics and Public Trust shall have jurisdiction over violations of the Honor Code committed by elected town officials and by all other town officials and employees not subject to the administrative authority of the town manager. The Miami-Dade County Commission on Ethics and Public Trust shall follow the procedures outlined in Section 2-1074 of the Miami-Dade County Code in conducting such investigations or hearings. The Miami-Dade County Commission on Ethics and Public Trust may impose a letter of reprimand or letter of instruction following a determination that a violation of the Honor Code has occurred. Such action by the Miami-Dade County Commission on Ethics and Public Trust shall not prevent the town or any department head or supervisor from taking any additional action or imposing any penalty that they are authorized to take or impose.
- (3) Whenever any elected or appointed town official or employee is in doubt as to the proper interpretation or application of the Honor Code as to himself or herself, he or she may request a binding opinion from the Miami-Dade County Commission on Ethics and Public Trust.
- (4) Adherence to the Honor Code by town employees shall be included, wherever appropriate and to the extent legally permissible, in the criteria for evaluations for merit increases, promotions, and professional recognition.
- (5) The Miami-Dade County Commission on Ethics and Public Trust may include the Honor Code in its ethics training programs for town officials and employees.
- (e) The town shall not dismiss, discipline, or take any other adverse personnel action against an employee for complying with the Honor Code. Further, the town shall not take any adverse action that affects the rights or interests of any employee in retaliation for the employee's compliance with the Honor Code. If the town takes any of the adverse actions stated in the preceding sentences as a result of an employee's compliance with the Honor Code, the employee shall be entitled to apply to the town manager and to the Miami-Dade County Commission on Ethics and Public Trust for redress, each of which shall take appropriate steps within their authority and discretion to ensure that no employee is penalized for compliance with the Honor Code.

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Section 4. 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 5. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 6. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be

renumbered or relettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 7. Effective Date. This Ordinance shall be effective upon final adoption on second reading.

PASSED on first reading this 10th day of January, 2017.

PASSED and **ADOPTED** on second reading this 16th day of February, 2017.

On Final Reading Moved by: Commissioner Karukin

On Final Reading Second by: Commissioner Gielchinsky

FINAL VOTE ON ADOPTION

- Commissioner Daniel Gielchinsky
- Commissioner Michael Karukin
- Commissioner Tina Paul
- Vice Mayor Barry Cohen
- Mayor Daniel Dietch

yes
yes
~~Absent~~
yes
yes

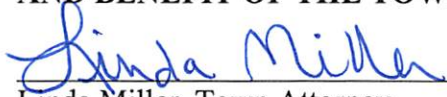

 Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:


 Linda Miller, Town Attorney