

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE CITY OF CORAL GABLES' COMMISSION AMENDING THE CITY CODE, ARTICLE 5, "CONFLICT OF INTEREST AND CODE OF ETHICS," SECTION 2-232, PROVIDING FOR THE BOARD OF ARCHITECTS MEMBERS TO AVOID A CONFLICT BY RESTRICTING APPEARANCE, PRESENTATION OR REPRESENTATION OF A PERSON FOLLOWING SUBMISSION OF AN APPLICATION; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to avoid any appearance of impropriety once a person submits an application for Board of Architects review.

WHEREAS, the City Commission finds that the Board of Architects members better serve for the community by restricting their representation, appearance or presentation on behalf of any person appearing before the Board of Architects once a person has submitted an application for Board of Architects review;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA THAT:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The City Code of Ordinances of the City of Coral Gables, Florida is hereby amended as to Article 5, "Conflict of Interest and Code of Ethics," particularly Section 2-232 to read as follows:

Section 2-232- Certain appearances and payment prohibited

- (b) No advisory personnel, autonomous personnel or quasijudicial personnel shall appear before the city commission or agency on which the person serves, either directly or through an associate, and make a presentation on behalf of a third person with respect to any matter, license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive any compensation or gift, directly or indirectly, for services rendered to a third party that has applied for or is seeking some benefit from the city commission or agency on which the person serves in connection with the particular benefit sought by the third party. Nor shall the person appear in any court or before any administrative tribunal as counsel or legal advisor to a third party who seeks legal relief from the city commission or agency on which such person serves through the suit in question. ~~However~~, this section shall not prohibit architects serving without compensation on the board of architects from submitting plans on behalf of a client so long as such members make known their representation of the applicant and disqualify themselves from speaking or voting or otherwise participating on such application. However, once an application has been submitted to the City for Board of Architects review, no person serving on the Board, either directly or through an associate or their firm, may be retained by any person, including the applicant, to represent, appear, or make a presentation on behalf of the applicant or any other party on the specific matter being considered by the Board.

Section 3. Severability.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. Repealer.

All ordinances or parts of ordinances in conflict herewith, be and the same, are hereby repealed.

Section 5. Codification.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Effective Date.

This ordinance shall become effective immediately upon the date of its adoption by the City Commission.

PASSED AND ADOPTED this _____ day of _____, 2010.

DONALD D. SLESNICK II, MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

ELIZABETH M. HERNANDEZ
CITY ATTORNEY