

Sec. 2-612. - Transacting business with city; appearances before city boards; post-employment restrictions; participation in the award of certain contracts under the procurement ordinance; penalties, etc.

- (a) No person included in section 2-611 shall enter into any contract or transact any business with the city or any person or agency acting for the city, or shall appear in representation of any third party before any board, commission or agency of which such person is a member. No employee shall appear in any capacity on behalf of any third party before any board, commission or agency of the city. Any such contract or agreement entered into or appearance made in violation of this section shall render the transaction voidable. However this section shall not apply to an employee participating in federal economic development programs, the community development block grant assisted single family rehabilitation loan program, or the various affordable housing programs assisted through the home investment partnership program and state housing initiatives partnership program administered by the department of community development provided that the employee meets all criteria of the program and provided that the city manager approves the participation of the employee and that the employee is identified as being an employee of the city in applicable documents.
- (b) The word "person" appearing in subsection (a) of this section shall include officers, officials and employees as set forth in section 2-611 hereof and the following family members of such "person": spouse, son, daughter, parent, brother or sister.
- (c) The prohibition upon activity which is set forth in subsections (a) and (b) of this section shall remain in effect for a period of two years after the officer, official, or employee has left city service or terminated city employment.
- (d) The director of the department and/or his designee and/or the members of the selection committee who are city employees recommending a contract award of not less than \$500,000.00, shall be restricted for a two-year period, after the director and/or his designee and/or the member has left city service or terminated city employment, from receiving compensation or employment from any contractual party when the director and/or his designee and/or the member participated in the award of the contract subject to the procurement ordinance of the city, including without limitation waivers, with the following conditions and definitions:
- (1) The word "member" as used in this section shall include all city employees who are members of the selection committee which has recommended a contract award;
  - (2) The word "director" shall mean the director, or his/her designee, of any city department, division, authority, board, or office recommending a contract award, and with respect to the boards referenced in section 18-72, the executive director of such board, or his/her designee, providing, however, that this section shall not apply to the community redevelopment agency;
  - (3) The word "director" shall exclude the city manager and the chief procurement officer as defined in section 18-73;
  - (4) This section shall not preclude the member or director, or his/her designee, from working for the contractual party on an entirely unrelated contract. The phrase "contractual party" is defined in section 18-73. The employment or contractual relationship cannot relate directly to the contract that was recommended by the selection committee in which the member participated and/or that was recommended by the director or his/her designee.

(e) Penalties. A violation of this ordinance may be punished by imposition of the maximum fine and/or penalties allowed by law. Additionally, violations may be considered by and subject to action by the Miami-Dade County Commission on Ethics.

(Code 1967, § 2-102; Ord. No. 9015, § 1, 11-8-79; Ord. No. 10823, § 2, 1-10-91; Code 1980, § 2-302; Ord. No. 11755, § 2, 2-9-99; Ord. No. 11816, § 2, 7-13-99; Ord. No. 11908, § 2, 4-13-00; Ord. No. 12401, § 1, 9-11-03; Ord. No. 12892, § 2, 3-8-07)

**Editor's note**— Ord. No. 12892, § 2, adopted March 8, 2007, changed the title of § 2-612 from "Transacting business with the city; appearances before city boards, etc." to "Transacting business with city; appearances before city boards; post-employment restrictions; participation in the award of certain contracts under the procurement ordinance; penalties, etc."

**State Law reference**— Doing business with one's agency, F.S. § 112.313(13), (14).