

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE IV, ENTITLED "OFFICERS AND EMPLOYEES," BY AMENDING DIVISION 5 THEREOF, ENTITLED "OFFICE OF INSPECTOR GENERAL", BY AMENDING SECTION 2-256 THEREOF, ENTITLED "OFFICE OF INSPECTOR GENERAL", TO AUTHORIZE "RED FLAG" REVIEW BY THE OFFICE OF THE INSPECTOR GENERAL OF PROPOSED OR IMPENDING CITY ACTION; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City's Finance and Economic Resiliency Committee ("FERC") discussed the proposed "Red Flag" ordinance and passed a motion to forward the ordinance to the full City Commission with a favorable recommendation at its October 18, 2024 meeting; and

WHEREAS, the proposed ordinance amends City Code Section 2.256(d) to add additional responsibilities for the Office of the Inspector General ("OIG"), to include notifying the City Commission and/or City Administration when any proposed or impending City action would result in a violation of City policies or rules, or governing law, or when such action would result in waste, fraud, abuse, or inefficiency; and

WHEREAS, the Mayor and City Commission find that OIG monitoring of proposed or impending acts of the City, through either the City Commission or the City Administration, adds a valuable additional tool to ensure the provision of lawful, ethical, and efficient provision of government services to the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Section 2.256 of Article IV, of Chapter 2 of the City Code, entitled "Administration," is hereby amended as follows:

**CHAPTER 2
ADMINISTRATION**

* * *

ARTICLE IV. OFFICERS AND EMPLOYEES

* * *

Sec. 2.256. Office of inspector general.

* * *

(d) *Functions, authority, and powers.*

* * *

- (16) The Inspector General shall notify members of the City Commission and/or City Administration whenever the Inspector General has concluded, after consultation with the City Attorney, that an action expected to be taken by the City Commission, or by any official or employee of the city, would violate any city policy, procedure, ordinance or other applicable law unless such notice would interfere with an ongoing criminal investigation or ongoing litigation matter or adversarial administrative proceeding. The notice may be made orally or in writing in such form and detail as the Inspector General shall determine will best serve the interests of the City.
- (17) The Inspector General shall notify members of the City Commission and/or City Administration whenever the Inspector General has conclusively determined that any item appearing on a meeting agenda of the City Commission or any of its committees will have a significant negative impact involving waste, fraud, abuse, or inefficiency in connection with any city program, project, contract, or expenditure, and the notice could serve to avoid or diminish such impact. The notice may be made orally or in writing in such form and detail as the Inspector General shall determine will best serve the interests of the City.
- (18) The Inspector General shall respond, publicly or privately, to any inquiry made by any member of the City Commission or any other city official regarding any city matter whenever, in the judgment of the Inspector General, such response would serve to support or promote integrity and efficiency in city operations without interfering with an ongoing investigation, audit, inspection, review or any matter requiring confidentiality.
- (19) The Inspector General shall exercise the functions, authority, and powers provided for in this section in such a manner that will assist the City Commission and City Manager in protecting the public trust while carrying out their respective duties under the City Charter, and maintain the independence of the Office of the Inspector General pursuant to the City Charter and the Independence Standard for Offices of Inspector General established by the Association of Inspectors General.

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SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. 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 other appropriate word.

SECTION 3. REPEALER.

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

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect 10 days after passage.

PASSED AND ADOPTED this _____ day of _____, 2025.


ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *RR* 2/18/2025
Date