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Ordinance 1361

8 messages

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To: "Theresa Therilus, Esq." <ttherilus@northmiamifl.gov>, "Cazeau, Jeff P.H." <jcazeau@northmiamifl.gov>

Dear Ms. Therilus and Mr. Cazeau,

I reviewed Ordinance 1361 in its entirety, which is attached hereto. Section 15-14 was merely a small part of the larger legislation, which was passed for the purpose of implementing the city's Early Retirement Incentive Program (ERIP) in 2013. This Ordinance was passed by then Mayor Lucie Tondreau, Councilman Philippe Bien-Aime, and Councilwoman Marie Steril, with Councilman Scott Galvin and Councilwoman Carol Keys voting against.

Mr. Cazeau, I understand that Mayor Bien-Aime is now demanding that you draft an Ordinance to remove the sentence that reads, **"No officer or employee in the service of the city shall continue in such position after becoming a candidate for nomination or election to any public office."** Perhaps he needs to be reminded that he was one of the elected officials who enacted this legislation, and stop blaming everyone else for the passage of an Ordinance he willingly signed his name to.

It is my humble opinion that this particular clause should stand as is for the reason that many of the members of your own City Council should understand. A city employee's office hours are typically from 9:00 AM to 5:00 PM. The duties of an elected official, however, do not begin at 5:00 PM and end at 9:00 AM the next day. It stands to reason that a city employee's job would be negatively impacted by the fact that his or her duties as an elected official, including telephone calls and emails from constituents, will necessarily take place during working hours.

Perhaps this scenario should be considered before arbitrarily changing the rules to accommodate a handful of employees who have already violated the Ordinance, not to mention the Civil Service Rules, which should have been fully explained to them by the Personnel Director before they decided to run for office.

At your meeting today, Councilman Scott Galvin also claimed that this prohibition was due to an "outdated code." Although he voted against the 20134 Ordinance, it can hardly be called "outdated."

Furthermore, Mr. Galvin took issue with the sentence, **"No person holding a position in the service of the city shall make any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs or political campaign of any political party, ..."** However, he apparently did not read the entire sentence, which ends with, **"... further than in the exercise of his rights as a citizen to express his opinion and to cast his vote."**

What this obviously means is that no city employee shall make or solicit political donations in the name of his or her service position, or especially on behalf of or in the name of the city. It does not prohibit a city employee from making political donations to candidates or causes of his or her choice.

I realize I am preaching to the choir, since you are both attorneys. I just felt compelled to give you my thoughts on this matter, and I appreciate your allowing me the opportunity to express them.

I wish you both a Happy Thanksgiving and a restful weekend.

Stephanie Kienzle