

**MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST
MEETING SUMMARY
JUNE 23, 2005
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Opinions

05-50: The Commission on Ethics opined that members of the Miami-Dade HIV/AIDS Partnership are permitted to vote on funding for a particular service category unless they are the sole provider in the category or the recommendation contains amounts or percentages for particular providers.

05-53, 05-54, 05-58, 05-62, 05-70: The Commission on Ethics was asked to issue opinions to several firms seeking to respond to a solicitation to provide hydraulic computer model services for the County's Water and Sewer Department (WASD).

The Ethics Commission opined in 05-53 that Chen and Associates may serve as a member of a team on the Hydraulic Computer Modeling contract because the scope of work under the proposed hydraulic computer modeling contract is a continuation of the firm's current work and the firm's current work should be completed later this summer.

The Ethics Commission opined in 05-54 that Post, Buckley, Schuh and Jernigan (PBSJ) may provide services on the hydraulic computer modeling contract because the proposed scope of work under the new contract requires the firm to update and reconfigure the original work done by PBSJ during the 1990's.

The Ethics Commission opined in 05-58 that Carollo Engineers can provide services on the hydraulic computer modeling contract because the scope of work under the current contract is a continuation of prior work for WASD.

The Ethics Commission opined in 05-62 that URS Corporation may perform hydraulic computer modeling services for WASD because the prior work done by URS engineers as PBSJ engineers does not conflict with the work under the current contract.

The Ethics Commission opined in 05-70 that Nova Consulting can provide hydraulic computer modeling services to WASD because the firm's prior work to WASD modeling projects is unrelated to the scope of work under the current Notice to Professional Consultants.

05-60: The Commission on Ethics opined that the Right to Be Heard provision of the Citizens' Bill of Rights requires that every citizen have a right to address the Board of County Commissioners (BCC) on matters within the Commission's jurisdiction. A rule promulgated by the BCC provides citizens with the procedure for exercising this right by permitting citizens to speak during the citizen's presentation portion of the BCC agenda.

05-61: The Commission on Ethics was asked whether Dames & Moore, an engineering firm, performing services for the County's Department of Environmental Resources Management (DERM) work order analyzing various approaches to computer models for the wastewater system can respond to a County Water and Sewer Department Request for Proposal to develop a computer model for the wastewater system. The Commission on Ethics opined that Dames and Moore may not simultaneously perform work under the two agreements. However, the firm may serve in both capacities if the scope of services under the DERM work order is amended to provide that the firm will not make a cost comparison of the two approaches, nor will the firm make recommendations of these two approaches and the time frame of the two agreements does not overlap.

05-65: The Commission on Ethics opined that the Assistant Director of the Development and Loan Division of the Miami-Dade Housing Agency may have outside employment as a realtor with Caldwell Banker; however, the employee may not sell property in any development that receives construction financing or mortgage financing from her county unit. Furthermore, the employee must receive departmental approval for such outside employment and submit her client list to the Department Director for review.

05-66: The Commission on Ethics opined that Miami-Dade Homeless Trust members who serve in an ex-officio capacity are permitted to submit proposals, reports, and execute agreements on behalf of the organization of which they are a designated member, as ex officio members are not violating the ethics provisions about appearing before their board when they engage in these activities. The Ethics Commission further concluded that representation by ex-officio members occur only when a member represents a third party before the Trust other than the organization for which he or she is an ex officio member.

05-68: The Commission on Ethics opined that the firm of Wiss, Janney, Elstner Associates which performed prior work on the façade of the Dade County Courthouse may respond to a pending Notice to Professional Consultants to provide architectural and engineering services for a terra cotta reconstruction of the courthouse façade. The Commission found that that firm's prior work will have to be substantially updated by the consultant selected and the scope of work is broader than the scope under the original agreement.

05-69: The Commission on Ethics opined that CAMACOL, a member organization of the Jay Malina International Trade Consortium, is not prohibited from applying for and receiving funding from the ITC's Third Party Missions program. Furthermore, despite the fact that CAMACOL's President sits on the ITC, he is permitted to vote on the allocation of dollars through the Third Party Missions program, as he will not be directly affected financially.

05-71: The Ethics Commission opined that the Chief of Staff position of a County Commissioner is required to file financial disclosure if the individuals occupying this position engages in any of the following activities: manages the day to day operation of the Commissioner's downtown and district offices; hires, evaluates and manages staff; performs oversight of the office budget and approves purchases. Furthermore, a Chief of Staff or any other member of a Commissioner's staff who has the authority to make purchases of \$15,000 or more is required to file financial disclosure under state law.

The Commission on Ethics decided it had no jurisdiction over the affairs of the South Florida Workforce Board, a regional board created by state law, unless the State of Florida specifically grants the Miami-Dade Commission on Ethics the authority to apply the County's Conflict of Interest and Code of Ethics Ordinance to the operations of the South Florida Workforce.

Complaints

04-53: The Commission on Ethics granted the Joint Motion to Stay the Proceedings in the complaint against Respondent until the civil matter pending in Circuit Court is resolved.

05-08: The Commission on Ethics dismissed the complaint against Herby Joseph, a candidate for the North Miami Beach City Council, for allegedly violating the Voluntary Fair Campaign Practices section of the Ethical Campaign Practices Ordinance because Mr. Joseph never agreed to be bound by the provisions of this law.

05-12: The Commission on Ethics dismissed the complaint against Jean Monestime, a candidate for Mayor in the City of North Miami, for allegedly violating the Voluntary Fair Campaign Practices section of the Ethical Campaign Practices Ordinance for circulating anonymous campaign literature and using his title during the campaign.

05-14: The Commission on Ethics accepted the stipulations of Respondent Deborah Marks and ratified the settlement agreement between the Advocate and the Respondent who was charged with failing to timely file her lobbyist expenditure report as a result of registering to lobby on behalf of several companies.

05-15: The Commission on Ethics accepted the stipulations of Respondent Sean Lynch and ratified the settlement agreement between the Advocate and the Respondent who was charged with failing to time file his lobbyist expenditure report as a result of registering to lobby on behalf of South Florida Indoor-Outdoor Advertisers.

05-19: The Commission on Ethics dismissed the complaint against the Miami-Dade Police Department for lack of legal sufficiency for allegedly lacking grounds for an arrest and making false statements at the Complainant's arraignment.

05-20: The Commission on Ethics dismissed the complaint against Western State Contracting Alliance for allegedly failing to register as lobbyists on a county contract.

Lobbyists Appeals

The Commission on Ethics waived the fine against Lobbyist Ofelia San Pedro, representing the Freedom Tower Foundation.

The Commission on Ethics waived the fine against Lobbyist William Talbert, representing the Greater Miami Convention and Visitors Bureau.