
From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, September 08, 2015 10:32 AM
To: Sanchez, Rodzandra (COE)
Subject: Gerald Sanchez, Assistant County Attorney, Miami-Dade County (Participation in Settlement Negotiations) INQ 15-197

[INQ 15-197 Sanchez](#)

From: Centorino, Joseph (COE)
Sent: Wednesday, September 02, 2015 11:45 AM
To: Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE)
Cc: Sanchez, Gerald (CAO)
Subject: INQ 15-197 Gerald Sanchez, Assistant County Attorney, Miami-Dade County (Participation in Settlement Negotiations)

Gerald Sanchez, Assistant County Attorney for Miami-Dade County, inquired regarding whether the prohibition under Section 2-11.1(z) of the County Ethics Code against the Mayor, a County Commissioner or staff member of such officials participating in settlement negotiations of claims or lawsuits involving the County, would apply to the current Miami-Dade County Mayor, Carlos Gimenez, where the provision in question was adopted when the County had a County Manager as its CEO and the Mayor was a member of the County Commission. The position of Miami-Dade County Mayor is now a "strong mayor," and has effectively replaced the County Manager as County CEO, and the Mayor no longer sits as a member of the Board of County Commissioners.

I advised Mr. Sanchez that, in light of the changed position of the Mayor, Section 2-11.1(z) could no longer be read as prohibiting the Mayor from involvement in settlement negotiations. As CEO of the County government, the Mayor must by necessity have the authority to negotiate and approve settlements of claims against the County. The original intent of the section was obviously to prevent members of the County's legislative body from interfering with executive powers exercised by the City Manager. Since the Mayor has assumed the executive responsibilities once held by the County Manager, the prohibition in Section 2-11.1(z) can no longer be read as applying to the Mayor.