
INQ 16-03 Alorda

From: Perez, Martha D. (COE)

Sent: Wednesday, January 06, 2016 2:34 PM

To: Alorda, Skarlex (ISD)

Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)

Subject: Skarlex Alorda, ISD-ADA & Admin. Liaison to CODI, Conflicts of Interests, INQ 16-03

Dear Ms. Alorda,

It was a pleasure speaking with you. You inquire whether a County employee may serve on a County advisory board. Specifically, you are the Administrative Liaison for the Commission on Disability Issues (CODI), a County advisory board comprised of 13 members who make recommendations to the County Commissioners and the County Administration on disability issues ranging from reasonable accommodations to accessible facilities. Even though the board does not have any one specific employee in mind, you would like to know if CODI may consider appointing a County employee who may have a disability to the board.

While there is no prohibition against an appointment of a County employee to a County board, there are several factors that would need to be considered with the employee prior to such an appointment. The following is a non-exclusive list of some of the Ethics Code provisions likely to be triggered when County employees are appointed to serve on County boards:

- 1) Sec. 2-11.1 (v) prohibits board members from voting on matters involving entities in which they have any of the following relationships (officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor or creditor) if they would be directly affected by the vote.
- 2) Sec. 2-11.1(g) prohibits board members from using their official position to secure special privileges or exemptions for themselves or others. (For example, a County employee may be required to attend board meetings during working hours which would require a determination by his or her supervisor that such activity is permissible).
- 3) Sec. 2-11.1(j) prohibits County employees from engaging in certain activities that would impair their independence of judgment in the performance of their public duties to the County. (For example, a County employee should avoid dealing in his or her County position with any issue that could foreseeably come before him or her as a member of the board and vice versa).
- 4) Sec. 2-11.1(h) prohibits board members from disclosing confidential information obtained through their official positions with the County (both as employee and board member) or use such information, directly or indirectly, for personal gain or benefit.
- 5) Sec. 2-11.1(i) requires board members to file financial disclosure forms.

I am attaching "Ethical issues for potential Advisory Board Members" for additional information on this topic.

Be aware that other provisions in State law also apply to board members, ie., The Sunshine Law at Sec. 286.011, Fla. Stat., prohibits board members from discussing board business except at a duly noticed public meeting where the public is invited and minutes are taken; and, the Code of Ethics for Public Officers & Employees at Fla. Stat. Chapter 112. For additional information on state law, you may contact the Florida Ethics Commission at www.ethics.state.fl.us

Finally, in any situation where a County employee is being considered for appointment to a County board, it would be advisable to seek an opinion concerning that appointment in light of potential issues that could be raised based on the facts of that individual case.

This opinion is based on the facts presented. If any of these facts change, please contact us.

Sincerely,

Martha D. Perez

Staff Attorney

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From: Alorda, Skarlex (ISD)
Sent: Wednesday, December 30, 2015 9:51 AM
To: Thompson, Robert A. (COE)
Cc: Johnson-Wright, Heidi (ISD)
Subject: ADA & CODI
Importance: High

Good morning Mr. Thompson,

Hope all is well and Seasons greeting. The purpose of this email is to ask you, if there is any prohibition to a county employee serving on an advisory board? Please advise. I thank you in advance. Have a safe holiday.

Regards,

Skarlex Alorda, ISD-ADA
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