

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, March 22, 2017 3:24 PM
To: Sanchez, Rodzandra (COE)
Subject: Phyllis Smith, Commissioner, City of North Miami Beach (Cone of Silence) INQ 17-86

INQ 17-86 Smith

From: Centorino, Joseph (COE)
Sent: Wednesday, March 22, 2017 3:17 PM
To: 'phyllis.smith@citynmb.com' <phyllis.smith@citynmb.com>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: INQ 17-86 Phyllis Smith, Commissioner, City of North Miami Beach (Cone of Silence)

Commissioner Smith:

You have inquired regarding whether, under the Cone of Silence, you may communicate with an engineer with whom you are acquainted for the purpose of obtaining expert advice in connection with the pending RFQ for a contract with the City of North Miami Beach for the operation and maintenance of the City's water and wastewater utility system. You have indicated that the individual you would like to speak with is not, in any way, employed, retained or otherwise associated with any of the respondents to the RFQ. You have indicated that this is someone you have utilized in the past for advice concerning technical issues arising in the City.

The City of North Miami Beach operates under the County Cone of Silence, Section 2-11.1(t) of the County Ethics Code. The Cone of Silence puts significant restrictions on oral communications made by Commissioners, City staff, selection committee members, and prospective contractors, as well as their lobbyists and consultants, regarding any procurement matter during the time that the Cone is in effect. As a Commissioner you are prohibited under the Cone from communicating with City staff, or any potential vendor, service provider, bidder, lobbyist or consultant or any member of the selection committee on the RFQ. There are various exceptions to the Cone, including exceptions for communications with the City Attorney and Commission on Ethics. There is no prohibition under the Cone that would prevent you from communicating with an individual who has no connection to the City, to any prospective contractor or to the procurement matter in question.

Therefore, it is my opinion that you may communicate with an engineer, who has no connection to the procurement matter in question, for the purpose of obtaining expert advice regarding this matter.

Sincerely,
Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
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