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September 21, 2005

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ARDYTH WALKER
STAFF GENERAL COUNSEL

The Honorable Joe Martinez, Chairman
Board of County Commissioners, Miami-Dade County
111 N.W. 1st Street, Suite 220
Miami, FL 33128

Dear Chairman Martinez,

I had a conversation earlier in the day with Javier Marques and Gerald Sanchez about future relief efforts Miami-Dade County wishes to undertake to assist the victims of Hurricane Katrina. As I understand it, a caravan is leaving Miami next week to drive to the hurricane-ravaged areas of the Gulf Coast. Including in the convoy will be a number of County Commissioners, other elected officials and some County employees. Initially, the County's General Services Administration Department attempted to purchase fuel and supplies and rent vehicles from local companies, some which may do business with the County, in an effort to transport goods and supplies to the affected states. Upon hearing the reasons for the purchases, these local firms offered to donate these items to the County. In a related matter, the County Commission, at a special meeting held approximately two weeks ago, established a relief fund that would accept contributions from the public to be delivered to the hurricane victims. The questions presented to me are as follows: 1) Can County vendors, contractors, bidders or service providers supply County officials cover the costs of the transportation and lodging expenses and 2) Can lobbyists and County vendors contribute to the relief fund to offset the caravan's cost?

Section 2-11.1(w) of the County's Conflict of Interest and Code of Ethics Ordinance specifically prohibits County officials and employees from accepting, directly or indirectly, any travel expenses from County vendors, contractors, service providers and bidders. Transportation and lodging are included within the definition of travel expenses. However, the Board of County Commissioners has the authority to waive the requirements of this subsection. In fact, a waiver earlier in the month was granted to Commissioner Diaz, whose objectives were essentially the same as those who wish to be part of the latest relief efforts.

The second question is whether the above ordinance is violated if the proceeds from the Fund are collected from vendors and then used to subsidize some of the travel expenses for this trip. Because this could be considered an indirect way to pay for County officials to travel to the Gulf Coast, the prudent approach would be to grant a general waiver to allow County personnel to use the contributions from the relief fund to offset the cost of the travel.



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Finally, there is nothing to prevent the County from soliciting donations and contributions from the public, including those doing business with the County, for the BCC-created Hurricane Katrina Relief Fund, on account of the fact the solicitations are to further official County business and are being performed by County officials and employees in their official capacities.

If you have any questions concerning this opinion, please contact me at your convenience.

Sincerely,

Robert Meyers
Executive Director

cc: Gerald Sanchez, Esq., Assistant County Attorney