

**COMMISSION ON ETHICS
ADVISORY OPINION
RQO-98-10**

BACKGROUND: The Department of Environmental Resource Management (DERM) is seeking an opinion as to whether they may properly solicit donations and sponsorships from companies and the general public to fund several public events including Baynaza and Environmental Essentials.

NARRATIVE: DERM annually hosts Baynaza, a series of events to educate the public about Biscayne Bay. Baynaza includes a celebration of Earth Day, public forums and a clean up of Biscayne Bay. DERM also sponsors an event called Environmental Essentials. The County Commission has ordered DERM to lower the cost of these events. In order to prevent scaling down the events, DERM is considering forming partnerships with local businesses to sponsor the events. DERM mailed solicitation letters to individuals and companies who have previously participated in DERM events. The letters offer several different categories of sponsorship with opportunities for organizations to advertise on posters, T-shirts and calendars publicizing the event.

ARGUMENT: DERM may solicit funds for Baynaza and Environmental Essentials because they are not gifts as defined in Section 2-11.1(e)(1). Therefore, DERM's solicitation is not barred by the Conflict of Interest and Code of Ethics ordinance.

CONCLUSION: The Conflict of Interest and Code of Ethics ordinance does not bar solicitation of funds by DERM for Baynaza and Environmental Essentials.

DISSENT: Commissioner Hall dissents from the opinion on the grounds that the solicitation of funds by DERM is barred by Section 2-11.1(e)(3) which prohibits county employees from soliciting gifts as they are defined in 2-11.1(e)(1).