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STAFF GENERAL COUNSEL

June 3, 1999

Marsha Matson  
Chair  
Palmetto Bay Community Council  
7621 S.W. 162<sup>nd</sup> Street  
Miami, Florida 33157

**RE: REQUEST FOR ADVISORY OPINION 99-21**

Dear Dr. Matson:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 27, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an advisory opinion regarding your ability to write academic articles regarding an issue arising out of council proceedings. Further, you sought advice regarding any potential conflict of interest regarding your participation in the possible sale of county-owned land.

In your letter, you advised the Commission that as chair of the community council, you have heard presentations regarding the construction of cell towers. As an academic, you have found the issue of tower aesthetics interesting and worthy of further academic research. However, you are concerned about a conflict between publishing articles on the matter and making zoning decisions regarding cell towers.

The Commission found that the Conflict of Interest and Code of Ethics ordinance

prohibits the Aviation Department from contracting with the spouse of an employee to provide locks. Section 2-11.1(d) of the Miami-Dade County Code provides that a county employee may not enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with Dade County or any person or agency acting for Dade County and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Immediate family is defined in the ordinance as spouse, parents and children of the person involved. Therefore, Renderer, Inc. may not be awarded the lock contract absent a waiver of the requirements of the Conflict of Interest and Code of Ethics ordinance by the County Commission under 2-11.1(c).

Accordingly, the Conflict of Interest and Code of Ethics ordinance prohibits the Aviation Department from contracting with Renderer, Inc. to provide locks because the company is owned by the spouse of a county employee unless the requirements of the ordinance are waived by the County Commission.

If you have any questions regarding the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

A handwritten signature in cursive script that reads "Robert Meyers". The signature is written in black ink and includes a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director