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July 27, 1999

[REDACTED]

Weiss, Serota, Helfman, Pastoriza and Guedes  
2655 South Bayshore Drive  
Suite 430  
Miami, FL 33133

**RE: REQUEST FOR ADVISORY OPINION 99-26**

Dear Mr. [REDACTED]

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 26, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding the application of the two year rule on lobbying to a county employee who will serve as Community Affairs Coordinator for the airline.

In your letter and supporting documents, you advised the Commission that American Airlines is retaining a current county employee to serve as Community Affairs Coordinator (CAC). As CAC, the employee will, among other things, serve as a member of the North Terminal Development Team (NTDT), assist minority contractors and community small business enterprise firms with difficulties regarding contract awards, payments and other issues, assist DBD and the NTDT in establishing minority participation goals for each contract, participate in pre-construction conferences to address these goals with contractors and assist DBD and

NTDT in reviewing participation goals to ensure compliance with proposal or bid goals.

The employee has served as a high-level executive employee and has substantial experience administering the County's minority and community small business enterprise program.

The county's contract with American Airlines provides that participation goals will be voluntary. However, the voluntary goals are subject to review by the county commission. Further, the contract establishes specific goals and failure to meet those goals are grounds for rescission of the contract.

The airline is seeking guidance as to whether any of the proposed responsibilities of the position will constitute lobbying as defined under the ordinance and thus violate the restrictions of 2-11.1 (q) (Two-year rule on lobbying).

The Commission found that the CAC may assist minority subcontractors and work with the North Terminal Development Team but any work with the Department of Business Development which involves the formulation, review or compliance of minority participation goals would constitute lobbying and violate the prohibitions of Section 2-11.1(q).

Section 2-11.1(q) (1) provides that no person who has served as an elected county official, i.e. mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, departmental personnel or employee shall for a period of two years after his or her county service or employment has ceased, lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid,

request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or (1) one of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect.

Working with county staff for the purpose of reviewing and establishing minority and CSBE participation goals would constitute lobbying because the employee would be seeking to encourage the passage, defeat or modification of ordinances, resolutions, actions or decisions of the County Commission, boards or personnel as defined in 2-11.1(s)(1). Such action would violate the two-year rule as defined in 2-11.1(q). The employee may submit routine administrative requests or applications but cannot appear before county committees which are seeking to establish goals for the company or help identify portions of the contract suitable for CSBE participation. Any such contact would violate the ordinance.

Finally, the employee may work with the North Terminal Development Team, assist contractors and participate in other community outreach efforts without violating the provisions of Section 2-11.1(q).

Accordingly, the employee may work with minority subcontractors, the North Terminal Development Team and assist in community outreach but contact with the Department of Business Development for the purpose of establishing or reviewing minority participation goals would constitute lobbying and violate the provisions of 2-11.1(q).

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 has a long, sweeping horizontal line extending to the right from the end of the name.

ROBERT MEYERS  
Executive Director