



October 14, 1999

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William Brant
Director
Water and Sewer Department
4200 Salzedo Street
Coral Gables, FL 33146

RE: REQUEST FOR ADVISORY OPINION 99-40

Dear Mr. Brant:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 13, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding employees' outside employment as members of the Water and Sewer Board of Hialeah Gardens.

In your letter, you advised the Commission that two WASD employees who work in the Utilities Design Section of the Engineering Division have requested permission to engage in outside employment as members of the Water and Sewer Board of Hialeah Gardens. The Water and Sewer Board is responsible for overseeing the activities of the Hialeah Gardens Water and Sewer Department including recommending rate changes to the city commission, promulgating rules and regulations for the department, regulating and enforcing collection efforts by the department, holding public hearings regarding water and sewer department matters, developing new methods to improve the department's service and reviewing the status of pending construction projects within the city.

The employees are engineers for the Miami-Dade County Water and Sewer Department whose

primary responsibility is the design of water and sewer lines along the public right of way. Their county work may involve work with consultants and other outside personnel who also contract with the City of Hialeah Gardens to do water and sewer work.

The Commission found that Section 2-11.1(j) of the Conflict of Interest and Code of Ethics ordinance permits the employees' outside employment because the employees' service on the Water and Sewer Board should not impair their ability to exercise independent judgment in their county employment. Although the employees may work with consultants through their county employment who will also work for the Hialeah Gardens Water and Sewer Department, they are not responsible in their county employment for selecting consultants or approving work of these consultants so the duties should not conflict. However, the employees should be mindful of the restrictions of 2-11.1(h) regarding disclosure of confidential information.

Please be advised that the Commission on Ethics advisory opinion is only applicable to the Miami-Dade County Conflict of Interest Ordinance and not the State of Florida Code of Ethics. Any questions regarding interpretation of the state Code of Ethics should be referred to the State of Florida Commission on Ethics.

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,



ROBERT MEYERS
Executive Director