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October 10, 2000

Aleida Alech
1400 S.W. 22nd Terrace
Miami, FL 33145

RE: REQUEST FOR ADVISORY OPINION 00-151

Dear Ms. Alech:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 5, 2000 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to contract with the county to provide Section 8 housing.

In your letter, you advised the Commission that you are Police Officer with the Miami-Dade Police Department and you would like to contract with the Miami-Dade Housing Agency to provide Section 8 housing. Section 8 is a federally-funded program which subsidizes landlords who rent to low-income tenants.

The Commission found that you may contract with the Miami-Dade Housing Agency to provide Section 8 housing. Section 2-11.1 (c) provides that " Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee….from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County

person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract , and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forebearance. Since your job responsibilities with the Police Department would not require your participation with Housing in any of aspects of the contract, you may contract with the Housing Agency to provide Section 8 housing.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2653 or Robert Meyers, Executive Director at (305) 579-2594.

Sincerely Yours,

Ardyth Walker

ARDYTH WALKER
Staff General Counsel