

**COMMISSION ON ETHICS
ADVISORY OPINION
RQO 00-22**

BACKGROUND: Josh Stuart, a Department of Solid Waste employee, is seeking an advisory opinion regarding his ability to contract with the Housing Agency to provide Section 8 housing.

FACTS: Stuart works in the Garbage Division of the Department of Solid Waste. Stuart 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.

ARGUMENT: Stuart may contract with the 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 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 forbearance. Since Stuart's job responsibilities with the Department of Solid Waste would not require his participation with Housing in any of aspects of the contract, he may contract with the Housing Agency to provide Section 8 housing.

CONCLUSION: The Conflict of Interest and Code of Ethics ordinance permits Stuart to contract with the county to provide Section 8 housing.