

ROBERT MEYERS  
Executive Director

*Robert Meyers*  
Sincerely yours,

Although Olmedillo will be seeking to encourage the passage of legislation in his role as a consultant, his service will not violate Section 2-11.1(q) because he will be representing the Department of Planning and Zoning. The lobbying ordinance only applies to persons representing third parties who are seeking government action in their favor. Therefore, the Conflict of Interest and Code of Ethics ordinance does not prohibit Olmedillo from contracting with the county as a consultant and making appearances in support of the code revisions.

However, Section 2-11.1(q) would prevent Olmedillo from appearing before the Board of Commissioners or any other county board or agency to lobby on behalf of his private clients. Therefore, Olmedillo is only permitted to make appearances in support of the zoning changes as a county consultant representing the department.

Therefore, the Conflict of Interest and Code of Ethics ordinance permits the county to contract with Olmedillo to assist in the rewrite of the Zoning Code and to make appearances before the Board of County Commissioners regarding the proposed revisions because he will not be serving as a lobbyist. However, he may not make appearances before the County Commissioners or any other board or agency on behalf of his private clients.

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 Ardyth Walker, Staff General Counsel at (305) 579-2653 or the undersigned at (305) 579-2594.

regarding commercial development. Olmedillo will also make presentations to the Board of County Commissioners and the community councils to explain the revisions and develop support for approval of the plan.

The Commission found the Conflict of Interest and Code of Ethics ordinance does not prohibit Olmedillo from contracting with the county as a consultant. Section 2-11.1 (q) governs post-employment restrictions on county employees. 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. The Conflict of Interest and Code of Ethics ordinance defines lobbying as seeking to encourage the passage, defeat or modifications of 1) ordinance, resolution, action or decision of the County Commission; 2) any action, decision, recommendation of any County board or committee; or 3) any action, decision or recommendation of County personnel which foreseeably will be heard or reviewed by the County Commission or a county board or committee. However, a lobbyist is defined by Section 2-11.1(s)(1) as a person who is employed or retained by a principal in his role as an advocate.



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ROBERT A. MEYERS  
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ARDYTH WALKER  
 STAFF GENERAL COUNSEL

January 22, 2001

Merrett Stierheim  
 County Manager  
 Miami-Dade County  
 111 N.W. First Street  
 Suite 2910  
 Miami, Florida 33128

**RE: REQUEST FOR ADVISORY OPINION 01-01**

Dear Mr. Stierheim:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 17, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding a tentative agreement with the former Director of the Department of Planning and Zoning to work as a consultant for the county.

In your letter, you advised the Commission that Guillermo Olmedillo resigned as Director of Planning and Zoning on December 31, 2000 to work for the private sector. The county has reached a tentative agreement with Olmedillo to work as a consultant to assist the county in rewriting the Zoning Code. The Board of County Commissioners must approve the contract.

In his role as consultant, Olmedillo will advise the Department of Planning and Zoning, who will have primary responsibility for the project, and provide written recommendations