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March 7, 2002

Gail Birks Askins
CMA Enterprises Incorporated
9821 S.W. 165th Terrace
Suite One
Miami, Florida 33157

RE: REQUEST FOR ADVISORY OPINION 02-12

Dear Ms. Askins:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 6, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between your service on the Efficiency and Competition Commission and working as a vendor for Miami-Dade County.

In your letter, you advised the Commission that you are President and CEO of CMA Enterprise Incorporated ("CMA"). CMA is an organization development and strategic management consulting firm. The firm provides assistance with companies on productivity and efficiency issues. The company also provides training in dispute resolution and leadership.

The Efficiency and Competition Commission was established in 1997 to provide recommendations and increase productivity and efficiency in county government. The Efficiency and Competition Commission reviews departmental proposals to increase productivity and monitors the implementation

of selected projects to ensure that the desired results are achieved.

The Commission found that the Conflict of Interest and Code of Ethics ordinance prohibits you from contracting with the county while serving on the Efficiency and Competition Commission ("ECC").

Section 2-11.1(d) of the Code of Miami-Dade County provides that a county employee may not "enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he has a controlling financial interest, direct or indirect with Dade County or any person or agency acting for Dade County and any such contract, agreement or business engagement entered in violation of this subsection shall enter the transaction voidable." The ordinance defines "transact any business" as purchase or sale by the County of specific goods or services for a consideration.

Members of the ECC are autonomous personnel as defined in Section 2-11.1(b)(2). Section 2-11.1(b)(2) provides that "the term autonomous personnel shall refer to the members of semi-autonomous authorities, boards and agencies as are entrusted with the day to day policy setting, operation and management of certain defined County functions or areas of responsibility, even though the ultimate responsibility rests with the Board of County Commissioners." The ECC has broad authority to review, implement and evaluate programs designed to increase efficiency. However, approval by the Board of County Commissioners is required to implement some proposals reviewed by the ECC and ultimate authority for policy regarding productivity and efficiency remains with the Board of County Commissioners. The members of the ECC are also entrusted with policy setting and operation of productivity and efficiency operations for county government. Therefore, Section 2-11.1(d) prohibits you

from contracting with the county to provide services while serving as a member of the ECC.

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) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal line extending to the right.

ROBERT MEYERS
Executive Director