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April 18, 2002

Rosa Davis
7475 S.W. 22nd Street
Miami, FL 33155

RE: REQUEST FOR ADVISORY OPINION 02-31

Dear Ms. Davis:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 17, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any limitations on your ability to contract with the Metropolitan Planning Organization or the county.

In your letter, you advised the Commission that you are the president of a consulting company. Your company does not have any current county contracts but you have submitted a proposal to the Metropolitan Planning Organization (MPO). The MPO is an entity mandated by state and federal law to develop transportation plans and programs for metropolitan areas. The MPO Governing Board is comprised of the entire Board of County Commissioners as well as the representatives from the Miami-Dade School Board, several local municipalities and officials from the Florida Department of Transportation. The MPO is responsible for developing long-range capital plans and coordinating transit services and projects.

The MPO is not a county agency. The MPO is an independent body created pursuant to state and federal law. The interlocal agreement governing the MPO provides that the MPO will follow county procurement policy but all contracts are MPO contracts and approved by that body. Since MPO contracts are not county contracts, you may contract with the MPO. However, pursuant to 2-11.1(d), you may not

voidable.
subsession shall render the transaction engagement entered in violation of this and any such contract, agreement or business person or agency acting for Miami-Dade County indirect, with Miami-Dade County or any controlling financial interest, direct or a member of his immediate family has a partnership or business entity in which he or business through a firm, corporation, enter into a contract or transact any through (6) and in subsection (b) (9) shall in the terms defined in subsections (b) (1) 2-11.1 (d) provides that "No person included with the county to provide services. Section members of advisory boards from contracting ordinance. Section 2-11.1(d) prohibits Conflict of Interest and Code of Ethics Section 2-11.1(b) (4) and subject to the you are advisory personnel as defined in As a member of the Independent Review Panel,

As a member of the Independent Review Panel, you are advisory personnel as defined in Section 2-11.1(b) (4) and subject to the Conflict of Interest and Code of Ethics ordinance. Section 2-11.1(d) prohibits members of advisory boards from contracting with the county to provide services. Section 2-11.1 (d) provides that "No person included in the terms defined in subsections (b) (1) through (6) and in subsection (b) (9) shall enter into a contract or transact any business through a firm, corporation, partnership or business entity in which he or a member of his immediate family has a controlling financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable.

The Independent Review Panel has the responsibility of investigating employee and citizen complaints against county departments and agencies. The Independent Review Panel has an advisory function to the Board of County Commissioners and also provides reports and recommendations to the County Manager and the Mayor.
The Commission found that the Conflict of Interest and Code of Ethics ordinance does not prohibit you from entering into contracts with the MPO but you may not contract with county departments or agencies.

contract with any other county agency or department.

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 cursive script, appearing to read "Robert Meyers", followed by a horizontal line extending to the right.

ROBERT MEYERS
Executive Director