



April 18, 2002

ETHICS COMMISSIONERS

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ARDYTH WALKER
STAFF GENERAL COUNSEL

Lloyd S. Marks
City Attorney
City of Florida City
7520 S.W. 162nd Street
Miami, Florida 33157

RE: REQUEST FOR ADVISORY OPINION 02-38

Dear Mr. Marks:

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 a city commissioner performing janitorial services for the city.

In your letter, you advised the Commission that a Florida City Commissioner would like to perform janitorial services for the city.

The Commission found that the Conflict of Interest and Code of Ethics ordinance prohibits the Commissioner from contracting with the city to provide janitorial services. Section 2-11.1 (c) provides that a commissioner may not enter into any contract or transact any business in which in which he or any member of his immediate family 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 render the transaction voidable. Section 2-11.1(a) makes all sections of the Conflict of Interest and Code of Ethics ordinance

applicable to municipalities and any reference therein to Miami-Dade County shall refer to the applicable municipal government. Pursuant to 2-11.1(c), the Commissioner may not contract with Florida City to provide services.

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