



January 22, 2004

ETHICS COMMISSIONERS

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STAFF GENERAL COUNSEL

The Honorable Dorrin Rolle
Board Of County Commissioners
District Two
111 N.W. First Street
Suite 220
Miami, Florida 33128

RE: REQUEST FOR ADVISORY OPINION 04-04

Dear Commissioner Rolle:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 21, 2004 and rendered its opinion based on the facts stated in your memorandum.

You requested an opinion regarding any conflicts created by your voting on a matter involving a member of the JESCA Board of Directors.

In your memorandum, you advised the Commission that you are the Chairperson of the Economic Development and Human Services Committee. Pursuant to Section 25 A-3(d), a nominating council comprised of the Chairperson of the Economic Development and Human Services Committee, the Chairperson of the Board of County Commissioners, the Mayor, the Chairperson of the Public Health Trust (or his or her designee when seeing reappointment) and the Chairperson of the Miami-Dade Legislative Delegation shall nominate voting members of the Public Health Trust. The nominees must be approved by the County Commission. As chair of the Economic Development and Human Services committee, you

serve as an ex-officio member of the nominating council.

The Nominating Council has selected ten nominees to interview for possible inclusion on the slate to be recommended to the County Commission. One of the nominees is Larry Handfield. Handfield is currently Chair of the Public Health Trust and Vice-Chair of the JESCA Board of Directors. Handfield is not compensated as the Chair of the Public Health Trust.

The Commission found you may consider and vote on the application of Larry Handfield to fill one of the vacancies on the Public Health Trust. You do not have one of the prohibited relationships enumerated in the ordinance with Handfield and will not profit or be enhanced, directly or indirectly, from participation in this matter. Section 2-11.1(d) provides that " No person included in the terms defined in subsection (b)(1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any person included in the term defined in subsection (b)(1) who has any of the above relationships or would or might, directly or indirectly profit or be enhanced by the action of the Board of County Commissioners shall absent himself from the Commission meeting during the discussion of the subject item and shall not vote or participate in any way in said matter.

Although Handfield serves as a member of JESCA's Board of Directors, you are not an employee of Handfield. Further, you will not profit or be enhanced in any way by the action of the Nominating Council or the Board of County Commissioners. Therefore, you may consider and vote on Handfield's application for the Public Health Trust.

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 the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 360-0616.

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