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ARDYTH WALKER
STAFF GENERAL COUNSEL

June 26, 2007

Walter J. Foeman, City Clerk
City of Coral Gables
405 Biltmore Way
Coral Gables, FL 33134

Via First Class Mail and Fax at 305 460-5309

Re: RQO 07-22

Dear Mr. Foeman:

The Commission on Ethics & Public Trust considered your request and rendered its opinion at a public meeting held on June 26, 2007.

YOU ASKED if individuals holding the following municipal job classifications were required to file financial disclosure forms:

- | | |
|----------------------------------|------------------------------|
| 1. Superintendent of Greens | 6. Zoning Administrator |
| 2. Chief Plumbing Officer | 7. Chief Collector |
| 3. Chief Electrical Officer | 8. Deputy Collector |
| 4. Historic Preservation Officer | 9. Public Affairs Specialist |
| 5. Parking Superintendent | |

IN SUM, the Ethics Commission opined that all except the Superintendent of Greens and the Public Affairs Specialist were required to file financial disclosure statements.

THE LEGAL BASIS for this requirement is found in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance at § 2-11.1 (i)(2), which requires certain county and municipal¹ personnel to file annual financial disclosure statements, including—

- mayor
- members of the [city council]
- [city] attorney and assistant [city] attorneys
- [city] manager and assistant [city] managers
- special assistants to the [city] manager

¹ "References herein to specified County personnel and boards shall be applicable to municipal personnel and boards that serve in comparable capacities to the County personnel and boards referred to." Miami-Dade County Code § 2-11.1 (i)(2) (2006).

- heads or directors of [city] departments and their assistants or deputies
- employees of the Miami-Dade police with the rank of captain, major and chief;
- building and zoning inspectors.

Additionally, others are also required to file financial disclosure statements, regardless of their actual titles, if their duties are comparable to any of those listed above. A recent County Memorandum² on the subject is instructive. County department directors were advised that they have authority to require financial disclosures of employees, regardless of official titles, if their responsibilities fall within any of the following categories:

- making determinations of compliance
- approving acquisitions of property, goods, and/or services
- performing inspections or investigations
- performing duties and/or making decisions that may be subject to public influence

Based on the Ethics Ordinance at 2-11.1 (i)(2), guidelines provided in the County Memorandum of February 7, 2007, and job descriptions you attached to your letter of June 14, 2007, the Commission on Ethics opined that individuals with the following jobs in the City of Coral Gables must file financial disclosure statements:

JOB TITLE	TRIGGERING ELEMENTS, BASED ON MEMO OF 2/7/07	DUTIES RELEVANT TO DISCLOSURE	FILE?
1. Superintendent of Greens	none		no
2. Chief Plumbing Officer	determines compliance, performs inspections, subject to public influence	inspects buildings and enforces for compliance with plumbing codes and ordinances; inspects for compliance with occupational licensure; issues stop-work orders and permits; authorizes condemnations	yes
3. Chief Electrical Officer	determines compliance, performs inspections, subject to public influence	enforces and interprets electrical codes and regulations and ensures buildings conform to them; gives final approval on permits	

² Lester Sola, Supervisor of Elections, "Financial Disclosure Requirements" (Feb. 7, 2007).



4.	Historic Preservation Officer	determines compliance, performs inspections, subject to public influence	enforces provisions of historic preservation regulations; inspects and approves or denies "Certificates of Appropriateness"	yes
5.	Parking Superintendent	performs inspections, subject to public influence	supervises collection of monies; deals with complaints lodged by public	yes
6.	Zoning Administrator	determines compliance, performs inspections, subject to public influence	supervises field inspections; reviews and analyzes plans to determine compliance; explains regulations to professionals and citizens	yes
7.	Chief Collector	determines compliance, subject to public influence	conducts sale of liens at public auction; makes final determination of penalties and business classifications; interprets city code to evaluate appeals and provides decisions	yes
8.	Deputy Collector	performs inspections, determines compliance, subject to public influence	visits businesses, new residences, and construction sites to determine compliance with laws and regulations related to occupational licensing	yes
9.	Public Affairs Specialist	none		no

This opinion construes the Miami-Dade Conflict of Interest & Code of Ethics Ordinance, but is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact Victoria Frigo, Staff Attorney, at (305) 350-0601, or Robert Meyers at (305) 579-2594, if we can be of further assistance in this matter.

Sincerely yours,



ROBERT MEYERS
Executive Director