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STAFF GENERAL COUNSEL

February 4, 2008

Alain Lecusay
Courthouse Plaza
28 West Flagler Street
Suite 610
Miami, FL 33130

RE: REQUEST FOR ADVISORY OPINION 08-01

Dear Mr. Lecusay:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 31, 2008 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether Building Better Communities board members are required to abide by the financial disclosure requirement of the Conflict of Interest ordinance.

In your letter, you advised the Commission that you are a member of the Building Better Communities Advisory Board. The Building Better Communities Advisory Board was created for the following purposes: to advise the Board of County Commissioners regarding the use of any surplus bond project funds; to provide quarterly reports regarding the progress of the GOB program and to assist in community outreach regarding GOB projects.

The enabling ordinance provides that the Conflict of Interest and Code of Ethics ordinance shall apply to GOB board members but "the Conflict of Interest ordinance shall not operate to preclude individuals from

serving as Advisory Committee members on the basis of interest related to Miami-Dade County when such interests do not conflict, directly or indirectly, with the Bond Program."

The Commission found the Conflict of Interest ordinance requires Building Better Communities Advisory Board members to file financial disclosure. Section 2-11.1 (i) provides that all persons or firms included within subsections a, (b)(2) (autonomous personnel); (b)(3) (quasi-judicial personnel) and (b)(4) (advisory personnel) shall file financial disclosure no later than July 1st of each year including the July 1st following the last year that the person is in office or held such employment. All members of the Building Better Communities Advisory Board are required by this section to file financial disclosure.

The Conflict of Interest ordinance is modified only in regard to membership requirements. Accordingly since the language does not exempt members generally from complying with the Conflict of Interest ordinance, the members would still be required to comply with other provisions of the ordinance including financial disclosure.

State law provides that local governments may require members of local boards to file financial disclosure. F.S. 112.326 (2007) provides that the local officer provision includes " any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance or resolution creating the board." Since the Building Better Communities enabling legislation provides that members are covered by the Conflict of Interest ordinance, the board members are required to file financial disclosure.

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

Sincerely Yours,

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

ROBERT MEYERS
Executive Director