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June 23, 2011

Bernice Matalon Roth, Ph. D
Shaping Solutions
2332 Galiano Street
2nd Floor
Coral Gables, FL 33134

RE: REQUEST FOR ADVISORY OPINION RQO 11-14

Dear Ms. Roth:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 22, 2011 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding the application of the Conflict of Interest ordinance and the Citizens' Bill of Rights to the procurement processes of the Children's Trust. Pursuant to the Children's Trust by-laws and procurement policies, all procurement processes are subject to the Conflict of Interest ordinance.

In your letter, you stated the Children's Trust is an independent special taxing district that was created pursuant to state law. The Children's Trust funds improvements for the children of Miami-Dade County in the areas of health, safety, parental responsibility, community involvement and other services to promote the well-being of children. The Children's Trust administers a number of grant programs for local providers of children's services.

You recently submitted grant proposals to the Children's Trust. Children's Trust staff members served as voting members on all of the grant review panels. The staff member was a program manager in the focus area. The

meetings were public meetings but notices were not placed on the Children's Trust website.

The Ethics Commission found that the Conflict of Interest ordinance permits staff members to vote on grant proposals as long as they do not violate Sections 2-11.1(n) (actions prohibited when financial interests involved) and 2-11.1(x) (two-year ban on contract-related duties). Section 2-11.1(n) prohibits covered persons from taking official action when the action will directly or indirectly affect a business in which the covered person or a member of their immediate family has a financial interest. Section 2-11.1(x) prohibits covered persons from performing contract-related duties regarding a former employer for two years. Staff members may participate on grant review panels as long as they are not in violation of these two provisions.

Section (a) (2) (right to notice) of the Citizens' Bill of Rights provides that "persons entitled to notice of a County or municipal hearing shall be timely informed as to the time, place and nature of the hearing." The Ethics Commission has previously interpreted this provision in accordance with the state "Sunshine Law". Accordingly, public notice is required of Children's Trust meetings. However, the Children's Trust is not required to post notice in any particular forum. The placement of meetings on the County calendar or an announcement of a future meeting during a publicly noticed meeting may constitute proper notice.

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 blue ink, appearing to read "R. Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director