



Miami-Dade Commission on Ethics & Public Trust

Preliminary Inquiry Report

Investigator: Manuel W. Diaz

Case No.: PI 13-019	Case Name: Miami CRA Spence-Jones - Cone of Silence	Date Open:	Date Closed:
Complainant(s): N/A	Subject(s): Michelle Spence-Jones	09/13/13	09/26/13

Allegation(s):

The South Florida Business Journal reported that City of Miami Commissioner Michelle Spence-Jones (Spence-Jones) spoke to “one of the committee board members to discuss the rankings.” The comment, according to the report, was made at a September 4, 2013 public presentation of proposals for Community Redevelopment Agency (CRA) RFP #13-002 and RFP #13-003.

Relevant Ordinances:

Sec. 2-11.1(t), *Cone of Silence*, Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

“(a) “Cone of Silence” is hereby defined to mean a prohibition on: ... (ii) any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County’s professional staff including, but not limited to, the County Manager and his or her staff; ... (4) The requirements of Section 2-11.1(t) shall not apply to any municipality in Miami-Dade County that has adopted an ordinance providing that the cone of silence shall not apply to that municipality. Any municipality that opts out of

the requirements of Section 2-11.1(t) shall provide the Ethics Commission with a copy of the ordinance.”

Sec. 18-74, *Cone of Silence*, City of Miami Code of Ordinances.

“(1) The requirements of Section 2-11.1(t) (“Cone of Silence Ordinances”) of the Code of Miami-Dade County, Florida, as amended, shall not be applicable to the City of Miami.

(2) Cone of Silence. The Cone of Silence shall be applicable only to Contracts for the provision of goods and services and public works or improvements for amounts greater than \$200,000; provided, however, that the Cone of Silence shall not be applicable to the City Attorney’s Office nor to the Office of the Independent Auditor General.

(3) "Cone of Silence" is defined to mean a prohibition on:

(d) any communication regarding a particular RFP, RFQ, RFLI, IFB or any other advertised solicitation between the Mayor, City Commissioners or their respective staffs and any member of the selection/evaluation committee therefor...”

Sec. 18-72, City of Miami Code of Ordinances

“b. “The cone of silence shall not apply to any board or city entity set forth in subsection 18-72(2) herein or the community redevelopment agencies.” (Copy in file)

Document Review:

City of Miami CRA RFP#13-002 (Copy in File)

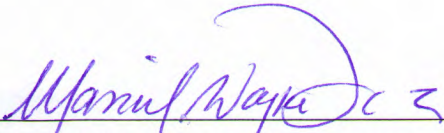
City of Miami CRA RFP#13-003 (Copy in File)

Both RFP’s contain the following statement: “The “cone of silence” does not apply to this RFP, and thus communication with the staff of the CRA and the City of Miami is permissible”.

Internal COE emails concerning the CRA were researched and are included in the investigative file.


Conclusions:

The CRA's RFP in this case, contains specific language that the "Cone of Silence" does not apply. Accordingly, the instant case is closed without further action.




Manuel W. Diaz, COE Investigator

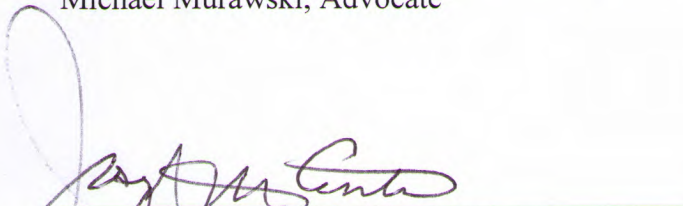
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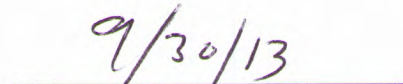
Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director



Date