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STAFF GENERAL COUNSEL

June 11, 2009

The Honorable Carlos A. Gimenez  
Board of County Commissioners  
District Seven  
111 N.W. First Avenue  
Suite 220  
Miami, FL 33128

Dear Commissioner Gimenez:

I received your request for an advisory opinion on June 10, 2009 regarding any voting conflicts created by your daughter-in-law's employment with the law firm of Squire, Sanders & Dempsey LLP (Squire Sanders), which is seeking to serve in the County bond counsel pool.

In your letter, you have advised me that Squire Sanders is a global law firm and your daughter-in-law is an associate with the firm and works out of the Miami office. You have not indicated whether she will be one of the attorneys assigned to handle bond counsel work for the law firm, should the firm be selected for inclusion into the County pool. This fact, however, does not have an impact on my opinion.

The County's Conflict of Interest and Code of Ethics ordinance permits you to participate and vote on matters where the firm appears before the Board of County Commissioners or where the contract for bond counsel work is under consideration by the Board of County Commissioners. Section 2-11.1(d) does not prohibit county commissioners from voting on matters where the employer of a family member appears before the Board or has an item before the Board.

Section 2-11.1(d) of the Code of Miami-Dade County prohibits county commissioners from voting or participating in any way in any matter presented to the Board of County Commissioners if said person has a special, enumerated relationship with any person or entity which would be or might be directly or indirectly affected by any action of the Board of County Commissioners. Any commissioner who has a special relationship or who would or might, directly or indirectly, profit or be enhanced by the action of the Board of County Commissioners shall absent himself or herself from the Commission meeting during discussion of the subject item and shall not vote on or participate in any way in said matter.

Since you do not have a special relationship with your daughter-in-law's law firm and you would not personally benefit or be uniquely affected by making decisions on the bond counsel contract, the ethics ordinance permits you to participate in discussions and vote on this contract and related matters.

If you have any questions concerning this opinion, please do not hesitate to contact me at your convenience.

Sincerely,

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

Robert Meyers  
Executive Director

cc: R.A. Cuevas, County Attorney  
Diane Collins, Office of the Clerk of the Board