

Meyers, Robert (COE)

RFQ 11-86

From: Meyers, Robert (COE)
Sent: Tuesday, May 24, 2011 2:21 PM
To: 'Gabrielle Redfern'
Subject: RE: City if Miami Beach

Dear Ms. Redfern:

Thank you for your request for opinion. I am unable to open City Attorney Smith's opinion, but I feel comfortable responding to your questions without reviewing his opinion.

As I understand it, you sit on the City's Design Review Board and you are competing for a City contract to lobby Miami-Dade County government on behalf of the City of Miami Beach. In effect, you present two questions: 1) Would a conflict of interest be created if you were awarded this contract and remain on the City's Design Review Board and 2) Assuming a conflict would exist, would the conflict be cured if you were to resign from the Board. You also inquire about the timing of your resignation and whether certain actions on your part could avoid an appearance of a conflict.

Without responding specifically to the first question, any conflict of interest that could have existed is cured if you resign from the city board before the contract is awarded. Similarly, if you were awarded the contract and immediately thereafter resigned from the city board, no conflict exists under that scenario, either. However, another scenario could occur wherein you resign from city board before the contract is awarded and you are not the successful bidder. Therefore, it would be perfectly acceptable for you to make your resignation conditional. That is, if you receive the contract, you resign, but if another party is awarded the contract, you remain on the city board.

If you wish to know whether the County's ethics ordinance permits you to stay on this board and contract with the City of Miami Beach, I can offer you an opinion on this matter as well.

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

-----Original Message-----

From: Gabrielle Redfern [mailto:gabrielleredfern@gmail.com]
Sent: Monday, May 23, 2011 2:13 PM
To: Meyers, Robert (COE)
Subject: City if Miami Beach

Dear Mr. Meyer:

I have responded to RFQ 54-09-10 for the City of Miami Beach, Florida, dealing with the Provision of Governmental Services at Miami-Dade County, Florida. This contract would essentially provide lobbying and informational services to the City at the County. I am currently a member of the City's Design Review Board. In my proposal, I proffered removing myself from all City and County boards as a condition of the awarding of this contract to avoid any potential or perceived conflicts of interest. The other bids do not contain such a proffer.

I would like to seek the opinion from you and your staff as to any possible conflict involving County Code Section 2-11.1(c) dealing with conflicts of interest and code of ethics ordinances. The City is interpreting the requirement for an opinion from your Commission to be a prerequisite to the responding to the RFQ. Our conversations have led me to believe that your opinion may be sought anytime before the contract is awarded.

The Miami Beach City Commission is set to take action on June 1, 2011 to waive the aforementioned requirements by a 5/7 vote to award the contract to another group who also has a similar conflict. The public notice is crafted to benefit one bidder with out

giving that same consideration to all of the bidders involved. The difference between me and the other bidder is the Board: The City will not be seeking land use changes as it relates to Design Review Standards at the County: The City will be using it's lobbyist to gain advantage for the proposed Convention Center Expansion.

I have attached the RFQ, the after-action report for the last commission meeting, (see item C2G) and City Attorney Smiths memo on the matter for your consideration. Please advise if you require additional documentation.

I am seeking an opinion as to if my holding a seat on the Design Review Board exempts me from consideration to be awarded this contract, or if any conflict would be cured if I resign before being awarded the contract. Could I resign at the June 1, 2011 public hearing for this item, and be eligible for the award of this contract at that time since the City deferred the item? Or is my proffer of resigning from all Boards once I am the successful bidder sufficient to prevent any appearance of a conflict?

Thank you for your timely consideration of this mater.

Sincerely,

Gabrielle Redfern