Frigo, Victoria (COE)

From:	Frigo, Victoria (COE)
Sent:	Wednesday, November 14, 2012 9:40 AM
To:	Foutz, Larry (MPO)
Cc:	Centorino, Joseph (COE)
Subject:	INQ 12-193 (2-year rule)

Mr. Foutz,

You asked about lobbying limitations imposed on you when you leave your current role as Transportation Systems Manager with the Metropolitan Planning Organization (MPO) to take a new position as Project Manager with the HNTB Corporation, a private entity and MPO planning consultant.

As part of its administrative services agreement with the County, the MPO has consented to abide by the Miami-Dade County Ethics Code. Consequently, you are prohibited from lobbying the County and the MPO for two years following your departure from the MPO. *See* County Ethics Code at Sec. 2-11.1 (q), INQ 05-12, and INQ 11-153.

Your name, title, and resume may be included in any proposal sent by the HNTB Corporation to the MPO for evaluation and final determination. However, you may not make presentations to a selection committee or any other boards or committees on behalf of your new employer, nor may you attempt to influence individual MPO and/or County staff in any way to take an official action. *See* RQO 04-34 to Danny Alvarez, former Director, County Transit Dept.

The term "lobbying" has been broadly interpreted by the Ethics commission as it relates to post-employment restrictions. Unlike the general lobbying ordinance, the post-employment ordinance expands the definition of lobbying to include advocating or attempting to influence decisions that may be made at the sole discretion of individual MPO or County personnel, not necessarily a voting body. *See* RQO 04-33 to Charles Danger, Director, County Building Dept.

Once a planning contract has been awarded, we understand that cost overruns and cost increases are not permitted. Therefore, you may freely interface with the MPO and County staff to service an existing contract as long as no changes to the contract are anticipated and you are not seeking to influence any changes to the contract.

Please feel free to contact me if I can be of further assistance.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY
Phone: 305 350-0601
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Miami, FL 33130

From: Foutz, Larry (MPO)
Sent: Tuesday, November 06, 2012 2:42 PM
To: Centorino, Joseph (COE)

Cc: San Roman, Irma (MPO)
Subject: FW: 2-year rule

Joe,

I would like clarification on one issue. I have been working for the MPO for the last 6.5 years. The MPO has 5 General Planning Consultants (GPC) that work on a task order basis under a 3 year contract. The new batch of GPC just entered under contract last month.   Work is awarded on a task order basis. The award is based upon the work approach, staff experience, and specific project related experience. The task orders award is never based upon oral presentations. I was not a part of the selection process when the 5 GPC firms were hired.

 I have been hired by one of the GRP firms. Both the MPO staff, and the firm I am going to work for have carefully read the attached ruling. As long as we closely follow the rules against lobbying, is there a prohibition against my functioning as a project manager on any proposals for GPC work? It is clear that I will be able to work on county contracts, so the issue is just really with my being submitted for project manager.

Could you provide an opinion on this. My last day is November 23.

Larry W. Foutz, Transportation Systems Manager
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