
From: Ethics (COE)
Sent: Wednesday, June 10, 2015 9:27 AM
To: Brewer-McDuffie, Cecilia (WASD)
Cc: Diaz-Greco, Gilma M. (COE); Sanchez, Rodzandra (COE); Sanchez, Gerald (CAO)
Subject: INQ 15-112 Cecilia Brewer-McDuffie, Chief Human Resources and Support Services, Miami-Dade County Water and Sewer Department (WASD) Contract Staff 2-11.1 (a) (13)
Attachments: No Gift Policy Memorandum.06052015.pdf

Ms. Brewer-McDuffie:

You have inquired regarding whether consultants working with WASD should sign the recently adopted “no-gift policy” instituted by WASD Director Lester Sola and made immediately applicable to WASD management and staff employees and whether such consultants or contract staff would be bound by the policy.

In general, the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance is made applicable to contract staff through Section 2-11.1(a)(13). That section provides that contract staff may be made subject to the ordinance by being designated in a contract with the County as persons required to abide by certain enumerated provisions of the Ethics Code. Such designation would make them subject to the jurisdiction of the Miami-Dade Commission on Ethics and Public Trust, which enforces provisions of the Ethics Code.

Since this policy goes further than the Ethics Code in prohibiting all gifts, and is, therefore, stricter than the current Ethics Code, its imposition and enforcement lie outside of the Code of Ethics. Nonetheless, WASD may impose such a standard on its employees through administrative fiat, as has been done by other departments. As I understand it, the policy would be imposed administratively and not enforced through the Commission on Ethics. For the sake of consistency, it would be desirable to have WASD consultants and contract staff, who may often be placed in situations analogous to those faced by WASD employees, to be bound by the same policy.

In order to accomplish this, consultants or contractors with WASD would need to be specifically apprised of the policy and agree that they and their designated employees would be bound by the policy. For existing contractors, this would probably require a contract modification. For future contractors, it should be included in the contract that the designated consultants or contractors sign before commencing service for the County. As to the specific form of the documentation necessary to accomplish this goal, I suggest that you consult with the office of the County Attorney. In the event that you decide to designate one or more contractors as being subject to provisions of the Ethics Code, you should consult with the Mayor regarding his position on such a designation prior to any attempt to impose it.

Sincerely,

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: Brewer-McDuffie, Cecilia (WASD)
Sent: Wednesday, June 10, 2015 8:42 AM
To: Ethics (COE)
Subject: Inquiry: WASD Gift Policy

We sent the attached out to all of our WASD employees, including our temporary contracted employees for review and signature.

I have been asked to inquire if we should have consultants that work with WASD to sign this policy, and would they be bound by it? Please advise.

Let me know if you need additional information, or feel free to contact me with any questions. Thank you.

Cecilia Brewer-McDuffie, Chief
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