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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, July 24, 2015 9:35 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Aleem Ghany, City Manager, City of North Miami (Conflicting Outside Employment, Exploitation) INQ 15-157

INQ 15-157 Ghany

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**From:** Centorino, Joseph (COE)  
**Sent:** Wednesday, July 22, 2015 5:01 PM  
**To:** 'Pineda, Mayda'  
**Cc:** Ghany, Aleem; Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE)  
**Subject:** 15-157 Aleem Ghany, City Manager, City of North Miami (Conflicting Outside Employment, Exploitation)

Mr. Ghany:

You have inquired regarding whether there are any prohibitions under the Miami-Dade County Ethics Ordinance or the City of North Miami Ethics Ordinance for the current City Clerk, Michael Etienne, to be considered for appointment to the position of Deputy City Manager. I understand that Mr. Etienne is one of the finalists for that position, and that you seek this opinion to determine whether you may consider him for appointment. The position of City Clerk in the City of North Miami is an elected position, but the City Clerk does not serve as a member of the City Council. The appointment is within your authority as City Manager.

The Commission on Ethics has jurisdiction to interpret and enforce the provisions of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, which is also binding upon municipalities within Miami-Dade County. It also has jurisdiction to interpret and enforce municipal codes of ethics. North Miami has a Code of Ethics (Section 2-310 to 2-312), the provisions of which closely parallel provisions contained in the County Code.

There is no explicit prohibition in the County or City Codes that would prevent the current City Clerk from being considered for the position of Deputy City Manager. However, there are a couple of caveats I would make. First, the City Clerk could not simultaneously hold both positions, as this would violate Section 2-11.1(j) of the County Code (also Section 2-310(j) of the City of North Miami Code) in that such dual office-holding would prevent the officeholder from exercising independence of judgment in both roles. It would also likely violate the State Constitutional prohibition against dual-office holding in s. 5(a), Art. II, State Const. Additionally, the City Clerk should not utilize any of the power, authority or resources of his office in applying for or attempting to obtain the position of Deputy City Manager, in that such activity could constitute an Exploitation of Official Position under Section 2-11.1(g) of the County Code (Section 2-310(h) of the City of North Miami Code).

I understand that there may be other provisions under the City of North Miami Charter or under Florida Statutes that may be involved in this analysis. This office has no authority to opine on the interpretation of the North Miami City Charter or any other municipal ordinances other than ethics or ethical campaign practices ordinances, lobbying ordinances or Citizens' Bill of Rights. Your City Attorney should be consulted on such other provisions of local law. Regarding State law, you should consult either the Florida Commission on Ethics or the Florida Office of Attorney General.

Sincerely,

Joseph M. Centorino

**From:** Pineda, Mayda [<mailto:mpineda@northmiamifl.gov>]  
**Sent:** Thursday, July 02, 2015 4:14 PM  
**To:** Centorino, Joseph (COE)  
**Cc:** Ghany, Aleem  
**Subject:** Eligibility of Michael Etienne, City Clerk (North Miami) to be Deputy City Manager

Good afternoon Mr. Centorino,

This email is being sent on behalf of City Manager Aleem A. Ghany.

Pursuant to Mr. Ghany's meeting with you today on the above referenced subject, would you please issue a written ruling on the matter, as discussed.

Thanking in you in advance for your prompt attention.

Regards,



**Mayda Pineda**  
Executive Assistant to the City Manager  
Office of the City Manager  
776 NE 125 Street  
North Miami, FL 33161  
305-893-6391 - direct



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