
From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, May 28, 2015 4:04 PM
To: Sanchez, Rodzandra (COE)
Subject: Kevin Kirwin, Parks Director, City of Miami (Conflict of Interest, (p), (j)) INQ 15-98
Attachments: 2013-2014 Executed Agreement.pdf; Friends of Tacolcy response form.pdf; Friends of Tacolcy Invitation.pdf; Letter of Agreement (111214).pdf; LSR - Approval to Sit on the Board (Friends of Tacolcy).pdf

FW: INQ 15-98 Kirwin

From: Centorino, Joseph (COE)
Sent: Thursday, May 28, 2015 3:40 PM
To: 'Morley, Lacleveia'
Cc: Diaz-Greco, Gilma M. (COE); mshaber@miamigov.com
Subject: INQ 15-98 Kevin Kirwin, Parks Director, City of Miami (Conflict of Interest, (p), (j))

Ms. Morley,

You have inquired on behalf of Kevin Kirwin, Parks Director for the City of Miami, regarding whether he may accept appointment to Friends of Belafonte-Tacolcy Park. Belafonte-Tacolcy Park (BTP) is a park within the City of Miami and, therefore, one of the parks overseen by Mr. Kirwin in his role as Parks Director. The City of Miami currently has a contract with a non-profit entity, Belafonte-Tacolcy Center, Inc., for the provision of sports development and after school services at the park. The newly formed group, Friends of BTP, is a non-profit group that is being formed for the purpose of raising funds for BTC in connection with its programs at BTP. You have been requested by U.S. Representative Fredricka Wilson to participate on this board with other community leaders in an effort to save and continue some of the programs at the park through private fundraising efforts.

The involvement of public employees in private fundraising efforts for public purposes, while not necessarily impermissible under the Ethics Code, does raise issues regarding possible appearances of impropriety, depending on whether the solicitations are made to City contractors or lobbyists. Further, since the fundraising is to be done on behalf of a City contractor, the involvement by the City Parks Director in the effort may place Mr. Kirwin in a situation where he may be essentially recommending or will be perceived as recommending the continuation of an existing contract on behalf of a City contractor, BTC. Such activity could constitute a violation of Section 2-11.1(p), which prohibits recommendation of services by a person or firm, professional or otherwise, in a transaction involving the City. In addition, Section 2-11.1(j) prohibits conflicting employment which would impair the independence of judgment of a City employee in the performance of his or her public duties. While service on a non-profit fundraising board would not qualify as outside employment under the ordinance, an analogous issue is raised in connection with such service in this instance because of the distinct possibility that Mr. Kirwin's efforts on behalf of BTP could interfere with his independence of judgment regarding allocation of City resources to BTP or to other parks under his supervision.

While Mr. Kirwin's prospective service on the board of Friends of BTP may not clearly violate the provisions of the Code of Ethics, there are enough concerns raised by the inherent conflicts which could result from such service, that it is my recommendation that Mr. Kirwin decline the appointment to the Friends board. However, I would not see any problem with Mr. Kirwin's making himself available to consult with the Friends board to discuss the needs of BTP or the state of its existing programs and facilities, as such consultation would fall within his public duties as Parks Director.

Should Mr. Kirwin have any further questions, or wish to discuss this matter further with me, please have him call me at any time.

Sincerely,

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

From: Morley, Lacleveia [<mailto:LMorley@miamigov.com>]
Sent: Wednesday, May 27, 2015 9:49 AM
To: Centorino, Joseph (COE)
Subject: FW: Legal Services Request - Approval to Sit on Community Board (Friends of Tacolcy)

LaCleveia Morley
Assistant to the Director
Parks and Recreation Department
Telephone: 305.416.1332
Fax: 305.400.5143
lmorley@miamigov.com

From: Morley, Lacleveia
Sent: Thursday, May 21, 2015 10:28 AM
To: 'centori@miamidadgov.com'
Subject: FW: Legal Services Request - Approval to Sit on Community Board (Friends of Tacolcy)

LaCleveia Morley
Assistant to the Director
Parks and Recreation Department
Telephone: 305.416.1332
Fax: 305.400.5143
lmorley@miamigov.com

From: Morley, Lacleveia
Sent: Thursday, May 21, 2015 10:07 AM
To: 'centori@miamidadgov.com'
Cc: Haber, Matthew S.; Kirwin, Kevin
Subject: FW: Legal Services Request - Approval to Sit on Community Board (Friends of Tacolcy)

Mr. Centorini,

As promised here is the information that was provided to the City's Legal Department. I have attached a copy of the most recent contract the Parks Department currently has with Belafonte Tacolcy, Inc., the current award letter, and the "Friends of Tacolcy" committee request letter.

LaCleveia Morley
Assistant to the Director
Parks and Recreation Department
Telephone: 305.416.1332

Fax: 305.400.5143
lmorley@miamigov.com

From: Morley, Lacleveia
Sent: Monday, May 18, 2015 12:27 PM
To: LegalServices
Subject: Legal Services Request - Approval to Sit on Community Board (Friends of Tacolcy)

Please find attached a copy of the LSR, invitation to sit on the board, Current LOA, and the previous contract with the entity. An answer is needed no later than May 21st, as the deadline to respond to the invitation is required by May 22nd. Should you have any questions, please let me know.

LaCleveia Morley
Assistant to the Director
Parks and Recreation Department
Telephone: 305.416.1332
Fax: 305.400.5143
lmorley@miamigov.com



City of Miami Office of the City Attorney



Legal Services Request

To: **Office of the City Attorney**

Date: 5/18/15

From: LaCleveia Morley

Parks and Recreation Department.

Contact Person

Requesting Client

Assistant to the Director

305-416-1332

Title

Telephone

Legal Service Requested:

To review the attached invitation for Kevin Kirwin to sit on the "Friends of Tacolcy Board". The Parks Department needs to know if there is a conflict of interest if the Director of the Parks Department, or any Parks' employee sits on the board, considering the City has a current contract in place with Belafonte Tacolcy Center, Inc. to provide sports development services at Tacolcy Park. A response is needed immediately, as the deadline to respond is May 22, 2015.

Complete form and forward to the Office of the City Attorney or e-mail to Legal Services.

Do not assume that the Office of the City Attorney knows the background of the question and/or issue, such as opinions on the same or similar issues, the existence of relevant memos, correspondence, etc. Please attach to this form and/or e-mail all pertinent information relating to the subject.

Once your request has been assigned, an e-mail will be sent to you with the Assigned Attorney's name and the issued matter identification number.

Supplemental page attached.

Authorized by: *LaCleveia Morley*

Date response requested by: 5/21/15

BELOW PORTION TO BE COMPLETED BY THE OFFICE OF THE CITY ATTORNEY

Assigned Attorney: _____ Date: _____ File No. _____

Approved by: _____

Ultimate Client: _____

Comments: _____

D / R Date: _____

Type: _____

Matrix: _____

Category: _____

Copy returned to Requesting Client

Copy to Ultimate Client

City of Miami



DANIEL J. ALFONSO
City Manager

November 12, 2014

Horace Roberts, Executive Director
Belafonte Tacolcy Center, Inc.

To Service Provider:

The City of Miami ("City") Department of Parks and Recreation hereby guarantees monetary reimbursement to and hereby authorizes Belafonte Tacolcy, Inc. to begin providing afterschool services beginning as of October 1, 2014 for the Sports Development Program in advance of your receipt of the final form renewal of Parks and Recreation Services Agreement with the City. This Service Authorization letter serves as an official notice that the City is moving forward to complete their document execution process with your agency for the Fiscal Year 2014-2015. The City Commission has authorized moving forward with the afterschool program services provided by Belafonte Tacolcy, Inc. at Belafonte Tacolcy Park and renewal of your services have been authorized accordingly pursuant to Resolution No. 13-0370, adopted September 26, 2013, a copy of which is attached hereto and incorporated hereby.

The Fiscal Year contract will be for the Service period beginning October 1, 2014 to September 30, 2015. During the period of time covered by this Service Authorization Letter, Belafonte Tacolcy, Inc. will provide program activities, submit invoices for program eligible expenses to be reimbursed, and submit all reports and data according to the contract requirements delineated within the Scope of Services provided to the City of Miami.

Furthermore, Belafonte Tacolcy, Inc shall submit original requests for payment in the format prescribed in the attached 2013-2014 Park and Recreation Services Agreement for services/work performed for the City of Miami Department of Parks and Recreation at Belafonte Tacolcy Park. These requests for payment shall be submitted before the fifteenth (15th) of the month following the month in which expenditures were incurred, exclusive of legal holidays and weekends, in which case, the due date for submission of payment will be the next available business day.

If you have any questions, please call LaCleveia Morley at (305) 416-1332.

Thank you for your participation as a Service Provider. We look forward to working with you as a part of our Sports Development Program.

14-2792

Sincerely,

FOR Andrew Syn

Kevin Kerwin, Director

City of Miami Department of Parks and Recreation

Horace W. Roberts, as an Authorized representative of Belafonte Tacolcy Inc.,
acknowledged acceptance of these terms and conditions via this Service Authorization Letter.

Signature of Authorized Representative on behalf of Belafonte Tacolcy Inc.:

Horace W. Roberts

Signature

Horace W. Roberts

Printed Name

Interim CEO

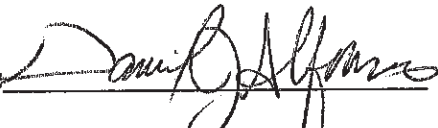
Title

11-13-2014

Date

Signature page of Service Authorization Letter for 2014-2015 for Belafonte Tacolcy Center, Inc.

CITY OF MIAMI, a Florida Municipal Corporation

By: 
Daniel J. Alfonso, City Manager

Date:

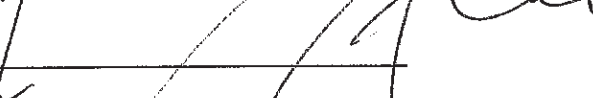
Attest:

By:  12/8/14
for Todd Hannon, City Clerk

Approved as Form and Correctness:


Victoria Méndez, City Attorney

Approved as to Insurance Requirements:


Ann-Marie Sharpe, Risk Management Director

Attachments:

- 1) Renewal of contract meeting agenda, November 12, 2014
- 2) Resolution No. 13-0370 adopted September 26, 2013, Authorizing Service Authorization Letters and Renewals
- 3) Parks and Recreation Services Agreement, dated **Effective as of October 1, 2013**