

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, October 13, 2016 10:48 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ George Wysong, Division Chief, General Government Division, Office of the City Attorney, City of Miami (Gifts) INQ 16-229
Attachments: scan@miami-police.org_20161011_122125.pdf

16-229 Wysong

From: Centorino, Joseph (COE)
Sent: Wednesday, October 12, 2016 5:43 PM
To: 'GWysong@miami-police.org' <GWysong@miami-police.org>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: INQ George Wysong, Division Chief, General Government Division, Office of the City Attorney, City of Miami (Gifts)

Mr. Wysong:

You have inquired regarding whether the receipt of a Canary All-in-One-Security-Device by a City of Miami Police Officer or Firefighter, donated to the City of Miami by Canary Connect, a private company, requires a gift disclosure by the recipient employees, where the City is selecting the individuals to whom the devices are being provided. You have advised that Canary Connect does not do business with the City of Miami; and is not an applicant to do business with the City; and does not lobby the City. The purpose of providing 500 these devices is apparently a promotional effort by the company for the private sale of such devices. The company specifically designated 330 of the devices to be given to City police officers and 170 to be given to City firefighters. The recipients will not be using them for any purpose connected to their public positions, but purely for personal, private purposes. The devices are valued at \$179.

There is no prohibition against the acceptance of such devices under local ordinance or state law, where the providing company is not doing business with or lobbying the City, and where there is no purpose to influence any actions taken by any of the recipient public employees. However, the provision of such devices to municipal employees gratuitously does fit the definition of a gift in Section 2-11.1(e)(1) of the County Ethics Code, thereby triggering the reporting requirement under Section 2-11.1(4) of the Code since the value of the gift to each recipient exceeds \$100. The only question left is whether the donor of the gift should be reported as the City of Miami or the company from which the gifts originated, Canary Connect. While either entity could be identified as the donor, it is my recommendation that Canary Connect be the designated donor on the disclosure forms required under Section 2-11.1(e)(4). This is based upon the substantial value of the overall donation, and the fact that the gifts were specifically designated to be given to City police officers and firefighters. While the City has more of such personnel than the number of gifts provided and will actually select the individuals who will receive the gifts, the donation en masse by a private company of gifts targeted to a specific group of employees, where the City exercises limited discretion and is a mere conduit for the targeted gifts, leads me to the conclusion that Canary Connect is the real donor here and should be identified as the donor on the disclosure forms.

Sincerely,

Joseph M. Centorino
Executive Director and General Counsel

Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
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ethics.miamidade.gov



From: Wysong, George [<mailto:GWysong@miami-police.org>]
Sent: Tuesday, October 11, 2016 12:32 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: Canary

Hi Mr. Centorino,

I am requesting an informal opinion as to whether City of Miami Police Officers and Firefighters who receive a Canary All-in-One Security device should report the receipt of the device as a gift. Canary Connect, a private company who does not do business with the City or have any ties to the City, has offered to donate five hundred (500) Canary All-in-One Security devices to the City of Miami to be given to individual police officers and firefighters. (Please see the attached draft Resolution) The retail price for the device is about \$179.00. The City Commission may accept the donation pursuant to Section 18-115 of the City Code which requires the City Commission to accept donations valued higher than \$25,000. The total value of the donation to the City is approximately \$89,500. After accepting the donation the devices will be given to 330 police officers and 170 firefighters. Not every police officer or firefighter will receive one and they will be given out on a first-come first served basis. The question is: Does the fact that the City is giving the device to its employees versus an outside third party negate the requirement for the employees to submit a gift disclosure form?

Thank you in advance for your assistance in this matter.

GEORGE K. WYSONG III
DIVISION CHIEF-GENERAL GOVERNMENT DIVISION



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City of Miami

Legislation

Resolution

City Hall
3500 Pan American
Drive
Miami, FL 33133
www.miamigov.com

File Number: 16-01334

Final Action Date:

A RESOLUTION OF THE MIAMI CITY COMMISSION ACCEPTING THE DONATION OF FIVE HUNDRED (500) CANARY ALL-IN-ONE SECURITY DEVICES, WITH AN APPROXIMATE ESTIMATED TOTAL VALUE OF \$99,995.00, FROM CANARY CONNECT, INC., TO BE GIVEN TO FIRST RESPONDERS CONSISTING OF THREE HUNDRED THIRTY (330) CITY OF MIAMI POLICE OFFICERS AND ONE HUNDRED SEVENTY (170) CITY OF MIAMI FIRE FIGHTERS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, TO ACCEPT SAID DONATIONS.

WHEREAS, every day, hundreds of City of Miami Police Officers and City of Miami Fire Fighters wake up and go to work to protect the people of the City of Miami ("City"); and

WHEREAS, these same Miami Police Officers and Miami Fire Fighters deserve something to keep their homes and families safe when they are at work; and

WHEREAS, Canary Connect, Inc. ("Canary") has recognized that police officers and fire fighters dedicate their lives to keeping citizens safe and they wanted to do something to help protect the homes of police officers and fire fighters; and

WHEREAS, Canary further recognizes that these brave men and women do not just protect our community, they are also a part of it and this donation allows Canary an opportunity to give back to the first responders; and

WHEREAS, said donation will not only benefit Miami Police Officers and Miami Fire Fighters but will also benefit the community;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted and incorporated as fully set forth in this Section.

Section 2. The donation of five hundred (500) Canary All-in-One Security Devices with an approximate estimated total value of \$99,995.00, from Canary, to be given to first responders consisting of three hundred thirty (330) Miami Police Officers and one hundred seventy (170) Miami Fire Fighters, is accepted.

Section 3. The City Manager is authorized {1} to execute the necessary documents, in a form acceptable to the City Attorney, to accept said donation.

Section 4. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.{2}

Footnotes:

{1} The herein authorization is further subject to compliance with all requirements that may be imposed by the City Attorney, including but not limited to those prescribed by applicable City Charter and Code provisions.

{2} If the Mayor does not sign this Resolution, it shall become effective at the end of ten (10) calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.