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INQ-16-71 Schwaderer-Raurell

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**From:** Murawski, Michael P. (COE)  
**Sent:** Wednesday, March 09, 2016 4:37 PM  
**To:** Schwaderer-Raurell, Abbie (CAO) <ANS1@miamidade.gov>  
**Cc:** Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>  
**Subject:** RE: INQ-16-71 Abbie Schwaderer-Raurell CAO

Hi Abbie:

Based on the precedent that I could locate, specifically request for opinion 99-58, I have determined that the “Technical Working Group” IS covered by the Conflict of Interest and Code of Ethics. Section 2-11.1 (b)(4) of the Code defines “advisory personnel” as members of those County advisory boards and agencies whose sole and primary responsibility is to recommend legislation or give advice to the Board of County Commissioners. As you describe the Technical Working Group, they will be making recommendations to the DERM Director who in turn will relay that information to the Mayor; these recommendations may in turn go before the BCC. Thus, the Technical Working Group appears to be covered by the definition of “advisory personnel” they would be subject to the provisions of 2-11.1.

However, you further advised that this group is likely to only be in existence for several months. Accordingly, pursuant to INQ11-156, members of the Technical Working Group would NOT be required to file Financial Disclosure forms because they will be in existence for less than one year.

Please feel free to contact me if you have any questions or would like to discuss this matter further.

Sincerely,

Michael Murawski

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**From:** Schwaderer-Raurell, Abbie (CAO)  
**Sent:** Wednesday, March 09, 2016 11:22 AM  
**To:** Murawski, Michael P. (COE)  
**Subject:** RE: ethics opinion

Hi Mike,

Thanks so much for your email. Here’s what I know about the working group, and I’d be happy to follow up with a phone call or get more information from DERM staff if you need it.

The “Technical Working Group” has been organized by DERM staff, in response to a directive from the Board of County Commissioners for the Mayor to come back to the Board with a recommendation on wellfield protection issues. My understanding is that this Technical Working Group would be making a recommendation that would then be relayed to

the DERM director, and then he and/or the Mayor would make their own recommendation to the Board of County Commissioners (which may or may not be the same as the Technical Working Group's recommendation).

The Technical Working Group is to be made up of scientists (mostly hydrogeologists or hydrologists, in particular) from various governmental agencies and interested groups. For example, DERM has invited the County's hydrogeologist to be part of the group, and she would be the only County employee. DERM also invited one person from University of Miami, one person from the National Park Service, one person from the Army Corps, one person from an environmental group, and one person who works for a consortium of rock miners. There may be other invitees, but that should give you an idea of the proposed composition.

This group would last for less than a year, and DERM staff expect that they would only meet for several months. DERM would like to get a recommendation to the Board in the fall, if possible, in order to comply with the Board's original directive. The first meeting of the group is scheduled to take place in about 2 weeks.

Based on my analysis (and I believe your office concurred), the Sunshine law and Public Records Act clearly applies to this group. I was hoping for guidance from your office about how the Code of Ethics and Conflict of Interest ordinance would be interpreted by the COE as to this group, so that the group can be best advised as to their obligations about conflicts of interest, financial or gift disclosures, etc.

Also, I think that DERM staff was going to reach out to your office to request that someone from the COE make a presentation to the Technical Working Group.

Thanks again for your help, and I may try to reach you this afternoon to see if you would like additional information or however else I can assist.

Sincerely,

*Abbie Schwaderer Raurell*  
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**From:** Murawski, Michael P. (COE)  
**Sent:** Wednesday, March 09, 2016 9:25 AM  
**To:** Schwaderer-Raurell, Abbie (CAO)  
**Subject:** ethics opinion

Good Morning Abbie:

I received your message. We have our monthly Ethics Commission meeting this morning so I'll be a little tied up until about noon. Can you shoot me an e-mail briefly explaining the facts about this "working group?"

I believe that a prior ethics opinion we issued, 99-58 is applicable to the situation. I would like to also know if this group is intended to be a long term project or will it sunset in less than a year?

Thanks

Mike

Michael P. Murawski  
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