

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, February 23, 2017 10:22 AM
To: Sanchez, Rodzandra (COE)
Subject: Gerald Sanchez, Assistant Miami-Dade County Attorney (Gifts) INQ 17-51

INQ 17-51 Sanchez

From: Centorino, Joseph (COE)
Sent: Wednesday, February 22, 2017 3:44 PM
To: Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Boucle, Aileen (MPO) <aboucle@miamidademppo.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 17-51 Gerald Sanchez, Assistant Miami-Dade County Attorney (Gifts)

Gerald,

You have inquired on behalf of the Miami-Dade Metropolitan Planning Organization (MPO) regarding the ethical propriety of the MPO's acceptance of the use of the Crush Ballroom at the Brickell City Center for the purpose of conducting the 40th Anniversary Governing Board meeting of the MPO, as well as the acceptance by the MPO Board members and staff of the cost of a working lunch (not to exceed \$100) following a tour of the project. The provider of the meeting space and luncheon is Swyer Properties, Inc. (Swyer), the owner of the newly-constructed Brickell City Center. Swyer is involved in a Public Private Partnership with Miami-Dade County regarding this project, and, as such, is considered a County contractor. The MPO is involved due to the reconstruction of the Metromover Eighth Street Station, but MPO has not contracted with the County or with Swyer regarding the project.

This question involves the application of both Section 2-11.1(e) of the Miami-Dade County Ethics Ordinance, on which the Miami-Dade County Ethics Commission (COE) has authority to issue binding opinions, as well as Section 112.3143 of the State Ethics Code, which falls under the jurisdiction of the State of Florida Commission on Ethics (FCOE). The COE will usually point out the existence of an applicable State Code provision and may suggest whether it applies, but cannot provide a definitive opinion interpreting such a statute.

Previous informal opinions of the COE have indicated that the MPO Board, as a state-created board operating independently of County government is not subject to the Miami-Dade County Ethics Code. See INQ 10-143 and INQ 11-30. On the other hand, INQ 05-12 has opined that the MPO staff is covered by the County Code because they are County employees. Both the MPO Board and the MPO staff are subject to the State of Florida Code of Ethics in Chapter 112, Florida Statutes. It is also understood that some members of the MPO are County officials and could be subject to both the County and State Ethics Code under some circumstances.

The acceptance of the use of the meetings space by the MPO staff is permissible under Section 2-11.1(e) of the County Code since it was not solicited by the MPO or staff, is not provided for any improper purpose, and pertains to use by the County employees of the space for performance of their official duties. The acceptance of the use of the space by the MPO board and staff would appear also to be permissible under Chapter 112 for the same reasons.

Since it is a working lunch at an event that is consistent and supportive of your agency's official public duties, the acceptance of the lunch would also not violate the County ordinance. Even though it is provided by a County vendor, it would also appear not to be prohibited under Section 112.3148, Florida Statutes, for the staff and those members of the Board who are County officials, because it is being provided to the organization in connection with this official

business on an occasion that benefits the agency, rather than for the personal benefit of any individual, as well as for the reason that the value of the lunch is less than the \$100 limit for acceptance of a gift from a County vendor.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
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From: Sanchez, Gerald (CAO)
Sent: Tuesday, February 21, 2017 2:49 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: FW: confirmation of Board rules for acceptance of gifts and MPO Agency acceptance for March 23rd Board Meeting at host location at Brickell City Center
Importance: High

As promised. Thanks. Gerald

From: Boucle, Aileen (MPO)
Sent: Wednesday, February 15, 2017 9:10 AM
To: Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Libhaber, Bruce (CAO) <Bruce.Libhaber@miamidade.gov>
Cc: Salim, Zainab (MPO) <zsalim@miamidadempo.org>
Subject: confirmation of Board rules for acceptance of gifts and MPO Agency acceptance for March 23rd Board Meeting at host location at Brickell City Center
Importance: High

Good Morning Gerald and Bruce!

We are finalizing discussions with the Miami-Dade Transportation and Public Works Transit Oriented Development (TOD) Metromover Eighth Street Station 'Brickell City Center' to conduct the March 23rd 40th Year Anniversary Governing Board meeting at the The Crush Ballroom, located on the 39th Floor of the East Miami Hotel, located within Brickell City Center. The goal is to highlight successful public/private partnerships of Transit Oriented Development at Miami-Dade transit station locations.

1. Brickell City Center is hosting the meeting room location, The Crush Ballroom, at no cost to the agency. Since our meeting is at 2pm on a Thursday, this room is available for our use, however the cost of renting the room, including any necessary AV equipment (microphones, screens, etc) is being waived. Can the MPO accept this arrangement? Is this permissible by County, State, and Federal requirements?
2. On the same day, we are also planning a Pre-MPO Meeting tour of the project, followed by a working lunch for the MPO Board members. We will Sunshine the meeting and make all necessary arrangements for Board Member's travel to the Eighth Street Station. Brickell City Center is providing lunch (not to exceed \$100/per person) and a conference room for our use following the tour. Can the MPO accept this arrangement? Is this permissible by County, State and Federal requirements?

Please advise and let me know if you have any questions or need additional information. I need to advise the MPO Chairman of these final arrangements once I confirm that there are are allowed to accept this arrangement, thanks.

Aileen Bouclé, AICP | Executive Director
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For complaints, questions or concerns about civil rights or nondiscrimination, or for special requests under the American with Disabilities Act, please contact: Elizabeth Rockwell, Public Involvement Manager/Title VI Coordinator, at (305) 375-1881 or erockwell@miamidademppo.org