

Sanchez, Rodzandra (COE)

From: Turay, Radia (COE)
Sent: Monday, April 10, 2017 9:49 AM
To: Sanchez, Rodzandra (COE)
Cc: Sibilia, Rhonda (COE)
Subject: FW: INQ 17-56 Marianne Meischeid, Member, Tourist Board, Town of Surfside (Recommending Professional Services, Contracting with Town, Exploitation)

From: Centorino, Joseph (COE)
Sent: Friday, February 24, 2017 5:27 PM
To: 'Marianne Meischeid' <mare0413@aol.com>
Cc: 'yslate-mccloud@townofsurfside.gov' <yslate-mccloud@townofsurfside.gov>; 'Imiller@townofsurfsidefl.gov' <imiller@townofsurfsidefl.gov>; 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 17-56 Marianne Meischeid, Member, Tourist Board, Town of Surfside (Recommending Professional Services, Contracting with Town, Exploitation)

Dear Ms. Meischeid:

You have inquired regarding whether there would be any ethical prohibition under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance for you to apply and be selected as the Town of Surfside's Tourism Director. This question is asked in light of your current service on the Town's Tourist Board, for which you are not paid. The Tourist Board is an appointed board of the Town that deals generally with tourism issues in the town,. It is also the designated Resort Tax Board in the Town that has the power to adopt procedures for the Town's tourist-related events, expend resort tax funds allocated by the Town Commission, employ consultants related to tourist activities, advertise in the media, promote Surfside as a tourist destination through special events, and submit an annual budget plan to the Town Manager for these activities. The position of Tourist Director is a paid, full-time position that is subject to appointment and supervision by the Town Manager, but who also interacts with and is subject to the policy-making authority of the Tourist Board. The Tourist Director is required to attend Tourist Board meetings and is directly involved in implementing the plans and procedures set by the Tourist Board.

It is my understanding that you submitted your application for the position of Tourism Director on February 1, 2017. On February 6, 2017, you voted as a member of the Tourist Board to place the Chairperson of the Tourist board on the selection committee, headed by the Town Manager, that will be reviewing applications for the position and making a recommendation for the appointment. Your participation in the vote means that you have had direct involvement in appointing someone to participate in the decision-making process for the filling of a position for which you had already applied. This creates several issues under the Ethics Code, which, based upon my analysis, disqualifies you from being an applicant for this position.

As a member of the Town Tourist Board, you are subject to the provisions of Section 2-11.1 of the County Code. Under Section 2-11.1(p) of the Code, you are prohibited from recommending any person to the town to provide professional or other services to the Town, unless required to do so by the duties of your current Town position. It is my opinion that your promotion of your candidacy for the position of Tourism Director before the Town selection committee charged with recommending an appointee would violate this section.

Furthermore, under Subsection 2-11.1(c)(3) of the Code, you are prohibited from contracting with the Town to perform services that would be subject to the regulation, oversight, management, or policy-setting of the board of which you are

a member. It is my opinion that the policy-making and regulatory oversight of the Tourist resort monies by your board would bring you under the prohibition of this section, which may be avoided only by your obtaining an opinion from the Ethics Commission certifying that you do not have a conflict, or a vote of the Surfside Commission waiving the conflict.

Additionally, Section 2-11.1(g) of the Code has a broad prohibition applicable to you as a board member that would prohibit you from using your official position to secure a special privilege or exemption for yourself except as may be specifically permitted by ordinances or resolutions adopted by your Town Commission. Under the foregoing circumstances, you could be found in violation of this section if you were to pursue this appointment.

It is, therefore, my opinion that you must withdraw your application for the position of Tourism Director to avoid a possible violation of the Ethics Code.

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
Fax: (305) 579-0273
ethics.miamidade.gov



From: Marianne Meisheid [<mailto:mare0413@aol.com>]
Sent: Tuesday, February 21, 2017 1:13 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: Fwd: Apply for Tourism Director Position

Dear Mr. Centorino,

Please see the email below that was sent to me from Human Resources, Town of Surfside, FL recommending that I talk with you. I am a current member of the Surfside Tourist Board, appointed March 2016 for a two year term.

On January 27, 2017, I received an email message from Duncan Tavares that his position as Tourism Director was open because he was promoted to Assistant Town Manager of Surfside.

I proceeded to call him and congratulate him on his promotion. I also inquired as to the possibility of my application for Tourism Director. He thought it was a great idea and sent me the job description.

I submitted my application the following week and received notification from HR that they received it. And subsequently, I received the email below from HR with the recommendation that I contact you.

As you know, I followed up with you at the phone number below and left several messages for you. Now I know you were on vacation for 10 days.

Please advise me with the answers to the three question listed on the below HR email. Thank you.

Regards,

Marianne Meischeid
(917) 693-1312

Begin forwarded message:

From: Yamileth Slate-McCloud <yslate-mccloud@townofsurfsidefl.gov>
Subject: FW: Apply for Tourism Director Position
Date: February 10, 2017 at 10:09:06 AM EST
To: Marianne Meischeid <mare0413@aol.com>

Good morning Ms. Meischeid,

In abundance of caution, the Town is recommending that you contact Mr. Joseph Centorino with the Miami-Dade Commission on Ethics and Public Trust with regards to your application for the Surfside Tourism Director position. Mr. Centorino's phone number is 305-350-0613. When you call, please inquire at a minimum the following:

- The fact that you are currently a member of the Town of Surfside's Tourist Board.
- What if you are successful and you are selected and accept the position?
- What if you are not selected for the position?

Sincerely,



Yamileth Slate-McCloud
Human Resources Director

Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154
Phone (305) 861-4863 Ext. 227
Confidential Efax (305) 715-0002
Fax (305) 861-1302
yslate-mccloud@townofsurfsidefl.gov

From: Human Resource
Sent: Thursday, February 02, 2017 10:53 AM
To: 'Marianne Meisheid' <mare0413@aol.com>
Subject: RE: Apply for Tourism Director Position

Good morning,

Thank you for your interest in the Tourism Director position with the Town of Surfside. At the present time we are reviewing the resumes/applications submitted.

We will contact you with further instructions, if we determine that your background and experience meets our hiring needs.

Again, thank you for your interest.

Sincerely,



Yamileth Slate-McCloud

Human Resources Director
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Surfside, Florida 33154
Phone (305) 861-4863 Ext. 227
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From: Marianne Meisheid [<mailto:mare0413@aol.com>]
Sent: Wednesday, February 01, 2017 2:27 PM
To: Human Resource <hr@townofsurfsidefl.gov>
Subject: Apply for Tourism Director Position

NOTE: Florida Public Records Law provides that most written communications to or from Municipal employees regarding town business are public records, available to the public and media upon request. Therefore, this e-mail message may be subject to public disclosure.

Sanchez, Rodzandra (COE)

From: Turay, Radia (COE)
Sent: Monday, April 10, 2017 9:49 AM
To: Sanchez, Rodzandra (COE)
Cc: Sibilila, Rhonda (COE)
Subject: FW: INQ 17-56

From: Centorino, Joseph (COE)
Sent: Friday, February 24, 2017 5:29 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: Re: INQ 17-56

From: Linda Miller [<mailto:lmiller@townofsurfsidefl.gov>]
Sent: Thursday, February 23, 2017 2:33 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: Surfside - Tourism Director Position

- Joe: Per your request, please see below highlighted **Sec. 70-126. - Power and duties.**

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- **DIVISION 2. - RESORT TAX BOARD**
- **Sec. 70-123. - Created.**

There is hereby established a resort tax board as a governmental agency of the town ("the board").

(Ord. No. 1574, § 2, 6-14-11)

- **Sec. 70-124. - Composition; appointment; vacancies; compensation; removal from office, etc.**

(a) *Number, term and qualification of members.* The board shall consist of five members. Each commissioner shall appoint one board member. All appointed board members must be ratified by a vote of the town commission. Any newly elected commissioner has the right to appoint a resort tax board member unless the corresponding appointment has yet to reach the end of their two-year term. Each of the five members shall be persons who either work or reside in Surfside and at least three of the five members shall be persons who have experience in tourism and/or tourism related activities. One town commissioner shall serve as a non-voting ex-officio member of the board.

(b) *Vacancies.* Any vacancies occurring on the board shall be filled at the earliest, possible date by the town commission for the remainder of the unexpired term.

(c) *Reappointment.* Board members shall be eligible for reappointment and shall hold office until their successors have been duly appointed and qualified.

(d) *Compensation of members.* Members of the board shall serve without compensation but shall be reimbursed for necessary expenses occurred in the performance of the official duties, as shall be determined and pre-approved by the town commission.

(e) *Acceptance of appointment.* Before entering upon the duties of office, each board member shall file a written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the town clerk. Each appointed member is required to provide the town clerk with a Form 1-Statement of Financial Interests, within three business days of being appointed to the board.

(f) *Removal of members from office; attendance.* A board member may be removed from office only by a majority vote of the entire membership of the town commission; however, whenever a board member shall fail to attend three consecutive meetings without prior notification to the director or town manager, the chairman shall certify such non-attendance to the town commission, and, upon such certification, the board member shall be deemed to have been removed and the Town Commission shall fill the vacancy pursuant to paragraph (b) above.

(Ord. No. 1574, § 2, 6-14-11)

- **Sec. 70-125. - Organization.**

(a) *Generally.* The members of the board shall select a chairman from among the members who shall serve at the pleasure of the board, and such other officers as deemed necessary or desirable. A member of the town commission shall serve as a non-voting ex-officio member of the board.

(b) *Staff.* A director, or other town manager designee, shall oversee the daily operation and administering of the resort tax board and will work with the board to achieve budgetary objectives. The town manager shall provide adequate clerical and other administrative backup for the board.

(c) *Minutes.* Minutes of each board meeting shall be kept and prepared under supervision and direction of the board. Copies of the minutes shall be filed with the town clerk.

(d) *Rules and regulations.* The board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the board's activities.

(Ord. No. 1574, § 2, 6-14-11)

- **Sec. 70-126. - Power and duties.**

The board shall have the following enumerated powers and duties.

(1) To adopt and/or amend procedures as it related to publicity, advertising, promotional events, tourist board activities.

(2) To expend resort tax funds collected pursuant to [Chapter 70](#) of the Town Code. Specifically, those amounts allocated by the commission during their annual budgetary process, the minimum being 34 percent of the resort tax collected, to advertising promotion and special events as part of the tourist bureau budget.

(3) To employ or retain an advertising and/or public relations consultant and/or firm as it relates to specific tourist board activities. The tourist board shall designate a member to assist the town manager, upon request, in the process of selecting a director for the department.

(4) To authorize placement of advertising in various media.

(5) To organize special events for the promotion of Surfside as a tourist destination.

(6) To create a formalized budget plan with staff in consultation with the town manager designee and to submit the budget plan to the town manager every year as part of the budgetary process.

(Ord. No. 1574, § 2, 6-14-11; [Ord. No. 16-1643, § 2, 1-12-16](#).)

- **Sec. 70-127. - Compliance with applicable law.**

The board shall comply with all applicable provisions of state law, county ordinances and the Town Code, including but not limited to those pertaining to public records, open meetings, financial disclosure and those with respect to competitive bidding requirements for purchase of goods and services.

From: Centorino, Joseph (COE) [<mailto:Joseph.Centorino@miamidade.gov>]
Sent: Thursday, February 23, 2017 1:25 PM
To: Linda Miller
Subject: Tourism Director Position

Hi Linda,
Please call me at your earliest convenience to discuss the below request. 305-579-2594
Joe Centorino

From: Marianne Meisheid [<mailto:mare0413@aol.com>]
Sent: Tuesday, February 21, 2017 1:13 PM
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