

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, March 03, 2017 9:57 AM
To: Sanchez, Rodzandra (COE)
Subject: Annette Perez-Ruiz, HR Manager, Labor Relations, Miami-Dade Water and Sewer Department (outside employment) INQ 17-60

INQ 17-60 Perez-Ruiz

From: Turay, Radia (COE)
Sent: Thursday, March 02, 2017 4:40 PM
To: Perez-Ruiz, Annette (WASD) <Annette.Perez-Ruiz@miamidade.gov>; Brooks, Nicholas (WASD) <Nicholas.Brooks@miamidade.gov>; 'karlautting@hotmail.com' <karlautting@hotmail.com>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Batista, Sylvia (COE) <Sylvia.Batista@miamidade.gov>
Subject: INQ 17-60, Annette Perez-Ruiz, HR Manager, Labor Relations, Miami-Dade Water and Sewer Department (outside employment)

Dear Ms. Perez-Ruiz,

You have inquired whether a conflict of interest exists under the Ethics Code between Ms. Karla Utting's potential County employment and her proposed outside employment as an independent consultant working for Dream in Green, a non-profit entity.

Background

Ms. Karla Utting was given a contingent employment offer by Miami-Dade Water and Sewer Department (WASD) with a start date of March 13, 2017. The offer is for a full-time position as an Energy Management Analyst in the Resiliency Program Division at WASD. Her job responsibilities would include managing, energy services companies (ESCO), who will be identifying, financing, and performing energy conservation improvements; performing departmental energy management; monitoring and reviewing the effectiveness of implemented policies and strategies through electricity and billing management; training technical staff to evaluate and resolve operational problems that contribute to excessive energy consumption; and researching various grant opportunities and applying for various energy efficiency grants to fund projects.

She is seeking to engage in outside employment as an independent consultant for Dream in Green. She is the current Executive Director of Dream in Green. She will resign from her role as executive director effective on her start date at WASD. She however wishes to continue working for the entity as an independent consultant so she can assist with training the entity's new executive director that will be taking over the position after she starts working for WASD. In her role as an independent contractor, she will also assist the entity with implementation and development of its various projects and perform other administrative tasks.

Dream in Green is not a County vendor. They receive grant funding from The Children's Trust. They do not have a contract and/or a grant with WASD. They do however receive promotional items from WASD's Water Use Efficiency Unit. The Water Use Efficiency Unit is headed by Mr. Patrick Martin. Mr. Martin also serves as a guest speaker for some workshops hosted by Dream in Green.

Ms. Utting in her position as Energy Management Analyst would not have the authority to approve or disapprove any agreements for services between WASD and Dream in Green and she would have no involvement in the

oversight over Mr. Patrick Martin and/or administration over the Water Use Efficiency Unit that works with Dream in Green.

Legal Analysis

Sections 2-11.1(j) and (k) of the County Ethics Ordinance prohibit County employees from engaging in outside employment which would impair the County employee's independence of judgment in the performance of his or her official duties. The intent of this ordinance is reflected in the County's Administrative Order No. 7-1, which states in part that, "[i]t is essential... that public employees avoid any and all situations that represent, or appear to represent, conflicts between their personal interests and their public duties.... Under no circumstance shall a County employee accept outside employment or render other than official services to a private interest ...where a real or apparent conflict of interest with one's official or public duties is possible." Consequently, AO 7-1 gives a County Department Director the discretion to deny outside employment if he or she finds that it is contrary to the interests of the County.

Based on the facts presented here, we find that Ms. Utting's proposed outside employment as an independent consultant for Dream in Green is not likely to create conflicting employment due to the following conditions, to which Ms. Utting has agreed: 1) none of her assignments with the Dream in Green would include any programs run by WASD and/or Miami-Dade County; 2) she would not have the authority to approve or disapprove any agreements for services between Miami-Dade County and Dream in Green; 3) she would have no involvement in the oversight over Mr. Patrick Martin and/or administration of the Water Use Efficiency Unit that occasionally works with Dream in Green.

Further, pursuant to the Reverse Two-Year Rule in Section 2-11.1(x) of the Code, Ms. Utting is prohibited from performing any County contract-related duties regarding Dream in Green, for two years following her employment with Dream in Green. "Contract-related duties" include, without limitation, "service as a member of a County certification, evaluation, selection, technical review or similar committee; approval or recommendation of award of contract; contract enforcement, oversight or administration; amendment, extension or termination of contract; or forbearance regarding the contract."

As a reminder, pursuant to 2-11 of the County Code, County employees are required to request permission to engage in outside employment from their supervisor on a yearly basis. In addition, Section 2-11.1(k)(2) of the County's Ethics Code requires filing a financial disclosure form on a yearly basis. County employees are cautioned that they may not engage in any activity which would require them to disclose confidential information acquired by reason of their official position, nor use such information directly or indirectly for their personal gain or benefit. *See* Section 2-11.1(h), County Ethics Code. Lastly, a County employee may not use his or her official County position to secure privileges or exemptions for themselves or others. *See* Section 2-11.1(g), County Ethics Code.

This opinion is based on the facts presented. If any of these facts change, please contact us.

Sincerely,

RADIA TURAY

Staff Attorney

Miami-Dade Commission on Ethics and Public Trust

19 W. Flagler Street, Suite 820

Miami, FL 33130

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From: Batista, Sylvia (COE)
Sent: Monday, February 27, 2017 10:50 AM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: FW: Outside Employment - Ethics Review
Importance: High

From: Perez-Ruiz, Annette (WASD)
Sent: Friday, February 24, 2017 5:37 PM
To: Batista, Sylvia (COE)
Subject: FW: Outside Employment - Ethics Review
Importance: High

Good afternoon Ms. Batista,

We would like to request an opinion on this Request for Outside employment.

Ms. Utting has not been hired yet, she has been given a contingent offer with a start date of March 13, 2017.

Below is Ms. Utting's explanation of her position within the non-profit organization. Additionally, I have attached the Table of Organization from the division she will be working under and the original request for outside employment for your review. If you wish to speak with her, I can arrange a phone conference with her.

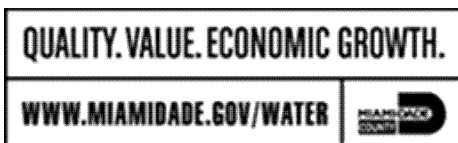
Her direct email address is karlautting@hotmail.com

If you have any questions or concerns please call me.

Have a great weekend.

Sincerely,

Annette Perez-Ruiz
HR Manager, Labor Relations
Human Resources
Miami-Dade Water and Sewer
3071 SW 38 Avenue, Room 143
Miami, FL 33146
786-552-8676
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From: Karla Utting [<mailto:karlautting@hotmail.com>]

Sent: Friday, February 24, 2017 11:44 AM

To: Perez-Ruiz, Annette (WASD) <Annette.Perez-Ruiz@miamidade.gov>; Goldenberg, Bertha M. (WASD) <Bertha.Goldenberg@miamidade.gov>; Brooks, Nicholas (WASD) <Nicholas.Brooks@miamidade.gov>

Subject: Re: Outside Employment - Ethics Review

Good day all,

Please see my answers below:

-What is your position in Dream and Green currently and moving forward? My current position is Executive Director until March 10th. From then onward, I would like to continue helping the organization as an independent consultant to be able to train the new Executive Director. After he/she is trained, I would like to transition to the Board of Directors of Dream in Green.

-What Companies does Dream in Green deal with or receive money or donations from? Dream in Green receives donations from various local corporations including Covanta Energy, Florida City Gas, Vertical Bridge, ERM, Baptist Health South Florida, The Hamra Group, Stearns Weaver, TD Bank, Mercantile Bank, SEED Food & Wine, Waste Management, Southern Waste Systems, C&S Wholesales, Siemens. We also receive money contributions from Foundations, the federal government and local government (in 2015-2016).

-What grants does Dream in Green receive and from whom? Grants we have secured in 2016-2017 are from the U.S. Environmental Protection Agency, the Peacock Foundation, the Children's Trust, the Community Foundation of Broward. We received the 2015-2016 environmental education grant from Miami-Dade County.

-What in-kind contributions has WASD contributed to Dream in Green in the past? WASD contributes with items for the energy and water saving toolkits we provide to participants (residents) of the Water and Energy Learning and Behavior workshops. These workshops are being hosted every month in schools, hospitals, community centers and other venues in Miami-Dade County. The items include 1 reusable water bottles, 3 CFL light bulbs, 1 water saving shower head, 1 shower timer. Also, the Water Use Efficiency Manager at WASD attends the workshops.

Thank you and let me know if you need anything else from me,

Karla Utting
786-444-0602

From: Karla Utting <karla@dreaminggreen.org>
Sent: Thursday, February 23, 2017 10:51 AM
To: Karla Utting (karlautting@hotmail.com)
Subject: FW: Outside Employment - Ethics Review

From: Brooks, Nicholas (WASD) [<mailto:Nicholas.Brooks@miamidade.gov>]
Sent: Thursday, February 23, 2017 11:49 AM
To: Karla Utting <karla@dreaminggreen.org>
Cc: Goldenberg, Bertha M. (WASD) <Bertha.Goldenberg@miamidade.gov>; Perez-Ruiz, Annette (WASD) <Annette.Perez-Ruiz@miamidade.gov>
Subject: Outside Employment - Ethics Review

Karla-

Good Morning. Since the non-profit Dream in Green and you have a prior and continuing relationship with WASD, an ethics opinion has been requested in regards to your outside employment request. You will be working in the Resiliency Program Division in the Energy Management Unit. The relationship is with the Water Use Efficiency Unit of the Resiliency Program. (Table of Organization attached). The prior and continuing relationship is for in-kind contributions from the department in the form of supplies and some staff time for presentations, that are utilized by Dream in Green.

To start the process could you answer the following questions:

-What is your position in Dream and Green currently and moving forward? My current position is Executive Director and from March 13th I would like to continue helping the organization as an independent consultant

-What Companies does Dream in Green deal with or receive money or donations from? Dream in Green receives donation from various local corporations including Covanta Energy, Florida City Gas,

-What grants does Dream in Green receive and from whom?

-What in-kind contributions has WASD contributed to Dream in Green in the past?

Take Care,

Nicholas Brooks, M.P.P., Administrative Officer III

Miami-Dade Water & Sewer Department

AD- Planning & Regulatory Compliance

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