

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, March 09, 2017 2:00 PM
To: Sanchez, Rodzandra (COE)
Subject: John Riley, Commissioner, City of Opa-locka (Exploitation, Interference with administration) INQ 17-63

INQ 17-63 Riley

From: Centorino, Joseph (COE)
Sent: Monday, March 06, 2017 12:51 PM
To: 'jflores@opalockafl.gov' <jflores@opalockafl.gov>
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 17-63 John Riley, Commissioner, City of Opa-locka (Exploitation, Interference with administration)

Commissioner Riley:

You have inquired regarding whether your proposal of an amendment to the FY 2016-2017 budget for the City of Opa-locka zeroing out your salary as City Commissioner and designating it to be used to pay for staff salaries in the City Clerk's Office would violate any ethical prohibitions.

In general, a City Commissioner such as yourself, as well as any citizen, is free to make a gift to the City for any intended purpose, provided it is lawful. A financial gift to a city, especially to a city in dire financial straits as Opa-locka is, may be viewed as a generous contribution to the public good. The City of Opa-locka is free to accept or reject any gift provided to it by a donor. I do not see any ethical issue raised by such a donation under the Miami-Dade County Ethics Code..

However, your proposal and the way in which it would be implemented appears to be something other than a pure gift. Using your position as a City Commissioner to mandate that certain funds that had been designated to pay your salary be re-directed to pay the salaries of designated employees in the City could raise issues under provisions of the City Charter or City Code that are not subject to interpretation or enforcement by the Ethics Commission.

In the event that it were to be determined that the action taken was in violation of the City Charter or Ordinances, then it might constitute an Exploitation of Official Position under Section 2-11.1(g) of the County Ethics Code.

Therefore, it is my advice that, if you would like to re-direct funds, allocated to your salary as City Commissioner, to the City Clerk's department through the budgetary process, that you seek an opinion from the City Attorney before attempting to do so.

Alternatively, as noted above, you may elect to donate certain funds of yours to the City for any lawful public purpose without using your position as a City Commission or the Commission's authority over the City budget. If you were to simply send the funds to the City as a donation, then the City may decide to accept or reject the donation under the proffered terms and there should be no ethical issue raised by the donation. It is assumed, of course, that if you were to do so, you would neither intend to exercise, nor retain, any power or authority over the City Clerk's department or personnel by virtue of the donation, nor be accorded any special services by that Department based upon such a donation.

Joseph M. Centorino

Executive Director and General Counsel

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From: Joanna Flores [<mailto:jflores@Opalockafl.gov>]
Sent: Wednesday, March 01, 2017 4:28 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: John B. Riley, Commissioner - City of Opa-locka <jriley@Opalockafl.gov>
Subject: Request
Importance: High

This email is being sent on behalf of Commissioner John Riley

March 01, 2017

Joseph Centorino, Executive Director
Miami-Dade Commission on Ethics and Public Trust

Dear Mr. Centorino:

I am moralizing our telephone conversation as of yesterday, February 28, 2017 in reference to my zeroing out my salary for the FY 2016-2017 budget. Upon an amendment to an ordinance, I volunteered my salary to go to the staff in the City Clerk's Office to be used for payroll. Although I find nothing unethical about this, I am requesting that you verify and provide a response to me as soon as possible.

As always, I appreciate your assistance in this matter.

Sincerely,
Commissioner John Riley
City of Opa-locka

Sent by:

Joanna Flores, CMC *on behalf of Commissioner John Riley*

City Clerk

City of Opa-locka

780 Fisherman Street, 4th Floor

Opa-locka, FL 33054

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