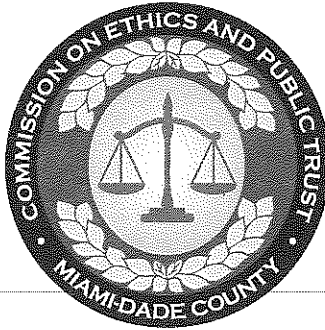


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August 10, 2017

Mr. Lester Sola, Director
Miami-Dade County Water and Sewer Department (WASD)
3071 SW 38th Ave
Miami, FL 33146

Re: **RQO 17-04**
"Reverse Two-Year Rule"
Miami-Dade County Code at §2-11.1(x)

Dear Mr. Sola:

At a public meeting on August 9, 2017, the Miami-Dade Commission on Ethics & Public Trust (Ethics Commission) opined that the Assistant Director of Capital Projects with WASD may not perform contract-related duties with her former employer, AECOM, during the two-year period after leaving employment with AECOM. The contract-related duties include, but are not limited to, oversight, management and administration of capital projects where AECOM is a County bidder, proposer, service provider, contractor or vendor, including the AECOM contract to provide program and/or construction management in connection with the Consent Decree between Miami-Dade County and the Federal government regarding the County's disposal and treatment of sewage and wastewater.¹

The Ethics Commission advised that arrangements should be made to remove the Assistant Director from any duties related to the administration, management, oversight, task authorizations or approvals, meetings, enforcement, negotiations or any other decision-making authority with respect to AECOM agreements with the County, including capital projects under her oversight.

Finally, the Ethics Commission also recommends that any future questions regarding the applicability of Section 2-11.1(x) of the County Ethics Code should be directed to the Ethics Commission's Executive Director prior to a decision to have any County employee or departmental personnel engage in actions with a former employer within two years of his or her former employment where the former employer is a County bidder, proposer, service provider, contractor or vendor.

¹ The COE found that the following activities undertaken by the Assistant Director or Capital Projects for WASD constituted "contract-related" duties: oversight of AECOM (her former employer) to ensure compliance with the Federal mandate on the execution of AECOM's contract with the County under the Consent Decree; approval of task authorizations involving AECOM; attendance and/or participation in meetings with AECOM staff to discuss and review progression of the contract; involvement with issues concerning the County's Consent Decree Program Manager and AECOM.

AS BACKGROUND, in January 2017, the County hired the employee who is the subject of this opinion as the Assistant Director of Capital Projects for WASD. One of the programs within her oversight is covered by the federally-mandated Consent Decree.² In order to meet the requirements under this Federal mandate, the County entered into agreements with several firms to undertake the programs, tasks and activities required therein. The company contracting with the County to provide program and construction management under the Consent Decree is AECOM, the employee's former employer of thirteen (13) years. In fact, the employee, while at AECOM, was involved with the program management of the County contract.³ The employee left AECOM in 2016 and became employed by the County shortly thereafter.

The Assistant Director for Capital Projects is charged with the oversight of several WASD programs. With respect to the Consent Decree, she is responsible for ensuring that the Consent Decree program is executed timely and within budget, however, she is not involved with fee negotiations concerning AECOM. Her duties include assistance to the County's Senior Program Manager assigned to day-to-day oversight of the work being performed by AECOM under the contract. She participates in meetings with AECOM to discuss issues concerning the Consent Decree Program. Additionally, she is one of several supervisors who approve task authorization requests submitted by AECOM.

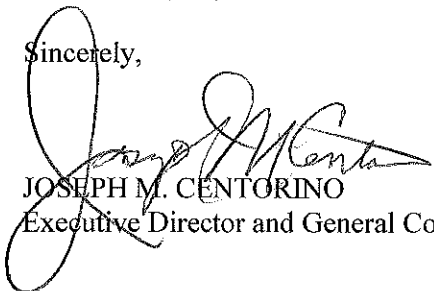
THE COUNTY ETHICS CODE Section 2-11.1(x) ("Reverse Two-Year Rule"), prohibits County employees and departmental personnel from performing contract-related duties for two years following termination of the employee's employment where his or her former employer is a County service bidder, proposer, service provider, vendor or contractor. This prohibition is broad and does not contain any specified exceptions. To that end, it becomes imperative for all employees to avoid any and all instances which create or appear to create a conflict between their former employers and their present public duties.

Finally, any reliance on RQO 05-49 should be discontinued. RQO 05-49 was never presented to the full Ethics Commission and hence, has no official precedential status on the interpretation or applicability of Section 2-11.1(x) of the County Ethics Code. It is effectively overruled by this RQO.

This opinion construes the Miami-Dade County Ethics Code and is not applicable to other conflicts under County and State laws.

If you have any questions regarding this opinion, please contact the undersigned or Staff Attorney Martha D. Perez at (305) 579-2594.

Sincerely,



JOSEPH M. CENTORINO
Executive Director and General Counsel

² The Consent Decree was entered into in April 2014 between Miami-Dade County, the EPA and Florida DEP. It is a 15-year program worth approximately 1.6 billion, which requires the County to undertake a series of projects, tasks and activities in its wastewater system.

³ The employee was the Deputy Program Manager for AECOM under the County contract.