



# MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

**Meeting of January 19, 2022**

The Miami-Dade Commission on Ethics & Public Trust (COE) held a meeting on January 9, 2022. Physically present were Chairman Nelson Bellido, Vice Chairwoman Judith Bernier, and Commissioner Wifredo Gort. Also present were José Arrojo, Executive Director; Martha Perez, General Counsel; Radia Turay, Advocate, Loressa Felix, Staff Attorney; Drew Bunker, Staff Attorney; Etta Akoni, Staff Attorney, Leonardo Mendoza, Public Information Officer; Rachelle Ross, Commission Clerk; Investigators Nilda Olmo, Rodney Vega, Susannah Nesmith and Karl Ross, and members of the public. The meeting was called to order at 10:07 a.m. by Chairman Bellido. A quorum was present.

## **I. Approval of Minutes**

Commissioner Gort moved to approve the minutes of the November 10, 2021, meeting. Vice Chair Bernier seconded it and it was approved **(3-0)**.

## **II. Public Comment**

None.

## **III. Resolution 22-01**

General Counsel Martha Perez presented a Resolution (22-01) for consideration by the Commission recommending that the County Ethics Code be amended to include “siblings” in the definition of immediate family members. Commissioner Gort moved to adopt the Resolution. Vice Chair Bernier seconded it and it was approved **(3-0)**.

## **IV. Summary of Section 8 Landlord Requests**

Staff Attorney Etta Akoni presented one request from a County employee wishing to contract under the Federally- funded Section 8 Program. In the case of this individual, neither she nor any of her immediate

family members were employed by the Miami-Dade Public Housing and Community Development Department so Commission staff opined there was no conflict.

#### **V. Public Housing and Community Development Housing Assistance Inquiries**

Staff Attorney Bunker presented a summary of requests from 11 individuals seeking assistance through a program overseen by the Miami-Dade Public Housing and Community Development Department. In the case of eight of those County employees, since neither they nor any of their immediate family members oversee or administer the program, Commission staff opined there was no conflict . In the case of three individuals, the COE had no jurisdiction.

#### **VI. Monthly Summary of Inquiries**

- Staff Attorney Loressa Felix presented a Summary of Inquiries issued by the COE for November and December and discussed **INQ 2021-156**. In this informal opinion, an inquiry was made as to whether any potential conflict of interest provision prevented a member of the Westchester Community Council/Zoning Appeals Board from serving in the Municipal Advisory Committee for the potential incorporation of Westchester.

The requester was advised that the Miami-Dade County Code prohibits County board members from simultaneously serving on any other County board while serving on the Community Council or Community Zoning Appeals Board.

- Chairman Bellido commended Commissioner Rebeca Sosa and her senior staff for continually inquiring for opinions from the Ethics Commission.

#### **VII. Executive Director's Report**

- The Commission on Ethics board and staff presented Nelson C. Bellido with a plaque recognizing him for his two-year term as Chairperson of the Ethics Commission. Chairman Bellido will continue to serve on the board as a Commissioner.

- Chairman Bellido moved to nominate Vice Chair Judith Bernier as the new Chairperson of the Ethics Commission. Commissioner Gort seconded it and it was approved **(3-0)**.

- Chairman Bellido moved to nominate Commissioner Gort as the new Vice Chair of the Ethics Commission. Vice Chair Bernier seconded it and it was approved **(3-0)**.

- Staff Attorney Loressa Felix provided an update to the Commission regarding John Riley's appeal, specifically, his claim of state preemption and unconstitutional vagueness of the County Ethics Ordinance.

- Executive Director Jose Arrojo updated the Commission as to proposed new legislation to the County's Gift Ordinance. The Ethics Commission was briefed on proposed revisions to the Ethics Code's Gift section and limitations on County and municipal employees' ability to solicit gifts on behalf of local governments in the performance of their official duties. Specifically, Mr. Arrojo indicated that Miami-Dade County Commissioner Rebeca Sosa was surprised that the County Ethics Code allowed rank and file employees across County service and the municipalities to solicit on their own a donation to help them with their own job. The amendment to the ordinance will limit that authority to elected officials and staff as well as senior government executives. The proposal is pending before the Board of County Commissioners.
- Executive Director Arrojo advised the Commission that matters regarding the revision to the COE internal policies and procedures manual as well as the update on the lead investigator consultation with the COE's Personnel Chair which will be revisited once follow up meetings are concluded with the Advocate, the Executive Director, and Vice- Chair Bernier.
- Executive Director Arrojo advised the Commission that the COE annual report was completed, and digital copies had been sent out to the community as well as COE Commissioners. The Commission was advised that the hard copy version of the report is currently being printed and would be made available in the upcoming days.
- General Counsel Martha Perez presented her self-evaluation and agency productivity report. Commissioner Gort moved to approve a 5% increment in the annual salary of General Counsel Perez. It was seconded by Vice Chair Bernier and unanimously approved **(3-0)**.

## **VIII. Summary of Closed Investigations**

COE Advocate Radia Turay presented the Commission with a summary of closed investigations.

## **IX. Complaints (In Executive Session) at 11:05AM**

General Counsel Martha Perez notified the Commission regarding two complaints filed in November and one in December.

General Counsel Martha Perez made a recommendation to dismiss complaint **(C 21-29-11)** for lack of legal sufficiency. In open session, Vice Chair Bernier moved to approve the dismissal of the complaint due to lack of legal sufficiency. It was seconded by Commissioner Gort and unanimously approved **(3-0)**.

General Counsel Martha Perez made a recommendation to dismiss complaint **(C 21-31-11)** for lack of legal

sufficiency. In open session, Vice Chair Bernier moved to approve the dismissal of the complaint due to lack of legal sufficiency. It was seconded by Commissioner Gort and unanimously approved **(3-0)**.

General Counsel Martha Perez presented a request by the complainant to withdraw complaint **(C 21-30-11)**. In open session, Vice Chair Bernier made a motion to approve the withdrawal of the complaint. It was seconded by Commissioner Gort and unanimously approved **(3-0)**.

Advocate Radia Turay presented a Motion to continue complaint **(C 22-02-01)**. Vice Chair Bernier moved to approve the Motion for Extension of Time until the February Commission meeting. It was seconded by Commissioner Gort and unanimously approved **(3-0)**.

Advocate Radia Turay presented a Motion to continue complaint **(C 22-02-01)**. Vice Chair Bernier moved to approve the Motion for Extension of Time until the February Commission meeting. It was seconded by Commissioner Gort and unanimously approved **(3-0)**.

Advocate Radia Turay presented a Respondent's Request for Continuance in complaint **(C 21-20-07)**. Vice Chair Bernier moved to approve the Request for Continuance and allow the Defense Counsel to appear via Zoom at the February commission meeting. It was seconded by Commissioner Gort and unanimously approved **(3-0)**.

#### **X. Subpoena Requests**

Six Subpoena requests were made and granted in case **PI 21-57**.

#### **XI. Old Business**

None.

#### **XII. Adjournment**

There being no further business, the meeting adjourned at 11:47 AM.