

INQ 05-61

Meyers, Robert (COE)

From: Meyers, Robert (COE)
Sent: Tuesday, April 19, 2005 9:42 AM
To: Gazitua, Luis Andre (Mayor's Office)
Subject: RE: Inquiry

Mr. Gazitua,

The Ethics Commission has issued opinions in the past that address the question of employees seeking donations from co-workers to benefit their favorite charities. Although this is not a completely analogous situation, I would reiterate the position that employees engaging in non-county related activities during working hours during working hours would not be proper. If such activities occur off-duty, then Administrative Order 7-2 probably controls and would be consistent with the Ethics Commission's opinions that County employees should be engaged in work-related activities only when they are on the clock and should not use County resources to further these ends. The exception would be in cases where the County Commission passes a resolution or directive stating that the BCC endorses a particular cause. For example, it may be perfectly acceptable for County employees to solicit businesses for assistance during working hours after a natural disaster or where the BCC believes a ballot question presented to the voters should be approved. In both cases, it would be permissible for County employees to engage in these actions during their workday and use County resources to accomplish the BCC objectives. In effect, the BCC has essentially deemed these activities as being related to one's employment, although the BCC could not force an employee to take on these tasks.

The Ethics Commission has defined the term county property in a fairly narrow sense; that is; resources county employees have at their disposal to perform their jobs. In the broader context, I can think of many dimensions to this term – outside a county building, in the lobby of a County building, in a "private" office, etc. and these distinctions are not ones for the Ethics Commission to make.

I'd like to be more helpful, but our office has to be careful not to render opinions outside our jurisdiction.

Robert Meyers

From: Gazitua, Luis Andre (Mayor's Office)
Sent: Thursday, April 14, 2005 11:17 AM
To: Meyers, Robert (COE)
Cc: Morales, Denis (Mayor's Office); Mallette, Victoria (Mayor's Office); Gonzalez-Hernandez, Amy (Mayor's Office)
Subject: RE: Inquiry

Mr. Meyers,

In order to refine my inquiry in an attempt to remove it from the CON LAW analysis, I would like to propose a new inquiry.

Whether a county employee may circulate a petition, during working hours and on county property, for the purpose of collecting signatures in order to amend ordinances or the Miami-Dade County Home Rule Charter.

Best,

LUIS A. GAZITUA, ESQ.
SENIOR ADVISOR TO MAYOR ALVAREZ

4/19/2005

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From: Meyers, Robert (COE)
Sent: Thursday, April 14, 2005 9:12 AM
To: Gazitua, Luis Andre (Mayor's Office)
Subject: RE: Inquiry

Mr. Gazitua,

Sorry I haven't responded sooner. I reviewed your inquiry and it isn't so much a question of ethics, but rather a question that requires an analysis of constitutional issues. Given that our office does not have the authority to review constitutional questions, our office will decline to issue an opinion on this subject.

Thank you,

Robert Meyers

From: Gazitua, Luis Andre (Mayor's Office)
Sent: Tuesday, April 12, 2005 9:28 AM
To: Meyers, Robert (COE)
Cc: Mallette, Victoria (Mayor's Office); Gonzalez, Delivette (Mayor's Office)
Subject: Inquiry

Mr. Meyers,

Our Office has received numerous requests regarding making political action committee petition forms available at different Miami-Dade County Government offices.

In order to properly advise this Office I'd like to pose an inquiry to the Ethics Board. Here is my inquiry:

Whether a political action committee's petition forms may be made available in Miami-Dade County Government offices, for the purpose of collecting signatures, in order to amend ordinances or the Miami-Dade County Home Rule Charter.

Best regards,

LUIS A. GAZITUA, ESQ.
SENIOR ADVISOR TO MAYOR ALVAREZ

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