

INQ 05-66

Ethics (COE)

From: Ethics (COE)
Sent: Wednesday, May 04, 2005 4:33 PM
To: Barry, Violet T. (CMO)
Subject: RE: Can a (CMO) County Employee Establish a Religious & Educational Non-Profit Organization?

Ms. Barry,

Let me do my best to respond to all of your questions. There is nothing in the County Conflict of Interest and Code of Ethics Ordinance that precludes you from organizing a non-profit agency. If you are going to receive compensation from the non-profit, you need permission to engage in these activities, as it would amount to outside employment. Secondly, as far as I can tell, there is no conflict if the non-profit's programs were housed in a County facility. The bigger problem involves seeking County funding. You would not be permitted to play a role in this process. This means you would be prohibited from appearing before a County board to make a presentation on behalf of the non-profit and you could not meet with County staff as a representative of the non-profit. In essence, you are barred from having any contact with the County that involves soliciting funds for the agency. Moreover, if you had other officers of the non-profit do this work and you successfully received funding from the County, in all likelihood, you would be barred from dealing with County on any contract administration issues that might arise during the course of the contract. Once again, others on your board could handle these responsibilities.

If you have any additional questions or if wish to discuss the above in more detail, please contact me at your convenience.

Thank you,

Robert Meyers

From: Barry, Violet T. (CMO)
Sent: Wednesday, May 04, 2005 9:28 AM
To: Ethics (COE)
Subject: Can a (CMO) County Employee Establish a Religious & Educational Non-Profit Organization?

Mr. Robert Meyers, Executive Director
 Miami-Dade County Commission on Ethics

May 4, 2005

(via e-mail)

Dear Mr. Meyers,

I work as a Records Management Coordinator directly for the County Manager. My job description and position is a clerical one where my job duties includes keeping track of all outgoing and incoming correspondence to the County Manager, as well as, to provide support to the Manager's two secretaries and his assistants who are all my supervisors.

I am in the process of setting up a religious/educational Christian non-profit organization, of which, we are starting out from scratch. Because part of the programs we are offering year-round falls into theatrical/performing arts, music, etc. – the non-profit organization was told that the center could house our evening/weekend programs/events at the Miami-Dade County Parks & Recreation's African Heritage Cultural Arts Center located on 6161 NW 22nd Avenue as a Resident Program year round. Also, as a non-profit, in the future the organization would be trying to raise money to pay for the application and submittal fees to incorporate, as well as, asking for donations, submitting grant applications, etc. in the future, etc.

5/4/2005

My question is this: As a county employee, who works for the County Manager, does my being part of/or organizing a religious/educational non-profit organization conflict with my current position with the Office of The County Manager? In what ways can I participate in such a venture if not in the capacity of Founder or President without it being a conflict to my employment position with County Government? Also, is it true that because I am a County employee, it would pose a conflict of interest for the non-profit organization to submit any applications for educational/religious grants from local government? If my non-profit organization did not apply for County grants/funding, would that keep my role in the organization clear of any potential conflicts of interest with my current job? Does having part of the organization's programs housed at a County Facility on nights and weekends pose a conflict of interest for me even though my work hours are from 8:00am to 5:00pm Monday to Friday?

Thanks for all of your help and time. I greatly appreciate it. - Violet

Violet T. Barry
Office of The County Manager
(305) 375-5182 Telephone
(305) 375-1262 Fax
barv@miamidade.gov
<http://www.miamidade.gov>
"Delivering Excellence Everyday"