

Meyers, Robert (COE)

From: Meyers, Robert (COE)
Sent: Wednesday, April 12, 2006 9:42 AM
To: Meyers, Robert (COE)
Subject: Inquiry

I spoke to Jean Olin, Deputy City Attorney for Miami Beach, on April 11, 2006 and she inquired about whether a city vendor who has entered into a consulting agreement with a city employee may pay for the consultant's travel. The concern is that vendors are prohibited from paying travel expenses for city employees and Ms. Olin asked whether the rule would apply in this case. I conferred with Victoria Frigo and Ardyth Walker and the three of us agreed that the vendor would be permitted to pay for this travel without triggering a violation of this ordinance provision. The rationale for this provision is to avoid the perception that government officials/employees are likely to favor vendors/bidders who are willing to pay for them to travel, especially to desirable locations. In this case, this particular concern is alleviated so long as the city employee received permission from the city to engage in outside employment with a city vendor and the employee will play no role whatsoever in the vendor selection process, assuming this vendor seeks to do future business with city, and the employee has no responsibility for the administration or enforcement of the contract. It does not appear that the intent of this provision is to dictate to a private employer the expenses the employer ought to cover for his employee – even when the employee/consultant is primarily employed by government. The assumption is that any potential conflict that could be created by the outside employment relationship was addressed when the city approved the outside employment in the first place.

On a related note, it does not make sense for local government commissions/councils to consider waivers to allow vendors to pay for travel for city employees in these circumstances, either. The public/community receives no benefit if private companies pay for their employees to travel or reimburse their employees for there travel, so there is no justification for the governing body to take official public action on matters that have nothing to do with the public's business.

Robert Meyers

4/12/2006