

Prkic, Christina (COE)

INQ B-02

To: apalenzuela@wsh-flalaw.com
Subject: Per your request

Hi Alex:

This email serves as a response to your telephone inquiry regarding whether any prohibited conflicts exist where the spouse of a city manager works for, but has no controlling financial interest in, a development company that has substantial business commitments with the city. Her job with the company entails frequently meeting with city planning officials and other government personnel, applying for permits and attending various government meetings.

Firstly, there is no legal conflict under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance which would prohibit the city manager's spouse from continuing to work with the company. However, pursuant to the Code's disclosure requirements, specifically Section 2-11.1 (f) "*Compulsory Disclosure*," the city manager should disclose this employment relationship since the company has substantial business commitments with the city.

Additionally, you mentioned that there may be occasions where the manager is required to approve, recommend or review issues/matters related to the development company. In these instances, the city manager should delegate those duties to another individual in order to minimize the appearance of impropriety. See advisory opinion 02-63, which I've attached, as well as the inquiry response below. Inquiries are informal opinions made by staff which have not been reviewed by the Ethics Commission.

Should you need any additional information, please do not hesitate to call.

Christina



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INQUIRIES

JAN. 01-04 Voting Conflicts-Carlos Duarte, an engineer in the Plans Review Section of the Public Works Department, was planning on serving on a selection committee scheduled to review his son's firm's bid proposal. Whether or not the son is making an oral presentation is immaterial; the father/County employee should recuse himself when his son's firm is a proposer. Also, subsection (f) requires that employees disclose the fact that their immediate family members are employed by firms contracting with the County.