

# Memo

**To:** Alphonse Brewster  
Deputy Director  
Miami-Dade Housing Agency

**From:** Ardyth Walker  
Staff General Counsel

**Date:** 2/5/03

**Re:** INQUIRY 03-06

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I received your request for an informal opinion regarding an appointment to the Miami Gardens Charter Commission. You requested an opinion as to whether there is a conflict of interest between your service on the Charter Commission and your position as Deputy Director of the Miami-Dade Housing Agency. Since this is an informal opinion, the Ethics Commission has not considered this matter.

Pursuant to Section 20-24 of the Code of Miami-Dade County, the Board of County Commissioners is required to establish a charter commission for any new municipality approved by the voters. The Charter Commission is empowered to draft the charter for the new municipality. Section 20-26 further provides that all new municipalities must remain a part of the Miami-Dade County Fire-Rescue District, the Miami-Dade Library System and the Miami-Dade Solid Waste Collection System. Finally, Section 20-26 requires the municipality to contract with the county for certain police services.

As Deputy Director of the Miami-Dade Housing Agency, you are responsible for the department's Affordable Housing programs, Development and Loan programs, Public Housing Programs and Finance and Administration.

The Conflict of Interest and Code of Ethics ordinance permits you to serve as a member of the Charter Commission and Deputy Director of the Miami-Dade Housing Agency. The Code permits county employees to serve on county created boards or commissions as long as the service does not require the employee to disclose confidential information or use their official position to secure special privileges for the board. Since Section 20-26 of the code establishes the county services that will be provided to the new municipality, you will not be required or induced to disclose confidential information or to use your official position to secure special privileges for the new municipality. Therefore, the Conflict of Interest and Code of Ethics ordinance permits you to serve as a member of the Miami Gardens Charter Commission.

Please call me at 350-0616 if you have any additional questions or need additional information.

IND 03-06

**Walker, Ardyth (COE)**

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**From:** Brewster, Alphonso K. (MDHA)

**Sent:** Monday, February 03, 2003 11:20 AM

**To:** Walker, Ardyth (COE); Rodriguez, Rene (MDHA)

**Cc:** Johnson-Stacks, Cynthia (CA)

I am formally requesting a legal opinion from the Commission on Ethics with regard to my ability to serve as a member of the Charter Review Committee for the proposed new "City of Miami Gardens". Specifically, I would like to know if it would pose a conflict of interest for me to serve as a member of the Charter Review Committee in my capacity as a Miami Dade County employee? I am a resident of the proposed new city and I want to thank you for your quick response to my request.

Al Brewster