

July 31, 2003

Dorin D. Rolle, President & C.E.O.
The James E. Scott Community Association
2389 N.W. 54th Street
Miami, FL 33142

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ARDYTH WALKER
STAFF GENERAL COUNSEL

Dear Commissioner Rolle,

Thank you for your letter dated July 28, 2003 and I want to respond in a timely fashion. You state in your letter that your agency, J.E.S.C.A., has an interest in responding to an invitation to bid issued by Miami-Dade Transit and you cite and attach an earlier opinion you received from my office, dated October 9, 2002, which states that your position as a County Commissioner should not preclude J.E.S.C.A. from transacting business with the County. Provided certain conditions are met, I re-affirm the statement that J.E.S.C.A. can contract with the Miami-Dade County as long as you do not participate in this process. In order for J.E.S.C.A. to compete for this award, I recommend you take the following course of action:

- 1) You should not be involved in the drafting of any proposal that is generated by your agency in responding to the invitation to bid;
- 2) In the event your agency is requested to appear before a County board or committee to make an oral presentation in support of its proposal, such a presentation is made by your board members or your staff;
- 3) You should not discuss the agency's proposal with County officials or staff and if this matter comes before the County Commission, you must absent yourself from the proceedings, as you would be prohibited from participating in or voting on this item;
- 4) If J.E.S.C.A. receives the contract award, you should not include yourself in the administration of the contract. In fact, you should not sign any contract documents, requisitions, invoices, etc., if they are tied to this particular contract;
- 5) Lastly, if a dispute were to arise between the County and J.E.S.C.A. regarding any terms or conditions contained within this contract, you would not intervene in your capacity as a County Commissioner or as the President of J.E.S.C.A. in an effort to resolve the dispute.

If you have any questions or if you wish to discuss the above in greater detail, do not hesitate to contact me at your convenience.

Sincerely,

Robert Meyers
Executive Director



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THE JAMES E. SCOTT COMMUNITY ASSOCIATION, INC.

2389 N.W. 54th STREET • MIAMI, FLORIDA 33142 • PHONE: (305) 637-1053/(305) 637-1000 • FAX: (305) 638-4642

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July 28, 2003

Mr. Robert Meyers, Executive Director
Commission on Ethics & Public Trust
19 West Flagler Street, Suite 207
Miami, Florida 33130

Dear Mr. Meyers:

An earlier opinion by your office stated that my function as a County Commissioner would not, under certain circumstances, preclude the James E. Scott Community Assoc. (J.E.S.C.A.), of which I am President and C.E.O., from entering into contractual relationships with the County. See attached.


By this correspondence, I am requesting another opinion from your office as to whether J.E.S.C.A. may respond to an invitation to bid issued by Miami-Dade Transit ("MDT") seeking a vendor to provide bus washing services (internally & externally) including all laborers, chemicals and supplies.

Additionally, J.E.S.C.A. would like to submit a bid in response to an invitation to bid that MDT may issue requesting cleaning services to all bus stops including all laborers, chemicals and supplies.

Currently, J.E.S.C.A. has contracts with OCED, DHS, C.A.A. (Head Start), and the Homeless Trust. The staff persons employed by J.E.S.C.A. who are responsible for all county contracts and RFP's etc. are Sylvia Styles, Executive Vice President, and Andrea Young, Compliance Officer.

I would be grateful if you would provide me with an opinion as soon as possible.

Yours for a Better Community,


Dorrin D. Rolle
President & C.E.O.

Daytona Beach Community College
Community Transition Program


Miami-Dade County Public Schools
giving our students the world


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DHS
ALLIANCE
FOR
AGENCY...


A United Way Agency





October 9, 2002

Commissioner Dorrin D. Rolle
District Two
111 N.W. 1st Street, Suite 220
Miami, FL 33128

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ROBERT A. MEYERS
EXECUTIVE DIRECTOR

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ARDYTH WALKER
STAFF GENERAL COUNSEL

Dear Commissioner Rolle,

Thank you for calling a meeting with Murray Greenberg and Gerald Sanchez from the County Attorney's Office and me to clarify how the County's Code of Ethics and Conflict of Interest Ordinance applies to you as a County Commissioner and president of JESCA, a not-for-profit agency based in Miami-Dade County. We addressed a number of points, which you have asked me to summarize. As you know, there must be a clear line of separation between your duties as a county commissioner and your responsibilities as the head of an agency located in Miami-Dade County. However, standards should not be imposed upon you that unnecessarily hamper your ability to effectively serve your community as an elected official or hinder your ability to manage your agency. Our conversation covered two major areas: 1) potential voting conflicts and 2) gift solicitations. I recommend the following courses of action:

- 1) Voting conflicts -- To avoid potential voting conflicts, you must not participate in or vote on any matters coming before the Board of County Commissioners or any of its committees involving JESCA. I strongly suggest you absent yourself from any proceeding or discussion when the subject of JESCA is raised.
- 2) Gift solicitation -- You indicated that fundraising is a necessary component of your job at JESCA and you may, on occasion, directly take part in these activities. You advised me that letters of solicitation prepared on behalf of your agency are generally signed by the chairman or vice-chairman of the your Board of Directors and your name does not appear in these solicitation letters. I find this is the prudent approach and when you must solicit gifts or donations to JESCA, you state clearly that you are doing so in your position as president of the organization, not as a county commissioner. Moreover, any campaign mounted by your agency to increase funding ought to be broadly based. In other words, you would be creating an appearance of impropriety, at the very least, if you targeted your fundraising efforts to those individuals and firms doing business with the County, seeking to business with the County or only those who have given to your political campaign in the past. Finally, I know you understand how important it is to avoid using your County letterhead or other trappings of your office to benefit your agency.



Please use the above as guiding principles but understand that if other circumstances arise that require clarification or an ethics opinion, feel free to contact me at your earliest convenience.

Sincerely,

Robert Meyers

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ARDYTH WALKER
STAFF GENERAL COUNSEL

cc: Murray Greenberg, Esq., Office of the County Attorney
Gerald Sanchez, Esq., Office of the County Attorney