

Meyers, Robert (COE)

TN9 04-105

To: Prats, John (CITT)
Subject: RE: Conflict of Interest Question

John,

Sorry for not responding sooner, but things have been exceptionally busy lately. As a general rule, the County Conflict of Interest and Code of Ethics Ordinance prohibits board members from transacting business with the County. This restriction applies to the board member, his/her immediate family, or any firm or business entity in which the board member has a controlling financial interest. According to the ordinance, however, a board member may contract with the County as long as the county department in question is not subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board of which the person is a member. Therefore, based upon the facts of this case; that is, the contract is with the Parks Department and the scope of the work to be performed under the contract is unrelated to any matter within the purview of the Citizens' Independent Transportation Trust, then I would conclude the Code of Ethics Ordinance permits the Trust member to bid on this Parks and Recreation RFP and enter into a contract with Parks (if he is the successful bidder) without having to resign from the Trust.

On the other hand, Ordinance 02-117, which I believe is the enabling legislation for the CITT, may yield a different result. The Ethics Commission has no authority to interpret 02-117 and you should check with the County Attorney's Office for an opinion.

If you wish to discuss the above with me in more detail, feel free to contact me at your convenience.

Thanks,

Robert Meyers

-----Original Message-----

From: Prats, John (CITT)
Sent: Wednesday, August 18, 2004 3:24 PM
To: Prats, John (CITT); Meyers, Robert (COE)
Subject: RE: Conflict of Interest Question

Just following up, do you need me to do anything else on this?

-----Original Message-----

From: Prats, John (CITT)
Sent: Thursday, July 08, 2004 6:45 PM
To: Meyers, Robert (COE)
Subject: Conflict of Interest Question

Hello Mr. Meyers: I hope all is well. Please accept this medium as a formal request for an opinion by the Ethics Commission.

As you know, Ordinance 02-117 states, "No person shall be eligible to serve as a member of the Trust who has any interest, direct or indirect, in a contract with the County or in any corporation, partnership or other entity that has a contract with the County, or who is a member of a community council."

One of our Citizens' Independent Transportation Trust (CITT) Members is considering bidding on a Parks and Recreation RFP. This RFP is not related to the People's Transportation Plan nor does it involve transportation.

Is the member able to bid without having to resign from the Board? If having to resign, would it have to occur prior to bidding or only if the contract is awarded?

Thank you for your time and attention to this matter,

John C. Prats

Assistant to the Executive Director
Citizens' Independent Transportation Trust (CITT)
Phone: 305-375-3295
Email: jprats@miamidade.gov <<mailto:jprats@miamidade.gov>>