

Memo

To: Jurgen Teintze
TIF Coordinator
Office of Strategic Business Management

From: Ardyth Walker
Staff General Counsel

Date: 5/18/2004

Re: INQUIRY 04-48

I received your request for an informal opinion regarding any limitations on a contract between Miami-Dade County and a former employee. Since this is an informal opinion, the Ethics Commission has not considered this matter. Please notify me if you want the matter placed on the Ethics Commission's agenda.

According to your letter, Miami-Dade County is seeking to enter into a contract with John Ritsema to serve as a coordinating agent on a county construction project. Ritsema served as Chief of Construction for the Public Works Department when he retired on March 31, 2004. As Chief of Construction, Ritsema was responsible for the Contracts and Specifications, Permits, Permit Inspections and Construction Contract Management Divisions.

As coordinating agent for the County, Ritsema's duties will include review of change orders, payment requests and design changes for the Naranja Lakes Redevelopment Project. The Naranja Lakes Redevelopment Project is receiving financing from Miami-Dade County.

Miami-Dade County may hire Ritsema to serve as a coordinating agent. Section 2-11.1 (q) (two-year rule) governs post-employment restrictions on county employees. The two-year rule only prohibits former employees from lobbying county agencies on behalf of a third party for two years after they leave county employment. Section 2-11.1(q)(1) provides that no person who has served as an elected county official, i.e. mayor, county commissioner, or a member of the staff of an elected county official, or

as county manager, senior assistant to the county manager, department director, departmental personnel or employee shall for a period of two years after his or her county service or employment has ceased, lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or (1) one of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect.

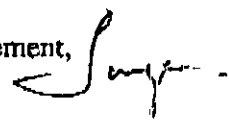
The two-year rule permits Ritsema to contract with Miami-Dade County to provide services. Therefore, Ritsema may serve as a coordinating agent.

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

1HQ
~~RPO~~ 04-48

To: Ardyth Walker
Ethics Commission
Fax: 305 579 0273

From: Jurgen Teintze
TIF Coordinator, Office of Strategic Business Management,
Tel 305 375 1537, Fax 305 375 5168



Dear Ms. Walker,

Prior to the County engaging John Ritsema as a Contractor to become a coordinating agent who is to monitor and verify payment requests of a county-reimbursed construction project (\$18million over three years) that will be ultimately paid for by the (County's) Naranja Lakes Community Redevelopment Agency, could you verify that no conflict appears to exist.

Previous position at Miami-Dade County (retired as of March 31, with 30 years service)
Chief of Construction Division of PWD (from 1995 to 2004)

Supervised sections:

Contracts and Specifications Section

Permits

Permit Inspection

Construction Contract Management Section (Bid Awards, payments, change orders, coordination of design, utilities, other agencies)

Future Responsibilities as Contractor

Part-time problem solving, review and recommendation (R&R) based on single project construction timetable. Duration of up to 3 years. County (OCED) to contract with established Ritsema Consulting Inc (Professional Engineer), licensed, registered and approved on County's vendor list. Occupational licenses verified. Workplace: home office and field. Supervision: None (coordinates with office of strategic business management's TIF coordinator, PWD, CMO)

Responsibilities:

Monitor and understand activities and procedures of the developer who is acting as County's agent for implementing a redevelopment improvement project at Naranja Lakes.

R&R for Bid Award County Approval

R&R reimbursement requests of Developer

R&R requests for County approval of change orders, design changes, budget reallocations

R&R monitor the maintenance of as build information and testing and other records