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ETHICS COMMISSIONERS

June 14, 2004

Kerry E. Rosenthal, Chairman
Robert H. Newman, Vice Chairman
Gail Dotson
Dawn Addy
Elizabeth M. Iglesias

Gail Birks Askins
CMA Enterprises Incorporated
9821 S.W. 165th Terrace
Suite One
Miami, Florida 33157

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

RE: REQUEST FOR ADVISORY OPINION 04-95

Dear Ms. Askins:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 11, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between your service on the Efficiency and Competition Commission ("ECC") and serving on a management oversight committee for MOVERS, Inc.

In your letter, you advised the Commission that you serve as President and CEO of CMA Enterprise Incorporated ("CMA"). CMA is an organizational development and strategic management consulting firm. The firm provides assistance with companies on productivity and efficiency issues. The company also provides training in dispute resolution and leadership.

CMA is entering into an agreement with the Local Initiative Support Corporation (LISC) to provide management services for MOVERS, Inc. MOVERS is a not-for-profit organization providing services to clients with HIV/AIDS. The services include outpatient medical care, housing assistance, case management, pastoral

care and community outreach. MOVERS receives funding from Miami-Dade County as well as the City of Miami and other state and federal agencies.

Under the agreement, CMA will review programs, operating procedures, personnel, financial management and regulatory compliance issues. CMA will serve as a part of a management oversight committee.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to provide management oversight services to MOVERS, Inc. while serving as a member of the Efficiency and Competition Commission.

Members of the ECC are autonomous personnel as defined in Section 2-11.1(b)(2). Section 2-11.1(b)(2) provides that "the term autonomous personnel shall refer to the members of semi-autonomous authorities, boards and agencies as are entrusted with the day to day policy setting, operation and management of certain defined County functions or areas of responsibility, even though the ultimate responsibility rests with the Board of County Commissioners."

The ECC has broad authority to review, implement and evaluate programs designed to increase efficiency. However, approval by the Board of County Commissioners is required to implement some proposals reviewed by the ECC and ultimate authority for policy regarding productivity and efficiency remains with the Board of County Commissioners. The members of the ECC are also entrusted with policy setting and operation of productivity and efficiency operations for county government.

The Conflict of Interest and Code of Ethics ordinance permits autonomous personnel to contract with third parties to provide services to agencies that receive county funding. However, pursuant to Section 2-11.1(n) (actions prohibited when financial

interests involved), you should not take any action as a member of the ECC that may affect your contract with LISC or MOVERS, Inc.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", written in black ink.

ROBERT MEYERS
Executive Director