



ETHICS COMMISSIONERS

Kerry E. Rosenthal, CHAIRPERSON
Gail A. Dotson, VICE CHAIRPERSON
Seymour Gelber
Dawn E. Addy
Brenda Rivera

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

November 16, 2005

Georgia Ayers
The Alternative Programs, Inc.
151 N.W. 60th Street
Miami, FL 33127

RE: REQUEST FOR ADVISORY OPINION RQO 05-117

Dear Mrs. Ayers:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on November 15, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether your organization may contract with the Youth Crime Task Force to provide services.

In your request, you advised the Commission that you serve as a member of the Youth Crime Task Force. The Youth Crime Task Force was established in 1997 to address issues related to youth crime prevention and violent crimes committed by juvenile offenders. Most task force members serve in an ex-officio capacity including two County commissioners, the Director of the Miami-Dade Police Department, Chief of the Miami Police Department and the head of the Juvenile Division of the Public Defender's Office. The task force enabling ordinance also requires the appointment of several service providers to the board.

The Youth Crime Task Force recently issued a Request for Proposals/ Request for Qualifications to community-based organizations to provide services for

juvenile offenders and children who are at-risk due to exposure to violence, drug and alcohol abuse and poor academic performance. The RFQ requests proposals from organizations who can provide services in a number of areas including: 1) Family and Child Empowerment; Community Control; Juvenile Weapons Offender Programs; Family Intervention Services; Post Detention Girls' Programs; Sibling Model Programs; Programs for Children 12 and under and Program Evaluation.

You are also the Executive Director of The Alternative Programs, Inc. The Alternative Program is a 501(c)(3) corporation that provides programs for juvenile offenders. The Alternative Program's services include tutoring, individual and family counseling, attendance at hearings and meetings with probation officers, home visits and monitoring compliance with court orders.

The Ethics Commission found The Alternative Program may receive funding from the Youth Crime Task Force. Section 2-11.1(c)(3) permits advisory board members to contract with the county under certain circumstances. Section 2-11.1(c)(3) provides that "Notwithstanding any provision to the contrary herein, Subsection (c) and (d) shall not be construed to prohibit any person defined in Subsection (b)(2) (autonomous personnel); (b)(3) (quasi-judicial personnel) and (b)(4) (advisory personnel) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the board member or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County. However, any person defined in Subsection (b)(2), (b)(3) and (b)(4) is prohibited from contracting with any agency or department of Miami-Dade County subject to the regulation, oversight, management, policy-setting or quasi-judicial

authority of the board of which the person is a member."

Since The Alternative Program is a non-profit organization, you do not have a controlling financial interest in the organization. Therefore, the Alternative Program may receive funding from the Youth Crime Task Force even though the contracting agency is subject to the oversight and regulation of the board.

However, as the request acknowledges, you are prohibited from voting on funding for The Alternative Programs. Section 2-11.1(v) prohibits members of advisory boards from voting on matters where the board member will be directly affected by the action and the board member serves as an officer of the entity seeking action from the board. Therefore, you are prohibited from voting on funding recommendations for the Alternative Programs.

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 Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.

Sincerely Yours,



ROBERT MEYERS
Executive Director