

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, January 16, 2018 10:19 AM
To: Sanchez, Rodzandra (COE)
Subject: Keith Knowles, Senior County Commission Clerk, Miami-Dade Clerk of the Board Division (Financial Disclosure- boards) INQ 18-08

INQ 18-08 Knowles

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, January 16, 2018 10:19 AM
To: Knowles, Keith (COC) <Keith.Knowles@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Keith Knowles, Senior County Commission Clerk, Miami-Dade Clerk of the Board Division (Financial Disclosure- boards) INQ 18-08

Keith:

You have inquired whether persons who have been delegated the authority to vote on behalf of appointed Affordable Housing Trust Fund Board (“AHTFB”) members are required to file financial disclosure.

As background, the Miami-Dade Board of County Commissioners’ recently passed Ordinance 17-98, amending Section 17-133 of the of the Miami-Dade Code, to allow for appointed members of AHTFB to delegate an alternate to vote on their behalf. The AHTFB board secretary advises that the alternates serve as permanent board member replacements unless the appointed member replaces the alternate.

Where a designee of a board member is delegated the authority to vote and to exercise all of the duties and responsibilities on that board member’s behalf, that designee would fall within the definition of “advisory personnel” under Section 2-11.1(b)(4) of the County Ethics Code and would therefore be subject to the financial disclosure requirements under the County Ethics Code. *See generally* RQO 13-01; INQ 16-105 (The designee of a board member for the Youth Crime Task Force, who is empowered to act with the full duty and responsibility of the board member, falls within the definition of “advisory personnel” under the County Ethics Code and is required to file financial disclosure forms for the years during which she was authorized to participate), and INQs 15-169 and 13-77 (Both holding that proxy board members for the Homeless Trust must file financial disclosure forms for the years during which they were able to participate, even if they did not actually participate that year).

Section 2-11.1(i)(1) of the County Ethics Code requires “advisory personnel to file financial disclosure on a yearly basis. It states in relevant part that:

“ All persons and firms included within subsections (a) and (b)(2), (3) and (4) of this section shall file, no later than 12:00 noon of July 1st of each year including the July 1st following the last year that person is in office or held such employment, one (1) of the following:

- a. A copy of that person's or firm's current federal income tax return; or
- b. A current certified financial statement on a form of the type approved for use by State or national banks in Florida listing all assets and liabilities having a value in excess of one thousand dollars (\$1,000.00) and a short description of each; or
- c. An itemized source of income statement, under oath and on a form approved by the County for said purpose.

Compliance with the financial disclosure provisions of Chapter 112 (Part III), Florida Statutes, as amended, or with the provisions of Article II, Section 8 of the Florida Constitution, as amended by the voters on November 2, 1976, and any general laws promulgated thereunder, shall constitute compliance with this section." (Emphasis added)."

Consequently, as "advisory personnel," under the County Ethics Code, designees of AHTFB appointed members would be required to file one of the above referenced documents to satisfy the financial disclosure requirement. Please remember that any board members or designees who are required to file financial disclosures pursuant to State Law (State Form 1 and State Form 6), satisfy the County Ethics Code requirement and do not have to also file a County Source of Income form.

Thus opinion is based on the facts presented and is limited to interpretations of the Miami-Dade Code of Ethics. For interpretations of State of Florida ethics laws please contact the Florida Commission on Ethics.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Knowles, Keith (COC)
Sent: Wednesday, January 03, 2018 10:44 AM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: Alternate board member financial disclosure requirement

Hi Mimi,

A question arose regarding financial disclosure where the BCC recently passed an amended ordinance allowing for appointed members of the Affordable Housing Trust Fund Board to delegate an alternate to vote in their behalf. According to the board secretary, the alternates are permanent unless the member replaces the alternate.

Who is now required to file financial disclosure?

Thanks for your assistance.

Keith A. Knowles
Senior County Commission Clerk
Miami-Dade County Clerk of Courts
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