

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, July 09, 2018 11:15 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 18-166 Evelyn Campos, Professional Compliance Director, Miami-Dade County Aviation Department (MDAD) (Advisory Committee Voting Conflict/Appearance of Conflict)

INQ 18-166 Campos

From: Centorino, Joseph (COE)
Sent: Friday, July 06, 2018 2:36 PM
To: Campos, Evelyn (Aviation) <ECampos@miami-airport.com>
Cc: Jimenez, Barbara S. (Aviation) <BJimenez@miami-airport.com>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Murray, David M. (Aviation) <dmurray@miami-airport.com>
Subject: INQ 18-166 Evelyn Campos, Professional Compliance Director, Miami-Dade County Aviation Department (MDAD) (Advisory Committee Voting Conflict/Appearance of Conflict)

Ms. Campos:

You have inquired concerning whether there may be a prohibited or apparent conflict in connection with the appointment of the Managing Director for First Southwest, who serves as MDAD's bond consultant, to a selection committee for the position of Chief Financial Officer at MDAD. You have indicated that the bond consultant works very closely with the CFO regarding MDAD's bond financing in an advisory capacity. The CFO has also, in the past, served on the County selection committee for the bond consultant, which is conducted through an RFQ process by the County's Internal Services Department.

This agency has reviewed selection committee appointments pursuant to R-449-14 to analyze possible conflicts or apparent conflicts involving committee members. We generally consider whether there may be prohibited voting conflict under Section 2-11.1(v) of the County Ethics Code, as well as whether there may be an apparent conflict which, while not subject to a prohibition under Section 2-11.1(v), may create concerns about objectivity, independence of judgment or possible appearances of impropriety, which this agency has authority to opine on as guardian of the public trust under its enabling ordinance, Section 2-1067, and Section 2.1(b) of its Rules of Procedure. In past opinions, we have opined whether these concerns are sufficient to reconsider the appropriateness of having a particular individual serve on such a panel.

The appointment of MDAD's bond consultant from First Southwest does raise some concern in these areas, due to the closeness of the working relationship between the bond consultant and the CFO at Aviation, and the need for the County's interests to be protected by having its officials exercise independent judgment when dealing with private consultants on matters of significant financial import for the County.

There would be a prohibited voting conflict under Section 2-11.1(v) for a member of a selection committee to be directly affected by a decision made by the committee and to have an employment relationship with a person or entity appearing before the board. I do not find that this satisfied so as to create a prohibited voting conflict because the selection of a CFO does not directly affect the interests of the bond consultant, and the bond consultant's firm itself is not the subject of the vote. However, it may be said that there is likely an indirect effect on both the bond consultant and First Southwest, given the centrality of the role played by the CFO in the delicate consultations and analyses

performed by the bond consultant at MDAD, and the CFO's role in selecting the bond consultant. The possibility that having the bond consultant play a direct role in the selection of the CFO may compromise the independent judgment of the CFO in dealing with the County's outside bond consultant must be considered, as well as the effect that such a connection may play in the CFO's own involvement in the selection of the bond consultant. I have concluded, based upon my own judgment, as well as consultations I have had with the County Finance Department, that it would be inadvisable to have the bond consultant serve as a member of the CFO selection committee at MDAD.

Sincerely,

Joe Centorino

Joseph M. Centorino




Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
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From: Campos, Evelyn (Aviation) [<mailto:ECampos@miami-airport.com>]
Sent: Thursday, July 05, 2018 12:50 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Jimenez, Barbara S. (Aviation) <BJimenez@miami-airport.com>
Subject: RE: Ethics Opinion Requested

The selection of the Bond Consultant was performed through a Request for Qualifications open competition award performed through our Internal Services Department (ISD). There were five selection committee members, of which the CFO was a member, and they score the bidder proposals individually. Compilation of the scores is completed by the ISD Contract Manager who identifies the highest scorer for award ratification from the BCC. This particular contract is not an Aviation Contract but rather a County contract with allocations for the Aviation, Seaport and Public Works Departments.

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From: Centorino, Joseph (COE) [<mailto:Joseph.Centorino@miamidade.gov>]
Sent: Thursday, July 05, 2018 10:18 AM
To: Campos, Evelyn (Aviation)
Cc: Jimenez, Barbara S. (Aviation); Campos, Evelyn (Aviation)
Subject: RE: Ethics Opinion Requested

Ms. Campos,

Please tell me what role, if any, the Chief Financial Officer plays in the procurement process leading to the appointment of the Bond Consultant, i.e., how much say the Chief Financial Officer has in the final selection of the Bond Consultant. Thanks.

From: Campos, Evelyn (Aviation) [<mailto:ECampos@miami-airport.com>]
Sent: Tuesday, July 03, 2018 4:04 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Jimenez, Barbara S. (Aviation) <BJimenez@miami-airport.com>; Campos, Evelyn (Aviation) <ECampos@miami-airport.com>
Subject: Ethics Opinion Requested

Mr. Centorino,

The Aviation Department requests the COE advise if the following action is advisable under the Ethics Ordinance. We are in the process of selecting interview panel members for the position of MDAD's Chief Financial Officer. One of the panel members is the managing director for First Southwest, who is the Department's Bond Consultant and will ultimately advise the Chief Financial Officer when we do our periodic bond financing. Would it be appropriate for this individual to participate on the interview panel?

Additional Information:

The Bond consultant is a competitively procured contract which is solicited by Procurement for our Finance Division, whom the Chief Financial Officer oversees.




The managing director of First Southwest will be one of five interview panel members. The interviewees are individually rated by each panel member and the combined scores will identify the top scorer(s). That/Those individual(s) are then recommended to our Aviation Director who makes the final selection. (The other panel members are Miami-Dade County employees.)

This Bond consultant has worked with past Chief Financial Officers for Aviation, as well as for other airports, and has the requisite knowledge of the qualifications needed for the CFO position.

The panel member selection process is currently underway. Your counsel is much appreciated!

Regards,
Evelyn Campos, Professional Compliance Director
Miami-Dade Aviation Department

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