

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, April 20, 2018 11:42 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 18-99, Lourdes Gomez, Deputy Director, Miami-Dade County Department of Regulatory and Economic Resources (Conflict of Interest, Exploitation and Financial Interests) INQ 18-99
Attachments: Copy of prop_oceanfront_browardtosouthpointe2018pt.xlsx

INQ 18-99 Gomez

From: Turay, Radia (COE)
Sent: Thursday, April 19, 2018 11:37 AM
To: Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Cc: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: FW: INQ 18-99, Lourdes Gomez, Deputy Director, Miami-Dade County Department of Regulatory and Economic Resources (g)

From: Turay, Radia (COE)
Sent: Thursday, April 19, 2018 11:36 AM
To: Gomez, Lourdes (RER) <Lourdes.Gomez@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>
Subject: INQ 18-99, Lourdes Gomez, Deputy Director, Miami-Dade County Department of Regulatory and Economic Resources (g)

Dear Ms. Gomez,

You inquire whether you have a prohibited conflict of interest that would preclude you from exercising your duties as Deputy Director in the County's Department of Regulatory and Economic Resources (RER), in connection with a funding analysis of a special assessment district for purposes of funding beach re-nourishment.

Facts

- As a Deputy Director in RER, you oversee the Construction Permitting and Building Code Division, the Planning and Development Services Divisions, the Consumer Protection Division, and the Division of Environmental Resources Management (DERM).
- DERM has historically shepherded the County's participation in beach re-nourishment efforts. Beach re-nourishment occurs along the length of the coast from Government Cut north to the County line. Staff within the DERM division of RER monitor the beach and determine areas that show erosional trends, providing priority recommendations for both local projects and projects undertaken by the US Army Core of Engineers.
- Beach re-nourishment effort are currently funded through a combination of federal, state and local dollars. The County's local share has recently been funded by General Obligation Bond (GOB) funds, but this funding source will be exhausted in the coming years. This eventuality has prompted the need by staff to identify a new funding source.

- One of the funding options under consideration is a possible taxing or assessment district that would be levied upon tens of thousands of properties (>32,000 properties) abutting or in close proximity to the beach.
- This question of whether a conflict of interest exists has been raised due to the fact that you own one (1) condominium unit in the area that the County is considering possibly establishing this taxing or assessment district. You do not reside in the unit. You rent the unit out to a tenant, personally, not through a business entity. Your condominium unit is one of over 32,000 properties that could possibly be affected.
- As Deputy Director that oversees DERM, you will not be involved in the suggestion of re-nourishment projects at any particular location, nor would that occur as part of the funding analysis. The funding analysis will be done by DERM staff whom you oversee. Any findings or recommendations resulting from this funding analysis would first be presented to your supervisor, RER Director and Deputy Mayor Jack Osterholt, and then the County Mayor. If a special assessment or other district were ultimately recommended through the Mayor, it is possible that you would be asked to participate in further discussions with other County and municipal staff, County and municipal elected officials, citizens, business owners and other stakeholders. Final authority to enact such a district would lie with the Board of County Commissioners after public hearing.

Analysis

We have reviewed the various provisions of the County Ethics Code that might be applied to this situation. Section 2-11.1(g) of the Code, which prevents exploitation of official position, and Section 2-11.1(n) of the Code, which prohibits official actions on matters that involve a personal financial interest, do not appear to be applicable at this juncture because you are not seeking to secure any special privilege or exemption for yourself or others, but rather will oversee a funding analysis of a possible special taxing district of an entire area involving not only your one unit, but well over 32,000 properties; you will not be involved in the suggestion of re-nourishment projects at any particular location; you will have no authority to set the boundaries of the possible taxing or assessment district nor would that occur as part of the funding analysis; any findings or recommendations resulting from this funding analysis would first be presented to your supervisor, RER Director and Deputy Mayor Jack Osterholt, and then the County Mayor; and final authority to enact such a district would lie with the Board of County Commissioners after public hearing. See INQ 17-28; and the final order in C-18-01-01.

We have therefore, concluded that there is no provision in the Ethics Code that would prohibit your involvement in the funding analysis regarding a possible taxing or assessment district that is to be undertaken by DERM Staff whom you oversee. See INQ 17-28; and the final order in C-18-01-01.

This opinion is based on the facts presented. If these facts change or if you have any further questions, please contact us.

Sincerely,

RADIA TURAY

Staff Attorney

Miami-Dade Commission on Ethics and Public Trust

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From: Gomez, Lourdes (RER)

Sent: Tuesday, April 10, 2018 10:51 AM

To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Cc: Fernandez, Jose M. (RER) <Jose.Fernandez6@miamidade.gov>

Subject: FW: FYI

From: Fernandez, Jose M. (RER)

Sent: Tuesday, April 10, 2018 10:44 AM

To: Gomez, Lourdes (RER) <Lourdes.Gomez@miamidade.gov>

Subject: FYI