



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Melissa Saldaña
Contracts Officer, OMB Grants Coordination Division

FROM: Martha D. Perez,
Staff Attorney

SUBJECT: INQ 19-106, Section 2-11.1(j), County Ethics Code, Conflicting
employment/service

DATE: October 28, 2019

CC: COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding whether you may continue your service as a member of the Hispanic Affairs Advisory Board (HAAB) while you are employed as a Contracts Officer for the Grants Coordination Division of the County's Office of Management and Budget (OMB).

Background

Prior to your County employment, you were appointed by Commissioner Higgins to serve in the HAAB. This board serves to improve the quality of life of Hispanic citizens-to identify and monitor the needs or interests of Hispanic citizens, develop programs addressing such issues, encourage involvement of Hispanics in matters of community concerns, support the development of Hispanic in leadership roles, and recommend to the Board of County Commissioners legislation supporting Hispanic issues.¹

You have since become employed by the County as a Contracts Officer at OMB's Grants Coordination Division. The Division is responsible for the administration and monitoring of community-based organization (CBO) grants, as well as the identification of other grant funding opportunities. These CBO grants are funded by the County's General Funds and awarded through a competitive procurement process which occurs every three years. Your duties include reviewing the scope of work and the budget received from the CBOs; reviewing monthly invoices, progress reports and budget modifications; and, overall, monitoring review of CBOs to ensure they are meeting performance standards.

¹ <https://www8.miamidade.gov/global/government/boards/hispanic-affairs-board.page>

Analysis

The Conflict of Interest and Code of Ethics ordinance (County Ethics Code) does not prohibit you from serving as a member of the HAAB and Contracts Officer for the County's Grants Coordination Division. *See* INQ 14-168; INQ 19-33. You do not have any duties or responsibilities which overlap in your County position and board service. Notwithstanding, you should avoid dealing in your County position with any issue that could foreseeably come before you as a board member and vice-versa. *See generally* INQ 17-52

While there is no conflict, there are some limitations set out in the County Ethics Code that all employees are reminded to follow:

- §2-11.1(g) prohibits a County employee or board member from using her official position to secure special privileges for herself or others. For example, while you may be required to attend board meetings during working hours for example, this would require permission from your supervisor.
- §2-11.1 (m)(1) prohibits an employee from appearing before *any* County board or meeting with staff to make a presentation or seek a benefit (i.e., funding or grant) on behalf of a third party. Section 2-11.1(m)(2) prohibits a board member from appearing before *her* County board and lobby her board on behalf of a third party. *See* INQ 16-22
- §2-11.1(h) prohibits a County employee or board member from disclosing confidential information obtained through her official position with the County (both as employee and board member) or use such information, directly or indirectly, for personal gain or benefit. *See generally* INQ 16-03
- §2-11.1(v) prohibits board members from voting on matters in which they have the following relationships: officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor or creditor, if they would be directly affected by the vote. This means that you may not participate or vote on matters coming before HAAB where you have a prohibited relationship or a personal financial benefit in the matter. *See generally* INQ 15-53
- §2-11.1(i) requires County board members to file financial disclosure forms every year.

Conclusion

Consequently, we see no reason under the County Ethics Code why you should not be able to serve in the HAAB and continue your employment as a County Contracts Officer.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.