

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Tuesday, September 22, 2009 2:37 PM
To: 'Dotson, Gail A.'
Subject: RQO 09-158 van Vark

Hello Gail,

This is in response to your request for an ethics opinion on behalf of Stephanie van Vark, a part-time City of Miami employee who serves as a liaison for the Overtown Community Oversight Board.

BACKGROUND: Through her privately owned company, Ms. van Vark would like to provide marketing and related services to the Miami Community Redevelopment Agency (CRA). Under the proposed contract, Ms. van Vark's company would receive payments from both local businesses and the CRA.

OPINION: Ms. van Vark does not violate the county or city ethics codes with this proposed business arrangement. The CRA is an independent taxing authority established under Fla. Stat. 163.330 et seq. and is distinct from the city and county that create it through an interlocal agreement. Barring no legislation to the contrary, the Ethics Commission has consistently held that as independent agencies, CRAs function outside of local ethics codes.

Please feel free to contact me if you or Ms. Van Vark need further assistance.

Sincerely,

Victoria Frigo, Staff Attorney
Miami-Dade County Commission on Ethics
Direct Phone: 305.350.0601
Fax: 305.579.0273

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19 West Flagler St., Suite 820
Miami, FL 33130

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From: Dotson, Gail A. [mailto:gdotson@miamigov.com]
Sent: Friday, September 18, 2009 11:54 AM
To: Frigo, Victoria (COE)
Cc: Meyers, Robert (COE)
Subject: RE: Request for an opinion

Hi Victoria,

You are correct. The CRA is independent of the City – a separate entity – a state created entity. Therefore, the City's conflict of interest rules are not applicable to the CRA.

9/22/2009

Applicability of the City's conflict of interest code is below. Via an interlocal agreement with the SEOPW (Southeast Overtown Park West) and Omni CRAs, the City Attorney serves as the CRA's general counsel. I have attached the interlocal agreement.

Sec. 2-611. Applicability of article.

This article shall be applicable to and binding upon every officer, official and employee of the city, including every member of any board, commission or agency of the city.

(Code 1967, § 2-101; Code 1980, § 2-301)

The CRA is not a board, commission or agency of the City.

Thanks and let me know if you have additional questions or need additional information.

Gail

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| Gail Ash Dotson, Assistant City Attorney | |
|  | City of Miami Office of the City Attorney Telephone: 305-416-1851 Facsimile: 305-416-1801 gadotson@miamigov.com |
| Assistant: Shirley Smith 305-416-1841 | |

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From: Frigo, Victoria (COE) [mailto:FRIGOV@miamidade.gov]

Sent: Friday, September 18, 2009 10:22 AM

To: Dotson, Gail A.

Cc: Meyers, Robert (COE)

Subject: RE: Request for an opinion

Hello Gail,

I will be happy to research this issue and prepare a draft opinion to discuss with Robert.

I'll need a little more information about the Miami CRA. My understanding is that CRAs function independently from the city, with powers delegated to them to tax, own property, incur debt, and impose eminent domain. Could you suggest someone at the Miami CRA who could confirm the status? Also, I'd need to determine if the City of Miami requires the Miami CRA to abide by the city or county's ethics codes.

I'm out of the office today, but will begin this opinion on Monday.

Sincerely,

Victoria Frigo

9/22/2009

-----Original Message-----

From: Dotson, Gail A. [<mailto:gdotson@miamigov.com>]
Sent: Fri 9/18/2009 8:44 AM
To: Frigo, Victoria (COE)
Cc: Smith, Shirley; Van Vark, Stephanie
Subject: Request for an opinion

Good morning Victoria,

I was asked by my office (City Attorney) to refer the request below to the Ethics Commission, in writing. Please let me know if this is in accord with your process and if not, let me know how it should be handled. Additionally, let me know if you have any questions. Thank you.

From: Stephanie van Vark, Staff Services Assistant, 305-472-4550. Ms. van Vark is copied on this message.

"I am a part time city of Miami employee. My position is Liaison for the Overtown Community Oversight Board. I work approximately 20 hours a week. On my off time, I own a production and promotions business based in Overtown. We are in the process of submitting a proposal to the Community Redevelopment Agency (CRA) providing marketing services for local businesses and organizations. The proposal will request payment from both the local businesses and the CRA. Is this a conflict of interest?"

Gail Ash Dotson, Assistant City Attorney
[cid:image001.jpg@01CA383B.C992FDC0]

City of Miami Office of the City Attorney
Telephone: 305-416-1851
Facsimile: 305-416-1801
gadotson@miamigov.com<<mailto:gadotson@miamigov.com>>

Assistant: Shirley Smith 305-416-1841

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