

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Friday, May 31, 2013 10:28 AM
To: 'Rey, Alex'; Penichet, Breno P. (COE)
Cc: Palacio, Eliezer (miamilakes-fl.gov); Centorino, Joseph (COE)
Subject: INQ 13-131 Ethics Opinion re Building Director

Mr. Rey,

I am sorry that the County Ethics Code does not address the issue of whether Eliezer Palacio, the Building Director and Building Official in the Town of Miami Lakes, may oversee independent contractors on vertical construction projects on behalf of the town. You inquired because, under the reassignment of duties that you envision, oversight of independent contractors and subsequent inspections of the work of these same contractors would be the responsibility of one individual, without any checks and balances.

Questions about potential supervisory conflicts may be better addressed by the League of Cities, the International City/County Management Association (ICMA), or a similar source that issues recommendations of best practices for town managers.

I regret that we could not be of more help at this time.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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From: Rey, Alex [<mailto:reya@miamilakes-fl.gov>]
Sent: Wednesday, May 29, 2013 11:57 AM
To: Frigo, Victoria (COE); Penichet, Breno P. (COE)
Cc: Palacio, Eliezer (miamilakes-fl.gov)
Subject: Ethics Question

Ms. Victoria Frigo & Mr. Breno Penichet

I am evaluating the option of assigning the responsibility for the vertical construction projects, being performed by general contractors from the Public Works Department to the Building Department . These firms are independent contractor selected through a competitive bid process, where they are evaluated and selected thru a committee, recommended by me and awarded by the Town Council. Any requested change orders have to be approved by the procurement office and myself, and if they exceed certain threshold, will have to be approved by the Town Council as well. Vertical construction refers to above ground projects, such as community centers, and office space, not roads and Stormwater projects.

I wanted to get your determination as to whether this may create a conflict of interest for our Building Director, Eliezer Palacio. As a matter of background, Mr. Palacio serves as Building Director and Building Official, and under his supervision, there is a Chief Building Inspector, who is also qualified under State Law to serve as Building Official, however, he currently does not perform in that capacity.

In this scenario, Mr. Palacio will supervise the construction firms doing work for the town and act as “owner’s representative” on the project.

This change has not been implemented and is pending your opinion as to whether this will not create a conflict for him.

Please feel free to contact me if you want to discuss or need additional information.

Sincerely,

Alex Rey
Town Manager



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