

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Friday, August 23, 2013 2:25 PM
To: Zapata, Juan C. (DIST11)
Cc: Sanchez, Gerald (CAO); Frigo, Victoria (COE); Diaz-Greco, Gilma M. (COE); Escobar, Bernardo (DIST11)
Subject: INQ - Commissioner Juan C. Zapata (H.J. Ross)
Attachments: votingconflictmemo.doc

Commissioner Zapata:

You have inquired whether your contractual relationship as a consultant with H.J. Ross Associates, Inc., would create a prohibited conflict of interest in a situation where H.J. Ross may be a listed subcontractor on a contract that may come before you in your capacity as a County Commissioner, or in your capacity as Chairman of the Commission's Infrastructure and Capital Improvements Committee. You have informed that your work for H.J. Ross involves consulting work outside of the State of Florida, and that neither you, nor any member of your immediate family, has a controlling financial interest in H.J. Ross or in TY Lin International Group, which has acquired H.J. Ross. The matter which has prompted your request is the proposal of CH2M Hill, Inc., regarding Miami-Dade OCI Project No. E-13-WASD-01R (Program and Construction Management Services Related to the Wastewater System Priority Projects). H.J. Ross has been listed as one of 13 subcontractors in that proposal.

Under Section 2-11.1(d) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, no member of the County Commission may "vote on or participate in any way in any matter presented to the Board of County Commissioners" if that member has one of several enumerated relationships with a person or entity that would be or might be directly or indirectly affected by any action of the Commission. One of those enumerated relationships is "consultant." Given that you are a consultant to H.J. Ross, and that H.J. Ross would be, directly or indirectly, affected by a vote of the County Commission on a proposal listing it as a subcontractor on the same project, it is my opinion that you would have a conflict of interest that would prohibit you from voting or participating in such a matter should it come before the Commission. You would have a similar prohibited conflict of interest in the event that the same matter should come before you as Chairman of the Infrastructure and Capital Improvements Committee.

Section 2-11.1(d) provides that a Commissioner with such a prohibited conflict of interest "shall absent himself or herself from the Commission meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter." Therefore, in the event such matter were to come before the County Commission, you would be required to leave the room and not participate during any discussion or action regarding that matter. In addition, pursuant to Section 112.3143(3), Florida Statutes, you would also be required to announce publicly at the meeting the nature of the conflict before the item is heard and to file a written disclosure of the nature of the conflict with the board clerk or whoever may be charged with recording the minutes of the meeting within 15 days after the vote (See Memo of January 16, 2013, attached).

In the event that the said matter were to be referred to the Committee which you chair, the same requirements would apply. You would need to make the public disclosure in advance, vacate the chair and absent yourself from the room during the discussion and vote, and file the requisite disclosure form within 15 days of the vote.

If you have any questions regarding this matter, please call me at 305-579-2594.

Sincerely,

Joseph M. Centorino

From: Zapata, Juan C. (DIST11)
Sent: Monday, August 12, 2013 10:55 AM
To: Centorino, Joseph (COE)
Cc: Sanchez, Gerald (CAO)
Subject: Advisory Opinion on Commissioner Zapata Contractual Relationship Outside State of Florida



MEMORANDUM
BOARD OF COUNTY COMMISSIONERS
Commissioner Juan C. Zapata, District 11

DATE: August 12, 2013

TO: Joseph Centorino, Executive Director
Commission on Ethics and Public Trust

FROM: Commissioner Juan C. Zapata

RE: Advisory Opinion on Commissioner Zapata Contractual Relationship Outside State of Florida

Mr. Centorino:

I have had a contractual relationship with H. J. Ross Associates, Inc. ("H. J. Ross") for more than 5 years as a consultant on business outside of the State of Florida. Although H. J. Ross has been purchased by TY Lin International Group, my contractual relationship has continued with H. J. Ross. As a consultant for H. J. Ross, I provide consulting services in other states outside of Florida, such as California and Texas, as well as internationally in Latin America. Neither I, nor any member of my immediate family, have a controlling financial interest in either entity. Further, I am not an officer, director, partner, of counsel, employee, fiduciary, beneficiary, stockholder, bondholder, debtor or creditor of either entity. Additionally, I have never done business with either entity within the State of Florida.

I would be grateful if you would provide me with an advisory opinion regarding the applicability of the Conflict of Interest and Code of Ethics Ordinance, given my relationship with H. J. Ross as a consultant in the instances contracts may come before me in my capacity as a County Commissioner. For example, CH2M Hill Inc. recently submitted a proposal regarding Miami-Dade County OCI Project No. E-13-WASD-01R (Program and Construction Management Services Related to the Wastewater System Priority Projects). CH2M Hill, Inc. has listed in its proposal H. J. Ross as one of its 13 subcontractors. Could you also provide me with an advisory

opinion regarding the Conflict of Interest and Code of Ethics Ordinance should these items be referred to the Infrastructure and Capital Improvements Committee which I Chair.

I thank you in advance for your kind assistance in providing an advisory opinion with respect to this issue.

cc: Gerald Sanchez, Assistant County Attorney