

Frigo, Victoria (COE)

From: Ethics (COE)
Sent: Friday, October 25, 2013 12:27 PM
To: Williams, Selena P. (PHCD); Ethics (COE)
Cc: Fortner, Gregg (PHCD); Frigo, Victoria (COE); Diaz-Greco, Gilma M. (COE)
Subject: INQ - Selena Williams, Director Resident Services Division, Public Housing and Community Development (PHCD) (Model City Community Advisory Committee)

Ms. Williams:

You have requested an opinion regarding whether there is any prohibition under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance for staff members of the Public Housing and Community Development (PHCD) department to assist applicants in writing applications for funding in the County Annual Request for Applications (RFA), where the PHCD planning staff issues the RFA, evaluates proposals and submits recommendations to the Mayor's Office for consideration and approval. It is my understanding that the Mayor's recommendations are then submitted to the Board of County Commissioners for approval.

The RFA process is distinct from an RFP, RFQ or other competitive bid processes covered by the Code of Silence, and, since it is not covered by the Code, it is not impermissible for staff members to have oral conversations with these individuals outside of a public meeting.

The main question raised is the extent to which staff members may assist individual applicants without creating a possible exploitation issue under the County Code of Ethics, Section 2-11.1(g) or violation of the prohibition on use of confidential information, Section 2-11.1(h). It is my opinion that any assistance provided by the staff should be limited to explanation of the program, application process and approval procedure, or the provision of such technical information related to the program or application process which is available publicly. They should not become involved in the writing or preparing of individual applications, suggesting projects or approaches to applications, or providing non-public information or strategic advice that would give an applicant receiving such assistance an unfair advantage over an applicant not receiving such assistance.

Furthermore, it would be improper for any staff member to have any personal financial interest in any application, either personally or through an immediate family member.

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

Sincerely,

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: Williams, Selena P. (PHCD)
Sent: Thursday, October 24, 2013 1:33 PM
To: Ethics (COE)
Cc: Fortner, Gregg (PHCD)
Subject: Request for Opinion- Model City Community Advisory Committee

Please render an opinion regarding a request by the Chair of the Model City Community Advisory Committee (CAC). The chairman of the Model City Community Advisory Committee has requested a special Technical Assistance workshop on Tuesday, October 29, 2013 to include Public Housing and Community Development (PHCD) planning staff to assist individuals, including two current members of the Model City CAC with writing applications for the submission to the County for FY2014 funding.

Is it appropriate for Public Housing and Community Development (PHCD) staff to assist CAC members and non-profit organizations with writing applications for funding in the County annual Request for Applications (RFA), given that PHCD staff issues the RFA, evaluates proposals and submits recommendations to the Mayor's Office for Board consideration and approval?

Furthermore, Community Advisory Committees, established by the County's Consolidated Plan, provides comments on staff recommendations for funding community development activities, identifies priorities for the Neighborhood Revitalization Strategy Areas and on a voluntary basis, participates on Selection Committees to evaluate and rank proposals submitted in the annual Request for Applications (RFA). Meetings of the CACs are supported by PHCD Planning staff.

Background:

Miami-Dade County issued its annual Request for Applications (RFA) for FY2014 community development funds with an application period of October 1-October 31, 2013 following a five-day public comment period on the application. PHCD held two technical assistance workshops to explain the process and answer questions. Members of the Model City CAC attended and participated in the October 15th Technical Assistance Workshop. Additionally, the Model City CAC video recorded the meeting in its entirety.

**Selena P. Williams, Director
Resident Services Division
Public Housing and Community Development**

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