

Diaz-Greco, Gilma M. (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, February 21, 2014 11:25 AM
To: 'Ralph Ventura'
Cc: Centorino, Joseph (COE)
Subject: Ethics Opinion INQ 14-40

Mr. Ventura,

You have requested an opinion regarding whether there would be a conflict of interest for you, as City Attorney for the City of Sweetwater to enter into a business as a partner with a City of Sweetwater vendor. As City Attorney, a position designated under Section 3.09 of the City of Sweetwater's Charter, you would be considered a department head or department director. *See also* Miami Dade Code at 2-11.1(b)(5)

Section 2-11.1(u) of the Ethics Code provides that a municipal department director is prohibited from entering into a business transaction with any person or entity that has a contract with the Municipality unless the business transaction is an arm's length transaction. Given that you would be a business partner with the City Vendor, the transaction could not be considered an arm's length transaction and would therefore be prohibited under the Ethics Code

Please do not hesitate to contact me if I may be of further assistance.

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Ralph Ventura [<mailto:rventura@cityofsweetwater.fl.gov>]
Sent: Thursday, January 23, 2014 11:59 AM
To: Diaz-Greco, Gilma M. (COE)

Cc: Ralph Ventura

Subject: Opinion re Waiver of Conflict of Interest

Ms Diaz-Greco:

As you are aware, I am the City Attorney of Sweetwater. Our City Engineer receives health insurance and only token consideration, \$1/year. In the past, he has been permitted, however, to bid on projects provided he has had no special knowledge or inside information. His new contract will contain the following language:

The City Engineer may not participate on any specific project by submitting a solicitation or as a sub-consultant to any city issued project for which he/she has had prior, insider information, or in which he/she has had any input in conceiving, designing, or wording the terms of the project, request for proposals, bids or qualifications.

Further, it is anticipated that any possible conflict of interest will be waived by a resolution of the City Commission.

I have in the past received verbal instructions from the Commission on Ethics with regard to the foregoing but would like a written opinion in light of recent events.

In essence, given the language in the contract and the waiver by resolution, is the above arrangement permitted under the Ethics Code?

We would appreciate a response before the end of the month as this matter is set for hearing on February 3.

Thank you for your consideration.

RV