



To: Ana Alvarez

From: Craig E. Leen, City Attorney for the City of Coral Gables

Miriam Soler Ramos, Deputy City Attorney for the City of Coral Gables *MSR*

RE: Legal Opinion Regarding Board Member and RFQ

Date: July 20, 2016

From your email and our conversation, I understand that you are asking whether you are permitted to bid on this project and still remain a member of the Board of Architects (BOA). The answer to your question is yes.

The Miami-Dade County Ethics Code provides generally that City board members (among others) may not enter into a contract or transact business with the City (*see* Sec. 2- 11.1(c)(1)), however the following exception exists and applies in this situation:

Notwithstanding any provision to the contrary herein, [the prohibition] shall be not construed to prohibited [autonomous personnel, quasi-judicial personnel or advisory personnel] from entering into any contract, individually or through a firm, corporation, partnership or business entity in

which the board member or any member of his or her immediate family has a controlling financial interest, with [the City] or any person or agency acting for [the City]. However, [autonomous personnel, quasi-judicial personnel and advisory personnel] are prohibited from contracting with any agency or department of [the City] subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board of which the person is a member. Sec. 2-11.1(c)(3), Miami-Dade Ethics Code.

In the City, Development Services is the department that is potentially subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the BOA. The procurement division has confirmed that the Development Services Department will not be involved in this contract and that the user department is Public Works with the Historical Resources Department assisting. Thus, the exception set out in subsection (c)(3) above, permits you to continue serving on the BOA while simultaneously bidding (and potentially obtaining) the Professional Preservation Architectural Consulting Services contract.

If your firm is ultimately awarded the contract and there comes a time when a project needs to go before the BOA, please be mindful of the following provisions.

Sec. 2-232(b) of the City of Coral Gables Ethics Code provides that advisory personnel, autonomous personnel and quasi-judicial personnel may not appear before the board or committee on which he or she serves, either directly or through an associate. The following exception exist for members of the BOA, however:

The section shall not prohibit architects serving without compensation on the board of architects from submitting plans on behalf of a client so long as such members make known their representation of the applicant and disqualify themselves from speaking or voting or otherwise participating on such application. However, once an application has been submitted to the city for board of architects review, no person serving on the board, either directly or through an associate or their firm, may be retained by any person, including the applicant, to represent, appear or make a presentation on behalf of the applicant or any other party on the specific matter being considered by the board.

Sec. 2-233 of the City's Ethics Code also provides:

No advisory personnel, autonomous personnel...quasi-judicial personnel shall participate in any official action directly or indirectly affecting a business in which that person or any member of the immediate family has a financial interest...

Thus, in the event that your firm must present a project to the BOA (whether under this contract or otherwise) you must recuse yourself from participation - including speaking and voting.

This opinion is issued pursuant to Secs. 2-201(e)(1) and (8) and Sec. 2-237 (as amended in CAO 2016-045) of the City of Coral Gables Code, giving the City Attorney's Office the authority to issue opinions and interpretations on behalf of the City.

7/20/16

CITY OF CORAL GABLES
CITY ATTORNEY'S OFFICE

OPINION REGARDING BOARD MEMBER AND RFQ

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7/20/16

From: Ramos, Miriam
Sent: Wednesday, July 20, 2016 11:12 AM
To: 'Ana Alvarez' <aalvarez@ma-miami.com>
Cc: Mindreau, Carlos A. <cmindreau@coralgables.com>; Pounds, Michael <mpounds@coralgables.com>; Leen, Craig <cleen@coralgables.com>; Suarez, Cristina <csuarez@coralgables.com>
Subject: RE: RFQ, Professional Preservation Architectural Consulting Services

Hello Ana,

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Sincerely,

Miriam S. Ramos, Esq.

Deputy City Attorney
City of Coral Gables
405 Biltmore Way, 3rd Floor
Coral Gables, FL 33134
(305) 460-5218
(305) 460-5084 direct dial



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From: Ana Alvarez [<mailto:aalvarez@ma-miami.com>]
Sent: Tuesday, July 19, 2016 11:52 AM
To: Ramos, Miriam
Cc: Mindreau, Carlos A.
Subject: RFQ, Professional Preservation Architectural Consulting Services

Hello Miriam,

I am writing to inform you that my firm, Martinez Alvarez Urban Design, Architecture & Interior Design Inc. (“Martinez Alvarez Architects”), is preparing a Qualification Statement in response to the Request for Qualifications (2016.06.LS) for Professional Preservation Architectural Consulting Services. The Public Notice posted on the City website describes the required services as “basic preservation architectural and engineering design including historic materials conservation, historic preservation documentation and assessment” – which we are prepared to provide. My husband, Frank Martinez, and I are the principals in the firm. We started the office in 1993 with an partner (under another name); we went on our own in 2006 and have continued to have our own firm ever since. I am the primary shareholder, and the qualifier for my office with architecture, interior design and business licenses in the State of Florida. I am putting together an excellent team of sub-consultants that include civil, structural, MEP, and geotechnical engineers, and well as a landscape architect and an arborist. Attached is my resume and a list of projects I have worked on, but I will highlight in the submittal the Historic Preservation, Restoration & Rehabilitation projects in Coral Gables, City of Miami, Boston and Martha’s Vineyard. The submittal is due July 26, 2016.

I have served on the Board of Architects since August 2015. I am copying Carlos Mindreau, the City Architect, on this email. I understand you will prepare an opinion that speaks to any possible conflict of interest. Please let me know if either of you have any other comments or concerns.

Thank you in advance for your help and best wishes,

Ana

*Ana Alvarez
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