



To: School and Community Relations Committee Member

From: Naomi Levi Garcia, Assistant City Attorney for the City of Coral Gables

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

RE: Legal Opinion Regarding School and Community Relations Committee Member Serving as Communications Consultant

Date: March 19, 2019

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Whether a Coral Gables advisory board member can serve as a consultant for the City is governed by the Miami-Dade County Ethics Code (hereinafter "County's Ethics Code"), and the City's Conflict of Interest and Code of Ethics (hereinafter "City's Ethics Code"). An advisory board member may serve as a City consultant as long as he or she does not contract with any agency or department subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board on which the person serves. Secs. 2-11.1(c)(3), Miami-Dade County Ethics Code. The City Attorney's Office is authorized to render binding conflict of interest opinions to determine the applicability of the County's and City's Ethics Codes. Sec. 2-300, Coral Gables Ethics Code; 2-11.1(c)(4) Miami-Dade County Ethics Code.

The County's Ethics Code applies to Miami-Dade County personnel but also serves as a minimum standard of ethical conduct for all municipal officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees of municipalities in the County insofar as their individual relationships with their own municipal governments are concerned. Sec. 2-11.1(a), Miami-Dade Ethics Code. The County Ethics Code contains a limited exclusion to its general prohibition on advisory personnel transacting business with the City. Under the County's Ethics Code,

[The prohibition] shall not be "construed to prohibit [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...However [he or she] is prohibited from contracting with any agency or department...subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board of which the person is a member." Section 2-11.1(c)(3) Miami-Dade County Ethics Code.

In this case, the individual at issue is a member of the Coral Gables School and Community Relations Committee (hereinafter “SCRC”) seeking to become a strategic communications consultant for the City. The consultant would assist with speech writing, public presentations, creating editorial content and the like. The SCRC is an advisory board charged with monitoring the educational landscape of the City and advising the Commission on education and school related matters. The SCRC does not have any regulatory, management or policy-setting oversight over the public affairs or communication strategies of the City. In fact, a distinct board, the Communications Advisory Board, serves that very function. Thus, the exclusion set forth in Section 2-11.1(c)(3) of the County’s Ethics Code, does not prohibit an SCRC board member from serving as a strategic communications consultant for the City. This line of reasoning is consistent with CAO 2016-095, wherein a member of the Board of Architects was permitted to bid on a Professional Preservation Architectural Consulting contract issued by the Public Works and Historical Resources and Cultural Arts Departments.

The opinion is issued pursuant to Secs. 2-252(e)(1) and (8) and 2-300 of the City Code.

To: Miriam Soler Ramos, City Attorney

From: Naomi Levi Garcia, Assistant City Attorney

Re: School and Community Relations Committee member serving as communications consultant

Date: 3/18/19

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Whether a Coral Gables advisory board member can serve as a consultant for the City is governed by the Miami-Dade County Ethics Code (hereinafter “County’s Ethics Code”), and the City’s Conflict of Interest and Code of Ethics (hereinafter “City’s Ethics Code”). An advisory board member may serve as a City consultant as long as he or she does not contract with any agency or department subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board on which the person serves. Secs. 2-11.1(c)(3), Miami-Dade County Ethics Code. The City Attorney’s Office is authorized to render binding conflict of interest opinions to determine the applicability of the County’s and City’s Ethics Codes. Sec. 2-300, Coral Gables Ethics Code; 2-11.1(c)(4) Miami-Dade County Ethics Code.

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The opinion is issued pursuant to Secs. 2-252(e)(1) and (8) and 2-300 of the City Code.

## Paulk, Enga

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**From:** Ramos, Miriam  
**Sent:** Tuesday, March 19, 2019 12:42 PM  
**To:** Paulk, Enga  
**Cc:** Suarez, Cristina  
**Subject:** FW: Opinion re. contracting with the City  
**Attachments:** CAO SCRC Committee member serving as city consultant - MSR edits 3-19-19.docx

Enga, please format and publish.

Thanks,

*Miriam Soler Ramos, Esq., B.C.S.*

*City Attorney*

*Board Certified by the Florida Bar in  
City, County, and Local Government Law*

City of Coral Gables

405 Biltmore Way, 2<sup>nd</sup> Floor

Coral Gables, FL 33134

(305) 460-5218

(305) 460-5084 direct dial



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**From:** Levi Garcia, Naomi  
**Sent:** Tuesday, March 19, 2019 11:23 AM  
**To:** Ramos, Miriam <mramos@coralgables.com>  
**Cc:** Suarez, Cristina <csuarez@coralgables.com>  
**Subject:** RE: Opinion re. contracting with the City

Good morning,

Attached is the final draft with your edits. Please let me know if you need anything else.

Best,



**Naomi Levi Garcia, Esq.**  
Assistant City Attorney  
Intergovernmental Affairs Manager  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, FL  
305-460-5248

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**From:** Ramos, Miriam  
**Sent:** Tuesday, March 19, 2019 8:59 AM  
**To:** Levi Garcia, Naomi <[nlevi-garcia@coralgables.com](mailto:nlevi-garcia@coralgables.com)>  
**Cc:** Suarez, Cristina <[csuarez@coralgables.com](mailto:csuarez@coralgables.com)>  
**Subject:** RE: Opinion re. contracting with the City

Naomi, great job. Please see attached with my comments and edits. Once you finalize please send to me so that I may have Enga format and publish.

*Miriam Soler Ramos, Esq., B.C.S.*

*City Attorney*

*Board Certified by the Florida Bar in  
City, County, and Local Government Law*

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**From:** Levi Garcia, Naomi  
**Sent:** Monday, March 18, 2019 4:29 PM  
**To:** Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)>  
**Subject:** RE: Opinion re. contracting with the City

Hi Miriam,

Attached is the draft CAO regarding an SCRC board member conducting business with the City. Please feel free to edit.

Best,



**Naomi Levi Garcia, Esq.**  
Assistant City Attorney  
Intergovernmental Affairs Manager  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, FL  
305-460-5248

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**From:** Levi Garcia, Naomi  
**Sent:** Thursday, March 14, 2019 12:53 PM  
**To:** Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)>  
**Subject:** RE: Opinion re. contracting with the City

Thanks, Miriam!

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**From:** Ramos, Miriam  
**Sent:** Thursday, March 14, 2019 10:42 AM  
**To:** Levi Garcia, Naomi <[nlevi-garcia@coralgables.com](mailto:nlevi-garcia@coralgables.com)>  
**Subject:** Opinion re. contracting with the City

Naomi, please find opinion attached. It does not seem that it was posted on our website for some reason. I am going to ask Enga to do so.

*Miriam Soler Ramos, Esq., B.C.S.*

*City Attorney*

*Board Certified by the Florida Bar in  
City, County, and Local Government Law*

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