



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Rasha Cameau, Former Assistant Director
Miami-Dade County Office of Management and Budget

FROM: Martha D. Perez, Temporary Staff Attorney
Miami-Dade Commission on Ethics and Public Trust

SUBJECT: INQ 2024-94; Post- employment restrictions (Two-Year Rule) §2-11.1(q)

DATE: May 23, 2024

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding Miami-Dade County's post-employment restrictions.

Facts:

You were employed as Assistant Director at the County's Office of Management and Budget (OMB) and charged with the oversight of municipal services and CRAs. Specifically, you oversaw the County's four CRAs and monitored an additional eleven municipal CRAs.

You separated from your County position in March 2023 and have started in a new professional capacity as a compensated consultant. You have been retained to assist the NW 7th Avenue Corridor CRA.¹ More specifically, your responsibilities consist of "[p]reparing Finding of Necessity reports, assessment of existing CRA's operations, and

¹ In 2004, the Board of County Commissioners adopted a redevelopment plan and created a trust fund for the creation of the Northwest 7th Avenue Community Redevelopment Agency. The mission of the CRA is to: reposition Northwest 7th Avenue as a major regional employment center; support the growth and expansion of existing businesses in the CRA; support development of new business in the CRA; provide training and increased employment opportunities for residents of northwest Miami-Dade; and redevelop the 7th Avenue corridor, supporting a mix of business, residential and commercial opportunities within the CRA. <https://www.miamidade.gov/global/government/boards/northwest-7th-avenue-cra.page>

providing recommendations for improvement.” You advise that your responsibilities may also include attendance at community meetings to gain input from the community in assessing the viability of CRA projects as they promote the mission of the CRA. Specifically, the CRA would like to engage your services as part of the consulting team responding to an RFP, ultimately to be voted on by the Board of County Commissioners.²

Issue:

Whether the County’s Two-Year Rule prohibits you from providing independent consulting services to the 7th Avenue Corridor CRA.

Discussion:

CRA’s are dependent special taxing districts created by a county or municipality to improve conditions and enhance redevelopment in a selected area(s).³ They are considered substantially distinct and independent from the county or city which created them while also functioning outside local ethics code unless their members and staff are subject to the county ethics code through ordinance, resolution, bylaws, policies, or agreements.⁴

While it is common for a CRA to appoint members, employ staff or engage the services of independent consultants in the performance of their mission, as a former County employee, you must abide by the post-employment restrictions found in the County Ethics Code.

Section 2-11.1(q), the “Two-Year Rule” found in the Miami-Dade County Ethics Code, prohibits a former County employee from “lobbying” the County for a period of two years following separation from his or her County employment. Specifically, the relevant section of that rule prohibits a former employee, for a period of two years after her service has ceased from:

lobby[ing] any county officer, departmental personnel, or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-

² Typically, Miami-Dade County (as represented by the Miami-Dade County Strategic Procurement Department on behalf of the NW 7th Avenue Community Redevelopment Agency), and the Office of Management and Budget, solicit proposals from qualified firms/companies for economic development-related services in connection with the implementation of the CRA’s Redevelopment Plan to include, in varying degrees, many facets of the Agency’s goals including, providing business and economic assistance and the removal of slum and blight.

³ CRA’s are established under the authority of Part III, Chapter 163, Florida Statutes.

⁴ The 7th Avenue Corridor CRA was created by the Miami-Dade Board of County Commissioners in 2004. It is not designated as a county board. On December 1, 2009, the Board adopted Resolution No. R-1360-09, which approved and authorized the execution of an interlocal between the Agency and the County. The interlocal grants to the Agency certain redevelopment powers and adopts the Miami-Dade Code of Ethics.

Dade County or one of its agencies or instrumentalities is a party of has any interest whatever, whether direct or indirect.

Thus, the lobbying restrictions contained in Subsection (q) are more expansive and restrictive than those found in the general lobbying ordinance at Section 2-11,1(s), County Ethics Code. *See* INQ 21-05, INQ 21-123, and INQ 22-61.

The following illustrate some of the “Dos and Don’ts” of post-employment activities:

Considering that the Two-Year Rule includes advocating for actions or decisions that may be made at the sole discretion of *any* County personnel (*See* RQO 12-09; RQO 13-07), former County employees may not attempt to persuade County staff, whether in person or by written communication, to take a particular course of action. These actions are considered lobbying and are prohibited. *See* RQO 02-139 and INQ 21-05.

Moreover, former County employees are prohibited from engaging in contact with the County that would result in influencing the County’s decision-making on behalf of the former employee’s current client or employer. As such, within the two-year period covered by the Two-Year Rule, **the former County employee is prohibited from arranging or participating in any meetings, negotiations, oral presentations, or other discussions directly with County officials or staff for the purpose of influencing the County elected official, staff, or employee to take any type of official action, decision, or recommendation.** *See* INQ 16-151 (citing RQO 04-33).

Further, **public identification as part of a lobbying team and attendance at a meeting with a current public official or employee of the former public employer as a part of a lobbying team would likely run afoul of this prohibition.** *See* C21-11-05 Public Report and Final Order (former Director of the Miami-Dade Department of Transportation and Public Works violated the Two-Year Rule when she attended a private meeting with a County Commissioner at which a colleague at her new employer lobbied the Commissioner); RQO 12-09 (former Director of the City of Miami Beach Office of Capital Improvement Projects may not arrange or participate in meetings with City of Miami Beach officials or staff for the purpose of influencing an official decision); RQO 04-34 (the former Director of the Miami-Dade Office of Public Transportation Management working for a private engineering firm should not be publicly identified as part of his employer’s lobbying team to the County or attend meetings with the County where covered activities occurred).

Thus, the Commission on Ethics has advised former County employees to remove themselves from discussions and meetings where their presence would give the current employer or client an advantage. *See* INQ 16-128.

Former County employees are however allowed under Subsection (q) to share institutional knowledge regarding their former employer’s procedures with their new employer/client (agency), and to provide guidance to it regarding interactions with the County. *See* INQ 19-75, INQ 20-63 and INQ 21-02. Direct meetings and contacts between the former

employee and County personnel are also permissible **as long as** there is no advocacy involved in the interactions and the employee or other attendees are not seeking to influence County personnel. *See* INQ 20- 63 and INQ 21-123.

Additionally, a former County employee may engage in interactions with County staff which are *ministerial* in nature, such as filing/submitting applications, confirming receipt of applications, obtaining documents, or asking a procedural question. *See* INQ 16-46 citing RQO 04-33. However, any attempt to persuade County staff, whether in person or by written communication, to take a particular course of action or to make a determination, is considered lobbying and thus prohibited.

Regarding procurement matters such as RFPs, former employees are also prohibited from making presentations before County selection committees, boards and agencies, the Board of County Commissioners and its committees and subcommittees. This prohibition is broad and covers any activity where you would be publicly identified as part of a lobbying team on behalf of your employer/client (agency). *See* INQ 21-02 and INQ 21-123; *see also* RQO 04-34

Lastly, be aware that as a former employee, you are prohibited from disclosing and/or using any confidential and/or proprietary information acquired as a result of your former County position to derive a personal benefit either to yourself or your client agency. *See* County Ethics Code § 2-11.1(h); INQ 17-181 and INQ 16-46.

Opinion:

After reviewing the facts you have provided to us and pertinent sections of the County Ethics Code, the specific services you intend to provide as an independent consultant to the 7th Avenue Corridor CRA do not appear to be prohibited by Section 2-11.1(q) of the County Ethics Code (the Two- Year Rule).

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, please contact us for additional guidance.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Commission on Ethics or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.