



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

Overtown Transit Village North
701 Northwest 1st Court · 8th Floor · Miami, Florida 33136
Phone: (305) 579-2594 · Facsimile: (305) 579-0273
Website: ethics.miamidade.gov

MEMORANDUM

TO: Stacey Patrice Dean, Automotive Equipment Operator II
City of Miami Department of Resilience and Public Works

FROM: Nolen Andrew Bunker, Staff Attorney
Commission on Ethics and Public Trust

SUBJECT: INQ 2025-19, Section 2-11.1(c), Limitations on Contracting with the City;
Section 2-612, City of Miami Code, Transacting business with city, etc.

DATE: February 28, 2025

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust (“Ethics Commission”) and requesting our guidance regarding your ability to participate in a housing assistance program administered by the City of Miami Department of Housing and Community Development.

Facts

You are employed with the City of Miami as an Automotive Equipment Operator II for the City of Miami Department of Resilience and Public Works (“RPW”). Your primary job responsibilities include the operation of heavy automotive and maintenance equipment, such as backhoes, forklifts, vacuum trucks, and water pumps.

You are seeking to participate in the First-Time Homebuyer Program (“the Program”)¹ administered by the City of Miami Department of Housing and Community Development. You indicated that your RPW job duties do not include any oversight or administration of the Program. You further indicated that you do not have any immediate family members working for the City who administer or oversee the Program.

¹ The Program provides a sliding scale of assistance, with a limit of up to \$130,002 for a three-bedroom home and up to \$142,701 for a four-bedroom home (based on the most recent federal snapshot) to assist qualified, income-eligible households with the down payment and acquisition financing for the purchase of an eligible property within the City. *See Apply for First-Time Homebuyer Program*, <https://www.miami.gov/Housing-Assistance-Recovery/Home-Ownership/Apply-for-First-Time-Homebuyer-Assistance> (last visited Feb. 27, 2025).

Issue

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) or the City of Miami Code would prevent you from contracting with the City of Miami Department of Housing and Community Development to participate in the Program.

Discussion and Opinion

Generally, sections 2-11.1 (c) and (d) of the County Ethics Code permit municipal² employees to transact business with their employing municipality, so long as the contract does not interfere with the full and faithful discharge of the municipal employee’s duties, the municipal employee does not participate in negotiating or awarding the contract, and the municipal employee’s job duties will not require him or her to be involved with enforcing or overseeing the contract. *See* RQO 23-01. However, a municipal employee may not transact business with the municipal department for which he or she works. *See* County Ethics Code § 2-11.1(c)(2). Nevertheless, municipal employees and their immediate family members who are otherwise eligible for housing assistance administered by their employing municipality are permitted to seek such assistance, so long as the municipal employee does not administer the program. *See* County Ethics Code §§ 2-11.1(c)(5)(5), (c)(5)(7).

Similarly, section 2-612(a) of the City of Miami Code prohibits all City employees from “enter[ing] into any contract or transact[ing] any business with the city or any person or agency acting for the city” However, the City of Miami Code explicitly exempts from this broad prohibition against contracting with the City any City employee seeking to participate in an affordable housing assistance program, provided that the City employee “meets all criteria of the program and provided that the city manager approves the participation of the employee and that the employee is identified as being an employee of the city in applicable documents.” City of Miami Code § 2-612(a).

In practice, an immediate family member of a City of Miami employee may participate in the then-extant First Time Homebuyer’s Down Payment Assistance Program administered by the City of Miami Department of Community Development without giving rise to a prohibited conflict of interest so long as the City of Miami employee does not participate in the administration of the loan. *See* RQO 09-44. Similarly, a Special Aide to a City of Miami Commissioner may participate in the City’s First-Time Homebuyer Program administered by the City’s Department of Housing and Community Development without

² Section 2-11.1(a) of the County Ethics Code provides:

This section shall . . . constitute a minimum standard of ethical conduct and behavior for all . . . employees of municipalities in the County insofar as their individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefore be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to.

giving rise to a prohibited conflict of interest because her job duties do not require her to be involved in any way with the administration or enforcement of the program. *See* INQ 22-51; *see also* INQ 25-04 (finding that you may participate in the District 5 Expanded First-Time Homebuyer Program because your job duties do not involve administration of the program).

Here, after reviewing the facts presented to us, we conclude that **you may contract with the City of Miami Department of Housing and Community Development to participate in the Program**, provided that you otherwise qualify to participate in the Program, the City Manager approves your participation in the Program, and your employment status with the City is disclosed on all relevant documents. *See* RQO 09-44; INQ 23-84; INQ 22-51. Because your employment as an Automotive Equipment Operator II with RPW does not involve any administration or oversight of the Program, and you will never have occasion to review, approve, or administer Program applications, your employment with RPW does not give rise to a prohibited conflict of interest. *See* County Ethics Code § 2-11.1(c)(5)(5); City of Miami Code § 2-612(a). Therefore, provided that your current or future job responsibilities with RPW or any other City of Miami department that may employ you in the future do not require your involvement in any aspect of the Program, you may apply to contract with the City of Miami Department of Housing and Community Development to participate in the Program. *See* RQO 09-44; INQ 23-84; INQ 22-51.

Additionally, you may not lobby the City of Miami in support of your participation in the Program. This means that you may not contact anyone within the City in an attempt to influence a decision about your participation in the Program. *See* County Ethics Code § 2-11.1(m)(1).

Furthermore, the County Ethics Code prohibits municipal employees from exploiting their official position. This means that you may not use your City position to secure special privileges or exemptions with respect to your participation in the Program or any other housing-related program administered by the City of Miami Department of Housing and Community Development. *See* County Ethics Code § 2-11.1(g); *see also* City of Miami Code § 18-108 (“Any attempt by city employees to realize personal gain by conduct inconsistent with proper discharge of their duties is a breach of public trust.”).

This opinion is limited to the facts as you presented them to the Ethics Commission and is limited to an interpretation of the County Ethics Code and the City of Miami Code only. Based on directives from the municipal department that employs you, or under state law, other conflicts may apply. If you have additional questions regarding possible conflicts based on City of Miami directives, contact your supervisor or the Office of the City Attorney for the City of Miami. For an opinion regarding Florida ethics law, please contact the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

Please submit this opinion to the City of Miami Department of Housing and Community Development for inclusion in your file. The Ethics Commission does not submit this memorandum on your behalf.

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