



MIAMI-DADE
County Attorney

Memorandum

EDHS

Supplement to
Agenda Item No. 2(C)
June 11, 2008

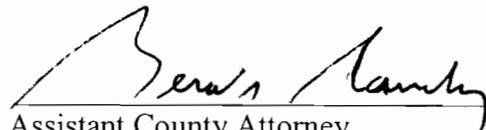
To: Hon. Chairperson Audrey M. Edmonson
and Members, Economic Development and Human Services Committee

From: Gerald K. Sanchez
Assistant County Attorney

Date: June 10, 2008

Re: Request for Legal Opinion -- United Way and Sunshine Law

You have asked this office whether the Sunshine Law would be applicable to the United Way in the event the Board of County Commissioners adopts agenda item 2C on today's agenda which would allocate the County's Community-Based Human Services Organization Funding to the United Way beginning fiscal year 2009-2010. In our opinion, such an allocation as provided for in the proposed resolution would not require the United Way to comply with the requirements of the Sunshine Law because, among other reasons, the United Way is not a "board or commission . . . of [Miami-Dade County]." Section 286.011, Florida Statutes. We understand that Robert Meyers of the Ethics Commission is sending a separate opinion which concludes that the Conflict of Interest and Code of Ethics Ordinance of Miami-Dade County, Florida, would be inapplicable to the United Way when distributing funds as contemplated by the proposed resolution.


Assistant County Attorney

GKS/bc
Attachment

Memo

To: Honorable Members, Miami-Dade Economic Development and Human Services Committee

From: Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

Date: 6/9/2008

Re: Applicability of Section 2-11.1 to Agenda Item 2C

Agenda Item 2C of your meeting scheduled for June 11, 2008 seeks to allocate the County's funding for Community-Based Service Organizations directly to the United Way of Miami-Dade County. The question posed to the Ethics Commission is whether such action will subject the board members of the United Way and its staff to the provisions of the county's Conflict of Interest and Code of Ethics Ordinance. It is my opinion that a decision of the Board of County Commissioners to augment the funding of the United Way does not bind United Way board members and staff to the provisions of Section 2-11.1 of the County Code. The United Way does not fall within the definition of County personnel (see 2-11.1(b)) and the Resolution in question clearly states the Board of County Commissioner is in no way delegating any of its powers or duties to the United Way of Miami-Dade County.

If you have any questions concerning the above, please do not hesitate to contact me at your convenience.

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