



To: Deborah Swain, Transportation Advisory Board Member

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

RE: Legal Opinion Regarding Transportation Advisory Board

Date: February 3, 2020

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It is well established that a board member may enter into a contract with the City so long as the contract is not subject to the “regulation, oversight, management, policy-setting, or quasi-judicial authority” of the board on which the individual sits. (See CAO 2016-095 and CAO 2019-022). The Transportation Advisory Board has no authority over the contract that your firm has with the City, or any City contract for that matter. Accordingly, you may continue to serve on the board while your firm has an active contract with the City.

A vote taken by the board recommending a general initiative or item (i.e. sidewalks) related to transportation, that *could* ultimately result in a project being approved, that *may* be assigned to your firm as one of the contractors in the pool for those services, is too remote and speculative to result in a voting conflict. If you believe that voting on a particular initiative might create an appearance of impropriety, you may recuse yourself by disclosing the matter, leaving the room, and filing an 8B form within 15 days with the City Clerk.

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

**From:** [Ramos, Miriam](#)  
**To:** [Paulk, Enga](#)  
**Cc:** [Suarez, Cristina](#)  
**Subject:** FW: Transportation Advisory Board  
**Date:** Sunday, February 2, 2020 4:22:57 PM  
**Attachments:** [image006.png](#)  
[image010.png](#)  
[image012.png](#)

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Enga, please publish.

*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  
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**From:** Ramos, Miriam  
**Sent:** Sunday, February 2, 2020 4:22 PM  
**To:** Deborah Swain <dswain@milianswain.com>  
**Cc:** Mena, Michael <mmena@coralgables.com>  
**Subject:** RE: Transportation Advisory Board

Ms. Swain,

It is well established that a board member may enter into a contract with the City so long as the contract is not subject to the “regulation, oversight, management, policy-setting, or quasi-judicial authority” of the board on which

the individual sits. (See CAO 2016-095 and CAO 2019-022). The Transportation Advisory Board has no authority over the contract that your firm has with the City, or any City contract for that matter. Accordingly, you may continue to serve on the board while your firm has an active contract with the City.

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

Sincerely,

*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*

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**From:** Deborah Swain <[dswain@milianswain.com](mailto:dswain@milianswain.com)>

**Sent:** Wednesday, January 29, 2020 10:19 AM

**To:** Ramos, Miriam <[mrmos@coralgables.com](mailto:mrmos@coralgables.com)>

**Subject:** Transportation Advisory Board

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Ms. Ramos:

In 2019, the City of Coral Gables solicited proposals to establish a qualified pool of firms ("Proposers") interested in providing Civil and Environmental Engineering Services, pursuant to Florida Statute 287.055 "Consultants' Competitive Negotiation Act" (CCNA), see RFQ 2019-2015. My firm responded, and was awarded one of the contracts, RFQ 2019-015D.

The specific scope of services are detailed below at the end of this email. These services do not include traffic engineering. The transportation advisory board does not oversee this contract.

I can contemplate that there may be a time, albeit unlikely, that the Board may have an item for consideration that may touch on one of the items in the scope. At such time, I would disclose my conflict and not participate in the discussion nor the vote.

Please provide me with an opinion as to whether I may continue to serve on the Transportation Advisory Board while my firm provides services to the City under this contract.

See below scope of services, as stated in Section 2 of the RFQ and Contract.

#### 2.2.1 Planning and General Civil Engineering Design Services

Under this category, Proposers will be required to provide all services necessary to deliver capital improvements and infrastructure construction, rehabilitation and repair including: master planning, sidewalk and street needs assessments, and miscellaneous engineering planning and design services.

#### 2.2.2 Water and Sanitary Sewer Systems

Under this category, Proposers will be required to provide all services necessary to plan, design, equipment selection, preparation of construction documents, and administration of construction contracts for all types of water and sanitary sewer systems including but not limited to: water distribution and sewage collection systems, transmission lines of all sizes and types, and pumping stations. The work may include comprehensive studies and preparation of reports, permitting compliance, master planning, hydraulic modeling, development of new facilities, repairs and improvements of existing facilities.

#### 2.2.3 Paving and Drainage Assessments and Design

Under this category, Proposers will be required to provide paving and drainage assessments of existing systems, drainage calculations, new systems design, streets parking lots, and other areas as may be required.

#### 2.2.4 Environmental Engineering and Hazard Mitigation Strategies

Under this category, Proposers may be required to provide estimation of the effects of man on the environment and on human, animal and plant life as well as any action taken to reduce

or eliminate the long-term risk to human life and property from natural hazards. Factors to be assessed include, but are not limited to: effects on natural resources; erosion and sedimentation; coastal and freshwater wetland communities; wildlife habitat and migration; air, water and soil pollution; groundwater and surface water movement and flow; and groundwater quality. The work involves the performance of studies and preparation of reports for environmental assessments of contaminated sites, provide air quality monitoring, manage DERM compliance process, certify contaminated soil removal, proposed land development, transportation improvements, hazard identification, vulnerability analysis, defining of hazard mitigation strategy and implementation of hazard mitigation activities and projects.

In addition to the basic engineering services listed above, special services may be required for some projects. Such services include engineering surveys, soil investigations, services of a resident engineer, feasibility studies, and other services requiring professional engineering analysis and/or design.

Deborah D. Swain  
Vice President



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