

## COMMUNITY DEVELOPMENT DEPARTMENT

Maxine A. Calloway, Esq., AICP  
Community Development Director

### MEMORANDUM

To: Samuel S. Goren, City Attorney  
Sean Swartz, Assistant City Attorney

CC: Michael Cernech, City Manager  
Maxine Calloway, Director of Community Development

FROM: Shekevia Smith, Housing and Community Development Programs Coordinator

DATE: September 9, 2020

RE: City of Tamarac SHIP Temporary Mortgage Rental & Utility Assistance Program  
– Request for Legal Opinion – Zachariah Felix (tenant of Todrick Cooper, Code Enforcement Officer) Conflict of Interest

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Zachariah Felix, the tenant of Todrick Cooper, has submitted an application for consideration for our SHIP Temporary Mortgage Rental & Utility Assistance Program. For your information, Todrick Cooper is the City of Tamarac's Code Enforcement Officer.

The Temporary Mortgage Rental & Utility Assistance Program is currently being funded by the State Housing Initiative Partnership (SHIP). Although the program is not funded by CDBG, in accordance with CFR 24 CFR 570.611, our office is seeking to obtain a written legal opinion as to whether a conflict of interest exists, or if Zachariah Felix participation in the program violates any state or local laws.

Please let me know if there is any additional information that you need in order to render your legal opinion.

## CITY OF TAMARAC

### MEMORANDUM NO. 2020-142

TO: Shekevia Smith, Housing and Community Development Program Coordinator

CC: Michael Cernech, City Manager  
Maxine Calloway, Director of Community Development

FROM: Samuel S. Goren, City Attorney *SSG*  
Sean M. Swartz, Assistant City Attorney *SMS*

DATE: October 30, 2020

RE: City of Tamarac SHIP Temporary Mortgage Rental & Utility Assistance Program  
- Zachariah Felix (Tenant of Todrick Cooper, Code Enforcement Officer) Conflict of Interest

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#### Introduction

Shekevia Smith, Housing and Community Development Program Coordinator, posed the question of whether state or local conflict of interest law is violated if Zachariah Felix's application for the City's Mortgage Rental & Utility Assistance Program ("Program") is approved, since Mr. Felix is the tenant of City Code Enforcement Officer, Todrick Cooper.

#### Short Answer

In short, although Mr. Cooper as a Landlord and City Employee would not violate state conflict of interest law related to Mr. Felix's Program application, Mr. Cooper would be in violation of Section 2-264 of the City's Code of Ordinances governing conflicts of interest if Mr. Felix's Program application was approved. However, the City Commission may waive the conflict of interest since Mr. Cooper does not exert any influence over the Program or the applicants the Program approves, and the City Code is silent as to this type of waiver. If the conflict of interest is waived by the City Commission, Mr. Felix's application must meet all requirements of the Program, and must be reviewed in the same manner as any other Program application is reviewed, processed, and approved.

#### City's Code of Ordinances Sec. 2-264 "Prohibited interests in Contract, Purchase, or Franchise"

Section 2-264 of the City's Code of Ordinances provides in part as follows:

*No officer or employee shall...be or become directly or indirectly interested in any contract, work or business, or in the purchase or sale of any article, the*

*expense, price or consideration of which is paid or received by the city...; or acquire an interest in any contract with, or work done for the city, or in any franchise, right or privilege granted by the city.*

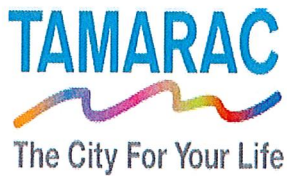
Section 2-264 prohibits an employee of the City from becoming the direct or indirect beneficiary arising out of work or business of monies paid by the City. In this case, although Mr. Cooper will not be a party to the contract between the City and Mr. Felix for the Program funds, Mr. Cooper would be directly receiving the money provided by the City on Mr. Felix's behalf related to the rental of Mr. Cooper's real property. Therefore, Mr. Cooper would be in violation of this Section of the City Code by receiving Program funds paid by the City on Mr. Felix's behalf.

### **Conclusion**

Although not in violation of state law, Todrick Cooper, as a Landlord and as a City Code Enforcement Officer, is indirectly interested in Mr. Felix's Mortgage Rental & Utility Assistance application, if approved, and Mr. Cooper would be paid directly by the City under the ultimate agreement between Mr. Felix and the City. Although in violation of the City Code, it is the City Attorney's Office opinion that the City Commission may waive the conflict of interest since Mr. Cooper does not exert any influence over the way in which the Program applications are reviewed, processed, or approved, and the City Code is silent as to waivers of this type of conflict of interest. If waived, Mr. Felix's Program application must be reviewed, processed, and approved, and otherwise must meet the same criteria, as any other application for Program funds.

Should you have any questions, please do not hesitate to contact our office.

SSG:SMS



## COMMUNITY DEVELOPMENT DEPARTMENT

Maxine Calloway, Esq., AICP (Director)

### HOUSING DIVISION

#### MEMORANDUM

To: Samuel S. Goren, City Attorney  
Sean Swartz, Assistant City Attorney

CC: Michael C. Cernech, City Manager  
Maxine Calloway, Director of Community Development

FROM: Carolyn Francis-Royer, Housing and Community Development Manager  
Nichola Lewis, Housing and Community Development Coordinator

DATE: October 22, 2020

RE: City of Tamarac 2020 Emergency Assistance Program – Request for Legal Opinion  
– Germania Roman - Conflict of Interest

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Germania Roman, who is a City of Tamarac employee has submitted an application for consideration for our 2020 Emergency Assistance Program. For your information, Ms. Roman is the Administrative Coordinator in the Parks and Recreation Department.

Our office is seeking to obtain a written legal opinion as to whether a conflict of interest exists, or if Ms. Roman's participation in the program violates any state or local laws. The 2020 Emergency Assistance Program is currently being funded by the Coronavirus Relief Fund (CRF).

Please let me know if there is any additional information that you need in order to render your legal opinion.

MAC/crf/nl

## CITY OF TAMARAC

### MEMORANDUM NO. 2020-140

TO: Carolyn Francis-Royer, Housing and Community Development Manager  
Nichola Lewis, Housing and Community Development Coordinator

CC: Michael Cernech, City Manager  
Maxine Calloway, Director of Community Development

FROM: Samuel S. Goren, City Attorney *SSG*  
Sean M. Swartz, Assistant City Attorney *SMS*

DATE: October 29, 2020

RE: City of Tamarac - 2020 Emergency Assistance Program - Germania Roman,  
Administrative Coordinator of Parks and Recreation Department - Conflict of  
Interest

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#### Introduction

This legal memorandum is in response to the Housing and Community Development Department's question, dated October 22, 2020, on whether any state or local law is violated if the City approves Germania Roman's application for the 2020 Emergency Assistance Program ("Program"), as Ms. Roman is the Administrative Coordinator in the Parks and Recreation Department for the City.

#### Short Answer

In short, although the approval of Germania Roman's application for Program funds would violate Section 2-264 of the City's Code of Ordinances governing conflicts of interest, the City Commission may waive the conflict since Ms. Roman does not exert any influence over the Program or the applicants the Program approves, and the City Code is silent as to this type of waiver. If the conflict of interest is waived by the City Commission, Ms. Roman's application must meet all requirements of the Program, and must be reviewed in the same manner as any other Program application is reviewed, processed, and approved.

#### City's Code of Ordinances Sec. 2-264 "Prohibited interests in Contract, Purchase, or Franchise"

Section 2-264 of the City's Code of Ordinances provides in part as follows:

*No officer or employee shall...be or become directly or indirectly interested in any contract, work or business, or in the purchase or sale of any article, the*

*expense, price or consideration of which is paid or received by the city...; or acquire an interest in any contract with, or work done for the city, or in any franchise, right or privilege granted by the city;*

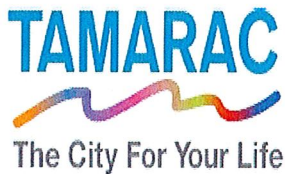
This portion of Section 2-264 prohibits an employee of the City from becoming the direct beneficiary arising out of work or business of monies paid by the City, or from acquiring any right or privilege granted by the City. In this case, Ms. Roman would be a party to the contract with the City for receiving funds under the Program. Therefore, Ms. Roman would be in violation of this Code section as being directly interested, and obtaining a right and privilege in the Program funds paid by the City.

### **Conclusion**

Although not in violation of state law, the approval of Germania Roman's application for Program funds would violate Section 2-264 of the City's Code. However, since Ms. Roman does not exert any influence over the way in which the Program applications are reviewed, processed, or approved, and the City Code is silent as to waivers of this type of conflict of interest, the City Commission may waive the conflict. Therefore, it is the City Attorney's Office opinion that prior to the City approving Ms. Roman's application for the Program funds, the City Commission would have to waive Ms. Roman's conflict of interest under Section 2-264 of the City Code. If waived, Ms. Roman's Program application must be reviewed, processed, and approved, and otherwise must meet the same criteria, as any other application for Program funds.

Should you have any questions, please do not hesitate to contact our office.

SSG:SMS



**COMMUNITY DEVELOPMENT DEPARTMENT**  
Maxine Calloway, Esq., AICP (Director)  
**HOUSING DIVISION**

**MEMORANDUM**

To: Samuel S. Goren, City Attorney  
Sean Swartz, Assistant City Attorney

CC: Michael C. Cernech, City Manager  
Maxine Calloway, Director of Community Development

FROM: Carolyn Francis-Royer, Housing and Community Development Manager  
Nichola Lewis, Housing and Community Development Coordinator

DATE: October 22, 2020

RE: City of Tamarac Residential Assistance Program – Request for Legal Opinion –  
Monique Alexander - Conflict of Interest

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Monique Alexander, who is a City of Tamarac employee has submitted an application for consideration for our Residential Assistance Program. For your information, Ms. Alexander is the Information and Referral Specialist in the Parks and Recreation Department.

Our office is seeking to obtain a written legal opinion as to whether a conflict of interest exists, or if Ms. Alexander's participation in the program violates any state or local laws. The Residential Assistance Program is currently being funded by the Coronavirus Relief Fund (CRF).

Please let me know if there is any additional information that you need in order to render your legal opinion.

MAC/crf/nl

**CITY OF TAMARAC**

**MEMORANDUM NO. 2020-141**

TO: Carolyn Francis-Royer, Housing and Community Development Manager  
Nichola Lewis, Housing and Community Development Coordinator

CC: Michael Cernech, City Manager  
Maxine Calloway, Director of Community Development

FROM: Samuel S. Goren, City Attorney *SSG*  
Sean M. Swartz, Assistant City Attorney *SMS*

DATE: October 29, 2020

RE: City of Tamarac – Residential Assistance Program - Monique Alexander,  
Information and Referral Specialist in the Parks and Recreation Department -  
Conflict of Interest

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**Introduction**

This legal memorandum is in response to the Housing and Community Development Department's question, dated October 22, 2020, on whether any state or local law is violated if the City approves Monique Alexander's application for the Residential Assistance Program ("Program"), as Ms. Alexander is the Information and Referral Specialist in the Parks and Recreation Department for the City.

**Short Answer**

In short, although the approval of Monique Alexander's application for Program funds would violate Section 2-264 of the City's Code of Ordinances governing conflicts of interest, the City Commission may waive the conflict since Ms. Alexander does not exert any influence over the Program or the applicants the Program approves, and the City Code is silent as to this type of waiver. If the conflict of interest is waived by the City Commission, Ms. Alexander's application must meet all requirements of the Program, and must be reviewed in the same manner as any other Program application is reviewed, processed, and approved.

**City's Code of Ordinances Sec. 2-264 "Prohibited interests in Contract, Purchase, or Franchise"**

Section 2-264 of the City's Code of Ordinances provides in part as follows:

*No officer or employee shall...be or become directly or indirectly interested in any contract, work or business, or in the purchase or sale of any article, the*



*expense, price or consideration of which is paid or received by the city...; or acquire an interest in any contract with, or work done for the city, or in any franchise, right or privilege granted by the city;*

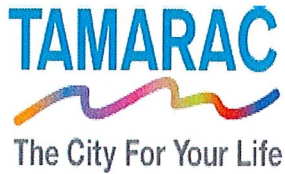
This portion of Section 2-264 prohibits an employee of the City from becoming the direct beneficiary arising out of work or business of monies paid by the City, or from acquiring any right or privilege granted by the City. In this case, Ms. Alexander would be a party to the contract with the City for receiving funds under the Program. Therefore, Ms. Alexander would be in violation of this Code section as being directly interested, and obtaining a right and privilege in the Program funds paid by the City.

### **Conclusion**

Although not in violation of state law, the approval of Monique Alexander's application for Program funds would violate Section 2-264 of the City's Code. However, since Ms. Alexander does not exert any influence over the way in which the Program applications are reviewed, processed, or approved, and the City Code is silent as to waivers of this type of conflict of interest, the City Commission may waive the conflict. Therefore, it is the City Attorney's Office opinion that prior to the City approving Ms. Alexander's application for the Program funds, the City Commission would have to waive Ms. Alexander's conflict of interest under Section 2-264 of the City Code. If waived, Ms. Alexander's Program application must be reviewed, processed, and approved, and otherwise must meet the same criteria, as any other application for Program funds.

Should you have any questions, please do not hesitate to contact our office.

SSG:SMS



## COMMUNITY DEVELOPMENT DEPARTMENT

Maxine Calloway, Esq., AICP (Director)

### HOUSING DIVISION

#### MEMORANDUM

To: Samuel S. Goren, City Attorney  
Sean Swartz, Assistant City Attorney

CC: Michael C. Cernech, City Manager  
Maxine Calloway, Director of Community Development

FROM: Carolyn Francis-Royer, Housing and Community Development Manager  
Nichola Lewis, Housing and Community Development Coordinator

DATE: November 3, 2020

RE: City of Tamarac Residential Assistance Program – Request for Legal Opinion –  
Anjanette Rodriguez - Conflict of Interest

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Anjanette Rodriguez, who is a City of Tamarac employee has submitted an application for consideration for our Residential Assistance Program. For your information, Ms. Rodriguez is the Permit Services Supervisor in the Building Department.

Our office is seeking to obtain a written legal opinion as to whether a conflict of interest exists, or if Ms. Rodriguez's participation in the program violates any state or local laws. The Residential Assistance Program is currently being funded by the Coronavirus Relief Fund (CRF).

Please let me know if there is any additional information that you need in order to render your legal opinion.

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