



**PUBLIC NOTICE
CITY OF NORTH MIAMI
PUBLIC DISCLOSURE OF EMERGENCY PAINT ASSISTANCE TO ROSELLE HILAIRE**

The City of North Miami ("City") is a recipient of federal funds from the U.S. Department of Housing and Urban Development ("HUD") under the Community Block Development Grant (CDBG).

The City has provided assistance to Ms. Roselle Hilaire, an income eligible applicant and employee at the City of North Miami, working in the capacity of a Part-Time School Crossing Guard for the City of North Miami's Police Department through the City of North Miami Emergency Paint Assistance Program. The Federal Government's Code of Federal Regulations, 24 CFR 570.611(c) states that:

"(b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure."

"(c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part."

Exception

The U.S. Department of Housing and Urban Development may grant an exception to these provisions and allow Ms. Roselle Hilaire to receive assistance from the Emergency Paint Assistance Program, providing the City publicly discloses the nature of the potential conflict in addition to retrieving an opinion from the City Attorney that the interest(s) for which we are seeking the exception is not in violation of State or local law.

The potential conflict of interest in this case arises from the fact that Ms. Roselle Hilaire is an employee of the City of North Miami, and the City is a recipient of CDBG funding.

The City Attorney's office has reviewed all documentation for this application and issued a legal opinion regarding the potential conflict(s) of interest. In their opinion, the application of Ms. Roselle Hilaire, does not violate State or local law or any City administrative policies.

Public Comment

Residents are encouraged to review the complete opinion and provide written comments. Copies of the opinion are available for review at the Housing & Social Services office located at 12300 NE 8th Avenue, North Miami, Florida 33161; North Miami City Hall located at 776 NE 125th Street, North Miami, FL 33161 during regular business hours, Monday to Friday from 8:00 a.m. to 4:00 p.m.; and City's website, during the 10-day period to commence on 09/08/2025 and end on 09/17/2025. Comments may be submitted to the Housing & Social Services Department by mail, in person, or by e-mail to housing@northmiamifl.gov.

City of North Miami
Vanessa Joseph, Esq.
City Clerk



MEMORANDUM

TO: Alberte Bazile, Housing and Social Services Director
FROM: Jeff P. H. Cazeau, City Attorney *JPC*
DATE: January 25, 2024
RE: **Conflict of Interest Legal Opinion for City Employee Roselle Hilaire**

ISSUE

Whether Roselle Hilaire may participate in the City of North Miami Emergency Paint Assistance Program?

FACTS

Roselle Hilaire, currently employed as a Part-time School Crossing Guard for the City of North Miami Police Department, submitted an application for assistance through the City of North Miami Emergency Paint Assistance Program and is seeking a legal opinion on her ability to participate in the Program.

DISCUSSION

The City of North Miami Conflict of Interest and Code of Ethics Ordinance, section 2-316 provides that no person included in the terms defined in subsections 2-316(b)(1)-(6) and in subsection 2-316(b)(9) shall enter into any contract or transact any business in which that person or a member of the immediate family has a controlling financial interest, direct or indirect with the City of North Miami or any shareholder, partner, officer, director or employee of such contractor, unless the business transaction is an arm's length transaction made in the ordinary course of business."

Further, the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1(c) provides that this section "shall not be construed to prevent any employee as [...] from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest [...] as long as (1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, (2) the employee has not participated in determining the subject contract requirements or awarding the contract, and (3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance."

Additionally, the Florida Statute outlining standards of conduct for public officers, employees of agencies, and local government attorneys, expressly exempts such a transaction from its conflict-of-interest provisions. Section 112.313, Florida Statutes provides that no person shall be held in violation of the conflict-of-interest provisions if: "(i) The public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated

members of the general public, from a business entity which is doing business with his or her agency. (j) The public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency and: 1. The price and terms of the transaction are available to similarly situated members of the general public; and 2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.”

Given that Ms. Roselle Hilaire’s job responsibilities with the North Miami Police Department does not require her participation in any of the aspects of her contract, her transaction would not violate any Federal, State, or Local conflict of interest or Code of Ethics laws.

CONCLUSION

Based on the foregoing, unless and until legislatively or judicially determined otherwise, it is the opinion of this office that Ms. Roselle Hilaire’s participation in the City of North Miami Emergency Paint Assistance Program would not violate the City of North Miami Conflict of Interest and Code of Ethics Ordinance, the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, nor the State of Florida’s Conflict of Interest guidelines. Consequently, Ms. Roselle Hilaire is eligible to participate in the City of North Miami Emergency Paint Assistance Program.

JPHC/PEB