



# MEMORANDUM

Office of the City Attorney

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**TO:** Mayor and City Commission

**DATE:** July 20, 2000

**FROM:** Marion J. Radson, City Attorney 

**SUBJECT:** Appointment to Airport Authority; **Legislative Item No. 000132**

An applicant for appointment to the Airport Authority, Mr. William Zegel contacted me today to ask whether he was eligible for appointment to the Airport Authority. Mr. Zegel disclosed that the company, Water and Air Research in which he serves as President, has an existing contract with the City.

The city currently has two contracts with Water and Air Research. One contract is for general civil engineering services that expires on September 30, 2000. The Public Works Department does not intend to renew this contract. The other contract is for general environmental services that was entered into during fiscal year 1999. Water and Air Research was selected through the Request for Qualifications process. The City may annually extend this contract at the City's option.

The Commission on Ethics issued an opinion on a similar question in 1990 and opined that the Code of Ethics for Public Officers and Employees does not prohibit a person from serving on the airport authority when the person's firm is under contract at the City because the commission has interpreted the law to "grandfather-in" contracts that were entered into before the appointment. Although the special legislation creating the Airport Authority is silent as to any grandfather provisions, it is my opinion that an existing contract with the City does not prohibit a person from serving on the Airport Authority, following the same reasoning as the Commission on Ethics. The purpose of this memo is to make you aware of the existing contract between Mr. Zegel's firm, Water and Air Research and the City. Additionally, the current contract with the City would be grandfathered in only until the expiration or renegotiation of the agreement.

MJR/afm

cc: Kurt Lannon, Clerk of the Commission  
Gene Clerkin, Airport Director  
Teresa Scott, Public Works Director  
William Zegel, President, Water and Air Research

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CITY OF GAINESVILLE  
CITY COMMISSION