



In re:

C 20-48-12

The Complaint of Alain Garcia against

City of Miami Commissioners

Joe Carollo, Alex Diaz De La Portilla,

Manolo Reyes, Ken Russell, and Jeffrey

Watson

PUBLIC REPORT AND FINAL ORDER ON MOTION TO DISMISS

An Ethics Complaint was filed by citizen Alain Garcia against City of Miami Commissioners Joe Carollo, Alex Diaz De La Portilla, Manolo Reyes, Ken Russell and Jeffrey Watson alleging they violated Section (A)(5) of the Citizens' Bill of Rights entitled "Right to be Heard."

The complaint alleged, among other things, that Complainant was denied his right to be heard at a City of Miami meeting on November 19, 2020, concerning a proposed ordinance that would prohibit outdoor music between the hours of 8:00 p.m. and 8:00 a.m. in areas that share a property line with a property that has a residential use.

The City had posted a Public Notice advising citizens that prerecorded public comments would be played during the November 19, 2020 meeting. Subsequently, however, upon learning that the prerecorded comments exceeded eight (8) hours, the City Attorney advised Respondent Commissioners that the comments were "pretty much exactly the same" and that the Commissioners would be in compliance with the Florida Statutes regarding public meetings law by placing a statement in the record acknowledging the substance of the over eight hours of comments.

Respondent City of Miami Commissioners filed a Motion to Dismiss the complaint against them based on the undisputed fact that they acted in reliance on the advice of their City Attorney.

After hearing from the Attorney for the Respondent Commissioners, the Advocate and counsel for the Complainant and otherwise being fully advised in its premises, the Ethics Commission unanimously agreed to GRANT the Motion to Dismiss the complaint against Respondents Joe Carollo, Alex De La Portilla, Manolo Reyes, Ken Russell, and Jeffrey Watson.

Wherefore it is:

ORDERED AND ADJUDGED that Complaint C20-48-12 is **DISMISSED** against Respondents, Joe Carollo, Alex De La Portilla, Manolo Reyes, Ken Russell, and Jeffrey Watson.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on this 13th day of January 2021.

MIAMI-DADE COUNTY COMMISSION ON ETHICS
& PUBLIC TRUST

By:



Nelson C. Bellido

Chairman

Signed on : 1/22/2021