

Ethics (COE)

JNQ 05-139

From: Ethics (COE)
Sent: Friday, August 19, 2005 4:01 PM
To: Seifried, Kevin (COC)
Subject: RE: Question - Invitations to events as opposed to "gifts"

Mr. Seifried,

I reviewed your request for opinion and I want to highlight the relevant facts before giving you an answer. You are a full-time County employee and also serve as the chairperson of the Planning Commission for the City of North Miami. Periodically, you attend events as a member of the Planning Commission at which food and beverages might be served. You wish to know whether you can attend these events and must you report as gifts the food and beverage you consume.

There is no restriction in the County's Conflict of Interest and Code of Ethics Ordinance that bars you from attending these groundbreaking and ribbon cutting ceremonies. The fact that food and beverages may be available at these events is not significant unless you consume in excess of \$100 of food and beverages at any one time. If you are able to ascertain that the value of the food and beverages that you personally consume exceeds \$100, then you have accepted a gift that must be reported. If the value is less than \$100, then there is nothing for you to report.

Please understand that you are not permitted to solicit an invitation to attend these events. It is perfectly acceptable for you to be invited, it only presents a problem if you ask to attend these functions. Finally, despite the fact that those hosting these functions may have no matters currently before your Planning Commission, there remains the possibility that they could appear before your Commission in the future regarding another application or matter. Therefore, you must continue to be objective and unbiased in reviewing the applications of those who appear before the Planning Commission, especially in those cases where you have attended special events hosted by an applicant.

If you have any questions concerning the above, please do not hesitate to contact me.

Sincerely,

Robert Meyers

From: Seifried, Kevin (COC)
Sent: Thursday, August 18, 2005 12:53 PM
To: 'ethics@miamidade.gov'
Subject: Question - Invitations to events as opposed to "gifts"

Gentlemen,

I am the current chairperson for the Planning Commission for the City of North Miami, in addition to being a regular County Employee for the Clerk of the Courts, Civil Courts Division.

As you may be generally aware, North Miami is undergoing somewhat of a redevelopment revival. Periodically, I receive printed invitations to attend ground breakings or ribbon cuttings. These events always include food and beverages.

Since these events represent the actual physical start of something previously heard and approved, or represent the "finished product" of something previously heard and approved, do these invitations fall under the "gift" definition, or are they more in the realm of correct civic responsibility and behavior?

Should I routinely accept or should I routinely decline? Note that in North Miami, the Planning Commission is limited to the role of an advisory board, all decisions from the commission are properly phrased as recommendations and all final decisions are vested in the City Council. Further, in at least some of these instances, the actual sight plans and approvals, due to the multitude of regulations on capital projects, may have never actually come before the planning commission, however, the overlying major project most likely was presented in some manner to the Planning Commission in the past.

I feel the need to establish some sort of consistent behavior for myself on these invitations. I have no way of knowing or estimating a realistic per person cost, so I have no way determining if any particular invitation falls over or under the

\$25.00 threshold. Further, I have no way of knowing the guest list. So far, these invitations have been addressed to me by name, in my capacity as Planning Commission Chairman, and I have queried my peer planning commissioners and have determined that they are not invited with the same frequency, so this appears to be a generic item sent to only the Chairpeople of the various city boards, in addition to department heads, staff and elected officials. (Note here that planning commissioners are appointed for two year terms, all terms expire on the same schedule, and appointments are somehow randomly rotated among the various City Councilmembers, such that there does not seem to be a direct relationship to the council persons district, but only as to city residence, where residency is a requirement of that particular advisory board).

So, in brief, if that is possible, am I free to continue accepting these in the spirit of civic responsibility and civic duty, or must I evaluate each of these groundbreaking and ribbon cuttings as gifts, and thus decline?

Sincerely,

Kevin Seifried, Chairman
City of North Miami Planning Commission
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