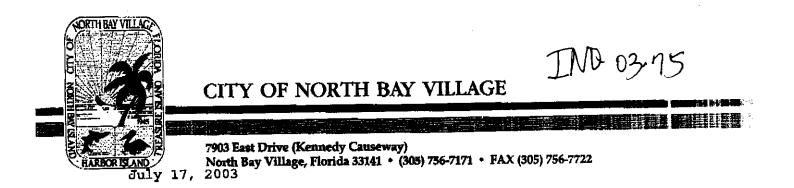
TIMBERLAKE MGMT.



Mr. Robert A. Meyers Executive Director Miami Dade County Commission on Ethics & Public Trust 19 West Flagler Street, Suite 207 Miami, Florida 33130

FAX (305) 579-0273

Dear Mr. Meyers:

I have a dilemma with respect to my position as a commissioner : n the City of North Bay Village.

Although I have sought a legal opinion from the City Attorney, Earl Gallop, with reference to my ability to vote on the Al Coletta/Burt J. Harris Issue and whether there is a conflict of interest. I was assured by Earl Gallop, who also contacted your office regarding this issue, that there was no conflict. I still have a concern and I hereby request a written opinion from the Ethics Commission.

The following are my circumstances:

- I rent my home from Al Coletta.
- Al Coletta is my very close friend.
- My children refer to Al Coletta as "Uncle Al", as he is an integral part of our family.
- We travel together, our family and Al Coletta.
- Al Coletta owns the penthouse floor of the Bayshore Yacht and Tennis Club Condominium.
- The penthouse floor is zoned half RM70 and half Commercial General, rendering the property unusable in either zone.
- Al Coletta has initiated an action under the Burt J. Harris Act requesting relief from the City to allow him to use the property as either RM70 or Commercial General.
- The Condominium Documents grant Al Coletta, as a right of ownership of the commercial unit of the penthouse floor, the right to use the property as either commercial or residential and according to the condominium documents, no owner member of the Bayshore Yacht and Tennis Club Condo. Assoc., Inc., may prevent any other owner from using his unit for its proper, authorized use.

Vice Mayor George A. Kane Commissioner Frank Joe DiMaggio Commissioner Robert A. Dugger, Sr. Comrais ioner David M. Fleischer



#### ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairman Robert H. Newman, Vice Chairman Gail Dotson Dawn Addy Elizabeth M. Iglesias

ROBERT A. MEYERS EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI advocate

ARDYTH WALKER STAFF GENERAL COUNSEL July 21, 2003

The Honorable Robert A. Dugger, Sr. City of North Bay Village 7903 East Drive North Bay Village, FL 33141

## **RE: REQUEST FOR OPINION**

Dear Commissioner Dugger:

You requested an opinion regarding a potential voting conflict as it relates to your close friend, Al Coletta. According to the facts presented in your letter, you rent your home from Mr. Coletta, who is requesting a zoning variance from the City. The matter is scheduled before the City Commission on July 30<sup>th</sup>, 2003.

The Conflict of Interest and Code of Ethics Ordinance, permits you to vote on the matter. Section 2-11.1 (d) provides, in part:

"Additionally, no person included in the term defined in subsection (b) (1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1)in a manner distinct from the manner in which it would affect the public generally. Any person included in the term defined in subsection (b)(1) who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action...shall not vote on or participate in any way in said matter."

TEL (305) 579-2594

As stated in your letter, you do not have any of the enumerated relationships outlined under Section 2-11.1 (d). Furthermore, although you rent your home from Mr. Coletta, your letter does not indicate that you stand to benefit or profit, directly or indirectly, such as receiving a rent reduction, for example.

You would be legally prohibited from participating in and voting on this matter, however, if you or your immediate family could acquire a financial interest. Section 2-11.1 (0), "Acquiring financial interest," states that:

"No person included in the terms defined in subsections (b)(1) through (6) shall acquire a financial interest in a project, business entity or property at a time when he believes or has reason to believe that the said financial interest will be directly affected by his official actions or by official actions by the County or County agency of which he is an official, officer or employee."

This opinion construes the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, you may reach me at (305) 579-2594.

Sincerely Yours,

West Men

ROBERT MEYERS Executive Director



FAX

DATE: July 17, 2003

TO: ROBERT A. MEYERS Fax: 305-579-0273

FROM:

ROBERT A. DUGGER, SR.

ř

12.14

# Multi-Page TX

CITY OF NORTH BAY VILLAGE CITY COMMISSION MEETING Tuesday, July 27, 1999, 7:30 p.m.

#### ITEM 7.A.

An ordinance of the Mayor and City Commission of the City of North Bay Village, Florida, relating to zoning; amending code section 152.029 high density multiple family residential district; providing that when a structure is located in RM-70 and general commercial districts as an additional permitted use, certain of those uses permitted in the general commercial district shall apply as well to such structural uses permitted in the RM-70 district; providing for repealer; providing for codification; providing for severability and an effective date.

The above cause came on for

hearing before the City of North Bay Village

City Commission.

### ESQUIRE DEPOSITION SERVICE 305-651-0706

ank you, sir	23	ATTORNEY DUBBIN: IL'S NOL YOUR		1, 14 17 10 14 14 14 14 14 14 14 14	
JOG GELIER: Thank you, sit. Page 69 1 1t basica ROBERT DUCCER: Good evening, 2 required and is Robert Dugger, and I reside on North 2 required by fished for approximately two year now. 2 second put years, in manage condominium associations and homeowner associations. 3 (10 spoken ac if happen, as a proceed on a daily basis in the courts of law because of the governing documents associations. and I think if ' spoken ac if ' sportant for this Commission to if ' sportant for the governing documents of the stociations, and I think if ' sportant for this Commission to if ' sportant for the governing documents are of the governing that ac act of the homeowners who purchased there, act of the homeowners who purchased there, the the the your dopoit bafors you could close and that was't done, that' a the the section of the solid who who we the the the solid under the Florida secte hut every byter do the ' should be the ' should be the the solid under the Florida secte hut every byter do the ' should be the the the solid under the Florida secte hut every byter do the was't done, that' a part, ' should be ' should be the ' should be ' shoul	24		, u	4	
RogeRT DUCCER: Good evening, RogerT DUCCER: Good evening, Survisioners, ladies and gentlemen. My       2       required         Ruy Texnal Cortextartery two years now.       3       3       1         Ruy Texnal Cortextartery two years now.       1       1       1       1         Ruy Texnal Cortextartery two years now.       1       1       1       1       1       1         Ruy Texnal Cortextartery two years now.       1<	25	JOE GELLER: Thank you,	52	4 5 5 4	
RODERT DUGGER: Good evening, Commissioners, ladies and genchemen. My name is Robert Dugger, and I reside on North Bay Tsiand for approximately two years now.       2       required         Bay Tsiand for approximately two years now.       3       1       1       1         Bay Tsiand for approximately two years now.       3       1       1       1       1         Bay Tsiand for approximately two years now.       1 </td <td></td> <td></td> <td></td> <td></td> <td></td>					
Commissioners, ladies and gentiemen. My have is Robert Dugger, and I reside on North have is Robert Dugger, and I reside on North bay Island for approximately two years now. I happen, as a performance of the last 23 years, to manage condeminium associations and in the years, to manage condeminium associations and in the years, to manage condeminium associations and in the years, to manage of the associations and I think it's important of the performance of the powening documents of the house associations, and I think it's important the two years for the performance of the house associations and I think it's important the two would be accounted that you can't agiven to the perchased there, and a matter of the normonity accuments at the time you paid your deposit before you could close and take title to you, provide a sec of condeminium documents at the time you be the stilt woo sold to you. During the time you be the stilt woo sold to you be the stilt woo sold to you the time you be the stilt woo sold to you way for you way for you. The best way is a function in the state of florida under the florida state is a state of florida to you. During the time you bail to you have the state of florida the to you way the would a state is the the state way to you way the time you way the t		bucces: Good evening,	-4	bas Loa	··
<pre>name is Robert Dugger, and I reside on North Bay :stand for approximately two years now. Bay :stand for approximately two years now. Bay :stand for approximately two years now. I mappen, as a profession for the last 23 years, to manage condominium associations I an forceed on a daily basis in the and homeowner associations. I an forceed on a daily basis in the courts of law because of the governing documents of the governing documents of the governing documents of the mathematican to it's important for this commission to it's important for this formulation to it's important for this formulation to it's important for this rights that are given to him under the condominium documents that you paid your deposit basis and asch of the homeowners who purchased there, is out a natter of law, was fequired to the time you paid your deposit basis at the two your buyer of a condominium in the state of floctid under the Florida state the two yours buyer of a condominium for the state of floctid under the florida state the two yours at the the state of floctid under the the the state of floctid under the the the state of floctid under the florida state the two yours but every buyer of a condominium in the state of floctid under the florida state the two the the state the the state the two the the two states the two the the two states the two the the two the the state of floctid under the florida state the two the the state of floctid under the florida state the two the the state of floctid under the florida state the two the the state of floctid under the florida state the two the the state of floctid under the florida state the two the the state of floctid under the florida state the two the the state of floctid under the florida state the two the the state of floctid under the florida state the two the the state of floctid under the florida state the the the st</pre>	-4 F	ladies and dentlemen.	7		
<pre>Bay stand for approximately two years now i happen, as a profession for the last 25 years, to manage condeninium associations and homeonner associations.</pre>	۰ 	Dugger, and I	m		<u></u>
<pre>Inspen. st profession for the last 23 Inspen. st a profession for the last 23 ysars, to mange condominium associations I an forced on a daily basis in the I an forced on a daily basis in the Courts of law because of the governing it's important that you can't lagilate for of it's important that was required to respondent the purchased there could close and that was't done, that's a could close and that was't done, that's a could close and that was't done, that's a could close and the wordentium in the could close and the vertic and conucle and could close and the vertic and c</pre>	ŋ ·		-	94 74	
<pre>years, to manage condeminium associations in forced on a daily basis in the ran sociations. I am forced on a daily basis in the courts of law because of the governing documents of those associations, and I think it's important for this commission to it's important for this commission to it's important for this commission to understand that you can't legislate for of say from Mr. Golett Mis rights that are given to him under the condominum documents that he purchased his property under, and each of the homeowners who purchased to rese as a matter of law, was required to rese as a matter of law, was required to rese as a matter of law, was required to rese and take title to your property. And if that wasn't done, that's a problem of the sailer who sold it to you but every buyer of a condominum in the state of Florida under the Florida state is the time you paid your deposit before you but every buyer of a condominum in the state of Florida under the Florida state laws is required to thus is required to the state laws is required to the state laws is required to the state laws is required to the state of florida ander the Florida state laws is required to the state laws is required to the state laws is required to be condentinum documents, and they have the condentinum documents, and they have the condentinum documents, and they have the condentinum documents to the law they have the condentinum documents.</pre>	÷ .	static tot approximately and define	<b>.</b>	bu r	
7       would be         and homeowner successions.       I an forced on a dily basis in the         I an forced on a dily basis in the       Perileanen         courts of law becaus of the governing       Perileanen         courts of law becaus of the governing       Perileanen         documents of those associations, and I think       12         documents of those associations, and I think       12         documents of those associations, and to the       12         documents of the governing       12         documents of the purchased his tights that are       13         given to him under the condominum documents       14         past, I've hear       15         the purchased his property under, and       14         each of the nomeowners who purchased three       14         eiso as a matter of condominum documents       17         eiso as a matter of condominum in the       21	۰ n	Associatio	•		_
and homeoner subscratches       a daly basis in the       partitamen         T an forced on a daly basis in the       a forced on a daly basis in the       g         cources of the governing       it bink       it       g         documents of the governing       it's important for this commission to       it's important for this commission to       it's important for this fights that are       g       it's important for this fights that are         it's important for this rights that are       given to him under the condominium documents       it's important       it's important         that he purchased his property under, and       asch of the homeowers who purchased there       it's important       it's important         that the purchased his property under, and       asch of the homeowers who purchased there       it's important       it's important         that the time you paid your deposit before you       could close and take title to you       it's important       it's important         And if that wash't done, that's a       it's are       it's are       it's are       it's are         And if that wash't done, that's a       it's are       it's are       it's are       it's are         fut every buyer of a condominium in the       state       it's are       it's are       it's are         fut every buyer of a condominium in the       it's are       it's'	••		-	Å	
I am socceed on a daily basis in the courts of law because of the governing documents of these associations, and I think it's important for this Commission to understand that you can't legislate for of understand that you can't legislate for of given to his under the condominium documents that he purchased his property under, and each of the homeowners who purchased there, is a matter of law, was required to receive a set of condominium documents at the time you paid your depsit before you could close and take utile to your property. And if that wan't done, that's a problem of the stlise who sold it to you, but every buyer of a condominium in the state of Florida state is required to the selier who sold it to you, but every buyer of a condominium in the state of Florida state is required to the selier who sold it to you, but every buyer of a condominium in the state of Florida state is required to the selier who sold it to you, but every buyer of a condominium in the state of Florida under the Florida state is the issue of florida state state of Florida state is the issue of florida state state of Florida state the florida state state of florida under the Florida state state of Florida state state of florida under the florida state state of florida under the florida state state of florida under the florida state state of florida state the state of t	~	and honeowner associations.		perliamente	
courts of law because of the governing documents of those associations, and I think it's important for this Commission to understand that you can't legislate for or away from Mr. Coletta his rights that are given to him under the condominium documents that he purchased his property under, and each of the homeowners who purchased there, also as a matter of law, was required to receive a set of condominium documents at the time you paid your deposit before you could close and take title to your property. Mod if that wasn't done, that's a problem of the selfat under the riorida state is is the receive a set of a condominium in the state of florida under the riorida state but every buyer of a condominium in the state of florida under the riorida state is is the under the riorida state but every buyer of a condominium in the state of florida under the riorida state is is the under the riorida state but every buyer of a condominium in the state of florida under the riorida state is is the under the riorida state but every buyer of a condominium in the state of florida under the riorida state is is the under the riorida is the under the riorida state is is the under the riorida state is is the under the riorida is the under the riorida state is is the under the riorida is the und		forced on		<b>2</b>	
documents of those associations, and I think it's important for this Commission to understand that you can't legislate for or away from Mr. Coletta his righte that are given to him under the condominium documents that he purchased his property under, and each of the homeowners who purchased there, also as a matter of law, was required to receive a set of condominium documents at the time you paid your deposit before you could close and take title to your property. Mod if that wasn't done, that's a problem of the seller who sold it to you, but every byyer of a condominium in the state of florida under the Florida state laws is tequined to the seller who sold it to you, but every byyer of a condominium in the state of florida under the Florida state laws is tequined to they have the condominium documents, and they have the	6	law because of the governing	<u> </u>		
<pre>1t's important for this Commission to understand that you can't legislate for or avay from Mr. Coletta his rights that are given to him under the condominium documents that he purchased his property under, and each of the homeowners who purchased there. is a set of condominium documents at the time you paid your deposit before you could close and take title to your property. And if that vasn't done, that's a And if that vasn't done, that's a problem of the seller who sold it to you, but every buyer of a condominium in the state of Florida under the Florida state laws is required to but every buyer of a condominium in the state of Florida under the Florida state laws is required to they have the condeminium documents, and they have the</pre>	0	I put	> ; • •	l	
understand that you can't legislate for or avey from Mr. Coletta his rights that are given to him under the condominium documents that he purchased his property under, and each of the homeowners who purchased there, also as a matter of law, was required to receive a set of condominium documents at the time you paid your deposit before you could close and take title to your property. Mod if that wasn't done, that's a problem of the selier who sold it to you but every byyer of a condominium in the State of Florida under the Florida state tays is required to they have the condominium documents, and they have the	11		-4 (	spoken a das	
<pre>avey from Mr. Coletta his rights that are given to him under the condominium documents that he purchased his property under, and each of the homeowners who purchased there, is a matter of law, was required to receive a set of condominium documents at the time your paid your deposit before you could close and take title to your property. Mod if that wasn't done, that's a problem of the seller who sold it to you, but every buyer of a condominium in the State of Florida under the Florida state laws is required to the seller who sold it to you, but every buyer of a condominium in the state of Florida under the Florida state laws is required to the seller who the state condominium documents, and they have the condominium documents, and they have the</pre>	21		7		
given to him under the condominium documents that he purchased his property under, and each of the homeowners who purchased there, isso as a matter of law, was required to receive a set of condominum documents at the time you paid your deposit before you could close and take title to your property. And if that wasn't done, that's a And if that wasn't done, that's a problem of the seller who sold it to you, but every buyer of a condominum in the State of Florida state iaws is required to they have the condominum documents, and they have the	- <b>1</b> 1	avey from Mr. Colette his rights that are		•	
that he purchased his property under, and each of the homeowners who purchased there. also as a matter of law, was required to receive a set of condominum documents at the time you paid your deposit before you could close and take title to your property. And if that wean't done, that's a and if that wean't done, that's a problem of the seller who sold it to you, but every buyer of a condominum in the State of Florida under the Florida state is settien at the seller who would state but every buyer of a condominum in the state of Florida under the Florida state is settien at the condominum documents, and they have the	- 1	given to him under the condominium documents			
<ul> <li>each of the homeowners who purchased there.</li> <li>each of the homeowners who purchased there.</li> <li>also as a matter of law, was required to receive a set of condominium documents at the time you paid your deposit before you could close and take title to your property.</li> <li>And if that wasn't done, that's a 20 now is un could close and the receive a state state but every buyer of a condominium in the state state of florida under the Florida state is state is the state is required to the you but every buyer of a condominium in the state is required to the state is required to the you the state is required to the you the state is the state is required to the you the home the is the state is the st</li></ul>	15	that he purchased his property under, and	<u>:</u>		
also as a matter of law, was required to receive a set of condominium documents at the time you paid your deposit before you could close and take title to your property. And if that wasn't done, that's a problem of the seller who sold it to you, but every buyer of a condominium in the but every buyer of a condominium in the state of florida under the Florida state laws is required to tereive 2 of the laws is required to they have the condominium documents, and they have the	9	each of the homeowners who purchased there.		l l l	
receive a set of condominium documents at the time you paid your deposit before you could close and take title to your property. And if that wasn't done, that's a problem of the seller who sold it to you, but every buyer of a condominium in the State of Florida under the Florida state state of Florida under the Florida state laws is required to serve the condominium documents, and they have the	17	also as a matter of law, was required to			
the time you paid your deposit before you could close and take title to your property. And if that wesn't done, that's a problem of the seller who sold it to you, but every buyer of a condominum in the State of Florida under the Florida state State of Florida under the Florida state laws is required to tertive 1 one of the laws is required to tertive 1 one of the condominum documents, and they have the	<b>64</b> 7 - 1	receive a set of condominium documents at			
<pre>could close and take title to your property. And if that wasn't done, that's a problem of the seller who sold it to you, but every buyer of a condominum in the State of Florida under the Florida state iave is tequired under the Florida state iave is tequired under the florida state condominum documents, and they have the condominum documents, and they have the</pre>	19		51 (	, i 1 -	
And if that wasn't done, that's a problem of the selier who sold it to you, but every buyer of a condominium in the 23 month ago but every buyer of a condominium in the 24 afflianti State of Florida under the Florida state 24 afflianti Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to fereive a set of the 25 second Laws is required to 25 second Laws is required to 25 second Laws 25 se	20	<b>51</b>	07	<b>n</b> -4	
problem of the seller who sold it to you.but every buyer of a condominum in thebut every buyer of a condominum in theState of Florida under the Florida stateLavs is tequined to tereiut a stateLavs is tequined to tereiut a statecondominum documents, and they have the	21	And if that wesn't done, that's a	12	1	
but every buyer of a condominum in the State of Florida under the Florida state Laws is required to fertice a set of the Laws is required to fertice a set of the condominum documents, and they have the	22	problem of the seller who sold it to you.	7		
State of Florida under the Florida state Laws is tequired to teteiut 1 out of the condominium documents, and they have the	23	but every buyer of a condominium in the	53		
Lavs 15 fequited to fertive 2 300 of the condominium documents, and they have the	24	State of Florida under the Florida state		J	
erage 70 1 and they have the	25		c <b>7</b>	,	
and they have the		1	Ģ		
	- مو المحمد المحمد الم	they have			

07/17/03 THU 16:05 FAX 305 492 8881

TIMBERLAKE MGMT.

2015

	and if that ween't done. That's a	14.		
4 6	to vou.	22	36212	
	an a condomination of the	23	MONEN AGO	
;;;	5	24	4115H2112	
	under the rid	22		
<u>c</u>				
	Page 10			
	condominium documents, and they have the	<b>ہ</b> م	A number	
~		2	керс ол а:	
<del>ر</del>	documents before they take title to the	e	frequent	
•	property.	-	CONSCANT	
رہ 	And if these were commercial	<b>•</b> ••	people sp	- •
9	requirements or commercial allowances on the	9		
~	roof of that building and on the ground	r-	condo are	
00	floor of that building, it's something that	œ		
6	each of you had the ability to learn and	<u>л</u>	not the r	-
10	understand and know prior to your taking	10	litaus te	
11	title to that unit.	11	how would	- ARL
12	I think it's extremely important	12	I HOULD I	ARE
13	for this Commission to realize that what	13		MG
14	you're doing to try to comply with a court	+ 1	I wanted	ΠΙ,
15	order is to make a quasi-judicial decision	15	not vot	
16	for this City, and you really cannot	16	voting t	$\frown$
17	legislate for the condominium owners in that	17		•
	condominium. They have their own documents,	18	the fair	
19	and as was stated earlier, there is a	19	OWNER OF	
20	vehicle at law for people who want to amend	20	toning,	
401 C]	their governing documents, whether it be the	21	sert)ed	
22	declaration, the articles of Incorporation,	24	19 19 19 19 19 19 19 19 19 19 19 19 19 1	
53	or the bylaws. They can all be avended by a	23	resident	
	percentage of the homeowners.	24	BOTHe Dec	
(f) (*) (*)		- 118 <sup>4</sup> - - 2 <sup>16</sup> 13 	01189nō	(4) )
·				)8

.

07/17/03 THU 16:05 FAX 305 492 8881

TIMBERLAKE MGMT.

**②**(3)38

DALURA MALEG	Muki-Page		
Page 60	2		Page 71
•	•-•	involved, I believe that the Commission's	
	~	job is to legislate the zoning and resolve	
	m	1	
		action and not to attempt to legislate the	
	<u>د</u>	responsibilities of the owners in that	
	G	building.	
	٢	Thank you.	
	œ	(Audience applause.)	
	6	MAYOR DIAZ: Anyone else? Guess	
	10	not.	
	11	The public hearing is closed then.	
•	12	ATTORNEY DUBBIN: Mr. Mayor, this	
	13	is one of the two required public hearings	
	41	on this particular issue. It's now up to	
	15	the Commission, the four of you, to	
	16	dellberate and decide whether you want to	
	17	vote yes or no.	
	18	If you vote yes, it carries the	
	6 ,1	court to the next public hearing, so that	
	20	would be the final vote. If you wote no,	
	21	that would be the end of it at this time.	
	22	So, you have your choice. You can	
	23	either approve the proposed Ordinance on the	
	5	first reading, you can offer amendments to	
	25	It, It's in your bosom. You can deal with	
0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			Page 72
	e •••)		



## CITY OF NORTH BAY VILLAGE

 7903 East Drive (Kennedy Causeway)

 North Bay Village, Florida 33141 • (305) 756-7171 • FAX (305) 756-7722

 July 17, 2003

Mr. Robert A. Meyers Executive Director Miami Dade County Commission on Ethics & Public Trust 19 West Flagler Street, Suite 207 Miami, Florida 33130

FAX (305) 579-0273

Dear Mr. Meyers:

I have a dilemma with respect to my position as a commissioner in the City of North Bay Village.

Although I have sought a legal opinion from the City Attorney, Earl Gallop, with reference to my ability to vote on the Al Coletta/Burt J. Harris Issue and whether there is a conflict of interest. I was assured by Earl Gallop, who also contacted your office regarding this issue, that there was no conflict. I still have a concern and I hereby request a written opinion from the Ethics Commission.

The following are my circumstances:

- I rent my home from Al Coletta.
- Al Coletta is my very close friend.
- My children refer to Al Coletta as "Uncle Al", as he is an integral part of our family.
- We travel together, our family and Al Coletta.
- Al Coletta owns the penthouse floor of the Bayshore Yacht and Tennis Club Condominium.
- The penthouse floor is zoned half RM70 and half Commercial General, rendering the property unusable in either zone.
- Al Coletta has initiated an action under the Burt J. Harris Act requesting relief from the City to allow him to use the property as either RM70 or Commercial General.
- The Condominium Documents grant Al Coletta, as a right of ownership of the commercial unit of the penthouse floor, the right to use the property as either commercial or residential and according to the condominium documents, no owner member of the Bayshore Yacht and Tennis Club Condo. Assoc., Inc., may prevent any other owner from using his unit for its proper, authorized use.

INO 03-75

July 17, 2003 Page Two

- Al Coletta has owned this particular piece of property for 22 years under these conditions and has not been able to use the In other words, 8,000 sq. ft., surrounded by property. windows, on the 12th floor, overlooking downtown Miami and Miami Beach, has been rendered useless.
- In 1999, I spoke at a public hearing, under oath, and rendered my opinion to the City Commission as to the use of the property and what I thought the City Commission should do. A transcript of that statement is attached hereto.
- I was elected to the City Commission in late November of 2002. I am still of the opinion that the City should grant zoning to allow the use of the property.
- I do not stand to gain monetarily in any way, shape or form from this decision whether I vote on it or not.
- The City is being asked, as a settlement under the Burt J. Harris Act to grant zoning for the use of the property.
- Commissioner George Kane sponsored this settlement agreement and zoning ordinance.
- Both the settlement agreement and the zoning ordinance granting the zoning passed unanimously on the first reading.
- Since the first reading, the services of the City Attorney, Earl Gallop, have been terminated. Attorney, Joe Geller has been hired as the interim City Attorney. The settlement agreement has been rescinded by the Commission and the zoning ordinance has been tabled.
- This issue is coming before the Commission again for an action to be taken on July 30, 2003.

Mr. Meyers, do you perceive a conflict of interest under Florida Statutes and pursuant to your Ethics Commission pertaining to my vote on this issue under the circumstance I have explained to you?

I respectfully request your written opinion at your earliest convenience, as this vote is scheduled to take place on July 30, 2003 and I still have a concern relative to the vote.

Sincerely, -Bobert A. Dugger, Sr.

(305)799 - 8752

CITY OF NORTH BAY VILLAGE CITY COMMISSION MEETING Tuesday, July 27, 1999, 7:30 p.m.

ITEM 7.A.

An ordinance of the Mayor and City Commission of the City of North Bay Village, Florida, relating to zoning; amending code section 152.029 high density multiple family residential district; providing that when a structure is located in RM-70 and general commercial districts as an additional permitted use, certain of those uses permitted in the general commercial district shall apply as well to such structural uses permitted in the RM-70 district; providing for repealer; providing for codification; providing for severability and an effective date.

#### The above cause came on for

hearing before the City of North Bay Village

City Commission.

23	ATTORNEY DUBBIN: It's not your		
24	fault. Go ahead.	24	
25	JOE GELLER: Thank you, sir.	25	it, it's in
	Page 69		
	ROBERT DUGGER: Good evening,	-1	1t bastcall;
	Commissioners, ladies and gentlemen. My	2	ц.
· ••	name is Robert Dugger, and I reside on North	<b>m</b>	required to
	Ind tor	•	say, 11 you
5	ppen, as a	<b>5</b>	Lev, but it
•	years, to manage condominium associations	9	second pub!
~	and homeowner associations.	~	would 1 ).
<b>G</b> B	I am forced on a daily basis in the	<b>GP</b>	parliamenta
6	courts of law because of the governing	6	Ŷ
0;1	documents of those associations, and I think	0	U U
	it's important for this Commission to		spoken some
12	understand that you can't legislate for or	12	I've heard
ň	avay from Mr. Coletta his rights that are	13	at that
	given to him under the condominium documents	<b>T</b>	past, I've
15	that he purchased his property under, and	15	I've heard
9	each of the homeowners who purchased there.	9	£
11	also as a matter of law, was required to	17	lssue here
<b>in</b> , 4	receive a set of condominium documents at	<b>CB</b> - 1	settle Jrt
19	the time you paid your deposit before you	61	
20	could close and take title to your property.	20	now is uns
21	And 1f that wasn't done, that's a	21	٠.
22	problem of the seller who sold it to you.	22	5123C x
23	but every buyer of a condominium in the	23	<b>m</b> onth <b>a</b> go
24	State of Florida under the Florida state	24	attract
25	laws is required to receive a set of the	25	
	Page 70	0	
-1	condominium documents, and they have the	•=4 	a number
-		5	kept on a

•

21	And 15 that wasn't done, that's a		I
22	problem of the seller who sold it to you,	22	f1fsc v
23	but every buyer of a condominium in the	23	<b>πο</b> πτh <b>4</b> 90
24	State of Florida under the Florida state	24	a:::::::::::::
25	laws is required to receive a set of the	25	• `
	Page 70		
	condominium documents, and they have the		a number :
~	ability to read the restrictions in those	7	kept on a
e	documents before they take title to the	m	frequent
ر ب	property.	-	CONSTANT
<u>د</u>	And if there were commercial	<u>ب</u>	peopl Jsp
و	requirements or commercial allowances on the	9	overwhele
2	roof of that building and on the ground	~	condo are
8	floor of that building, it's something that	<b>30</b>	
<u>б</u>	each of you had the ability to learn and	6	not the r
10	understand and know prior to your taking	10	litanus te
11	title to that unit.	11	how would
12	I think it's extremely important	12	I would :
13	for this Commission to realize that what	13	
14	you're doing to try to comply with a court	14	I wanted
15	order is to make a quasi-judicial decision	15	not voti
16	for this City, and you really cannot	16	voti ) t
17	legislate for the condominium owners in that	17	
18	condominium. They have their own documents,	18	the fair
19	and as was stated earlier, there is a	19	owner of
20	vehicle at law for people who want to amend	20	zoning,
21	their governing documents, whether it be the	21	settled
22	declaration, the articles of incorporation,	22	have a 5
23	or the bylaws. They can all be amended by a	23	resident
24	percentage of the homeowners.	24	some pe
25	So with all due respect to everyone	25	ques tio:

. .

N	Multi-Page			
Page	68		Page 71	
	<b></b>	involved, I believe that the Commission's	<b>1</b>	
Ľ	2	job is to legislate the zoning and resolve		
	m	the issues of the settlement of the court		
	•	action and not to attempt to legislate the		
	ŝ	responsibilities of the owners in that		
<b>P</b> •	وب	building.		
<b>D</b>	~	Thank you.		
	90	(Audience applause.)		$\overline{}$
+1	o	MAYOR DIAZ: Anyone else? Guess		
<b>:</b> •11	10	not.		
but	11	The public hearing is closed then.		
	12	ATTORNEY DUBBIN: Mr. Mayor, this		
nd.	13	is one of the two required public hearings		
	•	on this particular issue. It's now up to		
λ, Υ	15	the Commission, the four of you, to		
ust	16	deliberate and decide whether you want to		
	17	vote yes or no.		
	80	If you vote yes, it carries the		
; ze.	61	Court to the next public hearing, so that		~
. pot	20	would be the final vote. If you wote no,		•
I PUV	21	that would be the end of it at this time.		
	22	So, you have your choice. You can		
	23	either approve the proposed Ordinance on the		
	24	first reading, you can offer amenaments to		
	25	it, it's in your bosom. You can deal with		
Page	• 69		Pade 77	
	<b>p=4</b>	it besically as you see fit.		
	~	Then you can vote then you'll be		
		•		