

**COMMISSION ON ETHICS
ADVISORY OPINION
RQO-98-14**

BACKGROUND: Naomi Benson, a Community Council member, is seeking an opinion as to whether she can participate in discussion and vote on zoning matters involving her condominium. Benson was recently appointed to Community Council 2 and serves on the Board of Wilshire Condominium.

ARGUMENT: Benson may not participate in discussion or vote on the zoning matter involving her condominium. Section 20-45 of the Dade County Code strictly prohibits a Community Council member from voting on or participating in any way in any matter if the council member has a director relationship with an entity who would be or might be directly or indirectly affected by any action of the Community Council on which the person serves. The ordinance further requires the council member to absent herself from the meeting where the issue is discussed. Further, although the ordinance does not require her to do so, Benson should disclose her reason for recusing herself from participation on the issue.

CONCLUSION: As a director of her condominium association, Benson is prohibited by Section 20-45 from participating in any way in any consideration by the community council of the zoning matter involving her condominium association.