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June 3, 1999

The Honorable Miguel Diaz De La Portilla
Board of County Commissioners
District Eleven
111 N.W. First Street
Suite 320
Miami, FL 33129-1963

RE: REQUEST FOR ADVISORY OPINION 99-23

Dear Commissioner Diaz De La Portilla:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 27, 1999 and rendered its opinion based on the facts stated in your memorandum.

You requested an advisory opinion regarding the limits of your ability to participate in discussions as a citizen and homeowner regarding development in your local community.

In your memorandum, you advised the Commission that the owners of a country club in your neighborhood are seeking approval from neighborhood residents for ten million dollars in improvements including a hotel and renovations to the golf course and clubhouse. Some neighborhood residents have protested the proposed redevelopment. You are seeking guidance regarding your ability to participate in discussions regarding the matter as a citizen and a homeowner. You do not plan to participate in any County

Commission discussion or vote on any matter regarding the development.

The Commission found that you may participate in any neighborhood activities regarding the property as a citizen and a homeowner including publicly expressing his views on the issue. However, you may not appear before any county board and speak regarding the issue or accept payment from a third party in regard to a benefit sought by the third party from the County or any county agency.

Section 2-11.1(m) provides that a commissioner "shall not appear before any County board or agency and make a presentation on behalf of any third party with respect to any license, contract, certificate, ruling decision, opinion, rate, schedule, franchise or other benefit sought by the third person. Nor shall any person receive compensation, directly or indirectly or in any form for services rendered to a third person, who has applied for or is seeking some benefit from the County or a county agency, in connection with the particular benefit sought by the third person." Therefore, you may speak and appear at neighborhood association meetings or other forums regarding the matter and may allow your name to be used in literature regarding the issue but you may not speak regarding the issue at community council meetings or other County agency meetings regarding the matter.

Further, the commission advises you to be aware of the restrictions of 2-11.1(g) (Exploitation of official position) regarding any advocacy that you may undertake regarding this issue.

Therefore, the Conflict of Interest and Code of Ethics ordinance permits you to become involved in local community issues as a homeowner and citizen as long as you do not appear before County boards or agencies

regarding the issue and you do not exploit
your official position in any way.

If you have any questions regarding the
opinion, please call the undersigned at (305)
579-2954 or Ardyth Walker, Staff General
Counsel at (305) 579-2653.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director