

RQ0 99-30

FILE COPY



**ETHICS COMMISSIONERS**

**Kerry E. Rosenthal, Chairperson**  
**Charles A. Hall, Vice Chairperson**  
**Elizabeth M. Iglesias**  
**Knovack G. Jones**  
**Robert H. Newman**

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**CHRISTOPHER R. MAZZELLA**  
INSPECTOR GENERAL

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

July 27, 1999

Caryn Montague, Chairperson  
Northeast Community Council #2  
19308 N.E. 25<sup>th</sup> Avenue #192  
North Miami Beach, FL 33180

Dear Ms. Montague:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 26, 1999 and rendered its decision based on the facts stated in your letter.

You requested an opinion regarding a conflict between your community council duties and your civic work as a member of the Ojus Area Study.

In your letter, you advised the Commission that you serve as chair of the Steering Committee for the Ojus Area Study. The Ojus Area Study is working on community revitalization through efforts to increase use of natural resources, various zoning initiatives and working to spearhead development of residential and business associations. You are concerned about possible conflicts between recommendations regarding your specific council area and matters that may come before the council.

The Commission found that you may participate in the work of the Ojus Community Council and work on general zoning recommendations regarding the community. You may participate in outside civic work as long as you do not violate the requirements of Section 2-11.1(g) (exploitation of

official position) and 2-11.1(h) (prohibition on use of confidential information).

You may vote on matters in your particular council area which involve matters arising from the study as long as you will not personally be affected by the matter in a matter distinct from the manner in which it would affect the public generally. However, pursuant to 2-11.1 (m), you may not appear before the board on which you serve in regard to any benefit sought by a third party. Further, Section 33-307.1 prohibits you from appearing before any other community council or the Board of County Commissioners when they are acting in their capacity as a zoning authority on any zoning matter.

Accordingly, The Conflict of Interest and Code of Ethics ordinance does not preclude you from serving on the Ojus Area Study and voting on recommendations involving your particular area unless the matter would affect you in a manner different than it would affect the general public or you have any of the prohibited relationships enumerated in the statute.

If you have any questions regarding the opinion, please call Robert Meyers, Executive Director at (305) 579-2954 or Ardyth Walker at (305) 579-2653.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", followed by a horizontal line extending to the right.

ROBERT MEYERS  
Executive Director