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STAFF GENERAL COUNSEL

January 22, 2001

Paul Vrooman
10013 S.W. 233 Lane
Miami, FL 33190

RE: REQUEST FOR ADVISORY OPINION 00-176

Dear Mr. Vrooman:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 17, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding potential conflicts between your service on the community council and your work for Chamber South.

In your letter, you advised the Commission that you serve as Marketing Director for Chamber South. Chamber South is the chamber of commerce for the southern end of the county. One of the chamber's officers is a zoning attorney who represents clients before the council. You do not report to the officer but the officer has indirect influence over your position. Chamber South also makes presentations to the Community Council regarding particular applications or issues before the council.

The Commission found that Section 20-45 of the Code of Miami-Dade County permits you to vote on issues where an officer represents a third party but you may not vote on issues where the Chamber has taken a position.

Section 20-45 provides that a community council member is prohibited from voting or participating in any way in any matter presented to the Community Council on which the member serves if the member 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 Community Council on which the member serves: 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 Community Council member in a manner distinct from the manner in which it would affect the public generally. Any Community Council member who has any of the above relationships and who would be or might be enhanced by the action of the Community Council on which the member serves shall absent himself or herself from the Community Council meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter.

You are permitted to vote on matters involving the zoning attorney because you do not have any of the prohibited relationships enumerated in the ordinance with the attorney.

However, Section 2-11.1(j) would prohibit you from voting on matters where Chamber South has taken a position because it would impair your independence of judgment in the exercise of his public duties. Your obligation as an employee and your duty as a council member to make fair and impartial decisions would create a conflict of interest. Therefore, you should not vote on matters where Chamber South has taken a position.

This opinion construes the Miami-Dade 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 if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Ardyth Walker, Staff General Counsel at (305) 579-2653 or the undersigned at (305) 579-2594.

Sincerely Yours,

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

ROBERT MEYERS
Executive Director