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March 3, 2003

Thomas Spehar
Principal Planner
Department of Planning and Zoning
111 N.W. First Street
Suite 1210
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION 03-32

Dear Mr. Spehar:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 3, 2003 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding a possible appointment as a member of the Biscayne Bay Shoreline Committee.

In your request, you advised the Commission that you are a Principal Planner in the Community Planning Section of the Department of Planning and Zoning. In your current position, you are responsible for advising the Department of Community and Economic Development on environmental matters, implementation of charrettes and profiles for community councils. You previously prepared department recommendations to the Biscayne Bay Shoreline Development Committee.

The Shoreline Development Committee is charged with the responsibility of reviewing applications for development within the shoreline review boundary for residential development except single family, duplex and commercial and industrial uses within 1 acre or more of the shoreline. The Commission makes recommendations to the Board of County Commissioners or comparable municipal boards regarding the proposed development action or plans.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to serve as a member of the Shoreline Development Committee. Your job responsibilities with the Department of Planning and Zoning do not conflict with your future responsibilities as a member of the Shoreline Development Committee. The Code permits county employees to serve on county created boards or commissions as long as the service does not require the employee to disclose confidential information or use their official position to secure special privileges for the board. You will not be required to disclose confidential information or secure special privileges as a member of the board.

However, your duties in the Community Planning Division may involve review of some shoreline projects. You may not work on such projects if you serve as a member of the committee. The Department should assign any shoreline review to another member of the Community Planning Division.

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 the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

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