



ETHICS COMMISSIONERS

Kerry E. Rosenthal, CHAIRPERSON
 Gail A. Dotson, VICE CHAIRPERSON
 Seymour Gelber
 Dawn E. Addy
 Brenda Rivera

ROBERT A. MEYERS
 EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
 ADVOCATE

ARDYTH WALKER
 STAFF GENERAL COUNSEL

April 19, 2007

Myron Rosner, City Commissioner
 City of North Miami Beach
 1121 NE 178th Terrace
 North Miami Beach, FL 33162

FAX: 954 963-4088

Re: RQO 07-10

Dear Commissioner Rosner:

The Commission on Ethics & Public Trust considered your request and rendered its opinion at a public meeting held on April 19, 2007.

YOU ASKED in your letter of March 12, 2007, whether you may vote to grant Community Redevelopment Agency (CRA) funds to individuals renovating property within the CRA territory and later, in your private capacity as a Florida Licensed General Contractor, bid to work for some of these individuals on these or other building projects.

IN SUM, the Ethics Commission opined that as a CRA board member, you should recuse yourself from voting on and not engage in any discussions to grant CRA funds to individual construction projects if—

- you plan to bid on these specific projects later as a general contractor
or
- you and the CRA petitioner have a current contractual relationship.

In your capacity as a general contractor, you should not bid on construction projects if—

- the specific project is being funded in whole or part with CRA money
and
- you voted as a CRA board member to fund the project with CRA dollars.

THE LEGAL BASIS for these voting limitations is found at Sections 2-11.1 (d) and (j) of the Ethics Code.

Under Section (d), a commissioner is prohibited from voting on matters presented by any individuals with whom the commissioner has certain enumerated relationships. For example, during the time that you are engaged in a

construction contract with an individual coming before the City or the CRA, you serve as a "consultant" to the contracting party. Thus, as a consultant under Section (d), you are prohibited from voting on and engaging in discussions presented by those individuals under contract to you.


Section (d) also prohibits you from profiting or benefiting, either directly or indirectly, through CRA board decisions. This could occur if a CRA recipient were to pay for your construction services, either partially or wholly, with CRA dollars.

Similarly, under Section (j), your independence of judgment could be compromised if you anticipated that CRA funds would benefit your construction business.

This opinion construes the Miami-Dade Conflict of Interest & Code of Ethics Ordinance, but is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact Victoria Frigo, Staff Attorney, at (305) 350-0601, or Robert Meyers at (305) 579-2594, if we can be of further assistance in this matter.

Sincerely yours,



ROBERT MEYERS
Executive Director

copy:

Howard Lenard, City Attorney
City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162

FAX: 305 787-6004