



Via First Class Mail
and
email at jerry@miamibeachfl.gov

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March 24, 2010

The Honorable Jerry Libbin, City Commissioner
Miami Beach City Hall
1700 Convention Center Dr.
Miami Beach, FL 33139

Re: RQO 10-08—Simultaneous public service as a City Commissioner and private employment as President/Executive Director of the Miami Beach Chamber of Commerce

Dear Commissioner Libbin:

The Commission on Ethics & Public Trust considered your question and rendered an ethics opinion at a public meeting held on March 18, 2010.

In correspondence dated March 11, 2010, you asked for ethics guidance regarding your public service as a City Commissioner and your simultaneous private employment as President/Executive Director of the Miami Beach Chamber of Commerce.¹

In brief, the Ethics Commission directed you to take the usual precautions to avoid ethical misconduct, particularly regarding voting matters involving Chamber business² and fundraising activities on behalf of the Chamber.³ Declining to opine on future events of a hypothetical nature, the Ethics Commission advised that you seek future ethics guidance “when in doubt about the applicability or interpretation of any provision within the Ethics Commission’s jurisdiction, to [yourself] in a particular context....”⁴

The Ethics Commission acknowledged that public service as a Miami Beach Commissioner is not incompatible with private employment with the Miami Beach Chamber of Commerce, as long as conflicts of interest are avoided.⁵

Although not wanting to give broad prospective approval, the Ethics Commissioners recognized that, generally, in most circumstances, you would likely be allowed to vote on matters brought before you by Chamber Directors if the matters had nothing to do with Chamber business and the Directors were not part of the “Special Project Select Committee” that oversees the terms and conditions of your employment.

¹ The Chamber is a nonprofit tax-exempt corporation that supports local business members. The President/Executive Director handles day-to-day Chamber affairs and finances.

² Miami-Dade County Code at Sec. 2-11.1 (d).

³ Miami-Dade County Code at Secs. 2-11.1 (e)(2)(g) and Sec. 2-11.1 (g).

⁴ Miami-Dade County Code at Sec. 2-1074 (y).

⁵ Bruce Singer served simultaneously as a Miami Beach Commissioner and Chamber President from 1988-1991. See State Ethic Commission Opinion CEO 98-29.

You assured the Ethics Commission that you would not use your official City position nor City resources to solicit donations on behalf of the Chamber. All solicitations would be conducted solely in your capacity as President/Executive Director of the Chamber.

This opinion construes the Miami-Dade Conflict of Interest & Code of Ethics Ordinance and portions of the City of Miami Beach Standards of Conduct, 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 or me or Staff Attorney Victoria Frigo if we can be of further assistance in this matter.

Sincerely,



ROBERT MEYERS
Executive Director

copy: Jean Olin, Special Counsel
City of Miami Beach
email at JeanOlin@miamibeachfl.gov