

MIAMI-DADE COUNTY ETHICS COMMISSION

TO: FILE

FROM: MARTHA D. PEREZ
Staff Attorney

RE: PI15-042: J. Stembridge /City of North Miami Council: Sunshine Law Violation

BACKGROUND

On September 22, 2015, the Ethics Commission received an email from Councilmember Scott Galvin (Galvin) addressed to John Stembridge (Stembridge), where Galvin directed Stembridge to forward any evidence of Sunshine Law violations against the City Council to the Ethics Commission. A review of the information contained in the emails and a follow-up discussion with Mr. Stembridge revealed as follows: Stembridge advised that sometime during the April (2015) North Miami Council Meeting, the council took a recess on the matter of the sale of land to Biscayne Landing. During the recess, four members of the Council went to a “backroom” to conduct negotiations with representatives of Biscayne Landing, outside the Sunshine, while Galvin remained on the dais. Shortly thereafter, a vote was taken on the item.

INQUIRY

- A review of the April 2015 Council Meeting revealed nothing about the item in question.
- A call was placed to Councilmember Carol Keys (Keys) who advised as follows:
 - The “meeting” Stembridge is referring to took place back on October 28, 2014.
 - Keys had been part of the negotiating team for the sale of 50 acres to Biscayne Landing (Oleta Partners) for months, which culminated in the vote at the October 28th Council Meeting.
 - During that council meeting, the item was tabled and a recess was announced so that members of the Council could look at the proposed agreement.
 - Several persons met in the City Manager’s Conference Room to “fine

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tune” details of the agreement.

- Present in the Conference Room were Oleta Partners’ developers, their attorneys, the City Attorney and other City’s attorneys, the City Manager, staff and **one** Councilmember, Keys.
- The discussion revolved around finalizing some minor terms in the agreement.
- The Council Meeting resumed at 11:27 pm and a vote was taken on the item.
- Keys submitted a response to the Miami Herald on September 10, 2015, where she addresses the “back room” deal allegation made by Stembridge.
- The events discussed with Keys were verified on the video of the October 28, 2014 Council Meeting.

CONCLUSION

Based on Keys’ response , corroborated by the October 28, 2014 Agenda and Council Meeting, no Sunshine Law violation occurred. Section 286.011, Fla. Stat.- Sunshine Law- applies to a gathering of two or more members of the same board or commission, to discuss a matter which foreseeably will come before that board or commission for official action. The only Council member who was present in the City Manager’s Conference Room during the recess of the Council Meeting on October 28, 2014, was Keys.