

## **Sanchez, Rodzandra (COE)**

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, July 09, 2018 11:45 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** INQ 18-167 Alex Palenzuela, Esq. (Voting Conflict - Quorum)

INQ 18-167 Palenzuela

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**From:** Centorino, Joseph (COE)  
**Sent:** Monday, July 09, 2018 11:28 AM  
**To:** 'alp@alp-law.com' <alp@alp-law.com>  
**Cc:** Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>  
**Subject:** INQ 18-167 Alex Palenzuela, Esq. (Voting Conflict - Quorum)

Alex,

You inquired regarding whether the voting conflict provision in Section 2-11.1(d) for local government governing bodies would permit an official with a voting conflict from being counted as present for the purpose of determining whether the board had a quorum. You ask this question in view of your representation of local municipalities.

The voting conflict provision in the County Ethics Code makes no reference to whether a conflicted official may be counted for the purpose of a quorum. Generally speaking, issues concerning the determination of whether a quorum exists is a subject addressed in local procedural rules. Most municipal or other local governments have adopted Robert's Rules or a similar procedural guide for the conduct of their meetings. This agency does not issue opinions concerning local procedural rules, at least to the extent that they do not conflict with the County Ethics ordinance. Issues concerning interpretation of local procedural rules are usually left to the governing body itself, its parliamentarian, or the municipal attorney or clerk advising the board.

It should be noted, however, that the voting conflict provision in Section 2-11.1(d) of the County code contains a requirement that an official having a conflict must leave the chamber during the discussion and vote by the board. This requirement is more restrictive than the voting conflict provision under Section 112.3143, Florida Statutes, which does not include the requirement of leaving the room while the item is being considered. This requirement may well need to be considered in the interpretation of local procedural rules in terms of determining whether a quorum exists under any given circumstances.

Sincerely,  
Joe Centorino

*Joseph M. Centorino*

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