

Meyers, Robert (COE)

JNO 07-176

From: Meyers, Robert (COE)
Sent: Friday, December 07, 2007 10:22 AM
To: Meyers, Robert (COE)
Subject: Inquiry

I received a phone call from Nina Boniske, Town Attorney for Miami Lakes, and she inquired about the applicability of the Cone of Silence to the RFP for Town Attorney. The Mayor has the legal authority to make this selection and wants to conduct site visits as part of his information-gathering process. The Cone of Silence exempts site visits to assess bidder competency; however, I indicated to Ms. Boniske that I doubted whether this is the type of site visit contemplated by the ordinance. I recommended that the Mayor can go on the site visits but cannot engage in a Q and A with the bidders who are escorting him around the firms. They can only provide him with general information about their firms. Alternatively, the Mayor can publicly notice these visits, which, therefore, would enable him to have more substantive discussions with the parties during publicly-noticed site visits.

Another issue Ms. Boniske raised was a pending vote on the Mayor's salary and the car allowances of the Mayor and the council members. In order for the Mayor to vote on his salary, the most prudent approach would be for the change in salary to apply prospectively (the next term) as opposed to having the change take effect immediately. The current mayor would be in a better position to argue that the issue under consideration applies to all future officeholders and he would not be the only party affected by the vote. With respect to the car allowances, the Mayor and council should be permitted to participate and vote, but it would be advisable for any change to go into effect at the beginning of the next term.

Robert Meyers
December 7, 2007

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