

Meyers, Robert (COE)

FNO 08-151

From: Meyers, Robert (COE)
Sent: Tuesday, September 16, 2008 2:59 PM
To: 'Richard Jay Weiss'
Subject: City of Homestead

Hi Richard:

Approximately two weeks ago you contacted me and asked for an opinion involving the use of the Champions Club at the Homestead-Miami Speedway by City of Homestead officials. As I understand it, the City of Homestead and the Homestead-Miami Speedway have entered into an operating agreement and one of the terms gives the City the right to use the Champions Club for a number of days during the year. When the City of Homestead uses the Champions Club for a city event during one of the pre-determined dates, there is no charge for the use of that facility. You wish to know the parameters under which Homestead officials may use the space in question without having to pay a fee.

I consulted Ethics Commission Kerry Rosenthal and we agree that there must be a public purpose associated with any event a city official is holding at the Champions Club event in order to be a recipient of free use of the space. A public purpose would be one that directly or indirectly benefits the residents of the City of Homestead and is consistent with the legitimate governmental activities and operations of the City of Homestead. For example, it would be entirely appropriate for a city official to schedule an event at the Champions Club to benefit any 501(c)(3) charitable organization as long as the proceeds raised at the event would go in part to those within the Homestead community. The test to employ is whether the purpose of the event would be beneficial to the health and welfare of those living and working in the City of Homestead. The Commission on Ethics has consistently maintained that raising money for charitable purposes fits within the scope of duties and responsibilities that city officials can and should perform. On the other hand, holding a function at the Champions Club without the requisite public purpose would not be consistent with the "city days" requirement negotiated between the City of Homestead and the Homestead-Miami Speedway for use of the Champions Club.

If you have a specific set of facts you would like our office to consider, please provide me with the details and we will issue an opinion. Otherwise, please follow the above as general guidance.

Sincerely,

Robert Meyers

9/16/2008