

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Tuesday, July 14, 2009 2:08 PM
To: 'Pizzi, Michael'
Subject: INQ 09-113

Mayor Pizzi,

You asked if you may vote tonight on an ordinance that provides a local preference for potential vendors seeking to do business with the town of Miami Lakes.

Based on the facts you presented today, I understand that in your private capacity as an attorney and lobbyist, you represent a company that is likely to seek to do business with the town of Miami Lakes. You stated that you believed none of the principals of your client company lives locally in Miami Lakes, but you were not inclined to inquire specifically as to the veracity of that belief.

I agree that you may rely on the opinion of your town attorney that the ordinance applies broadly and does not affect your client in a manner distinct from the manner in which it would affect the public generally. Therefore, you are within the Ethics Code to vote on the matter.

Although you are within the law to vote, please be advised that an appearance of impropriety may occur if any principal of a current client-company lives locally and that company is also seeking to do business with the town of Miami Lakes. That combination of specific facts lends to the appearance that your client would or might be affected, directly or indirectly, by your vote tonight.

In pertinent part, Section 2-11.1 (d) of the County Ethics code only prevents you from voting on any matter in which—

- your client would or might be affected by the vote, directly or indirectly
- OR
- you would or might, directly or indirectly, profit or be enhanced by the vote.

Sincerely,

Victoria Frigo, Staff Attorney

Miami-Dade Co. Commission on Ethics
Direct Phone: 305.350.0601
Fax: 305.579.0273

miamidade.gov 

19 West Flagler St., Suite 820
Miami, FL 33130

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From: Pizzi, Michael [mailto:PizziM@miamilakes-fl.gov]
Sent: Tuesday, July 14, 2009 12:01 PM

7/14/2009

To: Frigo, Victoria (COE)
Subject: RE: Procurement Ordinance/Request for Opinion

Victoria: My meeting is tonight, an informal, staff opinion is fine. My question is whether the fact that an ordinance may or may not effect a client of mine at some future date, creates a conflict in me voting on an ordinance that applied globally to everyone and is not designed to and does impose any special benefits that I am aware of on any client that I represent. Our town attorney and manager informed me they were aware of no conflicts with any of my clients, but I wanted to refer it to Ethics to make certain. Thanks. Mayor Mike Pizzi

From: Frigo, Victoria (COE) [mailto:FRIGOV@miamidade.gov]
Sent: Tuesday, July 14, 2009 11:11 AM
To: Pizzi, Michael
Subject: RE: Procurement Ordinance/Request for Opinion

Mayor Pizzi,

Please advise when you will need this ethics opinion. The Ethics Commission meets on July 28th. If you need an opinion before then, we may be able to provide a staff-written, informal opinion.

Sincerely,

Victoria Frigo, Staff Attorney
 Miami-Dade Co. Commission on Ethics
 Direct Phone: 305.350.0601
 Fax: 305.579.0273



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 Miami, FL 33130

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From: Pizzi, Michael [mailto:PizziM@miamilakes-fl.gov]
Sent: Monday, July 13, 2009 6:59 PM
To: Meyers, Robert (COE); Murawski, Michael P. (COE); Rosario, Kennedy (COE); Skinner, Arthur D. (COE); Diaz, Manuel W. (COE)
Cc: Frigo, Victoria (COE)
Subject: RE: Procurement Ordinance/Request for Opinion

Dear Bob, Mike et al: The Town of Miami Lakes has scheduled for Second Reading tomorrow night an Ordinance that provides a local preference in Procurement. It is item 9 on the Agenda, which is on-line. The Ordinance is part of the Town's ongoing efforts to stimulate the local economy by helping keep money locally. We are doing a local promotion to have people eat in local restaurants, shop in local businesses and doing whatever we can to help the locals. It is similar to what is used in other cities. Prior to first reading. I asked our town lawyers and our Manager if I had any conflicts and they advised that I did not, because it was an ord to be applied to any company that ever applied for any RFP/RFQ/ITB in our Town and that it was not specific to any company or business. I don't even know it effects or will effect any company that I represent now or in the future. I do represent a company that I have now learned may be considered a town vendor, but I do not know if it will effect them in any way and frankly, I have no reason to inquire. (I believe all the principals of that company live in Broward or West Palm, but none local). My question, is whether you see any conflicts in me voting on second reading on an Ordinance that will apply across the board to any company that ever applied for any RFQ, simply because it may one day effect (or not effect) a current or future client. Let me know and I will act accordingly. God Bless and Thanks. Mayor Mike Pizzi

From: Meyers, Robert (COE) [mailto:RMEYERS@miamidade.gov]
Sent: Wednesday, June 24, 2009 4:17 PM
To: Pizzi, Michael; Murawski, Michael P. (COE); Rosario, Kennedy (COE); Skinner, Arthur D. (COE); Diaz, Manuel W. (COE)
Cc: Frigo, Victoria (COE)
Subject: RE: Miami Lakes TOWN Attorney (Second Request)

Dear Mike:

Thank you for your e-mail. This appears to be a request for opinion concerning your authority as the Mayor of the Town of Miami Lakes to nominate the Town Attorney. This language is derived from your municipal charter and the Miami-Dade Commission on Ethics and Public Trust has no authority to interpret municipal charters. If you lawfully exercise your discretion in this matter, then no local ethics laws will have been violated. As a general rule, knowing members of a law firm but having no business relationship with the individual members or the firm itself would not create a conflict of interest if you were to exercise your authority and nominate this firm.

Please feel free to contact me should you have any further questions.

Thanks,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

From: Pizzi, Michael [mailto:PizziM@miamilakes-fl.gov]
Sent: Wednesday, June 24, 2009 2:44 PM
To: Meyers, Robert (COE); Murawski, Michael P. (COE); Rosario, Kennedy (COE); Skinner, Arthur D. (COE); Diaz, Manuel W. (COE)
Subject: Miami Lakes TOWN Attorney (Second Request)

Dear Robert, Mike, Manny et al:

I wanted to make sure you received my request of yesterday's date. The Town Charter gives me the privilege of nominating a Town attorney. With regard to the Town Manager, I was able to appoint a choice that received unanimous Council and public support. My reading of the Town Charter is that I have the right to nominate the attorney or firm of my choosing and allow the Council to vote on it at a public hearing. The Charter does not set forth or require any particular process. I have considered recommending the firm of Stearns, Weaver, which I do no business with and have no relationship with. I've known Murray Greenberg and Jimmy Morales for a number of years, but I do no business with them, I have never seen them socially. I know them like you guys know them. Whomever I pick, the Council can accept or reject the nomination and the public can vote for or against myself or any other council member if they are not happy. Same as with the Town Manager. Please advise me of any provision of any of the laws within your jurisdiction that suggest that I cannot make the nomination of my choosing, like any other Mayor. If you are aware of anything in the Ethics Code or any other legislation that even suggests that there is something that makes it inappropriate for me to nominate a person or firm of my choosing, please advise. My selection may not be the selection that others would make. It may not even be the selection that any of you would make. In fact, whomever I pick, some may disagree and think someone else was more qualified. But, I am asking the direct question of what provision, if any, of the Ethics Code, or any other code, says that I cannot use my discretion to make the selection of my choice. Let me know and thanks. Mayor Mike Pizzi