

RE: INQ 10-02 Sibila, County Code Does Not Prohibit Dual Board Service
unless Mandated by a Particular Board's Enabling Ordinance
DATE: Jan. 6, 2010
FROM: Victoria Frigo

On Jan. 5, 2010, Estrella Sibila, a lawyer at Weiss Serota, called regarding dual board service. She believes that the State Constitution, Art. II, Sect. 5 (a), prevents a county board member from dual office holding, *i.e.*, he cannot serve simultaneously on a county and city of Miami board.

Because both boards that she alludes to function as quasi-judicial entities, she also sites AGO 96-91, which prohibited a special master on the Dade Co. Value Adjustment Board from simultaneous service as a civil traffic infraction hearing officer.

I explained that the county has no prohibition against dual board service unless the enabling ordinance of the board mandates members serve exclusively on its board. The Environmental Quality Control Board, which Ms. Sibila referred to, does not have any such restriction. I also stated that the Ethics Commission would not opine on State law.

Although Ms. Sibila did not mention the individual, I determined from the boards we discussed that the person she is inquiring about is William E. Hopper, Jr. He sits as the chair of the Miami Historic and Environmental Preservation Board and is a member of the County Environmental Quality Control Board.

Contact for Estrella Sibila is 305 854-0800 and esibila@wsh-law.com