

JNQ 11-12

I spoke to Debbie Turner, Assistant City Attorney for Miami Beach and a member of the City Pension Board on January 24 and 25, 2011. The City is challenging an action of the Pension Board and Ms. Turner wishes to know whether she has a conflict due to her employment in the City Attorney's Office and as Pension Board member. At least three city employees are required by the enabling ordinance to serve on this board. Currently, the City Attorney has initiated legal proceedings against the Pension Board and the Pension Board, through its legal counsel, will respond. Ms. Turner is not working on this case and the Pension Board members have not been consulted by counsel as to how to respond to the City's initial legal proceedings.

Under the County ethics code, a board member has a voting conflict if the member is directly affected by the board's action and the member has an enumerated relationship with the board. Given the facts of this case, Ms. Turner is not directly affected by board action. Any decision the Pension Board makes pursuant to the City's legal action has no direct financial bearing on Ms. Turner. Moreover, Ms. Turner's employment with the City Attorney's Office is in no way connected to this matter, as she has not been and will not be assigned this case.

Ms. Turner has been advised that if she believes a perception of a conflict has arisen or could arise, she can recuse herself if this item were to come back before the Pension Board. If the item regularly appears on the board's agenda, Ms. Turner may consider resigning from the board due to a frequently recurring conflict – this is a state standard, not a County one. Moreover, the City Attorney's Office should take every precaution to erect barriers preventing Ms. Turner from gaining any knowledge about the lawsuit from the City's perspective.

Robert Meyers  
January 25, 2011