

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, May 05, 2011 3:52 PM
To: 'Nina L. Boniske'
Subject: RE: North Bay Village/Question on Summer Camp

Hello Nina,

In response to your query, you are correct that the Mayor of the City of North Bay Village does not have a conflict when voting on whether the City will underwrite some of the costs of summer camp, based on the facts you presented, below. Since this official action would reduce tuition for all residents in the City, not simply the Mayor's children and her brother's children, the mayor is not affected in a manner distinct from the public generally. See Miami-Dade County Code at Sec. 2.11.1(d).

Consequently, the Mayor's children and her brother's children may enroll in the program.

Please feel free to contact me if I can be of further assistance.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY
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From: Nina L. Boniske [mailto:NBoniske@wsh-law.com]
Sent: Thursday, May 05, 2011 11:54 AM
To: Frigo, Victoria (COE)
Cc: Nina L. Boniske
Subject: FW: North Bay Village/Question on Summer Camp

Hello Victoria:

This email shall serve to confirm our conversation earlier this week. The City of North Bay Village is holding a summer camp for elementary school age children. The program is being run by Miami-Dade County Schools through its Community Schools Partnership and will take place at Treasure Island Elementary School and is open to all children of a certain age group, regardless of residency. The City is contributing to the Community Schools Partnership to assist in underwriting the cost of field trips. The cost per week per child is \$100.00 The City is subsidizing any North Bay Village child that attends. The cost for a City resident's child to attend is \$85 for the first child, \$80 for the second child and \$75 for the third child. The Community Schools Partnership would keep track of the residents attending the camp and bill the City every two weeks for the difference between the \$100 and the City's subsidy.

5/5/2011

When this issue first came up before the City Commission on the agenda, the Mayor asked us if there was a conflict for her to vote on the issue. The Mayor has two children that would be eligible to participate in the camp program. Based upon the fact that the subsidy applied to all residents in the City and benefitted the public generally and was not a distinct benefit to the Mayor separate from the benefit any other City resident would receive, we did not see an apparent conflict. The Mayor has subsequently asked for confirmation that it would not be a violation of the Miami-Dade County Ethics code for her to enroll her children in the program or for her brother, who is also a City resident, to enroll his children in the program. During our conversation you advised that pursuant to Section 2.11.1(D) of the Miami-Dade County Code, that there was no violation for the Mayor to enroll her children and consequently, no violation for her brother as well.

Could you confirm your opinion to me in a return email so we have a copy for our files? Thank you.

Nina



Nina L. Boniske, Esq.
Member

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