

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Wednesday, March 07, 2012 3:03 PM  
**To:** Martin, Alphermeia (OMB)  
**Cc:** Resnik, Estephanie (CAO); Wall, Daniel (OMB); Thompson, Robert A. (COE); Centorino, Joseph (COE)  
**Subject:** INQ 12-38 Advisory Board Members

Ms. Martin,

You asked if advisory board members can serve on a board when their employers currently have contracts with the County and the board members' private salaries are directly affected by the recommendations of the board.

The Ethics Code at Sec. 2-11.1 (v) requires that these individuals recuse themselves from voting on any matters coming before the board—

- if they would be directly affected by the vote  
*and*
- if they have a specific relationship, such as an employee, officer or director, with the entity appearing before the board.

Recusal requires that the board members not only refrain from voting but also absent themselves from the meeting and not participate in the discussions in any way. (County Code at Sec. 2-11.1 (d).)

If the private employers of these board members repeatedly seek recommendations for funding from the board, the board members themselves are likely facing "continuing or frequently recurring conflicts" that "impede the full and faithful discharge" of their public duties. To prevent recurring conflicts, state law requires that the board members no longer serve on the board. (Fla. Stat. 112.313(7)(2011).)

If your board would like a short refresher course on the County Ethics Code, please feel free to contact Robert Thompson to schedule a time.

Sincerely,

**VICTORIA FRIGO, STAFF ATTORNEY**

Phone: 305 350-0601

Fax: 305 579-0273



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

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**From:** Martin, Alphermeia (OMB)  
**Sent:** Wednesday, March 07, 2012 10:55 AM  
**To:** Thompson, Robert A. (COE)  
**Cc:** Resnik, Estephanie (CAO); Wall, Daniel (OMB)  
**Subject:** FW: Advisory Board Members

Good Morning Mr. Thompson,

I was advised by our County Attorney to consult with your office on this:

I need your clarification regarding County Code 2-11.1 as it relates to advisory board members. Should sitting advisory board members sit on a board which reviews and provides recommendations to the BCC regarding funding and programs, where they also may have a current contract/and or a financial interest? This was brought up by a board member and I just wanted to follow up on it.

Thank you

**Alphermelia L. Martin, MPA, PHR**

Special Projects Administrator

**Office of Management and Budget**

Grants Coordination

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**From:** Resnik, Estephanie (CAO)  
**Sent:** Wednesday, March 07, 2012 10:51 AM  
**To:** Martin, Alphermelia (OMB)  
**Cc:** Wall, Daniel (OMB)  
**Subject:** RE: Advisory Board Members

Hi Alphermelia, I would suggest referring this question to the Ethics Commission.

Estephanie Resnik  
Assistant County Attorney  
Miami-Dade County Attorney's Office  
111 NW First Street, Suite 2810  
Miami, Florida 33128  
phone: (305) 375-1331  
email: [resnik@miamidade.gov](mailto:resnik@miamidade.gov)

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**From:** Martin, Alphermelia (OMB)  
**Sent:** Wednesday, March 07, 2012 9:56 AM  
**To:** Resnik, Estephanie (CAO)  
**Cc:** Wall, Daniel (OMB)  
**Subject:** Advisory Board Members

Good Morning Estephanie,

I need your clarification regarding County Code 2-11.1 as it relates to advisory board members. Should sitting advisory board members sit on a board which reviews and provides recommendations to the BCC regarding funding and programs, where they also may have a current contract/and or a financial interest? This was brought up by a board member and I just wanted to follow up on it. Thanks for your help.

**Alphermelia L. Martin, MPA, PHR**

Special Projects Administrator  
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