

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Monday, April 15, 2013 2:41 PM  
**To:** Bierman, Mitch  
**Cc:** Centorino, Joseph (COE)  
**Subject:** Annexation Task Force (INQ 13-93)

Mitch,

You asked if conflicts of interest would be created for you or your firm if you were to accept an invitation to serve on the Miami-Dade County Annexation and Incorporation Review Task Force. The 13-member Task Force was established to review pending annexation and incorporation proposals and to make recommendations on how the County should address the remainder of the unincorporated communities. Duties of the Task Force could include proposing boundary lines related to incorporation that will directly affect some municipalities within the County. The Task Force will exist for less than one year.

As a member of the law firm of Weiss Serota Helfman, you serve as town attorney for the Town of Cutler Bay. Additionally, Weiss Serota provides attorney services to numerous municipalities in Miami-Dade County, including representation before the Board of County Commissioners (BCC) on issues involving incorporation and annexation.

Under the County Code at Sec. 2-11.1 (v), you may encounter voting conflicts, or the appearance of voting conflicts, if matters specific to the Town of Cutler Bay were to come before the Task Force *and* you would be directly affected by the action of the Task Force related to these matters. You have suggested, and we concur, that you will recuse yourself from voting on matters exclusively related to Cutler Bay to avoid an appearance of impropriety. Matters of a more general nature, however, would not likely create a voting conflict for you.

Additionally, your service on the Task Force will not impact the ability of attorneys with Weiss Serota to represent clients in annexation issues before the BCC. Under Sec. 2-11.1 (m)(2) of the County Code, you as a board member may not represent third parties before the board on which you serve, but this provision does not extend to representation before other boards, such as the BCC, nor to other attorneys at Weiss Serota.

Finally, you may wish to seek advice from The Florida Bar regarding an attorney's responsibility to avoid advocating for interests contrary to the interests of one's clients and the clients of one's firm.

If you have additional questions about the County Ethics Code, please feel free to contact me.

Sincerely,

**VICTORIA FRIGO, SENIOR STAFF ATTORNEY**

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**From:** Mitchell Bierman [<mailto:mbierman@wsh-law.com>]  
**Sent:** Wednesday, April 10, 2013 9:52 AM  
**To:** Centorino, Joseph (COE)  
**Subject:** FW: RE Miami Dade County Annexation Task Force

Dear Joe,

I am considering an offer from a commissioner to appoint me to the above-referenced task force and I would like to insure that it would not create conflicts for me or my firm. As you can see, the purpose of the task force is to make recommendations of incorporation and annexation policy for consideration by the BCC.

I serve as town attorney in Cutler Bay and my firm provides attorney services to numerous Miami Dade municipalities. Our services sometimes include representation before the BCC on issues involving incorporations and annexations. While I do not believe there would be any conflict that would preclude me or another attorney from our firm in serving on the task force, I do not want to take any action that would preclude us from later providing legal services to existing and future clients. Please provide your advice. Thanks.

Mitch Bierman.

**Mitchell Bierman**

Member

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