

Diaz-Greco, Gilma M. (COE)

From: Centorino, Joseph (COE)
Sent: Wednesday, January 29, 2014 3:53 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: INQ - Gerald Sanchez, Assistant County Attorney (Mayor's involvement in settlement negotiations)

Assistant County Attorney Gerald Sanchez inquired about whether the County Mayor or his staff would be prohibited by Section 2-11.1 (z) from participating in settlement negotiations of claims or lawsuits without the prior approval of the Board of County Commissioners. The wording of the ordinance does prohibit the Mayor, a County Commissioner or a member of their staffs from participating in such negotiations. However, at the time that the ordinance provision was adopted, the Mayor did not serve as a strong Mayor, but rather as the Chair of the Board of County Commissioners, and, therefore, was in the position of a County Commission member vis a vis the County Manager who was the CEO and the person who would, by virtue of the position, participate in such negotiations. I told Mr. Sanchez that, since the Mayor is now a strong Mayor and has, in effect, the same executive status as the County Manager formerly had, and because he is no longer a member of the Board of County Commissioners, this section could no longer be read as applying to the County Mayor. Therefore, Mayor Gimenez and his staff are not prohibited by Section 2-11.1(z) from engaging in settlement discussions of claims or lawsuits.

Joseph M. Centorino

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