
INQ 16-20

From: Centorino, Joseph (COE)
Sent: Monday, January 25, 2016 2:09 PM
To: Pepe, Thomas F.
Cc: Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE)
Subject: INQ 16-20 Thomas F. Pepe, City Attorney, City of South Miami (Restrictions on City board members)

Mr. Pepe:

You have inquired regarding whether any ethical provisions would prohibit the submission of written communications by board members of the City of South Miami to the City Commission regarding a matter that has been considered by that individual in his or her capacity as a board member. Section 8A-1(1)(4) of the City of South Miami Code contains a provision that appears to prohibit such a board member from “appearing” before the Commission under such circumstances.

It is my opinion that the provision in question does not apply to written submissions to the Commission because a written communication would not be considered an appearance before the board under the aforesaid section. The City Attorney in Coral Gables, which has a similar provision in its Code of Ordinances, is in accord with this opinion. There is no other provision under the County Ethics Code that would prohibit such a communication, provided that the individual in question is doing so on his or her own accord, or as an authorized representative of his or her board, and is not representing another party before the Commission or receiving compensation from a party that is appearing before the board, in violation of Section 2-11.1(m).

This section may raise other issues pertinent to its enforcement. I would appreciate your calling me so that we can discuss them.

Sincerely,

Joe Centorino

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