

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, November 17, 2016 11:59 AM
To: Sanchez, Rodzandra (COE)
Subject: Robert Meyers, Esq., Weiss Serota Helfman Cole Bierman (Voting conflict) INQ 16-254

INQ 16-254 Meyers

From: Centorino, Joseph (COE)
Sent: Thursday, November 17, 2016 11:17 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>
Subject: INQ 16-254 Robert Meyers, Esq., Weiss Serota Helfman Cole Bierman (Voting conflict)

Robert Meyers, Esq., of Weiss Serota Helfman Cole Bierman, attorneys for various municipalities, inquired regarding whether a voting conflict on the part of an elected board member would prevent the board member's husband from appearing before the board and speaking on the item. The issue in question involved Councilwoman for a municipality who recused herself from voting on a zoning approval due to the fact that the property affected was adjacent to the Councilwoman's own home. The issue is now scheduled to come back to the board, and it is the intent of the Councilwoman to again recuse herself due to the voting conflict. She asked, however, whether her husband, a non-board member not affiliated with the municipal government, would appear before the board as a citizen to speak on the item.

I informed Mr. Meyers that, under the facts presented, there would be no prohibition preventing the husband of the councilwoman from speaking on the subject before the Council. Where the public officials has properly recused herself and will not be present during the discussion of the item, her husband, a non-public official, has the inherent right under the 1st Amendment to express his opinion before the public board. I advised, however, that the husband should avoid making any reference during his remarks to his wife, her opinion on the issue, or her position with the municipality.

Joseph M. Centorino

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