
INQ 16-68 Spiegel

From: Centorino, Joseph (COE)
Sent: Tuesday, March 08, 2016 5:00 PM
To: Perez, Martha D. (COE) <perezmd@miamidade.gov>
Subject: FW: INQ 16-68 Beth Spiegel, Councilwoman, North Miami Beach (Lobbying, Sunshine Law)

From: Centorino, Joseph (COE)
Sent: Tuesday, March 08, 2016 5:00 PM
To: 'Spiegel, Beth' <beth.spiegel@citynmb.com>
Subject: INQ 16-68 Beth Spiegel, Councilwoman, North Miami Beach (Lobbying, Sunshine Law)

Councilwoman Spiegel:

You have inquired concerning any ethical prohibitions under the County Ethics Ordinance for you to meet privately one-on-one with a lobbyist and his client in connection with a proposal to build a charter school on the site of the City library. This matter does not involve a procurement, so there is no Cone of Silence in effect. The meetings with Council members and the lobbyists are being arranged by the City Manager at the lobbyist's request.

First, there is no requirement that you meet with any lobbyist. You have the discretion to decide whether any particular meeting is appropriate and whether you wish to participate in it. Second, if you do meet with a lobbyist, you should confirm that the lobbyist has properly registered pursuant to Section 2-11.1(s) of the Ethics Code. Allowing an unregistered lobbyist to lobby you could violate Section 2-11.1(10) of the Code. Finally, since the meetings are one-on-one there would be no apparent violation of the Florida Sunshine Law. However, the meetings should not be used to convey any communication from one Councilmember to another, which could be a violation. In addition, you should be made aware that at least one judicial decision (*Blackford v. School Board of Orange County*, 375 So. 2d 578 (Fla. 5th DCA)) has found a violation of the Sunshine Law where a School Superintendent "orchestrated" a vote by meeting individually with board members prior to a meeting, even though he had not conveyed information from one member to another.

Sincerely,

Joe

Joseph M. Centorino

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From: Spiegel, Beth [<mailto:beth.spiegel@citynmb.com>]
Sent: Tuesday, March 08, 2016 4:07 PM
To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>
Subject: Re: meetings with lobbyist

It is not a procurement issue. It appears that Boca Jr's has a proposal to build a charter school where the City library is and some sort of return to the City of a new library. Not sure of more since no meeting yet and no discussion with the Manager on this item.

Sent from my BlackBerry 10 smartphone.

From: Centorino, Joseph (COE)
Sent: Tuesday, March 8, 2016 2:28 PM
To: Spiegel, Beth
Subject: RE: meetings with lobbyist

Beth,
Is this a procurement matter subject to the Cone of Silence? If so, of course a conversation would be improper while the Cone is in place. If it is not under the Cone of Silence, then I would probably want to know a little bit more about the circumstances and why the Manager would be setting up such meetings, which seems unusual.

From: Spiegel, Beth [<mailto:beth.spiegel@citynmb.com>]
Sent: Monday, March 07, 2016 11:16 AM
To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>
Subject: FW: meetings with lobbyist

Dear Mr. Centorino,
May I please have your opinion as to the below e-mail and whether it is appropriate.
If you need more information before replying I can be reached at 305-932-3266.
Thank you.
Very truly yours,
Beth Spiegel

From: Spiegel, Beth
Sent: Wednesday, March 2, 2016 9:17 AM
To: Smith, Jose
Subject: meetings with lobbyist

Dear Mr. Smith,
Please confirm that it is appropriate for Council members to participate in one on one meetings with a lobbyist and his client arranged by the Manager at the lobbyist's request. To my recollection this is the first time that since I have been elected that the Manager has solicited all Council members to meet individually with a lobbyist and his client with staff at City Hall before staff has reviewed and recommended a project and so I just want to be certain that it is appropriate before doing so.
Thank you.

Beth Spiegel



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