

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, March 31, 2017 10:28 AM
To: Sanchez, Rodzandra (COE)
Subject: Dennis Moss, Miami-Dade County Commissioner (DIST 9) (Voting Conflict) INQ 17-79

INQ 17-79 Wilson

-----Original Message-----

From: Centorino, Joseph (COE)
Sent: Monday, March 20, 2017 3:55 PM
To: Wilson IV, Samuel (DIST9) <Samuel.WilsonIV@miamidade.gov>
Cc: Bannerman, Wayman G. (DIST9) <Wayman.Bannerman@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: INQ 17-79 Dennis Moss, Miami-Dade County Commissioner (DIST 9) (Voting Conflict)

Mr. Wilson:

You have inquired on behalf of Miami-Dade County Commissioner Dennis Moss regarding his responsibilities in connection with a voting conflict he has acknowledged regarding the Richmond-Perrine Optimist Club, a CBO that he has served as Executive Director. I understand that, in the past, he has recused himself from voting on or discussing appropriations made by the Board of County Commissioners to that organization due to the voting conflict.

The "Reasonable Opportunity for the Public to be Heard," as provided in BCC Rule 6.06, is also required pursuant to state law, Section 286.0114, Florida Statutes, as well as Section (A)5. of the Miami-Dade County Citizens' Bill of Rights. The purpose is to permit anyone from the general public to make a comment on any matter coming before a public board. These comments are far-ranging and may involve almost any matter coming up for vote. There is no way to tell in advance what any given individual may say or what issue will be broached. No vote or discussion by the BCC generally occurs during such sessions, which are limited to public comments.

It is my opinion that there is no requirement that Commissioner Moss absent himself from such comments under the voting rights section, Section 2-11.1(d) of the County Ethics Ordinance. That section prohibits members from participating in discussions or votes related to a matter on which the member has a voting conflict. It does not restrict the Commissioner from being present during a public hearing, held separately from the rest of the meeting, at which the public is free to raise any issue, including a possible comment about the matter on which the Commissioner intends to recuse himself when it comes up for action. It would be inappropriate, however, for the Commissioner to make any comment whatsoever about an appropriation to his CBO, the Richmond-Perring Optimist Club during the public comment period or at any other time during a Commission meeting.

When the item involving the Commissioner's CBO comes up before the BCC, it is required under Section 2-11.1(d) that the Commissioner announce publicly that he has a conflict on the matter; absent himself from the chamber during the discussion and vote; and file State Form 8B with the Clerk within 15 days of the vote being taken.

-----Original Message-----

From: Wilson IV, Samuel (DIST9)
Sent: Monday, March 20, 2017 1:56 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>

Cc: Bannerman, Wayman G. (DIST9) <Wayman.Bannerman@miamidade.gov>

Subject: FW: CBO Process

-----Original Message-----

From: Moss, Dennis C. (DIST9)

Sent: Monday, March 20, 2017 1:47 PM

To: joseph.centorino@miamidade.gov

Cc: Bannerman, Wayman G. (DIST9) <Wayman.Bannerman@miamidade.gov>; Wilson IV, Samuel (DIST9) <Samuel.WilsonIV@miamidade.gov>

Subject: CBO Process

Mr. Centorino,

On Tuesday's agenda is an item approving the Community Based Organization (CBO) funding where my CBO organization is a subject in the item. As a result I have the following questions:

1. During the "Reasonable Opportunity for the Public to be Heard as Provided in Rule 6.06", can I participate when there will be comments on items on the agenda including the CBO item? What if during this general comment period, comments are made by persons associated with my own CBO organization?
2. At the time that the CBO item is taken up by the BCC, when I recuse myself, will I need to make the conflict of interest statement and complete the required form?

I would appreciate your response to these issues. Thank You.

Commissioner Moss

Sent from my iPhone