

INA 05-08

January 27, 2005

Dear Mr. Lapidis:


The following opinion, **RQO 04-89**, is the most recent one where the Ethics Commission opined on Section 2-11.1 (d), "Voting conflicts" of the Code of Ethics as it relates to an elected official and land use matters. Most of our opinions interpreting the voting conflicts issue with regard to land use matters generally involve advisory/quasi-judicial board members.

Below is a summary of two inquiries, **INQ 02-17 and 01-48**, [informal staff opinions not presented to the Ethics Commission] which our office responded to in April of 2002 and November of 2001, respectively; one pertains to an advisory board member the other to a County Commissioner. The Code of Ethics Ordinance provides a different voting conflict standard for advisory board members under 2-11.1 (v); however, I thought you might find it useful for your reference.

I also reviewed your question with Robert Meyers, the Executive Director, and absent more specific information regarding any potential financial interests or other relevant information about the elected official's interest in the matter, the fact that the elected official's parents own property adjacent to property being considered for a permit/zoning application, does not create a prima facie voting conflict.

If you would like to discuss the matter further, please do not hesitate to contact me directly at (305) 350-0615.

Sincerely,



Christina Prkic
Staff Attorney

INQ 02-17

A Member of the Miami-Dade Planning Advisory Board requests an opinion as to whether he can vote on an application for a zoning change for a property located one mile east of a parcel of land owned by his father. There is no violation of the County's Code of Ethics for Mr. Fraga to participate and to vote on the item that would change the designation of the property from low density residential to business and office.

INQ 01-48

A County Commissioner does not have a voting conflict regarding a matter before the BCC involving the possible incorporation of the Redlands due to his ownership of a one and one-quarter acre parcel of land in the Redlands. There is no conflict since his ownership in the area is negligible and he will not benefit in any manner distinct from the rest of the general public should the matter pass.

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