

Meyers, Robert (COE)

05-43

TRQ 05-05
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From: Meyers, Robert (COE)
Sent: Friday, January 21, 2005 1:32 PM
To: 'David M. Wolpin'
Subject: RE: Ethics Advice

David,

Christina and I are of the opinion that the Councilmember has the right to vote. It is true that the Councilmember directly benefits from this action, but all other Councilmembers in the future who are similarly-situated will be affected as well. In other words, the benefit is not unique to this particular elected official.

If you wish to discuss in greater detail, please contact me at your convenience.

Thanks,

Robert

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

From: David M. Wolpin [mailto:DWolpin@wsh-law.com]
Sent: Wednesday, January 19, 2005 5:52 PM
To: rmeyers@miamidade.gov
Subject: Ethics Advice

Hi Robert- Please advise whether your staff would agree that a council member may vote on a proposed ordinance which would amend an element of the municipality's post service benefit program for Councilmembers which presently allows the Village Manager to purchase medicare supplemental health insurance for Councilmembers who have left the Council after 3 terms of service to instead allow the benefit to be provided to members who have left after 2 terms of service. In either event, the former member must be of sufficient age for the coverage to be available. The municipality has a member who is now in her second term and would be of sufficient age to qualify for the proposed revised benefit. My view is that the member should be able to vote under the express authorization to vote provided by section 112.313 (5), F. S., which may be construed to over-ride the conflicting provisions of County Ethics Code Sec. 2-11.1. However, if you do not agree, we will advise the member to abstain from voting or participating prior to final council consideration. Thank you for your advice and assistance, as usual.

David M. Wolpin, Esquire
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
2665 South Bayshore Drive, Suite 420
Miami, Florida 33133
Telephone: (305) 854-0800
Facsimile: (305) 854-2323
Email: dwolpin@wsh-law.com

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