

EJQ
05-71**Prkic, Christina (COE)**

From: Prkic, Christina (COE)
Sent: Friday, May 06, 2005 6:30
To: 'Mitchell Bierman'
Subject: RE: GOB Advisory Board

Hi Mitch:

Thank you for sending the attached legislative information. I've reviewed your question with Robert.

You had concerns regarding your potential membership on the GOB Advisory Board, given the fact that some of your firm's clients have received funding from the GOB, you provided the City of Homestead as one example. Specifically, you asked whether you or your firm would be prevented from lobbying the County staff and commissioners on behalf of clients on GOB funding issues? As noted, the GOB Advisory Committee was established to review and monitor performance and other activities of the Bond Program. It did not make determinations with regard to funding projects. The extent that the Committee would be involved in funding recommendations is limited to unspent allocations or the use surplus bond project funds as identified in the Committee's enabling legislation.

As I indicated in my previous email to you, Section 2-11.1 (m) would prohibit you or your firm from appearing before the board on behalf of a client with respect to some benefit sought by the client. However, since the primary funding disbursements have been made, the Code of Ethics does not create an absolute prohibition for you to serve on the Committee. Nevertheless, since your firm's clients have received funding from the Bond program, you would be prohibited from voting on matters/items related to those clients. You should not be involved in the monitoring or enforcement activities as they relate to those clients.

Additionally, you and your firm could not appear before the board on behalf of those clients, if for example, they were to seek additional funding from unspent allocations or surplus funds. This does not mean that the clients, on their own behalf, could not appear.

Should you have any additional questions please do not hesitate to call.

Sincerely Yours,
Christina Prkic
Staff Attorney
Miami-Dade County Commission on Ethics and Public Trust
P: (305) 350-0615

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

From: Mitchell Bierman [mailto:mbierman@wsh-law.com]
Sent: Wednesday, May 04, 2005 11:09 AM
To: cprkic@miamidade.gov
Subject: GOB Advisory Board

<<Legislative Matter.htm>> Here is the legislation creating the Citizens Advisory Board.

5/9/05



Miami-Dade Legislative Item

File Number: 050586

Printable PDF Format 

File Number: 050586 **File Type:** Ordinance **Status:** Adopted
Version: 0 **Reference:** 05-70 **Control:** County Commission
File Name: GOB PROGRAM ADVISORY **Introduced:** 3/1/2005
Requester: NONE **Cost:** **Final Action:** 4/5/2005
Agenda Date: 4/5/2005 **Agenda Item Number:** 7B

Notes: 12/7/04-6-WK Title: ORDINANCE ESTABLISHING BUILDING BETTER COMMUNITIES PUBLIC HEARING SUB TO 043382
 CITIZENS' ADVISORY COMMITTEE FOR THE PURPOSE OF ADVISING THE MAYOR, THE BOARD OF COUNTY COMMISSIONERS AND THE COUNTY MANAGER ON THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM; CREATING COMMITTEE MEMBERSHIP; PROVIDING DUTIES AND STAFFING; AND PROVIDING SEVERABILITY, INCLUSION IN CODE, AND EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 043382]

Indexes: GENERAL OBLIGATION BOND PROGRAM

Sponsors: General Obligation Bond Program Subcommittee

Sunset Provision: No **Effective Date:** **Expiration Date:**
Registered Lobbyist: None Listed

Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	4/5/2005	7B	Adopted				P
Internal Mgmt. & Fiscal Responsibility Committee	3/10/2005	2B SUB.	Withdrawn				

REPORT: The foregoing proposed ordinance was withdrawn during consideration of the County Manager's Change Sheet.

County Manager	3/9/2005		Withdrawals			
Infrastructure and Land Use Committee	3/8/2005	3B ALT	Forwarded to BCC with a favorable recommendation			P
REPORT:	Commissioner Carey-Shuier stated Agenda Item 3B Alternate deleted the following language from Agenda Item 3B: "...to perform such other functions as requested by the Mayor, County Commission, and the County Manager." She stated she had no objection to the Committee considering Agenda Item 3B Alternate, which was sponsored by the General Obligation Bond Program Subcommittee, rather than Agenda Item 3B, which she had sponsored. Chairwoman Seijas opened the public hearing. There being no one to appear in connection with this matter, the public hearing was closed.					
County Attorney	3/1/2005		Assigned	Gerald T. Heffernan		
County Attorney	3/1/2005		Assigned	Infrastructure and Land Use Committee	3/8/2005	
County Attorney	3/1/2005		Assigned	Internal Mgmt. & Fiscal Responsibility Committee	3/10/2005	
General Obligation Bond Program Subcommittee	2/22/2005	4A Substitute	Forwarded to the BCC with a favorable recommendation with subcommittee amendment(s)	Infrastructure and Land Use Committee	3/8/2005	P
REPORT:	In response to Commissioner Gimenez' question regarding charge of the proposed Citizen's Advisory Committee, Mr. Hernstadt explained that the Citizen's Advisory Committee would comprise of 21 members who would make non-binding recommendations to the BCC and the County Manager regarding the implementation and reallocation of surplus or unspent Bond Project funds.. Referring to the Duties of the Advisory Committee on page 3, (C) (6) of the memorandum for Agenda Item 4A, Commissioner Sorenson suggested the following language be deleted, "to perform such other functions as are requested by the Mayor, the County Commission and /or County Manager". Following further discussion regarding whether or not this resolution was sufficient to accomplish its intent, Commissioner Barreiro noted it was very important to balance the needs of the commission districts with countywide needs. He asked the board members to meet with staff to review priorities as outlined in the bond referendum. The Subcommittee voted to forward the foregoing proposed ordinance to the Infrastructure and Land Use Committee with a favorable recommendation with amendment(s) to delete the following language "to perform such other functions as requested by the Mayor, the County Commission and /or County Manager".					

Legislative Text

TITLE

ORDINANCE ESTABLISHING BUILDING BETTER COMMUNITIES CITIZENS' ADVISORY COMMITTEE FOR THE PURPOSE OF ADVISING THE MAYOR, THE BOARD OF COUNTY

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5/4/05

COMMISSIONERS AND THE COUNTY MANAGER ON THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM; CREATING COMMITTEE MEMBERSHIP; PROVIDING DUTIES AND STAFFING; AND PROVIDING SEVERABILITY, INCLUSION IN CODE, AND EFFECTIVE DATE

BODY
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. To support the Building Better Communities General Obligation Bond Program ("Bond Program"), as approved by the electorate on November 2, 2004, Chapter 2 of the Code of Miami-Dade County, Florida shall be amended to include a new Article entitled "Building Better Communities Citizens' Advisory Committee" that will read as follows:

(a) Authority and Purpose

There is created and established pursuant to the Home Rule Amendment and Charter of Miami-Dade County, as amended, an advisory committee of Miami-Dade County to be known as the Building Better Communities Citizens' Advisory Committee ("Advisory Committee"). The Advisory Committee is established solely for the purpose of advising the Mayor, the Board of County Commissioners ("Commission") and the County Manager regarding the Building Better Communities General Obligation Bond Program ("Bond Program"). The Advisory Committee may exercise only those duties specifically granted in this Article or necessary in the exercise of the duties enumerated in this Article.

(b) Advisory Committee

(1) **Membership and Appointment.** The Advisory Committee shall be comprised of twenty-one (21) members. The Mayor shall appoint three (3) members, each Commissioner shall appoint one member and the remaining five (5) at-large members shall be selected by the County Manager.

(2) **Qualifications.** Each member shall be a resident of Miami-Dade County; shall possess an outstanding reputation for civic pride, integrity, responsibility and business or professional ability; and shall have no financial interest, direct or indirect, in any of the programs or projects that are part of the Bond Program. The membership of the Advisory Committee should generally reflect the geographic, ethnic, racial and gender make-up of the County.

(3) **Term.** Mayoral appointed and District members of the Advisory Committee shall serve until the respective appointing authority, Mayor or Commissioner, leaves office, or until resignation, whichever occurs first. All such members may be re-appointed or may continue to serve until resignation or their successors have been appointed.

The five (5) at-large members selected by the County Manager shall hold office for a term of five (5) years, or until resignation, whichever comes first and may be re-appointed for up to two (2) additional five (5) year terms.

(4) **Vacancies.** The Mayor and each Commissioner shall appoint or re-appoint a member within forty-five (45) days of taking office or in the event of their appointee's resignation. All at-large member vacancies shall be filled by the County Manager within forty-five (45) days of the resignation of the member.

(5) Modified applicability of Conflict of Interest and Code of Ethics Ordinance. The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the "Conflict of Interest Ordinance"), Section 2-11.1 of the Code of Miami-Dade County, Florida, shall be applicable to the members of the Advisory Committee only in the manner and to the extent provided in the next sentence. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Advisory Committee members on the basis of interests relating to Miami-Dade County when such interests do not conflict, directly or indirectly, with the Bond Program.

(6) Organization and Procedure. The members shall elect a chairperson and a vice-chairperson and both shall serve a term of two (2) years. The members shall also elect other officers as the members determine to be necessary and such officers shall also serve a term of two (2) years

The Advisory Committee shall hold regular meetings no less than four (4) times a year and such other meetings, as it deems necessary. A majority of the members of the board of directors shall constitute a quorum. All meetings of the Advisory Committee shall be public and the Advisory Committee shall maintain written minutes of all proceedings that shall be promptly prepared and recorded. Copies of all minutes and resolutions of the Advisory Committee shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Advisory Committee.

(7) Compensation. Members of the Advisory Board shall serve without compensation.

(c) Duties of the Advisory Committee

The Advisory Committee shall have the following duties, responsibilities, and functions.

(1) To review and monitor performance and program achievements related to the Bond Program.

(2) To periodically advise the Mayor, the County Commission and County Manager, and assist in informing the community regarding the Building Better Communities General Obligation Bond Program's accomplishments on projects as approved by the electorate on November 2, 2004.

(3) To assist in the preparation of quarterly reports to the Mayor and the County Commission, and annual written report to the community describing the progress of the Building Better Communities General Obligation Bond Program. The Advisory Committee may also periodically provide advice, by either a written resolution or oral presentation, as may be requested by the County Commission, at regularly scheduled Commission meetings in accordance with the terms of this Ordinance.

(4) To advise on the use of any surplus bond project funds or unspent allocations derived from those projects specifically identified in Resolution Numbers R-912-04, R-913-04, R-914-04, R-915-04, R-916-04, R-917-04, R-918-04, and R-919-04, and set forth in informational pamphlets and media releases distributed by the County to the public prior to said election.

(5) To participate, along with County staff, in citizen outreach efforts relating to the Bond Program.

(6) To promulgate rules consistent with this Ordinance for the conduct of its meetings and the discharge of its responsibilities.

(7) To comply with all laws and regulations of the United States, the State of Florida, and Miami-Dade County, including, but not limited to, the laws relating to the keeping of records including the preservation of all audit rights.

(8) Any member shall be automatically removed if, in a given calendar year; (i) he/she is absent from three (3) consecutive meetings or, (ii) he/she is absent from more than 50% of all the committee meetings held during a year. A member shall be deemed absent when he/she is not present at the meeting for at least 75% of its duration.

Section 6. Modifications and Term

It is the intent of the Board of County Commissioners to create by this article and for the purposes set forth in this article, an Advisory Committee that may be modified or revoked in whole or in part by duly enacted ordinance of the Commission.

Section 7. Staff and Counsel

The County Manager and the County Attorney shall provide such staff support to the Advisory Committee as may be necessary to accomplish its purpose. The Advisory Committee shall be provided meeting facilities and pre-approved expense reimbursement as the Commission or the County Manager may deem necessary to accomplish the Committee's purposes.

Section 2. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this Ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This Ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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