

Meyers, Robert (COE)

From: Meyers, Robert (COE)
Sent: Wednesday, May 11, 2005 2:30 PM
To: Mestre, Maggie (Team Metro)
Subject: Clarification of Ethics Advisory Opinion

Maggie,

I wanted to follow-up on the discussion that took place at the May 4th ethics training I did for the Fisher Island Community Council and the Fisher Island MAC. I want to clarify the Ethics Commission's position on a community council member serving as an officer of a condominium or homeowner's association. Our office has interpreted the voting conflict section of the County Code to mean that a community council member who also serves as an officer of an association is barred from participating in any discussions or voting on a matter involving the association when the association has taken an official position regarding that matter. The Ethics Commission takes the position that a council member who is an officer of an "active" association (defined as an association that regularly appears before the council) should resign from either the association's board or the community council. However, for associations that rarely take formal positions on items in front of the community council or those that rarely appear before the community council, it is unnecessary for council members to take such drastic measures. In the case of those associations which infrequently appear, the proper course of action is for the council member/officer to announce that he/she has a conflict due to his/her position with the association and leave the room until the vote has been taken and/or the matter resolved.

I would appreciate it if you would circulate this e-mail to the members of Community Council #16. If they have any questions about the above, please encourage them to contact me at their convenience.

Thanks,

Robert Meyers