

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

Meyers, Robert (COE)

From: Meyers, Robert (COE)
Sent: Wednesday, May 11, 2005 12:26 PM
To: 'kcars1@bellsouth.net'
Subject: RE: Request for an advisory opinion concerning the applicability of the 2-year rule relative to employment with a 501(c)(3) non-profit and whether said employment activities constitute lobbying for purposes of registration

Mr. Carswell,

Your interpretation of the Two-Year Rule is correct. Former employees of municipal government who go to work for 501(c)(3) not-for-profit corporations are not restricted from lobbying their former municipality. You would have to comply with all the applicable lobbying rule and regulations, which might include having to register as a lobbyist when representing the non-profit before the City. If you have to register, you are not required to pay a registration fee. There are certain activities that might be exempt from these rules altogether. I would recommend that you ask for another opinion before you starting interacting with city staff, as I can advise you whether you will need to register.

If you have any questions concerning the above, please feel free to contact me at your convenience.

Thank you,

Robert Meyers

From: Keith A. Carswell [mailto:kcars1@bellsouth.net]
Sent: Tuesday, May 10, 2005 3:47 PM
To: Robert Meyers (E-mail)
Subject: Request for an advisory opinion concerning the applicability of the 2-year rule relative to employment with a 501(c)(3) non-profit and whether said employment activities constitute lobbying for purposes of registration

Dear Mr. Meyers:

On January 7th. 2005, I resigned from the City of Miami as Director for the Department of Economic Development. I am considering employment with a 501(c)(3) non-profit organization located within the City of Miami that will seek program support from the municipality as well as other potential funding sources. The proposed responsibilities of employment consist of planning and directing the development and implementation of social and economic development programs that are aimed at improving the quality of life for area residents, development of affordable housing and job creation. Development and implementation of programs include, but is not limited to, identifying potential funding sources; creation of budgets; submission of funding proposals; acquisition and development of commercial and/or residential real estate; and coordination of related community resources to maximize program potential which may include negotiating public/private partnerships.

Given the aforementioned, there will be occasion for me to interact with City of Miami staff and/or elected officials in my employed capacity with the non-profit organization. From my understanding, the 2-year rule provision does not apply to persons who are employed by a 501(c)(3) non-profit organization. Please advise as to whether I am correct in believing that the 2-year rule does not apply and whether my activities would constitute lobbying for purposes of registration.

Thanks in advance for your prompt attention to this matter!

5/11/2005

Sincerely,

Keith A. Carswell

