



ETHICS COMMISSIONERS

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May 18, 2004

John Hall, P.E., President
 Ludovici & Orange Consulting Engineers, Inc.
 329 Palermo Avenue
 Coral Gables, FL 33134

Dear Mr. Hall:

You requested an opinion regarding potential voting conflicts as they relate to your service on the South Miami-Dade Watershed Study Advisory Committee. You were appointed as the representative of the Miami Chapter of the Florida Engineering Society. The Committee makes recommendations to the County Commission pertaining to long-term land use and water management for the entire area of Miami-Dade County south of SW 8th Street. The Committee is expected to complete its study of the area in the fall of 2005.

In your email you indicate that your firm, Ludovici & Orange Consulting Engineers, Inc. is primarily engaged in land development consulting; you have a number of projects within the study area. Recently, your firm was asked to participate in two (2) large-scale projects within the study area, these projects propose to expand the existing Urban Development Boundary [UDB].

At its last meeting, several members proposed that the Committee present a resolution to the County Commission which would impose a "moratorium" on UDB expansion until the study is complete. The Committee is tentatively scheduled to vote on this resolution at its upcoming meeting.

The Conflict of Interest and Code of Ethics Ordinance permits you to serve on the South Miami-Dade Watershed Study Advisory Committee; however, you are prohibited from voting on the "moratorium" issue. Section 2-11.1 (v) "*Voting Conflicts: Members of Advisory and Quasi-Judicial Boards,*" provides,

No person included in the terms defined in subsections (b) (3) (quasi-judicial personnel) and (b) (4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor.

Therefore, while you may serve on the board, you may not vote on the matter pertaining to the moratorium since you indicated that your firm's clients may appear before the Committee on this issue and you and your firm will be directly affected by the board action. A moratorium imposed on the UDB expansion would certainly impact the land expansion projects for which your firm was retained.

In addition, Section 2-11.1 (n), "*Actions prohibited when financial interests involved,*" provides in part,

No person included in the terms defined in subsections (b)(1) through (6) shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest.

Accordingly, this subsection prohibits you from voting on this matter given that your firm is presently retained to work on large-scale expansion projects which would be affected clearly by the moratorium.

Though you are permitted to participate in the matter, the Ethics Commission recommends that you tailor your participation so as to avoid any questions of impropriety. For example, strongly urging members to vote for the expansion, dominating the discussion or unfairly treating individuals who appear before the Committee in support of the moratorium may give rise to an appearance of impropriety.

This opinion construes the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics should you have any questions regarding possible conflicts under state law.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director

Meyers, Robert (COE)

From: John R Hall, PE [jrhall@ludovici-orange.com]
Sent: Monday, May 10, 2004 5:02 PM
To: 'rmeyers@miamidade.gov'
Subject: FW: FES Miami Chapter BOD

JNO 04 30

Robert:

I believe the attached email to the board of the Florida Engineering Society Miami Chapter pretty well summarizes my potential conflict. Please

advise as to whether the situation I have described would prohibit my voting on the pending resolution to the County Commission regarding UDB expansion, or whether it would preclude my continued service on the Committee, or neither.

Thank you.

John R. Hall, P.E., President
Ludovici & Orange Consulting Engineers, Inc.
329 Palermo Ave. Coral Gables, FL 33134
Phone (305) 448-1600 Fax (305) 446-3876
jrhall@ludovici-orange.com

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

From: John Hall
Sent: Thursday, April 29, 2004 7:21 PM
To: Alberto Romanach (E-mail); Alex Montenegro (E-mail); Aurelio Carmenate (E-mail); Felix Peguero (E-mail); Gus Quesada (E-mail); Jorge Maspons (E-mail); Lourdes San Martin (E-mail); Maggie Weidener (E-mail); Mary Silberman (E-mail); Paul Brugger (E-mail); Tony Hernandez (E-mail); Victor Pujals (E-mail)
Cc: Rod Rodriguez (E-mail)
Subject: FES Miami Chapter BOD

Dear Miami Chapter Officer:

I serve as the Miami Chapter FES representative on the South Miami-Dade Watershed Study Advisory Committee. This Committee is charged with the responsibility to recommend to the County Commission, a long-term land use and water management plan for (essentially) all of Miami-Dade County south of SW 8th Street. This Committee first met nearly three ago. We are not expected to complete the study until the fall of 2005. Keith & Schnars was retained as consultant to prepare the Study. We meet monthly for a full day, with reading and review assignments between meetings. It is very time-consuming, but important work. The investment of public funds in this Committee, not including manhours spent by government representatives serving as Committee members, will be nearly \$3,000,000.

The Committee has approximately 30 members. The membership includes representatives of various governmental agencies, citizen's groups,

environmental groups, business groups, and agricultural groups. Many members have personal or business interests that will be directly impacted by the results of the Study. These include land owners, home owners, business owners and employees of businesses that will be affected by the

study. The Committee was constituted to form a consensus among all critical "stakeholders".

As a consulting civil engineer, primarily engaged in land development, I have a number of projects within the Study area. I have not perceived this to be a conflict, as the Committee's work is likely to have little or no bearing on any of our current projects. Recently, our firm was asked to participate in one of at least two large-scale projects within the study

area. These projects propose to expand the existing Urban Development Boundary (UDB). The Master Plan Amendment and Development of Regional Impact (DRI) processes to accomplish any expansion are likely to take 2 years or more.

At the last Committee meeting, some of the members proposed that the Committee present a resolution to the Commission to impose a moratorium on UDB expansion until the Study is completed. As a result, I feel that it is important that I do two things. First, I intend to announce my involvement in one of the proposed DRI applications at the next Committee meeting. If the Committee, or legal council, deems it necessary that I abstain from voting on the "moratorium" issue, I will do so. Second, I seek the continued support of the Miami Chapter FES Board as your representative.

No one has yet questioned my role on the Committee. I write this in "an abundance of caution". I would do nothing to harm the reputation of our organization, the profession, or my own. Nonetheless, I do not represent myself, or my firm on this Committee. I represent the FES. If the Board feels that the current circumstance adversely reflects on the Chapter, I

will step down in favor of a new Chapter rep (ours is a County Code mandated seat). Although I do not personally feel this is necessary or wise given the three-year investment that has been made in me, I serve at the pleasure of this Board.

As engineers, we need to be involved in our community, and in the policies that affect the quality of our lives - even when the issues are controversial. Our Engineer's Creed requires that we "place service before profit, the honor and standing of the profession before personal advantage, and the public welfare above all other considerations". I intend to honor that Creed.

Our next Committee meeting is tentatively scheduled for mid-May. If you



NW Wellfield Policy Committee
John

what for the study area
moratorium
industry
priority of projects

FIRST =

Cindy Dwyer

would like to talk to me about my representation on the Committee, or
about
the proposed moratorium, feel free to call me, or reply to this email.

Thank you for YOUR service to the profession.

John R. Hall, P.E., President
Ludovici & Orange Consulting Engineers, Inc.
329 Palermo Ave. Coral Gables, FL 33134
Phone (305) 448-1600 Fax (305) 446-3876
jrhall@ludovici-orange.com

To: John Hall From: Christine Forke
 Fax: 414-3874 Pages:
 Phone: Date:
 Re: CC:
 Urgent For Review Please Comment Please Reply Please Recycle

I emailed it to C. Dwyer as well.

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