

INQ 02-28

June 18, 2002

Via e-mail cprkic@miamidade.gov

Cristina Prkic, Staff Counsel  
Miami-Dade Ethics Commission

**Re: Ethics Opinion regarding City of West Miami**

Dear Ms. Prkic:

In order to memorialize our conversation of this date, please be advised as follows:

The City of West Miami has a flood problem. FEMA has a program to alleviate the plight of individual citizens by offering, sharing in the cost of raising properties by contributing substantial funds to the cost of the project.

FEMA requires that the City adopt a resolution encouraging citizens to participate in the program. Certain members of the Commission might benefit with this program inasmuch as they live in affected areas.

**Question:** Can a member of the Commission vote if they may be benefitted by a FEMA program?

Please advise at your earliest possible time.

Sincerely,

Jose A. Villalobos

JAV/mg

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**Prkic, Christina (COE)**

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**From:** Prkic, Christina (COE)  
**Sent:** Tuesday, June 18, 2002 6:14 PM  
**To:** 'PEPEV@aol.com'  
**Subject:** RE: Ethics Opinion regarding the City of West Miami

Hi Jose,

Based upon the facts you provided in the attached letter, there is no legal prohibition for a commission member to vote on the FEMA resolution.

Section 2-11.1 (d) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance states that commissioners shall not vote on any matter that would affect him/her in a manner distinct from the manner in which it would affect the public generally. Since other city residents may similarly avail themselves of the program's benefits, there is no voting conflict for commissioners who may also benefit from the program.

This response serves as an informal staff opinion/recommendation, as reviewed also by Robert Meyers, Executive Director, and not a formal Ethics Commission opinion. Please do not hesitate to contact me should you have additional questions.

Best regards,  
Christina Prkic

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

From: PEPEV@aol.com [mailto:PEPEV@aol.com]  
Sent: Tuesday, June 18, 2002 5:07 PM  
To: cprkic@miamidade.gov  
Subject: Ethics Opinion regarding the City of West Miami

Dear Ms. Prkic:

Please see letter attached.