

Inv 02-48

ETHICS

From: ETHICS
Sent: Wednesday, October 02, 2002 12:08 PM
To: 'Matson, Marsha'
Subject: RE: Request for an advisory opinion

Ms. Matson,

Thank you for your e-mail. I wanted to confer with the Ethics Commission's general counsel before responding to your request. She and I agree that the Miami-Dade Commission on Ethics has no legal authority to issue an advisory opinion about a municipal charter provision. We have jurisdiction over County and municipal codes of ethics and conflict of interest ordinances and, as you pointed out, the Citizens' Bill of Rights. However, the authority over the Citizens' Bill of Rights does not extend to comparing it with another piece of legislation to determine the legality/constitutionality of the law in question.

I suspect that the counsel who sat with the Charter Review Commission for Palmetto Bay believed that this charter question could be legally presented to the voters. Also, I wouldn't be surprised if this provision were challenged by a contribution who is then barred from representing a third party before the Village Council. I would rather not speculate what the outcome might be.

Sincerely,

Robert Meyers, Executive Director

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

From: Matson, Marsha [mailto:mmatson@exchange.sba.miami.edu]
Sent: Friday, September 27, 2002 11:50 AM
To: 'ethics@miamidade.gov'
Subject: Request for an advisory opinion

Sept. 27, 2002

Dear Ethics Commission members:

I would like to request an advisory opinion about a section of the new Village of Palmetto Bay Charter, which was approved by Palmetto Bay citizens on Sept. 10. I am concerned that Section 7.6(a) on Lobbyists violates the Home Rule Charter Bill of Rights, the Right to Be Heard, and violates the Palmetto Bay Charter's Bill of Rights, the Right to be Heard. The Section states broadly that if a person, or another person, or PAC on behalf of that person contributes a campaign contribution to a winning candidate for municipal office in Palmetto Bay, then that person cannot lobby on behalf of another person or group anyone in Palmetto Bay government for four years.

As a result of this section, I am not taking any contributions.

I request your opinion of the section, and whether it violates the Bill of Rights in the Charters mentioned above.