

INV B-39

Meyers, Robert (COE)

To: Maria Anderson**Subject:** RE: Assistance

Maria,

I spoke to our staff attorney about this matter and I wanted to respond to your concerns before the meeting this Tuesday. Based on the facts you have presented, I understand that the BID of Coral Gables is contemplating contracting with your husband's firm with respect to an e-commerce business plan to offer BID members and that you serve on the BID as a non-voting member. Furthermore, you simply serve on the BID as the Commission's representative.

Section 2-11.1 (c) and (d) of the County Conflict of Interest and Code of Ethics Ordinance, which apply to the municipalities, bar elected officials and their immediate families from doing business with their cities. However, because the BID of Coral Gables doesn't not meet the definition of a board that would be covered by the Code of Ethics Ordinance, I conclude that there is no legal conflict that prevents your spouse's firm from doing business with the BID.

As far as any appearance of impropriety is concerned, it's difficult to speculate what is the likely impact of this opinion. As I see it, the BID is truly an independent entity, with its own taxing authority, and you play no role whatsoever in setting or implementing policy for the BID. On the other hand, your participation in the BID meetings (and I realize you cannot vote on items) could be viewed by some as an attempt to influence the board. Therefore, maybe the prudent course of action is for you to absent yourself from the discussion of the BID's e-commerce plan. This step is definitely not required by the law, but could assist you in dealing with those who regularly question the motivations of our public servants.

If you wish to discuss the above in greater detail, please contact me at your convenience.

Thanks,

Robert

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

From: Maria Anderson [mailto:maria@trapezoid.com]**Sent:** Friday, May 16, 2003 10:41 AM**To:** rmeyers@co.miami-dade.fl.us**Cc:** Elizabeth Hernandez (Hernandez, Elizabeth); Maria Anderson**Subject:** Assistance**Importance:** High

Robert -

It was great seeing you last night and found the discussion very engaging. Also, as I mentioned, I have a personal situation that moved me to ask you for advice.

A friend, a local Miracle Mile business owner, and member of our local Business Improvement District came up with an idea for a for a an e-commerce business plan to offer other BID members. She approached my husband and his business partner because that is there specialty. I sit on the BID board as a liaison, a non-voting member-representative to the Commission. The business plan is being presented to the BID board, who can vote it up/down, and would not need City Commission approval.

The BID is a self-taxing district that was created by Commission approval over 5 years ago. When BID elections are held, the city provides the "service" of mailing out ballots to registered business and property owners. When the election is completed, the Commission ratifies the results.

Please provide your thoughts/opinion on this matter from a factual and/or perceived point of view. The presentation of the business plan is tentatively scheduled for Tuesday. Again, my thanks for past and future assistance.

María Anderson
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"What concerns me is not the way things are, but rather the way people think things are."

- EPICETUS

"It's always wise to raise questions about the most obvious and simple assumptions."

- WEST CHURCHMAN

"To assume is to be deceived."

- YIDDISH PROVERB