

Meyers, Robert (COE)

From: Meyers, Robert (COE)
Sent: Thursday, August 26, 2004 4:55 PM
To: Toledo, Tony (PWD)
Cc: Cabrera, Rafael (WASD)
Subject: RE: Waiver of Plat D-21537

JND 04-107

Mr.. Toledo,

Based on the representations in your e-mail, I find there is no conflict of interest under the County Code that bars Mr.. Cabrera from representing a private client with respect to this waiver because the final decision rests with the City of Doral. The Ethics Commission has consistently held that County employees may appear before boards/ committees of other municipalities within Miami-Dade County as long as the employee's authority with Miami-Dade County does not extend to the activities of the municipality in question.

Please understand that this opinion does not address other private business interests that Mr.. Cabrera has that may come before the County. As I mentioned to Mr.. Cabrera, a county employee is not permitted to appear before the County when he/she is representing private clients.

If you have any questions concerning the above, please do not hesitate to contact me.

Sincerely,

Robert Meyers

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

From: Toledo, Tony (PWD)
Sent: Tuesday, August 17, 2004 5:35 PM
To: Cabrera, Rafael (WASD); Meyers, Robert (COE)
Cc: Pino, Raul (PWD)
Subject: RE: Waiver of Plat D-21537

Mr... Meyers

As noted on Mr.. Cabrer's memo, Waiver D- 21537 was received on June 20, 2003 and was deferred for 5 reasons. The developer was able to satisfy all the reasons for deferral and the waiver was placed on the August 6, meeting. I would like to note that Mr. Cabrera was providing his professional services as required under Sec 28-4.1 (c) "*The waiver of plat survey shall be prepared by a land surveyor registered in the State of Florida and shall bear the embossed seal of the land surveyor.*"and that he did not petition nor appeared in front of the plat committee members.

As background information I would like to provide you with the requirements for a waiver of plat by the Land Development Division of Public Works. The applicant must submit the following.

- 20 copies of the Waiver of Plat survey
- 3 applications signed by the owner
- A copy of the recorded Warranty Deed.

The survey prints are distributed to the numerous Department, Division and Governmental Agencies involved in land development. This agencies send representatives or memos to the Dade County Plat Committee which meet every Friday at 9:00 A.M. on the Eighteen floor of the Steven Clark Building. If the development meets all the criteria's of the different agencies it is forwarded with a favorable recommendation to the **Board of County Commissioners** for approval.

In cases where an agency finds that their code requirements have not been met, the Waiver of Plat is deferred until the applicant corrects the deficiency.

Since Waiver D-21537 now lies within the corporate limits of Doral, the plat Committees recommendation of approval would be forwarded to the **City of Doral** for final disposition.

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

From: Cabrera, Rafael (WASD)
Sent: Tuesday, August 17, 2004 11:23 AM
To: Meyers, Robert (COE)
Cc: Toledo, Tony (PWD)
Subject: Waiver of Plat D-21537

Mr. Meyers,

This is to follow up in writing pursuant to our telephone conversation this morning related to a Waiver of Plat (D-21537).

This item originally went in front of the Plat Committee last year before I was employed by Miami-Dade Water & Sewer Dept.

My position with the Dept. is as a Sr. Prof. Land Surveyor. In the course of the last months the developer client has worked to meet all the conditions set forth by the plat committee in order to approve the Waiver of Plat application. On August 6, 2004 this item went back for approval to the committee after completing all the requests and it was Deferred for the following reason:

"To clarify Section (2-11.1CM) of the Conflict of Interest and Code of Ethics Ordinance. Contact Tony Toledo @ (305) 375-2141".

I'm hereby requesting that the Ethics Committee consider granting an Exception or a Waiver of the conflict of interest in order to allow this item to be approved by the Plat Committee and subsequently by the Board of County Commissioners. This request is made on the basis that this application was made approximately a year ago and well before I was hired by the county as an employee. I shall also ask that this Exception be granted as soon as possible as this is now affecting the owner who has now met all conditions for approval.

In addition I would also want to request a similar approval to be allowed to complete other Plats that were started well before my starting date of May 10,2004 with the county. These plats have been presented to the Public Works Dept. for review, subject to the conditions of approval by the Plat Committee. The owners, together with their attorneys, engineers and architects are working to meet all those conditions for approval. Once those conditions are met then the plats shall be scheduled to be presented to the Board of County Commissioners for final approval and recording.

I will appreciate your prompt attention to this matter.

Thank you,
Rafael R. Cabrera, P.S.M.
(305) 669-7617 my direct line at MDWASD.