

**Meyers, Robert (COE)**

JNO 04-142

**From:** Meyers, Robert (COE)  
**Sent:** Wednesday, December 22, 2004 1:59 PM  
**To:** 'Eve Boutsis'  
**Subject:** RE: Citizen's Bill of Rights

Eve,

We haven't issued any ethics opinion on point. My sense is that the Ethics Commission would read the provision narrowly and would focus on the definition of "interested party." I don't believe all residents/taxpayers of the city are necessarily interested parties. I suspect this section could be triggered if there was an item of major importance in the city that the elected officials and the quasi-judicial boards continually refused to address. Sorry to be so non-specific, but our office has virtually no experience interpreting or enforcing this provision.

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

Happy Holidays!

Robert

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

**From:** Eve Boutsis [mailto:eboutsis@ngf-law.com]  
**Sent:** Tuesday, December 21, 2004 11:29 AM  
**To:** rmeyers@miamidade.gov; joecentorino@miamisao.com  
**Cc:** peter.mccann@att.net; mdavis@cityofsouthmiami.net; msrl@bellsouth.net; Luis Figueredo  
**Subject:** Citizen's Bill of Rights  
**Importance:** High

Hello again gentlemen:

I have received a request from a resident asking for an interpretation of Section 8 of Citizens' Bill of Rights, related to "right of public hearing." My Mayor has authorized me to make this request. The resident with the question is Ms. Cathy McCann. She does not understand the scope of section 8 - what can she talk on and request a public hearing, and what is a "significant policy decision," etc. Are there any opinions on this? Any application? Any examples?

The next paragraph of section 8 deals with zoning hearings. This "right of public hearing" clearly does not interfere with the Jennings Rule -- which precludes ex parte communications regarding a quasi judicial matter to come before the board (particularly, as Jennings has been codified from the decision into state statute, with associated disclosure requirements); and that it also does not interfere with the "cone of silence" while an RFP is outstanding. Further, the way I read paragraph 2, it acknowledges that the proper method for review of quasi-judicial zoning hearing decision is through a certiorari action. The paragraph does not prohibit a commission from enacting reasonable rules of procedure, including reasonable time and other limitations.

I have copied Ms. McCann, the City Manager Maria Davis, and Mayor Mary Scott Russell on this email.

Thank you again for your attention to this request and Happy Holidays.

Very truly yours,

Eve

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