

Prkic, Christina (COE)

INQ

0484

From: Rodriguez, Jason E. (OSBM)
Sent: Thursday, July 15, 2004 12:02 PM
To: Prkic, Christina (COE)
Cc: Logue, Thomas (CA); Velar, Peter (OSBM); Riviere, Amber (OSBM)
Subject: RE: Boundaries Commission and a Coral Gables Annexation Application

Thank you for your prompt review and response. I will pass the word to the member who made the inquiry.

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

From: Prkic, Christina (COE)
Sent: Thursday, July 15, 2004 11:57 AM
To: Rodriguez, Jason E. (OSBM)
Cc: Logue, Thomas (CA)
Subject: RE: Boundaries Commission and a Coral Gables Annexation Application

Hi Jason,

Based upon the facts you provide below, we do not believe that there is conflict which prohibits the Boundaries Commission member from voting on the application. Section 2-11.1 (v) "Voting Conflicts: Members of Advisory and Quasi-Judicial Boards," states:

No person included in the terms defined in subsections (b) (3) (quasi-judicial personnel) and (b) (4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor.

Although she lives in the enclave area which may be considered for future annexation, this fact alone does not create a voting conflict under the Code of Ethics.

Should you have any additional questions you may reach me at the number below.

Kind regards,

Christina Prkic
Staff Attorney
Miami-Dade County Commission on Ethics and Public Trust
P: (305) 350-0615

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

From: Rodriguez, Jason E. (OSBM)
Sent: Wednesday, July 14, 2004 5:39 PM
To: Prkic, Christina (COE); Meyers, Robert (COE)
Cc: Velar, Peter (OSBM); Collier, Craig (CA); Johnson-Stacks, Cynthia (CA); Riviere, Amber (OSBM)
Subject: Boundaries Commission and a Coral Gables Annexation Application
Importance: High

Christina,

Our office has just received an inquiry from a member of the Boundaries Commission as to whether she will

have a conflict voting on an annexation application that the Boundaries Commission will hear on Friday, July 16 at 9:30 a.m.

After reviewing the opinion given by the Ethics Commission (below) it seems that the facts are similar and that the prior ruling will apply as well in this case, however, I prefer to rely on your expertise for that decision.

Here are the facts for this case.

- A member of the Boundaries Commission resides in an enclave area between the City of Coral Gables and South Miami.
- The City of Coral Gables is interested in annexing an area within the enclave area known as Davis Ponce (On the attached map David Ponce is the salmon color area within the white area that represents the enclave). The residents of Davis Ponce submitted a petition to the County requesting that the Davis Ponce area be annexed to the City of Coral Gables.
- The Department of Planning and Zoning (DP&Z) has recommended that the annexation request be deferred until such a time as the entire enclave can be considered at once.
- The City of Coral Gables is studying whether or not to annex the entire enclave, however, the City support the annexation request of the Davis Ponce residents as submitted to the County.
- The City of Coral Gables has not filed an application to annex the entire enclave area.
- A staff report, which incorporates the recommendation of DP&Z has been written and mailed to all of the Boundaries Commission members.

Thus, since a member of the Boundaries Commission lives in the enclave area discussed above, but outside of the area of Davis Ponce, she would like to know whether she needs to recuse herself from voting on the application of Davis Ponce and whether or not there is a conflict of interest in her case.

Since the meeting is this upcoming Friday, your prompt response will be greatly appreciated.

Thanks.

Jason Rodriguez

<< File: CoralGablesPonceAnnexout_L_June2004.pdf >>

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

From: Prkic, Christina (COE)

Sent: Tuesday, December 09, 2003 5:08 PM

To: Riviere, Amber (OSBM)

Cc: Velar, Peter (OSBM); Klingbeil, Carol (DIST8); Coler, Craig (CA); Johnson-Stacks, Cynthia (CA); Meyers, Robert (COE); 'egm2556@aol.com'

Subject: RE: Boundaries Commission and Cutler Ridge Incomp.

Hi Amber:

Robert Meyers and I discussed the matter you presented below.

According to the facts you provide, the County Boundaries Commission will consider the proposed incorporation of Cutler Ridge. One member of the Commission is a resident of the area and an active member of the Cutler Ridge Steering Committee, a citizen committee instrumental in the incorporation effort and in the creation of the Cutler Ridge Area Municipal Advisory Committee (MAC). The Committee is not a County agency or advisory board.

You asked whether the Commission member may participate in the Boundaries Commission deliberations regarding the incorporation of Cutler Ridge.

Under the Conflict of Interest and Code of Ethics Ordinance, there is no legal conflict which precludes the Commission member from participating in the deliberations. Section 2-11.1 (v) "Voting Conflicts: Members of

Advisory and Quasi-Judicial Boards," states:

No person included in the terms defined in subsections (b) (3) (quasi-judicial personnel) and (b) (4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor.

Even if the Commission member is considered an officer of the Steering Committee, there is no direct affect to the member; therefore, the second prong of this section is not satisfied. Although, the member supports incorporation, that alone is not enough to establish a legal conflict under the Conflict of Interest Ordinance.

As I mentioned to you earlier, the Ethics Commission will also review this matter at its monthly meeting tomorrow morning.

In the meantime, should you have any additional questions please do not hesitate to contact Robert Meyers or me.

Kind regards,
Christina Prkic
Staff Attorney
Miami-Dade County Commission on Ethics and Public Trust
P: (305) 350-0615

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

From: Riviere, Amber (OSBM)
Sent: Tuesday, December 09, 2003 11:01 AM
To: Prkic, Christina (COE)
Cc: Velar, Peter (OSBM); Klingbeil, Carol (DIST8); Collier, Craig (CA); Johnson-Stacks, Cynthia (CA)
Subject: Boundaries Commission and Cutler Ridge Incorp.
Importance: High

Christina:

Art Skinner referred me to you with respect to an issue with the Boundaries Commission. On Wednesday the proposed incorporation of Cutler Ridge will appear before the Boundaries Commission for recommendation, a member on the Boundaries Commission is a resident of the area and an active member of the Cutler Ridge Steering Committee, attached is a link to their web site. <<http://www.oldcutlerbay.us/>> The Steering Committee has been instrumental in the proposed incorporation effort and was working towards that end prior to the creation of the Cutler Ridge Area Municipal Advisory Committee (MAC). My question should this person recuse himself from deliberations on the proposed incorporation of Cutler Ridge?

Provided the meeting is tomorrow please provide your response as soon as possible and if you would like more information on the process or how this situation has been handled in the past please feel free to call or email me.

Thank you in advance.

Amber Riviere, AICP
Office of Management and Budget
UMSA Policy Analysis and Services Planning
(305) 375-5916

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