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ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

January 23, 2001

Caryn Montague  
13899 Biscayne Boulevard  
Suite 110  
North Miami Beach, Florida 33180

**RE: REQUEST FOR ADVISORY OPINION 00-179**

Dear Ms. Montague:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 17, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to make presentations before the Community Council.

In your letter, you advised the Commission that you serve as chair of the Steering Committee for the Ojus Area Study. The group works on community revitalization through efforts to increase use of natural resources, various zoning initiatives and development of residential and business associations. You would like to make presentations before the Community Council regarding how particular applications may or may not conflict with the study's recommendations regarding development of the area.

The Commission found that The Conflict of Interest and Code of Ethics ordinance prohibits you from appearing before the

Community Council in an attempt to persuade members regarding an issue before them. Section 2-11.1 (q) provides that "... no person who has served as a community council member shall, for a period of two years after his or her county service or employment has ceased, lobby, with regard to any zoning or land use issue, any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one of its agencies or instrumentalities is a party or has any interest whatsoever or has any interest whatever, whether direct or indirect." Lobbying is defined in 2-11.1(s) as seeking to encourage the passage, defeat or modification of any action or decision of the County Commission or any county board or committee or any personnel who are involved in the decision-making process.

Since your appearances before the Community Council would seek to influence council action regarding a zoning or land use issue, the appearances would constitute lobbying. Therefore, Section 2-11.1(q) would prohibit you from speaking regarding the study's position on applications before the council.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Ardyth Walker, Staff General Counsel at (305) 579-2653 or the undersigned at (305) 579-2594.

ROBERT MEYERS  
Executive Director

A handwritten signature in cursive script, appearing to read "Robert Meyers", with a long horizontal line extending to the left.

Sincerely Yours,