



ETHICS COMMISSIONERS

Kerry E. Rosenthal, CHAIRPERSON
Gail A. Dotson, VICE CHAIRPERSON
Seymour Gelber
Dawn E. Addy
Brenda Rivera

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

June 24, 2005

Alan Rigerman
17910 N.W. 84th Avenue
Miami, FL 33015

RE: REQUEST FOR ADVISORY OPINION 05-60

Dear Mr. Rigerman:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 23, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding Section (A) (5) (Right to be heard) of the Citizens Bill of Rights.

In your letter, you advised the Commission that you seek to make a citizens' presentation before the Board of County Commissioners.

The Commission found the Citizens' Bill of Rights requires that a citizen must have the opportunity to speak before the Board of Commissioners regarding a matter of public concern within the Board of County Commissioner's jurisdiction. Section (A) (5) (Right to be heard) of the Home Rule Charter Citizens' Bill of Rights provides that "so far as the orderly conduct of public business permits, any interested person has the right to appear before the Commission or any municipal council or any County or municipal agency, board or department for the presentation, adjustment or determination of

an issue, request or controversy within the jurisdiction of the governmental entity involved; provided nothing herein shall prohibit the Commission or any municipal council from referring a matter to a committee of each of their respective bodies to conduct a public hearing; unless prohibited by law. Matters shall be scheduled for the convenience of the public and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits for the presentation of a matter."

Rule 6.02 of the Board of County Commissioners Rules of Procedure provides that " any citizen shall be entitled to be placed on the official agenda of a regular meeting of the commission and be heard concerning any matter within the scope of the jurisdiction of the commission." The rules provide that such matters may be placed on the agenda by either the County Manager or a member of the Board of County Commissioners. The matter must be scheduled by the Monday of the week preceding the Board of County Commissioners meeting.

Therefore, you have several opportunities to address the Board of County Commissioners without the approval of your district commissioner. You may address the Board of County Commissioners during the budget hearings in September. You are also permitted to speak during public hearings on matters presented for action to the Board of County Commissioners. Public hearings are generally scheduled before Commission committees. Finally, pursuant to the rules of procedure for the Board of County Commissioners, you may make a citizen presentation under the sponsorship of the County Manager or any member of the Board of County Commissioners.

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 the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", followed by a horizontal line extending to the right.

ROBERT MEYERS
Executive Director