

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, April 17, 2018 9:41 AM
To: Sanchez, Rodzandra (COE)
Subject: Tomas Rementeria, Member, Miami-Dade County Planning Advisory Board (PAB) (Prohibited Appearances, Section 2-11.1(m)(2)) INQ 18-93

INQ 18-93 Rementeria

From: Ethics (COE)
Sent: Monday, April 16, 2018 3:29 PM
To: 'Tomas Rementeria' <dist12pab@gmail.com>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Kerbel, Dennis A. (CAO) <Dennis.Kerbel@miamidade.gov>
Subject: INQ 18-93 Tomas Rementeria, Member, Miami-Dade County Planning Advisory Board (PAB) (Prohibited Appearances, Section 2-11.1(m)(2))

Mr. Rementeria,

This is in reply to your email below seeking an opinion regarding whether before the Miami-Dade County Board of County Commissioners on a matter that you have voted upon as a member of the Miami-Dade County Planning Advisory Board. You have informed me that the item in question is an application by the owner of a parcel of land that is currently approved for industrial uses to be permitted to construct 270 apartments on the site as Work Force Housing. The PAB voted in favor of the change, and it is expected to go before the BCC for its approval. You have informed that you voted against the item when it came before the PAB. The PAB does not conduct quasi-judicial hearings and the session in which you voted on this item was not a quasi-judicial hearing.

You have also informed that your sole interest in the issue is as a resident and homeowner in the area that would be immediately affected by this project, should it go forward. You are a member of the community association that has concerns over it, and you yourself would like to speak as a resident of the area and present your opinion before the BCC. You have indicated that you have no connection to applicant on the project, financial or otherwise; that you will receive no compensation from any party for your appearance before the BCC; and that you are intending to go and present your views solely as a resident of the affected area and without any use of or mention of your position with the Planning Advisory Board.

The PAB is a County Advisory Board, and you are, therefore subject to the County Ethics Ordinance, specifically, Section 2-11.1(m)(2) governing appearances before other boards. Under that section, members of advisory boards may not appear before the board of which they are a member to make a presentation on behalf of a third person or to accept compensation, directly or indirectly from a third party seeking a benefit from the board. This section would not apply to you in this situation, since you are not appearing before your own board, but before the BCC, which is a separate County board.

There is no prohibition under Section 2-11.1(m)(2) or under any other provision of the County Ethics Code that would prevent your speaking before the BCC on this matter as a citizen exercising his constitutional right to petition his government. It would not, however, be appropriate for you to make any reference to your position on the PAB, as you have no authority to speak on its behalf, and, in fact, you did not agree with the position taken by the PAB.

It is my opinion that, as long as your appearance before the BCC is limited to expressing your own interest in the item as a local resident; you are not representing any party other than yourself; you are not receiving compensation for your appearance; and you will make no reference to your position as a member of the PAB; that you may appear and speak on this issue before the BCC.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov



On Mon, Apr 16, 2018 at 1:02 PM Tom Rementeria <trementeria@bbinsfl.com> wrote:

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

From: Tom Rementeria

Sent: Tuesday, April 10, 2018 3:33 PM

To: perezmd@miamidade.gov; ethics@miamidade.gov

Subject: Question and request for guidance

Hello there,

I spoke to Martha and she thought it would be wise to send an email asking for your guidance.

Facts to consider:

1. I am on PAB Board and at the meeting yesterday, I disclosed I live 5 blocks south of this applicant's location being considered. After disclosing my proximity to the area I then shared in the public meeting my reservations and concerns of traffic impacts on this application and voted against the application.
2. The PAB majority voted to recommend approval with changes.
3. I also serve on Oak Creek North Community Association Board as President and in the past have spoken to the County Commissioners at their meetings when it impacted our neighborhood. Sometimes in favor and sometimes opposed.

Question:

Now that I serve on the PAB and voted on this Application 6, am I permitted to speak on Application 6 at the upcoming BCC meeting where they will vote on this representing my community association's concerns and or my personal homeowner concerns? Am I permitted to attend the meeting at all? Am I permitted to contact my commissioner and give him my opinion as a constituent? I would like clarification on my rights as a private citizen to speak for or against an application after I have voted on it as a PAB board member.

Your guidance is appreciated and I would like to make sure what I can and cannot do, as I do not want to commit an ethics infraction.

Thank you,

Tom Rementeria

305-282-9538

Sent from my iPhone

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