

ING 07 - 113

Meyers, Robert (COE)

From: Meyers, Robert (COE)
Sent: Thursday, July 19, 2007 3:52 PM
To: 'David M. Wolpin'
Subject: RE: Voting Conflict Question
Attachments: image001.gif

David,

I tend to agree with your conclusion. As I understand it, if the DRI ordinance is amended, the Council Member's employer stands to benefit from the change. Therefore, I find that the Council Member has a voting conflict which bars him from participating in the discussion and voting on this matter.

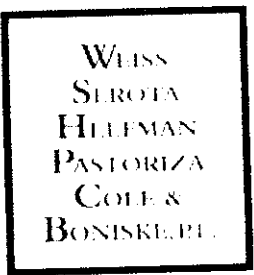
If you wish to discuss, feel free to contact me at your convenience.

Thanks,

Robert Meyers

From: David M. Wolpin [mailto:DWolpin@wsh-law.com]
Sent: Thursday, July 19, 2007 12:48 PM
To: Meyers, Robert (COE)
Subject: Voting Conflict Question

Hi Robert- I hope you are doing well.
Do you agree that under sec. 2-11.1 (d) of the County Ethics Code , a Council Member should abstain from voting or participating on a matter where if a DRI ordinance of the City is amended to expressly enable lands set aside for schools within the DRI to be used by a charter school ,not simply by the Miami-Dade County School Board, as an amendment of a DRI requirement that developers convey and provide adequate land for schools, under circumstances in which the Council Member's employer Bank holds a mortgage upon property which is owned by a non- profit corporation created by a developer within the DRI , which land is presently contracted to be sold by the non- profit entity to a privately owned Charter School operator , even though the change may also allow other parcels within the DRI to also later be deeded for other charter schools . Presently the DRI has been construed to indicate that the requirement of providing adequate lands for schools must be met by providing lands to the County School Board, not to a charter school . It may also be that the Bank loan may not be presently being timely paid.
Thanks for your assistance.



David M. Wolpin, Esq.
Member

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7/19/2007