

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, November 02, 2009 11:12 AM
To: 'Eve Boutsis'
Subject: INQ 09-175 Palmetto Bay Voting Conflict

Hello Eve,

I've spoken with Robert Meyers about the voting issues you described below, and we agree that the a voting member should recuse himself when voting on a matter that would affect him "in a manner distinct from the manner in which it would affect the pubic generally." Co. Code at 2-11.1 (d).

Even though these individuals will not profit from the vote, the Co. ordinance requires recusal if the voting member would be "enhanced" by the vote. We believe that the mayor and council member who are being honored by having buildings named after them are being "enhanced" by the honor.

Recusal under County law requires that the voting member not vote and not participate in any way. This means that each must leave the room when the discussion of his matter begins and not return until the final vote is cast.

Please feel free to contact me if I you have further questions.

Sincerely,

Victoria Frigo, Staff Attorney
Miami-Dade County Commission on Ethics
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From: Eve Boutsis [mailto:eboutsis@fbm-law.com]
Sent: Monday, November 02, 2009 8:12 AM
To: Meyers, Robert (COE); Frigo, Victoria (COE)
Cc: eflinn@palmettobay-fl.gov
Subject: Help, today please.
Importance: High

Hello Robert and Victoria:

If possible I need your assistance today with an opinion. There are two items on the agenda for Palmetto Bay tonight sponsored by the manager to name a park after the Mayor (As you know the mayor is the first mayor of Palmetto Bay) and the library community room after Dr. Feller, whose initiative it was initially to move to build the library and community room. There is no financial interest in either elected official. They are receiving recognition for their public service and historic significance of being on first council for the Village. Is there a voting conflict for either of them, as there is no financial interest, but, the public places would be named after them? Should they be recused from voting on their respective items? If so, they would have to leave the room during the vote, correct? I don't see any undue influence or financial interest. Or abuse of their positions but thought I should contact you to confirm so that there are no issues tonight.

Thanks. Hope all is well.

Very truly yours,

Eve,

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