

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, June 10, 2010 11:58 AM
To: 'cecelia@bdpb.com'; Richard A. Berkowitz
Cc: Dotson, Gail A.
Subject: Richard Berkowitz transacting business with Miami (INQ 10-103)

Ms. Rudd,

This is to memorialize our conversation of June 9, 2010, in which you asked on behalf of Richard Berkowitz about the applicability of the two-year rule to committee members in the City of Miami. Mr. Berkowitz served as Chair of the City of Miami Finance Committee until September 2009. You asked if the City of Miami Code applied differently to *committee* members than to *board* members.

THE DEFINITION OF BOARD in the City of Miami Code at § 2-882 includes a *committee* in existence for one year or more, created and funded by actions of the City Commission, with members appointed by the City Commission. We agreed that the Finance Committee met these criteria. Therefore, the same prohibitions that apply to board members also apply to committee members.

THE TWO-YEAR RULE in the City of Miami Code at §§ 2-611 and 2-612 prohibits committee members from transacting business with the City for two years following committee service.

I advised you that the City of Miami Code at § 2-614 allows for a waiver of the prohibition by a 4/5 vote of the City Commission. I also suggested that you discuss with Gail Dotson the procedure for appearing before the City Commission to present the request for a waiver.

If you have further questions, please feel free to contact me.

Sincerely,

Victoria Frigo, Staff Attorney

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