

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, November 29, 2010 11:36 AM
To: 'cfriedman@wsh-law.com'
Cc: 'Bierman, Mitch'; Wolpin, David
Subject: INQ 10-188 Cutler Bay

Dear Mr. Friedman:

Robert Meyers has asked me to respond to your question about whether a Council Member in the Town of Cutler Bay may vote to appoint himself as Vice Mayor.

In brief, we find that the Miami-Dade County Ethics Code at Sec. 2-11.1 (d) allows the Council Member to vote on his own appointment because the Town Council is the sole entity charged with the duty to vote to appoint its Vice Mayor.

We are also persuaded that the Council Member would not profit distinctly by the vote since compensation for the Vice Mayor's position is no different than compensation for the position of Council Member.

Although the County Code does not require recusal in this instance, the Council Member may choose to recuse himself if he believes his vote would create an appearance of impropriety.

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

Sincerely,

Victoria Frigo, Staff Attorney
Miami-Dade County Commission on Ethics
Direct Phone: 305 350-0601
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From: Chad Friedman [mailto:cfriedman@wsh-law.com]
Sent: Sunday, November 28, 2010 10:20 AM
To: Meyers, Robert (COE)
Cc: Mitchell Bierman; David M. Wolpin
Subject: Opinion Request

Hi Robert:

I hope you had a Happy Thanksgiving. I represent the Town of Cutler Bay and we have a question regarding the appointment of our Vice Mayor. The Vice Mayor position within the Town recently became vacant. On Wednesday, the Town Council will hold a special meeting to appoint someone to the vacancy. One of the existing Town Council members has been nominated to fill the vacancy. The Vice Mayor position receives the same compensation as a Councilmember. The only difference between a Councilmember and the Vice Mayor is that there is no geographic limitations on qualifying for the position. The question we have is whether an existing councilmember can vote for his or herself to fill the Vice Mayor position. We believe that there is no conflict under

state law. However, we would like your opinion if this would be a conflict under the Miami-Dade County Ethics Code. As provided above, our meeting to appoint someone to the Vice Mayor position is on Wednesday. If we could receive your opinion before then it would be greatly appreciated. Thank you.



Chad Friedman, Esq.

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