

**Frigo, Victoria (COE)**

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**From:** Frigo, Victoria (COE)  
**Sent:** Wednesday, March 17, 2010 4:12 PM  
**To:** Kuper, Richard  
**Subject:** INQ 10-56  
**Attachments:** City of Miami 2-611 et seq.pdf

Richard,

You asked for guidance related to your voluntary service on the City of Miami Bayfront Park Management Trust. In your private capacity, you are employed by the Miami-Dade County League of Cities as Executive Director. You also work as a private attorney, and in a joint venture with Foley & Lardner LLP, you serve as bond counsel for the City of Miami.

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For purposes of this opinion, the Bayfront Park Management Trust is a city advisory board.

1. Please be advised that under the City of Miami Code at Sec. 2-612, board members are prohibited from transacting any business with the city. Since this prohibition may affect your bond counsel work with the city, you said that you would seek a waiver under Sec. 2-164 of the city code. (The City Ethics Code is attached.)
2. Additionally, you asked if you may appear before the City of Miami and its boards and agencies, to represent third parties, based on your advisory board service.

Under the Miami-Dade County Code at Sec. 2-11.1 (m)(2), you may appear before the City of Miami Commission and other city agencies and boards, but you may *not* appear before the Bayfront Park Management Trust on behalf of third parties seeking a benefit from the Trust, and you may *not* receive compensation from third parties seeking a benefit from the Trust.

3. You also asked about potential voting conflicts as a Trust member.

Under the Miami-Dade County Code at Sec. 2-11.1 (v), you are prohibited from voting on matters before the Trust if you will be directly affected by the action *and* you have any of the following relationships with the persons and entities appearing before the Trust—officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor, or creditor .

4. Finally, several other sections of the City and County Ethics Codes apply to advisory board members, including but not limited to prohibitions on accepting gifts, exploiting one's official position, and recommending professional services, as well as maintaining confidential information.

If you have further questions, please do not hesitate to call me.

Sincerely,

Victoria Frigo, Staff Attorney  
Miami-Dade County Commission on Ethics  
Direct Phone: 305 350-0601  
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3/17/2010



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Tim Schmand, Executive Director of the Bayfront Park Management Trust, confirmed by phone on March 17, 2010, that the Trust is a limited city agency whose actions are all subject to the approval of the City of Miami Commission. All property managed by the Trust is ultimately owned by the City of Miami. The enabling ordinance for the Trust is found in the Miami City Code at Sec. 38-109 et seq.