

Meyers, Robert (COE)~~NO~~ 10-92

From: Meyers, Robert (COE)
Sent: Monday, May 24, 2010 3:08 PM
To: 'Bobby Stewart'
Subject: RE: Voting Conflict

Councilman Stewart:

Thank you for your phone call today and I was able to locate the e-mail you sent me on May 10, 2010. Per your e-mail, I understand that New Bethel AME Church in Goulds has an application before Community Council 15, to be heard on May 26, 2010. You are a member of Community Council 15 and also a member of the congregation of the church. You have two questions: 1) Do you have a voting conflict and 2) If you have a voting conflict can you support the application in your private capacity as member of the congregation?

In order for a voting conflict to exist under the County's Conflict of Interest and Code of Ethics Ordinance, an official must have a special relationship with an applicant or party who will be affected by the outcome of that official's board or the official must profit from or be enhanced by the board's action in a unique way. The ethics code treats someone on the board of directors of the church differently than an individual who is a general member. Since your relationship with the church is as a general member, the ethics ordinance does not prevent you from participating in the discussion relative to this matter or voting on the church's application.

Please be advised that this item is one which requires you to act in your quasi-judicial capacity. Among other things, this means you are required to evaluate the application and testimony objectively, regardless of the fact that you are a church member. You do have the right to support the application if you believe it is in the best interest of the community, but you should not arrive at this conclusion until the applicant and objectors, if there are any, make their presentations to the community council.

If you have any questions, please contact me at your earliest convenience.

Sincerely,

Robert Meyers, Executive Director
 Miami-Dade Commission on Ethics and Public Trust

From: Bobby Stewart [mailto:bds1940@live.com]
Sent: Monday, May 10, 2010 10:48 AM
To: Meyers, Robert (COE)
Subject: FW: Voting Conflict

From: bds1940@live.com
 To: rmeyers@miamidade.gov
 Subject: Voting Conflict
 Date: Sat, 1 May 2010 16:26:10 -0400

Mr. Meyer,

I am a Community Council Member on CZAB - 15. Recently an application was made to our Council by New

5/24/2010

Bethel AME Church, located in Goulds, FL. The reason for the application was to add a fellowship hall to the existing structure. I am a member of the congregation of New Bethel but I am not a member of its Executive Board.

I am requesting an opinion as to whether I have a voting conflict if I am present at the Community Council Hearing as a member of the Council? Secondly, if I am determined to have a voting conflict then would it be advisable for me to be present as a congregant supporting the application?

I would appreciate your prompt response to this inquiry being that this application is schedule to be heard on 5/26/2010 and quorum might be a residual issue being that we have vancancies on our Council.

Councilman Bobbie Stewart
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