

Meyers, Robert (COE)

INQ 11-06

From: Meyers, Robert (COE)
Sent: Thursday, January 13, 2011 3:56 PM
To: 'Yvonne Beckman'
Subject: RE: Question re sunshine from Resident in SM

Yvonne:

Thank you for your questions, but I can't answer the first two, as you are asking about the conduct of specific public officials. Our ordinance only allows me to give opinions directly to the officials themselves, since they fall within our jurisdiction. The public, on the other hand, cannot ask on behalf of the official. Due to the general nature of questions 3 and 4, I can attempt to answer them.

There is nothing in the law that prevents a government from scheduling two public meetings at the same time. It isn't unusual for larger governments to have several meetings going on simultaneously.

As far as quasi-judicial matter is concerned, it can only be discussed at public meetings and the decision-makers are generally not allowed to discuss the item unless it is properly before them (it has to be on an agenda). The law prohibits ex parte communications or private meetings between decision-makers and interested parties. However, if interested parties offer their opinions at a public meeting before it comes before the public board, it doesn't necessarily create a violation. The real problem is when officials take part in private meetings with interested parties when the matters are deemed to be quasi-judicial.

I'm not certain if I have actually answered your questions. Please get back to me if you need further clarification.

Thanks,

Robert Meyers, Executive Director

Miami-Dade Commission on Ethics and Public Trust

From: Yvonne Beckman [mailto:beckmany@bellsouth.net]
Sent: Wednesday, January 12, 2011 10:27 AM
To: Meyers, Robert (COE); Meyers, Robert (COE)
Subject: Question re sunshine from Resident in SM

Dear Robert, we're having some questions. Can you please help? Thank you, Yvonne Beckman

Can a commissioner attend a planning board meeting on issues that eventually come before him/ her?

Can a planning board member attend a meeting when an issue will become before him/her after that meeting?

Can there be two scheduled public meetings going on at the same time?

Can an issue that is deemed quasi judicial be discussed in public prior to it being addressed at an official PB or commission meeting?