

Frigo, Victoria (COE)

INQ 11-116

From: Frigo, Victoria (COE)
Sent: Wednesday, July 27, 2011 4:32 PM
To: 'mgearch@mgearchitects.com'
Subject: Community Council voting standards

Mr. Garciga,

I wanted to confirm in writing the voting standards that Community Council Members are held to. Based on the facts you presented, you do not have a conflict to vote on a matter being presented today by the law firm of Bercow Radell & Associates. We understand that they are representing a client not known to you.

A council member may not vote if he would be affected by the vote differently than others in the community generally (e.g., he would profit or be enhanced by the vote) **OR** if he has a particular relationship with the person or entity appearing before him.

We concluded that you will not benefit when the law firm of Bercow Radell & Fernandez appears before Community Council 12 today. Furthermore, you do not have one of the prohibited relationships with the law firm. You stated that neither you nor MGE Architects has retained the firm as your legal counsel, although some of your clients do employ the law firm.

Below is the section of the County Code that pertains to voting conflicts.

Sec. 20-45. Community Councils; conflict of interest. In addition to the provisions of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, each Community Council member is prohibited from voting on or participating in any way in any matter presented to the Community Council on which the member serves if the member has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Community Council on which the member serves: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the Community Council member in a manner distinct from the manner in which it would affect the public generally. Any Community Council member who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Community Council on which the member serves shall absent himself or herself from the Community Council meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter.

Both Robert Meyers and I will be in the office on Monday if you would like to discuss this issue in greater detail.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY
 MIAMI-DADE COUNTY COMMISSION ON ETHICS
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