

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Wednesday, March 30, 2011 4:06 PM
To: Meyers, Robert (COE)
Subject: RE: Stonegate Community Development District (CDD)

My opinion remains the same. The fact that the Co. Elections Dept. oversees the election does not indicate that the County has control over the CDD. More significant is that the County does not control the CDD's budget and does not appoint supervisors (except when the CDD is first formed).

Victoria Frigo, Staff Attorney
Miami-Dade County Commission on Ethics
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From: Meyers, Robert (COE)
Sent: Wednesday, March 30, 2011 3:55 PM
To: Frigo, Victoria (COE)
Subject: FW: Stonegate Community Development District (CDD)

Victoria:

Do these new facts change your response?

Thanks,

Robert

From: Paul Winkeljohn [mailto:pwinkeljohn@govmgtsvc.com]
Sent: Wednesday, March 30, 2011 3:29 PM
To: Meyers, Robert (COE); pwinklejohn@govmgtsvc.com
Subject: Re: Stonegate Community Development District (CDD)

Thank you. My question relates to the elected supervisors. Since the county department oversees their election would county ethics rules apply to their actions?

I appreciate your effort in this matter.

Paul

Sent via BlackBerry from T-Mobile

4/11/2011

From: "Meyers, Robert (COE)" <RMEYERS@miamidade.gov>
Date: Wed, 30 Mar 2011 14:53:10 -0400
To: <pwinklejohn@govmgtsvc.com>
Subject: FW: Stonegate Community Development District (CDD)

Paul:

Per our discussion, I asked one of our attorneys to research your question and her conclusion appears below. Please call me should you wish to discuss.

Thanks,

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

From: Frigo, Victoria (COE)
Sent: Tuesday, March 29, 2011 4:04 PM
To: Meyers, Robert (COE)
Subject: Stonegate Community Development District (CDD)

Robert,

I believe that the Stonegate CDD is an independent special district—not subject to the County Ethics Code. CDDs are creatures of state statute.

Fla. Stat. 190.011 conveys many powers to CDDs that indicated independence from the county, e.g., CDDs can sue and be sued, acquire property, borrow money, issue bonds, and impose district ad valorem taxes.

CDD employees are allowed to participate in the state retirement system “in the same manner as if such employees were state employees.” Chapter 190 also provides for election of supervisors to the CDD board by the property owners in the district.

The resolution passed by the county doesn’t limit the Stonegate CDD in any of these powers except to not allow it to apply for government grants without county approval.

Victoria