

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Friday, August 17, 2012 5:49 PM
To: Frigo, Victoria (COE)
Subject: INQ - Jimmy Morales

I received a call from Jimmy Morales, City Attorney for the City of Doral. He said that since Donald Trump acquired the Doral Resort and Spa, the resort has decided to put up some trees and landscaping that will shield the golf course from some of the residences in the area. Morales believes that the resort can do this without authorization from the City. Apparently, some of the residents in that area, which includes one or more City Council members, are opposed to the idea.

Morales inquired whether there would be a prohibited conflict of interest if a council member having a home in the area brought an item before the board in an attempt to block the resort from doing the landscaping. I said that, although there would generally not be a conflict of interest in a situation where a zoning matter came before the council that might affect a council member's home, this appears to be a different scenario. In the former situation, prior opinions issued by the COE have indicated that there is no voting conflict where the matter affects the public generally in the same manner, even though a board member or his/her family may be affected by the zoning change. The latter scenario, however, does not involve a zoning issue coming before the board. In fact, it involves an attempt to use the power of office to initiate some action that would have an impact on a limited number of homes in the area of the activity, including the home of the initiating party. This would seem to be a matter that would appear to profit or enhance the council members affected by the issue in an area limited to a relatively small group of homeowners. Under these circumstances, I believe there is a prohibited voting conflict under Section 2-11.1 (d). Depending on the nature of the action that is initiated, there might also be some concern about a possible Exploitation of Official Position, under Section 2-11.1(g), but more information would be needed to reach that issue.

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