

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Wednesday, April 24, 2013 12:44 PM
To: 'Pepe, Thomas F.'
Cc: Centorino, Joseph (COE)
Subject: South Miami CRA (INQ 13-102)

Mr. Pepe,

Based on our understanding that you consider the South Miami Community Redevelopment Agency (SMCRA) to be a city board, a SMCRA board member who volunteers for a nonprofit organization may vote on a matter affecting that nonprofit as long as the board member holds none of the prohibited relationships with the nonprofit **and** the board member is not directly affected by the vote. The prohibited relationships, as stated in the Code, include "officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor, or creditor." *See* County Code at Sec. 2-11.1 (v).

We understand that the SMCRA member, as a volunteer, holds none of the prohibited relationships with the nonprofit, does not receive any consideration or remuneration from the nonprofit, and will not be directly affected by the vote.

Additionally, please be advised that the SMCRA board member (as well as his/her associates) may not appear before the SMCRA seeking a benefit or ruling on behalf of the nonprofit organization. *See* County Code at Sec. 2-11.1 (m)(2).

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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From: Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]
Sent: Tuesday, April 23, 2013 11:42 AM
To: Frigo, Victoria (COE)
Subject: City of South Miami - New Question

We have another issue in the City regarding members of City boards who are affiliated with non-profit entities that are leasing city property.

Is a member of the South Miami Community Redevelopment Agency ("SMCRA"), who does volunteer work for a non-profit organization, prohibited from voting for approval of a lease with the SMCRA when the lease will not result in any special gain or loss to the SMCRA member who is not employed by the non-profit entity and when the SMCRA member does not receive any consideration or remuneration from the that non-profit entity?

Very truly yours,

Thomas F. Pepe

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