

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Tuesday, July 09, 2013 3:45 PM
To: 'Pepe, Thomas F.'
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: RE: South Miami CRA (INQ 13-165)
Attachments: votingconflictmemo.pdf

Mr. Pepe,

You are correct that a South Miami CRA member who is an officer of the community-based nonprofit organization Weed and Seed may not participate in or vote on a resolution to donate \$100 to Weed and Seed. The CRA member is prohibited from voting based on his/her relationship as an "officer" with Weed and Seed. *See* County Ethics Code at Sec. 2-11.1 (d) and RQO 07-10.

The CRA member's association with Weed and Seed does not preclude the CRA from donating money to Weed and Seed as long as the conflicted CRA member is not involved in any way in the decision. We understand that Operation Weed and Seed was established by the U.S. Department of Justice in 1991 to enhance law enforcement, assist in crime prevention, and support neighborhood restoration.

When confronted with a voting conflict, the County Ethics Commission recommends that the member 1) announce publicly at the meeting the nature of the conflict before the item is heard; 2) absent him/herself from that portion of the meeting during which the item is discussed and/or voted upon; and 3) file a written disclosure of the nature of the conflict with the person charged with recording the minutes of the meeting within 15 days after the vote.

Attached is a memorandum elucidating the voting conflict procedures. If you have additional questions, please feel free to contact me.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

Direct Phone: 305 350-0601
Main Number: 305 579-2594
Fax: 305 579-0273



19 West Flagler St., Suite 820
Miami, FL 33130

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From: Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]
Sent: Tuesday, July 09, 2013 12:17 PM
To: Frigo, Victoria (COE)
Cc: Centorino, Joseph (COE)
Subject: RE: South Miami CRA (INQ 13-102)

I need some clarification on this same issue for which you gave us the opinion below. Another member of the city's community redevelopment agency ("CRA") has sponsored a resolution to donate \$100 to the Weed and Seed Corporation ("W&S"), a non-profit entity with one officer who

is a member of the CRA. Assuming the W&S officer does not make a motion to adopt the resolution, second the motion to adopt the resolution, discuss or debate the matter, or in anyway take part in the matter, can she simply abstain from the voting or is the entire resolution a violation if the W&S officer is a member of the agency.

Very truly yours,

Thomas F. Pepe

City Attorney
City of South Miami
1450 Madruga Avenue, Ste 202,
Coral Gables, Florida 33146
Tel: (305) 667-2564
Fax: (305) 341-0584
E-mail: tpepe@southmiamifl.gov

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From: Frigo, Victoria (COE) [FRIGOV@miamidade.gov]
Sent: Wednesday, April 24, 2013 12:43 PM
To: Pepe, Thomas F.
Cc: Centorino, Joseph (COE)
Subject: [BULK] 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 *or* 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

City Attorney
City of South Miami
1450 Madruga Avenue, Ste 202,
Coral Gables, Florida 33146
Tel: (305) 667-2564
Fax: (305) 341-0584
E-mail: tpepe@southmiamifl.gov

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