

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, August 29, 2013 10:19 AM
To: 'Linda Miller'
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: RE: Surfside- Charter Review Board (INQ 13-213)

Ms. Miller,

Below are responses to questions you asked regarding the newly formed Town of Surfside Charter Review Board.

Definition of Board: Under the County Code, a “board” is an advisory body created by the Town Council that is in existence for one year or more.

The County Code at Sec. 2-11.36.1 (a) defines “board” to include “every agency, authority, advisory board, regulatory board, quasi-judicial board, semiautonomous instrumentality, committee, task force or any other citizens' group created and funded in whole or in part by the [Town] Commissioners. The foregoing notwithstanding, this article shall not apply to citizen groups created for specific advisory purposes where such group’s existence is limited to a period of less than one (1) year. Except as otherwise provided, “[Town] boards” and “citizens’ advisory groups” may only be created by action of the [Town] Commission, and only the [Town] Commission, as a body, may appoint the members of the such boards and groups. (Emphasis added.)

Financial Disclosure Requirements: The County Code requires members of boards (*i.e.*, advisory bodies that have been in existence for one year or more) to file financial disclosure forms for every year in which they served on the board.

The County Code at Sec. 2-11.1 (i)(1) states the following All persons and firms [including advisory board members] shall file, no later than 12:00 noon of July 1st of each year including the July 1st following the last year that person is in office or held such employment, one (1) of the following:

- a. A copy of that person's or firm's current federal income tax return; or
- b. b.A current certified financial statement on a form of the type approved for use by State or national banks in Florida listing all assets and liabilities having a value in excess of one thousand dollars (\$1,000.00) and a short description of each; or
- c. An itemized source of income statement, under oath and on a form approved by the County for said purpose.

Compliance with the financial disclosure provisions of Chapter 112 (Part III), Florida Statutes, as amended, or with the provisions of Article II, Section 8 of the Florida Constitution, as amended by the voters on November 2, 1976, and any general laws promulgated thereunder, shall constitute compliance with this section.

Definition of “liaison”: A reference to “liaison” is made in the Surfside Town Code related to the Planning and Zoning Board. In that case, the “liaison” is a town commissioner who serves as a non-voting representative without a vote.

The Ethics Commission has opined that a person who serves as a non-voting member of a board and does not perform any final, decision-making functions similar to voting members is not required to file financial disclosure forms as a board member. However, the individual may be required to file financial disclosure forms based on another position he/she holds. *See* RQO 13-06, RQO 10-25, and RQO 05-66.

The Surfside Town Code at Sec. 90-15 (1)(b) reads as follows: “*All board matters: One town commissioner shall be a liaison, non-voting representative without a vote at all planning and zoning board meetings.*”

If you have additional questions or concerns, please feel free to contact me.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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From: Linda Miller [<mailto:lmiller@townofsurfsidefl.gov>]
Sent: Wednesday, August 28, 2013 4:50 PM
To: Frigo, Victoria (COE)
Subject: Surfside- Charter Review Board



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