

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Monday, February 25, 2013 3:46 PM  
**To:** Martin, Alphermeia (OMB)  
**Cc:** Wall, Daniel (OMB); Resnik, Estephanie (CAO); Thompson, Robert A. (COE); Centorino, Joseph (COE)  
**Subject:** Board Member/Candidate for Political Office (INQ 13-46)

Ms. Martin,

I'm sorry that the Ethics Commission is not authorized to interpret the County Code at Sec. 2-11.38. We suggest you discuss this matter with the County Attorney's Office.

We understand that the County Code at Sec. 2-11.38 requires a board member who qualifies as a candidate for elective political office to resign from the board on which she serves. This prohibition took effect on Dec. 12, 1980.

The Criminal Justice Council was created on Feb. 7, 1978, by Resolution 103-78—before the directive to resign was passed.

I cannot find a County Attorney's opinion, however, that exempts applying Sec. 2-11.38 to all boards that are currently active.

Sincerely,

**VICTORIA FRIGO, SENIOR STAFF ATTORNEY**

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### NOTES:

County Attorney Opinion CAO 81-1, given on Jan. 15, 1981, and referenced in the County Code at Sec. 2-11.38, does not address this question.

Florida's "resign-to-run" law permits persons serving without salary as members on an appointed board or authority to run for political office, but the County Code is allowed to be more restrictive than State law. *See Fla. Stat. 99.012 (6)(b) (2012).*

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**From:** Martin, Alphermeia (OMB)  
**Sent:** Monday, February 25, 2013 10:43 AM  
**To:** Resnik, Estephanie (CAO); Thompson, Robert A. (COE)

**Cc:** Wall, Daniel (OMB)

**Subject:** Clarification Needed Re: Board Member/Candidate for Political Office

Good Morning All,

I am requesting clarification on the following:

A Dade-Miami Criminal Justice Council Advisory board member has announced that she is running for a mayor of one of the municipalities in Miami-Dade County. Does she have to resign from the board in accordance with County Ordinance 2-11.38 ("*Standards for Creation and Review of Boards Generally*"), which states in part: ***"No member of any County board shall become a candidate for elective political office during his or her term. Should any member of a County board qualify as a candidate for elective political office, such qualification shall be deemed a tender of resignation from such board."***

I'm seeking clarification since a previous issue with the board resulted in an opinion from the County Attorney's Office that because the board was established in 1978, prior to the implementation of the general ordinance, the general ordinance did not apply to this board. Does the ordinance apply in this case?

Thank you both, in advance.

Warm Regards,

**Alphermelia "Pam" Martin**

Special Projects Administrator

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