

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, April 11, 2013 4:56 PM
To: 'Susana Guasch'
Cc: 'mpizzijr@yahoo.com'; Centorino, Joseph (COE)
Subject: INQ 13-92 Medley Voting Conflict
Attachments: Pizzi email.pdf

Councilperson Guasch,

The facts you presented below are different from those we talked about this afternoon. Based on your email and another email I received from Town Attorney Michael Pizzi, which I've attached, I now understand that the ordinance involving the appointment of a Special Master is part of a larger piece of legislation that provides for *an alternative code enforcement system*.

This alternative code enforcement system could *directly affect your spouse*, who is the Director of Code Enforcement and the only full-time employee in the Town of Medley Code Compliance Department. In its reorganization of the Code Compliance Department, the new system being proposed could affect the qualifications, job duties, work performance measurements, and salary level of your spouse.

As we discussed, the County Ethics Code at Sec.2-11.1 (d) prohibits you from voting on any matter that would affect you in a manner distinct from the public generally. Since many aspects of your spouse's job are likely to be directly affected by the alternative code enforcement system, including his salary, you must recuse yourself from voting on the ordinance and *not participate in any way* on the matter. The prohibition on participation means that you are *not* allowed to attend a workshop on the proposed legislation.

AS FOR YOUR PUBLIC RECORDS REQUEST, you have a right to all public records that pertain to the Code Compliance Department, including all relevant ordinances and resolutions.

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

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Susana Guasch [<mailto:sguasch@townofmedley.com>]
Sent: Thursday, April 11, 2013 2:19 PM
To: Frigo, Victoria (COE)
Subject: re: Conflict of Interest

Good afternoon Mrs. Frigo. I have several questions regarding Conflicts of Interest. I am a voting body on our Town Council and my Husband holds the position of Code Compliance Supervisor. I would like to know if it is necessary to recues myself in several upcoming items which a vote will be necessary.

The following is the first item which is a public hearing item which we will have a workshop on and then come in front of the council in May and reads as follows :

An ordinance of the Town of Medley Florida amending Chapter 10 of the Medley code; providing for appointment of a Special Master; providing for an alternative code enforcement system; establishing penalties for code violations; establishing procedures; implementing and complying with F.S. 162; repealing prior inconsistent provisions.

My next inquiry is whether or not it is a conflict in requesting any and or all documents (i.e. Ordinances, Resolutions, etc.) that pertain to the Code Compliance Department and/or make additional inquiries.

I Thank You in advance for your assistance.

Susana Guasch - Councilperson

Town of Medley

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Frigo, Victoria (COE)

From: Michael Pizzi <mpizzijr@yahoo.com>
Sent: Thursday, April 11, 2013 2:29 PM
To: Ramos, Miriam S. (COE); Frigo, Victoria (COE)
Subject: Ethics Opinion

Miriam:

As discussed, I am requesting an Opinion on whether my advise to Medley Council Member Susana Guasch to recuse herself and not be in the room on future workshops being held relating to the Town's Code Enforcement Department is correct.

By way of background, Medley has a Council Form of Government, wherein the TOWN Council can hire and fire employees. The Council also sets policy, salary levels, and the Council appoints Department Heads.

Councilwoman Guasch's husband, Jose Guasch is the Director of Code Enforcement and the only full time Code Officer in the TOWN. He is appointed and evaluated by the Town Council. The Council is considering legislation that effect the CODE Department of which her husband is Director . SPECIFICALLY, it would reorganize the code department, create Special master procedures, increase the duties of the Code Department by requiring the processing of liens and the imposition of additional fines and penalties. It would effect the code officers and how they are evaluated.

The entire legislation is directed at providing a more streamlined, effective code enforcement system. Any proposed changes to the code enforcement system effect the job duties, work performance measurement and potentially could effect the salary level, duties, qualifications needed and evaluation of her husband. He is the Code Director and only full time officer.

A new enforcement system of additional duties would effect how his future performance would be viewed.

I advised the Council Member that for her to participate in the workshop or vote on the legislation, possibly modify it, would create an appearance of improper conduct, involve at least an indirect conflict of interest and other issues.

Please advise whether Councilman Guasch can participate and vote on legislation that is specifically directed at the Code Enforcement Department of which her husband is Director and sole full time employee. Also, please advise if there should be any further prohibitions or protective measures on this issue.

Michael Pizzi
Town Attorney