

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Thursday, April 11, 2013 8:55 AM
To: Bolt, GiGi (DIST13)
Cc: Frigo, Victoria (COE); Sanchez, Gerald (CAO)
Subject: INQ - Commissioner Esteban Bovo

Ms. Bolt:

You have inquired on behalf of Commissioner Esteban Bovo whether, under the Florida Sunshine Law, it would be permissible for him have conversations and/or meetings with members of the Miami-Dade Expressway Authority Board.

The Sunshine Law applies to all state or local government boards or commissions regarding matters that may foreseeably come before those bodies for decision or recommendation. The law has been interpreted to require that any discussions between two or more members of any particular public board conform with the requirements that the meeting be publicly noticed in advance, open to the public, and that minutes be recorded. Both the Miami-Dade County Commission and the Miami-Dade Expressway Authority Board fall within the requirements of the Sunshine Law. Therefore, it would be in violation of the Sunshine Law for Commissioner Bovo to be involved in a private meeting that included another County Commissioner in which the board's public business was discussed. It would also be in violation of the Sunshine Law for two or more members of the Miami-Dade Expressway Authority Board to be involved in such a meeting concerning that board's business. However, it would not be a violation of the Sunshine Law for one member of one board to have conversations and/or meetings with one member of another board about business coming before either or both boards because such discussions would not involve two members of the same board. The only exception to this would be a situation in which a member of one of the boards in question had been delegated authority to act on behalf of his or her board, in which case all discussion relative to such authority would have to comply with the Sunshine Law. It is also inappropriate for any member of a board to act as a liaison providing information privately to members of his her own board.

Therefore, in answer to your question, it is permissible for Commissioner Bovo to have private conversations and/or meetings with a single member of the Miami-Dade Expressway Authority Board to discuss public business, provided that 1) no other member of either board is present; 2) there has been no delegation of authority by either board to its member to engage in such a discussion; 3) neither Commissioner Bovo nor the other board member is acting as a liaison to provide information privately to another member of his or her respective board.

Please feel free to call me at 305-579-2594 if further clarification is needed.

Sincerely,
Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: Bolt, GiGi (DIST13)
Sent: Thursday, April 11, 2013 8:28 AM
To: Centorino, Joseph (COE)
Subject: MDC Board Members

Good Morning Mr. Centorino,

I hope you are doing well. I have a question and need your guidance.

Is the Commissioner allowed to have conversations and/or meetings with members of the Miami-Dade Expressway Authority Board?

We want to know if it falls under Sunshine laws so we can follow those rules.

Thank you,
Gigi

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Stay connected with Commissioner Bovo!

