
From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, July 23, 2014 10:48 AM
To: Sanchez, Rodzandra (COE)
Subject: Victoria Mendez, City Attorney, City of Miami- Ethics Opinion (Political Activity)- INQ 14-178

INQ 14-178

-----Original Message-----

From: Ramos, Miriam S. (COE)
Sent: Wednesday, July 23, 2014 9:37 AM
To: 'Mendez, Victoria'
Cc: Wysong, George K.; Min, Barnaby; Gomez, Marta
Subject: INQ 14-178

Good morning Victoria,

That is correct. For your reference, I am including the Florida Statute on point below. You will see that although it restricts the use of public funds to further such efforts, it specifically allows an elected official to express his/her opinion on any issue at any time.

Since the staff member is joining the official for the purpose of addressing constituent concerns which furthers the interest of the City of Miami, that is permissible as well; both under state law and under the County Code of Ethics.

106.113 Expenditures by local governments.—

(1) As used in this section, the term:

(a) “Local government” means:

1. A county, municipality, school district, or other political subdivision in this state; and
2. Any department, agency, board, bureau, district, commission, authority, or similar body of a county, municipality, school district, or other political subdivision of this state.

(b) “Public funds” means all moneys under the jurisdiction or control of the local government.

(2) A local government or a person acting on behalf of local government may not expend or authorize the expenditure of, and a person or group may not accept, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors. This subsection does not apply to an electioneering communication from a local government or a person acting on behalf of a local government which is limited to factual information.

(3) With the exception of the prohibitions specified in subsection (2), this section does not preclude an elected official of the local government from expressing an opinion on any issue at any time.

Sincerely,

Miriam S. Ramos, Esq.

Deputy General Counsel

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-----Original Message-----

From: Mendez, Victoria [<mailto:VMendez@miamigov.com>]
Sent: Wednesday, July 23, 2014 12:07 AM
To: Ramos, Miriam S. (COE)
Cc: Wysong, George K.; Min, Barnaby; Gomez, Marta
Subject: Educational ballot meetings

Miriam,
Thank you for taking the time to speak to me today.

In our conversation we spoke about the possibility of any commissioner going to visit community centers, elderly centers or other venues in order to educate and/or advocate the public on matters that will appear on the August ballot directly dealing with the city.

Moreover, we talked about the possibility of a staff member of a commissioner attending any similar meeting as described above. The staffer would attend in order to serve as a backup to the elected official to field any questions, comments or requests that come up by citizens at the event, not necessarily related to the educational event itself, but addressing matters that usually need to be addressed by an elected official on the spot or as a followup.

We discussed that the commissioner educating the public on ballot questions, answering constituent issues and taking staff to assist with the constituent issues or even assisting with the educational event itself are all actions that elected officials and staff can do as a part of their official duties.

Please let me know if this is a fair assessment. Thank you again.

Victoria Mendez