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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, September 23, 2014 10:34 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Wilbur Bell, Chair, Miami-Dade Community Council 14 (voting conflict)

**Importance:** High

INQ 14-224

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**From:** Centorino, Joseph (COE)  
**Sent:** Monday, September 22, 2014 5:25 PM  
**To:** Rowe, Garrett A. (RER)  
**Cc:** Diaz-Greco, Gilma M. (COE)  
**Subject:** INQ - Wilbur Bell, Chair, Miami-Dade Community Council 14  
**Importance:** High

Mr. Rowe,

You have inquired on behalf of Wilbur Rowe, Chair of Community Council 14, regarding what is required of him in connection with an apparent voting conflict he has on a matter appearing before this evening's Community Council meeting. The item in question is an Application for Comprehensive Master Plan Land Use Change for property listed in the Wilbur Bell Trust. Mr. Bell is the only named Trustee of the Wilbur Bell trust. The property is approximately 2.1 acres and includes the home in which Mr. Bell resides. The vote on this issue by the Community Council will be a recommendation that will then go before the Planning Advisory Board and finally to the Board of County Commissioners.

It is apparent that Mr. Bell has a voting conflict under Section 2-11.1(d) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance due to the fact that he is in a fiduciary relationship with the entity that will be affected by the vote, and also that he might profit or be enhanced by the action. Therefore, it will be necessary for him to publicly declare the conflict prior to its being taken up by the Council, absent himself from the board discussion and not participate in it, and file State Form 8B with the clerk of the board within 15 days of the vote.

The more direct question raised, however, is the extent to which he may actually attend or speak at the meeting. Because as a citizen he has certain rights to speak on his own behalf in a petition to the government that involves his own personal interests, it is my opinion, which is supported also by State Ethics Opinions under the State Ethics Code in Chapter 112, Florida Statutes, that he may personally appear on his own behalf before the board. However, a note of caution is appropriate in these circumstances. His position as both a Council member and the Chair of the Council that holding the hearing, creates an inevitable and unavoidable appearance of impropriety in connection with official action taken by the board affecting his personal property interests. If there were some means of referring the matter to another board or decision-making body, that would be the best solution. However, inasmuch as that may not be possible in this situation, and knowing that Mr. Bell has retained an attorney to make the presentation on his behalf to the board, it would best serve the public trust for Mr. Bell to absent himself entirely from the meeting and not be present during the presentation of this matter and the board's deliberation and action on it.

Sincerely,

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

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**From:** Thompson, Robert A. (COE)  
**Sent:** Monday, September 22, 2014 10:18 AM  
**To:** Centorino, Joseph (COE)  
**Subject:** FW: Ethics Question  
**Importance:** High

FYI. Please note timeframe below. The meeting is scheduled for today.  
Robert Thompson

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**From:** Rowe, Garrett A. (RER)  
**Sent:** Monday, September 22, 2014 10:15 AM  
**To:** Thompson, Robert A. (COE)  
**Subject:** Ethics Question  
**Importance:** High

Good morning Robert,

We have a Community Council hearing today at which a CDMP application will be heard and a recommendation will be issued by the Council to the Planning Advisory Board and the BCC. The Application is question was filed by the Chair of the Council that will hear the item. Can the Council Chair attend the meeting and in what capacity?

Thanks.

**Garett Rowe**, Supervisor, CDMP Administration  
**Department of Regulatory and Economic Resources**  
**Planning Division, Metropolitan Planning Section**  
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