
From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, October 27, 2014 3:58 PM
To: Sanchez, Rodzandra (COE)
Subject: Edward Tobin, Miami Beach City Commissioner (Voting Conflict) INQ 14-257

INQ 14-257

From: Centorino, Joseph (COE)
Sent: Monday, October 27, 2014 3:54 PM
To: Aguila, Raul (RaulAguila@miamibeachfl.gov); 'Jean Olin'
Cc: Diaz-Greco, Gilma M. (COE)
Subject: INQ - Edward Tobin, Miami Beach City Commissioner (Voting Conflict)

Raul and Jean:

You have jointly inquired on behalf of Commissioner Edward Tobin regarding whether he may speak or issue a written memorandum in connection with an upcoming item on the City Commission Agenda. The item affects Commissioner Tobin insofar as it would provide a waiver, pursuant to Section 2-462 of the Miami Beach Code permitting Commissioner Tobin to apply for a position in the Miami Beach Police Department. The hiring of Commissioner Tobin, following his anticipated resignation upon appointment to such a City position, would otherwise be in violation of Section 2-462.

Section 2-11.1(d) would govern Commissioner Tobin in regard to this voting conflict issue. Inasmuch as Commissioner Tobin would stand to profit or be enhanced by the vote on this issue, he has a voting conflict under that section. Given such a conflict, he must not participate or vote on this item. That means that he may not speak, nor may he issue any written comment or statement addressed to the members of the Commission on this matter. Additionally, in order to comply with the requirements of Florida Statute 112.3143, he should, prior to the vote or discussion, publicly state the nature of his conflict, and, within 15 days of the vote, file a written disclosure with the Clerk on State Form 8B.

Sincerely,

Joseph M. Centorino

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