
From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, April 09, 2014 9:35 AM
To: Sanchez, Rodzandra (COE)
Subject: I Griselda Digiaco, Vice Mayor, Town of Medley (voting Conflict) INQ 14-86

INQ 14-86

From: Griselia Digiaco [mailto:gdigiaco@townofmedley.com]
Sent: Monday, April 07, 2014 3:36 PM
To: Centorino, Joseph (COE)
Cc: Diaz-Greco, Gilma M. (COE); 'shelfman@wsh-law.com'
Subject: RE: INQ - Griselda Digiaco, Vice Mayor, Town of Medley (voting Conflict)

Good Afternoon Mr. Centorino,

Mr. Helfman called me this morning and made me aware of your discussion. I want to take this opportunity to thank you and your staff for always bring clarity when I have doubts as of how to proceed in a particular matter. Once again, thank you and have a great day!

Regards,

Griselia Digiaco, Vice-Mayor



Town of Medley
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Medley, FL 33166
Phone: 305-887-9541 Ext 105
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-----Original Message-----

From: Centorino, Joseph (COE) [mailto:CENTORI@miamidade.gov]
Sent: Monday, April 07, 2014 2:54 PM
To: Griselia Digiaco

Cc: Diaz-Greco, Gilma M. (COE); 'shelfman@wsh-law.com'
Subject: INQ - Griselda Digiaco, Vice Mayor, Town of Medley (voting Conflict)

Vice Mayor Digiaco:

You have inquired concerning what you may do as Vice Mayor and a member of the Medley Town Council in connection with a decision to be made by your Council that could lead to the approval of the sale of a mobile home park in which you reside. The park has over two hundred trailers and represents a significant percentage of the town's residents. It is my understanding that as a resident owner of one of the trailers at the park, your interests as a trailer home owner could be affected by the decision, but not in a different way than the interests of the more than 200 other homeowners in the park.

This question raises a fairly unique issue in that the population of Medley is centered to an unusual degree in the mobile home parks in the Town. The question of the existence of a voting conflict in connection with a vote that would affect the interests of the trailer home owners in Medley needs to be analyzed with that in mind, and may result in a different conclusion than what might otherwise be recommended in another municipality.

Section 2-11.1(d) of the Miami-Dade County Conflict of Interest and Code of Ethics, which governs voting conflicts by elected officials lists a number of relationships that could trigger a voting conflict regarding a particular entity coming before a public board. Being a tenant in a mobile home park is not one of them. However, that section also would create a prohibited conflict if you should vote on a matter that "would or might, directly or indirectly, profit or be enhanced by the action of the Council. In the event of conflict, you would be required by that section to absent yourself from the room during discussion of the issue. Additionally, state law would require that you also announce the conflict publicly in advance of the discussion and also file with your Town Clerk Form 8B declaring the conflict within 15 days of the vote.

The County voting conflict provisions differ from state law voting conflict provisions and impose a stricter standard than Section 112.3143, Florida Statutes, under which a conflict arises when an official is called upon to vote on a measure when it would "inure to the officer's special private gain or loss." The County may impose such a stricter standard than does the state, and we at the Commission on Ethics do not interpret or enforce state law. However, we do look to state law at times for guidance in assessing a voting conflict. I would note that there are state opinions that suggest that an elected official may not have a "special private interest" in a matter that affects him or her no differently from others in a given class where, as here, the elected official is less than 1% of the entire class.

There is a legitimate question as to whether you, as a resident and trailer owner in the park might somehow profit or be enhanced by this vote, but it appears that so would a large percentage of Town residents. Further, it appears that whatever personal interest of your would be served would be an indirect one at best. I also think that there is an overriding interest in this matter that involves the public's interest in having its full Council involved in a decision that is important to such a large portion of the residents who make up the town. Disenfranchising Medley voters from such full participation because there is an identity of interest between one or more public officials with a large portion of the residents of the Town seems not to serve the interests of the public. It does not appear to me that your personal interest in this matter differs materially from the interests of the general public in the Town of Medley. It is doubtful that public trust in local government would be enhanced by preventing elected officials from voting in these circumstances.

Accordingly, it is my opinion that you may participate and vote in this matter without violating the Miami-Dade Code of Ethics. On the other hand, should you not feel confident, for whatever reason, that you are able to fairly exercise your judgment as a

public official apart from your personal interest in this issue, then you should absent yourself from the meeting and abstain from the vote. I have conferred with your Town Attorney, Steve Helfman, about this matter and I believe he is in accord with this conclusion.

Sincerely,

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
305-579-2594

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

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, April 03, 2014 2:52 PM
To: Centorino, Joseph (COE)
Subject: FW: Legal Advice- Vice mayor of Town of Medley

Joe,

This is an INQ from an elected official, so I am forwarding it to you.

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

From: Griselia Digiaco [mailto:gdigiaco@townofmedley.com]
Sent: Thursday, April 03, 2014 2:36 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Griselia Digiaco
Subject: Legal Advice

Good Afternoon Victoria,

I need a legal opinion from ethics that is very time sensitive. We have a Council Meeting on Monday, April 7th. One of the items in the agenda is an Ordinance amending Chapter 62-61 of the Town of Medley Code for non-conforming uses. The reason is the following: We have a Mobile Home Park that has been operating in the Town since 1968. The owner of the park is selling is selling, luckily the new buyer is also a park operator around the United State. In order for this deal to happen the current owner and future buyer are in negotiation with the Town to help with the process. Now, this is the problem. This Mobile Home Park holds 209 trailers with families of 4 or more in each of trailer. In Medley, that's 90% of our population. For that matter we, the Council need to make sure that this park continue operating as a Mobile Home Park. If for any reason this park would close, 209 families will be without a home. Also, all of the kids that attend our After School Program live in this park. Now, the problem is another Councilmember and my self live in this park. I have been told by our Town Attorney that we can not vote or participate in the discussion, and I understand that. My question is, since we won't be part of the decision, could I've part of the audience as a resident? I believe this is way too important for us to have to stay away and not be able to listen or know what's going to happen with our homes.

I want to thank you ahead of time for your help, and would really appreciate if you get back to me as soon as possible.

Best Regards,

Vice-Mayor Griselia Digiaco
Town of Medley

Sent from my iPad