



To: Commissioner Patricia Keon

From: Miriam Soler Ramos, City Attorney for the City of Coral Gables *MSR*

RE: Legal Opinion Regarding DHT

Date: July 21, 2020

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I spoke with Dona Spain this morning to confirm that the position of President of the Dade Heritage Trust (DHT), held by her, is an unpaid position. Dona confirmed that she is not paid. This is important, as it would change the analysis.

Given that the position is unpaid, Dona is able to serve on the City's Historic Preservation Board (HPB) while simultaneously serving on the board of the DHT, however, caution must be taken. Given that there is no financial relationship, the voting conflict provisions contained in section 112.313, F.S., the Miami-Dade Ethics Code, and the City's Ethics Code are not triggered. However, the majority of the items considered by the HPB are quasi-judicial. Accordingly, each board members must be free from bias. This means that Dona should recuse herself from voting on any matter with which she was involved when she was the City's Historic Preservation Officer. In addition, given her position with the DHT, Dona should recuse herself from voting on any matter with which the DHT has been involved and she may not consider the DHT's possible position when making a decision as a member of the HPB.

With regard to DHT's ability to appeal a decision of the HPB to the City Commission, Dona has agreed (in fact, she had independently decided) that she will not be involved in evaluating any decision of the HPB for possible appeal – she will firewall herself from any said item, will not vote on the item as part of the DHT, and certainly will not be involved in presenting the appeal to the City Commission.

This opinion is issued in accordance with sections 2-252(e)(1) and (8) and 2-300 of the City of Coral Gables Code.