



Joseph M. Centorino, Inspector General

FINAL REPORT

TO: Honorable Mayor and Members of the City Commission
FROM: Joseph Centorino, Inspector General

DATE: July 21, 2020

REVIEW: LGBTQ Advisory Committee Vote on \$150,000 Request for Funding
OIG No. 20-14

This review was opened upon a request from Commissioner David Richardson that there be an inquiry for possible misconduct in connection with the circumstances of a vote taken at the February 11, 2020 meeting of the LGBTQ Advisory Committee. The Advisory Committee vote came on a motion passed unanimously in the committee consisting of a recommendation by the Committee for "\$150,000 funding for LGBTQ initiatives based on projects and proposals by the LGBTQ Advisory Committee." The recommendation was transmitted to the City Commission in LTC #075-2020. It was referred by the Commission to the Finance and Economic Resiliency Committee (FERC) at the Commission's April 22 meeting.

In discussion on the City Commission action to refer the matter to FERC, several Commissioners expressed concern over the open-ended nature of the funding request. Commissioner Richardson indicated that he felt that a bad precedent would be set if the funding were granted without a more specific allocation of the funds, particularly during the current financial crisis, which ensued after the LGBTQ Committee vote. Commissioner Richardson expressed concern over "irregularities" regarding the vote taken in the Committee. The issue arose during discussion on the dais after Commissioner Richardson made his remarks questioning the wisdom of the unspecified funding, which led Commissioner Michael Gongora to observe that it was Commissioner Richardson's appointee to the Committee, Sunny Weber, who had made the motion on the item in the Advisory Committee. Commissioner Richardson suggested, based upon information he had received, that his appointee, Ms. Weber, may have been incorrectly or improperly recorded as the member making the motion.

In conducting this inquiry, the OIG reviewed the recording of the brief referral discussion at the April 22 City Commission meeting, as well as recordings of the LGBTQ Advisory Committee meetings held in January and February, when the issue was thoroughly discussed. In addition, brief telephone interviews were conducted with Commissioners Richardson and Gongora, LGBTQ Committee Chair Robin Schwartz, Committee Secretary Jamie Guirola, and Committee member Sunny Weber. The minutes of the February meeting were also reviewed.

Committee Chair Robin Schwartz and Committee member Sunny Weber gave distinctly different accounts of what they believed occurred at the meeting. Ms. Schwartz felt certain that Ms. Weber had made the motion, and that Ms. Weber also supported the item when it passed unanimously. Ms. Weber, who was recently appointed and whose first meeting with the Committee occurred in

January, stated that she did not actually agree with the motion to leave the funding to the discretion of the Committee; that she had clearly expressed that opinion at the January meeting; and that she believed that she was called upon by the Chair at the February meeting for assistance in the wording of the motion, but did not intend to be the moving party behind the motion. She noted that, as someone with an academic background in English, she is occasionally asked to assist with working on language-related issues, and that she accommodated this request even though she did not agree with the motion itself.

There was much discussion at the January Advisory Committee meeting regarding whether the Committee should specifically designate the purposes for which the requested funding would be spent. Many opinions and suggestions were made, but no consensus was reached, and the issue was deferred to the February meeting. Ms. Weber was among those who supported more specifically named purposes for the allocation of the funds during the discussion.

A review of the recording of the February 11 Committee meeting seemed to confirm that Ms. Weber at least left an impression that she had made the motion, although she was not the originator of the idea of the motion and not the author of the final version of the motion. At that meeting there was again a lengthy and spirited discussion among the members, much of which occurred without there being a motion on the floor. At one point in the discussion Chairperson Schwartz stated, "Why don't we make a motion that the board gets money every year now to decide where it goes, or however you want to word it, just like the parks." Ms. Schwartz then said, "Who can make that sound prettier?" She then called upon Herb (Sosa) and Sunny, apparently for assistance in framing the motion. Ms. Weber responded with, "I would motion that we ask for an allocation of \$150,000 as an operating budget." Further discussion ensued centered around the wording of the motion, with different members, including the Chair, offering opinions about the precise wording. Those amendments which seemed to gain acceptance in the Committee were then incorporated into the motion on an informal basis as the discussion evolved. Ms. Weber did not play a role in the amending process, which did not involve any actual votes on the amendments. However, there were a couple of subsequent references by members during the discussion to "Sunny's Motion."

The wording of the motion that was finally arrived at through the discussion was worded differently from that framed by Ms. Weber and was stated as follows: "The LGBTQ Advisory Committee recommends \$150,000 funding for LGBTQ initiatives based on projects and proposals by the LGBTQ Advisory Committee." Chair Schwartz closed the discussion by stating, "Does anybody have a motion? Is Sunny going to be the motion? Is that okay with you Sunny because it's your words." No objection was heard. The Chair then asked for those in favor, to which a number of affirmative responses could be heard. She asked whether anyone objected. There was no response. The vote was recorded in the minutes as 10-0 in favor of the motion, with the motion being made by Sunny Weber, and seconded by Herb Sosa.

It should be noted that the meetings that were reviewed by the OIG were quite informally run, and that often voices were heard speaking over others. This made for a somewhat chaotic recording and some difficulty in distinguishing voices and comments. The impression left was of a collegial gathering with some impassioned and well-informed members, but without close adherence to standard parliamentary procedure. To her credit, Chairperson Schwartz did, on several occasions, ask that members raise their hands to be recognized, but that request seemed, for the most part, to be ignored.

CONCLUSION

The OIG determined from this review that there was no evidence of legal or ethical misconduct involved in the manner in which the LGBTQ Advisory Committee reached its recommendation. There was a substantial basis upon which to conclude that the motion that finally carried was at least nominally made by Sunny Weber. However, Ms. Weber's stated disagreement with an unspecified funding allocation, her perception that she was only assisting the committee in the wording of the motion, as well as her newness to the Committee and possible reticence at being at odds with the consensus that developed in the Committee regarding how the funding request should be made, also suggest that she kept her reservations about the motion to herself rather than challenge the Committee consensus.

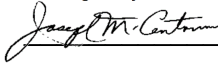
There is no way to definitively prove exactly what was in the minds of the participants in the course of a lengthy and loosely held discussion, but the circumstances of this review do not warrant further inquiry. There is no question that a vote was taken on the motion in its final form and it was passed without objection. While it is understood that an advisory committee of this nature need not adhere strictly to rules of parliamentary procedure, the lack of such adherence in this case contributed to a confusing amendment process that may have led Ms. Weber to question whether the final motion that passed was actually made by her.

It may be expected that this review and discussions with Ms. Schwartz and Ms. Weber about procedure will lead to more clarity in future Committee votes. This matter is now closed.

In accordance with Section 2-256 (h) of the City of Miami Beach Code, the draft was forwarded to each of the affected individuals for their review and for any written response to the report they might wish to have included in the final report. Ms. Weber's response, the only written response received, is attached hereto.

REVIEW CLOSURE SIGNATURE

DocuSigned by:



D0FADB7F4F92431

Joseph M. Centorino, Inspector General

7/21/2020 | 2:13 PM EDT

Date

OFFICE OF THE INSPECTOR GENERAL, City of Miami Beach
1130 Washington Avenue, 6th Floor, Miami Beach, FL 33139
Tel: 305.673.7020 • Fax: 305.587.2401 • **Hotline: 786.897.1111**
Email: CityofMiamiBeachOIG@miamibeachfl.gov
Website: www.mbinspectorgeneral.com

Sunny Weber

LGBTQ Advocacy Committee Member
435 21st Street #202
Miami Beach FL 33139

7 July 2020

Joseph M. Centorino

Inspector General, City of Miami Beach
1130 Washington Avenue, 6th Floor
Miami Beach FL 33139

Dear Mr. Centorino,

I am writing in response to your review of the LGBTQ Advisory Committee Vote on \$150,000 Request for Funding OIG No. 20-14 as well as the continued lack of professionalism and adherence to the procedures prescribed in your review.

When the motion in question took place, it was the second time I had met Chairperson Schwartz. I am very busy as an active volunteer in Miami Beach. Chairperson Schwartz is not a resident or business owner in this city. I did not know the chairperson nor would I have presumed this person knew me. The first time we met was the first meeting I attended. The first item on the chairperson's agenda was nominating me as secretary of the committee without knowing anything of my qualifications including simply knowing the names of the 14 members of the committee in order to properly transcribe minutes of meetings which I quickly found out are chaotic at best. I was caught off guard by this special interest in me and fortunately, another committee member intervened suggesting I did not appear comfortable with the nomination so I was told to think about it until the next meeting. The next item on the chairperson's agenda was a proposal for \$150,000 for "events" which did not appear to have support of anyone else on the committee as an apparent slush fund for "parties" which members expressed concerns that the community would not view favorably, especially considering, as other members stated, the apparent bias toward groups for which certain committee members are employed or have contracts.

The second time I met the chairperson was the second meeting in which the chairperson again presented the \$150,000 request but this time not as a slush fund for "events" but with the requirement that the allocation be predetermined to use for specific initiatives. Although this lengthy discussion occurred, in your words, without there being a motion on the floor, designation of the funds toward civic projects was more palatable to members of the committee. In concurrence with your findings, Chairperson Schwartz asked that I make it sound prettier. In the chaos that ensued, many other people called out verbiage. You give credit to the chairperson for asking members to raise their hands to be recognized, saying that the requests

seemed to be ignored. Since you did not see the meeting, you did not realize that many members did raise their hands and they were ignored. One member, Gayle Durham, strongly requested to read the motion as she had written. She was not permitted to read the motion. Not even read it. The chairperson cut her off and said “No” this is Sunny’s motion and had the secretary read what he had pieced together from the group and immediately asked for a vote. All of this can be heard in the tapes and confirmed by committee members. I took pause from the refusal to listen to Gayle’s motion and mysterious repetition of my name and I refrained from voting. According to your findings, “The wording of the motion that was finally arrived at through the discussion was worded differently from that framed by Ms. Weber.”

Furthermore, I am disappointed with the chairperson’s continued lack of adherence to procedure and fixation on me. In lieu of responding in the professional manner you prescribed, this person, whom I don’t even know, attempted to disparage me during a public broadcast. One might hope the chairperson is capable of learning to conduct themselves in a more respectable manner and is discouraged from behavior which tarnishes the image of our city.

Sincerely,

Sunny Weber