

The Miami Herald

Posted on Thu, Oct. 13, 2011

Miami city attorney: Spence-Jones can run for third term

BY PATRICIA MAZZEI AND CHARLES RABIN

pmazzei@MiamiHerald.com

Miami Commissioner Michelle Spence-Jones, who was suspended from office while successfully fighting felony criminal charges, can run for a third time in 2013 because she will not have served two full terms when the seat opens up again, City Attorney Julie Bru said Thursday.

Responding to a question from Spence-Jones, Bru said in a legal opinion that since the city charter doesn't address serving a partial term as a consequence of suspension, Spence-Jones has the right to run again to represent the residents of Overtown, Little Haiti and Liberty City.

"Through no action on your part, the Governor deemed you to be unqualified during the period of your suspension, thereby preventing you from serving a full term," Bru wrote.

Spence-Jones, who declined to be interviewed, said in a statement that she is "humble and grateful to have the opportunity to continue working for the citizens of District 5."

"Although we can never recapture what was lost during the 21 months that I was denied the opportunity to serve, my focus is to complete the much-needed community revitalization projects I started during my first term," her statement said.

Spence-Jones was suspended by Gov. Charlie Crist almost two years ago after the state filed a pair of felony charges against the popular commissioner. She spent the next 21 months fighting the charges and was acquitted in the first case before the state dropped the charges in the second case.

She reclaimed the seat in June from the Rev. Richard P. Dunn II, who was first appointed as her replacement by the commission and then won the seat in an election a year ago.

J.C. Planas, an elections lawyer and former state representative, called Bru's legal opinion "reasonable" — though he also warned that, if challenged, a court might not see things the same way.

"Just because this opinion is there doesn't mean that it stops a resident of that district from suing to block her from running," he said of Spence-Jones.

Spence-Jones returned to office in September with full back pay of about \$200,000, as required by law. Spence-Jones' pay is not relevant in determining her eligibility to run for office, Bru said.

Mayor Tomás Regalado, who called the city attorney's legal opinion logical, suggested Spence-Jones' situation wasn't much different than that of fellow Commissioner Francis Suarez, who filled Regalado's final two years on the dais after he became mayor and still remained eligible for two

more terms.

“It makes sense to me,” Regalado said.

© 2011 Miami Herald Media Company. All Rights Reserved.
<http://www.miamiherald.com>