

INQ 04-52



May 26, 2004

Edith Humes-Newbold, Executive Director  
South Florida Employment & Training Consortium  
7300 Corporate Center Drive, Suite 500  
Miami, FL 33126-1234

**ETHICS COMMISSIONERS**

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**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Dear Ms. Humes-Newbold:

I am in receipt of your letter dated May 18, 2004 and I wanted to provide you with a timely response. After conferring with our legal counsel, I must advise you that the Miami-Dade Ethics Commission has no jurisdiction over the two boards you cite in your letter to me. Obviously, to the extent to which these board members are local public officials in Miami-Dade County, then their conduct would fall within our purview, but only with respect to actions taken as County and municipal public officials, not as members of either the South Florida Workforce Board or the South Florida Employment and Training Consortium.

The only approach that would enable our office to give you advice on potential conflicts involving your board members is for the County Commission to confer us with this jurisdiction. Assuming this is not an option, then please keep in mind that your board members are covered by the State ethics laws.

If you have any questions concerning the above, feel free to contact me at your convenience.

Sincerely,

Robert Meyers  
Executive Director



May 18, 2004

Robert Myers, Executive Director  
Miami-Dade Commission on Ethics & Public Trust  
19 West Flagler Street, Suite 207  
Miami, FL 33130

Dear Mr. Myers:

By way of introduction, our agency is the locally designated regional workforce board for Miami-Dade and Monroe counties. South Florida Workforce includes authority under two Boards, the South Florida Workforce (SFW) Board and the South Florida Employment & Training Consortium (SFETC). The legislation, which govern workforce development boards, is the Workforce Investment Act of 1998, Public Law 105-22. Per WIA legislation, local workforce investment boards, in partnership with local elected officials, are responsible for planning and overseeing the local workforce program.

Locally, our board is comprised of forty-five (45) representatives appointed among three local municipalities (City of Miami, Hialeah, and Miami Beach) and two counties (Miami-Dade and Monroe). In addition, there are five (5) Board members who comprise the SFETC and represent the local elected officials from the same three municipalities and two counties. The SFETC serves as the fiscal and administrative entity for the South Florida Workforce, while the SFW Board is responsible for developing local plans, conducting strategic planning and coordinating and managing workforce board activities. Beginning July 1, 2004, the administrative and operational structure of both entities will drastically change.

Due to our complex organizational structure, we are seeking information on potential conflicts of interest by both sets of Board members, but are unsure if that ruling authority rests with Miami-Dade County or the state's Inspector General's office. I have enclosed copies of our current functional table of organization, as well as the newly Board-approved structure.

Should you have any specific questions, do not hesitate to contact me. I can be reached at (305) 594-7615, ext. 369. I thank you in advance for your attention to this matter.

Sincerely,

Edith Humes-Newbold  
Executive Director  
South Florida Employment & Training Consortium

c: Harriet Spivak, SFW Board Executive Director  
Peter S. Tell, SFETC Legal Counsel

/enclosures (2)

DRAFT DIVISION OF RESPONSIBILITIES

Attachment 5.2

SFETC Board (Local Elected Officials)	SFW Board (Workforce Board)	Joint Authority Workforce Board & LEOS	Administrative Entity/SFW (Staff)
Serve as the local grant recipient; designate the local fiscal agent; assume financial liability for misuse of funds (WIA Sec 117 (d) (3) (B))	Develop and revise Board by-laws; appoint Board committees and task forces.	Select Executive Director	Provide staff support to both Boards for decision-making and oversight functions
Identify eligible providers of training services. (WIA Sec 117 (d) (2) (C))	Promote the participation of private sector employers in the workforce system, develop employer linkages and coordinate with economic development (WIA Sec 117 (d) (7) & (8))	Set Policy for the Region. (WIA Sec 117 (a))	Provide staff work for both strategic planning and preparation of compliance plans; carry out research and development work for program planning.
Appoint SFW Board Members (WIA Sec 117 (c))	Solicit and accept grants and donations from other sources. (WIA Sec 117 (d) (3) (B) (III))	Carry out strategic planning; develop plan guidelines; approve local plan documents for submission to State of Florida (WIA Sec 117 (d))	Issue policy guidance and directives; provide training to contractors.
		Establish budget priorities and approve annual operating budget. (WIA Sec 117 (d) (3) (A))	Negotiate contracts for services; draft contracts; manage contracts (including modifications and interpretations)
		Select or terminate One-Stop Operator(s) (WIA Sec 117 (d) and Sec 121 (a))	Negotiate contracts for services; draft contracts; manage contracts (including modifications and interpretations)
		Approve funding decisions, contract awards, renewals, deobligations, and terminations, including award of contracts to youth providers based on recommendations of the Youth Council and award of contracts for intensive services. (WIA Sec 117 (d) (2) (B) & (D); WIA Sec 117 (d) (3) (B) (III); WIA Sec 117 (d) and WIA Sec 123). The local board directs the fiscal entity with regard to the disbursement of funds. (WIA Sec 117 (d) (3) (B) (III))	Disburse funds. Provide financial administration <ul style="list-style-type: none"> <li>• Pay Invoices</li> <li>• Manage/report local financial information to Boards</li> </ul> Meet financial reporting requirements of funding sources
		Approve Memoranda of Understanding with One-Stop Partners. (WIA Sec 121 (c))	Procure and maintain fixed assets and supplies necessary for program operations.
		Appoint Youth Council based on federal and state criteria (WIA Sec 117 (b))	Conduct compliance monitoring.
		Negotiate local performance measures with State of Florida (WIA Sec 117 (d) (5))	
		Select independent auditor	
		Approve litigation or settlement of claims	

**South Florida Workforce Development Board**

**South Florida Employment and Training Consortium (Administrative Entity)**

**South Florida Employment and Training Consortium (Local Elected Officials)**



Coordinate and manage WDB Board activities

Provide staff support for SFETC (Local Elected Officials) activities and meetings

Appoint WDB members in accordance with legal requirements and local agreement

Establish budget priorities/approve annual operating budget

Develop annual budget based on WDB priorities

Approve WDB annual plan and budget

Develop/issue RFPs for services, evaluate proposals and approve funding

Negotiate contracts for services as approved by the WDB, write contracts, manage contracts (i.e. modifications, interpretation)

Participate in selection of One Stop Operator(s)

Develop/approve all local plans

Procure non-contracted goods and services for SFETC and WDB staff

Assume liability for funds as specified in the Workforce Investment Act

Conduct strategic planning

Policy development, issuance, management, training

Community relations/marketing

- Partners/contractors
- Businesses/business orgs.
- Participants/potential participants

Interface with funding sources- WFI, AWI, USDOL, DCF

Conduct compliance monitoring of contracted providers against WDB and contract standards, state and Federal requirements. Report findings to WDB.

Monitor effectiveness of SFETC as administrative entity

Oversee and manage operational aspects and performance of programs:  
 -One Stop                      -Youth                      -Other Training  
 -ITA                                -Business services            -IT Support  
 -Staff development & training