

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, November 08, 2018 10:49 AM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-244, Rebeca Sosa, County Commissioner, District 6 (Voting Conflict – Police Services MOU, Section 2-11.1(d))
Attachments: INQ 18-244, Voting Conflict – Police Services MOU, Section 2-11.1(d).docx

INQ 18-244 Sosa

From: Arrojo, Jose (COE)
Sent: Wednesday, November 07, 2018 6:26 PM
To: Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: INQ 18-244, Voting Conflict – Police Services MOU, Section 2-11.1(d)

Attached please find the ethics opinion.

Please contact us if you have any questions.



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 Miami, Florida 33130

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Website: ethics.miamidade.gov

MEMORANDUM

TO: Honorable Rebeca Sosa
District 6 Commissioner

FROM: Jose Arrojo, Executive Director
Commission on Ethics

SUBJECT: INQ 18-244, Voting Conflict – Police Services MOU, Section 2-11.1(d)

DATE: November 7, 2018

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts: You have advised Item No. 182062 is scheduled to be heard before the Board of County Commissioners (BCC) on Thursday, November 8, 2018. You inquire whether you would have a voting conflict of interest under Section 2-11.1(d) of the Miami-Dade Ethics Code, in voting or otherwise participating in the discussion of the item.

The item consists of a resolution retroactively approving a Memorandum of Understanding (MOU) between the School Board of Miami-Dade County and Miami-Dade County to provide the School Board with Miami-Dade Police Officers so that the School Board can comply with the Marjory Stoneman Douglas High School Public Safety Act (Act) as codified in Section 1006.12, Florida Statutes. The Act requires that each school district and school district superintendent partner with law enforcement agencies to assign one or more law enforcement officers to each school facility within a district. The Act applies to schools within Miami-Dade County. The MOU provides for the assignment of Miami-Dade Police Officers to schools in the county and for state funds sharing between the School Board and the County.

Discussion: You are employed as a Curriculum/Program Facilitator at Lindsey Hopkins Technical Center, an adult educational facility, which is part of Miami-Dade County Public Schools (MDCPS).

In the past, the Commission on Ethics has opined that your employment with MDCPS does not create an automatic voting or participation conflict for you on BCC items affecting that government agency. The issue of a voting conflict on such matters is more narrowly described as whether you might, directly or indirectly, profit or be enhanced by the item in question. Our review of Item No. 182062 did not present any likelihood that you would, personally or professionally, be affected in any way by the item.

More specifically, your position with the public schools at an adult educational facility would not be affected by the adoption of this resolution which seeks to coordinate the assignment of county police officers to schools in compliance with state statute and corollary funds sharing between agencies. Nor would you profit or be enhanced personally in any way in the event this resolution is passed.

Opinion: Under the details provided to me concerning this police partnership and funds sharing MOU between the County and the School Board, I do not believe that you will profit or be enhanced, and, therefore, I do not believe that you are prohibited under Section 2-11.1(d) from participating or voting on this item.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.