



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Honorable Rebeca Sosa
District 6 Commissioner and Vice Chair

FROM: Jose Arrojo, Executive Director
Commission on Ethics

SUBJECT: INQ 19-122, Voting Conflict – Grant Funding Foundation for New Education Initiatives, a direct support organization for Miami-Dade County Public Schools, Section 2-11.1(d)

DATE: November 18, 2019

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. 192626 is scheduled to be heard before the Board of County Commissioners (BCC) on Tuesday, November 18, 2019. 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 authorizing the Mayor to receive \$880,000 in grant funds from the Children's Trust and adding \$167,898 in County Funds to cumulatively provide a \$1,047,898 grant to Foundation for New Education Incentives, a direct support organization for Miami-Dade County Public Schools. The funds would be used for the Together for the Children Case Management Referral Program. The program is designed to provide specialized services to at risk youth with the goal of reducing youth violence.

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. 192626 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 authorize the Mayor to receive grant funds from the Children's Trust together with County funds so as to provide a grant to a direct support organization for Miami-Dade County Public Schools. The funds would be used by the direct support organization on a program that is designed to provide specialized services to at risk youth with the goal of reducing youth violence.

Opinion:

Under the details provided to me concerning this proposal to approve the receipt of Children's Trust dollars and coupled with County funds, provide a grant to a direct support organization for Miami-Dade County Public Schools for use on a program that is designed to provide specialized services to at risk youth with the goal of reducing youth violence, 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.