

Memo

To: Jane Robinson
Division Director
Head Start/ Early Head Start
Community Action Agency

From: Ardyth Walker
Staff General Counsel

Date: 1/11/2007

Re: INQUIRY 07-04

I received your request for an informal opinion regarding whether you may serve on the selection committee when you serve on the advisory board for one of the proposers.

In your request, you stated that you serve as Director of the Head Start program. In that capacity, you are responsible for the oversight and management of a unit that provides early childhood development services throughout Miami-Dade County. The Division has a sixty million dollar budget and provides services in a variety of sites including contracted agencies and self-operated sites.

The department recently issued an RFP for agencies and individuals to provide early childhood services including education, mental health, nutrition, parent education, social services and health. Services will be provided at various sites.

You are currently serving on the advisory board of an agency that would like to respond to the solicitation and provide early childhood services to the agency. You may be asked to serve on the selection committee.

The Conflict of Interest and Code of Ethics ordinance permits you to serve on the selection committee if the agency is a non-profit entity. Section 2-11.1 (n) prohibits a covered person from taking action when a financial interest is involved. The Ethics

Commission has held that this section does not preclude an employee from serving on a selection committee if the covered person is employed by or serves on the board of a non-profit agency that responds to a solicitation.

However, Section 2-11.1(g)(misuse of official position) and Section 2-11.1(h)(prohibition on use of confidential information) would prohibit you from taking any action or using your position in any way that might benefit the agency of which you serve as a board member. Further, you are prohibited from disclosing any confidential information to the agency during the solicitation and selection process.

Finally, please be advised that although a legal conflict of interest may not exist, the appearance of a conflict of interest may exist if you participate in the selection and oversight process involving an agency of which you are a board member.

Accordingly, the Conflict of Interest and Code of Ethics ordinance permits you to serve as a member of the selection committee. However, you are prohibited from using your official position to benefit the agency or disclosing any confidential information to the agency.

Please call me at 350-0616 or e-mail me at awalker@miamidade.gov if you have any additional questions or need additional information.

INQ
07-04**Walker, Ardyth (COE)**

From: Robinson, Jane (CAA)
Sent: Wednesday, January 10, 2007 5:39 PM
To: Walker, Ardyth (COE)
Subject: RE: Potential Conflict of Interest

I am the Division Director for the Head Start/Early Head Start division. My duties include the oversight and management for a unit that provides early childhood development services in approximately 100 locations including 11 contracted agencies and 50 self-operated sites. I am responsible for the budget of approximately \$60 million, reporting, etc.

Included in the RFP in the request for outside agencies (referred to as delegate agencies) to provide early childhood services including education, and supportive assistance in the areas of mental health, health, nutrition, social services, parent involvement and disabilities. Services are provided throughout the county.

If additional information is needed, please advise. Thanks.

-----Original Message-----

From: Walker, Ardyth (COE)
Sent: Wednesday, January 10, 2007 5:02 PM
To: Robinson, Jane (CAA)
Subject: RE: Potential Conflict of Interest

Can you tell me what your duties are at CAA and what services are included under the RFP?

-----Original Message-----

From: Robinson, Jane (CAA)
Sent: Wednesday, January 10, 2007 4:30 PM
To: Walker, Ardyth (COE)
Cc: Edwards, Julie (CAA)
Subject: Potential Conflict of Interest

The Community Action Agency has issued an RFP for the Head Start Program. I need to determine if a conflict of interest might exist should an agency that I serve on as a member of their advisory committee submit an application through this process. I am not positive if they will submit an application, but I wanted to be clear on this prior to serving as a part of the selection committee. Please advise as soon as possible. Thank you.

Jane W. Robinson