



INQ 08-75

**ETHICS COMMISSIONERS**

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EXECUTIVE DIRECTOR

**MICHAEL P. MURAWSKI**  
ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

May 2, 2008

Honorable Dennis C. Moss  
Miami-Dade County Commissioner, District 9  
Board of County Commissioners  
111 N.W. First Street, Suite 320  
Miami, FL 33128

Dear Commissioner Moss:

I am in receipt of your request for opinion dated April 30, 2008 and I wanted to respond in a timely manner. Please understand that in addition to this letter I can present this matter to the full Ethics Commission at our next regularly-scheduled meeting, currently set for May 29, 2008.

As I understand it, the relevant facts are that you are the Executive Director of the Richmond-Perrine Optimist Club and this agency receives funding from multiple sources, including the Children's Trust. As you describe in your letter, the Board of County Commissioners places no role whatsoever in the funding decisions of the Children's Trust. You also state that the question of continued funding of the Children's Trust must be put before the voters as a ballot question in August 2008 and the Board of County Commissioners has the legal authority to place this item on the ballot. You indicate the Board of County Commissioners does not pass judgment on the performance of the Children's Trust; it simply puts the question on the ballot in order for the votes to decide the fate of the Children's Trust.

In effect, you have two queries for the Ethics Commission: 1) Can you vote on the commission item calling a special election for the purpose of submitting to the voters the question of whether to renew funding for the Children's Trust and 2) Can you vote on any other matters involving the Children's Trust due to the fact that your employer, the Optimist Club, receives grant funding from the Children's Trust.

I consulted with the Ethics Commission's staff general counsel and she and I agree that no voting conflict exists relative to either question. A voting conflict would be created only if a commissioner has a special relationship with a party appearing before the Board of County Commissioners or if a commissioner might, directly or indirectly, profit or be enhanced by the action of the Board of County Commissioners.

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INTO RQO  
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Under my analysis, you have no special relationship with the Children's Trust that would prohibit you from voting on the issue of placing the reauthorization of the Children's Trust before the voters. Furthermore, the decision by the voters to continue funding or cease funding of the Children's Trust does not affect you any differently than the general public. Any benefit to you as the Executive Director of Optimist Club by virtue of continued funding of the Children's Trust is so remote and attenuated it does not ascend to the level of a voting conflict.

Regarding participating in and voting on other Children's Trust issues as a member of the Board of County Commissioners, the key point is that the County Commission has no involvement, oversight or decision-making powers over the grant award processes of the Children's Trust. Given the independence of the Trust to decide which agencies it wishes to fund, there is no provision in the County ethics ordinance that would require you to recuse yourself when such matters concerning the Children's Trust are brought before the Board of County Commissioners.

If you wish to discuss the above, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

Robert Meyers  
Executive Director



# Board of County Commissioners

MIAMI-DADE COUNTY - FLORIDA  
DISTRICT 9

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111 N.W. FIRST STREET, SUITE 320  
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☐ DISTRICT NORTH OFFICE:  
10710 S.W. 211 STREET, SUITE 206  
MIAMI, FLORIDA 33189  
(305) 234-4938  
FAX (305) 232-2892

☐ DISTRICT SOUTH OFFICE:  
1634 N.W. 6<sup>TH</sup> AVENUE  
FLORIDA CITY, FLORIDA 33034  
(305) 245-4420  
FAX (305) 245-5008

DENNIS C. MOSS  
COMMISSIONER

April 30, 2008

Mr. Robert Meyers, Executive Director  
Commission on Ethics & Public Trust  
19 West Flagler Street, Suite 820  
Miami, Florida 33128

Dear Mr. Meyers:

Please be advised that I am requesting an opinion from the Ethics Commission on whether or not I can vote on issues related to the Children's Trust, if my non-profit agency receives funding from the Trust.

### **Background**

As a County Commissioner, I am also the Executive Director of the Richmond-Perrine Optimist Club, a non-profit 501(C) (3) organization. My organization provides a variety of social service programs primarily targeting South Miami-Dade. My agency receives grant funding from the Children's Trust through a competitive process, to provide after school tutoring and physical fitness programs to youth 6-12 years of age who primarily reside in public housing developments throughout South Dade. We also receive funding from the Trust to provide parenting services to parents and families who reside in public housing developments, once again in South Dade.

The process that our agency pursued to acquire the grant funding from the Children's Trust included responding to an open and competitive process where we submitted proposals like dozens of other organizations. The proposals were reviewed by Children's Trust staff and volunteers, and groups were awarded grants based upon that competitive process. The Miami-Dade County Commission has no involvement, oversight or decision making powers over the Trust's grant award process.

An issue came before the county's Economic Development and Housing Committee, which I serve on, that would place the question of continuing the Children's Trust program on a countywide ballot in August (see Attachment A). Out of an abundance of caution, I recused myself from voting on this issue, until I could get an opinion from the Ethics Commission, on whether I would have a conflict of interest. I would note that the ballot question does not ask the County Commission to decide whether the Children's Trust should be continued. If approved by the full Board, it simply puts the question on the ballot so that the citizens of Miami-Dade can vote and decide whether to continue the Children's Trust.

I am therefore requesting an official opinion from the Ethics Commission on whether I would have a conflict if I voted on the commission item (included as Attachment A) involving the Children's Trust. I am further requesting an opinion on whether I would have a conflict if I voted on any other matter involving the Children's Trust, since the county commission plays no role in the evaluation, selection or award of grants made by the Trust.

Thank you for your attention in this matter.

Sincerely,

Dennis C. Moss  
Miami-Dade County Commissioner  
District 9

**(Attachment A)**

**MEMORANDUM**

EDHS  
Agenda Item No. **2(B)**

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

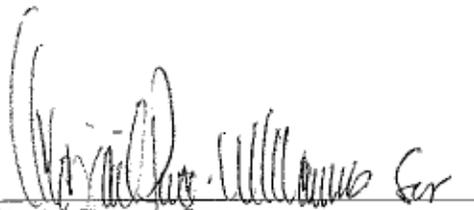
**DATE:** April 16, 2008

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution calling Special  
Election with regard to  
renewing the Children's  
Trust

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The accompanying resolution was prepared and placed on the agenda at the request of Vice-Chairwoman Barbara J. Jordan and Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.  
County Attorney

RAC/bw

Approved _____	Mayor _____	Agenda Item No. _____
Veto _____		5-6-08
Override _____		

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA IN CONJUNCTION WITH A STATEWIDE ELECTION TO BE HELD ON TUESDAY, AUGUST 26, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO RENEW THE CHILDREN'S TRUST, THE INDEPENDENT SPECIAL DISTRICT FOR CHILDREN'S SERVICES, AND CONTINUE TO LEVY AN ANNUAL AD VALOREM TAX NOT TO EXCEED ONE-HALF (1/2) MILL AS REQUIRED BY SECTION 1.01 (A) (11) OF THE HOME RULE CHARTER

**WHEREAS**, the Miami-Dade County Home Rule Charter was amended by the electors of Miami-Dade County on September 10, 2002 to establish the Independent Special District for Children's Services "The Children's Trust" and allow for the levy of an annual ad valorem tax not to exceed one-half (1/2) mill; and

**WHEREAS**, Ordinance 02-247 creates The Children's Trust for the purpose of funding improvements for the children of Miami-Dade County in areas of health, development, safety, parental responsibility, community responsibility and other necessary and important children's services; and

**WHEREAS**, Section 1.01(A)(11) of the Home Rule Charter requires that the electors of Miami-Dade County renew the levy of the annual ad valorem tax in 2008,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

Section 1. A countywide special election, to be held in conjunction with a statewide election, is hereby called and shall be held in Miami-Dade County, Florida on Tuesday August 26, 2008 for the purpose of submitting to the qualified electors of Miami-Dade County the

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws and shall appear on the ballot as a separate question or proposal. Those qualified electors desiring to adopt or approve such proposal shall be instructed to vote "YES." Those qualified electors desiring to reject or disapprove the proposal shall be instructed to vote "NO."

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Manager, the Finance Director, the Supervisor of Elections and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution..

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of general election law and Section 3.07 of the Home Rule Charter.