

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, July 10, 2017 9:45 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 17-168 Rebeca Sosa, Miami-Dade County Commissioner (DIST 6) (Voting Conflict) (Corrected Version)
Attachments: 171689-School Board Representative for Zoning Hearings.pdf

INQ 17-168 Sosa (Corrected Version)

From: Centorino, Joseph (COE)
Sent: Monday, July 10, 2017 9:39 AM
To: Castro, Vivian (DIST6) <Vivian.Castro@miamidade.gov>
Cc: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: INQ 17-168 Rebeca Sosa, Miami-Dade County Commissioner (DIST 6) (Voting Conflict) (Corrected Version)

Ms. Castro:

You have inquired on behalf of Miami-Dade County Commissioner Rebeca Sosa (DIST 6) regarding whether she would have a voting conflict of interest under Section 2-11.1(d) of the County Ethics Code in connection with an upcoming item before the Government Operations Committee of the BCC. The item directs the County Mayor to ask the School Board of Miami-Dade County to send a representative to zoning hearings before the Board of County Commissioners on matters concerning charter school applications. This question is asked in light of Commissioner Sosa's full-time employment with the School Board as a curriculum/program facilitator at the Lindsey Hopkins Technical Education Center.

I have reviewed the attached resolution regarding this item, and it appears to me that it does not affect Commissioner Sosa personally or in connection with her position with the School District in any way. It is well-established in prior opinions we have provided that she is not automatically disqualified from voting based upon her employment because the School District is a government agency. Since there appears to be no reasonable possibility that she would profit or be enhanced by participating on this item when it comes before the Committee or thereafter should it come before the BCC, it is my opinion that Commissioner Sosa may participate and vote on this item as a Miami-Dade County Commissioner.

Sincerely,

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov



From: Castro, Vivian (DIST6)
Sent: Friday, July 07, 2017 3:32 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Aguirre, Betty (DIST6) <Betty.Aguirre@miamidade.gov>; Fernandez, Alejandro J. (DIST6) <ALEJANDRO@miamidade.gov>
Subject: voting conflict opinion on item 171689-School Board Representative for Zoning Hearings.pdf

Good afternoon, Mr. Centorino:

Commissioner Sosa has asked that I send for your review and opinion the attached item to determine whether or not the Commissioner has a conflict of interest that would prohibit her from voting on the item.

The item will be heard on Tuesday, July 11, 2017, at the Government Operations Committee. The resolution directs the County Mayor to ask the School Board of Miami-Dade County to send a representative to zoning hearings before the Board of County Commissioners on matters concerning charter school applications.

Thank you in advance for your time and assistance.

Vivian

Vivian Castro
Legislative Director
Office of Commissioner Rebeca Sosa
District 6 Office: 305-267-6377 1000 SW 57th Avenue, Suite 201, Miami, FL 33144
Downtown Office: 305-375-5696 111 NW 1st Street, Suite 220, Miami, FL 33128
[Twitter](#) | [Facebook](#) | [Website](#) | [Newsletter Sign-up](#)

MEMORANDUM

GOC
Agenda Item No. 2B

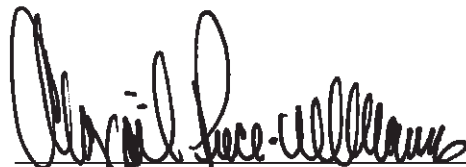
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: July 11, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County
Mayor to request the School
Board of Miami-Dade County to
send a representative for zoning
hearings on Public Charter
Schools before the Board of
County Commissioners

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM
(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: September 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
9-7-17

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO REQUEST THE SCHOOL BOARD OF MIAMI-DADE COUNTY TO SEND A REPRESENTATIVE FOR ZONING HEARINGS ON PUBLIC CHARTER SCHOOLS BEFORE THE BOARD OF COUNTY COMMISSIONERS

WHEREAS, charter schools are educational institutions authorized and maintained in accordance with the provisions of Chapter 1002, Florida Statutes, and are considered public schools, as set forth in section 1002.33(1), Florida Statutes; and

WHEREAS, the School Board of Miami-Dade County (the "School Board") locally authorizes charter schools through site-specific charter contracts; and

WHEREAS, in Resolution No. R-1114-04, this Board approved an interlocal agreement with the School Board establishing a land use approval process for charter schools within the unincorporated area; and

WHEREAS, pursuant to that process, this Board adopted Ordinance No. 04-108, creating Article XI of Chapter 33 of the County Code and setting forth the zoning process for public charter school facilities; and

WHEREAS, the state legislature recently adopted Ch. 2017-116, Laws of Fla., which allows for the colocation of charter schools with libraries, community service organizations, museums, performing arts organizations, theaters, cinemas, churches, colleges and universities under certain circumstances, but charter schools that do not qualify for colocation under those terms will still require a public hearing pursuant to Article XI; and

WHEREAS, pursuant to Section 33-314(C)(13) of the County Code, this Board directly hears all zoning applications regarding public charter school facilities; and

WHEREAS, as part of the zoning review process, the School Board reviews and provides written comments to the Miami-Dade County Department of Regulatory and Economic Resources related to public school concurrency and other school issues; and

WHEREAS, questions regarding the School Board's approval of particular charter schools and regarding public school facilities in the vicinity of proposed charter schools often arise during this Board's zoning hearings on public charter schools; and

WHEREAS, this Board desires to have a School Board representative available to answer questions, just as County professional staff is present during zoning hearings to answer questions regarding their respective disciplines,

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

Section 1. The foregoing recitals are incorporated into this resolution and are approved.

Section 2. This Board directs the County Mayor or the County Mayor's designee to request the School Board of Miami-Dade County to send a representative to attend and be available to answer questions during zoning hearings before the Board of County Commissioners on public charter school applications.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of September, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Lauren E. Morse