

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, September 05, 2017 1:27 PM
To: Sanchez, Rodzandra (COE)
Subject: Rebeca Sosa, Miami-Dade County Commissioner (DIST 6) (Voting Conflict re: 171610 (8B1, 09-07-17 BCC)) INQ 17-223
Attachments: Interlocal Agreement for School Year 2017-18 with Lindsey Hopkins Technical College for Academic Education and Career Technical Education.pdf; INQ 14-206 Sosa.pdf; votingconflictForm8B.pdf

INQ 17-223 Fernandez

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

From: Centorino, Joseph (COE)
Sent: Tuesday, September 05, 2017 11:48 AM
To: Fernandez, Alejandro J. (DIST6) <Alejandro.Fernandez2@miamidade.gov>
Cc: Aguirre, Betty (DIST6) <Betty.Aguirre@miamidade.gov>; Castro, Vivian (DIST6) <Vivian.Castro@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>
Subject: INQ 17-223 Rebeca Sosa, Miami-Dade County Commissioner (DIST 6) (Voting Conflict re: 171610 (8B1, 09-07-17 BCC))

Mr. Fernandez:

You have inquired on behalf of Commissioner Rebeca Sosa, Miami-Dade County Commission (DIST 6) regarding whether she may have a voting conflict of interest in participating and voting on Resolution 171610, which authorizes the Mayor to execute an interlocal agreement with Lindsey Hopkins Technical Education Center for School Year 2017-18 for the provision of academic and career technical education for inmates incarcerated in detention facilities operated by Miami-Dade Corrections and Rehabilitation Department. You have asked for this opinion because of Commissioner Sosa's full-time employment with the Miami-Dade Public Schools at the Lindsey Hopkins Center, as curriculum/program facilitator for services related to the county-wide South Florida Workforce one-stop delivery system.

This contract is similar to previous ones executed between the County and the Center for the same type of services. On August, 29, 2014, in INQ 14-206 (attached), this office provided an opinion to Commissioner Sosa in connection with the execution of interlocal agreements for School Years 2014-2015 and 2015-2016. In that opinion, it was suggested that, although it was not entirely clear how Commissioner Sosa's position at the Center might be affected by the agreements, it was recommended that it would be prudent for Commissioner Sosa to recuse herself from the vote on the agreements due to the fact that the program was targeted for the school where she was employed, and also that Section 2-11.1(d) of the County Ethics Ordinance provides a very strict standard regarding voting conflicts of interest where an elected official "would or might, directly or indirectly, profit or be enhanced by the action of the Board..."

Regarding the item involving this year's interlocal agreement, coming before the BCC on September 7, I would take a similar position. In reviewing the agreement in question, I have noted that it includes, in addition to actual instruction, the provision of "curriculum content and delivery" services. Although Commissioner Sosa herself may not be participating in the actual provision of such services, the fact that they are being provided in an area very close to that in which Commission Sosa participates at the Center has led me to conclude that it would be best for her not to participate in or vote on the issue, and to take the necessary steps to announce the conflict publicly, absent herself from the Commission Chamber and refrain from participating or voting on it when it comes before the BCC, and to file the

necessary State Form 8B (attached) within fifteen (15) days of the vote to comply both with Section 2-11.1(d) of the County Ethics Code, as well as the requirements of Section 112.3143, Florida Statutes.

If you or the Commissioner have any further questions, please let me know.

Sincerely,

Joe Centorino

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
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-----Original Message-----

From: Fernandez, Alejandro J. (DIST6)
Sent: Friday, September 01, 2017 8:25 AM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Aguirre, Betty (DIST6) <Betty.Aguirre@miamidade.gov>; Castro, Vivian (DIST6) <Vivian.Castro@miamidade.gov>
Subject: Conflict of interest opinion on item 171610 (8B1, 09-07-17 BCC)

Good morning, Mr. Centorino:

I hope this email finds you well. On behalf of Commissioner Sosa, I send for your review and opinion the attached resolution to determine whether or not the Commissioner has a conflict of interest that would prohibit her voting on the item.

The item appears on the agenda for the September 7th, 2017 meeting of the Board of County Commissioners. As you will note, the item authorizes the Mayor to execute an interlocal agreement with Lindsey Hopkins (Miami-Dade County Public Schools) for the provision of academic and career-technical education for inmates incarcerated in detention facilities operated by the Miami-Dade Corrections and Rehabilitation Department.

I thank you in advance for your assistance and guidance on this matter.

Sincerely,
Alex J. Fernandez

Alex J. Fernández
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