

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, March 22, 2017 9:12 AM
To: Sanchez, Rodzandra (COE)
Cc: Martinez, Joe A. (DIST11)
Subject: FW: Joe Martinez, Miami-Dade County Commissioner (DIST 11) (Voting Conflict) INQ 17-81

[INQ 17-81 Martinez- corrected for scrivener's error \(change Muscular Dystrophy foundation to Epilepsy Foundation of Florida\)](#)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, March 21, 2017 11:31 AM
To: Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Subject: Joe Martinez, Miami-Dade County Commissioner (DIST 11) (Voting Conflict) INQ 17-81

[INQ 17-81 Martinez](#)

From: Centorino, Joseph (COE)
Sent: Tuesday, March 21, 2017 11:29 AM
To: Martinez, Joe A. (DIST11) <JOEM@miamidade.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>
Subject: INQ 17-81 Joe Martinez, Miami-Dade County Commissioner (DIST 11) (Voting Conflict)

Commissioner Martinez:

This is in response to your recent inquiry concerning your participating and voting on an item funding various County Community-based organizations (CBOs) appearing on the County Commission agenda for today, March 21, 2017. You indicated in our conversation over the weekend that you are a member of the board of directors for the Epilepsy Foundation of Florida, a CBO that is expected to receive funding through the County on the item in question, assuming it were to be adopted.

As a board member of a private entity that may receive funding or otherwise be directly or indirectly affected by board action, you would have a voting conflict of interest on such an item under Section 2-11.1(d) of the County Ethics Code, and you would be required to do the following: 1) Announce publicly prior to the issue being taken up that you have a voting conflict of interest on the item and will need to recuse yourself from voting or participating in the item; 2) Absent yourself from the chamber during the discussion and vote on the item; 3) file state form 8A with the clerk within 15 days of the vote, again disclosing the conflict.

As I indicated to you, during the annual budget process, there have been occasions when a Commissioner having a similar conflict would be able to vote on other CBO appropriations as long as the appropriation involving his or her CBO, i.e., the one creating a voting conflict, was effectively bifurcated from the process, and, therefore, not affected by the vote on other CBOs.

From my discussions with the County Attorney's Office, I have been informed that the item before the Commission on today's agenda is different from a budgetary allocation in that it involves excess funds that are being allocated to certain CBO's who have applied through a competitive process to receive a share of those funds; and that the vote on the item,

if it were to decline to fund those CBOs recommended through that process, could result in the re-allocation of the funds to other CBOs including the one on which you are involved as a board member. Because of this circumstance, it appears that even if the specific allocation to your CBO were to be considered separately from the other CBOs, the vote on the other applicant CBOs could, at least indirectly, affect the funding of the one in which you are involved as a board member. Accordingly, it is my opinion that you should refrain from voting on all CBO funding at today's meeting to avoid the voting conflict of interest.

I am sorry for the confusion over this item, but it was necessary for me to be briefed by the County Attorney's Office to understand the distinction between this issue and a voting conflict issue coming up during the budgetary process. If you have any further questions about this, please let me know.

Sincerely,

Joe Centorino

Joseph M. Centorino

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