

Ethics (COE)

ENQ 06-115

From: Ethics (COE)
Sent: Wednesday, August 09, 2006 2:51 PM
To: Martinez, Rafael (DHS)
Subject: RE: request for opinion - Youth Crime Task Force membership

Dear Mr. Martinez,

I conferred with the Ethics Commission's legal counsel and she and I agree that a conflict of interest is not created if representatives from agencies who sit on the Youth Crime Task Force receiving County funding through the Youth Crime Task Force also participate in committee discussions and other general sessions dedicated to issues surrounding potential program areas to be funded and program implementation. As I understand it, the purpose of these discussions is to identify the best course of action to fulfill YCTF's mission, and once these areas are identified, a separate process is commenced to seek proposals through competitive bidding.

My only concern is where you state that members may be advocating for programs that their agencies provide. I do not feel this is an actual conflict, unless these individuals benefit directly from the funding, but the perception of a conflict or bias is created if one of these members is attempting to influence the service areas to be funded by virtue of the fact they happen to be employed within that area.

I am aware of no reason prohibiting the Youth Crime Task Force from making a determination that any agency currently receiving County funds through the Task Force should not be represented on the Task Force. From my perspective, such a rule goes beyond the standard of conduct required by County board members as defined in the county's Conflict of Interest and Code of Ethics Ordinance. As far as perceived conflicts go, our office does not issue opinion whether conduct creates the appearance of a conflict - we determine whether contemplated conduct creates a real/actual conflict.

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

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

From: Martinez, Rafael (DHS)
Sent: Monday, August 07, 2006 2:52 PM
To: Ethics (COE)
Cc: Marshall, John (DHS)
Subject: request for opinion - Youth Crime Task Force membership

This is a request for an opinion from the Commission on Ethics and Public Trust regarding membership on a county board (i.e., Youth Crime Task Force - YCTF) and currently active board members who are recipient of funds from the County through said board (i.e., YCTF)

Background

The Miami Dade County Youth Crime Task Force (YCTF) was established as an official board of the Miami Dade County Commission pursuant to Ordinance 02-131. The YCTF was authorized to serve in an advisory capacity to the Board of County Commissioners and to other private or public agencies regarding youth crime, youth weapons violence, and youth crime prevention. The YCTF currently operates on a \$3 million annual budget and is responsible for funding an array of community-based organizations (CBOs) that deliver services to juvenile offenders.

The composition of the Task Force consists of appointment of members by virtue of their position (e.g., Mayor of the Miami Dade County, two Miami Dade County Commissioners, Chief of the

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City of Miami Police, etc.) as well as “up to eleven members who work for or serve on the board of directors of an organization that work with youth and/or crime prevention”. These members are recommended by the County Manager and appointed by the Board of County Commissioners.

The Task Force has previously invited Director Robert Meyers to address issues of conflict of interest and it was made clear that members may not vote on issues that involve funding which could directly result in personal financial gains.

However, the Task Force faces a more general and basic issue that involves participation in discussions that involve potential programming and implementation of programs to reduce youth crime throughout Miami Dade County. Such discussions are carried out either through standing YCTF Committees (e.g., Model Programs, Juvenile Justice, etc.) or during the quarterly meetings held throughout the year.

Unavoidably, the members representing the 11 agencies participate in these discussions, either at the committee or general session levels. Frequently, these members present and advocate for programs that directly relate to the type of services they currently provide for youths and their families. *These program areas eventually become funded by the Youth Crime Task Force through its funding mechanism and YCTF members who advocated and voted for these funding areas apply and receive funding through a competitive bid process.*

With concerns for the potential conflict of interest – real or perceived – an ad hoc committee was formed to review the membership criteria for the 11 members that represent organizations that work with youth or crime prevention. A recommendation of this ad hoc committee was that any person that will serve in the Youth Crime Task Force as a representative of the 11 appointed agencies should not currently be receiving program funds from the Task Force or be allowed to apply for program funds should these become available. Should the agency decide to apply for funds, a resignation from the Task Force will be expected in a timely fashion.

Our question is: Is it permissible for the Youth Crime Task Force to make the determination that if an agency is currently receiving County funds through the YCTF, a representative from such agency should not be allowed to be Task Force member due to a potential (real or perceived) conflict of interest?

Rafael Martinez, Ed.D.

Director

Miami-Dade County Youth Crime Task Force

Department of Human Services

SUNSHINE LAW AND PUBLIC RECORDS CAUTION: 1) The Florida Government in the Sunshine Law prohibits discussion outside a duly noticed meeting between any two or more Youth Crime Task Force members regarding any matter that may come before the Task Force. This prohibition extends to discussions via e-mail. 2) Furthermore, most e-mail communications made or received by the Youth Crime Task Force members or staff are considered public records that must be retained and, upon request, made available to the public and media.