

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, February 12, 2018 1:17 PM
To: Sanchez, Rodzandra (COE)
Subject: Imran Ali, Chief of Staff, Miami-Dade County Children's Trust (Voting Conflicts) INQ 18-40

INQ 18-40 Ali

From: Imran Ali [mailto:imran@thechildrenstrust.org]
Sent: Friday, February 09, 2018 5:35 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Graves, Shanika (CAO) <Shanika.Graves@miamidade.gov>; Kobrinski, Leigh (CAO) <Leigh@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: Re: INQ 18-40 Imran Ali, Chief of Staff, Miami-Dade County Children's Trust (Voting Conflicts)

Thank you Joe. Appreciate you taking the time to do this. Have a good weekend.

Imran Ali
Chief Of Staff

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On Feb 9, 2018, at 5:25 PM, Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov> wrote:

Mr. Ali:

This will confirm our recent conversation regarding whether certain members of the Miami-Dade County Children's Trust Board would have a voting conflict of interest in participating and voting on a resolution at an upcoming board meeting. The resolution in question would have the Trust Board voting

to authorize the submission of a partnership proposal in response to the Thirty Million Words (TMW) Community-Wide Demonstration Project Request for Partnership, whereby the Children’s Trust would serve as the “anchor organization” to bring partners together and commit matching funds in support of the program. You inquired concerning whether those members of the Trust Board who were affiliated with potential recipient organizations eligible for the funding that would come from this partnership should refrain from voting on the resolution due to that affiliation. Your legal advisers from the County Attorney’s Office have recommended that those members refrain from voting on the issue.

It is understood that this particular vote would not by itself guarantee or deliver any funding to those organizations, and that such funding would be subject to further action by the board to designate recipients of the funds. In addition, there are other organizations not currently represented on the board that would be eligible for the funding.

While I have not had the opportunity to study the issue in depth, I did offer that there is no clear voting conflict that exists under the Section 2-11.1(v) of the County Code, applicable to advisory or quasi – judicial boards, or under the voting conflict provision in the Trust by-laws, as well as the State of Florida Code of Ethics in Chapter 112, Florida Statutes, also applicable to the Trust. The reason for this is that there is no direct effect on the board member, a requirement under the latter provisions. However, Section 2-11.1(v), would not apply to the Trust board, since it is not an advisory board or quasi-judicial board but rather a separately-classified semi-autonomous body. The voting conflict provision in Section 2-11.1(d) of the County Ethics Code, applicable to the Board of County Commissioners is much stricter, and application of its provisions to this issue would likely result in a finding of a voting conflict in this situation because of the connection between board members and their organizations, as well as the reasonable possibility of profit or enhancement of the board members involved. However, this provision is not made explicitly applicable to the Children’s Trust board. As a semi-autonomous board, it is unclear under the County Code which of these standards or whether some other standard for voting conflicts should apply to the Trust.

A provision that does clearly apply to the Trust Board members is Section III (D) of the Trust’s Conflict of Interest and Code of Ethics Policy, titled “Appearance of Impropriety.” That section provides that, “At all times, board members and staff will act in such a manner so as to avoid the appearance of impropriety.” This high ethical standard goes beyond the standard of ethics to which public servants are generally held, and is higher than any ethical standard applicable to the County Commission. It is intended to guard against damaging public trust in an institution based not on a legal conflict of interest, but on any action that might reasonably appear to be a conflict or other ethical problem. It is my understanding that, in addition to those stakeholders represented on the Trust Board who may benefit from this program, there are other potential stakeholders in the community that could receive funding, but that are not represented on the board. All of these potential recipients would be positioned to compete for the funding before the board when and if the time comes for it to make funding decisions under the program. I see a potential that the involvement of some of potential recipients at this initial stage, while others are excluded, could raise issues about the fairness of the process that will ensue during implementation of the program. While this is not a definitive opinion at this point, it is my recommendation that the safest route at this point would be for those members representing potential recipients of the program funds to refrain from voting on this resolution.

Joseph M. Centorino

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