



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Honorable Rebeca Sosa
District 6 Commissioner

FROM: Jose Arrojo, Executive Director
Commission on Ethics

SUBJECT: INQ 19-102, Voting Conflict – Purchase of Environmentally Sensitive Lands from Miami-Dade Public Schools, Section 2-11.1(d)

DATE: October 15, 2019

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts:

You have advised that Agenda Items 3F and 3G will be heard before the Infrastructure & Capital Improvements Committee on Wednesday, October 16, 2019. You inquire whether you would have a voting conflict of interest under Section 2-11.1(d) of the Miami-Dade Ethics Code, in voting or otherwise participating in the discussion of the items.

The items consist of two resolutions approving the purchase of two parcels of environmentally sensitive lands totaling approximately 37 acres. The seller of the land is Miami-Dade County Public Schools. The proposed purchase is through the County Environmentally Endangered Lands (EEL) Program. The lands are identified as endangered pine rocklands.

The parcels are located within Commission District 9, which is represented by Commissioner Dennis Moss.

Discussion:

You are employed as a Curriculum/Program Facilitator at Lindsey Hopkins Technical Center, an adult educational facility located in Allapattah, which is part of Miami-Dade County Public Schools (MDCPS).

In the past, the Commission on Ethics has opined that your employment with MDCPS does not create an automatic voting or participation conflict for you on BCC items affecting that government agency. The issue of a voting conflict on such matters is more narrowly described as whether you might, directly or indirectly, profit or be enhanced by the item in question. Our review of the two agenda items did not present any likelihood that you would, personally or professionally, be affected in any way by the item.

More specifically, your position with the public schools at an adult educational facility in Allapattah would not be affected by the adoption of these resolutions which seek to approve the purchase of two parcels of environmentally sensitive lands from Miami-Dade County Public Schools. Moreover, the parcels are located within Commission District 9, which is represented by Commissioner Dennis Moss.

While MDCPS may benefit from the sale of the lands, any possible or potential benefit to you personally or professionally, is at best, very remote and it cannot be said that you would profit or be enhanced personally in any way in the event this resolution is passed.

Opinion:

Under the details provided to me concerning the proposal to approve the purchase of two parcels of environmentally sensitive lands from Miami-Dade County Public Schools through the County Environmentally Endangered Lands (EEL) Program, I do not believe that you will profit or be enhanced, and therefore, I do not believe that you are prohibited under Section 2-11.1(d) from participating or voting on this item.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.