



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST


19 West Flagler Street, Suite 820 · Miami, Florida 33130

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Website: ethics.miamidade.gov

MEMORANDUM

TO: Honorable Rebeca Sosa
District 6 Commissioner

FROM: Jose J. Arrojo, Executive Director
Commission on Ethics 

SUBJECT: INQ 19-104, Voting Conflict, Resolutions Supporting Miami-Dade County
Public Schools Legislative Priorities, Section 2-11.1(d)

DATE: October 21, 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 two Resolutions of the Board of County Commissioners (BCC) supporting the 2020 State Legislative Priorities of the Miami-Dade County Public Schools (MDCPS) will be considered at an upcoming meeting of the BCC. The resolutions support several MDCPS legislative priorities including: an increase to base student allocation; a modification to the district cost differential to reflect higher local costs borne by MDCPS for teacher salaries, property insurance, health insurance, housing and transportation; and amending the Marjory Stoneman Douglas Safety Act to expand the allowable options and pool of candidates that can serve as school safety security officers at public schools.

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 item.

Discussion: You are employed as a Curriculum/Program Facilitator at Lindsey Hopkins Technical Center (LHTC) which is part of Miami-Dade County Public Schools (M-DCPS).

LHTC provides training to adult students in various career technical programs. The school also offers adult general education, which allows students to obtain their GED diploma.

The post-secondary career technical education programs are offered in the areas of construction & apprenticeship, transportation, commercial foods & culinary arts, childcare, personal services and health occupations.

Additionally, you advise that you have adult children that are employed with MDCPS.

MDCPS is the fourth largest school district in the nation and employs over 40,000 persons.

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 proposed resolution did not present any likelihood that you would, personally or professionally, be affected in any way by the item. (See INQ 19-18)

More specifically, your position with the public schools as an adult education curriculum professional would not be affected by the adoption of this resolution which seeks to support school district-wide initiatives.

You have additionally advised that you have adult children that are employed by MDCPS. As regards your adult children, again the issue of a voting conflict is narrowly described as whether some special benefit might flow from your vote to a close family member.

Likewise, our review of the proposed resolution did not present any likelihood that some special benefit might come to your adult children who are employed as two of 40,000 other school district employees.

Opinion: Under the details provided to me concerning Resolutions of the Board of County Commissioners supporting the 2020 State Legislative Priorities of the Miami-Dade County Public Schools, I do not believe that you will profit or be enhanced nor will special benefit come to your adult children employed by the school district 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.

Arrojo, Jose (COE)

From: Fernandez, Alejandro J. (DIST6)
Sent: Monday, October 21, 2019 4:21 PM
To: Arrojo, Jose (COE)
Cc: Aguirre, Betty (DIST6); Castro, Vivian (DIST6)
Subject: FW: Conflict of Interest Opinion for Resolution Supporting 2020 Legislative Priorities of MDCPS
Attachments: Sosa-2020 MDPS Legislative Agenda.docx; Sosa- Cost Differential.docx

Hi Mr. Arrojo,

Thank you for taking my call. As discussed, I am resending the two draft resolutions for your review. We will appreciate your opinion prior to moving forward...

Thanks again,
Alex

ALEX J. FERNÁNDEZ
Senior Communications Aide & Legislative Assistant
Commissioner Rebeca Sosa, District 6
Miami-Dade County
111 NW 1st Street, Suite 220
Miami, Florida 33128
305.375.5696
alejandro@miamidade.gov

From: Fernandez, Alejandro J. (DIST6)
Sent: Wednesday, September 25, 2019 4:34 PM
To: Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>
Cc: Aguirre, Betty (DIST6) <Betty.Aguirre@miamidade.gov>; Castro, Vivian (DIST6) <Vivian.Castro@miamidade.gov>
Subject: Conflict of Interest Opinion for Resolution Supporting 2020 Legislative Priorities of MDCPS

Mr. Arrojo:

I write to you on behalf of Commissioner Sosa. Our office kindly requests your opinion as to whether or not a conflict would exist with the sponsorship of the attached item. As you will note, the draft resolution expresses support for the five state legislative priorities adopted by the Miami-Dade County School Board for the 2020 legislative session. Your opinion on this matter will be greatly appreciated.

Thank you,
Alex

ALEX J. FERNÁNDEZ
Senior Communications Aide & Legislative Assistant
Commissioner Rebeca Sosa, District 6
Miami-Dade County
111 NW 1st Street, Suite 220
Miami, Florida 33128

305.375.5696

alejandro@miamidade.gov

Approved _____ Mayor

Agenda Item No.

Veto _____

3-5-19

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT LEGISLATION ADDRESSING THE DISTRICT COST
DIFFERENTIAL AS RELATED TO THE FUNDING OF MIAMI-
DADE COUNTY PUBLIC SCHOOLS

WHEREAS, the quality and viability of public education is a necessary component for the economic well-being and development of a community and region; and

WHEREAS, Miami-Dade County desires to continue to attract high quality educators despite the high cost of living in South Florida; and

WHEREAS, the Legislature allocates public funding to Florida's school districts through the Florida Education Finance Program; and

WHEREAS, the Florida Education Finance Program includes the payment of teacher salaries; and

WHEREAS, the district cost differential which is used in determining the allocation to school districts from the Florida Education Finance Program should be determined in a fair and equitable manner, accurately taking into account cost differences integral to educational institutions' operations such as the cost of living of various communities, health insurance for employees, and property insurance per full time equivalent; and

WHEREAS, this Board desires that the district cost differential should be determined in such a way to recognize the unique economic challenges of the County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact legislation to address the district cost differential as related to the funding of Miami-Dade County Public Schools.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislative action set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebecca Sosa. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this ____ day of _____, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. _____

Melanie J. Spencer

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION SUPPORTING THE 2020 STATE LEGISLATIVE
PRIORITIES OF THE MIAMI-DADE COUNTY PUBLIC
SCHOOLS

WHEREAS, Despite Florida's economic challenges during the last several years, Miami-Dade County Public Schools (the "District") has delivered compelling, nationally recognized student achievement gains; and

WHEREAS, the District has achieved an "A" rating for two consecutive years; and

WHEREAS, the District is the 4th largest school district in the United States, comprised of 392 schools, 345,000 students, and over 40,000 employees; and

WHEREAS, on September 4, 2019, the Miami-Dade County School Board (the "School Board") adopted a legislative platform (the "Platform") that reflects its legislative priorities for the 2020 Legislative Session; and

WHEREAS, said legislative priorities were identified by the School Board and District Staff, as well as interested citizens, PTA/PTSA groups, employee groups, administrators, and other community stakeholders; and

WHEREAS, the Platform requests that the Florida Legislature:

- (1) increase the Base Student Allocation by five percent;
 - (2) modify the District Cost Differential so that it takes into account cost differences integral to educational institutions' operations reflecting such costs as average teacher salaries, health insurance for employees, property insurance per full time equivalent, housing and transportation costs per full time equivalent;
 - (3) extend the authorization of the locally-voted levy for operating purposes from four years to ten years;
 - (4) fund select student programs beyond the 1.0 full time equivalent or 25 hours a week, such as dual enrollment or virtual classes outside the traditional school day and year;
- and

- (5) Amend the Marjory Stoneman Douglas Safety Act to expand the allowable options and the pool of candidates that can serve as school safety security officers at public schools,

WHEREAS, this Board supports the District's Platform, as the requested actions are a necessary investment in the education, safety and security of Miami-Dade County Public Schools' students,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Approves the foregoing recitals, which are incorporated herein by reference.

Section 2. Supports the 2020 state legislative priorities of the Miami-Dade County Public Schools, consisting of the following:

- (1) increase the Base Student Allocation by five percent;
- (2) modify the District Cost Differential so that it takes into account cost differences integral to educational institutions' operations reflecting such costs as average teacher salaries, health insurance for employees, property insurance per full time equivalent, housing and transportation costs per full time equivalent;
- (3) extend the authorization of the locally-voted levy for operating purposes from four years to ten years;
- (4) fund select student programs beyond the 1.0 full time equivalent or 25 hours a week, such as dual enrollment or virtual classes outside the traditional school day and year;
and
- (5) Amend the Marjory Stoneman Douglas Safety Act to expand the allowable options and the pool of candidates that can serve as school safety security officers at public schools.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Senate President, House Speaker, and the Chair and the Members of the Miami-Dade County State Legislative Delegation.

Section 4. Directs the County's state lobbyists to advocate for the legislative action set forth in Section 2 above and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this _____ day of _____, 20____. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. _____
Melanie Spencer