



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST


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

Phone: (305) 579-2594 · Facsimile: (305) 579-0273

Website: ethics.miamidade.gov

MEMORANDUM

TO: Honorable Rebeca Sosa
District 6 Commissioner and Vice Chair

FROM: Jose Arrojo, Executive Director 
Commission on Ethics

SUBJECT: INQ 19-121, Voting Conflict – Partnering with Miami-Dade Public Schools to Include Student Band Performances at All County Parks, Section 2-11.1(d)

DATE: November 18, 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 Item No. 192351 is scheduled to be heard before the Board of County Commissioners (BCC) on Tuesday, November 19, 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 item.

The item consists of a resolution directing the County Mayor or his designee to expand *Noches Tropicales* from Tropical Park to all County parks and to partner with Miami-Dade County Public Schools to include student band performances.

Discussion:

You are employed as a Curriculum/Program Facilitator at Lindsey Hopkins Technical Center, an adult educational facility, 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.

The Ethics Commission previously issued INQ 19-90 wherein I concluded that under the details provided concerning the proposal to reinstate musical events at Tropical Park and to include MDCPS student band performances, I did not believe that you would profit or be enhanced, and therefore, I did not believe that you were prohibited under Section 2-11.1(d) from participating or voting on that item.

Our review of Item No. 192351 likewise 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 would not be affected by the adoption of this resolution which seeks to expand reinstated musical events at Tropical Park to all County parks and to coordinate with MDCPS to include student band performances. Nor would you profit or be enhanced personally in any way in the event this resolution is passed.

Opinion:

Under the details provided to me concerning this proposal to expand reinstated musical events at a single County park to all County Parks and to include MDCPS student band performances, 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.