



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 19-72, Voting Conflict, Section 2-11.1.(d), Approval of Interlocal Agreement between County and School Board for County Inspector General Services,

DATE: July 9, 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 an item relating to a program of the School Board of Miami-Dade County (M-DCPS) will be heard before the Board of County Commissioners (BCC) as Legislative Item No. 191473, Agenda Item 11A5. 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 approving Amendment No. 4 to the Interlocal Agreement (Agreement) between M-DCPS and Miami-Dade County for the provision of inspector general services through the Office of the Miami-Dade Inspector General (OIG). The OIG has been serving as the contract inspector general pursuant to prior Agreements since 2007; this would be the fourth renewal for a three-year term ending in 2022

Pursuant to the Agreement, the OIG would have authority to conduct independent audits and investigations into M-DCPS practices and operations in order to prevent and detect fraud, waste, financial mismanagement, or other abuses.

Discussion:

You are employed as a Curriculum/Program Facilitator at Lindsey Hopkins Technical Center (LHTC), an adult educational facility, which is part of 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.

In the past, the Commission on Ethics has opined that your employment with M-DCPS 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 above described item did not present any likelihood that you would, personally or professionally, be affected in any way by the item.

While the OIG would be authorized to conduct investigations relating to M-DCPS practices and programs, and possibly the activities of the LHTC where you are employed, you would not directly or indirectly profit or be enhanced by the item in question. You would stand in the shoes of any of the other tens of thousands of school district employees whose work or programs might be reviewed by the OIG in its contract IG role and there is no unique impact to you as a school district employee that is distinct from any other employee.

Moreover, the OIG is an independent agency that would not report or be controlled by M-DCPS staff or elected officials.

More specifically, your position with the public schools at an adult educational facility would not be affected by the approval of this Agreement that seeks to extend for an additional three-year term the provision of inspector general services through the Office of the Miami-Dade Inspector General (OIG) for M-DCPS.

Opinion:

Under the details provided to me concerning this item consisting of a resolution approving Amendment No. 4 to the Interlocal Agreement between M-DCPS and Miami-Dade County for the provision of inspector general services through the OIG, 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.