

Sanchez, Rodzandra (COE)

From: Anderson, Machell (COE)
Sent: Tuesday, July 09, 2019 4:01 PM
To: Fernandez, Alejandro J. (DIST6)
Cc: Arrojo, Jose (COE); Murawski, Michael P. (COE); Diaz-Greco, Gilma M. (COE); Turay, Radia (COE); Perez, Martha D. (COE); Sanchez, Rodzandra (COE)
Subject: INQ 19-73, Honorable Rebeca Sosa, District 6 Commissioner, (Voting Conflict, Section 2-11. (d), M-DCPS Agreement Teaching Incarcerated Youths in County Corrections Facilities)
Attachments: INQ 19-73 SosaCountyM-DCPSAgreementTeachingIncarceratedYouths.pdf

Sent on behalf of Jose J. Arrojo, Executive Director, Miami-Dade Commission on Ethics and Public Trust

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

Machell Anderson
Executive Assistant
Miami-Dade Commission on Ethics and Public Trust
19 West Flagler Street, Suite 820
Miami, FL 33130
Machell.Anderson@miamidade.gov
Tel: (305) 350-0616
Fax: (305) 579-0273



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

FROM: Jose Arrojo, Executive Director
Commission on Ethics

SUBJECT: INQ 19-73, Voting Conflict, Section 2-11.1(d), Resolution Authorizing Agreements between School District and County for the Provision of Educational Services for Incarcerated Youths in County Corrections Facilities

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. 19189. 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 Affiliating Agreements (Agreements) between M-DCPS and Miami-Dade County relating to the provision of educational services for youths under the age of 18, in school grades 6 through 12, that are incarcerated in County correctional facilities.

These types of Agreements have been in place for over twenty-five years. Under the terms of the Agreements, the County identifies the correctional facilities where youths are incarcerated and M-DCPS provides instructors, required materials and equipment and provides secondary school education. Again, these arrangements date back to 1983.

Discussion:

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

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 above described item 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 ratify Agreements for the provision of educational services for youths under the age of 18, in school grades 6 through 12, that are incarcerated in County correctional facilities.

Opinion:

Under the details provided to me concerning these Agreements between the School Board of Miami-Dade County and Miami-Dade County for the provision of educational services for youths under the age of 18, in school grades 6 through 12, that are incarcerated in County correctional facilities, 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.

