




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 19-90, Voting Conflict – Partnering with Miami-Dade Public Schools to Include Student Band Performances at Tropical Park, Section 2-11.1(d)

DATE: October 2, 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. 192168 is scheduled to be heard before the Board of County Commissioners (BCC) on Thursday, October 3, 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 reinstate *Noches Tropicales* at Tropical Park 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. Our review of Item No. 192168 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 reinstate musical events at a County park outside of your district 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 reinstate musical events at a County park 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.

Arrojo, Jose (COE)

From: Fernandez, Alejandro J. (DIST6)
Sent: Monday, September 30, 2019 11:06 AM
To: Arrojo, Jose (COE)
Cc: Aguirre, Betty (DIST6); Castro, Vivian (DIST6)
Subject: Conflict of Interest Opinion for item 192168
Attachments: 192168.pdf

Good morning, Mr. Arrojo:

I hope this email finds you well. I write to you on behalf of Commissioner Sosa. We would appreciate your opinion as to whether or not a conflict would exist with her vote on the attached item on the agenda for this Thursday's meeting of the Board of County Commissioners. As you will note, the item directs the Mayor to coordinate with the Miami-Dade County Public School Board on the reinstatement of Noches Tropicales.

I thank you in advance for your guidance.

Regards,
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

MEMORANDUM

Agenda Item No. 11(A)(18)

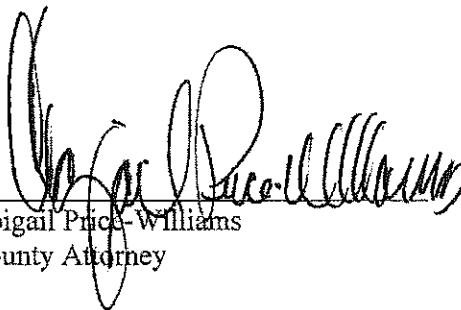
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 3, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to reinstitute the Noches Tropicales concert program at Tropical Park by coordinating with the Miami-Dade County Public School Board to include school band performances and seeking sponsorship of the reinstated concert program

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.


Abigail Price-Williams
County Attorney

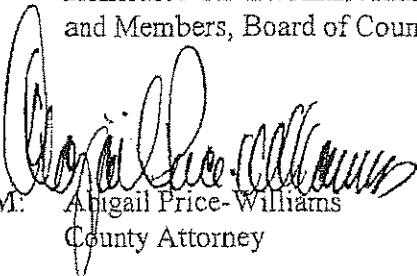
APW/lmp



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 3, 2019

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No.11(A)(18)

Please note any items checked.

- _____ "3-Day Rule" for committees applicable if raised
- _____ 6 weeks required between first reading and public hearing
- _____ 4 weeks notification to municipal officials required prior to public hearing
- _____ Decreases revenues or increases expenditures without balancing budget
- _____ Budget required
- _____ Statement of fiscal impact required
- _____ Statement of social equity required
- _____ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- _____ No committee review
- _____ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- _____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(18)
10-3-19

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO REINSTITUTE THE NOCHES TROPICALES CONCERT PROGRAM AT TROPICAL PARK BY COORDINATING WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOL BOARD TO INCLUDE SCHOOL BAND PERFORMANCES AND BY SEEKING SPONSORSHIP OF THE REINSTITUTED CONCERT PROGRAM

WHEREAS, the Noches Tropicales concert series ran for 11 years at Tropical Park; and

WHEREAS, Noches Tropicales showcased a variety of evening concerts including Cuban contemporary music, Argentinian tango, and Brazilian jazz, among others; and

WHEREAS, over 45,000 patrons attended Noches Tropicales over the years; and

WHEREAS, Noches Tropicales typically showcased professional performers; and

WHEREAS, funding constraints, including the lack of sponsorship, led to the cancellation of the Noches Tropicales concert series in 2018; and

WHEREAS, there are many talented school performers and bands at the many public schools within the County; and

WHEREAS, having the school performers and bands play for the patrons of Noches Tropicales would provide invaluable experience for the students while at the same time these performances could be performed without significant funding; and

WHEREAS, there may be sponsors in the community who would be able to contribute to Noches Tropicales in order that the school bands performing would receive a donation to defray the cost of musical supplies or support other education opportunities such as band field trips; and

WHEREAS, this Board desires that the Noches Tropicales concert series to be reconstituted,

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

Section 1. The foregoing recitals are approved and incorporated as if fully set forth herein.

Section 2. This Board directs the County Mayor or County Mayor's designee to reconstitute the Noches Tropicales concert series at Tropical Park by coordinating with the Miami-Dade Public School Board to include school band performances.

Section 3. This Board directs the County Mayor or County Mayor's designee to seek sponsorship of the Noches Tropicales concert series in order to allow for a donation to participating schools.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. 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 3rd day of October, 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.

MJS

Melanie J. Spencer

