




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 19-92, Voting Conflict – Resolution Authorizing Use of Schools as Hurricane Shelters, 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. 192301 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 retroactively authorizing the Mayor or his designate to execute an agreement between the County and Miami-Dade County Public Schools for the use of public schools as emergency hurricane shelters.

Discussion:

You are employed as a Curriculum/Program Facilitator at Lindsey Hopkins Technical Center, an adult educational facility located in Allapattah, 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. 192301 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 secure MDCPS facilities for use as emergency hurricane shelters. It cannot be said that you would 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 retroactively authorize the Mayor or his designate to execute an agreement between the County and Miami-Dade County Public Schools for the use of public schools as emergency hurricane shelters, 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: Wednesday, October 2, 2019 11:17 AM
To: Arrojo, Jose (COE)
Cc: Aguirre, Betty (DIST6); Castro, Vivian (DIST6)
Subject: Conflict of Interest Opinion for Project ESTEEL (items 192299 & 192301)
Attachments: 192299.pdf; 192301.pdf

Good morning, Mr. Arrojo:

I write to you on behalf of Vice Chairwoman Rebeca Sosa regarding legistar items 192299 & 192301 which appear on the agenda for tomorrow's Board of County Commissioners meeting. I apologize for requesting this opinion at such short notice, however, it has just been brought to our attention that ESTEEL has partnered with Miami-Dade County Public Schools (as a result of its existing Adult/Technical Educational Program) to help meet the training needs of ESTEEL's prospective new hires.

In anticipation of the consideration of these two items at tomorrow's BCC, we would appreciate your opinion as to whether or not a voting conflict would exist. For your convenience, it have attached the two items to this email. As always we appreciate your assistance.

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

MEMORANDUM

Agenda Item No. 8(E)(1)

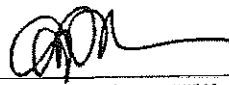
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners


DATE: October 3, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution retroactively approving a hurricane shelter agreement between Miami-Dade County and the School Board of Miami-Dade County; authorizing the County Mayor to execute such agreement, execute any necessary amendments to the agreement under certain circumstances, and to exercise any cancellation provision contained therein

The accompanying resolution was prepared by the Fire Rescue Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney 

APW/lmp

Memorandum



Date: October 3, 2019

To: Honorable Chairwoman Audrey M. Edmonson
And Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Hurricane Shelter Agreement between Miami-Dade County and The School Board of Miami-Dade County, Florida Public Schools

Recommendation

It is recommended that the Board approve the attached resolution retroactively authorizing the County Mayor or County Mayor's designee to execute an agreement between Miami-Dade County and the School Board of Miami-Dade County, Florida (School Board) for the use of public schools as hurricane shelters. The term of the agreement is for ten years, commencing on June 1, 2019, and ending November 30, 2029.

Scope

This agreement will provide countywide services.

Delegation of Authority

The County Mayor or County Mayor's designee is authorized to enter into and execute the Hurricane Shelter Agreement with The School Board of Miami-Dade County, Florida Public Schools, in substantially the form attached to the resolution.

The resolution further delegates to the County Mayor or County Mayor's designee the authority to amend and to execute any amendments to the agreement approved by the County Attorney's office as to form and legal sufficiency which are necessary to facilitate the use of public schools as hurricane shelters, and to exercise the cancellation provisions contained therein.

Fiscal Impact/Funding Source

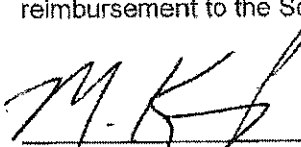
This agreement does not require a funding source to execute as the School Board shall seek reimbursement from the Federal Emergency Management Agency's (FEMA) Public Assistance Program for expenditures for food and wages incurred by the School Board for hurricane shelter activations. As in the past, the County does agree to reimburse the School Board for hurricane shelter expenditures not covered by FEMA.

Track Record/Monitor

This agreement shall be monitored by the Department of Emergency Management.

Background

The agreement replaces a verbal understanding and defines, in writing, the County's ability to utilize school facilities pursuant to the Miami-Dade County Comprehensive Emergency Management Plan. Furthermore, the agreement outlines the responsibilities of the County and the School Board; extent of use of school facilities by the County; triggers for requesting and utilizing school facilities and when necessary, reimbursement to the School Board.

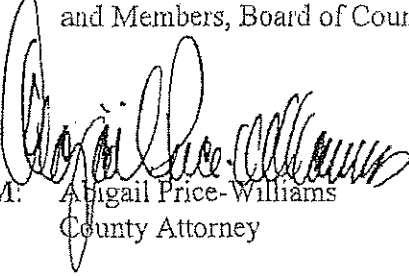

Maurice L. Kemp
Deputy Mayor



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. 8(E)(1)

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

