

Sanchez, Rodzandra (COE)

From: Arrojo, Jose (COE)
Sent: Friday, February 15, 2019 2:28 PM
To: Fernandez, Alejandro J. (DIST6)
Cc: Castro, Vivian (DIST6); Murawski, Michael P. (COE); Perez, Martha D. (COE); Turay, Radia (COE); Diaz-Greco, Gilma M. (COE); Sanchez, Rodzandra (COE)
Subject: Voting Conflict Opinion, INQ 19-18, Voting Conflict

Hello Mr. Fernandez:

I have reviewed the proposed BCC resolution in support of the school district's 2019 legislative priorities and do not believe that Commissioner Sosa has a voting conflict. Attached is our opinion, numbered INQ 19-18.

As always, please convey my thanks to Commissioner Sosa for continuing to engage with the Miami-Dade Commission on Ethics and Public Trust.

Best regards,

Jose



Jose J. Arrojo

Executive Director
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Jose.Arrojo@miamidade.gov
Tel: (305) 579-2594
Fax: (305) 579-0273
<http://ethics.miamidade.gov/>





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 19-18, Voting Conflict – Resolution Supporting Miami-Dade
County Public Schools Legislative Priorities, Section 2-11.1(d)

DATE: February 15, 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 a Resolution of the Board of County Commissioners (BCC) supporting the 2019 State Legislative Priorities of the Miami-Dade County Public Schools (MDCPS) will be considered in at an upcoming meeting of the BCC. The resolution supports several MDCPS legislative priorities including: an increase to base student allocation; funding for additional School Resource Police Officers; extending the locally voted levy for operating purposes; and a modification to the district cost differential to reflect higher local costs borne by MDCPS for teacher salaries, property insurance, health insurance, housing and transportation.

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.

Discussion: You are employed as a Curriculum/Program Facilitator at Lindsey Hopkins Technical Center (LHTC) 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. Additionally, you advise that you have two adult children that are employed with MDCPS.

MDCPS is the fourth largest school district in the nation and employs over 40,000 persons.

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 the proposed resolution 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 as an adult education curriculum professional would not be affected by the adoption of this resolution which seeks to support school district-wide initiatives.

As regards your two adult children employed by MDCPS, again the issue of a voting conflict is narrowly described as whether some special benefit might flow from your vote to a close family member.

Again, our review of the proposed resolution did not present any likelihood that some special benefit might come to your adult children who are employed as two of 40,000 other school district employees.

Opinion: Under the details provided to me concerning a Resolution of the Board of County Commissioners supporting the 2019 State Legislative Priorities of the Miami-Dade County Public Schools, I do not believe that you will profit or be enhanced nor will special benefit come to your two adult children employed by the school district 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.