



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 19-29, Voting Conflict – Joint Use Agreement (JUA) between Miami-Dade County (County) and Miami-Dade County Public Schools (MDCPS), Section 2-11.1(d)

DATE: March 11, 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. 190014 relating to a Joint Use Agreement (JUA) between the County and MDCPS is being considered by the Board of County Commissioners (BCC). 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 JUA to provide for community recreational and educational needs through the shared use of the County's and MDCPS's park and school properties. There has been an agreement regarding the joint use of the respective parties' properties dating back almost six decades. The JUA provides for continued joint use for forty (40) more years and has renewal provisions. It provides for a more streamlined management and review process giving the Mayor or his designee and the Superintendent specific authority.

None of the County or MDCPS properties are in your District. The Lindsey Hopkins Technical Center is not an impacted school property.

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.

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. 190014 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 JUA resolution which seeks to provide for community recreational and educational needs through the shared use of the County's and MDCPS's park and school properties. Nor would you profit or be enhanced personally in any way in the event this resolution is passed.

Additionally, none of the impacted sites are in your district and your home work site, the Lindsey Hopkins Technical Center, is likewise not covered by the JUA.

Opinion: Under the details provided to me concerning this Joint Use Agreement between the County and MDCPS providing for joint use of the respective parties' park and school properties, 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.