

Arrojo, Jose (COE)

To: Fernandez, Alejandro J. (DIST6)
Cc: Aguirre, Betty (DIST6); Castro, Vivian (DIST6)
Subject: RE: Conflict of Interest Opinion for item 190675
Attachments: INQ 19-30,Voting Conflict-LandSaleProceedsTransferMDCPS, Section 2-11.1(d).docx

Dear Mr. Fernandez:

Kindly thank Vice Chairwoman Rebeca Sosa for seeking the Ethics Commission's guidance regarding a potential voting conflict pursuant to Section 2-11.1(d) of the Ethics Code.

We have reviewed the upcoming agenda item relating to a complicated multi-party land sale and the resulting transfer of funds from the State to the School Board to be used to purchase land currently leased for the Young Woman's Preparatory Academy.

Our opinion, INQ 19-30, is attached.

We do not believe that the Vice Chairwoman has a voting conflict.

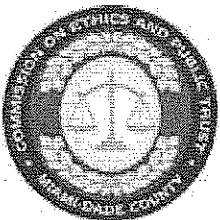
Thank you again.

Best regards,

Jose

Jose J. Arrojo

Executive Director
Miami-Dade Commission on Ethics and Public Trust
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Miami, FL 33130
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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 19-30, Voting Conflict – Allocation of funding from the “Section 16 Land Sale” to the Miami-Dade County School Board, Section 2-11.1(d)

DATE: March 18, 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 Item 190675 relating to the allocation of funding from the “Section 16 Land Sale” to the Miami-Dade County School Board 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 arises out of a complicated land transaction involving the State of Florida (State), Miami- Dade County (County), the Miami-Dade County School Board (Board), the South Florida Water Management District (SFWMD) and a private entity, CEMEX Construction Materials Florida, LLC (CEMEX).

The various land parcels at issue are in western Miami-Dade County. As part of the Section 16 Land sale, the County will own lands formerly held as a lease holder and CEMEX will make a payment to the State in the amount of \$100,000.00 that will then be transferred from the State to the Board for use to fund the purchase of property it currently leases for the Young Woman’s Preparatory Academy (Academy). The Academy is a school that serves primarily lower-income minority students.

None of the land parcels 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. 190675 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 grant ownership of lands to the County formerly held as a lease holder and the transfer of funds from the State to the Board for use to fund the purchase of property it currently leases for the Young Woman's Preparatory Academy (Academy) that serves primarily lower-income minority students. 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 located in western Miami-Dade County, Florida.

Opinion: Under the details provided to me concerning this item relating to the allocation of funding from the "Section 16 Land Sale" to the Miami-Dade County School Board, 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: Thursday, March 14, 2019 5:02 PM
To: Arrojo, Jose (COE)
Cc: Aguirre, Betty (DIST6); Castro, Vivian (DIST6)
Subject: Conflict of Interest Opinion for item 190675
Attachments: 190675.pdf

Importance: High

Good afternoon, Mr. Arrojo:

I hope this email finds you well. I write to you on behalf of Vice Chairwoman Rebeca Sosa regarding legistar item number 190675 which appears as item 11A12 on Tuesday's agenda of the Board of County Commissioners. This item urges the Florida Legislature to allocate funding to the Miami-Dade County School Board. In advance of Tuesday's meeting, we would appreciate your opinion as to whether or not a voting conflict would exist. For your convenience, I have attached the item to this email.

Many thanks in advance for your assistance with this matter.

Sincerely,
Alex J. Fernandez

ALEX J. FERNÁNDEZ
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alejandro@miamidade.gov

MEMORANDUM

Agenda Item No. 11(A)(12)

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

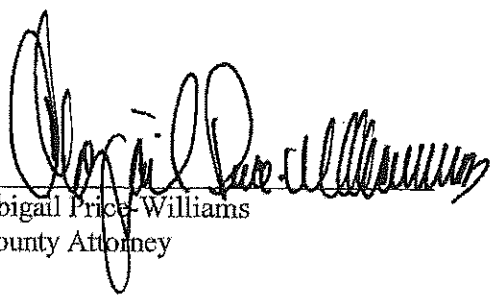
DATE: March 19, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to allocate funding
from the Section 16 Land Sale to
the Miami-Dade County School
Board as outlined in House Bill
3057, or other similar legislation

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor
Commissioner Jose "Pepe" Diaz.

APW/lmp


Abigail Price-Williams
County Attorney

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(12)
3-19-19

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ALLOCATE FUNDING FROM THE SECTION 16 LAND SALE
TO THE MIAMI-DADE COUNTY SCHOOL BOARD AS
OUTLINED IN HOUSE BILL 3057 OR SIMILAR
LEGISLATION

WHEREAS, Miami-Dade County (the "County"), the South Florida Water Management District (the "SFWMD"), Miami-Dade County Public School Board (the "School Board"), the Florida Department of Education, and CEMEX Construction Materials Florida, LLC ("CEMEX") negotiated an agreement (the "Section 16 Land Sale") that was approved by this Board on October 3, 2017 through Resolution No. R-908-17; and

WHEREAS, the County holds a long-term lease with the State of Florida (the "State") for certain lands in western Miami-Dade County, which comprise "M.E. Thompson Park" and which the County uses "for public park and public recreational and educational purposes" in accordance with its lease; and

WHEREAS, under that lease, the State reserved unto itself the right to drill for "petroleum and petroleum products or minerals," and after the State approached the County with an interest in exercising its rights under the foregoing reservation of mineral rights, the County and State negotiated the Section 16 Land Sale, which also involved the School Board, CEMEX, and the SFWMD; and

WHEREAS, under the Section 16 Land Sale, a series of transactions will occur that, once completed, would result in (1) the County owning (rather than leasing) a significant portion of M.E. Thompson Park, along with an option to purchase the remainder of the park once CEMEX

WHEREAS, this Board seeks to have the goals of Resolution No. R-908-17 realized by the State allocating the funds from the sale of the M.E. Thompson Park property to the School Board as intended,

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

Section 1. Urges the Florida Legislature to allocate funding from the Section 16 Land Sale to the Miami-Dade County School Board as outlined in House Bill 3057 or similar legislation.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Representative Bryan Avila, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the appropriation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2019 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. 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	