



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Vivianne Bohorques, COO  
The Children's Trust

**FROM:** Loressa Felix, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 2020-109, Voting Conflict, §2-11.1(d)

**DATE:** October 16, 2020

**CC:** All COE Legal Staff

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Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible voting conflicts of interest by The Children's Trust board members on Resolution 2021-17 - Early Childhood Development.

Background:

The Children's Trust Board (TCT) is an independent special district established by Miami-Dade County in Art. CIII, Sections 2-1521 through 2-1531 of the Miami-Dade County Code (TCT ordinance).

You have advised that Resolution 2021-17, recommending, "[a]uthorization to execute a data collaboration and sharing agreement with the University of Miami as part of the Miami-Dade Integrating Data for Effectiveness Across Systems (IDEAS) Consortium for Children to collaborate and share data through an early childhood services (birth through age 8) Integrated Data System (IDS) in order to identify and address children's school readiness needs; improve services and resources needed to meet the needs of children; achieve continuous improvement across programs; and make informed public policy decisions in Miami Dade County," will be considered at an upcoming meeting of TCT board.

You inquire on behalf of several TCT board members regarding whether they would have a voting conflict of interest under Section 2-11.1(d) of the County Ethics Code or TCT Conflict of Interest and Code of Ethics Policy/Bylaws, in voting or otherwise participating in Resolution 2021-17. You make this inquiry in light of the partnership formed between the members' entities (including TCT) and the Miami IDEAS Consortium (IDEAS)<sup>1</sup>:

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<sup>1</sup> Miami IDEAS Consortium for Children was organized by the University of Miami and four leading systems that impact early learning outcomes: Miami-Dade County Public Schools, The Early Learning Coalition of Miami-

- 1) Pamela Hollingsworth is the Senior Vice-President of Strategic Initiatives and Program Development at Early Learning Coalition (ELC).<sup>2</sup> The ELC is a member of IDEAS. The ELC is not receiving funding through this Resolution.
- 2) Magaly Abrahante is an employee of Miami-Dade County Public Schools (M-DCPS), the largest school district in Florida with over 40,000 employees. M-DCPS' Office of Early Learning is a member of IDEAS.<sup>3</sup> M-DCPS is not receiving funding through this Resolution.
- 3) Tiombe Bisa Kendrick-Dunn is employed by M-DCPS as a school psychologist and is the Chairperson for Professional Growth & Development at M-DCPS.
- 4) Dr. Dorothy Bendross-Mindingall is a M-DCPS Board member.
- 5) Barbara Jordan is the Miami-Dade County Commissioner for District 1. Miami-Dade County's Head Start/Early Head Start Program is a member of IDEAS.<sup>4</sup> Miami-Dade County is not receiving funding through this Resolution.
- 6) Sandra West is the President of the Miami-Dade County PTA-PTSA and is an employee of Miami-Dade County Public Schools (M-DCPS).

Discussion:

This office may consider and opine on whether a TCT board member has a conflict of interest, pursuant to the County Ethics Code, affecting his or her vote or participation in a funding allocation from TCT. *See* RQO 19-06

TCT's Conflict of Interest and Code of Ethics Policy states, inter alia, that a board member shall not vote on any matter presented to the CT Board if the member will receive a direct financial benefit from the board action. TCT's Bylaws also provides that, "Board members will act in such a manner to avoid the appearance of impropriety. No member shall serve as a staff member of any agency when The Children's Trust provides more than fifty (50) percent of the agency's budget, and The Children's Trust's funds may pay no portion of a Board member's salary."

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Dade/Monroe Counties, The Children's Trust, and the Miami-Dade County Head Start/Early Head Start Program. Collectively, these agencies provide early childhood services to more than 80 percent of young children residing in the County prior to kindergarten. The IDEAS partnership provides a virtual common space to achieve data sharing targeted to consensus goals. <https://ideas.psy.miami.edu/>

<sup>2</sup> The ELC is a not-for-profit organization dedicated to ensuring high quality early care and education for children in Florida counties, including Miami-Dade County (and Monroe) through a variety of affordable educational programs.

<sup>3</sup> The Early Learning Office is responsible for the supervision of early childhood programs and various family support programs.

<sup>4</sup> MDC's Early Head Start Program, provided through MDC's CAHS, provides services to the County's low-income children and families; it partners with UM's Dept. of Psychology for the provision and coordination of services.



There are no facts indicating that any of the board members will be receiving a direct financial benefit from the board action, therefore, a conflict analysis under TCT rules is not applicable.

The Ethics Code at Section 2-11.1(d), establishes a voting conflict if:

- 1) The board member has an enumerated relationship (officer, director, partner, of counsel, consultant, employee, fiduciary, etc.) with any entity affected by the vote;
  - 2) The board member has an enumerated relationship with an entity affected and the matter would affect him or her in a manner distinct in which it would affect the public generally; and,
  - 3) The board member might, directly or indirectly, profit or be enhanced by the board action.<sup>5</sup>  
*See* RQO 15-04.
- 1) An automatic voting conflict arises when the board member has a prohibited relationship with the entity *affected* by the Resolution:

Unlike the usual factual pattern where a board member is employed or serves in the entity seeking the funding, in this instance, TCT board members are either employees, officers or members of governmental entities and/or non-profit entities which, along with TCT, form a partnership with UM's IDEAS Consortium- the recipient and beneficiary of the agreement.

Although the board members have enumerated relationships with IDEAS' government and non-profit partners which stand to benefit from the continuous agreement to provide data collaboration and sharing, there is no unique impact which would create a voting conflict for those members who are employees or officers of government entities. *See* Memorandum to RQO 19-04. Likewise, there is no funding being provided to the non-profit entities of which several members hold official positions.

It is noted that, none of the board members work for Vendor UM and none comprise IDEAS' Steering Committee.

- 2) None of the board members referenced herein would be affected by this vote in a matter distinct from the public generally:

In this partnership, TCT, ELC, M-DCPS and Miami-Dade County will benefit in the in the agreement by way of their contribution to the overall purpose of the consortium to "create a formal research partnership among early childhood educational providers and the school

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<sup>5</sup> This section of the County Ethics Code applies to the Mayor and members of the Board of County Commissioners (BCC); however, by implication, members of The Children's Trust board may be included for purpose of analysis because, as an independent special district, the role and authority of TCT members mimics the role of the BCC, as ultimate decision-makers of contracts allocating funds such as the ones described herein.

district [and]... build a research-practice partnership to improve coordinated early childhood research, practice, and policy..."

- 3) Finally, there are no facts indicating that any of the board members referenced herein might profit or be enhanced by the board action authorizing the data collaboration and sharing agreement:

TCT is not providing funding to any of the members' governmental or non-profit entities. Any possible indirect benefit to any of the board members, as employees or members of IDEAS' partners, is too remote to create a voting conflict.

To hold that the board members, by virtue of their employment or membership with partnering entities in IDEAS might profit or be enhanced, directly or indirectly, by the renewal of a data collaboration and sharing agreement would result in the dissolution of IDEAS.

Opinion:

Under the details provided concerning this Resolution of TCT authorizing a data collaboration and sharing agreement with IDEAS, it does not appear that any of the board members referenced herein will profit or be enhanced by this vote nor will a special benefit come to any of them in their capacities as employees, officers or members of governmental/ non-profit entities which partner with the vendor for the provision of services under a consortium relationship.

Also, based on the purpose and goal of IDEAS and the participation objectives of the non-profit organization and governmental entities involved, the members' voting and participation would not raise the perception of an appearance of impropriety in this Resolution.

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.