



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Honorable Rebeca Sosa  
Vice Chair and District 6 Commissioner

**FROM:** Martha D. Perez, General Counsel  
Commission on Ethics

**SUBJECT:** INQ 2020-110, Voting Conflict – Section 2-11.1(d)  
Resolution urging the School Board of Miami Dade County to incentivize  
influenza vaccinations, in support of Miami-Dade County’s ongoing response  
to the COVID-19 pandemic

**DATE:** October 19, 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 the following proposed transaction.

Facts: You have advised that a Resolution of the Board of County Commissioners (BCC) directing the County Mayor or his Designee to incentivize influenza vaccinations and urging the Legislature, Governor DeSantis and the Florida Department of Health to take measures to ensure sufficient countywide supply of influenza vaccines for the 2020-2021 season and further urging the Miami-Dade County School Board to assist and support the County’s ongoing response to the COVID-19 pandemic, will be considered in at an upcoming meeting of the BCC.

The resolution would allow the County Mayor or County Mayor’s designee to take necessary measures to incentivize influenza vaccinations and urge the Legislature, Governor DeSantis, the Florida Department of Health and the Miami-Dade County School Board to also take measures to incentivize influenza vaccinations at a time when the coronavirus disease (COVID-19) pandemic is expected to continue throughout the coming winter months.

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.

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 finds that your position with the public schools as an adult education curriculum professional does not present any likelihood that you would, personally or professionally, be affected in any way by the item.

Opinion: Under the details provided herein concerning a Resolution of the Board of County Commissioners (BCC) directing the County Mayor or his Designee to incentivize influenza vaccinations and urging the Florida Legislature, Governor and Department of Health to take measures to ensure sufficient countywide supply of influenza vaccines for the 2020-2021 season and further urging the Miami-Dade County School Board to assist and support the County's ongoing response to the COVID-19 pandemic, you are not prohibited from participating or voting on this item pursuant to Section 2-11.1(d) of the County Ethics Code.

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.

<p>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.</p>
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