



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Honorable Rebeca Sosa
Vice Chair and District 6 Commissioner

FROM: Jose Arrojo, Executive Director
Commission on Ethics

SUBJECT: INQ 20- (pending), Voting Conflict – Section 2-11.1(d)
Resolution Authorizing Continued Access to Miami-Dade County Public
Schools Dairy Product Purchase Contract,

DATE: April 20, 2020

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) authorizing various county departments, primarily Miami-Dade County Corrections and Rehabilitation, to exercise additional contract authority under ITB-18-048-HR, relating to Miami-Dade County Public Schools (MDCPS) Milk and Dairy Products, will be considered in an upcoming meeting of the BCC.

The resolution would allow the County to continue to purchase milk and dairy products under the MDCPS contract. Again, the majority of the milk and dairy products would be used to feed inmates in the care and custody of Miami-Dade County Corrections.

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 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 authorizing various county departments, primarily Miami-Dade County Corrections and Rehabilitation, to exercise additional contract authority under ITB-18-048-HR, relating to Miami-Dade County Public Schools (MDCPS) Milk and Dairy Products, by accessing that MDCPS contract.

As regards your adult children employed by MDCPS, 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 you or any 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 authorizing various county departments, primarily Miami-Dade County Corrections and Rehabilitation, to exercise additional contract authority under ITB-18-048-HR, relating to Miami-Dade County Public Schools (MDCPS) Milk and Dairy Products, I do not believe that you will profit or be enhanced nor will special benefit come to your 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.