


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 2021-105, Interlocal Agreement or Compact with Miami-Dade County Public Schools, Section 2-11.1(d), Voting Conflicts, County Ethics Code

DATE: July 16, 2021

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transactions.

Facts:

You have advised that item 11(A)(5) is on the agenda for the July 20, 2021 meeting of the Board of County Commissioners (BCC). The item is a Resolution that directs the County Mayor to provide the Board with a written report on the feasibility of negotiating a renewed interlocal cooperation agreement or education compact with Miami-Dade County Public Schools (MDCPS). The agreement or compact would institutionalize collaborative partnerships between the County and MDCPS in a wide variety of areas including but not limited to call center operations, grant applications, facilities and land usage, transportation, and training.

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 this item.

Discussion:

You are employed as a Curriculum/Program Facilitator at Lindsey Hopkins Technical Center, an adult educational facility located in Allapattah, which is part of MDCPS.

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 Agenda Item 11(A)(5) 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 a curriculum/program facilitator at an adult educational facility would not be affected by the adoption of the Resolution that direct the Mayor to prepare and deliver a written report on the feasibility of negotiating a renewed interlocal cooperation agreement or education compact with Miami-Dade County Public Schools (MDCPS).

While MDCPS may in the future benefit as a result of a renewed interlocal agreement or education compact, any possible or potential benefit to you personally or professionally, is at best, at this time, very remote and speculative. It cannot be said that you would profit or be enhanced personally in any way in the event this resolution is passed.

Opinion:

Under the details provided to me concerning the Resolution directing the Mayor to provide the Board with a written report on the feasibility of negotiating a renewed interlocal cooperation agreement or education compact with MDCPS, 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 the item.

This opinion is limited to the facts as presented 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.