


MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Juana Leon, Administrative Services Manager
The Children's Trust

FROM: Jose J. Arrojo, Executive Director
Commission on Ethics 

SUBJECT: INQ 2021-79

DATE: May 5, 2021

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding a possible voting conflict of interest by The Children's Trust (TCT) board members on a Resolution authorizing staff to negotiate and execute contract renewals with eight current providers as part of the Children's Trust Family Strengthening initiative (TCTFS).

Background:

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 the following Resolution of TCT will be considered and voted upon at the May 6, 2021, meeting of TCT board:

“Authorization to negotiate and execute contract renewals with eight providers, identified herein, for Family Strengthening services, in a total amount not to exceed \$3,796,514.00, for a term of 14 months, commencing August 1, 2021, and ending September 30, 2022, with one remaining 12-month renewal, subject to annual funding appropriations.”

TCTFS initiative is a cross-cutting funding approach that focuses on families with children and youth experiencing challenges such as disruptive child behavior, tumultuous parent-child relationships, youth violence, and parent mental health and/or substance abuse issues. The evidence-based, individualized parenting and clinical intervention services are

accessible in community and home environments to support families. There is coordination to accept referrals from several key community initiatives with similar aims.

Clinical intervention services are implemented individually in homes and other therapeutic and virtual settings with families and their children ages 2 to 18. Programs conduct a comprehensive needs assessment to develop a treatment plan with each family. Families receive therapeutic services, such as psychoeducation, parenting consultation, behavioral health, and family therapy, to improve parent-child relationships while reducing parent stress and child disruptive behavior. A few programs enhance their models with natural helper supports that encourage treatment engagement and follow-through on needed behavioral health, substance abuse, and other parenting services. Programs may propose to adjust services for some participants using telehealth and other technology to be responsive to their participant needs.

Voting Members:

In your April 22, 2021 communication, you specifically inquire on behalf of TCT board members listed below 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-B. You make this inquiry in light of the members' relationships with various entities that will receive funding or may be impacted through this Resolution:

- **Tiombe Bisa Kendrick-Dunn** works for Miami-Dade County Public Schools (M-DCPS).
- **Magaly Abrahante** works for Miami-Dade County Public Schools (M-DCPS).
- **Richard Dunn** works for Miami-Dade County Public Schools (M-DCPS).

M-DCPS is a partner and does not provide any direct services, just in-kind space, and promotion of parent Club, thus no direct relationship with the 3 board members associated with M-DCPS. M-DCPS does not receive any funding.

- **Daniel Bagner** works for Florida International University (FIU). Dan Bagner's department is one of the funded agencies that is contracted to provide Parent Club activities.
- **Constance Collins**, is president and executive director of the Sundari Foundation a public charity, best known as Lotus House Women's Shelter.
- **Gilda Ferradaz**, Dept. Children and Families, represents DCF on the TFC advisory board.

Analysis and Opinion

The Ethics Commission 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."

There are no facts indicating that any of the board members will be receiving a direct financial benefit from 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.

See RQO15-04.

As stated above, an automatic voting conflict arises when the board member has an enumerated relationship with the entity affected by the Resolution.

TCT board members Magaly Abrahante, Tiombe Bisa Kendrick-Dunn, and Richard Dunn are employees or officers of M-DCPS. M-DCPS is not receiving funding through this Resolution. Rather, as is stated above, MDCPS is a partner and does not provide any direct services, just in-kind space, and promotion of parent Club. As such, as regards this Resolution so there is no unique impact which would create a voting conflict as neither of the three school board employees or officials will be affected by this vote in a matter distinct from the public generally.

TCT board member Dan Bagner is employed by FIU and you advise that his department is one of the funded agencies that is contracted to provide Parent Club activities. As is noted above, an automatic voting conflict arises when a voting member has an enumerated

relationship with an entity that will be affected by the Resolution. In this instance, Dr. Bagner is employed by FIU in a department that is contracted to provide Parent Club activities and thus will receive funding under the TCTFS. Consequently, because Dr. Bagner is employed by an entity affected by the allocation of funding under the Resolution, he is barred from participating and voting on the matter. *See* RQO 19-044, and INQ 2021-58.

TCT board member Constance Collins is the President and Executive Director of The Sundari Foundation, Inc., a Florida non-profit corporation (Sundari). Sundari will be providing parent child interaction therapy and trauma focused cognitive behavioral therapy under the TCTFS. An automatic voting conflict arises when a voting member has an enumerated relationship with an entity that will be affected by the Resolution and in this instance, Ms. Collins is employed by Sundari, an entity that will receive funding under the TCTFS. Consequently, because she is employed by an entity affected by the allocation of funding under the Resolution, she is barred from participating and voting on the matter. *See* RQO 19-044, and INQ 2021-

You identify TCT board member Gilda Ferradaz, employed by the Dept. Children and Families, and representing DCF on the Together for Children (TFC) advisory board, as someone that may be affected by the Resolution. Ms. Ferradaz is a TCT board member and an employee of governmental entity that along with TCT, forms a community coalition named Together for Children.

TCTFS may be part of the TFC strategy, to address the root causes of youth violence by strengthening families and empowering and protecting youth with necessary prevention and intervention services. However, from the information provided, TFC is not receiving any funding through this Resolution. It also does not oversee or administer the TCTFS program.

Although these TCT board members may also serve as board members of TFC, which may generally benefit from the funding of TCTFS initiative, there is no unique impact which would create a voting conflict for these members who are employees of government entities which, along with TCT, form the community coalition – Together for Children. *See* Memorandum to RQO 19-04; and INQ 20-46.¹

¹ This opinion is distinguishable from INQ 20-62, where we opined that TCT members that served on The Children’s Trust Book Club Advisory Community (CAC)may not vote on that Resolution. In that case, CAC was to receive direct payment from Miami-Dade Family Learning Partnership, Inc., one of the recipient entities of the funding, for content development services for the content guide that they created. In this case, Together for Children receives no funding through this Resolution.

This opinion is limited to the facts as you presented them to the COE 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.