



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

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

FROM: Loressa Felix, Staff Attorney
Commission on Ethics and Public Trust

SUBJECT: INQ 2022-144, Voting Conflict, §2-11.1(d), County Ethics Code

DATE: October 14, 2022

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible voting conflicts of interest by a The Children's Trust board member on Resolution 2023-10.

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 2023-10, recommending, “[a]uthorization to renew a funder collaboration contract with The Miami Foundation, as the fiscal agent for Miami Connected, in a total amount not to exceed \$150,000.00 for a term of 12 months, commencing retroactively on October 1, 2022, and ending September 30, 2023,” will be considered at an upcoming meeting of TCT board.

Miami Connected collaborates with schools and engages community-based organizations (CBOs) to support outreach to families and provide technical assistance to ensure full adoption of internet service opportunities. The initiative is also involved in various community engagement and advertising activities to raise awareness and continuously optimizes the internet service registration process.

Miami Connected offers no or low-cost broadband internet to families and students across Miami-Dade County. Families are eligible if someone in their household participates in government assistance programs, such as SNAP or WIC, has a student who receives a Pell Grant or attends a Title I school, or has a household income of up to 200% of the Federal Poverty Level.

The initiative provides digital navigation services or hands-on support for families navigating online resources, including educational opportunities, health resources, employment opportunities, and other social services. Miami Connected also provides digital literacy programming to support families in increasing their ability to leverage technology in their daily lives. The initiative has provided this digital navigation and digital literacy services to 3,025 families through instructor-led sessions via Zoom, online and self-guided learning through the Northstar Digital Literacy platform.

You inquire on behalf of TCT board member Pamela Hollingsworth, regarding whether she 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 2023-10.

Pamela Hollingsworth is Sr. Vice President for Strategic Partnerships and Program Development for the Early Learning Coalition of Miami-Dade/Monroe (ELC). The ELC is partnering with the Miami Foundation to spread awareness to families of children who receive School Readiness funding and preschool teachers about free and reduced internet access. The ELC will be acting as an implementation partner for the goals of the initiative but receives no TCT funding.

Discussion:

This office may consider and opine on whether a TCT board member has a conflict of interest 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 TCT 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 Ms. Hollingsworth will be receiving a direct financial benefit from board action, therefore, a conflict analysis under TCT rules is not applicable.

TCT is also bound by the Ethics Code. *See* RQO 19-06. 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.¹
See RQO 15-04.

An automatic voting conflict arises when the board member has a prohibited relationship with the entity *affected* by the Resolution.

In this instance, Ms. Hollingsworth works for the ELC, an implementation partner for the Resolution's initiative, but receives no funding from the TCT. She is not employed by nor has an enumerated relationship with any entity *affected* by this Resolution. *See INQ 2021-38 and INQ 2021-74.* Therefore, no voting conflict arises under this principle.

It also does not appear that Ms. Hollingsworth will receive a special benefit by virtue of her relationship with the ELC. Therefore, there is no unique impact which would create a voting conflict as the board member would not be affected by this vote in a matter distinct from the public generally. *See INQ 21-86 and INQ 22-77.*

Opinion:

Based on the information provided herein, it does not appear that TCT Board Member Hollingsworth has a voting conflict. She does not have an enumerated relationship with any entity receiving funds from this Resolution. She will not profit (directly or indirectly) or be enhanced by this vote, nor will she receive a special benefit in her professional capacity. Further, her vote and participation with regard to this Resolution would not raise the perception of an appearance of impropriety.

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.

¹ 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.