
From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, September 23, 2014 11:14 AM
To: Sanchez, Rodzandra (COE)
Subject: Commissioner Esteban Bovo, BCC (Voting Conflict) INQ 14-222

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From: Centorino, Joseph (COE)
Sent: Thursday, September 18, 2014 6:30 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Sanchez, Gerald (CAO)
Subject: INQ - Commissioner Esteban Bovo, BCC (Voting Conflict)

Assistant County Attorney Gerald Sanchez inquired on behalf of County Commissioner Esteban Bovo regarding whether Commissioner Bovo would have a prohibited conflict of interest that would prevent him from voting on the County Budget, where Commissioner Bovo has outside employment as a consultant to Miami Children's Hospital which has been included as a provider under the County's AvMed health plan. It is estimated that out of approximately \$360 million in claims paid out through AvMed, that Miami Children's Hospital has been paid approximately \$5 million. In becoming a provider under AvMed, Miami Children's Hospital may have a contractual arrangement with AvMed but not directly with the County. The County does have a contractual relationship with AvMed but the County plays no role in whether Miami Children's Hospital is a named provider. It is understood that Commissioner Bovo's consulting relationship with Miami Children's Hospital is wholly unrelated to the hospital's arrangement with AvMed or to any issue coming before the Commission in considering the budget.

Under Section 2-11.1(d) of the Miami-Dade Conflict of Interest and Code of Ethics, there would be a voting conflict for a voting member who is a consultant of an entity directly or indirectly affected by an action of the BCC, only if that member would be affected by the issue in question "in a manner distinct from the manner in which it would affect the public generally." In this instance, it does not appear that Commissioner Bovo's consultant relationship with Miami Children's Hospital would be affected one way or the other by the hospital's arrangement with AvMed.

Additionally, there would be voting conflict if Commissioner Bovo "would or might, directly or indirectly, profit or be enhanced by the action of the Board..." There is no foreseeable way in which Commissioner Bovo's consulting relationship or personal interests would be affected by his voting on the budget under the above-mentioned circumstances. Further, the possible benefit to Miami Children's Hospital (approximately \$5 million) is a relatively insignificant amount in the overall \$6.2 billion dollar budget.

Under all of the above conditions and circumstances, it is my opinion that Commissioner Bovo does not have a voting conflict regarding the overall County budget and may vote and participate in action concerning the budget. Obviously, in the event that an issue should be considered by the BCC that would directly affect Commissioner Bovo's consulting relationship with Miami Children's Hospital or somehow stand to personally benefit or enhance the Commissioner, there could be a possible voting conflict and further guidance should be sought.

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