

**OFFICIAL MEETING MINUTES
OF THE
PALM BEACH COUNTY COMMISSION ON ETHICS
PALM BEACH COUNTY, FLORIDA**

DECEMBER 6, 2012

**WEDNESDAY
1:33 P.M.**

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

Manuel Farach, Esq., Chair - Absent
Robin N. Fiore, Ph.D., Vice Chair
Patricia L. Archer
Daniel T. Galo, Esq.
Ronald E. Harbison, CPA – Arrived later

STAFF:

Mark E. Bannon, Commission on Ethics (COE) Senior Investigator
Alan S. Johnson, Esq., COE Executive Director
Gina A. Levesque, COE Executive Assistant
James A. Poag, COE Investigator
Megan C. Rogers, Esq., COE Staff Counsel

ADMINISTRATIVE STAFF:

Julie Burns, Deputy Clerk, Clerk & Comptroller's Office

III. INTRODUCTORY REMARKS

Commission on Ethics (COE) Executive Director Alan Johnson stated that a quorum was present.

Commissioner Robin Fiore requested that cell phones be turned off.

III. – CONTINUED

Mr. Johnson said that an executive session would take place from 1:45 p.m. to 3:15 p.m., and that the COE would be back in session at approximately 3:30 p.m.

IV. APPROVAL OF MINUTES FROM NOVEMBER 1, 2012

Commissioner Patricia Archer said that page 6, the last sentence of the paragraph that began, Mr. Johnson said that, contained a possible typographical error.

Commissioner Fiore clarified that it should read: would allow it, period; and that the words, do so, should be eliminated.

Mr. Johnson noted that the correction was on page 5 of the minutes, and page 6 of the agenda.

Commissioner Fiore said that:

- The second to last paragraph on page 15 of the minutes, page 16 of the agenda, should be a question that read: Commissioner Fiore asked whether the situation should be analyzed.
- The last sentence in the first paragraph on page 17 of the minutes, page 18 of the agenda, contained the extra word, to. It should read: and that would be a matter of fact.

MOTION to approve the November 1, 2012, minutes as amended. Motion by Patricia Archer, seconded by Daniel Galo, and carried 3-0. Manuel Farach and Ronald Harbison absent.

RECESS

At 1:37 p.m., the vice chair declared the meeting recessed for an executive session.

RECONVENE

At 3:34 p.m., the meeting reconvened with Commissioners Archer, Fiore, and Harbison present.

V. EXECUTIVE SESSIONS

Commissioner Fiore requested that Commissioner Harbison read the three public reports. Commissioner Harbison stated that they would be read in numerical order.

V.c. C12-011

Commissioner Harbison read the public report finding no probable cause and final order of dismissal as follows:

Complainant, Judith Just, filed the above-referenced complaint on September 17, 2012, alleging a possible ethics violation involving Respondent, Wes Blackman, Chairman of the Lake Worth Historical Resources Preservation Board.

The Complaint alleges that Chairman Blackman failed to register as a lobbyist prior to lobbying City of Lake Worth staff on a matter that was to be presented to the Lake Worth Historical Resources Preservation Board (HRPB), as required by the Palm Beach County Lobbyist Registration Ordinance.

Pursuant to Chapter 2, Article V, Division 8, §2-258(a) of the Palm Beach County Code, the Commission on Ethics is empowered to enforce the Palm Beach County Lobbyist Registration Ordinance. A person who is employed and receives compensation on behalf of a principal must register on the "Central Lobbyist Registration Site" maintained by Palm Beach County, prior to lobbying.

On November 1, 2012, the Complaint was determined by staff to be legally sufficient. The Memorandum of Probable Cause and Memoranda of Inquiry and Investigation, adopted by reference, were presented to the Commission on Ethics on December 6, 2012. At that time, the Commission conducted a hearing. The Commission reviewed and considered the Memoranda of Inquiry, Investigation and No Probable Cause, recommendation of staff, as well as oral statements of the Respondent and the Advocate. At the conclusion of the hearing, the Commission on Ethics found no probable cause exists, and the complaint was dismissed.

V.c. – CONTINUED

Therefore, it is:

Ordered and adjudged that the complaint against Respondent, Wes Blackman, is hereby dismissed.

Done and ordered by the Palm Beach County Commission on Ethics in public session on December 6, 2012. Signed by Robin Fiore, Vice Chair.

V.a. C12-013

Commissioner Harbison read the public report and finding of probable cause as follows:

Complainant, Terry Aperavich, filed the above-referenced complaint on October 4, 2012, alleging possible ethics violations involving Respondent, Marlene Ross-City of Boynton Beach Commissioner. The complaint alleges two Code of Ethics violations:

Count 1 alleges that on or about July 7, 2011, and September 3, 2011, Respondent submitted false correspondence to Interim Boynton Beach City Manager Laurie LaVerriere regarding a City investigation into alleged lobbying activities of David Katz, in violation of Article XIII, Section 2-443(b), *Corrupt misuse of official position*, of the Palm Beach County Code of Ethics.

Count 2 alleges that on or about January 3, 2012, Respondent nominated Katz to serve on the City Financial Advisory Committee (FAC) to prevent the exposure of certain photographs of a compromising nature that would cause her embarrassment, in violation of Article XIII, Section 2-443(b), *Corrupt misuse of official position*, of the Palm Beach County Code of Ethics.

(This space intentionally left blank.)

V.a. – CONTINUED

Pursuant to Chapter 8, Article XIII, Section 2-443(b), *Corrupt misuse of official position* prohibits any official or employee from using his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

Pursuant to Chapter 2, Article V, Division 8, Section 2-258(a) of the Palm Beach County Code of Ethics, the Commission on Ethics is empowered to enforce the County Code of Ethics.

Based upon the filing of a sworn complaint, and pursuant to COE Rule of Procedure 4.1.3, a preliminary inquiry was commenced. Although it was determined that the initial complaint was not legally sufficient, after obtaining sworn statements from material witnesses and documentary evidence sufficient to warrant a legally sufficient finding, a Memorandum of Legal Sufficiency was entered on November 15, 2012, and complaint was filed on November 19, 2012, by Alan Johnson, Executive Director of the COE, and an investigation commenced pursuant to Article V, Division 8, Section 2-260(d). Information obtained during the inquiry was adopted into the investigation and presented to the Commission on Ethics on December 6, 2012, with a recommendation that probable cause exists that a Code of Ethics violation occurred. At that time, the Commission conducted a probable cause hearing. The Commission reviewed and considered the inquiry and investigative reports, documentary submissions, recommendation of staff, as well as oral statements of the Respondent and Advocate. At the conclusion of the hearing, the Commission on Ethics determined that probable cause exists in this matter.

Accordingly, we find that there are reasonably trustworthy facts and circumstances for the Commission on Ethics to believe that the Respondent violated the Palm Beach County Code of Ethics as follows:

V.a. – CONTINUED

Count 1, Article XIII, section 2-443(b) (Corrupt Misuse of Official Position)

Count 2, Article XIII, section 2-443(b) (Corrupt Misuse of Official Position)

Therefore, it is:

Ordered and adjudged that probable cause exists, and the complaint against Respondent, Marlene Ross, is hereby set for final hearing to be determined within 10 days.

Done and ordered by the Palm Beach County Commission on Ethics in public session on December 6, 2012. Signed: Robin Fiore, Vice Chair.

V.b. C12-014

Commissioner Harbison read the public report finding no probable cause and final order of dismissal as follows:

Complainant, Alan S. Johnson, filed the above-referenced complaint on November 1, 2012, alleging a possible lobbyist registration ordinance violation involving Respondent, Mike Nelson.

The complaint alleges that Mike Nelson failed to register as a lobbyist prior to lobbying Village of Wellington staff on a matter that was to be presented to the Village Planning, Zoning and Adjustment Board (PZAB) and, or Village Council, as required by the Palm Beach County Lobbyist Registration Ordinance.

Pursuant to Chapter 2, Article V, Division 8, §2-258(a) of the Palm Beach County Code, the Commission on Ethics is empowered to enforce the Palm Beach County Lobbyist Registration Ordinance. A person who is employed and receives compensation on behalf of a principal must register on the "Central Lobbyist Registration Site" maintained by Palm Beach County, prior to lobbying.

V.b. – CONTINUED

On November 1, 2012, the complaint was determined by staff to be legally sufficient. The Memorandum of No Probable Cause and Memoranda of Inquiry and Investigation, adopted by reference, were presented to the Commission on Ethics on December 6, 2012. At that time, the Commission conducted a hearing. The Commission reviewed and considered the Memoranda of Inquiry, Investigation and No Probable Cause, recommendation of staff, as well as oral statements of the Respondent and the Advocate. At the conclusion of the hearing, the Commission on Ethics found no probable cause exists and the complaint was dismissed.

Therefore, it is:

Ordered and adjudged that the complaint against Respondent, Mike Nelson, is hereby dismissed.

Done and ordered by the Palm Beach County Commission on Ethics in public session on December 6, 2012. Signed: Robin Fiore, Vice Chair.

(CLERK'S NOTE: The clerk added the language as printed in the three public reports.)

Commissioner Fiore stated that:

- The COE had previously apologized to Mr. Nelson, but it wanted to publicly apologize to him today.
- Mr. Nelson had registered as a lobbyist, but due to an intricate process, his registration had been kicked out of the system. He has now completed the registration.
- The complaint had been found legally sufficient based on materials that were provided to the COE at the time.

Commissioner Fiore requested that a roll call be taken.

(CLERK'S NOTE: A roll call was taken with Commissioners Archer, Fiore, and Harbison present.)

V.b. – CONTINUED

Mr. Johnson requested that the agenda be reordered to present item VI.b. at this time, and to address item X earlier than scheduled.

Commissioner Fiore said that item VI.b. would be presented before item VI.a., and that item X. would be presented somewhere between items VI. and VII.

VI. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

VI.a. Page 8

VI.b. Request for Advisory Opinion (RQO) 12-075

Megan Rogers, Esq., COE staff counsel, said that:

- A Town of Palm Beach (Town) attorney asked whether an elected official, who served as a private company's board chairman, was prohibited from voting on changes to a zoning variance, which were unrelated to the elected official's outside employer.
- The zoning variance was opposed by an entity owned, in part, by a fellow board member of the elected official's outside employer.
- Staff had submitted that:
 - Elected officials were prohibited from using their official position, participating or voting on an issue that would give a special benefit to themselves, their outside employer, or anyone who was known to the elected officials to work for their outside employer. The special benefit would be considered a benefit not shared with similarly situated members of the general public.
 - Based on the facts presented, the elected official was prohibited from voting on the matter.

Commissioner Fiore said that Town counsel, John Randolph, could speak.

Mr. Randolph commented that he was not challenging the COE's opinion. He said that he was concerned about the opinion's potential, far-reaching implications relating to the County's Code of Ethics (Code). He provided a similar hypothetical situation and asked whether RQO 12-075's opinion would apply.

VI.b. – CONTINUED

Commissioner Fiore stated the COE attempted to provide opinions that were not based on hypotheticals.

Mr. Randolph said that in the opinion, the COE had used the words, if it is to the benefit of an employee of the council member. Commissioner Fiore responded that the benefit had to be unique or special.

Mr. Randolph said that the Code, as written, was problematic since a council member could not vote on a subject having anything to do with himself or herself, or having anything to do with a council member's fellow employee.

Commissioner Fiore said that the COE members took each advisory opinion on a case-by-case basis, and they tried to determine whether an identifiable special benefit existed.

VI.a RQO 12-073

MOTION to approve the consent agenda. Motion by Patricia Archer, seconded by Ronald Harbison, and carried 3-0. Manuel Farach and Daniel Galo absent.

VII. ITEMS PULLED FROM CONSENT AGENDA – None

Mr. Johnson requested that item X. be presented at this time.

X. EXECUTIVE DIRECTOR COMMENTS

X.a.

DISCUSSED: Legacy Magazine Award.

Mr. Johnson announced that COE Investigator James Poag had received an award in addition to soon receiving his doctoral letters.

Mr. Poag said that he had been nominated and had received a South Florida's Black Leaders of Today and Tomorrow award for 2012 on November 9, 2012, from Legacy Magazine.

X. – CONTINUED

X.b.

DISCUSSED: Commission on Ethics (COE) Executive Director's Resignation, and Congratulations.

Mr. Johnson announced that he had tendered his resignation. He said that starting January 14, 2013, he would begin working for the State Attorney's Office (SAO) as a chief assistant State attorney.

Commissioners Fiore and Harbison congratulated Mr. Johnson on his new (SAO) position. They added that his work in establishing the COE was extraordinary.

X.c.

DISCUSSED: COE Executive Director Recruitment and Selection Process, and Staff Commendation.

Mr. Johnson said that County staff could answer questions today, but a public hearing about filling the COE executive director position was scheduled for Thursday, December 13, 2012.

Commissioner Fiore said that the COE's ordinance language which read: The executive director must be selected by a competitive process, was vague since two people under consideration could be competitive.

Leilani Yan, Human Resources (HR) Department Recruitment and Selection Manager explained that:

- A national recruitment had been performed for the initial COE executive director position.
 - Six of 48 candidates had been invited to participate in the interview process under a formal selection committee, panel, and review.
 - Candidates were interviewed and given written exercises on the same day.
 - Candidates provided information for the panelists' consideration, and interview questions were pooled.

X.c. – CONTINUED

- Background checks were completed approximately three weeks prior to the interviews.
- The panel had requested that the candidates produce two reference letters.

Assistant County Administrator Brad Merriman stated that:

- The recruitment process would require some lead time to develop a scope and position description. He suggested that the COE members establish a timeframe to accomplish that task.
- He would review and discuss with the County Attorney's Office (CAO) whether a protocol existed regarding how the recruitment process should be conducted.
 - A general framework would be some level of advertisement, applicant screenings, and background checks.
 - The COE was not compelled to perform a national search.

Commissioner Archer requested that staff bring back a time table on December 13, 2012, for developing a scope and position description because she wanted to have some recommended candidates within four to five weeks.

(CLERK'S NOTE: Commissioner Galo joined the meeting.)

Mr. Merriman said that a framework could be implemented for discussion at the December 13, 2012, COE meeting.

Mr. Johnson stated that Ms. Rogers and COE Senior Investigator Mark Bannon had offered to be interim or acting COE executive director. He added that no Sunshine Law violation existed if COE members wanted to individually speak with staff.

Mr. Merriman said that:

- The CAO would review the COE's ordinance to determine whether it addressed the process for appointing an acting executive director.

X.c. – CONTINUED

- Staff's framework would depend on the extent of the recruitment search.
- Developing and finalizing the criteria would take several weeks.

Commissioner Fiore said that staff should bring back options on the short-term process of appointing an acting executive director, and a timeline regarding the definitive executive director selection process. She said that candidates should be recruited from within the county.

Mr. Merriman commented that once candidates were selected, a public interview process should commence.

Commissioner Harbison said that HR and other County staff should be commended for their efficiency during the initial recruitment and selection process. He added that it would be problematic to recruit out-of-state candidates for the interview process.

Mr. Merriman commented that the COE could confine the scope of advertisement for an executive director to within the county.

Mr. Harbison said that if staff needed input or had questions, the COE members could be contacted.

(CLERK'S NOTE: Item X. was continued on page 20.)

VIII. PROCESSED ADVISORY OPINIONS

VIII.a. RQO 12-072

Ms. Rogers stated that:

- A county commissioner asked whether the Code prohibited her from soliciting contributions from personal and governmental entities for her weekend radio show. She also asked whether it was appropriate to use her County commissioner email to publicize her radio program.
- Staff had submitted that:
 - Elected officials were prohibited from using their official positions to give themselves a special financial benefit not shared with similarly situated members of the public.

VIII.a. – CONTINUED

- Elected officials were prohibited from soliciting anything of value for their personal benefit in their official capacities. This applied to the officials and anyone soliciting on their behalf.
- Elected officials were not prohibited from soliciting donations or advertisers for radio programs in their private capacities so long as the officials did not solicit or accept donations in excess of \$100 from vendors, lobbyists, principals, or employers of lobbyists who vended, leased, or lobbied the governmental entities.

MOTION to approve proposed advisory opinion letter RQO 12-072. Motion by Patricia Archer, and seconded by Ronald Harbison.

Commissioner Fiore stated that she and Mr. Johnson had discussed RQO 12-072. She said that in following the Code's language, she had no basis for objecting to staff's recommendation. She added that once individuals became public officials, it was difficult to disambiguate themselves.

Commissioner Archer said that current public officials were severely limited in their actions.

UPON CALL FOR A VOTE, the motion carried 4-0. Manuel Farach absent.

VIII.b. RQO 12-074

Ms. Rogers stated that:

- A City of Lake Worth (city) employee asked whether she could accept tickets from a personal friend who had received them from a relative that worked as a vendor, bidder, or proposer for the city.
- Staff had submitted that:
 - The Code's gift prohibition applied to gifts given by a personal friend who was not a vendor where the gift was originally provided by the vendor with the intent to benefit the public employee.

VIII.b. – CONTINUED

- Factors to consider included the nature of the relationship between the vendor and the third party; the control retained by the donor or vendor over the gift; the nature of the relationship between the third party and the public employee or official; and the nexus between the gift donor and the public employee's department, official duties, and responsibilities.
- No employees or public officials could accept indirect gifts or benefits that were intended to influence their public positions, or in the manner in which they performed their public duties.
- The specific facts and circumstances surrounding a particular gift would determine whether the gift was considered an indirect, prohibited gift that was provided with the intent to benefit a public employee.
- Based on the unique facts and circumstances, the employee was not prohibited from accepting a ticket from her friend to attend an upcoming concert.

MOTION to approve proposed opinion letter RQO 12-074. Motion by Ronald Harbison, seconded by Patricia Archer, and carried 4-0. Manuel Farach absent.

VIII.c.: RQO 12-076

Ms. Rogers said that:

- A county employee asked whether the Code prohibited him from contracting with the County.
- Staff had submitted that:
 - Public employees were prohibited from using their official positions to give or to influence others to give themselves or their outside businesses a special financial benefit. The Code also prohibited public employees or their outside businesses from contracting with the governments that they served.

VIII.c. – CONTINUED

- An exemption existed for contracts entered into under a sealed competitive bidding process where a public employee's outside business was the lowest bidder, and provided that the employee had not participated in the bid specifications for determining the lowest bidder, had not used his or her position in any way to influence the award, and had disclosed the nature of his or her interest in the business submitting the bid.
- The exemption contained five sections under the Code's contractual relationship prohibition. The referenced contractual relationship exemption was the only one that would apply to this particular employee.
- The fact that the county employee's outside business bid would not be selected unless it was the lowest bid essentially took discretion away from those who decided the winning bid.
- The county employee must file a copy of his disclosure with the Supervisor of Elections and the COE.
- The opinion was not placed under consent since the COE members had infrequently dealt with contractual relationships.

MOTION to approve proposed advisory opinion letter RQO 12-076. Motion by Daniel Galo, seconded by Patricia Archer, and carried 4-0. Manuel Farach absent.

VIII.d. RQO 12-078

Mr. Johnson stated that:

- A Palm Beach County Airport and Aviation Advisory Board (AAAB) member asked whether his employer, Morgan Stanley Wealth Management, could contract with the County. Since the AAAB was purely an advisory board, an exception existed under the Code's section 2-443(d).
 - The AAAB member would need to announce that he worked for someone who was contracting or entering into a contract with the County.

VIII.d. – CONTINUED

- If an advisory board member provided contract regulation, oversight, and management, or made policy-setting recommendations, the board member needed to transparently go before the governing body to discuss a waiver for remaining on the board.

MOTION to approve proposed advisory opinion letter RQO 12-078. Motion by Ronald Harbison, seconded by Patricia Archer, and carried 4-0. Manuel Farach absent.

VIII.e. RQO 12-079

Ms. Rogers stated that:

- A county commissioner asked whether he was prohibited from accepting tickets valued in excess of \$100. The tickets were provided by the County pursuant to a sponsorship agreement with a nonprofit organization.
- Staff had submitted that:
 - A County commissioner was not prohibited from accepting tickets provided to the County pursuant to a contract between the event's nonprofit sponsor and the County where the event's nonprofit sponsor did not sell, lease, or lobby the County.
 - County commissioners were identified by State law as reporting individuals. They were required to adhere to all standards and requirements imposed under State law regarding the reporting of gifts.
- If the nonprofit organization had received a municipal or other county grant, a prohibition on giving the tickets would depend on the nature of the grant.
- A vendor was defined as someone who provided goods or services to the County. In a grant-type organization, the County was granting a certain dollar amount to the nonprofit, which would provide goods or services to the public.

VIII.e. – CONTINUED

MOTION to approve proposed advisory opinion letter RQO 12-079. Motion by Patricia Archer, seconded by Daniel Galo, and carried 4-0. Manuel Farach absent.

IX. MEMORANDA OF UNDERSTANDING

(CLERK'S NOTE: Items IX.a., IX.b., and IX.c. were discussed in tandem and voted on separately.)

IX.a. Lake Worth Community Redevelopment Agency (CRA)

IX.b. Delray Beach CRA

IX.c. Delray Beach Housing Authority

Mr. Johnson stated that:

- Since November 2012, staff had been in negotiations and had agreed to memoranda of understanding (MOU) with the cities of Lake Worth and Delray Beach CRAs, and the Delray Beach Housing Authority.
- The Lake Worth CRA MOU was a renewal.
- A MOU would be effective for three years. A 90-day cancellation could occur by either party.
- The COE had a previous one-year contract with the Boca Raton Airport Authority (BRAA).
 - It was discovered that the COE's jurisdiction would only apply to the BRAA itself and not to its employees.
 - Staff believed that the jurisdictional issue was inappropriate. If the COE was going to provide services to an independent taxing authority (ITA), the entire ITA should be included.
- The ITAs were separate from the County or municipalities they may serve in terms of their duties, responsibilities, and oversight.

IX.a. – IX.c. – CONTINUED

- While ITAs may be funded by municipalities, they had independent staff and did not share the same retirement plans. They also were independent legal entities that could sue and be sued.
- If ITAs wanted to come under the COE's jurisdiction, it would be on a voluntary contract basis.
- The ITAs would be charged for the COE's services on a per-project basis.
- Every ITA that came under the COE would receive free ethics training.
- If an ITA board member was appointed by the County or a municipality, he or she would fall under the COE's jurisdiction, but only regarding Code provisions that excluded the gift law.
- With MOUs, all ITA employees would be under the COE's jurisdiction for the entire Code.
- Staff had been periodically sending letters to all ITAs about coming under the COE's jurisdiction.

Commissioner Fiore said that it was problematic to charge on a per-item basis since it discouraged people from requesting advisory opinions. She suggested that staff develop an alternate financing mechanism.

Mr. Johnson stated that:

- Two payment options existed: a per-event and an hourly charge.
- Staff had discussed the average number of hours that would go into an advisory opinion or an inquiry through legal sufficiency.
 - The pay scale was then reviewed for investigators, staff counsel, and the executive director.
 - An average was then calculated and applied to the event.
- He had consulted with the County regarding ordinary and customary matrixes, and he possibly had reached out to Miami-Dade County.
- Staff would re-review the two-tiered billing structure.

IX.a. – IX.c. – CONTINUED

Ms. Rogers said that the two-tiered billing structure was common for MOUs.

Commissioner Fiore commented that when providing consulting services, she usually recommended retainers, or flat plus per-event billing. She added that utilizing only per-event pricing effectively changed the demand for services.

Mr. Johnson said that staff had requested feedback regarding the suggested billing structure, but entities were uninterested in up-front retainers due to budgetary constraints.

Commissioner Fiore commented that staff should review and decide whether ethics should be sold like a widget or another kind of service.

Commissioner Archer said that she was unsure whether ethics was considered a business. Commissioner Fiore replied that ethics was considered a business similar to ministers who received payment for marrying couples.

Commissioner Harbison said that he would caution that a pricing structure could indirectly become a scope limitation.

Mr. Johnson clarified that the scope would not be limited since staff billed after services were provided. He pointed out that the billing structure did not impede or stymie full and complete investigations and advisory opinions.

MOTION to approve the Lake Worth Community Redevelopment Agency Memorandum of Understanding. Motion by Patricia Archer, seconded by Daniel Galo, and carried 4-0. Manuel Farach absent.

MOTION to approve the Delray Beach Community Redevelopment Agency Memorandum of Understanding. Motion by Patricia Archer, seconded by Daniel Galo, and carried 4-0. Manuel Farach absent.

MOTION to approve the Delray Beach Housing Authority Memorandum of Understanding. Motion by Patricia Archer, seconded by Daniel Galo, and carried 4-0. Manuel Farach absent.

(This space intentionally left blank.)

X. – CONTINUED

X.d.

DISCUSSED: New Ethics Cards.

Mr. Johnson announced that new ethics cards would be distributed countywide. He said that the new cards did not have Office of Inspector General (OIG) information on them.

X.e.

DISCUSSED: Council on Governmental Ethics Laws (COGEL) Conference.

Ms. Rogers stated that:

- During December 2-8, 2012, she had attended the COGEL conference in Columbus, Ohio.
- She had met with representatives from state, local, national, and international ethics organizations, and had attended course work in advisory opinions, outreach, complaint processes, and how to effectively use social and new media.
- The OIG and the COE possessed an independence unlike few countrywide organizations. Most ethics officers were appointed by the entities that they oversaw.
- Local, state, and federal agencies had not developed as many advisory opinions in such a short timeframe as the COE.

XI. COMMISSIONER COMMENTS

XI.a.

DISCUSSED: Feedback, Expression of Thanks, and Commendation.

Commissioner Archer commented that receiving feedback about other COEs was important. She added that staff was doing an excellent job to educate and improve the image of politics.

XI.a. – CONTINUED

Commissioner Harbison said that he agreed with Commissioner Archer. He stated that hopefully the COE's work would inspire similar ordinances elsewhere. He added that lacking COE independence or having an 18-month backlog was equal to having no ethics infrastructure.

XII. PUBLIC COMMENTS

XII.a.

DISCUSSED: Commendation.

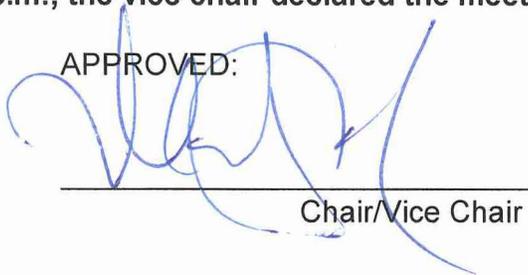
Richard Radcliffe, League of Cities Executive Director, stated that the bar was set so high that it would be impossible to replace Mr. Johnson. He said that Mr. Johnson had worked diligently to change the perception of the COE.

Mr. Harbison stated that Mr. Johnson was the COE's unanimous first choice, and that the distance between the first and second choice was vast.

XIII. ADJOURNMENT

At 5:06 p.m., the vice chair declared the meeting adjourned.

APPROVED:



Chair/Vice Chair