



Palm Beach County
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News Release

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Summary of Commission on Ethics Meeting Held on April 7, 2011

The Commission on Ethics took the following actions at its monthly public meeting held on April 7, 2011.

- Nine (9) Advisory Opinions were approved by the Commission. The full opinions are published and available at <http://www.pbcgov.com/ethics/opinions.htm>
 - RQO11-009 involved whether a county advisory board member who sits on the Palm Beach County Education and Government Programming Advisory Board may accept a ticket to an awards banquet valued at \$125 from a friend who works for Florida Power & Light. Although FPL does employ lobbyists, FPL does not lobby the member's advisory board or county department over which her board exercises authority. Therefore, she is not prohibited from accepting a gift in excess of \$100; however, the gift must be reported.
 - RQO11-011 involved an ISS county employee who asked if he could attend the Independent Oracle Users Group Conference as an instructor without paying the registration fee of \$1,750. Oracle is a county vendor. In addition, the county employee has designed a software application of an Oracle product that can be marketed to other attendees at the conference for the benefit of Palm Beach County. The county employee is attending in his official capacity and in the performance of his official duties. The county is paying travel expenses. Under these circumstances, the waiver of registration fees is not a prohibited or reportable gift.
 - RQO 11-014 involved a vendor who was employed by Palm Beach County until 2004 who has applied to enter into service contracts with the county in 2011. One of his household members is a current county employee. The vendor is not prohibited from entering into contracts with Palm Beach County as any prohibition under the Post-Employment Ordinance expires after 2 years. The fact that a household member is a current county employee does not disqualify him from doing business with the county; however, his household member may not use her official position to financially benefit him or his business in any way.
 - RQO 11-015 involved a question as to whether a county employee who is a member of a community high school advisory board may solicit donations for a fundraising golf tournament for a school program. Under the current

code of ethics, a county employee or official that serves on the board of a charitable organization that solicits and accepts donations from a lobbyist, the principal or employer of a lobbyist, is soliciting gifts indirectly and therefore, under the code of ethics, is subject to the \$100 gift limitation as imposed by the code.

- RQO 11-016 involved a city mayor and commissioners of Boynton Beach who received tickets to a charitable event from Florida Power and Light valued in excess of \$100. FPL, which does employ lobbyists before county government, does not engage in lobbying activities with the city of Boynton Beach, therefore it is not prohibited for the officials to accept these tickets. The tickets must be reported on their state quarterly gift disclosure report.
- RQO 11-017 involved a county employee who used her second cousins hotel points to pay for a 2 night stay in New York City. The retail value of the stay is in excess of \$100. Gift law exemptions include relatives; however, it does not extend to second cousins. Therefore, the retail value of the gift will need to be reported on the employee's annual gift report.
- RQO 11-010 involved a county employee who serves as a board member and officer of a non-profit organization that accepts summer camp vouchers from the county human services division. While she is not prohibited from serving on the board or as an officer of a non-profit organization, she cannot use her official position to financially benefit the organization. In addition, she may not solicit or accept gifts on behalf of the organization in excess of \$100 from a lobbyist, principal or employer of a lobbyist.
- RQO 11-012 involved an employee of the City of Lake Worth Utilities Department (LWUD), whose official duties include maintaining and testing water quality, may not contract with outside developments (consecutive water utilities) that purchase water from LWUD for resale to homeowners, where his private duties involve collecting water samples for quality testing.
- RQO 11-013 involved a question as to whether the Palm Beach County Housing and Community Development Department is prohibited from giving loan assistance for residential rehabilitation to a person related to the vice mayor of a municipality where the municipality is involved with the application process and inspects the rehabilitation work for code compliance. There is no prohibition in the county extending such assistance, and at this time, the municipality is not under the jurisdiction of the COE. Therefore, the commission cannot opine as to the transaction with respect to the relationship of the applicant to the municipal official. This issue was tabled until the COE's next regular meeting.
- The Commission on Ethics held a legislative workshop and discussed the progress of the Palm Beach County Referendum Drafting Committee. It is anticipated that the final draft of ethics ordinances will be finished on April 8th and presented to the BCC on May 3, 2011.

The Commission on Ethics discussed and accepted the COE staff recommendation for the 2012 annual budget. When municipalities become subject to the code of ethics the number of employees and officials within the jurisdiction of the COE will more than double. To meet this added demand the executive director added an additional investigator position and a part time data entry position. The COE has operated below budget in both 2010 and prospectively in 2011, therefore the additional staff costs will be absorbed by budget reserves and no increase in the overall budget will be needed for 2012. Lastly, the commission discussed protocols for public comment and will be adopting rules for public comment at its next regular meeting in May. A detailed explanation of agenda items is available at <http://www.pbcgov.com/ethics/meetings.htm>

The Commission on Ethics hotline is (877) 766-5920.

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