

News Release

For immediate release:
Contact:

Oct. 8, 2021
Executive Director Mark E. Bannon
(561) 355-1937

Summary of Palm Beach County Commission on Ethics Meeting Held on Oct. 7, 2021

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on Oct. 7, 2021.

Two complaints were heard in executive session. The complete files are on the COE website at: <http://www.palmbeachcountyethics.com/complaints.htm>.

C21-001: After considering the investigative report, probable cause recommendation, and statements by the COE advocate and Respondent, the COE found that the violation was inadvertent, unintentional, or insubstantial and issued a letter of instruction to conclude the matter.

C21-002: After considering the investigative report, recommendation of no probable cause, and statements from the advocate and Respondent, the COE found that probable cause did not exist and dismissed the case.

Two advisory opinions were approved. The full opinions are available at <http://www.palmbeachcountyethics.com/opinions.htm>.

RQO 21-014: A county employee asked if the Palm Beach County Code of Ethics (Code) prohibits her from accepting a ticket to an awards dinner.

The COE opined as follows:

Whether she may accept a gift is based on who is providing the gift and the value of the gift. As long as the gift giver is not a county vendor or a lobbyist or employer of a lobbyist who lobbies the county, she is not prohibited from accepting gifts with a value over \$100 from that gift giver. Although the Code does not prohibit her from accepting this ticket, because she is a state-reporting individual for gift reporting purposes, state law controls whether she must report the ticket on a gift form. If the gift of the ticket to the dinner is reportable, she must file a copy of the gift form with the COE within 10 days of filing the form with the state.

RQO 21-015: A councilmember of the town of Loxahatchee Groves asked four questions:

1. Does the Code prohibit her from voting on or discussing road and drainage projects taking place along North B Road when her property is located on North B Road?
2. Does the Code prohibit her from voting on or discussing road and drainage projects taking place along South B Road?

3. Does the Code prohibit her from voting on financing that will cover town projects, including road and drainage projects on North or South B Road?
4. Does the Code prohibit her from voting on or discussing any other matters related to North B Road or South B Road?

The COE opined as follows:

1. Because her property is directly adjacent to North B Road, which is the only road that accesses her property, her property would be directly impacted by projects involving road improvements and drainage on that road, and the possibility of a financial gain would be direct and immediate. In addition, the number of persons or entities directly affected is too small and the financial benefit would be considered special. Therefore, when this matter comes before the town council, the official must 1) publicly disclose the nature of her conflict before the matter is discussed; 2) abstain from voting and discussing or otherwise participating in the matter; and 3) file a state voting conflict form with the clerk and submit a copy to the COE.
2. Based on the location of her property which is over a mile away from South B Road and the fact that it is not the road used to access her property, the potential for any financial benefit to her from a vote on road and drainage projects along South B Road would be remote and speculative. Therefore, she is not prohibited from participating in and voting on these projects.
3. She is not prohibited from voting on the budget as a whole when it includes the financing of all town projects. However, if the budget is discussed "line by line" or the financing of each project is discussed separately, she is prohibited from participating in the discussions or voting on any "line-by-line" budget issue concerning the road and drainage projects along North B Road since the financing of the North B Road projects would involve a special financial benefit to her.
4. Since this question is general in nature and involves a speculative factual scenario, the COE cannot opine other than to offer general guidelines under the Code. Whether a matter rises to the level of a voting conflict will be based upon the facts and circumstances presented to the COE. Best practice would be to request guidance from the COE when she is unsure if she has a prohibited conflict of interest regarding a matter coming before the town council.

A detailed explanation of all agenda items is available at <http://www.palmbeachcountyethics.com/meetings.htm>.

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