

MEETING: PALM BEACH COUNTY COMMISSION ON ETHICS

1. **CALL TO ORDER:** June 8, 2010, at 1:35 p.m., in the McEaddy Conference Room, 12th Floor, Governmental Center, West Palm Beach, Florida.
2. **ROLL CALL**

MEMBERS:

Judge Edward Rodgers, Chair
Manuel Farach, Esq., Vice Chair
Dr. Robin Fiore
Ronald E. Harbison
Bruce Reinhart, Esq.

STAFF AND OTHERS PRESENT:

Tammy L. Gray, Public Affairs Department Informational Specialist
Alan S. Johnson, Esq., Commission on Ethics Executive Director
Heather C. Shirm, Public Affairs Department Web Design Coordinator
Julie Burns, Deputy Clerk

RECEIVED
2010 JUL 28 AM 11:14
SHARON R. BOCK, CLERK
BOARD OF CO COMH PB CO
FINANCE

3. **APPROVAL OF MINUTES FROM 4/15/10 MEETING**

MOTION to approve the April 15, 2010, minutes. Motion by Dr. Robin Fiore, seconded by Manuel Farach, and carried 5-0.

4. **WORKSHOP ITEMS**

- 4.A. **Adoption of Procedures**

Commission on Ethics (COE) Executive Director Alan Johnson stated that:

- The 25-page draft document entitled, COE Rules of Procedure, detailed the procedures for adoption so that the COE had specific guidelines on how to process advisory opinions, how to process complaints, and how to perform preliminary investigations into the probable cause findings and, if necessary, a final hearing, as well as enforcement and appeals.
- The intent of the procedures and the bylaws was to verify whether there was a template regarding a particular issue. Any issue that could not be worked out could be amended by a COE majority vote.

4.A. – CONTINUED

- The five reasons listed in section C.3.2.b. of the draft involved tracking the County's Code of Ethics (Code), and the Code specifically gave certain jurisdiction to the COE. The COE could refer the listed allegations and violations to the State Attorney's Office, the County Inspector General's (IG) Office, or any other law enforcement agency.
- Individuals could not be held accountable for complaints that occurred before the Code's ordinance was passed on March 1, 2010, because those complaints would be considered under the ex post facto law.
- If the COE received a request to not process a complaint from the state attorney, the U.S. attorney, or a law enforcement agency the COE would defer to that request.
 - The COE could revisit the complaint after the request was removed.
 - An issue may arise after November 2010 if local municipalities fell under the COE's jurisdiction.

Bruce Reinhart suggested that the language, "upon the request," in section C.3.2.b.3. be changed to "upon the written request."

Mr. Johnson stated that:

- The written request would be confidential pursuant to the existing law.
- The following language could be added to section C.3.2.b.3.: "Said written request will be subject to investigative exemptions to the public records laws."
 - It might be best if the COE included the specific public records exemption, which related to an ongoing investigation.

Regarding section C.3.5., Judge Edward Rodgers expressed his concern whether there was a mechanism to seal frivolous, embarrassing complaints because complaints were public record.

4.A. – CONTINUED

Manuel Farach expressed his concerns that the mechanism used to file public complaints and allegations of violations of the ethics laws could be misused in a vindictive or embarrassing manner towards individuals, or that the sealing provisions could be misused.

Dr. Robin Fiore stated that once a complaint was made public and it was found to be groundless, she would rather have that decision made public because sealing the decision might imply that the COE was attempting to hide something.

Mr. Farach suggested that a statement could be added to the decision that the complaint was found to be completely meritless and frivolous.

Ronald Harbison stated that the COE's deliberations should be transparent.

Mr. Johnson clarified that the following safeguards were built into the COE's procedures:

- There would be no public release of information during an investigation until either the complaint was dismissed or a probable cause finding was issued.
- There would be no admission or denial by the COE of an ongoing investigation.
- Once a complaint was dismissed, the respondent had the option of filing for costs and fees for frivolous grounds.

Mr. Reinhart suggested that:

- Subsections 1, 2., and 5. in section C.3.2.b. should be separated from subsections 3. and 4. because subsections 1, 2., and 5. would never be considered by the COE; whereas, subsections 3. and 4. may be considered at some point.
- Subsections 3. and 4. of section C.3.2.b. should have a tolling provision.

Discussion ensued, and there was a consensus that it would not be a conflict of interest for the COE to determine probable cause on a complaint and also make a determination at the subsequent hearing.

4.A. – CONTINUED

Mr. Johnson stated that:

- Page 2 of the proposed complaint form included an instruction not to directly contact the COE members because such communication could compromise the processing of the complaint or result in a COE member's recusal.
- He noted that section C.3.2.b. would contain a separate subsection c.

Mr. Reinhart suggested that section C.3.2.c.'s language could read, "The Commission will defer consideration." He added that the written request, which generated the deferral, should toll a predetermined timeframe.

Dr. Fiore suggested that part of section C.3.2.b.3.'s language could read, "appropriate request from a law enforcement agency."

Mr. Johnson responded that part of section C.3.2.b.3.'s language could read, "upon the written, appropriate request."

Mr. Reinhart also suggested that section C.3.2.b.'s language could read, "from the state attorney, U.S. attorney or the head of another law enforcement agency."

Mr. Harbison suggested that the language, "written, official request," could be substituted for "appropriate request" in section C.3.2.b.3.

Mr. Johnson requested that a Web page be exclusively devoted to the COE. Heather Shirm, Public Affairs Department Web Design Coordinator, replied that the COE and the IG shared one Web page on the County's Web site, but they could be separated.

Mr. Farach suggested that adoption of the COE Rules of Procedure contain a 60-day interim period for the public's benefit.

Mr. Johnson stated that:

- When the COE Bylaws were reviewed, an annual review of procedures could be added.
- The drafted advisory opinion rules would supersede previous advisory opinion rules.

4.A. – CONTINUED

MOTION to approve the COE Rules of Procedure and the COE Bylaws as amended to include the qualifications, changes, and corrections as discussed. Motion by Manuel Farach, seconded by Dr. Robin Fiore, and carried 5-0.

4.B. Adoption of Bylaws

Mr. Johnson stated that he believed the eligibility requirements, referred to in article III, section 9.1., were contained in article III, section 1.

Dr. Fiore stated that:

- The language, “eligibility requirements,” should not be used in the bylaws if individuals had been previously appointed based on set qualifications and criteria.
- The bylaws did not contain any continuing eligibility requirements; therefore, they could be referring to nonexistent eligibility requirements.
- Article III, section 9, needed clarification or interpretation regarding the grounds to remove a COE member.

Mr. Johnson clarified that the ordinance was silent regarding the grounds to remove a COE member, but removal would be conducted by the COE.

Dr. Fiore said that the language, “unexcused absence,” referred to in article III, section 9.2, and other article III language, were not well defined.

Mr. Johnson suggested that article III could include a section 10, to read, “Procedure Upon Removal.” He requested that Judge Rodgers provide direction regarding what constituted grounds for removal and whether the removal procedure would be a supermajority vote of the remaining COE members.

Judge Rodgers stated that any crimes involving moral turpitude or any action that violated the Code would be grounds for removal.

Mr. Reinhart suggested that article III, section 9’s language could read, “Failure to meet the eligibility requirements in the ordinance,” or the language could state a certain section of the ordinance.

4.B. – CONTINUED

Mr. Johnson suggested that:

- Article III, section 3, would appropriately refer to the eligibility requirements.
- Felonies and misdemeanors could be distinguished by stating, "conviction of a crime of moral turpitude or a felony."

Mr. Reinhart stated that a crime of moral turpitude was fairly well defined, and it would probably be a good starting point as grounds to remove a COE member.

Ronald Harbison commented that the COE needed some immunity when deliberating whether to remove someone.

Mr. Johnson clarified the grounds for removal:

- Conviction of a crime of moral turpitude or a felony.
- A finding that the Code was violated.
- Failure to meet conditions of appointment as contained in article III, section 3.

Mr. Johnson stated that no ordinance language gave the COE's appointing entity the authority to excuse a COE member's absence or to withdraw a COE member's appointment.

Discussion ensued, and there was a consensus that an unexcused absence would be determined by a COE supermajority. Mr. Harbison stated that he would defer that determination to the chairman or vice chairman. Judge Rodgers suggested that the COE's appointing entity be notified of a potential COE member's absence.

Mr. Reinhart suggested that the language could read, "The commission, after notifying the appointing entity, may remove a commissioner for..." Judge Rodgers completed the sentence by suggesting that a commissioner could be removed for good cause.

4.B. – CONTINUED

Mr. Johnson clarified that the four removal points would carry a COE supermajority vote by adding the language, "May be removed upon vote of a supermajority of the commissioners."

Mr. Farach suggested that the language read, "non-conflicted commissioners," and Mr. Johnson suggested the language, "remaining commissioners."

Mr. Reinhart suggested that a residency requirement was unnecessary.

After a brief discussion, the COE's consensus was that section 9.2., which contained the "unexcused absence" language, would be replaced with the all-encompassing statement, "The commission, upon notification to the appointing body, may remove a commissioner for good cause." It was also agreed that it would be a general good cause rather than a good cause tied to attendance.

Mr. Johnson clarified that the language would be placed under article III, section 10, Procedure Upon Removal.

MOTION to approve the COE Bylaws as amended to include the suggestions and changes as discussed. Motion by Bruce Reinhart, and seconded by Dr. Robin Fiore.

Mr. Farach requested that the approved bylaws contain a 60-day interim period subject to final approval. The maker and the seconder agreed.

AMENDED MOTION to approve the COE Bylaws as amended to include the suggestions and changes as discussed, and to include a 60-day interim period subject to final approval, carried 5-0.

4.C. Pages 17-18

4.D. Pages 14-16

5. Pages 10-14, 18-19

6. EXECUTIVE DIRECTOR UPDATE (ALAN JOHNSON)

6.A. Reaching Out to Municipalities

6.A. – CONTINUED

Mr. Johnson stated that:

- Mr. Farach had contacted him regarding the development of a protocol to reach out to the municipalities.
- He was concerned that the COE's qualifications stated that a COE member could not lobby for any charter amendments.
- A notice to all municipalities would be sent of his availability to hold discussions with the municipalities' governing boards, councils, or commissions.

Mr. Harbison suggested that the notice should be informative rather than expressing any form of advocacy.

Judge Rodgers suggested that the municipalities should make the initial requests rather than the COE reaching out to them, and upon written request, he would be willing to speak to the municipalities.

Mr. Harbison commented that he believed the ordinance stated that public education was part of the COE's duties.

Dr. Fiore requested that Mr. Johnson prepare a standard statement for the COE members to initially inform the municipalities that the COE members were speaking on behalf of themselves and not the COE.

Mr. Reinhart stated that reaching out should not be limited to municipalities. Mr. Johnson replied that volunteers were also creating a list of civic organizations to contact, and he would pass along any responses to the COE.

6.B. Charter Amendment Initiative

Mr. Johnson stated that he was asked to participate in the charter amendment initiative (initiative) by attending meetings.

Mr. Harbison commented that Mr. Johnson's experience could be resourceful to the initiative's members without him serving as the COE's advocate.

6.B. – CONTINUED

Mr. Reinhart said that if someone associated with the COE provided a statement explaining why the charter amendment was necessary, it could be misinterpreted that the COE was acting as an advocate. He suggested that an explanation could be provided by David Baker, Ethics/IG Implementation Committee chair, or by his staff.

6.C. Setting Regular Monthly Schedule for Commission Meetings

MOTION to approve that the COE meetings would be held on the third Thursday of each month, at 4:00 p.m., in the Governmental Center. Motion by Dr. Robin Fiore, seconded by Bruce Reinhart, and carried 5-0.

6.D. Logo

Mr. Johnson stated that samples of business cards and letterhead had been distributed to the COE members.

Judge Rodgers clarified that his name had been misspelled.

Dr. Fiore suggested that the font for the hotline phone number could be enlarged.

Mr. Johnson stated that:

- The hotline phone number and email address' enlarged font could be added as one line with the address at the bottom of the letterhead.
- The font would be increased to size 11 for the business cards' hotline phone number.

6.E. 2010-2011 Budget

Mr. Johnson stated that:

- He wanted to add an investigator, an analyst, and a paralegal to the COE.
- Advisory requests could increase if the COE's jurisdiction was expanded; therefore, COE counsel would be needed and would be budgeted for 2011.
- He had asked the Legal Aid Society of Palm Beach County, Inc., whether one or two counsel could volunteer their help.

6.E. – CONTINUED

- The counsel would need some administrative law knowledge.
- Volunteers were attempting to locate possible grant funding from other governmental agencies or nonprofit organizations.
- Members of the initiative, the League of Cities, and various groups involved in the charter amendment were discussing the need for an independent funding source.
 - Currently, COE funding would come from the Board of County Commissioners (BCC).

(CLERK'S NOTE: Mr. Johnson provided an unscheduled report at this time.)

6.F. UNSCHEDULED ITEM

Mr. Johnson stated that:

- The Miami-Dade County COE held a tri-county seminar at Florida Atlantic University's Broward County campus, with representatives from Palm Beach County and Florida's west coast.
- The seminar was geared towards procurement officers for government entities.
- He and Judge Rodgers had discussed the COE's involvement in future seminars possibly being located elsewhere and geared towards other topics.

(CLERK'S NOTE: Item 5.A. was presented at this time.)

5. REQUESTS FOR ADVISORY OPINIONS (SPECIFIC PENDING REQUESTS)

- 5.A. **Applicability of Code of Ethics to Vendor who represents private sector clients (including lobbying) and is contracted by the County to do work as an outside contractor for a related County Department. (advisory opinion requested by the BCC) (Audrey Wolf)**

5.A. – CONTINUED

Mr. Johnson stated that:

- Item 5.A. involved Urban Design Kilday Studios (UDKS).
- An email from County Administrator Robert Weisman had been sent to each COE member.
- County staff's perspective needed to be considered.
- Although item 5.A. dealt with applicability of the Code to UDKS, there were three other vendors who were also consultants to the County's Facilities Development & Operations Department (FDO).
- In the future, he hoped to provide the COE with completed advisory opinion letters, which were already legally vetted.
 - The COE could change or strike any advisory opinions.

Mr. Harbison stated that he preferred to delay an advisory opinion regarding UDKS until a formal vetting process could be completed.

Mr. Johnson clarified that County staff's original intent was to vet all the listed requests for advisory opinions before presentation today.

Audrey Wolf, FDO Director, stated that:

- One of FDO's services was to act as a developer of public facilities on behalf of the County and State agencies.
 - Two FDO divisions carried out that mission: property and real estate management (PREM), directed by Ross Hering; and capital improvements, directed by John Chesher.
 - Both FDO divisions shared responsibility for ensuring that the County's acquired properties were developed within the budget set forth by the BCC and used for its intended purposes.
- The activities shared by the two FDO divisions were collectively referred to as development, due diligence, or property evaluation.

5.A. – CONTINUED

- Development and due diligence was performed primarily by consultants on properties selected only by PREM staff.

Ms. Wolf reviewed the site selection process, and she added that:

- If a County-owned property did not meet PREM's criteria, PREM staff would determine whether multiple private sector properties existed that met the operational requirements.
 - Once the operational requirements were met, a public Request for Proposal (RFP) was issued.
 - Public RFPs were rarely issued for site selection due to PREM's unique criteria.
- If no properties met all of PREM's criteria, the site selection process started over by searching County-owned properties.

Ms. Wolf described the utilization of planning consultants:

- Planning consultants performed due diligence on non-County properties by providing master and site planning; soil testing, vegetative and wetland surveys; reviewing land development codes and necessary approvals; and evaluating the site for operational compliance.
 - Planning consultants were selected by a competitive RFP process pursuant to State statute.
 - In February 2010, three planning consultant firms were selected, and the BCC accepted UDKS' contract at the May 18, 2010, BCC meeting.
- Because a consultant's work assignment was unknown at the time of contract award, the County included contract language requiring the consultant to disclose, prior to the task order issuance, all relationships or interests related to the property to be evaluated.
 - FDO staff reviewed the disclosures to determine whether a conflict, or the perception of a conflict, existed.

5.A. – CONTINUED

- Most disclosed relationships were not conflicts, and most disclosed conflicts were waived by staff with conditions that required disclosure if a relationship changed.
- FDO staff acknowledged that there could be a perception of conflict stemming from the level of public knowledge regarding a site and PREM consultant relationships with private developers.
 - Requiring that site selection was performed solely by County staff was one way to ensure the FDO's work transparency.
- Regarding the UDKS contract, UDKS' partners internally separated their workload, with one partner handling public clients, and another partner handling private clients.
 - FDO staff believed that this safeguard was a good-faith effort to address the perception of a conflict.

A question-and-answer session ensued, and Ms. Wolf stated that:

- Planning consultants, on behalf of the FDO, could make only technical presentations to the BCC. County staff could also make technical presentations, but they handled negotiation of conditions or accepted any BCC-requested conditions.
- The value of the contract that was awarded to UDKS varied year to year from more than \$100,000 to less than \$1 million.
- It was believed that the nine consultants who originally applied for the RFP were local.
- Planning consultants could not use information obtained from a contractual relationship with the County that would benefit their other clients because all FDO documents were public records.
 - There was an unspecified time lag during the time that a planning consultant gathered information to the time that the information was turned over to the FDO.
- Other than the contract at issue, UDKS had no other affiliation with the County.

5.A. – CONTINUED

- UDKS would not be provided a fee contingent upon the timeliness or outcome of the project.

Mr. Johnson said that legally there was no conflict regarding the UDKS contract, and there may not be the perception of a conflict.

Mr. Farach stated that advisory opinions regarding items 5.B. – 5.D. should be deferred at this time because the COE was still collecting information.

5.B. Advisory Board members doing unrelated business with County > \$500 (advisory opinion requested by the BCC) – Not Discussed

5.C. Pages 18-19

5.D. Are County employees who serve as public officials for other public agencies that have inter-local agreements/contracts with the County subject to section 3.C. of the Code of Ethics? (Request by Wellington Village Attorney) – Not Discussed

(CLERK'S NOTE: Item 4.D. was presented at this time.)

4.D. Requests for Advisory Opinions (Discussion of General Issues)

4.D.1. Are contracts and board appointments "grandfathered" until reappointment and/or contract renewal? (issue of retroactivity of ordinances)

Mr. Johnson stated that interpretation of similar codes by other jurisdictions and the Florida Supreme Court was that when an ordinance was introduced, it was considered substantive and, therefore, it was not retroactive.

Assistant County Attorney Leonard (Lenny) Berger clarified that most professional service contracts had one-year terms with renewals, but board appointment terms were sometimes longer.

Mr. Johnson stated that:

- An individual could complete their board appointment term without reappointment eligibility.

4.D.1. – CONTINUED

- An individual could complete their contract, but any amendment, adjustment or renewal to the contract, or any additional contracts, would violate the ordinance as an official having a prohibited, contractual relationship with the County.
- Case law or case opinion regarding item 4.D.1. would be provided to the COE.

Mr. Berger clarified that:

- A contract needed to be in place or an individual needed to be sitting as a board member on March 1, 2010, when the ordinance took effect.
- A waiver provision in the Code was in place for conflicts of interest regarding an advisory board member's power or authority over a contract once it was in effect.
 - A narrower version of the waiver provision existed in State law.
 - The County issued waiver provisions once every few years.

4.D.2. **Interpretation of section 3.4. (Contingent Fee Prohibition) as it regards common industry practice (e.g., Real Estate broker fees)**

Mr. Johnson said that:

- He had researched numerous examples in Miami-Dade County where individuals who lobbied a board or a municipality were exempt from the State statutes.
- One case law specifically stated that when a commission became a standard in its industry, such as a real estate commission, it was not included in the contingent fee prescription.

Mr. Berger clarified that section 3.F. of the Code was a vestige of State law regarding a prohibition that applied to executive branch lobbyists in Tallahassee, and Miami-Dade County incorporated that same language.

Mr. Johnson reiterated that items 4.D.1. – 4.D.5. were being presented today as a workshop for informational purposes and discussion only.

4.D.3. Employees and Officials working as campaign officers for candidates.

Mr. Johnson stated that:

- Item 4.D.3. should have been listed as a request for advisory opinion under item 5, and there may be some proposed advisory opinions regarding this issue for presentation at the next meeting.
- Item 4.D.3. would fall under prohibited contractual relationships in the ordinance if payment was involved, and it would possibly fall under misuse of public office or employment.
- If there was no jurisdiction or no Code violation, the COE may choose not to give an advisory opinion.
 - As long as a County employee or a County official was asking for an advisory opinion and not filing an official complaint, that individual would be entitled to the advisory opinion.

4.D.4. Are ad hoc committee members, appointed by staff and without legislative or quasi-judicial authority, subject to the Code of Ethics?

Mr. Berger clarified that:

- Standing advisory boards were often divided into subcommittees where the subcommittee members may not be members of the seated board, nor was the subcommittee created, or the members appointed, by the BCC.
- Ad hoc committees often served their term for only one meeting.

Mr. Johnson said that County staff could be presenting an amendment to the BCC regarding which ad hoc subcommittees would be subject to the Code.

4.D.5. Waiver provisions; to what extent should the Commission on Ethics advise the BCC on appropriateness of issuing a waiver? – Not Discussed

RECESS

At 4:00 p.m., the chair declared a recess.

RECONVENE

At 4:10 p.m., the meeting reconvened with Judge Rodgers, Manuel Farach, Dr. Robin Fiore, Ronald Harbison, and Bruce Reinhart present.

(CLERK'S NOTE: Item 4.C. was presented at this time.)

4.C. Proposed Code Revisions (Lenny Berger)

Mr. Berger stated that:

- Section 2.G. of the ordinance, as originally written, defined that an advisory board member, covered under the ordinance's language, would need to serve on a board that the BCC created.
 - Some boards were not considered County boards, although the BCC appointed members to those boards.
 - County Administrator Robert Weisman had requested that those BCC-appointed board members be covered under the ordinance as well.

Mr. Johnson pointed out that the language in section 2.H. of the ordinance needed interpretation whether individuals serving on boards or serving as an elected official in a local municipality, and who also worked for the County, would apply because those entities were not excluded in the ordinance.

Mr. Berger commented that:

- Many individuals who worked for governmental entities also served on County advisory boards.
- He believed that the purpose of section 2.H.'s language was to prevent an individual from using their public position for private gain when the employer was a public agency.
- A County employee could not be a member of the BCC.
- The word, "child," was added to section 3.A.3.'s language.

4.C. – CONTINUED

- The \$500 State exemption in section 3.D.4. was archaic. Because the Code was much broader, the \$500 exemption was deleted and language suggesting \$5,000, or possibly \$10,000, was added for the COE's consideration.
- The BCC would be requesting future feedback from the COE.

Mr. Farach stated that when providing an opinion regarding an ordinance, he wanted to ensure that the COE would not be viewed as advocating a particular position or attempting to change the law.

Mr. Johnson clarified that section 5 of the ordinance provided that the COE shall, from time to time, review ordinances and shall report and make recommendations.

(CLERK'S NOTE: Item 5.C. was presented at this time.)

5.C. May a County Employee Attend a retreat sponsored by a county vendor and be reimbursed by the County after vendor reimburses County for travel, food, lodging? (Code of Ethics section 3E) (UL event referred by Assistant County Attorney Leonard Berger)

Mr. Johnson stated that section 5.C. related to a request for an advisory opinion from Fire Chief Steve Jerauld that was not time sensitive.

Mr. Johnson commented that he had received a request for an advisory opinion today regarding a County employee who wanted to attend an industry seminar that was approved by the County. He said that although he would provide an advisory opinion stating his belief that the event was not covered by the Code, he wanted to first bring the issue to the COE's attention. He added that the request was time sensitive, and an advisory opinion should be reached at today's meeting.

A discussion ensued, and the following comments were made:

- Mr. Reinhart stated that the COE had policies and procedures to follow if the matter needed to be decided before the next COE meeting.
- Mr. Harbison suggested that the BCC could issue a waiver regarding the matter.

5.C. – CONTINUED

- Mr. Reinhart suggested that staff could distribute the written advisory opinion to each COE member, and any issues could be vetted through Mr. Johnson.
- Mr. Johnson clarified that the Sunshine Law would prohibit the decision being handled as Mr. Reinhart suggested.
- Judge Rodgers suggested that the COE needed to possibly adopt some guidelines regarding the measurement of time-sensitive matters.
- Mr. Johnson stated that he would have more advisory opinion letters for review at the next COE meeting.
- Mr. Reinhart stated that:
 - The COE had an expedited response procedure, and a procedure that if the plain language of the ordinance directly answered the request without ambiguity, then Mr. Johnson could issue the opinion.
 - He was unsure whether the matter needed to be prejudged so he would rather allow the procedural process to take place.

There was a consensus to accept Mr. Reinhart's suggestion, and Mr. Johnson stated that if a COE meeting needed to be expedited between today and the next COE meeting, he would contact the members for their time schedules.

(CLERK'S NOTE: The numerical order of the agenda was resumed.)

7. COMMISSION COMMENTS

7.A.

DISCUSSED: Completion of Ethics Training Form and New Position.

Dr. Fiore stated that since completion of the ethics training and the May 4, 2010, IG Selection Committee meeting, she had been out of the country, and she did not have the ethics training form with her. She clarified that the ethics training form was now completed.

7.A. – CONTINUED

Dr. Fiore stated that she started a new position at the University of Miami, and she would no longer be working for Florida Atlantic University. She added that she would be commuting, and she would remain a County resident.

8. IMPLEMENTATION ADVISORY COMMITTEE AND PUBLIC COMMENTS

8.A.

DISCUSSED: Ethics/IG Implementation Committee Bylaws.

Michael Jones, Palm Beach County Economic Council President and CEO, pointed out that the Ethics/IG Implementation Committee bylaws provided that the COE executive director should be a member of the Florida Bar.

Judge Rodgers stated that Mr. Johnson was a member of the Bar.

Mr. Johnson clarified that there was no language in the ordinance requiring that the COE executive director be a member of the Florida Bar.

Mr. Harbison stated his recollection that it was preferred that the COE executive director be a member of the Florida Bar.

8.B.

DISCUSSED: *Palm Beach Post* Article.

Mr. Farach stated that:

- He had read a recent *Palm Beach Post* (Post) editorial page article.
- He understood the Post's perspective, but he felt that they approached the issue of Sheryl Steckler's selection and the subsequent questioning of Ms. Steckler from the wrong perspective.
- A draft letter that he sent to the Post clarified that he wrote the letter on his own behalf, but due to space, the letter had been edited.

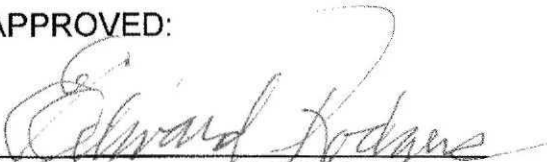
(CLERK'S NOTE: Mr. Reinhart and Dr. Fiore left the meeting.)

9. ADJOURNMENT

MOTION to adjourn the meeting. Motion by Manuel Farach, seconded by Ronald Harbison, and carried 3-0. Dr. Robin Fiore and Bruce Reinhart absent.

At 4:35 p.m., the chair declared the meeting adjourned.

APPROVED:


Chair/Vice Chair