

MEETING: PALM BEACH COUNTY COMMISSION ON ETHICS (COE)

I. **CALL TO ORDER:** March 3, 2011, at 3:05 p.m., in the Commission Chambers, 6th Floor, Governmental Center, West Palm Beach, Florida.

II. **ROLL CALL**

MEMBERS:

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

STAFF:

Alan Johnson, Esq., COE Executive Director
Mark Bannon, COE Investigator
Gina Levesque, COE Administrative Assistant
Sydone Thompson, Deputy Clerk, Clerk & Comptroller's Office

III. **INTRODUCTORY REMARKS**

Alan Johnson, Esq., Commission on Ethics (COE) Executive Director (ED) stated that Bruce Reinhart would not be present at today's meeting because he was attending a conference in San Diego, California.

Judge Edward Rodgers asked everyone to turn off or silence their cell phones. He stated that the COE would recess to discuss item V.a., C10-007, and item V.b., C10-008 in an executive session that was closed to the public. He said that the public meeting would resume in chambers in approximately 45 minutes.

IV. **APPROVAL OF MINUTES FROM FEBRUARY 3, 2011**

MOTION to approve the minutes of the February 3, 2011, meeting. Motion by Robin Fiore, seconded by Manuel Farach, and carried 4-0. Bruce Reinhart absent.

(CLERK'S NOTE: At the request of the chair, the agenda was taken out of sequence and item IX. was discussed at this time.)

IX. PUBLIC COMMENTS

Mr. Johnson asked whether the COE would permit public commentators' remarks prior to adjourning the meeting for executive session. The chair granted the request.

IX.A.

PUBLIC COMMENT: Alexandria Larson.

DISCUSSED: Protocol for Public Comments at Commission on Ethics Meetings.

Alexandria Larson said that the executive session should be held at the end of the COE meeting so that the public would not have to wait one hour or more until the executive session concluded.

Judge Rodgers remarked that the COE could consider changing the meeting format and hear the executive session at the end of the meeting; however, Dr. Robin Fiore pointed out that the executive session's determination had to be reported in the public meeting.

Ronald Harbison suggested that the executive session should be added to the agenda as a time certain item. Mr. Johnson agreed that it could be added as a time certain item with an estimated completion time.

IX.B.

ADDITIONAL PUBLIC COMMENT: Susan Squire.

DISCUSSED: Commissioner Aaronson's Case Dismissal.

Susan Squire read a document that she purported to be from an Internet blog. She stated that the ED's salary increase correlated with Commissioner Burt Aaronson's case determination. She expressed concern about Commissioner Aaronson's attorney fees reimbursement and referred to the Commissioner as "The godfather of Palm Beach County."

Dr. Fiore asked that Ms. Squire refrain from making implicative remarks, since she was of Italian descent.

Judge Rodgers said that the COE was not involved in collusion, and that the public often disagreed with government's decisions.

IX.B. – CONTINUED

Manuel Farach stated that public decorum and respect for the process had been disregarded by the speaker, whose banter exhausted the commission's time. He recommended that the Ms. Squire be disallowed to make additional remarks.

Judge Rodgers informed Ms. Squire that the COE would try to find another forum for her to voice her concerns.

(CLERK'S NOTE: For further discussion on item IX. see pages 13-14.)

RECESS

At 3:11 p.m., the COE recessed for an executive session.

(CLERK'S NOTE: For further discussion on items V.a. and V.b., Executive Session, see pages 4-7.)

RECONVENE

At 4:20 p.m., the COE reconvened with Judge Rodgers, Manuel Farach, Robin Fiore, and Ronald Harbison present.

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V. EXECUTIVE SESSION (DETERMINATION)

V.a. C10-007

Judge Rodgers stated that a complaint involving Commissioner Priscilla Taylor was heard in the executive session. He read, as follows, the report of which he said copies would be available at today's meeting:

"PUBLIC REPORT, FINAL ORDER, ISSUANCE OF LETTER OF INSTRUCTION

Executive Director of the Commission on Ethics filed the above-captioned complaint against Priscilla A. Taylor for violating Article XIII, Section 2-444 (a), Gift law of the Palm Beach County Code of Ethics.

The complaint alleges that the respondent, while a Palm Beach County commissioner, accepted a prohibited gift from the principal or employer of a lobbyist.

Facts:

The respondent is and has been a County commissioner since July 19, 2009. She is a reporting individual as defined by Section 112.3145 (1) (a), required to submit a quarterly gift disclosure, Form No. 9, listing any and all gifts in excess of \$100 subject to specific statutory exclusions.

On December 21, 2010, the respondent signed a gift quarterly disclosure form listing a gift from Ethel Isaacs, Florida Power and Light (FPL), valued in the amount of \$150. The gift comprised a ticket to the Delray Beach Chamber of Commerce Gala event, held September 25, 2010.

A review of the County paid lobbyist's registration records maintained by Palm Beach County Administrator's office, through the Office of Legislative Affairs, established that FPL employs registered lobbyists who lobby Palm Beach County.

V.a. – CONTINUED

Holding:

Article XIII states as follows:

No county commissioner, or employee, or any other person or business on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than \$100 from any person or business entity that the recipient knows is a lobbyist or any principal employer of a lobbyist.

The respondent did accept a prohibited gift from the employer of a lobbyist in excess of \$100. However, the Commission on Ethics has reviewed the facts and circumstances surrounding this alleged violation, and has determined that the actions of the respondent were unintentional and inadvertent. Although FPL is an employer of a registered lobbyist, the Commission on Ethics is unaware of any significant FPL issues coming before the County Commission during the time that the respondent had served as a commissioner.

In addition, Commission on Ethics acknowledges the candid response submitted by the respondent, including her acknowledgement that she could have, and should have done more to ensure that the gift was not prohibited; as well as, steps taken by the respondent establishing staff procedures including better screening of the invitations prior to acceptance, to ensure future compliance with the Code of Ethics. Lastly, the Commission on Ethics is mindful of the fact that the respondent in no attempted to hide the acceptance of this gift, and the premises therein, as she fully complied with the state gift reporting requirements, and that she has voluntarily returned the prohibited portion of the gift to the donor.

In light of the facts and circumstances known to the Commission on Ethics, the matter is disposed of by way of dismissal with this letter of instruction. Respondent is now advised that the filing of the ethics complaint C10-007, along with this letter of instruction is to serve as notice of the consequences of not following the gift law requirements under the Code of Ethics. While the Commission on Ethics finds that any alleged violation was inadvertent and unintentional, respondent is therefore instructed to be more diligent in the future about investigating the source of any gift, and to conform her activities to this letter of instruction and the requirements of Section 2-444, to avoid any future enforcement action.

V.a. – CONTINUED

This Letter of Instruction is issued by the Palm Beach County Commission on Ethics in public session on March 3, 2011.

Signed, Edward Rodgers, Chair.”

Mr. Johnson stated that on March 4, 2011, the letter of instruction read by Judge Rodgers would be available on the COE Web site, and that hard copies would be available to the public at today’s meeting.

V.b. C10-008

Judge Rodgers stated that:

- Complaint C10-008 involved Community Services Department Director Channell Wilkins. The complainant relied on an outdated Web site, which the investigation revealed was factually incorrect.
- The COE concluded on March 3, 2011, that there was no violation of the Code. Information contained in the complaint would be available on the COE Web site.

Mr. Johnson commented that the COE Web site was under repair. He said that information regarding the March 3, 2011, executive session would be available on the COE Web site no later than Monday, March 07, 2011.

PUBLIC COMMENT: Alexandria Larson.

Mr. Johnson stated that the COE had no authority over the Solid Waste Authority (SWA), but that the Office of the Inspector General (OIG) did.

Mr. Farach suggested that concerns regarding the SWA should be referred to Sheryl Steckler, Inspector General (IG).

Mr. Johnson said that Ms. Larson could provide documents of her choosing to Administrative Assistant Gina Levesque for inclusion in the COE’s public record.

ADDITIONAL PUBLIC COMMENT: Susan Squire.

V.b. – CONTINUED

Mr. Johnson said that Ms. Squire could contact his office to process her request for information.

Dr. Fiore stated that she was not related to Mr. and Mrs. John Fiore who were named in Ms. Squire's remarks.

Mr. Farach suggested that Ms. Squire provide the document she read during her comments to Ms. Levesque for distribution to the COE.

VI. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

VI.a. Request for Opinion (RQO) 11-002

VI.b. Request for Opinion (RQO) 11-004-OE

VI.c. Request for Opinion (RQO) 11-005

VI.d. Request for Opinion (RQO) 11-006

Mr. Johnson stated that items RQO 11-002, RQO 11-004-OE, RQO 11-005, and RQO 11-006 were presented together as the consent agenda.

MOTION to approve the consent agenda. Motion by Robin Fiore, seconded by Ronald Harbison, and carried 4-0. Bruce Reinhart absent.

VII. PROPOSED ADVISORY OPINIONS

VII.a. RQO 11-003

Mr. Farach disclosed that more than 10 years ago he represented REG Architects (REG) and although he no longer represented the company as an attorney, he would abstain from commenting or voting on this item.

Mr. Johnson said that:

- Since Mr. Farach was not actively working as an attorney for REG, it was not imperative that he abstain from discussing or voting on the item; and, if Mr. Farach decided to abstain from any action on the item, he was not required to leave the dais.

VII.a. – CONTINUED

- Item RQO 11-003 involved Manuel Ayala, an architect employed by REG. Mr. Ayala requested an advisory opinion because he had volunteered to serve on the Palm Beach County Construction Industry Licensing Board (CILB).
- It was determined that REG had no contracts with the County, but was a subcontractor for civil engineering firm Miller Legg, which was working on the County's Riverbend Park project in Jupiter, Florida.
- Specific County projects were not heard before the CILB, which had authority over licensing issues.
- The Code stipulated that unless there was a nexus between a contractor and subcontractor, the subcontractor's contract would not be prohibited unless an active County contract was in force.
- Mr. Ayala was not required to obtain a waiver, but he was advised to use caution when discussing licensing matters on the CILB that involved his employer REG, or the subcontractor Miller Legg. Participation in such matters would constitute violations of Code Sections 2-443 (a) or 2-443 (b).

MOTION to approve staff's interpretation on item VII.a. RQO 11-003. Motion by Robin Fiore, seconded by Ronald Harbison, and carried 3-0. Manuel Farach abstained. Bruce Reinhart absent.

VIII. EXECUTIVE DIRECTOR COMPENSATION

Mr. Harbison stated that:

- The discussion regarding Mr. Johnson's compensation began three months ago, and was a continuation from the COE's prior agreement that within six months of employment the ED's salary would be reevaluated.
- Compensation data was requested from the County human resources department, and it was determined that the ED's current salary was minimal in comparison to salary ranges of positions that closely matched the ED's experience and job title.

VIII. – CONTINUED

- It was apparent that the senior assistant attorney and county directors' positions were in line with the ED's position. The average salary for the senior assistant county attorney title was \$143,936 and the median salary was \$142,775. Based on the data collected for county directors, the average salary was \$129,047 and the median salary was \$128,019.
- The COE should develop guidelines for the ED's compensation and performance evaluations.
- Mr. Johnson's salary should be increased by 10 percent, which would result in an approximated compensation of \$130,000.

(CLERK'S NOTE: For further discussion on item VIII. see page15.)

VIII.a. UNSCHEDULED ITEMS

VIII.a.1. Commission on Ethics' Budget Assessment

Mr. Johnson reported that:

- The ED's initial budget for fiscal year (FY) 2010 was a partial budget totaling \$180,000.
- In FY 2010, the COE expended 61 percent of budgeted salaries, 62 percent of operating expenses, and 82 percent of the capital budget. The total budget outlay was 62 percent, which resulted in a 38 percent budget reserve. The data was reflective of a five-month budget cycle.
- Initially, the need to hire an attorney and an investigator was circumvented since the ED was an attorney and former prosecutor. The ED's office functioned with staff consisting of Ms. Levesque and volunteers.
- The FY 2011 budget was \$475,626, and accounted for additional staff.
- Through March 1, 2011, the COE expended 30.1 percent of annual budgeted salaries, 11.09 percent of annual budgeted salaries, .1 percent of annual budgeted salaries, 11.09 percent of operating expenses, and 33.51 percent of the capital budget.

VIII.a.1. – CONTINUED

- The total budget outlay of 26.54 percent for the first five months projected a 45 percent reserve for FY 2011.
- By delaying the hiring of legal counsel Megan Rogers Esq., and investigator Mark Bannon, Esq., it was estimated that the COE's FY 2011 reserve would be 30 percent.
- The ED's office would have a full staff once another investigator was hired in 2011. The hiring process for the second investigator position had been delayed to realize budgetary cost-savings.
- It was anticipated that the FY 2012 budget reserve would be smaller than that of FY 2011.

VIII.a.2. Internships and Community Outreach

Mr. Johnson explained that:

- The University of Miami fellowship was promising, but the fellow secured a permanent job in a law firm prior to starting with the ED's office.
- Two interns from Palm Beach Atlantic University were currently working in the ED's office. During the next semester it was anticipated that Palm Beach State College interns would be working in the ED's office.
- Although the COE's jurisdiction included officials and employees of government, ethics-related issues were broad-based and warranted community support and involvement. Currently the interns were crafting educational outreach programs for the ED's office.
- Plans for an "Ethics Awareness Week," a "Face of Ethics for Palm Beach County" title, and ethics-related scholarships were being developed.
- The ED had made attempts at partnering with art schools in the community, and would be partnering with local schools to convey the COE's message to students in a user-friendly format. By early 2012, the ED's office's outreach program would be fully operational.

VIII.a.2. – CONTINUED

- In the last 10 months, the ED had made 60 public appearances. Mr. Bannon and Ms. Rogers were being trained to conduct speeches and presentations to political, public, and civic groups.

VIII.a.3. Comparative Analysis of the State Ethics Commission and the Commission on Ethics

Mr. Johnson stated that:

- The State Ethics Commission (SEC) based in Tallahassee, Florida, serviced concerns from 67 counties as opposed to the COE that was based in the county it served.
- The SEC had no local connections and did not conduct self-initiated investigations, while the COE conducted self-initiated inquiries to determine substance Code violations.
- The COE responded to advisory opinions within 30 days, which was not customary for the SEC.
- The COE's objective was to be in tune with the community and gather the public's concerns firsthand.
- Several inquiries made to the ED were unfounded and closed.
- If the facts associated with an inquiry warranted further investigation, it would be flagged as a self-initiated complaint and investigated.
- The COE processed 41 advisory opinions within its first seven months. Approximately 10 advisory opinions were processed in 2011. These statistics did not account for the 38 municipalities that signed the referendum.
- The COE was service oriented and should be used as a resource for County officials and employees to avert Code violations.

VIII.a.4. Transparency

Mr. Johnson communicated that:

- Matters discussed at COE meetings were published to the COE Web site. The materials included advisory opinions, substantiated case determinations, and video recordings of public meetings, including ordinance drafting committee meetings.
- Content regarding inquiries and unfounded complaints were not published to the ED's Web site; however, they were housed at the ED's office and were obtainable upon request.

VIII.a.5. Palm Beach County's Ethics Advancements

Mr. Johnson said that:

- The COE received honorable mention in the statewide grand jury report that was commissioned by Governor Charlie Crist regarding corruption in South Florida. The 117-page document illustrated statewide grand jury recommendations, and recognized Palm Beach, and Miami-Dade counties as local governmental models for COE and IG protocols. This distinction verified that the County was progressive in ethical matters.
- The business community, contractors, and advisory board members were required to adhere to the Code. A recent presentation was held with 35 lobbyists who were notified of their obligations to comport with the Code.
- Given the ED's measurable outcomes, it was evident that strides had been made to change the perception of the County from corrupt to ethical.

Mr. Harbison noted that the County was complimented by the SEC chairman for developing a model prototype for the organization of the COE and IG. He stated that when he attended the Fourth Annual "South Florida's Culture of Corruption" conference, a New York law professor said that the County's ethics infrastructure was a model for the country.

Mr. Johnson relayed that the City of Jacksonville's (City) Ethics Officer Carla Miller had requested a copy of the County's Code for use in developing stronger Codes in her City.

VIII. a.5. – CONTINUED

Judge Rodgers stated that the COE should use budgeted funds to increase Mr. Johnson's salary, especially when the ED's workload would increase significantly when the 38 municipalities came under the Code's jurisdiction.

Mr. Farach expressed support for the ED's proposed salary increase by saying that it would be a great loss to the COE if Mr. Johnson were hired by the public or private sector.

Dr. Fiore said that Mr. Johnson's compensation rate should be comparable to that of the IG's. She added that the ED position was based on Miami-Dade County's IG model that profiled the prime candidate as a male, former Federal Bureau of Investigations agent at top pay grade.

Mr. Harbison emphasized that Mr. Johnson had been a good steward of the ED's budget by realizing a 40 percent surplus for FY 2010.

Dr. Fiore suggested that Mr. Johnson's salary be increased to that of the Senior County Attorney position.

Mr. Farach stated that at this time, he was comfortable with a 10 percent pay increase for Mr. Johnson; however, he would have preferred to discuss the matter with the entire commission, since Bruce Reinhart was absent from today's meeting.

MOTION to apply a 10 percent pay increase for Alan Johnson, Commission on Ethics Executive Director. Motion by Ronald Harbison, seconded by Manuel Farach, and carried 4-0. Bruce Reinhart absent.

Mr. Harbison asked whether the County's human resources department could provide the COE with information and job descriptions pertaining to contracts and employee manuals for employees at the senior attorney level or key administrators. Mr. Farach concurred and suggested that a future workshop be planned to discuss that issue.

IX.A. – Continued from pages 2-3

DISCUSSED: Protocol for Public Comments at Commission on Ethics Meetings.

Alexandria Larson said that at the Board of County Commissioner (BCC) meetings, public comments were heard before the vote was taken.

IX.A. – CONTINUED

Mr. Farach asked Ms. Larson to clarify whether she felt it was appropriate for the COE to respond to or debate with an audience member's shouts while the commission actively discussed an item.

Judge Rodgers read Ms. Squire's comment card as follows, "Perfect– self-initiate a complaint against, godfather of Palm Beach County, offense."

Mr. Farach said that in response to an earlier comment, the ED should look at whether public comment should be taken before the COE voted. He asked the ED staff to inquire about the public comment procedure with other boards in the County and report those findings to the COE. He stated that since the COE was newly formed, members were learning as the process unfolded. He expressed concern that COE meetings could become debates, and that they would be lengthened unnecessarily.

Mr. Johnson stated that each public speaker was allotted three minutes to comment, and he added that the policy would be enforced at future meetings.

(CLERK'S NOTE: Item VII. was discussed at this time. The numeric order of the agenda was taken out of sequence.)

VIII. – EXECUTIVE DIRECTOR COMPENSATION

Assistant County Administrator Brad Merriman stated that Mr. Johnson would be given a 10 percent pay increase effective the next pay period.

(CLERK'S NOTE: The numeric sequence of the agenda was restored.)

X. WORKSHOP ITEMS

X.a. Drafting Committee Update

Mr. Johnson reported that:

- The IG ordinance drafting committee (IG committee), and the COE ordinance drafting committee (COE committee) both were composed of seven members. Ms. Steckler was an IG committee member, and he, Mr. Johnson, was a COE committee member.

X.a. – CONTINUED

- The IG and COE committees' members were chosen as outlined by referendum as follows:
 - Two each were chosen by the League of Cities (LOC) and the BCC, one each by the County Attorney and the general counsel for the LOC or its designee; and, the seventh member for either board would be the ED or his designee, and the IG or her designee;
 - The LOC selected Michael Bornstein from the Town of Lantana and Kurt Bressner from the City of Boynton Beach. The third LOC representative was counsel Trela White, Esq.;
 - The board appointed David Baker, Esq., who was the current chair for the COE committee, and Dave Aronberg., vice chair; and,
 - Donna Raney, Esq., was the current designee for the County attorney.
- Regarding the IG committee, it was unclear whether ordinance language would include defined rules for waste, fraud, mismanagement, and abuse because inspectors general in Florida were typically entities with criminal jurisdictions. Of the non-criminal civil inspectors general in the State, those definitions were not used. Another issue was the method for generating the IG's quarter percent IG fee, or its equivalent.
- Amendments to the COE Codes were completed although additional amendments could be made at this juncture. Each COE member was provided with the updated copy of the COE ordinance.
- On March 16, 2011, COE drafting committee meeting was scheduled to fast-track amendments to the lobbyist and post-employment ordinances sections of the Code. Two more meetings would be held before the 90-day deadline.
- The first reading of the Code would be heard in the first week of May 2011, the second reading would take place in the third week of May 2011, and the jurisdictions would be set later.

X.a. – CONTINUED

- The ED hotline had received several calls from governmental entities and law enforcement officials within the county's 38 municipalities regarding the effective date of the ED's jurisdiction. These entities were directed to file complaints with the SEC, and were informed that the County's Code would likely be effective in May 2011.
- Originally, the COE had no jurisdiction over municipalities in the County. The referendum that was passed by voters stipulated that the IG and COE drafting committees would be allotted 90 days to craft the appropriate ordinance language that would apply to the municipalities. The expiration date for the completing the modifications was April 1, 2011.
- The ED could request that County staff schedule the issue for the May 2011 COE meeting, and also ask that the BCC adopt the IG and COE ordinances as amended, even if the modifications had not been completed. The drafting committees had not yet completed the final versions of the two ordinances.
- It was believed that the final drafting of the COE ordinance would be completed on March 30, 2011, which would satisfy the referendum's 90 day time frame for ordinance amendments.
- The gift law and waivers were major Code provisions that would be discussed by the committee. The issue of outside employment was also being vetted by the COE committee.
- Currently, Code provisions prohibited employees from negotiating, enforcing, or working in a department with active contracts involving the secondary employer. The employee would be required to submit merit rule approval for outside employment to the COE.
- City of West Palm Beach Attorney Claudia McKenna had suggested that the COE create an outside employment waiver form (form) for employees.
- A procedure would be created whereby employees would sign the form under oath to verify their detachment from the contract process involving an outside employer. The form would also be signed by each employee's supervisor and chief administrator, and a copy would be forwarded to the COE for review to determine whether an investigation was warranted.

X.a. – CONTINUED

- A searchable gift-reports application would be added to the COE Web site within one week of today's COE meeting.
- The proposed amendment to the Code's employee waiver process could relieve the COE from processing every request for an outside employment opinion.
- The COE committee planned to discuss:
 - reporting requirements for gifts in excess of \$100 for fiancés and lower-level employees;
 - personal relationship exceptions that correlated with personal gifts from lobbyists' Code provision; and,
 - the necessity for reporting gifts based on job title and responsibilities.

Dr. Fiore commented that it was naive to speculate that lower-level employees were immune to the gift prohibition.

Mr. Johnson stated that:

- The COE ordinance drafting committee would also discuss reportable gifts and prohibited actions.
- The Palm Beach County Business Forum requested that the definition of lobbying be limited to activities occurring after a meeting was held with an official.
- After the COE committee meeting on March 30, 2011, a brief meeting could be held with the COE, as an update on the substantive modifications made to the ordinance. The briefing could be conducted at the April 2011 COE meeting.

Dr. Fiore said that lobbyists by definition were influential entities, and that ordinance language should not be weakened in that regard. Although lobbyists conducted important work, the issue was managing their influence, which was the commission's responsibility, she stated.

X.a. – CONTINUED

Mr. Johnson stated that he was not aware of any drafting committee member submitting a waiver as a registered lobbyist.

**X.b. Rules of Procedure Amendments 4.11 and 4.12
(Self-Initiated Complaints)**

Mr. Johnson stated that:

- Rules of procedure needed to be drafted for self-initiated complaints.
- Within the bounds of the Code, a procedure was added so that inquiries would be made into information that was furnished to the ED's office. These inquiries would be made in lieu of an investigation.

**X.c. Rules of Procedure Amendments 4.31, 4.32, and 4.33
(Advocate Conflicts of Interest)**

Mr. Johnson stated that:

- The Florida Bar Association's Rule 4, Rules of Professional Conduct, was adopted by the COE for situations involving conflict of interest and COE advocates (advocates).
- Any instance of conflict of interest involving an advocate was to be immediately reported to the ED, and a replacement was to be assigned to a case. The respondent and complainant would be notified of such developments.
- Of the current volunteer advocates, two worked at the same law firm. An independent volunteer advocate would be secured if a direct conflict of interest with the COE or ED existed.

XI. EXECUTIVE DIRECTOR COMMENTS – None

XII. BOARD COMMENTS

XII.a. Manuel Farach, Esq. – None

XII.b. Dr. Robin Fiore

DISCUSSED: Procedure for Documenting Official Commission on Ethics Mail.

Dr. Fiore asked that the County resolution that she received as official mail from Ms. Levesque, be added to the official record for today's meeting, and she asked that the document be posted to the COE Web site. Mr. Farach said that he had also received the same document.

Mr. Johnson noted that the entire commission, including the ED, had received the letter. Additionally, Ms. Steckler and all drafting committee members were also furnished with the same letter, he stated.

Dr. Fiore suggested that an item should be added to the COE agenda when official mail was distributed to commissioners.

Mr. Johnson proposed that one copy of the letter should be submitted for the public record as an acknowledgement that each COE member was in receipt of the document.

Mr. Farach stated that the letter bore the resolution number 11-11 from the Town Council of the Town of Palm Beach (Town). Mr. Johnson commented that the Town had requested that the IG jurisdiction be expanded to the County Sheriff's Office and School District.

Judge Rodgers recommended that when a COE member received correspondence, one copy should be handled as a board copy.

XII.c. Ronald Harbison – None

XII.d. Bruce Reinhart, Esq. – None

XII.e. Judge Edward Rodgers

XII.e.1.

DISCUSSED: Public Comments.

Judge Rodgers asked whether the issue of public comments should be discussed.

Mr. Farach asked Mr. Johnson to conduct a survey of countywide advisory boards and commissions to determine the policy for accepting public comments. He said that the findings should be posted to the COE Web site for the public's edification and feedback.

Mr. Johnson stated that he would provide the board with his findings at the April 2011, COE meeting.

XII.e.2.

DISCUSSED: Scheduling Executive Sessions.

Judge Rodgers asked whether executive sessions could be scheduled at the COE's choosing.

Mr. Johnson said that:

- The Code allowed a quorum for probable cause hearings and the chair could appoint three COE commissioners to preside over cases. This procedure could take effect when the COE processed more cases.
- In the future, a special master could be appointed if the number of complaints increased significantly. The Code would need to be amended to add a special master provision.

Mr. Farach proposed that a blind rotation system be used when assigning COE members to preside over complaints, in order to avoid conflicts of interest or the appearance of favoritism.

Mr. Johnson stated that for pre-hearings, such as evidentiary matters, the Code stipulated that the chair could appoint one COE commissioner to preside over the hearing.

XIII. ADJOURNMENT

At 6:07 p.m., the chair declared the meeting adjourned.

APPROVED:


Chair/Vice Chair