



Honesty - Integrity - Character

Palm Beach County
Commission on Ethics
300 North Dixie Highway
West Palm Beach, FL 33401
561.355.1915
FAX: 561.355.1904
Hotline: 877.766.5920
E-mail: ethics@pbcgov.org

Commissioners
Peter L. Cruise
Carol E. A. DeGraffenreidt
Michael S. Kridel
Michael H. Kugler
Rodney G. Romano

Executive Director
Mark E. Bannon

Intake and Compliance Manager
Gina A. Levesque

General Counsel
Christie E. Kelley

Investigator
Abigail Irizarry

Investigator
Mark A. Higgs

Agenda

November 5, 2020 – 1:30 p.m.
Governmental Center,
301 North Olive Avenue, 6th Floor
Commissioners Chambers

Meeting will begin at 1:30pm
Executive Session will begin at 1:45pm
Regular Agenda will resume at 2:30pm

- I. Call to Order
- II. Roll Call
- III. Introductory Remarks
- IV. Approval of Minutes from September 3, 2020
- V. Approval of Minutes from October 1, 2020
- VI. Executive Session – C20-001
- VII. Executive Director Comments
- VIII. Commission Comments
- IX. Public Comments
- X. Adjournment

If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, (s)he will need a record of the proceedings, and that, for such purpose, (s)he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

SEPTEMBER 3, 2020

**THURSDAY
1:30 P.M.**

**WEBEX TELECONFERENCE
WEISMAN GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

Peter L. Cruise, Chair
Michael S. Kridel, Vice Chair
Carol E. A. DeGraffenreidt
Michael H. Kugler
Rodney G. Romano – Arrived later

STAFF:

Mark E. Bannon, Commission on Ethics (COE) Executive Director
Mark A. Higgs, COE Investigator
Abigail Irizarry, COE Investigator I
Christie E. Kelley, Esq., COE General Counsel
Gina A. Levesque, COE Intake and Compliance Manager

ADMINISTRATIVE STAFF:

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

III. INTRODUCTORY REMARKS – None

IV. APPROVAL OF MINUTES FROM AUGUST 6, 2020

MOTION to approve the August 6, 2020 minutes. Motion by Michael Kugler, seconded by Michael Kridel, and carried 4-0. Rodney Romano absent.

V. DISCUSSION OF CANDIDATES TO BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEM TO APPOINT TWO (2) CANDIDATES TO THE REVIEW COMMITTEE FOR THE ETHICS ORDINANCES

Mark Bannon, COE Executive Director, said that:

- The creation of a review committee was required to make changes to any COE documents.
- The Board of County Commissioners (BCC) appointed 2 candidates, the Palm Beach County League of Cities (League) appointed 2 candidates, and the remaining drafting committee members included the COE executive director and the general counsels for the League and the County Attorney's Office.
- He suggested sending the BCC the following suggested names for consideration:

(CLERK'S NOTE: Rodney Romano joined the meeting.)

- Vicki Chouris, President, Leadership Palm Beach County (Leadership); Roberta Journey, Quantum House Chief Executive Officer; David Baker, an attorney and former member of the Palm Beach County Ethics Ordinances Drafting Committee; and Jeri Muoio, former mayor for the City of West Palm Beach.
- Three of the prospective candidates were contacted about serving on the review committee, but no one has responded.

Chair Peter Cruise said that no one of color was listed as a candidate.

Commissioner Michael Kugler said that it was important to have a cross-section of the community to review COE ordinances. He asked whether any other names would be submitted to the BCC and whether the BCC could choose candidates outside of the suggested names.

Mr. Bannon said that staff from various organizations could also submit names.

Commissioner Kugler suggested submitting candidates who were African American and Hispanic.

Commissioner Carol DeGraffenreidt said that candidates should represent a broad spectrum of the community.

Vice Chair Kridel said that he concurred with the other COE members.

Commissioner Kugler suggested considering a candidate with significant connections to the western communities.

Mr. Bannon said that:

- Candidate's names could be submitted at any time before the next meeting.
- It was better to submit candidates who were more objective about the COE's Code of Ethics.

Gina Levesque, COE Intake and Compliance Manager, said that due to computer audio issues, Commissioner Romano wrote a comment to everyone that he supported and commended Chair Cruise for his proactive stance.

Mr. Bannon said that:

- COE members could email him with suggested candidates, and he would contact them to see if they were interested in becoming a member.
- COE members could also contact prospective candidates, who should be informed that only 2 candidates would be chosen.

Commissioner Kugler suggested that candidates submit their credentials.

Commissioner DeGraffenreidt said that to prevent duplication, suggested names should be sent to all COE members.

Mr. Bannon said that due to potential Sunshine Law issues, COE members should submit names to him.

Ms. Levesque suggested that potential candidates be informed as to how long they would be serving on the review committee.

Mr. Bannon said that the review committee would determine how often to meet or how many meetings were needed. He added that unlike the upcoming ordinance changes, the 2015 changes were only procedural in nature that involved hearings.

Commissioner Kugler said that the candidates should expect to meet at least twice to review and discuss the ordinance documentation.

Mr. Bannon added that the meetings would include minutes, and the COE members could submit names starting today.

VI. DISCUSSION ABOUT HOLDING OCTOBER, NOVEMBER, AND DECEMBER COE MEETINGS VIA WEBEX

Mr. Bannon said that:

- The County was still in Phase 1 regarding the COVID-19 epidemic, and a request to go to Phase 2 was sent to Governor Ron DeSantis.
- Wearing masks in public buildings would still be required if the County went to Phase 2.

Ms. Levesque said that County staff met with Governor DeSantis, and Phase 2 would begin September 8, 2020.

Commissioner Kugler supported continuing the COE meetings by video conference, but he would not oppose holding them in the commission chambers. He added that everyone should be cognizant of any commissioners with health issues that could make them more susceptible to the COVID-19 virus.

Commissioner DeGraffenreit and Vice Chair Kridel said that they supported Commissioner Kugler's suggestion.

Ms. Levesque said that Commissioner Romano sent her a text stating that he preferred video conferencing, but would attend in person if necessary because social distancing was currently in effect.

Chair Cruise said that by consensus, the October meeting would be via WebEx, and a determination would be made about the November meeting.

VII. EXECUTIVE DIRECTOR COMMENTS

VII.a.

DISCUSSED: Expression of Gratitude.

Mr. Bannon thanked everyone for their well wishes and gifts while he was ill.

VII.b.

DISCUSSED: September 16, 2020 COE Hearing.

Mr. Bannon said that:

- The September 16, 2020 WebEx COE hearing scheduled for 11:00 a.m. before Thomas Dougherty involved a motion for summary judgment regarding the Lynn Hubbard case.

- The case would not come back before the COE because it was under the earlier Code of Ethics ordinance.

VIII. COMMISSION COMMENTS

VIII.a.

DISCUSSED: Welcome.

Commissioner Kugler said that he welcomed back Mr. Bannon.

VIII.b.

DISCUSSED: Expression of Gratitude.

Ms. Levesque said that Commissioner Romano sent her a text stating that he was happy to hear that Mr. Bannon was well.

IX. PUBLIC COMMENTS – None

X. ADJOURNMENT

At 1:55 p.m., the chair declared the meeting adjourned.

APPROVED:

Chair/Vice Chair

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

OCTOBER 1, 2020

**THURSDAY
1:29 P.M.**

**COMMISSION CHAMBERS
WEISMAN GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

Peter L. Cruise, Chair
Michael S. Kridel, Vice Chair
Carol E. A. DeGraffenreidt
Michael H. Kugler
Rodney G. Romano – Absent

STAFF:

Mark E. Bannon, Commission on Ethics (COE) Executive Director
Abigail Irizarry, COE Investigator I
Christie E. Kelley, Esq., COE General Counsel
Gina A. Levesque, COE Intake and Compliance Manager

ADMINISTRATIVE STAFF:

Deputy Clerk, Danielle Freeman, Clerk & Comptroller's Office (Minutes)

III. INTRODUCTORY REMARKS – None

IV. PROCESSED ADVISORY OPINION RQO 20-010 (CONSENT AGENDA)

Chair Cruise said that he would pull the item from the consent agenda due to a revision that was made by staff prior to publishing.

Mark Bannon, Commission on Ethics (COE) Executive Director said that in reference to the revision that was made to the RQO-20-010 as outlined in the attachment, any single gift valued up to \$100 that was not from a lobbyist or a County or City vendor, could be accepted without reporting, although a single gift over \$100 had to be reported.

MOTION to approve the revised RQO 20-010. Motion made by Michael Kugler, seconded by Michael Kridel, and carried 4-0. Rodney Romano absent.

V. DISCUSSION AND NOMINATION OF CANDIDATES TO BE FORWARDED TO THE BOARD OF COUNTY COMMISSION (BCC) FOR THEM TO APPOINT TWO (2) CANDIDATES TO THE ETHICS ORDINANCES REVIEW COMMITTEE.

Mr. Bannon said that he would be recommending the following three candidates to the BCC:

- David Baker,
- Chauncey Graham, and
- Andrea McMillan.

He added that the BCC was not limited to candidates that the committee recommended as long as they appoint for 2 seats.

MOTION to recommend the following three review committee candidates to the Board of County Commissioners: David Baker, Chauncey Graham, and Andrea McMillan. Motion made by Michael Kugler, seconded by Carol DeGraffenreidt, and carried 4-0. Rodney Romano absent.

VI. EXECUTIVE DIRECTOR COMMENTS

VI.a.

Mr. Bannon said that:

- Going forward, all Commission on Ethics meetings will be held in chambers unless the Governor issued a new executive order mandating virtual meetings.
- The next COE meeting would include an executive session.
- He asked commission members to respond to any voicemail or email communications that they received from staff.
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VII. COMMISSION COMMENTS

VII.a.

Commissioner Kugler, said that he was happy to see everyone in person and has hopes for things to continue in the right direction.

VIII. PUBLIC COMMENTS

VIII.a.

DISCUSSED: Executive Order.

Richard Radcliffe, Palm Beach County League of Cities Executive Director clarified that Governor DeSantis extended the executive order for virtual meetings to continue through the end of month and that it would officially expire on November 1, 2020.

IX. ADJOURNMENT

At 1:37 p.m., the chair declared the meeting adjourned.

APPROVED:

Chair/Vice Chair