

# PALM BEACH COUNTY COMMISSION ON ETHICS BY-LAWS

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## **ARTICLE I –IDENTIFICATION**

### **Section 1: Name**

The Palm Beach County Commission on Ethics

### **Section 2: Offices**

The Historic 1916 Palm Beach County Courthouse  
300 N. Dixie Highway, Suite 450  
West Palm Beach, FL 33401  
Or such address where the Commission may be located from time to time

#### **Historical Changes**

**Dec 11, 2014 Section 2 Amended to update address.**

## **ARTICLE II-MISSION STATEMENT**

### **Section 1: Mission**

The mission of the Commission on Ethics is to ensure the integrity of the governmental decision-making process, restore public confidence in government and to serve as the guardian of the public trust.

### **Section 2: Strategy**

In order to accomplish the mission the Palm Beach County Commission on Ethics shall:

1. Educate the public, elected and appointed officials and public employees, lobbyists, and vendors doing business with the county of exiting standards of ethical conduct.
2. Actively enforce the standards of conduct that apply to elected and appointed officials and public servants, lobbyists and former public employees.
3. Review ordinances under the Commission’s jurisdiction and applicable state and federal statutes related to ethics in government to recommend changes that will lead to greater ethics compliance.
4. Serve as a model for elected and appointed officials and government employees and work to create an atmosphere conducive to ethical conduct and behavior for both the public and private sectors within Palm Beach County.

## **ARTICLE III- COMMISSION ON ETHICS**

### **Section 1: Number, Appointing Authority and Qualifications**

The Commission on Ethics shall consist of five (5) members. The President of the Palm Beach County Association of Chiefs of Police shall appoint a former law enforcement official with experience in investigating white collar crime or public corruption. The President of the Hispanic Bar Association of Palm Beach County, the President of the F. Malcolm Cunningham, Sr. Bar Association, and the President of the Palm Beach County Bar Association shall appoint

an attorney with experience in ethics regulation of public officials and employees. The President of Florida Atlantic University (FAU) shall appoint a faculty member who teaches at an institution of higher education with a campus located in Palm Beach County and who has taught a course in professional legal ethics or has published or performed services in the field of professional legal ethics. The President of the Palm Beach Chapter of the Florida Institute of CPAs shall appoint a member who possesses at least five (5) years experience as a Certified Public Accountant (CPA) with forensic audit experience. The Board of Directors of the Palm Beach County League of Cities, Inc. shall appoint a person who has served as a former elected official for a governmental entity in Palm Beach County.

## **Section 2: Term of Appointment**

The members of the Ethics Commission shall serve staggered terms of four (4) years each, provided that of the original members, the two (2) members appointed by the Palm Beach County Association of Chiefs of Police and The Presidents of the Hispanic, F. Malcolm Cunningham, Jr. and Palm Beach County Bar Associations shall be appointed to a term of two years and the remaining three (3) members shall be appointed for a initial term of four (4) years. Thereafter, all members shall serve terms of four (4) years.

## **Section 3: Conditions of Appointment**

In addition to the requirement that each member take the prescribed oath of office pursuant to section 876.05, Florida Statutes, during their tenure members of the Commission may not hold or campaign for any elective political office, hold office in any political party or political committee, actively participate in or contribute to any political action committee or to any campaign for state or local office or for any U.S. Congressional or Senate office serving the State of Florida, be employed by Palm Beach County, any municipality within Palm Beach County or any other governmental entity subject to the authority of the Commission on Ethics or the Inspector General, or allow his or her name to be used by a campaign in support of or against any candidate for political office or any referendum or other ballot question.

## **Section 4: Vacancy and Removals**

A vacancy occurring during or at the expiration of a member's terms on the Commission on Ethics shall be filled as provided in the Commission on Ethics Ordinance, Article V, Section 2-255 no later than sixty (60) days after the vacancy occurs. A newly appointed member shall serve out the remainder of his or her predecessor's term.

## **Section 5: Compensation**

Ethics Commissioners shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

## **Section 6: Function**

The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the Palm Beach County Code of Ethics, Lobbyist Registration and Post-Employment Ordinances or similar ordinances, rules or regulations duly adopted by Palm Beach County.

## **Section 7: Duties and Responsibilities**

The Ethics Commission shall:

1. Issue advisory opinions regarding county ordinances within the jurisdiction of the Commission as requested by elected and appointed officials and other public servants.
2. Make legal sufficiency and probable cause determinations, approve settlement agreements and issue public reports and final orders regarding disposition of complaints and impose penalties.
3. Develop educational programs and materials and engage in community outreach to inform and educate county and municipal officials and employees, county vendors, non-profit corporations and other entities that do business with the county as well as the public at large about county ethics ordinances and the importance of ethics to the public's confidence in county and municipal government.
4. Review ordinances and state and federal laws relating to ethics in government and report and make recommendations to the Board of County Commissioners as it deems appropriate.

## **Section 8: Grants, Contributions or Appropriations**

The Commission on Ethics, through the Executive Director, may actively pursue and accept grants, contributions or appropriations from the federal government, state government, any municipality within Palm Beach County, or any academic institution or nonprofit entity which has not entered into a contract or transacted business with the County, or if having entered into such contract or business transaction with the County, by a Board of County Commission resolution of approval of such grant, contribution or appropriation by the academic institution or nonprofit entity.

## **Section 9: Procedures Upon Removal**

Upon notification to the appointing body, The Commission on Ethics may remove a Commissioner for good cause upon a supermajority vote of the remaining Commissioners. Good cause includes, but is not limited to the following:

1. A conviction of a crime of moral turpitude or a felony crime.
2. A finding of a violation of the Palm Beach County Code of Ethics.
3. A failure to meet conditions of appointment as contained in Article III, Section 3 of the Commission on Ethics By-Laws.

# **ARTICLE IV- OFFICES**

## **Section 1: Officers**

The officers of the Commission on Ethics are a Chairperson and a Vice Chairperson.

## **Section 2: Term of Office**

The term of each office is two years. No officer shall be permitted to serve two (2) consecutive terms in their respective offices.

### **Section 3: Chairperson**

The Chairperson shall preside at all meetings of the Commission.

### **Section 4: Vice Chairperson**

In the absence or disability of the Chairperson, the Vice Chairperson shall perform the duties of Chairperson.

## **ARTICLE V-COMMISSION STAFF**

### **Section 1: Executive Director**

The Executive Director is appointed by and serves at the pleasure of the Ethics Commission. The Executive Director is the chief executive of the department and shall be a member of the Florida Bar.

### **Section 2: Counsel to the Commission on Ethics**

The Counsel to the Commission on Ethics is appointed by and serves at the pleasure of the Ethics Commission. Counsel shall be a member of the Florida Bar and may serve on a volunteer basis.

### **Section 3: Advocate**

The Advocate is appointed by and serves at the pleasure of the Ethics Commission. The advocate shall prosecute cases before the Ethics Commission. The Executive Director may serve as Advocate. The Advocate may serve on a volunteer basis.

### **Section 4: Other Employees**

The Executive Director shall have the authority to appoint, remove and suspend employees or agents of the Commission on Ethics within the constraints set forth by the Commission's budget. The Executive Director shall be further empowered to adopt personnel and management policies consistent with like policies in place for County personnel.

## **ARTICLE VI-COMMITTEES**

### **Section 1: Committee Chairs**

The Ethics Commission may appoint committee chairs to perform specific tasks or functions

### **Section 2: Personnel Committee**

The Commission on Ethics shall establish a personnel committee to review personnel policies, hear formal employee grievances and complaints and perform other personnel related functions as determined by the Commission.

### **Section 3: Education and Public Outreach**

The Ethics Commission shall establish an education and public outreach committee to assist the Executive Director and the staff in developing policies related to the Commission's education and public outreach functions.

### **Section 4: Other Ad Hoc Committees**

The Chairperson and/or the Commission on Ethics may establish other committees to perform certain tasks as deemed necessary.

## **ARTICLE VIII-MEETINGS**

### **Section 1: Agenda**

The Executive Director, in collaboration with the Chairperson, or Vice Chairperson shall establish the agenda for regular and special meetings. All action items for a Commission on Ethics agenda, including requests for opinions and motions regarding complaints, must be received at least five (5) days prior to the meeting to be placed on the agenda.

### **Section 2: Quorum**

At all meetings of the full Commission, the presence of a majority of three members shall constitute a quorum for all purposes. The act of the majority of the members of the Commission shall be the act of the full membership.

### **Section 3: Attendance by Electronic Means**

A member may attend a meeting by electronic means such as a speakerphone or videoconference as long as a quorum is physically present at the meeting.

### **Section 4: Public Input**

All interested persons shall be allowed to express their views (oral and/or written) at Commission meetings regarding matters within the jurisdiction of the Commission.

### **Section 5: Meeting Minutes**

Minutes shall be taken at every regular and special Commission meeting and shall be approved by a majority vote of the Commission. All meetings of the Ethics Commission shall be public and written minutes of the proceedings thereof shall be available to the public upon request.

### **Section 6: Regular Meetings**

The Ethics Commission shall hold regular monthly meetings.

### **Section 7: Notice of Meetings**

Notices of all regular and special Commission meetings shall be posted on the Palm Beach County Meeting Calendar. Agendas and attachments shall be hand delivered, e-mailed or faxed to each Ethics Commissioner at least 24 hours before the meeting. Notice of regular meetings

shall be posted at least 72 hours before the meeting. Notices of special meetings shall be posted at least 24 hours before the meeting.

### **Section 8: Closed Sessions**

The Ethics Commission may hold closed sessions at regular meetings for purposes of confidential discussion related to preliminary investigations, legal sufficiency and probable cause determinations.

### **Section 9: Special Meetings**

Special meetings may be called to address specific matters pursuant to public notice requirements. Reasonable notice for the purposes of a special meeting is presumed to be 24 hours.

### **Section 10: Public Comment**

Public comment is permitted on all agenda items with the exception of probable cause proceedings and the adjudicatory portion of final hearings involving complaints before the commission. The chairperson may establish and enforce rules pertaining to the orderly conduct of public comment, including time, manner and decorum.

#### **Historical Changes**

July 7, 2011      Section 10 added regarding Public Comment.

## **ARTICLE IX-VOTING**

### **Section 1: Voting and Abstention**

Each member at an Ethics Commission meeting shall vote on all matters put to a vote, unless that member is excused from voting or unless that member may have a conflict of interest regarding the item.

### **Section 2: Recusal**

A member of the Commission may recuse himself or herself from voting on a matter if the member has a conflict of interest. If the member abstains from voting, the member must state the reason for the recusal on the record.

### **Section 3: Disqualification**

A member of the Commission on Ethics may be disqualified from sitting as a member of the Commission at either the probable cause hearing or the final hearing for bias, prejudice or interest. Disqualification may be raised by the Respondent, The Advocate or any member of the Commission.

### **Section 4: Voting by Proxy**

A member may not vote by proxy.



## **ARTICLE X-PARLIAMENTARY PROCEDURE**

### **Section 1: Robert's Rules of Order**

Except where the Code or other rules provide to the contrary, or in the case of emergency, meetings shall be governed by Robert's Rules of Order.

## **ARTICLE XI-BYLAW AMENDMENTS**

### **Section 1: By-laws**

These by-laws shall be reviewed as necessary. They may be amended at any regular meeting of the Commission by a majority vote of those present, provided such proposed amendments are circulated in writing to all Commissioners at least ten days prior to such meeting and ten days public notice shall be posted.