

MEETING: PALM BEACH COUNTY COMMISSION ON ETHICS

I. **CALL TO ORDER:** April 15, 2010, at 5:29 p.m., in the McEaddy Conference Room, 12th Floor, Governmental Center, West Palm Beach, Florida.

II. ROLL CALL

BOARD MEMBERS:

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

SUPPORT STAFF AND OTHERS PRESENT:

Leonard Berger, Assistant County Attorney
Wayne O. Condry, Human Resources Department Director
Tammy L. Gray, Public Affairs Department Information Specialist
Gale Howden, Leadership Palm Beach County Ethics Initiative Committee
Heather C. Shirm, Public Affairs Department Web Design Coordinator
Robert Meyers, Miami-Dade County Commission On Ethics Executive Director
Leilani M. Yan, Human Resources Department Recruitment and Selection Manager
Julie Burns, Deputy Clerk

III. APPROVAL OF MINUTES FROM 2/23/10, 3/18/10 & 3/25/10 MEETINGS

Judge Edward Rodgers stated that:

- The minutes would be distributed as written, understanding that there may be amendments after everyone read them.
- Ten days would be provided to read the minutes.
- If no one responded, it would be assumed that the minutes were read and that there were no amendments.

(CLERK'S NOTE: Item VI. was moved from the April 15, 2010, IG Selection Committee agenda and presented at this time.)

VI. MIAMI-DADE COMMISSION ON ETHICS EXECUTIVE DIRECTOR (ROBERT MEYERS)

Robert Meyers, Miami-Dade County (County) Commission on Ethics (COE) Executive Director, stated that:

- The County COE was composed of five ethics commissioners.
 - The County's chief judge appointed two, the County's League of Cities appointed one, the Florida International University Labor Center appointed one; and there was one rotating appointment between the law schools of St. Thomas and the University of Miami.
- The County COE had jurisdiction over all County officials and employees, board members, vendors for the County, and all 35 municipal officials, employees and board members.

Mr. Meyers stated that the County COE provided ethics opinions for people who were under the County COE's jurisdiction, and he added that:

- An opinion request and subsequent response needed to be in writing.
- The County COE executive director decided which opinion requests were handled by the County COE and which ones were handled by staff.
- The County COE's legal unit consisted of general counsel and a staff attorney, who were independent from the County's attorneys.
 - General counsel handled County matters.
 - The staff attorney handled municipal matters.

Mr. Meyers said that the County COE was approved by the County's voters and was part of the County's charter. The County's Board of County Commissioners (BCC), he stated, could remove the inspector general, but only the County's voters could elect to have the County COE removed.

VI. – CONTINUED

Mr. Meyers said that he reported only to the County COE, and the County COE's decisions were reviewable by a court of law. He added that:

- The County's BCC approved the County COE's budget.
 - The County COE's budget was approximately \$2.3 million.
 - The County COE had approximately 17 employees.
- Most citizens and government employees were willing to provide information, but they were hesitant to file formal complaints.
- COEs in Florida had requested the ability to self-initiate formal complaints every year, but it was continually denied by the State.
- The County COE's two legal advocates were somewhat independent from the County COE. Legal advocates could recommend probable cause for complaints filed by themselves or filed by the public, but probable cause was not automatically found by the County COE.
- The County COE had subpoena power, but the subpoenas needed County COE approval.
- A potential COE executive director candidate should possess experience in handling the media, and possess familiarity with government operations.
- The County COE had enforcement authority; conducted training, outreach, and education; recommended legislative changes at the county or municipal level; and met once or twice a month for three hours.
- It was important that the COE and the COE executive director avoided a political environment, and that the executive director candidate had not previously worked in County government.
- There needed to be stricter penalties for breaches in ethical behavior.

VI. – CONTINUED

A question and answer session ensued, and Mr. Meyers stated that:

- A strong administrative background was the first and foremost quality for a COE executive director.
 - Possessing a legal background was helpful.
 - The ability to read statutes, ordinances, and court cases was important.
 - Understanding how investigations were initiated was invaluable.
 - Someone who felt comfortable making public appearances was beneficial.
 - Someone who was somewhat thick skinned and who could think quickly on their feet was an attribute.
- The County COE's due process was specifically defined in the enabling legislation.
- Minimal prosecution and adjudication of cases occurred during the County COE's first year.
 - Allocation and resources of time shifted to 60 percent enforcement, 20 percent advice giving, and 20 percent outreach and education when the legal advocates were hired.
- Approximately 200 tips made to the County COE per year became investigations.
 - Formal complaints averaged 50 per year.
 - A tape-recorded, non-public preliminary executive session and a subsequent hearing began when probable cause of a complaint could not be found.

- At the executive session's conclusion, the County COE publicly announced whether a decision was rendered, and the executive session tape was released to the public.

VI. – CONTINUED

- The County COE set up a website for public outreach, and he added that:
 - Two community outreach coordinators made presentation speeches, attended Rotary clubs and chambers of commerce, and held several town hall meetings.
 - Announcements were issued for upcoming County COE's meetings, and summaries were provided at the end of any meetings.
 - A hotline was available to speak with someone regarding tips or information.
 - Complaints could not be filed on the website.
- Approximately every six months an attempt was made to meet with each of the 13 County BCC members in order to provide updates.
- From the date a complaint was filed, the County COE had 60 days to determine whether there was probable cause, and one year to secure a final determination.

Mr. Meyers commented that he would send the COE a packet containing an article that the County COE wrote on making a difference in the community, an annual report, and a twice yearly published newsletter.

Judge Rodgers passed out a procedural format for the April 24, 2010, COE executive director interviews, and he stated that:

- Forty-five minutes was set aside for each interview.
- There would be a seating order for the COE interview panel. Each panel member would ask their own set of specified questions according to that seating order.
- Panel members would have an opportunity to ask several follow-up questions upon completion of the specified questions.

VI. – CONTINUED

- If the panel members had any suggestions regarding the specified questions, they could forward them to Leilani Yan, Human Resources Department Recruitment and Selection Manager.

Ms. Yan clarified that:

- Each panel member would ask each candidate the same set of questions.
 - The crux of the questions needed to remain consistent, but panel members could slightly vary how the questions were asked.
 - The panel members were not bound by any specific County policy or procedure regarding interviews.

IV. ADJOURNMENT

MOTION to adjourn the meeting. Motion by Ronald Harbison, seconded by Bruce Reinhart, and carried unanimously.

At 6:30 p.m., the chair declared the meeting adjourned.

APPROVED:


Chair/Vice Chair