

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

JUNE 2, 2016

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

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

Michael S. Kridel, Chair
Clevis Headley, Vice Chair
Michael F. Loffredo
Judy M. Pierman
Sarah L. Shullman

STAFF:

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

ADMINISTRATIVE STAFF:

Barbara Strickland, Deputy Clerk, Clerk & Comptroller's Office

III. INTRODUCTORY REMARKS

Chair Michael Kridel reminded commissioners to speak into the microphones.

IV. APPROVAL OF MINUTES FROM MAY 5, 2016

MOTION to approve the May 5, 2016, minutes as presented. Motion by Clevis Headley, seconded by Michael Loffredo, and carried 5-0.

RECESS

At 1:32 p.m., the chair declared the meeting recessed for an executive session.

RECONVENE

At 2:10 p.m., the meeting reconvened with Chair Kridel, Vice Chair Headley, and Commissioners Loffredo, Pierman, and Shullman present.

V. EXECUTIVE SESSION

a. C15-029

Vice Chair Headley read the following Public Report Finding No Probable Cause and Order of Dismissal that was discussed during the executive session:

Complainant, Mark Bannon, Executive Director of the Palm Beach County Commission on Ethics, filed the above referenced complaint on December 4, 2015, alleging that Respondent, Gordon Eaton, a City of Delray Beach employee, violated §2-443(d) of the Palm Beach County Code of Ethics by working part-time for an outside employer who has contracts for goods or services with the City of Delray Beach.

Pursuant to §2-258(a)¹ of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On June 2, 2016, the Commission conducted a hearing and reviewed the Memorandum of Inquiry and Probable Cause Recommendation. After oral statements by the Advocate and Respondent, the Commission concluded no probable cause exists to believe any violation occurred.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Gordon Eaton, is hereby DISMISSED.

V.a. – CONTINUED

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on June 2, 2016.

By: Michael S. Kridel, Chair

(CLERK'S NOTE: The clerk added the language as printed in the Public Report Finding No Probable Cause and Order of Dismissal.)

VI. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

VI.a. Request for Opinion (RQO) 16-012

VI.b. Request for Opinion (RQO) 16-013

VI.c. Request for Opinion (RQO) 16-015

MOTION to accept the opinions as published. Motion by Clevis Headley, seconded by Michael Loffredo, and carried 5-0.

VII. ITEMS PULLED FROM CONSENT AGENDA – None

VIII. PROPOSED ADVISORY OPINIONS

VIII.a. Request for Opinion (RQO) 16-011

Mark E. Bannon, COE Executive Director, stated that:

- This opinion language was revised and highlighted in the agenda packet.
 - Last month, the COE discussed the opinion and requested language changes.
 - The opinion's language revisions incorporated the fact that the COE retained the right to interpret the Code of Ethics (Code).

Christie E. Kelley, COE General Counsel, stated that:

- Last month's discussion concerned an outside employment waiver requiring that the employee or any relative of the employee not work in a county or municipal department, which oversaw, enforced, or administered the subject contract.

VIII.a. – CONTINUED

- The Code did not define “department.” However, the COE defined an employee’s department as “the lowest departmental unit within which his influence might reasonably be considered to extend.”
- Staff recommended that the COE adopt the definition of department as listed in Section 2-443(e)(5)(a), *Exceptions and waiver* as highlighted, which read, “those persons working directly within the lowest departmental unit (department, section or division) of that public entity that is specifically authorized to enforce, oversee, or administer the subject contract.”
- The highlighted revised language continued as follows: “Personnel assigned to a county or municipal department, section, or division specifically authorized to enforce, oversee, or administer the subject contract would not be able to waive this conflict of interest, and accept the part-time outside employment with a vendor. This prohibition would also extend to all employees, supervisors, managers and administrators within a county or municipal government who have authority to modify or approve the subject contract, even when they are not assigned to this specific department, division or section.”

Commissioner Sarah Shullman stated that:

- She expressed her opposition to the initial proposed language at the last meeting because it seemed to single out the fire rescue department.
- The revised proposed opinion language more accurately defined “department.”
- She recommended adoption of the revised proposed opinion.

MOTION to accept RQO 16-011 as presented for publication. Motion by Michael Loffredo, seconded by Sarah Shullman, and carried 5-0.

(CLERK’S NOTE: Chair Kridel inadvertently called a different maker for the motion. Motion was made by Clevis Headley.)

IX. EXECUTIVE DIRECTOR COMMENTS

Mr. Bannon stated that:

- He and COE staff attended May 2016 municipal council meetings in the City of Lake Worth, the villages of Royal Palm Beach and Wellington, and the towns of Haverhill and Lake Clarke Shores.
- Additional COE staff appearances were scheduled for meetings at the cities of Belle Glade, Pahokee, and West Palm Beach, the Village of Palm Springs, and the City of Lake Worth Community Redevelopment Agency.
- He and COE staff attended an Inspector General (IG) Committee regular meeting on May 12, 2016.
- He attended a Board of County Commissioners regular meeting on May 17, 2016, where another three-year contract was approved for the City of Delray Beach Downtown Development Authority to engage the services of the COE.
- He and staff continued attending municipal council meetings.
- Ms. Kelley wrote about gift reporting for the COE Spring 2016 Newsletter.
 - Commissioner Shullman reported in a previous COE meeting that she received questions about gift reporting.
 - Commissioners were invited to offer input pertaining to gift-reporting issues for future newsletters.

X. COMMISSION COMMENTS

X.A.

DISCUSSED: Newsletter.

Commissioner Pierman congratulated Ms. Kelley on her newsletter report that went to all the municipalities.

X.B.

DISCUSSED: IG Meetings.

Commissioner Loffredo queried whether the COE's municipal meetings were coordinated with the IG's office.

Mr. Bannon replied that the IG office's staff scheduled separate meetings for IG John Carey.

X.C.

DISCUSSED: RQO 16-011

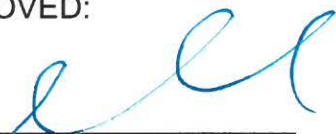
Chair Kridel commented that the RQO 16-011 approved today would avoid future misunderstandings.

XI. PUBLIC COMMENTS – None

XII. ADJOURNMENT

At 2:49 p.m., the chair declared the meeting adjourned.

APPROVED:



Chair/Vice Chair