



# Palm Beach County Commission on Ethics

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August 23, 2011

Dot Bast, Training and Development Mgr.  
City of Delray Beach  
100 NW First Avenue  
Delray Beach, FL 33444

Re: RQO 11-071  
Accepting Travel and Related Expenses

Dear Ms. Bast,

Your request for advisory opinion to the Palm Beach County Commission on Ethics has been received and reviewed. The opinion rendered is as follows:

YOU ASKED in your email of August 19, 2011, whether you are permitted to attend an educational seminar and receive travel and related expense reimbursement from a vendor of your municipality. Your attendance is for educational purposes and will be in your official capacity.

IN SUM, you are not prohibited from attending an educational seminar in your official capacity. In order to be reimbursed for travel expenses by a vendor of your municipality, you will need to obtain a waiver from the Delray City Council. Other than travel expenses, you may not accept a gift in excess of \$100 from a vendor, lobbyist, principal or employer of a lobbyist who sells, leases to, or lobbies your municipality.

THE FACTS as we understand them are as follows:

You are the Training and Development Manager for the City of Delray Beach (the City). For the past two years, the City has hosted a simulcast to provide leadership training entitled *Chick-fil-A Leadership*. Chick-fil-A is not a vendor of the City; however, the company providing the seminar, Giant Impact (GI) is a vendor. GI contracts with host sites and provides the all-day simulcast to these sites via satellite or internet. Host sites include private companies, churches, non-profit organizations and other municipalities. Host sites purchase tickets from GI and then give them to their members or sell them to the public to cover costs and in some instances, for profit. The City has purchased Leadership tickets to re-sell to the public in order to offset the cost of providing this training seminar to top managers of the City. The City entered into a host agreement with GI for the 2012 Chick-fil-A Leadercast.

GI and Chick-fil-A are sponsoring a seminar in Atlanta, Georgia to educate one representative from each host site on how to be more successful in hosting the event. They are providing transportation, one night's lodging and meals during the one and one half day seminar.

THE LEGAL BASIS for this opinion may be found in the travel reimbursement section of the Code of Ethics:

Section 2-443(f) Accepting travel expenses.

No official or employee shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county or municipal contractor, vendor, service provider, bidder or proposer as applicable. The...local municipal governing body...may waive the requirements of this subsection by a majority vote of the board or local municipal governing body.

In order to be reimbursed by GI, a vendor of the City, you will need to obtain a waiver from a majority of the City Commission. The waiver process will serve to make the transaction transparent. In addition, if your attendance is in your official capacity and for educational or governmental purposes, reimbursement in excess of \$100 is not considered a gift as defined by §2-444(g) of the gift law and therefore does not need to be reported.

However, if you receive anything of value in excess of \$100 from Chick-fil-A, a non-vendor of the City, the gift must be reported on an annual gift report as required by §2-444(f)(2)b. In addition, while attending the seminar, you may not accept a gift in excess of \$100, other than waived travel reimbursement as described above, from a vendor, lobbyist, principal or employer of a lobbyist who lobbies, sells or leases to the City.<sup>1</sup>

Lastly, you may not accept anything of value in exchange for "an official action taken" or "legal duty performed."<sup>2</sup>

IN SUMMARY, you are not prohibited from attending the GI seminar, and receiving reimbursement from a City vendor for travel expenses, provided you obtain a waiver from the City Commission. You are prohibited from accepting anything of a value in excess of \$100, other than travel related expenses, from a vendor, lobbyist, principal or employer of a lobbyist of the City. If you receive something valued in excess of \$100 from a non-vendor/lobbyist of the City, such a gift is not prohibited; however, it is reportable.

This opinion construes the Palm Beach County Code of Ethics Ordinance, but is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me at (561) 233-0724 should you have any further questions in this matter.

Sincerely,

Alan S. Johnson  
Executive Director

ASJ/gal

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<sup>1</sup> See proposed, RQO 11-047

<sup>2</sup> §2-444(e)