

**DIVISION 2. POST-EMPLOYMENT
ETHICS***

***Editor's note:** Ord. No. 88-30, adopted Nov. 15, 1988, effective Nov. 18, 1988, amended this Code by adding provisions designated by the editor as ch. 2, art. IV, div. 2, §§ 2-141--2-146. The existing provisions of the article, §§ 2-136--2-138, were designated div. 1.

Sec. 2-141. Short title.

This division shall be known and may be cited as the Palm Beach County Post-Employment Ethics Ordinance.

(Ord. No. 88-30, § 1, 11-15-88)

Sec. 2-142. Definitions.

For purposes of this division, the following definitions shall apply:

- (1) *County commissioner* means any county commissioner of Palm Beach County.
- (2) *Level 1 employee* means all individuals employed by the board of county commissioners in the position of:
 - a. County administrator;
 - b. County attorney;
 - c. Internal auditor;
 - d. Fire rescue administrator;
 - e. County engineer;
 - f. Deputy county administrator;
 - g. Chief deputy county attorney;
 - h. Deputy county engineer; and
 - i. Director of planning, building and zoning.
- (3) *Level 2 employee* means:
 - a. Assistant county administrators;
 - b. Assistant county attorneys;
 - c. Department heads;
 - d. Assistant department heads;
 - e. Division heads;

- f. Auditors (within internal audit department; and
- g. Deputy fire chiefs.

(4) *Represent or representation* means actual physical attendance on behalf of an individual or entity, for compensation, at a proceeding before the board of county commissioners in any of their official capacities or before an advisory body of the board of county commissioners or personal communications made with any officials, employees, or advisory board members of the county in their official capacity, on behalf of an individual or entity, including the filing of documents or the writing of letters on behalf of said individual or entity.

(5) *Entity* means a sole proprietorship, partnership, limited partnership, corporation (profit or not-for-profit), professional corporation or association, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.

(6) *Ministerial matter* means actions that a person takes in a prescribed manner in obedience to the mandate of legal authority without the exercise of the person's own judgment or discretion as to the property of the action taken.

(7) *Affected person(s)* means all individuals defined in paragraphs (1), (2) and (3) above.

(Ord. No. 88-30, § 2, 11-15-88)

Sec. 2-143. Prohibited conduct after termination of employment or office with the county.

(a) No former county commissioner shall knowingly represent anyone other than the county or another public entity in connection with any matter for a period of two (2) years after the cessation of his or her term of office with the county.

(b) No former level 1 employee shall knowingly represent anyone other than the county or another public entity in connection with any matter for a period of six (6) months after the cessation of his or her employment with the county; additionally no level 1 employee shall knowingly represent anyone other than the county or another public entity in connection with any particular matter involving common issues of law and fact in which the county is a party or has an interest and in which the former employee participated personally, substantially and directly for the county for an additional period of eighteen (18) months (for a total of two (2) years) after the cessation of his or her employment with the county.

(c) No former level 2 employee shall knowingly represent anyone other than the county or another public entity in connection with any matter for a period of six (6) months after the cessation of his or her employment with the county; additionally no former level 2 employee shall knowingly represent anyone other than the county or another public entity in connection with any particular matter involving common issues of laws and fact in which the county is a party or has an interest and in which the employee participated personally, substantially and directly for the county for an additional period of six (6) months (for a total of one (1) year) after the cessation of his or her employment with the county.

(Ord. No. 88-30, § 3, 11-15-88)

Sec. 2-144. Violation.

Any violation of the provisions of this division shall be punishable as provided by law.

(Ord. No. 88-30, § 4, 11-15-88)

Cross references: General penalty, § 1-11.

Sec. 2-145. Exemptions.

(a) Nothing in this division shall prevent an affected person from giving testimony under oath, or from making statements required to be made under penalty of perjury.

(b) Nothing in this division shall apply to appearances or communications by an affected person concerning matters of a personal and individual nature, provided that no compensation is thereby received by the person.

(c) Nothing in this division shall prevent an affected person from appearing before the board of county commissioners, advisory boards or county employees on ministerial matters.

(d) Nothing in this division shall prevent an affected person from appearing before the county commissioners on a matter relating to collective bargaining.

(e) Nothing in this division shall prevent an affected person from receiving compensation from the county for services performed by the person for the county (such as legal representation or consulting services) pursuant to a contract between the person (or his/her employer) and the county.

(Ord. No. 88-30, § 5, 11-15-88)

Sec. 2-146. Applicability.

(a) The provisions of this division shall apply to all county commissioners, the county attorney, and the county administrator as of the effective date of this division [November 18, 1988].

(b) The provisions of this division shall not apply to any affected person (except those set forth in (a) above) employed by the county as of the effective date of this division.

(c) The provisions of this division shall apply to all affected persons hired by the county or obtaining office as a county commissioner from any time after the effective date of this division.

(Ord. No. 88-30, § 6, 11-15-88)