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News Release

For Immediate Release
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Summary of Commission on Ethics Meeting Held on May 5, 2011

The Commission on Ethics took the following actions at its monthly public meeting held on May 5, 2011:

- Six (6) Advisory Opinions were approved by the commission. The full opinions are published and available at <http://www.pbcgov.com/ethics/opinions.htm>
 - RQO11-009 involved a question as to whether a county advisory board member may accept a ticket to an awards banquet valued at \$125 from a friend who works for Florida Power & Light. Although FPL does employ lobbyists, FPL does not lobby the member's advisory board or county department over which her board exercises authority. Therefore, she is not prohibited from accepting a gift in excess of \$100. However, the gift must be reported.
 - RQO11-013 involved a question as to whether the Palm Beach County Housing and Community Development Department is prohibited from giving loan assistance for residential rehabilitation to a person related to the vice mayor of a municipality where the municipality is involved with the application process and inspects the rehabilitation work for code compliance. The ethics commission does not currently have jurisdiction over municipal employees or officials, therefore it cannot comment on the appropriateness of this transaction.
 - RQO 11-015 involved a question as to whether a county employee who is a member of a community high school advisory board may solicit donations for a fund-raising golf tournament for a school program. Under the current code of ethics, a public employee or official within the jurisdiction of the Commission on Ethics, who serves on the board of a charitable organization, cannot solicit, directly or indirectly, sponsorship or participant donations over \$100 from a lobbyist, the principal or employer of a lobbyist. The commission opined that this prohibition included any involvement in the solicitation process including the use of the public official or employee's name in connection with any fund-raising efforts.
 - RQO 11-018 involved a county employee who received a \$50 gift card in appreciation for conducting an official program for a vendor. The vendor does not contract with or lobby the county. The \$50 gift card was accepted on behalf of the county department and used for county purposes. The code of ethics prohibits a county employee from accepting a gift in exchange for the past, present or future performance of his or her job.

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However, funds solicited or accepted by a public employee on behalf of the county, for use by the county, are not considered gifts under the code. Therefore, the appreciation gift card could be accepted on behalf of the county department for use by the county.

- RQO 11-019 involved a municipal employee who inquired whether a free-of-charge fish fry and pool party sponsored by a local engineering firm was a prohibited gift. The fish fry was part of a charitable event and the sponsor was not a lobbyist or employer of lobbyists before the municipality. The commission opined that while there is no prohibition from attending the event, if the value of the free fish fry (cost divided by the number of attendees) exceeds \$100.00 the gift must be reported on an annual gift report form.
- RQO 11-020 involved a county vendor who also serves on a non-profit charitable board. He asked whether this relationship would pose a problem under the code of ethics if the non-profit organization receives or applies for funding from the county. The commission opined that the code of ethics does not prohibit vendors from entering into multiple contracts or transactions with the county through more than one private entity, whether for profit or not-for-profit.
- The Commission on Ethics discussed whether or not individual ethics commission members had the ability to abstain from voting on any issue where they had a potential bias that is not financial in nature. Florida statute § 286.012 prohibits non-financial based abstentions. The ethics commission requested that staff submit a letter to the Attorney General asking for an opinion on the issue.
- The Commission on Ethics continued its discussion regarding public comment during commission meetings. A vote will be scheduled for the next meeting regarding the adoption of protocols allowing public comment on all matters before the commission except quasi-judicial probable cause and final hearings. The chairman will have the discretion to make decisions regarding time, place and decorum during public comment.
- The Commission on Ethics discussed releasing a clarification of particulars surrounding a *Palm Beach Post* report regarding the use of discretionary funds by the members of the Riviera Beach City Council. The newspaper article contained the following; "Ryan consulted with Alan Johnson, executive director of the Palm Beach County Commission on Ethics, in developing the policy." This report left the impression that the executive director endorsed the policy in question. E-mails and other documents show that the contact between Mr. Johnson and the city attorney for Riviera Beach was informational only. Mr. Johnson forwarded relevant portions of the *Spring Term 2009 Final Presentment of the Palm Beach County Grand Jury, Investigation of Palm Beach County Governance and Public Corruption Issues* to the city attorney in order to make her aware of the issue of so-called "slush funds" as they pertained to past county programs. Additionally, he noted some potential issues under the code of ethics that would ultimately be extended to the municipalities under the recent referendum. He specifically noted that the ethics commission has no current jurisdiction over Riviera Beach matters. The COE was concerned that the record reflects that there is no endorsement of this municipal policy by the commission or its staff. A copy of the letter and supporting documentation is available at http://www.palmbeachcountyethics.com/pdf/Agendas/050511_Agenda-Attachments.pdf item X.
- The Commission on Ethics discussed the status of the proposed ethics ordinances and recommended that they be adopted by the Board of County Commissioners as soon as practicable as submitted by the referendum drafting committee.

A detailed explanation of all agenda items is available at <http://www.pbcgov.com/ethics/meetings.htm>
The Commission on Ethics hotline is (877) 766-5920.

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