



**Palm Beach County
Commission on Ethics**
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News Release

For Immediate Release
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Summary of Palm Beach County Commission on Ethics Meeting Held on December 11, 2014

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on December 11, 2014.

Four advisory opinions were approved. The full opinions are published and available at:
<http://www.palmbeachcountvethics.com/opinions.htm>

ROO 14-035: The vice mayor for the Town of Palm Beach Shores asked if she may participate and vote on matters pertaining to a public works project for the town when the project would benefit a condominium where she owns two units.

The COE opined as follows: The vice mayor may participate in the discussion and vote on the matter as long as the public works project does not benefit only her condominium. There are only 89 units in her condominium. If the public works project would provide a benefit to her condominium only, then her interest in the benefit would be more than 2 percent of the class. The size of the class would be too small, and the project would result in a special financial benefit to her. As such, she would not be able to participate in the discussion and vote on the project. However, based on the facts submitted, because the proposed public works project would benefit other buildings and property owners, in addition to her condominium, then the economic benefit or loss affects a class large enough so as to remove any prohibited financial benefit. Therefore, in that instance, she may participate in the discussion and vote on the matter.

ROO 14-036: A councilman from the Village of Wellington asked if he is required to abstain from voting on matters involving a series of upcoming land development approvals related to the Wellington Country Place PUD project (the PUD), specifically master plan amendment and site plan, re-plat and special use permit applications, when two of his law firm's clients own property within the affected area.

The COE opined as follows: Based on the facts submitted, he is required to abstain from voting on and participating in the matters involving the master plan amendment, the site plan application for Pod F, phases V and VI, the re-plat application for Pod F, and any special use permit application, which involves the properties of Pierwell or Chickering. Here, the Village of Wellington staff report states that this master plan amendment will affect 250 acres of the 958 acres within the PUD. Chickering owns 5.9293 acres of the 250 acres affected by the master plan amendment, which results in a 2.37 percent interest in the affected class. Pierwell owns 15.4999 acres out of the 250 acres affected, which equals a 6.2 percent interest in the affected class. Therefore, because the class of persons affected is small and the master plan amendment would provide a unique benefit to customer or clients of his law firm, the Code of Ethics prohibits him from voting on or participating in this matter. Similarly, he is prohibited from voting on and participating in the site plan application for Pod F, Phases V and VI, the re-plat application for Pod F, and any special use permit application, which involves the properties of Pierwell or Chickering. Based on the information submitted, Pierwell's interest in Pod F, the area affected by the site plan, re-plat, and special use permit applications, is approximately 29 percent; Chickering's interest in Pod F is approximately 11 percent. Because Pierwell and Chickering each own more than 1 percent of the property to be affected, the benefit to them would be considered "special."

ROO 14-037: A Palm Beach County employee asked if his outside business or employer could enter into a contract for services with the county.

The COE opined as follows: The county employee's outside business or employer may not enter into a contract for services with the county unless one of the exceptions to the contractual relationship prohibition applies. In general, the code prohibits an employee from entering into any contract or other transaction to provide goods or services to the public entity he serves, including any contract or transaction between his public employer and his outside employer or business. The code also prohibits a business of which a member of his household has at least a five percent ownership share from contracting with his public employer.

However, the code has several exceptions to the contractual relations prohibition which may apply to his situation.

First, the code provides an exception for contracts awarded under a system of sealed, competitive bidding, where his company is the lowest bidder. The sealed bid exception applies so long as he 1) does not participate in the determination of bid specifications, 2) does not use his official position to influence or persuade his public employer other than by the mere submission of the bid, and 3) files a statement with the Supervisor of Elections and the Commission on Ethics disclosing his interest in the business prior to submitting the bid.

In addition, the code provides a sole source exception where the outside employer or business is the sole source of the services within the county. The sole source exception applies if the employee's outside employer or business is the only source of the training courses in the county and he fully discloses his interest to his public employer and the Commission on Ethics prior to the transaction.

Finally, the code provides an exception for contracts or transactions totaling less than five hundred dollars (\$500) per calendar year. Under this exception, his outside business or employer would not be prohibited from contracting with the county if the total amount of the contracts between his outside employer or business and the county does not exceed \$500, in the aggregate.

ROO 14-038: The director of Human Resources for the City of Belle Glade asked if city employees may participate as a team in the American Cancer Society's Relay for Life of the Glades Walk for Cancer.

The COE opined as follows: Based upon the facts submitted, city employees may participate as a team in the event. The code does not prohibit the participation of city employees in a charitable event, such as the American Cancer Society's Relay for Life of the Glades Walk for Cancer, so long as there is no quid pro quo or other special consideration, including any direct or indirect special financial benefit to the official or employee or to the person or entity being solicited. However, no person or entity with a current application for approval or award may be solicited. Any solicitation of vendors, lobbyists, principals or employers of lobbyists who lobby the city that are in excess of \$100 must be disclosed on a solicitation log and submitted to the COE within 30 days of the charitable event. In addition, the code prohibits the use of on-duty municipal staff or municipal resources to be used in the solicitation of these charitable contributions. If an official or employee is a director or board member of the nonprofit charitable organization, he or she is prohibited from using his or her official position to give any special financial benefit to the charity. The identification of the team as employees of the city does not violate the code in and of itself, as long as the other provisions are followed.

A detailed explanation of all agenda items is available at <http://www.palmbeachcountyethics.com/meetings.htm>.

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