



Honesty - Integrity - Character

**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 August 1, 2019

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on August 1, 2019.

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

RQO 19-009: The attorney for the city of Lake Worth Beach asked if a voting conflict would arise for two Electric Utility Advisory Board (EUAB) members if they participate in the discussion and vote on the city of Lake Worth Beach Electric Utility's Net Metering Program (Program) policy when they are both participants in the Program and one of them owns a solar energy systems installation business. She further asked if the Palm Beach County Code of Ethics (code) also prohibit these EUAB members from addressing the City Commission on the Program issue at a public meeting.

The COE opined as follows: Whether these two EUAB members' participation in the Program creates a voting conflict for them turns on whether the financial benefit involved is shared with similarly situated members of the general public. Here, only the solar customers are considered "similarly situated members of the general public" for purposes of determining whether a voting conflict exists regarding the Program. Because the class affected is limited to the 86 solar customers, both of their interests in the affected class currently exceed 1%. Therefore, the benefit is considered "special," and they are prohibited from voting on or participating in this matter at this time. They must publicly disclose the nature of their conflict, abstain from voting, not participate in discussion on the matter, file a state voting conflict form (Form 8B), and submit a copy of the form to the COE. With regards to whether the two EUAB members may speak at a City Commission meeting regarding the Program policy, the code does not regulate an advisory board member's speech at a publicly held City Commission meeting. However, to avoid the appearance of impropriety, they should speak in their private capacity as participants in the Program and not reference their membership on the EUAB.

RQO 19-012: The attorney for the village of Wellington asked if the mayor is prohibited by the code from participating in discussions and voting on a land development application that may come before the Village Council when the applicant is a customer or client of Alan Gerwig and Associate, Inc. (the Firm), which is the mayor's outside business or employer.

The COE opined as follows: The possibility of a special financial benefit (gain or loss) to the customer or client of the mayor's outside business or employer from a vote to approve or reject a land development application would be direct and immediate. Therefore, the mayor is prohibited from participating in or voting on the land development application submitted on behalf of the customer or client individually or through a corporate entity in which he has an ownership interest. In order to comply with the Code, the mayor will need to publicly disclose the nature of the conflict before the Village Council discusses the matter, abstain from participating and voting on the matter, file a state voting conflict form (Form 8B), and submit a copy of the form to the COE.

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

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