

Honesty - Integrity - Character

Palm Beach County

Commission on Ethics

300 North Dixie Highway, Ste 450

West Palm Beach, FL 33401

561.355.1915

Hotline: 877.766.5920

E-mail: ethics@pbcgov.org

Commissioners

Kristin A. Vara-Garcia

Michael S. Kridel

Peter L. Cruise

Michael H. Kugler

Rodney G. Romano

Executive Director

Christie Kelley

General Counsel

Rhonda Giger

Intake & Compliance Manager

Gina A. Levesque

Education & Communications Manager

S. Lizabeth Martin

Investigator

Mark A. Higgs

Investigator

Abigail Irizarry

Agenda

January 9, 2025 – 1:30 p.m.

Governmental Center,
301 North Olive Avenue, 6th Floor
Commissioners Chambers

Meeting will begin at 1:30pm
Executive Session will begin at 1:45pm
Regular Agenda will resume immediately
following the Executive Sessions

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Introductory Remarks
- V. Approval of Minutes from September 5, 2024
- VI. 2024 Annual Report Overview Presentation
- VII. Processed Advisory Opinions (Consent Agenda)
 - a. RQO 25-001
- VIII. Items Pulled from Consent Agenda
 - a.
- IX. Executive Session C24-008
- X. Executive Director Comments
- XI. Commission Comments
- XII. Public Comments
- XIII. Adjournment

If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, (s)he will need a record of the proceedings, and that, for such purpose, (s)he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**OFFICIAL MEETING MINUTES
OF THE
PALM BEACH COUNTY COMMISSION ON ETHICS (COE)
PALM BEACH COUNTY, FLORIDA**

DECEMBER 5, 2024

**THURSDAY
1:30 P.M.**

**COMMISSION CHAMBERS
WEISMAN GOVERNMENTAL CENTER**

MEMBERS:

Kristin A. Vara-Garcia, Chair
Michael S. Kridel, Vice Chair
Peter L. Cruise
Michael H. Kugler
Rodney G. Romano

COMMISSION ON ETHICS STAFF PRESENT:

Rhonda Giger, General Counsel
Mark Higgs, COE Investigator II
Abigail Irizarry, COE Investigator II
Christie E. Kelley, COE Director III
Gina A. Levesque, COE Intake and Compliance Manager
S. Lizabeth Martin, COE Communication and Education Manager

CLERK OF THE CIRCUIT COURT & COMPTROLLER'S OFFICE STAFF PRESENT:

Chayanne Munet, Deputy Clerk
Jillian Zalewska, Deputy Clerk

I. CALL TO ORDER

(CLERK'S NOTE: Vice Chair Kridel acted as meeting chair.)

The chair called the meeting to order at 1:30 p.m.

II. PLEDGE OF ALLEGIANCE

The commissioners recited the Pledge of Allegiance.

III. ROLL CALL

Present: Vice Chair Michael S. Kridel, Commissioner Peter L. Cruise,
Commissioner Michael H. Kugler, and Commissioner Rodney G.
Romano

Absent: Chair Kristin A. Vara-Garcia

IV. INTRODUCTORY REMARKS

There were no introductory remarks.

V. APPROVAL OF MINUTES FROM NOVEMBER 7, 2024

MOTION to approve the November 7, 2024, minutes. Motion by Commissioner Kugler, seconded by Commissioner Cruise, and carried 4-0.

VI. Processed Advisory Opinions (Consent Agenda)

(CLERK'S NOTE: The Processed Advisory Opinions were taken up individually.)

a. RQO 24-017

MOTION to approve Processed Advisory Opinion RQO 24-017. Motion by Commissioner Cruise, seconded by Commissioner Romano, and carried 4-0.

b. RQO 24-018

MOTION to approve Processed Advisory Opinion RQO 24-018. Motion by Commissioner Cruise, seconded by Commissioner Kugler, and carried 4-0.

VII. ITEMS PULLED FROM CONSENT AGENDA

No items were pulled from the consent agenda.

VIII. EXECUTIVE DIRECTOR COMMENTS

Ms. Kelley provided the following updates:

1.

The COE and the County Attorney's office had conducted one-on-one ethics overview trainings for the new members of the Board of County Commissioners.

2.

In December, staff was scheduled to conduct in-person ethics trainings with the City of Riviera Beach and to participate in an outreach event with Junior Achievement.

3.

COE staff would be participating in the High School Ethics Bowl on December 14th at Florida Atlantic University.

Ms. Kelley wished everyone happy holidays and a happy new year.

IX. COMMISSION COMMENTS

The commissioners wished everyone happy holidays.

X. PUBLIC COMMENTS

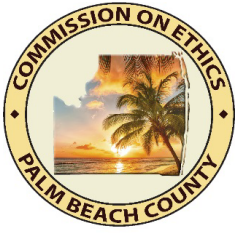
There were no public comments.

XI. ADJOURNMENT

At 1:36 p.m., the vice chair declared the meeting adjourned.

APPROVED:

Chair/Vice Chair



Honesty - Integrity - Character

Palm Beach County Commission on Ethics

Commissioners

Kristin A. Vara-Garcia, Chair
Michael S. Kridel, Vice Chair
Peter L. Cruise
Michael H. Kugler
Rodney G. Romano

Executive Director

Christie Kelley

December 23, 2024

Keianna Pierre Louis, Senior Planner
Palm Beach County Division of Human Services
810 Datura Street
West Palm Beach, FL 33401

Re: RQO 25-001
Contractual Relationships/Outside Employment

Dear Ms. Pierre Louis:

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

QUESTION:

Would a conflict of interest exist if employees of Palm Beach County (County) accept secondary contractual employment with Eccovia, who is a County vendor?

BRIEF ANSWER:

Yes, this would create a prohibited conflict under the Code because the employees would be unable to comply with all of the requirements of the waiver and exceptions provision as set forth in Section 2-443(e)(5).

FACTS:

You work for Palm Beach County in the Human Services Department (HSD). HSD is a component of the Community Services Division (CSD). CSD offers services to eligible residents of the County in four components: Emergency, Self-Sufficiency, Intervention, and Homeless Services.

CSD is in a contractual agreement with Eccovia. Eccovia is the Homeless Management Information System (HMIS) vendor for CSD. The HMIS system is a central data-collection system for continuums of care when providing services to homeless individuals.¹ Eccovia provides health and social services agencies with technologies and actionable data to better serve their communities. They routinely expand their existing products, as well as add new ideas and endeavor to improve existing systems.

Eccovia would like to hire three HSD staff members for a year as independent contractors to provide feedback on their HMIS system in order to make improvements to their final

¹ Under the terms of the current agreement, the County will pay Eccovia \$964,114 for services.

product. Any improvements would benefit all of Eccovia's client base, including the County.

ANSWER:

In general, the Palm Beach County Code of Ethics (Code) prohibits public employees from accepting employment, directly or indirectly, with any "outside employer" that is a vendor of their public employer.² Additionally, the Code generally prohibits public employees from entering into any contracts or transactions to provide goods or services with their employer.³ However, if certain criteria are satisfied, there are exceptions and a process by which this contractual relationship prohibition may be waived for employees.⁴

While a part-time employment waiver is available in many cases, the waiver requirements prohibit the employee's county department from overseeing, administering, or enforcing the subject contract. Here, based on the facts submitted, the part-time employment waiver exception would not apply to this situation, and the Code would prohibit HSD employees from obtaining part-time employment with Eccovia because Eccovia is a vendor of their public employer, **and** the specific department in which the employees work oversees the subject contract. Because CSD oversees the contract with Eccovia, employees working within HSD (a division of CSD) would not be able to comply with all of the requirements of the part-time employment exception and waiver provision. Therefore, County employees working in any component or division of HSD must decline this offer for part-time outside employment.

LEGAL BASIS:

The legal basis for this opinion is found in Sec. 2-443(d) and Sec. 2-443(e)(5)(a) of the Code:

Sec. 2-443. Prohibited conduct.

(d) **Contractual relationships.** No official or employee shall enter into any contract or other transaction for goods or services with his or her respective county or municipality. This prohibition extends to all contracts or transactions between the county or municipality as applicable or any person, agency or entity acting for the county or municipality as applicable, and the official or employee, directly or indirectly, or the official or employee's outside employer or business. Any such contract, agreement, or business arrangement entered into in violation of this subsection may be rescinded or declared void by the board of county commissioners pursuant to section 2-448(c) or by the local municipal governing body pursuant to local ordinance as applicable. This prohibition shall not apply to employees who enter into contracts with Palm Beach County or a municipality as part of their official duties with the county or that municipality. This prohibition also shall not apply to officials or employees who

² Sec. 2-443(d)

³ Id.

⁴ Sec. 2-443(e)

purchase goods from the county or municipality on the same terms available to all members of the public.

Sec. 2-443(e). Exceptions and waiver.

(5) Notwithstanding any provision to the contrary, subsection (d) shall not be construed to prevent an employee from seeking part-time employment with an outside employer who has entered into a contract for goods or services with the county or municipality as applicable provided that:

- a. The employee or his or her spouse, domestic partner, household member, or relative does not work in the county or municipal department as applicable which will enforce, oversee or administer the subject contract;

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. The COE does not investigate the facts and circumstances submitted but assumes they are true for purposes of this advisory opinion. It 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 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,



Christie E. Kelley,
Executive Director

RG/gal