



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

For Immediate Release
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February 7, 2014
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Summary of Palm Beach County Commission on Ethics Meeting Held on February 6, 2014

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on February 6, 2014.

The COE took the following action:

Five (5) advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountylethics.com/opinions.htm>

RQO 13-021: The fleet director for PBC Fire Rescue (PBCFR) asked how the employment of his son with a vendor of PBCFR who sells new vehicles and repairs current vehicles for PBCFR affected their business relationship.

The COE opined as follows: Since part of the fleet director's responsibilities include recommendations of which vehicles to purchase for PBCFR, he could not make such recommendations to purchase vehicles from the particular vendor who employs his son, as this would be a prohibited use of his official position under §2-443(a)(3) of the Code of Ethics. However, since the vendor is the only authorized provider of repairs for a specific brand of vehicle used by PBCFR, he may continue to use this vendor under the "sole source" exception found in §2-443(e)(3).

RQO 13-023: The city attorney for the City of Riviera Beach asked if the city's director of Community Development could continue her volunteer service on the board of directors for a nonprofit organization that was to receive, through a subordinate nonprofit corporation, a contract to redevelop the city marina property.

The COE opined as follows: Section 2-443(a)(7) of the Code of Ethics prohibits the use of an official's or employee's official position to obtain a "special financial benefit" for any nonprofit organization on which the official or employee (or their spouse or domestic partner) serves on the board of directors. Under the facts and circumstances submitted, the director of Community Development both supervises and presents staff recommendations concerning issues of land development to the City Commission. Therefore, she must resign from the board of directors of this nonprofit corporation prior to the city and the nonprofit entering into such an agreement to avoid a violation of the code section. This opinion is based on the particular responsibilities of the director of Community Development, and may not apply to other city employees.

RQO 14-001: The Economic Development manager for the City of Boynton Beach asked if he must resign from his volunteer position on the board of directors of a nonprofit organization, prior to this organization using private grant funds to complete a public improvement project of city-owned or controlled property in a local neighborhood.

The COE opined as follows: Under §2-443(a)(7), the Code of Ethics prohibits the use of an official's or employee's official position for the benefit of any nonprofit organization where the official or employee (or their spouse or domestic partner) serves on the board of directors. Here however, the benefit is to the city in receiving improvements to public lands through the use of private grant funds, which is not prohibited under the Code of Ethics. Therefore, the manager may remain in his volunteer position if he chooses without violating the Code of Ethics.

RQO 14-002: The city attorney for the Town of Palm Beach asked on behalf of a Town Council member, whether he may vote on a comprehensive plan amendment, where he had previously been advised he could not vote on a zoning issue involving a particular planned unit development, because of a financial conflict of interest (RQO 12-083), and where the comprehensive plan amendment had specific language that was similar to the zoning ordinance concerning this same planned unit development.

The COE opined as follows: Officials are prohibited under §2-443(a)(1-7) of the Code of Ethics from voting on any matter which would provide a "special financial benefit" to themselves, or to any of the seven (7) persons or entities listed in this section of the Code of Ethics. Where the comprehensive plan amendment offers similar language specifically addressing the planned unit development previously found to provide a special financial benefit to a relatively small number of people, and which was not remote or speculative in nature, the council member would also be prohibited from voting on this amendment, even though the other more general terms of the amendment applied to the town as a whole.

Proposed amendment to COE Rule of Procedure 5.7: After discussion of a proposed amendment to COE Rule of Procedure 5.7 (Notification of Manner of Disposition), submitted by staff, which would allow for notification of the employing agency of any county or municipal employee when the COE ordered a hearing or issued a public report, the COE declined to adopt this amendment.

Response to Joint Legislative Auditing Committee Letter of December 2, 2013: The COE declined further comment regarding this issue. A chart of changes which have been implemented by the COE in response to the OPPAGA report may be found at the "News" tab on the website at <http://www.palmbeachcountyethics.com/>.

Other actions: The COE reviewed and commented on the 2013 Annual Report submitted by staff, as well as the second half of the "Commissioner Training Information" prepared and presented by staff for the training of all persons serving on the COE.

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

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