

5B-2

Meeting Date: September 14, 2010 [] Consent [X] Regular
[] Public Hearing

Submitted By: COUNTY ATTORNEY'S OFFICE

Submitted For: PALM BEACH COUNTY COMMISSION ON ETHICS

Motion and Title: **Staff recommends motion to:** Approve on preliminary reading and advertise for public hearing on September 28, 2010, at 9:30 a.m.: An ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Palm Beach County Commission on Ethics, Palm Beach County Code Chapter 2, Article V, Division 8 (Ord. 2009-050) as follows: Amending Section 2-260, Procedure on Complaints Filed, to allow the Executive Director of the Commission on Ethics, the Palm Beach County Inspector General, and the State Attorney to file complaints with the Commission on Ethics; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for effective date.

Attachments:

1. Ordinance amending PBC Commission on Ethics

Recommended by: _____

Alan Johnson, Executive Director

Date _____

Approved by: _____ **N/A**

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
 NET FISCAL IMPACT	_____	_____	_____	_____	_____
 # ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____

Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

_____	_____
OFMB	Contract Development and Control

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

(continued from page 1)

on December 15, 2009, as part of a series of ethics reforms. The Commission on Ethics, among other things, is authorized to review ordinances and state and federal laws relating to ethics and government, and to make recommendations to the County Commission as it deems appropriate. Pursuant to this authority, the Commission on Ethics reviewed the Commission on Ethics Ordinance, and recommends the amendment set forth in this Ordinance. Countywide (LB)

Background and Policy Issues: The proposed amendment to the Commission on Ethics Ordinance would allow the Executive Director of the Commission on Ethics, the Inspector General, and the State Attorney to initiate complaints before the Commission on Ethics.

ORDINANCE 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE PALM BEACH COUNTY COMMISSION ON ETHICS, PALM BEACH COUNTY CODE CHAPTER 2, ARTICLE V, DIVISION 8 (ORD. 2009-050) AS FOLLOWS: AMENDING SECTION 2-260, PROCEDURE ON COMPLAINTS FILED, TO ALLOW THE EXECUTIVE DIRECTOR OF THE COMMISSION ON ETHICS, THE PALM BEACH COUNTY INSPECTOR GENERAL, AND THE STATE ATTORNEY TO FILE COMPLAINTS WITH THE COMMISSION ON ETHICS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, pursuant to its authority under Florida Constitution, Article VIII, Section 1(g), Section 125.01, Florida Statutes, the Palm Beach County Charter, and section 112.326, Florida, adopted the Palm Beach County Code of Ethics and created the Palm Beach County Commission on Ethics (Commission on Ethics); and

WHEREAS, the Commission on Ethics is authorized to review ordinances and state and federal laws relating to ethics in government and to make recommendations to the Board of County Commissioners as it deems appropriate; and

WHEREAS, pursuant to said authority, the Commission on Ethics has reviewed the Palm Beach County Commission on Ethics ordinance and recommends that the ordinance be amended to allow the Executive Director of the Commission on Ethics, the Palm Beach County

30 Inspector General, and the State Attorney to initiate complaints before the Commission on
31 Ethics; and

32 **WHEREAS**, the Board of County Commissioners hereby determines that this
33 amendment advances the purposes and intent of the Palm Beach County Commission on Ethics
34 ordinance; and

35 **WHEREAS**, the Board of County Commissioners has conducted a duly noticed public
36 hearing to consider these amendments as required by law.

37 **NOW, THEREFORE**, be it ordained by the Board of County Commissioners of Palm
38 Beach County, Florida, that:

39 **Part 1. Section 2-260, Procedure on Complaints filed**, is hereby amended by adding
40 subsection 2-260(b), as follows:

41 **(b) Complaints filed by Inspector General, Executive Director or State Attorney.**

42 The Inspector General, Executive Director of the Commission on Ethics or the State Attorney
43 may file a complaint with the Commission on Ethics. In order to be found legally sufficient, the
44 complaint must be in writing, sworn to by the person filing the complaint before a notary public
45 and contain the following language: Personally known to me and appeared before me,
46 _____ , whose signature appears below, being duly sworn, says that the allegations set forth
47 in this complaint are based upon facts which have been sworn to as true by a material witness or
48 witnesses and which if true would constitute the offenses alleged and that this complaint is
49 instituted in good faith. Within five (5) days after receipt of the complaint by the Commission
50 on Ethics, a copy of the complaint shall be sent to the alleged violator, otherwise known as the
51 Respondent.

[subsequent subsections in the original renumbered accordingly]

Part 2. Repeal of Laws in Conflict.

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict. The Palm Beach County Code of Ethics adopted by Resolution 94-693 as amended by Resolution 2003-0962, is hereby repealed in its entirety.

Part 3. Severability.

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Part 4. Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Part 5. Effective Date.

The provisions of this Ordinance shall become effective upon filing with the Department of State.

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73 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach
74 County, Florida, on this the ____ day of _____, 2010.

75 SHARON R. BOCK
76 CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

79 By: _____
80 Deputy Clerk

By: _____
Chairman

83 (SEAL)

86 APPROVED AS TO FORM AND
87 LEGAL SUFFICIENCY

90 By: _____
91 County Attorney

93 Filed with the Department of State on the ____ day of _____, 2010.