

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: September 28, 2010      ☐ Consent      ☐ Regular  
☒ Public Hearing

Department

**Submitted By: COUNTY ATTORNEY'S OFFICE**

Submitted For: **PALM BEACH COUNTY COMMISSION ON ETHICS**

## I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to:** Adopt 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.

**Summary:** The Board of County Commissioners adopted a new Code of Ethics, and established an independent Commission on Ethics and an independent Inspector General 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.

**Attachments:**

1. Ordinance amending PBC Commission on Ethics

**Recommended by:**

**Alan Johnson, Executive Director**

09/14/10  
Date

**Approved by:**

N/A

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
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 *SP*  
*9/14/10*  
*SN*  
*9/14/10*  
*9/14/10*

  
Contract Development and Control  
*9/15/10*  
*E. Jones 9/15/10*

### B. Legal Sufficiency:

  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

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



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

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

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

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

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

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

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



66 **Part 5. Effective Date.**

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

69 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach  
70 County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2010.

71 SHARON R. BOCK  
72 CLERK & COMPTROLLER

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

73  
74  
75 By: \_\_\_\_\_  
76 Deputy Clerk

By: \_\_\_\_\_  
Chairman

77  
78  
79 (SEAL)

80  
81  
82 APPROVED AS TO FORM AND  
83 LEGAL SUFFICIENCY

84  
85  
86 By:   
87 County Attorney

88  
89 Filed with the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 2010.