

## AGENDA ITEM SUMMARY

☐ Consent      ☒ Regular  
☐ Public Hearing


**Submitted For:** Administration

**Motion and Title: Staff requests Board direction on:** extending the Palm Beach County Inspector General and Commission on Ethics Implementation Advisory Committee (Implementation Committee) sunset date from January 12, 2011, to June 30, 2011 and revising the Implementation Committee's duties and functions.

**Background and Policy Issues:** During the development of the Inspector General, Ethics Commission and Code of Ethics ordinances, staff worked with community groups that provided input throughout the process. Various members of these groups recommended the creation of an advisory committee to assist staff during the implementation of the ordinances. On January 12, 2010, the BCC created the Palm Beach County Inspector General and Commission on Ethics Implementation Advisory Committee.

1. Email from Implementation Committee Chair
2. Resolution R2010-0129
2. Resignation Email from David Baker
3. Implementation Committee Membership List

Recommended by: N/A  
Department Director Date

Approved By:   
Assistant County Administrator Date 12/9/10

## 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)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	_____	_____	_____	_____	_____
<b>No. ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_  
 Object \_\_\_\_\_ Reporting Category \_\_\_\_\_

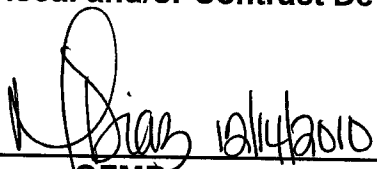
### B. Recommended Sources of Funds/Summary of Fiscal Impact:


There is no fiscal impact associated with this item.

### C. Departmental Fiscal Review:

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:

  
 \_\_\_\_\_  
 OFMB  
 SN 12/13/11 12/10/10 12/13/10 4b

  
 \_\_\_\_\_  
 Contract Dev. and Control  
 12/14/10

### B. Legal Sufficiency:

  
 \_\_\_\_\_  
 Assistant County Attorney

### C. Other Department Review:

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

REVISED 9/03  
 ADM FORM 01

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

## **Patty Hindle**

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**From:** David.Baker [david.baker@amrl.com]  
**Sent:** Thursday, November 11, 2010 3:35 PM  
**To:** Brad Merriman  
**Cc:** Patty Hindle; ghowden@bellsouth.net; Iris Scheibl; newmarkb@bellsouth.net; Dennis Gallon  
**Subject:** Ethic Commission and Inspector General Implementation Committee

Dear Brad:

It was determined at yesterday's committee meeting that the committee would like to extend its life until after the final adoption of the ordinances implementing the charter amendment. Although I know that expected to occur before the end of March 2011, I would like to see the committee's life extended to June 30, 2011. Please advise what additional action we should take to move that request forward.

Yours very truly,

David H. Baker  
Alley, Maass, Rogers & Lindsay, P.A.  
340 Royal Poinciana Way, Suite 321  
P.O. Box 431  
Palm Beach, FL 33480 USA  
Main Telephone: 561-659-1770  
Main Facsimile: 561-833-2261  
Direct Facsimile: 561-804-4603

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**Attachment #** 1

Agenda Item #: 6A-7

K/SA 6-1  
S opposed  
As Amended

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

R-2010-0129

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<b>Meeting Date:</b> January 12, 2010	<input type="checkbox"/> <b>Consent</b>	<input checked="" type="checkbox"/> <b>Regular</b>
<b>Submitted By:</b> Administration	<input type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Public Hearing</b>
<b>Submitted For:</b> Administration		

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**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to adopt: A resolution of the Board of County Commissioners creating the Palm Beach County Inspector General and Commission on Ethics Implementation Advisory Committee.

**Summary:** During the development of the Inspector General, Ethics Commission and Code of Ethics ordinances, staff worked with community groups that provided input throughout the process. Various members of these groups recommended the creation of an advisory committee to assist staff during the implementation of the ordinances. The committee would be advisory in nature and would sunset in one year unless extended by the Board of County Commissioners. Countywide (LB)

**Background and Policy Issues:** The Palm Beach County Inspector General and Commission on Ethics Implementation Advisory Committee would be comprised of three (3) individuals appointed by the Palm Beach County Ethics Initiative. The Committee would assist staff in the implementation of the ordinances, to include but not limited to; the seating of the Ethics Commission, the hiring of the inspector general, and other functions or activities as may be warranted.

**Attachment:**  
Resolution

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**Recommended By:** \_\_\_\_\_  
Department Director Date

**Approved By:** Balmer 1/5/10  
Assistant County Administrator Date

## FISCAL IMPACT ANALYSIS

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

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

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
Budget Account No.: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Program

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

### C. Departmental Fiscal Review:

## III. REVIEW COMMENTS

### A. OFMB Budget and/or Contract Dev. and Control Comments:

\* No Fiscal Impact

Jan. 16, 10  
OFMB/Budget

Jan. 17, 10  
Contract Development and Control

### B. Legal Sufficiency:

1/16/10  
Assistant County Attorney

### C. Other Department Review:

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

This summary is not to be used as a basis for payment.

**RESOLUTION NO. 2010-0129**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CREATING THE PALM BEACH COUNTY INSPECTOR GENERAL AND COMMISSION ON ETHICS IMPLEMENTATION ADVISORY COMMITTEE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR MEETINGS AND PROCEDURES; PROVIDING FOR DUTIES AND FUNCTIONS; PROVIDING FOR COMMITTEE ACTION ADVISORY ONLY; PROVIDING FOR STAFF SUPPORT AND FACILITIES; PROVIDING FOR SUNSET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on December 15, 2009, the Board of County Commissioners adopted ordinances establishing an independent Inspector General's Office, and a Commission on Ethics (hereinafter "Ordinances"); and

**WHEREAS**, it is desirable to establish a committee to serve in an advisory capacity to make recommendations for the implementation of these Ordinances.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**SECTION 1. CREATION.**

There is hereby created an Inspector General and Commission on Ethics Advisory Committee (hereinafter "Committee").

**SECTION 2. MEMBERSHIP.**

A. The Committee shall consist of five (5) members appointed by the Palm Beach County Ethics Initiative (hereinafter "Ethics Initiative"). In making its appointments, the Ethics Initiative shall: consider past participation in the development of the Ordinances; appoint at least two (2) individuals who are not members of the Ethics Initiative; and endeavor to assemble a Committee that reflects the racial, gender, and ethnic make-up of the community. The length of member terms will be 1 year unless otherwise extended.

B. The Committee and its members are subject to the Palm Beach County Code of Ethics.

**SECTION 3. MEETINGS AND PROCEDURE.**

The Committee shall establish a time and place for holding meetings as may be necessary and may adopt such rules of organization and procedure as deemed necessary. A majority of the members of the Committee shall constitute a quorum for the transaction of business and the concurrence of a majority of the members present and voting shall be required to take any official action. All meetings of the Committee and any of its sub-committees shall be open to the public, duly advertised and otherwise comply with all applicable requirements of Florida's

Government in the Sunshine Law as set forth in Chapter 286 Florida Statutes.

**SECTION 4. DUTIES AND FUNCTIONS.**

The Committee will serve in an advisory capacity to assist County Administration as may be requested in implementing the Ordinances, in matters including but not limited to the following:

- A. Assist in the search for the Inspector General as may be requested by the Selection Committee.
- B. Assist in the negotiation of the salary for the Inspector General.
- C. The organization process for the appointment of the members of the Ethics Commission.
- D. The process of the Ethics Commission for the selection of the Inspector General
- E. The preparation of the staff report for the consideration of the confirmation of the Inspector General.
- F. The establishment of the Ethics Commission operating procedure and facilities designation.

**SECTION 5. COMMITTEE ADVISORY CAPACITY ONLY.**

The actions, decisions and recommendations of the Committee shall not be final or binding but shall be offered in an advisory capacity only.

**SECTION 6. STAFF SUPPORT AND FACILITIES.**

Upon approval of the Board of County Commissioners, County Government will provide legal, administrative and consultant support and facilities as needed which is hereby declared to be a County purpose.

**SECTION 7. SUNSET.**

The Committee shall expire one (1) year from the date of passage hereof without further action, unless otherwise extended by the Board of County Commissioners.

**SECTION 8. SEVERABILITY.**

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

**SECTION 9. EFFECTIVE DATE.**

This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was offered by Commissioner Koons who moved for its adoption. The motion was seconded by Commissioner Abrams and upon being put to vote, the motion passed as follows:

Commissioner Burt Aaronson, Chair	Aye
Commissioner Karen T. Marcus, Vice Chair	Aye
Commissioner John F. Koons	Aye
Commissioner Shelley Vana	Aye
Commissioner Steven L. Abrams	Aye
Commissioner Jess R. Santamaria	Nay
Commissioner Priscilla A. Taylor	Aye

The Chair thereupon declared the Resolution duly passed and adopted this

12th day of January, 2010.

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS  
SHARON R. BOCK, CLERK & COMPTROLLER

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: 

Deputy Clerk

By: 

Assistant County Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller certify  
this to be a true and correct copy of the original  
filed in my office on January 12, 2010

dated at West Palm Beach, FL on 1/9/10

By: 

Deputy Clerk



**Patty Hindle**

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**From:** Brad Merriman  
**Sent:** Tuesday, December 07, 2010 2:14 PM  
**To:** Patty Hindle  
**Subject:** Fwd: IG/COE Implementation Committee

FYI

Sent from my iPhone

Begin forwarded message:

**From:** David.Baker <[david.baker@amrl.com](mailto:david.baker@amrl.com)>  
**Date:** December 7, 2010 2:06:29 PM EST  
**To:** Brad Merriman <[BMerrima@pbcgov.org](mailto:BMerrima@pbcgov.org)>  
**Subject:** IG/COE Implementation Committee

Dear Brad:

Confirming our conversation this morning, as you know, I was appointed to the committee that will draft the ordinances to implement the ethics charter amendment. I do not feel that it is appropriate for me to serve on both this new committee and the IG/COE Implementation Committee at the same time, therefore, please accept this email as my resignation from the IG/COE Implementation Committee, effective immediately. If you need further documentation, please let me know.

I recommend Marty Rogol, who as you know has been very involved with the ethics initiative, to take my place on the IG/COE Implementation Committee.

David Baker

Attachment # 3



**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY CODE OF ETHICS IMPLEMENTATION ADVISORY COMMITTEE**

**I. AUTHORITY :**

Resolution No. 2010-0129, adopted January 12, 2010.

**II. APPOINTING BODY :**

Board of County Commissioners

**III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :**

The Committee shall consist of five (5) members appointed by the Palm Beach County Ethics Initiative. The Ethics Initiative shall: consider past participation in the development of the Ordinances; appoint at least two (2) individuals who are not members of the Ethics Initiative; and endeavor to assemble a Committee that reflects the racial, gender, and ethnic make-up of the community. Term is one (1) year unless otherwise extended.

**EXTENDED COMPOSITION :**

**IV. MEETINGS :**

Second Wednesday of each month at 3:00 p.m. in the McEaddy Conference Room, 301 North Olive Avenue, West Palm Beach, FL

**V. FUNCTIONS :**

Assist in: the search for the Inspector General; negotiation of the salary for the Inspector General; the organization process for the appointment of the members of the Ethics Commission; process of the Ethics Commission for the selection of the Inspector General; preparation of the staff report for the consideration of the confirmation of the Inspector General; establishment of the Ethics Commission operating procedure and facilities designation.

**VI. LIAISON INFORMATION :**

LIAISON DEPARTMENT

County Administration

CONTACT PERSON

Brad Merriman

ADDRESS

301 N Olive Ave Ste 1101  
West Palm Beach FL 33401  
Phone # 561-355-4019

Attachment #

4



# PALM BEACH COUNTY CODE OF ETHICS IMPLEMENTATION ADVISORY COMMITTEE

SEAT ID	CURRENT MEMBER	ROLE TYPE	RACE CODE	GENDER	BUSINESS / HOME PHONE	SEAT REQUIREMENT	APPOINT DATE	RE-APPOINT DATE	EXPIRE DATE
Appointed By : Ethics Initiative									
1	David Baker Alley, Maass, Rogers & Lindsay, P.A. 340 Royal Poinciana Way Ste Palm Beach FL 33480	Member	CA	M	561-659-1770	Resident of Palm Beach County	01/12/2010		01/12/2011
RESIGNED									
NOMINATED BY :									
2	Iris Scheibl  4521 PGA Blvd Rm PMB312 Palm Beach Gardens FL 33418	Member	CA	F	561-691-6851	Resident of Palm Beach County	01/12/2010		01/12/2011
NOMINATED BY :									
3	Bob Newmark  6900 Ashton St Boynton Beach FL 33437	Member	CA	M	561-736-2044	Resident of Palm Beach County	01/12/2010		01/12/2011
NOMINATED BY :									
4	Dr. Dennis Gallon Palm Beach State College 4200 Congress Ave MS21 Lake Worth FL 33461	Member	AA	M	561-868-3501	Resident of Palm Beach County	01/12/2010		01/12/2011
NOMINATED BY :									

Appointed By : Ethics Initiative

5	Gale Howden	Member	UN	F	561-625-3252	Resident of Palm Beach County	02/24/2010	01/12/2011
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195 Thornton Dr  
Palm Beach Gardens FL  
33418

NOMINATED BY :