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

Meeting Date: 9/22/15

[] Consent [] Regular
[X] Public Hearing

Department

Submitted By: 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 Code of Ethics, Ordinance 2011-11, amending Section 2-444(f) to provide the requirement to contemporaneously file a copy of the State Gift Law Report with the Palm Beach County Commission on Ethics; Providing for a Savings Clause; Providing for Repeal of Laws in Conflict; Providing for Severability; Providing for Inclusion in the Code of Laws and Ordinances; and Providing for an Effective Date.

Summary: The Board of County Commissioners adopted the Palm Beach County Code of Ethics as a countywide Ordinance in May of 2011, in accordance with the County Charter. The Charter amendments, which were approved by the voters in November 2010, also called for the establishment of a drafting committee to review and recommended proposed changes to the Code of Ethics. This amendment was proposed by the Commission on Ethics and recommended for approval by the ordinance drafting committee. The amendment specifies that those who file state-required gift reports must contemporaneously file a copy of that report with the Palm Beach County Commission on Ethics. Countywide (LB)

Background and Policy Issues: The Palm Beach County Code of Ethics applies to all county and municipal officials and employees, lobbyists, their principals and employers, and vendors. This amendment only impacts those who are already required by the state to file quarterly gift reports.

Attachment:

1. Proposed Ordinance Amendments

Recommended by: Steve Cullen Date 9/1/2015
Steve Cullen, Executive Director
Approved by: Brad Merriman Date 9/2/15
Brad Merriman, Assistant County Administrator

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
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 8/12


Contract Development and Control
9-3-15

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

Department Director

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

1 AN ORDINANCE OF THE BOARD OF COUNTY
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
3 AMENDING THE PALM BEACH COUNTY CODE OF ETHICS,
4 ORDINANCE 2011-11, AMENDING SECTION 2-444(f) TO
5 PROVIDE THE REQUIREMENT TO CONTEMPORANEOUSLY
6 FILE A COPY OF THE STATE GIFT LAW REPORT WITH THE
7 PALM BEACH COUNTY COMMISSION ON ETHICS;
8 PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR
9 REPEAL OF LAWS IN CONFLICT; PROVIDING FOR
10 SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE
11 OF LAWS AND ORDINANCES; AND PROVIDING FOR AN
12 EFFECTIVE DATE.
13

14 **WHEREAS**, based on a referendum on November 2, 2010, concerning proposed
15 amendments to the Palm Beach County Charter, a majority of voters in the County and in every
16 municipality in Palm Beach County elected to require the Board of County Commissioners to
17 adopt an ordinance to establish a countywide Commission on Ethics with the authority to review,
18 interpret, render advisory opinions and to enforce the countywide Palm Beach County Code of
19 Ethics and to provide ethics training for the benefit of local governments, citizens groups and the
20 general public; and

21 **WHEREAS**, the Palm Beach County Board of County Commissioners adopted the Palm
22 Beach County Code of Ethics Ordinance, Ordinance 2011-11 on May 17, 2011; and

23 **WHEREAS**, the Board of County Commissioners finds that amending the Code of
24 Ethics Ordinance as set forth herein will clarify certain gift reporting requirements; and

25 **WHEREAS**, the Board of County Commissioners further finds that this amendment
26 advances the purposes and intent of the Palm Beach County Charter amendments approved by
27 the electorate on November 2, 2010; and

28 **WHEREAS**, the Board of County Commissioners of Palm Beach County, pursuant to its
29 authority under Florida Constitution, Article VIII, Section 1(g), Section 125.01, Florida Statutes,
30 and the Palm Beach County Charter, hereby adopts this amendment to Palm Beach County Code
31 of Ethics Ordinance; and

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

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

Part 1. Section 2-444(f) is amended as follows:

(f) Gift Reports. Any official or employee who receives a gift in excess of one hundred dollars (\$100) shall report that gift in accordance with this section.

(1) *Gift reports for officials and employees indentified by state law as reporting individuals.* Those persons required to report gifts pursuant to state law shall report those gifts in the manner provided by Florida Statutes, §112.3148, as may be amended. When a state reporting individual files a gift report with the state, a copy of each report shall also be filed contemporaneously with the county commission on ethics.

Part 2. Savings Clause.

All complaints, investigations, advisory opinions, recommended orders, final orders, requests for advisory opinions, hearing processes, and all other functions of the Palm Beach County Commission on Ethics, initiated or completed pursuant to Ordinances 2011-10, 2011-11, or 2011-39, as may be amended, shall remain in full force and effect.

Part 3. 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.

Part 4. 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 5. 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 6. Effective Date.

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

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67 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County,
68 Florida, on this the ____ day of _____, 2015.

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

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By: _____ By: _____
Deputy Clerk Shelley Vana, Mayor

79 (SEAL)

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82 APPROVED AS TO FORM AND
83 LEGAL SUFFICIENCY

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87 By:  County Attorney

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91 Filed with the Department of State on the ____ day of _____,