PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: May 17, 2022 [] 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 Chapter 2, Article V, Division 8, "The Palm Beach County Commission on Ethics Ordinance" as amended; amending sec. 2-255 (membership, qualifications, terms, vacancies); 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 Commission on Ethics Ordinance 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 review committee to review and recommend proposed changes to the Commission on Ethics Ordinance. This amendment was proposed by the Commission on Ethics and was recommended for approval by the ordinance review committee. This amendment would replace the president of the Palm Beach Chapter of the Florida Institute of CPAs with the president of the Palm Beach Chapter of the Florida Government Finance Officers Association serving as the appointing entities on a rotating basis. The president of the Palm Beach Chapter of the Association of Certified Fraud Examiners and the president of the Association of Certified Fraud Examiners and the president of the Association of Certified Fraud Examiners and the president of the Association of Certified Fraud Examiners and the president of the Association of Certified Fraud Examiners and the president of the Association of Certified Fraud Examiners shall make the initial appointment as listed in sec. 2-255(a)(4). **Countywide** (HJF)

Background and Policy Issues: The Palm Beach County Code on Ethics applies to all county and municipal officials and employees, lobbyists, their principals and employers, and vendors. This amendment impacts only one of the five appointing entities who select a commissioner to serve of the Palm Beach County Commission on Ethics.

Attachment:

1. Proposed Commission on Ethics Ordinance Amendments

Recommended k	by:	4/29/2022
	Christie E. Kelley, Executive Director	Date
Approved by:	With Rem	5/9/22
	Todd Bonlarron, Assistant County Administra	tor Date

II. FISCAL IMPACT ANALYSIS

∼. [.]

A. Five Year Summary of Fiscal Impact:

	Fiscal Years	2022	2023	2024	2025	2026
Opera Extern Progra	al Expenditures ating Costs nal Revenues am Income (County) d Match (County)					
NET FISCAL IMPACT						
# ADDITIONAL FTE POSITIONS (Cumulative)						
Is Item Included in Current Budget? Yes No						
Budge	et Account No.: Fund	Dep	artment	Unit	Object _	
	Repo	rting Catego	ory			
В.	Recommended Sour	ces of Fund	s/Summary of	f Fiscal Impac	t:	
C.	Departmental Fiscal Review:					
III. <u>REVIEW COMMENTS</u>						
Α.	OFMB Fiscal and/or	Contract De	evelopment an	d Control Cor	nments:	
	When Mut P5/2 OFMB P5/2 OFMB	56122			ment and Co	15/2/22 ntrol
В.	Legal Sufficiency:			·		

Howard J. Falcon, III Chief Assistant County Attorney

C. Other Department Review:

Department Director

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

1	ORDINACE NO 2022 -	
2 3	AN ORDINANCE OF THE BOARD OF COUNTY	
4 5	COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, DIVISION 8 OF THE	
6	PALM BEACH COUNTY CODE, THE PALM BEACH COUNTY	
7 8	COMMISSION ON ETHICS ORDINANCE, AS AMENDED; AMENDING SECTION 2-255 (MEMBERSHIP,	
9	QUALIFICATIONS, TERMS, VACANCIES); PROVIDING FOR A	
10 11	SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING	
12 13	FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.	
14		
15	WHEREAS, based on a referendum on November 2, 2010, concerning proposed amendments	
16	to the Palm Beach County Charter, a majority of voters in the County and in every municipality in Palm	
17	Beach County elected to require the Board of County Commissioners to adopt an ordinance to establish	
18	a countywide Commission on Ethics with the authority to review, interpret, render advisory opinions and	
19	to enforce the countywide Palm Beach County Code of Ethics and to provide ethics training for the	
20	benefit of local governments, citizens groups and the general public; and	
21	WHEREAS, the Palm Beach County Board of County Commissioners adopted the Palm	
22	Beach County Commission on Ethics Ordinance, Ordinance 2011-10 on May 17, 2011 and adopted	
23	amendments in Ordinance 2015-032 on September 22, 2015 and Ordinance 2021-015 on June 15, 2021;	
24	WHEREAS, the Board of County Commissioners finds that the amendments set forth herein	
25	advances the purposes and intent of the Palm Beach County Charter amendments approved by the	
26	electorate on November 2, 2010; and	
27	WHEREAS, the Board of County Commissioners of Palm Beach County, pursuant to its	
28	authority under Florida Constitution, Article VIII, Section 1 (g), Section 125.01, Florida Statutes, the	
29	Palm Beach County Charter, hereby amends the Palm Beach County Commission on Ethics Ordinance;	
30	and	
31	WHEREAS, the Board of County Commissioners has conducted a duly noticed public	
32	hearing to consider these amendments as required by law.	
33	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY	
34	COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:	
35	Part 1. Section 2-255 is amended as follows:	
36	Section 2-255. Membership, qualifications, terms, vacancies.	
37	(a) Composition and appointment. The commission on ethics shall be composed of five (5) members.	
38	The members of the commission on ethics shall be appointed as follows:	
39	***	

40 (4) The president of the Palm Beach chapter of the Florida Institute of CPAs Palm Beach Chapter of the Association of Certified Fraud Examiners or the president of the Palm Beach 41 42 Chapter of the Florida Government Finance Officers Association shall be requested, on a 43 rotating basis for each term of the four-year appointments, to appoint a single member who possesses at least five (5) years of experience as a certified public accountant (CPA) or as an 44 45 executive level financial officer with forensic auditing, and/or government accounting, or government auditing experience. The president of the Palm Beach Chapter of the Association 46 of Certified Fraud Examiners shall make the initial appointment. If the scheduled appointing 47 entity declines such appointment or fails to make such appointment within 60 days of the 48 49 commission on ethics request, the appointment will default to the other appointing entity, who 50 shall make an appointment within 60 days of this default. If there is a vacancy during the term of appointment, the original appointing entity shall be requested to make another appointment 51 52 to fulfill the term of the original appointment.

53 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.

58 Part 3. Repeal of Laws in Conflict.

All local laws and ordinances in conflict with any provisions of this Ordinance are herebyrepealed to the extent of such conflict.

61 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.

65 Part 5. Inclusion in the Code of Laws and Ordinances.

66 The provisions of this Ordinance shall become and be made a part of the Code of Laws and 67 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or re-68 lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other 69 appropriate word.

70 Part 6. Enforcement.

This Ordinance is enforceable by all means provided by law. Additionally, the County may
choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm Beach
County.

- 74 Part 7. Penalty.
- 75 Any violation of any portion of this Ordinance shall be punishable as provided by law.
- 76 Park 8. Effective Date.
- 77 The provisions of this Ordinance shall become effective on June 1, 2022.
- 78

This section intentionally left blank.

79	APPROVED AND ADOPTED by the	e Board of County Commissioners of Palm Beach County,
80	Florida, on this the day of	, 2022.
81 82 83 84 85 86	ATTEST: JOSEPH ABRUZZO, CLERK OF THE CIRCUIT COURT & COMPTROLLER	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
87 88 89 90 91	By: Deputy Clerk (SEAL)	By:Robert Weinroth, Mayor
92 93 94 95	APPROVED AS TO FORM AND LEGAL SUFFICIENCY	
96 97 98 99	By:County Attorney	
100	Filed with the Department of State on the	day of, 2022.