

**TOWN OF DAVIE  
BROWARD COUNTY ETHICS ORDINANCE WORKSHOP  
NOVEMBER 2, 2011**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:00 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Paul, Vice-Mayor Hattan and Councilmember Starkey. Councilmember Caletka ~~was absent~~ and Councilmember Luis arrived later in the meeting. Also present were Town Administrator Lemack, Town Attorney Rayson, and Assistant Town Clerk Roig recording the meeting.

**3. NEW BROWARD COUNTY ETHICS ORDINANCE**

Town Clerk Russell C. Muniz, reminded Council to seek the Town Attorney's advice for any questions they encountered.

Mr. Muniz reported on August 10, 2010 the Code of Ethics had been enacted and on November 2, 2010, voters approved an amendment to the Broward County Charter to create an Office of Inspector General and to give the county the ability to regulate the conduct of elected officials through a code of ethics. On October 11, 2011, the Code of Ethics for Broward County elected officials had been enacted and would be effective January 2, 2012.

Mr. Muniz provided the following definitions for Council:

Lobbying: A communication by any means from a lobbyist to a covered individual regarding any item that will foreseeably be decided by the final decision-making authority. Such communication seeks to influence, convince or persuade a covered individual to support or oppose the item.

Mr. Muniz explained the exclusions to this rule: communications made during public hearings and communication between attorneys regarding proceedings against a municipality or the county. Exclusions from the definition of lobbyist included officials communicating in an official capacity; an individual communicating on behalf of him/herself or on behalf of a personal entity, unless that person was principally employed by that person as a lobbyist; employees or members of homeowners associations acting in that official capacity; any employee, board member or officer of a non-profit public interest entity.

Vendor: Any actual or potential supplier of any goods or services to a local government entity.

Mr. Muniz stated officials, their spouses, relatives and office staff may not accept any gifts of any kind from a vendor or lobbyist. In their official capacity, an official may accept a gift with a value of no more than \$50. Gifts from relatives or friends may not exceed a value of \$100. Personal gifts over that amount must be declared.

Mr. Muniz clarified for Councilmember Luis that anyone employed as a lobbyist or who met the definition of a lobbyist could not provide a gift to an official at any time. Mr. Rayson remarked that the ordinance contained ambiguities, but cautioned Councilmembers to not do anything about which they had doubts. Councilmember Starkey stated a Councilmember should ask a legal opinion when there was a question. Mr. Rayson referred to the ordinance regarding personal, family gifts, and stated that Fla. Statue §112.31481 stated that the provisions did not apply to gifts from a relative.

Mr. Muniz explained that the ordinance prohibited elected officials, their immediate family and office staff from being employed as a lobbyist for any governing body in Broward County. All outside employment by elected officials must be disclosed annually using a form. Councilmember Starkey stated this was a simple form, and noted that Broward County Commissioners must file this quarterly. She felt the requirement to disclose the amount one made was overreaching.

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Mr. Muniz stated all communications between elected officials and lobbyists at any Town facility must be documented in a contact log. All communication outside Town facilities, such as email and phone calls, must be disclosed within 10 business days or prior to the date of any vote related to the lobbying, whichever came first. Mr. Muniz stated that staff was creating a database that would allow Councilmembers to log this information themselves.

Regarding fundraising, Mr. Muniz stated that elected officials may solicit funds for a non-profit, charitable organization, provided no direct or indirect benefit between the parties existed and such solicitation must be reported on a form. Town staff and/or resources may not be used for fund raising, but Mr. Muniz noted that the prohibition did not apply to fundraising events run by the Town. He stated that the County was passing resolutions or ordinances indicating charities with which they had a partnership or sponsorship arrangement.

Mr. Muniz stated that regarding campaign contributions, his office already filed campaign reports and financial disclosures for Councilmembers. Any solicitation by an elected official on behalf of a candidate must be disclosed on a form. Mr. Muniz stated that elected officials may not serve on a selection/evaluation committee for Town procurement. The ordinance also required additional financial disclosure, and Mr. Muniz stated that officials must file the same form submitted to the Supervisor of Elections to the municipality.

Mr. Muniz again advised Councilmembers to seek the Town Attorney's advice, in writing, for any questions. Mr. Rayson stated that they would create a form that would include a control number for each request. He explained that once he rendered an opinion, a Councilmember would be immune from violation of the ordinance even if it was later determined that his opinion was in error. Councilmember Starkey stated that subsequent inquiries on the same subject would require a Councilmember to sign and date a separate opinion for him/herself in order to have individual protection.

Mr. Muniz stated that newly-elected officials shall receive at least four hours of training on ethics, the Sunshine Law and public records, and this must take place within 120 days of taking office. Annually, elected officials must take at least eight hours of continuing training on public service ethics.

Mayor Paul asked for a definition of a non-profit, public interest entity, and Mr. Muniz stated that the ordinance defined this as an organization that met IRS rules. A 501(c)(3) would meet this standard.

Mr. Muniz stated the ordinance was specifically for elected officials, not advisory board members. Vice-Mayor Hattan asked for information regarding where the state ethics rules superseded local ethics rules.

Councilmember Starkey announced that the League of Cities had included in their budget the cost of training to meet the requirements of the ordinance.

**4. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 6:33 p.m.

Approved \_\_\_\_\_

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Mayor/Councilmember

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Town Clerk