

ITEM #1-C

**ADDITIONAL MATERIAL
REGULAR MEETING**

JUNE 6, 2023

**SUBMITTED AT THE REQUEST OF
COMMISSIONER HAZELLE ROGERS**



**BROWARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

Meeting Date

06/06/2023

AGENDA ITEM

Requested Action	(Identify appropriate Action or Motion, Authority or Requirement for Item and identify the outcome and/or purpose of item.)
<p>A. <u>MOTION TO REAPPOINT</u> the following advisory board members:</p> <ol style="list-style-type: none"> 1. Phillip Kim to the Bicycling and Pedestrian Advisory Committee. 2. Jonathan S. Frasher to the Broward Regional Emergency Medical Services Council. 3. Jarvis Brunson to the Children's Services Board. 4. Lawrence Martin to the Parks and Recreation Advisory Board. 5. Joseph C. Carter III to the Parks and Recreation Advisory Board. 6. Shaheewa T. Jarrett Gelin to the Small Business Development Advisory Board. 7. Janice S. Hayes to the Affordable Housing Advisory Committee in the category of "Home Building Labor Representative." 8. Lisa Feinstein to the Animal Care Advisory Committee in the category of "Licensed Broward Veterinarian." 9. Jasmen Rogers to the Commission on the Status of Women in the category of "Not Required in District; Registered Voter." 10. Christopher C. Hugley to the Consumer Protection Board in the category of "Registered Voter." 11. Michaelle Valbrun-Pope to the Human Rights Board in the category of "Nonprofit Civil Rights Organization." 12. Darryl M. Payne to the Living Wage Advisory Board in the category of "Non-Business Community." 13. Douglas G. Beals to the Marine Advisory Committee in the category of "Registered Voter; Interest in Marine-Related Matters." 14. Arby Barroso to the Medical Marijuana Advisory Board in the category of "Knowledge of Medical Marijuana outside of Florida." 15. Mary Scofield-Phillips to the Pompano Beach Residential District Advisory Board in the category of "Resident of the Pompano Beach Residential District." 	

Authorized Signature (Signature confirms that required approvals from other agencies have been received – e.g., Purchasing, Budget, Risk Mgmt., Attorney)		Scheduling County Admin initials
<p>Signature:</p> <p>Hazelle P. Rogers</p>  <p>Digitally signed by Hazelle P. Rogers Date: 2023.05.31 13:19:35 -04'00'</p>	<p>Date:</p> <p>Type: Hazelle P. Rogers, Broward County Commissioner, District 9, 954-357-7009</p> <p align="center">Room 413</p>	
<p>Source of additional information: Type Name, Agency, and Phone Dwight Hinkson, Executive Administrator to Commissioner Hazelle P. Rogers Broward County Commission District 9, 954-357-7009</p>		

B. MOTION TO APPROVE waivers of conflict under Section 112.313(7)(a), Florida Statutes for Jonathan S. Frasher, Janice S. Hayes, and Joseph C. Carter III who hold employment or contractual relationships with entities that receive funds from Broward County.

Why Action is Necessary: A. The Board must approve appointments and reappointments to advisory boards.

B. A waiver of conflict arising under Section 112.313(7)(a), Florida Statutes, requires two-thirds approval by the Board in accordance with Section 112.313(12), Florida Statutes.

What Action Accomplishes: Reappoints members to various advisory boards.

Is this Action Commission Goal Related? Yes No

Summary Explanation/Background	(The first sentence includes the Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item. Identify how item meets Commission Challenge Goal.)
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The listed advisory board members were appointed by former Commissioner Torey Alston to serve on their respective boards. Section 1-233(a)(2)(b), Broward County Code of Ordinances, provides that advisory board members who are not appointed for a fixed term continue to serve for six months after their nominating commissioner leaves office, by which time, the newly elected or newly-appointed commissioner may reappoint the incumbent or appoint a new member. If no action is taken, the seats become vacant six months after the new commissioner takes office. Commissioner Rogers is reappointing the specified advisory board members to their respective advisory boards.

Approval of this item would give rise to certain employment conflicts under Section 112.313(7)(a), Florida Statutes, which provides that “no public officer...shall have or hold any employment or contractual relationship with any business entity...which is...doing business with an agency of which he or she is an officer or employee.” In accordance with Section 112.313(12), Florida Statutes, Board approval is required to waive any conflict arising under Section 112.313(7)(a), Florida Statutes. An effective waiver requires a two-thirds vote of the County Commission after full disclosure of the conflicting relationship. Form 4A, Disclosure of Business Transaction, Relationship, or Interest, is attached hereto as Exhibit #1 and constitutes full disclosure of any existing conflicts.

Fiscal Impact/Cost Summary	(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)
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None.

Exhibits Attached (copies of original agreements)	(Please number exhibits consecutively.)
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Exhibit 1 – Conflict Waiver Forms for Jonathan S. Frasher, Janice S. Hayes, and Joseph C. Carter III.

Document Control	Commission Action
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<p>_____ Executed original(s) for permanent record (Number)</p>	<p><input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED</p>
<p>_____ Executed copies return to: (Number) Other instructions (Include name, agency, and phone)</p>	<p><input type="checkbox"/> DEFERRED</p> <p>From: _____</p> <p>To: _____</p>

Exhibit 1

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL Hayes, Janice S.			OFFICE / POSITION HELD Advisory Board Member
MAILING ADDRESS			AGENCY OR ADVISORY BOARD Affordable Housing Advisory Board
CITY	ZIP	COUNTY Broward	ADDRESS OF AGENCY 115 S. Andrews Avenue Fort Lauderdale, FL 33301

HOW TO COMPLETE AND FILE THIS FORM:

Parts A and B of this form serve two different purposes. Part A is for advisory board members who wish to use an exemption in the ethics laws that is applicable only to advisory board members. Part B is for public officers and employees who wish to use a separate exemption that is applicable when the business entity involved is the sole source of supply within the political subdivision. In order to complete and file this form:

- **Fill out** Part A or Part B, as applicable.
- **Sign** and date the form on the reverse side.
- **File Part A** with the appointing body or person that will be waiving the restrictions of 112.313(3) or (7), Fla. Stat., prior to the waiver.
- **File Part B** with the governing body of the political subdivision in which the reporting person is serving, prior to the transaction.

PART A - DISCLOSURE OF TRANSACTION OR RELATIONSHIP CONCERNING ADVISORY BOARD MEMBER

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including persons serving on advisory boards. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, permits the appointing official or body to waive these requirements in a *particular instance* provided: (a) waiver by the appointing body must be upon a two-thirds affirmative vote of that body; or (b) waiver by the appointing person must be effected after a public hearing; and (c) in either case the advisory board member must fully disclose the transaction or relationship which would otherwise be prohibited by Subsections (3) of (7) of Section 112.313, Florida Statutes. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable* to an advisory board member.

PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - The reporting person;
 - The spouse of the reporting person, whose name is _____; or
 - A child of the reporting person, whose name is _____.

2. The particular transaction or relationship for which this waiver is sought involves [check applicable space]:
 - Supplying the following realty, goods, and/or services: Contractual Services for Housing Programs.
 - Regulation of the business entity by the governmental agency served by the advisory board member.

3. The following business entity is doing business with or regulated by the governmental agency:

Broward County Minority Builders Coalition, Inc. (dba) Minority Builders Coalition (MBC)

4. The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:
 - Officer; Partner; Associate; Sole proprietor; Stockholder; Director; Owner of in excess of 5% of the assets of capital stock in such business entity; Employee; Contractual relationship with the business entity;
 - Other, please describe:

PART B - DISCLOSURE OF INTEREST IN SOLE SOURCE OF SUPPLY

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain employment and business relationships on the part of public officers and employees. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12)(e), Florida Statutes, provides an exemption from the above-mentioned restrictions in the event that the business entity involved is the only source of supply within the political subdivision of the officer or employee. In such cases the officer's or employee's interest in the business entity must be fully disclosed to the governing body of the political subdivision. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable*.

PLEASE COMPLETE THE FOLLOWING: **N/A**

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - () The reporting person;
 - () The spouse of the reporting person, whose name is _____; or
 - () A child of the reporting person, whose name is _____.

2. The following are the goods, realty, or services being supplied by a business entity with which the public officer or employee, or spouse or child of such officer or employee, is involved is:

_____.

3. The business entity which is the only source of supply of the goods, realty, or services within the political subdivision is:

(NAME OF ENTITY)	(ADDRESS OF ENTITY)
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4. The relationship of the undersigned public officer or employee, or spouse or child of such officer or employee, to the business entity named in Item 3 above is [check applicable spaces]:
 - () Officer; () Partner; () Associate; () Sole proprietor; () Stockholder; () Director; () Owner of in excess of 5% of the assets or capital stock in such business entity; () Employee; () Contractual relationship with the business entity;
 - () Other, please describe:

SIGNATURE

SIGNATURE	DATE SIGNED	DATE FILED
	June 1, 2022	

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES s. 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL FRASHER JONATHAN S.			OFFICE / POSITION HELD EMS ADVISORY COMMITTEE MEMBER
MAILING ADDRESS 6000 HATUS ROAD			AGENCY OR ADVISORY BOARD EMS ADVISORY COUNCIL
CITY TAMARAC	ZIP 33321	COUNTY BROWARD	ADDRESS OF AGENCY 115 S. ANDREWS AVE. FORT LAUDERDALE, FL 33301

HOW TO COMPLETE AND FILE THIS FORM:

Parts A and B of this form serve two different purposes. Part A is for advisory board members who wish to use an exemption in the ethics laws that is applicable only to advisory board members. Part B is for public officers and employees who wish to use a separate exemption that is applicable when the business entity involved is the sole source of supply within the political subdivision. In order to complete and file this form:

- **Fill out** Part A or Part B, as applicable.
- **Sign** and date the form on the reverse side.
- **File Part A** with the appointing body or person that will be waiving the restrictions of 112.313(3) or (7), Fla. Stat., prior to the waiver.
- **File Part B** with the governing body of the political subdivision in which the reporting person is serving, prior to the transaction.

PART A - DISCLOSURE OF TRANSACTION OR RELATIONSHIP CONCERNING ADVISORY BOARD MEMBER

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including persons serving on advisory boards. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, permits the appointing official or body to waive these requirements in a *particular instance* provided: (a) waiver by the appointing body must be upon a two-thirds affirmative vote of that body; or (b) waiver by the appointing person must be effected after a public hearing; and (c) in either case the advisory board member must fully disclose the transaction or relationship which would otherwise be prohibited by Subsections (3) of (7) of Section 112.313, Florida Statutes. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable* to an advisory board member.

PLEASE COMPLETE THE FOLLOWING:

- The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - The reporting person;
 - The spouse of the reporting person, whose name is _____; or
 - A child of the reporting person, whose name is _____.
- The particular transaction or relationship for which this waiver is sought involves [check applicable space]:
 - Supplying the following realty, goods, and/or services: FIRE RESCUE SERVICE
 - Regulation of the business entity by the governmental agency served by the advisory board member.
- The following business entity is doing business with or regulated by the governmental agency:

TAMARAC FIRE RESCUE
- The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:
 - Officer; Partner; Associate; Sole proprietor; Stockholder; Director; Owner of in excess of 5% of the assets of capital stock in such business entity; Employee; Contractual relationship with the business entity;
 - Other, please describe:

PART B - DISCLOSURE OF INTEREST IN SOLE SOURCE OF SUPPLY

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain employment and business relationships on the part of public officers and employees. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12)(e), Florida Statutes, provides an exemption from the above-mentioned restrictions in the event that the business entity involved is the only source of supply within the political subdivision of the officer or employee. In such cases the officer's or employee's interest in the business entity must be fully disclosed to the governing body of the political subdivision. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable*.

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 - () The spouse of the reporting person, whose name is _____; or
 - () A child of the reporting person, whose name is _____.

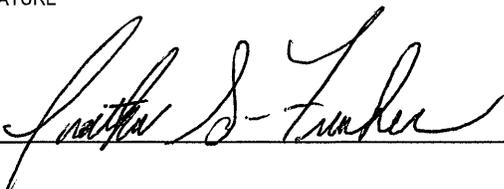
2. The following are the goods, realty, or services being supplied by a business entity with which the public officer or employee, or spouse or child of such officer or employee, is involved is:

3. The business entity which is the only source of supply of the goods, realty, or services within the political subdivision is:

(NAME OF ENTITY) (ADDRESS OF ENTITY)

4. The relationship of the undersigned public officer or employee, or spouse or child of such officer or employee, to the business entity named in Item 3 above is [check applicable spaces]:
 - () Officer; () Partner; () Associate; () Sole proprietor; () Stockholder; () Director; () Owner of in excess of 5% of the assets or capital stock in such business entity; () Employee; () Contractual relationship with the business entity;
 - () Other, please describe:

SIGNATURE

SIGNATURE	DATE SIGNED	DATE FILED
	5/30/23	

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Exhibit 1

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL Carter III, Joseph C.			OFFICE / POSITION HELD Advisory Board Member		
MAILING ADDRESS			AGENCY OR ADVISORY BOARD Parks and Recreation		
CITY	ZIP	COUNTY	ADDRESS OF AGENCY 115 S. Andrews Avenue Fort Lauderdale, FL 33301		

HOW TO COMPLETE AND FILE THIS FORM:

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 - The reporting person;
 - The spouse of the reporting person, whose name is _____; or
 - A child of the reporting person, whose name is _____.
2. The particular transaction or relationship for which this waiver is sought involves [check applicable space]:
 - Supplying the following realty, goods, and/or services: Broward County Teacher
 - Regulation of the business entity by the governmental agency served by the advisory board member.
3. The following business entity is doing business with or regulated by the governmental agency:

Broward County Schools
4. The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:
 - Officer; Partner; Associate; Sole proprietor; Stockholder; Director; Owner of in excess of 5% of the assets of capital stock in such business entity; Employee; Contractual relationship with the business entity;
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 - () The reporting person;
 - () The spouse of the reporting person, whose name is _____; or
 - () A child of the reporting person, whose name is _____.

2. The following are the goods, realty, or services being supplied by a business entity with which the public officer or employee, or spouse or child of such officer or employee, is involved is:

3. The business entity which is the only source of supply of the goods, realty, or services within the political subdivision is:

(NAME OF ENTITY) (ADDRESS OF ENTITY)

4. The relationship of the undersigned public officer or employee, or spouse or child of such officer or employee, to the business entity named in Item 3 above is [check applicable spaces]:
 - () Officer; () Partner; () Associate; () Sole proprietor; () Stockholder; () Director; () Owner of in excess of 5% of the assets or capital stock in such business entity; () Employee; () Contractual relationship with the business entity;
 - () Other, please describe:

SIGNATURE

SIGNATURE	DATE SIGNED	DATE FILED
	May 23, 2022	

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES s. 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.