



# Broward County

## Legislation Details (With Text)

<b>File #:</b>	21-436	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
				<b>In control:</b>	AVIATION DEPARTMENT
<b>On agenda:</b>	4/6/2021	<b>Final action:</b>	4/6/2021		
<b>Title:</b>	MOTION TO APPROVE waiver of conflict under Section 112.313(7)(a), Florida Statutes, for Cary Goldberg, a member of the North Perry Airport Community Advisory Committee, who holds an employment or contractual relationship with an entity that is doing business with Broward County.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Exhibit 1 - Form 4A Disclosure Form				

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** Mark Gale

**Department:** Aviation

**Division:** North Perry Airport

### Information

#### Requested Action

MOTION TO APPROVE waiver of conflict under Section 112.313(7)(a), Florida Statutes, for Cary Goldberg, a member of the North Perry Airport Community Advisory Committee, who holds an employment or contractual relationship with an entity that is doing business with Broward County.

#### Why Action is Necessary

A waiver of conflict requires two-thirds approval by the Broward County Board of County Commissioners ("Board") in accordance with Section 112.313(12), Florida Statutes.

#### What Action Accomplishes

Waives the existence of a potential conflict resulting from Cary Goldberg's contractual relationship with an entity that is doing business with Broward County ("County").

#### Is this Action Goal Related

No

#### Previous Action Taken

None.

#### Summary Explanation/Background

THE AVIATION DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTION.

This action waives the existence of a potential conflict resulting from Cary Goldberg's contractual

relationship with an entity that is doing business with the County.

On May 24, 2011 (Item No. 3), the Board approved an Agreement of Lease between the County and Diversified Aviation NP, LLC ("Diversified Aviation") for a parcel located on the southeast corner of North Perry Airport ("HWO").

On March 31, 2020 (Item No. 58), the Board appointed nominee Cary Goldberg to the North Perry Airport Community Advisory Committee. Cary Goldberg owns in excess of 5% of the assets of capital stock of Diversified Aviation, is an officer of Diversified Aviation, and has a contractual relationship with Diversified Aviation.

Pursuant to Section 112.313(7)(a), Florida Statutes, public officers, including advisory board members, may not "have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee." While Diversified Aviation is neither doing business with, nor subject to, the regulation of the North Perry Airport Community Advisory Committee, Diversified Aviation is doing business with the County at HWO. As such, this waiver is sought in an abundance of caution.

A conflict under 112.313(7)(a), Florida Statutes, may be waived by a two-thirds vote of the Board 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.

This action has been reviewed by the Office of the County Attorney.

**Source of Additional Information**

Mark E. Gale, A.A.E., CEO/Director of Aviation Department, (954) 359-6199

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

There is no fiscal impact associated with this action.