ITEM #1-E

# ADDITIONAL MATERIAL

## REGULAR MEETING

## APRIL 16, 2024

## SUBMITTED AT THE REQUEST OF

## COMMISSIONER MARK D. BOGEN

# Broward County Commission Regular Meeting

Meeting Date: 04/16/24

## Agenda Item #

**Requested Action**

A. MOTION TO APPOINT Dev Motwani to the Performing Arts Center Authority in the at-large category of the board.

B. MOTION TO APPROVE waiver of conflict under Section 112.313(7)(a), Florida Statutes for Dev Motwani who holds an employment or a contractual relationship with an entity that receives 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**

A. Appoints Dev Motwani to the Performing Arts Center Authority.

B. Waives the existence of any conflict arising under Section 112.313(7)(a), as authorized under applicable law.

**Goal Related Icon(s)**

☐County Commission
☐Go Green
☐MAP Broward

**Summary Explanation/Background**

Commissioner Bogen is submitting Dev Motwani for appointment at-large to the Performing Arts Center Authority.

| **Authorized Signature** | | | **Scheduling** County Admin initials |
|---|---|---|---|
| **Signature:** | **Date:** | **Type: Name, Title, Agency, and Phone** | |
| **Source of additional information: Type Name, Agency, and Phone**<br>Ron Lichtman, Aide to Mark D. Bogen, Commissioner District 2 – 954-357-7002 | | | |

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**
None.

**Exhibits Attached**
Exhibit 1 – Conflict Waiver Form for Dev Motwani.

**Special Instructions for Document Control**
None.

Enter # (Number) **Executed original(s) being submitted for permanent record**

Enter # (Number) **Executed copies return to:** Click here to enter text.

Exhibit 1

# FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

| LAST NAME - FIRST NAME - MIDDLE INITIAL | OFFICE / POSITION HELD |
|---|---|
| Motwani Dev R. | Advisory Board Member |
| MAILING ADDRESS [redacted] | AGENCY OR ADVISORY BOARD<br>PACAC Performing Arts Center Adv |
| COUNTY<br>Broward | ADDRESS OF AGENCY<br>201 SW 5th Ave 33312 |

## 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)]:

   (X) 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]:

   (X) Supplying the following realty, goods, and/or services: Air Show and Parking Agreement

   ( ) 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:

   Lauderdale Air Show, LLC and Las Olas Riverfront, LLC.

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; (X) 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:



[CONTINUED ON REVERSE SIDE]

## 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:

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)

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 |
|---|---|---|
| | 4/3/24 | |

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.



[CONTINUED FROM FIRST SIDE]