ITEM #60(3)

ADDITIONAL MATERIAL

Public Hearing

NOVEMBER 12, 2024

SUBMITTED AT THE REQUEST OF

BROWARD COUNTY INSPECTOR GENERAL

MEMORANDUM

TO: Broward County Board of County Commissioners

FROM: Carol J. Breece, Inspector General

DATE: November 8, 2024

SUBJECT: Comments and Observations on Agenda Item 60 of the November 12, 2024, County Commission Regular Agenda Meeting

The Broward Office of the Inspector General ("OIG") has reviewed agenda item 60 of the November 12, 2024, Regular Meeting Agenda of the Broward County Board of County Commissioners ("Board") and respectfully submits these comments and observations for your consideration.

Currently, section 1-19 of the Broward County Code of Ethics for Elected Officials (the "Ethics Code") prohibits a county or municipal elected official, relative, registered domestic partner, or governmental office staff of an elected official from accepting any gift from a lobbyist, principal or employer of a lobbyist, vendor, or contractor that has a value in excess of $5.00. Agenda item 60 presents to the Board a proposed ordinance amending the prohibitions outlined in section 1-19 (c)(1) of the Ethics Code with regard to gifts of food and nonalcoholic beverages. In short, the proposed ordinance seeks to allow the acceptance of food and nonalcoholic beverages valued up to $25 while keeping the prohibition against the acceptance of any other gift valued over $5 intact. Additionally, the agenda item includes Commissioner Geller's amendments to the proposed ordinance. These amendments include language that create an exception for, what is termed, "Official Events."

The OIG appreciates the Board's goal in considering language to address Board members' concerns of unintentionally violating the Ethics Code's gift prohibitions while attending particular functions in their official capacity. However, we suggest that the amendments to the proposed ordinance creating an exception for "Official Events" do little to address those concerns, but, instead, risk unnecessarily complicating an issue in which existing law, both local and state, already provide guidance.

We submit that the complex nature of the proposed "Official Events" exception risks the enforceability of the amended gift prohibitions in the proposed ordinance. Indeed, in order to determine whether the exception would apply to a particular event, the elected official, or someone on his or her behalf, would have to take on the daunting task of determining such information as the sponsor's identity, the invitee list, and the invitees' relationship to the donor. Enforcement would then turn on whether the elected officials made the correct determination.

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Additionally, we remain concerned that the amendment to the proposed ordinance would unintentionally create a carte blanche exception for governmental office staff of an elected official, a category of county employees that do not necessarily have to report gifts, to receive gifts of any value so long as they receive them during what they interpret as an “Official Event.”

We thank you for your consideration.