



## BROWARD OFFICE OF THE INSPECTOR GENERAL

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September 28, 2012

Honorable John E. Rodstrom, Jr., Mayor, Broward County  
and Members, Broward Board of County Commissioners  
Broward County Governmental Center  
115 S. Andrews Ave.  
Ft. Lauderdale, FL 33301

### **By Hand Delivery**

Re: Motion to Amend the Broward County Code of Ordinances, *Code of Ethics for Elected Officials*

Dear Mayor and Commissioners:

The Broward Office of the Inspector General (OIG) has now completed its review of Agenda Item No. 23 for the October 2, 2012 Broward County Commission Regular Meeting. As you know, the item consists of a motion to amend Section 1-19 of the Broward County Code of Ordinances, *Code of Ethics for Elected Officials* (Code of Ethics) by deleting Section 1-19(c)(6), which plainly states that it “shall be a conflict of interest” for any elected official to serve as a member of a selection/evaluation committee in connection with any prospective procurement in that official’s governmental entity. The OIG opposes the adoption of Agenda Item No. 23 because it contravenes the findings and intent of the former Broward County Ethics Commission.

As we stated in our August 2011 review of the then-proposed version of the Code of Ethics, procurement selection committees are vulnerable to the appearance of impropriety and potential abuse because they are empowered to designate a particular contractor or vendor as the favorite, and recommend specific contracts or vendors to the governing body. Thus, selection committees are the focus of significant attention from interested businesses, competing bidders, elected officials, and those residents of the community who readily grasp the importance of the role they play in the expenditure of tax dollars.

Consequently, this section of the Code of Ethics was the subject of extensive debate and consideration by the Ethics Commission, which heard testimony from many sources, questioned sitting Commissioners, and compared Broward’s procurement processes to those of Miami-Dade and Palm Beach Counties. The Ethics Commission observed that few staff members are in a position to openly disagree with a commissioner serving on a selection committee, and concluded that a commissioner’s mere presence on the selection committee presented an obstacle to a transparent and unbiased procurement. Section 1-19(c)(6) unambiguously reflects the Ethics

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John W. Scott, *Inspector General*

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Commission's determination that elected officials inherently engage in a conflict of interest when they serve on selection committees.

The referendum creating the Ethics Commission demonstrated the public's desire to have a body of unelected officials consider the various issues relating to ethics and create a body of law that would guide the County's elected officials. This office remains in support of the considered wisdom of that body as it relates to selection committees and the procurement process.

Accordingly, the OIG strongly recommends that you decline to adopt Agenda Item No. 23, as well as any other motions that seek to undermine or otherwise dilute the force and effect of the Code of Ethics.

Sincerely,



John W. Scott  
Inspector General

JWS:wvd

cc: Joni Armstrong Coffey, Broward County Attorney