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**MEMORANDUM**

**TO:** Commissioner Chip LaMarca

**FROM:** Andrew J. Meyers, Chief Deputy County Attorney

**DATE:** January 27, 2016

**RE: Inspection Tour Regarding Segment II Beach Renourishment Project  
CAO File: 16-01E (Gifts)**

You have been invited by Pio Ieraci, President of the Galt Mile Condo Association (the "Association"), to inspect, by helicopter tour, work connected with the above-referenced project (the "Project"). The helicopter tour is expected to last about thirty (30) minutes, and is expected to also be attended by a County staff member involved with the Project, a County public communications employee, Mr. Ieraci, and a member of the Association's advisory board. Your invitation resulted from your December 8, 2015, appointment by the Broward County Commission to serve as the Commission's Beach Renourishment Liaison. If you have any reason to believe these facts are inaccurate or incorrect in any way, please let us know because it may affect our opinion.

From online research, we have determined that the cost of a thirty (30) minute helicopter tour is about \$225, or \$45 for each of the five (5) passengers. The Broward County Ethics Code states that County Commissioners may accept gifts in their "official capacity" from entities other than registered lobbyists (including their principals and employers), County vendors, and County contractors, of up to \$50 per occurrence. Section 1-19(c)(1)(a)b., County Code of Ordinances. A search of the County databases reveals that neither Mr. Ieraci nor the Association are lobbyists, vendors, or contractors. Thus, you may accept the helicopter tour and have no reimbursement obligation.

We also note that the County ethics code was recently amended to allow Commissioners to accept, where permissible under state law, certain items including training and expenses related thereto that would directly benefit the public on whose behalf the Commissioner serves. Part of the justification for this provision is that it would permit the acceptance of offers to pay expenses that would otherwise properly be borne by the taxpayers. Here, it is undeniable that this inspection tour is in furtherance of your public service not just as a Commissioner but also as the Commissioner's appointed liaison in connection with the Project. Many state ethics opinions confirm that even far more substantial tours (including those involving overseas travel) may be accepted when serving a public purpose. It is our

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opinion, therefore, that the cost of your participation in this tour is independently covered by this recent amendment.

For each of these reasons, you may participate in this tour without incurring any reimbursement obligation.

If we can be of further assistance regarding this matter, please contact the County Attorney or me.

/s/ Andrew J. Meyers

Chief Deputy County Attorney