

Summary of Discussion
Broward County Charter Review Commission
Administrative Issues/Governance Subcommittee Meeting
Wednesday, June 13, 2007
Governmental Center, Room 429
8:00 am - 9:30 am

Members Present:

Dr. Irv Rosenbaum, Chair
Ms. Bernadette Norris-Weeks, Esq., Vice Chair
Mr. Michael Buckner, Esq.
Mayor Debby Eisinger
Ms. Patricia Good
Mr. Richard Weiss, Esq.

Members Absent:

Mr. Bruce Rogow, Esq.

Others Attending:

Chedley Etienne, Administrative Assistant, CRC
Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC
Samuel S. Goren, Esq.
Phyllis A. King, Transcriber, PKING Consulting
Norm Ostrau, Esq., Chair, Florida Commission on Ethics
Commissioner Hazelle Rogers, CRC Vice-Chair
Patricia G. West, Executive Director, CRC

(A copy of the sign-in sheets identifying those present is filed with the supplemental papers to the summary of this Subcommittee Meeting.)

A meeting of the Broward County Charter Review Administrative Issues / Governance Subcommittee ("Committee," "Subcommittee," or "AGSC," was held at 8:00 a.m. on Wednesday, June 13, 2007 at the Broward County Governmental Center – Room 429, Fort Lauderdale, FL.

I Call to Order/Roll Call

Chair Dr. Irv Rosenbaum called the meeting to order at 8:12 a.m. and requested the roll call by Phyllis A. King, PKING Consulting, Inc. Upon completion of the roll, the Chair recognized the presence of a quorum.

II. Approval of 5/31/2007 Summary of Discussion

Tabled to next AGSC meeting

The Chair introduced today's speaker, Mr. Norm Ostrau, Esq., thanked him for being at the ASGC meeting and asked Mr. Ostrau to share his thoughts regarding Ethics.

III. Presentation by Norm Ostrau, Esq., Chair, Florida Commission on Ethics

Mr. Ostrau: Well, I know Patty has called me about the voting conflict issues and I thought I would start with that. Certainly in the State Statute there are some concerns with State Statutes and we purposed a Bill last session that would provide that you couldn't speak at a meeting—once you declared a conflict, that you couldn't be involved in the discussion. The League of Cities spoke against that and the Bill never passed. The League of Cities - for what ever reason, we tried to negotiate, but it was difficult. There are other issues in the Voting Statute; the Voting Conflicts Statute provides for a special private gain that's not defined in law. So what has been the Commission's position over the years was brought about to try to establish the class and that class has been established at about 1%. If you were below the 1% threshold it wasn't acceptable Well, that's not good law; it wasn't in the law and it wasn't provided in the rule. So the Commission has basically receded from that position - that 1% would be the threshold; it's an indices of when special private gain that is there. How this came up is there are two cases in Broward County on voting conflict involving spouses. One found a conflict and one didn't and it becomes problematic as to what you do on the voting conflict issue when it involves someone in a related position. If you look at the Charter and you purposed what is in the Charter and it's the perception of impropriety, then you would preclude all those type things and you would say that, if there is a perception, that there was a conflict with a spouse who declares under your vote, then you would be precluded from doing that.

The other issues that we have been involved in that have been related to counties, and in this Bill it also provided that there is no prohibition in the Bill for a gift from a vendor. There is a prohibition from Lobbyist and the principles of Lobbyists, but if you don't have a Lobbyist and

you're a vendor, there is no prohibition about gifts from vendors, and that we had in the Bill too, and again that did not pass. It takes about two years for Ethics Bills to get passed. The Gift Law when it was passed was a compromise, like most things, and it concentrated on Lobbyist and Lobbyist principles but it left out that position.

Mr. Ostrau was asked if he is taking the position that if some huge company that is doing business with the County decides to give a County Commissioner a \$100,000 trip to China that it does not violate Florida Statute 112.

Mr. Ostrau: That is a reportable gift. As long as it's a reportable gift, it's not prohibited. Now the prohibition is a Lobbyist can't give anything in excess of a \$100, and the reporting requirement on the gifts from \$25 to \$100 is on the Lobbyist, which is a backward thing and there are almost zero reporting from Lobbyist, almost zero. Anything over \$100 it's up to the Commissioner to declare. So, it wouldn't be a prohibited gift from the vendor, but it would be a reportable gift.

We had two cases come up on solicitation of gifts for charity, and what occurred was the solicitation was close to a time when the donor had a project coming in for a vote and it was a positive vote for the donor. We had the same thing in West Palm Beach and this was the Mayor up in West Palm Beach who had the Grand Jury come out with a report on Campaign contributions. He collected contributions and the vote for those persons who gave substantial campaign contribution was almost simultaneously with the campaign contributions. So those issues had been a perceptual type thing.

What we have seen recently, is that local jurisdictions are looking to enhance the Ethics Code. Orlando, Orange County has just appointed a Blue Ribbon Panel appointed by the Chief Judge of the Circuit to look at not only an ethics ordinance, but also to restrict campaign contributions to \$250.00 per contribution, and to restrict those from anybody but individuals. The City of Gainesville passed an ordinance requiring only \$250.00 campaign contributions; Duval, Jacksonville has an Ethics Officer and they have their own Ethics Code, and certainly Miami-Dade has an Ethics Commission.

The State Ethics Commission – the problems with these individual Commissions is that they have to establish by ordinance and ordinance has been prosecuted by the States Attorney which makes it very difficult; whereas, the Commission is its own investigatory, and then goes to an Administrative Law Judge (ALJ) which is a much simpler process. The Commission is

looking at the process of where it could contract with local governments to do the investigation, then proceed to an ALJ and do the hearing just like the Commission.

Mr. Weiss asked Mr. Ostrau if Dade County Commission of Ethics does its' own investigation, prosecution, and findings without using the State.

Mr. Ostrau: Correct, what's unusual about Dade is because it's a Constitutional County and it has the authority to do that. It also had an Elections Code which is difficult to enforce. But again, Dade County has an Inspector General who looks at that which has been very positive. But the Commission again is looking at an area where it could contract with Counties, because it would make it easier. Instead of passing an ordinance, they would contract with the Counties to do their enhanced Ethics Code, do the investigation, go through the Probable Cause Hearing, go through the ALJ --. The State would do the investigation on the local government. We are looking at that because it has been asked for; if they want to enhance the law and jurisdictions have their own concerns and their problems, so if they want to enhance the law they can do that.

Ms. Good asked if enhancing the law means to make it stricter.

Mr. Ostrau: Yes, which is provided in the code and this is interesting; it's provided in the Ethics Code, but it's not provided in the Elections Code. The Elections Code is a statewide code. The way Gainesville got around it, they had a special act passed in the Legislature to let them provide for enhanced elections to reduce the violations.

It was interesting this last Legislation in the Elections Code-- Ethics Codes and campaign finance violations are a difficult charge to get done. It's a difficult process, and this year in the Elections Code, the Legislature passed a provision on the Elections Commission that provided complaints can only be filed if you had personal knowledge, not based on hearsay. That's impossible, there is no complaint that could ever be filed unless it is the violator who says I violated it and/or co-conspirators can say I violated, because there is no exception to the hearsay rule. It's just if it's based on hearsay. So, they effectively eliminated the Elections Commissions violations. The complaint process -- the thing that protects the Ethics Commission on the complaint process is that the Ethics Commission in the Constitution provides that it will investigate all complaints; it has a protection, but the Legislature has been coming down on these type things. That's why local jurisdictions are looking to enhance their process and enhance their complaint process to do this. Those are the issues that we had dealt with on a

local basis and those are the ones that have been paramount. In all the cases we get, most of them are voting conflicts and misuse of public position. I know that you must have a statement from the attorneys about the voting conflict issues and what you will do, and whether or not abstaining from a vote and participating in votes that could lend yourself to whether or not it was corrupt, or done with the wrong intent to a misuse of public position.

*The one last thing that I just wanted to mention to you, on your “**Form 1 – Financial Disclosure Form 1**” that you have to file, there is a little place up at the top that says the type of calculation that you made. **It’s a dollar calculation or threshold calculation.** It’s easy to miss and you need to check those because we just had two cases just last week that people didn’t do that, and a complaint was filed and there was a fine on those. So I just mention that to you – a little spot up at the top right in the middle.*

A brief conversation ensued.

Ms.. Rogers entered at this time [8:23am].

Mr. Ostrau: I was here when the Charter was done for the *Perception of Impropriety* which is a difficult standard. Certainly, you can define your own Charter but I think there are places that can be enhanced. Again, the problem is the enforcement of those enhancements, and that’s going to be a problem until the Commission can come up with a way of contracting with the entity to do those type things; leaving it to the State Attorney on violations that might be a voting conflict might be very, very difficult to still go through, and it’s a number of them. I think setting up your own Ethics Commission becomes very problematic, though there a lot of them in the Country, and if you ever want to look at an Ethics Statute and a really strict standard, it is the City of Los Angeles. The City of Los Angeles Ethics and Campaign Contributions Code is amazing; it must be about 68 or 70 pages long. It has its own Commission and its own Executive Director who have been there for a long time, but a number of Cities and Counties do; Los Angeles City and County have theirs. Seattle, they have theirs. Chicago, City and County have their own code, and again I say, Jacksonville has an Ethics Officer and their own code. Miami-Dade and Orange County is proceeding to invent one.

The Chair called for Questions.

Ms. Eisinger entered the room at this time [8:26am]

Ms. Good asked if Mr. Ostrau could touch on the areas that he felt could be enhanced.

Mr. Ostrau: I think you will probably have more success in doing the **gift** thing than the Legislature, because the Legislature now is zero tolerance with ways to get around it, but there is zero tolerance. So for us to have changed the Gift Statute in any way – I think you'd do better on the voting conflict. I think to establish a definition for yourselves of “**Special Private Gain**” would be the smart way to go. Establish that as a way to show that – we have a very difficult time - and on the Threshold issue, we had a case where there was a rezoning – it becomes a lot in rezoning issues. There was a rezoning case that the person was to purchase 1 of 150 lots; so he was sustainably under the 1% threshold, but he had a contract to purchase that lot – well, he had a contract to purchase another lot and still he would be considered under the threshold. The closing was to occur the day after the vote. We said that that was the class that he was in, somebody that had a contract to purchase the day after the vote, but that would not have occurred under special private gain if you looked at the 1% Rule. So, a definitional section of that would be certainly helpful.

I think we are okay on the Misuse of Public Position. There is enough in there that you don't have to do it, but the two areas that I would look at would be **gift and voting conflict**.

Ms. Good asked Mr. Ostrau if he indicated whether or not the document should be strengthened in the part where, if you declare a conflict, that you should not be allowed to participate.

Ms. Norris-Weeks entered at this time [8:29am].

Mr. Ostrau: Absolutely right. We had a case, and the reason it came up was because we had the case in Hollywood, and that was: participation to persuade people to vote for the issue, and that's a problem. Again for whatever reason, the League was against us on that, but ultimately that issue will come to pass. Those are areas that I would think would enhance the public perception. The other issues of bribery and those things dealing with it you don't really see that. But the primary issues are Misuse of Public Position and Voting Conflict.

The Chair asked if there were any further questions for Mr. Ostrau.

The Chair asked Mr. Ostrau in terms of the Charter, does he see any pressing needs in the area of Ethics.

Mr. Ostrau: In those two areas, I do think it would be helpful to this community to have those things to be enhanced. I do think that the voting conflicts, the issues that come up are the issues that are illegal, and even though there is an opinion out on the Commission that if you

leave the dais for the purposes of not voting, that is a violation of the Ethics Code. That's in my opinion and our opinions again are specifically addressed to that person.

Ms. Good added on a case-by-case – but the fact that you went to the restroom...

Mr. Ostrau: Right, on a case-by-case situation. But if you avoided the procedure of establishing the conflict, the whole process is that the public should know what your conflict is and that's how the process should be. But I think the vendor situation is a very, very big hole in the law that should be addressed.

Ms. Norris-Week explained the discussion from the previous meeting on the issue of Commissioners sitting on the Selection Negotiation Committee (SNC) which is unusual for other governmental entities, because they get the final vote at the very end of the process. She then asked Mr. Ostrau for his opinion about this and if he saw it as an issue when he was with the County.

Mr. Ostrau: Staff always thinks it's an issue. I don't think there is any issue; you know they put the Cone of Silence, which has tried to eliminate that which is good and bad. But I don't think there's corruption within that process. It might be good or bad, but I don't think it's a corrupt process that you could address as a corrupt process. It's still the voting conflict issue that you've got. If you've got the conflict and I still say, that needs to be enhanced. Where a relative or somebody that can benefit from that is there, that needs to be in.

From a State-wide perspective the Legislature again doesn't have to deal with that because they never have a voting conflict. The law has been that every issue would be a conflict so they don't have public conflict, so it's only local government that really has to deal with the voting conflict issues. Again, that area is where we need the enhancement.

The Chair stated that the dais discussed educating public officials and it's sometimes difficult because things seem to be in conflict with each other in terms of the ethics rule, keeping innocent public officials out of trouble, or would-be innocent public officials. He added that people have really good intentions to do something. Because of their own personal beliefs they feel they're right. They wind up getting snagged in an ethics complaint. He then inquired about the number of complaints filed by opposing political parties.

Mr. Ostrau: We did. The complaints go up during Election Week both for us and Elections Commission. But the problem is and we've always wrestled with this problem, how do you

control the claim process? Is it trying to say go ahead and do this, and we will as a Commission or whoever is adjudicating it, will look at that complaint and try to eliminate it as fast as possible, and we do that. We go through a whether or not it meets the Statute, that's the first thing we look at and if it doesn't it's thrown out immediately, it doesn't go through an investigation. I think to try to restrict it like the Legislature did on the Elections Complaint to only personal knowledge without hearsay, is just to eliminate the whole process. Most people get their information on the complaint process from the newspapers that do – they do some sort of an investigation and most people then make a determination. Most people do it on a legitimate basis; I would say 80% to 90% of them are on a legitimate basis. Again, there are provisions for attorneys fees on the points that are not based on that. It's just a very difficult thing where you draw the line. Again our Constitution says we will investigate all complaints. We try to minimize those that go to investigation; I think only maybe 1/3 go to investigation.

Ms. Eisinger referred to a discussion that the dais had at a previous meeting relevant to officials leaving the dais to avoid the vote and there was grey matter because now there is not a conflict of interest. She advised that the discussion surrounded there being a close friend and they did not want to be involved. But by procedure they can't recuse themselves, because it doesn't fit within that category. But it has been known to take place. She advised that she saw this once in her City Commission, but advised that she believes it is more prevalent on the County Commission or other areas. Ms. Eisinger stated that she did not believe the dais had an opinion.

Mr. Ostrau: Well. The Ethics Commission gives an opinion that you can't leave the dais for the purposes of not disclosing that you have a conflict, so we've taken that position. The question – again - this is where the enhancement comes in, is to make greater definition of what constitutes a conflict within that Statute. We don't have any definitions and “special private gain” is not defined; we have not defined by rule or by law, and that's what I think needs enhancements on the voting conflict; I think that's a very important issue to do. That you establish somehow – go through the process of establishing what a conflict is under the Statute. Now, the Statute provides that you must vote on everything unless there a conflict. So, unless there is a conflict, which you establish in the process, then you have to vote on it. *But I think to establish that and establish a disclosure requirement and then establish that no one can discuss that issue.* We had purposed that in State Law, the League of Cities spoke against us on that; , they didn't want it in there,; they wanted the --- for whatever reason. I think ultimately we will get that passed, i.e. that *you cannot speak to try to influence the process.*

Ms. Good pointed out that if you don't establish a conflict and you do still walk out of the room, there is no real penalty for that individual leaving the room.

Mr. Ostrau: If it's a - if you establish that it's a violation of the code to walk and you created an ordinance that would establish that technically there is a violation, so you could do that.. Again I doubt if you are going to get the State Attorney to prosecute that but it will be one of those issues where the press will say "listen they walked out" and you would get some adverse publicity on it.

Ms. Norris-Weeks reminded the dais that at the last meeting, the dais discussed the individual stating what the conflict was before walking out.

Mr. Ostrau: That's what it provides, that's what you should do. Because it's all – the whole concept is based on disclosure. So the public knows what the conflict is. And then there's another provision in the Statute that says – under 31.37 that if you have a continuing conflict, – this occurs a lot, then you're in breach of 31.37 which is a total prohibition, you can't do that. So, at least it gives you an area to find out that somebody's got 150 conflicts over the term; you know whatever it is, they are in violation of 31.37, and that's a substantial violation.

Mr. Weiss (verbatim): Norm, I think what we were talking about last time was the sequence of events which is slightly different – slightly, the one we were talking about was slightly different than what you are talking about. I think the way most local governments handle the conflicts are that they, prior to the vote, they announce their conflict, they abstain, they file their form. But under the Statute, the one that you've been discussing, they're allowed to participate if they are an Elected Official, as opposed to an Appointed Board Member that's not allowed to participate.

Mr. Ostrau: The appointed one after they file -, after they've made the disclosure, can still participate. It's a messed up Statute, it really is.

Ms. Norris-Weeks agreed with Mr. Weiss and stated that the dais discussed going beyond that. She stated, to actually have something meaningful where you cannot participate.

Mr. Ostrau: Right and again, we saw that and we purposed that.

Mr. Weiss advised that Dade County has a specific ordinance that requires people when they have a conflict to absent themselves from the room. They don't announce it, they just leave.

They don't participate in discussion. I don't know why it is particularly relevant what their conflict is or not. I mean people always have the right to-

Ms. Norris-Weeks stated that it's so difficult and she has seen it happen many of times where Commissioner's have a conflict but they sit there and sigh, or are shaking their head or groaning (body language) on how they feel on a particular issue.

Mr. Ostrau: Again the Statute is based on disclosure, and I just wondered why you don't think the disclosure is pertinent? Mr. Weiss: But they are not participating. Ms. Good replied but that's their duty as an Elected Official. Mr. Weiss: Situations arise where it is the perception of a conflict (a next door neighbor).

Mr. Ostrau: But you said they filed the forms anyway.

Mr. Weiss: Not in that kind of situation, they leave. What we do – I'll tell you the advice that we give is that if you feel uncomfortable, it's better to avoid the appearance of conflict and just don't participate. That's what we do – Dade County specifically by ordinance says that, if you have a conflict, you should leave. I just don't like the idea that people are put - you are supposed to avoid even the appearance of a conflict, and if you are prohibited under State law from abstaining unless you have a 112 conflict, so you have a choice of either voting on something where there could be a perception of a conflict of interest but, no legal conflict of interest, or leaving. There is no other option.

Mr. Ostrau: Suppose there is – suppose you leave and there's a real conflict. Suppose you just leave and you haven't disclosed that there is a real conflict.

Mr. Weiss: What's the harm if they are not voting and they are not participating, and they are not talking about the matter?

Ms. Norris-Weeks stated that she feels it's too tempting; she added that she feels that person should get up and go. If there is a conflict, they declare it.

Mr. Weiss: They have to say it?

Ms. Norris-Weeks: Yes, they should have to say it.

Mr. Ostrau: That's something for you all to debate.

Mr. Weiss: I don't think it's for us to debate at all. I think it's for the County Commission to implement a set of Ethics Rules.

Ms. Norris-Weeks: That's never going to happen.

Ms. Eisinger: It's up to us if we want to make it for the voters to formalize; yes, this is a rule.

The Chair advised that he thinks further discussion is warranted.

Mr. Ostrau: It's difficult to place these in the Charter because the Charter is then – Ethics is a dynamic process, there are more things that happen that you look at that need a new change; it's a dynamic process. To put something in the Charter that a vote of the people makes it very, very difficult to change in that dynamics of an Ethics Code; so it's certainly much better to leave it up to an ordinance or something.

Mr. Weiss: Plus, I think what you are saying, and I was not aware of that particular opinion, is that you're saying that the Ethics Commission is at least giving the opinion that you can't leave the room.

Mr. Ostrau: If you have a 112 conflict, to avoid the 112 conflict.

A discussion ensued amongst the dais regarding how to address ethics conflicts in the Charter.

Ms. Eisinger advised that she agreed with Mr. Weiss but would want a clarification that says that "I have an obligation that doesn't fit within the laws to go on within the realm that I cannot recuse myself, but I, as a matter of good conscience will put it out there that this is my next door neighbor / good friend, but by State law I cannot recuse myself; however, I would like to disclose that this is a good friend of mine and I'm obligated to vote."

Mr. Weiss: The issue with me is not the – I'm fine with what you've said. It's the fact of the Elected Officials being put in a box where they don't have the option even to not participate. That's where I think it's very uncomfortable. Whether they have the option just to leave without disclosure or disclose and then leave. I'm not hung up on it one way or another. I'm hung up on the fact that these people are put in very difficult positions and under the State law they don't have the ability, unless they just go to the bathroom.

Ms. Norris-Weeks suggested the dais fix what it knows it can fix. She suggested to just go beyond the Florida Statute by leaving the definition the same and then just say if you have a conflict you've got to leave the room.

Mr. Buckner asked what would happen if the definition is not specific enough and there is no one left to vote by everyone declaring a conflict.

Mr. Weiss: I have more of a problem with people voting when they have a potential conflict than them not voting. I would rather have people not participate in the vote because they feel uncomfortable with it than to participate in the vote where it benefits their best friend.

Several dais members expressed that this is part of the job of the Elected Officials.

Mr. Ostrau: There's no conflict in the Legislature, and every time we get a Legislator in then the law changes with the Legislator. It is an amazing thing, we prosecute a Legislator immediately, that's what happens in the Election Law, they file a Bill – it's an amazing thing.

But we can go to the thing for you and Bernadette. There's a whole issue about whether or not what Legal Counsel – you know the whole issue of client and whether or not you can give that advice, and that issue has gone to the Bar and it has been a whole issue. And it still goes to the same issue as for us; it's only mitigation; it is not the final arbiter of what is right, and this has been problematic for that. But if you do it – if you enhance your law then that legal counsel can give that information. Again it would be whether or not the State Attorney believes it and is going to prosecute the case anyway, but it becomes very problematic.

The discussion continued with comments made by Mr. Weiss, Ms. Good, and Ms. Eisinger.

Ms. Good stated that she agrees with Ms. Norris-Weeks regarding focusing on the things that we know. Those situations where there is a declared conflict of interest, pursuant to what the statute says. That individual should not participate and influence the vote in any way.

Ms. Eisinger suggested that maybe the issue is something that the maybe by Municipality or County personal conflict issues, should be addressed in their own governmental body.

Mr. Ostrau: I think that's true; the only problem there is is, that once you establish - that once you establish – the law does not define what the special private gain is, and I think that's a

whole list to establish what a real conflict is. That is a big problem and we wrestled with that and this concept of – if you are in the class that's less than 1% is not a valid concept.

Ms. Eisinger stated that legally you can't draft a resolution because it's not part of the law.

Mr. Ostrau: You can enhance, you could – By ordinance, the Legislative body could enhance that and make a definition and provide for the removal of the person if the conflict exist.

Mr. Weiss: You could define a conflict, I'm not advocating it, but you could define and say that if you have a close, personal friendship or relationship with someone who has a pecuniary interest in this matter,;then that creates an additional conflict.

The discussion continued with comments made by Ms. Eisinger, Ms. Norris-Weeks, Ms. Rogers, Mr. Weiss and Ms. Good.

Mr. Ostrau: The Constitution provides that the public office and the public trust - people in the State of Florida should be free from the abuse of that trust. That's the overriding principal.

The Chair stated that generating a process with a loop-hole for people to walk away from votes they're responsible for would be the worst public policy you can find.

Mr. Ostrau: I think that was one of the things that prompted the appearance of impropriety.

The Chair stated that the dais can purpose a Charter amendment, or make a recommendation to the County Commission.

Ms. Good stated that she would be more comfortable allowing the voters to decide what they feel we should do as far as strengthening. Ms. Eisinger stated that she agrees with Ms. Good, that it is a simple revision. The Chair asked if this was consensus of the dais.

Ms. West pointed out that it is only when the Elected Officials themselves declare a conflict.

Ms. Good advised that she was unaware of the vendors being allowed to give a gift of a sizeable amount. She expressed concern as the County is always dealing with vendors.

Ms. Eisinger suggested that ANY gift be it from Lobbyist or Vendor, should be avoided.

A brief discussion ensued among dais members regarding reportable gifts, group mission purposes, and when and where to determine if a gift is unethical.

Mr. Ostrau: The Commission has taken the position if the funds are given to the Local Government and say we want to do a trip, we want you to come down to look at jails in Mexico or whatever you want to do. Funds are given to the local government to make the determination who should go. Those funds are expended by local government and the Commission has taken that position, if it's given to the individual that's prohibited. The dollars are then shown in the public, described in the public, the meals are paid for by the public and if the public wants him to go see the jails in Mexico then the public pays.

Mr. Weiss asked if the proposal is to extend the \$100 limitation on Lobbyist to any vendors.

Ms. Rogers asked Mr. Ostrau to explain meal invitations, i.e. someone invites the Elected Official to sit at their table.

Mr. Ostrau: It's a charitable contribution; you can bifurcate the charitable contribution.

A brief discussion ensued regarding charitable contributions.

Ms. Norris-Weeks asked Mr. Ostrau what it would look like at the County level if the CRC were interested in doing something with gifts similar to what the State does now.

Mr. Ostrau: No gifts. It's an impossible thing. Zero tolerance is not – we've talked about redrafting the Gift Law because the Gift Law is a messed up thing, and I drafted it. Here's the problem that you run into, you're at the Airport and a guy says let me give you a ride home. That's a gift and if you have a zero tolerance, those are the type things. I think some level of acceptable \$25 or whatever it is – is something – but it's a difficult process. In just general life, it's just a tough process. What you want to do is try to get the abuses.

Mr. Weiss: Dade County Lobbyists have to disclose a gift between \$25 and \$100. The Elected Official may not even know that the Lobbyist is disclosing it, which happens a lot.

Mr. Ostrau: I do think the vendor is a problem. We are trying to address it with the State law. It's enhanced here; the voting conflict is certainly.

Ms. West recognized two issues which are voting conflict and gift issues and asked Mr. Ostrau if there are other suggestions.

Mr. Ostrau: I think those are the ones that you can address in the ordinance and the others I think are – the other 7 or 8 prohibitions are fairly – misuse is not something that is...

Mr. Weiss stated that from past experience he feels that if the AGSC intends to do something the Charter needs to do it and not require the County Commission to do it. He suggested adding the provision dealing with where if you have a conflict under 112, you announce it and you leave and you not participate in the vote which has to be a specific Charter Amendment.

Mr. Ostrau: The only other thing is the definition, because as I said we had two cases of spouses of Commissioners, one went one way and one went the other and they're almost identical cases, and that's a difficult thing. I would go further than State law; I think like you said, best friend, if you are going to define that as a conflict certainly anything related to a spouse would be a conflict issue.

Mr. Weiss asked Mr. Ostrau if he would broaden the definition of what an allowable conflict is.

Mr. Ostrau: I would think so.

Ms. Good asked Mr. Ostrau to redefine his example and special private gain.

Mr. Ostrau: Because there is no definition for special private gain and it was a fact specific thing. So you look at – in a determination we – the Commission - look at the determination. Again, the Commission is not the only vote.

Mr. Sam Goren entered at this time [9:13am].

A general discussion ensued regarding friends and the conflict issue.

The Chair called for any additional questions or comments for Mr. Ostrau.

Mr. Ostrau again reminded the dais that the Statement of Financial Interest – Comparative Threshold or Market Value must be marked off on Form 1.

The Chair asked Mr. Ostrau about Non-profit Organizations.

Mr. Ostrau: The solicitation of substantial contributions has been a major concern for the Commission and tied in with the vote that's very closely related and that's been a concern. Again, the same thing with the campaign contributions, large campaigns which I don't know that you all would be able to deal with, but the large campaign contributions, the next day there's a vote on the issue and it goes to sleep.

The Chair advised that he is looking at a point of view, saying this is a place where Elected Officials get into trouble...

Mr. Ostrau: I just don't know how you would define it in a Charter, I just don't. For stamps to benefit the Commission, is looking at a way to contract with local governments, to do the enforcements of enhanced law.

The Chair thanked Mr. Ostrau.

A general conversation ensued.

IV. Discussion of Census/Re-Districting: Review Demographics Information provided by Supervisor of Elections Office

Ms. West advised that staff was able to get information from the Supervisor of Elections Office and explained the breakdown.

The Chair suggested tabling this issue to the next meeting.

V. Discussion of Commissioner Jacob's concern regarding Ballot Initiatives not approved by the Broward County Commission

The Chair asked the dais if there were questions or comments on this issue.

Ms. Norris-Weeks advised that the Legislature needs to address this issue. She added that it needs to be a part of the County Commission Legislative Agenda because the issue is really State Statute. She advised that the issue does not come out of the County and nothing can be done. Mr. Weiss suggested that the dais get back to Commissioner Jacobs and let her know the issue is beyond anything the ASGC could do per the advice of the CRC Attorney.

With regard to the Issue of Perpetuity of Land, Ms. West advised Mr. Weiss that she has the information he requested regarding Dade County Save our Parks. The Chair asked Ms. West if

there are any Financial Impacts on the County. Ms. West advised that the issue is on the agenda and will be discussed at the Full CRC meeting.

A brief discussion ensued and the item was tabled until a vote from today's full Committee.

V. Discussion of Report on Recommendations for Proposed Ballot Topics / Issues for Discussion

- a. Parochialism**
- b. Duplication of Efforts**
- c. Leadership / Responsibility (is there a lack of leadership / responsibility)**
- d. Influence - is there an administrative problem**
- e. Economic Development**

Mr. Buckner asked Ms. West to forward Mayor Eggelation's comments from the last Transportation Subcommittee to the AGSC as it relates to these issues.

Ms. West referring to the **May 31st AGSC Summary of Discussion** advised that the summary includes verbatim discussion of Commissioner Jacobs' responses.

The Chair suggested the need to somehow define the roles of County Government in the Charter. Ms. Norris-Weeks referenced the Broward by the Numbers document included in dais folders and advised that the information is extremely informative and might be helpful.

The Chair suggested that the dais should have subsequent meetings and come up with something that would discuss the role of County Government and how to define it in the Charter.

Ms. West advised that she had been approached by Broward Workshop to see if the AGSC might wish to have a joint discussion on Strong Mayor issues. She added that they are concerned that if the Charter does not come up with any language, the Broward Workshop or a private entity will. She also advised that the Broward Workshop has picked up the 2000 Charter Strong Mayor binder from the CRC office.

Dais members asked why the Broward Workshop has not come to the AGSC meetings or the Joint meeting held with the County Commissioners. The Chair suggested inviting the Broward Workshop to future AGSC meetings. It was also stated that if they wished to add language to the ballot they are welcome to do so.

Ms. West advised that the full Committee would not meet in July; she wanted to know if the AGSC wanted to meet prior to August 8th. She added that if they do want to meet they should do it in the first two weeks of July.

The Chair suggested dispensing the issue of Mid-Decennial Census to begin moving items off the plate to get moving on to some of the issues. A brief discussion ensued regarding the next meeting time. The Chair advised that the next meeting is on July 11th.

After a brief discussion it was determined that the next meeting will be held on July 11, 2007 and it will be an extended meeting from 8am – 12pm.

Ms. West advised that she has information on Dr. Lance De Hagen Smith and Kurt Spitzer from Pinellas County Charter; she suggested getting one of them on the phone during the next meeting.

A brief discussion ensued. It was decided to attempt a video conference roundtable.

VI. Public Comment

None

II. Adjournment

The Chair called for motion to adjourn. There being no further discussion and no public comment Ms. Good Motioned, Seconded by Ms. Eisinger and the meeting was adjourned at 09:37 am.

The minutes of this meeting are recorded on CRC-AGSC CD # 6.13.07 (BCGV CTR)