

Memo

To: Mayor and Town Commissioners
Town of Lauderdale-By-The-Sea

From: Susan L. Trevarthen, Town Attorney
Robert A. Meyers, Assistant Town Attorney

Date: March 31, 2016

Re: Implementation Questions Regarding County Ethics Ordinance as Amended
(Ordinance No. 2015-55, Effective December 10, 2015)

Questions: You have requested that we provide the answers to the following questions on the implementation of the amended Broward County Code of Ethics (“County Ordinance”). Our answers incorporate both our prior safe harbor implementation opinions on the County Ordinance and our new opinions on the December amendments, so that you can refer to this document as one source for guidance on all ethics implementation questions. Questions 1 – 20 were asked under the prior County Ordinance and are updated as needed to address the December 2015 amendments. Questions 21- 27 address new issues arising under the December 2015 amendments.

Updated Questions re Implementation

1) What is a lobbyist? What is lobbying? What does it mean if someone is a lobbyist?

Prior Implementation Opinion: “Lobbyist” means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. The term “Lobbyist” does not include a person who is:

- a. An Elected Official, employee, or appointee of Broward County or any municipality within Broward County communicating in his or her official capacity.
- b. An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.

- c. Any employee, officer, or board member of a homeowners' association, condominium association or neighborhood association when addressing, in his or her capacity as an employee, officer or board member of such association, an issue impacting the association of its members; or
- d. Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

“Lobbying” or Lobbying Activities” means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include the following communications:

- a. Made on the record at a duly-notice public meeting or hearing; or
- b. From any attorney to an attorney representing Broward County or any municipality within Broward County regarding a pending or imminent judicial or adversarial administrative proceeding against Broward County or against any municipality within Broward County.

In general, lobbyists or those engaged in lobbying must register with the Town pursuant to Section 2-1 of the Town Code of Ordinances, must report their expenditures annually, must not give gifts (whether directly or indirectly) to Town Commissioners, and must report contacts with Town Commissioners that occur at Town premises. Town Commissioners must not accept any gifts (whether directly or indirectly) from lobbyists (whether registered or not), and must report contacts with lobbyists outside of Town premises.

The December 2015 amendments to the County Ordinance create exceptions allowing Town Commissioners to accept certain gifts from lobbyists, specify that governmental entities cannot be considered lobbyists for purposes of the gift regulations, and make the lobbyist responsible for reporting all lobbying contacts, as described below.

December 2015 Amendments:

A. Allows Gifts of \$5 or Less and Gifts In Specified Circumstances from Lobbyists

Elected officials, their relatives or domestic partners shall not accept any gifts from lobbyists, directly or indirectly, **with a value in excess of \$5.00**. A gift from a lobbyist **may** be accepted above the \$5.00 threshold (and not to exceed \$100, to comply with state law) under the following circumstances:

- 1) if it is an item customarily given to express condolences or sympathy to an elected official in connection with the death or significant injury or illness of the elected official or an immediate family member;
- 2) training and training-related expenses related to public service, the receipt of which is deemed to directly benefit the public on whose behalf the Elected Official serves;

- 3) nonalcoholic beverages; and
- 4) admission tickets to charitable events available to the public, as long as the elected official within 30 days after the event, reimburses the donor for the value of the food and beverages consumed by the persons using the tickets, and within 15 days after receiving such tickets, files for public inspection a disclosure form stating the name of the donor, the value of the tickets received, and the date and location of the event.

Comment: Under the amendment, a gift of de minimus value of \$5.00 or less can be accepted by a Town elected official or relative from a Town lobbyist. Gifts in excess of \$5.00 from lobbyists are still barred under the County Ordinance, unless one of the exceptions described above exists.

B. Excludes Governmental Entities from “Lobbyist” For Purposes of the Gift Regulations

Governmental entities, including Broward County, any municipality within Broward County, or any other governmental entity, shall not be considered lobbyists (or principals or employers of lobbyists) for purposes of the regulation of gifts to Town Commissioners.

Comment: The amendment allows Town Commissioners to accept gifts from governmental entities, as long as they do not exceed \$50.00 in value (the maximum value for an official capacity gift under the County Ordinance).

C. Requires Lobbyist to Report All Contacts¹

A lobbyist who lobbies an Elected Official must, contemporaneously with the lobbying activity or as soon thereafter as is practicable (but in any event within three (3) business days after the lobbying activity occurs), legibly complete a contact log.

Comment: The lobbying contact provision does not take effect until April 1, 2016. Because the Town created an online contact log, Town Commissioners will no longer be required to report contacts with lobbyists that occur outside of Town premises. The reporting responsibility will rest exclusively with the lobbyist, no matter the location of the contact.

2) Who else is barred from giving gifts to Town Commissioners? Do Commissioners have to report their contact with these persons?

Prior Implementation Opinion: Town Commissioners may not accept gifts from Town contractors, defined as any person or entity having a contract with the Town, and Town

¹ By April 1, 2016, the County and each municipality covered by this code shall create and maintain an online contact log system accessible by registered lobbyists. In lieu of creating and maintaining its own online contact log system, any municipality may utilize any such system maintained by the Broward League of Cities, provided such municipality provides a link to such system on the municipality's website. For any municipality that fails to create an online contact log system by April 1, 2016, or fails to maintain the system thereafter, and further fails to use, by April 1, 2016, any such system maintained by the Broward League of Cities, any lobbyist disclosure required by this section (c)(3) shall be required to be filed by the lobbied Elected Official.

vendors. There is no requirement for Town Commissioners to report contacts with Town vendors or Town contractors.

December 2015 Amendments: Elected officials, their relatives or domestic partners shall not accept any gifts from contractors or vendors **with a value in excess of \$5.00**. A gift from a contractor or vendor **may** be accepted above the \$5.00 threshold (and not to exceed \$100, to comply with state law) under the following circumstances:

- 1) if it is an item customarily given to express condolences or sympathy to an elected official in connection with the death or significant injury or illness of the elected official or an immediate family member;
- 2) training and training-related expenses related to public service, the receipt of which is deemed to directly benefit the public on whose behalf the Elected Official serves;
- 3) nonalcoholic beverages and
- 4) admission tickets to charitable events available to the public, as long as the elected official within 30 days after the event, reimburses the donor for the value of the food and beverages consumed by the persons using the tickets, and within 15 days after receiving such tickets, files for public inspection a disclosure form stating the name of the donor, the value of the tickets received, and the date and location of the event.

Finally, governmental entities that contract with the Town (including Broward County, any municipality within Broward County, or any other governmental entity) are no longer considered vendors or contractors for purposes of the gift regulations.

Comments: Under the amendment, a gift of de minimus value (\$5.00 or less) can be accepted by a Town elected official or relative from a Town contractor or vendor. Gifts in excess of \$5.00 from Town contractors and vendors are still barred under the County Ordinance unless one of the exceptions described above in the prior paragraph exists. Town Commissioners are no longer barred from accepting gifts from other governmental entities doing business with the Town, as long as these gifts do not exceed \$50.00 (the maximum value for an official capacity gift under the County Ordinance).²

3) Vendors include potential suppliers. What is a potential supplier?

Prior Implementation Opinion: Potential suppliers fall into one of two categories: 1) Those responding to specific procurement processes and 2) Those making individual contacts. A potential supplier who responds to a specific procurement process is any party picking up a bid packet in response to a Town solicitation for an RFP, RFQ or ITB; any party submitting a proposal to the Town whether or not the party is included in the Town's pre-qualified pool; any party downloading a bidding opportunity from the DemandStar website or any similar website.

A potential supplier who has made or attempts to make individualized contact with a Town official or employee is defined as any party contacting a Town official or employee

² The County Ordinance also specifies that gifts from one's own government are not limited to the \$50 limit on official capacity gifts from other sources. State law may still require disclosures of such gifts.

expressing an interest in doing business with the Town (with the exception of bulk mail solicitations offered to the general public); any exhibitor or presenter at a local, state, regional or national conference, meeting or event with the purpose of demonstrating, marketing or selling its goods, services and productions to municipal governments.

December 2015 Amendment: The Amendment changes the definition of “vendor” to remove the concept of “potential supplier” from the County Ordinance. “Vendor” is now defined to include “a person or entity that is currently supplying any goods or services” to the Town, “that has supplied any goods or services to the [Town] within the current or prior two (2) calendar years, or that has, by submitting a response to a currently-open competitive solicitation, expressed an interest in supplying any goods or services to the [Town]”. Commencing January 1, 2017, the term “vendor” shall also include a “person or entity that submitted a response to a competitive solicitation during the current or prior two (2) calendar years.”

Comment: The amended definition of “vendor” is narrower than the definition given in the prior implementation opinion, and with regard to potential suppliers, covers only those who have submitted a **response to a currently-open solicitation**. Therefore, those who pick up a bid package in response to a Town procurement; download a bidding opportunity from Demandstar or similar site; make individualized contact with a Town official or employee; or exhibit or present at a conference are no longer subject to the vendor restrictions. Unless a party takes the affirmative steps of submitting a response to the Town, such party or entity is not defined as a potential supplier under the amended County Ordinance. However, commencing on January 1, 2017, a party or entity submitting a **response during the current year or prior two calendar years** is defined as a “vendor”. Consequently, beginning in 2017, a vendor will be subject to regulation as a potential supplier if it has interacted with the Town, as described above, within the last three years (for 2017, this will cover 2015, 2016 and 2017).

4) When is a potential supplier removed from the potential supplier list?

Prior Implementation Opinion: For contacts initiated based upon a Town solicitation, a party is removed from the potential supplier list two years after the date of final purchasing decision by the Town. For a potential supplier, a party is removed from the potential supplier list **two years** from the date of the contact.

December 2015 Amendment: Not directly addressed in the amended County Ordinance.

Comments: Beginning on January 1, 2017, a party or entity submitting a bid or proposal during the current year or prior two years will be defined as a vendor. Consequently, a party or entity should not be removed from the Town’s vendor list for **three years** to be consistent with the ordinance.

5) Who goes on the contractor list?

Prior Implementation Opinion: Any person or entity having a written contract with the Town is a contractor and must be included on the contractor list, except customer agreements and permit and licensing agreements. Customer relationship agreements include but are not limited to residents and businesses who are customers of the Town's water and sewer department; persons purchasing admission tickets to attend events at Town facilities; person who sign waivers and releases to participate in programs organized and sponsored by the Town or at a Town facility. The permit/licensing exception includes but is not limited to a person or entity required by Town regulation to acquire a license or permit to conduct business in the Town or engage in any activity regulated by the Town, such as a special event permit or occupational license or variance holder.

December 2015 Amendment: Not addressed in the amended County Ordinance. For purposes of gift regulations, governmental entities are not considered vendors and contractors, as covered in Questions 1 and 2.

Comment: The Town Commissioner can rely on the advice given in the prior implementation opinion.

6) When is a vendor/contractor/lobbyist removed from their respective lists and no longer considered to be in these categories?

Prior Implementation Opinion: Vendors and contractors are removed from their respective lists two years after all contractual obligations with the Town have ceased. Lobbyists are removed from the list two years after their last expenditure reports are due.

December 2015 Amendment: The amended County Ordinance does not address this subject.

Comment: Since the amendment appears to establish a three-year rule before a party is no longer considered a potential supplier beginning in 2017, the Town should not remove vendors, contractors and lobbyists from their respective lists until three years have passed.

7) Are electronic signatures acceptable?

Prior Implementation Opinion: Signatures transmitted electronically are permissible for all forms required by the new ethics ordinance.

December 2015 Amendment: This is not covered in the amended County Ordinance.

Comment: The Town Commission may rely on the advice given in the prior implementation opinion.

8) How searchable does the internet database of ethics forms need to be?

Prior Implementation Opinion: Any database that allows for a search by name of officeholder or form complies with the ethics ordinance.

December 2015 Amendment: Where such disclosure forms are inputted into a separately maintained searchable-by-the-internet public database, the term “filed for public inspection” requirement shall be deemed met by providing a link on the Town website to that separate database on the other government’s website from which the other disclosure forms filed by Elected Officials of that governmental entity may be accessed. The disclosure forms referenced in the amendment include filings under Chapter 106 of the Florida Statutes (Campaign Finance) and Form 1 (Statement of Financial Interests).

Comment: The Town can choose to post these items on its website or to provide a link to a separate database on which these forms are located; either method complies with the amended County Ordinance.

9) What is the definition of “annual” for purposes of calculating the annual training requirements for Town Commissioners?

Prior Implementation Opinion: The annual ethics training requirements will be tied to the anniversary date of election. For example, an elected official with an election date of March 11, 2014, would be mandated to complete the eight hours of annual ethics training by March 11, 2015. Any ethics training taken within the 60 days prior to being elected will count towards the eight-hour continuing ethics education requirement. The Town Attorney is required to conduct the initial four hour session for newly-elected officials, and may also conduct the eight hours of ethics training.

December 2015 Amendments: The County Ordinance now specifies that the annual ethics training requirements shall be met on a term-year basis rather than a calendar-year basis, similar to our previous interpretation. For newly-elected officials, certification of the four hours of training taken within 120 days after assuming office must be filed for public inspection within 15 days after completion of such training. Additionally, newly-elected officials must complete another four hours of ethics training by the one year anniversary date of their election. For all other elected officials, the annual ethics training requirement has been reduced to four hours, again tied to the anniversary date of election. The reduction in the training requirement from eight hours to four hours takes effect on the first day of the applicable term year which commences in or after November 2015. All certifications of training required to be filed for public inspection must include the date of each training session, the number of hours completed during each session and the mode of each session. 50% of the annual training during each term year must be received in a live and interactive setting.

Comments: The amendments reduce the number of annual training hours from eight to four hours for those years of a term of office that begin after December 2015 (e.g., if you were elected in March, you will need eight hours of training for the year March 2015 – March 2016). The term “annual” is tied to the election date, not the calendar year, as we previously advised. Newly-elected officials will still be required to complete a total of eight hours of ethics training during their first year in office. The amendments specify that at least 50% of the training must be live and interactive, detail the information that must be included on the

form certifying completion of the ethics training requirement, and set deadlines for Commissioners to file a form certifying their training.

10) What is the definition of “annual” for purposes of filing the declaration of outside employment compensation by Town Commissioners?

Prior Implementation Opinion: Compensation from outside employment should be reported by July 1st and should report the prior calendar year’s compensation. The disclosure of outside employment applies to remuneration earned in calendar year 2014, resulting in reporting of compensation pursuant to this section on or before July 1, 2015, for the first time.

December 2015 Amendments: The required disclosure form must be filed by Municipal Officials by July 1st of the year after the calendar year in which the outside or concurrent employment occurred.

Comments: The July 1st deadline is consistent with the advice given to you in the prior implementation opinion.

11) What is means by the term “outside employment?”

Prior Implementation Opinion: Broward County Code Section 1-19(c)(2) contains a section on outside/concurrent employment. Although the term is not defined in the ordinance, the section requires Elected Officials to engage in other employment consistent with their public duties and not otherwise inconsistent with the provisions of Chapter 112 of the Florida Statutes. Moreover, the ordinance identifies employment as employment pursuant to contract as well as any remuneration received from employment. A general definition of “outside employment” means any work, service or activity in exchange for remuneration during the time period in which the elected official held official only, excluding the work performed pursuant to elected office (See OIG Ethics Handbook, Section 2, paragraph 1). Moreover, we opined that volunteer work for which there is no compensation does not fall within the definition of outside employment. Those who are retired (an are not engaging in other activities meeting the definition of outside employment) are not engaging in outside employment, and therefore have nothing to report under the Broward County Code of Ethics.

December 2015 Amendment: “Outside or concurrent employment” is now defined to mean “providing services for any person or entity, other than the [Town], in exchange for remuneration.

Comments: The Town Commission may rely on the advice given in the prior implementation opinion.

12) Does outside employment include all income-generating activities by the elected official?

Prior Implementation Opinion: An elected official is not required to report all income generating activities to be in compliance with the Broward County ethics ordinance. As a general

proposition, any activity in which the Elected Official is passively involved, such as an investment or profits earned from the sale of securities, would not amount to remuneration and would not have to be reported. It is difficult to identify in this opinion a comprehensive list of all income-generating activities that may or may not be covered by the ordinance and we urge you to present us with more fact-specific questions for us to provide you with the necessary guidance.

December 2015 Amendment: See response to Question 11.

Comments: The Town Commission may rely on the advice given in the prior implementation opinion.

13) Must an elected official file an outside employment form if the official was not engaged in “outside employment” during the reporting period?

Prior Implementation Opinion: The local ordinance does not require an Elected Official with no outside employment during the reporting period to file an outside/concurrent report form. However, it is our recommendation that an Elected Official with no outside employment should file the applicable form by the reporting deadline and indicate that the Official had no outside employment during the reporting period.

December 2015 Amendment: This subject is not addressed in the amended County Ordinance.

Comment: The Town Commission may rely on the advice given in the prior implementation opinion.

14) How is the term “remuneration” defined?

Prior Implementation Opinion: Remuneration from outside employment as “all payments for employment paid to, or on behalf of, the employee except payment specifically excluded by the Fair Labor Standards Act (“FLSA”). The exclusions from the definition were gifts, payments for time off, business expenses reimbursed to employees, awards, retirement plan payments, premium pay and discretionary bonuses. We concluded that salary, bonuses and commissions are forms of remuneration that must be reported by the Elected Official.

December 2015 Amendment: “Remuneration” is defined to include all “monetary payment received in return for services provided in connection with outside or concurrent employment, including salary, wages, commissions, tips, and bonuses. . . . profit and other distributions received from a person or entity that has paid wages during the applicable disclosure period; and . . . direct employer contributions into retirement plans.” “Remuneration” does not include “gifts, business expense reimbursements, paid training (including travel incident thereto), direct employer contributions toward insurance and other employee benefits (other than retirement plan contributions), and return of capital or payment of interest related to a return of one’s capital contribution.”

Comments: The distinction between our prior interpretation of “remuneration” and the amendment is that the definition of remuneration in the County Ordinance now covers profit and other distributions as well as direct employer contributions into retirement plans.

15) Is all compensation or income received by an elected official from outside employment considered “remuneration?”

Prior Implementation Ordinance: Not all forms of compensation or income received by an elected official from outside employment must be reported. We do not believe that incentive bonuses or deferred compensation should be reported until such benefits are distributed. Furthermore, loan payments, return of capital or interest related to return of capital would not meet the definition of remuneration. Profit distributions, reimbursements and payments for health insurance and other similar fringe benefits are not forms of remuneration and would not have to be reported.

December 2015 Amendments: See definition set forth in response to question 14.

Comments: Contrary to the prior interpretation, the amendment requires that bonuses and deferred compensation be reported as remuneration during the applicable disclosure period. Moreover, profit and other distributions are included in the definition of remuneration.

16) If an elected official is self-employed through a business entity, such as a corporation or partnership, and the elected official receives remuneration only from the entity, may the official disclose the total remuneration received from the entity without separately listing the revenues received from each client or customer?

Prior Implementation Opinion: The ordinance mandates that the Elected Official report the amount of his/her remuneration and does not specify that the Official is obligated to identify clients or customers or report revenues from these sources if the official is paid by a single entity. If the Official has separate and distinct contractual arrangements with each client or customer, independent from the entity that employs the Official, then remuneration from each of these contracts would have to be reported separately.

December 2015 Amendment: The Elected Official’s employer is the person or entity that pays the salary, wages, or other compensation, not the individual clients or customers of that person or entity.

Comments: The amendment is consistent with the advice given in the prior implementation opinion. Compensation does not have to be broken down by client; Town Commissioners need not list individual clients or customers of their employer unless they are separate and distinct contractual arrangements.

17) Is an elected official required to disclose the exact amount of remuneration received for the reporting period, or may the official report remuneration within a range?

Prior Implementation Opinion: The applicable ordinance states that Elected Officials are required to report any remuneration received from outside employment and to disclose this remuneration on a form created by the Broward County Attorney's Office. Based on the language contained in the provision and the form created by the County Attorney's Office, which municipalities must follow, Elected Officials are mandated to report the exact amount of remuneration for the reporting period.

December 2015 Amendments: All remuneration from outside or concurrent employment must be disclosed on a form created by the Office of the County Attorney, which form shall provide the option or disclosing an exact remuneration amount or one of the following amount ranges:

- Under \$1,000;
- \$1,000 - \$5,000;
- \$5,001 - \$10,000;
- \$10,001 - \$25,000;
- \$25,001 - \$50,000;
- \$50,001 - \$100,000;
- Over \$100,000.

Remuneration in the form of direct employer contributions into retirement plans may be disclosed in the reported exact remuneration amount or by checking a box on the applicable form indicating that such remuneration has been received.

Comment: The obvious change is that Town Commissioners can disclose their outside employment remuneration within a range as specified above. Also, the exact amount of direct employer retirement contributions need not be reported as long as the appropriate box is checked on the form.

18) How does an elected official report remuneration if the elected official was in office for less than the entire year?

Prior Implementation Opinion: Outside/concurrent employment can only occur while an Elected Official is in office. Consequently, the Elected Official is permitted to report remuneration for a portion of the year covering the time period in which the elected official served. Therefore, unless the Elected Official can isolate remuneration earned while in office, the Office should report a percentage of his/her remuneration based on the number of months served during the reporting period. For example, under this approach, an official who served for six months of the year would be required to report 50% of the Official's total remuneration for that year.

December 2015 Amendments: This matter is not addressed in the amended County Ordinance.

Comments: Town Commissioners can rely on the advice given in the prior implementation opinion.

19) How long should the forms be maintained on the Town's website?

Prior Implementation Opinion: For the current year in office, all forms should be maintained on the Town's website for public inspection. For elected officials with multiple terms in office, forms from all terms must be posted on the website under the active or current section of the website. Once an elected official leaves office, the Town should move these forms to the archived section of the website, which must be maintained there for two years.

December 2015 Amendment: This subject is not covered in the amended County Ordinance.

Comments: Town Commissioners can rely on the advice given in the prior implementation opinion.

20) Who should retain receipts that are provided to elected officials and how long should the receipts be retained?

Prior Implementation Opinion: The elected official should be required to retain these receipts for four years, and should consider submitting duplicate copies of the receipts to the Town Clerk.

December 2015 Amendment: This subject is not addressed in the amended County Ordinance.

Comments: Town Commissioners can rely on the advice given in the prior implementation opinion.

New Questions Regarding the December 2015 Amendments

21) What value or type of gift can a Town Commissioner accept in his or her official capacity? Is there a cap on gifts a Town Commissioner can accept in his or her personal (nonofficial capacity)?

Elected Officials may accept gifts (from sources other than lobbyists, contractors or vendors) given to them in their official capacity up to a maximum of \$50.00, unless the gift is one covered by one of the four exceptions described above in response to questions 1 and 2 (non-alcoholic drinks, condolences/sympathy, training, and charitable event tickets). If the Town gives a gift to one of its own Elected Officials, the \$50.00 limitation does not apply. Moreover, gifts given to Town Commissioners in their personal (nonofficial) capacity are not capped, but may be subject to the state gift reporting requirements.

22) May a Town Commissioner engage in charitable fundraising? Are there any reporting requirements for a Commissioner's fundraising activities?

Town Commissioners are permitted to solicit funds for charitable organization, but are required to disclose such solicitations within 15 days after the solicitation of these funds. A Town Commissioner may not use staff or other Town resources in the solicitation of charitable contributions. The reporting requirement is waived and the use of Town resources is permitted if the Town formally approves fundraising activities for a specific charity or charitable event.

The reporting/disclosure requirements do not apply if a Town Commissioner is employed by the charitable organization when soliciting charitable contributions on behalf of that organization.

23) May a Town Commissioner engage in campaign fundraising for other candidates? Are there reporting requirements for a Town Commissioner seeking campaign contributions for other candidates for office?

Town Commissioners may solicit campaign contributions for other candidates for public office and must disclose information in connecting with the solicitation (name of candidate, location and date of event, the name and contribution amounts of donor(s) if the contribution is personally given to Town Commissioner for subsequent delivery to the candidate) within 15 days after the solicitation of funds.

24) May a Town Commissioner serve on Town Selection/Evaluation Committees? Are Town Commissioners barred from attending such meetings?

The County Ordinance bars Town Commissioners from serving on Town Selection Committees (unless the Town Commissioner is required to serve under the municipal charter³), and states that it does not apply to committees related to the hiring of individuals who report to the Town Commission. This, Town Commissioners may attend all Selection and Evaluation Committee meetings, provided they do not actively participate in or otherwise interfere with these meetings.

25) May an immediate family member of a Town Commissioner lobby the Town? May an immediate family member of a Town Commissioner do business with the Town as a contractor or vendor? Is an immediate family member restricted from lobbying other governments in Broward County?

No. No immediate family member of a Town Commissioner may lobby the Town.

If the family member meets certain criteria, yes. No immediate family member may conduct business as vendor or contractor with the Town, unless that family member and the Town Commissioner do not share a primary residence, the family member is not listed as a dependent on the Elected Official's tax return and the Elected Official is not listed as dependent on the family member's tax return. If an immediate family member seeks to serve as a Town contractor or vendor, the Elected Official must attest to the information contained in the prior sentence.

No. The amended County Ordinance eliminates the restrictions that prohibited immediate family members from lobbying other local governments in Broward County.

26) Must the Town create and maintain an online contact log system for registered lobbyists?

³ The Town Charter contains no such requirement for Town Commissioners or the Commissioner-Mayor to serve on selection committees. It does assign the Commission the job of selecting the Town Manager and the Town Attorney. See Section 5.1,

Under the amended ordinance, the Town must create and maintain an online contact log system accessible by registered lobbyists. In lieu of creating such a system, the Town may utilize any such system maintained by the Broward League of Cities. If the Town does not do one of these two things by April 1, 2016, then the obligation to report all lobbying contacts shifts to the Town Commissioners. The Town chose to create its own system, so Commissioners are no longer required to report contacts with lobbyists under any circumstances.

27) When requesting an Advisory Opinion from the Town Attorney, what steps must be followed to ensure compliance with the ethics ordinance?

Request for opinions are still required to be made to the Town Attorney, but are no longer required to be in writing. However, all requests must state the material facts necessary for the Town Attorney to understand the circumstances and render a complete and correct opinion. We suggest that it is still advisable to seek an opinion with a written inquiry if possible. Unless amended or revoked, the advisory opinion shall be binding on the requester as long as no material facts were omitted or misstated in the request. Once a Town Commissioner receives a binding advisory opinion, he/she cannot be found in violation of the Broward Ethics Ordinance. Within 15 days after a Town Commissioner receives an advisory opinion, the opinion must be forwarded to Broward County for inclusion in a searchable database of advisory opinions maintained by the County.