



Memorandum

To: Deputy Mayor Joseph A. Scutto
From: Kimberly A. Kisslan, City Attorney *KAK*
Date: May 10, 2016
Re: City of Sunrise/Code of Ethics – Advisory Opinion- 2016-04

You have inquired about the interpretation of the Broward Elected Official Code of Ethics (“Code of Ethics”) as set forth in Broward County Code of Ordinances Section 1-19.

Section 1-19(c)(6)a. of the Code of Ethics addresses Selection/Evaluation Committees, and provides, in pertinent part, as follows:

Upon the completion of the selection process by the Committee, Elected Officials may inquire into any and all aspects of the selection process and express any concerns they may have to their Purchasing Director or, where applicable, other employee with responsibility to oversee the procurement process.

In discussions with the Deputy County Attorney and the General Counsel for the Broward Office of the Inspector General, both offices have advised that they do not interpret this provision as being applicable to the Commission while the Commission is sitting in a duly noticed public meeting. As such, it is my opinion that when the Commission is in a duly noticed public meeting, that the Commission, via the individual Mayor and Commissioners, may ask questions of a vendor and that the Commission is not restricted to asking questions of only the Purchasing Director (or other employee overseeing the procurement process).

Please note that you must also consider the City’s cone of silence as set form in Section 2-1 of the City’s Code. The cone of silence does not prohibit any potential vendor or vendor’s representative from making a public presentation during any duly noticed public meeting or from engaging in contract negotiations during any duly noticed public meeting.

Reading the interpretation of the County’s Code of Ethics and the City’s cone of silence together would allow the Commission the ability to respond to a potential vendor’s presentation or contract negotiation while the Commission is in a duly noticed public meeting.

This advisory opinion is issued pursuant to Section 1-19(c)(8) of the Code of Ethics and may be relied upon by the individual who made the request. This analysis is limited solely to the facts presented. Please contact me if there is any additional information that I can provide. I will provide a copy of this advisory opinion in a searchable “pdf” format to ethicsadvisoryopinions@broward.org within 15 days to ensure your compliance with Section 1-19(c)(8)c.