



Memorandum

To: Mayor Michael J. Ryan
From: Kimberly A. Kisslan, City Attorney *KAK*
Date: July 9, 2018
Re: City of Sunrise/Elected Official Code of Ethics – Advisory Opinion 2018-04

You have advised that you have been appointed to an unpaid position on the Board of Directors for Women in Distress of Broward County, Inc. (Women in Distress) which is a 501(c)(3) nonprofit organization.

In researching the City's history with Women in Distress, the Police Department has donated forfeiture funds to Women in Distress on October 25, 2016 (City Commission approved a Resolution authorizing the donation of monies to various entities including \$3,000 to Women in Distress) and December 12, 2017 (City Commission approved a Resolution authorizing the donation of monies to various entities including \$3,000 to Women in Distress).

The Police Department also advises that last year they bought a \$2,500 table for the Women in Distress Starfish luncheon. The City Commission did not approve this expenditure, the luncheon was not a budgeted line item that the City Commission approved, and the Police Department transferred funds from another account to pay for the luncheon.

For the upcoming FY 18/19, the Police Department anticipates the same expenditures: a \$3,000 LETF donation which would go to the City Commission to approve via resolution and \$2,500, via a transfer of funds within the Police Department's budget, to purchase a table at the Women in Distress luncheon. I am told that there are no actual line items in the Police Department's budget that would say Women in Distress.

Our Leisure Services Department says they gave Women in Distress complimentary theater tickets back in 2009/2010, but they do not have any contracts with Women in Distress.

I am not aware of any facts that the position was provided to you to reward you, to influence you or through any use (misuse) of your official position.



I have separately provided you with a copy of Mark Herron's July 8, 2018 Memorandum to me addressing conflicts of interest and voting conflicts under Chapter 112, Florida Statutes.

Under the Broward County Elected Official Code of Ethics, you have to disclose requests for charitable solicitations within 15 days on the County's form unless the City has approved the charity. Resolution No. 11-183-17-B approving charities does not include Women in Distress. The County's Code prohibits the use of City funds or other resources in the solicitation of charitable contributions when a nonprofit charitable organization is not formally approved by an elected official's government entity. In pertinent part, Section 1-19(c)(5) of the County's Elected Official Code of Ethics provides:

(5) Solicitation and Receipt of Contributions.

a. Charitable Contribution Fundraising.

1. The solicitation of funds by an Elected Official for a nonprofit charitable organization, as defined under the Internal Revenue Code, is permissible so long as there is no quid pro quo or other special consideration, including any direct or indirect benefit between the parties to the solicitation.
2. To promote the full and complete transparency of any such solicitation, an Elected Official shall disclose, on a form created by the Office of the County Attorney, the name of the charitable organization, the event for which the funds were solicited, and the name of any individual or entity that requested that the Elected Official engage in the charitable fundraising solicitation. The form shall be filed for public inspection within fifteen (15) days after the solicitation of funds by the Elected Official.
3. An Elected Official may not use staff or other resources of his or her governmental entity in the solicitation of charitable contributions.
4. The requirements and prohibitions of this subpart shall not apply to actions of an Elected Official in connection with charities or fundraising events formally approved by the official's governmental entity.
5. Salary received by a Municipal Official from a nonprofit charitable organization employing the Municipal Official shall not be considered a quid pro quo or other special consideration for purposes of paragraph 1 above. Additionally, the disclosure requirement contained in paragraph 2 above shall not apply to Municipal Officials who are employed by a nonprofit charitable organization when soliciting charitable contributions on behalf of that organization.



This advisory opinion is issued pursuant to Section 1-19(c)(8) of Broward County's Elected Official Code of Ethics and may be relied upon by the individual who made the request for purposes of the Broward County Elected Official Code of Ethics. It is limited to the facts and based on the assumptions set forth in this opinion. In the event any of the facts or assumptions are not accurate, please provide me with correct information.

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. of the Elected Official Code of Ethics.