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MEMORANDUM

TO: Honorable Samson Borgelin, Mayor, City of North Lauderdale

FROM: Michelle Austin Pamies, Austin Pamies Norris Weeks Powell, PLLC,
City Attorney

RE: Invitation to ICLEI World Government Local Climate Summit and
Partial Reimbursement by ICLEI –

DATE: March 25, 2025

You received an invitation from ICLEI – Local Governments for Sustainability (“ICLEI”) to attend a World Government Local Climate Summit in Korea, starting on April 14, 2025. ICLEI’s website indicates that it “is a global network working with more than 2500 local and regional governments committed to sustainable urban development.” ICLEI has indicated that it will reimburse you up to approximately US \$1700.00 for use towards your airline ticket or other transportation costs (the “Partial Reimbursement”). You indicated that ICLEI would have an expectation that the City of North Lauderdale would consider becoming a member of their organization. You have asked for an opinion as to whether it is permissible for you to accept the Partial Reimbursement under State of Florida and Broward County Ethics laws and rules.

Our opinion is that you may accept the Partial Reimbursement. However, if the Partial Reimbursement is accepted, it must be disclosed as a gift on the quarterly gift disclosure form (Form 9) and filed with the Florida Commission on Ethics.

State Law

Section 112.312(2), Florida Statutes, prohibits an elected official from accepting anything of value, “based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.” Additionally, Section 112.312(4), Florida Statutes prohibits an elected official from accepting anything of value “when the official “knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer...was expected to participate in his or her official capacity.” Although you mentioned that ICLEI’s expectation is that the City

would consider becoming a member, there are no facts presented that indicate that the invitation is based on any understanding or knowledge that the Partial Reimbursement is being provided to influence your future official actions.

Section 112.3148, Florida Statutes, among other thing, requires the reporting of gifts by elected officials. Gifts include the payment of transportation expenses, such as the Partial Reimbursement by ICLEI. See Section 112.312,12(a)7, Florida Statutes. Although you indicated that you will be part of a panel of local officials at the conference, it appears that you will take part in a roundtable discussion rather than making a speech or presentation. Accordingly, the Partial Reimbursement ~~does not appear to be an honorarium, which would make it exempt from the definition of a gift~~ for purposes of the Florida Ethics laws. See Section 112.312,14(b)3, Florida Statutes.

Broward County Code of Ethics for Elected Officials

Section 1-19(c)(1)(b), Broward County Code of Ethics for Elected Officials prohibits the receipt of gifts in an elected official's official capacity in excess of \$50.00. The Partial Reimbursement offered by ICLEI exceeds \$50.00. However, Section 1-19(c)(1)(e), Broward County Code of Ethics for Elected Officials provides an exception to the \$50.00 gift limitation providing that the following may be accepted to the full extent permissible under state law: "Training, including the payment or reimbursement of expenses incurred in connection therewith, provided the training relates to the Elected Official's public service." However, Section 112.3148, Florida Statutes requires that gifts in excess of \$100.00 in value be disclosed on the quarterly gift disclosure (Form 9) filed with the Florida Commission on Ethics.

The CLEI summit materials you provided indicate that the summit will include, among other things, presentations on science-based solutions and support strategies for small and medium size businesses relating to sustainability. Thus, the CLEI summit appears to be focused on training. Further, through Resolution 13-03-5941, the City of North Lauderdale, voted to support, among other things, the Southeast Florida Regional Climate Action Compact, and through Resolution 25-02-1607, approved a contract with an architectural firm to develop a master plan for the development of a new city center. Accordingly, it is my opinion that the training at the Summit relates to your public service and the reimbursement of expenses incurred in connection with such training is an exception to the \$50.00 gift limitation. Because the gift has a value that exceeds \$100.00, it must be disclosed on the quarterly gift disclosure (Form 9) and filed with the Florida Commission on Ethics.

Conclusion

We conclude that that the applicable State laws and Broward County ethics rules do not prohibit you from accepting the Partial Reimbursement proposed by ICLEI because you will be participating in training related to your public service. However, because it will be considered a gift, you must report the Partial Reimbursement using the quarterly gift disclosure (Form 9) and file it with the Florida Commission on Ethics.

This advisory opinion is issued pursuant to Section 1-19(c)(8) of the Broward County Code of Ethics for Elected Officials, which provides that "[u]ntil amended or revoked, an advisory opinion rendered pursuant to this section shall be binding on the conduct of the Elected

Official covered by the opinion unless material facts were omitted or misstated in the request for the advisory opinion. If the Elected Official acts in accordance with a binding advisory opinion, the Elected Official's action may not be found to be in violation of the Broward County Elected Official Code of Ethics. However, any opinion rendered under this section shall not be binding as to whether the Elected Official's action complies with state or federal ethics requirements." Section 1-19(c)(8)b, Broward County Code of Ethics for Elected Officials.

Please ensure that, within fifteen (15) days after receipt, this opinion is sent in searchable "pdf" format to ethicsadvisoryopinions@broward.org for inclusion in the searchable database of Advisory Opinions to be maintained by the County. See Section 1-19(c)(8)c, Broward County Elected Official Code of Ethics.

A handwritten signature in cursive script, appearing to read "Michelle Spivey".