

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 3, 2022

Consent

Regular

Public Hearing

Department/Submitted By: COMMISSION ON ETHICS

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends a motion to approve on preliminary reading and advertise for public hearing on May 17, 2022 at 9:30a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 2, Article V, Division 8, "The Palm Beach County Commission on Ethics Ordinance" as amended; amending sec. 2-255 (membership, qualifications, terms, vacancies) providing for a savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date.

Summary: The Board of County Commissioners adopted the Palm Beach County Commission on Ethics Ordinance as a countywide Ordinance in May of 2011, in accordance with the County Charter. The Charter amendments, which were approved by the voters in November 2010, also called for the establishment of a review committee to review and recommend proposed changes to the Commission on Ethics Ordinance. This amendment was proposed by the Commission on Ethics and was recommended for approval by the ordinance review committee. This amendment would replace the president of the Palm Beach chapter of the Florida Institute of CPAs with the president of the Palm Beach Chapter of the Association of Certified Fraud Examiners and the president of the Palm Beach Chapter of the Florida Government Finance Officers Association serving as the appointing entities on a rotating basis. The president of the Palm Beach Chapter of the Association of Certified Fraud Examiners shall make the initial appointment as listed in sec. 2-255(a)(4). Countywide (HJF)

Background and Policy Issues: The Palm Beach County Code on Ethics applies to all county and municipal officials and employees, lobbyists, their principals and employers, and vendors. This amendment impacts only one of the five appointing entities who select a commissioner to serve of the Palm Beach County Commission on Ethics.

Attachment:

- Proposed Commission on Ethics Ordinance Amendment
-

Recommended by: Christie E. Kelley, Executive Director 4/15/2022
Date

Approved by: Todd Bonlarron, Assistant County Administrator 4/27/2022
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____

Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

<p><i>[Signature]</i> _____ 4/25/22 OFMB 9A 4/25/22</p>	<p><i>[Signature]</i> _____ Contract Development and Control 4-25-22 TW</p>
--	--

B. Legal Sufficiency:

[Signature]

 Howard J. Falcon, III 4/25/22
 Chief Assistant County Attorney

C. Other Department Review:

 Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

ORDINACE NO 2022 -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

**AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
AMENDING CHAPTER 2, ARTICLE V, DIVISION 8 OF THE
PALM BEACH COUNTY CODE, THE PALM BEACH COUNTY
COMMISSION ON ETHICS ORDINANCE, AS AMENDED;
AMENDING SECTION 2-255 (MEMBERSHIP,
QUALIFICATIONS, TERMS, VACANCIES); PROVIDING FOR A
SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN
CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING
FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, based on a referendum on November 2, 2010, concerning proposed amendments to the Palm Beach County Charter, a majority of voters in the County and in every municipality in Palm Beach County elected to require the Board of County Commissioners to adopt an ordinance to establish a countywide Commission on Ethics with the authority to review, interpret, render advisory opinions and to enforce the countywide Palm Beach County Code of Ethics and to provide ethics training for the benefit of local governments, citizens groups and the general public; and

WHEREAS, the Palm Beach County Board of County Commissioners adopted the Palm Beach County Commission on Ethics Ordinance, Ordinance 2011-10 on May 17, 2011 and adopted amendments in Ordinance 2015-032 on September 22, 2015 and Ordinance 2021-015 on June 15, 2021;

WHEREAS, the Board of County Commissioners finds that the amendments set forth herein advances the purposes and intent of the Palm Beach County Charter amendments approved by the electorate on November 2, 2010; and

WHEREAS, the Board of County Commissioners of Palm Beach County, pursuant to its authority under Florida Constitution, Article VIII, Section 1 (g), Section 125.01, Florida Statutes, the Palm Beach County Charter, hereby amends the Palm Beach County Commission on Ethics Ordinance; and

31 WHEREAS, the Board of County Commissioners has conducted a duly noticed public
32 hearing to consider these amendments as required by law.

33 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
34 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

35 **Part 1.** Section 2-255 is amended as follows:

36 **Section 2-255. Membership, qualifications, terms, vacancies.**

37 (a) Composition and appointment. The commission on ethics shall be composed of five (5) members.

38 The members of the commission on ethics shall be appointed as follows:

39 ***

40 (4) The president of the ~~Palm Beach chapter of the Florida Institute of CPAs~~ **Palm Beach**
41 **Chapter of the Association of Certified Fraud Examiners or the president of the Palm Beach**
42 **Chapter of the Florida Government Finance Officers Association** shall be requested, on a
43 **rotating basis for each term of the four-year appointments,** to appoint a single member who
44 possesses at least five (5) years of experience as a certified public accountant ~~(CPA)~~ **or as an**
45 **executive level financial officer** with forensic auditing, ~~and/or~~ government accounting, or
46 government auditing experience. **The president of the Palm Beach Chapter of the Association**
47 **of Certified Fraud Examiners shall make the initial appointment. If the scheduled appointing**
48 **entity declines such appointment or fails to make such appointment within 60 days of the COE**
49 **request, the appointment will default to the other appointing entity, who shall make an**
50 **appointment within 60 days of this default. If there is a vacancy during the term of appointment,**
51 **the original appointing entity shall be requested to make another appointment to fulfill the term**
52 **of the original appointment.**

53 **Part 2. Savings Clause.**

54 All complaints, investigations, advisory opinions, recommended orders, final orders, requests
55 for advisory opinions, hearing processes, and all other functions of the Palm Beach County Commission

56 on Ethics, initiated or completed pursuant to Ordinances 2011-10, 2011-11, or 2011-39, as may be
57 amended, shall remain in full force and effect.

58 **Part 3. Repeal of Laws in Conflict.**

59 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
60 repealed to the extent of such conflict.

61 **Part 4. Severability.**

62 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason
63 held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder
64 of this Ordinance.

65 **Part 5. Inclusion in the Code of Laws and Ordinances.**

66 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
67 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or re-
68 lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other
69 appropriate word.

70 **Part 6. Enforcement.**

71 This Ordinance is enforceable by all means provided by law. Additionally, the County may
72 choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm Beach
73 County.

74 **Part 7. Penalty.**

75 Any violation of any portion of this Ordinance shall be punishable as provided by law.

76 **Part 8. Effective Date.**

77 The provisions of this Ordinance shall become effective on June 1, 2022.

78

This section intentionally left blank.

79 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County,
80 Florida, on this the ____ day of _____, 2022.

81 ATTEST:
82 JOSEPH ABRUZZO, CLERK
83 OF THE CIRCUIT COURT
84 & COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF
COUNTY COMMISSIONERS

85
86
87 By: _____
88 Deputy Clerk

By: _____
Robert Weinroth, Mayor

89
90
91 (SEAL)

92
93 APPROVED AS TO FORM AND
94 LEGAL SUFFICIENCY

95
96
97 By: 
98 County Attorney

99
100 Filed with the Department of State on the ____ day of _____, 2022.