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ATTACHMENT

BCC MEETING MINUTES

may-8-2001
May 8, 2001

Meeting 10:00 AM

COMMISSION MINUTES
MEETING OF MAY 8, 2001

(The meeting convened at 10:00 a.m.; recessed at 11:00 a.m.; reconvened at 11:20 a.m.; recessed at 12:35 p.m.; reconvened at 6:43 p.m. and adjourned at 8:25 p.m.)

...

9. MOTION TO CONSIDER enactment of an ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO LOBBYING ACTIVITIES; AMENDING CHAPTER 1, ARTICLE XIII OF THE BROWARD COUNTY CODE OF ORDINANCES; AMENDING SECTION 1-260, PROVIDING FOR TITLE AND EXPANDING INTENT AND PURPOSES; AMENDING SECTION 1-261, PROVIDING FOR, MODIFYING, AND DELETING DEFINITIONS; AMENDING SECTION 1-262, PROVIDING FOR CHANGES RELATING TO REGISTRATION AND STATEMENT OF EXPENSES AND PROVIDING FOR DISCLOSURE OF FEES; REPEALING SECTION 1-263; REDESIGNATING AND READOPTING SECTION 1-264; CREATING A NEW SECTION 1-264, PROVIDING FOR PROHIBITION OF CONTINGENCY FEES; AMENDING SECTION 1-265, PROVIDING FOR PENALTIES; CREATING A NEW SECTION 1-266, PROHIBITING CERTAIN TYPES OF COMMUNICATION; CREATING A NEW SECTION 1-267, PROVIDING FOR RECORD KEEPING RESPONSIBILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-2214) Filed proof of publication and enacted the Ordinance, as amended; to become effective upon filing with the Department of State. Further, the County Attorney was directed to research the drafting of an ordinance/amendment relating to a Cone of Silence for land use and zoning matters. See Page 62.

...

AGENDA ITEM 9

THE CHAIR: The next item is Item Number 9

COMMISSIONER PARRISH: Should we do 10?

COMMISSIONER LIEBERMAN: Yeah.

THE CHAIR: You know what, 10 is going to take some time, too.

So, if you would on Item Number 9, let's see if we can kind of hone in on some of the things so - because what I'm afraid of, first of all, let's hear from the public. All right. And, then we can, you know, before any of us say anything, let's have the public speak. All right.

The first speaker is Barney Schlesinger.

I will.

MR. SCHLESINGER: Members of the County Commission, fellow citizens. Lobbyists and consultants are experts in spending children's and taxpayers' money. They should form a partnership with Bonnie and Clyde.

Mrs. Parrish's only contribution as a former School Board member was a complete failure.

THE CHAIR: Wow, wow, wow. I - you may be

MR. SCHLESINGER: [Inaudible]

THE CHAIR: Sir, sir, you may be able to get away with this at the School Board. But, I will not in this chamber accept any personal attacks on any member of this Commission.

I appreciate your right of free speech, but I will not entertain personal attacks on any member of this Commission.

MR. SCHLESINGER: That's not an attack, that's a true statement -

THE CHAIR: Sir, that was a personal -

MR. SCHLESINGER: I only--

THE CHAIR: Sir, I will have you removed. That was a personal attack. And, please govern yourself accordingly.

MR. SCHLESINGER: Can I ask you a question?

THE CHAIR: Sir, I'm not going to argue with you. Please continue.

MR. SCHLESINGER: All right. I'm not afraid to make enemies by outspokenness. So, the big three take the direction for complete documentation - Commissioners contacts with lobbyists in and out of their offices and full disclosure of lobbying fees - lobbyists fees.

THE CHAIR: Thank you.

MR. SCHLESINGER: Are there any questions?

THE CHAIR: The next speaker is Doris Altier.

MS. ALTIER: My name is Doris Altier. I'm from Hallandale Beach.

I'm concerned about paid lobbyists. Now, I understand that we have to have paid lobbyists. We need them in Tallahassee. We need them in Washington. But, what I can't understand is on local issues, why would you knowledgeable people who know, who know most of all there is to know about Broward County, why would you have to have paid lobbyists come into your offices or call you on the phones to, to give you recommendations on the items that we have here on the agenda?

It seems to me that you can make up your own mind. And, you can get all the information you need from the people who request things from you. The individuals who come before you. The cities. The organizations. They will give you everything that - all the information - excuse me - that you need.

So, and then the other information you can get from your staff. You have a - highly qualified staff that can give you all the facts on any information that you need.

So, why in heavens name do you have to spend your time with highly paid lobbyists to tell you how to vote on any item that concerns Broward County?

Thank you.

THE CHAIR: Thank you.

The next speaker, Bernie Friedman. And, followed by Mr. Friedman is Dan Fee.

MR. FRIEDMAN: My name is Bernie Freidman.

Every morning my 11 year-old daughter, Elana and I read the newspapers together. As Elana munches on her Cherrios and I much on my bagels, together we discuss world and local news in between Y-100, of course.

Lately, Elana, like many of you, have been subjected to many derogatory, demeaning and down right dastardly articles on the influence of lobbyists over each and every one of you. By a bunch of new arch, lawyeristic, demagogueric reporters and editors, all, of course, with preconceived points of views in desperate search of something juicy to sell to their papers and fiercely jealous of everyone daring to compete with influence with the fourth estate.

And, some -- so, one recent morning my daughter Elana popped the question. Daddy, is there something wrong with what you do for a living and with our elected officials? Well, it's from my 11-year-old Elana that I rise today to say a resounding no.

I have lived in Broward all my life and, like you, care deeply and passionately about the well being of our community. I love Broward's magnificent parks, libraries, beaches, airports and arenas, and yes, I'm really proud of the excellent job that many of my clients have done in providing these services.

And, you see, Elana, lobbyists and elected officials are human. Most are good, kind, thoughtful and honorable. Lobbyists and elected officials spend thousands of hours in our local charities and non-profits.

So, is there something wrong? I have never been prouder of what I do for a living. In so many countries around the globe you get thrown in jail, killed or tortured for trying to exercise the free speech rights we have. The free press tries to influence you everyday with their point of view. So, what is wrong when I try to influence you.

Lobbying or no lobbying, each one of you are assertive, independent, smart, vocal, opinionated, strong-willed and, all things considered, including lobbying by me, the public, the press, invariably each one of you does what you believe is the right thing to do. And, that is what happens. To believe otherwise is unadulterated fantasy.

There are literally thousands of items that are voted on each month and less than a handful of lobbyists. I beg to disagree with anyone who believes that we are so powerful that we control what goes on. Yes, we're hired to provide information on a few items. But, we are not elected like you to make the very tough decisions, weigh the evidence, do the independent research, speak with all sides, and in the final analysis, do what you are elected to do, the right thing.

Quite honestly, to think otherwise would question your very own integrity.

Thank you.

THE CHAIR: Thank you.

Next speaker, Mr. Dan Fee.

MR. FEE: Good afternoon, Commissioner. Dan Fee, CDI Engineering and Planning.

Last week I had faxed a letter over to each of the Commissioners with reference to my objections to this ordinance. My objections are the fact that the ordinance and the definitions of the ordinance are extremely broad. And, when you read and interpret what it says, it basically puts every professional engineer, surveyor, planner, architect, attorney, whoever is hired as a professional by a property owner to prepare, submit applications, permits to the County under the definition of a lobbyist and a lobbying activity. Because it goes on to say under the definitions that any contact that we have, not only with yourselves as elected officials, but any person that is under your jurisdiction or any County staff member, where we have contact with them for the purpose of influencing an

application for an approval, which obviously any application that we submit, we're trying to get an approval for. If somebody wants a drainage permit, we want to get the thing approved.

But, since that ultimate jurisdiction - or the ultimate decision-making person or body is under the jurisdiction of the Broward County Commission such as the people in DPEP when they're reviewing sewer permits or drainage permits or any other type of action or any conversation that I have with a County staff member while I'm processing a plat application in order to get it to you prior to a vote. You know, if I'm discussing it with Broward County Traffic Engineering on access issues. All those things under these broad definitions now become lobbying activities.

And, then it goes on to say that I have to submit a separate registration form for every one of my clients. And, I have to disclose my engineering fees for doing my drainage design and permitting, my water and sewer plans, my plat preparation and processing fees. So, I think you really need to go back and look at this thing and narrow the definition.

I understand trying to address the lobbying and the direct communication with elected officials. But it's gone so far and so broad in this, in the scope of the definition, that every conversation we have with staff whether we care to or need to even come talk to the Commission, now becomes a lobbying activity.

THE CHAIR: Thank you.

Bill Laystrom.

MR. LAYSTROM Mr. Chair, members of the Board, my name is Bill Laystrom. I was actually here for Item 10 and this one jumped out.

I concur with Bernie (Friedman) just on the side of I don't consider what I do and what we do as something that's evil and it seems to be perceived that it is. If you, if you do decide that you're going to pass the ordinance, the two things I ask you is: one of the things about items that come in front of the County Commission especially the ones you see me with, is they're smaller items.

The accounting work, papers, have already printed my fee many times. It's just an hourly rate of \$275 an hour. I'm proud to disclose it now or whenever. But, I just as soon not have to send in my bills, because I do hourly work afterwards, which is the way I read this.

I'll be submitting bills to you for the rest of my life. And, it's just an added cost to all those people who are clients of mine, because I'm going to charge that time. And, for smaller projects, it just seems unwieldy to continue to submit those. I'd just as soon not see it, but if I have to send something to you every time I have a client that says \$275 an hour, I will because Dan Fee's comments are correct.

Most of what I do never gets to the Commission. You don't see me in your offices very often. Maybe once, twice a year for most items. But, at times, I'm in front of your staff all the time discussing how you're going to word a trip transfer agreement. I happen to have one that we've got white out on it. Is that now something that I have to disclose my fees because I'm meeting with your staff and asking them to consider accepting it with white out as opposed to not. I apologize to Sharon for that item.

But, if you could, please try to keep this as much as you can to something where it's minimal disclosure. I mean, I don't mind disclosing. You already have us disclosing all of the expenditures we may, may spend on the Commission which is usually a zero every year that I've sent it in.

So, I'd ask you to consider just keeping this as minimal as possible and helping out the engineers who really don't lobby very often.

COMMISSIONER SCOTT: Mr. Chairman.

THE CHAIR: Could -

COMMISSIONER SCOTT: I would like to -- I was going to ask him a question.

THE CHAIR: Sure.

COMMISSIONER SCOTT: What about attorney-client privilege? I mean, you know, your clients, don't they have a right, in your fee arrangements with your clients confidential?

MR. LAYSTROM: Well, I would take the position that, that at least the disclosure of what I -- for the hourly rate, what I've disclosed within my bills would be. I would assume that every month I'd send you a blank piece of paper that said, so many dollars, you know, times so many hours.

THE CHAIR: Okay. Question for Mr. Laystrom.

COMMISSIONER EGGELETON: Mr. Laystrom. Mr. Laystrom, as you know, and I don't know if you've ever lobbied the members of Congress in Washington, our federal agencies, but as you know they also have a disclosure. But, their disclosure deal with a range of payments.

Would you object to going to a range, let's say, that you earn somewhere between 10 and \$20,000 and just check off that you earn somewhere in that range. Would you object to that?

MR. LAYSTROM: I, I have no objection to that. No.

THE CHAIR: What the Chair would like to do on this lobbying ordinance, because I know there's some amendments that are out there. In fact, there's a lot of amendments. But, I think before we - before we get - that's all the speakers.

Mr. Schlesinger, you had, you had your bite of the apple, sir. Thank you.

MR. SCHLESINGER: The Board is [inaudible]

THE CHAIR: Sir. Your speech only contained personal attacks, then, and I wouldn't permit it anyway.

MR. SCHLESINGER: [Inaudible]

THE CHAIR: And, you can submit those comments in writing. But, I'm not going to have you take up the time of this meeting.

MR. SCHLESINGER: Freedom of speech is in the Constitution.

THE CHAIR: Okay. On the, the ordinance, I think we have a number of different things. We all have controversial feelings about some things. I don't think it, it behooves us to spend a half hour trying to modify the cone of the silence, for example, if we don't have the votes on the cone of silence.

So, I'm going to go over each one of these things to just get a ball park feeling from you all to see if you in general support it. And, if you do, then we'll go and tinker with it and modify it. All right?

All right. On the lobbying ordinance, is there enough votes here to pass the lobbying ordinance today?

COMMISSIONER LIEBERMAN: Pass an ordinance.

THE CHAIR: Pass an ordinance of some sort. Okay.

COMMISSIONER GUNZBURGER: Why don't you ask how many?

THE CHAIR: Just, how - raise your hand. How many, how many would pass an ordinance of some? One, two, three, four, five.

COMMISSIONER PARRISH: Well, you mean our existing -

THE CHAIR: Well, we have an ordinance here. Are there five votes to pass some, some ordinance here today?

COMMISSIONER PARRISH: Then I need clarification?

THE CHAIR: What is that?

COMMISSIONER PARRISH: Well, we're not taking away the ordinance we have -

THE CHAIR: Absolutely not. We have an ordinance here. And, in the end, you may vote another way. I just want to see if it's worth our time to spend -

COMMISSIONER JACOBS: [Inaudible] -- Dive into before -

THE CHAIR: - Right. Before we even do it. So, if there's no votes here for this, then there's no point in getting off on this argument.

COMMISSIONER GRABER: Mr. Chairman.

THE CHAIR: Commissioner Graber.

COMMISSIONER GRABER: I think it depends on what the ordinance looks like?

THE CHAIR: I agree. I'm not asking for a binding, binding vote. I'm just trying to get a sense before we dive into this.

You may change your mind. You're free to change your mind.

COMMISSIONER GRABER: Well, what if, if you don't, we're not going to have a discussion?

THE CHAIR: We, we will have a discussion. We're going to have a very detailed discussion.

COMMISSIONER GRABER: So, can I request then, that you go into the next question, put that question -

THE CHAIR: The next one.

COMMISSIONER LIEBERMAN: Yeah.

THE CHAIR: Well, I think, I think there's five votes -

COMMISSIONER JACOBS: We have - didn't we -

THE CHAIR: - To have an ordinance, to have this ordinance here. So, we'll go forward. All right.

It's unanimous.

We haven't taken a vote. I just want to get a sense.

COMMISSIONER PARRISH: This is a consensus.

THE CHAIR: Consensus building. All right.

Lobbying registration and statements. Is there a consensus to have lobbying registration of some sort. Okay. Okay. All right. So, we're okay. It may be changed, but, but -

COMMISSIONER PARRISH: What page are you on?

THE CHAIR: - That's on number four. Is there consensus to have a lobbying disclosure of fees?

COMMISSIONER LIEBERMAN: No.

COMMISSIONER PARRISH: Well, can I ask you a question?

THE CHAIR: Certainly.

COMMISSIONER PARRISH: See, I, I like the way we do it with the bond -

THE CHAIR: All right. But, we can -

COMMISSIONER PARRISH: - no, you know, I like for the company that's going to do business with us has to disclose it. And, they have to disclose who they paid.

THE CHAIR: Well. --

COMMISSIONER PARRISH: - And, I think we should outlaw --

COMMISSIONER SCOTT: Mr. Chairman.

COMMISSIONER PARRISH: -- that no Commissioner can be taken to breakfast, lunch or dinner by any lobbyist.

THE CHAIR: All right. You know, I don't, again, for disclosure of fees by lobbyists -

COMMISSIONER SCOTT: Mr. -

THE CHAIR: Yes, Commissioner Scott.

COMMISSIONER SCOTT: Mr. Chairman, I, I have a - shouldn't we discuss this a little bit. We - I mean, hear each other's thoughts on some of the, on this issue, at least.

THE CHAIR: I will, I will entertain anybody's thoughts. You're not going to be precluded from discussing any item of this ordinance.

What I want to do though is because there are a lot of amendments, I want to kind of hone in on where the problems are and just see if we can keep this conversation moving in a direction to where we can come up with something today. That's, that's what I'm attempting to do.

And, everybody is free to discuss anything. And, nothing is in stone. You know. I'm just trying to get a sense from where everybody's at so we can all as a group know where we got to focus our attention. That's all I'm trying to do.

COMMISSIONER SCOTT: Mr. Chairman, I, I understand. But, shouldn't we have some interplay, some discussion? I think that's where a collegial body -- you take the votes and it's five/four one way or the other, then it's like what's the point in talking about it. You know, I mean, so -

THE CHAIR: All right. So, your sense is -

COMMISSIONER GRABER: Mr. Chairman -

THE CHAIR: - that disclosure fees, we should have some discussion on.

VARIOUS COMMISSIONERS: Yes.

THE CHAIR: Okay. That's, that's still out.

Contingency fees. Are there enough fees to - contingency fees. Folks that want to see a contingency fee. Okay.

THE CHAIR: Discussion on a contingency fees. Or discuss the contingency fees. Okay.

And, penalties. All right.

And, a cone of silence. I know this was, was a five/four the last time. You know, is there folks, you know, want a cone of silence? I think we can be very direct on that question.

All right. Who wants a cone of silence?

COMMISSIONER GUNZBURGER: It's, it's just at what point?

THE CHAIR: All right. But, what point - okay. There aren't the votes there for a cone or silence.

COMMISSIONER LIEBERMAN: Six, five - one, two three, four -

THE CHAIR: How many votes for a cone of silence?

COMMISSIONER LIEBERMAN: Some quorum.

COMMISSIONER GUNZBURGER: Have some quorum.

THE CHAIR: All right. One, two, three, four. I count -

All right. Five. Okay. All right. All right. All right.

So, with that, why don't we start with the definition sections and all focus on the definition. It's been moved through this ordinance. If that's okay.

COMMISSIONER PARRISH: Can I say -

THE CHAIR: Yes. Commissioner Parrish.

COMMISSIONER PARRISH: I was going to wait to say this. But, I think we need to say it up front, because if you really believe, if this isn't just posturing for the press and others. If you really believe that, I believe that each one of you are concerned about each of the rest of us integrity or your own. Because if you truly meant this, it's not what the lobbyists do or what they earn, it's what each one of them allows us to be - each one of us if we allow someone to influence our behavior.

And, if all of you who are advocating for this meanness, you would not accept a campaign contribution from a lobbyist or a person that does business with Broward County. Nor would you allow them to hold your fund raiser. None of us would get on the phone or allow our name to be used and solicit the people that do business with Broward County or the lobbyists to contribute to our favorite charitable cause.

Because it's not their behavior that's in question here. It's all of ours. And, I know each one of you as well as myself about who holds fund raisers, who contributes to campaign, who gets on the phone or who signs letters for charitable causes. So, -

THE CHAIR: So, if that, if that's your intent, Commissioner Parrish, then you should make a motion that we have taxpayer funded elections and set aside a budget, and we will tax the taxpayers because the only way it gets to what you're talking about is if you go to a format like that. Anything short of that, you will have, you will not have what you want.

COMMISSIONER PARRISH: Okay. Do you understand what you've done, you have put it all on them.

THE CHAIR: I haven't, I haven't done anything.

COMMISSIONER PARRISH: What about some of our behavior?

THE CHAIR: We have, we have an ordinance here that we're modifying. Okay.

Definitions section -

COMMISSIONER GRABER: Mr. Chair.

THE CHAIR: Commissioner Graber.

COMMISSIONER GRABER: Can I, can I ask your consideration on something? Would it be possible to give each of us two minutes to just sort of state what we'd like to see?

THE CHAIR: Sure.

COMMISSIONER GRABER: And, maybe that'll help the discussion. And, briefly. And, cut us off if we get too --

THE CHAIR: Okay. All right. Let's try that. All right. We'll start, we'll start -- actually Commissioner Scott said I started the wrong side. I'll let him start this time.

COMMISSIONER SCOTT: That was on most any other issue, Mr. Chairman. But, that's okay.

THE CHAIR: Okay. You're on.

COMMISSIONER SCOTT: All right. You know, my feeling is that if people want to give information - the cone of silence where it's limited to maybe the last after there's a selection, I mean, after there's a short list, perhaps. Because if that's going to make things, make people feel better, I can live with that.

I don't think, I think this disclosure of fees, first of all, is a tremendous invasion of privacy. It's like, who cares how much they get paid. What's important is, what do they do. Do they conduct themselves honorably? Do the members conduct themselves honorably? Do they listen and try to decide these things on public policy?

We've been through this before, but, you know, you try to give everybody a chance to be heard and if there - if some got some lobbyists and some got the others, fine. But, but, I don't think the disclosure of fees, first of all, I wonder if it's constitutional. I know it violates attorney-client. I don't think for members, for a member of the public, corporation, private or whatever, to have to say how much they're paying somebody to work for them and be their advocate, I don't think, I don't think that's something that we need to do.

And, I've heard about this federal. It was mentioned here before that, how the federal does this and the federal - all they do is just a lump. No names. Nothing. Just - I looked at the form, it just says 10 to 20,000, 20 to 50 or put in the amount and, and it just - I mean, and that is, that is just meaningless. And, that's not doing anything. Why do that? I mean, so, I really don't think that we should get into disclosure of fees.

Contingencies I'm listening to. Let's at least, that's something that people been concerned about especially on budget items in Tallahassee and they've outlawed it. So -

THE CHAIR: Commissioner Eggelletion.

COMMISSIONER GUNZBURGER: Oh, that's great. We get two minutes.

THE CHAIR: But, we can come back if we don't have enough time. But, we'll start with this.

COMMISSIONER GUNZBURGER: I like that.

COMMISSIONER EGGELLETON: Mr. Chairman, members of the Commission, personally on this, you know, I've lived with this sort of thing for a long period of time. I would like to see the whole cone of silence stricken from the ordinance.

It makes no sense the way it's written. It's poorly crafted. It allows me to talk, but it doesn't allow the other person to talk. That's not a real cone of silence. If you're going to have a cone of silence, just cut it all off and don't have anybody talking any way, shape, form or fashion.

If there was a cone of silence, it needs to occur after the RFP is short-listed. And, once you short-list RFP, then there should be no talking period. If you're going to have it, but I would prefer that you don't have it period.

With respect, with respect to the registration, I don't have a problem with people coming in, registering at the desk, saying who they're going to see, if they visit a department to register there to say who they're seeing there. And, have those books collected. I do not walk around with some lobbying log in my back pocket. And, I think that is out, out of the ordinance so far.

With respect to contingency fees, it doesn't - well, let me just say, with respect to fees, I don't care to know what a person is getting paid. I mean, that's, that's between them and whomever employ them. You know, I wonder how those of us who sit up here that lobby would like to expose what we're being paid. And, and, there're some of us that sit up here that lobby other folk in other jurisdiction. And, I was wondering whether we could insert in here that we would have to disclose our lobbying fees as part of this lobbying ordinance. To me that's fundamentally fair that you put in there. Not only must you file financial disclosure, but you extract out your lobbying fees and put that as a part of it as well.

With respect to the - well, am I out of time?

THE CHAIR: You could wrap up.

COMMISSIONER EGGELLETON: Well, with, with respect to overall disclosure of fees, I would prefer, I know Commissioner Scott doesn't like it and others may not like it, but I would prefer to do the federal check-off on that issue.

THE CHAIR: Thank you. Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Thank you. I've submitted two documents. One of which was corrected grammatically by Commissioner Parrish which slipped my eye.

I've really given this a lot of thought. Since I operate my office with a cone of silence, it really starts even before Commissioner Parrish's. Her's is at the short-list, mine is at the RLI. And, if the only way I can get the cone of silence in is at the, at the short-listing, I've learned in politics compromise is the eye to success. And, I'm willing to take it at the point that I can get it rather than not have it at all.

As for the information, I made a suggestion, if you look at some of the pages that I've submitted, Commissioner, that if you want information, and Commissioner Parrish has talked about wanting information, then you go to a lobbyist or a principal in the firm once we cut off the cone of silence and instituted it, you write that person and get a written answer that goes to all the members of the committee so that whatever information you're getting, is shared with all the people making the decision. Which I think may help in terms of getting information that is needed.

As to fees, just as this morning when I brought something up for reconsideration because I did not know where I was going and still don't, on this, on fees, I still have very mixed feelings. How much are fees confidential and what one lobbyist may charge one client may be different than another. And, is it fair for us to know how they base their fee schedules.

The other argument I heard on contingencies it's gotten no much further to fall once it's on the floor. And, I'd like to hear more from -- and I wish there were more people in the audience that had spoken, is that minorities in new firms hire on a contingency basis because they don't have the money for a lobbyist. And, if we eliminate contingency fees, are we eliminating the opportunity to new small firms and minority firms to have a -- to be able to get in on some of the business with the County.

Those were my concerns and I have not made up my mind. Thank you.

THE CHAIR: I, I think you need a lobbying ordinance. I think that of some sort. I think that folks should have an understanding that they come into a jurisdiction, do business on a level playing field without having, having to every time hire a lobbyist. Just like you go to court, you shouldn't always have to hire an attorney.

I think we ought to change the definition of lobbyist. It should be a person who lobbies on behalf of - if someone lobbies on behalf of someone, they're a lobbyist. But, if you're lobbying on behalf of your own company or you're an employee of that company, you're not deemed a lobbyist. I would follow the state format on that definition.

A cone of silence, I don't know of any jurisdiction that doesn't have one. Hollywood has one. Miramar, Broward County Schools, Dade County, City of Miami, South Carolina, State of Florida, the City of Sunrise, all have cones of silence. And, as it deals with underwriters in the bond business.

Disclosure of fees is something that has been in my industry and it's been done for a long time. There are no contingency fees in our business. There was at one time and there was tremendous abuse and it was eliminated. Well, I shouldn't say that. If you have a contingency fee in our business, you can do it if you have full disclosure of the contingency fee.

I believe that there should be penalties, and I think that we need to pass something today. I think the cone of silence should start when an RFP goes out. And, it should end once it comes out of that committee. You know, there's nothing to stop someone to talk to a Commissioner, but, but we go by a committee system. We live and die by this committee system. It's worked well. So, once the RFP goes out to the time it comes back to that committee, I think is a reasonable thing to do.

Commissioner Jacobs.

COMMISSIONER JACOBS: I support a cone of silence after short-listing. I think the RFP process brings up a lot of problems because we are never quite sure with the amount of RFP's that are going out on the street on any given day, which ones are out and which and what time you can speak. So, I think that, that presents a series of problems that we, we don't -- I don't see how difficult those will be.

The fee disclosure, I really don't understand the relevance of knowing what a lobbyist is being paid. It seems significant who they work for and who they're speaking to. But, as to what they're being paid to do it, I don't see what relevance that has in knowing that a lobbying is, is a foot.

Contingency fees bother me greatly. The thought that on some of the issues we've had recently that I've struggled over, not slept over and had such trouble arriving at a decision to think that somebody would get paid because I voted a certain way, just sends me into the stratosphere. On the other hand, I do agree with Commissioner Gunzburger's issue that if a new company blows into town and has no feel for the County and wants to have a lobbyist come help them wind their way through this complicated network, that may be difficult because they could not afford to put one on retainer. And, maybe there's some way that we could work around so they have hourly fees or something like.

But, I'm really leaning towards no contingency fees at all.

And, the last thing is the registration. I absolutely support it. But, I support it not just for lobbyists, but I believe every single person that comes into the -- our lobby, should sign it. Every time I go to the dentist, I sign in. Virtually every place I go in my life, I have to sign in. Who I'm there to see, what time I'm there, someone checks out when I left. If I am, if I am a neighborhood activist or I am the principal of a firm or I am a lobbyist, I

should check in who I'm -- that I'm there, who I came to see. And, the receptionist should, should verify the time that I left. I have to do it when I go visit our own buildings. When I go to OES I have to sign in. When I go to the Sheriff's office, I have to sign in. So, I support that, as well.

THE CHAIR: Commissioner Wasserman-Rubin.

COMMISSIONER WASSERMAN-RUBIN: Yes. On lobbyists in general, I don't know that we could legislate through any company, any vendor, any business owner who to hire, how much to pay them, or anything of the sort. That's number one.

As far as fees, I don't have any desire or need to know that. I think what is important to know is that we have -- they would disclose the identity of the person, the expenditures.

I would support Commissioner Jacobs in expanding the registration so that it'll involve anybody who comes in.

On the definition, any employee, vendor, vendors, representatives, trade associations, union, principals, anybody, okay.

On the issue of contingency fees, I am extremely concerned about the minorities' access in that are just like Commissioner Gunzburger mentioned.

(ALL COMMISSIONERS PRESENT)

Let's see, on -- it's hard to speak fast and I -- okay, on the cone of silence, I support it from short-listing on.

Communication, I would also suggest that we, any, any subsequent -- to the cone of silence, any subsequent communication be done in writing, and it's a matter of public record. Anybody can see it. And, I don't care who sees it. Everything is open.

Expand the definition to add volunteers. Anybody else needs to sign up, that's fine.

I've lived here for -- since -- for 20 years, and I've been very active. And, a lot of the people that I've met over the years have become my friends. And, I spend a large time -- a large portion of my time apologizing to these people for not having voted on some issues that they were representing clients on one side or another. And, I don't, at the end of the day, I have to live with myself and I feel very comfortable. My integrity is something nobody can take away from me. So, I'm comfortable with all of this. And, I do agree that we do need something. And, and, I support most of the things that everybody else has said so far.

THE CHAIR: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yep. First of all, I support a cone of silence. I'd like it from the RLI, but I'll compromise and take it from short-listing, because I think we need something -- we have nothing.

Secondly, on contingency fees, I've heard the argument about if we ban contingency fees that minority firms will not be able to get a lawyer. I've asked everyone who said that to me to tell me what minority firms they're represented for a contingency fee. Nobody's mentioned a single one. So, I think there's more than one way.

And, I, like Commissioner Jacobs, my conscience is shocked that on a vote I could make, we're almost like better than the lottery with people making - betting odds. I think they're inappropriate. And, I think there are other ways for people to be represented and get their voices heard without exorbitant contingency fees.

On the disclosure of fees issue, I provided you all with what's done in Washington. So, clearly, with all due respect to Commissioner Scott and this whole issue about what is and isn't confidential, somehow they get it out of everybody who lobbies in Washington, D.C. either Congress or any agency. You do have to file it for every client that you represent. And, it's done in categories. And, not - this is exactly what I'm talking about. No different than this.

It's not only done in Washington, it's done in like 23 other urbanized areas, several states. It's pretty much common practice. And, anybody who lobbies in Washington will tell you this is like not a big deal to do. It's not difficult. Mr. Laystrom mentioned something about having to continue to do it. This is not difficult and it's done semi-annually.

I think we should sign in everyone. Some of the proposals that Commissioner Gunzburger put on the table, every place I go, I have to sign in. I have to say who I am, whom I'm representing, who I'm going to see. I don't have a problem with that. I don't know why anybody would have a problem with it. I think it's just the way everything operates at this point.

I don't think that we ever intended the ordinance to cover the situation Mr. Fee was bringing up. Where somebody comes in and, and they're trying to get a plat filed after an approval, and it's just, you know, what to do with some of those issues. So, I think that needs to be fixed.

We need to have penalties otherwise don't pass the ordinance. If you don't have penalties, it's toothless, mindless, faceless. I mean, it has no authority whatsoever.

And, also when we're talking about registration, I don't think there should be any problem with registration. If we're asking people to register, we're in the public, it shouldn't be a big deal.

And, I concur 100 percent with Commissioner Rodstrom's comments on what standard and what he has to put up with as I do.

THE CHAIR: All right. Commissioner Parrish.

COMMISSIONER PARRISH: First of all, I've had a cone of silence for all the years I've ever been here. Mine begins with the short-list. But, it was my decision to do that. If I make all my requests with respect to Selections/Negotiations in writing and send all of those to members of the committees and all the responses, I do those things. But, I chose to do it that way. And, it's like to impose my standards on someone else. But, who says I'm right. I've just done it that way. Sue's just done it her way. We've both done it since the day we got here. We're different.

I have never allowed a lobbyist to pay for breakfast, lunch or dinner for me. I won't do that. I don't have breakfast, lunch or dinner with anyone that I can't pay the bill for. I just don't do that.

So, I guess what my concern is, I believe in each one of you. I believe each one of you is a fine person. I don't think you would intentionally make a mistake.

So, I believe there should be registration.

I am extremely concerned, and I don't know if it's the rumor mill or not, but I have heard individual lobbyists have been paid a fee for getting a certain Commissioner to vote a certain way. Now, I don't know if that's true or not. But, if that's true, I want to make that -- I mean, a very, I mean, horrible penalty for that. I can appreciate, I've talked to several people new in the business. I'm sure many of you have talked to, too. And, they've talked about, you know, when you get started or somebody - you can't always do that. And, that's helping them work through the bureaucracy, it's more business development.

I don't need to know anybody's fees. I have no interest in that.

I don't want to carry a lobby log. Every person who calls or comes into my office, that's been recorded since the day I got here. That's a public record. I've submitted them to everybody. That doesn't matter to me.

But I think that - so, I, I don't -- I want to do something that we're - it is absolutely outlawed and absolute barred from any future business before the Board of County Commissioners if you pay or contract to be paid for any individual Commissioner's vote. Now, that, that's my greatest concern.

All the rest of it, I trust all of you. I just don't want to believe that that could happen. And, I want to outlaw it.

THE CHAIR: Commissioner Graber.

COMMISSIONER GRABER: Thank you. I do believe we need to have an ordinance. But, I think we have to be careful about how we word, because we don't want to make it unconstitutional. Doesn't get challenged. And, it probably will if you see what's going on in Miami. So, we have to put one, one that makes sense.

Personally, go through a cone of silence, my policy is open door policy. I talk to everyone, anyone. And, I like to communicate to people. I believe if you create a cone of silence, then some people have a disadvantage - an advantage, some a disadvantage. Because information is too hard to control. So, I don't think it makes any sense. The only way it makes sense if it's 100 percent. Which also doesn't make sense. So, I think a cone of silence doesn't work.

Second, I believe that we should also take a look at contingency fees. You should allow them, but they should be disclosed. And, they should be disclosed as a percentage or how it's formulated so that you know, and disclosed to all of us. So, we know who is working for a contingency fee. I think that would allow people who cannot afford lobbyists who feel they need them, to at least have an option.

Fees, I think we should look at fees of lobbyists get paid for the amount of money they make lobbying Broward County. We should look at it as a range. You know, whether it's 5 to 10,000, or 100,000 or a 1,000,000, or whatever it is. We should have a range set in so we don't embarrass anyone. We'll at least have an idea of what's going on.

Second, we should have a code of ethics for lobbyists that has rules attached to it. Sometimes lobbyists get a little rough with some of the Commissioners or staff.

If a complaint is lodged by someone, we should have a way to punish that lobbyist. Investigate him or remove them from functioning.

Also as part of the code of ethics, they should be required to show us some pro bono work. That they do something for the community other than just have the privilege of coming before us to make a living.

Putting that all into place, I think we should pass something, but we should not be too restrictive. We should not be too into micro management. We should be broad enough to keep it constitutional. And, and still make sense not giving unfair advantage to one person over another who knows the system better.

THE CHAIR: Okay. If we could start at the beginning on definitions. Who has some amendments as it relates to definitions?

All right. I'll start. I think that a lobbyist is someone who you, if you are, if you are - if you own your own company or you're an employee of that company or you're, lobbying on behalf of yourself for an item having to do with zoning or something of that sort, that you are not a lobbyist under the definition of lobbying.

I think what will happen is, is this. You say that someone owns their own company and they're a lobbyist under your definition, and then you say a contingency fee. Well, the only way their company is going to make a fee is if they get a contract. That's not a contingency fee. But, it is under your definition. And, I have, I have trouble by that because I don't know how you get around that. I mean, if, if a -

COMMISSIONER GUNZBURGER: John, may I --

THE CHAIR: - company comes in and does work, then, then they're going to get paid a fee and then that's contingent fee based on whether they get the contract or not.

Commissioner Gunzburger, Commissioner Graber, Commissioner Lieberman.

COMMISSIONER GUNZBURGER: Some large firms the principals often come in and lobby on their behalf, own behalf. So, that I think they should be registering as lobbyists. There would not be fees to be disclosed. But, they are, they are the same as -- otherwise it --

THE CHAIR: How do you square that with the definition of contingency fee? If they are lobbyists -

COMMISSIONER GUNZBURGER: There would be no contingency fee for that type of person. That person would come in -

THE CHAIR: So, you wouldn't exclude them for a lobbyist, but you would exclude them for the definition of a contingency fee?

COMMISSIONER GUNZBURGER: Yes.

COMMISSIONER PARRISH: What if they get a bonus based on that?

THE CHAIR: I have Commissioner Graber, Commissioner Parrish, Commissioner Eggelletion.

COMMISSIONER GRABER: See, see, I believe that a principal should not be considered a lobbyist. A lobbyist by definition is someone who represents a person or an entity. If an entity is solely owned or is that person, then you're not -- you're representing yourself should not make you a lobbyist.

So, I think that principals should not be under the lobbyist rule. Only if they hire someone to represent them.

It's like being your own attorney. You don't pay yourself a fee to be an attorney. And, you, you don't register with the Bar. You could be your own attorney. You could be your own representative. But, a lobbyist has a definition, they're an entity.

So, I think principals should be exempted from the lobbying statute.

THE CHAIR: And, their employees.

COMMISSIONER GRABER: And, their - while employees who work full-time specifically in other areas other than just lobbying.

THE CHAIR: Right. Commissioner Parrish.

COMMISSIONER PARRISH: If, I think if, if you know, if you're the North Broward Hospital District and you employ Charlotte Mathers as your legislative affairs director, if you're the Broward County Commission and you employ Pamela Landi as your legislative -- they're lobbyists. They might be employed with us, but they're, you know, almost 100 percent focus is on promoting issues on behalf of someone. Even though they're employed.

So, I -- the only employee that I care about is registering, is those that are employed in that capacity, that their sole purpose. That's it.

I was --

COMMISSIONER GUNZBURGER: Where would you put Wil Trower?

THE CHAIR: Oh, please.

COMMISSIONER PARRISH: Wil Trower, Wil Trower, Wil Trower is the director of the North Broward Hospital District and is not a lobbyist. He's a CEO. I don't think Wil Trower has to register as a lobbyist. He's advocating for his group.

If Jim Blosser who is paid money by the North Broward Hospital District comes to lobby me, then I consider Jim Blosser a lobbyist. But, I don't consider Wil Trower or any of his board members or any of his doctors. If Dr. Debbie Mulligan Smith comes to talk to me about SWIM Central or a seat belt problem, she's not a lobbyist. She's a professional that's working - you know, Dr. -

THE CHAIR: Okay. I think we got -

COMMISSIONER PARRISH: They're not lobbyist.

THE CHAIR: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Okay. I think there may be a difference between someone like Dr. Debbie Mulligan Smith or Dr. Nubil El Sanati who comes to talk to you versus Charlotte Mather who's paid to lobby.

So, I mean, I would like to see us -- and I want to differentiate how you define lobbyists from other provisions in the ordinance. So, you could clearly on the issue on contingency fees, through the definition, explain that if a principal of the firm whose job it is, you know, secure the contract, gets the contract, that's not a contingency fee. It's a paid assignment.

But, I think that you can make a valid argument. This is just registration. There's not a problem with having people register. Someone like Charlotte Mather, that's her job, is to lobby. Anyone - a principal of a firm whose job it is to secure contracts by going out and presenting, their job is to lobby. They should register. That's entirely different from someone who's an employee of a particular business who may sporadically contact you on an issue like SWIM Central or EMS.

So, I mean, that's, I'd like to see the registration separate from the other provisions, because I think you can deal with those concerns in the other provisions.

(COMMISSIONER PARRISH LEFT THE ROOM.)

THE CHAIR: Commissioner Eggelletion.

COMMISSIONER EGGELETION: Mr. Chairman, members of the Commission. If it walks like a duck, it quacks like a duck, it's a duck.

Now, you know, you might want to try to create these loopholes in the lobby. You might call a Wil Trower coming and talk to you a personal touch lobbyist. But, he's still a lobbyist. Okay. Bottom line.

And, if you're going to do this, let's just keep it simple. Keep a simple definition. Anyone who receive any type of remuneration directly or indirectly is a lobbyist. Flat out.

I mean, we need not try to sit here and carve out these special exceptions because we know and you know and I know that there are certain individuals that make a hell of a lot of money off this County Commission that do their own lobbying. And, so to say that they're not a lobbyist, is totally incorrect.

So, I just want us to keep it simple. Let's keep it moving straight forward so that the general public will understand it, so that everybody will be apprised of what we're doing. And, if we're going to do this, let's do it or let's stop playing games.

And, so that's where I am. So, a lobbyist to me would be anyone who receives remuneration of money, either directly or indirectly, from their conversation with me as a Commissioner or with any one of the departments under which comes under the County Administrator's Office. Flat out.

THE CHAIR: Commissioner Jacobs.

COMMISSIONER JACOBS: Well, what Commissioner Eggelton just described is what is exactly embodied in this document. And, I agree.

To separate it out, to say that because you own the company, you own this engineering firm, you can come speak. But, because this person represents a small engineering firm who isn't maybe out of town or whatever and has sent someone in his stead to advocate his position whether it's for an ordinance or whether it's for a contract that affects them, they're all doing the same thing. So, I think we need to feel KIS philosophy, Keep It Simple.

THE CHAIR: Commissioner Scott.

COMMISSIONER SCOTT: Right. Look, Commissioners. Right now if you lobby the County Commission, you're a lobbyist and you have to register. What, what this is doing is expanding this so that -- I hate to pick on Charlotte Mather or whoever from the North Broward Hospital District that might be over here trying to negotiate with the staff their, their primary care thing to bring back here, you know, that we talked about a week or two ago. They would all become lobbyists.

So, I think that you, I mean, the way this is now drafted, it is anybody who does anything with anybody. We got 7,000 staff members over here or whatever it is, and, and, I mean, I don't think that that's, people that lobby in Tallahassee are the ones that lobby the voting members.

So, I think to say okay, well, if they go up there and they're going to be lobbying, they usually register. There's usually an exception if it's a one day thing and they just came up. And, I don't know where Wil Trower or whoever would be in that. But, the fact is that what we got here, we'll be making everybody that's trying to discuss anything that's paid by anybody a lobbyist.

I mean, we will be up to the 15,000 that the federal people have and which is one of the differences when you talk about that disclosure part. But, I don't think, I don't think, I think you're either going to have to make two tiers, if you're going to make one for the voting members that decide stuff. Or figure out some other way to define it because you, you can't make, it's hired lobbies for compensation that you want to regulate. And, the reason is because they do it regularly. They don't just do it for one client.

They're like sort of hired guns. That's what this is all about. It's not about somebody that might be a governmental affairs person for the North Broward Hospital District. So far, certainly as the staff isn't. I mean, it's dealing with the County.

So, I think you, you pass this like it is, you're going to have a literal interpretation that everybody who's anything paid by anybody to do anything in governmental relations such as between the County and even -- and, also, I'm wondering about public, public bodies. Because there's no profit there.

I mean, it's not like this is a for-profit operation whether it's the hospital district or I suppose the Sheriff or some other governmental agency or a city. They're not -- I, I just think, I think we're getting way off. You could pass this, but it's going to be like just sitting there as a big blob. Everybody's supposed to register.

The ones who do have to register will be making, trying to make people register that really shouldn't. If they're going to lobby us to vote on something, then they ought to -- they're lobbyists. If they're paid, they're hired, they're hired by -- I mean, this is their profession, then you can regulate them. But, to put this out on everybody -- and how are these people going to even know what they've got to do. I mean, there's so many of them.

I, I just think that we're getting a little away, away from what we want. You want some penalties. You want to, want to have a more enforcement of the lobbyist. You want to talk about contingent fees, that's something that's specific. But, you get into a definition it goes this broad, I mean, it's, it's not going to work.

THE CHAIR: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: When we've gone to D.C. to lobby on behalf of Broward County, we're not paid any extra to do it. We're there representing Broward County.

And, I remember when we went to the HUD Building. We signed in. And, and it doesn't seem a big imposition.

Commissioner Jacobs said, when you go almost anywhere, you sign in when you go in and you sign out. I know when I go to certain buildings, that same thing happens.

People like Lee Iacocca even have to sign in when he goes to Dade County. I don't think there's --

THE CHAIR: Yes, that's the difference --

COMMISSIONER SCOTT: I don't think you have reports -

THE CHAIR: You're out of order. But, I can, I can -

COMMISSIONER GUNZBURGER: - and, the only thing is the registration of those that are paid to lobby specifically and that's in addition.

But, this way the public will know who's coming in and out, which is their right to know who is trying to influence. What was the reason for the visit. And, I don't think it's an odious difficult task, and I think it's one that we could easily adopt.

THE CHAIR: Going to Washington and signing in is different than being required to file, file quarterly reports. Or being required to disclose how much money you've spent on your lobbying activities, and this sort of thing.

So, so, it does have a different implication.

Everybody has spoken with Commissioner - with exception of Commissioner Wasserman-Rubin. Did you want to add something to this? Okay.

We need to get a motion on this definition.

Is there a motion to accept it the way it's written? I mean, I've heard that, that's what the majority kind of are saying. They want to accept it the way it's written, and we'll deal with the other exceptions throughout the document -

COMMISSIONERS SCOTT: He's wants, he's saying what's proposed here -

COMMISSIONER PARRISH: Not what we have in place right now?

THE CHAIR: Well, we have what we have here on this document. Is there a motion to move this or with some amendment?

COMMISSIONER GUNZBURGER: I have an amendment.

THE CHAIR: All right. So, let's start with a motion. First hand was Commissioner Wasserman-Rubin.

COMMISSIONER WASSERMAN-RUBIN: Yes. I think it would be important with all of the various amendments and discussion that we have had, that somebody read what we're actually voting for.

THE CHAIR: Right.

COMMISSIONER WASSERMAN-RUBIN: Paragraph for paragraph.

THE CHAIR: Right. So. On the definition section, is there an amendment to the definition that is currently in front of us here. If so -

COMMISSIONER GUNZBURGER: Yes.

THE CHAIR: You will be recognized. Commissioner Parrish, then Commissioner Gunzburger.

COMMISSIONER PARRISH: We had one. I just don't - I left -

COMMISSIONER GUNZBURGER: I had one that I had submitted -

COMMISSIONERS PARRISH: Was it the state one?

COMMISSIONER GUNZBURGER: - No, I, I had one that I -

COMMISSIONER PARRISH: Somebody gave me the state one. Who gave us that one? That's the one I liked. Was that the State of Florida's.

MR. DION: Mr. Chair.

COMMISSIONER PARRISH: Is that yours, Sue?

COMMISSIONER GUNZBURGER: No. I gave one that said any -

THE CHAIR: All right. Well, Mr. Dion, maybe he can assist us. Mr. Dion.

MR. DION: Thank you, Mr. Chair. Commissioners, as to the definition of lobbyist, we have taken the - the statutory definition.

COMMISSIONER LIEBERMAN: What's in this one.

MR. DION: That, that's what the lobbyist is. Lobbying itself is a little different than what the state does. But, our intent there was only to - that lobbying would only be those items that would actually come, that may come before the Board of County Commissioners. Or, dealing with a procurement official and that was - at your direction.

So, Mr. Fee's statements probably aren't correct just dealing with DPEP on a permit that doesn't come before the Board of County Commissioners. As I wrote this, does not require him to register as a lobbyist and to file an annual reports. It's only those items that will come before this Board for a decision or a contracting official like Mr. Cummings or someone else who's actually going to enter into a purchasing agreement with somebody.

COMMISSIONER GUNZBURGER: John.

THE CHAIR: Commissioner Gunzburger, then Commissioner Lieberman.

COMMISSIONER GUNZBURGER: If you go to one of the two that I have written, that you all have. It says on page three, line eight -

COMMISSIONER PARRISH: Let me find yours, Sue. I got it find what I did with the pile of amendments.

COMMISSIONER GUNZBURGER: And, on page three, line eight, if you'd all get there, it says: strike after other organization -

COMMISSIONER PARRISH: Wait, Sue. Let us find them -

COMMISSIONER GUNZBURGER: I'll wait -

COMMISSIONER PARRISH: I had them - oh, here they are. I had in numerical order, page by page.

COMMISSIONER GUNZBURGER: Well, this is in the thicker one, not the thinner one.

COMMISSIONER PARRISH: No. But, I took them apart.

You took out fees - so, you're going -

COMMISSIONER GUNZBURGER: No, I'm going to lobbyist on page three, line eight.

COMMISSIONER PARRISH: Line eight -

COMMISSIONER GUNZBURGER: Strike after other organization and insert employee vendor, vendor's representative, trade association, union, principal, officer, director, agent, consultant, sub-consultant, sub-contractor or contractor.

COMMISSIONER WASSERMAN-RUBIN: Second.

THE CHAIR: Okay.

COMMISSIONER PARRISH: Would you read it again?

THE CHAIR: There's a motion and second.

COMMISSIONER GUNZBURGER: Are after, on page three, line eight. Strike after other organization and insert in its place: -

COMMISSIONER PARRISH: Or group you're striking -

COMMISSIONER LIEBERMAN: No, just keep the organization -

COMMISSIONER PARRISH: Oh, strike organization -

COMMISSIONER LIEBERMAN: Everything -

COMMISSIONER GUNZBURGER: And, insert in its place: employee, vendor, vendor's representative, trade association, union, principal, officer, director, agent, consultant, sub-consultant, sub-contractor or contractor.

COMMISSIONER PARRISH: And, that means they just sign in.

COMMISSIONER GUNZBURGER: Yeah.

COMMISSIONER LIEBERMAN: No. No. No. This is just -

COMMISSIONER GUNZBURGER: It's a - it's telling you who are the persons -

COMMISSIONER PARRISH: Who are the persons -

COMMISSIONER GUNZBURGER: Yes -

COMMISSIONER JACOBS: It's a definition of person.

COMMISSIONER PARRISH: Well, they're all persons.

COMMISSIONER GRABER: They're also lobbyists -

COMMISSIONER PARRISH: What are you going to do with a person?

This is just -- is this just for the purposes of signing in and saying you went in to see a Commissioner?

THE CHAIR: It's to know who a person is.

COMMISSIONER LIEBERMAN: That's right.

THE CHAIR: The first is a person, right. It's not a lobbyist. This is a person, is anybody that's living.

COMMISSIONER LIEBERMAN: A living human being.

THE CHAIR: Commissioner, I have Commissioner Lieberman, then Commissioner Eggelton.

COMMISSIONER LIEBERMAN: Yes. All that's doing is it's amending subsection C to, to show the definition of person includes everyone. But, where it becomes relevant is the next line on D, where it says lobbyist means any person --

COMMISSIONER GUNZBURGER: And, every person that's --

COMMISSIONER LIEBERMAN: -- So, everybody, yes, everyone who's in this laundry list, employer, vendor, et cetera --

COMMISSIONER PARRISH: Every person --

COMMISSIONER LIEBERMAN: -- who is employed and receives payment or be contracted for economic consideration, is then considered a lobbyist. So, if you don't change that section, everybody here in this laundry list will also have to be included in the definition of a lobbyist.

COMMISSIONER GUNZBURGER: Yeah.

COMMISSIONER PARRISH: Yeah.

THE CHAIR: Commissioner Scott.

COMMISSIONER SCOTT: All right. On page two, just before that, the real -- I mean, lobbying means any communication with a Commissioner or any member of a decision or any County employee. So, if you do -- I'm telling you you've got to get two tiers.

To do what Commissioner Gunzburger wants is to have them register or sign in and say what they're doing, that's one thing. And, that's okay. And, we -- I'm for that.

But, the point is, if you, if you do, if you -- when you're into this definition section of lobbyists, if you're going to go back and apply it to anyone who speaks to encourage anything and talks to any County employee --

COMMISSIONER GUNZBURGER: Well, we can rephrase after County employee. Please read that aloud, Jim. That's the relevant phrase after County employee, down at the bottom of the page -

COMMISSIONER SCOTT: Where it seeks to encourage the passage, defeat, modification or repeal -

COMMISSIONER GUNZBURGER: Yes.

COMMISSIONER SCOTT: - of any item which may be presented for both vote a -

COMMISSIONER GUNZBURGER: Yeah.

COMMISSIONER SCOTT: - vote of the Board of County Commissioners. -

COMMISSIONER GUNZBURGER: That's right.

COMMISSIONER SCOTT: - But, that's all the employees. I mean, you can't make them all do, I mean you can't make people that deal with any employee become a lobbyist, file quarterly registration, try to comply with all of this.

So, what I think you should do, is go to a two-tier thing, where you've got lobbyists that we want to deal with who are hired that deal with the voting members and then you've got a lot of other people who have to register. And, everybody's going to know if whoever lobbyists went to the staff and it's all going to be out there for the public and the press and for us to see. But, at least, you can't make them lobbyists.

So, you've got to read these two definitions together which is basically B or A, and then B, lobbying and lobbyists. Because otherwise -

THE CHAIR: All right. Commissioner Eggelletion.

COMMISSIONER EGGELETION: Mr. Chairman, I don't disagree with my esteemed colleague to the left. However, let me just point out to you, again I just want to keep it simple.

If you want to do it a two-tier thing, you know, I don't care. But, they all ought to be lobbyists. Flat out. Or, we ought to get away from it and move forward.

Now, with respect to line seven on page three, you know, I just as soon strike that out, because you're redefining it on D anyway. I'd just as soon move to strike C, you know, line seven and eight, and, and, renumber that section and make C item D, because you can get to the point of a person is a person. I mean, you know, it's like Albert (Inaudible.) trying to define the absurdity of human existence. I mean, the bottom line is, a person is a person. I don't have to define who a person is.

(COMMISSIONER WASSERMAN-RUBIN LEFT THE ROOM.)

COMMISSIONER EGGELETION: So, you know, I'd just move to strike on page -

THE CHAIR: Move to strike line seven -

COMMISSIONER EGGELETION: - Yeah. Line seven and eight, and renumber the said section.

THE CHAIR: That would save us some time. All right. I have Commissioner -

COMMISSIONER LIEBERMAN: Just a point of information, can we ask the County Attorney on that one?

THE CHAIR: Mr. Attorney?

MR. DION: That definition is the one that's currently in our existing ordinance. We haven't touched that.

COMMISSIONER PARRISH: You mean, Sue has got all the -

MR. DION: - I really need, I think we really need to have a definition of person. Because it's referred to in other sections. And, I think it's important that we keep those definitions.

COMMISSIONER EGGELETION: Mr. Chairman. I just have a point of clarification with the County Attorney.

THE CHAIR: Go ahead, Mr. -- Commissioner Eggelletion.

COMMISSIONER EGGELETION: Mr. Dion, then if we were to remove person from the entire ordinance, I think the point that you raise is that you want the ordinance to be consistent. So if we were to remove persons, you know, from the entire ordinance, then, would that be in order?

MR. DION: That could work, Commissioner, but if you go down to line nine, where we start with the definition of lobbyists, it means -- it starts with lobbyist means any person.

So, I need something else in there. I mean, if we mean -- you know, any individual, any business, whatever else you would like to put in there. But, whenever we use a word frequently in an ordinance, I believe it's required for us to have a definition.

THE CHAIR: Okay. Commissioner Jacobs.

COMMISSIONER JACOBS: We're going to be here all day if we have to try to figure out whether we are -- if it's something that's standard, okay, let's just go on. It sounds absolutely ridiculous to me that, that's like saying you have to describe any one, the phrase any one.

And, why couldn't you say, any one. But, then you'd have to go, did you mean a numeral or did you mean a person?

I mean, it's getting crazy. So, if, if we're going to get hung up on a long discussion about what is a person and there is this definition, okay. Let's blow by that and go to the next thing.

Part of the discussion that we just had was about the lobbyists -

COMMISSIONER PARRISH: But, you're still on person -

COMMISSIONER JACOBS: - Itself. No, we're off person.

THE CHAIR: Is she - - We're on definitions.

COMMISSIONER JACOBS: We're on definitions. Who's going to argue what a person is. We've covered everything, except the fleas on someone's dog. Let's move on.

THE CHAIR: Well, we'll get to that. We're having a discussion on that.

COMMISSIONER JACOBS: Come on -

THE CHAIR: It's her opinion.

COMMISSIONER JACOBS: On lobbyists, if you're going - we have been moving down to lobbyist and we had jumped into a long discussion of everything after the phrase County employee. But, what I think everyone failed to notice is that it's further goes on to say, shall not be required to register as a lobbyist.

So, you go into this whole discussion here and it says, shall not be required. So, I don't know -

COMMISSIONER PARRISH: How old are you?

COMMISSIONER GUNZBURGER: What line are you on now?

COMMISSIONER JACOBS: Well, I started out on seven and now I'm down on 20. And, the phrase all County employee that was being discussed was line 16. That's where we left off when, Commissioner Gunzburger, that's where we were -

COMMISSIONER PARRISH: But, that's just self-representation.

COMMISSIONER JACOBS: - No, that's on page three.

COMMISSIONER PARRISH: But, no. On three it's -

THE CHAIR: Just through the Chair, please.

COMMISSIONER PARRISH: Okay - it's just on -

COMMISSIONER JACOBS: Under definition of who is a lobbyist, there was a discussion a few moments ago about any wording that came after the phrase "or County employee." Those four words. That's line 16. If you continue reading that all the way down to line 20, you realize that that is describing who shall not be required to register as a lobbyist.

So, when we talk about the ability to talk to County employees and so forth, this has been defined here. It seems to me as if we're all saying the same thing and we're not moving forward.

The lobbyist definition that everyone's been concerned about the tiering, it seems to me is already explained here that it is not talking about employees. It's not talking about someone who's representing themselves. But, in fact, they are not required under this to register as a lobbyist.

And, one of the issues that I think gets confusing is that we're - under one term lobbyist, we're talking about lobbying, lobbyist and whether or not that means you register or you don't register. It seems to me that there's tossing a lot of things under this one description of lobbyist. And, maybe if you just simplified what is a lobbyist and moved on to the term what is lobbying, then you might, we might move a little further along.

COMMISSIONER PARRISH: Okay. I -

THE CHAIR: Commissioner, I have Commissioner Parrish next.

COMMISSIONER PARRISH: I'll support the definition as it's presented. Kristen is right. There's nothing wrong with that. Or, I mean, as it's amended, there's nothing wrong with the definition of a lobbyist. It says if you're, if you're representing yourself, you don't have to register. Unless somebody wants to amend that, I'll, I'll move that we define that -

COMMISSIONER JACOBS: Second.

COMMISSIONER PARRISH: - as a lobbyist. And, at least just amend that one. Because, Ed's right. I mean, it's our old and with a few new nuances.

THE CHAIR: Commissioner Gunzburger to close.

COMMISSIONER GUNZBURGER: Well, I had also given you another way of saying lobbyist, it was on the next page -

COMMISSIONER JACOBS: Which next page?

COMMISSIONER PARRISH: Section there from 120, and -

COMMISSIONER GUNZBURGER: - Page three, lines 13 to 20.

COMMISSIONER PARRISH: It took four lines to define a person, Sue.

THE CHAIR: Can we call the question? I think there, I think there is a consensus here on this item.

COMMISSIONER PARRISH: Well, can I -

COMMISSIONER GRABER: What is the question?

THE CHAIR: Well, the two ordinances - I'm sorry. There's two motions. One is to accept. One is Commissioner Gunzburger who added a laundry list of things to the definition. And, then there was a motion that we accept the language as it's written here -

COMMISSIONER PARRISH: For person and lobbyist -

THE CHAIR: - For person, well for person.

COMMISSIONER PARRISH: And, lobbyist.

COMMISSIONER LIEBERMAN: And, lobbyist.

THE CHAIR: - And, lobbyist. Okay. For person and lobbyist.

COMMISSIONER SCOTT: Mr. Chair.

THE CHAIR: - Okay. We'll vote on - will you do the substitute?

COMMISSIONER SCOTT: Mr. Chair.

THE CHAIR: Yours was the primary. We'll vote on the substitute motion first -

COMMISSIONER SCOTT: Mr. Chair.

THE CHAIR: All those - yes, Commissioner Scott.

COMMISSIONER SCOTT: Here the preceding paragraph said that a lobbying means any County employee. So, that's anybody that's employed going back over here or receives any economic consideration -

COMMISSIONER PARRISH: No, but -

COMMISSIONER SCOTT: - or is principally employed for governmental affairs and on and on and on.

COMMISSIONER LIEBERMAN: No.

COMMISSIONER PARRISH: But, we haven't - no, Jim, we're leaving this alone. We're just taking this as definitions. We're leaving - we're not doing - dealing with two. We're just, if we define a lobbyist in a person, then we'll go back and say what kind of behavior they're allowed to have.

COMMISSIONER LIEBERMAN: Right.

THE CHAIR: Right.

COMMISSIONER PARRISH: We're not getting anywhere.

COMMISSIONER EGGELETON: Mr. Chairman. You know, again, I think you need to keep this simple. If you're going to define this, you know, I would agree with Commissioner Scott, do the two-tiered thing, and I think that makes it clear. It makes it simple. And, it keeps people out of trouble. If you make it too complicated, you're going to have people unintentionally get in trouble for something they didn't intend to do.

THE CHAIR: Please.

COMMISSIONER EGGELETON: - And, so, I, you know, if you're going to do it, you know, which I prefer you don't, but, you know, if you're going to do it, do it right. Bifurcate the two.

(COMMISSIONER WASSERMAN-RUBIN RETURNED TO THE ROOM.)

(COMMISSIONER JACOBS LEFT THE ROOM.)

COMMISSIONER EGGELETTION: - And, let's move on with it. So, I would suggest, if you're going to do that, that, that, you somehow say in here that you define that the difference between lobbying the nine of us and the difference between talking to a staff person, are two totally different things.

COMMISSIONER EGGELETTION: Staff people do not vote on anything, we do. And, I think that's what --

THE CHAIR: Please. Please. You cannot speak out.

COMMISSIONER EGGELETTION: -- I think that's what Commissioner Scott is trying to get to --

THE CHAIR: You don't have the floor. I have you down, I have you down.

COMMISSIONER EGGELETTION: -- or, Commissioner Gunzburger, to, to carry your point further, you could also say, you know, in that definition that if that staff person sits on a Selection/Negotiation committee, then they fall into that category as well.

So, I think that's a unique way of saying it. But, it makes it simple and it makes sure that no one gets into trouble.

THE CHAIR: Commissioner -

COMMISSIONER EGGELETTION: - I would prefer to leave it just like it is.

THE CHAIR: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah. The existing ordinance as written is bifurcated. That's exactly what you have in the proposal, the unamended proposal that's in front of you. It has people who are employed as lobbyists requiring to file disclosure and everybody requiring to sign in.

So, the existing, the item that's in front of us, the originally presented item without any of these amendments is bifurcated. Because not everybody is required to file lobbyist registration, it's only in the existing ordinance. Those individuals who have -- are seeking to influence the passage or defeat of a legislative item or are lobbying some -- have final purchasing decision making, in other words, it doesn't come here. They can sign off on a contract. Or, a purchasing decision. Or, if it's a decision, a final decision-making body, under the jurisdiction of the Board.

So, the existing ordinance does bifurcate it. They, everyone who is required to sign in, isn't required to register as a lobbyist. And, and, the key to me is everybody needs to sign in in every department they go to. That's the record.

But, it's who should file the disclosure, if you want to bifurcate it, the existing ordinance bifurcates it.

THE CHAIR: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Well, Commissioner Eggelletion heard me when I said that there are staff members who end up making decisions. There are purchasing decisions made so that I would not want the County staff members excluded. There are -- I mean, we just gave out an S/N committee that's going to look at choosing people for projects up to a half million dollars. That's a significant amount of business that people will lobby on, Commissioner Scott and Commissioner Eggelletion.

There also are County employees who sit on Selection/Negotiation committees. Often times there's more County employees than Commissioners on it, and they make the decision. They should be treated the same way as any of us are that listen to lobbyists or don't listen to lobbyists. Whatever rules we are subjected to, those that are in that decision making position must be subjected to it as well.

(COMMISSIONER GRABER LEFT THE ROOM.)

THE CHAIR: Okay. It's time to vote now. And, we've lost some folks. Does this mean we're going to take a recess?

COMMISSIONER LIEBERMAN: Yeah.

THE CHAIR: Or, are we going, we're going to start voting? I mean, we got to vote here. So, the first one has to do with the - we have two motions. One is the motion to accept the motion as it - it's a substitute motion, as it exists here for person and lobbyist. The substitute motion is Commissioner Gunzburger -

COMMISSIONER GUNZBURGER: No. Oh, yes.

THE CHAIR: - which defines person to a greater extent. And, she submitted that list.

(COMMISSIONER JACOBS RETURNED TO THE ROOM.)

(COMMISSIONER GRABER RETURNED TO THE ROOM)

COMMISSIONER GUNZBURGER: Yes.

THE CHAIR: Okay. All those in favor -

THE CHAIR: We're going to vote on the substitute motion first. And, that was to accept the definition of person and lobbyist -

COMMISSIONER PARRISH: No.

THE CHAIR: - as it is here in this document.

All those --

COMMISSIONER GUNZBURGER: No. That's -

COMMISSIONER PARRISH: That's mine?

THE CHAIR: Yes.

COMMISSIONER PARRISH: All right.

THE CHAIR: Yes.

All those in favor -

COMMISSIONER JACOBS: Mr. Chair.

THE CHAIR: Yes.

COMMISSIONER SCOTT: That's person only?

THE CHAIR: As it relates to person and lobbyist.

COMMISSIONER JACOBS: If you could please, I just -

THE CHAIR: That's the motion. That is the motion. All -

COMMISSIONER LIEBERMAN: To accept what's in this ordinance as written.

THE CHAIR: As written -

COMMISSIONER SCOTT: But, there are two separate -

THE CHAIR: But, but, that's the motion. You know -

COMMISSIONER SCOTT: Well, I move to bifurcate it.

THE CHAIR: Well, how - bifurcate -

COMMISSIONER PARRISH: I don't object.

THE CHAIR: Okay. We'll bifurcate it.

COMMISSIONER SCOTT: Without the person -

THE CHAIR: Sure. We'll bifurcate it.

Commissioner Jacobs.

COMMISSIONER JACOBS: I'm sorry. I just found there was a fire in my kitchen from my daughter's school project. And, I missed the discussion up here.

Everything's okay. I just have fire extinguishers all over the kitchen -

THE CHAIR: There are, there are two motions. There are two motions. One motion is Commissioner Gunzburger which has a definition of a lobbyist - excuse me, a person which you were here for. And, you heard that laundry list.

The substitute motion is to accept the definition of person and lobbyist as it's presented herein.

Those are the two motions. And, what has been requested is that that second motion that Commissioner Parrish made be bifurcated as it relates to person and lobbyist.

All those in favor of accepting person as it's written in this document, say aye.

Aye.

All those opposed -

Okay.

Person is accepted as it's written here.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER SCOTT: Mr. Chairman.

THE CHAIR: Now -

COMMISSIONER SCOTT: - can I just try one more time to point out that in line ten the work lobbying for the purpose of lobbying and when you look back over here, it means anybody that talks to any County employee is now going to be a lobbyist -

THE CHAIR: Right -

COMMISSIONER SCOTT: - and, have over here, shall annually submit -

THE CHAIR: No. No. No. You're misreading it. And, it's application. And, we believe that we will get you to where you need to be.

COMMISSIONER SCOTT: Okay.

THE CHAIR: You just have to have faith in us. But, we know - the point you're making, but we think we can get you there.

All those in favor of the lobbyist definition, signify by saying aye.

Aye.

All those opposed -

Commissioners Eggelletion and Scott voted No.

THE CHAIR: Okay. All right, that fails.

COMMISSIONER GUNZBURGER: No, that passed.

THE CHAIR: I'm sorry, it passes. It passes. Excuse me.

COMMISSIONER GUNZBURGER: Seven to two win.

THE CHAIR: Seven to two.

VOTE PASSES WITH COMMISSIONERS SCOTT AND EGGELLETON VOTING NO.

THE CHAIR: And, the substitution motion is rendered moot because of the previous vote.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER GUNZBURGER: That's correct.

THE CHAIR: Okay. So, we now are going on.

The next item has to do with lobbying registration and statements. Are there any -

COMMISSIONER GUNZBURGER: Which page are we on?

THE CHAIR: We're on page number 4.

Are there any amendments to be made on page 4?

COMMISSIONER LIEBERMAN: Move this section.

THE CHAIR: There's a motion to move page 4. Is there a second?

COMMISSIONER SCOTT: Wow, wow, wow.

COMMISSIONER LIEBERMAN: Move page 4.

THE CHAIR: Move page 4.

COMMISSIONER EGGELETON: Section, you want to move the entire section -

THE CHAIR: We'll move the entire page.

COMMISSIONER LIEBERMAN: No. It's page four, A and one, which are what - it's Section 1-262 A and one, which are what on page four.

THE CHAIR: Well, that's what we're moving.

From lines seven through lines 22.

COMMISSIONER LIEBERMAN: Right.

THE CHAIR: That's what's being moved. And, there's a second.
No second.

Is there a second.

COMMISSIONER GUNZBURGER: Second.

THE CHAIR: All right. Commissioner Gunzburger seconds it.

COMMISSIONER SCOTT: Mr. Chairman.

THE CHAIR: Yes, Commissioner Scott.

COMMISSIONER SCOTT: I, I just want to continue to point out that the word now, the people that have to do this, is anybody who dealt with a County employee back because that's what lobbying -

VARIOUS COMMISSIONERS: No -

COMMISSIONER LIEBERMAN: No. That was the original definition --

COMMISSIONER GUNZBURGER: Not if you read page two at the bottom, it does not say that.

COMMISSIONER JACOBS: It doesn't say it shall not be required -

THE CHAIR: Not be required.

It's line 20 if I recall.

COMMISSIONER LIEBERMAN: Right.

THE CHAIR: Line 20. Three, line 20.

COMMISSIONER SCOTT: Page 2, line 20?

COMMISSIONER GUNZBURGER: Oh, page three, line 20.

THE CHAIR: Page three, line 20.

COMMISSIONER SCOTT: That's only if they're totally not being paid and they're not being -

THE CHAIR: Mr. Dion.

MR. DION: Can I give this a shot?

THE CHAIR: Sure.

COMMISSIONER LIEBERMAN: Uh-huh.

MR. DION: Under, on page two, the definition of lobbying, okay, only applies where one communicates with the County Commission, a County Commissioner or a County employee or a board of the County where that person seeks to encourage the passage or defeat or something that's coming to this Board --

MR. DION: -- or if it's a decision of that board that you've appointed or if it's a County procurement employee.

COMMISSIONER GUNZBURGER: Yes.

COMMISSIONER LIEBERMAN: Right.

MR. DION: So, that just talking to a County employee is not intended by this to be lobbying. Only if by talking to that person they're going to make a recommendation or there's an item that's coming for a decision before this board.

COMMISSIONER LIEBERMAN: Right.

MR. DION: The section that Commissioner Jacobs was talking about, only applies to an individual who is acting in his or her individual capacity.

COMMISSIONER LIEBERMAN: Okay.

THE CHAIR: So, we have a motion and a second.

Any further discussion to accept --

COMMISSIONER LIEBERMAN: Page four --

THE CHAIR: -- Page four, lines, lines A through --

Well, it's line seven to 22 we're doing right now.

COMMISSIONER LIEBERMAN: -- How about and up to line four on page five, C of that section?

THE CHAIR: Okay. Line 4 on page 5.

COMMISSIONER GUNZBURGER: Okay.

THE CHAIR: Okay.

All those in favor, signify by saying aye.

Aye.

All those opposed?

COMMISSIONER SCOTT: No.

COMMISSIONER EGGELETON: No.

COMMISSIONER GUNZBURGER: There's one no.

THE CHAIR: Was there a nay? Commissioner Scott was a nay. Commissioner Eggelletion was a nay.

Okay. All right.

VOTE PASSES 7 TO 2 WITH COMMISSIONERS SCOTT AND EGGELETION VOTING NO.

THE CHAIR: Disclosure of fees, we're now - we're on page five, section two.

COMMISSIONER LIEBERMAN: John.

THE CHAIR: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah. I'll move section two, with the -- I don't know if you have to make it clear or how you have to do it, that what we're looking for is identical to the federal requirement. That type of --

COMMISSIONER GUNZBURGER: Without being specific.

COMMISSIONER LIEBERMAN: Yeah. You know how they -- that's why I gave you all the --

COMMISSIONER GUNZBURGER: I have it.

COMMISSIONER LIEBERMAN: -- That's why I gave you all what you have to do to the federal government. So, I don't know how to say that. But, it should be clear that what we're asking for is - Mr. Dion, I'll accept any help you want to give.

MR. DION: Mr. Chair.

THE CHAIR: Mr. Dion.

MR. DION: Thank you. Just, my intention on this is is that it says down on -- starting on page 12, that those statements shall be rendered in the form provided by my office.

My intention on this was to go with the federal reporting requirement, but not on a client-by-client basis. Now, if, if you have other instructions, then I'd be more than happy to consider that. But, my thought was that on an annual basis, a lobbyist would disclose whether they made less than \$10,000, or if it's over \$10,000, to the closest 20,000 without disclosure of any clients or anybody that they're lobbying for.

THE CHAIR: Commissioner Wasserman-Rubin and Commissioner Eggelletion.

COMMISSIONER WASSERMAN-RUBIN: I wanted to make a substitute motion.

THE CHAIR: Please. Turn your microphone on.

COMMISSIONER WASSERMAN-RUBIN: That, my motion is to remove all fees from page five, item two, line eight.

I heard enough people around the table saying they didn't care what kind of fees they paid, so I'm making that - providing that motion -

COMMISSIONER GUNZBURGER: I think this way --

THE CHAIR: I'm sorry. I'm not following your motion.

COMMISSIONER JACOBS: It's underlined.

COMMISSIONER WASSERMAN-RUBIN: You remove the word all fees, page five, item two, line eight.

THE CHAIR: Okay.

COMMISSIONER EGGELETTION: Well, Mr. Chairman.

THE CHAIR: All right. There's a second for that motion.

COMMISSIONER JACOBS: Well, I would second it. But, I need some clarification on intent.

COMMISSIONER WASSERMAN-RUBIN: That's okay.

COMMISSIONER SCOTT: I'll second it.

COMMISSIONER JACOBS: Okay. Because it's actually longer than eight. The area -

COMMISSIONER WASSERMAN-RUBIN: It is, I know.

COMMISSIONER JACOBS: -- I know Commissioner Wasserman-Rubin -

COMMISSIONER WASSERMAN-RUBIN: I didn't clean it up.

COMMISSIONER JACOBS: - It is really the tail end of seven and it wraps into line nine. And, I think what I heard clearly when this Board was, we really wanted to know where the monies came from, what company was paying them. Who there clients were. But, I'm not interested in how much they make -

COMMISSIONER WASSERMAN-RUBIN: Right.

COMMISSIONER JACOBS: - from individual client.

COMMISSIONER SCOTT: Well, when they register, they have to say the clients. -

COMMISSIONER JACOBS: You have possible relevance it has to give me this range, you know, 20 to 30 and then I don't have an idea who the clients are. What good does that do me?

COMMISSIONER WASSERMAN-RUBIN: It's irrelevant.

COMMISSIONER JACOBS: That's a waste of energy. It just puts a whole - that doesn't make any sense.

COMMISSIONER WASSERMAN-RUBIN: From which funds -

THE CHAIR: Commissioner Eggelletion.

COMMISSIONER EGGELETTION: Mr. Chairman, you know, it doesn't take a rocket scientist to figure out who's paying whom what, because you've got a register saying who your clients are. All you've got to do is get that and get your fees and it's going to tell me what the story is here.

I would think that we either go with Mr. Dion's suggestion. Or, or you simply eliminate section two, lines five through lines nine. One or the other.

Because you're going to tell them folk anyway. And, if your intent is not to disclose or to violate attorney-client privilege, then I would suggest and, and, I didn't know that there was motion on the floor, but, but I, I would like to amend the substitute motion to, include Mr. Dion's statement that the lobbyist would disclose the range of fees to which they're paid. Real simple.

THE CHAIR: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah. Commissioner Eggelletion, I agree. It's the range of fees.

And, Mr. Dion, I think they would list who their individual clients are. It's part of the whole list.

COMMISSIONER SCOTT: No.

THE CHAIR: Commissioner Scott.

COMMISSIONER LIEBERMAN: Yeah, you get - what you would get is that under what Mr. Dion is suggesting, is that they would disclose within the range, the fees. And, there's a separate list it's apart, it just says and here's who I represent. So, that you can make that - you know, you have -

THE CHAIR: The Chair thinks that every time they represent someone new, they have, they have to fill out a different form. And, so the forms track the fees that are being paid.

And, so, in other words, if you're paid a range of 20,000, you know that person - that firm is that hired you because you had to file a separate registration for that firm would pay you the fee.

So, you can easily track where this is going.

COMMISSIONER LIEBERMAN: Right.

THE CHAIR: You don't file once and one catches all for every client you may ever have in front of the County. That would never work because you'd never be able to find out who's paying what.

COMMISSIONER LIEBERMAN: Maybe I don't understand Commissioner Eggelletion's motion. Are you saying you want this filed each time they represent somebody?

COMMISSIONER EGGELETION: No, what I'm saying is at the end of the year, the lobbyist would simply file a disclosure form saying that my fees paid in calendar year 2001 was in -- and, you'd have these ranges of fees down there and they're checking off. If it's from --

COMMISSIONER GUNZBURGER: Zero to ten.

COMMISSIONER EGGELETION: -- zero to ten, you check that off. If it's from 20 to 50, you just check that off. And, and, flat out.

Now, you know, and that's the way you do it. I mean, it's at the end of the year, you just disclose it -

- a range of which he -

THE CHAIR: For each client that they -

COMMISSIONER EGGELETION: - Not for each client -

THE CHAIR: Well, that doesn't tell you anything.

COMMISSIONER JACOBS: Yes.

COMMISSIONER EGGELETION: Yes.

COMMISSIONER SCOTT: Are we on the substitute -- are we on the substitute motion?

THE CHAIR: We are on the motion that's on the floor that you seconded.

COMMISSIONER SCOTT: Right. That was Commissioner Jacobs' motion to leave out 8 and 9 -

THE CHAIR: Commissioner Wasserman-Rubin.

COMMISSIONER SCOTT: Commissioner Wasserman-Rubin, I'm sorry.

COMMISSIONER WASSERMAN-RUBIN: Yes.

COMMISSIONER SCOTT: Okay. Look, you're not, I mean, to put in a disclosure - this kind of, of disclosure is meaningless. So, either got - you either got to do the whole thing, and I just think that that's a big mistake. I think we should leave out of this the fees.

To do that federal thing, there's 15, 20,000 who knows how many federal lobbyists. So, they send some form in that says, well, I made 20 or 50 or 100,000 or whatever. I mean, that's, that's not what we're looking for.

What we're looking for is who they represent. The source. What they're being paid is a private matter. This is America -

THE CHAIR: Let me see if I can help things. I have talked about - I haven't spoken on this issue.

It seems to me if we're going to get to the point of having, if we're going to have abolition of contingent fees, okay. If we're going to abolish contingent fees, then I am not so concerned about having disclosure of fees. Because then I'm assuming that everybody's working on some sort of hourly basis or they're on a yearly basis. Or, some sort of retainer that tracks, you know, a longer period of time as opposed to a one item that they're getting paid for to get a Commissioner's vote.

So, I mean if it gets, if he gets us there to get the contingent fees removed, then I'm willing to not have disclosure -

COMMISSIONER GUNZBURGER: Maybe you should pole the contingent fee first?

THE CHAIR: Well, you know, I mean, if, if that's the intent of it. If everybody here thinks that contingent fees are bad - and we outlaw them, then I really don't have to say that we have to - make these lobbyists disclose their fees. If we outlaw contingent fees.

All right. Commissioner Gunzburger and Wasserman-Rubin.

COMMISSIONER GUNZBURGER: I just need to know - someone said that they had asked some of these lobbyists whether they had been hired by a -- I think I'm losing my voice -- a minority firm or a new firm and they were paid on a contingency fee.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER GUNZBURGER: - Did you ask - how many lobbyists did you ask to get an answer of no?

COMMISSIONER LIEBERMAN: The ones that I was familiar with. I certainly didn't --

COMMISSIONER GUNZBURGER: How many?

COMMISSIONER LIEBERMAN: - pole everybody.

COMMISSIONER GUNZBURGER: I want - I'd like a number, it would help. Are we talking about three. Are we talking about five?

COMMISSIONER LIEBERMAN: Maybe half a dozen. It's not just me, other people have asked the same question.

COMMISSIONER GUNZBURGER: The usual and customary?

COMMISSIONER LIEBERMAN: Yes.

COMMISSIONER JACOBS: Ask for a show of hands.

THE CHAIR: Commissioner Lieberman. Sure.

COMMISSIONER LIEBERMAN: Am I next?

COMMISSIONER JACOBS: No -

THE CHAIR: Yes. Go ahead. All right. Commissioner Wasserman-Rubin -- I'm sorry.

COMMISSIONER WASSERMAN-RUBIN: I just wanted to clean-up my -- because I, I realized that I left sort of dangling participles here. And, I didn't want to do that.

So, my, my motion that should still be on the floor to amend this was that we remove lines five through nine, when it said entity and that it ended that. Does that clean-up a little better?

COMMISSIONER JACOBS: I didn't hear what you said.

COMMISSIONER SCOTT: You don't want to remove through nine. You just want to remove eight and nine. Right?

MR. DION: The and -

COMMISSIONER WASSERMAN-RUBIN: From the word and, end it at have come, period. And, then delete and any and all fees received or generated as a result of lobbying activities on behalf of any individual or entity, period, end.

I just wanted to clarify that so you know what the motion is.

THE CHAIR: Okay.

COMMISSIONER WASSERMAN-RUBIN: Thank you.

THE CHAIR: All right. All right. We have - Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I'm not going to support the substitute motion. I've provided you with what we file in Washington. It's not a big deal. It's done by client. It's semi-annually. Many of the same people who lobby here are complying with it in Washington. It's not onerous. And, I think it is a public disclosure issue. So, I mean, you know, my intent to vote against this is because I think that there is a mechanism which will allow us disclosure and balances the interests that we've talked about which is the public's interest versus the privacy interest.

(COMMISSIONER PARRISH RETURNED TO THE ROOM.)

(ALL COMMISSIONERS PRESENT)

THE CHAIR: Commissioner Jacobs.

COMMISSIONER JACOBS: But, what is the relevance of what they're earning to do their job?

The issue for us is, who are they working for. Whether they're earning \$10 to do it or \$10,000 to do it is irrelevant. Why is that relevant -- I don't, I fail to see the relevance of that knowledge at all. All I care about is, who are they working for. And, that's what I would want to see on, on the type of form that they send in.

THE CHAIR: Right.

COMMISSIONER JACOBS: -- To do a form that they check off a range seems to give away so little information that it's only if we're patting ourselves on the back for passing something when it's really doing nothing.

THE CHAIR: All we're doing is trying to find out how much they earn a year. But, it doesn't tell us what they're getting paid to do certain things.

COMMISSIONER WASSERMAN-RUBIN: Exactly.

THE CHAIR: It doesn't tell us anything. I'll put you down.

Commissioner Graber.

COMMISSIONER GRABER: If the purpose of knowing how much a lobbyist is paid per item or per issue is important to us in making our decision, then we should disclose it. And, and I asked all of you when you think about the decisions, if you knew the lobbyist coming along was going to make \$100,000 if you voted a certain way, is that --

They receive it up front. You know. Here's your \$100,000, get it done. I mean, that's happened. And, because the issue could be worth millions of dollars, hundreds of millions of dollars.

And, so the question is, does that affect the way you think. And, and, that's the question you have to ask yourself. If it affects the way you think in terms of how you deal with that lobbyist, then maybe it's an important issue. Because if you don't it's relevant to your thought processes, then who cares.

So, so, the question is, you know, why we, why do we want to have this information?

THE CHAIR: Okay.

COMMISSIONER GRABER: - in other words, what's the purpose of it.

THE CHAIR: Let's see if we can try to figure out where we're at here.

How many want disclosure of any kind?

COMMISSIONER SCOTT: We have a motion on the floor?

THE CHAIR: We do have a motion. All right. Do you want to vote on the motion? Ready to call the question?

COMMISSIONER SCOTT: Well, I thought --

THE CHAIR: Then, let's dispose of it. Good. Let's vote on it.

Commissioner Wasserman-Rubin's motion.

All those in favor -

COMMISSIONER PARRISH: Can someone repeat it, I apologize.

COMMISSIONER WASSERMAN-RUBIN: Want me to?

THE CHAIR: Please restate your motion.

COMMISSIONER WASSERMAN-RUBIN: Yes. My motion is to delete on page five, item two, that portion of line seven which beings at the end with and, any and all fees received or generated as a result of lobbying activities on behalf of any individual or entity, period. Delete that sentence.

That's my motion.

THE CHAIR: Just eliminate disclosure of fees. Okay.

COMMISSIONER PARRISH: Was there a second?

COMMISSIONER WASSERMAN-RUBIN: Yes, there was.

THE CHAIR: It was seconded by Commissioner Scott - I'm sorry, Jacobs. You're right. And, Scott also tried to second it -

COMMISSIONER WASSERMAN-RUBIN: They both seconded it.

THE CHAIR: All right. Commissioner Graber.

COMMISSIONER GRABER: I'm speaking against the motion. And, let me tell you why.

If somebody, if we know that a lobbyist is earning six figures for a contract that we're giving out, guess where that six figures is coming from? It comes from our contract. Which means that that's being padded into our price for doing business with these entities.

COMMISSIONER JACOBS: Not necessarily.

THE CHAIR: All right. Come on, please. Let him -

COMMISSIONER GRABER: Let me, let me finish my part. You can state your position in a minute. I'm giving you my position. I'm giving you the devil's advocate point of view here.

In other words, why would somebody pay somebody 100 or \$250,000 to get a \$20,000,000 contract, and if they do it, they're going to take it out of their profits or is it going to be padded into the price of the bid? And, and, it's a tax. Just like, you know, you pay fees for certain issues, there is a lobbyist tax on certain issues.

Those lobbyists are collecting a fee from the public. They're not collecting a fee from the contractor. That fee is figured into the bid. And, you're kidding yourselves if you don't think it's not.

So, I think it is important to know how much they're willing to pay and how much we ultimately are paying for lobbying services, because I think that is an important issue.

So, that's the only reason I could think of to want to know this information. Is that we want to know really what it's costing us to maintain the lobbying industry. And, what the public is paying for that service. Because the public is paying for that service, not the people doing business with us.

That's the way I see it.

THE CHAIR: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I agree with Commissioner Graber. That's why I propose this section, that's why I gave you a copy of what you have to do in Washington. You file it semi-annually and you list this in ranges of fees per client.

THE CHAIR: Commissioner Jacobs.

COMMISSIONER GUNZBURGER: Per client?

COMMISSIONER JACOBS: First of all --

COMMISSIONER LIEBERMAN: Per client. That's how it's done.

COMMISSIONER JACOBS: -- I don't know of any lobbyists that gets paid \$200,000 for one issue. Okay. So, to assert that they're getting paid 100,000, \$200,000 to go lobby one issue, means that they're getting a contingency fee. Which we have a consensus here to ban. So, that's off the table.

The second thing is, they may get \$200,000 in a year as a lobbyist from one company, but they may not just be for Broward County. Could be up in Tallahassee. Could be up in Washington. It could be any group that this person has brought on as an annual fee. So, you don't know. So you're drawing a line that says, they spent \$200,000 to persuade votes on the Broward County Commission. But, that's contingency fee that they paid could go for a lot of other things. Never mind the fact that it had nothing to do with a certain contract.

So, to say that the public is paying for that, well, first of all, the figure is so outrageous that it's, it's really - I think it's irrelevant the conversation.

But I don't see is how you can draw the line to say that it is directly related to a decision of the County Commission. And, therefore, influenced either - A, a vote or increased the cost of the contract because someone had to pay for the lobbying fee.

THE CHAIR: Commissioner -

COMMISSIONER JACOBS: So, I again come back to you, it's important to know who the company is and who's doing it and on what behalf. But, you could never, you would leave yourself open to a lot of questions and a lot of second guessing and God knows how many opinion reporters, articles when you would put something like that in. Because, it's not based in fact. It's nothing but guessing.

THE CHAIR: Commissioner Parrish.

COMMISSIONER PARRISH: See, I think Commissioner Eggelletion said something earlier today on another issue not related to this one, it goes back to the heart of this issue. When I was first on the County Commission, we passed what I thought at that time was one of the most comprehensive land development codes in the State. And, the day we passed that, one of the Commissioners, Bob Heubner, before he retired, stood up and thanked us all on behalf of all of the attorneys, the engineers and the architects in the audience. He thanked us because there had been a real slump in the economy and he felt that our action was so confusing, it would be a boon to that particular group.

And, I thought that was a joke. And, then as I watched the next couple of years, it wasn't a joke. We had passed something that was so confusing and so technical that an average person, you know, somebody building two little houses on a lot he or she had owned for a couple of years or ten years or 20 years, couldn't figure it out. So, they needed to hire all these technical people to interpret our rules.

I think that what we've done is the more technical we get, the less ability an average citizen has to figure out what we're saying or what we're doing and the reason that there are lobbyists or people, actually sometimes they're not even lobbyists. I mean, I see a lot of people who simply understand the process and you hire no differently than you would hire someone else to process it through, is because of how difficult we have made combing through the bureaucracy.

(COMMISSIONER SCOTT LEFT THE ROOM.)

COMMISSIONER PARRISH: I don't need to know how much money people make. I think it would be interesting to have a list of the *Sun Sentinel* editorial writers and find out how much a year they make. It would just be interesting to read that. Do I need to know that to go about my business or my daily job? No. I don't need to know that. It might be interesting to know it, but it's not anything I need to know.

(COMMISSIONER LIEBERMAN LEFT THE ROOM.)

COMMISSIONER PARRISH: So, I mean, I think that all of this - I am concerned that I don't want anybody paid. I don't want anybody hired who said you go get Commissioner Smith's vote. If you can get Commissioner Smith's vote, it's worth a hundred grand. If you can get Commissioner blank's vote, that's worth 50,000. That's what I find objectionable. And, I'm not sure that's true. I've just heard that.

THE CHAIR: Right.

COMMISSIONER PARRISH: And, I don't know that my source was credible.

THE CHAIR: All right.

COMMISSIONER PARRISH: But, anyway what I'm saying is I support Commissioner Jacobs - Commissioner Wasserman-Rubin's motion -

THE CHAIR: All right.

COMMISSIONER PARRISH: - but, I don't need to know that. It might be interesting, but I don't need to know it to make my decision.

THE CHAIR: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Someone said that by filing the information, that it may not show us an accurate picture of what's happening. But, they would not be -- for example, Ron Book. And, I'm not doing this to malign him or anything else.

Ron Book works for us. He works for clients in Tallahassee, and he represents clients before us. All he would be filing with us if he had a client in front of us, would be the range of fees that he would make for the clients that he represent before - represented before us. Not those that he represented in Tallahassee. Not those that he represented in, in D.C.

(COMMISSIONER SCOTT RETURNED TO THE ROOM.)

(COMMISSIONER LIEBERMAN RETURNED TO THE ROOM.)

COMMISSIONER GUNZBURGER: Am I correct with this language, Mr. Dion?

MR. DION: It only pertains to lobbying here in Broward County.

COMMISSIONER GUNZBURGER: It would not represent any other fees that he generates any other place or anyone else?

MR. DION: Correct.

THE CHAIR: Okay. All right. I'm going to give you the last word, but I want to speak.

I just want to tell you - I think the more I've thought about it, this thing's got to go. You're absolutely right. Because legalistically, if we're going to get sued, the first place we're going to get sued is right here. Commissioner Scott raised the issue about attorney/client privilege. That there's - if you want to get an ordinance passed and not have it be challenged, and you want it, you want it challenged, put this in there.

You want to get an ordinance that may stick for a while, but they're not going to challenge. Leave this out. So, on that note, you have the last word, it's your motion.

COMMISSIONER WASSERMAN-RUBIN: I don't need to have the last word. Let's vote.

THE CHAIR: Okay.

All those in favor of Commissioner Wasserman-Rubin's motion, signify by saying aye.

Aye.

All those opposed.

Nay. Nay. Nay. Okay.

We have two no's and, I'm sorry, you needed me to say Commissioner Graber and Commissioner Lieberman.

VOTE PASSES 7 TO 2 WITH COMMISSIONERS GRABER AND LIEBERMAN VOTING NO..

THE CHAIR: All right. That takes us through and now we're on A, we want to just move page five. Is there a motion?

COMMISSIONER JACOBS: I'll move page 6.

COMMISSIONER LIEBERMAN: Second.

THE CHAIR: It's been moved and seconded -

MR. DION: Could you wait just a second?

THE CHAIR: Mr. Dion.

MR. DION: Mr. Chair, just for summarization purposes, the rest of this section only deals with reporting requirements. When they're supposed to file them and any penalties associated in the event they do not.

THE CHAIR: All right.

COMMISSIONER SCOTT: Mr. Chairman. May I ask you a question?

THE CHAIR: Yes.

COMMISSIONER SCOTT: What are the penalties?

COMMISSIONER PARRISH: Tarred, feathered, boiled in oil. Die at dawn.

THE CHAIR: But, I thought \$50 a day was a -

MR. DION: Fifty dollars a day -

COMMISSIONER LIEBERMAN: But, you are excused the first time. We send you a letter saying your --

COMMISSIONER JACOBS: Right.

COMMISSIONER LIEBERMAN: -- just like the state does. It's identically to the state.

THE CHAIR: All right. Please.

COMMISSIONER LIEBERMAN: I'm sorry. I apologize.

THE CHAIR: Commissioner Parrish.

COMMISSIONER PARRISH: I don't object to this as long as we do it timely. Because what I found, in fact, it's gotten a little better around here. But, do you know, do you recognize how many post approvals we do on contracts in our agenda, because so far in a government this size, we haven't found a way to more timely track contracts.

It's gotten better, Mr. Desjarlais -

MR. DESJARLAIS: Thank you, ma'am.

COMMISSIONER PARRISH: Better. Great it's not.

MR. DESJARLAIS: That's the nicest thing anyone said to me today.

COMMISSIONER PARRISH: But, I mean, great it's not. I mean we post-approve a lot of things -

THE CHAIR: I can see right now that to do a good job of this Mr. Dion's going to be coming to us with an amendment in his budget, because we're going to need some staffing to take, make sure all these things are complied with.

COMMISSIONER PARRISH: Well, no. Actually you can track it with ACT. You can use the same activity contract system.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER PARRISH: But, what - if we want to impose a penalty -

THE CHAIR: Aren't you -

COMMISSIONER PARRISH: - we have to be -

THE CHAIR: Need help.

COMMISSIONER PARRISH: - as, as diligent in our enforcement and, and send timely notices as anyone else. You know, we need to do that. I mean, because I happen to know a lobbyist who's a real respected attorney who was paid a great deal of money last because -

THE CHAIR: There's a motion - is there a motion? And, a second?

COMMISSIONER LIEBERMAN: Yeah.

THE CHAIR: - to accept page 6?

COMMISSIONER LIEBERMAN: Right.

THE CHAIR: All those in favor, signify by saying aye.

Aye.

All those opposed.

Page six is passed.

VOTE PASSES UNANIMOUSLY.

THE CHAIR: Okay. Page seven.

COMMISSIONER LIEBERMAN: Move page 7.

COMMISSIONER EGGELETTION: Mr. Chairman.

THE CHAIR: Yes, Commissioner Eggelletion.

COMMISSIONER EGGELETTION: Yes, I just have a question, a point of clarification.

On page seven, line 14, item C, it say that under list employers it says a lobbyist shall file a separate registration statement for each employer on whose behalf he or she lobbies.

THE CHAIR: Right.

COMMISSIONER EGGELETTION: So, that means if I have 10 clients, I got to fill out 10 different forms. Can't we make that simpler by just having them listing all them forms, all their clients on one form rather than have a person fill out 10 separate forms.

THE CHAIR: I think that the problem is as you get clients at different points in time -

COMMISSIONER LIEBERMAN: Right.

THE CHAIR: So, you start out with client A, you file a form. And, then you go back - what you're saying is amend the second form and put client B in there and also file an amendment. You're still filing another form, you know, it's just -

COMMISSIONER EGGELETTION: Well, here's what I'm saying. I would prefer that they list all their clients on the one form. And, then if they get a new client during the year, they just fill out a separate registration form for that client as opposed to if I have 10 clients, I got to do the same form 10, 10 different times. To me, makes, makes no sense when I can list them all on one form and I'm done with it. It's just creating paperwork. That's all that's doing.

And, it's just, it will be simpler to say if I have 10 clients when I fill out my form at the beginning of the year, I list my 10 clients on that form and who they are et cetera, et cetera. Then, if I get a new client, I simply fill out a new registration form at that point and we can add that language to, to make that possible. But, to do all that paperwork, to me, makes no sense.

THE CHAIR; Commissioner Lieberman. Then, Commissioner Parrish.

COMMISSIONER LIEBERMAN: This is not a new requirement. The only thing that changes is we made it clear to the registration statement, this is exactly what's required right now. Where it says - you'll notice the only thing that's underlined is registration. We just said separate statement. We didn't define what it is.

Secondly, Commissioner Rodstrom is right. They - you know, people get clients at different times in the year. And, for purposes of making sure the registration is done, it's not all at the same time.

Number three, if you go back to section 1.262, subsection C, will vary by client. That's why it has to be individual.

THE CHAIR: Commissioner Parrish.

COMMISSIONER PARRISH: Are we going to include on page seven and then on to the top of page eight, all that - it says person's excluded. Why would we exclude that? It says the following persons shall not be required to file - a public official acting in his or her -

THE CHAIR: Mine is, mine is stricken. All right.

MR. DION: Mr. Chair.

THE CHAIR: Mr. Dion.

MR. DION: I need to clarify that. That provision is over on page five. It was just, we just moved it in order to just clear it up.

THE CHAIR: Okay.

COMMISSIONER PARRISH: We're -

THE CHAIR: Commissioner Eggelletion -

COMMISSIONER PARRISH: Oh, I see, I see. Okay.

COMMISSIONER EGGELETION: Mr. Chairman, members of the Commission, again, I'm not for creating more paperwork for people. Just because you've always done something, doesn't necessarily make it right.

And, so, my, my point is, why require a person to fill out all those forms saying the exact same thing, when you could just simply include spaces on the, on the one original form for them to place those names on there. And, if you get new clients, then you fill out another form.

I mean, it just seems like what we're intent on is making the public fill out a million forms and creating all this paper, all this bureaucracy that doesn't make sense that you can do in one simple form. And, that's all I'm trying, I'm trying to streamline the process. Make it simpler. Make it flow smoother. Make it flow faster.

But, if you all intent on making everybody fill out a hundred forms, make them fill out a hundred forms. It doesn't make a whole lot of sense to me. It's about paper. What I'm about is efficiency. And, that's not efficient.

THE CHAIR: Commissioner Jacobs.

COMMISSIONER JACOBS: Mr. Chair, I think I have a solution. Why don't we just, I make a motion then on line 14, page seven, delete the word separate. So, the sentence would read: a lobbyist shall file a registration statement for each employer on his behalf -

COMMISSIONER PARRISH: Second.

COMMISSIONER JACOBS: - he or she lobbies. And, it doesn't say individual pages.

THE CHAIR: However they deal with it, they deal with it.

COMMISSIONER JACOBS: They deal with it.

THE CHAIR: Okay. All right. On page seven, as amended, if you accept whoever the maker of the motion was, will you accept the amendment as a friendly amendment?

COMMISSIONER LIEBERMAN: No, it's not a friendly amendment.

THE CHAIR: Okay. You don't accept it. So, you're substitute motion, we'll vote on that first.

All those in favor of Commissioner Jacobs' - your motion had a second?

COMMISSIONER JACOBS: My motion -

COMMISSIONER PARRISH: I seconded it.

THE CHAIR: It was seconded. Okay.

All those in favor of Commissioner Jacobs' motion taking out the word separate on line 14, signify by saying aye.

Aye.

All those opposed.

COMMISSIONER LIEBERMAN: Nay.

THE CHAIR: All right. One dissent.

And, so page seven passes with that amendment.

VOTE PASSES 8 TO 1 WITH COMMISSIONER LIEBERMAN VOTING NO.

THE CHAIR: Page eight. Why don't we just go through number nine, line nine. So, we're talking about line three through nine. Is there a motion?

COMMISSIONER LIEBERMAN: So moved.

COMMISSIONER WASSERMAN-RUBIN: Second.

THE CHAIR: All those --

COMMISSIONER PARRISH: Now, which one are we doing?

THE CHAIR: Just three through nine on page eight. Prohibition of use of lobbying statements.

All those in favor, signify by saying aye.

Aye.

All those opposed.

Okay. Motion passes.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER PARRISH: Mr. Chair.

THE CHAIR: Contingency fees. Commissioner Parrish.

COMMISSIONER PARRISH: Yes. I thought that I was the strongest supporter of this. I mean, I thought I was so against it. And, let me tell you a couple of the issues that have been pointed out. The one where all of you talked about minority access and, you know, maybe they're so busy out earning a living they don't have time to go through the bureaucracy and find out when it's coming and help with the presentation and all that. They're doing their job and working.

The other one I heard about was suppose a firm or company gives you a monthly retainer. A modest retainer. And, you're to lobby half a dozen different governmental entities on behalf of that client and, and the lobbyist really views himself or herself more of a business development type person. And, that you're on that retainer and you're to keep abreast of the projects that might benefit this client from Monroe to Fort Pierce, or whatever.

And, so, you do that on a monthly retainer, and then there is an agreement that for all of the projects that, not in any one year, but as the projects are given a notice to proceed or something like that, that you receive a percentage for those projects that you helped bring in that actually come to fruition.

Now, I don't object to that. I object to being paid to lobby an individual Commissioner for his or her vote. What this says, I think jeopardizes that kind of agreement which I don't find objectionable. I mean, Realtors do it, you know, if a realtor comes to your house - pardon?

COMMISSIONER JACOBS: We do it.

COMMISSIONER PARRISH: - Yeah, I mean. I know, we do it - Parks and Recreation. We just hired Stan Hempfeld to do it. We hired Mike Langton. I mean, we do this. So, if it's bad, why are we doing it.

So, what I'd like to know is, I would just like to make a motion that we strike all of this and we direct the County Attorney to write language that says anyone who is paid or, or hires someone - wait, any lobbyist who accepts payment or any firm or company who hires a lobbyist to lobby an individual Commissioner or Commissioners specifically for a specific vote of yes or no, that that lobbyist and that company is barred from doing business with the County for whatever period of time is legal.

(COMMISSIONER GUNZBURGER LEFT THE ROOM.)

COMMISSIONER PARRISH: I mean, and I don't know how to say that. That's what offends me.

So, however, that can be rewritten into this section, that's what I would support. Because I thought, what I originally thought and what I've learned doesn't make sense to me.

So, I'd like to make a motion that we direct the County Attorney's Office to strike everything from line 11 through, I guess, it goes to the next page, through line two on page nine. Strike all that language and to rewrite it in such a way that you cannot pay to have anyone - a company is barred from doing so and a lobbyist is barred from doing it or receiving payment for the votes of an individual Commissioner or Commissioners.

THE CHAIR: Is that a motion?

COMMISSIONER PARRISH: And that the penalty is an absolute bar for two years, if it's allowable. That's my motion.

COMMISSIONER JACOBS: Second.

THE CHAIR: Okay.

I have Commissioner Graber next. Then Commissioner Lieberman.

COMMISSIONER GRABER: Two things, one the problem with that motion that is impossible to know someone is doing that. So, there's no way to prove it. So, just putting it in ordinance doesn't make it not happen --

COMMISSIONER GRABER: -- that's the first problem. The other thing, of course, is that is also takes the teeth out of the entire contingency fee argument because if you can't prove it, especially something that specific. And, basically you're saying contingency fees are allowable.

So, why don't we just say on - on page eight, line 16, after the word, after contingency fee, we'll put a dollar limit. Let's say, contingency fee of \$25,000. Because what you're trying to get away from is offering huge amounts of money to collect huge awards and if you limit it to \$25,000, it allows for the smaller people to hire folks for contingency fees and does away and bans literally the excessive contingency fee system.

I think \$25,000 - I was throwing 25,000 out, I'm not fixed on that number. But, I think that will make more sense and still by limiting the contingency fee. The other way I think it just confuses it to the point that basically contingency fees would be allowable.

COMMISSIONER PARRISH: But, how would you know?

COMMISSIONER GRABER: We, we require by requiring disclosure of all contingency fee contracts. In other words, the second portion of this has to be that anyone working under a contingency fee has to disclose that at the time they are lobbying on the issue. And, if it's limited to \$25,000, then we know that person is working for contingency fee.

I think that will accomplish - or, if you want the language for that, then I would put in a second line somewhere appropriately, Mr. Dion, saying that anyone working for contingency fee must disclose that at the time of their lobbying activity.

THE CHAIR: Commissioner Eggelletion.

COMMISSIONER GRABER: I make it as a substitute motion by the way.

THE CHAIR: I'll second it.

COMMISSIONER LIEBERMAN: The problem with Commissioner Parrish's proposal is it, it has no way of -- once you remove the disclosure of fees, it has no way of being checked out. It may feel good in an ordinance, but it's just words.

(COMMISSIONER GUNZBURGER RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: What I would suggest, and I would offer a friendly amendment to Commissioner Graber's motion, which is to ban it above a certain amount and require that all contracts for procurement, must indicate if any contingency fees were a part of the contract. So, you would have the disclosure and you could weigh that in your decision making.

State statute outright bans contingency fees on procurement. It's absolutely banned under state law. So, I don't why we even have a problem with this issue. But, I would suggest, if you'll accept this as a friendly amendment to yours, that any contracts for purchases need to indicate if any contingency fees are being paid and the amount of the fees and to whom paid. And, then I could support your proposal.

COMMISSIONER GRABER: I'd rather you made that as an additional amendment rather than as part of my amendment.

COMMISSIONER LIEBERMAN: What do you mean a conditional amendment?

COMMISSIONER GRABER: Another amendment -

COMMISSIONER PARRISH: Additional.

COMMISSIONER GRABER: - Additional amendment. Because I don't want to hurt my amendment in case that one doesn't fly.

THE CHAIR: Commissioner Jacobs.

COMMISSIONER JACOBS: I'm getting real confused here. This language right here has no teeth in it either. It says it's against the law. It says you can't do it.

So, what I am suggesting is that, A, you shouldn't be able to do it at all. And, particularly, what, what we all I think find bothersome is the word individual. For someone to be hired individual to my vote, specifically for me, and again as Commissioner Parrish said, I don't know of anyone that's - I've asked, I've asked different lobbyists. Has this - it's never happened to me. You know, lobbying me. But, has it happened for you for other clients. And, no - and everyone said it didn't. So, either, A, they're all telling a big fat lie. Or, it doesn't exist. So, I don't know. It's been one of those rumor type things. We have, first of all, this whole provision in here, but it must have existed at one time because there sits in state statute as Commissioner Lieberman has said.

What I think all of us find so onerous is the idea of, of someone being hired one-on-one.

COMMISSIONER WASSERMAN-RUBIN: Right.

COMMISSIONER JACOBS: That's a lobbyist being hired per a vote. That I find completely abhorrent, and I want to make sure that we don't - that that is illegal.

And, I think the language here means that that it would be taken care of. It wouldn't happen.

The only thing I don't see in here is it doesn't say anything here about an individual. It does talk about specific action of the Board of County Commissioners. Now you're talking about a whole body of Commissioners. So, I think that is a different intent from individual.

So, I would, and I don't know, we've got so many substitute motion flying around, I would say, keep the language in this section entirely as it is, but just substitute the Board of County Commissioners as a body with the phrase individual. As an individual County Commissioner.

THE CHAIR: Commissioner Parrish.

COMMISSIONER PARRISH: You see, I think when you talk about procurement and I don't know if the rumor mill is true or not true. But, it's my understanding procurement is not the issue. The issue is land use and zoning and, and that's -- telecommunication ordinances. You know, there are a lot of - as I understand it, this misses the point.

So, when you talk about procurement, procurement, I don't know that there's ever been a problem with procurement. Where I've heard the problems are were land use zoning and ordinances.

So, we're not - we're skipping around or skirting around what I understand the issue is. Because I've never heard - I mean I don't know. But, when you have no valid evidence, I've never heard of a problem with procurement.

THE CHAIR: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Right. Okay. If you look at the section as written, and I'm just trying to find some way where we can pass something. If you look at the section that's written under contingency fee, I do believe that the current section covers both -- the outcome of any individual Commissioners as well as the outcome of the Board as a whole.

As written, it stops it from happening in any way shape or form. So, everything else we're doing is diluting from that intent. But, you know, to get something in place, I'm prepared to compromise on those.

When you, when it says or other outcome of any specific action of the Board, I mean, that clearly encompasses any individual member of the Board as well. So, if someone is hired to quote get your vote, this covers that as well as getting a contingency fee to secure a certain positive action on behalf of the Board.

I mean, I hate to do a third substitute to say, you know, my motion is to pass the existing section. But, the existing section covers individuals as well as the Board as a whole.

THE CHAIR: Well, you know -

COMMISSIONER LIEBERMAN: I don't know if you can do a third substitute when you have a motion and a supplement.

THE CHAIR: - the problem that I have is that under no circumstance have we dealt with the issue of if you're a company and you're going to make a living and you own your own company, you come in front of the County or you're investment banking firm and you're, you know, getting hired means that you will only get paid if you do the deal. That is a contingent fee.

So, you haven't really done what you need to do. I think what you're really trying to do, you're just saying that a lobbyist, whoever that is, you know, who is a hired gun shouldn't get a contingent fee for getting your vote. It's what you're saying.

COMMISSIONER JACOBS: The vote of the board.

THE CHAIR: The vote, no the vote of the Board. Whoever it is.

COMMISSIONER LIEBERMAN: So, it's for all individuals.

THE CHAIR: If it's one vote or two votes or how many they have to get, they have to get, they have to count to five to win. So --

COMMISSIONER LIEBERMAN: So, you want the --

THE CHAIR: So, the problem is though if a company is going to get hired on a contract and they're considered a lobbyist and they get a contract, they have a contingent fee.

COMMISSIONER LIEBERMAN: They, perhaps -

THE CHAIR: All right. I have Commissioner -

COMMISSIONER LIEBERMAN: Can you just say, can you do, I asked before and I didn't get an answer. Can you do a second substitute when there's already a substitute motion on -

THE CHAIR: You can do as many as you want.

COMMISSIONER LIEBERMAN: Then can I -

THE CHAIR: You must vote backwards.

COMMISSIONER LIEBERMAN: Okay - all right then -

THE CHAIR: No limit.

COMMISSIONER LIEBERMAN: - my motion would be that we adopt section 1-264 with the following change on line 13 which says as compensation to a lobbyist which is dependent on. So, it clarifies that issue.

THE CHAIR: But, a lobbyist is a person who -

COMMISSIONER PARRISH: Right.

THE CHAIR: - You know, may be his own - have his own company or her own company.

COMMISSIONER LIEBERMAN: No. Not the way we've adopted lobbyist. We stuck with state statute.

COMMISSIONER PARRISH: Well, if they get a the bonus.

COMMISSIONER LIEBERMAN: No. Because of the way we adopted the word lobbyist and we used the state definition, this is a clear definition.

THE CHAIR: So, that would be okay. It would cover that.

COMMISSIONER LIEBERMAN: Yep.

THE CHAIR: Is that the opinion -

MR. DION: An individual unless they are otherwise a lobbyist under our definition would not be prohibited from a contingency fee.

THE CHAIR: So, if you are an employee of a corporation you'd be okay.

MR. DION: That's correct.

COMMISSIONER PARRISH: Well, but, John.

THE CHAIR: All right. That's all right. Commissioner Wasserman-Rubin, then Commissioner Parrish.

COMMISSIONER WASSERMAN-RUBIN: So, so, for clarification purposes, what happens -

THE CHAIR: Well, first of all, I'm going to second her motion.

COMMISSIONER WASSERMAN-RUBIN: Oh, okay.

COMMISSIONER PARRISH: Which one?

COMMISSIONER WASSERMAN-RUBIN: Whatever she said. She just added a word.

THE CHAIR: I'll let her repeat it, I'll let her repeat it before we vote.

COMMISSIONER WASSERMAN-RUBIN: What happens then if I am the owner of a corporation. I'm a little bit shy. I don't deal directly with politicians. I hire someone to do the business for me and to try to get the information over. Is that person going to be treated differently than I am because I am the owner of the company?

THE CHAIR: Yeah.

COMMISSIONER WASSERMAN-RUBIN: Okay. Now, see I have a little bit of a problem with that. I also have a little bit of a problem understanding how do you enforce --

THE CHAIR: Particularly if you pay that person a contingent fee.

COMMISSIONER WASSERMAN-RUBIN: How do you, how do you, how do you say to the owner of a company that wishes to do business with us that they cannot under any circumstances give a bonus, contingency fee, a --

COMMISSIONER PARRISH: Commission.

COMMISSIONER WASSERMAN-RUBIN: -- whatever, a free trip. I mean, at what point do -- how do you enforce that? How do you enforce that, or do you -- or do we just want to hear --

THE CHAIR: They're going to sign under oath that if it ever comes to light -- they're going to sign under oath that if it ever comes to light in some sort of deposition or some sort of court hearing, it'll come to light and they will then be in big trouble.

COMMISSIONER WASSERMAN-RUBIN: Are they going to give somebody a bonus or a thank you or whatever it is.

THE CHAIR: You betcha. Without and audit.

But, it will come to light. It always does. Someone always runs a foul and that's how you'll find out about it.

COMMISSIONER WASSERMAN-RUBIN: Could I ask our attorney through the Chair, what, what position does that place us in as governmental -- as a governmental body to legislate such a thing to a private company to hire and pay and do whatever they want with their employees.

MR. DION: This would not affect their payments to their employees. As Commissioner Lieberman has attempted to amend it, it would only be commissions to lobbyists. So -

COMMISSIONER WASSERMAN-RUBIN: Okay. So, so, again if I am a -- if I own my company and I hire a lobbyist to lobby the County Commission, and that lobbyist happens to be successful on one specific issue, I as the principal of that -- of that company am not allowed to give that person, that lobbyist a thank you bonus or anything like that. I cannot do that. Right?

MR. DION: Under the --

COMMISSIONER WASSERMAN-RUBIN: Or else it would preclude me from doing business with that entity next time.

MR. DION: You could pay him a flat fee. You cannot provide him a bonus, a commission or other -

COMMISSIONER WASSERMAN-RUBIN: Do you have any idea how many different ways there are to skin that cat?

COMMISSIONER PARRISH: Oh, watch it. Don't you'll offend Ilene.

COMMISSIONER WASSERMAN-RUBIN: I'm sorry.

THE CHAIR: Our job is not to create things to get around this. We're going to put it in plain English -

COMMISSIONER WASSERMAN-RUBIN: Made simple, simplify. People don't want any more convoluted wording in our ordinances and our laws. They want to know exactly what it is you want. What do you want from me? Do you want me to register, I'll register. You want me to tell you what I had for dinner, I'll do that.

(COMMISSIONER EGGELLETON LEFT THE ROOM.)

COMMISSIONER WASSERMAN-RUBIN: But, be specific and be simple about it. All of this - I just, I see that this - they're going to be very difficult to enforce, number one. And, number two, I go back to the original statement that I made about whether on I'm the principal or I have the necessity to hire a lobbyist to do the business for me. And, those two people are being treated differently. And, yet they're doing the same job.

THE CHAIR: Commissioner Graber and then Commissioner Parrish.

COMMISSIONER GRABER: Question, Mr. Dion. If we did what Commissioner Lieberman said and if I was a law firm and a contractor came to me and said, I'd like you to represent me before the County Commission on a contingency fee. And, the law firm agreed and then hired a lobbyist on a salary to come before us. Would they be exempt? Is that a way of getting around the contingency fee or is it part of it?

MR. DION: I need to know what you're paying the attorney for.

COMMISSIONER GRABER: If I'm paying the attorney to handle the issue before the County Commission, part of that is going to be lobbying. And, they hire independent lobbyists. Can they still work on a contingency fee?

MR. DION: No.

COMMISSIONER GRABER: They cannot.

MR. DION: No.

COMMISSIONER GRABER: And, that's covered in this language.

MR. DION: In that instance, if, if they are acting as a lobbyist, they would not be entitled to a contingency fee.

(COMMISSIONER SCOTT LEFT THE ROOM.)

THE CHAIR: We're getting redundant now. It's been asked and answered.

I know what both of you are going to say. It's going to be different. So, please make it brief and let's get on and vote -

COMMISSIONER PARRISH: I'll call the question on all the questions.

THE CHAIR: All right. Let's vote.

COMMISSIONER PARRISH: I'll call the question on all of the them.

THE CHAIR: All right. So, we'll do Commissioner Lieberman will you state -

COMMISSIONER LIEBERMAN: [Inaudible] time to call the question -

THE CHAIR: State, state your motion.

COMMISSIONER LIEBERMAN: Okay. My motion is we adopt section 1-264 with only the following change on line 13, after compensation, you add to a lobbyist. And, then continue with dependent up in any way, et cetera. So, that's it clear that it pertains in that formality.

(COMMISSIONER EGGELLETON RETURNED TO THE ROOM.)

(COMMISSIONER SCOTT RETURNED TO THE ROOM.)

COMMISSIONER PARRISH: And, mine.

THE CHAIR: Okay. And, we'll do the substitute motion - you must repeat all the motions first. And, your motion is -

COMMISSIONER PARRISH: My motion was to strike the entire section, direct the County Attorney to rewrite the section where no one could be paid contingent upon the success of less - well, see, individual Commissioner or Commissioner's vote, no one can be hired or accept a fee based on the vote of an individual or individuals Commissioners. But, does not mean - you can't designate Rodstrom, Parrish and Wasserman-Rubin. You know, that kind of a thing.

THE CHAIR: Just go get five votes.

COMMISSIONER PARRISH: And, I don't have - pardon?

THE CHAIR: You just can't designate, but you just go get five votes.

COMMISSIONER PARRISH: Right. You can't designate, you know, you did this when you - that's it. And, I only know of it supposedly happening once. And, it was recent. And, I found out -

THE CHAIR: Commissioner Graber.

COMMISSIONER GRABER: Mine would limit a -- allows a contingency fee up to \$25,000, but requires disclosure that a contingency fee is being paid for their services.

THE CHAIR: Okay.

All those in favor of Commissioner Lieberman's motion, signify by saying aye.

Aye.

All right. How many ayes -

COMMISSIONER JACOBS: Can I ask for one clarification on this -- Commissioner Graber's?

THE CHAIR: We're, we're voting on Commissioner Lieberman's right now.

COMMISSIONER JACOBS: Okay. I know. But, that's to help me decide which one.

THE CHAIR: All right. Commissioner Graber.

What's the clarification?

COMMISSIONER JACOBS: When you stated that you didn't state what is your definition under the beginning is it under lobbyist - is it a lobbyist or is a person who owns any company?

COMMISSIONER GRABER: It's for anyone.

COMMISSIONER JACOBS: Because if it's anyone, then it really truly covers all the bases.

COMMISSIONER GRABER: It's anyone, yes.

COMMISSIONER JACOBS: Anyone. It addresses Commissioner Wasserman-Rubin's issue of what if you are Hispanic in Miami and your English isn't so great and you come to Broward and you hire someone to speak for you versus you're Anglo and you can speak English fine and you can go represent your own company. The two are going to be treated differently even though you are lobbying and pushing for the same issue.

COMMISSIONER GRABER: The goal of 25,000 is to allow that person to have the option to hire a lobbyist.

COMMISSIONER JACOBS: Correct. So your issue would handle both of them at the same way.

COMMISSIONER GRABER: Correct.

COMMISSIONER JACOBS: Either one of the would fall under that. Okay.

THE CHAIR: Okay. All right.

All those in favor of Commissioner Lieberman's motion say aye.

Aye. So, it's three.

All those opposed.

No - So, -

COMMISSIONER PARRISH: Do we know who's voting what? I don't know.

THE CHAIR: Right. On the, on the aye side, it's Lieberman, Rodstrom, and Gunzburger.

On the naye side is Scott, Eggelleton, Jacobs, Wasserman-Rubin, Parrish and Graber. Okay.

VOTE FAILS 3 TO 5 WITH COMMISSIONERS SCOTT, EGGELETTION, JACOBS, WASSERMAN-RUBIN, PARRISH AND GRABER VOTING NO.

COMMISSIONER JACOBS: Okay.

THE CHAIR: Okay. Got that. All right.

Now, on Graber's motion which was the second substitute motion - or it was the first substitute motion -

COMMISSIONER SCOTT: Can we say what it is?

THE CHAIR: And, restate your motion again.

COMMISSIONER GRABER: It allows for a contingency fee, but only up to \$25,000. And, it requires disclosure at the time that the contingency fee is being utilized as payment for that service.

THE CHAIR: Okay.

COMMISSIONER EGGELETTION: Can, can I have a clarification?

THE CHAIR: Clarification.

COMMISSIONER EGGELETTION: Commissioner Graber, are you saying that it would require disclosure up to 25, or it would not require -

THE CHAIR: You'd be free. You could make up the 25,000.

COMMISSIONER EGGELETTION: Make up to 25 on a contingency fee. But, after that, you would have to disclose -

THE CHAIR: You would have to disclose. Correct.

COMMISSIONER EGGELETTION: - Is that what you're saying.

COMMISSIONER GUNZBURGER: Oh, then you could make more?

COMMISSIONER PARRISH: Oh, you could make it, you just have to disclose it.

COMMISSIONER GRABER: No. What I'm saying is that \$25,000 would be the most you could get on contingency. It's a limit. And, you would have to disclose that you're working on a contingency fee. It doesn't allow for any contingency fee above \$25,000.

THE CHAIR: Do you have to disclose what that fee is?

COMMISSIONER GRABER: No.

THE CHAIR: No.

COMMISSIONER GRABER: Just that you are working on a contingency fee.

THE CHAIR: You're working a contingency fee.

COMMISSIONER GRABER: Correct.

THE CHAIR: So, you just assume that anywhere up to \$25,000.

COMMISSIONER GRABER: Right.

THE CHAIR: So, that his motion.

COMMISSIONER PARRISH: Commissioner Rodstrom.

THE CHAIR: All right. Commissioner Parrish.

COMMISSIONER PARRISH: Let me tell you what concerns me.

THE CHAIR: Wow, wow, wow. We're not, we're not taking -

COMMISSIONER PARRISH: On his motion.

THE CHAIR: We're not discussing his motion.

COMMISSIONER PARRISH: You did that -

THE CHAIR: We called the question on this. We are only taking points of information.

COMMISSIONER PARRISH: We would be in violation of our own ordinance.

THE CHAIR: We are not discussing it, we called the question and we're voting now.

All those in favor of Commissioner Graber's motion, signify by saying aye.

Aye.

All those opposed.

Nay.

Okay.

So, the ayes are Graber, Rodstrom, Jacobs, Gunzburger. One, two, three, four. Okay.

COMMISSIONER GUNZBURGER: You still can't-

THE CHAIR: We still don't have it.

And, all those opposed: Commissioner Parrish, Lieberman, Wasserman-Rubin, Eggelletion and Scott are nos.

VOTE FAILS 4 TO 5 WITH COMMISSIONERS PARRISH, LIEBERMAN, WASSERMAN- RUBIN, EGGELETION AND SCOTT VOTING NO.

THE CHAIR: Commissioner Parrish, your motion.

COMMISSIONER PARRISH: Okay -

THE CHAIR: All those in favor, we heard it, we don't understand it, but we've heard it. I mean -

COMMISSIONER PARRISH: I don't know how to word it. Ed has to do it.

THE CHAIR: They'll have to figure that out. Okay.

All right. State it again. We can -

COMMISSIONER PARRISH: Okay. It strikes all of the -- everything on page eight from line 11 down and goes and takes the first two lines of page nine. It strikes all of it.

It directs the County Attorney, I guess, to research it, and find out a way to prohibit any individual or company, any lobbyist, any -- anyone from being paid for paying to obtain the individual of vote of a Commissioner or Commissioners, by name.

You know, not, not, no. Not that you can't hire somebody or you can't take compensation --

THE CHAIR: All right. Come on, now. We're not discussing this. We've discussed it.

COMMISSIONER PARRISH: -- But, that's what it does, because that's what the allegation was.

THE CHAIR: We are - okay. Thank you.

COMMISSIONER PARRISH: And, it has a penalty of two years involved.

THE CHAIR: All those, all those in favor of Commissioner Parrish's motion -

COMMISSIONER EGGELETTION: Well --

THE CHAIR: Is this a point of order?

COMMISSIONER EGGELETTION: Yes, yes, it is.

Her motion moves or strikes line 11 through 23 and one and two on the following page. I don't think that one and two on the following page is relevant to that. And, I think it just needs to be 11 through 22 on page eight.

COMMISSIONER PARRISH: Okay. You're right. That is a new section. Thank you.

THE CHAIR: Do you accept that amendment? Okay.

All those in favor - thank you - all those in favor, signify by saying aye.

Aye.

All those opposed.

No. All right.

We have on the nays: Graber, Lieberman, Jacobs, Rodstrom, Gunzbürger.

And, in the affirmative we have: Parrish, Wasserman-Rubin, Eggellektion and Scott.

So, the motion fails.

So, we have no motion on contingency fees -

VOTE FAILS 4 TO 5 WITH COMMISSIONERS RODSTROM, LIEBERMAN, GUNZBURGER, GRABER, JACOBS VOTING NO.

COMMISSIONER GUNZBURGER: I'd like to move -

THE CHAIR: So we have no motion on contingency fees yet. Let's try again.

COMMISSIONER GUNZBURGER: I'd like to move the original language.

COMMISSIONER EGGELETTION: Wait a minute.

THE CHAIR: All right. We're now moving the original language.

COMMISSIONER EGGELETTION: I have a motion.

COMMISSIONER LIEBERMAN: Second.

THE CHAIR: All right. Now it's been moved and seconded.

COMMISSIONER JACOBS: But, we already voted on that motion.

COMMISSIONER GUNZBURGER: No, we didn't.

THE CHAIR: We never voted on the original language.

THE CHAIR: All those in favor -

COMMISSIONER EGGELETTION: Substitute motion.

THE CHAIR: Substitute motion.

COMMISSIONER EGGELETTION: Substitute motion, Mr. Chairman, it's just strike lines 15 and 16 on page eight. I move that as a substitute.

COMMISSIONER JACOBS: Fifteen and 16 on page eight -

THE CHAIR: All right. One has it and one doesn't. Okay.

Is there a second?

COMMISSIONER PARRISH: Wait a minute. Wait a minute. Changed to -

COMMISSIONER WASSERMAN-RUBIN: I'll second it for discussion. Because I need some clarification.

COMMISSIONER PARRISH: But, why would we define if it's allowed?

COMMISSIONER WASSERMAN-RUBIN: What -- are you trying --

THE CHAIR: He doesn't want contingent fees at all period. That's what he's doing. So, he's striking it. That's what he's doing.

THE CHAIR: So, it's really, it doesn't warrant discussion. He doesn't want any contingent fee.

THE CHAIR: Right, he wants it - he allows - doesn't want any prohibition for contingency fees. That's what I meant to say.

No prohibition for contingent fees.

And, Commissioner Lieberman's motion -

COMMISSIONER PARRISH: Well, why is he -

THE CHAIR: - has the original language here. Do you have a motion?

COMMISSIONER GRABER: I do.

THE CHAIR: All right.

COMMISSIONER GRABER: I have a substitute motion that strikes 15 and 16, but inserts all contingency fees must be --

COMMISSIONER LIEBERMAN: Must be disclosed?

COMMISSIONER GRABER: I'm trying to think -- all contingency fees must be disclosed including the amount of the contingency fee.

THE CHAIR: Okay.

COMMISSIONER LIEBERMAN: Okay.

THE CHAIR: I'll second that. Okay.

We'll vote on your motion first.

All those in favor of Commissioner Graber's to disclose all contingency - to permit contingencies, but they have to be disclosed -

COMMISSIONER LIEBERMAN: Right. In full.

THE CHAIR: - In full.

All those -

COMMISSIONER GUNZBURGER: If they are permitted.

THE CHAIR: He is -- his motion is to permit - for a contingency fees. Not if. His motion is to allow them, but to disclose them.

COMMISSIONER LIEBERMAN: Right.

THE CHAIR: All those in favor, signify by saying aye.

Aye.

Who were the ayes, raise your hand. One, two, three, four, five - okay. We've, we've made progress. All right.

Well, is there a no? Commissioner Gunzburger.

THE CHAIR: Is there a no? Commissioner Gunzburger.

COMMISSIONER PARRISH: And, me.

THE CHAIR: And, Parrish. Okay.

VOTE PASSES 7 TO 2 WITH COMMISSIONERS GUNZBURGER AND PARRISH VOTING NO.

THE CHAIR: This - thank you. Okay. We're done with that.

Next item, penalties. I think we'll move faster now. If we -

COMMISSIONER LIEBERMAN: If we move section 1-266.

COMMISSIONER WASSERMAN-RUBIN: Second.

COMMISSIONER JACOBS: What's 266?

COMMISSIONER LIEBERMAN: You know, it might be 265.

THE CHAIR: It's 1-26 - 1-265, penalties.

THE CHAIR: It's been moved and seconded -

COMMISSIONER SCOTT: Wow, wow, - I think we need to just look at this for a minute, Mr. Chairman. Could you please give us just a minute here to -

THE CHAIR: So, why don't you look at it and we'll come back because we don't want to sit here -

COMMISSIONER SCOTT: Well, I want, I want somebody to say what exactly are the penalties because -

THE CHAIR: Mr. Dion, why don't you give us the short abbreviated version.

MR. DION: All right. Any violation of this ordinance is supposed to be reported to either the County Administrator or the County Attorney who then is, is supposed to conduct an investigation.

And, our results would then be turned over to the Board. At that point in time, the Board may either warn, reprimand or censure the violator or may suspend or - prohibit the violator from appearing on behalf of anybody for a period of time not to exceed two years.

COMMISSIONER PARRISH: But -

THE CHAIR: Commissioner Parrish.

COMMISSIONER PARRISH: What about the company that engaged and paid the fees?

THE CHAIR: No mention of that.

COMMISSIONER PARRISH: See, I think the companies are guilty if they do it.

COMMISSIONER SCOTT: Mr. Chairman.

MR. DION: There's, there's nothing in the ordinance, though, Commissioner, that deals with companies. It's all directed to lobbyists including what Commissioner Graber's motion just, just did.

THE CHAIR: Commissioner Scott.

COMMISSIONER SCOTT: Right. And, and you wouldn't want to that because you, if somebody did hire a lobbyist, the fact that the lobbyist screwed something up shouldn't result in them like being like barred from whatever business or whatever. So, I think it's just the lobbyist.

THE CHAIR: Okay. All right. All those - we have a motion. Do we - is there a second to that motion?

COMMISSIONER JACOBS: I have a question.

THE CHAIR: All right. First of all, is there a second to the motion?

COMMISSIONER WASSERMAN-RUBIN: Yes.

THE CHAIR: All right. And, the question.

COMMISSIONER JACOBS: Line 20 here, actually it begins on line 19. The failure or refusal of any lobbyist to comply with any order of the Board suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall - does this mean as provided herein within this law --

THE CHAIR: Or in the context --

COMMISSIONER JACOBS: -- or elevated to some other level of law?

MR. DION: This would be, then be a violation of an ordinance which is a misdemeanor.

COMMISSIONER PARRISH: You're in jail on, how much money? Fifteen thousand?

MR. DION: No, it's 500.

COMMISSIONER JACOBS: Okay. And, that's if any portion of this -- I, I guess it just seems a little broad for me. So -

MR. DION: What the intent of this is, Commissioner, is that if you decide that someone is going to be suspended for let's say two years -

COMMISSIONER JACOBS: It would - you, you mean as a Board or okay -

MR. DION: The Board. If the Board decides to suspend the lobbyist for a period of two years, yet that person then goes and continues to lobby this Board, that's what that provision is for.

COMMISSIONER JACOBS: Oh.

MR. DION: That would then be a violation of an ordinance and, and further sanctions -

COMMISSIONER JACOBS: Okay. But, not the initial infraction.

THE CHAIR: No.

COMMISSIONER JACOBS: Okay. Very good.

THE CHAIR: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Then I realized I had filed an amendment to this -- thank you for bringing this up to me. It's even clearer. I had said before line 19, the intentional failure. So, if somebody who's on notice was told they couldn't do it and they continued to do it.

THE CHAIR: All right. So, anybody object to inserting the word intentional.

VARIOUS COMMISSIONERS: No.

THE CHAIR: Okay. All those in favor, signify by saying aye for this is penalties 1-265.

All those in favor, aye.

All those opposed, like sign.

Motion carries unanimously.

VOTE PASSES UNANIMOUSLY.

THE CHAIR: Okay. The cone of silence. Commissioner Parrish.

COMMISSIONER PARRISH: Yes. I put an amendment in, it's not -- I have no intention of voting for this. But, in case it passes --

THE CHAIR: Wow, wow, wow. No, no, no. If you're not going to vote for it, please.

COMMISSIONER PARRISH: No. But, in case it passes, I put --

THE CHAIR: Well, then, let's wait, let's wait --

COMMISSIONER PARRISH: -- add and land use and zoning matters.

THE CHAIR: Okay.

COMMISSIONER PARRISH: On A.

THE CHAIR: Commissioner Graber.

COMMISSIONER PARRISH: I -

THE CHAIR: Well, first of all, you're entitled to make a motion, is that a motion?

COMMISSIONER PARRISH: I put it as an amendment after in seven A, line seven starting A, it says: RFP's request for letters of interest, bid, or other competitor solicitation between then add: land use and land use and zoning matters. It's got - it's a matter - it's amendment to County Attorney prepared the sheet.

THE CHAIR: Okay. Is there a second?

COMMISSIONER JACOBS: I need to read it one more time.

THE CHAIR: All right, Commissioner --

COMMISSIONER PARRISH: It's only going to be an RFP and not land use and zoning matters?

COMMISSIONER LIEBERMAN: Are you going to support it?

COMMISSIONER PARRISH: Yeah. A portion of it.

COMMISSIONER GUNZBURGER: Yes. I'll second it.

THE CHAIR: Okay.

COMMISSIONER PARRISH: Oh, here it is. It's on this one, or land use and zoning matters.

THE CHAIR: Okay. It's been moved and seconded.

COMMISSIONER JACOBS: Does this mean, just to clarify.

COMMISSIONER GRABER: I have a substitute.

THE CHAIR: I'll recognize you in just a moment. We're just in the motion making stage. And, there's a motion and a second.

Commission Graber.

COMMISSIONER GRABER: Substitute amendment. Same page, page 11, line four, after solicitation --

COMMISSIONER JACOBS: Eleven.

COMMISSIONER PARRISH: Four, 11.

COMMISSIONER GRABER: Oh, wait. Let me see.

COMMISSIONER PARRISH: It's 10.

COMMISSIONER LIEBERMAN; Where are you?

COMMISSIONER WASSERMAN-RUBIN: We're on ten.

COMMISSIONER PARRISH: Right here, Ben.

COMMISSIONER GRABER: Let me see where I am because -

COMMISSIONER PARRISH: Down here.

COMMISSIONER GRABER: Where is solicitation.

COMMISSIONER PARRISH: If, or other competitive solicitation -- I'm adding in there, I'm adding it in there.

COMMISSIONER GRABER: Okay. Yeah. I -- it was incorrectly prepared.

Let me tell you where I'm looking. On line -

COMMISSIONER JACOBS: You're talking about B, line three, page 11.

COMMISSIONER GRABER: Let me just quickly -- I want the attorneys do it for me, but --

COMMISSIONER PARRISH: I'm reading it, it's right.

COMMISSIONER GRABER: -- Let me make sure --

COMMISSIONER PARRISH: I marked it, right there is yours.

COMMISSIONER GRABER: -- Oh, yes. On page -- okay. So, it's not a substitute. It's a separate amendment. Okay. It's a different amendment. It's on --

COMMISSIONER JACOBS: I have an amendment.

THE CHAIR: Commissioner Jacobs.

COMMISSIONER JACOBS: I would like to - I would like to strike on page 11, line three, item B.

COMMISSIONER LIEBERMAN: Page 11, line what?

COMMISSIONER JACOBS: Line three, item B.

COMMISSIONER GRABER: Oh, okay.

COMMISSIONER JACOBS: A Cone of Silence shall be applicable to each RFP, RLI bid or other competitive solicitations upon short listing.

COMMISSIONER WASSERMAN-RUBIN: Second.

THE CHAIR: You want it to take, you want it to - it will go into effect upon short listing.

COMMISSIONER JACOBS: Short listing.

THE CHAIR: And, when does it end?

COMMISSIONER JACOBS: I would think it ends after the County Commission votes on it.

THE CHAIR: Okay.

COMMISSIONER EGGELETION: Mr. Chairman, point of order.

THE CHAIR: Commissioner Eggelletion.

COMMISSIONER JACOBS: Not the committee, but the Board.

THE CHAIR: Is there, there's a motion?

COMMISSIONER JACOBS: Yes.

THE CHAIR: Is there a second? Seconded by Commissioner Wasserman.

COMMISSIONER EGGELETION: Mr. Chairman.

THE CHAIR: Okay. Commissioner Eggelletion. Point of order.

COMMISSIONER EGGELETION: Point of order. Where, where, while I might not disagree with that, but I think you can't just do it like that unless you, I mean, what she's saying is just add -- and I don't know what she's adding and taking it out.

COMMISSIONER PARRISH: We can't hear you, Joe.

COMMISSIONER EGGELETION: - You just got to make it a little bit plainer to me what you're doing.

COMMISSIONER JACOBS: I'm actually making --

COMMISSIONER EGGELETION: And, explain where you did it, I don't know what you're doing.

COMMISSIONER JACOBS: Okay. What I did was I changed, it's actually on line four that it changes. But, it's easier when you read the whole sentence. Starting on line three, page 11, item B, it would read with my change: A cone of silence shall be applicable to each RFP, RLI bid or other competitive solicitation upon short listing period.

COMMISSIONER GUNZBURGER: [Inaudible]

COMMISSIONER JACOBS: Because advertising to me is just too difficult to juggle everything that's hits the street at once. There's too many of them out there. The ones that are short listed it's narrowed down, it's easier to keep track of.

THE CHAIR: Okay. Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah. Those two amendments are inconsistent.

The reason they're inconsistent is because Commissioner Parrish adds land use and zoning, and we don't short list for land use and zoning. So, they're mutually exclusive unless you otherwise fix the section.

COMMISSIONER SCOTT: Is it a substitute?

COMMISSIONER LIEBERMAN: So, I would suggest is that you say - that you differentiate the subsection B, that this is only for purchasing and doesn't in any way affect any of the other portions of the subsection.

COMMISSIONER SCOTT: But, this hasn't been adopted yet.

THE CHAIR: Hold just a moment. No, it hasn't.

COMMISSIONER LIEBERMAN: No, I'm just saying, we have two inconsistent motions on the floor. So, if -

THE CHAIR: Well, that's nothing new.

COMMISSIONER LIEBERMAN: If that's the intent, you need to make clear so that you don't end up with one card -

COMMISSIONER JACOBS: Well, this is my - I don't accept it as a change -

THE CHAIR: Hold. Commissioner Scott - let's -

COMMISSIONER JACOBS: - a change only because I did not support Lori's initial change to add land use and zoning.

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER JACOBS: -- because ordinances aren't in there, and there's a lot of other things-

COMMISSIONER LIEBERMAN: Okay. I'm just raising -

COMMISSIONER JACOBS: So, as regarding this - about procurement. It's not about the other three things that need to be found somewhere.

COMMISSIONER SCOTT: Mr. Chairman.

THE CHAIR: Commissioner Scott.

COMMISSIONER SCOTT: Mr. Chairman, which motion are we on? Are we on the motion about the short listing or are we on the land use?

THE CHAIR: We are on -

COMMISSIONER SCOTT: Zoning?

THE CHAIR: - We are - well, Commissioner Parrish just sort of went off the track here. I think we should deal with that separate and apart from this.

COMMISSIONER LIEBERMAN: Yeah.

THE CHAIR: We should, you know, and she said if thing passes or doesn't pass, that she wants to address that. So, let's - we'll get to that, but let's get to this first.

COMMISSIONER SCOTT: Okay. Thank you.

COMMISSIONER PARRISH: Or you'll go back to doing it --

THE CHAIR: Yeah. Sure. We'll still be -- hear it, but let's just take it in sequence. Okay.

To close?

COMMISSIONER PARRISH: Yeah, to just -

THE CHAIR: Yeah.

COMMISSIONER PARRISH: I do that because my -- my cone of silence has always been and will always be at short list. But, it's like, I don't know that it's right to impose my philosophy on somebody else's office.

COMMISSIONER JACOBS: Well, if we vote for it, then you're not.

THE CHAIR: We do that all the time. Okay. I wish you wouldn't impose your philosophy on me. But, by God - that's the breaks.

COMMISSIONER PARRISH: Well, you know -

THE CHAIR: No. I'm kidding, I'm kidding.

COMMISSIONER PARRISH: No, but you - I don't have an airport card, but I defend you all's rights to have one.

COMMISSIONER JACOBS: I don't have one.

THE CHAIR: I don't have one either. All right. Let's not. Wow, time out. Let's stay out of the airport cards.

All right. Here we go.

The most recent motion was -

COMMISSIONER PARRISH: To short list -

COMMISSIONER JACOBS: Mine.

THE CHAIR: Kristin's. And, would you repeat your motion?

COMMISSIONER JACOBS: My motion is on page 11, line three, item B, the sentence would read: a cone of silence shall be applicable to each RFP, RLI, bid or other competitive solicitation upon short listing period.

THE CHAIR: Okay. And, the next substitute motion was Commissioner Graber's.

COMMISSIONER PARRISH: He withdrew it.

COMMISSIONER GRABER: I -

THE CHAIR: And, you withdrew it -

COMMISSIONER GRABER: - I have a separate amendment after this.

THE CHAIR: Okay. And, Commissioner Parrish, then her motion - no, it was Commissioner Lieberman -

COMMISSIONER PARRISH: You said we'd deal with it separately.

THE CHAIR: - was the original motion, wasn't it?

COMMISSIONER GUNZBURGER: No.

COMMISSIONER JACOBS: No.

THE CHAIR: Who had the original motion? You had the original motion.

And, that was just to accept the language as it was in the document?

COMMISSIONER LIEBERMAN: Yeah. And, I seconded that.

THE CHAIR: Okay. And, you seconded it. Okay.

So, we'll vote on Commissioner Jacobs' motion first.

All those in favor of Commissioner Jacobs' motion, signify by saying aye.

Aye.

All those opposed.

COMMISSIONER GUNZBURGER: I'm going to take what I can get.

THE CHAIR: Right. That's my attitude.

COMMISSIONER LIEBERMAN: Okay.

THE CHAIR: All right. You want to change your vote?

COMMISSIONER LIEBERMAN: Yep. You bet.

THE CHAIR: All right. Unanimous.

VOTE PASSES UNANIMOUSLY.

THE CHAIR: You want to vote no?

COMMISSIONER GRABER: I have an amendment.

THE CHAIR: All right. Hold on.

Right now, that passed unanimously to accept -

COMMISSIONER GUNZBURGER: Now, I'm ready to withdraw my motion.

THE CHAIR: - Right. Your withdrawing your motion -

COMMISSIONER LIEBERMAN: Yeah. I only heard three people say aye on that motion.

THE CHAIR: All right. All right.

All those in favor, say aye.

It passed unanimously.

All those opposed, nay.

There aren't any nays.

Okay. It's unanimous

VOTE PASSES UNANIMOUSLY.

THE CHAIR: All right.

COMMISSIONER GUNZBURGER: Now we have a cone of silence.

THE CHAIR: Now we have a cone of silence -

COMMISSIONER SCOTT: No. No. No. No. That was the amendment -

THE CHAIR: No. No. No.

COMMISSIONER SCOTT: That was Jacobs' amendment because we still got Parrish's amendment -

THE CHAIR: Well, hold on. Well, Parrish's, I'm going to take now.

COMMISSIONER SCOTT: But, that was her amendment to -

COMMISSIONER JACOBS: Right. -

COMMISSIONER SCOTT: - Make it -

COMMISSIONER PARRISH: That's when the cone of silence started.

COMMISSIONER SCOTT: - to change that one word.

THE CHAIR: When it takes effect. Okay. Now, let's vote on the motion on the cone of silence. Is that what you're saying?

COMMISSIONER SCOTT: Well, no, I'm saying you got an amendment to it of Commissioner Parrish.

COMMISSIONER GRABER: I have an amendment to the cone of silence.

COMMISSIONER PARRISH: Me, too.

THE CHAIR: Okay. Go ahead.

COMMISSIONER SCOTT: Because one amendment to the cone of silence, now you've got to do the other amendment.

THE CHAIR: All right. You're absolutely correct. I stand corrected.

Commissioner Graber.

COMMISSIONER GRABER: I have an amendment. My amendment is on page 11, line four. Page 11, line four, after solicitation strike upon advertisement of the competitive solicitation -

COMMISSIONER WASSERMAN-RUBIN: It's gone.

COMMISSIONER GUNZBURGER: It's gone.

COMMISSIONER PARRISH: We did - she just did that -

COMMISSIONER LIEBERMAN: It's gone.

COMMISSIONER GRABER: Oh, did you eliminate that?

THE CHAIR: She did.

COMMISSIONER GRABER: You got rid of all of that -

COMMISSIONER JACOBS: Yes. I changed it to short listing.

THE CHAIR: Yes. Yes.

COMMISSIONER GRABER: Oh, to short listing. Okay. Then, then I have an amendment.

THE CHAIR: Okay. Go right ahead.

COMMISSIONER GRABER: To, to delete the - the term short listing. Same line, delete short listing.

COMMISSIONER LIEBERMAN: So, it applies from the beginning.

COMMISSIONER GRABER: It applies for everything. That's a true cone of silence.

The reason behind this is that a cone of silence - there are too many people who have a leg up on this information. So, if you have - a real true cone of silence, we can never discuss it. Or, you don't have a cone of silence.

In other words, you cannot create a situation that favors certain people over others. And, no matter what you use a cone of silence, someone is always going to have an advantage.

So, we either talk to no one or we talk to everyone. That's the only way it's going to work.

THE CHAIR: Commissioner Eggelletion.

COMMISSIONER EGGELETION: Mr. Chairman, I agree. But, I also some amendment - I agree with Commissioner Graber's point and that is, you know, you ought to have a cone of silence of what you're creating here is just a sieve. And, I don't have any intention on voting for a sieve. So -

THE CHAIR: What is your amendment?

COMMISSIONER EGGELETION: I would like to further strike on page 11, if you're going to have a complete-- and I think this would give us a, a complete cone of silence. On page 11, lines 19 through 22, I'd like to strike that. In addition, on page 12 -

COMMISSIONER PARRISH: Wait a minute. Are you saying, they can't do that?

COMMISSIONER EGGELETION: Absolutely. I mean, you, I mean, previously up, up front at the top, you've already said that the cone of silence shall apply once the RFP is out -

Now, you can't come down here in section four and say for the purpose of communicating in writing any employee or official for the purpose of seeking clarification of information, you've got to do that beforehand because you can violate the cone of silence.

In addition, I would like to go over to page 12, lines one through seven, and strike all said lines. Lines one through seven. Just strike that. Because what that does is it will allow me to communicate, but it won't allow the person who is in the bidding process to communicate. That is not a cone of silence. That's a joke.

THE CHAIR: Okay.

COMMISSIONER EGGELETON: And, what we need to do it, we need to be honest or we need to get out of this cone of silence business.

THE CHAIR: Okay. Is there a second?

Motion dies for lack of second.

COMMISSIONER PARRISH: We've already made a motion to delete part of that.

THE CHAIR: All right. Your motion dies for lack of second.

COMMISSIONER GUNZBURGER: Well, maybe I can help him.

THE CHAIR: Commissioner Lieberman.

COMMISSIONER GUNZBURGER: I'm still Commissioner Gunzburger.

THE CHAIR: I'm sorry. Commissioner Gunzburger. That's the first time I really did it.

COMMISSIONER GUNZBURGER: That was this morning -

THE CHAIR: Well, that didn't count.

COMMISSIONER GUNZBURGER: You mean that was a gimme.

THE CHAIR: That was a gimme.

COMMISSIONER LIEBERMAN: That's the one free bite rule.

COMMISSIONER GUNZBURGER: Commissioner Eggelton, I think I may have a solution. That when anybody wants written, wants information after the cone of silence is imposed, which is at short listing, you request it in writing and it is shared with all members of the selection process in writing. So, that there is no information that you get privately or our vendor gives you privately that the entire committee does not have.

And, that would be my motion.

THE CHAIR: Is there a second?

COMMISSIONER LIEBERMAN: Second.

COMMISSIONER WASSERMAN-RUBIN: Yes.

THE CHAIR: All right. That's seconded. Commissioner Parrish.

COMMISSIONER PARRISH: I'll always want to be able to talk to the County Attorney or the County Administrator.

COMMISSIONER GUNZBURGER: Yes.

COMMISSIONER PARRISH: Without putting it in writing because sometimes you want, you want advice.

COMMISSIONER GUNZBURGER: No. That's just for us. We're talking about vendors.

COMMISSIONER LIEBERMAN: This is if you wanted information from a vendor.

COMMISSIONER WASSERMAN-RUBIN: It's for them.

COMMISSIONER PARRISH: Oh. I don't care about that.

COMMISSIONER WASSERMAN-RUBIN: No, I understand that.

COMMISSIONER GUNZBURGER: No, I'm not talking about the attorney or the administrator.

THE CHAIR: Commissioner Scott.

COMMISSIONER SCOTT: Well, you are talking about if a Commissioner requests information, they're all going to -

COMMISSIONER GUNZBURGER: From a vendor.

COMMISSIONER LIEBERMAN: From a vendor.

COMMISSIONER SCOTT: Well, I understand that. I, I really think that's, that's, that's a really bad idea, because what you're now doing is you're afraid to ask a question. You can't really talk about without it being like totally, I mean, people read things into questions you ask.

I don't, I don't think that's a good idea. I think we should leave this -- if you're going to have this cone of silence on short listing, it should be left like it is and not try to, try to make it more complicated where you've got to have a - if you can't ask a question of a vendor or without it being distributed to everybody in, I mean, I think you ought to be able to ask the question.

THE CHAIR: Okay. We have a motion - Jacobs, Commissioner Jacobs.

COMMISSIONER JACOBS: Diana and I are majorly concerned. It seems like what just got described is what is already there.

COMMISSIONER WASSERMAN-RUBIN: Yeah.

THE CHAIR: Right.

COMMISSIONER WASSERMAN-RUBIN: Because it says nothing contained herein shall prohibit anyone from communicating -

COMMISSIONER JACOBS: Prohibit the vendors from writing -- putting in writing -- putting anything --

THE CHAIR: Correct. That's exactly - but, he's still is entitled to his opinion, but it's exactly the way it's written here. Okay.

COMMISSIONER JACOBS: Okay. So, - what are we now voting on?

COMMISSIONER SCOTT: We're trying to change it.

COMMISSIONER JACOBS: So, what are we voting on then?

COMMISSIONER LIEBERMAN: No. She, she just banned it.

THE CHAIR: She's right.

COMMISSIONER LIEBERMAN: Here's what she said, if I may, as a point -- point of clarification.

That if a County Commissioner wants to initiate a conversation with a vendor, you communicate that concern in writing, they respond in writing. So, that you have a written record and there's nothing off the record that violates the cone of silence.

You're just providing a document that -

THE CHAIR: Tightening it up.

COMMISSIONER JACOBS: Okay. Right. Where, where is that --

THE CHAIR: Tightening it up.

COMMISSIONER JACOBS: -- Line, is that on page 12?

THE CHAIR: Not here now.

COMMISSIONER WASSERMAN-RUBIN: Okay. She wants to tighten it up -

COMMISSIONER JACOBS: Where is it -

COMMISSIONER WASSERMAN-RUBIN: - Eleven, and you had 11 -

COMMISSIONER JACOBS: Twelve? Line four?

COMMISSIONER LIEBERMAN: It is on 12.

COMMISSIONER JACOBS: - Item E?

COMMISSIONER GUNZBURGER: Item D -

I mean this is where I saw it -

COMMISSIONER JACOBS: - Item E -

COMMISSIONER PARRISH: There's nothing that prohibits this.

COMMISSIONER GUNZBURGER: It would go in E. It would be part of -

COMMISSIONER PARRISH: We should just leave this alone.

THE CHAIR: Okay. Let's see if us -- let's try to keep track of the motions we have.

COMMISSIONER GUNZBURGER: This would be in E.

THE CHAIR: We have you're substitute motion.

COMMISSIONER WASSERMAN-RUBIN: In writing, she's adding in writing to E.

THE CHAIR: Right. All right. And, working back we have Commissioner - who is the next item, the motion, the maker of the motion - who?

MR. DION: Commissioner Graber.

THE CHAIR: Graber, you had a motion.

And, that was -

COMMISSIONER GRABER: Can I ask you - where -

THE CHAIR: You wanted it to apply all the time, any time.

COMMISSIONER GRABER: Right. But, it - the - that's -

THE CHAIR: But, yours never got a second.

COMMISSIONER GRABER: - I don't, I don't -

THE CHAIR: Is there a second to Commissioner Graber's motion?

COMMISSIONER GRABER: Well, I withdraw it. But, let me ask a question.

On the short listing, if the cone of silence goes in at short listing -

THE CHAIR: Right.

COMMISSIONER GRABER: - that allows full communication until that time?

THE CHAIR: Correct. No. There was no second. That's all she's saying.

COMMISSIONER GRABER: Right.

THE CHAIR: Okay.

COMMISSIONER JACOBS: With it.

COMMISSIONER PARRISH: He allows it to -

COMMISSIONER GRABER: That would allow all communication until short listing first. Correct?

COMMISSIONER JACOBS: Short listing.

COMMISSIONER GUNZBURGER: Yes.

THE CHAIR: And, then there'd be no communication.

COMMISSIONER GRABER: And, then a short listing -

COMMISSIONER PARRISH: Except in writing.

COMMISSIONER GRABER: - that's when it stops.

COMMISSIONER JACOBS: Until it's passed by the County Commission as Board.

COMMISSIONER GRABER: Now, what happens if, if for some reason something happens that the short listing on another meeting has to be held? Is it still a cone of silence at that point? Sometimes you get in there and some reason - there's some debate and nothing happens.

THE CHAIR: Then, it wouldn't - according to what you're saying, if it's only a short listing, you haven't short listed it, you still can talk.

COMMISSIONER GRABER: So, as long as it's not completed you could still talk.

Okay. I'll withdraw my amendment.

THE CHAIR: Okay. All right. So, Commissioner Lieberman, your -

COMMISSIONER GUNZBURGER: I'm still -

THE CHAIR: I'm sorry. Geez. why am I still -

COMMISSIONER PARRISH: Three times.

THE CHAIR: Commissioner, now, now, it's getting out of control.

Commissioner Gunzburger.

COMMISSIONER SCOTT: It's only in writing that you can even -

COMMISSIONER GUNZBURGER: After short listing.

THE CHAIR: After short listing.

COMMISSIONER WASSERMAN-RUBIN: After short listing.

COMMISSIONER GUNZBURGER: And, then it's shared with all the members of the committee.

COMMISSIONER LIEBERMAN: Right. You put it in writing, then it's in writing, and it's part of the record.

COMMISSIONER PARRISH: No. Here.

THE CHAIR: It's Commissioner Gunzburger's motion, so -

COMMISSIONER JACOBS: It's on page 12, line E -

THE CHAIR: She's saying that, it's her motion, she's amending it.

COMMISSIONER WASSERMAN-RUBIN: Yes.

THE CHAIR: Okay. All those in favor of Commissioner Gunzburger's motion, signify by saying aye.

Aye.

Okay. I'll -

COMMISSIONER PARRISH: But, do you understand -

THE CHAIR: All right. How many - all the ayes -

COMMISSIONER PARRISH: Question if -

THE CHAIR: - Graber, -

COMMISSIONER JACOBS: Yes, you can. You just have to put it in writing.

THE CHAIR: - Please. Graber, Lieberman, Wasserman-Rubin, Jacobs, Rodstrom, and Gunzburger.

And, the no's are Scott, Eggelletion and Parrish.

Motion passes.

VOTE PASSES 6 TO 3 WITH COMMISSIONERS SCOTT, EGGELETION AND PARRISH VOTING NO.

THE CHAIR: Now, your motion.

COMMISSIONER PARRISH: Mine?

THE CHAIR: Well, let -- I think we should pass this cone of silence first.

Have we got all the amendments to the cone of silence, we'll come -- we'll get yours right after.

COMMISSIONER PARRISH: But, the cone of silence I wanted to apply to land use and zoning.

THE CHAIR: Then, fine. Then, we'll - fine. But, it's, it's outside of the purchasing, so we don't have that in front of us -

COMMISSIONER PARRISH: We need a separate motion -

THE CHAIR: We need a separate motion, but you can put -

COMMISSIONER PARRISH: Well, let them just put it in there and let them develop what goes with it.

THE CHAIR: Right. We'll instruct the County Attorney and direct the County Attorney -

COMMISSIONER JACOBS: We need to direct the County Attorney.

THE CHAIR: We'll direct the County Attorney -

COMMISSIONER PARRISH: But, they showed it to me. It goes in right here. See, on page 10, line eight -

THE CHAIR: Okay.

COMMISSIONER: - Where it says, or other. You strike, or other -

THE CHAIR: Mr. Dion, can we do this?

MR. DION: With some, some technical amendments in other parts of this. You know, as far as when it goes into effect or something like that. But, it, if you want to put that in, we can do that.

COMMISSIONER PARRISH: We don't do land use and zoning, this is window dressing.

THE CHAIR: Commissioner, it' been moved -

COMMISSIONER JACOBS: We need to do that separately, because you're going to have to --

THE CHAIR: Can we just move it after we do the cone of silence.

I intend to vote for it, Commissioner Parrish. I intend to vote for it.

COMMISSIONER GUNZBURGER: - for that as well.

THE CHAIR: Right.

COMMISSIONER PARRISH: It is in the -

THE CHAIR: I intend to vote for it. So just, just - please not complicate it. All right.

All those in favor of the cone of silence, signify by - as amended, signify by saying aye.

Aye.

All those opposed.

No.

Okay. One no. All right.

Cone of silence passes.

VOTE PASSES 8 TO 1 WITH COMMISSIONER EGGELETTION VOTING NO.

COMMISSIONER PARRISH: Then I want, Mr. Chair.

THE CHAIR: You're going to be next.

COMMISSIONER GRABER: Mr. Chair. I've a - I have a question.

THE CHAIR: Yes.

COMMISSIONER GRABER: Over what we just did.

Mr. Dion, if now we have this cone of silence and this happens at the S/NC committee and let's say that only two or three members are at that meeting, that means that the rest of the members really can no longer have discussions once that short listing has occurred. Is that correct?

This may have the impact of, of increasing attendance at S/NC committee meetings, I think. You realize that -

THE CHAIR: Let's - we're off the subject. Let's keep moving.

COMMISSIONER GRABER: Okay.

THE CHAIR: Registration of lobbying contacts.

Has somebody moved Item 267?

COMMISSIONER JACOBS: We're on a roll.

COMMISSIONER PARRISH: Move it.

THE CHAIR: It's been moved and seconded. Any discussion?

COMMISSIONER PARRISH: Wait. Wait. Wait.

COMMISSIONER EGGELETTION: Yeah. Wait a minute. Wait a minute.

COMMISSIONER LIEBERMAN: Just -

COMMISSIONER PARRISH: Where are you at?

THE CHAIR: You sign the book.

COMMISSIONER EGGELETTION: Mr. Chairman.

COMMISSIONER PARRISH: He amended it.

THE CHAIR: Commissioner Eggelletion.

COMMISSIONER EGGELETTION: On page 12, lines 20, in order to bifurcate the question we need to insert the word here, persons. You know, where you have all lobbyists on -

COMMISSIONER JACOBS: Right, everybody signs in if they're a lobbyist.

COMMISSIONER LIEBERMAN: Right. All persons.

COMMISSIONER EGGELETTION: - So, -

COMMISSIONER JACOBS: Right.

COMMISSIONER LIEBERMAN: I'll accept that as a friendly amendment. All persons must sign in every department in the - whatever we're calling the registration book.

COMMISSIONER PARRISH: It's not, it's, it's at the time of visit or contact -

THE CHAIR: All right. Through the Chair, please. Commissioner Scott.

COMMISSIONER SCOTT: Right. Mr. Chairman, the last -

COMMISSIONER LIEBERMAN: All persons at the time of contact.

COMMISSIONER SCOTT: - Sentence in that section, the top of page 13, says that if they, if someone engages in lobbying, that the lobbyist shall provide the information within seven days.

And, we've got, we've got lobbyists saying, well I talked to Commissioner Lieberman -

COMMISSIONER LIEBERMAN: Yeah.

COMMISSIONER SCOTT: And, so and so about whatever. That's totally off - that's been inserted in this, that's different than what we talked about of having people sign in so we know when they come to do business.

And, to have them, they can file whatever they want to. Or, they could be on the opposite side of how the Commissioner feels and they could say that they talked and, I guess, that - it gets reported to the County Administrator.

I mean, I don't understand that you can't even, I mean, if you read this, this is what it's going to say is that if a lobbyist speaks to a Commissioner about something outside the office, that they've got to report to the County Administrator within seven days that they spoke to the Commissioner.

And, I just, you know, I think that's beyond the subject of what we were talking about with the sign. They don't do that in Washington or anywhere else. So, I mean, so, I think that's a little bit - while it's not the carrying around of the book that the member has to report. You got other people out there filing reports and saying that they lobbied you at, at wherever.

THE CHAIR: Do you have a motion?

COMMISSIONER PARRISH: John?

COMMISSIONER SCOTT: No. I move to strike it.

THE CHAIR: Move to strike it. Is there a second?

COMMISSIONER EGGELETON: Second.

THE CHAIR: Second. Okay. Commissioner, I had Commissioner Lieberman, Commissioner Jacobs.

COMMISSIONER LIEBERMAN: Okay. You're striking everything from line three through line six on page 13?

COMMISSIONER SCOTT: Yeah. Because the requirement that, that, that there's report of information. I mean, I don't know --

COMMISSIONER PARRISH: You're talking about some of the social events?

COMMISSIONER SCOTT: Yeah. Where they say, well, by the way, there's this or that, then they got - they file a report. You may not even remember this as well -

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER SCOTT: - they lobbied you at so and so, you know, like, I mean, -

COMMISSIONER LIEBERMAN: Let me speak against the motion. I mean, maybe you need a longer period of time to file it. But, if you're requiring every person who comes to the County to sign in and register, then by striking this section versus give them a month to file it or, you know, two weeks or whatever, then you can actually skirt the entire intent of the ordinance by just having your meetings outside of the building. And, I don't think that's intended, because that would actually make mockery out of the sign in.

So, you know, initially my concern was when we were asking the lobbyist to file it versus the Commissioners to indicate it, was what happens if a lobbyist says they met with you and they didn't. But, I would say that the way to deal with that is we can ask that anytime those statements are filed, that the Commissioner named in that statement get a copy of it, and if we didn't meet with them, you can certainly indicate we didn't meet with them and it's in the record.

COMMISSIONER LIEBERMAN: But, otherwise what happens is there are people who will just always meet outside this building.

THE CHAIR: Okay. Any other amendments? All right.

Commissioner Scott's amendment. It's been moved and seconded.

Any, any - all -

COMMISSIONER SCOTT: Mr. Chairman, I just want to say one thing.

THE CHAIR: Yes.

COMMISSIONER SCOTT: See, I think, I think the point here - I'm, I'm not afraid of, of somebody talking to him and to have to record it, I mean, that's getting like, kind of pretty big brotherish.

I mean, I don't see what's -- why you want to have people going around filing reports and with the County Administrator. It's one thing to file reports with some, you know, official like -

COMMISSIONER PARRISH: We're not in Tallahassee.

COMMISSIONER SCOTT: - ethics thing or something. But, I mean, I, I just think you -

COMMISSIONER LIEBERMAN: As a point of clarification -

THE CHAIR: Commissioner Gunzburger had her hand up first.

COMMISSIONER GUNZBURGER: Thank you. Good, John.

I, I think that perhaps if we don't have this in, Commissioner Scott, some lobbyist, not those present, of course, may decide that the easiest way to not have everything out in the open is to manage to see people outside of the office. Or, telephone people. And, therefore they would be skirting the whole ordinance and there are - then you lose it.

COMMISSIONER SCOTT: Is this - maybe I'm mixed up. Is this only with the short listed -

COMMISSIONER GUNZBURGER: Yes.

COMMISSIONER SCOTT: All right. Okay. Never mind. I'll withdraw the amendment.

THE CHAIR: All right. The amendment has been withdrawn. Commissioner Parrish.

Commissioner Lieberman, Commissioner Parrish, Commissioner Graber -

COMMISSIONER PARRISH: No, leave your amendment.

THE CHAIR: Commissioner -

COMMISSIONER SCOTT: See, this is any lobbyist, it's not a cone of silence.

COMMISSIONER GUNZBURGER: Right.

THE CHAIR: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER PARRISH: I can't believe this.

COMMISSIONER LIEBERMAN: As a point of clarification. They're not asking them to disclose what was being discussed. They're only asking them to disclose if they had a discussion. It's identical to signing in.

COMMISSIONER GUNZBURGER: It's like quasi judicial.

COMMISSIONER PARRISH: No. No.

THE CHAIR: Commissioner Parrish and Commissioner Graber.

COMMISSIONER PARRISH: Let me tell you what happens in real life. Most of us go to large social events. There is a large crowd of people --

THE CHAIR: I must stop --

COMMISSIONER PARRISH: Any of us who walk through the room -- I ended up with messages written on napkins or paper or the back of a business card. Then you get home and you have a packet full of these messages and you try to turn them into a fax or e-mail to your office.

Nine times out of ten what I try and do is hand them a card. Circle the front or back according to which office you're referring them to. And, the names of one of my aides and say, good luck to discuss this with you, but I probably won't remember all of this. Will you call my office and make and make an appointment.

I just think to ask us to try and remember every remote issue --

COMMISSIONER GUNZBURGER: Not us -- not us.

COMMISSIONER PARRISH: -- I know. But, if you ask us to do it, how are you going to ask somebody else? You can have the most casual of conversations which either side may or may not remember. And, then to have a penalty for it when it had no value.

I mean, I just, I don't, see, I don't believe that any of you should be taken to breakfast, lunch or dinner by a lobbyist. I don't think you should be. But, so, if you do that, it's your integrity. That's your business. I, I believe in all of you. You know, you all decide.

But, I just don't think - I think that the requirement is just too much. It, it -

COMMISSIONER SCOTT: Mr. Chairman, I have a question.

COMMISSIONER PARRISH: - I, I worry that something innocent will cause a problem.

COMMISSIONER SCOTT: I have a question of the County --

THE CHAIR: All right. I have, I still have -

COMMISSIONER GRABER: Mr. Chairman, I have a question.

THE CHAIR: - I still have Commissioner Graber, then Jacobs, then you'll be recognized. Graber.

COMMISSIONER SCOTT: Someone - he needs to clarify something that was just said, the County Attorney.

COMMISSIONER GRABER: It's a question I have. In section 1-267, page 12, line 20, where it says lobbyist logs maintained -

COMMISSIONER LIEBERMAN: Page 12?

COMMISSIONER GRABER: Page 12, line 20 -

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER GRABER: - where it says the lobbyists logs maintained and available in the office reception areas of the Board of County Commissioners. Some of us have satellite offices. Does that include those satellite offices as well?

COMMISSIONER LIEBERMAN: Yes.

COMMISSIONER PARRISH: Yes.

COMMISSIONER GRABER: Now, I don't know. Some of our staffing out there is volunteers and things like that. Is it - we already have the lobbyist required to notify us within a period of time. Do we also need to have that at the satellite office?

COMMISSIONER PARRISH: I spend more time there than here.

THE CHAIR: Okay -

COMMISSIONER GRABER: That is - so, that does include that. Okay.

THE CHAIR: So, Commissioner Jacobs.

COMMISSIONER JACOBS: I would just like clarification. Does this - is this only as it relates to a cone of silence for an RFP process or is it every single contact ever made on any subject every by a lobbyist?

COMMISSIONER PARRISH: Right.

COMMISSIONER JACOBS: -- Mr. Dion?

MR. DION: Thank you, Commissioner. This would be any time that a lobbyist engages in lobbying.

COMMISSIONER SCOTT: On anything.

COMMISSIONER JACOBS: Ever --

MR. DION: -- On, for an ordinance --

COMMISSIONER JACOBS: -- Irregardless.

MR. DION: -- for a land use deal for anything.

COMMISSIONER JACOBS: Okay.

THE CHAIR: Commissioner Scott.

COMMISSIONER SCOTT: Right. I want to know who a lobbyist is. It says, in the event a lobbyist engages - is it the paid lobbyist, is this Charlotte Mather, is it Wil Trower at the District?

COMMISSIONER LIEBERMAN: That goes to the definition of a lobbyist.

COMMISSIONER SCOTT: I mean, you see, I mean, to, to say that -- I know, but this definition, this definition seems to include a lot, a lot of other people.

I mean, I'm telling you, this is like some kind of big brother thing. If ever anybody talks to somebody about one thing, they've got to go file or they're a criminal.

THE CHAIR: But, this is gone beyond what we anticipated

COMMISSIONER PARRISH: Right.

THE CHAIR: -- I think, what we talked about last time.

COMMISSIONER PARRISH: Right.

THE CHAIR: We just talked about a log book here. Let's sign a log book here. Everybody said yes. We never talked about taking a log book with us on the road -

We said the log book would be here in this building and that's what this is all about. I mean. Does - okay. Can we just -

COMMISSIONER GRABER: Can we take that out -

THE CHAIR: Can we take -

COMMISSIONER PARRISH: Yes.

THE CHAIR: Can we just take that out and just -

COMMISSIONER PARRISH: Right.

THE CHAIR: - And, just -

COMMISSIONER JACOBS: Section 1-267 -

THE CHAIR: Right.

COMMISSIONER SCOTT: Can, can, can we just -

THE CHAIR: And, that there will be a log book maintained and when they come here to the building, they will sign in. Period.

COMMISSIONER SCOTT: Well, I call the vote.

COMMISSIONER LIEBERMAN: On a point of information.

THE CHAIR: Sure.

COMMISSIONER LIEBERMAN: This isn't the only place people visit where there is a --

THE CHAIR: I understand that.

COMMISSIONER LIEBERMAN: -- You have -- wait a minute -- you have one University Drive. The intent was to have this sign-in and it says very clearly, at each -- at the office reception area of the Board of County Commissioners -- Department of County government --

THE CHAIR: So, it's district offices would apply -

COMMISSIONER PARRISH: Everywhere.

COMMISSIONER LIEBERMAN: Yeah.

THE CHAIR: Right.

COMMISSIONER LIEBERMAN: It's just a sign-in.

THE CHAIR: Right. Sign-in.

COMMISSIONER PARRISH: We've got them in there, we've had it for months.

THE CHAIR: Okay. Right. Sign-in. Whether it's this office or the district office, it shouldn't matter.

COMMISSIONER LIEBERMAN: Yeah. Why would -

THE CHAIR: I'm just talking about -

COMMISSIONER SCOTT: You're striking the to filling of a report -

THE CHAIR: Right.

COMMISSIONER PARRISH: No, you're just -

COMMISSIONER LIEBERMAN: Well, that's on page 13, lines three through six.

THE CHAIR: Right.

COMMISSIONER JACOBS: You're right.

THE CHAIR; Right. Okay. That's what it - so, there's -

COMMISSIONER PARRISH: But, the County office is One University Drive. That's a County office.

COMMISSIONER SCOTT: So, all we're trying to strike is everything else.

COMMISSIONER PARRISH: Right.

THE CHAIR: Okay.

COMMISSIONER PARRISH: The seven-day stuff.

THE CHAIR: Right. We'll keep a log.

COMMISSIONER JACOBS: The line would begins with, in the event that A --

THE CHAIR: Right.

COMMISSIONER JACOBS: -- and ends with seven calendar days of lobby.

COMMISSIONER PARRISH: Right.

THE CHAIR: Right.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER JACOBS: Line three, page 13, the sentence that begins in the event --

COMMISSIONER PARRISH: Right.

COMMISSIONER JACOBS: -- and, ending with line six.

COMMISSIONER GUNZBURGER: What it means is they can lobby by telephone -

THE CHAIR: Absolutely. We're not going to be able to - that's was not what was intended that we would restrict that.

COMMISSIONER PARRISH: Let me tell you something -

THE CHAIR: All right. Let's vote. We're ready. Come on. All right.

COMMISSIONER LIEBERMAN: Which is the substitute motion.

THE CHAIR: -- all those in favor -- of the substitute motion striking this language -

COMMISSIONER PARRISH: Striking?

COMMISSIONER LIEBERMAN: Striking.

THE CHAIR: - Striking, stricken -

COMMISSIONER PARRISH: Striking Gunzburger.

THE CHAIR: - striking three through six, okay?

COMMISSIONER PARRISH: Just those parts.

THE CHAIR: Just that part.

All in favor, signify by saying aye.

Aye.

All those opposed.

Nay. Okay. We have two nays. Lieberman and Gunzburger.

VOTE PASSES 7 TO 2 WITH COMMISSIONERS LIEBERMAN AND GUNZBURGER VOTING NO.

THE CHAIR: Okay. And, so, on the - that section, let's -

COMMISSIONER JACOBS: I'll move that we, we move section 11 altogether.

THE CHAIR: And, section 267 - Section 267 and let's have a motion to pass 267 -

COMMISSIONER LIEBERMAN: As amended.

THE CHAIR: - As amended -

COMMISSIONER PARRISH: Well, what about my land use and zoning?

THE CHAIR: - We're going to get - just relax.

All those in favor, signify by saying aye.

Aye.

All those opposed, like sign.

Motion carries unanimously.

VOTE PASSES UNANIMOUSLY.

THE CHAIR: All right. Now. It's time to - now you have your amendment as it relates to land use and state it.

COMMISSIONER PARRISH: Right. But, the only thing, when you said 267, isn't that supposed to be all persons shall sign at each time of contact the contact logs? You didn't fix that.

THE CHAIR: We did. We took out - they're going to sign a log when they come into the building either as, either -

COMMISSIONER PARRISH: But, you're not - yeah, but you didn't take out the words lobbying. They did?

MR. DION: No. No, Commissioner. I just - I think those are technical amendments and I will clean that up --

COMMISSIONER PARRISH: Okay.

MR. DION: -- so that it will read that all persons -

COMMISSIONER PARRISH: Okay.

MR. DION: - will do that.

COMMISSIONER SCOTT: I would like -

THE CHAIR: Now, your motion.

COMMISSIONER PARRISH: What I would like to do and then direct the County Attorney to insert it in the appropriate spaces. On page 10, under A, a cone of silence. Under line eight, when you get to - it says: request for proposals, request for letters of interest and then it says, bid, comma. I want to strike - no. I want to strike or other and put a comma, or land use and zoning matters. And, go on.

Because what I believe that, I mean, that's just based on my -

THE CHAIR: Is there a second?

COMMISSIONER PARRISH: - Experience -

COMMISSIONER GUNZBURGER: What page are you on?

COMMISSIONER PARRISH: I'm on page 10.

I want the cone of silence. We have quasi judicial. But, I believe that there should be a cone of silence. There's a point in time where these same issues should apply that you can't be contacted or ex parte'd after a certain point. You can't be paid the big fees.

So, maybe it doesn't belong in cone of silence because of the ex parte, but I'm concerned about the big fees and those issues. That it should apply somewhere appropriately.

THE CHAIR: Is there a second?

COMMISSIONER PARRISH: I don't think people make money on bids. They just bid it out. You get a response. Boom.

COMMISSIONER LIEBERMAN: You may on the RLI.

THE CHAIR: Yes. Commissioner.

COMMISSIONER JACOBS: I also think one of the issues was, was ordinance. And, I'm not too sure if we don't need a whole separate one that addresses those issues, because when it comes to land use, there is a period of time where I think we need to figure out when you talk about something and when you can't.

There is - I mean, I'm thinking -

COMMISSIONER PARRISH: We have to disclose it all.

COMMISSIONER JACOBS: - About some of the issues that have been happening up in my district right now and the last thing I would have wanted to do was shut down conversations when we could have reached some negotiation under a common ground between the residents - today, the church, the residents. I mean, that's, that's an issue of land use and changing.

And, and if you shut down conversations, I think we're hurting ourselves in the process. And, trying to do one thing, I think we're shutting it down in another. And, we do have ex parte where you have to disclose all the conversations that you've had.

So, I think we need to think about this one a little more carefully -

COMMISSIONER PARRISH: I don't want them making any money -

COMMISSIONER JACOBS: - I don't want them making any money either -

COMMISSIONER PARRISH: - Then why shouldn't we change ethic standards. --

COMMISSIONER JACOBS: - and I think one of things that we are particularly what we're frustrated with are the issues over ordinances.

But, I don't want to move quickly and shut down -

THE CHAIR: Let's, let's do this -

COMMISSIONER PARRISH: Then let's not belabor this. Let's just direct Ed to take a look and make some recommendations.

THE CHAIR: Let's do this, let's, let's, let's first, let's first vote on the ordinance.

All those in favor of this ordinance here -

COMMISSIONER PARRISH: As amended.

THE CHAIR: - As amended, signify by saying aye.

Aye.

All those opposed.

Okay.

VOTE PASSES UNANIMOUSLY.

THE CHAIR: Now. Commissioner Parrish, without objection -

COMMISSIONER JACOBS: Did anyone vote against it?

COMMISSIONER PARRISH: Did it pass unanimously?

THE CHAIR: It passed unanimously.

Commissioner Parrish, would you direct, would you -

COMMISSIONER PARRISH: Well, I'd like Ed to take a look as how this type of issue and the financial aspects would apply to both.

THE CHAIR: And, without five objectors, six objectors -

COMMISSIONER PARRISH: Ordinances and land use and zoning.

THE CHAIR: - To bring it back - if there aren't six objectors -

COMMISSIONER SCOTT: What do you mean bring it back?

THE CHAIR: - Without objection -

COMMISSIONER SCOTT: What do you mean, bring it back because -

THE CHAIR: He'll bring us back some language and we can hash it out, decide whether we want to do something or not.

COMMISSIONER SCOTT: We got to bring it back as an ordinance

THE CHAIR: To bring it back -

MR. DION: Yes, separate ordinance.

THE CHAIR: - Mr. Dion.

MR. DION: I was just going to ask for some clarification. But, I think the intent is to bring it back as a separate ordinance -

COMMISSIONER LIEBERMAN: Yes.

THE CHAIR: Correct, correct.

VARIOUS COMMISSIONERS: Correct.

MR. DION: - Or an amendment to this.

COMMISSIONER PARRISH: May I ask another question.

COMMISSIONER SCOTT: Mr. Chairman.

COMMISSIONER PARRISH: I forgot to ask if they applies to our aides? People coming and vendors coming back there to see them?

THE CHAIR: I don't know. My aide doesn't influence my decision. So, if you let yours, I don't, I mean -

THE CHAIR: Commissioner Scott.

COMMISSIONER SCOTT: Mr. Chairman, I think we've done a lot of good things here. But, to get off into land use and other ordinances and zoning. I mean, that's a different world - we're talking about in this cone of silence thing, we're talking about spending the taxpayers' money on contracts versus making policy and on zoning and other ordinances.

I would urge that we go slow. I don't want us to have this show up next month as a new ordinance on, on everything else in the world here as a cone of silence, because we really do need to get some information on land use and other things.

THE CHAIR: All right. If there aren't six objectors - are there six objectors?

COMMISSIONER JACOBS: Oh. My non-agenda should -

THE CHAIR: Got two objectors. Is there one more objector? All right. So, there, so there aren't six objectors -

Six objectors. So, we'll bring something back and look at it.

COMMISSIONER PARRISH: Think about it a little bit.

THE CHAIR: All right. All right. Now, it's time, it's time to take a recess. How much time would you like to recess?

...

30036_june22009
June 2, 2009

ACTION AGENDA

MEETING OF JUNE 2, 2009

(Meeting convened at 10:11 a.m. and adjourned at 12:50 p.m.)

...

72. MOTION TO ADOPT Resolution 2009-377 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, June 23, 2009, at 2:00 p.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO LOBBYING ACTIVITIES; AMENDING THE DEFINITIONS OF LOBBYING, LOBBYIST, PERSON, AND EMPLOYER IN SECTION 1-261; ADDING A DEFINITION OF COMPENSATION IN SECTION 1-261; AMENDING SECTION 1-262 TO PROVIDE THAT ALL LOBBYISTS REGISTER, REGARDLESS OF WHETHER THEY RECEIVE COMPENSATION FOR LOBBYING; PROVIDING FOR A REGISTRATION FEE TO BE PAID BY THE LOBBYIST FOR EACH EMPLOYER REPRESENTED; PROVIDING FOR A REGISTRATION PERIOD; PROVIDING FOR AN AMENDED REGISTRATION STATEMENT; PROVIDING FOR A DISCLOSURE STATEMENT; AMENDING THE PROCEDURES RELATING TO THE DISCLOSURE STATEMENT; AMENDING SECTION 1-265 TO PROVIDE PENALTIES FOR FAILURE TO PAY REGISTRATION FEES AND FAILURE TO COMPLY WITH DISCLOSURE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-10:22 AM) Approved.

...

(consent agenda item)

30036_june232009
June 23, 2009

Meeting 10:12 a.m.

ACTION AGENDA

MEETING OF JUNE 23, 2009

(Meeting convened at 10:12 a.m.; recessed at 12:34 p.m.; reconvened at 6:38 p.m., and adjourned at 7:40 p.m.)

...

7. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO LOBBYING ACTIVITIES; AMENDING THE DEFINITIONS OF LOBBYING, LOBBYIST, PERSON, AND EMPLOYER IN SECTION 1-261; ADDING A DEFINITION OF COMPENSATION IN SECTION 1-261; AMENDING SECTION 1-262 TO PROVIDE THAT ALL LOBBYISTS REGISTER, REGARDLESS OF WHETHER THEY RECEIVE COMPENSATION FOR LOBBYING; PROVIDING FOR A REGISTRATION FEE TO BE PAID BY THE LOBBYIST FOR EACH EMPLOYER REPRESENTED; PROVIDING FOR A REGISTRATION PERIOD; PROVIDING FOR AN AMENDED REGISTRATION STATEMENT; PROVIDING FOR A DISCLOSURE STATEMENT; AMENDING THE PROCEDURES RELATING TO THE DISCLOSURE STATEMENT; AMENDING SECTION 1-265 TO PROVIDE PENALTIES FOR FAILURE TO PAY REGISTRATION FEES AND FAILURE TO COMPLY WITH DISCLOSURE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:43 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. The Board approved, as amended, per the purple-sheeted additional material dated June 23, 2009, as well as changing the word, from "may" to "shall," on page 9, Section 1-265 Penalties, on the Ordinance. The County Attorney's Office will draft amendments to the language in the Ordinance and bring it back before the Board in August of 2009. Per the County Attorney's Office, language provisions of concern expressed by the Board will not be enforced until such time as the Ordinance is brought back before the Board for approval. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Lieberman voted telephonically. Commissioner Wasserman-Rubin was not present during the vote.

...

AGENDA ITEM 7

MAYOR RITTER: That takes us to Item Number 7.

The Public Hearing to consider Item Number 7, an ordinance of the Board of -- a motion to consider an ordinance of the Board of County Commissioners of Broward County, Florida, related to lobbying activities.

The Public Hearing to consider Item Number 7 is now open.

Are there member of the public who wish to speak? I have no comment cards.

Hearing none, the Public Hearing is now closed.

Are there comments from the Commission?

I know a couple of Commissioners have amendments.

Commissioner Jacobs, you had one.

COMMISSIONER JACOBS: Yes, I do.

MAYOR RITTER: Bravo.

COMMISSIONER JACOBS: It's come to -- it's -- pardon me?

MAYOR RITTER: Bravo.

COMMISSIONER JACOBS: Oh, bravo.

It's come to my attention that many folks who lobby before the County Commission routinely bring clients into our lobby and actually engage in lobbying exercises throughout our offices without ever having signed in that they, A, represent the client, or, B, without even actually signing in.

And that -- in the penalties that -- in the way that this was structured, that they further sit through our meetings, having lobbied all over the place on a variety of clients, and never having registered that they -- that they represent these clients.

And my frustration is that it seems that our fees seem to be the cost of doing business. Certain lobbyists are just flouting themselves at our process and not concerned with it. But I think the tune would be completely different if, in fact, the very client for which they were lobbying lost the business, because when the cost of doing business becomes the cost of losing business, that's when I think you get their attention.

So that is the spirit under which this amendment is offered. And I would love to see it added in on page 10, line 8, insert the language as is -- is written here on the purple sheet: In addition to all other penalties in this section, an employer who has retained a lobbyist to lobby in connection with a competitive solicitation shall be deemed non-responsive, unless the employer, in responding to the competitive solicitation, certifies that each lobbyist retained has timely filed the registration, or amended registration, required under Section 1-262. If, after awarding the contract in connection with the solicitation, the county learns that the certification was erroneous, and upon investigation determines that the error was willful or intentional on the part of the employer, the county may, on that basis, exercise any contractual rights to terminate the contract for convenience.

And, in my opinion, this would stop the long list of folks that are actually --

UNIDENTIFIED SPEAKER: Second.

COMMISSIONER JACOBS: -- on whose behalf they're being lobbied but we don't know it.

MAYOR RITTER: Okay. Thank you. The amendment has been moved and seconded.
Commissioner Eggelletion, to the amendment?

COMMISSIONER EGGELETION: I -- you -- Commissioner Jacobs, I'm assuming you're -- you're -- what you're attempting to do is to add this to the penalty section; is that correct?

COMMISSIONER JACOBS: Uh-huh, that's the section that's spoken to --

COMMISSIONER EGGELETION: Okay. So you want to --

COMMISSIONER JACOBS: -- Section 10.

COMMISSIONER EGGELETION: -- you don't want to eliminate Section 4, which would be line 8? That's the

severability section. You just want to insert a D here at the end of line 7; is that correct?

COMMISSIONER JACOBS: No, it's on page 10, line 8.

COMMISSIONER EGGELETION: I'm looking at page 10, line 8.

COMMISSIONER JACOBS: Okay. I don't have that item (inaudible).

COMMISSIONER EGGELETION: My page 10, line 8 shows Section 4, severability.

UNIDENTIFIED SPEAKER: Yeah, that's the (inaudible).

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER EGGELETION: And I don't think you want to eliminate the severability section. You just want to add a new section.

COMMISSIONER JACOBS: Correct.

COMMISSIONER EGGELETION: Is that correct?

COMMISSIONER JACOBS: I am adding a new section.

UNIDENTIFIED SPEAKER: D.

COMMISSIONER JACOBS: Yes.

COMMISSIONER EGGELETION: So, what you then --

COMMISSIONER JACOBS: Section D. Hang on, I've got to pull mine up.

COMMISSIONER EGGELETION: In order to get this right, I don't think you want to eliminate severability.

UNIDENTIFIED SPEAKER: She's not.

COMMISSIONER JACOBS: No.

COMMISSIONER EGGELETION: You -- you want to --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Right.

COMMISSIONER EGGELETION: -- just insert --

COMMISSIONER GUNZBURGER: (Inaudible) --

COMMISSIONER JACOBS: Exactly.

COMMISSIONER EGGELETION: -- D.

COMMISSIONER JACOBS: It comes after C --

COMMISSIONER GUNZBURGER: -- line 8.

COMMISSIONER EGGELETION: Yeah, you just want to --

COMMISSIONER JACOBS: Right, on line 8. That's what I said.

MAYOR RITTER: Right.

COMMISSIONER GUNZBURGER: Which pushes severability down.

MAYOR RITTER: Down.

COMMISSIONER JACOBS: Right. It goes between -- where line 8 is, that's where it would go. It would be Item D.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: See, right now you have an A, B, and C. This would add a D.

COMMISSIONER EGGELETION: I -- I clearly understand --

COMMISSIONER JACOBS: Okay.

COMMISSIONER EGGELETION: -- what you're trying to do. The only thing I'm saying is if you insert that on the line, you eliminate severability.

COMMISSIONER GUNZBURGER: No.

COMMISSIONER JACOBS: No, you don't.

COMMISSIONER GUNZBURGER: It pushes down.

COMMISSIONER JACOBS: Severability just moves down.

COMMISSIONER EGGELETION: So you want to push it down?

MR. NEWTON: Yes, (inaudible).

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Well, you have to (inaudible) lines.

COMMISSIONER EGGELETION: Well, what goes in severability on line 8?

MR. NEWTON: It's -- severability will then start wherever this language that's inserted would end.

COMMISSIONER EGGELETION: So she wants to insert after C new section --

MR. NEWTON: Right.

COMMISSIONER JACOBS: Yes.

COMMISSIONER EGGELETION: -- which is Section D?

MR. NEWTON: Right, it's in -- it's in addition to it. Yes.

COMMISSIONER EGGELETION: Okay.

COMMISSIONER JACOBS: All right.

MAYOR RITTER: Okay? All right.

Anything else on the amendment?

COMMISSIONER EGGELETTION: I just have one other question. What -- what's the purpose for this? I mean, I read Mrs. Olsen's note at the back, and it seems as though --

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER EGGELETTION: -- what we're looking at is raising money. At least, that's what I concluded. It raises 140-some thousand dollars, based on the number of lobbyists you have registered based on how many times they would have to register.

Is that what we're trying to do? What are we trying to accomplish?

MAYOR RITTER: Well, this was an item that I had requested to put on --

COMMISSIONER EGGELETTION: That -- that --

MAYOR RITTER: -- and --

COMMISSIONER EGGELETTION: I'm just trying to figure out what we're trying to accomplish.

MAYOR RITTER: But I --

COMMISSIONER EGGELETTION: I'm not opposed to it.

MAYOR RITTER: Well, do you want to -- how about we -- how about if we get the ordinance in the proper posture --

COMMISSIONER EGGELETTION: Okay.

MAYOR RITTER: -- put the amendments on it, and then we can debate it as amended.

COMMISSIONER EGGELETTION: All right.

MAYOR RITTER: Is that all right?

So let's do to Commissioner Jacobs' amendment, which has been moved and seconded, is there any further discussion?

Commissioner Rodstrom.

COMMISSIONER RODSTROM: What -- what I think we've got to fix on this is that the way it's set up now is that if you're a homeowner president and you call my office on behalf of your organization, you're considered a lobbyist, and you have to register. Was that the intent?

MAYOR RITTER: Well, Commissioner Rodstrom, I had suggested that we put the ordinance in the proper posture with all the amendments and then debate it as amended. There is another amendment. which I think actually --

COMMISSIONER GUNZBURGER: (Inaudible.)

COMMISSIONER RODSTROM: Well, I didn't put my amendment in writing. and I don't know what other amendments are out there, so I wanted to make sure I got this amendment --

MAYOR RITTER: Well, they're purple sheeted.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: I haven't seen it.

MAYOR RITTER: Okay. Well --

COMMISSIONER RODSTROM: I wanted to make sure I got this amendment out there.

MAYOR RITTER: -- well --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RITTER: -- if -- if you'll allow me to recognize Commissioner Wexler, I think her amendment takes care of your question.

COMMISSIONER RODSTROM: Okay.

MAYOR RITTER: All right?

COMMISSIONER RODSTROM: Because the way it's structured now is any person who speaks to any staff person on behalf of an issue other than themselves, personally, is considered a lobbyist.

MAYOR RITTER: Commissioner Wexler, do you want to address your amendment?

CONFERENCE OPERATOR: Ilene Lieberman is joining the meeting.

MAYOR RITTER: Commissioner Wexler.

COMMISSIONER WEXLER: Yes, thank you, Mayor. This may get to what -- where you want to go, Commissioner Rodstrom.

Yesterday -- and I was just really pleased with what Commissioner Jacobs wrote up, because that really got to the essence of where I wanted to go.

But in my discussion yesterday with the County Attorney, and I described to him what I wanted, and I said this is what I'd like to be able to get to, he created this language and -- and submitted it yesterday afternoon. And I think that it doesn't get to the heart of -- where I wanted to go was those sub-lobbyists, those sub -- sub-lobby -- I don't know, subcontractors --

MAYOR RITTER: New phrase. New --

COMMISSIONER WEXLER: -- subcontractors that work for the main lobbyist that may not register. And I wanted there to be transparency. So that's what I was looking to accomplish.

But what Mr. Newton submitted gets, I think, to -- more to what you're saying, Commissioner Rodstrom, about a lobbyist who is lobbying as a volunteer without any compensation is not required to pay a registration fee in connection with those uncompensated lobbyist activities.

COMMISSIONER RODSTROM: But they're still deemed a lobbyist.

COMMISSIONER WEXLER: Well, you know what? Anybody --

COMMISSIONER RODSTROM: As a definition, they're deemed a lobbyist. I can -- I mean, if you read it definitionally --

COMMISSIONER WEXLER: It is.

COMMISSIONER RODSTROM: -- they're lobbyists.

COMMISSIONER WEXLER: It is.

COMMISSIONER RODSTROM: They have to register before they can speak to you, period. They don't have to lobby if they --

COMMISSIONER WEXLER: Well --

COMMISSIONER RODSTROM: -- if they come in a public forum, in a Public Hearing, because that's exempt. But if they come and speak to you, or your aide, or any member of staff, they are a lobbyist, as this ordinance is written currently.

COMMISSIONER GUNZBURGER: (Inaudible) don't have the cover sheet. You need to look at the (inaudible).

COMMISSIONER WEXLER: Well, you know what? But -- but Commissioner Rodstrom is correct. If you go back to the -- our ordinance, the -- the ordinance as proposed in front of us, and it's on page 1, at the very bottom of the page, it starts and it says Board of County Commissioners desires to provide that all lobbyists, regardless of whether they receive compensation for lobbying, must register as provided under the act. That says it.

COMMISSIONER RODSTROM: It's clear.

COMMISSIONER WEXLER: It's very clear.

MR. NEWTON: What you need to do --

MAYOR RITTER: Well --

MR. NEWTON: -- and I'll call upon Mr. Meyers, so he can correct me if I'm incorrect -- if you go to the section -- you'll find it on page -- it's on page 3, which actually defines what a lobbyist is. What we did was clarify what currently exists to indicate that a lobbyist means a person who engages in lobbying. And it's defined, what lobbying -- lobbying is defined in the other section, regardless of whether or not he or she receives any compensation for lobbying.

And then if you look down further, it says individual capacity, communicates with the County Commission, a decision-making body, for the purpose of self-representation without compensation to express support or -- of, or opposition to any item shall not be required to register as a lobbyist.

COMMISSIONER RODSTROM: But a homeowner president is, because it's not -- they're not representing themselves; they're representing an organization. That's my -- that's the point. This is not -- nowhere are you --

MR. NEWTON: And it --

COMMISSIONER RODSTROM: -- show me that exemption.

MR. NEWTON: -- says without -- without compensation.

COMMISSIONER RODSTROM: Right. They have to be registered, though, because they're attempting to influence a decision.

COMMISSIONER WEXLER: That's right.

COMMISSIONER RODSTROM: That's what it says in plain English.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: The compensation is irrelevant. They're still definitionally a lobbyist, because they're influencing the Commission on an issue that doesn't necessarily pertain to themselves. They become, then, a lobbyist. They must register. Any homeowner president, any community activist speaking on behalf of an issue has to register.

I mean, I just find that to be sort of chilling. I just think that that's stepping way overboard.

MR. NEWTON: Okay.

COMMISSIONER RODSTROM: In mean, in my humble opinion, I just think -- that's any homeowner president. I mean, we get them all the time here, you know, bus loads of them sometimes that are speaking on behalf of groups, or -- or, again, in a public forum, they're exempt. It's when they come and they speak to our staff --

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER RODSTROM: -- or us at any time.

MR. NEWTON: We can carve that out. We can carve that out.

MAYOR RITTER: I'd like to see the language, though, before I pass something that I haven't had a chance to read. And --

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER WEXLER: I --

MAYOR RITTER: -- and the -- the reason this is on today's Agenda is because July 1st is lobbyist registration, and I don't -- and I would hate to see this county pass up and -- this opportunity for another year.

Commissioner Eggelletion.

COMMISSIONER EGGELETION: Well, Mayor, would it be easier, rather than --

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER EGGELETION: -- and I'm asking Mr. Newton, to go through all this language change, because when I read that section that you defined a lobbyist, I would have to agree with Commissioner Rodstrom, but would it be easier to put an exemption clause in there, except -- and say except but these areas are exempt. You know, for instance, the areas you're trying to get to, homeowner's president, or I might have a minister to call me, or -- or --

COMMISSIONER RODSTROM: On behalf of his congregation.

COMMISSIONER EGGELETION: Yeah, on behalf of his -- I -- I might have the president of NAACP to call me about an issue --

COMMISSIONER RODSTROM: Yeah.

COMMISSIONER EGGELETION: -- the president of the Urban League. I mean, it could be a number of entities --

COMMISSIONER RODSTROM: (Inaudible.)

COMMISSIONER EGGELETION: -- and I don't think that that's our intent is to --

MR. NEWTON: Right. Right.

COMMISSIONER EGGELETION: -- try to get those folk to start to register.

MR. NEWTON: I understand that's not our intent, and that's -- you know, we don't like to have to draft language on the fly, so to speak, and that's why we typically try to draft all of the amendments beforehand.

So I'm real reluctant to try and -- try -- we can carve it out, but I'm real reluctant to try to carve it out in terms of language right here from the dais.

So what I would suggest is that, given the example that you have given, that we would not enforce any provision related to that until such time that we come back in August with a written amendment that would carve out those types of situations from applicability of the ordinance.

COMMISSIONER EGGELETION: Okay.

COMMISSIONER WEXLER: Okay.

COMMISSIONER EGGELETION: You all okay with this?

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER EGGELETION: Yeah, I'm -- I'm okay with that, because when you read the definition, it says --

MR. NEWTON: Yeah.

COMMISSIONER EGGELETION: -- anybody --

COMMISSIONER RODSTROM: Anybody.

COMMISSIONER EGGELETION: -- anybody who communicate directly or indirectly.

MAYOR RITTER: Okay. We have some more questions.

Commissioner Jacobs.

COMMISSIONER JACOBS: Just that when you look at the definition, though, it says any person -- cutting out the commas and wherefores. Any person who merely communicates to express support or opposition of any item shall not be -- on -- for the purpose of self-representation shall not be required to register.

So the -- where -- where John is going is he's saying self-representation means just the average person walking in. If you're on behalf of your homeowner's association, I don't think you're covered by self-representation, because now you're representing a body.

So, for me, this sentence gets you almost all the way there, and the only thing, without having to wordsmith it to death, I guess is my question to Mr. Newton, is couldn't you just put in homeowner's association, or something like that?

MR. NEWTON: There -- there may be a number of other entities where that's the situation --

COMMISSIONER JACOBS: Ah.

MAYOR RITTER: How --

MR. NEWTON: -- so that might not --

MAYOR RITTER: -- how about --

COMMISSIONER JACOBS: Okay. So if he brings that element that works on this sentence to make it the spirit and intent of what this Board is attempting to do today, that anything that was in this fuzzy area would be held in abeyance until the new amendment came back.

MAYOR RITTER: How about IRS classifications, like 501(C)3, or -- can you define it as that? Or homeowner's associations, tax exempt?

COMMISSIONER JACOBS: I don't want to go there. either.

MAYOR RITTER: 501(C)4?

MR. NEWTON: These --

MAYOR RITTER: No. Okay.

MR. NEWTON: Okay.

MAYOR RITTER: Okay. Never mind. Strike that.

Commissioner Wexler.

COMMISSIONER WEXLER: Yeah, I -- just, in other words, I am not -- I liked Commissioner Jacobs's amendment far better than mine. It actually captured where I wanted to go.

I'm not submitting my first amendment, but I am --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: I'm not, unless somebody else wants to, because I don't even know what it means.

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER WEXLER: The first one. There's two pages here.

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER WEXLER: Correct, there's two pages here.

I started the explanation by stating that what I explained to counsel yesterday really wasn't -- and -- and I told Mr. Newton yesterday, I said this doesn't really get me where I want to go. But then when I saw Commissioner Jacobs's, that did get me where I wanted to go. So I -- I like her language. I think it's far better than this language. Okay? That's one issue. So I am not making this motion.

However, on the second page, second page that's attached to the purple sheet, what I'm suggesting is, under - page 9, lines 16 through 20, and it's merely changing -- it's under the -- I believe, the penalty. Is it under the penalty section?

COMMISSIONER JACOBS: Penalties, yes.

COMMISSIONER WEXLER: Yeah. Changing the word "may" to "shall." That was it, and that I am proffering.

MAYOR RITTER: Okay. So let's take your second one first, second amendment, which has been moved by

Commissioner Wexler. Is there a second to that?

COMMISSIONER JACOBS: I'll second.

MAYOR RITTER: Thank you.

Commissioner Jacobs seconds it.

Is there discussion on the second amendment, which changes the penalty from "may" to "shall"?

Are there any objections to that?

All those in favor of -- of that amendment signify by saying aye.

Opposed, like sign.

Okay. Show that amendment passed.

VOTE PASSES UNANIMOUSLY.

MAYOR RITTER: Commissioner Wexler, I have to ask you a question. Why aren't you proffering --

VICE MAYOR KEECHL: Yeah.

MAYOR RITTER: -- your first amendment?

VICE MAYOR KEECHL: I think it's a great amendment.

UNIDENTIFIED SPEAKER: Yeah, I think it is.

COMMISSIONER WEXLER: I think Jeff is going to tell you why I'm not doing it.

MR. NEWTON: Let me just say they were aimed at two separate -- two separate issues. In other words --

MAYOR RITTER: Okay.

MR. NEWTON: -- Commissioner Jacobs's amendment was aimed at not only those companies who have been able to, I would say, circumvent our process. And so the way we structured it was that it really becomes an employer's responsibility from a certification standpoint, as it's going through this solicitation process, as well as if, subsequent to the solicitation process and subsequent to an award by this Board, that we would have some ability to -- to terminate, potentially, a contract which was obtained by an employer, a vendor that had not disclosed that information.

MAYOR RITTER: Okay. But here's my question.

MR. NEWTON: And --

MAYOR RITTER: Okay. As someone who --

MR. NEWTON: -- and --

MAYOR RITTER: -- as someone who routinely gets reminded, has firsthand knowledge of this, there are lobbyists who are not retained by the parent company --

MR. NEWTON: Exactly.

MAYOR RITTER: -- but are retained by other lobbyists.

MR. NEWTON: Exactly. And that's --

MAYOR RITTER: And that's what --

MR. NEWTON: -- what Commissioner Wexler is --

MAYOR RITTER: -- what Commissioner Wexler --

MR. NEWTON: Right.

MAYOR RITTER: Yes.

MR. NEWTON: Two separate issues.

MAYOR RITTER: So you would still have to --

MR. NEWTON: And that's what Commissioner Wexler's --

MAYOR RITTER: Yes.

MR. NEWTON: -- in fact, not only does it --

COMMISSIONER WEXLER: (Inaudible.)

MR. NEWTON: -- not only does it then require those lobbyists who go out and retain other lobbyists to be a part of a team to -- for that to be disclosed, but they also have to pay.

MAYOR RITTER: Right.

MR. NEWTON: So it brings in --

UNIDENTIFIED SPEAKER: Great.

MR. NEWTON: -- some additional funds.

COMMISSIONER WEXLER: So you think it gets there?

MAYOR RITTER: I absolutely --

COMMISSIONER WEXLER: Because that is exactly what I wanted to capture.

MAYOR RITTER: That's how I read it.

COMMISSIONER JACOBS: -- paying to be registered, and if that registration isn't turned in at the SC process, because it's --

MAYOR RITTER: It may not even be a selection committee. That was where I think Commissioner Wexler was -- what I liked -- it may not even get -- it doesn't have to be an item that goes to selection committee.

COMMISSIONER JACOBS: Right. It could be (inaudible).

MAYOR RITTER: Right.

MR. NEWTON: And it -- and it has to be a timely filed registration. In other words, they should not be engaging in

lobbying before they register to lobby on behalf of that client, whether it's the principal lobbyist or any subcontractor lobbyist.

MAYOR RITTER: So would you like to --

COMMISSIONER WEXLER: Then I will move that amendment if you think that it --

MAYOR RITTER: All right.

VICE MAYOR KEECHL: Second.

COMMISSIONER WEXLER: -- gets us there.

MAYOR RITTER: Commissioner Wexler moves her first amendment under her purple sheet, which is seconded by Vice Mayor Keechl.

Is there any discussion on that amendment?

All those in favor, signify by aye.

All opposed, like sign.

Okay. Show that amendment adopted.

VOTE PASSES UNANIMOUSLY.

MAYOR RITTER: So now we are on the ordinance as amended.

Commissioner Eggelletion --

VICE MAYOR KEECHL: Did we do --

MAYOR RITTER: -- you wanted to know why. I'm sorry, am I missing one?

VICE MAYOR KEECHL: Did we do yours, Commissioner Jacobs?

COMMISSIONER JACOBS: We did mine --

MAYOR RITTER: We did Commissioner Jacobs's first.

COMMISSIONER JACOBS: -- (inaudible) first.

VICE MAYOR KEECHL: Okay.

COMMISSIONER EGGELETION: No, I -- I think based on what I'm hearing from the discussion, I have a fairly decent idea of what you're trying to capture.

MAYOR RITTER: It's very similar to the legislature.

COMMISSIONER EGGELETION: Yeah. Yeah, I understand. But at the end of the day, I think you're going to - well, it's okay with me, but I think it needs to be worked on.

MR. NEWTON: Yeah, we recognize the intent, as this Board has expressed it today.

COMMISSIONER WEXLER: That's right.

MR. NEWTON: We will not enforce the provision until we can come back to the Board with a specific language that -- that accomplishes what Commissioner Rodstrom had indicated.

MAYOR RITTER: I -- I hate to break up this lively discussion and debate, but we have to recess for 15 minutes for the captioner.

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR KEECHL: Can we just vote on 7 real quick?

MAYOR RITTER: Well, Commissioner -- no, Commissioner Rodstrom wants -- wants to be recognized, and I've got to break at 3:00 o'clock for the captioner.

So we are recessed for 15 minutes.

(THE MEETING RECESSED AT 3:01 P.M. AND RECONVENED AT 3:16 P.M.)

AGENDA ITEM 7

MAYOR RITTER: We were on Item Number 7. And --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RITTER: -- I don't have five, so never mind. Keep -- keep talking.

UNIDENTIFIED SPEAKERS: (Inaudible cross talk.)

MAYOR RITTER: I need five. Topic is when will the County Commission adjourn today. Discuss amongst yourselves. What's the over/under today?

COMMISSIONER GUNZBURGER: We've got five.

MAYOR RITTER: Okay. Thank you. Oh, I've got -- I've got Commissioner Lieberman on the phone, too, so.

All right. We are on Item Number 7. And Commissioner Rodstrom, you --

COMMISSIONER RODSTROM: I want --

MAYOR RITTER: -- are recognized.

COMMISSIONER RODSTROM: -- to talk about success fees. Mr. -- oh, Mr. Newton's gone.

UNIDENTIFIED SPEAKER: Mr. Meyers --

COMMISSIONER RODSTROM: Mr. Meyers.

UNIDENTIFIED SPEAKER: -- temporarily filling in for --

COMMISSIONER RODSTROM: Are we now, when we contract with vendors, is -- is part of that procurement process, do they -- they must disclose in that contract that they have not paid a success fee?

MR. MEYERS: I believe that is correct.

COMMISSIONER RODSTROM: And what is the penalty if they, you know, do not tell the truth?

MR. MEYERS: I don't know what the penalty is for that.

COMMISSIONER RODSTROM: Okay. And then, because I would like to get a handle on that. You know, my sense is the penalty's not tough enough.

And the thing is how do we define success fees?

But I guess where I am going with this, is there, you know, an effort to get around these success fees? What folks are doing is taking an ownership interest in the project. And I think that needs to be fully disclosed to us when they have an ownership interest in lieu of -- I mean, to me, that's -- that's no different than a success fee, because they're going to own a piece of the deal, but they're not -- they're not working for, you know, a lobbying fee. They're going to get a success fee if they get -- if they win.

So I think that needs to be disclosable, as well, if they're part -- part owner of the deal.

MAYOR RITTER: Okay.

COMMISSIONER RODSTROM: And, actually I don't know if we should prohibit it. I mean, you know, to me that's no different than a success fee. We prohibit success fees, but we let the lobbyists become owners of these deals. I mean --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RITTER: Okay. Commissioner Lieberman, did you --

COMMISSIONER LIEBERMAN: Yeah. I just want to say one thing. I can't hear (inaudible) he's defining -- Commissioner Rodstrom -- can I ask if he would speak into the mic?

MAYOR RITTER: He is speaking into the microphone. I'm sorry. We'll -- we'll ask everyone to speak up. Everyone, please, speak up.

COMMISSIONER RODSTROM: Pretty loud.

MAYOR RITTER: Mr. Newton.

MR. NEWTON: What I was going to --

MAYOR RITTER: Mr. Newton.

MR. NEWTON: -- what I was going to say is -- is, again, that's in terms of drafting of the language. Again, that's something we could come back with in August with the provision that relates -- relates to that.

MAYOR RITTER: Okay. All right, Commissioner?

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RITTER: Thank you very much. That is -- I think that's an excellent idea. Thank you. Anyone else?

VICE MAYOR KEECHL: So have we given direction to the County Attorney to --

MAYOR RITTER: To come back after the break.

Where are we?

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RITTER: We're going to pass this today, hopefully, and -- okay.

Any other -- any further discussion on Item Number 7?

Seeing none, is there a motion?

COMMISSIONER WEXLER: Move it.

COMMISSIONER JACOBS: Second.

MAYOR RITTER: Thank you. Commissioner Wexler moves Item 7 as amended, seconded by Commissioner Jacobs.

All those in favor, signify by aye.

Opposed, like sign.

Show Item 7 adopted.

VOTE PASSES UNANIMOUSLY.

...

30036_oct132009
October 13, 2009

Meeting 10:08 a.m.

COMMISSION MINUTES

ACTION AGENDA

MEETING OF OCTOBER 13, 2009

Meeting convened at 10:04 a.m.; recessed at 1:45 p.m.; reconvened at 2:45 p.m., and adjourned at 4:03 p.m.)

...

13. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
RELATING TO LOBBYING ACTIVITIES; AMENDING THE DEFINITION OF LOBBYIST IN SECTION 1-
261; AMENDING SECTION 1-262 TO CLARIFY THE PURPOSE OF THE REGISTRATION FEE;
AMENDING THE DEFINITION OF CONTINGENCY FEE IN SECTION 1-264; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE
DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:28 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. (Refer to minutes for full discussion.)

VOTE: 8-0.

...

AGENDA ITEM 13

MAYOR RITTER: Item Number 13, a motion to consider enactment of an ordinance, the title of which is as follows: an ordinance of Board of County Commissioners relating to lobbying activities.

The Public Hearing to consider Item 13 is now open.

I've got one comment card, Dennis Mele.

MR. MELE: Good afternoon. My name is Dennis Mele, 200 East Broward Boulevard, Fort Lauderdale. I'm filling in my for my law partner, Don McCluskey, who is having some minor surgery done today.

I know that Don has been working on this and has talked to people on staff, and our concern is really one issue.

The ordinance requires us to register every time we're going to talk to Commissioners or any staff members. And in a firm like ours where we have numerous people in our department who work on these matters, we register everyone on every item. It's now going to require a separate fee be paid for each individual, instead of the fee being paid for the firm.

And we think, in light of the statement that you have on page 3 of the ordinance, that the registration fee is only to offset the cost of operating the program, we think that the fee amount is going to be excessive and should be charged to the firm and not the individual, requiring us to pay a separate fee for each person.

I know that Don has been working on this. He explained that to me. That's my statement.

If you have any questions, I'll be happy to answer them.

Thank you.

MAYOR RITTER: Thank you very much, Mr. Mele.

MR. MELE: Yes.

MAYOR RITTER: What?

MR. MELE: Oh, I thought you wanted something. Sorry.

MAYOR RITTER: No. Ms. Henry.

MS. HENRY: I -- and I believe those issues have been raised, and we do allow for a registration the day that the -- the day that the member of that firm would have an opportunity to speak to the Board. So it's a -- it's a matter that -- I can't see his head, I'm sorry. Mr. Mele --

MR. MELE: Yes?

MS. HENRY: -- actually, I'm addressing this to you --

MR. MELE: Thank you.

MS. HENRY: -- since Mr. McCluskey isn't here.

Yes, we were aware that those concerns were raised, and the way we -- we thought we had addressed that was rather than have you register every member of your firm, since you don't know when any one of them may or may not have an occasion to speak or lobby the Board, that the day that that happens, that they can do that.

But there's nothing that compels you to register them all at once. You can do that at the time they -- they choose to speak to a Board member.

MR. MELE: Mayor, could I make a brief comment?

MAYOR RITTER: Mr. Mele.

MR. MELE: Thank you for that.

The only reason that we're concerned is the ordinance applies not only to speaking to Board members, but it also applies --

UNIDENTIFIED SPEAKER: It says staff.

MR. MELE: -- to speaking to any member of staff.

So, for example, we have people that deliver applications to the planning department for plats and all those things, and they speak to the staff when they bring them to make sure that everything is in the proper order, we're given the right number of copies.

UNIDENTIFIED SPEAKER: That's --

MR. MELE: So I recognize that when the fee part of the discussion came out recently, the ordinance clearly says even talking to staff requires you to register. That's the only reason we're bringing it up.

MAYOR RITTER: Yeah, well, I'm --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RITTER: -- I mean, I'm not the County Attorney here and I don't play one, but --

MR. NEWTON: Yeah, I don't think when they're doing that they're attempting to influence --

UNIDENTIFIED SPEAKER: Right.

MR. NEWTON: -- anyone in any way, shape, or form, so I don't think it would constitute lobbying under the ordinance.

MAYOR RITTER: I know what it says, Mr. Mele, but the intent is if you're just delivering papers and you're not advocating to staff on behalf of a position, we don't consider that lobbying.

MR. MELE: Certainly I'm not suggesting if they're just dropping something off. I'm saying that if you read the ordinance, it says anytime you're communicating with the employee. Now, if we're doing plats, we're communicating with the employee for the purpose of hopefully having them recommend approval of the plat when it comes in front of you.

I know this seems like I'm beating a dead horse, but we want to comply with this in all regards. We don't want to miss something and have someone say we didn't do it right. So we're just trying to be careful, that's all.

MAYOR RITTER: Thank you.

Commissioner Rodstrom.

COMMISSIONER RODSTROM: Maybe -- maybe we could make some modification having to do with administrative type of situations, because plats and those kind of things tend to be administrative --

MAYOR RITTER: Right.

COMMISSIONER RODSTROM: -- and they're not -- they're not, you know, policy issues. They're more relating to the code.

Could we -- we strip that out? Is that possible?

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: I think it's already there in the definition of lobbyist. I mean --

MAYOR RITTER: Right.

MR. NEWTON: -- in those instances, you're not attempting to influence the --

COMMISSIONER RODSTROM: Well, you certainly are.

MR. NEWTON: -- decision -- the decision-making process.

COMMISSIONER RODSTROM: Certainly are, because --

MR. NEWTON: No, I'm talking with respect to the example that he utilized.

COMMISSIONER RODSTROM: Yeah. But I can think of many occasions where, you know, staff has an opinion about the code and someone else might have a different opinion, and there's a discussion that might take place regarding that.

Again, I still think ultimately that tends to be administerial, because when it comes to the Board it's administerial. It's not -- it's more, you know, just how government gets -- how kind of grinds itself out.

I mean, so in that case you would say he would have to be registered or not?

MR. NEWTON: Let me -- let me -- what -- what I don't want to do at this point in time is try to craft something in terms of a carve-out from the definition of lobbyist without fully understanding all of the circumstances that -- that might come about as a result of it.

So I know that previously in our ordinance we had designated individuals, that the -- that the lobbyist could not -- essentially could -- could not speak to --

COMMISSIONER RODSTROM: Okay.

MR. NEWTON: -- because they might be attempting to influence.

COMMISSIONER RODSTROM: So --

MR. NEWTON: So --

COMMISSIONER RODSTROM: -- how about any attorney that has -- is representing a client as an attorney as opposed to a lobbyist? And I -- and I can understand there's some gray areas, but that means anybody we ever go to court with, they're going to have to register as a lobbyist?

MR. NEWTON: No.

UNIDENTIFIED SPEAKER: No.

COMMISSIONER RODSTROM: Well, they're trying to influence government. They're trying to influence the outcome. How -- what is your -- in your true definition, they would be a lobbyist.

MAYOR RITTER: Yeah, there is a definition of lobbyist in there.

MR. NEWTON: The definition of lobbyist is -- is tied into when a lobbyist seeks to influence a decision to be made by the Board --

COMMISSIONER RODSTROM: Right.

MR. NEWTON: -- and -- or a decision-making body, a decision-making body under the jurisdiction of the Board.

COMMISSIONER RODSTROM: Yeah.

MAYOR RITTER: Well, the courts aren't under our jurisdiction.

MR. NEWTON: We're not talking about -- I mean, courts are not --

COMMISSIONER RODSTROM: Well, sure. Sure, because the Board has the sole authority, at the end of the day, whether to accept a settlement offer or not in any litigation matter that may come before the Board.

MR. NEWTON: That's --

COMMISSIONER RODSTROM: Well, I just -- I want to know how broad this is or how narrow this is, and you're not helping me, because I can see where you -- you could --

MR. NEWTON: Those -- those things take place in the context of a public meeting, in terms of settlement, in terms

of discussion by the attorney representing --

COMMISSIONER RODSTROM: So any discussion that -- that an opposing counsel may have with you to influence you, your decision is not lobbying?

MR. NEWTON: Not lobbying.

COMMISSIONER RODSTROM: Okay.

MR. NEWTON: I don't believe that. I don't believe that was intended to be accomplished -- encompassed within the definition of lobbyist.

COMMISSIONER RODSTROM: So you're not going to make any of them sign up? They wouldn't have to sign up --

MR. NEWTON: Not to talk -- not to talk to me.

COMMISSIONER RODSTROM: Not to talk to anybody --

MR. NEWTON: No.

COMMISSIONER RODSTROM: -- anybody in our County Attorney's Office.

MR. NEWTON: In fact, what we -- I mean, it's almost similar to the cone of silence that we have where the attorneys can contact the County Attorney's Office and not --

COMMISSIONER RODSTROM: Okay. So they can talk to any of you --

MR. NEWTON: -- be in violation.

COMMISSIONER RODSTROM: Can they talk to any of our folks in planning?

MR. NEWTON: I don't think they were specifically mentioned.

COMMISSIONER RODSTROM: Well, it's staff.

MAYOR RITTER: Would you like to move to continue the Public Hearing, Commissioner Rodstrom? Can we move to continue the Public Hearing?

COMMISSIONER RODSTROM: I'm just -- I just think that -- I want to know where this is going. I mean, is this a revenue generator, or what is --

MAYOR RITTER: No.

COMMISSIONER RODSTROM: -- what is the purpose of this?

MAYOR RITTER: Absolutely not.

COMMISSIONER RODSTROM: I didn't think it was to generate revenue.

MAYOR RITTER: No, absolutely not.

COMMISSIONER RODSTROM: And it's -- and it's not a catch-all to catch everybody, you know, so, I mean --

MAYOR RITTER: While he reviews that --

COMMISSIONER RODSTROM: Yeah.

MAYOR RITTER: -- can we go around the dais?

COMMISSIONER RODSTROM: Sure.

MAYOR RITTER: Thank you.

Commissioner Jacobs.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RITTER: Oh, I'm sorry, you're right. You waved it off.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah.

MAYOR RITTER: Sorry.

COMMISSIONER LIEBERMAN: What we're doing, from my understanding, is we're copying state law, which has a definition of lobbyist.

Is there anything different about what we're doing than how the state defines lobbyist. And it talks about influencing decision-making. Dropping off an application is not influencing decision-making, Mr. Newton.

MR. NEWTON: That's --

UNIDENTIFIED SPEAKER: I think that's clear.

MR. NEWTON: -- that's correct, yes.

COMMISSIONER LIEBERMAN: Right. Okay. So contacting to get a clarification from procurement, would that be administrative, or would that be influencing decision-making?

MR. NEWTON: That's not influencing decision-making.

COMMISSIONER LIEBERMAN: Okay. Contracting the County Attorney's Office on a legal matter?

MR. NEWTON: Not influencing decision-making.

COMMISSIONER LIEBERMAN: Okay. So how is -- in the code lobbyist is defined.

MR. NEWTON: Right.

COMMISSIONER LIEBERMAN: Is it any different than the state definition?

MR. NEWTON: I believe -- and let me call upon Mr. Katzman or Mr. Meyers. I believe there may be a tie in to compensation in the state -- state definition. So let me get that clarification from one of the attorneys.

Mr. Katzman.

MR. KATZMAN: Good afternoon. Adam Katzman, Assistant County Attorney.

The state definition is -- is defined twice. It's one for executive lobbying, one for legislative lobbying. It's the same definition, however. And it basically means seeking on behalf of another person to influence an agency

with respect to a decision of the agency in the area of policy or procurement, or an attempt to obtain the goodwill of the agency official or employee.

The definition of the county's lobbying is pretty much identical.

But the tie in to the fees, the state statute also has a tie in to the fees that's related later on in the statute.

MR. NEWTON: So I think that that language that you mentioned about policy, perhaps if we were to include that, that would then satisfy the concern that was expressed in terms of whether or not someone dropping off an application, or whether or not someone having a conversation with staff might fit within the definition of -- of a lobbyist.

Would you agree? Would you agree? What was that phrase that you -- you cited in your definition?

MR. KATZMAN: In the area of policy or procurement or order to obtain the goodwill of an agency official or employee.

They also define lobbyist as a person who is employed and receives payment for the purpose of lobbying.

That's pretty much it.

MR. NEWTON: So what I was saying is --

MAYOR RITTER: Commissioner Rodstrom.

COMMISSIONER RODSTROM: So under that -- that scenario, a person could be working for a firm and not be a lobbyist.

COMMISSIONER LIEBERMAN: Yes.

MR. NEWTON: Yes.

COMMISSIONER LIEBERMAN: They could.

COMMISSIONER RODSTROM: If they're moving on behalf of the firm they're working for. It's only when they start engaging clients --

MR. NEWTON: Right.

COMMISSIONER RODSTROM: -- that you cross the line and become a lobbyist?

MR. NEWTON: Right. Right.

MAYOR RITTER: Okay. Anybody else? Thank you. Thank you.

COMMISSIONER RODSTROM: Thank you.

MAYOR RITTER: What, are you employing them at 12 now, Mr. Newton?

COMMISSIONER LIEBERMAN: Oh. That's unfair.

MAYOR RITTER: Oh, he's so young.

COMMISSIONER LIEBERMAN: That's because you're facing --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: -- a big birthday.

MAYOR RITTER: Oh, I didn't say he wasn't -- oh, you're really --

COMMISSIONER JACOBS: (Inaudible.)

MAYOR RITTER: -- crossing the line there, Lieberman.

COMMISSIONER JACOBS: (Inaudible.)

MAYOR RITTER: Yours sooner than mine, Commissioner Jacobs. Next Monday, as I recall.

COMMISSIONER JACOBS: No, it's Saturday.

MAYOR RITTER: Saturday. I thought it was the 19th.

Commissioner Wexler.

COMMISSIONER LIEBERMAN: Yes, big birthdays.

COMMISSIONER WEXLER: Just a brief wanting to know, the letter, Mr. Newton, that came from you -- I don't know -- I don't know -- dated October 7th regarding the -- what you -- what have to do with these fees as a collecting organization. Do -- are we -- are we -- what are we doing with these fees? That's what I need -- that's I've got to -- need to know. I know there was something I had read regarding ethics and training.

MR. NEWTON: That -- that --

COMMISSIONER WEXLER: That went bye?

MR. NEWTON: (Inaudible) --

COMMISSIONER WEXLER: Okay.

MR. NEWTON: -- (inaudible).

COMMISSIONER WEXLER: I understand that. I said that went by the wayside.

So it really needs to be -- those funds that are generated go to support the program itself, which means staff to maintain the records?

MR. NEWTON: Yes.

COMMISSIONER WEXLER: All right.

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: You got it.

COMMISSIONER WEXLER: So then I guess the next question is for Ms. Henry. What kind of footing are we on here?

MS. HENRY: We believe we're on solid footing. We developed a budget. We identified all of the expenses that are associated with developing and maintaining the -- the database, doing the inquiries through the Attorney's Office, et cetera.

So we put -- we identified what those expenses would be, and we do not believe that the charges for lobbying

will exceed what the budget is.

COMMISSIONER WEXLER: In other words, we're not like --

MS. HENRY: Gouging? No.

UNIDENTIFIED SPEAKER: No.

COMMISSIONER WEXLER: No, rolling in the dough was more what I was thinking of. Not gouging, rolling in it. No, we're not doing that. Okay.

MS. HENRY: No, we're not.

COMMISSIONER WEXLER: With that, can I move the item or does some one else --

MAYOR RITTER: Commissioner Jacobs --

COMMISSIONER WEXLER: -- want to move it?

MAYOR RITTER: -- Commissioner Jacobs has her hand up.

COMMISSIONER JACOBS: I just wanted to point out that in Miami-Dade I believe it's \$500 per firm. So this is -- you know, if you were a firm of two, then you would have \$100, but in Miami-Dade, it would be 500, whether you were one or two. So it's -- it's --

COMMISSIONER RODSTROM: (Inaudible.)

COMMISSIONER JACOBS: -- I think we're completely within -- Pardon me?

COMMISSIONER RODSTROM: (Inaudible.)

COMMISSIONER JACOBS: So I think we're completely within the realm of fairness here.

MAYOR RITTER: All right. Is there a --

COMMISSIONER JACOBS: That was all.

MAYOR RITTER: -- is there a motion?

COMMISSIONER WEXLER: I moved it.

VICE MAYOR KEECHL: Second.

MAYOR RITTER: Commissioner Wexler has moved it; seconded by Vice Mayor Keechl.

All those in favor, signify by aye.

Opposed, like sign.

Show Item 13 passed.

VOTE PASSES UNANIMOUSLY.

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30036_june152010

June 15, 2010

COMMISSION MINUTES

ACTION AGENDA

MEETING OF JUNE 15, 2010

Meeting convened at 10:10 a.m.; recessed at 12:30 p.m.; reconvened at 2:30 p.m., and adjourned at 5:05 p.m.
PLEDGE OF ALLEGIANCE was led by Broward County Commissioner Lois Wexler, District 5.

AGENDA ITEM 100

MAYOR KEECHL: That takes us to our last two items, which are Items 100 and 101.

Item 100 is a motion to adopt a resolution directing the County Administrator to publish notice of Public Hearing on August 10th regarding the ethics code.

Commissioner Lieberman, I think you said you wanted to talk about this.

COMMISSIONER LIEBERMAN: Yeah, I pulled it because I didn't think it could go to Consent.

The County Attorney gave us a memo. It's a four-page memo, and on page 4 of the memo, there are three options that we've not had any Board discussion on to give direction, which is why I believe it could go to Consent.

Having read the County Attorney's memo, I am really concerned about what happened in this instance.

The County Attorney had an attorney from his office who was assigned to the Ethics Commission. When I read on page 3 of his memo in the third paragraph, I guess, it says, "It's important to note that each County Commissioner has taken an oath to support --

(COMMISSIONER WASSERMAN-RUBIN LEFT THE ROOM.)

MAYOR KEECHL: (Inaudible.)

COMMISSIONER LIEBERMAN: -- protect, and defend the state and federal constitutions, we believe in enacting the lobbying bans addressed above would be inconsistent with the oath".

I sort of like want to know who was watching the store.

I may have a different opinion than some of you may have, and -- and I'm concerned because the dilemma that we face at this moment is that we have an ordinance in front of us that the Charter says we either have to adopt or it goes to the voters. The County Attorney represented the Ethics Commission, and, in fact, drafted something for them that puts this Board in a position that if its adopted, we violate the oath we took. It would be inconsistent with the oath we took when we all assumed office.

That, to me, is an incredible dilemma to be in. And I'm kind of disappointed, because I expect the County

Attorney's Office to be the bastion of legal rights, and whether it's this Board or an advisory board or anyone else, that -- and the discussion I had yesterday with Mr. Newton and with Mr. Meyers sort of went like this. It said, you know, once you knew they were exceeding their authority and once you knew they were drafting unconstitutional items, why did you do it anyway?

And Mr. Meyers said to me he was under the distinct impression that -- and, Drew, if I've mischaracterized our discussion, stop me at any point -- he said he was under the impression that the Board of County Commissioners believed that this group could just do what it wanted, and he based that -- or at least my understanding from our discussion yesterday is that they would draft things, and that he based that on an item that came to the Board where the Ethics Commission said it wanted to adopt regulations on staff unless we did so, and we took a position that we reserved that right and would apply it where applicable.

And I asked him how did you make the jump to assume that that one issue meant it covered everything?

And so I'm truly disturbed by the item that's in front of me. I think we need to have discussion, because there are three options. I don't support a dec judgment to take this issue into court. I would have hoped that once an issue arose with the Ethics Commission -- and -- and I would tell you, in defense of Mr. Meyers and Mr. Tightler, some of the members on that Commission were very difficult to deal with. Is that politically correct?

MR. NEWTON: That -- that's -- that's an --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: Yeah.

COMMISSIONER LIEBERMAN: Okay.

MR. NEWTON: As you said --

COMMISSIONER LIEBERMAN: And there are places in the minutes where Mr. Tightler says you guys are running amuck. He doesn't quite say it like that, but he does. But then he proceeds to draft the item anyway.

And so it would seem to me that there ought have been some discussion of this group about whether or not it was appropriate for the Ethics Commission to have their own counsel so that our counsel wasn't placed in a position where they basically drafted something that puts us in violation of our oath of office if we adopt it as written.

I just am very uncomfortable being placed in that position. And so it seems to me the only two options are Options 2 and 3.

And I've not seen a glitch ordinance. I know we had a workshop. I know that in the workshop nothing -- I don't recall anything being raised that talked about the case law, which says despite the fact that the Ethics Commission exceeded its authority, which it clearly does; in Mr. Newton's memo, he spells this out. There's no question that the Ethics Commission violated our charter by exceeding their authority that if we adopt what they wrote, the case law says we cure that infirmity.

And I had asked did you make that clear to the Board? Because we had a workshop and I don't think that was made clear to the Board.

And so I just think we need to discuss these items and not just leave it on Consent, because, for me, the only two options are 2 and 3, and I can't support a dec action.

I'm really troubled that it ends up at this point today.

MAYOR KEECHL: Thank you, Commissioner.

Before I recognize anybody else, I'm troubled that I'm getting this on June 14th, 2010, late. This is an

extremely important issue, one of the most important issues we're facing. And so now, all of a sudden, we're -- we're dealing with this.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: And to have -- and, by the way, colleagues, I want to -- I want to remind --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: -- I want to remind you of something --

COMMISSIONER LIEBERMAN: We got it last night.

MAYOR KEECHL: I know.

I want to remind you of something. When our County Attorney says to us in writing something as strong as it's important to note that each county Commissioner has taken an oath to support, protect, and defend the state and federal constitutions; we believe enacting the lobbying bans above would be inconsistent with that oath, I guess they also believe, although they don't put it in writing or say it to us, that when we vote against a plat we're also violating that oath, because that's basically what they're saying here.

So I'm amenable to listening to all of the concerns here, but the idea that this is here now is very, very upsetting to me.

Commissioner Jacobs, followed by Commissioner Wexler.

COMMISSIONER JACOBS: I thought maybe we could allow our County Attorney a voice here for a moment, because --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- we're all acting like he didn't -- did this of his own. And -- and clearly this thing is before us, and it was made very clear to us in the workshop that this was unconstitutional, and there were many elements for which the County Attorneys took issue. But, at the end of the day, we had two options: adopt it or put it on the ballot.

Now, one thing I that I didn't know, and I'm not too sure the County Attorney's Office may not have known at that time, that on the -- that there are elements of this that, if we adopt it, that we are now -- that it is now constitutional by virtue of us adopting it.

So I would ask, there -- there is a glitch ordinance that I -- my expectation was on August 10th we would come in and all these problems were going to be fixed, and that we would adopt those first and then we would adopt this, and that way, it's fixed.

MAYOR KEECHL: (Inaudible.)

COMMISSIONER JACOBS: So I would ask Mr. Newton to then take some time to walk us through the contents of this memo and the action that he thought, because, remember, this memo was engendered in response to Commissioner Lieberman's question, but wasn't the way in which the County Attorney thought he was going to conduct this portion of today's discussion.

So, with that, Mr. Newton.

MAYOR KEECHL: Mr. Newton.

MR. NEWTON: That's correct. Excuse me. That's correct, Commissioner.

Let me -- let me -- let me talk first about the statement that's made in the -- in the memorandum with respect to it's important to note that each County Commissioner has taken an oath to support and protect.

That -- that was an argument that -- that came about after the workshop. In other words, one of the things we struggled with, or, at least, I struggled, with was given the fact that the Ethics Commission had exceeded its scope in terms of what it was charged to do under the Charter, and given the fact that there were some provisions that our office believed were unconstitutional, what is it that we should advise the Board.

And one of the issues that I was concerned with was what is the argument that we should make that the -- that the Board would be able to make if challenged in court in terms of I didn't want to have the Board in a position where it was effectively doing the same thing that the Ethics Commission did --

COMMISSIONER JACOBS: Right.

MR. NEWTON: -- namely, you had a provision which said vote it up or down and then you were going to turn around and, because of potential issues with what has been -- had been presented, you would effectively violate that Charter provision of voting it up or down by taking some action.

And so what -- and -- and it was a thought. I mean, we -- we've had numerous discussions about how we would defend various actions if they were filed or whether we should move forward in filing a dec action.

And so a -- a thought occurred, and this was after the workshop. I don't recall how long after the workshop, but it was by one of the attorneys in our office who said, you know, Commissioners take an oath of office to basically uphold -- to basically uphold the Charter.

That -- that statement then started a thought process that perhaps what that then provides to the Board is now the ability -- because we now have an argument -- the ability to basically look at the ordinance that is proposed by the Ethics Commission and then sever, potentially sever certain provisions from it, those provisions that you would think are outside the scope, as well as unconstitutional.

(COMMISSIONER WASSERMAN-RUBIN RETURNED TO THE ROOM.)

MR. NEWTON: We don't think we had that kind of clear-cut argument prior to the workshop. It's something that we -- it -- it just -- I think it was Mr. Salzillo that said it, and we looked at it and said, you know, this is a very viable argument to make and one that would allow the Board not to have to vote the ordinance up, but yet go down a path, potentially, of challenging those provisions which the Board thought would be outside the scope, as well as unconstitutional.

Now, we -- we have drafted a glitch ordinance. The process and -- and strategy that I thought would work best for the Board was -- and this is -- understand this is prior to developing that argument that I just talked about with respect to the oath -- oath of office -- the process that I thought would be best for the Board was to pass the ordinance as proposed by the Ethics Commission, which means you'd have an -- an -- you know, an up vote, and I think, although we don't take votes in workshops, many of you indicated that's what you were going to do, with the exception of Commissioner Lieberman and maybe one or two others.

COMMISSIONER WEXLER: I said I wasn't.

MR. NEWTON: I said one or two -- one -- one or two others.

But at that -- at that juncture, as you know, the Ethics Commission, if it was an affirmative vote, would cease to exist. And so then immediately after that, you would then, under a separate ordinance, cure all of those defects that existed in the ethics office.

At least you then, as a Board, would have met the dictates of the Charter in terms of voting up or down the -- the ordinance.

So I was trying to -- trying to, at that time, keep the Board out of a situation where it itself was potentially violating the Charter, not knowing about this argument that existed with respect to the oath.

That -- that changed somewhat afterwards. And if -- if you recall at that workshop, I was not as definitive, and I said, I think, as legally defensible as it should be in terms of the proposed ethics -- the proposed Ethics Commission ordinance.

Subsequent to that, and based upon all of the research that we've done, I decided that it was necessary to put out a memorandum at the same time that we were going to do the glitch ordinance.

Those circumstances changed last week --

UNIDENTIFIED SPEAKER: Right.

MR. NEWTON: -- and instead of doing the wholesale glitch ordinance, what was put forth was just a delay in the effectiveness of the ordinance, to allow us some time to work through some other issues.

So that -- that was my initial thought, rationale, and strategy with respect to how this would be -- would be handled.

Now, it turns out that it may not have been the best route to proceed, based upon how things have transpired. But if that's the case, that's fully my responsibility, not Mr. Meyers' responsibility, not Mr. Tightler's responsibility, or not anyone else's responsibility, solely mine.

COMMISSIONER JACOBS: So, Mr. Newton, then, your anticipation is that on -- prior to the memo that was issued in response to Commissioner Lieberman's questions, was then to have us adopt the glitch ordinance following the adoption of the Ethics Commission's ordinance on August 10th.

And if, in fact, there are elements of the glitch ordinance as drafted by your office, we do or don't have -- I mean, what -- what is the window of opportunity to correcting it? Is it if we don't adopt it that day -- none of us like being handed something and it's drop dead and you either adopt it today or not.

What are the consequences if that -- if there is work that is still needed on the glitch ordinance?

MR. NEWTON: There's -- there's no -- there's nothing else needed to be done with respect to the glitch ordinance. It's in -- it's ready to go.

The -- the only thing that you need is just a time frame for implementing the Inspector General aspect of it, as well as various forms that need to be developed, as well as various databases that need to be developed.

So what we had done under that glitch ordinance was delay its effectiveness, as well --

UNIDENTIFIED SPEAKER: Right.

MR. NEWTON: -- so that we would have time to put everything in place that needed to be in place. For example, there's a committee that has to be selected and put -- put together in order to select who the IG is going to be. That doesn't happen over -- overnight. There's a budget that has to be ultimately presented by the Inspector General to this Board for -- for approval.

All those things, based upon what the proposed -- the proposed ordinance by the Ethics Commission just seemed to happen -- you know, just automatically happen once the ordinance is passed, but that's just not the case. So --

COMMISSIONER JACOBS: Well, I guess what I find --

MR. NEWTON: -- we have to build in some time.

COMMISSIONER JACOBS: -- troublesome is we don't have the advantage of knowing what's in the glitch ordinance --

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER JACOBS: -- or all the different elements of concern that have been raised as far as time lines and so forth.

So when do we see the glitch -- that's my concern. Is it being sprung on us as we come back from break before the August 10th meeting, or when is it we can anticipate seeing it as --

MR. NEWTON: My initial --

COMMISSIONER JACOBS: -- since it's prepared.

MR. NEWTON: -- plan was for you to have seen it today.

COMMISSIONER JACOBS: I'm sorry? Say again?

MR. NEWTON: My initial plan was for you to have seen it today.

COMMISSIONER JACOBS: Well --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- what happened to that plan?

VICE MAYOR GUNZBURGER: (Inaudible.)

MR. NEWTON: Circumstances changed last week, and we presented just the part that dealt with extending the time.

COMMISSIONER JACOBS: Okay. That sound like a cryptic answer that --

UNIDENTIFIED SPEAKER: Yes, it does.

COMMISSIONER JACOBS: -- you clearly don't want to elaborate on.

So what is the going forward, then, position? When will we see -- or can you not answer that?

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: I will provide it to you --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: -- immediately after this meeting.

COMMISSIONER WEXLER: Well, maybe you could meet with all of us immediately after.

COMMISSIONER JACOBS: I think that's what he means you, the collective you.

MR. NEWTON: Yes.

COMMISSIONER JACOBS: Yeah.

COMMISSIONER WEXLER: Individually (inaudible).

COMMISSIONER JACOBS: Well, I mean, as far as providing it.

Okay. No other questions, Mayor.

MAYOR KEECHL: I have a question. Did I -- maybe I read the memo inaccurately. The -- can you tell me, before we go to Commissioner Wexler, recommendation number two, how does that play out? The -- the glitches would be effective upon -- I mean, there -- there are glitches that are going to occur that we don't even know about yet; isn't that correct? Don't we anticipate that?

MR. NEWTON: There may be --

MAYOR KEECHL: Okay. So --

MR. NEWTON: -- there may be, but I think we've -- we've covered -- everything that was mentioned in the workshop --

MAYOR KEECHL: Right.

MR. NEWTON: -- I believe we've covered in the -- in the glitch ordinance, with the exception of one item, which I thought was in direct contravention of the direction --

MAYOR KEECHL: Okay.

MR. NEWTON: -- that was part of the proposed ordinance, which dealt with the complaint process --

MAYOR KEECHL: Okay.

MR. NEWTON: -- verified complaint process.

MAYOR KEECHL: Okay. All right. Thank you.

Commissioner Wexler.

VICE MAYOR GUNZBURGER: You have me (inaudible)?

MAYOR KEECHL: (Inaudible.)

COMMISSIONER WEXLER: I have every intention, of course, voting to set this for Public Hearing on the 10th, but this is one of the opportunities that we have to get further information, to get clarification.

I -- I didn't read the response to Commissioner Lieberman last night, but I certainly did read it here on the dais today. I guess what I'm troubled by is that the Commission is being asked -- and the drop dead date is the 10th, I believe. Isn't that working backwards?

MR. NEWTON: That -- that was the date that --

COMMISSIONER WEXLER: For approval?

MR. NEWTON: -- in order for the Supervisor of Elections, if you didn't pass the ordinance --

COMMISSIONER WEXLER: Right.

MR. NEWTON: -- to be able to place a question on the ballot.

COMMISSIONER WEXLER: Right. Okay.

So working -- working with that in mind, what I believe I heard you say is that that would pass first, if we're counting votes from what we heard in the workshop, and then you would come forward after that with a glitch ordinance.

MAYOR KEECHL: Right.

COMMISSIONER WEXLER: The timing, that -- that is what you indicated to us, right?

MR. NEWTON: Right.

COMMISSIONER WEXLER: So the -- certainly, you've identified at least one area in here that is beyond the scope and seemingly unconstitutional.

I'm -- I'm -- I'm looking at beyond the scope, Mr. Newton. And I keep reading what the Charter question -- what they put on the ballot, what they were asked, what the voters approved. And -- and it's -- it's just so far beyond the scope, in totality.

But one thing in particular really, really concerns me, and I don't know how it's possible to fix it. And I also believe that -- that much of what's within it is really good, and that there are a few areas that concern me.

And the one is about the Inspector General and the anonymity of reporting. And I brought this up at the workshop, and I'm very, very troubled by that. I don't have a problem with reporting and, you know, someone filling out a complaint. Do it, but sign your name to it. Otherwise it's wholesale -- I don't know, shopping for -- for -- for complaints out there. And -- and that -- and that is what's going to occur.

And -- and so I almost feel that there are areas that we should look at, could look at, and put something on the ballot that actually is defensible and makes sense. And certainly what Commissioner Ritter brought forward had a complaint process for the Inspector General that was signed.

So I'm not -- you know, but -- but we're -- we're -- we're -- we're sitting here with the date, the clock ticks, we cannot change the language of this ordinance -- of this proposed ordinance, and so it's either vote it up or vote it down.

You've given us a vehicle. You're suggesting a vehicle through this glitch ordinance that you would submit to us after the fact in order to correct what items you have already identified to -- in your opinion, to be unconstitutional.

Is that all correct?

MR. NEWTON: That -- that's correct.

But one of the additional options that -- that was -- was not mentioned but is set forth in here, based upon the -- the argument that I think we now have with respect to the oath, is that you simply sever out those provisions from the original proposed ordinance by the Ethics Commission. In other words --

COMMISSIONER WEXLER: We have the right to do that?

MR. NEWTON: I -- I think, based upon --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: That's what I'm saying. Based upon the development of that argument that -- that you could do that. I -- I firmly believe --

COMMISSIONER WEXLER: Okay. So --

MR. NEWTON: And that's how it changed from the time of the workshop to now.

COMMISSIONER WEXLER: Okay. Because that's a different answer.

MR. NEWTON: Yeah, it's -- it's an additional answer, not necessarily a -- a different answer. It -- it was something that we did not discuss at the workshop, because what I said was you had to vote it up or down.

COMMISSIONER WEXLER: Exactly.

MR. NEWTON: Because that's exactly what I believed at that point in time.

COMMISSIONER WEXLER: Right.

MR. NEWTON: After that workshop, a thought occurred by one of the attorneys, Mr. Salzillo, I think it was, and he said, what about? And we got around the table, talked about it, and said, you know, that works. That then provides the Board with an opportunity to perhaps sever those provisions that are unconstitutional, also correct -- correct or sever those provisions which are outside of the scope.

Now, I will -- I will tell you that we believe we can, and we have done so in many of the instances -- and I'm trying to recall whether or not there were two things that we -- we kind of left that we were going to seek further direction from the Board, you know right before the -- the ordinance was considered by the Board, but we believe we can -- can cure some of the problems that exist in the ordinance. It's just a matter of -- of drafting it in line with what -- what the current state of the law is.

COMMISSIONER WEXLER: Can we require that a complaint be signed?

MAYOR KEECHL: I hope so.

MR. NEWTON: Yes.

COMMISSIONER WEXLER: Okay. All right. I didn't realize that we -- okay.

Between now and the time we go away or break or I leave town, I'll -- I'll talk to you about all of this. I think it's better to have that conversation probably off the dais.

Thank you.

MAYOR KEECHL: Thank -- okay.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I have a two-part concern to where we are today.

There was another option which was available, but for some reason the County Attorney didn't avail themselves of that option. That option was to simply say --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: -- we're not drafting that; it's unconstitutional.

MAYOR KEECHL: (Inaudible.)

COMMISSIONER LIEBERMAN: You put our Commissioners in a position of violating their oath.

And part of the discussion I had with the County Attorney yesterday is you could have refused to draft it, period. This is an advisory board.

If you recall at the workshop I was concerned that the County Attorney had a conflict because it had two clients with -- you know, in conflict with each other. It had an Ethics Commission, which exceeded its authority, which drafted -- which their office wrote unconstitutional provisions, and it had a Board of County Commissioners that's charged with upholding the Charter of the Florida Constitution and the U.S. Constitution.

And so they could have told them to get their own lawyer. They could have refused to draft those provisions. We wouldn't be in the position we're in today.

My concern is that this ordinance says --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: -- you know, and I kept saying to them, you know, did you get any direction? Maybe it was a meeting I missed where you brought the issue to the Board.

And you said, listen, we're kind of concerned here.

(MAYOR KEECHL LEFT THE ROOM.)

COMMISSIONER LIEBERMAN: And so that was my concern, because, for me, the only time you get direction from a Board is when we're sitting in a public meeting and we have discussion. And so we didn't have that.

My concern is twofold. First of all, it's the parts of the ordinance while the county -- on the County Attorney's watch that they didn't refuse to draft. They went ahead and drafted and put us in this position that we're in today.

It's the delegated authority rule. When you delegate authority, like our Charter did to this group, and it's laid out very well in this memo about what their sole authority was, the whole issue about once we adopt this, there's a provision that says if you want to weaken it, it goes to referendum.

Well, if we remove that provision, aren't we weakening it? Does it go to referendum? Does it give somebody the rights to challenge?

Yeah, I understand where he's going with a glitch bill, because he's -- he's forced in a cleanup situation with a bad piece of legislation. But I would have preferred some think ahead with a big D into, you know, dealing with those issues up front.

(MAYOR KEECHL RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: The second part that concerns me, and there were two parts to my question --

COMMISSIONER JACOBS: What's the big D?

COMMISSIONER LIEBERMAN: Think ahead. You ever see think ahead where the D is teeny and off the page?

COMMISSIONER WEXLER: Oh, a head. No, the D on --

UNIDENTIFIED SPEAKER: Oh, head.

COMMISSIONER LIEBERMAN: With a big D, think AHEAD, all capital letters --

UNIDENTIFIED SPEAKER: I got it.

COMMISSIONER LIEBERMAN: Got it? Not off the page. Sorry about that. I know the hour is long.

The second part when I look at this, and Mr. Newton is right on that, there are provisions in here that if you adopt it immediately you can't enforce it.

There are costs. You know, normally Mr. Lukic weighs in. When an item goes to the ballot, he says this is where the costs are.

Look at how many questions I asked that they can't tell me what it's going to cost.

And I think, Commissioner Jacobs, it was you who, when we were sitting in the delegation meeting you raised the issue about what it's costing in Miami Dade. We now know what it's costing in Palm Beach County. And we don't know if -- how our ordinance is similar or dissimilar to those to know whether or not we have a bona fide cost number.

I'm assuming we've all met with the County Administrator to get the gloom and doom budget information. And so whenever anything is passed that has a financial impact, it takes away from funding other things. And we don't even have the dollar impact that we need to have for this issue.

And then I raised some issues about things that were in this ordinance, because I just couldn't find anything that said in the ordinance that the definitions that weren't defined here would follow the definitions of the statute. It says in addition to the provisions, but there are certain things, and there are things I couldn't find in the statute, such as substantially affected is not defined in state law, not defined in Chapter 112. Okay?

The section that says -- and this may be me. You know, when I was writing my questions I, I didn't write it - says any complaint received by the officer of Inspector General that's made against a candidate for the office of County Commissioner and received within 60 days within the date of election should be held in abeyance.

And I wrote a question that said shouldn't Commissioners have that -- I wasn't thinking about us running for re-election. I was thinking perhaps maybe Commissioner Jacobs decides she wants to run for the State Senate, and someone files a complaint against her within 60 days of her State Senate election. If she were a candidate for County Commission or a County Commissioner seeking re-election, it's held in abeyance. Because she's a candidate for the State Senate, it isn't by this ordinance.

And so I may not have phrased my question properly, but you talk about gotcha ordinances and absurd consequences. When I was looking through the -- that's the concern that I had.

And so part of my frustration is, you know, I expect when we ask the County Attorney to serve as an advisor to someone that they look out for legal rights, that they make sure the stuff being drafted is legal and constitutional, and if there's a conflict issue that they bring it to this Board for whom -- you know, we're the big client, and say, listen, we have this problem. Should we withdraw from representing this advisory board and let them get their own counsel. Because I couldn't find anyplace where that discussion happened.

And so, you know, I appreciate that Mr. Newton is trying to find a way to fix this by saying he'll do a glitch ordinance, but I'm troubled by a provision that we get to cure when we adopt it that says if you want to weaken it, then you have to do it by referendum, and we're already on notice that there are unconstitutional provisions to this ordinance.

MAYOR KEECHL: Okay. Thank you, Commissioner.

Vice Mayor.

UNIDENTIFIED SPEAKER: Can we hear his response?

MAYOR KEECHL: Oh, I'm sorry.

MR. NEWTON: I was just going to say including that provision about weakening and strengthening as being one that's -- that --

COMMISSIONER LIEBERMAN: That you're going to pull out.

MR. NEWTON: -- that we -- not necessarily pull out, but it's not enforceable. So -- and -- and, as I said, I'll take full responsibility for not bringing it forward sooner, and -- and part of that is because I think, at least -- and I'm not one to offer excuses, and so I don't want you to take this as an excuse.

At -- at the point in time, and we had a disagreement with respect to that at -- at the beginning of the workshop, I did not view --

MAYOR KEECHL: Conflict.

MR. NEWTON: -- that there was a conflict. And I know we still disagree --

UNIDENTIFIED SPEAKER: Well --

MR. NEWTON: -- we still disagree on that.

And I didn't view that -- it that way because of the fact that the advice that we were giving to the Ethics Commission was consistent with what discussions we had had with the Board; in fact, discussions that had occurred piecemeal at the Board meeting in terms of Commissioner Ritter coming forward and saying do you know what they did this week? They were considering X, Y, or Z.

And -- and so I think everyone recognized that -- that we had a Charter advisory board that was running amuck in the sense of not following the dictates of the Charter.

And so my -- my -- my goal at that point became to try and figure out how, given the fact that there was nothing that I believed we could do to stop them, how do we then deal with what the end product is that they come up -- that -- that they end up -- end up -- we end up with.

And the strategy that I -- that I thought should be utilized may not have been the best -- best strategy, given the timing of everything.

I -- I wish I had -- I wish we had thought of this additional argument long before we did, and wouldn't be in this predicament. But, as you know, if you're given enough time, sometimes you think of things that you wouldn't have thought of if you don't have enough time.

And so I apologize for the timing aspect of it, but -- but I'm -- but I'm also elated that we do have an argument which enables the Board to place itself in a position of being able to effectively deal with those provisions of the proposed ethics code which are unconstitutional as well as outside of the scope.

MAYOR KEECHL: Okay. Thank you.

Vice Mayor.

VICE MAYOR GUNZBURGER: I'm very troubled by this discussion today. I find it upsetting. I find it not fair that the public, who had voted for an ethics code to come forth this year, that if we pass something on Monday, we change it on Tuesday, because that's what we're talking about. We're passing it so it won't go on the ballot, and then the next week or two weeks later or a month later, all of a sudden, what we passed gets changed, and it's like a flim-flam.

MAYOR KEECHL: You vote no.

VICE MAYOR GUNZBURGER: I under --

MAYOR KEECHL: Just vote no.

VICE MAYOR GUNZBURGER: -- I --

MAYOR KEECHL: Sorry. Go on. Just --

VICE MAYOR GUNZBURGER: I know that.

MAYOR KEECHL: Okay.

VICE MAYOR GUNZBURGER: But I just think when we talk about the public, and we're -- as part of our job, we're supposed to serve the public, and they should have faith in our decisions and what we're doing, rather than we're doing something that we don't believe in because we've been told if we do it, it's unconstitutional.

I'd like to know, is the lobbying bill -- lobbying part unconstitutional? The Inspector General unconstitutional? The gift -- I mean, what are we talking about here today that we're being given advice that is making me most uncomfortable? And I think it's most unfair to those that spent all that time working on the Code of Ethics and the public that finally had some faith that there was going to be transparency in the county government.

MR. NEWTON: Vice Mayor, what --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: -- what I would say in response to that is --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: -- that had the Ethics Commission followed its charge, which was to draft an ethics code that related solely to the behavior of County Commissioners, that this Board would not be in that position.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: And so I have -- I have a responsibility to this Board to advise it as -- as I see fit with respect to any proposed legislation. And as I mentioned at the outset of that workshop, that I was placed in an awkward position because it was the first time in -- in all of my years of practicing law that I was bringing forward to the Board a proposed ethics code, a provision that was, granted, assisted and -- and drafted by -- by our ordinance which I did not believe was as legally defensible as it should be.

Didn't get an opportunity to go into all the reasons for that, but -- but certainly, to -- to -- to reiterate, you know, the -- the Ethics Commission itself has some responsibility for why this Board is in the position that it's in.

VICE MAYOR GUNZBURGER: I -- I really feel, then, when we come back on August 10th, I think the glitch bill should be there, too, so that we know what the public is going to maybe get instead of what we're passing.

I -- I want to know what we're talking about, and how it's going to be changed. I think it's only fair --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: Okay.

VICE MAYOR GUNZBURGER: -- that if -- if we're going to pass one thing one week and change it the next, I want to know whether or not I want to even vote to pass it the first week.

MAYOR KEECHL: Thank you.

VICE MAYOR GUNZBURGER: I mean, is that something that could be done for August 10th?

MR. NEWTON: Timing-wise --

VICE MAYOR GUNZBURGER: You've got six weeks.

MR. NEWTON: No, no, I'm talking about from -- from an advertising standpoint in terms of the Board, what --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: -- what --

VICE MAYOR GUNZBURGER: No, you can -- you can advertise it.

MR. NEWTON: What I believe we can do, and if -- if you give me a moment, I just need to ask my staff a question. I can respond to that, because I think that the -- the -- the title is something we could advertise.

In other words, we could delay the advertisement of the title. If the Board would -- would approve the title, which I could get to you in relatively short order, of the glitch ordinance, then we could advertise that --

MAYOR KEECHL: Advertise. Okay.

MR. NEWTON: -- for the August 10th meeting, and you would have, prior -- long prior to August 10th, the actual body of the proposed ordinance that's being advertised. And if there's additional provisions that are necessary with respect to the glitch ordinance, we could draft amendments with respect to that.

But if you give me about -- about two minutes, we --

VICE MAYOR GUNZBURGER: Sure.

MR. NEWTON: -- we can get that --

MAYOR KEECHL: Okay.

MR. NEWTON: -- to the Board so it would have at least the language --

VICE MAYOR GUNZBURGER: That would be fine.

MR. NEWTON: -- of the title.

VICE MAYOR GUNZBURGER: I think that -- because, otherwise, I'm really uncomfortable with what you're proposing.

MAYOR KEECHL: Thank you.

Commissioner Rodstrom.

COMMISSIONER RODSTROM: What -- I guess what I don't understand is in the meantime, what's -- why can't we go and get some (inaudible) --

MAYOR KEECHL: Right.

COMMISSIONER RODSTROM: -- action? What -- what is the harm?

Because here's the thing. This is the point that I think Commissioner Gunzburger is struggling with. You know, it looks like we have this Ethics Commission and they passed something. We -- we monkey around with it

and take out the provisions that are onerous to us, and -- and then the voters are stuck with what they get and we get criticized because of what this Board did --

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER RODSTROM: -- and we don't acknowledge what the Board did. I mean, when are we going to find (inaudible)?

VICE MAYOR GUNZBURGER: Right.

COMMISSIONER RODSTROM: When are we going to do what we're supposed to do?

MAYOR KEECHL: (Inaudible.)

COMMISSIONER RODSTROM: You know, and I think from -- from a moral standpoint, it's problematic --

VICE MAYOR GUNZBURGER: That's what I'm -- that's right.

COMMISSIONER RODSTROM: -- for us. So I would much rather have a judge say, my God, it's unconstitutional; you can't do this.

And then I think -- and then I think we are -- because -- because we can be sued, too, and -- and now at least we're -- we're -- it may be the wrong word -- bulletproof, but -- but we have some defense that we've gone and sought, you know, legal counsel outside of -- no -- no disrespect to our County Attorney, but it's not -- doesn't rise to the level of a judge in a courtroom saying, you know, County Attorney, you are correct, this -- this is in violation of your First Amendment rights of free speech or whatever, and this has gone too far, and this is outside their scope.

I mean, what -- what is -- I mean -- and -- and even if --

VICE MAYOR GUNZBURGER: He's talking to you.

UNIDENTIFIED SPEAKER: I'll respond.

COMMISSIONER RODSTROM: -- even if -- all right. Well --

MAYOR KEECHL: Hold on.

COMMISSIONER RODSTROM: -- even if we don't like what the court says, you can still do a glitch bill. I mean, you're not (inaudible) --

MAYOR KEECHL: You can do both.

COMMISSIONER RODSTROM: -- from ever --

MAYOR KEECHL: You can do both.

COMMISSIONER RODSTROM: -- glitching any of this. Are you? I mean, that's my understanding of it. You can -- so I'm just trying to look at the political -- because there's a -- there's a legal solution, but it's got to be in line with the political solution, as well, or we're going to be criticized unmercifully for our actions.

MAYOR KEECHL: Can we hear from --

VICE MAYOR GUNZBURGER: You bet.

MAYOR KEECHL: -- can we hear from Mr. Newton on that one? What's the -- what's the negative to doing that?

MR. NEWTON: I missed part of it.

MAYOR KEECHL: Filing a declaratory relief while we're --

MR. NEWTON: Let --

MAYOR KEECHL: -- doing the glitch (inaudible).

MR. NEWTON: -- let me have Mr. Meyers address that issue.

But as he's --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: -- as he's approaching the podium, one of the things that we had discussion about is what posture -
- we thought about what posture would be the -- the best position for the Board to be in. And -- and I think, since
we have a lot of experience at this, we'd rather be defendants in a litigation than -- than --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: -- than plaintiffs in a litigation, so.

But let -- let me let him address that, because we've had that discussion and there may be some technical
points.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: Yeah. Yeah.

MR. MEYERS: Commissioner, yes. I think the answer to your question is yes.

I think the reason that declaratory judgment was listed number one here is it seemed to be the most
appropriate solution, because we're lawyers that give opinions on things, and ultimately a court would decide.

And that's really where the -- I guess part of the memo that we haven't discussed yet is your obligation to
vote up or down assumed that the Ethics Commission was going to deliver to you something that complied with the
charge, the Charter charge, and also didn't put you in a situation where you were going to violate your -- your oath.

And we think that it is important to get a clear ruling.

We do feel confident in the -- in the advice that's contained in the memorandum, but we -- and the reason
why I think it was important for this to come forward today is it would give us the opportunity to -- and -- and then
we've talked to Commissioner Lieberman about this. I know we raised this at the -- at the workshop.

I don't know that our office is in a position to -- to handle this as counsel. Certainly, we couldn't be on both
sides of the case. But that a declaratory judgment action be filed to not necessarily -- well, to confirm the
unconstitutionality, and to confirm the scope issues, but also to alert the Board to what the appropriate course is,
which we believe probably would be to sever the impermissible provisions prior to enacting the ethics code.

COMMISSIONER RODSTROM: Even our harshest -- even our harshest critics will have a hard time pressing the
issue if a court has ruled that certain things are unconstitutional going into it.

You know, I mean, I think -- I think that really gives us some measure of confidence -- or just makes us feel
better, I guess, that -- that we're not overstepping our bounds, because I don't think -- I don't think the public wants
us to pass laws that are unconstitutional that we're going to spend money litigating, ultimately, its constitutionality
when someone protests. I mean, that's just wasting the taxpayers' money.

So if we know -- and -- and then the other part of it is our oath, that we're in conflict with our oath, notwithstanding the constitutionality, the fact that we could be sued and -- and -- and claim that we've outstepped our -- and that somehow we should be removed from office. That's even probably for, you know -- you know --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: -- then you have no County Commission because we've all exceeded our authority.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: So -- yeah, you have no government.

But -- but, you know --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: So, Commissioner Lieberman -- I mean, Mayor, would you permit --

MAYOR KEECHL: Yeah, absolutely.

COMMISSIONER RODSTROM: -- an answer from her, because she said she would --

MAYOR KEECHL: Absolutely.

COMMISSIONER RODSTROM: -- no way want to have a dec judgment --

MAYOR KEECHL: (Inaudible) she's changed her mind.

COMMISSIONER RODSTROM: -- because they could do this between now --

COMMISSIONER LIEBERMAN: (Inaudible.)

COMMISSIONER RODSTROM: -- could you get a -- one more question. Could you get an answer to this, do you believe, between now and August 10th --

MR. MEYERS: Well --

COMMISSIONER RODSTROM: -- when we come back?

MR. MEYERS: -- I -- I -- you know, it's state court. You -- it's -- it's difficult to say for sure.

However, what we normally do in these circumstances is -- is we will alert the court to what our -- our opinion is, let them know plan we plan on acting. The -- the other side would probably, if they thought that we weren't getting a dispositive ruling quickly enough, would probably seek a temporary injunction or seek something which would put this question at issue, and we would end up getting some sort of guidance from the court.

COMMISSIONER RODSTROM: Okay. Then one more -- one more question, then. If -- if, you know -- is there -- how far afoul are we if it doesn't go on the primary ballot and goes on the November ballot?

MR. MEYERS: It's -- it's -- well --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MEYERS: Yeah, we're going to --

MR. NEWTON: We were going to do November anyway.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: We were going to do November, not the primary.

MAYOR KEECHL: (Inaudible) go there because we didn't -- couldn't --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: -- do them both ways.

MR. MEYERS: It has to be considered by August 10th.

COMMISSIONER RODSTROM: Well, then, maybe I'm missing something --

VICE MAYOR GUNZBURGER: (Inaudible.)

COMMISSIONER RODSTROM: -- because in the --

MR. NEWTON: No, it --

VICE MAYOR GUNZBURGER: (Inaudible.)

MR. NEWTON: -- if you don't vote it --

MAYOR KEECHL: (Inaudible.)

MR. NEWTON: -- up, then the question would be presented on the November --

COMMISSIONER RODSTROM: Right. On the November ballot.

MR. NEWTON: -- ballot. Yes.

COMMISSIONER RODSTROM: Right. Right.

MAYOR KEECHL: Even if we voted --

COMMISSIONER RODSTROM: No, but we --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: I guess -- I guess I'm missing the --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: -- so the timing issue was prescribed --

MR. NEWTON: By the --

COMMISSIONER RODSTROM: -- previously, right?

MR. NEWTON: Yes, by the Supervisor of Elections. We had to back in to a date by the -- for the Board to have that Public Hearing in order to ensure that if the Board did not vote it up that there would be sufficient time for the ballot question -- I mean, sufficient time for the Supervisor of Elections to have all of her printing that she needs to have done --

COMMISSIONER RODSTROM: So that --

MR. NEWTON: -- for purposes of the ballot --

COMMISSIONER RODSTROM: -- so then that begs the question --

MR. NEWTON: -- question.

COMMISSIONER RODSTROM: -- what about some of the other things that this Commission has asked to have drafted to be on the ballot, as well?

MR. NEWTON: Yeah.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: They're all coming forward.

COMMISSIONER RODSTROM: They all have to be by that same date.

MR. NEWTON: Right. They're all coming forward on the 10th.

UNIDENTIFIED SPEAKER: They don't all -- all have to be -- okay. Yeah.

MR. NEWTON: Yeah. Those matters that have to be part of the ballot --

COMMISSIONER RODSTROM: It just -- it just seems to me that --

MR. NEWTON: -- will be coming forward.

COMMISSIONER RODSTROM: -- that that's just so far in advance of what is reasonable here.

MR. MEYERS: Commissioner --

COMMISSIONER RODSTROM: I mean --

MR. MEYERS: There's -- there's also a requirement under the Charter provision --

UNIDENTIFIED SPEAKER: Right.

MR. MEYERS: -- so you -- that's within a week of when the absolute --

COMMISSIONER RODSTROM: Right. But --

MR. MEYERS: -- deadline would be.

COMMISSIONER RODSTROM: -- that's a separate issue.

MR. MEYERS: Sure.

COMMISSIONER RODSTROM: But -- but -- but I -- but I -- I just take exception to the advanced notice that the Supervisor needs.

MR. MEYERS: It's not much in advance of when the Charter deadline would be anyway. I think it was 180 --

COMMISSIONER RODSTROM: Okay. So that's -- that's not an issue.

MR. MEYERS: Yeah, I think we can get an answer.

COMMISSIONER RODSTROM: But you think you can get a dec answer in time?

MR. MEYERS: Yes, sir.

MAYOR KEECHL: (Inaudible.) Oh, Commissioner Lieberman, he --

COMMISSIONER LIEBERMAN: My problem, Commissioner Rodstrom, with a dec action isn't -- and I appreciate Mr. Meyers saying he believes he can get an answer prior to the August meeting -- is a time issue. I don't think they can.

COMMISSIONER RODSTROM: All right. But no harm, no foul.

COMMISSIONER LIEBERMAN: No harm, no foul. But let me explain to you. Here's the issue. There are two parts to the issue. One is timing, because the Charter says if we don't adopt within, I think it's -- what was it, 180 days after this was presented, which is that date --

UNIDENTIFIED SPEAKERS: (Inaudible cross-talk.)

COMMISSIONER LIEBERMAN: -- that it goes automatically on the ballot.

And so here is my problem with the dec action is if he doesn't get an answer by that date and we don't adopt, we're bound by an existing provision in the Charter, which means if we vote to put it on the way it constitutes, the County Attorney has opined we violate our oath that we took.

UNIDENTIFIED SPEAKER: But you --

COMMISSIONER LIEBERMAN: So for me, it's timing.

MAYOR KEECHL: (Inaudible.)

COMMISSIONER LIEBERMAN: That's the issue.

COMMISSIONER RODSTROM: Then we have to take that vote at that time --

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER RODSTROM: -- and we'll govern ourselves accordingly.

MAYOR KEECHL: And we'll have the --

COMMISSIONER LIEBERMAN: But I -- but I have to tell you --

MAYOR KEECHL: -- the glitch (inaudible).

COMMISSIONER RODSTROM: Because we're no worse off.

COMMISSIONER LIEBERMAN: The other part to your issue is -- Commissioner, the other part to your issue is there's no up side to any of these options.

MAYOR KEECHL: Yeah, that's --

COMMISSIONER LIEBERMAN: I want you to understand that when I started --

COMMISSIONER RODSTROM: Of course not.

COMMISSIONER LIEBERMAN: -- really thinking about this --

COMMISSIONER RODSTROM: No up side.

COMMISSIONER LIEBERMAN: -- there's no up side.

MAYOR KEECHL: Right.

COMMISSIONER LIEBERMAN: Because the story'll say Commission votes to authorize dec action challenging ethics ordinance. There is no up side.

That's -- you know -- and I hate to do this in a public meeting. That's why I keep -- you know, have you all seen the sign that says think and there's a little, tiny little D down at the end, because they didn't think ahead?

UNIDENTIFIED SPEAKER: There's that head again.

COMMISSIONER LIEBERMAN: Right.

UNIDENTIFIED SPEAKER: Okay.

COMMISSIONER LIEBERMAN: Okay?

You know, I believe that the County Attorney's Office knew before yesterday, knew before our workshop, knew while the Ethics Commission was meeting, that these problems existed. And so, for me, I would have preferred thinking ahead versus the position we're in today.

COMMISSIONER RODSTROM: But that's rearview mirror thinking. I mean --

MAYOR KEECHL: But you've --

COMMISSIONER LIEBERMAN: I understand.

COMMISSIONER RODSTROM: We've got to go on.

MAYOR KEECHL: But we're past that now.

COMMISSIONER LIEBERMAN: I understand.

COMMISSIONER RODSTROM: Right.

MAYOR KEECHL: (Inaudible.)

COMMISSIONER RODSTROM: And so I'm willing to accept the headline, because ultimately if it -- I'm -- I'm -- you know, we get pretty good legal advice around here, so I'm willing to accept the negative headline tomorrow if ultimately the judge rules, and we think we're right, and we get the ruling that we think is correct, and the taxpayers are saved all that money, and legal action potentially going forward, and we know what our rights are and where we stand, and we're not violating our oath of office.

I mean, that is what it is. I mean --

COMMISSIONER LIEBERMAN: Commissioner, I said to you from the beginning my concern was timing.

COMMISSIONER RODSTROM: Right. And --

COMMISSIONER LIEBERMAN: I'd like to believe that Mr. Meyers will get an answer before the meeting, but if, for some reason, he's wrong, the County Attorney's Office --

COMMISSIONER RODSTROM: But --

COMMISSIONER LIEBERMAN: -- is on notice today that they need a plan B.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER RODSTROM: But then we're no worse off if we don't get the dec answer.

MR. MEYERS: It's -- essentially, you will have tried to get an answer from a court, and then you're in a situation where Options 2 and 3 are -- are still viable.

COMMISSIONER RODSTROM: Right.

MAYOR KEECHL: Right.

COMMISSIONER LIEBERMAN: Just understand.

MAYOR KEECHL: Okay. Commissioner Jacobs.

COMMISSIONER JACOBS: Oh, I'm (inaudible).

MAYOR KEECHL: Good. We're all done.

Okay. So what are we doing here, colleagues?

COMMISSIONER RODSTROM: I would make -- I would make a motion that we pursue Option 1 prior to the 10th meetings to clarify our position, and -- and ask that -- that we hopefully get a ruling from the court, and that -- and -- and ask the court politely or however you do it to please give us an answer in --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: -- in a timely fashion, if that's possible, so we can govern ourselves accordingly -

MR. NEWTON: And --

COMMISSIONER RODSTROM: -- so we're not violating our oath of office --

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER RODSTROM: -- on the 10th.

MR. NEWTON: Right. And -- and one of the things that -- that I wanted to mention, and Mr. -- Mr. Meyers can go into it additionally if -- if need be, but it's sort of like the issue that we dealt with at the beginning of the workshop, and so we're -- we're going to -- to -- to discuss this issue with the Florida Bar, because, as you -- as you recall, I mentioned that there may be some point in time where our office is conflicted. So --

COMMISSIONER RODSTROM: And so (inaudible) --

MR. NEWTON: -- if that is the case --

COMMISSIONER RODSTROM: -- embodied in the motion is your ability to -- to seek out -- to bring in outside counsel --

MR. NEWTON: Right.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER RODSTROM: -- to --

MR. NEWTON: If you'd give me that authority to -- to hire outside --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: -- counsel to go forward with that, what we will do is -- is seek out -- seek outside counsel during this period of time to handle that --

COMMISSIONER RODSTROM: And what do you think --

MR. NEWTON: -- that litigation for us.

COMMISSIONER RODSTROM: -- that fee might be, not to exceed?

MR. MEYERS: It's probably going to be a summary judgment. I mean, I -- I wouldn't think that it would -- it's hard to say. I know, you know, it may be 50 hours' worth of time, so you, you know, might be dealing with --

UNIDENTIFIED SPEAKER: Ten?

MR. MEYERS: Yeah, ten --

UNIDENTIFIED SPEAKER: Twenty?

MR. MEYERS: -- 10, 15, \$20,000 possibly. The -- the --

COMMISSIONER RODSTROM: But what would it cost to have to defend an -- an action?

UNIDENTIFIED SPEAKER: Twenty.

COMMISSIONER RODSTROM: You know, what do you spend to defend an action when somebody sues and says something is unconstitutional?

MR. NEWTON: We -- oh, it -- yeah. Then it could be an astronomical amount (inaudible) amount of money.

MR. MEYERS: Plus -- plus attorneys' fees. At that point, if somebody prevails on a First Amendment claim, you'd be obligated to pay their fees and then it may be substantially higher.

The -- the issue, though we do need to research it, because it's possible that there's not a problem with -- with our office representing the county. There may be, and we do want to check with the bar.

UNIDENTIFIED SPEAKER: Right.

MR. MEYERS: However, the -- the --

COMMISSIONER RODSTROM: The motion would be that the attorneys -- we acknowledge the fact that you may have to seek outside counsel to file the -- the action because of your -- an inability to do so yourself.

MAYOR KEECHL: (Inaudible) Commissioner Rodstrom -- by Commissioner Rodstrom, seconded by --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: Okay.

COMMISSIONER JACOBS: Can you --

MAYOR KEECHL: The --

COMMISSIONER JACOBS: -- can you just restate --

UNIDENTIFIED SPEAKER: Declaratory --

COMMISSIONER JACOBS: -- Commissioner, the --

COMMISSIONER RODSTROM: The motion is is that we -- we ask, at least in the interim, between now and August 10th, to -- to seek a motion of declaratory judgment, and -- and -- and if it's deemed that we're not able to file that motion because of potential conflict that we might have, we being the county, that the County Attorney is authorized to hire outside counsel on our behalf to file the litigation, and that it will seek declaratory judgment regarding the -- the appropriateness, whether it's constitutionality of the -- of the -- of the -- or outside their scope, and -- and where we stand as far as our abilities as Commissioners in our duties and responsibilities.

COMMISSIONER JACOBS: And where is -- I'm sorry.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: So then where is the glitch bill issue (inaudible)?

MAYOR KEECHL: That's next.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: That's next.

COMMISSIONER RODSTROM: And should that -- and should we not get a -- an answer --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: -- in a timely fashion, we're no worse off. And the glitch bill we will have to deal with the 10th, and so Options 2 --

MAYOR KEECHL: (Inaudible.)

COMMISSIONER RODSTROM: -- and 3 become relevant on the 10th, but we're not going to look at them today, because we have, number one --

UNIDENTIFIED SPEAKER: Mayor?

MAYOR KEECHL: Okay. Hold on.

COMMISSIONER RODSTROM: -- declaratory judgment.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Okay. And just to make sure I'm following the whole chain of events --

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER JACOBS: -- here before we (inaudible) --

MR. NEWTON: Right. That's --

COMMISSIONER JACOBS: -- this -- then this next item, we will adopt this --

MAYOR KEECHL: Yes.

COMMISSIONER JACOBS: -- that gives us notice so that we can --

MR. NEWTON: Right.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- adopt the glitch bill --

MAYOR KEECHL: If we need to. (Inaudible) we need to.

COMMISSIONER JACOBS: -- or a glitch ordinance.

MR. NEWTON: Right.

MAYOR KEECHL: Commissioner Lieberman --

MR. NEWTON: What you would do is --

MAYOR KEECHL: -- (inaudible) motion.

COMMISSIONER JACOBS: What a mess.

COMMISSIONER LIEBERMAN: (Inaudible) they would spend on outside counsel? I mean, don't you find it ironic that it's going to cost us money to do this versus it's --

UNIDENTIFIED SPEAKER: Well, but I -- I guess -- I --

COMMISSIONER LIEBERMAN: -- (inaudible) blank check.

COMMISSIONER RODSTROM: But -- but you know what? No, and I'm not giving them a blank check.

But I think it's ironic that, you know, we chose the -- we chose to save money and it cost us money. Because we chose to save money by not letting the ethics -- we -- we sat there and, you know -- so we took the shortcut and now it's going to --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: -- we have to spend some money. Had we spent it up from, we wouldn't have had to spend the money --

COMMISSIONER JACOBS: I'm sorry.

COMMISSIONER RODSTROM: -- is what I believe.

UNIDENTIFIED SPEAKER: We still have to spend it.

COMMISSIONER RODSTROM: We still have to spend it.

MAYOR KEECHL: We're going to spend --

COMMISSIONER RODSTROM: Right.

MAYOR KEECHL: -- we are going to spend it.

COMMISSIONER RODSTROM: Either way.

MAYOR KEECHL: Commissioner Jacobs.

COMMISSIONER JACOBS: I apologize, but this process is so -- this is so messed up.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: And I need to ask the County Attorney for one other option, because what this in essence is is that we're hiring outside counsel to get us out of having doing something that the public wants us to do.

UNIDENTIFIED SPEAKER: That's --

COMMISSIONER JACOBS: That's the way it's viewed --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- so let me just continue on this thought process.

Why not, then, do the opposite? Why not adopt it and then immediately go say to the courts, gee, where are we in what we just adopted? At least we will have been seen to have done the right thing --

MAYOR KEECHL: (Inaudible.)

COMMISSIONER JACOBS: -- to adopt that which the public clearly wanted.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Even though it was misdirected --

MAYOR KEECHL: Hold on.

COMMISSIONER JACOBS: -- what this board gave to us, what's the harm in going after the fact and seeking that same court opinion --

(COMMISSIONER WASSERMAN-RUBIN LEFT THE ROOM.)

MAYOR KEECHL: It doesn't take effect --

COMMISSIONER JACOBS: -- after rather than before?

MAYOR KEECHL: -- (inaudible) January.

MR. NEWTON: Well, let me let Mr. --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: -- Mr. Meyers address that point of it, but there is -- there is --

UNIDENTIFIED SPEAKER: Shh.

MR. NEWTON: -- what Commissioner Lieberman had mentioned before about your action would cure a certain provision -- potentially cure certain provisions that were outside the scope, and so it would be difficult to go into court to make an argument with respect to those provisions that are outside the scope.

COMMISSIONER RODSTROM: What about her duty?

MR. NEWTON: And we could still -- we -- let me let Mr. Meyers address that, because I --

MR. MEYERS: Despite that there may be a delayed effective date, it's best not to enact something that contains --

MAYOR KEECHL: Okay.

MR. MEYERS: -- something we believe is unconstitutional.

And the second part of it, that Mr. Newton attributed to Commissioner Lieberman, is that although the Ethics Commission did not have the authority to go into -- to go into a certain realm, essentially getting beyond actions of the Commissioners, you all would have that authority, so if you legislatively bless it, for want of a better term --

UNIDENTIFIED SPEAKER: Oh.

MR. MEYERS: -- you would likely, as a -- from a legal standpoint, cure that outside the scope defect. So you --

COMMISSIONER RODSTROM: And we'd be -- we'd be going outside of our duty as Commissioners, and so, therefore --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: -- we'd be --

UNIDENTIFIED SPEAKER: It's -- yeah.

COMMISSIONER RODSTROM: -- we'd be subject to attack --

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER RODSTROM: -- because we have now -- you know, we have violated the law?

MR. MEYERS: Yeah. If -- if the -- the other option here, in terms of either through a glitch bill or directly modifying the ordinance passing what you think is constitutional and within the scope, the -- the fallout of that, from a legal standpoint, might be what's called a mandamus action by somebody saying that we violated our -- our obligation to vote up or vote down.

That -- if -- if the goal was to try to save money on outside fees, that would be the preferred route, because then at least we weren't enacting something that we believe contained unconstitutional provisions.

So if you want to get legal guidance, the best time to get it, really, is now in a declaratory judgment action. If you didn't want to spend the money now, and it's unfortunate that it -- that it does cost money, probably a lot less than it would have cost to sit through dozens and dozens of hours of ethics meetings, but -- so I don't know it works out on balance, but.

MAYOR KEECHL: Commissioner Jacobs.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: I -- I'm just struggling with the most obvious question of all, which is why in the

world have we not already done so.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Why are we bumping up? What has caused the County Attorney's Office to not understand that there is a court that might be able to be prevailed upon to weigh in on this conundrum prior to today?

MR. NEWTON: It goes back to what I mentioned before, Commissioner, in terms of timing, and not knowing that we -- we had an argument that would allow the Commission to --

COMMISSIONER JACOBS: Okay.

MR. NEWTON: I mean, we just simply didn't think of it at -- at the time prior to the -- the workshop.

MAYOR KEECHL: Okay.

MR. NEWTON: And --

COMMISSIONER JACOBS: All right.

MAYOR KEECHL: You said that a couple times now.

COMMISSIONER JACOBS: Yeah.

MAYOR KEECHL: So I want -- I want to call the question on Commissioner Rodstrom's motion.

COMMISSIONER WEXLER: Does he have a second yet?

MAYOR KEECHL: I don't think so yet.

COMMISSIONER WEXLER: (Inaudible.)

MAYOR KEECHL: So Commissioner Rodstrom's motion to authorizing the filing of declaratory judgment; seconded by Commissioner Wexler.

All those in favor, signify by saying aye.

Any opposed?

It passes unanimously with Commissioner Wasserman-Rubin not on the dais.

UNIDENTIFIED SPEAKER: (Inaudible.)

VOTE PASSES UNANIMOUSLY.

(COMMISSIONER WASSERMAN-RUBIN RETURNED TO THE ROOM.)

MAYOR KEECHL: Item 100 has been moved.

MR. NEWTON: It -- this was -- you can move 100, but this one really relates to Item 101.

COMMISSIONER LIEBERMAN: I know, but 100 we haven't (inaudible).

MR. NEWTON: Right. Right. Correct.

MAYOR KEECHL: (Inaudible.)

MR. NEWTON: We have to move 100, right.

MAYOR KEECHL: So --

VICE MAYOR GUNZBURGER: This is what? What is this, 101A?

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: No, that's just going to be -- that's going to substitute -- that's going to substitute for 101.

MAYOR KEECHL: This is a substitute for 101?

MR. NEWTON: Yeah, that's going to substitute --

MAYOR KEECHL: All right. So --

MR. NEWTON: -- for the title of 101.

MAYOR KEECHL: -- this is the original 100.

MR. NEWTON: Right.

MAYOR KEECHL: Okay.

MR. NEWTON: 100's fine.

MAYOR KEECHL: Who moved it?

COMMISSIONER LIEBERMAN: I did.

MAYOR KEECHL: Okay. It's been moved by Commissioner Lieberman seconded by Commissioner Ritter.

All those in favor, signify by saying aye.

That passes unanimously, as well.

Commissioner Wasserman-Rubin is on the dais and she also voted with the majority on the earlier item.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 101

COMMISSIONER LIEBERMAN: Move substitute 101.

MAYOR KEECHL: Substitute 101 has been moved by Commissioner -- who are you -- Lieberman, seconded by Commissioner Ritter.

All those in favor, signify by saying aye. Oh.

COMMISSIONER WEXLER: I had a question on that. I -- I guess what I'm -- what I'm struggling with is this -- everything is -- everything is struck and this is substituted?

MR. NEWTON: No, not -- not everything is struck.

COMMISSIONER WEXLER: Okay. Just the title?

MR. NEWTON: Right. What -- what we're doing is -- is broadening the title --

UNIDENTIFIED SPEAKER: For the glitches.

MR. NEWTON: -- so that we can make sure that, for purposes of advertising --

COMMISSIONER WEXLER: Right.

MR. NEWTON: -- we can fit all the glitches in --

COMMISSIONER WEXLER: Okay.

MR. NEWTON: -- because the other title is a little bit more --

COMMISSIONER WEXLER: Okay.

MR. NEWTON: -- circumspected.

COMMISSIONER WEXLER: Restrictive.

MAYOR KEECHL: Right.

COMMISSIONER WEXLER: Okay.

The only -- one of the -- one of the things that I wanted on the record now, that if this does move forward, if 100 moves forward by the support of the majority of this Board of County Commissioners, I -- I think that the public's intent would be certainly many provisions of it would be implemented not January of 2011.

MR. NEWTON: Right.

COMMISSIONER WEXLER: And the one that I'm particularly thinking about is the procurement participation. And --

UNIDENTIFIED SPEAKER: I agree.

COMMISSIONER WEXLER: -- I just want to throw that on the record now. I mean, you know, I understand the need to gear up an office of an Inspector General and get the committee there. And that, indeed, takes time.

But there are certain things that I -- I'm sure our staff has been working on and is ready to -- to move on --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- in a much quicker time frame than January of 2011.

MR. NEWTON: Certainly, we could do that and create a transition period for those committees that you're already a part of, and that you would not serve on the committees beyond a certain --

COMMISSIONER WEXLER: All right. So then --

MR. NEWTON: -- beyond a certain date.

COMMISSIONER WEXLER: -- then my question would be, then, it would be -- would it be within our scope -- we've now changed the title of 101. The body of it remains the same.

However, if it's the desire of this -- and I'm thinking -- and I'm -- I'm hypothetically thinking as if one -- 100 passes, that then 101 does the implementation, we have the authority at that point to change some of the

implementation dates, and leave some of the others to January of 2011.

MR. NEWTON: I believe, yes.

COMMISSIONER WEXLER: Within the current what's advertised?

MR. NEWTON: Yes.

COMMISSIONER WEXLER: Thank you.

MR. NEWTON: (Inaudible.)

COMMISSIONER RODSTROM: Can I ask a question?

MAYOR KEECHL: Sure.

COMMISSIONER RODSTROM: Just -- just -- just, you know, I -- I've always thought that this idea of eliminating selection/negotiation committees was one of those items that was outside the scope of this Ethics Commission, because it's procedural, it's not ethical.

COMMISSIONER LIEBERMAN: (Inaudible.)

COMMISSIONER RODSTROM: Well --

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER RODSTROM: Well, but it -- but I think it's -- well, okay. But I --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: -- but my thinking is it's procedural as opposed to ethical, all right? But notwithstanding that, what -- so, to me, part of it also is nomenclature, because we have these selection committees now, but ultimately the Commission is charged with making the decisions. We're not -- we're not able to escape the decision of having to hire vendors. We never get away from that. I mean, that's part of our duty. Nobody would debate that. It's just a question of how we go about it.

So, I mean, would there be anything to stop us from having -- because I wouldn't want to give up my role as a decision-maker from not knowing who I'm hiring. I mean, I wouldn't want to do that.

So -- so -- so would there be anything wrong with having Thursdays, for example, or someday of the week, as a Commission day where members of the Commission, as long as you had a majority, would take part in selection of vendors? And it wouldn't a selection committee; it's a Commission meeting.

VICE MAYOR GUNZBURGER: Oh, that's -- that's another (inaudible).

COMMISSIONER RODSTROM: Well, what -- what do you mean? I don't -- I don't -- I don't understand that.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: Because -- so then you're going to abdicate your -- your role as a Commissioner. How are you going to make decisions when you're not a decision-maker? I -- I don't -- I mean, somebody --

MAYOR KEECHL: You've got to make a --

COMMISSIONER RODSTROM: -- has got to tell me how that's going to be done --

MAYOR KEECHL: -- (inaudible) make a (inaudible).

COMMISSIONER RODSTROM: -- because I --

MAYOR KEECHL: You've got to make (inaudible).

COMMISSIONER RODSTROM: -- I'm charged with making a decision. So -- so what am I going to say? I didn't know? I -- I hired that firm, but I didn't know, because I never asked the question, because how would I have known --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: Hold on.

COMMISSIONER RODSTROM: -- to ask the question --

MAYOR KEECHL: Hold on. Hold on.

COMMISSIONER RODSTROM: -- because I didn't take part in -- in the selection?

You know, I mean, I -- I think, when you say it's a flim-flam, then, you know, I think that, again, the Board overstepped, because ultimately the buck stops with this Board of County Commissioners. We are charged with having to make these selections, and we're charged with having to know in great detail and great specificity who these firms are that we're selecting. And when they screw up, we're going to get blamed. And we're going to know why we didn't know something.

MAYOR KEECHL: John, let me --

COMMISSIONER RODSTROM: You know --

MAYOR KEECHL: -- let me respond to that, because I said that to the Ethics Commission.

And I think that what Commissioner -- what the Vice Mayor was saying -- I'm not trying to put words in her mouth -- is if you create a new entity that substitutes for a selection committee --

COMMISSIONER RODSTROM: I'm not creating an entity.

MAYOR KEECHL: I -- I know you're not.

But what's going to happen is for those issues that are very important, like convention center hotels, we're all -- we're all going to be making the decision, I think, here. We're going to be saying we want presentations here.

COMMISSIONER RODSTROM: Right.

MAYOR KEECHL: So we'll have a lot less --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: -- so we -- we will have always have the final say, I believe, even under the -- the ethics code.

It's just some of the really important things -- so maybe a selection committee is going to make a recommendation to us, but we may be saying we want our own presentations, and we're going to be making more -- more decisions up here.

That's what I think.

COMMISSIONER JONES: (Inaudible) sunshine. That's right.

MAYOR KEECHL: Seriously. Yeah, in the sunshine, no less, right. So --

COMMISSIONER RODSTROM: So -- so that's not a flim-flam.

MAYOR KEECHL: No, but she's just saying if you created a different committee --

COMMISSIONER RODSTROM: I'm not saying a committee.

MAYOR KEECHL: Okay.

COMMISSIONER RODSTROM: I'm saying we as a County Commission are going to -- believe it or not, here's what I'm saying --

MAYOR KEECHL: I know what you're saying.

COMMISSIONER RODSTROM: -- whether you like it or not, whether we like it or not --

MAYOR KEECHL: We're going to (inaudible).

COMMISSIONER RODSTROM: -- we're going to find ourselves having more meetings --

MAYOR KEECHL: Yes.

COMMISSIONER RODSTROM: -- whether they're on Thursdays or Mondays or Tuesdays, we're going to find ourselves --

MAYOR KEECHL: Long meetings.

COMMISSIONER RODSTROM: -- because what we're going to have --

COMMISSIONER JONES: (Inaudible.)

COMMISSIONER RODSTROM: -- we're going to require longer meetings, because Dade County Commissioners meet days -- you know, they start a Commission meeting and they -- that same Commission meeting goes into the next day.

MAYOR KEECHL: That's it.

COMMISSIONER RODSTROM: And -- and it's because of things that we're now going to be forced to do which we have done as a committee, now the body as a whole are going to be charged with doing its due diligence --

MAYOR KEECHL: Right.

COMMISSIONER RODSTROM: -- in order to get to a decision that they're required by law to make.

MAYOR KEECHL: I think so.

COMMISSIONER RODSTROM: Okay.

MAYOR KEECHL: Okay. Commissioner Wexler, and then I -- I've got a --

COMMISSIONER WEXLER: I don't want to belabor it --

MAYOR KEECHL: -- a motion.

COMMISSIONER WEXLER: -- because we're going to have lots of time on the 10th to discuss all this.

MAYOR KEECHL: Bring your pajamas.

UNIDENTIFIED SPEAKER: Bring your (inaudible).

COMMISSIONER WEXLER: But I think it's really important to respond to Commissioner's statement.

This body would be the awarding body. What I heard from the committee in their deliberations, the Ethics Commission, was that they wanted that process, that selection process where our hands went up to be transparent.

MAYOR KEECHL: Transparent.

COMMISSIONER WEXLER: Exactly.

But then I -- I did further investigating about cities, because they -- they also said, well, do it the way the cities do it and the -- the council or Commissioners don't serve. But some cities -- and I never served as a City Commissioner, but you did --

UNIDENTIFIED SPEAKER: (Inaudible) did.

UNIDENTIFIED SPEAKER: I did.

COMMISSIONER WEXLER: -- you did --

COMMISSIONER JONES: (Inaudible.)

COMMISSIONER WEXLER: -- you did --

COMMISSIONER RODSTROM: I did.

COMMISSIONER WEXLER: -- you did (indicating).

COMMISSIONER JONES: (Inaudible), yeah.

COMMISSIONER WEXLER: Isn't it true --

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER WEXLER: -- that you might have had a recommendation that came from your staff --

COMMISSIONER JONES: (Inaudible.)

COMMISSIONER WEXLER: -- and then -- but then the -- you guys -- you -- the -- the Commission then decides, oh, no, we're putting number 3 as number 1 and this is how we're awarding it.

UNIDENTIFIED SPEAKER: Right.

UNIDENTIFIED SPEAKER: Oh, of course.

COMMISSIONER WEXLER: I know that. I've come to find that out.

COMMISSIONER RODSTROM: It has to be that way.

MAYOR KEECHL: Okay.

COMMISSIONER WEXLER: But for me, that's dishonest.

MAYOR KEECHL: Well --

COMMISSIONER WEXLER: Okay?

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: Hold on. We're getting really far --

COMMISSIONER RODSTROM: That's dishonesty not to (inaudible) --

MAYOR KEECHL: -- we're getting really far away from away from --

COMMISSIONER WEXLER: It is dishonest.

MAYOR KEECHL: -- the original item.

COMMISSIONER RODSTROM: You think it's dishonest not to take a staff recommendation?

COMMISSIONER WEXLER: No, no --

MAYOR KEECHL: No, no.

COMMISSIONER WEXLER: -- I think it's dishonest to change the staff recommendation --

MAYOR KEECHL: Unless you have presentations.

COMMISSIONER WEXLER: -- without having presentations.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: And let me say --

COMMISSIONER WEXLER: That's what -- that's the complete statement.

MAYOR KEECHL: -- let me -- let me close this out for you, because you're (inaudible) --

COMMISSIONER RODSTROM: So reading the minutes isn't sufficient?

COMMISSIONER JACOBS: We shouldn't be having this conversation.

MAYOR KEECHL: Well, we really shouldn't be having the conversation.

We're -- we're going to figure all of this out, people, as we go along --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JONES: Thank you, Mayor.

MAYOR KEECHL: -- and determine it when we get there.

COMMISSIONER JONES: (Inaudible.)

MAYOR KEECHL: So I've got they motion by Commissioner Lieberman and a second by Commissioner Ritter on -- what's it called -- Item --

UNIDENTIFIED SPEAKER: (Inaudible.).

COMMISSIONER JONES: 101.

MAYOR KEECHL: -- 101 amended? 101 with the new --

VICE MAYOR GUNZBURGER: No, 101 with (inaudible).

MAYOR KEECHL: No.

VICE MAYOR GUNZBURGER: 100-A.

COMMISSIONER JONES: 101.

MAYOR KEECHL: 101.

COMMISSIONER LIEBERMAN: It's a substitute (inaudible).

MAYOR KEECHL: 101. It's a substitute.

UNIDENTIFIED SPEAKER: Oh, a substitute (inaudible).

MAYOR KEECHL: Thank you.

And seconded by Commissioner Ritter.

Il those in favor, signify by saying aye.

Any opposed?

That passes unanimously, as well.

We are -- wow, we are.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: Okay.

COMMISSIONER JONES: (Inaudible.)

MAYOR KEECHL: Thanks.

VOTE PASSES UNANIMOUSLY.

30036_aug102010

August 10, 2010

Meeting 10:06 a.m.

COMMISSION MINUTES

ACTION AGENDA

MEETING OF AUGUST 10, 2010

Meeting convened at 10:06 a.m., recessed at 12:06 p.m., reconvened at 5:34 p.m., and adjourned at 8:45 p.m.)

AGENDA ITEM 110

MAYOR KEECHL: We're now onto Item 110.

COMMISSIONER LIEBERMAN: Yeah.

MAYOR KEECHL: Item 110 is Commissioner Lieberman's.

Commissioner Lieberman.

VICE MAYOR GUNZBURGER: So we get to vote again next week?

COMMISSIONER LIEBERMAN: Okay. Item Number 110 --

MAYOR KEECHL: And we have one speaker.

COMMISSIONER LIEBERMAN: -- and I guess I would ask the County Attorney, because I asked the County Attorney whether he could legally defend this and he tells me he can.

Item 110 would amend the county Charter to make the Constitutional officers subject to the Code of Ethics. And I have -- in my Monday night questions, he says it's legally defensible.

So --

MAYOR KEECHL: Okay.

COMMISSIONER LIEBERMAN: -- that's why I'm kind of surprised what he heard today. And -- and if he feels it's not legally defensible, then I think we put it on as a straw ballot.

MAYOR KEECHL: Let's hear from the County Attorney, and then we're going to hear from Mr. Rand, and then we're going to talk.

MR. NEWTON: I think that Demmings case was a fifth DCA Court of Appeals -- Court of Appeals case, if I recall

correctly.

COMMISSIONER LIEBERMAN: Can you speak louder? I know --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: I think the Demmings case is a fifth DCA Court of Appeals question and, as -- as you may have -- have gathered, any time we don't have a definitive decision by the Supreme Court on an issue, I always say legally -- legally defensible.

But -- but it certainly is very problematic. I think this is a -- a better route to go, perhaps, from a litigation perspective than attempting to do it in the other way in which we were attempting to do it, which was --

COMMISSIONER LIEBERMAN: Which is the better way?

MR. NEWTON: I think it creates less of an issue the way the proposal was initially made, from a legal standpoint.

But from what I gather, it may -- proposal in terms of making them all Charter -- Charter officers, it creates less of an issue from a legal standpoint.

But the way it's being done now may create a legal issue, but it may get it -- it successfully approved by the voters.

COMMISSIONER LIEBERMAN: So what is your recommendation?

MR. NEWTON: Just as it's been presented to the Board, Commissioner.

MAYOR KEECHL: Commissioner Lieberman, you still have the floor before we recognize (inaudible).

COMMISSIONER LIEBERMAN: Yeah. I mean, I'm prepared to move this item. I have a response from the County Attorney that says he thinks it's legally defensible.

If he thinks the better course of action is to do the straw ballot and send those results and say we're asking that you participate, I can go either way on it.

MAYOR KEECHL: Okay. Let's -- let's hear from our one speaker and then we'll all talk about it. Mr. --

MR. NEWTON: If that's an option --

MAYOR KEECHL: -- Rand.

MR. NEWTON: -- that's preferable --

MAYOR KEECHL: Hold on.

MR. NEWTON: -- the straw ballot.

COMMISSIONER LIEBERMAN: Okay.

UNIDENTIFIED SPEAKER: I like that.

COMMISSIONER LIEBERMAN: That's fine.

MAYOR KEECHL: Okay.

COMMISSIONER LIEBERMAN: I'm fine with it.

MAYOR KEECHL: Okay. I'll be right back to you in a second.

Mr. Rand, do you want to speak on this item? Okay. Thank you, Russell.

All right. So --

COMMISSIONER LIEBERMAN: Then what I would do is move this as a straw ballot question and, depending if approved by the voters -- you know, in other words, if the straw ballot shows support from the voters, that we ask each of the Constitutional officers to sign a pledge to be part of the Code of Ethics.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: Yeah.

COMMISSIONER JACOBS: Wait a minute. What happened to this (inaudible).

UNIDENTIFIED SPEAKER: Commissioner, (inaudible).

COMMISSIONER LIEBERMAN: I just asked the County -- I know the hour is late. I just said -- asked to the County Attorney, because I'm a bit -- you know ---

COMMISSIONER JACOBS: I am, but --

COMMISSIONER LIEBERMAN: -- when we did this, I have in the Monday night memo he said it's legally defensible to do this. Now he said that he thinks, you know, if we do the straw ballot he's better off.

COMMISSIONER JACOBS: I understand.

COMMISSIONER LIEBERMAN: I can move it either way.

COMMISSIONER JACOBS: I understand -- I understand what just happened. I have an issue.

COMMISSIONER LIEBERMAN: Okay.

MAYOR KEECHL: Commissioner -- Commissioner -- thank you.

COMMISSIONER RODSTROM: Already?

MAYOR KEECHL: Commissioner Jacobs, you're recognized.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER JACOBS: Listen, listen, we have spent most of this day thumbing our nose at whether or not something is Constitutionally valid. Bring on the lawsuits has been our attitude. Now all of a sudden we're going to run to the corners and go, oh, no, maybe not. Forget it.

This is a good item. The public has said they want ethics.

MAYOR KEECHL: Let's go for it.

COMMISSIONER JACOBS: They want it across the board.

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER JACOBS: They don't just want it for the County Commission.

COMMISSIONER LIEBERMAN: Then I'll move my original motion.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR KEECHL: Okay.

COMMISSIONER LIEBERMAN: I'll move my original motion.

MAYOR KEECHL: Thank you.

The original Item 110 has been moved by Commissioner Lieberman and seconded by Commissioner Jacobs.

All those in favor, say aye.

Any opposed?

110 passes unanimously.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER LIEBERMAN: Thank you.

MAYOR KEECHL: Thank you.

...

AGENDA ITEM 8

MAYOR KEECHL: We're now on to Item 8.

UNIDENTIFIED SPEAKER: Mayor?

MAYOR KEECHL: Yes?

UNIDENTIFIED SPEAKER: I have a motion (inaudible).

MAYOR KEECHL: Okay. We're not there yet. I want to set it up with the County Attorney.

Mr. Newton, would you take us through Item 8, and then we're going to hear from my colleagues.

MR. NEWTON: Okay.

MAYOR KEECHL: And we have two people that we also will hear from.

MR. NEWTON: Mayor, Item 8 is the --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR KEECHL: Shh.

MR. NEWTON: -- what has been referred to as the glitch ordinance. And what I'd like to do is just to simply go page by page to explain to you the clarifications that have been made and -- and the reasons therefor.

And I may have Mr. Meyers assist me in that endeavor.

I -- the first change that we can look at is on page -- actually, it's on page 3, and it's -- it's pretty innocuous. It just refers in line 21 to Florida Chapter 112 as -- as amended. I don't think there's any particular controversy with respect to that type of language.

On --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: -- on page -- that was page -- page 3. Page 3 just has a very innocuous change which is Florida Statutes Chapter 112 as amended, and that's on line 22 of page -- page 3.

This is the -- the glitch ordinance.

Page 4, and this was an issue that -- that came up during the workshop in terms of how gift is defined. And so we defined gift and the term relative as it is defined in Florida Statutes as amended. An immediate family is defined as in Florida Statutes as amended, as well.

We've just underlined the \$50 per occurrence part in Section B, 1B.

The -- and we've made some just kind of syntactical changes with respect to line 16 in terms of the -- the restrictions and limitations of this paragraph.

Just to clarify, the restrictions we're talking about are part of the paragraph that the restrictions appear in, do not apply to County Commissioners given in their personal nonofficial capacity.

C, and this is an issue that came up, and I believe an example was given by Commissioner Wexler during the workshop. And so we've added a provision which essentially says that the prohibitions and restrictions set forth in this section shall not apply to a Commissioner accepting food or beverages offered to all participants at events or functions sponsored by Broward County and attended by a Commissioner in furtherance of the Commissioner's public responsibilities. That's, again, an issue that came up at the workshop, so we sought to clarify that.

With respect to Section 2 on page 5, beginning on line 8, highlighted the fact that with respect to outside and concurrent employment and County Commissioners as lobbyists, that this form of employment and activity is deemed to be in substantial conflict with the proper discharge of the Commissioner's duties in the public interest. What you see there, all we did was we took the last sentence where you deleted in section -- in line 14 and moved it up just so that it would flow properly.

And we also added that this prohibition shall not apply to lobbying by County Commissioners that is performed without compensation.

(MAYOR KEECHL LEFT THE ROOM.)

MR. NEWTON: And I think that's the evil that was trying to be prevented, was the fact that Commissioners would essentially be employed and be compensated for lobbying. We wanted to

make certain that it didn't pose a problem with respect to Commissioners making, perhaps, presentations to other local governments, whether they be at the municipal level or at the state level, or with respect to their involvement in various organizations.

Line 24 on page 5 it's just the Office of the County Attorney, is that change.

The next change is just on line 22, page 6, just spelling out the word "section."

Actually, I missed one change. It's just -- one change is on line 9, including a hyphen between quasi-judicial.

The next change would be on page 8, line 17 where we have stricken through "and Florida Statutes Chapter 838." I believe there was a bill pending in the legislature at the time that the Commission on Ethics considered this provision. That bill would have mirrored the honest services provision in 18 United States Code Section 1346. That bill did not pass, so that particular reference to Florida Statutes Chapter 838 makes absolutely no sense whatsoever.

(MAYOR KEECHL RETURNED TO THE ROOM.)

MR. NEWTON: Page 9, line 5, again, just Office of the County Attorney.

Page 18 -- I mean, page 9, excuse me, line 18, just making it absolutely clear that the requirements and prohibitions of this part -- subpart shall not apply to Broward County sponsored charities or fund raising events -- fund-raising events or to other charitable fund-raising expressly authorized by the Board of County Commissioners. This was another item that -- matter that came up during the workshop that we sought to clarify in the glitch ordinance.

Page 10, line 10, again, Office of the County Attorney.

Line 15 of page 10, we inserted "with the Commissioner's knowledge." You have a provision there that essentially says the County Commissioner who -- County Commissioners who solicit campaign contributions for other candidates for public office shall disclose that fact in terms of the manner -- in a manner designated by the County Administrator, and that disclosure involves name -- the name of the candidate for which you were soliciting, the location and date of any associated event, and both the name and contribution amounts of any individual, and it used a who provided contributions.

We just thought that -- and this is probably just a common sense kind of amendment, that all that requires that you have knowledge. And so we inserted a provision that says you must know that that has, in fact, has taken place in order to be able to disclose -- disclose those facts.

Page -- page 11, line 5, we -- that relates to a conflict of interest for a member of the Board of County Commissioners to serve, it used to say "as a voting member of a county procurement selection evaluation committee." We thought that to clarify that and -- based upon the discussion at the meetings of the Commission on Ethics, it really should say "voting or nonvoting member."

The point is that the Commission did not want the Board of County Commissioners to be able to interfere in any way, shape, or form with the procurement selection process. So to eliminate the potential that you could be on the procurement committee and still be a nonvoting member, we, I guess you could say, strengthened that provision, and added -- and added at line 8, "and/or to participate."

And then just -- there's just some cleanup language in the next couple of lines. And then we

-- we, at line 15 of -- of page 11, created a transition period. Since this ordinance, at least in my opinion, doesn't indicate that it has any retroactive effect, the question was posed what happens to those selection committees that Commissioners already -- already have been appointed to and they're serving on. And so we included a provision which essentially says for those selection procurement committees that you are already a member of, you would continue to serve on that, but from the date of the ordinance enactment forward you would be precluded from serving on those selection evaluation committees.

Page 12, line 23, just striking "as well as," and putting in its place "and."

(VICE MAYOR GUNZBURGER LEFT THE ROOM.)

MR. NEWTON: And on page 13, line 17, this is where I'm going to turn it over to Mr. Meyers to -- to go through the rest of the document, because he and Mr. Salzillo and Mr. Tightler engaged in a very exacting process of trying to ensure that the Inspector General provisions flowed well, in addition to making certain that certain terminology utilized was defined terminology so that individuals would know what is and is not prohibited by the language that is present there.

So, Mr. Meyers, if you would pick up at line 17, page 13, I'd appreciate it.

MR. MEYERS: Yes, Subparagraph A, which begins on line 17, just tries to include a definition of good cause that we thought was a reasonable definition.

Going on to B, it's a provision that if the Inspector General determines that a complaint has been filed against the County Commissioner with malicious intent or to injure the reputation of the Commissioner with essentially baseless allegations or with reckless regard for the allegations, then there can be a recoupment of costs by the Inspector General.

The rest of that essentially has just the process, including an appellate process if someone wants to challenge a determination that the complaint was filed maliciously.

Going down to C, which is starting on line 22, what this says is if a County Commissioner is the subject of a frivolous or malicious complaint, and -- and, of course, these things are expensive to defend, that the County Commissioner can recover reasonable attorneys' fees and costs incurred in the defense of the complaint.

And then there's a provision added that I believe is essentially consistent with Florida law when there's a complaint filed with the Florida Ethics Commission, that if you prevail -- and actually it says in full here -- in any administrative hearing, then you would be entitled to a reimbursement of expenses and costs that. And that would be from -- right now, I believe the reimbursement would from the county under Florida law.

So, essentially, if someone files a complaint against you that's improper -- we all know how that can occur -- there is a mechanism for reimbursement that was missing and should not have been missing in the draft.

Going on to Number 3, line 15 and 16 on page 15, that was mentioned, I think, during the ethics workshop that -- that someone may run for a different office and there ought to be protection against disclosure for a certain period of time for that, as well. It makes sense and we put that in there.

Going on to line -- excuse me, page 16, lines 2 and 3, just wanted to make it clear that the cooperation is in connection with any investigation by the Inspector General.

Going down to line 14, the process was a little bit difficult to follow in terms of the hierarchy of where hearings wind up. And, essentially, the process that's in here now, if there's some sort of tribunal, whether it's a criminal tribunal or -- or some sort of civil tribunal, ethics, or elections, then the matter would go there and it's only if there is not -- and I'm talking about when the Inspector General finds cause and a complaint is filed, it's only if there is not another forum or tribunal that can handle that that it would go before a hearing officer.

So that's -- that's essentially what we're trying to say in 14 through 17 on line 16.

Going on to page 17, C refers -- election related matters, which was an emission in the -- in the proposed ethics code to the State Elections Commission.

And then D --

MR. NEWTON: And I just wanted to add at -- at that point, that attempts to get at one of the issues that you raised, Commissioner -- Commissioner Lieberman, with respect to the -- the difference in the penalties associated with the Elections Code at the state level versus what would be present in this -- in this particular ordinance. Attempts to get at that.

MR. MEYERS: Going on to D, that just expressly states what I said earlier, which is that all other alleged offenses would be referred to the appropriate civil, criminal, or administrative agency that would have jurisdiction.

And then in E, which is starting on line 11, it says, "any infractions not covered above," in other words, there's no existing tribunal to consider them, those would be -- would go to the hearing officer. It would be a complaint filed by the Inspector General.

And the rest of the language in there is really just cleanup.

Line -- page 18 is just cleanup language, capitalization.

Page 19 is -- is purely cleanup language.

Page 20 is the same.

Page 21, no changes.

Page 22, the language at the bottom of page 22, lines 23 -- page 22, lines 22 through 24 are just redundant with what's on the next -- the top of the next page.

Page 23 is cleanup language.

Page 24 is cleanup language.

Page 25, same.

Page 26, no changes.

Page 27, no changes.

Page 28 is -- is -- and to the top of 29 is cleanup language.

And on page 29, starting at line 7, we were asked to provide a definition at the workshop of

that term, and we included what we believe was a reasonable definition of "substantially affiliated with a Commissioner."

There is a typographical error that Mr. Salzillo caught -- or Mr. Labrador, actually, a couple minutes ago.

(VICE MAYOR GUNZBURGER RETURNED TO THE ROOM.)

MR. MEYERS: On line 9, it should says -- it should say "if the Commissioner owns," not "if the Commission owns," of course.

Going on to page 30, cleanup language on -- on the top. And, essentially, we didn't want to have inconsistency, so we just said "pursuant to applicable law," instead of trying to -- to mirror the law in all instances. And that has to do with a -- with a criminal proceeding.

And then going on to the bottom of page 30, this talks about an implementation deadline. There are some portions of this that could not be -- that really aren't self-executing. There were certain forms and disclosures. There needs to be an Inspector General retained. There were certain separate deadlines in here that this wouldn't impact, but where things were not self-operative and where they're going to take some time to do, we put in a full implementation or full effectuation deadline of 120 days.

MR. NEWTON: And understand that this is a direction to get it done within 120 days. This is not a direction to delay the effectiveness for 120 days.

MR. MEYERS: And then that's the end of --

MAYOR KEECHL: I'll have questions in a second.

MR. MEYERS: Okay.

MAYOR KEECHL: Six amendments?

MR. MEYERS: Yes. Yes, sir.

Going on to the amendments, I think there are maybe six of them. Some of the -- these amendments -- everything that we've discussed thus far, I think is either just problems in the wording, which we tried to clean up, putting in some definitions for purposes of clarity, or trying to deal with some of the unintended consequences, such as restrictions on Commissioners appearing before other entities on behalf of Broward County to state positions that benefit the public or raising charitable funds, things of that nature.

These sections, these potential amendments, have to do with our legal opinion that there were provisions in the proposed ethics code that exceed the scope -- clearly, in our opinion exceed the scope of the authority of the Ethics Commission as contained in the Charter question and amendment, and/or deal with Constitutional concerns with some of the language.

And I'm not sure what --

MR. NEWTON: And -- And as you know, that is -- that is separate and apart from the glitch ordinance. This Board may or may not consider any of those amendments.

MAYOR KEECHL: I would like you to go through your six proposed amendments, and then we're

going to hear from our two speakers, and then we're going to talk about it, so that the public understands the six amendments that have been -- been proposed by Legal.

COMMISSIONER WEXLER: (Inaudible.)

MAYOR KEECHL: Of course.

COMMISSIONER WEXLER: It's a little simpler.

MAYOR KEECHL: Sure.

COMMISSIONER WEXLER: Everything that Mr. Meyers went through prior to these six, I don't have any problem with any of it. Most of it is cleanup. Much of it is cleanup. Because before we get into these six, there may be Commissioners that don't like --

MAYOR KEECHL: Any of it.

UNIDENTIFIED SPEAKER: Sure.

UNIDENTIFIED SPEAKER: Any of this.

COMMISSIONER WEXLER: -- any of this that's proposed as underlined in here.

MAYOR KEECHL: Okay.

COMMISSIONER WEXLER: Can we dispose of that first or deal with that first?

MAYOR KEECHL: I have no problem with that.

COMMISSIONER WEXLER: Because I think that may be less controversial -- maybe I'm wrong --

MAYOR KEECHL: I don't know. We will see.

COMMISSIONER WEXLER: -- than this (indicating). I don't know.

MAYOR KEECHL: Let's do that.

So we're -- you want to -- you want to talk about --

COMMISSIONER WEXLER: I -- I --

MAYOR KEECHL: You want to make a motion with regard -- what are you talking about? Do you want to talk about the --

COMMISSIONER WEXLER: What I -- what --

MAYOR KEECHL: -- the actual glitch bill?

COMMISSIONER WEXLER: In this --

MAYOR KEECHL: What's the difference?

COMMISSIONER WEXLER: -- in Item 8 --

MAYOR KEECHL: Right.

COMMISSIONER WEXLER: -- everything that Mr. Meyers has gone over with us --

MAYOR KEECHL: Right.

COMMISSIONER WEXLER: -- is -- and that's what I'm trying to follow. The six amendments that are here are not incorporated in here.

MR. NEWTON: That's absolutely correct.

COMMISSIONER WEXLER: Oh, good. I'm glad I'm right.

MR. NEWTON: It's not part of the glitch ordinance.

MAYOR KEECHL: It will have to be voted on.

MR. NEWTON: Never has been part of the glitch ordinance.

COMMISSIONER WEXLER: Exactly. But you would have thought it was if you read the papers.

COMMISSIONER RODSTROM: (Inaudible.)

MAYOR KEECHL: Yeah, one second, John.

COMMISSIONER WEXLER: Okay. And that's why at first I was like really confused, I have to tell you that. And that doesn't happen that often.

So that's why, Mayor, I'm suggesting that what they just took the time and went over --

MAYOR KEECHL: Okay.

COMMISSIONER WEXLER: -- line for line with us throughout the ordinance that we have --

MAYOR KEECHL: Discussed that first.

COMMISSIONER WEXLER: -- unanimously supported, Item 7, in my opinion, this Commissioner's opinion, I only have one question about the 120-day enactment piece, but other than that --

MAYOR KEECHL: I see where you're going.

COMMISSIONER WEXLER: -- other than that, I am fine with everything else in there.

I'm -- I have a -- I'm not okay with these six, but that's another -- but maybe we can --

MAYOR KEECHL: Okay.

COMMISSIONER WEXLER: -- dispose of this.

MAYOR KEECHL: I got it.

COMMISSIONER WEXLER: That's where I'm going. Okay.

MAYOR KEECHL: So, John, did you want to say –

COMMISSIONER WEXLER: Thank you.

MAYOR KEECHL: Commissioner Rodstrom.

COMMISSIONER RODSTROM: The -- the problem is, I mean, it's -- this is one of those situations where the pendulums swing in different direction and -- and, you know, it's probably -- you know, one day you have a sleeping giant awoken and suddenly government gets very active and they start investigating elected officials, and a number go to jail, and then there's a hue and cry for ethics reform.

And it's ironic, because the -- the behavior that these folks are going to jail for has nothing to do with ethics.

But -- but, you know, I -- I'm just sort of resigned to the fact that we're going to have more ethics than we ever wanted. I'm not going to vote for any glitch whatsoever, because I don't want to give the public the impression that I'm trying to get out of anything that's contained in this -- in this ordinance.

And I -- and I appreciate you looking at it thoroughly and -- and trying to protect us. But, for me, I think this is one of those things where the pendulum is going to swing this far, just like a stock goes down dramatically, and then, over time, it's going to start -- start coming back again, because there are going to be certain thing that you can't live with. We're going to find out about it. And when we vote to eliminate them because we can't live with them, you know, the public is going to understand because they're going to see the application of it.

But I'm not prepared today to just throw it all out, or throw any part of it out, or change anything, you know. I'm willing to give the Ethics Commission the benefit of the doubt. They spent a lot of time with it. And, certainly, again, it's that pendulum.

So, you know, we're -- I'm just prepared to bring my notepad with me and every time I speak to the lobbyist -- I won't go to the Mayor's Ball because I won't have a notepad big enough that evening, you know --

(Laughter.)

COMMISSIONER RODSTROM: -- to be lobbied, because there will be 800 people lobbying, you know, you at that function.

But -- but I'm prepared to do what you have to do to abide by this ordinance.

So -- but I don't want to glitch it because I don't want the public to have the impression that somehow this Commissioner is trying to get out of any part of this ordinance.

And -- and -- and, Commissioner Lieberman, you know, I have so much respect for you, and -- and I know, you know, you're -- you can never stop being a lawyer. Is that a double negative? But, I mean, you -- it is you. It is the embodiment of your personality. And -- and, you know, you're -- you're absolutely right about those things. But -- but -- but that's -- I just think time just has to go out -- we just have to pass some time and -- and these things will kind of lead us in the right direction in the future.

And I'm not -- and I think you're absolutely right in the things you point out. I think a lot of this

part -- a lot of this is unconstitutional. But, you know, so is the -- so is the \$250 contribution in the City of Fort Lauderdale. So is the fact that corporations can't give in the City of Fort Lauderdale. Just a -- just couple things that come out.

I mean, we -- we pass unconstitutional things all the time. But then once in a while people get fed up them with and they sue and they win, and, you know, what -- you know, there you are.

But I think -- but I think the bottom line is the intentions are in the right place, notwithstanding the constitutionality. The intention is is people want to see integrity come back to government. They want to see politicians straighten up their evil ways. And -- and they - and we all want to see our reputations re-established in this organization.

And so, with that backdrop, you know, I -- I would, you know, ask every one of you to consider passing this glitch -- consider not -- voting this glitch bill down and -- and just leaving everything alone --

MAYOR KEECHL: Hold on.

COMMISSIONER RODSTROM: -- and just move on with our business.

MAYOR KEECHL: We're -- we're getting a little bit off for a second. We may have different rationales for doing it different ways, which is very interesting, since we can't talk to each other.

However, I do know one thing. I have two speakers here and I want to hear from both of them before we go on.

And maybe we will deal with the glitch bill itself, because if five of us are going to oppose it, you don't have to worry about the amendments. And if five of us are going to support it, then you have the amendments to deal with.

So at this time let's hear from Christian Chiari. Christian, you have up to three minutes.

MR. CHIARI: Thank you. I'm Chris Chiari, resident of Broward County. I live in the City of Fort Lauderdale.

Stop. Commissioner Jacobs, you asked someone to stand up and say stop. Stop.

More time was spent today throwing accusations at one of your fellow members than was spent actually discussing or debating the issue in front of us.

Perception is very important, Commissioner Rodstrom. Perception is very important. The way people in Broward County feel about their elected officials is one of the most important things that happens out on the street with John Q. Public.

A viewer at home while people were making their public comments misses one very important thing. See, on TV, usually we cut back and forth between the person making the comment and the people on the dais who are supposed to be listening. But for most of the comments that are made here today, it was all eyes down.

This is our only chance to see all of you at the same time, look you in the eye, and tell you where we're at as the people in Broward County.

There are a lot of accusations swirling around this county, and instead of hearing one fact to

refute the accusations, all I keep hearing is I wasn't elected at that time.

Perception matters. It doesn't matter what you were or weren't at the time. It matters whether or not when people look at you they perceive whether or not you are an honest individual. Integrity and honesty does not start and stop on being sworn into office or when you are no longer serving. It's something that's with you constantly day to day.

I'm now starting to receive campaign mail. Commissioner Keechl, I am in your district, District 4. There was a great piece that just came that talked about the champions of ethics reform, being a champion. Being a champion is great. That's the first one out, to be the originator. If all of you want to fight to figure out who is the champion, go for it. I'm looking for the leader. I'm looking for Commissioner Gunzburger. I'm looking for the rest of you to stand up with the Commissioner, and, yes, be respectful to each other.

But let's be honest with what's really happening. And it's not accusations if we're sitting here having a conversation, and if you look at each other and sometimes you're a little bit more critical than you might be if you're passing on the street, the people deserve that. So it's the difference between leadership.

Thank you, Commissioner Gunzburger, for leading. It's not a matter if you're a champion or not. It's a question of whether or not you're a leader.

Perception matters. Perception. Now, personally I like Senator Chris Smith very much. But, Mayor Keechl, there's a wonderful sign right over there that explains to us our responsibility as citizens, must sign in before the question is called.

I think we were a little out of order today.

So what's the perception? That certain people have access that rest of us don't. That's the perception. Whether it's true or not doesn't matter. It's the perception. I don't think anything was done that was wrong, but the perception is what matters.

I'm asking you to recognize that that perception is in your hands to control. I'm asking you to vote the glitch down or, certainly, if you decide the glitch is appropriate and need it, to make sure those six amendments never see the light of day.

The people of Broward County deserve an ethics reform that has teeth.

Thank you.

MAYOR KEECHL: Thank you, Christian.

Our last speaker is Russell Rand. Mr. Rand, you have up to three minutes.

MR. RAND: My, I haven't seen such righteous indignation since Nixon's Checkers speech. It's only a little dog.

But, seriously, I know you're all good people trying to do good things and all, and -- but the evil proliferates because good people do nothing. And this is like, you know, 34 years I'm contaminated, 30 years I'm trying to get you to do something. I mean, that's -- that's all.

It says right in your ordinance glitch, whatever, that you'll protect the health, safety, and well-being of the -- of the citizens, but why not me?

It talks in there about honest services and we want honest service. I want my honest service, too. Where -- where is my day in the arbitrator? Where's -- where's -- you know, what's going on? What's up with that?

As far as anonymous complaints, I tried that. Forget about it. As soon as I -- I was already contaminated 20-some years dumping chemicals, making drugs, et cetera. Then I filed the official whistle-blower, and the county administration sent a memo to my department director, in reference to your whistle-blowing. Hello. You know, you violated the law, right? Right from the -- then I was dead meat, of course.

And what about my reputation? False sexual harassment. That's boloney. And that's as polite as I can say it. Come on. And you've paid that guy millions of dollars. Millions of dollars. Jim Acton. Don't do that. It's against the law to do that.

There's -- it says about the anonymous complaint that you can do, and, I'll -- Commissioner Lieberman, in 1988, a citizen complaint, City of Lauderdale, official stationary, whatever, thrown out, bogus. She asked for legal fees. It was Sam Goren, I believe, \$28,000, I believe, from what I recall. Photographic memory, of course.

(COMMISSIONER JONES LEFT THE ROOM.)

MR. RAND: So, yeah, watch out what you do.

You talk about whistle-blower protection, oh, forget that. Take it out. Take it out.

It talks about violations of the laws, Constitution, federal, state, and all of that and I'm asking you to follow the law. That's what I'm asking you for decades.

And that it would be imposed on the staff and all. As I told the Ethics Commission, there's corruption by proxy and all of that, you know. And there -- there -- as Lori Parrish said, the cheese keeps disappearing. The rats are stealing the cheese and all that, you know. This is going on all the time, I see.

The issue of the ethics, and I go to as many as I could, you know, from the County Attorney that they've overstepped their narrow authority to only write a code for you, narrow authority. Well, with all the stuff hitting the fan and all that, they wrote a bigger, broader, more thing. You know, I mean, it's more than just a narrow code for you. And they tried to do the right thing again. That's all they're trying to do. If you want to attack it in court or whatever and argue against ethics, we want to see that. I want to be a fly on the wall in that court, because I'll -- I'll -- I'll testify against whoever does that, certainly, because we're looking for ethics and integrity.

Thank you.

MAYOR KEECHL: Thank you, Russell.

Okay. That's our final speaker.

So we're dealing right now with the actual underlying glitch bill, not the six amendments. Commissioner Lieberman, followed by Commissioner Ritter, and Commissioner Jones.

COMMISSIONER LIEBERMAN: (Inaudible) motion.

First of all, you know, we talk about leadership on issue. I can tell you when I got here in 1996, there was no requirement that anybody coming to see any member of the Board of County Commissioners had to sign in. In fact, people freely roamed the halls and they would make a pretense of going to see one Commissioner, and then just walk down the hall.

I sponsored that ordinance. My name is on it. You can check the public record.

I'm the Commissioner who also did the ordinance that outlawed contingency fees. And I can go down the whole list of ethics ordinance that I have sponsored under my name that I brought forward as ethics ordinance for these -- for the county.

The situation in front of us today is a little bit different. Here's the situation. The situation is that there was a Code of Ethics drafted by a group to which we all made appointments, and they came forward with some items which the County Attorney has given an opinion are vague and unclear.

I think the voters of Broward County do want real ethics reform. I think what they don't want is gotchas.

I think one of the reasons why the County Attorney wrote some of the provisions in the original section -- and I'm not talking about the six amendments -- was because it would be very easy not to understand what they meant when you read it. It's just not clear. And I don't know anyone who wants to see gotchas. They want to see ethics reform.

So, Mayor, my first motion would be to strike every one of the proposed amendments to the ordinance that are the attachments and remove them from the attachment. I don't even think we need to deal with them or hear anything about them.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: She's jumping to the six --

UNIDENTIFIED SPEAKER: Oh.

MAYOR KEECHL: -- the six.

COMMISSIONER LIEBERMAN: I just want to strike them all and then I'll make my second motion.

MAYOR KEECHL: Okay. Does anybody want to discuss the six amendments? If not, I'll take that motion. If they do -- okay. Then, I'm not taking that motion right now.

COMMISSIONER LIEBERMAN: Okay.

MAYOR KEECHL: Go on. Okay?

COMMISSIONER LIEBERMAN: Well, then my second motion would be because there has been misinformation purposely spread in the community about the difference between what Mr. Newton has proposed in the body of a glitch amendment and these six amendments, which I'm not going to support the six amendments, I think, Mayor, even though he went through them line by line, we ought to take them page by page in adopting them one more time so that no one can purposely confuse the public.

Again, we even heard speakers just a few minutes ago who made statements about a glitch ordinance, you know, after he went through each item, and, I mean, I can't imagine that there's

anybody out there who objects to a section that defines what gift means, because it isn't in the ordinance we adopted from Number 7. It doesn't even reference state statute.

MAYOR KEECHL: You know, Commissioner Lieberman, let's hear from everybody on the dais first and see if there is support for the glitch ordinance. There may not be.

COMMISSIONER LIEBERMAN: Okay.

MAYOR KEECHL: I'm not sure yet. So -- because we haven't heard from anybody. So --

COMMISSIONER LIEBERMAN: So let me know when you're ready for my motions.

MAYOR KEECHL: You got it. Thank you.

Commissioner Ritter.

COMMISSIONER RITTER: Thanks. Thank you, Mayor.

Again, you know, this is one of those things where the people who are most vocal about opposing it haven't even read it, because it would be really hard -- really, you read it? Okay.

So I'm just curious, since you read it, you -- there was a comment today that we didn't take a lot of time to debating Item Number 7. We spent more time today berating our colleague.

Well, the reason we didn't take a lot of time debating Item 7 was it was unanimous, and we all knew ahead of time that it was going to be unanimous, because in a workshop, we all said how we were voting on this and we'd done it repeatedly.

So you don't need to spend a lot of time debating something that's unanimous, unless you're doing it for the benefit of the camera, which, you know, we don't -- you know, sometimes we do it and sometimes we don't. But there's no upside to us debating this ad nauseam. There just isn't. So that's why we didn't spend a lot of time debating it.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: For me, the truth does matter. I'm sorry, I was raised to believe the truth matters. And I still believe, even this -- even in this environment where not only do you need a tough skin, but you need a skin made of metal armor, that the truth still does matter. You shouldn't be perpetuating perceptions and rumors and innuendo. You should care about the truth.

(COMMISSIONER JONES RETURNED TO THE ROOM.)

COMMISSIONER RITTER: So here's the truth about this glitch bill, whatever, law, ordinance, you want to call it. And -- and, you know, I -- I really love when people say so they went outside their bounds a little bit. That's okay. They did the right thing.

I can't pass Social Security laws because I'm a County Commissioner. But you know what? Maybe, you know, August 31st I'll propose a change to Social Security law because it'd be the right thing to do, even though I really don't have the authority to do it, and we'll see what happens.

That's not how government works. We follow rules. We follow rules, and we follow them really well at the County Commission.

People who say they don't want this glitch law, here's the part that -- that I find really amusing about this whole thing. This -- the Ethics Commission proposal, which we just passed unanimously, requires an Inspector General. Now, I'm hoping when we get to the morning part of the meeting again that you'll support the Charter amendment that I proposed for the IG. But for the one we're dealing with today, which we just passed, am I missing something? Is there an Inspector General that's been hired already? Did it happen behind closed doors while we were on break?

See, because if you don't delay implementation of at least a portion of this, then you're either doing two things. You're either violating it the day you pass it, because you don't have an Office of Inspector General available, or you're giving your -- or you're giving the County Commission the ability to spend as long as we want to put together an Office of Inspector General, which I don't think is what the public or the Ethics Commission asked for. We have no choice but to delay implementation of at least a part of this.

You know, I had this conversation with an Ethics Commission member earlier this week about the delay -- the implementation -- the delay of the implementation specifically. And I said according to the Ethics Commission proposal, you've got five members of a selection committee who have to meet to talk about who they're hiring for the Inspector General. You're either going to have to put out an RLI or an RFP. I would imagine you at least have to advertise for the position. This is the public sector, this isn't the private sector. You can't do this behind closed doors. You've got to have public meetings, got to -- they've got to be publicly noticed. You've got five very -- very busy people who are going to have to figure out when they can meet as a selection committee. Then you're going to have to put out a proposal, then you're going to have to review the applications, and then you're going to have to do interviews, and then you're going to have to pick the Inspector General. Does anybody think that can happen overnight in government?

And you know what this Ethics Commission member said to me? Why do you have to -- why do you have to advertise for applicants? Why do you have to do that? Why can't they just pick?

Well, okay. And, by the way, these are people who we appointed to dictate our behavior and they don't even know how we do business here in Broward County, which I think is a little scary.

That's why you have no choice but to do -- do at least some of what is in here.

And, Commissioner Rodstrom, I understand how you feel, because as, you know -- because, unfortunately for some people, perception becomes reality. And I know that if we vote for certain provisions of this, we're going to get skewered. And you know what? Plate of armor. What am I going to do?

But if I don't vote for at least part of this, specifically, the implementation delay, then how do you put together an Office of Inspector General? There's nothing in what the Ethics Commission wrote that gave us the ability -- gave them, gave the selection committee an ability to put together an Office of Inspector General. How do you do it? You can't.

So either we're all going to get -- all nine -- all eight of us are going to get complaints tomorrow that we've already violated the ordinance because we don't have an Office of Inspector General in place, if we don't delay implementation of at least that provision, or we can do it in the 22nd Century, because there's no time limit here.

And that to me is very -- and that should, by the way, be concerning to anybody out there who has e-mailed us saying not to pass the glitch law. Because we don't have any choice. We simply do not have a choice in order to find an Inspector General.

Oh, and let me close by saying this. I believe, since we're patting ourselves on the back here about ethics reform, and I think that I was the one when I was Mayor the year before, wasn't I the one that put in a lobbyist registration fee, required lobbyists to pay a fee to register like they do in Tallahassee?

So we've all done things to make -- to make business here -- to change the way we do business here.

You know, I -- I hope we'll at least consider part of this, even though it may not be politically popular. One of my favorite quotes is "doing the right thing isn't always popular but it doesn't make it any less right." And, unfortunately, with this, it won't be popular. But what choice do we have given the box that our Ethics Commission painted us into?

So some of it we've got to support, and I don't think we have any choice.

MAYOR KEECHL: Thank you, Commissioner.

Commissioner Jones, followed by me.

COMMISSIONER JONES: Yes, in light of supporting the Ethic Commission ordinance wholeheartedly, certainly, now to come back and say I want to cover my tracks, I don't know.

And I -- yes, perception is everything, and -- meaning that it does state that what people perceive they believe. And, certainly, I don't want it to be believed that, hey, I'm trying to water down, dilute, cancel out, wash out, or whatever what is going forward as far as a -- this ordinance.

And I do understand the attorney, and that's his job, the County Attorney, and staff are there to protect us and to make sure that the things we do are proper and -- and legal.

But I'm just going to have to go on faith, and that faith meaning that, hey, this is what this county, the constituents that we sort of put us in office believe, and believe to sort of bring back some trust to this Board. And if that's the case, then I'm going to have to go with that faith, that blind faith, and say, hey, we've all -- we've passed an ordinance in dealing with the Ethics Commission and that we need to go forward with it.

And now to come back and say we're going to put in here something of a glitch or whatever to cover, you know, to me, that sort of going against the grain.

So, I -- you know, I sort of agree with Commissioner Rodstrom and -- and the fact that you're going to be painted that way, and, certainly, if there's no Inspector General to go forward, I don't think we're going to be ostracized.

(COMMISSIONER JACOBS LEFT THE ROOM.)

COMMISSIONER JONES: We might be painted and say it, oh, they haven't put in place an Inspector General and they seem to be dragging their feet.

I think we're going to do that with God speed and we're going to make sure that it goes forward. An Inspector General will be put in place.

So, with that stated, I wouldn't support the glitch (inaudible).

MAYOR KEECHL: Thank you, Commissioner Jones.

I'll speak now.

Maybe, Commissioner Wexler, your idea was the appropriate one for a different reason. I think a different reason.

I, too, am not going to support the glitch bill. I'm not happy with the situation that we're in. I understand the reasons for it, but I don't believe the world ends tomorrow when we go forward.

The -- the public, and, I hope the media, will give us credit for going forward in the appropriate direction to set up what we need to set up.

We will start carrying pads around, John, Commissioner Rodstrom, just like you said. And we will -- I'm sure all of us have read this ordinance at least ten times, and we will start abiding by it.

To the extent there are problems with this ordinance --

UNIDENTIFIED SPEAKER: Uh-huh.

MAYOR KEECHL: -- allow some third party to file a lawsuit down the road and let a court decide.

But we picked independent individuals to sit on the Ethics Commission. They came up with this. They gave us plenty of time to talk to them. Many of us didn't agree with certain things along the way, but this is a product that has been given to us.

And so I am going to join in, I believe, with Commissioner Rodstrom, Commissioner Jones, and the Vice Mayor in opposing the glitch bill.

The next person on the queue is the Vice Mayor.

VICE MAYOR GUNZBURGER: Thank you.

I really am opposed to the glitch bill, especially all the amendments.

However, I have a question of our attorney, Mr. Newton. The problems that -- that Commissioner Ritter delineated in terms of the Inspector General, I'd like to know if they could be fixed on another time if we have a problem, that we could take them up on the 31st if Commissioner Ritter's attorney -- Inspector General is not accepted by this Commission? Am I making sense, what I said?

MR. NEWTON: Well -- yes.

VICE MAYOR GUNZBURGER: Okay. Good.

MR. NEWTON: I just hope I understood.

VICE MAYOR GUNZBURGER: I just want to know --

MR. NEWTON: Yeah, there's a --

VICE MAYOR GUNZBURGER: -- if there are the problems that she delineated --

MR. NEWTON: What Commissioner Ritter pointed out is a practical problem. This ordinance will go into effect once it is filed with the Secretary of State's -- State's Office. That usually takes about two or three days.

And so, you know, you have the practical problem of the fact that there is no Inspector General. There is no process for the intake of complaints that might be filed, there is no process for the intake of credit reports that may be made, because there's no Inspector General.

So, practically speaking, there's going to have to be some delay, whether it's a part of the ordinance that gets passed, which would be preferable, or it's not there, or even if it isn't there, I mean, there's just going to be some delay in the implementation whether -- whether we pass an ordinance, whether this Board passes an ordinance with a -- with the provision or not. It's just going to happen.

(COMMISSIONER JACOBS RETURNED TO THE ROOM.)

MR. NEWTON: And if somebody wants to challenge on that -- that basis, then, you know, have at it, and we'll defend it to the best of our ability.

VICE MAYOR GUNZBURGER: Thank you.

MAYOR KEECHL: You still have the floor. Anything else?

VICE MAYOR GUNZBURGER: No, that's -- that's the one thing that -- that concerned me in the entire glitch bill is the Inspector General --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR GUNZBURGER: -- because the other Inspector General puts it into the Charter. We failed to put our -- our ethics code into the Charter, and so, therefore, I -- if one isn't in the Charter, the other shouldn't be in. And there were some things in -- in -- when we get to Commissioner Ritter's bill that I will discuss.

However, I think that people are interested in the public to see this take effect and they will allow us the time necessary to get the Inspector General in place.

MAYOR KEECHL: Thank you.
Commissioner Wexler.

COMMISSIONER WEXLER: I am extremely confused from my colleagues' comments, a number of my colleagues' comments. The attorney -- and -- and I need clarification here.

Item Number 8 as it appears before us with the underlines is clarification, resolving ambiguities and unintended consequences.

MR. NEWTON: Correct.

COMMISSIONER WEXLER: Mayor, the reason that I suggested that we take that separately was because I saw that pretty much as housekeeping.

The glitch bill proposals, the six --

MAYOR KEECHL: Amendments.

COMMISSIONER WEXLER: -- amendments --

MR. NEWTON: Separate and apart from the glitch ordinance.

COMMISSIONER WEXLER: Thank you.

MR. NEWTON: Yes.

COMMISSIONER WEXLER: Are separate and apart.

MR. NEWTON: Correct.

COMMISSIONER WEXLER: Which is why I suggested that we take them separately.

I -- I'm hearing my Commissioner -- my colleagues say they don't want to clean it up at all. Is that what you're saying?

MAYOR KEECHL: Do you want me to respond?

COMMISSIONER WEXLER: Please.

MAYOR KEECHL: What we're saying -- what we're saying --

COMMISSIONER JACOBS: (Inaudible.)

MAYOR KEECHL: Commissioner Jacobs, I love you. Let me go forward. She's talking to me.

COMMISSIONER JACOBS: I love you, too.

MAYOR KEECHL: The -- some of the provisions, to me, are problematic. For example, the -- the attorney's fee provision. So while I may have approved that down the road, currently right now, it just isn't what the -- it isn't what the Ethics Commission gave us. It's not. That provision wasn't in there.

So I take a little bit of -- of objection to the idea that all of this is just cleaning it up. Other portions are. For example, this idea that we're -- we're still serving on selection committees. That is not what the original item said. So I can understand the public saying you know what, with regard to some of these, it looks like you're pulling a fast one.

So I've been prepared not to vote for the glitch bill for a while.

What you're hearing, I think, from four of your colleagues is they're willing to accept the document that was given to us by the Ethics Commission and go forward.

COMMISSIONER WEXLER: Wait. Please --

MAYOR KEECHL: (Inaudible.)

COMMISSIONER WEXLER: -- you said the glitch bill. I don't support most of these things in the glitch bill. I don't. And I only want to have --

COMMISSIONER JACOBS: In the amendment.

COMMISSIONER WEXLER: In the -- those six.

MAYOR KEECHL: We're talking about -- I'm talking about the glitch bill.

COMMISSIONER WEXLER: No, no, no. I'm not. I'm not talking about the glitch bill.

MAYOR KEECHL: Okay.

COMMISSIONER WEXLER: I'm talking about -- which is a total -- it's housekeeping.

MAYOR KEECHL: (Inaudible.)

COMMISSIONER WEXLER: Please, it is really, really important that this -- that we understand what it is that I was asking you to separate out.

MAYOR KEECHL: But, Commissioner --

COMMISSIONER LIEBERMAN: That was my motion. Just a point of information.

MAYOR KEECHL: Hold on.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: Not yet.

MR. NEWTON: Let --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN : Please.

COMMISSIONER RODSTROM: (Inaudible.)

COMMISSIONER LIEBERMAN: No, just as a --

(Striking of gavel.)

COMMISSIONER LIEBERMAN: I have a point of information and it does take precedence.

MR. NEWTON: I was going to say, the motion that Commissioner Lieberman had made --

MAYOR KEECHL: I didn't accept her motion.

MR. NEWTON: Yeah, I understand that, but what I want to do is just to -- to provide for the Board what the distinction is that I think Commissioner Wexler is trying to get at. Just -- just --

MAYOR KEECHL: Go for it.

MR. NEWTON: -- one --

COMMISSIONER WEXLER: It's simple housekeeping.

MR. NEWTON: And-- and it relates to the motion that Commissioner --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: -- Commissioner Lieberman had attempted to make, which was to dispense with those six amendments, just dispense with those six amendments. Those amendments that --

COMMISSIONER LIEBERMAN: That's the first motion.

MR. NEWTON: -- that deal with what's --

COMMISSIONER LIEBERMAN: It gets rid if all six --

MR. NEWTON: -- what was outside of the scope --

COMMISSIONER LIEBERMAN: -- of the amendments --

MR. NEWTON: -- or unconstitutional, dispense with that altogether.

COMMISSIONER LIEBERMAN: -- and then I have a second motion.

MAYOR KEECHL: Hold on.

MR. NEWTON: And then --

MAYOR KEECHL: Shh.

MR. NEWTON: -- then I --

(Striking of gavel.)

MR. NEWTON: -- suspect what Commissioner Wexler is trying to get at is there may not -- may be some things in the glitch ordinance that individual members of the Board -- it may be five -- agree with, and -- and maybe they don't. So maybe you need to go page by page. I don't know. But maybe you need to go page by page and take a motion with respect to all the changes on each page or --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: Shh.

MR. NEWTON: -- or not. That's something you'll have to --

MAYOR KEECHL: I'm going to take the motion eventually by Commissioner Lieberman, because we're a collegial body and I generally take motions from the first person who makes the statement. I also take substitute motions.

COMMISSIONER RODSTROM: (Inaudible.)

MAYOR KEECHL: Right.

COMMISSIONER RODSTROM: Before we spend a lot of time, if we're going to go page by page, just see how many Commissioners here are not willing to make any changes and see where the

votes are --

MAYOR KEECHL: And I think I know where they are.

COMMISSIONER RODSTROM: -- before we continue this debate.

MAYOR KEECHL: Right. If four of us say we are not supporting the glitch bill at all, then we don't care about the six amendments, because we're not supporting any of it.

COMMISSIONER RODSTROM: We're not supporting anything.

COMMISSIONER LIEBERMAN: Okay.

MAYOR KEECHL: And so why don't we just -- so how many of us, indirectly, we can talk about this, will not support the glitch bill? One, two, three --

COMMISSIONER WEXLER: I won't support the glitch bill --

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER WEXLER: -- the six --

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER WEXLER: -- but I support housekeeping.

COMMISSIONER LIEBERMAN: There's -- there's a difference.

COMMISSIONER RITTER: That's not --

MAYOR KEECHL: Now, some --

COMMISSIONER RITTER: He's talking about the -- the main -- the main bill. He's not talking about the amendments.

MAYOR KEECHL: No, I'm saying --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: (Inaudible.)

MAYOR KEECHL: -- the four of us --

UNIDENTIFIED SPEAKER: Don't mix in --

MAYOR KEECHL: -- are not going to support the main bill.

UNIDENTIFIED SPEAKER: -- don't mix --

COMMISSIONER JACOBS: Everyone keeps calling it the glitch bill.

COMMISSIONER RODSTROM: You can call it glitch or housekeeping, whatever you want to call it.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR KEECHL: John, at the appropriate time you can make a motion, you know, to -- a substitute motion to the line by line motion.

But is there anything body else who wants to talk about the glitch bill itself? Commissioner -- and we're going to go back around again, it looks like. No, Commissioner Jacobs --

COMMISSIONER JACOBS: No, I haven't (inaudible) --

MAYOR KEECHL: -- you have not had a chance yet.

COMMISSIONER JACOBS: I have not spoken.

MAYOR KEECHL: Yes, sure.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: No, not on this. I've spoken out of turn, but I haven't spoken.

Listen, there is perception and there is truth. We are -- we are being frightened out of doing what we know is right because of what some folks might say, because of the uninformed, the intentionally uninformed, those who use that, being uninformed, to their political advantage. That is not what should be anywhere present on this dais today in this decision-making process.

What we ought to be looking at today is, first of all, I don't believe there's anybody here who is going to support these six amendments. So to Commissioner Lieberman's attempt early on in the game to not confuse this issue, get them off the table right off the bat. I still think it's the best thing we should do. It should have been the first thing up front. I don't believe I have -- I think we've heard from everybody by now. There's no support for the six amendments.

So to make the argument in its reverse to say that no one supports the glitch ordinance so why bother with the six, the issue is I would wonder if we had instead -- we already went through this line by line. There was nobody that raised an objection to defining what the gift is under the state statutes, or defining what family means under state statutes, or to correctly identify that it is the Office of the County Attorney, not the County Attorney's Office.

These are not things that the public is going to have a fit over. That's not what they're worried about.

They're worried about you're going to go vote for those six amendments and gut it. What they want is us to adopt something, and something that makes sense.

Now, for those of you that say, we can't do it today, we can't touch anything that was drafted even though we know it's flawed and even though these definitions aren't there and they are very problematic to the actual application of this ordinance, then when can we change it? Are you going to adopt it and then a year from now you're going to go back and say, oh, gee, we kind of forgot to define what gift means, and that's creating a problem for the Inspector General, who now has been in place and wants to follow through, but you have issues here.

So, you know, this meeting was well known by all of us it was going to be a very long, contentious meeting. No one thought we were going to walk out of here before we had dinner. So what I would ask, maybe --

COMMISSIONER LIEBERMAN: How about breakfast?

COMMISSIONER JACOBS: Or breakfast. You know, it's happened.

What I would ask of my colleagues is to at least in -- at least walk down the path of the first vote to get rid of the amendments, the six amendments.

MAYOR KEECHL: (Inaudible.)

COMMISSIONER JACOBS: Okay.

Then the second thing would be let us go by line by line. There's things that no one is going to like and then we don't put them in. But then at least, if we took out the things that you all don't like, at least you end up with the sensical items in there and you never have to address them again.

Does anybody object for example, to the Office of County Attorney being referred to properly? So, you know --

COMMISSIONER RODSTROM: (Inaudible) object to any change.

UNIDENTIFIED SPEAKER: Any change. He doesn't want one word changed.

UNIDENTIFIED SPEAKER: It's a concept.

COMMISSIONER RODSTROM: (Inaudible) I do.

MAYOR KEECHL: But you know what? You're making your argument (inaudible).

COMMISSIONER JACOBS: But I guess -- I'm sure you object. No matter what, you're going to object because of how it appears, not because of what we know is going to make this ordinance --

COMMISSIONER LIEBERMAN: Or what makes sense.

COMMISSIONER JACOBS: -- the best that it can be to make sense to actually catch people.

Because if you want to talk about someone doing something wrong and then they get to court and, guess what, the courts say, well, you know what, it's not defined, just like the restoration --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- of the Clean Water Act, the -- the Supreme Court came out with three different opinions and it could not be defined, and so nothing happens.

That's almost like letting nothing happen because these issues are not defined.

If, in fact, nobody had an issue with the definition of the County Attorney's Office being referenced properly in the ordinance, or if you had the six votes on that one issue, then that item is approved and moves forward. If you have four or five or differing numbers throughout the process, then it isn't and it stays.

So there is a process to get through this, to take out the most minuscule housekeeping nobody would argue with it items and leave the more contentious ones out.

MAYOR KEECHL: Thank you, Commissioner Jacobs.

MR. NEWTON: Five votes.

MAYOR KEECHL: John -- Commissioner Rodstrom wanted to respond to something. I think (inaudible).

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: You said a gift -- a gift is not defined. A gift is defined. It's anything of value. People hate the thought that a County Commissioner, or an elected official, for that matter, should get anything that anybody else doesn't get.

UNIDENTIFIED SPEAKER: (Inaudible) value.

COMMISSIONER RODSTROM: I mean, I get what gift means. A gift is anything. Anything of value --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: -- that you're getting because of who you are that's not available to the public.

You don't have to define that. It's what it is. A gift is a gift. It's in -- it's in Webster's definition. You know, it's so basic. It's not under \$25 or over \$50. It's not -- it's anything of value that you get because of who you are, period. I mean, so we don't need a definition for that.

I mean, you know, and I appreciate you pointing that out, but -- but, I mean, an ordinary person of reasonable intelligence knows what a gift is. The public sure knows when you're getting something for free. They know.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: Okay.

COMMISSIONER RODSTROM: But -- but it --

MAYOR KEECHL: John, just --

COMMISSIONER RODSTROM: -- but it -- it has to be -- but -- but it -- but beyond -- but, again, when you start messing with it, the concept, because we know what the Ethics Commission meant. They meant anything of value that the public can't obtain for themselves.

MAYOR KEECHL: Okay.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: They know.

MAYOR KEECHL: All right. Hold on.

COMMISSIONER LIEBERMAN: John, you can't use that argument in the court. It's irrelevant what they know (inaudible).

COMMISSIONER RODSTROM: But it's the court of public opinion, Ilene, and I told you earlier, and I'm not --

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER LIEBERMAN: If people are going to have complaints filed against them because something is a gift, there has to be a definition.

COMMISSIONER RODSTROM: They can't --

MAYOR KEECHL: Just --

COMMISSIONER LIEBERMAN: I know it when I see it (inaudible).

COMMISSIONER RODSTROM: -- we can't accept anything. If you accept nothing, then you're free.

COMMISSIONER LIEBERMAN: (Inaudible) they'll know it says of value.

COMMISSIONER RODSTROM: Right.

COMMISSIONER LIEBERMAN: You define value. Mr. Newton, you define value. I can get nine different definitions --

MAYOR KEECHL: Okay.

COMMISSIONER LIEBERMAN: -- of value just on the dais.

MAYOR KEECHL: Commissioner -- Commissioner Lieberman, you didn't have the floor at that point.

COMMISSIONER RODSTROM: But -- but I'm just saying --

MAYOR KEECHL: Are -- are you done?

COMMISSIONER RODSTROM: Well, I'm just saying I think --

MAYOR KEECHL: Then we'll take that motion.

COMMISSIONER RODSTROM: Here's -- here's why I have problems with it, you know, and -- you know, define the County Attorney, what -- what it means by the County Attorney. I mean, there --

MAYOR KEECHL: Give me a break.

COMMISSIONER RODSTROM: You know, what was -- what was the other one?

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RODSTROM: They're not --

MAYOR KEECHL: Oh. (Inaudible).

COMMISSIONER RODSTROM: -- nobody's going to get off the hook. When the Inspector General, you know, calls you into their office and you get written up in the paper, I wouldn't exactly say that's being let off the hook. I think it has very dire consequences. Whether you pay the fine or not is not what's relevant. It's the fact that you've been called because of something you've done, because your behavior is in question. That's where the damage is going to be. The damage is going to be because of your conduct --

MAYOR KEECHL: (Inaudible.)

COMMISSIONER RODSTROM: -- not the definition. I mean, really and truly. I mean, you just -- you start going through this and -- and all you're going to do is hurt what you've really done today that was very meaningful and very important and very much a part of establishing a new reputation for this Board.

So I don't want to -- I don't want to do anything to change what we've done --

MAYOR KEECHL: Thank you.

COMMISSIONER RODSTROM: -- and undermine the great work that we've done today.

MAYOR KEECHL: And I think that that is the -- the opinion that has been expressed by four individuals right now.

But let's get rid of the County Attorney's six amendments. So then we can at least --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: So that was Commissioner Lieberman's motion; seconded by --

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: Second.

COMMISSIONER JACOBS: Second.

MAYOR KEECHL: Hey, we have to have a debate about these things.

Seconded by Commissioner Jacobs.

All those in favor --

COMMISSIONER WEXLER: I need to ask (inaudible).

MAYOR RITTER: You sure do. You sure do. I'm sorry. You did say that to me. A small one.

COMMISSIONER WEXLER: A small one.

Item 4, (inaudible), the one that says remove ban -- let me get on.

MAYOR KEECHL: (Inaudible.)

COMMISSIONER WEXLER: The one that says removes ban on Commissioner's lobbying other governmental units within Broward County, that your office has opined that this is constitutionally

problematic.

MAYOR KEECHL: (Inaudible.)

COMMISSIONER WEXLER: I've got to tell you something. I have read what we passed, and I don't even know where it is in there that I would be violating by -- by going to -- and -- and maybe it's the definition of lobbying. If I'm going to try to persuade --

VICE MAYOR GUNZBURGER: Which section?

COMMISSIONER WEXLER: Right here, these six (indicating). There was a letter that --

VICE MAYOR GUNZBURGER: (Inaudible.)

MAYOR KEECHL: She -- she's talking about the fourth one in Jeff Newton's memo --

COMMISSIONER WEXLER: Yes.

MAYOR KEECHL: -- which is right --

COMMISSIONER WEXLER: Exactly, exactly.

MAYOR KEECHL: It's (inaudible).

COMMISSIONER WEXLER: It's Item 4. It's -- it's on -- it's on --

MAYOR KEECHL: Removes the -- removes the ban on Commissioner's lobbying other governmental units within Broward.

COMMISSIONER WEXLER: Within Broward.

MAYOR KEECHL: Within Broward.

VICE MAYOR GUNZBURGER: Oh, that's on his memo.

COMMISSIONER WEXLER: It's on -- but those are the six -- those are the glitches. Those are the six things.

COMMISSIONER LIEBERMAN: If someone wants to sue, they can sue.

COMMISSIONER WEXLER: No, I -- look, I don't know about you all, but I go to cities on behalf of issues all the time. I go before other entities --

COMMISSIONER LIEBERMAN: That's in the (inaudible).

COMMISSIONER WEXLER: -- all the time. I really need -- and I'm not being paid for it. I need to make sure that the public is being served, because I -- I plan on continuing to do that. Don't take away my First Amendment right.

MAYOR KEECHL: To lobby for --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: -- without compensation?

COMMISSIONER WEXLER: With -- of course without --

COMMISSIONER LIEBERMAN: (Inaudible.)

COMMISSIONER WEXLER: -- compensation.

MAYOR KEECHL: All right. That's not -- that's not in there.

COMMISSIONER LIEBERMAN: It's not Amendment 4. That's in the --

MAYOR KEECHL: Right.

COMMISSIONER LIEBERMAN: -- body of the ordinance. (Inaudible) --

COMMISSIONER WEXLER: Point -- do you understand my point? It's in here as one of the six glitch -- I don't know what you want to call these things.

UNIDENTIFIED SPEAKER: Amendments.

COMMISSIONER WEXLER: Amendments. Thank you.

MAYOR KEECHL: The -- Commissioner -- Commissioner Wexler, the -- the one that it's removing is the ban on us lobbying governmental units within Broward -- oh, I see what you're saying.

COMMISSIONER WEXLER: No, it's not in there. It's not in there, but it's obviously their interpretation.

(COMMISSIONER RODSTROM LEFT THE ROOM.)

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR GUNZBURGER: Yeah, but that's when they (inaudible) for compensation.

COMMISSIONER WEXLER: No, it's -- it's not. They told me for zero compensation.

COMMISSIONER RITTER: Can --

MAYOR KEECHL: Hold on.

Commissioner Ritter wants to respond.

COMMISSIONER RITTER: Thank you.

If you look on page 5 of the body of the glitch ordinance, the -- not the amendments, the body, on page 8.

COMMISSIONER WEXLER: Page 8?

COMMISSIONER JACOBS: Page 8 or page --

COMMISSIONER RITTER: I'm sorry --

MAYOR KEECHL: Page 5.

COMMISSIONER RITTER: -- page 5, line 8, the new language says that the prohibition on lobbying municipal government doesn't apply when we're doing so for no compensation and in furtherance of our responsibilities.

MR. NEWTON: Right.

COMMISSIONER WEXLER: That's fine.

MR. NEWTON: Right. What you --

COMMISSIONER RITTER: Right. That's in the body.

MR. NEWTON: -- what you had in the -- in the amendment was removing that entire section as opposed to clarifying the questions --

UNIDENTIFIED SPEAKER: Okay.

MR. NEWTON: -- that were raised --

UNIDENTIFIED SPEAKER: Okay.

COMMISSIONER RITTER: (Inaudible) striking it.

MR. NEWTON: -- at the workshop --

MAYOR KEECHL: (Inaudible) the amendments (inaudible).

MR. NEWTON: -- which would make --

COMMISSIONER LIEBERMAN: (Inaudible.)

COMMISSIONER WEXLER: Okay.

MR. NEWTON: Yeah.

COMMISSIONER RITTER: This stays.

COMMISSIONER WEXLER: Then if that's the case and your --

MR. NEWTON: Well --

COMMISSIONER WEXLER: -- housekeeping language in here clarifies the intent, I'm sure the Ethics Commission never, ever meant that we can't go before the school board, that we can't go before cities --

COMMISSIONER LIEBERMAN: (Inaudible) striking the --

MAYOR KEECHL: (Inaudible.)

COMMISSIONER LIEBERMAN: -- six amendments --

COMMISSIONER RITTER: Actually --

COMMISSIONER LIEBERMAN: -- then (inaudible).

COMMISSIONER WEXLER: Okay.

MAYOR KEECHL: Okay. So --

COMMISSIONER WEXLER: Then I'm with you.

UNIDENTIFIED SPEAKER: You had recognized (inaudible).

COMMISSIONER WEXLER: Then I'm with you if it's covered in that.

MAYOR KEECHL: Commissioner Ritter.

COMMISSIONER RITTER: Actually --

MAYOR KEECHL: Okay. Commissioner Ritter (inaudible).

COMMISSIONER RITTER: -- there are members of the Ethics Commission who do not believe we should be going to cities at all expressing, for example, a request that they support and pass a resolution in favor of airport expansion, for example. They believe that that is unfair and threatening.

And so they actually intended us to not be able to go to cities and ask them for support or recommendations for things that are county priorities --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: -- even for no compensation, in furtherance of our responsibilities of -- as a public official, they don't want us to be able to do that. They don't want us to be able to do that.

MAYOR KEECHL: Okay. So we're back to the motion on the sixth -- six amendments drafted by the Office of the County Attorney.

UNIDENTIFIED SPEAKER: The motion (inaudible).

MAYOR KEECHL: The motion is to --

COMMISSIONER LIEBERMAN: To strike the six (inaudible).

MAYOR KEECHL: -- to strike them.

It's been made by Commissioner Lieberman and seconded by Commissioner Ritter.

(COMMISSIONER RODSTROM RETURNED TO THE ROOM.)

All those in favor of striking those six amendments, signify by saying aye.

Any opposed?

Those six are gone.

(COMMISSIONER RODSTROM LEFT THE ROOM.)

COMMISSIONER LIEBERMAN: Mayor?

MAYOR KEECHL: Yes.

COMMISSIONER LIEBERMAN: Here's my next motion. Okay?

COMMISSIONER RODSTROM: (Inaudible.)

MAYOR KEECHL: We -- we just voted on striking -- excuse me -- the six amendments out.

COMMISSIONER RODSTROM: I vote to strike the six out.

MAYOR KEECHL: So let the record reflect that Commissioner Rodstrom was with us unanimously striking those.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER LIEBERMAN: Okay.

Mayor, it just seems to me that the way to deal with the ordinance that's in front of us -- you know, you talk about what do the voters want. They want real ethics reform.

There are provisions in this ordinance -- and with all due respect to Commissioner Rodstrom, and even though there are three of us on the dais who are members of the Florida Bar, I won't rely on my opinion. We hire someone to do that. That's the County Attorney. He's the only one whose advice really matters on these issues.

(COMMISSIONER RODSTROM RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: And so I understand that because one of our colleagues has sent out e-mails that misinformed and misled the public about this particular situation, and newspapers or other media sources didn't take the time to read what's actually in the glitch and what he's actually talking about, they think it's just easier to have unintended consequences and gotchas, which is what I don't think the public wants, than to go through this page by page and fix some things which are no-brainers.

And -- and there are things that are in here I'm not going to support and I'll make a motion to strike them as we get to those pages.

But -- but let's just for a moment, just for a moment, okay, talk about an issue that was just raised. There's a provision in here which says that -- there's a provision in the main ordinance, in Number 7, that says we can't lobby other governments. It doesn't say for compensation. Okay? And so Commissioner Jacobs, for example, is the Board's appointment to Tri-Rail. She's the Board's appointment to climate control. If you don't deal with the section that -- climate change, I'm so sorry. Okay. I am the Board's appointment to the Resource Recovery Board. Commissioners Ritter, Gunzburger and I are the Board's appointments to South Florida Regional Planning Council.

If you don't pass some of these -- not all, some of the things that Mr. Newton has talked about to clear up what was actually intended by the Ethics Commission versus what was written, you

actually put us in a position where we can't perform our public responsibilities.

How am I going to be sent to the Resource Recovery Board and a city says please come to a meeting and talk to us about the provisions of the MOU, the service agreement, or the interlocal agreement? Or they call Commissioner Jacobs and they say to her, you know, we know that you're the Board's appointment to Tri-Rail. We know that they're looking at some more stations --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: -- FEC, we want you to come talk about --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: You bet. Okay? She can't do that, either.

You know, what the -- what the Ethics Commission was concerned about, and what I think the voters was concerned about, is outside influences, not performance of our public duties.

MAYOR KEECHL: Then --

COMMISSIONER LIEBERMAN: And so -- no, with all due respect, Mayor, my motion would be to take this page by page, because there are really things in here that it makes no sense not to deal with.

MAYOR KEECHL: Okay. I'm going to take your --

COMMISSIONER JACOBS: Mayor?

MAYOR KEECHL: -- I'm going to take your motion.

COMMISSIONER JACOBS: Can I interject just one --

MAYOR KEECHL: Sure.

COMMISSIONER JACOBS: -- tiny thought along that line?

MAYOR KEECHL: Of course you may.

COMMISSIONER JACOBS: To expand the way you're looking at this, to remember that there are a lot of other items on our agenda today which take the Code of Ethics for Broward County and expand it to the cities and to the Constitutional officers.

MAYOR KEECHL: (Inaudible.)

COMMISSIONER JACOBS: So now you're talking about individual City Commissioners that can't talk to their other cities. The -- the breadth of what you're about to do --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- and the mistake of what you're about to do is far beyond this County Commissioner.

MAYOR KEECHL: You know what? Okay. We're going to -- I'm going to take your motion in a

second. I want to respond to the argument.

It's only a mistake if you believe that the majority of the Ethics Commission was somehow saying that we cannot, as public officials, lobby for our boards and this Commission.

I can't believe for a second that that's what they -- the majority of them meant. I can't believe the IG, whenever he or she is put --

UNIDENTIFIED SPEAKER: (Inaudible) --

MAYOR KEECHL: -- in place will believe that.

UNIDENTIFIED SPEAKER: -- document says.

MAYOR KEECHL: I can't believe a court of law would believe that.

What they were talking about was lobbying down and us going before the City of Wilton Manors and lobbying. So, you know --

COMMISSIONER JACOBS: That's our point, though, Mayor. That's our point.

MAYOR KEECHL: So -- so you -- I believe --

COMMISSIONER JACOBS: But the document doesn't say that.

MAYOR KEECHL: I'm going to take the motion in a second.

But I believe -- no, what's going to happen is if -- if this dies, then you will be -- you will be able to fulfill your normal duties as a County Commissioner without being paid for a private client.

I expect you to go --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: -- I expect that as a Broward Alliance member I will continue to lobby. I will go to Tallahassee.

So, you know, I -- we can go line by line if you want.

COMMISSIONER LIEBERMAN: Mayor, before I make my motion --

MAYOR KEECHL: Again.

COMMISSIONER LIEBERMAN: -- can I ask the County Attorney to do one thing, please?

MR. NEWTON: Mr. -- Mr. Meyers is going to come forward and do that.

COMMISSIONER LIEBERMAN: (Inaudible.)

MR. NEWTON: He's -- he's going to come forward and do that. And --

COMMISSIONER LIEBERMAN: I think part of the reason why I am having a concern at the moment is because it is my understanding, Mr. Meyers, and I would ask you to (inaudible) -- tell me whether

I'm right or wrong. Okay?

My understanding is that when you go into court, if you say, Judge, I know what it says right here, but that's not what they meant when they adopted it, okay, that's not what they meant when they had their discussion, does the court ever get to go behind the document if the document says something --

MAYOR KEECHL: (Inaudible.)

COMMISSIONER LIEBERMAN: -- (inaudible) looked at?

MR. NEWTON: Well --

MAYOR KEECHL: Be careful with your answer.

MR. MEYERS: -- I've got two -- two attorneys here.

If the plain language is -- is clear, then the plain language will control. Of course, there are a number of arguments around that, but, Commissioner Lieberman, I -- I think you're right. I mean, I'm just looking at page 5 of the --

COMMISSIONER LIEBERMAN: Me, too.

MR. MEYERS: Yeah. The glitch --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: Shh.

MR. MEYERS: In A, it just says, even though it probably wasn't intended, although I -- I think, Commissioner Ritter, you said maybe it -- it was intended. But it's probably unworkable. And I don't -- I don't make public policy, but you all do.

But if you look at it, County Commissioners shall not -- forget employed -- engage in lobbying activities -- whatever -- whatever that means, and it may be interpreted broadly -- before municipalities within Broward County.

Now, you -- you may -- Mayor, I -- I think I know what I would argue if I was defending one of you against a charge brought by the Inspector General on that, but you're still in a situation where the Inspector General may find probable cause.

And then there are other provisions in here that you correctly noted might entitle you to reimbursement for defense cost. You -- you wouldn't have that. So it's --

MAYOR KEECHL: Let's take -- let's take the motion.

So, Commissioner Lieberman, would you restate your motion?

COMMISSIONER LIEBERMAN: My motion was to go page by page in deciding whether to support or oppose particular restrictions that are in here. I mean, there are one or two that I think are no problem.

MAYOR KEECHL: I -- I got the motion. It's been seconded by Commissioner Ritter.

All those in favor of going through the glitch bill line by line, signify by saying aye.

Those opposed?

Okay. That's a 4-4.

Is there another motion?

And I was showing Commissioner Jones, Rodstrom, the Mayor, and the Vice Mayor voting no, and the four remaining Commissioners voting yes.

VOTE FAILS 4 TO 4 WITH MAYOR KEECHL, VICE MAYOR GUNZBURGER, COMMISSIONERS JONES AND RODSTROM VOTING NO.

MAYOR KEECHL: Is there another motion?

What do we do now, Mr. Newton?

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR KEECHL: Hold on. I want -- I want to talk --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. NEWTON: Well, with your -- with your 4-4 vote.

MAYOR KEECHL: Shh. Please.

MR. NEWTON: -- with your 4/4 vote, it's just status quo and someone can bring it up at some future point in time.

MAYOR KEECHL: August 31st.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. NEWTON: But I don't --

COMMISSIONER JACOBS: (Inaudible.)

MAYOR KEECHL: Okay. Thank you, Commissioner Jacobs, for that comment.

You know, so Item 8 does not pass, 4-4 vote.

And we're going to take a ten minute recess and come back and finish our morning meeting.

COMMISSIONER LIEBERMAN: Unbelievable.

UNIDENTIFIED SPEAKERS: (Inaudible cross-talk.)

COMMISSIONER LIEBERMAN: That is not leadership.

(THE MEETING ADJOURNED AT 5:27 P.M.)

30036_dec142010
December 14, 2010

Meeting 10:10 a.m.

COMMISSION MINUTES

ACTION AGENDA

MEETING OF DECEMBER 14, 2010

(Meeting convened at 10:10 a.m., recessed at 12:30 p.m.,
reconvened at 2:52 p.m. and adjourned at 3:12 p.m.)

CALL TO ORDER was led by Mayor Sue Gunzburger, District 6.

...

13. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO A CODE OF ETHICS FOR BROWARD COUNTY EMPLOYEES; CREATING SECTIONS 26-71 THROUGH 26-73 OF CHAPTER 26, ARTICLE V, OF THE BROWARD COUNTY CODE OF ORDINANCES; AMENDING SECTION 26-68; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:29 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. (See Purple-Sheeted Additional Agenda Material submitted by County Administration, dated December 14, 2010.) (Refer to minutes for full discussion.)

VOTE: 9-0. Commissioner Lieberman and Vice Mayor Rodstrom voted telephonically.

...

AGENDA ITEM 13

MAYOR GUNZBURGER: And we are up to Item 13, which is an ordinance of the Board of County Commissioners of Broward County, Florida, pertaining to the Code of Ethics for Broward County employees, creating sections 26-71 through 26-73 of Chapter 26, Article V of the Broward County Code of Ordinances, amending Section 26-68, providing for severability, providing for inclusion in the Code, and providing for an effective date.

And you have a purple sheet on this item, as well.

And I have one person -- I'm opening the Public Hearing. And I have one person who has signed up to speak on it, Russell Rand.

COMMISSIONER WEXLER: You crack me up.

MR. RAND: Village idiot.

It was 30 years ago I talked to Commissioner George Platt about the arts and culture, and using both sides of your brain, which is important.

Ethics and county employees are -- you know, are pigs flying here? Come on.

(Inaudible) act in a manner to promote public trust, confidence, transparency, honesty, and service, avoid any appearance of impropriety.

Now, the -- the ordinance seems to focus on the doughnuts and candy and flowers, and it avoids the elephant in the room, which is the basic lying, cheating, and stealing, et cetera.

It also -- you know, insanity is doing the same thing and -- and expecting a different result. In that thing, you bring it to the professional standard unit. Well, that hasn't worked in 35 years, you know.

And just for the new people, I was hired 36 years ago in the county environmental laboratory. I had to sweep the asbestos, eat the stuff, no protection, extremely dangerous chemicals, benzene, everything was dumped, supervisors were making drugs, taking drugs, making chemicals, taking a pound of speed, et cetera, et cetera.

I've been blowing the whistle for 30 years. I've been writing to you for 20 years, and you can't figure it out. You can't figure it out.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. RAND: I know. I can't in the -- in the time, but, you know, this has gone on for 35 years and all.

So the professional standard unit, though, summed it up when they said your issues were addressed by my predecessor. How is it possible to address the suspension and termination in '03 in a report issued in 1998? How is that possible?

You gave an award to somebody who was fired and got her job back at the arbitration. You gave an award to somebody who signed my termination. I never met the guy. We all looked at each other after -- I exceed expectations for 29 years. Excellent. Bonus, rapid reward, employee of the month, teamwork award, commendation from the state, et cetera, and you -- you fired me for coming back from lunch five minutes early, for car pooling, and miscommunication about the drugs that led to the arrests of the chemical engineer. You know, hello.

I like your insurance discussion. Now, they talked about sandbagging and all that, you know, throwing things in at the last moment. Valid points when you talk out of the other side of your face, because I -- I understand.

You said the County Auditor has a right to be there, and so, too, my quality control person has the right on the facts. That's what the quality -- everything is based on quality and control. You're still getting funding for asbestos. You're building a new courthouse even though it was removed 32 years ago.

She wasn't allowed to testify. That's Heather's mother, Commissioner Jacobs, your aide.

But the quality and control, if you're not looking at the facts, then they're not factual. You arrested me for jay walking and sentenced me to prison for running a red light and executed me for being overdue with my library books.

Now, look at the 9-11 compensation. In New York City you saw the smoke and dust and the responders that were contaminated 26 years after me, and they got a \$625,000,000 compensation. A 7.4 billion dollar package passed the House. It was derailed in the Senate, compromised, they'll get the money, et cetera.

Now, with me, I got chronic obstructive pulmonary. Are you compensating me or taking the money? See, both ways, my earnings and my taxes, where is it going?

MAYOR GUNZBURGER: Mr. Rand --

MR. RAND: You had truckloads of money when you terminated me.

MAYOR GUNZBURGER: Mr. Rand, your time is up.

MR. RAND: Yes, yes, I'm wrapping it up here. I mean --

MAYOR GUNZBURGER: Mr. Rand.

MR. RAND: -- you've got to figure it out. You've got to figure it out. That's what you were elected to do, to be watch dogs. You can't watch them do the wrong thing.

MAYOR GUNZBURGER: Thank --

UNIDENTIFIED SPEAKER: Happy holidays.

MAYOR GUNZBURGER: -- thank you, Mr. Rand.

MR. RAND: You, too. Happy Hanukkah and all that, and I'll -- and we'll see you soon.

UNIDENTIFIED SPEAKER: Next year.

MAYOR GUNZBURGER: Thank you.

MR. RAND: Don't forget the culture, both sides of the brain.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: The Public Hearing is closed.

Is -- are there any comments from the Commission?

Commissioner Wexler.

COMMISSIONER WEXLER: I have a couple of them, and only because I really am just reviewing the six or some-odd modifications that were attached to the purple sheet that we received I -- I believe this morning.

I -- I would like one -- two things explained to me, please. Page -- and I'm actually going from the purple sheet, and if I may -- I'm choking --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- may I direct it to Mr. Meyers or Ms. Henry? I mean, I don't know who to direct my questions to on this.

MAYOR GUNZBURGER: Let me see where this --

COMMISSIONER WEXLER: I'm on page 8, which is blank on top.

MAYOR GUNZBURGER: Yeah, I know. I'm just trying to see where it came from. It came from County Admin, so I guess it goes to Ms. Henry.

COMMISSIONER WEXLER: They've been working as a team.

MS. HENRY: It depends on the question.

COMMISSIONER WEXLER: Okay.

MS. HENRY: Okay.

COMMISSIONER WEXLER: I don't understand what I'm inserting.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: In this purple sheet memo --

UNIDENTIFIED SPEAKER: Right. (Inaudible.)

COMMISSIONER WEXLER: -- page -- it says page 8 on the top --

MAYOR GUNZBURGER: It's the first --

COMMISSIONER WEXLER: It's the -- actually the third page of writing on it. Okay?

MS. HENRY: Go ahead.

MR. MEYERS: You want -- okay. Yes, these -- these came from administration, Commissioner, but what I think you're inserting there is it is a carve-out (inaudible) page 8, line 4, and on that page it talks about the conditions under which an employee may perform uncompensated employment or serve as an uncompensated officer (inaudible) member of certain entities, and it talks about there being an approval process that's required.

What -- what this appears to be (inaudible) is notwithstanding those provisions, the employee does not need to disclose and there doesn't need to be an approval determination, essential, by the supervising individual if these two conditions are met.

MS. HENRY: And I apologize. I -- I was looking at the wrong one and I thought that was the next one that maybe you were better -- better to answer.

But this issue, when we shared it with the -- with -- with the workforce, the -- the staff, they had some questions about -- many of them are very active in the churches, and they wanted to make sure that their supervisor would not be in a position -- or they wouldn't have to be in a position to provide notice that they are a trustee or some sort of an officer on -- on their private -- their church or any other private entity that does not receive funding from the county.

So what we were trying to do is differentiate between those things, those services that one could reasonably expect that there could be a conflict. For example, if -- many of our not for -- churches are not for profits, and have not-for-profit -- so just want to make sure that that employee is pulled out of the -- the middle of the process in the event that someone could inadvertently construe that they -- you know, that a selection was made and they had a dog in the fight in the end.

COMMISSIONER WEXLER: I'm not -- I'm asking the question because I'm not sure that I really understand what this is actually saying. And let me give you an example and then maybe --

MS. HENRY: Okay.

COMMISSIONER WEXLER: -- we can see if this applies.

MS. HENRY: Okay.

COMMISSIONER WEXLER: Say one of our employees is -- and -- and I'm -- this is totally unpaid -- very active in their human service committee or an elder council --

MS. HENRY: Uh-huh.

COMMISSIONER WEXLER: -- in their church.

MS. HENRY: Uh-huh.

COMMISSIONER WEXLER: And they're going after county dollars.

(COMMISSIONER RITTER LEFT THE ROOM.)

MS. HENRY: Uh-huh. In the -- in --

COMMISSIONER WEXLER: Is there anything here -- I mean, that -- that's an example that immediately would come to mind, or -- or a children's grant or something like that --

MS. HENRY: No --

COMMISSIONER WEXLER: --where they could be an officer. Not paid, of course. Is that what this was addressing?

MS. HENRY: What this was attempting to do -- yes, that's what this was attempting to address.

And the concern here was, for example, in our human services where many of the human service dollars are distributed, one could be in a position to develop the RFP, evaluate the responses on the RFP for a church or a not-for-profit that they serve on.

So what this was intending to do, to say in those instances that those employees really should let their supervisor know, so that they pull them out of the process --

COMMISSIONER WEXLER: That -- that's really --

MS. HENRY: -- to avoid the appearance of a conflict.

COMMISSIONER WEXLER: Okay. I mean, that makes every bit of sense. And really what I'm -- all I'm looking for is -- sorry, I can't find it in here -- this -- this requires disclosure?

MS. HENRY: Yes, it does.

COMMISSIONER WEXLER: Okay.

MS. HENRY: The original -- the original item talks about what you need to disclose.

COMMISSIONER WEXLER: I just want to make sure that that's where we got to in what you're saying, because as I read this over no less than three or four times sitting here, I am not sure I get that sense yet. But if you both (inaudible).

MR. MEYERS: No, there -- this is -- I believe this is a carve-out, a limited carve-out from the disclosure requirement.

MS. HENRY: Well, I -- no, I -- just -- I think we're both saying the same thing.

COMMISSIONER WEXLER: No, you're not.

MS. HENRY: If --

COMMISSIONER WEXLER: No, I don't think we're saying the same thing.

MR. MEYERS: It says notwithstanding the provisions of the paragraph, such disclosure and determination shall not be required if --

UNIDENTIFIED SPEAKER: No, that's (inaudible).

MR. MEYERS: -- the conditions in 1 or 2 are met.

MS. HENRY: It's just the reverse. So if you don't have that particular situation, you wouldn't be required to.

COMMISSIONER WEXLER: Well, of course not. But if you do have that particular situation --

MS. HENRY: You would be required to.

COMMISSIONER WEXLER: -- my question is would you be required to.

MS. HENRY: Yes, you would be required to, and that's in the other part of --

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER WEXLER: Okay. I mean, if you don't have a conflict, you shouldn't have to report anything.

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER WEXLER: So that's why this --

COMMISSIONER JACOBS: (Inaudible.)

MR. MEYERS: Unless you fit into one of these two limited exceptions, there is a disclosure requirement for uncompensated employment or uncompensated service.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER WEXLER: Look, I'm -- I'm trying to capture the essence. And I'm letting you two wordsmith and -- and putting it as -- which you have, obviously, as -- as a recommendation here.

I just want to make sure that that, indeed, the in the intent that if you do serve that it's disclosed to your supervisor.

MS. HENRY: Right. That's correct.

COMMISSIONER WEXLER: That's it. Thank you.

Can I move on to the next one?

MAYOR GUNZBURGER: Yes, please.

COMMISSIONER WEXLER: Okay. The -- the next question that I had was the very last page of the purple sheet.

Why are we looking to change the implementation of this or the effectiveness of this, which I thought should be sooner rather than later, to later? Why are we looking to make it 90 days for the filing?

MS. HENRY: Because there are elements of what's in this program that will require that we train 3 to 4,000 employees, and there's no way to get that done.

So there are elements of what's in here that we could implement right away, but we felt that in order to make sure that we have that one on one or that touch with small groups of employees so that they fully understand this, we're putting this in our training program. It's going to be a required training session so that we know that each and every one of our employees have gone through this training.

Most of what -- what's here can be implemented right away. The disclosable database is already completed. But there are other elements that will require some additional time to (inaudible).

COMMISSIONER WEXLER: Well, that -- that makes sense. I mean, implementing it for nine Commissioners is very different than implementing it for thousands of employees.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: Exactly. And -- and there are -- there's punitive things embedded within here for non-compliance. So I -- I -- you know, but I wanted -- you needed to say the -- that reason why so that it's not fabricated that we're avoiding, you know, implementation for some other clandestine reason. It's not that. It is that there are thousands of people that will come under this new ordinance.

MS. HENRY: Absolutely.

COMMISSIONER WEXLER: And -- and the final thing for me, which I -- I did discuss with them yesterday, and I'm going to -- I told them that I would bring up today, is on the bottom of page 8, it does talk about the Office of Intergovernmental Affairs and Professional Standards investigating employees.

And one of the things that the public voted on November 2nd, and I did pull out the ballot language, is definitely employees for the Inspector General.

And what -- our conversation went something like this. This is the way it needs to be for the moment under the Office of Professional Standards for any investigations.

However, the intent of the public and the ballot language and the -- the Charter change was pretty clear. And when that is implemented fully and it's -- it's months away from being fully implemented, the selection committee and Inspector General and then the Office of the Inspector General, at that point in time, something would have to come back to the Board of County Commissioners to address the language in here to change it then to the Office of the Inspector General.

And that's not just me speaking. That's what the people voted on.

MR. MEYERS: May I, Mayor?

MAYOR GUNZBURGER: Yes.

MR. MEYERS: Just to address that?

Yes, right now there hasn't been an Inspector General selected, but the Charter amendment is clear that the Office of Inspector General would have authority, and really exclusive authority, because there's preemption language, to investigate complaints against employees. It would -- it would preempt it and supersede it as a matter of law.

(COMMISSIONER RITTER RETURNED TO THE ROOM.)

MR. MEYERS: But as a housekeeping measure, we would probably come back and ask that that last provision be stricken once they've work through all of the issues with the impact on OPS.

MAYOR GUNZBURGER: Okay. Is there any further comment, questions?

Can I have a motion, please?

COMMISSIONER WEXLER: Move approval.

COMMISSIONER HOLNESS: Second.

MAYOR GUNZBURGER: Just a moment. Yes.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Commissioner Jacobs.

COMMISSIONER JACOBS: Mr. Labrador just showed up with a very worried look on his face. And I just wondered before we move forward if -- if there was anything that needed to be added to the discussion before we move on, because it looks like there is. Okay.

MS. HENRY: Did --

COMMISSIONER JACOBS: Mr. Meyers --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Okay.

MS. HENRY: Can the scrivener -- I think we said we -- did we get the scrivener to change it to -- okay.

COMMISSIONER JACOBS: Okay.

MS. HENRY: Change the effective date. We wanted a full 90 days to get back.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Okay.

MS. HENRY: Yes. So I -- I apologize. It had a March 1st date in the original, so we changed it. So we're good.

Thank you.

MAYOR GUNZBURGER: Okay. So now we're all right?

It's been moved and seconded.

All those in favor -- Mr. Labrador, did you have anything else you wanted to add?

MR. LABRADOR: No, ma'am. No.

MAYOR GUNZBURGER: It's been moved and seconded.

UNIDENTIFIED SPEAKER: Three times.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

...

30036_aug302011
August 30, 2011
Meeting 10:05 a.m.

COMMISSION MINTUES

ACTION AGENDA

MEETING OF AUGUST 30, 2011

(Meeting convened at 10:05 a.m., recessed at 12:30 p.m., reconvened at 2:19 p.m., and adjourned at 6:20 p.m.)
CALL TO ORDER was led by Mayor Sue Gunzburger, District 6.

...

14. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY EMPLOYEE CODE OF ETHICS ACT, SECTIONS 26-71 THROUGH 26-73 OF THE BROWARD COUNTY CODE OF ORDINANCES; DELETING A PROVISION DESCRIBING CERTAIN INVESTIGATIVE AUTHORITY OF THE BROWARD COUNTY OFFICE OF INSPECTOR GENERAL AND OF THE BROWARD COUNTY OFFICE OF INTERGOVERNMENTAL AFFAIRS AND PROFESSIONAL STANDARDS TO CLARIFY RESPECTIVE RESPONSIBILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:14 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Jacobs was not present.

...

AGENDA ITEM 14

MAYOR GUNZBURGER: Item 14, we have a speaker, Russell Rand. Please come forward.

MR. RAND: Hello. Russell Rand, County employee, sort of.

Apparently, this is transferring the ethics from the professional standard to the new Inspector General. And I just want to comment, of course, that everything that's been in place hasn't worked at all.

And, as you know, I'm a County employee hired 37 years ago, still an employee pending the arbiter's decision and there's no arbitration, so that violates the Constitution that says that governments can't take property without due process and just cause. But you took my property without a proper grievance, without an arbitration, and because I came back from lunch five minutes early or was car pooling or -- I'm listening to your shuttling and all, and the miscommunication about the drug manufacturing theft of chemicals that led to the arrest of the chemical engineer.

So these things have been on the front page of the Miami Herald, and the television, et cetera, and the classic professional standard unit, we addressed your concerns of the suspension and termination in '03 in a report issued five years earlier in '98. So how is it possible to address something five years before it occurs?

Of course, the asbestos was removed from the courthouse. It's in my body. The chemicals are in my body. Pulmonary disease.

I hope you're studying the flood things in the Irene because it's 56, 57 years ago, and I'm talking to Bill Reid, the hurricane, I'm at the hurricane conference. We're reminiscing of 57, 56 years ago. And I e-mailed him five days ago. What you're seeing in the death and destruction, I saw a long time ago and Waterbury was water buried in Waterbury, Connecticut where I was born.

So these things are really, really important.

Your processes and systems are corrupted from within. The foxes are guarding the hen houses at all times. And I don't expect in my lifetime, I don't expect to see any justice served here, so there can't be justice served in the construction of courthouses or various other things. And -- and I'm listening to your shuttling or the -- you want the BP Oil money, even though there's nothing here.

You left the chemicals in the groundwater. That's a thousand gallons of benzene and petroleum, chloroform, et cetera. You didn't spend a dollar, you didn't follow federal laws. You're still not following federal laws. I don't expect you to follow the laws in my lifetime. I don't expect you to do the right thing, because there's lacking political will here. You're the political people that exert the will, and as long as you're throwing bonuses and \$10,000 salary adjustments -- and I just ran into in the hall, you know, the people that sign off on -- on the retaliation, because I don't -- I don't want to be sexually harassed, see, and your Director of Human Resources files a false -- and I filed with the federal. I'm legally protected and you suspended me. I wrote to you, and you fired me. You're not following the law. This isn't rocket science. A ten--year-old kid could figure this out.

An awful lot of people are going to die when the event occurs here. An awful lot of destruction, awful lot of death --

MAYOR GUNZBURGER: Thank you. Your time --

MR. RAND: -- and it will occur.

MAYOR GUNZBURGER: -- is up.

MR. RAND: It will occur. Wake up.

Thank you.

COMMISSIONER SHARIEF: (Inaudible.)

MAYOR GUNZBURGER: All right. We have -- is there a motion on the Item Number 14?

COMMISSIONER SHARIEF: So moved.

COMMISSIONER HOLNESS: Second.

MAYOR GUNZBURGER: All those in favor signify by saying aye.

Opposed, like sign.

Item 14 passes.

And we have our Inspector General sitting quietly in the third row. Welcome, Mr. Scott.

VOTE PASSES UNANIMOUSLY.

30036_aug302011
August 30, 2011
Meeting 10:05 a.m.

COMMISSION MINTUES

ACTION AGENDA

MEETING OF AUGUST 30, 2011

(Meeting convened at 10:05 a.m., recessed at 12:30 p.m., reconvened at 2:19 p.m., and adjourned at 6:20 p.m.)
CALL TO ORDER was led by Mayor Sue Gunzbürger, District 6.

...

AGENDA ITEM 57

MAYOR GUNZBURGER: Now we are getting to Item Number 57, and then 51, and then back to the rest of the agenda, for those that are keeping score out in the audience.

Item 57, we have three -- three speakers in the following order: Russell Rand, Lisa Aronson, and Michael Cirullo.

MR. RAND: Yes, I just wanted to opine as a follow up, you know, I've been watching these processes for decades and all, and this ethics debate going back at least ten years, and been to many of the Ethics Commission meetings and the Charter review and all that. And it seems to me that you're dragging out the -- the hair-splitting part, you know. And in the science business, we talk about less than the detection limit, and -- and there's an awful lot of hair-splitting going on about free bottles of water or whether somebody is lobbying for the Girl Scouts or -- or whatever, you know.

MAYOR GUNZBURGER: Are you speaking to the item that's before us?

MR. RAND: Ethics, ethics and cities and all. I mean, the cities were thrown in after the fact, yeah. It was ten years ago, eleven -- nine years ago that the citizens voted for stronger whistle-blower protection, accountability, and ethics on the County Commission so there wouldn't be the appearance of impropriety.

And this was passed on to the cities, yes. And the cities have various different interpretations of their ethics code.

So trying to get a unified code -- again, I'm talking about the meetings I sat through and you -- some -- many of you sat through these meetings where you couldn't define the appearance of impropriety. I mean, it's standing here.

So I always drink the tap water. I don't -- you know, there's much ado about bottled water and, again, whether somebody is lobbying for Girl Scouts or -- or something unrelated.

The State Statute 112 talks about not using your official position to benefit yourself or others, and those are the -- that's the key words in the statute. So as an official person, you shouldn't be using your official position to benefit yourself or others. But I've seen that many, many times, of course, over the years, and people that have worked the system to their advantage.

Again, as a citizen, and maybe an employee or not, I'm not concerned with the hair-splitting. This has gone on for years and decades of, you know, hair-splitting. In the science business, we'd say that's less than the detection limit, or it's negligible.

Everybody has been in the newspaper and gone to the jail or prison or whatever, in the cities or County or whatever. And there's one County Commissioner still in prison, right? It wasn't because they got free bottles of water, or they lobbied for the 4-H Club or anything, you know. It was because they were up to some serious no

good.

And you've got to focus on the big picture again, and not be splitting hairs in the fine details. And that's what I would perceive has been going on to pass this on to cities and subcontractors.

I don't care about the PVC pipe that fell off the subcontractor's truck. Who cares? It's always falling off the truck. I care about whether the politicians and bureaucrats are doing their job and following the laws, the laws, the big picture, the big money.

Thank you.

MAYOR GUNZBURGER: Ms. Aronson, and then Michael Cirullo.

COMMISSIONER ARONSON: Good afternoon, Mayor, Commissioners. My name is Lisa Aronson. I'm a City Commissioner for the City of Coconut Creek and I'm also Chair of the Broward League of Cities Ethics Task Force.

First, I would like to acknowledge our President, Debbie Eisinger, the Mayor of Cooper City, as well as our Executive Director, Rhonda Calhoun, who is in the room, and two of our City Commission colleagues, Mayor Frank Ortis and Vice Mayor Ira Cyple from the City of Pembroke Pines, who are in the room.

Yesterday, our Executive Director e-mailed all of you a memorandum, and I believe there are some hard copies of that memorandum circulating on the dais.

The memorandum is not a comprehensive response to the Office of Inspector General's report, but we do have several comments that we believe are constructive for all of you to consider in your discussions this afternoon.

We do want to thank General Scott and his staff for their time in reviewing our proposed ethics ordinance for municipal elected officials, and we do want you to know that the Broward League of Cities continues to welcome the opportunity to work collaboratively -- oh, excuse me -- collaboratively with the County Commission, the County Attorney's Office, and the Inspector General's Office in an effort to draft a uniform Code of Ethics for all elected municipal officials in Broward County.

While the task force may -- may respectfully disagree with some of the points raised by the Office of the Inspector General in its report, there are a few particular issues which warrant some clarification or further consideration, and I just wanted to highlight those in a bullet form.

One has to do with online disclosure.

Number two has to do with outside concurrent employment and financial disclosure requirements.

The third has to do with education, training, and development.

The fourth has to do with an Ethics Commission and advisory opinions.

And the fifth is simply a conclusion.

Without going into a lot of detail about each of them, again, with respect to financial disclosure or online disclosure, we are more than willing to continue our pledge to abide by an online database, as well as submit our disclosure requirements.

But, again, since we are currently required to submit a Form 1, we believe, as what State law currently requires of city elected officials, that that should be sufficient for our submittal of a disclosure process, and an on annual basis, as is currently required by State statute.

I will let you know that Mike Cirullo is here from the Law Firm of Goren, Cherof, Doody and Ezrol, and he's

available to answer any legal questions that you may have.

Thank you for your courtesy this afternoon.

MAYOR GUNZBURGER: I don't believe that the Inspector General suggested that you would form -- submit a Form 6 rather than a Form 1.

UNIDENTIFIED SPEAKER: Right.

MAYOR GUNZBURGER: Mr. Cirullo, are -- did you want to address us?

MR. CIRULLO: Good afternoon. Yes, ma'am. Mike Cirullo on behalf of the Broward League of Cities.

As Lisa Aronson said, I'm here to answer any questions you may have.

We did provide that memorandum. I think most of the issues that were advanced by the Broward League are more to get some clarification in -- in some of the terms of the report.

This is one example, that it seems to require -- the city officials are required right now to form a -- to file a Form 1, to file that Form 6.

MAYOR GUNZBURGER: Yes, that's (inaudible).

MR. CIRULLO: There's also -- there's also the little nuance where it seemed to be a concern of the OIG that the cities were looking to take out the requirement that they post these unaccessible Internet database, and that wasn't the intent. The intent was just to clarify for those cities that do not have their own websites that they could use the County website, as was in the original code. I think there were some changes that were made that were misunderstood that we wanted to wipe out all online filing, and that was not -- never the intent of the Broward League of Cities to do that.

And we would also support some sort of entity that would provide for ethics opinions. You know, there are commissions in other counties, and that's one of the points as well.

MAYOR GUNZBURGER: (Inaudible) Inspector General.

MR. CIRULLO: So -- but I'm not sure that the Inspector General can provide those opinions, provide shelter, so --

MAYOR GUNZBURGER: No, he doesn't provide them.

MR. CIRULLO: -- anyway, that -- that's just a summary. I was here in case you had any questions, but I don't need to take any more time if you don't.

MAYOR GUNZBURGER: Thank you.

MR. CIRULLO: Thank you.

MAYOR GUNZBURGER: Is there any city, Mr. Cirullo, in Broward County that does not have a website?

MR. CIRULLO: Well --

COMMISSIONER LIEBERMAN: Probably Lazy Lakes.

MR. CIRULLO: -- I think maybe Lazy Lakes and Sea Ranch Lakes.

MAYOR GUNZBURGER: Just those two?

MR. CIRULLO: I believe so.

MAYOR GUNZBURGER: Does the League of Cities have a website?

MR. CIRULLO: We do.

MAYOR GUNZBURGER: Well, that might be the venue, then, for those two cities and the rest can use their own -

MR. CIRULLO: Right. Absolutely.

MAYOR GUNZBURGER: -- rather than send it to the County, but to use the Broward League of Cities office.

MR. CIRULLO: Yeah. And I think that would be something worth discussing. It was just that we didn't want to require those two cities, say, for example, to establish websites solely for this online posting.

MAYOR GUNZBURGER: No, but there is another venue that they could use, which would be the Broward League of Cities site to post it there.

MR. CIRULLO: Right.

MAYOR GUNZBURGER: Okay. Thank you. And if there are in other questions.

MR. CIRULLO: Thank you.

MAYOR GUNZBURGER: Do we want to hear from --

MR. CIRULLO: Thank you.

MAYOR GUNZBURGER: -- from the Inspector General or --

COMMISSIONER WEXLER: I don't know, but I have questions.

MAYOR GUNZBURGER: All right. People who have questions and then we'll have discussion. Questions and discussion.

Commissioner Wexler, you may begin.

COMMISSIONER WEXLER: Thank you very much.

I put out a PBMI to our legal counsel, because when I read over the Inspector General's review of what we had asked him to do, which was take the Broward League of Cities' document, review it and give us some insight, I had a very difficult time understanding what some of the recommendations were. And so I had to go to the explanations under each of the categories to really get to what I thought that --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: I'm sorry, what was that? Okay. Oh, it's -- sorry. There's a computer talking up here.

That -- that was difficult. And so basically when I put the question out yesterday, and I don't know, Mr. Scott, if it -- if it ever got to you or not, but it went something like this: please identify if there are any modifications recommended by the Inspector General. Okay? Because I didn't really see any. And --

MAYOR GUNZBURGER: You mean from their --

COMMISSIONER WEXLER: From his review, right.

MAYOR GUNZBURGER: Yes, but you mean from the --

COMMISSIONER WEXLER: I --

MAYOR GUNZBURGER: -- Broward League of Cities' version?

COMMISSIONER WEXLER: Yes.

MAYOR GUNZBURGER: Oh, there are. There are quite a few from his review.

COMMISSIONER WEXLER: Modifications that he's recommending?

MAYOR GUNZBURGER: Oh, yeah.

COMMISSIONER WEXLER: Really?

MAYOR GUNZBURGER: I read it that way.

COMMISSIONER WEXLER: Well, that's exactly why I put the question out, because I didn't read it that way. And I put my question out to Legal, and, quite frankly, the only answer -- I -- I don't really -- do you want to answer?

MS. ARMSTRONG COFFEY: We found two recommendations --

COMMISSIONER WEXLER: Right.

MS. ARMSTRONG COFFEY: -- and they were that -- that City Commissions be able to act -- to select individuals such as the City Attorney or the City Administrator directly, and that Form 1 be used instead of Form 6.

COMMISSIONER WEXLER: Right. And the Form 1/Form 6 one, I think we've already gotten that cleared and -- and we're fine. That was just a matter of Form 1 versus Form 6.

The more important one really is -- and Commissioner Lieberman attempted to bring it up at our last meeting, not realizing that it was on for this agenda -- the prohibition on participating on selection committees should not apply to the procurement -- now I'm reading from what you wrote in answer to my question -- should not apply to the procurement or hiring of an individual who reports directly to the local governing body, for example, the City Attorney or the City Manager.

Now, there are certain cities in this County that it's not the City Manager that's running the city.

COMMISSIONER LIEBERMAN: There are two cities.

COMMISSIONER WEXLER: It's the Mayor who is running the city, who also happens to be elected in their Charter. And so really, like you brought up last meeting, that's the -- one of the provisions that I would have wanted to have seen in here, and maybe that's what is meant in place of City Manager, but also strong Mayor where appropriate and defined in their Charter.

So that's what that -- and -- and I -- that's not what it said. So I needed that clarified. And I'm not sure that that's what he's recommending.

MAYOR GUNZBURGER: Well, then I think that the appropriate thing to do is to ask --

COMMISSIONER WEXLER: Mr. Scott.

MAYOR GUNZBURGER: -- General Scott or Mr. Scott or Attorney Scott, whichever one -- appellation he prefers, to come forward, please.

And I'd invite you to please sit at the table because there may be several questions that would come from this Board, and I'd like to be comfortable. There's a mic that would be comfortable for you to use if you sit down.

INSPECTOR GENERAL SCOTT: I'm happy to stand.

Good afternoon, Commissioners. For the record, John Scott, Broward Office of the Inspector General.

MAYOR GUNZBURGER: Okay.

COMMISSIONER WEXLER: Did you hear my concern? And I really want to direct your attention to the top of page 10 in your executive summary, the OIG has not found any structural impediments inherent to strong Mayor form of government that would prevent compliance within the Board of County Commissioners' code, nor any strong Mayor system attributes that negate -- I'm telling you, I have -- this is hard.

INSPECTOR GENERAL SCOTT: Respectfully --

COMMISSIONER WEXLER: You know, what are you -- what are you telling me?

INSPECTOR GENERAL SCOTT: -- if I could, very briefly, Commissioner, if I could, since you did ask me to come forward, I would like to first truly acknowledge the great effort of our Counsel to the Inspector General, Jennifer Marino. Her acumen and effort truly made this report a reality, and I think a timely reality.

I note there's some concern about recommendations. I actually counted 11 distinct recommendations that I thought were pretty clear in this report.

MAYOR GUNZBURGER: That's what I (inaudible).

INSPECTOR GENERAL SCOTT: I had not intended to come up and expand -- if I could, Commissioner, I had not intended to come up and expand upon the report. I think it speaks for itself.

We put a lot of effort and care and research. We looked at authorities. We looked at sources that I don't think anyone else has attempted to bring to this discussion since November of 2010.

Now, that having been said, that -- that was our intent here, to provide this Commission with additional resources, with a background, so you could distill the issues and you could compare the issues using independent authorities.

I'm happy to hear that the BLOC weighed in yesterday. I'm heartened that we apparently don't disagree on very few issues. I'm heartened to see that we agree that the use of Internet database reporting is important and will be considered by the BLOC, as well.

In addition, you already mentioned this, Form 6 and Form 1 issue has been cleared up.

I'll -- I'll just note with regard to the -- the written product they provided you yesterday, the conflict they raised about reporting is the distinction with a bit of a difference. And that is simply this: we also suggest, as one of our recommendations, I might add, that, in fact, that, consistent with the BCC code, there be a requirement of independent quarterly reporting of those personal financial gains that are obtained by outside employment.

Now, that's separate from the annual financial disclosure requirements that are general.

Otherwise, the BCC -- the BLOC, they mention education, which we didn't address. They spoke, I think, broadly about enforcement issues, which I also think we were very clear on.

So I hope we have been able to distill for this Commission the issues and advance this process forward.

COMMISSIONER WEXLER: Mr. Scott, let me clarify, because I think that the Mayor misunderstood what I was saying, as well.

MAYOR GUNZBURGER: (Inaudible.)

COMMISSIONER WEXLER: I think that when I was referencing recommendations, I was referencing were there any recommendations for there to be a difference from the code that we have in place for us.

And what I found in this document was it was very, very little, if any. And that's where -- most of it said not -- not to be incorporated in, not to be changed, not to, not to. And so it was taking that "not" of the -- of reading the BLOC's, the board of -- Broward League of Cities' and comparing it to what we have in place, and what I saw -- and the reason, again, that I put out my question was because I wanted to see in one spot, easy, are you -- was there a recommendation for change from our code to not apply to the League of Cities' municipalities?

INSPECTOR GENERAL SCOTT: Commissioner, again, our -- our mission, we were asked to assist. We were honored to help, as we stated.

I think clearly, Commissioner, we did a side-by-side comparison of the proposed code --

COMMISSIONER WEXLER: Uh-huh.

INSPECTOR GENERAL SCOTT: -- and the existing BCC code. We were informed, not merely by our own opinions, but by outside third-party expertise and analysis. And in doing that, we then identified the areas, and, as we've said, there were not that many. The areas where there were material differences between your code, the BCC code, and the proposed code --

COMMISSIONER WEXLER: Uh-huh.

INSPECTOR GENERAL SCOTT: -- we identified those areas, and we discussed those areas. We made specific recommendations regarding those areas.

COMMISSIONER WEXLER: Could I ask it a different way? I basically see that the recommendations are that they not be incorporated into our code.

INSPECTOR GENERAL SCOTT: Commissioner Wexler --

COMMISSIONER WEXLER: Is that -- am I wrong?

INSPECTOR GENERAL SCOTT: -- I'm trying to respond, but we -- we spent time and effort and generated a work product that we're proud of. And I think we clearly delineate, both in the executive summary and later on, what it states.

And I -- I'm going to decline to further expand upon it, because I -- I do think it speaks for itself.

COMMISSIONER WEXLER: Okay. I -- Ms. -- Ms. Coffey, maybe I can get an answer out of my legal counsel.

Am I understanding this report properly, that it is -- in its findings that it is saying not be incorporated? Since I put a circle around each one of those words.

MS. ARMSTRONG COFFEY: Commissioner, I think what -- you may be able to infer that. There were two specific recommendations for --

COMMISSIONER WEXLER: Exactly.

MS. ARMSTRONG COFFEY: -- changes to our code and --

COMMISSIONER WEXLER: Correct.

MS. ARMSTRONG COFFEY: -- those were the two that we outlined.

COMMISSIONER WEXLER: Correct. And everything was not?

MS. ARMSTRONG COFFEY: Well, there was no recommendation to make a change.

COMMISSIONER WEXLER: Correct. Correct.

I -- look, the whole question was that I'm understanding this report. And it's not to banter with you. It's to make sure that it is clear. I found that it was written in a manner that was not clear, and that's why, for me, I wanted the clarity from counsel, very simply.

The one area, then, that they did review is regarding the strong Mayor. And I think that before we leave this today, we need to resolve that, because we do have two cities that have that form of government. Plantation --

UNIDENTIFIED SPEAKER: Plantation and Lauderhill.

COMMISSIONER WEXLER: You bet. No, Lauderhill does not. Lauderhill, when -- Ilene was the last strong Mayor. When she left, it was gone. It's Plantation, I believe Lighthouse --

COMMISSIONER LIEBERMAN: I think it's Hillsboro Beach and Plantation.

COMMISSIONER WEXLER: -- isn't it Lighthouse Point?

COMMISSIONER LAMARCA: Yes, ma'am.

COMMISSIONER WEXLER: And -- strong Mayor? Strong Mayor?

UNIDENTIFIED SPEAKER: Strong Mayor.

COMMISSIONER WEXLER: Lighthouse Point.

UNIDENTIFIED SPEAKER: Strong Mayor of the City.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: But Plantation isn't a teenie, little city.

UNIDENTIFIED SPEAKER: No, I know that. I meant (inaudible).

COMMISSIONER WEXLER: So I -- I -- and if -- if -- and I think that we need to make sure, because they do the hiring and the firing and the negotiating and the -- put them -- they are the City Manager.

COMMISSIONER LIEBERMAN: Right.

MAYOR GUNZBURGER: All right. So that --

COMMISSIONER WEXLER: That's -- that --

MAYOR GUNZBURGER: Okay. So that's the one distinction that we need to make. And I misunderstood you, because I thought you were referring to their document rather than our document.

COMMISSIONER WEXLER: No, our document.

MAYOR GUNZBURGER: Oh, okay. Yes, I saw that -- when I read your report, it was quite clear to me that the only places you struggled with was really on employment and whether or not they could have outside employment that might constitute lobbying. And you felt that that was not and -- one that you were able to make a decision -- your -- you and your staff were able to make a decision on; is that correct?

INSPECTOR GENERAL SCOTT: That's pretty much it. A little more specifically, we viewed that ultimately, again, we noted the varying models that exist in American government locally, and we noted some of the statutes that exist in that regard.

And, you know, we found that ultimately this is, in fact, a policy decision. That unlike, for example, the -- the zero tolerance limitation on gifts --

MAYOR GUNZBURGER: Right.

INSPECTOR GENERAL SCOTT: -- that there, we essentially saw you and your municipal counterparts as on all fours, but that, in fact, we did find a distinction that possibly is with a difference when comparing you and your municipal brethren in terms of lobbying.

So what we did was we tried to provide the committee with further, you know, material information upon which it could -- it could make an informed decision.

We declined to actually make a recommendation ourselves, because it's a matter of policy. It's not a matter of enforcement. It's not a matter of law.

MAYOR GUNZBURGER: I know that there is one city in Broward that does have the similar lobbying prohibition, and that's my own hometown, which is Hollywood. And they have it because they had a very specific case that they had problems with.

Commissioner Lieberman --

COMMISSIONER LIEBERMAN: Yeah.

MAYOR GUNZBURGER: -- you have been sitting so patiently.

COMMISSIONER LIEBERMAN: It's okay. Thanks.

At the top of page 9, under "procurement selection committees," I share Commissioner Wexler's concern. A strong Mayor form of government is electing a Chief Executive Officer. That's what the person does.

And so you'd be taking away their ability to do what they were voted into office for, which is to negotiate contracts, to hire and fire, you know, to decide whether something is going to be by contract or by employees.

And so I would like to see us provide an amendment for strong Mayor forms of government, even though there's only two left in the County.

Secondly, I really don't understand -- and maybe this question ought to be to the League -- who is a procurement individual who reports directly to the local governing body of a municipality pursuant to the municipal's Charter, that they would want them to be exempted. I mean, we have a separate -- somewhat separate code for our employees, and unless I'm mistaken, I don't believe that this code would apply to the employees of the County. It would --

MAYOR GUNZBURGER: Of the city.

COMMISSIONER LIEBERMAN: Of the city. It would apply to their elected officials.

So I'm not quite sure -- and maybe Mr. Scott can help out -- why this section is in here.

INSPECTOR GENERAL SCOTT: We didn't draft it. Again, our task was to review the proposed draft that was before you. So I -- to use your terminology, I can't be your wartime consigliere on that one.

COMMISSIONER LIEBERMAN: Okay. So, I mean, that one I just have a hard time figuring out, because I think - I'm of the opinion that the code we're adopting is for elected officials in cities, and I don't know any procurement individual who is elected. So I tend to think this doesn't apply to them in the first place.

We got a memo from Ms. Aronson -- well-thought out memo, well-written memo, thank you -- about what their concerns are as the code exists right now. And I guess I'm glad that the League of Cities has moved somewhat in its position, and this memo makes it very clear.

And so I thank Mayor Eisinger and Commissioner -- Mayor Aronson and your Executive Director, Ms. Calhoun, for doing that.

In her first issue about online disclosure, I think we can handle that with either they post it on their own website and, if they don't have a website, they post it on the League of Cities' website, and so it gets posted that way.

I don't believe -- I do believe that the item that Mr. Goren raises about in the definitional section he's defined what the words mean, file for public disclosure. You don't need to repeat it in every section. So if we adopted this provision, it's definitional. It will apply to every section where those terms are mentioned. And -- and I agree with the League on that.

I cannot support the removal of the quarterly disclosure of outside employment. I don't think it's a big deal. It's four times a year, and you only have to file it if you have outside income to report.

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER LIEBERMAN: And it's part of the disclosure, you know, the transparency in government that we've all talked about.

And so I'd ask the League to think about that. It's not a big deal to do it every quarter, and it's only if you've had compensation. If you haven't, you don't need to file anything.

Then the issue with which form they file, I think that's a typo. We can just fix that ministerially.

I'm just going through my comments.

And then -- so that, you know, is a ministerial issue. And they would say they would post that online. So that's a non-issue for them.

And I want to talk for a minute about advisory opinions. The Commission on Ethics does issue advisory opinions. They are binding, provided you've told them the truth about the facts.

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER LIEBERMAN: And that's a very important caveat, because if you've misstated the facts, you can't rely on the opinion.

I don't have a problem with them asking their own attorney for an advisory opinion. I don't think they need to go to the OIG. Every city I know has a City Attorney, and they need to put their opinions in writing, and then as -- you adopt the same standard that the Ethics Commission has. As long as the facts are true, it's binding. If the facts are not true, it's not binding. It's really a very simple task.

And then, finally, the last issue for them is on -- as Commissioner Sharief so eloquently describes in her memo,

lobbying across. And so, you know, we have to deal with that, and I think Commissioner Sharief makes a very valid point in the her arguments.

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER LIEBERMAN: And so I'm prepared to support that.

On the OIG memo --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: -- I'm basically all right with all of his recommendations, except for the issue on the strong Mayor, which I addressed before.

But everything else, I think he's talking about consistency. We'd have the same gift policy, we'd have the same disclosures, so somebody -- you know, like 97 percent of the people who live in a city and live in the County would see consistent provisions.

MAYOR GUNZBURGER: Okay. Is there any -- okay.

Commissioner Sharief, you haven't had an opportunity.

COMMISSIONER SHARIEF: No, but I think I'm -- I need to make an amendment to the item, right, because I wanted to include --

COMMISSIONER WEXLER: Direction.

COMMISSIONER SHARIEF: Or direction. Okay.

MAYOR GUNZBURGER: Direction, because it's going to be written -- once we give Ms. Coffey direction, then her office will prepare a document --

COMMISSIONER SHARIEF: Okay.

MAYOR GUNZBURGER: -- very similar to the County Code of Ethics, that we will vote on at our -- or next meeting on the 13th -- or, no, that --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Let's do it by the 20th.

COMMISSIONER WEXLER: She's going to fall off her chair, Mayor.

MAYOR GUNZBURGER: When could -- when could -- when could it be finished, Ms. Coffey?

MS. ARMSTRONG COFFEY: I actually think we can do it as soon as you need us to. It would -- two weeks is enough. Three would be great, but we can do it in two if you need us to.

MAYOR GUNZBURGER: I thought -- we're not meeting next week.

COMMISSIONER LIEBERMAN: Right.

MAYOR GUNZBURGER: Yeah, the 13th, because the voters voted on this item, or the cities, almost one year ago.

UNIDENTIFIED SPEAKER: Uh-huh.

MAYOR GUNZBURGER: Every time I go out, I am asked when are the cities going to have a Code of Ethics? I am. I am.

COMMISSIONER WEXLER: Nobody asks me, ever.

MAYOR GUNZBURGER: Oh, my goodness.

COMMISSIONER WEXLER: Ever. Ever.

MAYOR GUNZBURGER: They come --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Because I guess that -- you know, because I was the one who originally pushed it, so that's why I'm asked, because some of them have problems with their City Commissioners.

COMMISSIONER WEXLER: It must be (inaudible) city.

MAYOR GUNZBURGER: I'm not saying where.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: I'm not saying where. You're just jumping to a conclusion.

COMMISSIONER WEXLER: Right.

MAYOR GUNZBURGER: So that I have -- I would be delighted if we finally could have this pass in less than a year from when the voters passed it. Okay?

COMMISSIONER SHARIEF: So I just wanted to kind of --

MAYOR GUNZBURGER: Give direction.

COMMISSIONER SHARIEF: Right. And give direction.

So I -- I looked at the Inspector General report, and I, too, was having some difficulty with two of the sections addressing clearly the two things that I've gotten concerns over.

So I made this memo, and I want to put it out there. I put it out there, and I hope that we can get some direction in terms of what we can do.

On outside concurrent employment, although the OIG recommended a consistent policy, I felt it was silent on a specific recommendation.

And so I propose we add the same language existing for the County Commission with the prohibition on lobbying other governmental entities, which prevents lobbying down and across by municipal elected officials.

And the second section was gift prohibition. And I thought that, since the OIG recommended a consistent policy --

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER SHARIEF: -- that there wasn't a specific recommendation as far as I could see.

And so I thought that I would propose a total gift ban from lobbyists, vendors, and contractors, which would mirror the County Commission Code of Ethics and, therefore, I thought it would create consistency in those two areas,

since those are the two areas that where -- I think that questions consistently come up, so.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: But it wasn't specific --

MAYOR GUNZBURGER: Yeah.

COMMISSIONER SHARIEF: -- to say.

MAYOR GUNZBURGER: All right. I can see some more hands going up.

Commissioner Ritter, Commissioner -- Vice Mayor, and Commissioner Lamarca.

COMMISSIONER RITTER: Commissioner Sharief, if I could ask you a couple questions about -- about the exact language you're recommending.

The County ordinance prohibits spouse employment. as well. Yes, I know, you braced your eyebrows because you say to yourself that sounds really unconstitutional.

UNIDENTIFIED SPEAKER: Where?

VICE MAYOR RODSTROM: What does (inaudible).

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: Prohibits spouse employment --

VICE MAYOR RODSTROM: Spouse employment, right.

COMMISSIONER RITTER: -- certain spouse -- certain employment by our spouses, like (inaudible).

COMMISSIONER WEXLER: Immediate family. It's not even just spouse.

COMMISSIONER RITTER: And, in addition to that, the gift prohibition also extends to spouses and the like.

So I just wanted to know if you wanted to make the League of -- the municipal elected officials Code of Ethics as unconstitutional as the Broward County Board Code of Ethics, or if you wanted to try to make it as Constitutional as possible?

COMMISSIONER SHARIEF: Okay.

COMMISSIONER RITTER: I mean, did you -- do you plan to apply it to spouses or not?

COMMISSIONER SHARIEF: Well, I -- I was just trying to stick with the uniform Code of Ethics, and if it applied to spouses, then it applied to spouses.

COMMISSIONER RITTER: Okay.

COMMISSIONER SHARIEF: So that was -- I don't -- I -- I happen to feel the same way, but it was passed, and --

COMMISSIONER RITTER: Right.

COMMISSIONER SHARIEF: -- there's really not much I can do about it. I was just trying to clarify, because I was really confused when I read (inaudible).

COMMISSIONER RITTER: I'm only asking because it's not in the -- on your memo. So I wanted -- when you said the same language --

COMMISSIONER SHARIEF: Uh-huh.

COMMISSIONER RITTER: -- you know, we should let the County Attorney know we mean the same language.

COMMISSIONER SHARIEF: Okay. That's fine.

COMMISSIONER RITTER: And just -- and I'm asking an honest question.

COMMISSIONER SHARIEF: Yeah.

COMMISSIONER RITTER: While it has a bias behind it, I am asking you an honest -- an honest question.

MAYOR GUNZBURGER: Just with that one adjective.

COMMISSIONER RITTER: Thank -- thank you.

COMMISSIONER SHARIEF: In response, yes, and I would love to change it, because I know what's behind it, but I can't change it. So, yes, I -- I would say consistent.

COMMISSIONER WEXLER: May I be on your queue, please?

MAYOR GUNZBURGER: Yes, we will get to you again. I -- and you will be after Lamarca, Commissioner Holness, and then Wexler.

Vice Mayor.

VICE MAYOR RODSTROM: So let me -- let me just ask a couple questions of our County Attorney.

When -- in -- in view of lobbying, if you're an attorney and you have a client who has a legal matter, and -- and it's - - and it's, you know, clearly a legal matter as opposed to a lobbying matter, can you represent that client if you're a City Commissioner? Can you represent that client in another city?

MS. ARMSTRONG COFFEY: Vice Mayor, there actually -- that's actually a very interesting question, because of the definition of lobbying --

VICE MAYOR RODSTROM: Uh-huh.

MS. ARMSTRONG COFFEY: -- both under your Lobbyist Registration Act and also State law. And so I can't give you a crystal clear answer.

I think that it would be far better to err on the side of caution. I think that practicing law could potentially be swept up.

VICE MAYOR RODSTROM: Could be what?

MS. ARMSTRONG COFFEY: Could be swept up in the definition of lobbying, except, of course, appearing before an entire governmental body.

And -- and so I think that if -- if I were practicing law, I -- I would consider myself, to be safe, to be subject to the prohibitions in the code.

VICE MAYOR RODSTROM: What about if you're a member of a 50-person firm and one of the -- one your partners or one of your -- not one of your partners -- one of your lawyers in the firm had a client that represented a

city, what would happen then?

MS. ARMSTRONG COFFEY: I think that it's the same problem.

VICE MAYOR RODSTROM: Same problem.

MS. ARMSTRONG COFFEY: I think, assuming that the firm has --

VICE MAYOR RODSTROM: What if -- what if you're an attorney and a city is looking for a City Attorney? Are you prohibited or are you able to apply for that position, so long as you don't lobby? You submit to an RFP process, your firm is selected; is that permissible?

MS. ARMSTRONG COFFEY: That one, I need to think about a little bit.

VICE MAYOR RODSTROM: You need to think about that one.

MS. ARMSTRONG COFFEY: That one is harder.

VICE MAYOR RODSTROM: That's harder?

MS. ARMSTRONG COFFEY: That's harder.

VICE MAYOR RODSTROM: Okay. So as long as you didn't lobby anybody and all you did was submit to a procurement process --

MS. ARMSTRONG COFFEY: That would not be lobbying.

VICE MAYOR RODSTROM: That would not be lobbying. Only if you talked to Commissioners about becoming the City Attorney, that might be lobbying, because then you'd be persuading them. We're not sure.

MS. ARMSTRONG COFFEY: We're not sure. We -- we -- I'm not so sure that that is.

VICE MAYOR RODSTROM: Well, I mean, I guess -- and -- and here's -- here's what I'm -- where -- where I'm going with this, because we're going to be asking our Attorney to draft language. With that language, I think our Attorney needs to be very clear, in consultation, I believe, with our Inspector General, and -- and I think you need to make some interpretations about some of these what ifs, so everybody, you know, of reasonable mind and intelligence knows what the boundaries are. Because there's nothing worse than not knowing what the boundaries are. Because when you give me an answer, and I'm not being disrespectful, when you say, well, that's a tougher question, of course it is.

So I need -- I need somebody to weigh in and say, you know what, we don't think that was contemplated by the voters. We're not going to -- we're not going to go after you in this manner.

I mean, I think there has to be clear guide posts here, because these -- these issues are going to come up, and we're going to spend an inordinate amount of money pursuing things and find out we're way out of bounds or within our bounds. And we ought to just -- you know, as we develop this thing, we ought to know what the guideposts are so we're not -- so people, you know, aren't hitting these trip wires accidentally and -- and getting in a lot of trouble, and ruining their careers or their spouses' careers, or getting fired from their jobs, or all kinds of things, only because they wanted to serve in public service and public life.

I mean, I -- I understand about no gifts. That's pretty clear, can't accept a gift. There's no -- but -- but some of these other issues are not so clear, and -- and I think you all -- both of you need to sit down and think of what ifs, and -- and then incorporate that into your -- into whatever you come back with.

MS. ARMSTRONG COFFEY: And if I may, Mayor, I know that before I arrived here that a handful of issues that really arise not just from the Ethics Code, but from the Lobbyist Registration Code provisions and relate in exactly

the way the Vice Mayor is pointing out and -- and we had expressed some concerns previously to you about those.

VICE MAYOR RODSTROM: I mean, if you're a Commissioner and your company that you work for sells paper products to XYZ city, can your company sell paper products to another city, as you would be an employee?

MS. ARMSTRONG COFFEY: That's why we --

VICE MAYOR RODSTROM: I mean --

MS. ARMSTRONG COFFEY: -- answer these questions on a case-by-case basis.

VICE MAYOR RODSTROM: -- I mean, but now -- now, clearly -- clearly, if you're -- if you're going and trying to sell that city on the paper products, that may be lobbying. But -- but can your company sell paper products to XYZ city if you're not lobbying, if you're not doing the lobbying? I mean, these are the questions --

MS. ARMSTRONG COFFEY: Uh-huh.

VICE MAYOR RODSTROM: -- I think we need to -- because you're going to find people coming from all walks of life that are going to serve in public life and -- and we're going to be subject to interpretation. We don't want to make it so no one can serve or afford to serve, because, particularly in city governments, they -- they only -- you know, they're paid 25,000 or \$20,000 --

UNIDENTIFIED SPEAKER: Thirty.

VICE MAYOR RODSTROM: -- 30, but -- but certainly, you know, it's not -- it's not what I would, in many cases, be considered a full-time employment opportunity and not a career, if you will, that you could support a family on. And so they're going to have outside employment, and -- and we need to -- we need to think of how this is all going to apply.

MAYOR GUNZBURGER: It sounds -- it sounds like Mr. Scott and Ms. Coffey are going to be spending some time together.

Mr. Lamarca -- Commissioner Lamarca.

COMMISSIONER LAMARCA: Thank you, Mayor.

The Vice Mayor brings up some very interesting points. Actually, the city I came from paid \$1800 a year. So, no, it's not going to be your first line of -- of -- of income for a family.

I guess a couple of -- a couple of the things that jump out are to -- to Commissioner Lieberman's point about role of a strong Mayor. There's also a city in my district where the -- the city is so small, even smaller than Lighthouse Point, that the -- that the Commission, Mayor/ Commission body actually does the procurement process.

So, I mean, what do we do there?

MAYOR GUNZBURGER: You talking about Hillsboro?

COMMISSIONER LAMARCA: Hillsboro Beach.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: They -- they handle the procurement process, as well.

COMMISSIONER LIEBERMAN: Is that Lazy Lake?

VICE MAYOR RODSTROM: And we used to, too.

COMMISSIONER LAMARCA: Act as clerk --

COMMISSIONER LIEBERMAN: Is that Lazy Lake?

COMMISSIONER LAMARCA: -- act as building official.

MAYOR GUNZBURGER: No, Hillsboro.

COMMISSIONER LAMARCA: All right. But -- and that's an issue out there.

I guess, you know, it's no secret that some of the people that are already elected and sitting in office now and -- and doing a good job -- I'll use the Mayor of Wilton Manors as an example -- he's an attorney and he -- he's lobbied us here at the County.

I'm not -- I'm not going to pass judgment whether -- whether we should or shouldn't, you know, prohibit lobbying at all levels, sideways, upwards, downwards, and all that.

But the other thing we need to think about, as well, is are we going to have 31 different cities, if there's an issue in each city, special elections? You know, remove people from -- from office and tell them that we appreciate your public service, but you can't do it because of the line of work you're in. And, you know, I understand it's the -- the conflict issue. There's nobody debating that, I don't think, here at this point. It's been a year and -- and we've all talked about that.

But I think we need to -- you know, we need to look at that, but the -- the Hillsboro kind of concerns me a little bit because it's -- you know, it completely changes their -- their form of government. So in order -- order for us to put -- to -- you know, to put this code of ordinances under them, the Ethics Code, it would change their -- their roles. They'd basically have to go out and hire people to do those jobs.

So, I mean, I think we need to see where we have to go with that.

MAYOR GUNZBURGER: I don't know. What are we going to do about the cities where they are so small and there is no one else to do what we all have staffs to do?

I think that's something that, again, I would hope working, the two of you together, could figure out how you take care of those exclusions.

COMMISSIONER WEXLER: It wasn't in this discussion, this report.

MAYOR GUNZBURGER: No, because I don't think -- Mr. Scott, I don't believe you were aware of that.

MR. SCOTT: Well, if I may, Mayor, and, again, I will harken back, as -- as Commissioner Wexler did, to -- to when we were given this opportunity to serve. And I will simply say at that time, I'd like you to remember, I said please don't imbue us with any Gordian knot cutting capabilities that we don't have.

I remind you of this now because I also do want to clarify both my role and, as I see it, Ms. Coffey's role. They're different. But, most important, our focus here, again, I remind you, was not to come up with answers for you. We do not want to usurp your legislative authority. Ours was to make a side-by-side comparison of the language and identify how the law related to that. That's what we're doing. We're, frankly, not in a position --

UNIDENTIFIED SPEAKER: (Inaudible.)

INSPECTOR GENERAL SCOTT: -- Mayor Gunzburger --

MAYOR GUNZBURGER: I'm sorry.

INSPECTOR GENERAL SCOTT: -- we are not in a position to provided policy suggestions. We -- we view that as beyond --

MAYOR GUNZBURGER: I'm not asking --

INSPECTOR GENERAL SCOTT: -- the ambit of our --

MAYOR GUNZBURGER: -- for a policy suggestion. But I'm talking about your Gordian knot.

INSPECTOR GENERAL SCOTT: I understand that.

MAYOR GUNZBURGER: And I'm saying that there are some cities, because of their makeup which I've just been aware of. I did not know, for example, that Hillsboro Beach has no staff that can handle procurement, and it falls under the purview of the sitting City Commissioners.

So that that was something I -- I may be assuming incorrectly, and people have told me what assuming means, using the letters in the word. I'm wondering if you could help Ms. Coffey, although she's very, very competent, but I don't want us to end up with something that is unworkable and isn't meeting the expectations of the majority of the voters in Broward County by having an Ethics Code for the cities that does not -- I don't want to stop a city from functioning.

INSPECTOR GENERAL SCOTT: At this time, again, I want -- I, too, want to be very clear here about what's being asked of our office.

I also certainly agree that your County Attorney is quite adept.

Before we analyze the law in this area, we did not see it as our province to make policy decisions --

MAYOR GUNZBURGER: I hear you.

INSPECTOR GENERAL SCOTT: -- to actually tell you what you should do. We wanted to give you the law to let you know what you could do and where you might run afoul of the law. That, I think, we did.

What are you now asking me to do, Mayor?

MAYOR GUNZBURGER: I'm asking you to help us out of the cities that can't possibly function within the --

COMMISSIONER WEXLER: We have to do that by ordinance.

MAYOR GUNZBURGER: We'll do it by ordinance. Ms. Coffey will figure it out.

COMMISSIONER WEXLER: Correct. And then he has to apply it. (Inaudible.)

MAYOR GUNZBURGER: Right. Okay.

INSPECTOR GENERAL SCOTT: I mean, again, I -- Mayor, I don't want to seem not forthcoming here, but I --

MAYOR GUNZBURGER: I understand.

MR. SCOTT: -- you know, I want to be very clear about what my role is.

MAYOR GUNZBURGER: I don't see it as a policy issue, but you do. I see it as a legal issue that I'm sure Ms. Coffey can find, with the exceptions of those cities that do not have staff, some sort -- I'm not a lawyer. I never was. I don't practice law without a license. But I -- I assume that you can figure a way of -- of solving this conundrum.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. ARMSTRONG COFFEY: Mayor, when you are -- when the Board is finished with its discussion, I wonder if you might think about the possibility that, while we're drafting, maybe in two weeks we could bring back a report on issues and then bring back in three weeks maybe the first reading. It's up to you. We can do it whatever order you want.

MAYOR GUNZBURGER: I don't want to discuss this three times.

MS. ARMSTRONG COFFEY: Okay.

MAYOR GUNZBURGER: I really don't.

MS. ARMSTRONG COFFEY: Okay.

MAYOR GUNZBURGER: Because it's going to be a long discussion when it comes back.

But I think you're hearing all we're trying to find is a way to give a carve-out to a city that does not have a procurement --

COMMISSIONER WEXLER: Staff.

MAYOR GUNZBURGER: -- staff or a carve-out to a city that has a strong Mayor that functions as the City Manager. That's all I'm asking for. And we could say -- I think I've already been a lawyer. Figured out, you know, that there's a carve-out for those two exceptions.

COMMISSIONER SHARIEF: Just those two?

MS. ARMSTRONG COFFEY: That, we can do --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. ARMSTRONG COFFEY: -- but there are some other concerns being expressed. But we'll wait --

MAYOR GUNZBURGER: Okay.

MS. ARMSTRONG COFFEY: -- until the conclusion of your discussion.

MAYOR GUNZBURGER: I mean, if it takes you three weeks, I don't want to do it two more times. I honestly don't.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Okay? Thank you.

Are there any other questions that people want to ask?

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: If you -- yes, who else is on the queue? Mr. -- Commissioner Holness.

COMMISSIONER HOLNESS: Yes, Mayor..

MAYOR GUNZBURGER: Thank you.

You can sit down, Mr. Scott, please.

INSPECTOR GENERAL SCOTT: Thank you, Mayor.

MAYOR GUNZBURGER: It makes me uncomfortable to just see you standing.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: Mayor, I think what the voters want is transparency. And they want to make sure that we are operating ethically --

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER HOLNESS: -- and that we're not using our position for undue influence.

And Mr. Rand spoke earlier and he says it's the big picture that the people are looking at. Okay?

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: He did.

MAYOR GUNZBURGER: Yes.

COMMISSIONER HOLNESS: And -- and -- and -- and -- and -- and that's correct. It's a sensible thing. It's a sensible approach that we need to take when we look at this thing.

Mayor Resnick is an honest, ethical person, as far as I know, in the dealings that I've had with him. Now he's not going to be able to be the Mayor of his city anymore. His people voted for him to be there. They want him because they have faith -- they believe in him and they trust him.

Lobbying across, sideways, up is not the really the issue. The issue is is he going to be in a position to put undue influence on you or I or some fellow City Commissioner in Lauderhill where what influence does he have there? What does -- what -- what does his position give him in terms of power over the City of Lauderhill or any of the elected officials there? Not more, I think, than a business owner in that city or a minister of a church in that city.

So when we go back to look at this, I hate to see us put people who have dedicated themselves to serving their community out of either their business or out of the opportunity for the people to have them serve them. So that's -- that's one area where it -- it really is -- is -- is very nuanced.

But, again, let's use the common sense approach. That's not where we've had our troubles. That's not what has hit the newspapers.

So as we go back, I want us to really think about it. Okay? I know one Commissioner already in -- in Miramar, she decided she can't function, and she didn't run for another term in office because of that. Not because she wasn't honest and ethical, but because if she does, she's not going to be able to make a living to take care of her family. So she can't serve the community or she can't take care of their family. That's -- that's a hard choice to ask someone to make.

And -- and, again, there's -- there's some other stuff in this that -- that gets to where we -- we go a little bit far in terms of one of the things that -- that we need to clear up, we have cities designated as vendors, so if you go there, well, you can't participate in drinking a -- some water. You're taking a gift.

COMMISSIONER HOLNESS: Does that make sense?

MAYOR GUNZBURGER: Yes.

UNIDENTIFIED SPEAKER: (Inaudible) make sense to (inaudible)?

COMMISSIONER HOLNESS: I don't -- I don't see the common sense in that at all. Okay?

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: So we need to look to see the things that we need to adjust so that we're protecting the people and we're putting things in place that are meaningful to making a difference.

Thank you.

MAYOR GUNZBURGER: Thank you.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Just a couple of thoughts.

The issue we've been discussing about different forms of government, I just researched Hillsboro Beach, and I think from what I'm reading, it's clear they don't have a Town Administrator from their organization and from their Charter. It's very clear.

It looks like they have a Commission form of government, and a Commission form of government, just like -- I'm sorry, a committee form of government, which is one of the four kinds of government that you can have. We have an Administration/Commission form. Because it's very clear that without a Town Manager, the Charter even says the police chief shall report to the Mayor, shall take direction from the Mayor. So though he may not be a strong Mayor, they've delegated him, apparently, with the authority -- and they select their Mayor -- according to their Charter, they've delegated that person with the authority to direct -- to direct police, fire, and everyone.

And so I think if -- and I'm sure Lazy Lake doesn't have a Town Administrator. I'm willing to bet on it. In fact, I think they rotate the Mayor position. There's like 24 residents in Lazy Lake.

So if we could exempt strong Mayor, which I feel very passionately about, because that's an elected CEO, and those places with a committee form of government where -- without a Town Manager from it, I think we can address those issues.

And so, if we're giving direction, I would ask the County Attorney to prepare a section that exempts the strong Mayor, those that have a committee form of government where these -- where the responsibility and the authority for procurement is vested in the City Commission, as it clearly is by the Charter of Hillsboro Beach, that they be exempted from the prohibition on procurement.

As to the other things, I don't see any harm in asking the County Attorney to draft them. I agree a thousand percent with the Vice Mayor that the biggest problem I have is it needs to be clear, so that anybody who reads it knows what the prohibited behavior is. And I think we have a great County Attorney who has a lot of experience in that. And I want to set easily recognizable, definable parameters, so that anyone who reads it would know what they're reading.

This has to come back to us for a vote.

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER LIEBERMAN: We can put additional amendments or strike them as the case may be.

But I would suggest that we have the County Attorney draw everything up.

And with respect to -- I mean, this is an issue that I go back and forth in my head about. I don't think it's our intent to force cities to hold special elections because somebody resigns. And so there may be a way to deal with that, that that particular prohibition does not apply to other members of their firm or doesn't take hold until they run for re-

election, but just some way in there so that we don't cause a city to have a special election.

And I'd ask her -- I wouldn't begin to lay out what it should say, but I would ask the County Attorney to look at that issue, so that anyone who would have to resign right now would not have to cause a special election, and, just for the duration of their term, that particular prohibition might not apply.

Secondly, with the question Commissioner Rodstrom raised about members of their firm, that's something you lay out in the ordinance. I'd ask the County Attorney to give us some options. It could be other members of their firm can appear in front of -- nothing in our code prohibits if we're a member of a firm, someone else, the principle, a colleague from appearing in front of another city government. Nothing in our code prohibits that.

But, again, I ask that she draw up some options. And what I'd like to see come back is the language with some options, and we can see what we want to adopt and what we don't.

COMMISSIONER WEXLER: (Inaudible.)

MAYOR GUNZBURGER: You can --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: So you want to go? Okay.

MAYOR GUNZBURGER: Go.

COMMISSIONER WEXLER: Okay. I'm going to reference your memo, Commissioner Sharief.

COMMISSIONER SHARIEF: Okay.

COMMISSIONER WEXLER: The -- basically, what you're saying in these two bullet items is -- is that the language for municipalities reflect the same language that's in place for Board of County Commissioners; is that correct?

COMMISSIONER SHARIEF: Correct.

COMMISSIONER WEXLER: Okay. That's the way I -- I understood it here.

COMMISSIONER SHARIEF: Right.

COMMISSIONER WEXLER: The only thing that I didn't understand was the lobbying across. Is that something new?

COMMISSIONER SHARIEF: It was in there.

COMMISSIONER WEXLER: It says across, not just down?

COMMISSIONER SHARIEF: (Inaudible.) It says.

COMMISSIONER WEXLER: Oh, okay. I'm -- well, I'm actually looking --

COMMISSIONER SHARIEF: Oh, I'm sorry.

COMMISSIONER WEXLER: -- at Ms. Coffey, I'm sorry.

MS. ARMSTRONG COFFEY: Those aren't the terms. It doesn't use lobbying down or across in the code.

COMMISSIONER WEXLER: Oh, it doesn't. Okay. It doesn't use either one of those terminologies?

MS. ARMSTRONG COFFEY: Right.

COMMISSIONER WEXLER: Okay. Fine.

I -- I'm still very, very much not understanding -- and I -- and I think you've made that very clear to us that it's not clear regarding our capacity as a Commissioner going out in front of cities that we represent, were put in office to do, and when you go before that body to speak on an issue, who am I representing or what -- I mean, is that prohibited or not.

And the answers that I've gotten back are really -- it's a tough question, and it's -- I'm not paid, of course, and I'm not -- I'm not lobbying -- and what -- what happens to come to mind is a particular road in -- in a particular community, and it was at one of their Commission meetings, and so it certainly was in the sunshine, but -- and I was there with staff.

But I didn't get their permission to do it, and I think that that needs to really be clear.

We had the pill mill ordinance that came before us, and you put language in there that we approved because we wanted to go out and talk to the different cities on behalf of adopting similar ordinances. And the question arose is, wait a minute, you can't do that.

We're talking health, welfare, benefit, good government, good, honest government, and I can't -- I can do it, because she put the language in there permitting us to do it.

Do you think that every time we have to represent our constituents in a public arena that it's prudent or -- or reasonable or -- to have to come back -- how about on break? Six weeks you're off. Oh, my, things happen in cities. What should I do, go under -- underground?

No, seriously. This is -- this is -- this is about bad government. How can we fix that? Is it our lobbying policy? Is it this ordinance? Because now we're going to take this bad stuff and make it on them. That's a question.

(Laughter.)

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: It is a question. How do we fix it?

MS. ARMSTRONG COFFEY: It -- it may require proposing to you some optional changes to the lobbyist registration ordinance, as well.

COMMISSIONER WEXLER: I mean, I'm not talking about anything drastic. I -- I -- but in our official capacities, whether I'm going to Tallahassee -- all right. That may be a little bit different, because we approved the legislative program.

But I'm going to tell you, from time to time, things come up that we need to react to, and we don't get here soon enough. And we're out there lobbying on behalf of?

COMMISSIONER LIEBERMAN: The County.

COMMISSIONER WEXLER: The County, of course. I'm not doing it on behalf of Wexler. I'm doing it on behalf of the County.

Those are things that are absolutely illogical. And we -- what, are we going to fall into a trap, are they now, the 31 municipalities, going to fall into a trap? It can't be. It needs to be reasonable and fixed.

I'm not advocating for -- if someone is being paid. I am not. But in the course of doing my job or their -- city municipal elected officials doing their jobs, let's not make it a crime. That -- that -- that's to that bullet point.

I wanted to make an overall statement. We've lived with this for a year, our ordinance, and I think we've lived with it very well for a year.

I really believe that our County should have one ordinance. I don't think there should be, other than very specific nuances like the strong Mayor, or Hillsboro, or something like that, where it's an anomaly, but for the most part -- and I believe we all share that same philosophy of one Ethics Code, and that's what the public expects as well.

But living with this for a year, I believe there are a number of aspects of it that really are broken and really need to be tweaked.

It's not up to Mr. Scott to tweak it.

UNIDENTIFIED SPEAKER: No.

UNIDENTIFIED SPEAKER: No.

COMMISSIONER WEXLER: It's not up to Ms. Coffey to tweak it. It's working with our counsel in -- it's an ordinance, folks.

But I also feel that the public needs an opportunity to speak. And I know that a number of us, at one of these discussions, discussed putting something on the ballot. And I know that in my conversations with members of the League of Cities a number of months ago -- I think may have been May or June, Lisa and Debbie, that -- that we had that discussion, and I absolutely still feel that there needs to be a joint group put together of either yourselves and your legal representation, and maybe the Mayor and our legal representation to formulate something for us to consider to put on the ballot next November.

But, meanwhile, we have to put something in place that's consistent and one Ethics Code for all elected officials in Broward County.

So that would be my short-term and then longer term solution.

And then, again, we've lived with it. We see where some of the unreasonableness may be, and I think that we have - - we can fix it. We. We can fix it. Not Mr. Scott. He -- he applies what -- what it is that we pass.

Thank you.

MAYOR GUNZBURGER: All right.

Commissioner Sharief.

COMMISSIONER SHARIEF: Okay. So I -- I agree with the reasonable application of the code.

However, I just want to make something clear in terms of the -- the comments that were being made about using -- rationally making these decisions and coming up with how to apply this.

You know, I was a municipal elected official, and I sat on the Broward League of Cities Board representing the City of Miramar. And I can recall a meeting where Commissioner Lieberman came in, when this was just applicable to the County, and asked if the League of Cities would take a position on this item, because it -- some of the aspects of it would affect the cities negatively, and it would also affect their spouses, and I -- there was a whole host of issues brought up.

And at that point in time, there was no position taken by the League of Cities. And it went on through the Ethics Committee process, and then it was placed on the ballot, and we came to what we have today.

And so if there was ever a time for people to be rational and to try to apply some form of common sense to this, it would have been before it made it to the ballot, not now.

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER SHARIEF: Well, they asked --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: Yes, it was, because --

COMMISSIONER WEXLER: (Inaudible) was on the ballot?

COMMISSIONER SHARIEF: No, the voters voted for an Ethics Commission to be formed to create this code. And when it was created, it was placed on the ballot to be voted on, the -- not this specific language, but the -- the fact that they voted on having a uniform Code of Ethics to apply to --

MAYOR GUNZBURGER: (Inaudible) was the one that was behind the ballot question.

COMMISSIONER SHARIEF: Right.

MAYOR GUNZBURGER: (Inaudible) Commissioner Wexler, absolutely.

COMMISSIONER WEXLER: This language wasn't formed until --

MAYOR GUNZBURGER: Yes, it was.

COMMISSIONER WEXLER: -- August (inaudible).

COMMISSIONER LIEBERMAN: The only thing on the ballot was the OIG --

COMMISSIONER WEXLER: Right. Correct.

COMMISSIONER LIEBERMAN: -- and the issue that was on the ballot, Commissioner Sharief, was creating the Ethics Commission --

COMMISSIONER WEXLER: Exactly.

COMMISSIONER LIEBERMAN: -- and giving it --

COMMISSIONER SHARIEF: The authority to --

COMMISSIONER LIEBERMAN: -- the authority to bring it directly to the voters if we didn't adopt it.

UNIDENTIFIED SPEAKER: (Inaudible) the ordinance.

COMMISSIONER LIEBERMAN: That's what was --

UNIDENTIFIED SPEAKER: Correct.

COMMISSIONER LIEBERMAN: -- on the ballot.

MAYOR GUNZBURGER: Didn't the ordinance --

COMMISSIONER SHARIEF: But at that --

MAYOR GUNZBURGER: -- come from the Charter review?

COMMISSIONER WEXLER: No.

COMMISSIONER SHARIEF: No.

COMMISSIONER WEXLER: No.

COMMISSIONER SHARIEF: It came from the -- the --

VICE MAYOR RODSTROM: The Ethics Commission.

COMMISSIONER SHARIEF: -- Commission, the Ethics Commission that was created.

COMMISSIONER LIEBERMAN: Yeah. And then there's one other thing we put on the last ballot which said shall the Code of Ethics apply to municipal officials --

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER LIEBERMAN: -- and the voters said yes.

COMMISSIONER SHARIEF: Yes. They said yes, that it should apply to municipal elected officials.

COMMISSIONER LIEBERMAN: Yeah. That was on the last ballot, in 2010.

COMMISSIONER SHARIEF: But what I'm saying is before it made it that far, there should have been some input from the Broward League of Cities at that time to request these exceptions.

And so at this point, it's not about me having common sense or rationality. It's about the fact that we're dealing with a set of issues that we have to make a decision about. And so I'm trying to apply them as consistently as possible.

Now, whether you agree with that or not, or whether that can work is one thing, and I think that that's something that the County Attorney has to work through.

But I do believe that the time for, you know, challenging it at the Ethics Commission level has passed.

And so, you know, we're dealing with what we have to deal with. But I just -- I sat there in that room, and we didn't -- and the Broward League of Cities didn't take a position on it.

COMMISSIONER WEXLER: They had two representatives on the Ethics Commission, the Broward League of Cities.

COMMISSIONER SHARIEF: Yes, they did. It was Neil D'Jesus --

COMMISSIONER WEXLER: They had Neil and they had Carl Schecter.

COMMISSIONER SHARIEF: -- and -- yes, and Carl Schecter. And when this was brought up and Neil D'Jesus gave the presentation, there were people in the room that said, oh, well, it only applies to the County --

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER SHARIEF: -- so we don't need to take a position on it.

And so I was sitting there for those meetings, and so I'm saying right now is I'm trying to apply this as -- as fairly as I possibly can, and I would take into consideration anything or any suggestion that anybody up here has and that the County Attorney has.

But it is what it is, and that's the way that it was put out there.

MAYOR GUNZBURGER: All right. Is there anymore --

COMMISSIONER LIEBERMAN: This is a motion to direct, so.

MAYOR GUNZBURGER: Yes, so --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: All right. So is there -- is there a motion to approve (inaudible)?

COMMISSIONER WEXLER: We did.

COMMISSIONER LIEBERMAN: We did.

COMMISSIONER WEXLER: (Inaudible.)

MAYOR GUNZBURGER: We've directed you.

COMMISSIONER WEXLER: Do you need more direction?

MAYOR GUNZBURGER: Do we need to pass something?

MS. ARMSTRONG COFFEY: Well, I think the motion to direct is to draft a proposed ordinance that includes the Inspector General's proposed changes, and, in addition, language addressing the committee form of government, Form 1 instead of Form 6, and I think that the Commission as a whole is asking for clarification or maybe the options in some of the problem areas that you've raised. And we'll do our best. And -- and those may be sort of addenda to the draft ordinance. But we'll get something before you so that you can look at language.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: All right. Okay. Thank you.

COMMISSIONER LIEBERMAN: If you need a motion, we can make a motion to direct the County Attorney to draft a proposed Code of Ethics for municipal officials based on our existing Code and the discussion of the Board.

COMMISSIONER WEXLER: Second.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.

Opposed, like sign.

Moving on to Item 51 -- thank you, Mr. Scott.

INSPECTOR GENERAL SCOTT: Thank you, Mayor.

VOTE PASSES UNANIMOUSLY.

...

30036_sept272011
September 27, 2011
Meeting 10:06 a.m.

COMMISSION MINUTES

ACTION AGENDA

MEETING OF SEPTEMBER 27, 2011

(Meeting convened at 10:06 a.m., recessed at 12:28 p.m., reconvened at 2:24 p.m., recessed at 4:59 p.m., reconvened at 6:05 p.m., recessed at 7:21 p.m., reconvened at 7:49 p.m., and adjourned at 9:06 p.m.)

CALL TO ORDER was led by Mayor Sue Gunzburger, District 6.

...

AGENDA ITEM 78

COMMISSIONER WEXLER: Last one.

MAYOR GUNZBURGER: Ah, yes.

We have one speaker on this, and that is Mr. Lunny, who has been here off and on all day.

Mr. Lunny, would you please come forward?

MR. LUNNY: Good evening. Thank you for allowing me to appear in front of you. And I'll keep my remarks short.

It is my hope that when you set this for the advertised Public Hearing that you will include the County Attorney's proposal, the option which is on Exhibit 4, Number B, which would allow all elected officials to seek protective legal advice.

This is consistent with the State model. It is consistent with the Inspector General's closing observations that if there were to be such a provision, it should be written in this fashion.

MAYOR GUNZBURGER: It is.

MR. LUNNY: And this is a matter that my City of Plantation has been asking for at the inception.

It's a wise provision, and so I just want to ask that you include that for the Public Hearing.

Thank you. And nice to see you all.

MAYOR GUNZBURGER: Right. It -- thank you, and that's part of the provisions.

MR. LUNNY: Thank you.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Oh, I thought that was in that --

UNIDENTIFIED SPEAKER: No, (inaudible).

MR. LUNNY: It's optional. I just want to -- I just want to ask that you include it --

UNIDENTIFIED SPEAKER: Okay.

MR. LUNNY: -- so that when the matter is --

UNIDENTIFIED SPEAKER: I thought it (inaudible).

MR. LUNNY: -- set forth for Public Hearing we can discuss it then.

MAYOR GUNZBURGER: Okay. That's something that we will consider as an optional one that we can include at the regular Public Hearing on the 11th, absolutely.

MR. LUNNY: Thank you.

MAYOR GUNZBURGER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah. I asked for two amendments for the County Attorney's Office to prepare, and neither of them are in front of you. So I just want --

MAYOR GUNZBURGER: Please put your microphone on.

COMMISSIONER LIEBERMAN: Sorry. I asked the County Attorney's Office to prepare two amendments and, unfortunately, that was not done, and neither of them are in front of you.

I met with you this morning, Ms. Coffey. We talked about this.

MS. ARMSTRONG COFFEY: Commissioner, I think they're prepared. There must be some problem with the delivery.

COMMISSIONER LIEBERMAN: I don't have a yellow sheet with the two items.

The first item that I'm suggesting is Ms. Coffey prepared a provision that basically exempts for the procurement restriction all elected officials in a jurisdiction with a strong Mayor form of government.

That wasn't what I asked for. What I asked for was the strong Mayor be exempt --

MAYOR GUNZBURGER: Correct.

COMMISSIONER LIEBERMAN: -- because a strong Mayor is an elected CEO.

So that item will be prepared for you. And then the other --

MAYOR GUNZBURGER: Thank you. That one is very necessary.

COMMISSIONER LIEBERMAN: Yeah, I do believe it is necessary, because a strong Mayor, unlike other Commission members, is definitely elected as a CEO.

And then the second -- I'm just looking right now. The second amendment --

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER LIEBERMAN: No, with all due respect, the change says all elected officials, and that wasn't my proposal.

MAYOR GUNZBURGER: It should only be the strong Mayor.

COMMISSIONER LIEBERMAN: It was just for strong Mayor.

COMMISSIONER WEXLER: What -- what page is that? Do you --

COMMISSIONER LIEBERMAN: I met with her this morning.

MR. LUNNY: The proposal is --

MS. ARMSTRONG COFFEY: It's page 18, line 18.

MR. LUNNY: The proposal is written in the disjunctive, so the strong Mayor is included, and this other language that I think you're not in favor of.

COMMISSIONER LIEBERMAN: Yeah. And Mr. Lunny, believe me, I get it because I've been a strong Mayor. And so I'm only willing to support that exemption for a strong Mayor because a strong Mayor is an elected chief executive officer and there is just no way they can perform their job if they're not also allowed to be part of procurement. That's why they get elected.

And then I'm just looking for the other one that we talked about this morning, which was -- which is if you see the questions that I asked is that it has to do with which form we're asking that they use to file for disclosure purposes. And I believe they file a Form 1, we file a Form 6 --

MAYOR GUNZBURGER: Right.

COMMISSIONER LIEBERMAN: -- and so I asked her to prepare an amendment basically requiring that they provide the information they provide in a Form 1.

I don't have a yellow sheet.

COMMISSIONER WEXLER: It doesn't say your name. It says submitted by the Office of the County Attorney.

COMMISSIONER LIEBERMAN: I don't have it, so I'm dealing with what I have.

COMMISSIONER WEXLER: (Inaudible) on the other side of it.

MAYOR GUNZBURGER: It's all there. We got it. You didn't.

COMMISSIONER WEXLER: (Inaudible.) It just doesn't have your name.

COMMISSIONER LIEBERMAN: Okay. And then I'm fine with the change that Mr. Lunny is asking for.

MAYOR GUNZBURGER: All right. So with that --

COMMISSIONER LIEBERMAN: And so if it needs a sponsor to move forward, you know, please prepare it under my name.

Thank you.

I just don't have this.

MAYOR GUNZBURGER: All right.

With that, Commissioner Wexler.

COMMISSIONER WEXLER: I just need some clarification on the item. I certainly agree, as we did in our discussion --

COMMISSIONER LIEBERMAN: Thank you, Ms. Coffey.

COMMISSIONER WEXLER: -- (inaudible) --

COMMISSIONER LIEBERMAN: Sorry. I never got this. I apologize.

MS. ARMSTRONG COFFEY: No, no problem.

COMMISSIONER WEXLER: -- strong Mayor, but it wasn't just about the strong Mayor. We really referenced if it's in their Charter, because we have a couple of cities, as well as we learned a Commission that actually acts in the procurement area.

And so if it's identified in their Charter as giving that role and responsibility, I am not sure that the language in here does that, so does it?

COMMISSIONER LIEBERMAN: Yeah, it does.

MR. LUNNY: Yes, it does.

MS. ARMSTRONG COFFEY: I think it does. It's on page --

COMMISSIONER WEXLER: We have a new lawyer.

MR. LUNNY: No, I --

MS. ARMSTRONG COFFEY: It's on page 16.

COMMISSIONER WEXLER: Okay. Thank you.

MS. ARMSTRONG COFFEY: Part 6B and it specifically references a Charter in both instances.

MR. LUNNY: So the strong Mayor is already in this proposal, along with, as I said, there's a disjunctive or on line 19, which is the other provision that the County Attorney has adopted.

Since this was already in the proposed ordinance which is slated for advertising, I didn't speak to it. I wanted to ask additionally that you move forward the provision on protective opinions.

Thank you.

COMMISSIONER LIEBERMAN: And I -- if it needs a sponsor, I'm glad to do that provided it's under the same terms and conditions as the Commission on Ethics, which is it's only binding to the extent the facts contained with it are true.

COMMISSIONER WEXLER: Correct.

MR. LUNNY: Yes, ma'am, I think that's -- I think that's included -- I think that that concept is included in the language that the County Attorney has read.

COMMISSIONER LIEBERMAN: I'm fine.

MR. LUNNY: Great.

COMMISSIONER WEXLER: May I continue?

MAYOR GUNZBURGER: Yes.

COMMISSIONER WEXLER: Thank you.

The -- and I had also yellow-sheeted a couple of I guess e-mails that I received from elected officials in Southwest Ranches that spoke to the -- the disclosure, the quarterly employment disclosure. And I -- since I -- again, I've never been in city office, what is -- we do Form 6.

MS. ARMSTRONG COFFEY: That's correct.

COMMISSIONER WEXLER: What is Form 1?

MS. ARMSTRONG COFFEY: It's for -- you're a Constitutional officer. Almost all State officials file Form 1. It is a much more limited form of disclosure than your Form 6.

COMMISSIONER WEXLER: I guess what I'd like to see --

MAYOR GUNZBURGER: (Inaudible.)

COMMISSIONER WEXLER: -- is how limited it is.

MAYOR GUNZBURGER: Oh, it's very.

COMMISSIONER WEXLER: Limited.

VICE MAYOR RODSTROM: It just says -- say (inaudible) do you own real estate?

COMMISSIONER WEXLER: So you don't get to say what you're making and who you're doing it for.

VICE MAYOR RODSTROM: No.

COMMISSIONER WEXLER: So it's really not disclosure.

MS. ARMSTRONG COFFEY: It has source of income --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: So --

MS. ARMSTRONG COFFEY: -- but not amount.

MAYOR GUNZBURGER: It's very limited.

COMMISSIONER WEXLER: So that's what we want to support?

VICE MAYOR RODSTROM: No, (inaudible) --

COMMISSIONER WEXLER: Different rules for --

VICE MAYOR RODSTROM: -- do the same (inaudible) we do.

COMMISSIONER WEXLER: Thank you. I mean, that -- that's what I'm --

UNIDENTIFIED SPEAKER: (Inaudible) quarter.

COMMISSIONER WEXLER: Oh, we --

VICE MAYOR RODSTROM: No, yearly.

COMMISSIONER LAMARCA: Doesn't it say quarterly?

COMMISSIONER WEXLER: I think the requirement in our ordinance --

MAYOR GUNZBURGER: Quarterly is how much outside income you get.

COMMISSIONER WEXLER: Outside income.

VICE MAYOR RODSTROM: And then a full disclosure annually.

MS. ARMSTRONG COFFEY: What we placed in the body of the ordinance was a requirement to file Form 1 instead of Form 6 annually.

However, you also have a regular disclosure requirement for -- I'm sorry, it's late. It would have required more frequent disclosure of certain financial information that -- I mean, there was a proposal that it be limited to only once per year and on Form 1.

Let me get a little help here.

MAYOR GUNZBURGER: I guess what I'm -- what I'm struggling with, first of all, I don't know how limited it is, but the couple of questions I've asked of folks, they've said it basically doesn't disclose much of anything other than I'm employed by. And I don't think that was the intent or the spirit of what this was -- the discussion to that.

So I'm a little bit concerned that this is -- and, Commissioner Lieberman, this is an amendment that you had asked for us to put in?

COMMISSIONER LIEBERMAN: Which one?

COMMISSIONER WEXLER: Well, it came from --

COMMISSIONER HOLNESS: (Inaudible.)

COMMISSIONER WEXLER: -- it's the other side of it. The thing for the disclosure for only Form -- only Form 1, not 6.

COMMISSIONER LIEBERMAN: Because that's what they file. They file a Form 1. We do the 6. They do a Form 1.

COMMISSIONER WEXLER: But Form 1 is nothing.

COMMISSIONER LIEBERMAN: That's what they're required to file. If you go online and you see what's required --

COMMISSIONER WEXLER: But our ordinance -- or this ordinance can require them to also fill out Form 6, at least once a year.

COMMISSIONER LIEBERMAN: We have to fill it out because we're considered -- County Commissions are subdivision of the State. Municipal officials do not file Form 6.

COMMISSIONER WEXLER: I understand that. But if we're going to water it down, and that's what this is, then I think we're required to put a ballot question out there.

MAYOR GUNZBURGER: Commissioner Holness.

COMMISSIONER HOLNESS: There's a provision in here also that requires that they file a report as to what they

earn on a quarterly basis, which adds to what they would normally do with a Form 1.

COMMISSIONER LIEBERMAN: Yeah.

COMMISSIONER HOLNESS: I -- I think that they have that -- they have the Form 1. To -- to have them file another document and then Form 1, also, I don't -- I -- I think that the two documents that we're requiring them to fill -- the quarterly -- I understand, the quarterly report, but they're not us. They're different, indeed. They're not -- they don't -- it is different, indeed, but to -- to give them -- in -- in their instance, they would have to file three documents. We only file two. If we're telling them now they've got to file a 6 and a 1 also.

MAYOR GUNZBURGER: The 1 is nothing.

COMMISSIONER LIEBERMAN: It is not nothing.

MAYOR GUNZBURGER: I've filed it.

COMMISSIONER LIEBERMAN: Pull it up. Pull it up.

MAYOR GUNZBURGER: (Inaudible) for years.

COMMISSIONER LIEBERMAN: I have it on my computer. You have to put the name of source of income, source's address, descriptions of the source's principle business activity, secondary sources of income with the name of the business entity, name of major sources of businesses' of income, address of source, primary business activity of the source.

COMMISSIONER WEXLER: But not how much.

COMMISSIONER LIEBERMAN: Not how much, but this is what they file.

COMMISSIONER WEXLER: Well, (inaudible).

COMMISSIONER HOLNESS: But they're going to do quarterly anyhow with -- with the -- with this new requirement.

MAYOR GUNZBURGER: It will be on the 11th.

COMMISSIONER WEXLER: The 11th. Whenever. I mean --

MAYOR GUNZBURGER: All right. This is something to be decided on the 11th, whether it's Form 1 or Form 6. This should be a -- a -- one of the things to discuss for that meeting.

COMMISSIONER LIEBERMAN: Right.

MAYOR GUNZBURGER: Is there a motion to pass this item?

COMMISSIONER LIEBERMAN: Move for advertising with the amendments.

COMMISSIONER HOLNESS: Second.

MAYOR GUNZBURGER: All those in favor --

MS. ARMSTRONG COFFEY: Mayor, there are a few clarifications that we included, none of which are exclusive of-- or, excuse me, contradictory to the ones that you've already approved, that simply clarify things. They're the third, fourth, and fifth clarifications, they're rewording.

One of them was at your request, Mayor, to substitute -- to add the words they have to file campaign reports with the

appropriate municipal election official rather than supervisor.

MAYOR GUNZBURGER: Yes.

MS. ARMSTRONG COFFEY: Are those -- should we put those in the body?

MAYOR GUNZBURGER: Those are to go with it. I -- that -- that has to be in the body because that cleans it up. They don't file with the supervisor. They file with their city clerk.

UNIDENTIFIED SPEAKER: Right.

MS. ARMSTRONG COFFEY: And there -- there are two or three others that are like that, that are clarifications.

MAYOR GUNZBURGER: Cleanup is fine. I think there's a -- a disagreement on Form 1 or 6. That will have to be discussed. And also there was another --

COMMISSIONER WEXLER: If putting Form 1 in there is what Commissioner Lieberman is proposing, then please prepare an amendment for me to put Form 6 in there.

MS. ARMSTRONG COFFEY: Okay. Just to be clear, the annual filing is already in the body, so we'll prepare an amendment for that.

UNIDENTIFIED SPEAKER: The annual what?

MS. ARMSTRONG COFFEY: The annual filing of Form 1 --

MAYOR GUNZBURGER: Which is Form 1 (inaudible).

MS. ARMSTRONG COFFEY: -- as opposed to Form 6 is already -- we'll prepare an amendment to that, requiring Form 6.

MAYOR GUNZBURGER: All right.

COMMISSIONER LAMARCA: Mayor, I had a --

MAYOR GUNZBURGER: Yes?

COMMISSIONER LAMARCA: -- I had an elected contact me that does a formal job -- daytime job, does fund-raising for a foundation. As this reads right now, they would have to formally disclose each and every contribution to that business.

COMMISSIONER LIEBERMAN: Yeah.

COMMISSIONER LAMARCA: In other words, if it was a foundation for -- for a school or whatever it is.

UNIDENTIFIED SPEAKER: That's (inaudible).

MAYOR GUNZBURGER: I also heard that -- first of all, I had some electeds call me, please make it go into effect immediately. And we're trying to be decent and say that they can have until the end of their term. And then some people are already fudging on when is the end of my term? If I get re-elected I'm still in a term.

So we have to say a way that it means at the end of the term that they are currently serving, before they have another election, or whatever you have to do legally, but they're already trying to find a way to fudge that, in case you didn't hear that one.

COMMISSIONER WEXLER: I -- I've gotten that heads up.

MAYOR GUNZBURGER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I asked Ms. Coffey about why we were doing that. You have the answer in the pre-Board memo.

Apparently, we're doing that so as to avoid large numbers of elected officials resigning and causing special elections happen.

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER LIEBERMAN: And so if we have to clarify that it's at the end of their current term even if they're re-elected, then let's just put an amendment in there that makes it clear that they only get this exemption until the completion of whatever this term that they're in is.

MAYOR GUNZBURGER: That's what I'm saying --

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER HOLNESS: Yes.

MAYOR GUNZBURGER: -- because I've been told there are very few that would have to leave if they had a -- if this goes into effect immediately, but I was willing to live with that. I think it's one person.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: Okay. So but we have to find a way to let them know that every time you get elected doesn't mean that it's the term. Each time you get elected, it's a new term.

MS. ARMSTRONG COFFEY: We understand. And to be --

MAYOR GUNZBURGER: And then you have to abide by the Ethics Code.

MS. ARMSTRONG COFFEY: -- and to be sure, we'll just provide that revised piece --

MAYOR GUNZBURGER: You'll find a legal way of saying it.

MS. ARMSTRONG COFFEY: -- but we won't put it in the body. We'll provide it as --

MAYOR GUNZBURGER: Yes.

MS. ARMSTRONG COFFEY: -- another option. And then the advisory opinion --

MAYOR GUNZBURGER: Not an option. I want a definition.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. ARMSTRONG COFFEY: I don't mean that. Right now it's an option, this delayed effective date. We need to reword it. Do you want to continue to include it (inaudible)?

MAYOR GUNZBURGER: Well, have it as an option, but I want in -- somewhere in the body a definition of the word "term".

MS. ARMSTRONG COFFEY: We understand.

And then if I could just ask one more question. The advisory opinion, the binding opinion, do you want --

MAYOR GUNZBURGER: That's an option.

MS. ARMSTRONG COFFEY: That's an option. Very good.

Thank you.

MAYOR GUNZBURGER: All right. With those options and those things, I -- I believe it was moved, was it?

COMMISSIONER HOLNESS: Second.

UNIDENTIFIED SPEAKER: Yeah.

MAYOR GUNZBURGER: And it was seconded.

All those in favor, signify by saying aye.

It passes 6 to 0.

VOTE PASSES UNANIMOUSLY.

(VICE MAYOR RODSTROMM COMMISSIONERS RITTER AND SHARIEF WERE NOT PRESENT FOR THE VOTE.

...

30036_oct112011
October 11, 2011
Meeting 10:06 a.m.

COMMISSION MINUTES

ACTION AGENDA

MEETING OF OCTOBER 11, 2011

(Meeting convened at 10:06 a.m., and adjourned at 11:32 a.m.)

CALL TO ORDER was led by Mayor Sue Gunzburger, District 6.

...

6. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 1-19 OF THE BROWARD COUNTY CODE OF ORDINANCES, RELATING TO A CODE OF ETHICS FOR THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS AND OTHER SPECIFIED INDIVIDUALS; MODIFYING CERTAIN PORTIONS OF SECTION 1-19 AND EXTENDING IT TO COVER ELECTED MUNICIPAL OFFICIALS AND OTHER SPECIFIED INDIVIDUALS; DELETING REFERENCES IN SECTION 1-19 TO THE BROWARD COUNTY OFFICE OF INSPECTOR GENERAL AND REFERENCES TO ENFORCEMENT OF THE CODE OF ETHICS, WHICH SUBJECTS ARE NOW GOVERNED BY ARTICLE XII OF THE BROWARD COUNTY CHARTER; AMENDING SECTIONS 1-261 AND 26-72.5 OF THE BROWARD COUNTY CODE OF ORDINANCES TO PROVIDE CONSISTENT DEFINITIONS OF LOBBYING AND RELATED TERMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.
(Sponsored by Mayor Sue Gunzburger)

ACTION: (T-2:46 PM) Approved, as amended, with the Purple-Sheeted Additional Material submitted by the Board, as well as further amendments made by the Board and the County Attorney's Office. (Scrivener's Error – See County Administrator's Report: The Summary Explanation reads..."1. Language giving elected officials the opportunity to obtain "binding" ethics opinions from their public attorney, modeled after the provision contained in the "Florida Code of Ethics (Chapter 112, Florida Statutes) (sponsored by Commissioner Ritter)" and should include Commissioner Ilene Lieberman as a co-sponsor.) (Refer to minutes for full discussion.)

VOTE: 9-0.
NON-AGENDA

...

AGENDA ITEM 6

MAYOR GUNZBURGER: Next item, and last item, is the ordinance of the Broward County Code of Ordinances relating to a Code of Ethics for the Broward County municipal officials, extending it to the municipal officials and other specified individuals, deleting references in Sections 1 to 19 to the Broward County Office of Inspector General, and references to enforcement to the Code of Ethics which subjects are now governed by Article 12 of the Broward County Charter, amending Sections 1.261 --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: -- oh, okay -- of the Broward County Code of Ordinances to provide consistent definitions of lobbying and related terms; providing for severability and inclusion in the Code, and for an effective date.

I am now closing the Public Hearing sign in sheet, and I -- not closing the Public Hearing.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: The sign ins.

I now have, I think, over 20, so there will be two minutes rather than more, so I am accepting no more slips for -- from the public.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Yeah. I'm sorry, I closed it.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Mr. -- Commissioner Blatner, I'm sorry, but we don't accept them once I've called an item.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: I have over 20; one of them must have your viewpoint. At least, I hope so, whatever it is.

I will call you up in groups of four, and ask you to sit in the front row only until after you've spoken, and then go back to your seats, because I keep doing groups of four to try to move it along.

The first group of four is Commissioner Lisa Aronson, Mayor Debby Eisinger, Commissioner Michael Long, and Commissioner Thomas Dorsett, in that order.

(VICE MAYOR RODSTROM LEFT THE ROOM.)

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Where do I -- does it say it now?

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Called you first.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: You would prefer Debby to go first?

COMMISSIONER ARONSON: Yes, please.

MAYOR GUNZBURGER: Debby -- okay, I'll change the order.

MAYOR EISINGER: Good afternoon, Mayor and Commissioners.

As the president of the Broward League of Cities, I ask you to please consider the fair and reasonable amendments to the proposed Ethics Code which have been offered by some of you and the County Attorney's Office.

Unquestionably, I think we are all genuinely united in our agreement that a strong Ethics Code is necessary if elected officials wish to be successful in earning and maintaining the respect of our residents.

So I wish to reiterate before you today that the Broward League of Cities strongly supports an Ethics Code that is transparent, logical, and enforceable. After all, good government is a key element in promoting society's well being.

As you deliberate the proposed Ethics Code and amendments, I ask you to consider the Broward League of Cities' request pertaining to the disclosure filings for outside concurrent employment.

Under Florida law, County Commissioners are required to file a Form 6 financial disclosure, and elected municipal officials are required to file a Form 1 financial disclosure.

The financial disclosure provision of the proposed ordinance recognizes this obligation and requires elected municipal officials to comply with Florida law by filing Form 1.

The Office of Inspector General specifically noted in his report the County Code does not require County Commissioners to make any additional or more burdensome disclosures than what is required by Florida law.

In its current form, however, the proposed Code of Ethics does impose additional disclosure requirements on elected municipal officials.

(VICE MAYOR RODSTROM RETURNED TO THE ROOM.)

MAYOR EISINGER: Specifically, under the outside concurrent employment provision of the proposed ordinance, the County Commission is sinking -- seeking to require elected municipal officials to file quarterly disclosures of all outside concurrent employment, including any remuneration received.

There's no other provision of Florida law requiring this disclosure for elected municipal officials.

MAYOR GUNZBURGER: Thank you.

MAYOR EISINGER: I recognize my time is finished. I'll turn it over to Commissioner Aronson.

COMMISSIONER ARONSON: Good afternoon, Mayor, Vice Mayor, Commissioners. My name is Lisa Aronson, and I'm a City Commissioner for the City of Coconut Creek. I'm also Chair of the Broward League of Cities Ethics Task Force.

We do appreciate that there were a number of efforts made by individual County Commissioners, as well as the County Attorney's Office, to address many of the questions and concerns raised by the Broward League of Cities.

Today I am speaking in support of Commissioner Ritter and Lieberman's amendment pertaining to the seeking of advisory opinions from either the County Attorney's Office, in your case, or our individual legal counsel for our respective cities.

There is currently no mechanism in the proposed ordinance to seek an advisory opinion offering an interpretation of the County's Code of Ethics. Nevertheless, since the County Commission adopted its Code of Ethics in August, 2010, it is my understanding that the County Attorney's Office has answered more than 200 inquiries from County Commissioners by issuing written opinions.

Advisory opinions are a traditional and routine part of ethics and good transparent government. The Florida Commission on Ethics issues binding advisory opinions at the State level, and both Miami-Dade and Palm Beach Counties have processes whereby their elected officials can seek and obtain advisory opinions from their respective Ethics Commissions.

I also would like to ask your consideration today about the implementation date of this proposed ethics ordinance. While most elected officials knew an ordinance has been forthcoming, we did not have the proposed ordinance language until late September.

Most cities will have to implement new procedures for lobbyist registration, incorporate a variety of forms into their websites, and train all of our municipal elected officials.

I ask that you consider delaying the implementation date until January 2nd, 2012, to give all of our cities an opportunity to put the implementation factors into place.

Thank you.

MAYOR GUNZBURGER: Michael Long.

COMMISSIONER LONG: I'm speaking specifically on one of the amendments that have been posted here regarding the salary received by municipal officials from non-profit charitable organizations.

Good afternoon, Mayor, Vice Mayor, Commissioners. My name is Michael Long. Since 1999, I have served for the City of Lighthouse Point as one of their Commissioners. It's a job I'm honored and privileged to do, and I take my position very seriously.

But since my annual salary is \$1800 a year for the City Commissioner, I still have to keep a day job. Since 1987, I've been serving Broward County as a full time professional fundraiser and non-profit administrator for a number of 501(c)(3) organizations here in Broward County. I've also worked for, as part of that, on the education, both in public K through 12 and our State University. I've also served health-related non-profit organizations here in Broward.

Without this amendment's passage, it would prevent me and other elected officials who are doing what I've been doing professionally for the past 24 years, and that's been raising private dollars for our community's non-profits.

Being forced to provide the names of all people and companies solicited is not only impractical, but almost impossible in light of a -- the privacy that is being taken away from all the solicited individuals, especially donors who wish to remain anonymous.

For example, as currently written, depending on the database used for a mailing or solicitation, with healthcare -- in healthcare fund raising, we could have issues with our HIPAA, considering the right for the health information of an individual, if we receive that information health -- from health admittance records. It could also affect people associated with many of our support group organizations that count on private dollars to fund their needs.

And specifically in education funding, when I worked for the Broward Education Foundation, part of Broward schools, if we solicited our teachers, those names would have to be as part of this -- this closure. Those are 36,000 employees, and plus an annual appeal of 10,000 additional names would affect it.

Overall, if I had to disclose solicitation with a private foundation, which, in this particular case, took seven months to bring to a successful donation, because of privacy issues, I would not have been able to receive a four and a half million dollar gift to build the Lillian S. Wells Women's Health Center at Broward General Medical Center.

So I ask that you support this amendment that is provided that would allow for the non-disclosure of the solicitation of people for non-profit charities.

Thank you.

MAYOR GUNZBURGER: All right. After I call on Thomas Dorsett, the next four people will be Commissioner Linda Sherwood, Council Member Doug McKay, Maryann Chaples, from South -- Southwest Ranches, and Newell Hollingsworth.

Mr. Dorsett.

COMMISSIONER DORSETT: Good afternoon, Madam Mayor, honorable members. My name is Thomas Dorsett, Commissioner of the City of Westpark.

I am here to support the League of Cities. Whatever they put forward, I'm in 100 percent in support of it.

I am very offended by some of the things that was presented by, for instance, what money I make, who I make my money from. Well, I'm one of those who don't have that problem, because I don't make any money.

If -- I would ask all of you Commissioners if somebody want to support you --

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER DORSETT: -- and they want to support you with whatever (inaudible) amount of money, why should I have to declare that?

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER DORSETT: If I want to buy a gift for one of my staff, (inaudible) why I have to -- why I have to declare that?

I think -- I think we, as a city, we should be able to make some of the decision for ourselves. We are like children who don't understand what we are doing.

And I'm asking you to at least reconsider the position of the Broward League of Cities in their support of what they're trying to do.

Thank you.

MAYOR GUNZBURGER: Thank you.

I had asked those who came to the front to please go back to the seats so that there would be room for the next group of four.

Commissioner Sherwood, you're up at the front anyhow, so would you come forward? It's your turn. Would you like to speak from that microphone? Would that be easier?

COMMISSIONER SHERWOOD: (Inaudible.) I can pull -- pull this down.

MAYOR GUNZBURGER: Okay.

COMMISSIONER SHERWOOD: I -- I know my stature is a problem.

I'm going to leave the disclosure to one side. And good afternoon, Mayor and Commissioners. I'm Commissioner Linda Sherwood from the City of Hollywood.

I also don't make enough money. I probably could qualify for Section 8.

I want to speak about the lobbying. On page 6, lines 16 through 23, and page 7, lines 1 through 12, the proposed ordinance provides for a definition of who is a lobbyist and exclusions from the term.

However, the exclusion utilizes the term official capacity, which also needs to be defined, as each municipality views official capacity differently.

At a minimum, the term official capacity should be defined, and it should be made clear that if the elected official serves on other boards, such as the MPO of the Broward League of Cities, that they are acting in their official capacity, and they would not be prohibited from appearing before other governmental bodies.

I would also like to encourage one central advisory position where we would be able to go to ask questions. For

instance, we are lobbied on a daily basis, but not from registered lobbyists. And when CDGB money comes in each year, which is not insubstantial, we receive from many civic associations and -- and non-profits solicitations.

Now, will -- should we ask them to register as lobbyists?

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHERWOOD: Right. Do we say to them we have to, in a form of transparency, say write your name down, this is what we will -- will have to do.

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER SHERWOOD: So, anyways, questions like that which will be coming up, I would appreciate to have a central area to be able to define that.

And the Inspector General is accepting anonymous complaints. We found that -- Stacy and I found that out on Thursday. I would definitely like that changed. He is --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHERWOOD: -- anonymous complaints.

MAYOR GUNZBURGER: All right. Anybody who speaks with you in asking for something, yes, that should be recorded, because that's part of transparency in government transparency.

But you will have training. You will have eight hours of training once this passes to learn what's allowed and what isn't.

Council Member McKay.

COUNCIL MEMBER MCKAY: Hi, Mayor, Vice Mayor, Council. I've met with a good majority of you individually.

But the Town of Southwest Ranches is a small town. We have very involved residents, and we have a lot of issues.

Let me (inaudible) one thing. I want to thank the League of Cities very much for all the hard work they do and continue to do on behalf of the cities. So thank you for the League of Cities.

Southwest Ranches, being a small town and unique, we have a lot of involved residents. Our committee and -- that get involved, whether it's educational, parks, drainage issue. They have no authority. They're advisory boards, and they bring recommendations forward to the council.

And to put them under the scrutiny of what you all are doing is we're not going to have any committees or boards anymore. They're going to absolutely disappear into the woodwork and go away.

The election that was proposed last time to put these ethics on you all was just that, it was put on you all. And for it to be -- for you all to go to the extreme you're going to of what you're doing to us is a little far reaching, to say the least.

And the implementation that you already have the ability to enforce, just up your enforcement. I mean, you have the tools to make it happen. People are in jail here to -- to show you that. I mean, you've already got people in jail.

So Form 1 for us is more than sufficient. That's a State -- a State law, State requirement. It works for us. It's okay.

And the implementation of the other requirements that you all are doing is -- is going to be earth shattering, to say the least, to us. We're going to have Council members resign, and I'm sure not just from our town or city, but

others, or other peoples that won't run. And good people aren't even going to step up to the plate to run.

So, you know, if you -- if you don't fix it now, I mean, next election, put it on the ballot if you all think something needs to be proposed to us, and let the voters decide that we need more ethics on other cities.

So thank you.

MAYOR GUNZBURGER: Thank you.

The voters did decide. They voted on it for municipalities by over 70 percent. So the voters did make their decision.

Maryann --

MS. CHAPLES: No, Marygay Chaples.

MAYOR GUNZBURGER: Marygay Chaples.

MS. CHAPLES: Correct.

MAYOR GUNZBURGER: I'm sorry.

MS. CHAPLES: I've been here 50 years I've been coming here periodically when things really reach the point where I can't handle it anymore.

I have sat on SN -- SNC boards. I won't be able to sit on them anymore.

UNIDENTIFIED SPEAKER: That's right.

MS. CHAPLES: I -- the town voted, the residents in the town voted on an Ethics Code. We have a very good Ethics Code now. But you people are now going to impose your ethics code on us.

As I understand it, when I went to the poll and voted for an ethics code for you people was exclusively for you.

MAYOR GUNZBURGER: No, there was another item.

MS. CHAPLES: Okay.

MAYOR GUNZBURGER: There was more than one on the ballot.

MS. CHAPLES: 90 percent of the volunteers -- 90 percent of the people in our town are volunteers. We don't tax our people. Gee, that's novel. What we do is we volunteer to do the work.

And I -- right now, we're all doing the work, including me. And we're trying to get our Town Hall done. And it's amazing how much you can do with volunteers. We have volunteers that sit on the boards.

Do I think I'm going to stay on the board I've been on? Doubtful. Do I think I should be held under these kind of scrutinies? No. I don't receive any money, I don't get paid by anybody, but you're putting me in that position.

Our Council is available to all residents. I won't be able to go to any of my Council members, because of what you're doing. Or I'm going to become a lobbyist and pay \$50. I'm not making any money, but I represent the town. When there's a problem in the town, I sit on two boards. Can't sit on anymore. When there's a problem in the town, I don't care whose problem it is, I'm there to let the Council members know what the problem is, individually.

I try not to do anything that's illegal, but it does help the town when I'm able to do this. I won't be able to do

this. I'll have to sign in, pay \$50, and be a lobbyist in order to go to my Council members and get the job done.

You're wrong.

MAYOR GUNZBURGER: You will -- if you're an unpaid lobbyist and you're speaking on behalf of yourself and your neighbors, you don't have to pay any money.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: You're not a lobbyist.

UNIDENTIFIED SPEAKER: You don't have to register.

UNIDENTIFIED SPEAKER: There is so much misinformation out there.

MAYOR GUNZBURGER: Right. There's a lot of things that aren't so.

Newell Hollingsworth, before you begin, I'm going to call on the rest, starting with you, I assume, wife, Jo Ann Poswawsky Hollingsworth --

MR. HOLLINGSWORTH: Posnansky.

MAYOR GUNZBURGER: Posnansky.

MR. HOLLINGSWORTH: You know George.

MAYOR GUNZBURGER: Charlotte Greenbarg, Don Lunny, and Sam Goren, please come forward.

Go ahead, Mr. Hollingsworth.

MR. HOLLINGSWORTH: My name's Newell Hollingsworth. Thank you for hearing me today. I'm Chairman of our town's Comprehensive Plan Advisory Board, a standing committee, and I've been that Chair for five years.

We are lucky that we have recruited extremely high quality individuals to sit on this board. We have several lawyers, several developers, several medical people, and several working people. It's a good group.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. HOLLINGSWORTH: This group, at our last meeting several weeks ago, said that because we are named individuals within your definitions, that, therefore, we are affected by this ordinance.

They will not fill out these forms, because they are volunteers. It would cost them money to fill out quarterly reports, and that is exactly what you have named them to do. And they've gotten legal opinions that that is the strict interpretation of this ordinance, to the boards of all of the municipalities of this town -- of this County.

I urge you to strike that section where a volunteer individual, not paid, is in that definition, because the strict definition is that we are, are covered by this ordinance. 100 percent, we'll have to make quarterly reports and everything else, for zero dollars, and we'll have to have accountants to do the quarterly reports, which means expense on our part, which is not tax deductible, because it is not a contribution. It is mandated by this Commission.

It is unfair. It is unjust. And I ask you to remove anything that results in a volunteer being placed in this position.

Thank you very much.

MAYOR GUNZBURGER: Thank you.

Jo Ann Posnansky Hollingsworth.

MS. HOLLINGSWORTH: Good afternoon. I thank the Commission and Mayor Sue Gunzburger. My name is Jo Ann Posnansky Hollingsworth. I am George Posnansky's daughter, the late George Posnansky, who was a long-time volunteer who passed away at 94 years, who would be very upset with this ordinance.

We in the town of Southwest Ranches passed an ethics ordinance extraordinaire for our own elected officials.

What I'm seeing here is that the County passed an extraordinary ethics law for this Commission, and you are now trying to pass it on to the municipalities and the volunteers who are appointed by elected officials onto boards to advise their own municipalities.

This is wrong. They give up family time, they give up work time, for no pay. They are strictly trying to do good in their community, and they save their community hundreds of thousands of dollars. And I know this for a fact.

In the Town of Southwest Ranches, we could not function without our volunteer force.

We shouldn't be required to be filling out forms. You should all be grateful that we're not having to come to you for more money to function.

We pay enough in our taxes. We don't have to have this for volunteer advisory board members in a community who are working hard for that community.

Please reconsider. You may lose your most valuable assets. You may lose the time and you will lose the degree of comprehensive compassion and comprehensive necessity that these towns and cities need for their volunteers.

We will all have to resign. We won't put up with it. You will have nobody but elected officials.

Mayor, you need to reconsider this. You really do.

MAYOR GUNZBURGER: Thank you.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Charlotte Greenbarg.

MS. GREENBARG: Mayor and Commissioners, Charlotte Greenbarg, President of the Broward Coalition.

As you know, we were involved in this ethics situation from the get go, and were present at just about every one of those meetings that was held. And we fervently supported it, and we're glad to see that the overwhelming support of the electorate also agreed that strict ethics were needed.

I'm reminded of a class I had with a Rabbi in Ohio, and he asked why those ten commandments. And, of course, the answer was because that's what was going on, and that's what needed to be corrected.

Why these ethics? Because that's what's been going on in this County, and that's what needs to be corrected.

We -- the corruption in this County has caused this County to be an object of ridicule and disgrace, and whatever we can do -- and I'm talking about the municipalities, as well, because my municipality, we've got a nasty history of things that -- not supposed to happen, happening.

You need to enforce these ethics as much as you possibly can, as strict as you possibly can.

I remember the cities enthusiastically thought that you should be subject to all these ethics reforms, but when it came to them, no, suddenly they don't think it's as important. We do, and we think what's sauce for the goose is sauce for the gander.

I do think that an amazing amount of misinformation, from what I've heard so far, has been going around, and it -- it's important that you disabuse the people who think that they're going to have to be so strictly regulated they can't volunteer for anything of those notions.

It's really important to regain the trust of the electorate, to begin to regain the trust. And making this what it should be is what I hope that you will do.

Thank you.

MAYOR GUNZBURGER: Thank you.

Don Lunny.

MR. LUNNY: Good afternoon, Mayor, Vice Mayor, member of the Commission. Nice to see you all again.

Generally, I don't want to be redundant, and so I won't.

We wish to, again, support the amendments of the County Attorney, and are behind the concerns the Broward League of Cities indicate in their email to you of this week in terms of some polishing on the language.

And, finally, I would thank you for including the strong Mayor language that was discussed the last time I was here, which was 9:00 o'clock on the evening when this was directed to be advertised.

And I would also humbly request that the language concerning advisory opinions, which is co-sponsored by two of you be included. That is consistent with the State model, as I indicated last time, is vital to encouraging elected officials to seek to comply with the law, and it's very important to this process.

So thank you very much for allowing me to speak.

MAYOR GUNZBURGER: Thank you.

Before Mr. Goren speaks, I have four more to call up. Jacob Horowitz, Mayor Gary Resnick, Skeet Jernigan, and Javier Garcia.

Mr. Goren.

MR. GOREN: Madam Mayor and Commission, I'm Sam Goren, as League Council.

I will cede any time that's available to any board member from the Broward League of Cities.

We, of course, support that which has been submitted by the Broward League and also by the County Attorney's Office.

I'm here also to answer questions should there be any for the League or League members.

And thank you for your thinking through all the details of what's before you this afternoon.

Thank you very much.

MAYOR GUNZBURGER: Thank you. That was --

MR. GOREN: I speak for Mr. Horowitz, as well. We're here together to respond. Thank you.

MAYOR GUNZBURGER: Okay. Thank you, Mr. Horowitz -- Horowitz for passing.

And I will add Roy Gold to the next group.

Mayor Resnick, Skeet Jernigan, Javier Garcia, and now Roy Gold, as well.

MAYOR RESNICK: Hi, Commissioners. Good afternoon. How are you doing today? You must be excited to be getting this over with and done, as are we.

First of all, I support all of the proposed amendments that were submitted by the County Attorney's Office, as does the League of Cities.

But I wanted to talk specifically about the advisory opinion amendment, which we think is -- is crucial.

When I first ran for office in 1897 -- thank you, you're listening -- in 1997, I -- I -- I sought an ethics --

MAYOR GUNZBURGER: You had hair.

MAYOR RESNICK: -- I sought an ethics opinion from the Ethics Commission of Florida, because I didn't know whether my outside employment was consistent with serving as a City Commissioner. And I received such an opinion, which cleared me to run for city office, for public office.

Five successful elections and some 13 years later, you're changing the rules, which is fine. You're allowed to do that, I think. I'm not conceding that point.

But, obviously, as you've heard from the other folks that have spoken, and all the conversations that have occurred over the past several months, there's a tremendous amount of confusion as to the regulations, and training is not going to resolve that.

In just ten months of being subject to the County Commission regulations, you've submitted over 200 requests for opinions to your County Attorney's Office, and the County Attorney's Office has rendered such opinions, although they're not binding. But you're relying on them, but they're not binding. And you can ask the County Attorney that.

Under State law, if we have an ethics issue with State statute, we have the ability to seek a binding opinion from the State Ethics Commission. Palm Beach County and Miami-Dade County have afforded their citizens the ability to seek binding opinions.

All we're asking for is that you treat us the same way. We need the ability to seek binding opinions that we can rely on, and the mechanism in the proposed amendment, that I believe is sponsored by two County Commissioners, allows just that. It allows us to seek a binding opinion from our city attorneys.

If you want true compliance with this ordinance, that's what you'll do. If you want a situation where you have compliance based on trial and error, meaning whether the Inspector General prosecutes somebody and then you find out whether it's truly illegal or not, then you won't adopt this amendment.

So, in closing, the City of Wilton Manors, many, many cities in the County, are struggling right now. We need predictability. We need rules that we can understand and make sense of.

MAYOR GUNZBURGER: Thank you.

MAYOR RESNICK: And so we ask you for the advisory opinion amendment.

Thank you.

MAYOR GUNZBURGER: Mr. Jernigan.

MR. JERNIGAN: Good afternoon, Commissioners, Mayor Gunzburger. Skeet Jernigan. Today I'm here for the Broward Chamber of Non-Profit Organizations.

First let me say that we are glad to see that the ordinance as drafted does continue to allow elected officials, both at the municipal level and the County level, to participate in fund-raising activities for non-profits and charities in the community.

Your -- your experience and knowledge that you lend to these efforts goes far and wide in assisting the non-profit organizations to carry out their task for the disabled and the -- and the needy in our community.

What I am concerned about a little bit is some confusion over how the disclosure will work for you, and the question of whether or not those that you solicit have to be listed completely, whether they contributed or not, on your disclosure forms, and whether that type of disclosure will have a chilling effect on your abilities to continue to support charities and non-profits that many of you have supported for a number of years.

I think that there is an example of a question that needs to be asked, and the ability to ask someone that type of question and get an answer is why I would also support the -- the amendments that allow for non-binding opinions on ethics questions.

I'm registered to lobby in a half dozen counties, half dozen school boards in the State of Florida. We have just gone through this same type of situation in Palm Beach County with the Inspector General, and they have a process whereby you may ask questions and get clarifications so you know how to proceed and go forward.

So I would support that process in Broward County, as well. It seems to be the standard in communities who are currently enacting new ethics.

Thank you all. Have a good day.

MAYOR GUNZBURGER: Javier Garcia.

MR. GARCIA: Good afternoon, Commissioners. My name is Javier Garcia. I'm your youngest elected official in Broward County. I'm the Commissioner in Hillsborough Beach.

I have to say I am glad that we're actually going to be showing some visibility. There are several Commissioners here among you that definitely do need more visibility among their own programs and the way that they participate in the electoral process.

Now, what makes this more frustrating than anything else for me is that the reason I ran for City Commission was I wanted visibility in the process. But I also work for a non-profit. So now am I the typical elected official? No, because my salary is less than my Town Clerk. So I literally ran not because I believe that Commissioners are in the wealth. You guys definitely make a large amount of money, but that's fine, because you work a large amount of hours.

But, at the same time, not all towns and municipalities are being represented the same. And our situations are complete different. So for you to pass something across the board is not fair, nor does it make sense. It's not a one size fits all here in Broward County, and I really think that you guys all need to look in the mirror and reevaluate the way that you participate in business.

And if you don't like the rules that the State has, Code of Ethics the State had really brought before you, then maybe you shouldn't be a -- a County Commissioner.

And I'll save you the next 30 seconds. And I really appreciate all your time.

MAYOR GUNZBURGER: Thank you.

Roy Gold is next, followed by Susan Starkey, Keith Poliakoff, and Mayor Suzanne Boisvenue.

COMMISSIONER GOLD: Good afternoon. My glasses are broken. I'm putting sunglasses on. It's not so you don't know who I am, but I need to read clearly.

(Laughter.)

MAYOR GUNZBURGER: I understand. I was there once many years ago.

COMMISSIONER GOLD: All right. So I -- if I may, I've got about two minutes, and I did hear that Sam Goren was going to offer some of his time.

I did, by the way, in the last nine months, have brain surgery, so it may be difficult for me to get out some points as quickly as you'd like.

I find two minutes time to speak to this issue inadequate, just to start.

You may not know me, but I'm the Co-President and the Co-CEO of a company in Coral -- in Fort Lauderdale since 1974. That is my business. That is my livelihood. That's what I've been doing in Detroit and here for 40 years.

(COMMISSIONER JACOBS LEFT THE ROOM.)

COMMISSIONER GOLD: Now, right now, I'm a seven-year member of the City Commission of Coral Springs. But my responsibility is taking care of my family, taking care of the people that are dependent on me. And I'm trying to understand what does the Code of Ethics have to do with what I privately make for a living. How does that affect the Code of Ethics of this County, of this -- of my city? I just don't understand.

I love ethics. I love knowing the rules. The rules are very valuable to me, because then I know what I can and cannot do.

I have to skip a lot, because I've got 43 seconds now. Amazing.

We fill out Form 1. We always have filled out Form 1. You've filled out Form 6. You've always filled out Form 6.

Form 1 tells you where my money is, but I don't have to tell you what I make.

There's approximately 150 members in local City Commissions. I would assume that a minimum of two-thirds of them have to work outside to make a living so that they can support their families. I don't know how that helps anybody be more ethical or any more reasonable or any more correct for every person in the world to know what I personally, or any of the members of the Commissions, make for a living.

I know that I've been picked by at least four or five of you to serve on a number of committees over time. You didn't pick me by how much money I make, but you picked me by my ability, my public service, and my willingness to serve.

I really apparently am out of time, aren't I? But are you going to give me those extra seconds that Sam was willing to give me? I'm going to ask --

MAYOR GUNZBURGER: No, you cannot get seconds from Sam or anyone else. I'm sorry.

COMMISSIONER GOLD: And I can't get them from you, either. Okay. Well, I -- I'm done.

And I must say, two minutes per person to speak to this issue is not fair, not reasonable, and I can take off my glasses for that, because I don't need to look at my notes to know that.

Thank you.

MAYOR GUNZBURGER: Thank you.

Susan Starkey.

MS. STARKEY: Honorable Mayor and County Commissioners, I thank you for the opportunity to speak to you about the concerns of a number of our elected officials and municipal officials, as well as advisory board members and volunteers throughout this County who have been watching this with somewhat disbelief that they have to comport to all these requirements and how that would play out to their volunteerism.

Many of you know me for 20 years. You've know that I've been an activist for good government, formerly serving as the Broward League of Cities -- I mean, excuse me, I'm sorry -- League of Women Voters President. I'm also on the Board of Directors as Second Vice President to the Broward League of Cities, and a number of committees, many of them all opining good government and trying to make sure that we have honesty and integrity throughout this County.

And that is which I have uphold in my own personal virtues and values and -- and morals going forward every day in the choices that I make.

We try to make sure that we consider a lot of things here, and it's a volunteer job for many of us. We -- it barely covers our parking or our gas to get from meeting to meeting to make sure that we show representation to our municipalities and our County.

Many of the municipal officials, as you've heard, have outside employment that is very significant to them to also be able to spend the time that they can to volunteer and do the job that they do.

I myself have been elected four times, and in my tenth, almost eleventh year of serving public office. So there are many of us who have served for probably 20 or 30 years as municipal elected officials in this County, and that's to be commended. They don't make a whole lot of money, but they do have good moral and ethical values.

The thing that I guess concerns many of us that you've not heard is that this is an unconstitutional issue. Many of us when we uphold office or we swore to office, we take oath to office to uphold the Constitution of the United States of America. I believe that this infringes upon that Constitutional right, and I would offer that it would be very challenging legally, as you've heard, and why would you do that. Why would you put a law into effect that you know personally will be challenged? That's not good government.

MAYOR GUNZBURGER: Thank you.

I'd like to point out it hasn't been challenged yet, and it's been in effect since late summer.

UNIDENTIFIED SPEAKER: Last August.

MAYOR GUNZBURGER: Last August, and there has not been one challenge to it. And I can give you -- cite you U.S. law that would show that it is not against the Constitution.

Mr. Poliakoff.

MR. POLIAKOFF: Mayor, members of the Commission, Keith Poliakoff here on behalf of the Town of Southwest Ranches.

Just a few comments about the current ethics ordinance before you today.

Two member of my council who are working and couldn't be here today have a real issue with the Form 6 disclosure requirements. The main issue with that is due to the fact that they have employment agreements --

MAYOR GUNZBURGER: We changed it to Form 1.

MR. POLIAKOFF: Is it a Form 1 across the board? Because the way that we --

MAYOR GUNZBURGER: Yes.

MR. POLIAKOFF: -- understand it, the -- the salaries are --

MAYOR GUNZBURGER: Yes, it's Form 1.

MR. POLIAKOFF: -- still required to be paid.

COMMISSIONER WEXLER: Mayor, that is not what he's referring to. He's referring to --

UNIDENTIFIED SPEAKER: Will you let him finish?

COMMISSIONER WEXLER: -- page 10. That's a different requirement.

MAYOR GUNZBURGER: Okay. Continue, Mr. --

MR. POLIAKOFF: Okay. I have two council -- I mean, I read this just two seconds --

MAYOR GUNZBURGER: Right.

MR. POLIAKOFF: -- ago, too, again. But two council members have employment agreements, and, based upon that, if this goes into effect, will be forced to actually resign due to the fact that they need their jobs and would not be able to disclose their income.

MAYOR GUNZBURGER: We have a fix for that.

MR. POLIAKOFF: So that's one.

Second thing I wanted to mention, the Town of Southwest Ranches has several not-for-profits that the Town actually runs through separate boards, including our volunteer fire department and our Historical Society, and our Parks Foundation. And that section of this ordinance is -- is very troubling, because we do use Town staff time in seeking funds for those organizations.

So I would appreciate it if that could be looked at to see how municipalities who have not-for-profits can still be able to run those not-for-profits that are directly associated with the municipality.

Finally, two more quick things. Advisory opinions, highly needed. In fact, I've contacted the County on at least two occasions this week where we had questions about this ordinance. So we support that.

Finally, as you all are probably aware, State law was amended this last legislative session to basically state that most instances, SNCs are now in the shade, no longer in the sunshine, that they're closed door meetings as a result of any negotiations, discussions with the vendors, et cetera, it's all closed door meetings.

So now that you're no longer allowing Commissioners in -- on SNCs, that means that basically what they do is behind closed doors, and then you'll get an opinion, and no one knows what happens until it's too late.

One issue that we have is we have six employees, including an engineer. They don't report directly to the Council, but by not having our Council be able to interview these people who work for the Town is going to a major problem. And we'd appreciate you looking at that.

Thank you.

MAYOR GUNZBURGER: Thank you.

And lastly, Mayor Suzanne Boisvenue.

MAYOR BOISVENUE: Good afternoon, Mayor, Vice Mayor, and Commissioners. I'm Mayor of the City of Oakland Park.

I'm here today to ask you not to water down the proposed Code of Ethics. It's been a long time coming. Much of it is already State law.

I see absolutely perfect sense in making ethics that the County follows the same ethics that municipalities follow.

Please do not water it down.

MAYOR GUNZBURGER: Thank you. You did that in less than two minutes.

All right. The Public Hearing is now closed.

And it is now up to the Commission to start the discussion. And there are amendments that we need -- well, we can take it up any way you all want.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Before we start, could we ask the County Attorney -- I heard a tremendous amount of misinformation, like volunteers are covered under this ordinance. They clearly are not. That you have to register if you go to your town council or your municipal government to express your personal opinion about something happening in your neighborhood. Not a covered lobbying activity.

And -- and I think that the first thing we ought to do is set the record straight on what the ordinance does and doesn't do. And I'm hoping that she kept copious notes of all of the issues that were raised, because a lot of them are just not true, they're not in the ordinance.

MAYOR GUNZBURGER: Ms. Coffey.

MS. ARMSTRONG COFFEY: I can address the issues that -- that I did jot down.

MAYOR GUNZBURGER: There's somebody else listening if he wants to add to what you may not have gotten. Would you like to come forward and sit at the table in case you're needed, Mr. Meyers?

MS. ARMSTRONG COFFEY: I would appreciate that very much, Mr. Meyers.

MR. MEYERS: (Inaudible.)

(Laughter.)

MS. ARMSTRONG COFFEY: One issue that -- that I heard in particular would be that individuals, in their own capacity, would not be able to approach their elected officials.

(COMMISSIONER JACOBS RETURNED TO THE ROOM.)

MS. ARMSTRONG COFFEY: That is not what the ordinance provides, and I would -- I would want that to be very clear.

The ordinance says that an individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full or part time basis, is not a lobbyist, unless that person's actually hired to be a lobbyist.

With regard to advisory boards, lobbyist, according to the current version before you, does not include a person who

is an employee or appointee of the County or of a municipality who is communicating in his or her official capacity.

It is correct that official capacity is not expressly defined in this ordinance, but I will say that it is used throughout the State statutes. It's not defined there, either.

We take that to mean someone who's acting not on her or her personal behalf, but on behalf -- or in relation to his city's business or her County business.

So those were the three main issues that I had that I had heard, but we're happy to respond to any other issues that were of concern to you all.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Just a moment. One at a time.

COMMISSIONER LIEBERMAN: That was the first question. I think there are some more, and we ought to ask Mr. Meyers, based on some of the concerns that we heard.

We heard someone who's a professional fund raiser in their private life having to disclose who they raise funds for the private entity. And I don't find that in the ordinance, either.

MS. ARMSTRONG COFFEY: That's correct. Certainly, Mr. Meyers can answer, but a disclosure --

MAYOR GUNZBURGER: Mr. Meyers --

MS. ARMSTRONG COFFEY: -- for --

MAYOR GUNZBURGER: -- maybe you need to either take the little mic by the table, or get up and stand for a long while.

MR. MEYERS: I can stand, but I think the County Attorney has already responded to that issue, that is it is not correct that individuals solicited need to be disclosed.

MAYOR GUNZBURGER: If he does it in his official job capacity.

COMMISSIONER LIEBERMAN: And then --

MR. MEYERS: Well --

COMMISSIONER LIEBERMAN: -- the final question I have for the two of them that I heard is I think Mr. Poliakoff questioned that the town has some charities, like the firefighters raise money for their department. How are they covered by this ordinance if it's a town sponsored activity?

MS. ARMSTRONG COFFEY: Well, if I can go back just to the last issue in terms of charitable fund-raising disclosure, it -- it doesn't require at all a disclosure of anything except the name of the charity, the event for which funds were solicited, and the name of a person or entity that may have promoted it.

So that -- that is in effect now and would be simply extended.

With regard to a 501(c)(3) or other not-for-profit that is organized by the city, that, again, does not fall under lobbying, because that is, I would surmise, an employee or appointee of the municipality communicating in an official capacity.

With regard to other 501(c)(3)s, though, I would let Mr. Meyers answer.

MR. MEYERS: Yes, I think your -- your specific question was whether the city would be able to -- to do that. And

either it would be an extension of the city, in which case no sponsorship would be required, or it would require sponsorship, and could be easily done.

COMMISSIONER LIEBERMAN: And once they have sponsorship, then the disclosure doesn't apply.

MR. MEYERS: And the ban on using city resources also would not apply.

COMMISSIONER LIEBERMAN: Thank you.

MR. MEYERS: Thank you.

COMMISSIONER WEXLER: I have one more.

MAYOR GUNZBURGER: All right. Wait.

Commissioner Wexler.

COMMISSIONER WEXLER: I just have just a general statement that I heard by a number of people, and since Mr. Meyers was here through the whole thing, he's probably the better counsel to -- to respond to this of why we're doing this, Mr. Meyers.

And I actually -- my staff came out with the language that was on the ballot, and the --

MAYOR GUNZBURGER: Why don't you read it?

COMMISSIONER WEXLER: The actual ballot language? You want me to --

MAYOR GUNZBURGER: Yes.

VICE MAYOR RODSTROM: Yes.

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER WEXLER: -- put that into the record?

MAYOR GUNZBURGER: I think it would help the people who thought nobody voted for it.

COMMISSIONER WEXLER: It was Broward County Charter Amendment 2, County Code of Ethics prevails over municipal ordinances regulating conduct of public officials and employees.

And it passed, almost 76 percent voted yes of the public.

UNIDENTIFIED SPEAKER: (Inaudible) the date?

COMMISSIONER WEXLER: The date was --

COMMISSIONER LIEBERMAN: November.

COMMISSIONER WEXLER: -- it was November of 2008.

MAYOR GUNZBURGER: No, '10.

COMMISSIONER WEXLER: '10. I'm sorry.

UNIDENTIFIED SPEAKER: '10.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: '10. '10. '10. We didn't pass this until August of 2010.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER WEXLER: So, yes, November of --

MAYOR GUNZBURGER: Okay.

COMMISSIONER WEXLER: -- 2010.

MAYOR GUNZBURGER: Yes, I think that there -- and also somebody complained about that she was a volunteer and sat on a board and made decisions for the City of Southwest Ranches.

Now, that person would be covered, because I think we said that --

COMMISSIONER LIEBERMAN: If it's a final decision making board, not if it's --

MAYOR GUNZBURGER: If it's a final --

COMMISSIONER LIEBERMAN: -- advisory.

MAYOR GUNZBURGER: -- decision making, yes, that person would -- would not be allowed to do it. But if they're an advisory board?

MR. MEYERS: This code actually only applies to elected officials. There -- some of the definitions in the code are broader, because the same definitions will be used or are being used in the County employees' code, and that will -- our next task, I guess, will be to expand the employees' code to also cover municipal employees.

Currently, the only disclosures that are required are for lobbying of elected officials, not for volunteers.

MAYOR GUNZBURGER: All right. So that those -- and does it allow volunteers to sit on decision-making boards?

MR. MEYERS: I -- there's not prohibition.

COMMISSIONER LIEBERMAN: It doesn't address that.

MAYOR GUNZBURGER: I guess it's --

COMMISSIONER LIEBERMAN: It's up to the town if they want to appoint volunteers.

MAYOR GUNZBURGER: Okay. All right. Those are a couple of questions. Thank you.

I think we need to go round if there are any questions and --

COMMISSIONER LIEBERMAN: (Inaudible) going amendment by amendment?

MAYOR GUNZBURGER: All right. We have a lot of amendments.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Yes.

COMMISSIONER LIEBERMAN: And then -- then we'll know what we're discussing, which amendments are

going to pass and which aren't.

MAYOR GUNZBURGER: All right.

COMMISSIONER JACOBS: Madam Mayor, I think there was one other question.

MAYOR GUNZBURGER: Yes.

Commissioner Jacobs.

COMMISSIONER JACOBS: I'm not sure -- let me rephrase. I'm not sure it's a question, but it's an issue that was raised by the audience I think should be addressed.

And that was Commissioner Aronson spoke to the issue of the implementation date. And --

MAYOR GUNZBURGER: Oh, yes.

COMMISSIONER JACOBS: -- I thought that there was a lot of logic to that, because we did the same. We had the same issues in implementing, in trying to train staff to get our computers, our forms up to speed, all of that.

And I thought, since it does happen, that implementation date that was suggested is before the municipal elections in March, that that's doable. And I don't know if -- I didn't know if the County Attorney needed to weigh in on that, but I thought it was a very good suggestion that -- that there is some merit.

COMMISSIONER LIEBERMAN: And, Mayor, I realize there are some other questions which were --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: That's why I thought we have other questions before we start on the --

COMMISSIONER LIEBERMAN: So if I can, just quickly.

MAYOR GUNZBURGER: Yes.

COMMISSIONER LIEBERMAN: After --

COMMISSIONER JACOBS: Well, wait. I would like an answer --

COMMISSIONER LIEBERMAN: -- after the response to --

COMMISSIONER JACOBS: -- from the County Attorneys --

COMMISSIONER LIEBERMAN: -- Commissioner Jacobs.

COMMISSIONER JACOBS: -- on -- on the implementation date.

MS. ARMSTRONG COFFEY: If -- if the Board decided to delay the effective date to January, it would dispose of a couple of the amendments that you have in here already. So it -- it could be useful, but it's your call.

COMMISSIONER JACOBS: Okay.

MAYOR GUNZBURGER: That's something we'll have to decide. And we always like to give everyone --

COMMISSIONER JACOBS: Then as those amendments come up, if you would --

MAYOR GUNZBURGER: -- one turn --

COMMISSIONER JACOBS: -- point those out.

MAYOR GUNZBURGER: -- first, before people --

COMMISSIONER LIEBERMAN: There will be some other questions.

MAYOR GUNZBURGER: Well, we'll get to you after --

COMMISSIONER LIEBERMAN: No, no, that they've raised.

MAYOR GUNZBURGER: I understand, but other people would like to speak as well.

Commissioner Holness.

COMMISSIONER LIEBERMAN: Our rules require --

COMMISSIONER WEXLER: May I --

COMMISSIONER LIEBERMAN: -- that everyone speak once, and then --

MAYOR GUNZBURGER: You can speak also.

COMMISSIONER LIEBERMAN: -- she calls a second time. That's what our rules say.

MAYOR GUNZBURGER: Our rules require --

COMMISSIONER LIEBERMAN: We were raising to them misinformation --

COMMISSIONER WEXLER: Exactly.

COMMISSIONER LIEBERMAN: -- which was brought forward, and there --

MAYOR GUNZBURGER: Right. We will --

COMMISSIONER LIEBERMAN: -- there are other misinformations.

MAYOR GUNZBURGER: -- we will continue.

UNIDENTIFIED SPEAKER: Other people want to mention them.

COMMISSIONER LIEBERMAN: Okay.

MAYOR GUNZBURGER: Other people want a turn also.

Commissioner Holness.

COMMISSIONER HOLNESS: Yes, Mayor. Someone said that if they -- they operate a non-profit and they were to talk to their elected official for CBDG dollars, they would -- they would have to be registered as a lobbyist. Is that accurate?

MS. ARMSTRONG COFFEY: Go ahead.

MR. MEYERS: Commissioner, if somebody is representing themselves or -- or basically their own business, then they're deemed not to be lobbying or engaging in a lobbying activity. So there would not be any obligation -- excuse me, to register as a lobbyist.

COMMISSIONER HOLNESS: Now -- now should they be --

UNIDENTIFIED SPEAKER: What?

COMMISSIONER HOLNESS: -- a support of that, not getting paid, they would have to be registered?

MR. MEYERS: There -- there's no distinction in the code currently based upon whether there's compensation or not. So if someone has to register as a lobbyist, it would be independent of any consideration that's paid as a result of -- of the communication.

COMMISSIONER HOLNESS: So if someone is with the Boys and Girls Club, and they came to us, they would have to register as a lobbyist in order to get some -- some funding for the -- the -- their -- their -- they support the organization. They're not being paid.

MAYOR GUNZBURGER: They're not staff.

COMMISSIONER HOLNESS: Yeah, they're not staff.

MR. MEYERS: If -- if they're not an employee of the organization and they're speaking on behalf of another entity, I would have to examine that specific issue, but I believe they probably would be covered.

COMMISSIONER HOLNESS: They would have to register?

MS. ARMSTRONG COFFEY: If they're not employed -- there is an exemption, also, for employees, officers, and board members of not-for-profit public interest entities when addressing an issue impacting a constituent of that entity.

Normally, that would not be read -- and that's why we need to look at these things on an individual case by case basis. I would suggest to you that that would normally be dealing with an issue in which the entity is seeking a particular public position by the City Council, not necessarily money.

But that's something we would have to look at.

COMMISSIONER HOLNESS: So -- so we're not sure?

MS. ARMSTRONG COFFEY: It's something we'd have to have -- we'd have to see the specific facts on.

COMMISSIONER HOLNESS: And that puts a lot of folk -- that's -- that's why we have what we have --

MAYOR GUNZBURGER: Well --

COMMISSIONER HOLNESS: -- because they -- they don't know.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: I think the easiest thing is that registration without -- without a salary --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: -- Commissioner Holness, and I don't know how anyone else feels, but if -- if someone comes to see me, we want the public to know what the topic was.

COMMISSIONER HOLNESS: It -- well, I do. I mean --

MAYOR GUNZBURGER: Yes, that's not registration with the -- you don't have to pay \$50, but if you -- you

wanted to come to see me on behalf of -- say you were not up here, because you couldn't see me if you were up here.

COMMISSIONER HOLNESS: Uh-huh.

MAYOR GUNZBURGER: But if you wanted to see me on behalf of a sailing event -- I'm picking something out of the air -- all you would write is you're going to see me and it's a sailing event. Period. It's no registration fee. The public understands why you're coming to see me. Period. And then it's transparent.

All right. On this side, Commissioner Wexler.

COMMISSIONER HOLNESS: (Inaudible.)

COMMISSIONER WEXLER: I -- I --

MAYOR GUNZBURGER: (Inaudible.)

COMMISSIONER WEXLER: -- I did my one clarification item.

MAYOR GUNZBURGER: Oh, okay. Because you looked --

COMMISSIONER WEXLER: I certainly will --

MAYOR GUNZBURGER: -- quite upset.

COMMISSIONER WEXLER: No, no, no, no, no. I'm not. It's -- Commissioner Ritter has her hand raised.

MAYOR GUNZBURGER: I will get to her, but I saw you --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Commissioner Ritter.

COMMISSIONER RITTER: Thank you.

I have a couple of questions --

COMMISSIONER HOLNESS: (Inaudible.)

COMMISSIONER RITTER: -- for the County Attorney. The County Attorney.

MR. MEYERS: Thank you.

COMMISSIONER RITTER: You're welcome.

Yesterday, I did a pre-Board meeting inquiry with respect to some questions about defending the ordinance and raising some concerns about -- which, by the way, have been raised by your predecessor in a June, 2010 memo about the County's ethics ordinance, about its possible -- about -- about its possible unconstitutionality or illegality with -- with respect to certain provisions.

My question for you is that -- and then -- and then after that, today we got a memo --

MAYOR GUNZBURGER: From me.

COMMISSIONER RITTER: -- from Commissioner Gunzburger which suggests that we have immunity, regardless of what we do.

My question is -- legislative immunity, I mean. Legislative immunity. Not immunity from the ordinance. Legislative immunity.

And my question is this, and I believe it requires simply a yes or no answer, although --

MS. ARMSTRONG COFFEY: That's very hard for lawyers.

COMMISSIONER RITTER: -- that's up to you. I'm being leading. I'm not cross examining, but I'd respect -- I'd ask the Mayor to allow me to lead the witness.

MAYOR GUNZBURGER: You're going to do it anyway.

COMMISSIONER RITTER: The -- the memo from Mayor Gunzburger suggests that we have legislative immunity when we act within the normal scope of our duties to -- to adopt ordinance and policies. And there's United States Supreme Court decision that suggests that that is actually the case.

If we were to adopt something that -- that would be determined unconstitutional by a court of competent jurisdiction, would that be considered within the normal scope of our duties if our Attorney had advised us that there was potential unconstitutionality or illegality with respect to what we passed?

MS. ARMSTRONG COFFEY: That's really hard to answer. I -- I have to tell you --

COMMISSIONER RITTER: I thought it was a yes or no.

MS. ARMSTRONG COFFEY: -- I -- I think -- I think, in -- in fairness, if -- if we were to tell you that we were sure that something is absolutely unconstitutional, I have to tell you, there -- there may still be some legislative immunity in this context for you individually. It doesn't mean the ordinance would stand.

But if you, in good faith, moving toward addressing a compelling State interest, I think individually you may enjoy that legislative immunity in the absence of a really bad faith action on your individual parts, which is not anything that's before the Commission today.

COMMISSIONER RITTER: So even if we acted against counsel's advice, our counsel's advice?

MS. ARMSTRONG COFFEY: That puts you closer to a problem. That's all I can tell you today.

COMMISSIONER RITTER: Okay.

MS. ARMSTRONG COFFEY: It puts you closer to a problem.

COMMISSIONER RITTER: Okay.

MS. ARMSTRONG COFFEY: But I don't think individually you are going to be facing liability today.

COMMISSIONER RITTER: Okay. Thank you. Thank you for that.

You had suggested also in response to the pre-Board meeting inquiry that you prefer to provide analysis for individual -- with respect to these questions to individual Board members. And -- well, actually, that's -- that's an -- that's not a question. I'll reserve it for debate.

Thank you.

MAYOR GUNZBURGER: Okay. Over here -- anyone else who hasn't spoken that wants to right now?

COMMISSIONER SHARIEF: I'd like to.

MAYOR GUNZBURGER: Ms. -- Commissioner Sharief.

COMMISSIONER SHARIEF: I just wanted to ask some questions that were asked of me by multiple municipal elected officials, and just get some clarification, because I heard some of them repeated here today.

And the first two, I think Commissioner Lieberman got them already. But the second one, I just want to ask it specifically the way that they asked it.

And it says if an elected official has a company that does business with other municipalities, will this be considered a violation of the code if they continue to hold office.

MS. ARMSTRONG COFFEY: No.

COMMISSIONER SHARIEF: Okay.

MS. ARMSTRONG COFFEY: That one I could answer yes or no.

COMMISSIONER SHARIEF: Okay.

MS. ARMSTRONG COFFEY: The issue arises with regard to lobbying for those contracts. But just having those contracts, no.

COMMISSIONER SHARIEF: So if they go out and they lobby other municipalities for the -- for the work, are they in violation?

MR. MEYERS: Commissioner, they would not be lobbying, because it would be on behalf of themselves. So it would not be considered lobbying, and there is not a ban on doing business with other municipal entities. The code specifically addresses that they could not do business with their own municipal entity, municipal --

COMMISSIONER SHARIEF: Thank you.

MR. MEYERS: -- government.

COMMISSIONER SHARIEF: Okay. The next one, and I've -- I've got them written down, says does the proposed code require an elected official to disclose how much they pay their employees.

MR. MEYERS: No.

MS. ARMSTRONG COFFEY: No, it does not.

COMMISSIONER SHARIEF: Okay. Is a shareholder agreement between a local elected official and a private entity considered public information due to the proposed code?

MS. ARMSTRONG COFFEY: If the shareholder agreement is the mechanism by which the public official is compensated, unless one of your amendments is adopted here today that would eliminate the disclosure requirement, it -- it might be disclosable.

MR. MEYERS: But -- but just the amount. Just the amount of outside remuneration, not the --

MS. ARMSTRONG COFFEY: Right, not the whole agreement.

MR. MEYERS: -- actual agreement. And -- and normally there's not -- normally, a shareholders agreement in the ordinary sense wouldn't include remuneration. That would be included in a different agreement.

COMMISSIONER SHARIEF: Particularly, I've got to ask this -- I'll -- I'll ask the exact question, so that I can

make sure that we have clarification.

So if someone owns a pizza restaurant and they make \$150,000 a year, and they have to fill out or disclose their income, they would -- they would have to put they work for the pizzeria or they own it, and they would have to put the exact amount of money per year that they make, right?

MR. MEYERS: To the extent that it's outside income, correct. They would have to list that quarterly under the current code.

COMMISSIONER SHARIEF: And under -- with the form that they have to disclose upon, would they have to outline each job that they have, or can they just put a total amount?

MR. MEYERS: I think it would be by each outside source.

COMMISSIONER SHARIEF: By each source.

So, then, people with -- with -- people with contracts with their current employer, where the employers state that they should -- they have a contract where they're not to disclose their income, those people, by nature of the association with that particular employer, on the form would be disclosing their income.

So is there some --

COMMISSIONER WEXLER: I -- have a motion (inaudible).

UNIDENTIFIED SPEAKER: Can't hear.

COMMISSIONER SHARIEF: Hold on. Hold on. Okay. So --

COMMISSIONER WEXLER: I purple sheet it last night.

COMMISSIONER SHARIEF: -- you purple sheet it -- right, that's in my pile. And I just want to make sure -- I mean, I -- I just -- I'm asking for clarification, because these are things that have come in to the --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: -- to the -- to my office individually, and I just want to make sure that they understand.

So I know Commissioner Wexler has a purple sheet, so I think I'll -- I'll conclude with that.

Thank you.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: Here, pass this back.

UNIDENTIFIED SPEAKER: Who am I passing it to?

MAYOR GUNZBURGER: Back to Lois.

I have a question on something that you answered for Commissioner Sharief. If a municipal elected official goes to another city and lobbies on behalf of their business, doesn't our lobbying law talk about businesses as well as lobbying for a company?

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MEYERS: I'm not sure I understand the question, Mayor.

MAYOR GUNZBURGER: For example, if I was making widgets, and I was a city elected official, and I'm a City of Hollywood one, and I go to the City of Dania Beach and I want to sell widgets to the City of Dania Beach, isn't that prohibited?

MR. MEYERS: I don't -- do not believe that it is.

MS. ARMSTRONG COFFEY: Mayor, if it's your company --

MAYOR GUNZBURGER: Yes.

MS. ARMSTRONG COFFEY: -- it's not lobbying, because you're simply representing yourself. You're not representing a third party.

MAYOR GUNZBURGER: So -- so we are allowing individual business owners to use their positions to go --

COMMISSIONER WEXLER: The Ethics Commission missed --

VICE MAYOR RODSTROM: They missed something.

MAYOR GUNZBURGER: Yeah.

MS. ARMSTRONG COFFEY: They -- they can't misuse their --

UNIDENTIFIED SPEAKERS: (Inaudible.)

VICE MAYOR RODSTROM: Right.

MAYOR GUNZBURGER: Yeah. Yeah.

MS. ARMSTRONG COFFEY: -- they can't --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: I mean, I'm -- I'm really surprised that that's allowed. Yeah, they do miss it, if that's allowed. That's what you said.

MR. MEYERS: Well, it was -- please, you were going to mention, I guess, the State prohibition on --

MS. ARMSTRONG COFFEY: There's a --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. ARMSTRONG COFFEY: -- there's a prohibition, of course, on misuse of official position --

MAYOR GUNZBURGER: I can't hear you.

MS. ARMSTRONG COFFEY: -- there is a prohibition on misuse of official position, so one would have to be cautious. But that is -- that's in this code, but there's no prohibition on simply doing business and communicating about your own business with another city.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: Well, that's -- that's one that I'm -- I'm -- I'm shocked to -- I missed that one.

All right.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Before we debate the ordinance, there are just some other things, information that was put out there that I'd like the County Attorney to respond to. This is not debate on the ordinance.

We have a letter -- actually, we have an email version, but I believe a letter was sent from Mayor Debby Eisinger, Commissioner Lisa Aronson on behalf of the Broward League of Cities, and there are four statements in that letter.

The first one is the term relative is undefined. I believe that was fixed in this version where you cited to a specific State provision; is that correct?

MS. ARMSTRONG COFFEY: Yes, Commissioner. I'm glad you raised that. That first item, just so that the Board will know, we have inserted at page 7 lines 21 through 23, and we -- it was a scrivener's error -- have reinserted the definitions of relative and immediate family. So that is in the main body of the ordinance, because it -

COMMISSIONER LIEBERMAN: So you've cleared that up.

MS. ARMSTRONG COFFEY: -- it was an error.

COMMISSIONER LIEBERMAN: Question number two is the definitions of covered individual and final decision making authority include references to the prohibition of lobbying under Section C(2) below. There is some uncertainty as to what these references are referring to and how this prohibition is meant to be interpreted.

MS. ARMSTRONG COFFEY: In our memo of October 7th, in preparing this ordinance, we merged the existing lobbyist registration ordinance, the County Commission ordinance, and the new provisions for municipal elected officials. In doing so, so as to not leave anything out, we had to bring over some definitions for covered individual that actually don't apply in this ordinance, because this ordinance only applies to elected officials.

COMMISSIONER LIEBERMAN: Okay. So you've corrected that problem.

Number three, the definition of lobbyist expressly excludes elected officials communicating in his or her official capacity. However, the term official capacity is not defined.

MS. ARMSTRONG COFFEY: That is correct. As I mentioned just a few minutes ago, official capacity is used throughout the State law on ethics.

We, in preparing ethics opinions, believe that official capacity means actions taken by officials in connection with the official business of their particular city or other agency.

(VICE MAYOR RODSTROM LEFT THE ROOM.)

COMMISSIONER LIEBERMAN: Okay. So that's corrected.

Number four, the proposed code includes a detailed definition of covered individual. The only other reference to this term appears to be in the definition of lobbying. The proposed code also includes a definition of final decision making authority. These three terms appear to have certain interrelated implications.

And then they go on to say the covered individual expressly includes any municipal employee that has final authority to make a final decision regarding public procurement, which is not defined.

And they're concerned that if a member of the Public Works staff goes to a hardware store to purchase things for their government use, and the employee comes up to them, that that would be defined as lobbying. Is that correct?

MS. ARMSTRONG COFFEY: No, it isn't, because the hardware store employee is not representing some third party. He works for the hardware store.

COMMISSIONER LIEBERMAN: Okay. You know, I'll reserve my comments for debate, but --

MAYOR GUNZBURGER: All right.

COMMISSIONER LIEBERMAN: -- I wanted to get this answered.

MAYOR GUNZBURGER: Commissioner Lamarca.

COMMISSIONER LAMARCA: Thank you, Mayor.

I -- I -- just to clarify, right now we're -- we're kind of asking questions of the County Attorney; we're going to debate after the issues? All right.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: Right. A couple of the things that I -- that I have just for the -- for the Attorney. The amendments that you've put forward, all of them make sense.

I guess my question, the one that wasn't addressed and one of -- you know, one of the negatives to this -- to this ordinance is that we're going to ultimately lose people in office that do lobby. And, unfortunately, that's -- that's just part of where we are.

But one of the questions I had was with respect to changing -- replacing people or -- or wait until their term ends if they're not eligible to serve anymore. Does it -- do we cover that? In other words, if somebody is in violation of this code --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: -- are they going to have --

MAYOR GUNZBURGER: No, (inaudible).

COMMISSIONER LAMARCA: -- the ability to serve out their term?

MS. ARMSTRONG COFFEY: Well, there are amendments before you that, if adopted, would allow them to finish their current term. And we've defined current term to mean before that person stands for election again, even for the same seat.

COMMISSIONER LAMARCA: Okay. That makes sense. That's all I really have for the Attorney.

MAYOR GUNZBURGER: Yeah, that was one that I think was the easiest amendment, that people in office wouldn't have to resign and -- or resign their job, but when they stand for election the next time, they have to make a decision which of the two they want.

Commissioner Sharief.

COMMISSIONER SHARIEF: I had a question in regards to the first -- the definition of immediate family member.

COMMISSIONER WEXLER: Are we getting into that now?

COMMISSIONER SHARIEF: Well, I had a question because --

MAYOR GUNZBURGER: It's a question. That's not -- we're not -- go ahead.

COMMISSIONER SHARIEF: I'm not debating it right now. I'm asking a question.

And the question is because when you said immediate family member means a parent, spouse, minor child, sibling, or registered domestic partner, I'm confused as to why a minor child would be considered in this ethics ordinance, because minor, to me, means under --

UNIDENTIFIED SPEAKER: Eighteen.

COMMISSIONER SHARIEF: -- 18, right?

MS. ARMSTRONG COFFEY: Minor is a proposed amendment.

COMMISSIONER SHARIEF: I know.

MS. ARMSTRONG COFFEY: It's not in the existing --

COMMISSIONER LIEBERMAN: Do you want me to --

COMMISSIONER SHARIEF: I understand.

COMMISSIONER LIEBERMAN: -- explain why I proposed it?

COMMISSIONER SHARIEF: I want -- I -- I'm just asking for clarification only because, like, a sibling, okay, if you're talking about an elected official, their siblings should be much older than their minor child. And for me, I -- I understand minor to be 18 years old. And I just wanted to --

(VICE MAYOR RODSTROM RETURNED TO THE ROOM.)

COMMISSIONER JACOBS: Unless you're from a certain small city on the beach.

COMMISSIONER SHARIEF: Or less than 18, you know.

COMMISSIONER JACOBS: The youngest elected official in the county. (Inaudible.)

COMMISSIONER WEXLER: Are we going to debate (inaudible)?

COMMISSIONER SHARIEF: No, I'm -- well, the -- because the -- the amendments have already been put forth, and I think there needs to be some clarification on that.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: Well, they were read. I mean, that's fine.

MS. ARMSTRONG COFFEY: Maybe it would help for me to indicate to you that there are four proposed amendments that you have -- that are traveling with the item, they were attached.

Then there are a number of additional material amendments that came along later at the request of various --

MAYOR GUNZBURGER: Commissioners.

MS. ARMSTRONG COFFEY: -- members of the Board. That was one that came along as -- as one of the additional materials.

COMMISSIONER SHARIEF: Okay.

VICE MAYOR RODSTROM: Did you read them all?

COMMISSIONER SHARIEF: Yeah.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: We haven't gotten to them. I -- we will take the amendments up one by one --

COMMISSIONER SHARIEF: Okay.

MAYOR GUNZBURGER: -- if we have all our other questions answered at this time.

COMMISSIONER SHARIEF: Okay.

MAYOR GUNZBURGER: Are all our other questions answered?

All right. Who has the first amendment that they want to propose?

COMMISSIONER LIEBERMAN: Do you want (inaudible) --

MAYOR GUNZBURGER: Commissioner Wexler.

COMMISSIONER LIEBERMAN: -- the ones we've done?

COMMISSIONER WEXLER: I -- I'd like to do the easy thing first. I mean, why don't we start with what's actually written on the back of the -- the agenda item?

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER WEXLER: Someone's got to walk us through it. I didn't -- don't know if you want to do that, Mayor, or you want our --

COMMISSIONER LIEBERMAN: Are you talking about the ones that are the backup --

COMMISSIONER WEXLER: No, I'm actually --

MAYOR GUNZBURGER: On the back pages?

COMMISSIONER WEXLER: -- on the -- of the -- the page, the actual agenda item, the summary explanation, has one, two, three, four. Those changes are already embedded within the document before us.

COMMISSIONER LIEBERMAN: Okay.

MAYOR GUNZBURGER: The ones from the Office of the County Attorney.

COMMISSIONER WEXLER: Then -- yes. Then there's one, two, three. One says language giving elected officials the opportunity to obtain binding --

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER WEXLER: -- (inaudible) Ritter amendment.

COMMISSIONER LIEBERMAN: And mine.

COMMISSIONER WEXLER: And -- Lieberman/Ritter amendment. I mean, I'm trying to give us some structure here. Someone --

COMMISSIONER JACOBS: Mayor, may I -- might I ask that we use the phrase exhibit when we're referring to which one it is? Because when you're following -- I'm not following pieces of paper. I'm on my computer.

COMMISSIONER WEXLER: Okay.

COMMISSIONER JACOBS: So when you say Exhibit 3 then I know --

COMMISSIONER WEXLER: Okay.

COMMISSIONER JACOBS: -- which one to click on.

MAYOR GUNZBURGER: All right. Are we talking about the backup --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: I'm on Exhibit 3, yes.

UNIDENTIFIED SPEAKER: Correct.

MAYOR GUNZBURGER: All right. You're on Exhibit 3, which is -- okay. I was at the right page.

COMMISSIONER WEXLER: And -- and -- and it's -- it's the one -- it's the Ritter/Lieberman amendment, the one talking about the opportunity to obtain binding ethics opinions from their public attorney. And -- and it's not my amendment, I mean, but I'm trying to say --

MAYOR GUNZBURGER: Where was that? I didn't have that --

COMMISSIONER WEXLER: I don't have --

COMMISSIONER JACOBS: I have Exhibit 3 (inaudible) --

COMMISSIONER LIEBERMAN: Is there a 4 attached?

COMMISSIONER JACOBS: -- disclosure.

COMMISSIONER LIEBERMAN: Exhibit 3 has four amendments.

COMMISSIONER JACOBS: Right. So it's quarterly disclosure --

COMMISSIONER WEXLER: Didn't you all submit it as an -- as an actual language?

COMMISSIONER JACOBS: -- (inaudible).

COMMISSIONER RITTER: (Inaudible.) The last one is the first one.

MAYOR GUNZBURGER: It says County Attorney, it doesn't --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: Advisory opinions, which is the last one on the Exhibit 3 is the proposed --

MAYOR GUNZBURGER: Okay. That --

COMMISSIONER RITTER: -- fourth one where --

MAYOR GUNZBURGER: Okay.

COMMISSIONER RITTER: -- Commissioner Wexler first (inaudible).

COMMISSIONER WEXLER: Correct.

MAYOR GUNZBURGER: But it said proposed by the Office of County Attorney.

COMMISSIONER LIEBERMAN: I know.

COMMISSIONER WEXLER: It wasn't. Okay? And Commissioner Lieberman and Ritter corrected that at the last meeting. It was -- it was submitted by them, not by the Office of County Attorney.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER WEXLER: Let the record reflect that.

MAYOR GUNZBURGER: Right.

COMMISSIONER LIEBERMAN: Is there any reason I wouldn't just move these four amendments?

COMMISSIONER RITTER: Well, can I -- I'd like to (inaudible).

MAYOR GUNZBURGER: No, I --

VICE MAYOR RODSTROM: Move them one at a time.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER LIEBERMAN: Okay. Let's move them one at a time.

COMMISSIONER RITTER: But, Mayor?

MAYOR GUNZBURGER: Yes?

COMMISSIONER RITTER: The one that Commissioner Lieberman and I are sponsoring, the one that we are sponsoring, where we had suggested their City Attorney, it -- could it -- is it possible that instead of City Attorney we ask the Office of Inspector General to render those binding opinions?

UNIDENTIFIED SPEAKER: No.

MS. ARMSTRONG COFFEY: Commissioner, we've looked at that --

MAYOR GUNZBURGER: Wait. Let me hear from --

MS. ARMSTRONG COFFEY: -- really carefully, and it's -- it's our best advice that that's not within the scope of the Charter language. It's beyond the charge of the Inspector General.

COMMISSIONER RITTER: So if we wanted that to occur in the future, we'd need a Charter amendment?

MS. ARMSTRONG COFFEY: We believe that's so.

COMMISSIONER RITTER: Okay.

MAYOR GUNZBURGER: I might have something that might work even a little differently on this one.

And that is that the City Attorney, before making that binding opinion, sends it to the County Attorney --

UNIDENTIFIED SPEAKER: Oh.

COMMISSIONER LIEBERMAN: No.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER WEXLER: Don't do that to her.

MAYOR GUNZBURGER: I -- I'm very serious, but -- and let me --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: -- finish my statement.

COMMISSIONER LIEBERMAN: (Inaudible.)

MAYOR GUNZBURGER: Let me finish my statement.

The reason being that you know that different attorneys interpret the law differently.

COMMISSIONER JACOBS: I need to be on the queue.

MAYOR GUNZBURGER: And if we would have a clearinghouse --

UNIDENTIFIED SPEAKER: No.

COMMISSIONER LIEBERMAN: No.

UNIDENTIFIED SPEAKER: No, no, no.

MAYOR GUNZBURGER: Well, I may be in the minority, but this is what I'm thinking, that if they would send them just to say do you think this is in the letter of the law --

COMMISSIONER LIEBERMAN: (Inaudible) attorney's opinion.

MAYOR GUNZBURGER: -- or not, and then give it back to the City Attorney saying yes or no.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Vice Mayor.

VICE MAYOR RODSTROM: My -- my only problem is with that is that you could possibly have several opinions. And --

MAYOR GUNZBURGER: That's what my problem --

VICE MAYOR RODSTROM: -- and -- and (inaudible) a different opinion in every city.

MAYOR GUNZBURGER: -- that's --

VICE MAYOR RODSTROM: -- and I don't think that serves you well --

MAYOR GUNZBURGER: -- that's --

VICE MAYOR RODSTROM: -- because you want something that uniform. That's the only problem. I mean, you want -- you want a uniform application of this law. Otherwise, it's going to be a joke. Okay.

COMMISSIONER JACOBS: (Inaudible) said you've got to put a ballot question.

MAYOR GUNZBURGER: Yeah, but in the meantime, you have to find a way to -- I'm not going to wait another two years.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Madam Mayor?

MAYOR GUNZBURGER: It's stalled long enough.

Commissioner Jacobs.

COMMISSIONER JACOBS: Here's the thing. Lots of our speakers today spoke about it being problematic that there were over 200 requests from this Board -- these Board members and our staff to our County Attorney to get clarification on what we should do. Often, those questions came before we were about to engage in an activity, and we needed to know.

So to suggest that we're going to have a Countywide clearinghouse, I -- I strongly disagree with that.

I think, though, too, that, while you may have 200 in total since the passage of this and us learning the new set of rules, how many are coming through lately? None. As we go through -- not none.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER JACOBS: I should say -- wrong word.

MS. ARMSTRONG COFFEY: Quite a few, actually.

COMMISSIONER JACOBS: Much less. Much less.

VICE MAYOR RODSTROM: Way to put words in her mouth.

COMMISSIONER JACOBS: Much less. And as we go through training, and as we live within the new rules and we switch from a system that was different than what it is, it becomes the new normal, the new now. And these questions will become less in time.

As new elected officials come on, they're coming in under a -- a set of rules that they will -- too, will have to learn.

I do not want to be the clearinghouse for the cities. I do not want their problems to land on our County Attorney's desk --

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER JACOBS: -- and I think that's opening up a tremendous can of worms.

Do we have 31 cities and a lot of municipal officers? Yes, we do, and that's the way our County is, that's the way the voters seem to like it. And, for a while, it may have -- it may be messy.

It's -- changing a system to the degree that we are, no one in the State has done this, it's going to be messy. So I'm okay with that. Let their city -- let the one who the city official has a relationship with and confidence in be the one that advises them, and let that opinion be binding.

MAYOR GUNZBURGER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I 1,000 percent agree with --

(Applause.)

MAYOR GUNZBURGER: We do not do that here.

COMMISSIONER LIEBERMAN: -- with Commissioner Jacobs --

MAYOR GUNZBURGER: You can go like this (gesturing).

COMMISSIONER LIEBERMAN: -- though I have a different reason for agreeing with her, although I adopt everything that she said as my feelings also, so I'm not going to repeat them. But I have another reason.

Let's say the City Attorney issues an opinion, and it goes to the County Attorney, who issues a different opinion. Under State law, if you follow the advice of your own attorney, you can't be prosecuted for following their advice.

Well, if they discard their own attorney and they listen to Ms. Coffey or Mr. Meyers, they may not have that same protection.

And so the best, cleanest, neatest, easier way is the very same person who gives them opinions day in and day out on all kinds of other things should be the person they're relying on to do this, too.

Why would we separate this from the myriad of decisions these City Attorneys are giving to their Commissions?

MAYOR GUNZBURGER: In my city, a Commissioner relied on that --

VICE MAYOR RODSTROM: And went to prison --

MAYOR GUNZBURGER: -- and ended up in jail.

VICE MAYOR RODSTROM: -- jail. (Inaudible.)

COMMISSIONER LIEBERMAN: No, I'm talking on the legislative issue, Mayor. (Inaudible.)

MAYOR GUNZBURGER: I'm talking about relying on a City Attorney.

COMMISSIONER LIEBERMAN: This -- no, I am talking about in a legislative issue, Mayor.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: And in that issue, it had to do with the improper disclosure form as required by State statute.

COMMISSIONER HOLNESS: And -- and -- and, Mayor, I believe that a good attorney from a city is going to call our County Attorney and says we're faced with this situation, can you help assist us. And I'm sure they're not going to refuse giving assistance there.

And -- and I know attorneys from time to time, when they have cases that are difficult, that they don't clearly understand, they seek advice from other attorneys in order to come to a decision that -- that -- that they believe is -- is accurate.

So I think, again, to have our County Attorney take on 31 different municipalities, it doesn't make sense. They -- their attorney, I'm sure, will call ours to find out what's the best course of action.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: Commissioner Lamarca.

COMMISSIONER LAMARCA: Just -- I -- just a comment on just the -- the -- who to rely on issue, and maybe I'm spoiled, because I came from a city with a -- with a darned -- and guess that's the G word that I can use for it -- a darn good attorney that I trusted when I -- when I had an issue with anything.

But we do have 31 cities, and, you know, there are going to be maybe varied opinions, but I -- really, it's about calling balls and strikes.

And what Commissioner Jacobs said, I -- I say it a little differently, but I don't think we want to be the clearinghouse, but, certainly, if those city attorneys, and one of them who represents many of the cities is here, if they have questions, they'll -- they'll get with our County Attorney, I think.

MAYOR GUNZBURGER: I -- and I think I may have another solution, because I don't hear support except from one.

UNIDENTIFIED SPEAKER: (Inaudible) the G word was.

COMMISSIONER LAMARCA: (Inaudible.)

MAYOR GUNZBURGER: He said good.

COMMISSIONER LAMARCA: It's a (inaudible).

COMMISSIONER JACOBS: Oh.

COMMISSIONER LAMARCA: I was going to say damned good (inaudible).

MAYOR GUNZBURGER: I -- I would ask, then, that once the City Attorney gives an opinion, that that binding City opinion be filed with the County so that the public can see it, and there's absolute transparency.

COMMISSIONER LIEBERMAN: Why wouldn't it be filed with the City --

UNIDENTIFIED SPEAKER: No, (inaudible).

COMMISSIONER LIEBERMAN: -- with the City Clerk.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: Yes.

COMMISSIONER JACOBS: (Inaudible) transparent (inaudible).

COMMISSIONER SHARIEF: Okay. But, you know, in terms of interpretation, I think based on the information and the questions that came in from our respective cities, I'd have to say that there are some attorneys that went to the extreme with interpreting this, and there are others that interpreted it very, very loosely.

And I think that, in all fairness to those elected official out there, I think that initially I would not be opposed at having someone from our Attorney's Office be the sounding board for those attorneys in those cities that are trying to make these decisions in the beginning, because -- and then, also, just like the Ethics Commission in the State of Florida does, we take those and post them on a website so that other people can refer to them, because when you -- when you call in to the State of Florida Ethics Commission, they don't issue an opinion for every situation. What they do is refer you to a certain chapter or a certain page of opinions that relate to your particular situation, because

it's not like there's -- I mean, there's a lot of different situations, but it's not like there's a lot of people out here that don't have similar situations.

So I think in the beginning, you know, you might have to set up -- you know, do some groundwork to set up maybe a website, get these opinions posted, and have an attorney -- and I know you're cringing at the thought, but you're going to spend the money anyway doing -- doing the consults and -- and talking to these attorney's, so we may as well come up with some type of a solution now versus going into this blindly. And -- and at least, you know, leave here today with something sensible.

I -- I just don't see it -- see where giving this back to 31 different cities with all those attorneys out there --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: -- is going to make any sense.

MAYOR GUNZBURGER: You're next.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: Sorry.

MAYOR GUNZBURGER: Commissioner Ritter.

COMMISSIONER RITTER: Thank you.

I -- I don't -- I don't agree. I just don't think that we need to get our -- our County Attorney's Office involved. You know, our County Attorney's Office was as unfamiliar with our brand new ethics ordinances as the City Attorneys will be with this new ethics ordinance. And our County Attorneys had to read it and understand it and research it.

If -- if those city -- if the city officials don't -- don't -- don't have -- don't feel confident in opinions rendered by their City Attorneys, they should fire their City Attorneys and get new ones. And if they do, then they should be able to rely on the opinions of those City Attorneys, most of whom, if not all, deal with ethics issues on a regular basis. I mean, there are plenty of them that I would go to for -- that I would rely on for an opinion, and then there are some that I wouldn't go to at all.

But that's the cities' decisions, and they should be able to rely on those people who they employ to make those decisions for them.

I wouldn't even -- you know what? I believe that if Mr. Goren called Mr. Meyers and had a question, Mr. Meyers would answer the telephone and answer it, you know, and give him the answer.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER RITTER: But I wouldn't want to require anybody in the County Attorney's Office to do that.

MAYOR GUNZBURGER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: You know, I agree wholeheartedly with Commissioner Ritter, but raise a couple of issues.

Just because the attorney, the Town Attorney in Southwest Ranches issues a particular opinion, it's not binding on Pembroke Pines. They have two different City Attorneys. And so, you know --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: You're making my point.

COMMISSIONER LIEBERMAN: -- (inaudible) say if you get four lawyers in a room, you get five opinions.

MAYOR GUNZBURGER: You're making my point.

COMMISSIONER LIEBERMAN: But, in any case -- in any case --

MAYOR GUNZBURGER: That's the problem.

COMMISSIONER LIEBERMAN: -- they -- the issue is it's their City Attorney that they've hired, and that's the one who should be doing this.

I believe that every one of those City Attorneys, if they were unsure, would pick up the phone and either call Mr. Meyers or Ms. Coffey.

And I wouldn't -- I would suggest that the opinions be filed with their City Clerk, not on our website.

And, then, finally, please let me correct some misinformation. The Commission on Ethics does issue advisory opinions to you specifically based on your facts. You can get a -- an opinion with your name in it, or you can get an opinion without your name in it.

In the opinion --

COMMISSIONER SHARIEF: (Inaudible.)

COMMISSIONER LIEBERMAN: Yes, they do. If you request --

COMMISSIONER SHARIEF: If you request it --

COMMISSIONER LIEBERMAN: -- if you request an opinion, Commissioner, with all due respect, they will issue an opinion. If you don't request an opinion, nobody's going to give it to you.

It's no different than this ordinance. If we don't request an opinion, they don't volunteer it to us.

But if you request an opinion from the Commission on Ethics, whether you request it and want your name published or not, they give you an opinion.

This section is just like that. That's why I support it.

COMMISSIONER SHARIEF: (Inaudible) should be posted, because all theirs are posted online.

MAYOR GUNZBURGER: I -- I happen to agree with you, Commissioner Sharief.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: We have an amendment --

COMMISSIONER LIEBERMAN: Move the amendment.

MAYOR GUNZBURGER: -- on -- and -- and a second.

I am going to vote --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: We're doing Exhibit 3 --

UNIDENTIFIED SPEAKER: That's (inaudible).

MAYOR GUNZBURGER: -- the one that we have just discussed.

MS. ARMSTRONG COFFEY: This is the change on page 17, line 14.

MAYOR GUNZBURGER: All those in --

VICE MAYOR RODSTROM: Can I just ask one question?

MAYOR GUNZBURGER: Sure.

VICE MAYOR RODSTROM: What I -- what I'm still confused about is that so the Inspector General is going to be charged with enforcing these laws.

MAYOR GUNZBURGER: No, he isn't.

COMMISSIONER WEXLER: No.

VICE MAYOR RODSTROM: No.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: No.

UNIDENTIFIED SPEAKERS: (Inaudible.)

VICE MAYOR RODSTROM: So -- so -- so who -- who --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: Isn't that what I just said?

UNIDENTIFIED SPEAKER: Yes.

UNIDENTIFIED SPEAKERS: Yes.

VICE MAYOR RODSTROM: So what is the answer? The answer is the Inspector General is charged with enforcing these laws, correct?

MS. ARMSTRONG COFFEY: Correct.

VICE MAYOR RODSTROM: Okay. But the Inspector General is not able to render an opinion.

MS. ARMSTRONG COFFEY: It's not within the scope of the Charter's charge.

COMMISSIONER JACOBS: (Inaudible.)

VICE MAYOR RODSTROM: I -- I guess what I'm -- I guess what I'm struggling with is how do you enforce something if you don't have an opinion about it?

MS. ARMSTRONG COFFEY: He's -- he -- we've read the Charter language to say he can't give before the fact advisory opinions. I mean, you do interpret in the very act of enforcement, you're correct. But that's not before the fact; that's after the fact in the same way that a police officer enforces.

VICE MAYOR RODSTROM: Okay.

COMMISSIONER JACOBS: (Inaudible.)

VICE MAYOR RODSTROM: Okay.

MAYOR GUNZBURGER: All right. There is a motion on the floor and a second.

All those in favor, signify by saying aye.

Opposed?

No.

VOTE PASSES 7 TO 2 WITH MAYOR GUNZBURGER AND COMMISSIONER SHARIEF VOTING NO.

COMMISSIONER LIEBERMAN: Okay. Move the amendment on page 14, line 16.

VICE MAYOR RODSTROM: Can I just ask one more question?

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: But the -- but the intent of this Commission --

COMMISSIONER LIEBERMAN: (Inaudible) move page 10, line 13 (inaudible).

VICE MAYOR RODSTROM: Before we get off the previous vote, it is the intent of this Commission, though, to put a ballot question on the ballot and have this --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: -- fixed by the Inspector General?

MAYOR GUNZBURGER: Yes.

VICE MAYOR RODSTROM: Okay. Okay.

COMMISSIONER LIEBERMAN: Okay. Move on the very first amendment that's attached to the ordinance which is on page 10, line 13.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Oh, that's Form 1.

UNIDENTIFIED SPEAKER: I'd like to speak to that.

COMMISSIONER HOLNESS: Second.

UNIDENTIFIED SPEAKER: Well, you need to second it.

COMMISSIONER JACOBS: (Inaudible.)

MS. ARMSTRONG COFFEY: Mayor, if I --

MAYOR GUNZBURGER: The one she's talking about is the first one in the -- at the back --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: -- which is to file Form 1 instead of Form 6.

MS. ARMSTRONG COFFEY: Mayor, there --

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER LIEBERMAN: And if I can -- if I can clarify this.

COMMISSIONER WEXLER: Not what it says at all.

COMMISSIONER LIEBERMAN: This is something we discussed. It's not for the quarterly disclosure. The quarterly disclosure (inaudible) --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: -- be filing in (inaudible).

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER LIEBERMAN: Which is not Form 1 or a Form 6. It's our form --

COMMISSIONER SHARIEF: Well, why (inaudible)?

COMMISSIONER LIEBERMAN: -- that was developed by the County Attorney. So --

COMMISSIONER WEXLER: Really?

COMMISSIONER LIEBERMAN: -- (inaudible) disclosure --

COMMISSIONER SHARIEF: That's in the wrong place.

COMMISSIONER LIEBERMAN: -- that's not what was intended, and I moved that issue at our last meeting and said for the quarterly disclosure, the file the same thing we do for quarterly, which is not a Form 1 or a Form 6.

MAYOR GUNZBURGER: Well, this one --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: -- says Form 1.

COMMISSIONER WEXLER: But this says Form 1.

COMMISSIONER LIEBERMAN: I saw that, but it -- I brought the issue up in the last meeting. That's not what I asked for.

COMMISSIONER WEXLER: I don't remember that.

MAYOR GUNZBURGER: Well, then, you don't want to move this.

COMMISSIONER LIEBERMAN: No, but I'm going to move it as amended.

COMMISSIONER WEXLER: Well, then, could I --

MAYOR GUNZBURGER: As amended, it says Form 1.

COMMISSIONER LIEBERMAN: No, I just explained to you how I amended it.

UNIDENTIFIED SPEAKER: It is.

COMMISSIONER WEXLER: Could I have a point, please?

MAYOR GUNZBURGER: I don't have an amended one.

COMMISSIONER WEXLER: Commissioner, that's why I proposed what I brought forward, because we already -- and -- and I don't know where the Form 6 came from, other than the last time this was before was set for Public Hearing --

VICE MAYOR RODSTROM: We discussed it.

COMMISSIONER WEXLER: -- (inaudible) municipal elected official. I asked staff to show me the difference between Form 1 and Form 6. Okay? And I have spoken to many of you sitting out there.

On page 17 of this (inaudible) of this ordinance, we only require Form 1 (inaudible) municipal elected officials. That's all we're -- that's it here.

But on page 10, which is (inaudible) I guess you -- I didn't hear you correctly at the last meeting, Commissioner. That's why I proposed what I proposed. Because (inaudible).

COMMISSIONER LIEBERMAN: (Inaudible) when I saw this.

COMMISSIONER WEXLER: Well, I must have missed that, because we were looking for it that -- that day. And - - and -- and so what I was looking to do was to keep the requirement for the employment (inaudible). Actually, the financial earnings disclosure on a form that is created by the County Attorney's Office, which is what's in here, but to go further.

And that's the amendment that I proposed to allow the municipal officials to not file (inaudible) specifying how it would violate --

COMMISSIONER SHARIEF: (Inaudible.)

MAYOR GUNZBURGER: All right. Then I'll get -- I'm sorry. Let me stop you a moment.

Commissioner Sharief thought that she was voting on a different amendment, rather than the one that she and I and Commissioner Rodstrom voted -- discussed.

(VICE MAYOR RODSTROM LEFT THE ROOM.)

COMMISSIONER LAMARCA: I don't think Rodstrom (inaudible).

MAYOR GUNZBURGER: She wants to change her vote to a no. That's what she meant to do. She was confused - -

UNIDENTIFIED SPEAKER: That's okay.

MAYOR GUNZBURGER: -- by calling it Amendment --

COMMISSIONER SHARIEF: One.

MAYOR GUNZBURGER: -- 1.

COMMISSIONER SHARIEF: When they said Amendment 1, I thought (inaudible).

MAYOR GUNZBURGER: All right. So please change Commissioner Sharief's vote to be a no, as was mine.

COMMISSIONER WEXLER: On the binding language.

MAYOR GUNZBURGER: On the binding language.

COMMISSIONER WEXLER: Okay.

MAYOR GUNZBURGER: Thank you.

Please continue. And I missed --

COMMISSIONER WEXLER: Okay.

MAYOR GUNZBURGER: -- half of what you said.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: And it was so simple.

MAYOR GUNZBURGER: Well --

COMMISSIONER WEXLER: It's --

MAYOR GUNZBURGER: -- because I have what I thought is the change.

COMMISSIONER WEXLER: And so did I. But it -- obviously, it's not.

MAYOR GUNZBURGER: And -- and Ilene -- excuse me -- Commissioner Lieberman said, no, that's not what it is, but that's what it says.

COMMISSIONER LIEBERMAN: Here's where I'm coming from. At our last meeting, you and I had a discussion (inaudible) --

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER LIEBERMAN: -- and thought we were talking about (inaudible) --

MAYOR GUNZBURGER: Just tell me what it should be.

COMMISSIONER LIEBERMAN: I thought that what we were talking about is the annual filing, because we have to file a Form 6 here --

COMMISSIONER WEXLER: Right.

COMMISSIONER LIEBERMAN: -- as well at the Commission on Ethics.

COMMISSIONER WEXLER: Right.

COMMISSIONER LIEBERMAN: The intent was that when they file their Form 1 that it be available for public inspection through their Clerk's Office. That's the annual.

COMMISSIONER WEXLER: Uh-huh.

COMMISSIONER LIEBERMAN: On the quarterly, it's correct as written here, which says they'll file it on the same form we file it. You wouldn't have them file either a Form 1 or a Form 6, because you wouldn't have them do anything we're not doing.

(VICE MAYOR RODSTROM RETURNED TO THE ROOM.)

COMMISSIONER WEXLER: I'm fine with that.

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER WEXLER: I just went a step further. Many of the people that spoke today are not fine with that. They're not fine with that.

But I have to tell you, in attempting to try to not cost cities and towns an exorbitant amount of money for people not to be able to comply immediately and be out of office and require special elections, and we're going to have this conversation about other things, as well, with special elections, I offer this amendment.

To the extent complying with the disclosure requirement contained in that paragraph would violate any written agreement to which a municipal official is a party, the municipal official shall file, for public inspection, a statement specifying how such a violation would result from the required disclosure. Upon filing such statement, the municipal official shall not be required to comply with the portion of the disclosure requirement that would result in a violation of the written agreement for the balance of the municipal official's current term of office.

And then it goes on. So it allows the municipal official to finish that term in office, but the new term in office, they would have to comply with that requirement.

So, folks, a decision will have to be made --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- would have to be made. You don't want to comply, or you are prohibited, and you would have to document that prohibition by your employer, then you would have to make a decision whether you can run or not.

COMMISSIONER LIEBERMAN: I can second that with two quick amendments.

I think that the statement ought to come from the employer, not the official, and it ought to be under oath.

Other than that, I'm fine with it.

COMMISSIONER WEXLER: Perfect.

COMMISSIONER RITTER: I have question.

MAYOR GUNZBURGER: Commissioner.

COMMISSIONER RITTER: Does this still require them to, aside from your exemption, disclose their -- the amount of their income.

COMMISSIONER HOLNESS: Yes.

COMMISSIONER WEXLER: Yes. Yes.

COMMISSIONER RITTER: Okay. I'm just throwing this out there. I don't understand why that is relevant to an elected official's --

COMMISSIONER HOLNESS: Ethics.

COMMISSIONER RITTER: -- service as an elected official. What they -- where -- where --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: We have it now. They do not. And, quite frankly, I don't know why we have it. I'm not sure why it's anybody's business what any of us makes privately. And I say that as making no other income other than that as a County Commissioner.

I just think, other than a prurient interest by someone's neighbor as to what so-and-so makes -- I mean, you know, quite frankly --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: -- I'd like to know what a lot of you guys make. But is it really any of my business? No, it's not.

So I think that it is reasonable for them to ask that they only need to put who employs them, not how much they make.

And other -- I just -- I just don't see why it is unreasonable to ask -- to ask that. So --

MAYOR GUNZBURGER: Well, I -- I will call -- I have three people waiting.

But I know on their Form 1 --

COMMISSIONER JACOBS: (Inaudible.)

MAYOR GUNZBURGER: -- anything they get over 5 percent of their income, they must file when they file Form 1 and where it comes from, Commissioner Ritter. That's part of what they must file on an annual basis.

Commissioner Holness.

COMMISSIONER HOLNESS: Yes, Mayor. I -- I --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: -- I -- I, too, am troubled by this, in that I don't know that putting this here is going to make someone any more ethical.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: It -- it is -- it is as if we're saying, well, because it apply to us, we must force them to do the same thing.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER HOLNESS: Why?

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: Why not?

COMMISSIONER HOLNESS: We -- we -- we -- we've got to be big brothers and big sisters and dictate to them?

MAYOR GUNZBURGER: Because the voters voted for it.

COMMISSIONER HOLNESS: The voters didn't vote for this particularly exactly as it exist here. We are coming up with these.

MAYOR GUNZBURGER: No --

COMMISSIONER HOLNESS: They voted for ethics, but not for this specific --

MAYOR GUNZBURGER: Yes.

COMMISSIONER HOLNESS: This specific language?

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: The language wasn't there (inaudible).

COMMISSIONER HOLNESS: It wasn't. Let me --

COMMISSIONER LAMARCA: Let's vote again.

COMMISSIONER HOLNESS: -- I -- I think that the requirement they have to comply with already, to complete the Form 1, ought to be adequate to disclose and -- and to have transparency as to where they're earning their income, who's paying them.

And -- and I think that's what people need to know, is someone out there that they're supporting an issue for or a cause for having influence over them without them knowing that it's there.

If -- if they're earning money from a company that comes before them, everybody ought to know that. Everybody ought to know the industry that they're in, so that they can then understand probably why they're supporting an issue in a particular manner.

But to go beyond that, I don't think that -- and -- and -- and, further, we're going to end up with folks who have to give up their livelihood or give up public service. I don't think that's a fair thing for us to expect from people who are making, in some instance, I hear -- hear \$1800 a year. That --

COMMISSIONER LAMARCA: Crazy.

MAYOR GUNZBURGER: All right. I've got everyone on the queue. Are you finished? I know sometimes you take a breath.

COMMISSIONER LAMARCA: It's -- it's dangerous around here.

MAYOR GUNZBURGER: And I have to be careful. But you're done.

Vice Mayor.

VICE MAYOR RODSTROM: The -- the idea that your compensation as a public official is somehow the -- the determining factor of whether you're ethical or not, to me, is shocking.

You know, and I've heard this, like I only make 2500, I only make 3,000, I make 5,000, but you still have the power to have zoning issues, you have the power over your budget, you have the power over who gets what contracts.

And -- and the problem is is that the public has lost faith and confidence in their elected officials, and that's the reason this ordinance passed with -- and the ballot question passed with such an overwhelming majority, because they don't -- they don't like us. They think we're not honest. They -- they -- you know, it's not a noble profession

any longer.

(COMMISSIONER SHARIEF LEFT THE ROOM.)

VICE MAYOR RODSTROM: And maybe -- maybe this is --

COMMISSIONER JACOBS: (Inaudible.)

VICE MAYOR RODSTROM: Right. And maybe this is a knee jerk reaction.

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: It is. But -- but you know what? The bottom line, this is what the public wants. And -- and this is what they're demanding. They don't -- they don't believe that elected officials should have perks. You know, when I first came to office, we got all kinds of wonderful things. I mean, I look at the invite folder; every year, it's getting smaller and smaller and smaller, because people have finally caught on that I can't go to these functions any longer, so they stopped inviting me.

But -- but we used to go a lot of stuff. Free. I mean, you could eat out every night. Twenty years ago, you could. But -- but those days are over, and -- because the public demanded that they be over.

And so, you know, this -- this disclosure item, I resent it. But you know what? And it -- it cost me a job in my career, having to disclose my income. But -- but I wanted to serve in public office, and so I accepted that, and -- and I'm still here. And I disclose that income, and I take my lumps like everybody else.

You know, it is what it is. And I -- I don't like it. I don't want to do it. I think it's offensive. But -- but that's what the public's demanded of me.

And so, you know, unfortunately, they've now said that they demand it of the local officials as much as they have of me. And -- and, frankly, it should apply to every elected official in this County, because the public has a right to know.

Because you have -- you have a lot of power. You have power to make people very, very wealthy. Regardless of what you get compensated, you have the power to make people very, very wealthy. And -- and there's abuse sometimes of that power, and that's why the public wants to know how to connect the dots. And that's why this is included in here, and that's why it's important that it stay in here.

MAYOR GUNZBURGER: Hear, hear.

Commissioner Jacobs.

COMMISSIONER JACOBS: You know, it's interesting to hear that this applies -- it shouldn't apply to cities because they don't make enough as an elected official, they only make 18,000.

Well, in Miami-Dade County, they file a Form 6. Miami-Dade County Commissioners make \$6,000 a year.

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER JACOBS: Guess how much a Commissioner in Hardy County in Florida makes. Think about the fact that there are over 360 County Commissioners in the State of Florida, all having to file a Form 6. There are all your Constitutional officers, your Property Appraiser, your Sheriff, your Clerk of Courts. Go down the list. When you add up how many elected officials in this State are filing this kind of information, this is old news. This is, to me, kind of a no-brainer.

When I was first running, or first in office, a political writer for one of the papers asked me if it bothered me that anyone could look and see how much money I owed the Mattress Giant. And I remember thinking, well, it is

bothersome that they know, that this is listed, how much I owe for our new mattress, but I guess that comes with the territory. And I ran for office, and I did it with my eyes open.

To the point that you are in elected office and you did not have this form as a requirement when you first ran, I believe the changes that we're talking about today have -- there's out language there.

(COMMISSIONER SHARIEF RETURNED TO THE ROOM.)

COMMISSIONER JACOBS: It says when you go to run for your next term, these are the conditions under which you're going to run. And you're going to run under the same conditions and the same disclosures that every other elected official that's in a County position in this State, whether you're earning 6,000 a year or 90,000 a year, or anywhere in between, and -- and, actually, for some Constitutionals, over that, that they have to file.

The -- the line that gets drawn is that if you make a lot of money, you must be corrupt, and if you're very poor, then you're not. And I think it's interesting for the public to see somebody who, in looking at these disclosures -- every year, the paper writes about it; every year, they're writing about my staff and my -- on the fourth floor, if you're -- you're not even elected, and they're writing about what our -- our staff earns.

It's part of the public transparency, part of what the public has been clamoring for.

If an elected official is deemed to poor in one year and suddenly comes into some great wealth in the following year, is that notable to the public, to the press? Is someone going to want to know why? Yeah, they are. And these forms would disclose that.

You can point to people who are in jail now who went to jail for very small amounts of money. And, granted, they went to jail under the rules that were already in place. They caught them under the existing rules. They didn't need new ones to do it.

But we're in a different time where this kind of disclosure is -- I think it's unprecedented in its need for the County, it's unprecedented in the embarrassment that's been caused to good elected officials.

And, Commissioner Rodstrom, I think that being a public servant is the nobles of -- of professions that someone can take on. You take it on a great sacrifice. You lose job opportunities, you may have to walk away from that because of other outstanding obligations in your life. But it is something that is never going to be returned, in my opinion, in the public's eye back to the -- the era of being noble until these kind of rules are in place and time goes by.

And I just think it's -- it's part of the new -- the new governance that we have to live with.

And so I support the form. I would support -- there is another amendment, I don't believe it's this one, that looks at doing it annually. I think the annual -- I never thought that four times a year made sense for us. And we couldn't change a word of that ordinance, but we can here.

And I would encourage that it stay annually, and not quarterly.

MAYOR GUNZBURGER: All right. Who else hasn't --

Commissioner Lamarca.

COMMISSIONER LAMARCA: Thank you, Mayor.

Commissioner Jacobs brings up the obvious. There's two people here because there were issues like that. And, arguably, people have probably had the same issues with all the last few elections.

And I guess the question -- I've been sitting here for the last year, and we've talked about disclosure, but we -- we had a very quick conversation about Form 1 or Form 6, and I think it was admittedly that some of us had not been city officials here and didn't know what a Form 1 or Form 6 was, Form 1-F.

I -- I'm inclined to agree with Commissioner Holness from the simple -- simple fact that I want people to disclose where they get their money. I'm not concerned with, you know, what their annual pay is if they're out working. You know, the -- the \$1800 salary came up. I was a Commissioner with Commissioner Long here for -- for six years. You serve because you want to -- you want to give back.

Now, I guess that the correlation could be in -- in that City Commission role if I voted on five construction projects with people that Lamarca Construction did business with, then there's a correlation there.

To me, your disclosure that you're in the construction industry and then, oh, by the way, you're -- you know, you're doing business with all these people, there's a -- people have the -- the path to figure out where the dots needs to be connected.

And -- and, I mean, nobody -- nobody's going to argue more for -- for -- for the ethics reform than -- than, I think, a few of us that are new here, for the simple fact that, you know, the -- the atmosphere was what it was, and it -- and it still is some places around the County.

But I think if we give them the tools to connect the dots, we give them transparency to see where Commissioner A earns their money.

I sat and had many meetings with many elected city officials, and they weren't saying they didn't want to tell us where they -- where they earn their daily income. They were just saying that some have disclosure contracts and confidentiality agreements; some, the -- the fund raising question came up before, and that's a separate issue. But, still, it's where your dollars come from.

I think disclosing what your debts are, which -- and where you bring -- where your income comes from, I think is transparency to be able to connect the dots. I mean, certainly the -- you know, the newspapers are the -- are the folks that usually end up connecting the dots before, sometimes, our -- our law enforcement officials.

So, I mean, if they were able to do that before, I don't -- I don't see -- I don't see adding Form 6 to -- to elected officials.

And -- and I say that also with the backing that the County Attorney has put amendment forward to use Form 1. So I -- I think we got to Form 6 versus Form 1 pretty hastily. I still want to have complete transparency. I want sunshine. I want all the -- the things that allow us to see where somebody's connection is to what they're voting on, but I -- I don't think -- I don't think that's as relevant.

I think people voted for ethics reform for municipal -- municipal office holders at 75.84 percent, like you stated before, but they didn't have the details. In other words, they just said we want them to do it right. We want them to be ethic -- ethically, and they want us to, you know, have a report of where their -- where their -- you know, connections are in the world.

Again, I came from a -- from a city that we didn't -- we didn't have lobbyists. I mean, we -- we -- we once in a while had somebody drop a -- drop a bag at the Commissioner dais at Christmas time with a -- with a notepad in it or something from their -- you know, their company. I -- I never once talked to a lobbyist about an issue in Lighthouse Point. I talked to the person, the vendor, the contractor; we talked to them directly like I try to do here.

And, you know, we're running a lot bigger operation here, and I understand that we have these -- these -- the conversations with a lot of different people, and -- and people want to connect the dots.

But, at the end of the day, I stand by the fact that I think you can connect enough dots with -- with Form 1 and find out where their source of income is.

MAYOR GUNZBURGER: Commissioner Sharief.

COMMISSIONER SHARIEF: I just wanted to state for the record that people who are unethical or unscrupulous

are not going to report their unethical activity on these forms. So it just -- I mean, I keep hearing people talking about how much money you make, and if you make this amount of money next year, and if you made that amount last year.

Just for the record, the people that are in jail right now didn't report that on any Form 1, 6, 6X or anything else.

(VICE MAYOR RODSTROM LEFT THE ROOM.)

COMMISSIONER SHARIEF: So I'm just -- I just want to put that out there so that you understand this is a -- this is about process. This is not about you catching criminals through documentation.

That's it.

MAYOR GUNZBURGER: Thank you.

Commissioner Wexler.

COMMISSIONER WEXLER: It's about transparency, is what it's really about.

MAYOR GUNZBURGER: That's correct.

COMMISSIONER WEXLER: And it's really not about Form 6. That is out of the equation. It was part of the conversation, but it is not what's before us. It is not the amendment that's before us at all.

One of the things that I asked my staff to do was to do a quick look-see in the last five years of the names and the number -- the names, actually, of the city elected officials and the countywide elected officials, or School Board, County Commissioner, Constitutional, that have been -- either spent time in prison or are -- were removed from office with current charges pending.

And there are significantly more city elected officials that come under that umbrella than -- than -- than not.

So I -- I think that whatever we can do at this dais to make sure that as much information is out there as possible is a positive thing.

I also want to remind us that in August of 2010, when this Board unanimously passed the ethics -- the Code of Ethics, this ordinance, the press and the public had every opportunity, before they voted overwhelmingly for it to be imposed on municipalities, the different elements of it.

I even want to call your attention to the editorial in the Sun Sentinel a week ago on September 29th --

MAYOR GUNZBURGER: Yeah.

COMMISSIONER WEXLER: -- that within that document it says -- this -- this is the Sun Sentinel -- elected officials who work outside jobs have to report quarterly where they work and how much money they make.

Folks, people think it's already happened. They have no idea that this body is actually thinking about watering it down --

MAYOR GUNZBURGER: Well, I'm not.

COMMISSIONER WEXLER: -- for lack of a better word.

MAYOR GUNZBURGER: Not I.

COMMISSIONER WEXLER: So I have to tell you, as far as I'm concerned, and I -- I really think that -- that what I attempted to offer here was a significant compromise in the scheme of things to allow those folks that contacted

me and said, Commissioner, it is just proprietary, my boss will not allow it, et cetera, et cetera, that, with documentation, okay, you get -- you get a pass for a short period of time.

But at some point in time, after this election, the term that you are currently in, folks, now you have to make a life decision. Do I serve or do I reveal?

And I feel really, really strongly about this. I've said it privately to a number of folks from Southwest Ranches, and now I'm saying it publicly, because we haven't had an opportunity to have this conversation.

So I -- I -- I hope you're able to support it. I hope it passes today. And I hope that we have one uniform Code of Ethics for Broward County's elected officials.

MAYOR GUNZBURGER: And I hope that we have it sooner rather than later, because --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: -- the -- the Broward --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: No, the Broward -- I'd love that.

The Broward League of Cities really has worked very long to make sure it got to us at the slowest possible time.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: Well, that's why I'm thinking that I'd like to see it go --

UNIDENTIFIED SPEAKER: That's not fair.

UNIDENTIFIED SPEAKER: That's not fair.

UNIDENTIFIED SPEAKER: That's not fair.

COMMISSIONER LIEBERMAN: Mayor?

MAYOR GUNZBURGER: Yes.

COMMISSIONER LIEBERMAN: Thank you.

I -- I -- I sincerely do not believe that they were dragging their feet. I think that they actually wanted to spend some time reading it and deliberating about it, and putting a committee together to talk about it, which is, quite frankly, something that we were not -- we were not given the opportunity to do when it was our turn to pass. We were given a document that said either pass this or it goes right to the ballot.

Having said that, since 74. --

UNIDENTIFIED SPEAKER: 75.84.

COMMISSIONER LIEBERMAN: -- 75.84 percent of the public said that the County Code of Ethics shall be applied to municipal officials, one has to ask the question why are we even bothering to debate these amendments? Because if our philosophy's going to be this is what the voters wanted --

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER LIEBERMAN: -- then shouldn't we just do to them what was done to us?

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: And I'm not suggesting that that's where I'm headed. Clearly, I filed a couple of amendments on behalf of the League of Cities and -- and the municipal officers.

But the point is that are we going to do what the voters told us to do, or are we going to do what we believe is the right thing to do?

And we're going to do what we believe is the right thing to do, notwithstanding that, because that is our responsibility as elected officials.

I'm not going to support the amendment. I -- I just don't think it's relevant for people to have to disclose how much money they make.

MAYOR GUNZBURGER: Commissioner -- I'd like to say why I said, because I heard some dissension.

We -- we have -- it passed at the same time for the County Commission as it did for the municipalities. It passed at -
- on the same November --

COMMISSIONER LIEBERMAN: (Inaudible) that was on the ballot with the Inspector General, not the ordinance. We (inaudible) --

MAYOR GUNZBURGER: No --

COMMISSIONER LIEBERMAN: -- the ordinance.

MAYOR GUNZBURGER: -- it -- it was on the ballot that we --

COMMISSIONER LIEBERMAN: No, it wasn't. Not for us. All that was on the ballot was the Inspector --

MAYOR GUNZBURGER: Commissioner Lieberman, I'm speaking. You're interrupting.

COMMISSIONER LIEBERMAN: I apologize.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: And I think someone read the ballot language did -- that did say exactly what I'm saying, and I think that was you, Commissioner Wexler.

COMMISSIONER WEXLER: (Inaudible) municipal, it wasn't for us.

MAYOR GUNZBURGER: Right. Municipal, but it -- but this was done in November of 2010. It is 11 months later. That's an awfully long time to finally have it come here. That was my point.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Well, I guess --

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah. The League adopted the ethics ordinance, I think this was in August of 2010. So it didn't go to the ballot.

What went to the ballot was the substitute section that Commissioner Ritter sponsored to make the I.G. position clearer in terms of responsibilities --

COMMISSIONER JACOBS: Your microphone's off.

COMMISSIONER LIEBERMAN: I'm sorry.

What was on the ballot was only the Inspector General.

What also was on the ballot was applying this code, that our code would preempt municipal codes. And it passed, Commissioner Wexler's right, by almost 76 percent of the vote, saying we should apply ours to the municipal officials.

I do not think that they delayed, Mayor, with all due respect. How long did our Commission on Ethics meet before it issued its opinion? Was it at least a year?

MAYOR GUNZBURGER: But it didn't come to us.

COMMISSIONER LIEBERMAN: It did come to us. Absolutely.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER LIEBERMAN: The Commission that -- the Commission that was set up in 2008 debated for over a year. Then they sent us an item. We adopted it in August of 2010 --

UNIDENTIFIED SPEAKER: Then we had a workshop.

COMMISSIONER LIEBERMAN: -- and then we had a workshop before that.

And so I -- trust me, it took us more than 11 months to do what the cities have done in 11 months.

MAYOR GUNZBURGER: Okay. We have an amendment on --

COMMISSIONER LIEBERMAN: As amended.

MS. ARMSTRONG COFFEY: Mayor --

MAYOR GUNZBURGER: May I have what the as amended is?

COMMISSIONER LIEBERMAN: Yes. On -- it says to the -- to the extent complying with the disclosure requirement contained in this paragraph would violate any written agreement to which a municipal official is a part - a party, the municipal official's employer shall file, for public inspection, a statement under oath, and then the rest is as written.

UNIDENTIFIED SPEAKER: Shall file a statement under oath.

MS. ARMSTRONG COFFEY: Mayor, may I ask --

MAYOR GUNZBURGER: Yes.

MS. ARMSTRONG COFFEY: -- for a clarification, as well?

MAYOR GUNZBURGER: Is that this one?

UNIDENTIFIED SPEAKERS: (Inaudible.)

UNIDENTIFIED SPEAKER: It keeps -- it keeps it in place, it just gets the window of (inaudible).

COMMISSIONER LIEBERMAN: Right.

MAYOR GUNZBURGER: Okay.

MS. ARMSTRONG COFFEY: Mayor, may I ask for a clarification?

MAYOR GUNZBURGER: Yes.

MS. ARMSTRONG COFFEY: The amendment that's being moved on page 10, line 13, Commissioner Wexler's, would that also be joined by the preceding one on page 10, line 10 --

COMMISSIONER WEXLER: (Inaudible) yes.

MS. ARMSTRONG COFFEY: -- for annual for municipalities?

And, then, to clarify, your very first proposed amendment, which was attached to the agenda item in Exhibit 3, would need to be modified if we included it to conform it to the changes in Commissioner Wexler's.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER LIEBERMAN: Well, Commissioner Wexler, are you also moving page 10, line 10?

COMMISSIONER WEXLER: If I think the support is here for annual for municipalities --

COMMISSIONER LIEBERMAN: I'll second your motion.

COMMISSIONER WEXLER: -- then absolutely I will. I think that's fine.

COMMISSIONER LIEBERMAN: I know we can't --

COMMISSIONER JACOBS: Annual rather than quarterly.

COMMISSIONER WEXLER: Yes.

COMMISSIONER LIEBERMAN: But I think we asked to vote on each of them individually.

COMMISSIONER WEXLER: Right.

COMMISSIONER LIEBERMAN: That's why --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: All right. Can we have what amendment? I'd like clarification, line by line, stating what is to be voted on.

COMMISSIONER WEXLER: May I clarify it? I'll -- I'll clarify.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: Who -- I -- Commissioner Lieberman or Commissioner --

COMMISSIONER LIEBERMAN: I just read it, Mayor. It's on --

COMMISSIONER JACOBS: It's Lois's amendment.

COMMISSIONER LIEBERMAN: -- page 10, line 13 --

MAYOR GUNZBURGER: But I don't have it.

COMMISSIONER LIEBERMAN: -- Commissioner Wexler's amendment, as written, with two amendments. On line 2, after the second municipal officer, it says the municipal officer's employer, apostrophe S, shall file, for public inspection, a statement under oath.

Otherwise, it remains as written.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER JACOBS: I have an extra one.

MAYOR GUNZBURGER: Thank you. Thank you.

UNIDENTIFIED SPEAKER: It's not Form 6.

COMMISSIONER LIEBERMAN: It's not form.

COMMISSIONER WEXLER: It's not form. It's a form --

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER WEXLER: -- created by the County Attorney's Office.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER JACOBS: But it models Form 6.

COMMISSIONER LIEBERMAN: No.

COMMISSIONER WEXLER: No, it doesn't.

COMMISSIONER LIEBERMAN: It models (inaudible).

COMMISSIONER WEXLER: You don't have to give the value of your wife's diamond ring. You don't have to give the value of your house. You don't have to give all your investments. You have to give your salaries.

COMMISSIONER LIEBERMAN: That's a different one.

MAYOR GUNZBURGER: I had that.

COMMISSIONER LIEBERMAN: That's 10, 10. That's page 10, line 10.

COMMISSIONER JACOBS: Oh.

COMMISSIONER LIEBERMAN: All right? I was asked to clarify page 10, line (inaudible) --

MAYOR GUNZBURGER: All right. Now we know --

COMMISSIONER LIEBERMAN: -- which is what's --

MAYOR GUNZBURGER: -- what we're voting on.

COMMISSIONER LIEBERMAN: -- in front of us.

MAYOR GUNZBURGER: Has it been moved and seconded?

COMMISSIONER LIEBERMAN: It has.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.

All those opposed.

How many noes? One, two, three, four, five.

It fails.

VOTE FAILS 3 TO 5 WITH MAYOR GUNZBURGER, COMMISSIONERS SHARIEF, HOLNESS, COMMISSIONER RITTER AND LAMARCA VOTING NO.

COMMISSIONER WEXLER: So what do you want? You want to keep it the way it is?

COMMISSIONER HOLNESS: We –

MAYOR GUNZBURGER: Yes.

COMMISSIONER WEXLER: You want to keep it the way it is. So people are (inaudible).

MAYOR GUNZBURGER: They won't be out of office.

COMMISSIONER WEXLER: So do you -- so, then, what's the procedure here? Do we have to vote on -- we don't have to do anything. If the motion failed, it failed.

MAYOR GUNZBURGER: Right.

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER WEXLER: Do you want it annual --

MS. ARMSTRONG COFFEY: Mayor?

COMMISSIONER WEXLER: -- do you want --

MAYOR GUNZBURGER: Annual, yes.

COMMISSIONER WEXLER: And so you need that as a separate motion?

COMMISSIONER HOLNESS: No, no, no, we --

COMMISSIONER LIEBERMAN: We said we were voting on them individually.

COMMISSIONER HOLNESS: -- we --

MAYOR GUNZBURGER: Commissioner --

COMMISSIONER WEXLER: I would move that that section include an annual requirement --

COMMISSIONER LIEBERMAN: Second.

MAYOR GUNZBURGER: Wait. I have to --

COMMISSIONER WEXLER: -- for municipal.

MAYOR GUNZBURGER: -- the Attorney wants to speak.

COMMISSIONER HOLNESS: Yes, and then me.

COMMISSIONER WEXLER: Okay.

MS. ARMSTRONG COFFEY: I just want to be sure that the Board understands that the annual requirement that appears as Commissioner Wexler's, page 10, line 10, would -- would preempt the first amendment in the attached package. In other words, in Exhibit 3 to your --

COMMISSIONER LIEBERMAN: I'll withdraw the --

MS. ARMSTRONG COFFEY: -- agenda item --

COMMISSIONER LIEBERMAN: -- first amendment --

MS. ARMSTRONG COFFEY: Very good.

COMMISSIONER LIEBERMAN: -- so that we can make it cleaner.

COMMISSIONER WEXLER: Okay.

MAYOR GUNZBURGER: All right. Now let's --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: -- let's hear it again. A new --

COMMISSIONER WEXLER: The amendment? The amendment merely changes the requirement for the financial reporting from quarterly to annual for municipal elected officials. It does not touch it for us. We're not allowed to touch it for us.

MAYOR GUNZBURGER: Commissioner Holness.

COMMISSIONER HOLNESS: And -- and that still is disclosing the income.

COMMISSIONER WEXLER: No. Well, it does, yes.

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER WEXLER: Yes, it does.

MAYOR GUNZBURGER: But they'd have to anyhow, annually.

COMMISSIONER HOLNESS: Well, they -- on Form 6, they -- on Form 1 they -- they disclose where they get the money from, but it doesn't give you the --

MAYOR GUNZBURGER: It doesn't give the amount?

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: No. It tells you where they make the money from.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER WEXLER: The form I'm talking about exists. It's the current form that the Attorney's Office --

MAYOR GUNZBURGER: Commissioner Lamarca.

COMMISSIONER LAMARCA: Thank you, Mayor.

I -- I had complete clarity when I read through the ordinance, and the County Attorney -- from the Office of the County Attorney, page 10, line 13, insert notwithstanding anything to the contrary that may be stated above, quarterly disclosure by municipal officials shall be limited to the information otherwise required for disclosure on Form 1.

Regardless whether it's quarterly or annually, that's --

UNIDENTIFIED SPEAKER: Where?

COMMISSIONER LAMARCA: -- what we had clarification.

COMMISSIONER LIEBERMAN: Which amendment are you on?

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER SHARIEF: You know what's confusing? She (inaudible) that says she put them (inaudible).

COMMISSIONER LIEBERMAN: The first amendment was withdrawn.

COMMISSIONER SHARIEF: I understand. Okay. (Inaudible.)

COMMISSIONER LAMARCA: Okay.

COMMISSIONER JACOBS: Yes.

MAYOR GUNZBURGER: All right.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER LIEBERMAN: And I would urge one of my colleagues --

COMMISSIONER LAMARCA: (Inaudible.)

COMMISSIONER LIEBERMAN: -- on the prevailing side to --

COMMISSIONER LAMARCA: Okay.

COMMISSIONER LIEBERMAN: -- reconsider their vote on 10, 13.

COMMISSIONER LAMARCA: Well, yeah, why don't we do that, because we just --

COMMISSIONER WEXLER: (Inaudible) anyone out there.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER LAMARCA: Did you say you betcha?

COMMISSIONER LIEBERMAN: We could cause special elections in cities.

COMMISSIONER JACOBS: (Inaudible) one vote (inaudible).

MAYOR GUNZBURGER: Well, it -- it won't pass with one person changing.

COMMISSIONER LIEBERMAN: It will if Commissioner -- Vice Mayor Rodstrom comes back in.

UNIDENTIFIED SPEAKER: Yes.

MAYOR GUNZBURGER: Okay.

UNIDENTIFIED SPEAKER: You want me to see where he is?

COMMISSIONER HOLNESS: Okay.

COMMISSIONER LIEBERMAN: Hopefully it'll change if Vice Mayor Rodstrom comes back in.

COMMISSIONER HOLNESS: If -- if -- okay.

MAYOR GUNZBURGER: Well, let's move on and try to do something else in the meantime.

COMMISSIONER HOLNESS: Yeah. If -- if we can go to -- Mayor --

MAYOR GUNZBURGER: Yes.

COMMISSIONER HOLNESS: -- I -- I think it was before you talked to the attorney.

COMMISSIONER LIEBERMAN: There's a motion --

COMMISSIONER HOLNESS: If we can --

COMMISSIONER LIEBERMAN: -- on the floor (inaudible).

COMMISSIONER HOLNESS: -- if we can go to --

MAYOR GUNZBURGER: All right. There's a motion on the floor for annually.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: There is a motion on the floor for annually.

All those in favor of the motion on the floor --

MS. ARMSTRONG COFFEY: Mayor, I'm informed --

MAYOR GUNZBURGER: -- for the financial disclosure --

MS. ARMSTRONG COFFEY: Mayor, I'm very sorry, but I am informed that the first amendment was -- that's under the Office of the County Attorney, that was just withdrawn by Commissioner Lieberman was also proposed by Commissioner Lamarca. So it -- it cannot be withdrawn unilaterally.

COMMISSIONER LIEBERMAN: Okay.

MS. ARMSTRONG COFFEY: And we can come to it later and vote on it.

COMMISSIONER LIEBERMAN: Okay. We'll come to it later.

COMMISSIONER HOLNESS: Is it --

MS. ARMSTRONG COFFEY: Very good.

COMMISSIONER WEXLER: That's why you can't (inaudible).

COMMISSIONER HOLNESS: Okay. So we are -- we are -- we are on the annual reporting, and is that Form 1?

COMMISSIONER LIEBERMAN: No, it's no form.

COMMISSIONER HOLNESS: Okay. Is that what you proposed?

COMMISSIONER LAMARCA: I just said Form 1.

COMMISSIONER HOLNESS: That's -- that's what I understand. That -- that there --

COMMISSIONER LIEBERMAN: It's been amended.

COMMISSIONER HOLNESS: -- is Form 1 annual reporting. That -- that I'm supportive of.

MAYOR GUNZBURGER: But that means without any amounts?

COMMISSIONER HOLNESS: The Form 1 as it is now, the annual reporting of Form 1 is what I support.

UNIDENTIFIED SPEAKER: That's not in front of us.

MAYOR GUNZBURGER: No.

COMMISSIONER LIEBERMAN: It's not in front of us, with all due respect. We're on page 10, line 10. That's a separate amendment. And I thought we were saying we were going one at a time.

And we have a motion and a second for Commissioner Wexler's amendment on page 10, line 10.

COMMISSIONER JACOBS: Can we just address the issue of annual versus quarterly and get off the -- off the plate?

COMMISSIONER LIEBERMAN: We have a motion we didn't vote.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: Yes, we can vote on annual versus quarterly, but --

COMMISSIONER HOLNESS: What form?

MAYOR GUNZBURGER: -- but if this to be Form 1, that means there'll be no amounts.

COMMISSIONER LIEBERMAN: It's not part of the motion. That's a separate amendment.

COMMISSIONER JACOBS: At least the quarterly versus annual issue is off the (inaudible).

MAYOR GUNZBURGER: All right. All those in favor --

COMMISSIONER HOLNESS: Wait, wait, wait, Mayor.

MAYOR GUNZBURGER: -- of an annual rather than a quarterly, please signify by saying aye.

COMMISSIONER HOLNESS: But, Mayor, if I may. Annually --

MAYOR GUNZBURGER: Opposed?

UNIDENTIFIED SPEAKER: No.

UNIDENTIFIED SPEAKER: No.

COMMISSIONER HOLNESS: No. Because annually here refers to the -- the -- the -- the disclosure of the income.

UNIDENTIFIED SPEAKER: Yes.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER HOLNESS: Okay. So then no. We are in the same place we were before.

VOTE FAILS 3 TO 5 WITH MAYOR GUNZBURGER, COMMISSIONERS SHARIEF, HOLNESS, COMMISSIONER RITTER AND LAMARCA VOTING NO.

COMMISSIONER LIEBERMAN: That means they're going to have to disclose quarterly.

COMMISSIONER HOLNESS: No, it doesn't. It means that we get --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: Yes, that's what in the existing ordinance.

COMMISSIONER HOLNESS: Okay. That's fine. Well, but --

UNIDENTIFIED SPEAKERS: (Inaudible.)

UNIDENTIFIED SPEAKER: But we'll do the other amendment.

COMMISSIONER HOLNESS: Okay.

MAYOR GUNZBURGER: Commissioner Rodstrom is back.

UNIDENTIFIED SPEAKER: We'll do Commissioner Lamarca's amendment later.

MAYOR GUNZBURGER: All right. We can go back to where we were.

VICE MAYOR RODSTROM: I'm sorry.

MAYOR GUNZBURGER: Commissioner Lamarca, would you like to proffer your amendment?

COMMISSIONER LAMARCA: I support -- well, we didn't take it off the -- the table.

(VICE MAYOR RODSTROM RETURNED TO THE ROOM.)

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: It wasn't on the table.

COMMISSIONER LAMARCA: Well, with regard to (inaudible) removed, Commissioner Lieberman and I (inaudible).

COMMISSIONER LIEBERMAN: No, I'm removing my name as a co-sponsor.

COMMISSIONER LAMARCA: Well, I'm (inaudible). I'll read it again. Notwithstanding anything contrary that may be stated -- stated about, the quarterly disclosure by municipal officials shall be limited to the information otherwise required for disclosure on Form 1.

UNIDENTIFIED SPEAKER: F.

COMMISSIONER LAMARCA: F. (Inaudible.)

COMMISSIONER HOLNESS: Second.

MAYOR GUNZBURGER: It's been moved and seconded.

All those in favor, signify by saying aye.

All those opposed?

No.

VOTE FAILS 3 TO 6 WITH MAYOR GUNZBURGER, VICE MAYOR RODSTROM, COMMISSIONERS LIEBERMAN, RITTER, SHARIEF AND WEXLER VOTING NO.

UNIDENTIFIED SPEAKERS: (Inaudible).

COMMISSIONER LIEBERMAN: Can -- can we go back, since Vice Mayor is here, to the two --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: -- Wexler amendments that haven't passed yet? The one --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: -- he wasn't on the dais (inaudible).

MAYOR GUNZBURGER: Yeah, but it was a 5 to 3. Did you want --

COMMISSIONER HOLNESS: She -- well, she voted --

VICE MAYOR RODSTROM: I'm happy to vote. I -- just had to make a call (inaudible).

COMMISSIONER LIEBERMAN: There were two amendments, Vice Mayor. One is the disclosure referenced in the preceding sentence shall be done quarterly by County Commissioners and annually by municipal officials --

VICE MAYOR RODSTROM: Right. And --

COMMISSIONER LIEBERMAN: -- which was proffered by --

VICE MAYOR RODSTROM: -- and I'm fine with an annually.

COMMISSIONER LIEBERMAN: Okay. So then it would pass, Mayor.

MAYOR GUNZBURGER: No, it was 5 to 3.

COMMISSIONER LIEBERMAN: No.

UNIDENTIFIED SPEAKER: But she voted no, too. (Inaudible.)

COMMISSIONER LIEBERMAN: This was 5 to 4 on the annual.

COMMISSIONER WEXLER: Mayor voted --

COMMISSIONER LIEBERMAN: Could we ask that records read it back?

MAYOR GUNZBURGER: It was 5 to 3.

UNIDENTIFIED SPEAKER: Yeah, and you voted no, so (inaudible).

MAYOR GUNZBURGER: Yeah, I know it.

COMMISSIONER LAMARCA: Commissioner Rodstrom wasn't here. The Vice Mayor. Sorry.

MAYOR GUNZBURGER: Doesn't change.

COMMISSIONER LAMARCA: So it was 5 to 3.

MAYOR GUNZBURGER: 5 to 4 doesn't change from 5 to 3.

COMMISSIONER LIEBERMAN: No, I believe it's 5 in the majority. Who voted against annual? Because that means it's going to be quarterly.

VICE MAYOR RODSTROM: But I'm -- I'm fine with it annually.

COMMISSIONER LIEBERMAN: So it --

COMMISSIONER HOLNESS: Madam -- but -- but -- but we voted --

COMMISSIONER LIEBERMAN: Excuse me. We voted against annually for disclosure of income.

COMMISSIONER HOLNESS: That's correct.

COMMISSIONER LIEBERMAN: How many of us voted annually -- we voted against it because we didn't want the disclosure of income --

MAYOR GUNZBURGER: Oh, I wanted disclosure.

COMMISSIONER LIEBERMAN: -- or other reasons. But how many of us were there that voted against that? There were five of us.

COMMISSIONER HOLNESS: Right.

COMMISSIONER LIEBERMAN: That means it'll stay quarterly as written.

COMMISSIONER RITTER: That's right.

UNIDENTIFIED SPEAKER: Okay.

MAYOR GUNZBURGER: And -- and it will be --

COMMISSIONER HOLNESS: Now, but -- but --

MAYOR GUNZBURGER: -- disclosure of income.

COMMISSIONER HOLNESS: -- now -- now the -- the -- the issue is this, and -- and I think there was confusing on -- on the last vote.

Now, with Form 1 annually as the --

COMMISSIONER RITTER: That one failed.

COMMISSIONER HOLNESS: Well, let me -- let me tell you.

COMMISSIONER RITTER: It failed, Commissioner.

COMMISSIONER HOLNESS: I understand. But here's the situation.

MAYOR GUNZBURGER: But we don't talk -- we don't go back. We did it.

COMMISSIONER HOLNESS: I -- I would like -- I would like to -- to have a -- a motion for reconsideration.

COMMISSIONER LIEBERMAN: You weren't in the majority.

COMMISSIONER HOLNESS: No. Oh.

MAYOR GUNZBURGER: You can't. You were on the losing side.

Let's do the rest.

COMMISSIONER LIEBERMAN: Can we please go back and ask Commissioner Rodstrom where he votes --

COMMISSIONER HOLNESS: Because (inaudible).

COMMISSIONER LIEBERMAN: -- on page 10, line 13?

Commissioner Rodstrom, Commissioner Wexler proposed an amendment to page 10, line 13 which says that to the extent complying with the disclosure requirement would violate any written agreement, the municipal employer -- and I did amend it -- the municipal official's employer shall file, for public --

VICE MAYOR RODSTROM: I heard that one. I'm fine with that.

COMMISSIONER LIEBERMAN: Okay. Then can we see if that passes?

MAYOR GUNZBURGER: All right.

VICE MAYOR RODSTROM: This is where the -- the employer certifies --

COMMISSIONER RITTER: Point of order.

COMMISSIONER LIEBERMAN: He was off the dais. When people come back they can (inaudible).

COMMISSIONER RITTER: Let him record his vote now. We don't have to vote again. Let him record his vote now.

COMMISSIONER LIEBERMAN: No, that's all he has to do.

MAYOR GUNZBURGER: What is your (inaudible)?

UNIDENTIFIED SPEAKERS: (Inaudible.)

VICE MAYOR RODSTROM: I'm voting in the -- and I'll vote --

COMMISSIONER HOLNESS: Still 5-4.

MAYOR GUNZBURGER: Now it's 5 to 4.

COMMISSIONER HOLNESS: Yeah, still 5-4.

COMMISSIONER RITTER: Against. It still fails.

COMMISSIONER LIEBERMAN: Okay. So it's going to take effect immediately.

COMMISSIONER WEXLER: That's correct.

VICE MAYOR RODSTROM: That's fine.

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER LIEBERMAN: Okay.

MAYOR GUNZBURGER: All right. Are there any other amendments?

COMMISSIONER LIEBERMAN: Yes.

MAYOR GUNZBURGER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Hold on.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER LIEBERMAN: I have an amendment on page 4, line 16. What it amends is the section in the proposed ordinance which says covered individual means an individual serving on a contractual basis as a municipal -- municipality's chief legal counsel or an administrative officer that's on a contractual basis.

And I amended that to say when such individual is acting in his or her official capacity.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: And I move that amendment.

MAYOR GUNZBURGER: Is there a second?

COMMISSIONER JACOBS: Second.

COMMISSIONER HOLNESS: Where are we at now?

COMMISSIONER JACOBS: That's (inaudible).

MAYOR GUNZBURGER: Yeah, that's not -- that's (inaudible).

COMMISSIONER HOLNESS: Where are we?

COMMISSIONER LIEBERMAN: It's line 4, page (inaudible).

MAYOR GUNZBURGER: All those in favor --

UNIDENTIFIED SPEAKER: Wait.

COMMISSIONER HOLNESS: Wait, wait, wait.

COMMISSIONER WEXLER: I need to know what this means, if you don't mind.

COMMISSIONER LIEBERMAN: He's a covered -- he or she is a covered employee when they're acting in their official capacity.

If it's a contract, and they have a private business, during that time, they're not acting in their official capacity.

You know, a lot of the cities have contracts for City Attorney. Pembroke Pines actually has one for its City Manager. And so the key is that when they're acting in their official capacity, they're a covered employee, not when they're not acting, because they have an outside business.

MAYOR GUNZBURGER: This just means --

COMMISSIONER WEXLER: Okay.

MAYOR GUNZBURGER: -- when they represent the city.

COMMISSIONER WEXLER: But this is only about legal counsel.

COMMISSIONER LIEBERMAN: It -- no, the only thing I'm changing is Roman numeral XI, where there's a contractual employment of a legal counsel or administrative officer, that they'll be covered when they're acting in their official capacity.

Mr. Lunny's an example.

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER LIEBERMAN: When he's the City Attorney of Plantation, that's in his official capacity. When he's at his law firm, Brinkley, McNearny, whatever, et cetera, that's not his official capacity.

COMMISSIONER WEXLER: Right. All I was asking for clarification, this is only dealing with legal counsel and -
-

COMMISSIONER LIEBERMAN: Legal counsel and contracts.

COMMISSIONER WEXLER: -- not -- not --

COMMISSIONER LIEBERMAN: No.

COMMISSIONER WEXLER: -- us.

COMMISSIONER LIEBERMAN: Contracts for legal counsel or their Chief Administrative Officer.

COMMISSIONER WEXLER: Okay.

COMMISSIONER LIEBERMAN: That's all it deals with.

COMMISSIONER WEXLER: But not us as elected officials.

COMMISSIONER LIEBERMAN: No.

COMMISSIONER WEXLER: Okay.

COMMISSIONER LIEBERMAN: It doesn't address that at all.

COMMISSIONER WEXLER: I'm fine with it, then. Thank you.

MAYOR GUNZBURGER: There were -- Commissioner Holness.

COMMISSIONER HOLNESS: Let me -- let's just deal with this. I'll go back to the other issue.

MAYOR GUNZBURGER: We're not --

COMMISSIONER HOLNESS: Because you said I was not on the prevailing side. It lost -- lost 5-4, I was on that side that got the 5-4.

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER HOLNESS: So let -- let's go ahead and finish this, and then we'll go back to that.

MAYOR GUNZBURGER: I -- I will check to make sure.

COMMISSIONER HOLNESS: Yes. I'll second it.

MAYOR GUNZBURGER: All those in favor of this amendment, signify by saying aye.

Opposed, like sign.

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER LIEBERMAN: My next --

MAYOR GUNZBURGER: Wait. He wanted to go back.

COMMISSIONER LIEBERMAN: Oh, okay. Sorry.

MAYOR GUNZBURGER: I'm going to ask the minutes secretary on the vote, who were the five?

COMMISSIONER LIEBERMAN: Which one are you reconsidering?

UNIDENTIFIED SPEAKER: On the annual --

COMMISSIONER HOLNESS: Reporting.

MAYOR GUNZBURGER: Yes.

UNIDENTIFIED SPEAKER: Okay. The noes were Commissioner Sharief, Commissioner Shritter --

COMMISSIONER RITTER: Shritter?

(Laughter.)

COMMISSIONER JACOBS: That's what you get when they sit next to each other.

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: I apologize. Commissioner Holness, Mayor Gunzburger, and (inaudible).

MAYOR GUNZBURGER: Okay. Go ahead. You are correct, you are on the prevailing side.

COMMISSIONER LIEBERMAN: (Inaudible) his vote now as a yes.

COMMISSIONER HOLNESS: Yeah. Yeah, let -- and --

MAYOR GUNZBURGER: All right. Commissioner Holness has the floor. He wants to bring up Commissioner Wexler's motion for reconsideration.

Is there second on the motion for reconsider --

COMMISSIONER LIEBERMAN: Second.

COMMISSIONER HOLNESS: Yes. Okay. Let me -- let me -- let me -- let me --

MAYOR GUNZBURGER: All right. Wait. We have to take a vote --

COMMISSIONER HOLNESS: Okay.

MAYOR GUNZBURGER: -- before you can talk.

COMMISSIONER HOLNESS: Okay.

MAYOR GUNZBURGER: All those in favor of reconsidering --

VOTE PASSES UNANIMOUSLY.

MAYOR GUNZBURGER: Now you may talk.

COMMISSIONER HOLNESS: Okay. Let -- let me tell you why I'm going back. Because what I realized is this, that we might have to come back and -- and get the Form 1 in. But if we don't do the annual at this point in time, we're going to be stuck with whatever it is on a quarterly basis, which is --

COMMISSIONER JACOBS: That's what I said.

COMMISSIONER HOLNESS: So -- so therefore, from that standpoint, I'm willing to go the other way, because in doing so, it gives me a chance to at least come back and amend the reporting requirement to have the amount of income reported.

If we don't do it this way, then we're locked into a quarterly reporting anyhow. So if -- and -- and it appears that we might lose that -- I might be on losing side on that side of it, so I at least --

COMMISSIONER LIEBERMAN: So you want to do 10, 10?

COMMISSIONER JACOBS: (Inaudible) get annual instead of quarterly.

COMMISSIONER HOLNESS: That's -- that's --

COMMISSIONER LIEBERMAN: I'm moving page 10, line ten.

COMMISSIONER HOLNESS: -- correct.

COMMISSIONER JACOBS: No matter what form it is --

COMMISSIONER LIEBERMAN: Second.

COMMISSIONER HOLNESS: That's right.

COMMISSIONER JACOBS: -- whatever it is (inaudible).

MAYOR GUNZBURGER: Was that to -- to report the income?

COMMISSIONER HOLNESS: No. Well, basically --

UNIDENTIFIED SPEAKER: No, it's just --

COMMISSIONER HOLNESS: -- it's reporting that we're voting on. Now --

COMMISSIONER JACOBS: Whatever form should be annual, not quarterly.

COMMISSIONER LIEBERMAN: It says the disclosure referenced in the preceding sentence shall be done quarterly by County Commissioners and annually by municipal officials.

COMMISSIONER HOLNESS: Okay. Now we -- we -- my intent will be to come back and ask that it be done on Form 1 and an annual basis, but I think --

MAYOR GUNZBURGER: Oh, no.

COMMISSIONER LIEBERMAN: That's already failed.

COMMISSIONER WEXLER: That's already (inaudible).

COMMISSIONER HOLNESS: But -- but --

COMMISSIONER JACOBS: I know, what he's saying is --

MAYOR GUNZBURGER: He wants to do Form 1, which would (inaudible).

COMMISSIONER HOLNESS: Yeah, but what I'm --

COMMISSIONER JACOBS: I know that, but what he's saying is --

MAYOR GUNZBURGER: I'm not (inaudible) Form 1.

COMMISSIONER JACOBS: -- regardless of the form --

COMMISSIONER HOLNESS: Yes.

COMMISSIONER JACOBS: -- he would like to see it annual.

COMMISSIONER HOLNESS: That's correct.

COMMISSIONER JACOBS: And I think that's --

COMMISSIONER HOLNESS: That's correct.

COMMISSIONER JACOBS: -- that's unanimous on the Board.

COMMISSIONER HOLNESS: Right.

COMMISSIONER JACOBS: So rather than fight about which form it is, could we at least get off the table --

COMMISSIONER HOLNESS: Yes.

COMMISSIONER JACOBS: -- whether it's annual or quarterly?

COMMISSIONER HOLNESS: That's correct.

COMMISSIONER WEXLER: We voted for that.

COMMISSIONER HOLNESS: We lost.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER JACOBS: We did, and that's why he's --

COMMISSIONER HOLNESS: It was --

COMMISSIONER JACOBS: -- changing his vote, because he would like to have the annual change at least there --

COMMISSIONER HOLNESS: That's correct.

COMMISSIONER JACOBS: -- and debate the form another day.

COMMISSIONER HOLNESS: That's --

COMMISSIONER JACOBS: Or later on today.

MAYOR GUNZBURGER: No, that has to be done today and --

COMMISSIONER JACOBS: Well, later on today. At least to get this one off.

MAYOR GUNZBURGER: All right. So --

COMMISSIONER HOLNESS: Right. At least they'll get annual instead of quarterly.

MAYOR GUNZBURGER: All right. So you want it annual.

All those in favor of annual instead of quarterly -- and the next motion must be for which form, whether it's income or just a Form 1.

All those in favor of annual --

VICE MAYOR RODSTROM: Is that annual for everybody?

MAYOR GUNZBURGER: No, just --

UNIDENTIFIED SPEAKER: No.

COMMISSIONER HOLNESS: Yes.

COMMISSIONER JACOBS: No, just --

MAYOR GUNZBURGER: -- for the cities.

COMMISSIONER JACOBS: -- for the cities.

VICE MAYOR RODSTROM: Okay.

COMMISSIONER HOLNESS: Aye.

COMMISSIONER JACOBS: (Inaudible) while we can.

MAYOR GUNZBURGER: All those in favor, signify by saying aye and raise your hand.
One, two, three, four --

COMMISSIONER LAMARCA: This is annual.

COMMISSIONER HOLNESS: Five, six.

MAYOR GUNZBURGER: -- five --

COMMISSIONER LAMARCA: Annual.

COMMISSIONER HOLNESS: Yeah.

MAYOR GUNZBURGER: -- six.

COMMISSIONER JACOBS: Annual.

COMMISSIONER LAMARCA: So it's annual --

MAYOR GUNZBURGER: All right. Those opposed --

COMMISSIONER LAMARCA: -- no matter what form we go with.

COMMISSIONER HOLNESS: Yes.

MAYOR GUNZBURGER: -- those opposed?

It's five -- it's 6 to 3.

VOTE PASSES 6 TO 3 WITH MAYOR GUNZBURGER, COMMISSIONERS RITTER AND SHARIEF
VOTING NO.

MAYOR GUNZBURGER: All right. Now --

COMMISSIONER JACOBS: So, good, at least that's out of the way.

MAYOR GUNZBURGER: -- which form is it?

COMMISSIONER HOLNESS: Okay. And -- and -- and my motion is that we utilize Form 1 for that annual
report.

COMMISSIONER WEXLER: You know what?

COMMISSIONER LIEBERMAN: That -- that motion has already failed.

COMMISSIONER WEXLER: How many -- he's lost, and he was not on the winning side.

COMMISSIONER HOLNESS: All right. Well, there wasn't a separate --

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER HOLNESS: -- there wasn't a separate vote for that.

COMMISSIONER LIEBERMAN: There was. It's the first amendment. Commissioner Lamarca made it.

VICE MAYOR RODSTROM: It doesn't change.

MAYOR GUNZBURGER: (Inaudible.)

VICE MAYOR RODSTROM: Because if it does, I'm changing my vote --

UNIDENTIFIED SPEAKER: Commissioner Lamarca (inaudible).

VICE MAYOR RODSTROM: -- on the vote we just had.

MAYOR GUNZBURGER: All right. All those in -- who's the second on Form 1?

COMMISSIONER LAMARCA: It's -- it's failed.

UNIDENTIFIED SPEAKER: It failed.

MAYOR GUNZBURGER: It failed.

COMMISSIONER LAMARCA: It failed.

MAYOR GUNZBURGER: There's no second. It fails for lack of a second, so it's Form 6, and they have to disclose the income.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: All right. It's the form that we do. Whatever it is.

COMMISSIONER LAMARCA: Mayor?

MAYOR GUNZBURGER: Yes.

COMMISSIONER LAMARCA: In -- in an effort to -- because I was on the prevailing side of this issue before, can we reconsider Commissioner Wexler's proposal?

COMMISSIONER WEXLER: Thank you.

COMMISSIONER LAMARCA: It's -- it's not 6 and it's 1, but it has a provision --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: -- that if somebody has a contract --

COMMISSIONER WEXLER: Yes.

COMMISSIONER LAMARCA: -- that --

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER LIEBERMAN: Yes.

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER LIEBERMAN: I'll second your motion for reconsideration. Thank you.

COMMISSIONER WEXLER: (Inaudible.)

MAYOR GUNZBURGER: All those in favor of this reconsideration, signify by saying aye.

All right. Now we are reconsidering that -- all those opposed.

VOTE PASSES 7 TO 2 WITH COMMISSIONER SHARIEF AND RITTER VOTING NO.

COMMISSIONER LIEBERMAN: Okay. Move it as amended.

UNIDENTIFIED SPEAKERS: (Inaudible cross-talk.)

MAYOR GUNZBURGER: That moved -- passed 7 to 2.

COMMISSIONER JACOBS: (Inaudible) says if you're --

COMMISSIONER HOLNESS: Yeah.

COMMISSIONER JACOBS: -- going to lose your job because your employer gives you the out language to have something certified by your employer, you cannot disclose your income.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER LIEBERMAN: Move as amended --

COMMISSIONER JACOBS: So there is an out.

COMMISSIONER LIEBERMAN: -- page 10, line 13.

COMMISSIONER JACOBS: It can't just be because you don't want to say it.

COMMISSIONER HOLNESS: Oh.

COMMISSIONER RITTER: Point of information?

MAYOR GUNZBURGER: Yes.

COMMISSIONER RITTER: When -- when the County Code of Ethics was passed, was there any like provision which allowed County Commissioners additional time to get their affairs in order and then choose in their next --

UNIDENTIFIED SPEAKER: No.

COMMISSIONER JACOBS: No. So we're giving --

COMMISSIONER RITTER: -- election whether they could or could not -- so the voters who said impose the County Ethics Code on the municipal officials actually said do this as well.

VICE MAYOR RODSTROM: Uh-huh.

COMMISSIONER RITTER: Okay. Just -- just as a point --

MAYOR GUNZBURGER: All those --

VICE MAYOR RODSTROM: So is that --

COMMISSIONER RITTER: -- point of information.

VICE MAYOR RODSTROM: -- better than this?

COMMISSIONER JACOBS: No, she's making another point.

COMMISSIONER RITTER: Just point of -- I'm just asking. Just (inaudible).

MAYOR GUNZBURGER: All those in favor of this reconsideration, signify by saying aye.

COMMISSIONER LIEBERMAN: It's already been reconsidered.

COMMISSIONER HOLNESS: Yeah. No, in -- in terms --

MAYOR GUNZBURGER: No, we did not pass it. We're redoing it.

UNIDENTIFIED SPEAKER: It's under reconsideration.

COMMISSIONER HOLNESS: It's been -- we --

COMMISSIONER LIEBERMAN: We already voted on reconsideration.

MAYOR GUNZBURGER: No, we're voting on the amendment.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER LIEBERMAN: Right. I moved it as amended.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.

COMMISSIONER HOLNESS: (Inaudible) second.

MS. ARMSTRONG COFFEY: That's as amended.

MAYOR GUNZBURGER: All those opposed.

MAYOR GUNZBURGER: It passes 5 to 4.

MS. ARMSTRONG COFFEY: As amended.

VOTE PASSES 5 TO 4 WITH MAYOR GUNZBURGER, VICE MAYOR RODSTROM AND COMMISSIONERS RITTER AND SHARIEF VOTING NO.

COMMISSIONER LIEBERMAN: Okay. My -- you want me to move the next amendment?

MAYOR GUNZBURGER: (Inaudible.)

COMMISSIONER LIEBERMAN: The next amendment's on page 7, line 18. If you look at page 7, line 18, what it does currently is it refers to Florida Statute 112.3148. This amendment adds registered domestic partner, which is not in that State statute, and says minor child. It's immediate family, as opposed to just child for the definition of immediate family.

COMMISSIONER RITTER: So my adult child is not my immediate family?

COMMISSIONER LIEBERMAN: Not for purposes of this ordinance, if the amendment passes. If you want to take out minor, take out minor and leave it child, but I'm adding registered domestic partner.

UNIDENTIFIED SPEAKER: Good.

MAYOR GUNZBURGER: All right. Let's have those two together --

COMMISSIONER LIEBERMAN: Which two?

MAYOR GUNZBURGER: -- minor and --

COMMISSIONER LIEBERMAN: Okay.

UNIDENTIFIED SPEAKER: No, I --

MAYOR GUNZBURGER: -- take out --

UNIDENTIFIED SPEAKER: No.

VICE MAYOR RODSTROM: No, you want them separated.

MAYOR GUNZBURGER: All right. Separated.

VICE MAYOR RODSTROM: Yeah.

MAYOR GUNZBURGER: All right.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: So first I'm going to move it by adding registered domestic partner.

MAYOR GUNZBURGER: Is there a second?

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: Second.

MAYOR GUNZBURGER: All those in favor --

COMMISSIONER LAMARCA: Question on -- question on that -- on that issue. If somebody's not registered, I'm sorry, I have to ask --

VICE MAYOR RODSTROM: (Inaudible) not --

COMMISSIONER LAMARCA: -- questions, Mayor. I mean, I know you put my --

COMMISSIONER HOLNESS: (Inaudible.)

COMMISSIONER LAMARCA: -- me asking it, but if they're not registered, then they can lobby all they want.

VICE MAYOR RODSTROM: Sure.

COMMISSIONER LIEBERMAN: But registration shows that they actually are a domestic partner.

VICE MAYOR RODSTROM: Are a domestic partner.

COMMISSIONER HOLNESS: Right.

MAYOR GUNZBURGER: You know --

VICE MAYOR RODSTROM: All they have to do is not register.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: Wait a minute. They're not registered, but they got married in another state, does that count?

VICE MAYOR RODSTROM: Absolutely. So --

UNIDENTIFIED SPEAKER: That should count.

VICE MAYOR RODSTROM: -- marriage --

COMMISSIONER HOLNESS: Marriage, yeah.

VICE MAYOR RODSTROM: -- domestic partner.

COMMISSIONER LIEBERMAN: Yeah.

COMMISSIONER HOLNESS: Yeah.

COMMISSIONER LIEBERMAN: Fine.

COMMISSIONER LAMARCA: Married or domestic partner.

COMMISSIONER LIEBERMAN: Married or registered domestic partner.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: I didn't think so.

COMMISSIONER HOLNESS: What?

MAYOR GUNZBURGER: Because there are several couples that I know of that got married out of state --

COMMISSIONER LIEBERMAN: So, then, why don't we say married or registered domestic partner?

COMMISSIONER LAMARCA: Right.

COMMISSIONER HOLNESS: Yeah.

MAYOR GUNZBURGER: She said it wouldn't count if they got married out of state.

MS. ARMSTRONG COFFEY: If you just leave it as spouse --

COMMISSIONER LIEBERMAN: (Inaudible) in Florida.

MAYOR GUNZBURGER: Right.

MS. ARMSTRONG COFFEY: -- if you just leave it as spouse, we can leave that legal question for another day.

COMMISSIONER LIEBERMAN: Okay. So I'm going to move registered domestic partner.

MAYOR GUNZBURGER: Okay. All those in favor --

COMMISSIONER HOLNESS: (Inaudible.)

COMMISSIONER SHARIEF: No.

MAYOR GUNZBURGER: -- signify by saying --

COMMISSIONER SHARIEF: Mayor.

MAYOR GUNZBURGER: What?

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: Under the -- the rules for domestic partnership, domestic partners, the -- the income is not considered by law to be beneficial to the other person. I -- I don't know that to be the case in terms of domestic partnerships, that the income is considered as beneficial to the other person.

COMMISSIONER HOLNESS: (Inaudible.)

COMMISSIONER SHARIEF: I think that that was about more or less for the healthcare portion of -- of it in terms of having your -- your -- your domestic partner going in and making decisions for you, but I don't -- I don't believe that it has any -- it has any connection in terms of financial bearing.

So I think that there needs to be some clarification on that. I just -- you're not filing taxes together, you don't have to file taxes together under the domestic partnership rules and regulations.

MAYOR GUNZBURGER: You're not allowed to.

COMMISSIONER SHARIEF: No, but that's what I -- that's what I'm trying to say is --

COMMISSIONER JACOBS: You're saying it's not married (inaudible).

COMMISSIONER SHARIEF: No, it's not considered like a marriage, so you can't put that --

MAYOR GUNZBURGER: Can't even have --

COMMISSIONER SHARIEF: -- in here.

MAYOR GUNZBURGER: -- Social Security benefits.

UNIDENTIFIED SPEAKER: (Inaudible) move the agenda (inaudible).

COMMISSIONER SHARIEF: We need to just move past this. I -- I'm not going to vote for this. I don't think this is going to be legal in terms of putting registered domestic partner in there, because there's no benefit. You don't get that benefit.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Do you concur, Ms. Coffey?

MS. ARMSTRONG COFFEY: Well, what the Board is really looking is the extent of which you prohibit this

lobbying across --

COMMISSIONER LIEBERMAN: Right.

MS. ARMSTRONG COFFEY: -- really, and how far you're going to extend that.

I think that you likely have the authority to extend it if you wish to, but you don't have to.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.

Those opposed.

Three. 6 to 3.

VOTE PASSES 6 TO 3 WITH COMMISSIONERS SHARIEF, WEXLER, AND LAMARCA VOTING NO.

MAYOR GUNZBURGER: And now you wanted to take out the word minor?

COMMISSIONER LIEBERMAN: No, I was adding the word minor, but if there's no consensus for it --

MAYOR GUNZBURGER: No.

COMMISSIONER LIEBERMAN: -- I'll leave it out.

MAYOR GUNZBURGER: All right. Any other --

COMMISSIONER LIEBERMAN: Okay. The next amendment --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: -- the next amendment is on page 7, lines 22 through 23, which replaces what we just voted on with the -- instead of the term immediate family as defined in Florida Section 112.3148 so it's consistent with our prior vote.

COMMISSIONER RITTER: Second.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.

Opposed?

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER SHARIEF: Nay.

MAYOR GUNZBURGER: Okay.

VOTE PASSES 8 TO 1 WITH COMMISSIONER SHARIEF VOTING NO.

COMMISSIONER LIEBERMAN: The next amendment is page 16, line 20, which removes the word of municipals in front of the word Charter --

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER LIEBERMAN: -- so it applies to all Charter (inaudible).

MAYOR GUNZBURGER: It says line 22 here.

COMMISSIONER LIEBERMAN: No, page 16, line 20.

COMMISSIONER WEXLER: That's basically housekeeping.

COMMISSIONER LIEBERMAN: It takes out the word municipal, so it just says under their Charter.

MAYOR GUNZBURGER: Okay.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: Yeah.

COMMISSIONER WEXLER: (Inaudible) taking it out (inaudible).

COMMISSIONER LIEBERMAN: It just says Charter, as opposed to municipal. It doesn't limit it to municipalities only. We have a Charter change, if a governmental entity has a Charter change, it's according to their Charter.

So I move it.

COMMISSIONER LAMARCA: Second.

MAYOR GUNZBURGER: Are you saying it's redundant?

COMMISSIONER LIEBERMAN: You don't need the word municipal, right. If you have a Charter -- we have a Charter, they have a Charter, it's as defined by your Charter. You don't need the words "of municipalities."

MAYOR GUNZBURGER: All right. All those in favor, signify by saying aye.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER LIEBERMAN: Okay. Next one is on page 16, line 22 --

COMMISSIONER JACOBS: Same thing.

COMMISSIONER LIEBERMAN: It's the same thing. It's here twice. I'm sorry.

The final one --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: -- I'm going to withdraw 3414.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: And I think that's it.

MAYOR GUNZBURGER: All right. Then we have it -- the Code of Ethics and --

COMMISSIONER RITTER: We need to move this, don't we?

COMMISSIONER LIEBERMAN: What?

COMMISSIONER RITTER: We need to move this one.

COMMISSIONER LIEBERMAN: Which one?

COMMISSIONER RITTER: 16, line 22.

COMMISSIONER LIEBERMAN: We did. I just move --

COMMISSIONER RITTER: No, you moved line 20.

COMMISSIONER LIEBERMAN: Oh, okay. Move --

COMMISSIONER RITTER: You need to do it.

COMMISSIONER LIEBERMAN: Okay. I'll move it.

MAYOR GUNZBURGER: Is there a second?

COMMISSIONER LAMARCA: Second.

MAYOR GUNZBURGER: All those in favor --

MS. ARMSTRONG COFFEY: I'm sorry, Mayor, which one is this?

MAYOR GUNZBURGER: Just a moment. Mr. -- Mr. Meyers wants to chime in.

MS. ARMSTRONG COFFEY: It's -- we've got 16, line 22, and then backing up, there are two more amendments, and I think, Mayor, you already know this, that were attached to your item.

One is a delay on the lobbying ban --

MAYOR GUNZBURGER: Until the next term.

MS. ARMSTRONG COFFEY: -- until the next term.

MAYOR GUNZBURGER: That's --

MS. ARMSTRONG COFFEY: That's line -- excuse me.

MAYOR GUNZBURGER: -- the next time they stand for election.

MS. ARMSTRONG COFFEY: Right. Page 11, line 1.

COMMISSIONER LIEBERMAN: But we have in front of us page 16, line 20 at the moment.

MS. ARMSTRONG COFFEY: I'm sorry. I thought you had voted on that.

COMMISSIONER LIEBERMAN: 16, line --

MAYOR GUNZBURGER: No, we're -- we're doing this one.

All those in favor, signify by saying aye.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER LIEBERMAN: And then we have to move 16 -- the amendment to 16-22, which takes out municipal. It just conforms to the prior one.

UNIDENTIFIED SPEAKER: That's what we just did.

VICE MAYOR RODSTROM: We just did it.

MAYOR GUNZBURGER: We just did that.

COMMISSIONER LIEBERMAN: We did it. I'm sorry. Okay.

MAYOR GUNZBURGER: Now --

COMMISSIONER LIEBERMAN: Now --

UNIDENTIFIED SPEAKER: Sorry.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. ARMSTRONG COFFEY: Page 11 --

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER LIEBERMAN: Yes.

COMMISSIONER RITTER: Did that.

UNIDENTIFIED SPEAKER: Passed.

COMMISSIONER JACOBS: (Inaudible.)

MS. ARMSTRONG COFFEY: Page -- page 11, line 1 is a proposed amendment that would delay the lobbying ban on municipal officials, their family, and staff until the start of a new term of office.

COMMISSIONER WEXLER: I'll move that.

MAYOR GUNZBURGER: Page --

UNIDENTIFIED SPEAKER: Second.

MAYOR GUNZBURGER: -- page 11?

MS. ARMSTRONG COFFEY: Page 11, line 1.

COMMISSIONER WEXLER: Right. That's the second --

COMMISSIONER SHARIEF: Second --

MS. ARMSTRONG COFFEY: It's the second item in Exhibit 3.

COMMISSIONER LAMARCA: Attached to your (inaudible).

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER LAMARCA: (Inaudible.)

MAYOR GUNZBURGER: All right. Is that one that we have separately that came from you?

COMMISSIONER WEXLER: No.

COMMISSIONER RITTER: Not from me. But I have a question about it, if I may.

MAYOR GUNZBURGER: Yes.

COMMISSIONER RITTER: If we're going to define lobbying across as unethical under the proposed code, are we saying that it's not unethical until a year from now?

MAYOR GUNZBURGER: No.

COMMISSIONER RITTER: Or -- or until the balance of the municipal officers' current term?

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER RITTER: So -- okay. If it's unethical, it's unethical. A simple date shouldn't make a difference on whether it is ethical or not.

And so I'm not going to support it. I'm not going to support it. If it's unethical, it's unethical.

MAYOR GUNZBURGER: All right. Who has -- Commissioner Wexler.

COMMISSIONER WEXLER: Again --

MAYOR GUNZBURGER: Yes.

COMMISSIONER WEXLER: -- it's a sense of reasonableness for me. And I -- you know, I -- I hate to use Mayor Resnick as an example, but Mayor Resnick is a very good example for -- for this.

As far as I know, he does do some lobbying in his personal life, professional life, and he happens to be a wonderful elected official. Does that mean that he has to be in violation of this ordinance, or do we allow that he finish his term and then make that decision of I either don't run again or I don't lobby?

That -- that -- that's what's propelling me to support that sense of -- we have the option. For us, the die is cast. We know what our mark is. But as far as municipalities are concerned, there are very few that fall under this category.

But for the few that fall under this category, there's got to be a sense of reasonableness as well as the need for cost to these cities for special elections.

(COMMISSIONER WEXLER LEFT THE ROOM.)

MAYOR GUNZBURGER: Commissioner Jacobs.

COMMISSIONER JACOBS: I agree with the point on reasonableness. And it's a point that was raised at the beginning of this discussion about the implementation date that was raised by the League, by Commissioner Aronson.

If we don't -- and at the time I raised that question about the date being in January, the -- the comment from the County Attorney was, well, there are other dates in there that may make that moot, and that would mean that we're looking in the middle of a term.

So one way or the other, I think we need to understand that it's going to take cities a while, just as it did us, to come up to speed.

So the -- the issue, though, that Commissioner Ritter raises is problematic. You can't really get around that. The issue is that everybody's terms are all over the place. You have 31 cities, multiple -- you're going to have a state of confusion for some time in the County as each person's term ends and then they become subject.

MAYOR GUNZBURGER: There's a special election in November for a city.

COMMISSIONER JACOBS: But not for everybody.

MAYOR GUNZBURGER: No, for a person in that city.

COMMISSIONER JACOBS: Well, at any rate, the point that it's -- it's -- I guess what I would like is some clarification from the Attorney, because what I'm hearing from both of my colleagues, I share the position that some time and some grace needs to be given; we're changing the rules mid-stream, mid-term. We change -- it was changed for us in the middle of our (inaudible).

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER JACOBS: We didn't like it; we went along, we did it. But it was a smaller environment. So now we're talking Countywide. I -- it's problematic.

So, you know, the practicalities of some being -- of these rules applying to one Commissioner or one city because their elections are in March, and those who come up in March versus those who have a longer term. Maybe it's the Mayor who has a three year term instead of a two.

There is a point in time where everybody's going to be under the same rules, but that's quite some time away.

So the effective date is still, I think, a consideration.

MAYOR GUNZBURGER: I'm going to --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Yes.

COMMISSIONER RITTER: I've got a substitute.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Wait, wait, wait, wait, wait. I want to hear what the County Attorney says about that.

MS. ARMSTRONG COFFEY: We've been pretty direct about some of our concerns, legal concerns about imposing certain requirements on public officials that affect their livelihood.

And I can say that this provision goes part of the way toward addressing those concerns.

And our best advice for that purpose is to allow their terms to expire in order to deal with those issues to some degree.

COMMISSIONER JACOBS: So is it only for this piece of the ordinance, and the overall ordinance is not going to take effect until?

MS. ARMSTRONG COFFEY: No.

COMMISSIONER JACOBS: No.

MS. ARMSTRONG COFFEY: No, the reporting --

COMMISSIONER JACOBS: It's for --

MS. ARMSTRONG COFFEY: -- requirements, pursuant to -- well, we actually delayed those also. But, for example, the limitations on charitable fund raising and on political fund raising and training, unless you select a much later effective date, it will go into effect immediately in accordance with law.

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER JACOBS: Okay. So the balance of the ordinance is still immediately, even though this gives grace to the term. Okay.

So then we -- then the desire to have an effective date that starts in January would have to be subsequent to all of these being adopted. Then I could raise the issue then.

MS. ARMSTRONG COFFEY: Uh-huh.

COMMISSIONER JACOBS: Okay.

MAYOR GUNZBURGER: Commissioner --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: -- Lamarca.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Oh, Lieberman?

COMMISSIONER LIEBERMAN: Yeah. I have a question. It says the prohibitions stated in A and C shall not apply for the balance.

Well, I looked at A and C on page 11. A is elected officials should avoid even the appearance of impropriety.

COMMISSIONER RITTER: You don't do that for a year.

COMMISSIONER LIEBERMAN: And C is disclosure. And that's on page 12.

But, you know, while you're looking at that, I -- I am concerned about we had to adopt it immediately, and that affected the nine of us. I -- I wouldn't cause a special election to happen for us, and I don't want to cause a special election to happen for any city. They're expensive, and finances are tight.

The suggestion I would make to this amendment would be that it takes effect either on when their current term of office expires, or at the next regular citywide election, so that they're not forced to have a special election.

So, you know, I --

COMMISSIONER JACOBS: When you say regular (inaudible).

COMMISSIONER LIEBERMAN: -- for any of my colleagues who are hesitating because that might mean somebody's a two, somebody's a four, the key is not to cause special elections. And so you could add, you know, at the earlier of the end of their current term or the next regular citywide election.

VICE MAYOR RODSTROM: May I ask Commissioner Lieberman a question?

MAYOR GUNZBURGER: Yes.

VICE MAYOR RODSTROM: A point of order.

So what about in the case where an elected official resigned and that -- that seat was filled without a special election, but -- but because the city Charter allowed you to make an appointment? I mean, many cities have appointment power of -- of a Commissioner as opposed to having a special election.

COMMISSIONER LIEBERMAN: Commissioner, I'm just throwing it out as a suggestion.

VICE MAYOR RODSTROM: But I'm -- but I'm just saying --

MAYOR GUNZBURGER: You're right.

VICE MAYOR RODSTROM: -- you know, this --

MAYOR GUNZBURGER: Most cities do.

VICE MAYOR RODSTROM: -- notion that every city is going to have to have a special election because an elected official leaves office is not true. I mean, that's -- most -- most cases, that's rare, as opposed to the norm.

COMMISSIONER LIEBERMAN: Actually, it's required in Parkland --

VICE MAYOR RODSTROM: City of Fort Lauderdale, they appoint. They don't have special elections.

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: Yeah.

COMMISSIONER LIEBERMAN: You know, if I had time, I could tell you others.

I'm just throwing it out. If our concern is not to cause additional unnecessary cost, which is what I'm assuming is behind this amendment, and you want to have consistency, you could say at the earlier of their current term in office or at the next citywide regular election.

And I'm not necessarily moving that, but I know that some of you are hesitant --

VICE MAYOR RODSTROM: Providing that they don't have -- have to have a special election to fill a seat.

COMMISSIONER LIEBERMAN: Provided that they have to have a special election?

VICE MAYOR RODSTROM: To fill -- to fill the vacancy.

COMMISSIONER LIEBERMAN: I think what Ms. Coffey is raising is that for these prohibitions there needs to be a grace period, because when they were elected, they weren't in place. I believe that's her issue.

Am I correct?

MS. ARMSTRONG COFFEY: That is correct.

COMMISSIONER LAMARCA: Mayor, my -- I guess my question, and I'll get back to the -- to the grace period, but the question is if we did -- if they do have a grace period, during this time, they're prohibited from lobbying -- lobbying to any other cities? I mean, certainly that should be the case. That way, it's not -- as Commissioner Ritter said, if it's unethical now, it's unethical then.

But -- so to remove that portion of it while their profession is to lobby on behalf of other folks, it's not to the other cities, so that issue is not there.

The issue of the grace period and -- and I think what has -- what's been said by a few, when -- when you said County -- or citywide election, although I would -- wouldn't mind it being January 31st, that would -- it would have to be when all parties are going to go to the -- go to the polling place. In other words, have to be --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: -- out into August or --

COMMISSIONER LIEBERMAN: I'm fine with that.

COMMISSIONER LAMARCA: Okay.

COMMISSIONER LIEBERMAN: I'm fine with it.

COMMISSIONER LAMARCA: Okay.

MAYOR GUNZBURGER: Commissioner Ritter.

COMMISSIONER RITTER: Thank you.

If -- you know, maybe -- maybe we can -- maybe we can talk about the effective date of this before we -- before we decide on this particular amendment, because I would support it -- well, there would be no need for this amendment if the effective date of the ordinance was, for example, on election day next year. Because then people would just be leaving office or -- or they would choose not to run for office again, because they would know --

COMMISSIONER JACOBS: (Inaudible) November.

COMMISSIONER RITTER: Resign as of the November general election.

MAYOR GUNZBURGER: That's (inaudible).

COMMISSIONER RITTER: I realize that that's not going to get the Mayor's support, because she wants this yesterday.

But my concern is that we -- and -- and, by the way, this is, again, reasonable. I believe that what the city -- what the League of Cities proffered is reasonable.

The question is --

VICE MAYOR RODSTROM: Can I make a comment?

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER RITTER: -- for me, that --

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER RITTER: -- it's still lobbying. If we are trying to prohibit lobbying, then what Commissioner Lamarca suggested, I think is a reasonable change, which is you can't lobby across, and you can't bring a client to a city, but you can still do your job. You know, I know everybody calls this the Resnick Amendment, but in the case of Mayor Resnick -- and I'm sorry --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: Right. I mean, there are perhaps other things his law firm could give him to do that

are lobbying, but are not lobbying across, or bringing a client to a city.

Am I making myself clear?

MAYOR GUNZBURGER: Yeah.

COMMISSIONER RITTER: So I think that's actually a very reasonable way to fix this. (Inaudible.)

COMMISSIONER JACOBS: So you're advocating the effective date would be November --

COMMISSIONER RITTER: No, no, no. Well, there are two different arguments here. There's one, the effective date. But Commissioner Lamarca suggested that we just prohibit, even before their term expires, lobbying across or bringing a client in front of a city. And --

COMMISSIONER JACOBS: Just on that particular element.

COMMISSIONER RITTER: Just on this particular amendment -- element, which I think is a very reasonable approach to the -- to the issue.

And then I -- then I could support it.

VICE MAYOR RODSTROM: (Inaudible.)

MAYOR GUNZBURGER: Yes.

Vice Mayor.

VICE MAYOR RODSTROM: I think -- I think there's two parts to this. One, if you're thinking of -- of extending this whole ordinance and its application until next year, I mean, I -- I find that very troubling, because -- here's why I find it so troubling.

This was voted on in 2010, and so everybody's had ample notice to know that something was going to happen. And if anybody ever took the time to read what was passed, and knew what we were, you know, asked to do, they should understand that they weren't going to be too far behind us.

So I think -- I think that, certainly, they've had a lot of notice about that. That's not -- no surprise to folks.

But what I'm -- what I'm -- what I'm understanding, though, what our County Attorney is saying is she is troubled by the fact that you're prohibiting somebody's ability to earn a living, and that may be problematic for her from a legal perspective.

And so I would be inclined to listen to the County Attorney as it relates to this particular item, and that we ought not to restrict someone's ability to earn an income --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: I was just going to say, Commissioner -- Vice Mayor, your whole job description changed since that law was passed.

VICE MAYOR RODSTROM: What job description?

MAYOR GUNZBURGER: You were -- where you were working. You're doing something very different at work.

VICE MAYOR RODSTROM: But I'm still entitled to do what I did before. I'm not -- I don't -- I -- I can do business with other cities, as they've stated here. You know, (Inaudible) can do business with other cities. There's nothing that prohibits (Inaudible) from doing business with cities. Nothing. That's what -- I think I heard this

today. Yeah. The fact that I haven't done any doesn't mean I can't. I just am not --

MAYOR GUNZBURGER: Oh, I thought you couldn't.

VICE MAYOR RODSTROM: No, I'm not prohibited at all.

COMMISSIONER RITTER: But that's you.

VICE MAYOR RODSTROM: Well, that's me. But -- but -- but what I'm -- but what I'm -- what I'm talking about is as far as the Attorney's -- she's talking about prohibited -- I mean, she's worried about the constitutionality of this, and that -- and that, in the case of Mayor Resnick, for example, if we restrict his income, we could be unconstitutional. That's what your concern is, right? And -- and that --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: -- and that he needs to have an opportunity, when he comes up for reelection, to accept or reject this -- this new ordinance. And he certainly can do that because -- when he runs for reelection.

So, in his case, I can understand where it needs to -- this particular part of the ordinance needs to apply to those who are going to serve our their term, and then when they're -- when -- at the end of that term, that's when it kicks in.

COMMISSIONER JACOBS: And -- and I guess --

VICE MAYOR RODSTROM: That's what you're saying, right?

COMMISSIONER JACOBS: -- I would really like to remind you --

MAYOR GUNZBURGER: Just a minute.

VICE MAYOR RODSTROM: Unless you want to go against the Attorney.

COMMISSIONER JACOBS: -- that it isn't just the elected official under this ordinance, it's their immediate family members.

VICE MAYOR RODSTROM: It's immediate family. So --

COMMISSIONER JACOBS: So the -- you know, what the County Attorney is --

VICE MAYOR RODSTROM: -- so you're limiting (inaudible).

COMMISSIONER JACOBS: -- (inaudible) is a (inaudible) --

VICE MAYOR RODSTROM: Right. Right. But -- but it is --

COMMISSIONER JACOBS: -- group --

VICE MAYOR RODSTROM: -- but if -- but if your own County Attorney is telling you --

COMMISSIONER JACOBS: -- (inaudible).

VICE MAYOR RODSTROM: -- it's unconstitutional --

COMMISSIONER JACOBS: Exactly.

VICE MAYOR RODSTROM: -- then I think you ought to listen, because it doesn't do us any service that we know our County Attorney's saying she can't defend. I think that's what we --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: We did that ourselves.

UNIDENTIFIED SPEAKER: But mine was (inaudible).

VICE MAYOR RODSTROM: You know what? So let us go sue. All right?

COMMISSIONER RITTER: Okay. Is that (inaudible) Rodstrom?

VICE MAYOR RODSTROM: I'm not -- I don't -- I have nothing to sue about.

MAYOR GUNZBURGER: Commissioner Lieberman, Holness.

COMMISSIONER LIEBERMAN: The reason I suggested amending this section is because, as a practical matter, what it does is pretty much what the County Attorney is recommending. It effectuates a delay provision, and it doesn't cause a special election.

So if you say at the -- when their current term of office expires or at the next -- the way Commissioner Lamarca, the next regular citywide election where all of the voters come to vote, so it's not a Primary; it's got to be a general election, it gives time for this issue, so you don't cause -- I don't -- you know, I don't know how many people are similarly situated to Mayor Resnick. And we keep using him as an example, and I apologize.

I don't know how many besides Mayor Resnick are impacted and what terms they expire. But if the -- you know, if the issue is that you don't want to have different terms that this applies, I think you -- as long as you have, for lack of a better word, an amortization period, I think -- and I'd ask the County Attorney -- we're probably okay.

On the other hand, if you want to -- if you definitely feel that it should be -- even if it's three years from now, that they -- this wasn't in place when they ran, and thus we can't impose it now, I'm fine with that, too.

But we need to get clarification.

MS. ARMSTRONG COFFEY: The longer the amortization period, the better your legal case is.

COMMISSIONER HOLNESS: Okay.

COMMISSIONER LIEBERMAN: Okay.

MS. ARMSTRONG COFFEY: So if you made that the later of your two choices, we could -- we could do that.

(COMMISSIONER JACOBS LEFT THE ROOM.)

COMMISSIONER LIEBERMAN: That's all I ask. Thank you.

COMMISSIONER HOLNESS: And -- and -- and I think --

MAYOR GUNZBURGER: Commissioner Holness.

COMMISSIONER HOLNESS: -- if we -- yeah, I believe if we're going to make it the later of, might as well just keep it the way it is and have it --

COMMISSIONER LIEBERMAN: Yeah, just keep it the way it is.

COMMISSIONER HOLNESS: -- and have it when their term expire, considering that it also applies to their family, which is not just your spouse but kids and -- and others.

So let's not make folks not able to take care of their families. That -- that would be a -- a terrible thing for us to do, I believe.

COMMISSIONER LIEBERMAN: I'm going to remove my amendment based on what the County -- that's why I asked her to clarify.

And I'll move the item as written.

COMMISSIONER HOLNESS: Second.

(COMMISSIONER WEXLER RETURNED TO THE ROOM.)

UNIDENTIFIED SPEAKER: It was (inaudible).

COMMISSIONER WEXLER: I thought I'd already moved it about 20 minutes ago.

COMMISSIONER LIEBERMAN: I'm sorry. I lost track of that. I apologize.

MAYOR GUNZBURGER: And which one are we on now? Since we've talked it to death?

COMMISSIONER WEXLER: You are on -- you are on language (inaudible) prohibition of engaging (inaudible).

MAYOR GUNZBURGER: Oh, now we're back to that page.

COMMISSIONER HOLNESS: All this time.

COMMISSIONER LIEBERMAN: Yeah, it's on line 11 -- I'm sorry -- on page 11, line 1, subsection D, which the County Attorney is recommending to -- you know, she's got to defend the ordinance, and so I'm moving what she suggested.

COMMISSIONER WEXLER: Okay. Let her move. Fine. I'll second it.

COMMISSIONER LAMARCA: Adding that they cannot lobby across while they're in that position?

COMMISSIONER HOLNESS: No.

COMMISSIONER LAMARCA: No?

COMMISSIONER WEXLER: No?

COMMISSIONER LIEBERMAN: No. She --

VICE MAYOR RODSTROM: No, because she's saying that that's not -- it's going to be hard for her to defend.

MS. ARMSTRONG COFFEY: Really, that's all that A and C are about, is lobbying across. There's no prohibition in the ordinance with regard to State government or federal government.

COMMISSIONER LAMARCA: Or the County?

UNIDENTIFIED SPEAKER: Okay.

MS. ARMSTRONG COFFEY: It does cover the County.

COMMISSIONER HOLNESS: Those in favor.

MAYOR GUNZBURGER: I'm -- all right. I'm waiting for everyone to be ready.

All those in favor, signify by saying aye.

All those opposed.

It passed 5 to 3.

COMMISSIONER WEXLER: Six.

MAYOR GUNZBURGER: Six to three.

VOTE PASSES 6 TO 3 WITH MAYOR GUNZBURGER, COMMISSIONERS RITTER, AND SHARIEF VOTING NO.

(COMMISSIONER JACOBS RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: Move it as amended.

MAYOR GUNZBURGER: You're moving the whole --

COMMISSIONER LIEBERMAN: I am, as amended.

MAYOR GUNZBURGER: Finally.

COMMISSIONER LIEBERMAN: That's the last of the amendments (inaudible).

MAYOR GUNZBURGER: I have -- oh, I have -- I think we have one more thing on the table.

COMMISSIONER LIEBERMAN: Oh, I'm sorry. I'll move 14. I apologize. Page 14, line 16 has not been moved.

COMMISSIONER LAMARCA: Second.

MAYOR GUNZBURGER: What -- which one is that now?

COMMISSIONER LIEBERMAN: That's the one that says salary that a municipal official earns from a not-for-profit charitable organization is not a quid pro quo or other special consideration. Also recommended by the County Attorney.

MAYOR GUNZBURGER: Commissioner Ritter.

COMMISSIONER RITTER: Here's the problem with that one, as I see it. Regardless of your personal capacity, you are always a Commissioner, even if you're not working in your official capacity.

So, for example, if I called someone and solicited a charitable contribution and said, hey, this is Stacy Ritter, can you give me a thousand dollars for X, Y, Z charity, I'm subject to disclosure --

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER RITTER: -- regardless.

MAYOR GUNZBURGER: So am I.

COMMISSIONER RITTER: There -- there is -- there is a potential for an appearance, if someone works for a non-profit, that they are calling, even though their full time employer is a non-profit, that they are calling as Commissioner So-and-so.

And the appearance doesn't go away just because you happen to be calling from your 9:00 to 5:00 job.

And I do not think, having read and re-read, and received an opinion from the County Attorney with respect to charitable disclosures, I don't think it's that big of a deal. I personally do not think that this particular disclosure is that big of a deal.

So I can't support it. Regardless of what they do privately, you're not impacting their income, they can still work. They just have to disclose who they call to solicit, regardless of their personal life.

MAYOR GUNZBURGER: Commissioner Lamarca.

COMMISSIONER LAMARCA: Which, if it were tracking phone calls, I think it -- I would agree a hundred percent. If you send a mailer out, a postcard out for Boys and Girls Club or something, and that's your day -- your daytime employer, and you send it to half of the Broward County homes, or all the Broward County homes, you --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: -- what would you have to do?

MS. ARMSTRONG COFFEY: One would have to disclose the name of the Boys and Girls Club --

COMMISSIONER LAMARCA: Uh-huh.

MS. ARMSTRONG COFFEY: -- the event for which you're soliciting the funds, and the name of any individual or entity that may have promoted the solicitation. You don't actually have to disclose the person solicited, under the existing ordinance.

COMMISSIONER LAMARCA: Okay.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: All right.

COMMISSIONER HOLNESS: Okay.

COMMISSIONER JACOBS: (Inaudible) question on that, Mayor?

MAYOR GUNZBURGER: Yes.

COMMISSIONER JACOBS: And you wouldn't then have to disclose all the donations that came in subsequent to your, in essence, ask?

COMMISSIONER HOLNESS: We don't know.

MS. ARMSTRONG COFFEY: There's no requirement of a disclosure of donations.

COMMISSIONER JACOBS: All right.

MAYOR GUNZBURGER: I thought that if the -- if you -- if you sign your name to an ask for a non-profit, and you do nothing more and do not write on each one please give, Sue, you do -- those, you would have to disclose, the ones you personally write on. But if it's a general mailing you do not have to, A, have the whole mailing list, and, B, disclose how much the -- the fund raiser brings in --

COMMISSIONER HOLNESS: (Inaudible.)

MAYOR GUNZBURGER: -- for a charity, not for --

COMMISSIONER JACOBS: Not for political.

MAYOR GUNZBURGER: -- an elected official.

COMMISSIONER JACOBS: Okay.

COMMISSIONER HOLNESS: Uh-huh.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Right. That's not a big deal.

Commissioner Holness --

COMMISSIONER JACOBS: (Inaudible.)

MAYOR GUNZBURGER: -- Commissioner -- Vice Mayor.

COMMISSIONER HOLNESS: Yes. In -- in terms of it is -- it is probably going to be somewhat limiting on -- on these folks, because one elected official says, you know, what -- what it does is now people that I approach probably going to have an issue with -- with really talking to me and -- and giving my organization the opportunity, because now it has to be out there in -- in -- in -- in the public domain that they talked to me about helping this non-profit organization.

(COMMISSIONER RITTER LEFT THE ROOM.)

COMMISSIONER HOLNESS: So it's troubling from -- from that standpoint.

But -- but if I may ask our -- our County Attorney, would you tell us why you proposed this?

MS. ARMSTRONG COFFEY: This was actually proposed on behalf of folks who work for non-profits for a living.

I think the first sentence is a little bit different from the second sentence in this amendment. In your existing ordinance, it says that a solicitation of funds by an -- by County Commissioner it says now, for a non-profit charitable organization is permissible as long as there's no quid pro quo or other special consideration, including any direct or indirect benefit between the parties to the solicitation.

Well, a person who works full time for a not-for-profit, his employment success is judged in part by how many funds he -- he brings in, or how much he brings in in the way of donations.

So we were, I guess, a little concerned that, at least as to the first sentence, that person not be somehow subject to some kind of charge that he's receiving a direct or indirect benefit because he's soliciting charitable contributions.

COMMISSIONER HOLNESS: Okay.

MS. ARMSTRONG COFFEY: As to the second one, that was -- that just seemed like it was --

COMMISSIONER HOLNESS: Okay. I move the amendment.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: Oh, you moved it already? Okay.

MAYOR GUNZBURGER: Vice Mayor.

VICE MAYOR RODSTROM: Frankly, I think that, you know, the problem that I have is that you, as a County Commissioner, or as an elected official, have powers that you may not deem as powers, but the people that you're going to be soliciting deem as powers, and that you have power over.

Again, if I were -- if I were solicited by a City Commissioner and I know I had a zoning item coming in front of you next week, there's no way that I would say no to anything that you might ask me to do in the way of a charitable contribution.

Frankly, you shouldn't be allowed to even ask for charitable contributions if you have power over that person, because the only reason you're successful in asking is not because you're such a hell of a great fund raiser, it's because you have power over these people.

MAYOR GUNZBURGER: Right.

VICE MAYOR RODSTROM: And that's what's so scary about it. I mean, Fort Lauderdale prohibits it completely from third parties, because they had Commissioners that would solicit while they were at City Hall and passing out zoning items at City Hall, saying, look, while you're here, give us some money, I need it for this charity or that charity.

We had a County Commissioner who will remain nameless who, when you went to see this person, you know, wanted a contribution for their church, and then would ask you, you know, for -- and then we had another one that wanted a political contribution. You know, so --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: -- you -- we should not even be doing this, but --

MAYOR GUNZBURGER: Right.

VICE MAYOR RODSTROM: -- but we have felt so badly because --

MAYOR GUNZBURGER: (Inaudible.)

VICE MAYOR RODSTROM: -- historically we did a lot of fund raising for charities without thinking about the implications.

But there is an appearance of impropriety, and so anything you can do to fix that appearance of impropriety, you ought to be doing.

So this -- so I don't see this -- the fact that you're asking for disclosure, to me, is -- is --

MAYOR GUNZBURGER: Fine.

VICE MAYOR RODSTROM: -- barely going far enough, but it's certainly not -- it's not onerous compared to a total prohibition, which we probably should have done in the first place.

MAYOR GUNZBURGER: All right. All those in favor, signify --

COMMISSIONER LAMARCA: Mayor?

MAYOR GUNZBURGER: Oh.

(COMMISSIONER RITTER RETURNED TO THE ROOM.)

COMMISSIONER LAMARCA: I -- I -- just so I'm comfortable, I'd like to get clarification. Are we allowed to call somebody back up for a question, a member of the public?

COMMISSIONER JACOBS: (Inaudible.) Is it a Commissioner? You can.

COMMISSIONER LAMARCA: A Commissioner from --

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER LAMARCA: -- Commissioner Long, if I could, for a moment. And I'm using him because he's here, just like Mayor Resnick on these -- on this issue. And I'm going to actually ask the County Attorney as well, because I -- I want to be very clear that somebody in that line of work can still do that work if we pass it as -- as listed, not as amended.

Can you explain or tell me -- tell me for sure? In other words, those -- those -- that reporting that you -- that you mentioned, was -- was fine. And I wanted to clarify, is that your understanding, Commissioner Long, as to --

COMMISSIONER LONG: Well, I guess the confusion I had was -- and I do understand if you're saying you're soliciting in a mass mailing, you -- it's not a problem. The bigger concern as a professional fund raiser is that many of your solicitations are done in person. It is not done because I'm a City Commissioner, it's because I work for X, Y, Z Foundation supporting this cause.

And that's how I represent myself, 100 percent of the time. Because I have compliance issues as well.

And this -- and -- and I use the example of a -- of the Lillian S. Wells Center at Broward General. That was a four and a half billion dollar gift. That did not come with a postcard. That came with seven months of negotiations with the Foundation, the Board of Directors, and the principal person there.

And I can tell you, because of their demand for privacy, that that would have never happened if I had to follow under this code of ordinances as currently written.

And, Vice Mayor, I understand what you're saying, as a County Commissioner or as an elected official coming out, just doing a mailing or a calling under the guise of you know who I am, as compared to someone who does it full time for a single organization, I believe there's a major difference between that. And that's --

VICE MAYOR RODSTROM: And -- and I don't have a problem with you going to someone who's not a lobbyist - - excuse me, not a vendor doing business with the City that you represent. If you're -- if you're talking about a total stranger or someone who's removed from your governance, I don't have a problem with you soliciting.

It's only when you're soliciting someone who's doing business with the city, or will be doing business with the city, where you have that special power over them.

COMMISSIONER LONG: And --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: That's where you have to be careful.

COMMISSIONER LONG: (Inaudible.)

COMMISSIONER LAMARCA: Well, I mean, do we have the ability to limit -- I mean, I'm just going to say nobody -- nobody -- no issues in Lighthouse Point that we're going to affect the -- the Wells Foundation, I can tell you that.

MAYOR GUNZBURGER: No.

COMMISSIONER LAMARCA: But so -- so we're -- we're basically at something where we have an issue of conflict --

MAYOR GUNZBURGER: Exactly.

COMMISSIONER LAMARCA: -- (inaudible) the other ones. You know, can we -- can we fine tune that so that people can continue to do good -- good work on charitable causes without --

MAYOR GUNZBURGER: Except where there is conflict --

COMMISSIONER HOLNESS: (Inaudible.)

MAYOR GUNZBURGER: -- within the --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: -- in -- in the municipality in which they serve.

UNIDENTIFIED SPEAKER: So are you --

UNIDENTIFIED SPEAKER: That's what it is.

MAYOR GUNZBURGER: That's all you have to add.

COMMISSIONER LAMARCA: So that wouldn't be an issue there.

COMMISSIONER LAMARCA: Now, your other concern before was that the -- the executives of that foundation, or the folks in charge of actually writing that check, do you think they would or would not have made that check if they wanted to be -- remain anonymous, for example?

COMMISSIONER LONG: Well, I mean --

COMMISSIONER LAMARCA: Because that's the other (inaudible).

COMMISSIONER LONG: -- as the donor's right of being anonymous, or there's certain areas, as I mentioned, when you have law enforcement, where they don't have (inaudible) --

COMMISSIONER LAMARCA: Right. (Inaudible.)

COMMISSIONER LONG: -- and things like that. You would have some issues there.

But in this particular case, you know, I would say the Wells Foundation would not have engaged in it earlier, but after the fact, if they were -- after the gift was made, rather than the solicitation --

COMMISSIONER LAMARCA: Okay.

COMMISSIONER LONG: -- that they would have actually then -- you know, it's public. It became public to the Board of Commissioners --

COMMISSIONER LAMARCA: Right.

COMMISSIONER LONG: -- the North Broward Hospital District approved it. It was approved on all points. That would have been okay.

But prior to the -- the actual beginning solicitation, there would have been a major issue.

COMMISSIONER LAMARCA: Would -- would -- okay.

COMMISSIONER LONG: And I would say that holds true for most major donors.

COMMISSIONER LAMARCA: Would we be able -- would -- in reporting, if somebody wanted to give a donation, a large donation, that wants to remain anonymous, I'm more concerned with their anonymity than -- than what we're dealing with here. Can they -- can they remain unlisted with regard to that contribution?

MS. ARMSTRONG COFFEY: You see, the difficulty is the very reason for the disclosure requirement, is to find out who is making charitable contributions.

I supposed you could craft something that says that -- and, by the way, I think we can live without the first sentence in this amendment. It was designed as a protection for these folks, but as long as they're not soliciting as a quid pro quo, I don't think we need that.

With regard to the disclosure requirement, if you exempt from disclosure a donor who doesn't do business with that elected official's municipality, you are -- you are failing to capture some things that were intended to be captured by -- that said, you can do it, but it just fails to capture some things that were -- that very purpose of disclosure exists for.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. ARMSTRONG COFFEY: Bear with us just one second.

COMMISSIONER RITTER: (Inaudible.)

MAYOR GUNZBURGER: Yes.

COMMISSIONER RITTER: Well, I guess it's not for Mr. Long.

I just -- I'm just wondering what he would be required to disclose in this circumstance.

MAYOR GUNZBURGER: Well, if it's not someone that --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: -- that is going to do business --

COMMISSIONER RITTER: (Inaudible.)

MAYOR GUNZBURGER: -- with or currently doing business with the city, I don't think he'd be --

COMMISSIONER RITTER: Well, no --

MAYOR GUNZBURGER: -- required --

COMMISSIONER RITTER: -- as current -- as currently proposed. You -- you --

COMMISSIONER HOLNESS: He would have to disclose.

COMMISSIONER RITTER: Ms. Coffey, in this -- in this particular situation, under the current Ethics Code, what would Mr. Long be required to disclose?

MS. ARMSTRONG COFFEY: It's a great point, something Mr. Meyers was just pointing out to me.

You don't have to disclose the donor, only someone who promoted the donation, and the other things that I

mentioned earlier. So the donors don't have to be disclosed.

MR. MEYERS: The way this has been interpreted is if somebody -- and it's not really for purposes of somebody who works in this field full time. If the -- remember, this is drafted for you all, for (inaudible).

MAYOR GUNZBURGER: Right. It's the exception to our rule.

MR. MEYERS: Yes.

UNIDENTIFIED SPEAKER: And there are a few others, I might add.

UNIDENTIFIED SPEAKER: And -- and so what it would (inaudible) meant to you on (inaudible) --

MAYOR GUNZBURGER: Well, but with --

MR. MEYERS: -- we drafted is to figure out if anybody asked you as a favor to them, or, you know, for a cause that they believe in to raise money for them, they're the ones that promoted the solicitation. That is -- that is the name of the person or entity that would need to be disclosed. That has been our consistent interpretation of this provision.

So the name of the donor would not be required under this. You would only have to disclose -- you know, even if you -- if you do this on a full time basis, you would have to disclose on our form the name of the charitable organization by which you're employed, the event for which funds solicited if there was any particular event associated with that, and the name of the individual or entity that may have promoted the solicitation.

The purpose for the exception was to make sure that by doing his job nobody could -- it wasn't for you. I don't even know you, sir.

(Laughter.)

MR. MEYERS: Anybody in that position doing the job could not be accused of accepting an inappropriate quid pro quo on the basis of this ordinance, and also to prevent somebody in this position from having to fill out, I don't know, 30 disclosure forms a day, which detracts from the time that it takes to -- to do the work, and (inaudible).

COMMISSIONER WEXLER: That's what we want, right?

MAYOR GUNZBURGER: Yes. We just don't want someone who is either a City or County Commissioner to solicit on behalf of a charity and go directly to vendors and businesses that do business with that entity.

MR. MEYERS: I -- I don't know that there's any prohibition on that now.

MAYOR GUNZBURGER: Well --

MR. MEYERS: I don't -- I don't think there is.

MAYOR GUNZBURGER: -- well, that's -- that's misusing the office, isn't it?

COMMISSIONER HOLNESS: Yes, it is.

MR. MEYERS: Well, (inaudible) misusing the office. I mean, (inaudible) try to say that it is, but just (inaudible).

COMMISSIONER JACOBS: (Inaudible.)

MR. MEYERS: Yeah, this --

COMMISSIONER HOLNESS: Okay.

MR. MEYERS: -- this was just intended -- you know, the perfect example here, but, again, didn't know this gentleman, intended to make sure that no one could say that by him doing his job for some -- that position doing his or her job, there -- the compensation that's received is an inappropriate or unlawful quid pro quo or tradeoff, and to make sure that the person's able to actually do their job, as opposed to spending an hour a day filling out disclosure forms.

That was the -- that was the intent.

COMMISSIONER HOLNESS: Okay.

MAYOR GUNZBURGER: Can we get through this, please?

COMMISSIONER HOLNESS: So, Mayor, those in favor?

MAYOR GUNZBURGER: All right. What are we going to do with this?

COMMISSIONER HOLNESS: Those in favor.

MAYOR GUNZBURGER: I think we've solved it for this gentleman, haven't we?

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER HOLNESS: So those in favor. Yes, if we pass this. If we pass --

MAYOR GUNZBURGER: We passed it.

COMMISSIONER HOLNESS: -- if we -- we haven't passed it yet, Mayor. We've got to move it.

COMMISSIONER WEXLER: We haven't passed it.

MAYOR GUNZBURGER: All right.

COMMISSIONER WEXLER: So are we at -- so the motion was made. Please, Legal, help me. The motion was made -- because I'm -- I'm a little brain dead right now, honestly -- to -- to put this in our -- in the ordinance --

COMMISSIONER HOLNESS: Yes.

COMMISSIONER WEXLER: -- and it sounds like you concur that, with this language, not -- nothing's struck -- struck out, right? You want the whole thing in there. That that would protect situations as Mr. Long.

COMMISSIONER HOLNESS: Right.

MS. ARMSTRONG COFFEY: Yes, we think it would -- it would help people in that situation who are receiving compensation because it's their job for soliciting.

COMMISSIONER WEXLER: It's his job --

MS. ARMSTRONG COFFEY: Right.

COMMISSIONER WEXLER: -- to be employed by a not-for-profit --

MS. ARMSTRONG COFFEY: Correct.

COMMISSIONER WEXLER: -- a charitable organization.

MS. ARMSTRONG COFFEY: Correct. And we think this would be beneficial to a person in his position.

COMMISSIONER WEXLER: Okay. I kind of --

MS. ARMSTRONG COFFEY: Although we don't --

COMMISSIONER WEXLER: -- I kind of -- I've been all over the board here on this item.

MAYOR GUNZBURGER: All right.

COMMISSIONER SHARIEF: Call the vote.

COMMISSIONER HOLNESS: Aye.

MAYOR GUNZBURGER: Let's call for a vote.

All those in favor, signify by saying aye.

Opposed, like sign.

COMMISSIONER RITTER: No.

COMMISSIONER SHARIEF: No.

MAYOR GUNZBURGER: Okay. It passes --

VOTE PASSES 7 TO 2 WITH COMMISSIONERS RITTER AND SHARIEF VOTING NO.

COMMISSIONER LIEBERMAN: Okay. Now can I move it as amended?

MAYOR GUNZBURGER: Move it as amended.

COMMISSIONER HOLNESS: Second.

MAYOR GUNZBURGER: Please.

COMMISSIONER LAMARCA: The whole thing.

COMMISSIONER JACOBS: Mayor, before we vote on the final -- we're voting on the final --

COMMISSIONER LAMARCA: That's it.

MAYOR GUNZBURGER: Final (inaudible).

COMMISSIONER LAMARCA: (Inaudible.)

MAYOR GUNZBURGER: Oh, I have one -- I have one more amendment. I forgot.

COMMISSIONER JACOBS: Okay. So --

MAYOR GUNZBURGER: I'd like it to take effect in 60 days. I think that gives them time --

COMMISSIONER LAMARCA: (Inaudible.)

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Okay.

COMMISSIONER WEXLER: How long did our wait to take effect? 90 days or 60 days or 120?

MAYOR GUNZBURGER: Sixty.

COMMISSIONER WEXLER: I don't remember.

COMMISSIONER LIEBERMAN: There was a time frame.

COMMISSIONER WEXLER: There was a time frame.

COMMISSIONER JACOBS: Madam Mayor, I would -- I would -- I would suggest that the League has asked for January 2nd, that is approximately in the area, and we ought to honor that request.

And that's the issue I started out with this morning or this -- whenever we started this topic --

MAYOR GUNZBURGER: It was afternoon.

COMMISSIONER JACOBS: -- was to honor the request of the League of Cities for January 2nd.

MAYOR GUNZBURGER: Is there a second on that?

COMMISSIONER WEXLER: Second.

COMMISSIONER RITTER: Second.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.

Opposed?

No.

COMMISSIONER SHARIEF: No.

VOTE PASSES 7 TO 2 WITH MAYOR GUNZBURGER AND COMMISSIONER SHARIEF VOTING NO.

MS. ARMSTRONG COFFEY: Just one more housekeeping matter, Mayor.

MAYOR GUNZBURGER: Yes?

MS. ARMSTRONG COFFEY: I'm sorry. But the item, the very first one that was proposed by Commissioner Lieberman, she withdrew her sponsorship, and Commissioner Lamarca -- I believe Commissioner Lamarca is willing to withdraw that at this point.

COMMISSIONER JACOBS: Which one?

COMMISSIONER LIEBERMAN: We voted on that.

COMMISSIONER WEXLER: We spent an hour and a half on that.

COMMISSIONER LIEBERMAN: Yeah. And -- and it was defeated.

COMMISSIONER JACOBS: Which one is that?

UNIDENTIFIED SPEAKER: No, that was the --

MS. ARMSTRONG COFFEY: No, this is the -- no.

COMMISSIONER LAMARCA: We're talking about the one that, Commissioner Lieberman, you had initially withdrawn and I didn't.

MS. ARMSTRONG COFFEY: This is the Form 1.

COMMISSIONER LAMARCA: (Inaudible) withdrawing it.

COMMISSIONER LIEBERMAN: Yeah.

MS. ARMSTRONG COFFEY: This is the Form 1.

COMMISSIONER LAMARCA: Because we -- we --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: -- correct.

COMMISSIONER JACOBS: The quarterly, we voted on that.

COMMISSIONER LIEBERMAN: No, no. This is (inaudible).

MAYOR GUNZBURGER: All right.

COMMISSIONER WEXLER: (Inaudible) as amended.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: No, we're not. I'm trying to get there.

Now we -- you're going to make the motion?

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER LIEBERMAN: I moved it as amended.

COMMISSIONER HOLNESS: Second.

MAYOR GUNZBURGER: I -- and there's a second.

All those in favor, signify by saying aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

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