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RESOLUTION NO. 2014-25

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE FLORIDA LEAGUE OF CITIES AND LEGISLATION CONCERNING ETHICS; PROVIDING FOR DISTRIBUTION BY THE VILLAGE CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].**

**WHEREAS**, the Mayor and Village Council desire to establish their legislative agenda items and to express their concerns as to State legislative items; and,

**WHEREAS**, the Mayor and Village Council support the efforts of the Florida League of Cities as to legislation that provides for a judicious code of ethics for public officials to protect and preserve the public trust, provides a reasoned and balanced manner by which public officials may identify, disclose, and resolve (or otherwise avoid), conflicts between public duty and private interests, and recognizes the home rule authority of each municipality to independently adopt more stringent standards for its own public officials; and,

**WHEREAS**, the Mayor and Village Council are supportive of Senate Bill 606 (Clemens) and House Bill 655 (Hood) have been filed for the 2014 Legislative Session. The bills are substantially similar and provide the following:

- Require elected municipal officials to complete 4 hours of ethics training annually beginning January 1, 2015.
- Authorize a reporting individual or procurement employee to receive a legal opinion regarding application of the gift law (this provision is similar to current law for state legislators).
- Authorize a reporting individual or procurement employee to receive a legal opinion regarding application of the honoraria law (this provision is similar to current law for state legislators).
- Require the Commission on Ethics to impose a civil penalty (\$1,000 - \$5,000) if a complainant files an ethics complaint knowing (or with reckless disregard that) it is false, with malicious intent to injure the reputation of an officer or employee, and discloses the contents of the ethics complaint before the complaint becomes a public record.
- Require the Commission on Ethics to dismiss a complaint based upon an alleged conflict of interest if the accused state, county, municipal or school district officer or employee consulted with the public agency's attorney and acted in good faith according to the attorney's advice.

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- Authorize political subdivisions to adopt, by charter or by ordinance, ethics requirements more stringent than those prescribed in state statute only for officers and employees of that specific political subdivision (i.e., a county could not impose ethics requirements onto municipal officers or employees).
- Expand the circumstances where a member of a board, commission, or agency may abstain from voting if there is or may be a conflict of interest under more stringent local standards of conduct and allow for disclosure of the conflict.
- SB 606 repeals a requirement to report any gift valued over \$100 if the gift has not been otherwise prohibited or reported under current law as being from a lobbyist, vendor, or political committee.
- HB 655 authorizes the use of a certificate of recusal by an official with a voting conflict.

**WHEREAS**, the Village of Palmetto Bay supports the Florida League of Cities, and urges the legislature to support House Bill 655 and Senate Bill 606.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing "Whereas" clauses are hereby ratified as true and correct and are incorporated herein by this reference.

**Section 2.** The Village hereby files its support of the legislative priority of the Florida League of Cities as it relates to the Ethics and its support of House Bill 655 and Senate Bill 606.

**Section 3.** The Village Clerk shall provide executed copies of this resolution to the Village's lobbyist, and to the Florida Legislature, the Mayor of Miami-Dade County, each member of the Miami-Dade Board of County Commissioners, as well as each municipal clerk in Miami-Dade County for the purpose of distributing copies to members of their respective governing councils.

**Section 4.** This resolution shall be effective immediately upon its adoption.

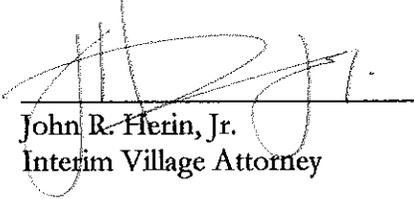
PASSED and ADOPTED this 3<sup>rd</sup> day of March, 2014.

Attest: Meighan Alexander  
Meighan Alexander  
Village Clerk

Shelley Stanczyk  
Shelley Stanczyk  
Mayor

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:



John R. Herin, Jr.  
Interim Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Patrick Fiore                    YES
- Council Member Tim Schaffer                    YES
- Council Member Joan Lindsay                    YES
- Vice-Mayor John DuBois                    YES
- Mayor Shelley Stanczyk                    YES