

**Weiss Serota Helfman  
Cole & Bierman, P.L.**

# Memo

To: James Norton, City Commissioner, City of Weston

From: Jamie A. Cole, City Attorney, City of Weston

Date: March 17, 2016

Re: Ability of Elected Official to Attend Event (Broward Workshop)  
CAO : 16-W6 (Gift Reporting and Acceptance)

cc: City Commission  
City Manager

---

You have been invited by the Broward Workshop to attend the “8<sup>th</sup> Annual State of our County Forum on April 8, 2016. According to the invitation, the event will include breakfast with an estimated value of \$25. You wish to know whether the local ethics ordinance permits you to attend this event and accept the gift.

Section 1-19(c)(1)(a) contain certain restrictions on the acceptance of gifts. A municipal official and his or her relatives are prohibited from accepting gifts with a value in excess of \$5.00 from contractors, vendors, potential suppliers of the governmental entity. There are, however, circumstances set forth in the ordinance which permit elected officials to accept gifts greater than \$5.00 from these sources. The Broward Workshop is a 501(c)(4) nonprofit organization and is not currently a vendor or contractor with the City of Weston and is not registered as a lobbyist with the City. Consequently, you would not be precluded from accepting a gift worth more than \$5.00 from the Broward Workshop

Section 1-19(c)(1)(b) states that elected officials may accept gifts from other source given to them in their official capacity up to a maximum of \$50 per occurrence unless one of the exceptions enumerated in ordinance exists. Additionally, the \$50 limitation is not applicable if the gift is given to the elected official is his or her “personal (non-official) capacity.

In the instant case, you have been invited to this event in your official capacity and are limited to accepting a gift from this donor of no more than \$50. Since the breakfast is valued at \$25, you

James Norton, City Commissioner

March 17, 2016

Page 2

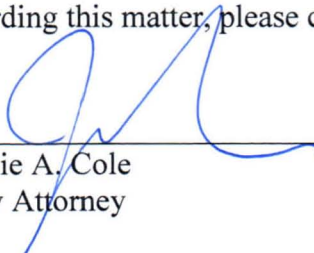
may attend the event and accept the breakfast as a gift and have no reporting requirement under the law.

To avoid any confusion about reporting requirements, we also want to comment on the sentence in the invitation stating that elected officials are required to report the food and beverages they consume at this event. The reporting of food and beverages is the responsibility of the elected official under the revised ethics ordinance for tickets the elected official obtains in connection with a charitable event available to the public. Although the Broward Workshop may meet the definition of a charitable organization due to its status as a 501(c)(4) organization, the reporting requirement only applies when an elected official attends a charitable event. This event is billed as the "State of the County Forum" and includes a keynote speech from the Broward County Mayor. In our opinion, it does not meet the definition of a charitable event. Accordingly, you would not have to report food and beverages that you consume at this breakfast.

This Opinion is provided pursuant to Subsection 8 of the County Ethics Code, which allows an Elected Official to request an advisory opinion about how the Code applies to his or her own situation. "Requests for opinions shall be considered only if in writing and signed by the Elected Official or by his or her office staff. Requests for opinions shall state all material facts necessary for the advising attorney to understand the circumstances and render a complete and correct opinion." In addition, "until amended or revoked, an advisory opinion rendered pursuant to this section shall be binding on the conduct of the Elected Official covered by the opinion unless material facts were omitted or misstated in the request for advisory opinion. If the Elected Official acts in accordance with a binding advisory opinion, the Elected Official's conduct may not be found to be in violation of the Broward County Elected Official Code of Ethics. However, any opinion rendered under this section shall not be binding as to whether the Elected Official's action complies with state or federal ethics requirements."

Assuming that you have disclosed all pertinent facts to us, you may use this opinion as a "safe harbor" under the Broward County Ethics Ordinance should any questions arise concerning the Opinion provided herein.

If you need any additional guidance regarding this matter, please contact us.



---

Jamie A. Cole  
City Attorney

## Jamie Alan Cole

---

**From:** Jim Norton <JNorton@westonfl.org>  
**Sent:** Wednesday, March 16, 2016 8:10 AM  
**To:** Jamie Alan Cole  
**Subject:** Fwd: Invitation to April 8th Broward Workshop "8th Annual State of our County Forum"  
**Attachments:** image002.png; ATT00001.htm; BROW\_8thAnnual\_Forum\_Evite.jpg; ATT00002.htm; Invitation Letter to Broward Workshop's 4-8-2016 State of our County Forum.doc; ATT00003.htm

I have been invited to this event. May I attend? What are my requirements pertaining to the state and county codes?

Thank you

Sent from my iPad

Begin forwarded message:

**From:** Mary Lou Tighe <[mltighe@browardleague.org](mailto:mltighe@browardleague.org)>  
**Date:** March 11, 2016 at 10:40:40 AM EST  
**To:** Mary Lou Tighe <[mltighe@browardleague.org](mailto:mltighe@browardleague.org)>  
**Subject:** Invitation to April 8th Broward Workshop "8th Annual State of our County Forum"

[Sent on behalf of the Broward Workshop .....](#)

Dear Broward League of Cities Members:

The Broward Workshop cordially invites you to an exclusive "Invitation Only" event highlighting important information about our community. Join hundreds of Broward's top business and civic leaders, elected officials and community stakeholders at our 8<sup>th</sup> **Annual "State of our County" Forum on Friday, April 8, 2016 at the Signature Grand from 8-9:30 am** (doors open at 7am).

**Deadline to RSVP is March 25<sup>th</sup>** – email [kareen@browardworkshop.com](mailto:kareen@browardworkshop.com) or call 954-462-9112.

Best, Kareen





March 9, 2016

Dear Community Leader:

The Broward Workshop cordially invites you to an exclusive and timely “Invitation Only” event highlighting important information about our community. Join hundreds of Broward’s top business and civic leaders, elected officials and community stakeholders at our 8<sup>th</sup> **Annual “State of Our County” Forum on Friday, April 8, 2016 at the Signature Grand** (6900 State Road 84, Davie, FL 33317) **from 8-9:30 am** (doors open at 7am).

This year our speakers are: **Florida Senate President Designate Joe Negron** who will talk about “Florida 2016 and Beyond: Challenges & Opportunities”; **Tony Carvajal**, Executive Vice-President, Florida Chamber Foundation who will provide an update to last year’s “Broward County Economic Benchmarks” and the **Honorable Martin Kiar**, Mayor of Broward County will provide the traditional “State of the County” address.

This annual forum is geared toward the following audience: Broward Workshop members, elected state, county & municipal officials, school board members and administrators, constitutional officers, government/agency department heads as well as key business & civic leaders from Broward County. Last year we had over 850 attendees and we will top that this year. This event is solely sponsored by our organization as an educational forum and is free for all invited guests. *(The Broward Workshop is a (501C)(4) organization that does not hire lobbyists nor is vendor of Broward County or any municipality. The County’s ethics ordinance states that County and City elected officials can accept up to \$50 in food and beverages per event, as long as it is reported and the value of this breakfast is approximately \$25).*

**Deadline to RSVP is March 25<sup>th</sup>** – contact Kareen Boutros, Executive Director at [kareen@browardworkshop.com](mailto:kareen@browardworkshop.com) or call 954-462-9112.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Caulkins".

**Charles Caulkins**  
Chairman

**Mission Statement**

The Broward Workshop is a private, non-profit, non-partisan business organization established in 1981, made up of the chief decision makers representing 116 of Broward County’s major businesses and professions who are committed to facilitate positive solutions to Broward County’s critical issues.





# 8<sup>TH</sup> ANNUAL

## STATE OF THE COUNTY FORUM

FRIDAY, APRIL 8, 2016  
DOORS OPEN 7:15AM  
PROGRAM 8:00AM - 9:30AM

SIGNATURE GRAND  
6900 STATE ROAD 84  
DAVIE, FL 33317

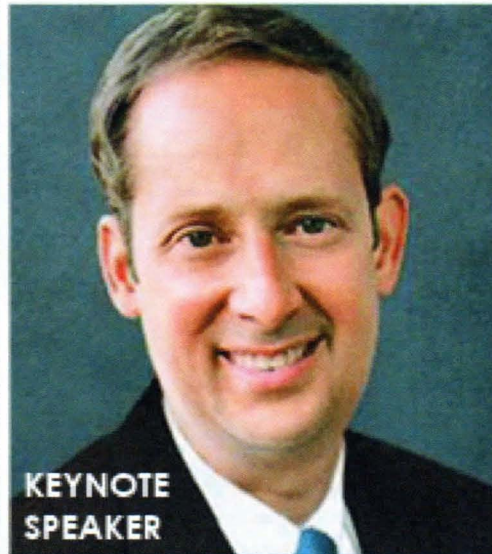
### SPEAKERS



#### MARTY KIAR

BROWARD COUNTY  
MAYOR

"BROWARD COUNTY  
OVERVIEW"



KEYNOTE  
SPEAKER

#### JOE NEGRON

FLORIDA SENATE  
PRESIDENT DESIGNATE

"FLORIDA 2016  
OPPORTUNITIES & CHALLENGES"



#### TONY CARVAJAL

EXECUTIVE VICE-PRESIDENT FLORIDA  
CHAMBER FOUNDATION

"BROWARD COUNTY  
ECONOMIC BENCHMARKS"

To register, please contact Kareen Boutros, Executive Director | [kareen@browardworkshop.com](mailto:kareen@browardworkshop.com)  
or Gaynel Smith, Administrative Coordinator | [gaynel@browardworkshop.com](mailto:gaynel@browardworkshop.com)