

Weiss Serota Helfman
Cole & Bierman, P.L.

Memo

To: Horace Derricks, Legislative Assistant, City of Miramar

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

Date: May 4, 2016

Re: Ability of Legislative Assistant to Accept Gift (Administrative Professionals Luncheon)
CAO : 16-M2 (Gift Reporting and Acceptance)

You are the Legislative Assistant to City Commissioner Yvette Colbourne and you attended an Administrative Professionals Luncheon for City employees presented by the Women in Business Committee of the Miramar Pembroke Pines Chamber of Commerce and hosted by El Dorado Furniture on April 27, 2016. There were a number of drawings for door prizes at this luncheon. You were the winner of a Birthday Package offered by the Hilton Garden Inn. You wish to know whether you will be in compliance with the Broward ethics ordinance should you accept this door prize.

The first question to consider is whether a public officer or employee who wins a prize by chance has received a gift. According to several Florida Commission on Ethics opinions, public officials and employees who attend functions in their official capacity and participate in raffles and other drawings have received gifts if they win one of the prizes given away at these events. Due to the fact you were the winner of the Hilton Garden prize at the luncheon, you will be in receipt of a gift should you redeem it. Consequently, we must analyze whether the local ethics ordinance permits you to keep this gift.

The Broward ethics ordinance applies to all municipal elected officials and their assistants. Section 1-19(c)(1)(a) contains certain restrictions on the acceptance of gifts. Municipal elected officials, their assistants and the relatives of elected officials and assistants are prohibited from accepting gifts valued at more than \$5.00 value from any registered lobbyists or from vendors, contractors, suppliers or potential suppliers of such governmental entity, unless the gift falls under one of the exceptions enumerated in the ordinance. According to the invitation, the luncheon was co-sponsored by a number of organizations, including the City of Miramar, and

Horace Derricks, Legislative Assistant

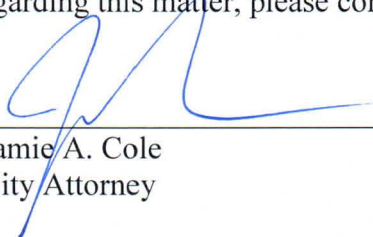
May 4, 2016

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none of these organizations meet the definition of a vendor or contractor with the City of Miramar nor are these organizations registered lobbyists with the City. Consequently, you would not be precluded from accepting the hotel stay.

Section 1-9(c)(1)(b) states that elected officials may accept gifts from other sources given to them in their official capacity up to a maximum of \$50 per occurrence. The \$50 limitation is not applicable to gifts to you as a legislative assistance. Therefore, you may accept the Hilton Garden Inn Birthday Package and have no gift reporting obligations under the law.

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



Jamie A. Cole
City Attorney

Jamie Alan Cole

From: Derricks, Horace <hderricks@miramarfl.gov>
Sent: Monday, May 02, 2016 12:14 PM
To: Jamie Alan Cole
Subject: Safe Harbor Opinion: Administrative Professional Luncheon
Attachments: ECOFY-CM002179_EXCHANGE_05022016-115700.pdf

Good afternoon Mr. Cole, I am asking for a Safe Harbor Opinion regarding this matter. The Miramar Pembroke Pines Chamber of Commerce and several other sponsors including City of Miramar, held an Administrative Professional Luncheon last Wednesday April 27th, 2016 at El Dorado Furniture. There were several stations/ booths advertising wears and offering raffles either by dropping business cards in bowl, or fill out a form. Towards the conclusion of the event many raffles were drawn and winners announced. I won a one (1) Nights Stay Birthday Package for Hilton Garden Inn Flyer attached at last page. Please advise, if I am allowed to receive and keep drawing.

Please advise

Thanks in advance

H. Derricks

Legislative Assistant | Commissioner, Yvette Colbourne City of Miramar | 2300 Civic Center Place, Miramar, Florida 33025

Hours: M - Th 8am - 6pm | F - Closed

O: 954.602.3143 | C: 954.649.2653 | F: 954.602.3441 | hderricks@miramarfl.gov Celebrating 60 Years of Beauty & Progress | www.miramarfl.gov

-----Original Message-----

From: Derricks, Horace

Sent: Monday, May 02, 2016 11:59 AM

To: Derricks, Horace

Subject: Safe Harbour Opinon: Administrative Professional Luncheon

Safe harbour: Administrative Professional Luncheon: Hotel Stay Birthday Package Please note: Florida has a very broad public records law. Most written communications to or from City officials regarding city business are public records, and are available to the public and media upon request. Your e-mail communications, including your email address, may therefore be

subject to public disclosure. This message, together with any attachments, is intended only for the addressee. It may contain information which is legally privileged, confidential and exempt from public disclosure. If you have received this e-mail in error, please notify the City of Miramar immediately by return e-mail.



Administrative

PROFESSIONALS LUNCHEON

MIRAMAR  PEMBROKE PINES
REGIONAL CHAMBER OF COMMERCE

Presented by
Women In Business Committee

Hosted by:

EL DORADO
FURNITURE

Wednesday, April 27, 2016

11:00AM to 2:00PM



Honoring our Administrative Professionals



To Our Administrative Professionals,

The hard work, diligence and dedication you put in on a daily basis is an inspiration to everyone with whom you come in contact.

Thank you for all you do.

The support you provide the respective entities you work for cannot be captured in a sentence or two. You are the backbone of these companies and organizations and we could not move forward with the comfort we do without the certainty that you are holding down the fort for us.

An Administrative Professional showcases all that is good about the entities they represent which in turn makes all of us look good. We recognize you today and every day. We know that the work you do is not easy and is never scripted.

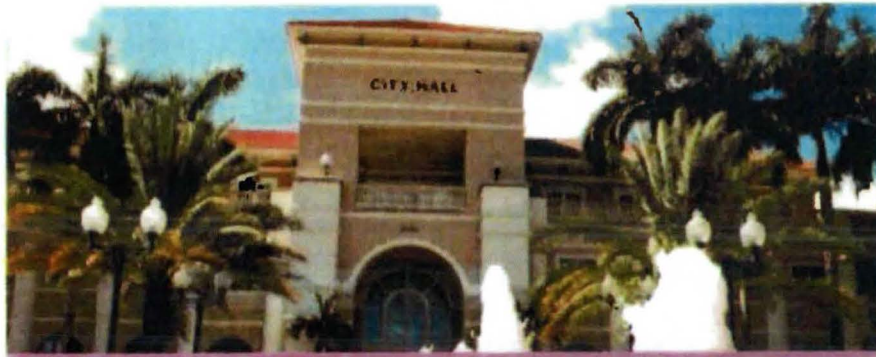
You are the best and for that we are grateful.

Sincerely,
Wayne M. Messam Mayor



Agenda

- 11:00AM Registration & Visiting Stations
NETWORKING GAME
- 12:00PM Welcome /Introduction of Dignitaries
Chairman, Henry Rose
LUNCH IS SERVED
- 12:05PM Intro of Emcee Vice Mayor Barbara Sharief
Launa Carbonell
- 12:10PM Introduction of Mayor Wayne Messam
Vice Mayor Barbara Sharief
- 12:15PM Few Words of Welcome
Mayor Wayne Messam
- 12:20PM Intro of Speaker Dr. Margarita Gurri, CSP
Vice Mayor Barbara Sharief
- 12:25PM Dream Big
Dr. Margarita Gurri, CSP
- 12:40PM Administrative Professional of the Year
Vice Mayor Barbara Sharief
- 12:45PM Sponsors Recognition & Photos
Launa Carbonell
- 1:00PM Intro of Speaker
Vice Mayor Barbara Sharief
- 1:05PM Dressing with Intention and Purpose
Ana Maria Sanin
- 1:15PM Fashion Show
Intouch Chic
- 1:35PM Recognize WIB Committee Members
Samia Chevannes
- 1:45PM Prizes, Giveaways Thanks
& Closing Remarks
Vice Mayor Barbara Sharief



The City of Miramar

HONORS

Administrative Professionals

THANK YOU
For All You Do!



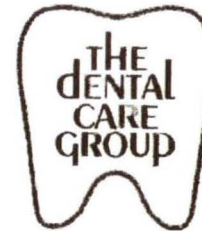
Much Appreciation to our Sponsors:

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FURNITURE



BEAUTY AND PROGRESS
EST 1955



dental
care
group kids

University of Phoenix
South Florida Campus



GRAND PALMS
Hotel-Spa & Golf Resort

TrustBridge



Premier Designs



Special Thanks to Ms. Launa Carbonell for Audio



Birthday Cheer Package

*Friday or Saturday Night Stay
Guest Room Accommodation
(Standard King or Doubles)
A Bottle of House Wine
Birthday Cake
Balloons*

*15% Off Dinner Menu At the Garden Grille & Bar
~Room Service Available*

For only...

\$159 Jan – Apr 2016

\$129 May – Sept 2016

Rate Rules and Cancellation Policy:

- *Maximum of 4 guests per Standard Double Bed room accommodation *Maximum of 2 rooms per stay *On multiple nights reservation, Birthday package items will be delivered only once per stay *Valid only for 21+ yrs old *Subject to hotel availability * Discount does not apply to Alcoholic beverages *Advanced reservation and payment required *Cancellation without charge is due at least 3 days prior to arrival date * Cannot be combined with any other promotion or discounts

Upgrade to a Junior Double Suite (max 6 guests) for only \$40 more!