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MEMORANDUM

TO: Commissioner Chip LaMarca

FROM: Andrew J. Meyers, Chief Deputy County Attorney

DATE: July 14, 2016

**RE: Expenses in Connection with Participation on Panel
CAO File: 16-09E (Gifts)**

Linda Langston is the Director of Strategic Relations for the National Association of Counties ("NACo"), and a member of the National Academy of Sciences ("NAS") Resilient America Roundtable. You are on the Board of Directors of NACo.

On behalf of NACo and NAS, Ms. Langston invited you to be a member of a June 28, 2016, panel at the National Academy of Sciences Building in Washington, D.C., to discuss resiliency issues of critical concern to local communities. The other panel members were mayors from communities in other states. Some travel expenses, such as airfare and lodging, were charged to your County purchasing card. You personally paid for some incidental expenses, such as for meals and local transportation, and planned to seek reimbursement from the County for those expenses (out of funds made available to your District Office). Earlier this week, your Office learned that NAS is willing to reimburse (to you and the County, as applicable) the actual, reasonable travel-related expenses. You have asked whether you may accept this reimbursement and, if you may, whether you are required to file any disclosure thereof. If the facts stated herein are inaccurate or incomplete, please let us know as it might affect our opinion which is that, for the reasons stated below, you may accept the reimbursement and have no disclosure obligation.

The Broward County Ethics Code allows County Commissioners to accept gifts in their "official capacity" from certain persons or entities of up to \$50. Section 1-19(c)(1)(a)b., County Code of Ordinances. Because your reimbursed expenses would exceed this amount, if the expense reimbursement is considered a "gift," you would not be able to be reimbursed more than \$50.

There are two reasons we believe the reimbursement is not a gift. First, under state law, which defines "gift" for purposes of both the state and county ethics codes, a gift does not include an "expense related to an honorarium event." Florida Statute Section 112.312(12)(b)(3). An "honorarium event" means "a speech, address, oration, or other presentation." Florida Statute Section 112.3149(1). The panel discussion, as part of the overall forum, constitutes an honorarium

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event. Thus, the reimbursement of your reasonable, actual travel expenses related to the event does not constitute a gift under applicable law. State law requires the disclosure of the receipt of honoraria-related expenses from certain entities, but NAS is not one of those entities (it is not a political committee, lobbyist, or vendor). Thus, no disclosure of the reimbursement is required. Were such disclosure required, NAS would be obligated to provide you with a statement addressing the reimbursed amount within sixty (60) days after the forum. If you receive any such statement, please let us know so we may reconsider whether a disclosure should be filed in an abundance of caution. Any required disclosure would not be due until July 1, 2017.

Second, because Ms. Langston was acting on behalf of both NAS and NACo in arranging your participation, the reimbursement could be considered an indirect gift from NACo, which is a national organization that promotes the exchange of ideas between governmental officials and employees and whose membership is primarily composed of such officials and employees. Under applicable law, direct or indirect gifts from such organizations to members of the organization or to governmental officials who represent organization members are not considered gifts. Florida Statute Section 112.312(b)(8).

For these reasons, you may accept the reimbursement of your actual, reasonable expenses incurred in connection with the panel discussion, and you do not have any disclosure obligation. The reimbursement of the amounts paid from your District Office funds should be used to replenish that fund account.

If we can be of further assistance regarding this matter, please let us know.

/s/ Andrew J. Meyers

Andrew J. Meyers

Chief Deputy County Attorney