

LEGAL DEPARTMENT

Donald J. Lunny, Jr.
City Attorney



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March 3, 2017

Mayor Diane Veltri Bendekovic
City of Plantation
400 NW 73rd Avenue
Plantation, FL 33317

Re: Ethics Advisory Opinion for Soliciting Sponsorships for the City's Annual Calendar

Dear Mayor:

You have requested an Advisory Opinion¹ concerning whether the Broward County Ethics Ordinance or Part III, Chapter 112, Florida Statutes (the State law concerning the Code of Ethics for Public Officers and Employees²), would prevent you or your Staff from sending correspondence to prospective sponsors for the City's annual calendar. This calendar is prepared for Plantation, the pictures and graphics for each month are approved by your Office, the calendar is paid for by Plantation, and the calendar is distributed by Plantation free of cost to residents and businesses within Plantation. Prospective sponsors of the City's calendar include persons and organizations who do business with Plantation, Lobbyists (and possibly their firms and clients), persons and organizations who are active in municipal affairs, and persons and organizations who may not be active and municipal affairs but who otherwise like the calendar and want to continue seeing it published and distributed by Plantation. Sponsorships help reduce the calendar's net cost to Plantation. The correspondence signed by you or your Staff soliciting sponsorships indicates that sponsorship checks should be made payable to the City of Plantation and sent to the City's Finance Department. Any sponsorships that you or your Staff might receive by hand delivery, are promptly turned over to the Finance Department.

This will confirm for your ready reference that the above conduct is entirely permissible under the Broward County Ethics Ordinance and State Ethics Code. Without limiting the foregoing, the fact that a sponsor, at certain level, may be recognized in the calendar or might have a small ad in the calendar is also perfectly permissible and ordinary for publications of this type, and would not, standing alone, constitute any kind of impermissible "quid pro quo" behavior under either the State Ethics Code or the Broward County Ethics Ordinance. Additionally, to the extent

¹ "Advisory Opinions" are those issued by a City Attorney to an elected official pursuant to Paragraph 1-19 (c)(8), Broward County Code (See Broward County Ordinance No. 2015-55, which is referenced herein as the "Broward County Ethics Ordinance").

² Referenced herein as "State Ethics Code".

Letter to Mayor Bendekovic

March 3, 2017

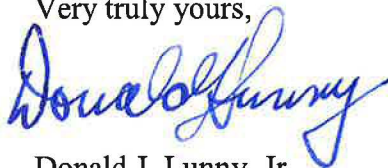
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that a portion of the sponsorship might be in excess of costs incurred by the City for the sponsor's printed recognition in the calendar, such excess is not a "gift" for the purpose of the State Ethics Code or Broward County Ethics Ordinance because the solicitation is being done on behalf of Plantation and for Plantation, and thus, not for any other person or organization. Furthermore, my review of the Broward County Ethics Ordinance and State Ethics Code discloses no provision which would require such solicitation or sponsorships to be reported under the various, existing disclosure forms for these laws. Again, this is because the sponsorships are not considered gifts. Finally, since the sponsorship solicitation is for Plantation, the Broward County Ethics Ordinance provisions concerning reporting solicitations for "not for profit" or "charitable organizations" do not apply.

The Broward County Ethics Ordinance indicates that elected officials should ensure that within fifteen (15) days of receipt of an Advisory Opinion, the Opinion must be sent in a searchable PDF format to ethicsadvisoryopinions@broward.org. Please be advised that I have filed a PDF of this letter for such purpose at such electronic address, and there is no need for you to independently do so.

Should you have any further questions or comments, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink that reads "Donald J. Lunny, Jr." in a cursive style.

Donald J. Lunny, Jr.
City Attorney

DJL:tw

Cc: Susan DiLaura, Executive Aide to the Mayor

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