



WEISS SEROTA HELFMAN COLE & BIERMAN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

MEMORANDUM

TO: Christopher Vincent, Mayor, Town of Lauderdale-By-The-Sea

FROM: Susan L. Trevarthen, Town Attorney
Robert A. Meyers, Assistant Town Attorney

CC: William Vance, Town Manager

DATE: September 24, 2019

RE: American Flood Coalition Florida Mayors' Summit
Town Attorney Opinion (TAO): 19-1 (Gifts)

Facts: The American Flood Coalition ("Coalition"), a 501(c)(3) nonprofit organization, is holding a two-day summit for Florida Mayors in October 2019 in Washington, D.C. The Coalition is covering all costs related to the summit for all attendees (with the exception of meals). The estimated value of the covered expenses is \$1,300. The Town has a membership with the Coalition. You are in receipt of an invitation from this organization and would like to attend the summit.

Questions: You wish to know whether state and local ethics laws permit you to accept the offer from the Coalition to cover the costs associated with your attendance at this event in Washington, D.C. You also wish to know whether accepting this offer constitutes a reportable gift under state or local law.

Analysis: The Broward County Code of Ethics has incorporated the state statutory definition of the term "gift." (See Section 1-19(c)(1)(b)) Pursuant to Section 112.312(12)(b)(8) of the Florida Statutes, a "gift" does not include gifts provided directly or indirectly by a state, regional or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees and whose membership is primarily composed of elected or

appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

The Coalition is a nonprofit organization advocating for national solutions to proactively address flooding and sea level rise and supports policies that strengthen the economy, invest in the nation's cities and towns and safeguard national security. It should be noted that of the 184 Coalition members, approximately 140 are county or municipal governments or individual elected officials. The Town of Lauderdale-By-The-Sea is a Coalition member.

The purpose of the summit is to provide an educational forum for mayors from Florida to interact with each other, exchange ideas and hear from other national and state leaders in government, business and industry to develop strategies for tackling flooding and sea level rise in their communities. Based on mission of the Coalition and the objectives of the October 2019 summit, the Coalition's offer to pay your expenses in connection with your attendance is not a gift to you because these costs would be captured by the gift exclusion provision cited in the prior paragraph. Since the payment of these expenses is not considered a gift to you, there are no reporting requirements under state or local law should you decide to attend the summit.

Answer: According to state law, the offer by the Coalition to cover expenses of approximately \$1,300 associated with your attendance at the Florida Mayors' Summit in October 2019 is not a gift. Consequently, you may accept the offer and have nothing to report.

Limitations: Assuming that you have disclosed all of the pertinent facts to us, you may use this opinion as a "safe harbor" under the County Ordinance should any questions arise concerning the Opinion provided herein. If you need any additional assistance regarding this matter, please contact us.

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 state all material facts necessary for the advising attorney to understand the circumstances and render a complete and correct opinion, and such facts shall be recited in the issued 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

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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."