

**ORDINANCE NO. 2010/013**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY DEERFIELD BEACH, FLORIDA AMENDING THE CITY OF DEERFIELD BEACH ETHICS CODE; PARTICULARLY AMENDING SECTION 2-502 RELATING TO GIFTS, CREATING A NEW SECTION 2-504(B) RELATING TO THE FORM OF ETHICS COMPLAINT VIOLATIONS; CREATING A NEW SECTION 2-510 MAKING IT A VIOLATION OF THE CITY CODE TO FILE A COMPLAINT WITH KNOWLEDGE THAT ANY OF THE FACTS SET FORTH IN THE COMPLAINT ARE NOT TRUE; CONTAINING A PROVISION FOR INCLUSION IN THE CITY CODE; CONTAINING A SEVERABILITY CLAUSE, CONTAINING AN EFFECTIVE DATE**

**WHEREAS**, the City Commission of the City of Deerfield Beach appointed an ad hoc advisory ethics committee to review the City of Deerfield Beach Ethics Code; and

**WHEREAS**, the ad hoc committee met frequently and reviewed the Ethics Code in depth to determine any appropriate changes that it wishes to recommend; and

**WHEREAS**, the Ethics Committee presented its report to the City Commission and the City Commission determined that it would be appropriate to adopt an Ordinance containing the recommendations of the ethics committee;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing “Whereas” clauses are true and correct and are incorporated herein and made a part hereof.

**Section 2.** Section 2-502 of the City of Deerfield Beach Ethics Code is hereby amended to read, as follows:

1. A regulated officer, his or her spouse or domestic partner, child or step-child, parent, or member of his or her household, shall not accept a gift as defined in Section 112.312 in excess of \$50.00 (during any calendar year) from any person or entity that a regulated officers knows, or has reason to believe, has received or sought a land use plan amendment, development permit (other than a building permit) or contract or the payment of City funds from the City within the previous two years or within six months

of the date the regulated officer assumed his or her respective office, whichever is shorter.

2. Entity includes employees, shareholders (holding more than 5% of a publicly traded corporation), members, partners, officers and directors of the entity, or any person who for compensation has sought during the previous two years to encourage passage, modification or defeat of any proposal, measure or recommendation by any regulated officer.
3. Where it appears, within a one year period after receipt of a gift as described above is received by a regulated officer that the donor of the gift seeks a land use plan change, a development permit (other than a building permit) or a contract or City funds, the regulated officer shall return the gift or the fair market value of the gift to the donor.
4. This Section 2(O) shall not apply to any gift provided by (i) the City of Deerfield Beach, (ii) another governmental entity of (iii) admission or food and drink at any event receiving (a) funds from the City of Deerfield Beach as part of its operation or (b) an in-kind contribution from the City of Deerfield Beach, including City services or the use of a City facility of City-owned property.

**Section 3.** Section 504(B) of the Ethics Code is hereby amended to read, as follows:

~~Whereas suspect violation of this Code is reported in writing to a complaint containing the name, address and phone number of the complainant,~~ Where an individual believes that has been a violation of the Ethics Code and wishes to file a complaint, that individual shall file a complaint on a form as attached as Exhibit A. This form shall be available at the City Clerk's Office and on the City of Deerfield Beach website. No complaints will be accepted except as filed on a form attached on Exhibit A and unless the form has been fully completed and executed in the presence of a Notary Public. Upon receipt of such a completed complaint form, the City Attorney shall assign the matter outside legal counsel who shall make an initial determination of whether prima facie case indicated violation by of this Ethics Code by a regulated officer. If the outside counsel finds that there is no prima facie case for violation, he shall issue a written opinion to that aspect effect with a copy to the complainant and to the City Commission and to the City Manager. If the outside legal counsel determines that there is a stated prima facie violation of this Code then he/she shall investigate the complaint.

**Section 4.** A new Section 2-510 of the Ethics Code is hereby created; the present Section 2-510 and subsequent sections of the Code being re-numbered, which Section 2-510 should read as follows:

Any person who files an ethics complaint against a regulated officer with knowledge that any facts set forth in the complaint are not true shall be guilty of a violation of the Ethics Code punishable by a fine of up to Five Hundred (\$500.00) Dollars.

**Section 5.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**PASSED ON FIRST READING ON THIS 18<sup>TH</sup> DAY OF MAY, 2010.**

**PASSED AND ADOPTED ON SECOND READING THIS 1<sup>ST</sup> DAY OF JUNE, 2010.**

**CITY OF DEERFIELD BEACH**

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PEGGY NOLAND, MAYOR

ATTEST:

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ADA GRAHAM-JOHNSON, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

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ANDREW S. MAURODIS, ESQ.