

# City of Fort Lauderdale

*City Hall  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301  
[www.fortlauderdale.gov](http://www.fortlauderdale.gov)*



## Meeting Minutes - APPROVED

**Wednesday, October 5, 2016**

**1:30 PM**

**City Commission Conference Room**

## **City Commission Conference Meeting**

***FORT LAUDERDALE CITY COMMISSION***

***JOHN P. "JACK" SEILER Mayor - Commissioner  
DEAN J. TRANTALIS Vice Mayor - Commissioner - District II  
BRUCE G. ROBERTS Commissioner - District I  
ROBERT L. McKINZIE Commissioner - District III  
ROMNEY ROGERS Commissioner - District IV***

***LEE R. FELDMAN, City Manager  
JOHN HERBST, City Auditor  
JEFFREY A. MODARELLI, City Clerk  
CYNTHIA A. EVERETT, City Attorney***

## QUORUM ESTABLISHED

Present: 5 - Commissioner Bruce G. Roberts, Vice Mayor Dean J. Trantalis, Commissioner Robert L. McKinzie, Commissioner Romney Rogers and Mayor John P. "Jack" Seiler

**No public comments were submitted for this meeting.**

## CALL TO ORDER

Mayor Seiler called the meeting to order at 1:39 p.m.

**Also Present:** City Manager Lee R. Feldman, City Clerk Jeffrey A. Modarelli, City Attorney Cynthia Everett, City Auditor John Herbst, and Sergeant At Arms Captain Dana Swisher

## CITY COMMISSION REPORTS

### **Events and Matters of Interest**

*Members of the Commission announced recent and upcoming events and matters of interest.*

Mayor Seiler stated there were five items on the evening agenda that were suggested to be removed although technically the Commission can vote on them. He said if there were no objections, those items would be removed from tonight's Regular Meeting and deferred to the City Commission's Regular Meeting on October 18, 2016. City Manager Feldman announced those items as:

R-3 - Furniture Consignment Warehouse Plat (R-3) to be continued to the October 18, 2016, City Commission Regular Meeting.

R-4 - Tree House on Brickell Plat (R-4) to be continued to the October 18, 2016, City Commission Regular Meeting.

R-5 - NE 4th Avenue Lane Elimination (R-5) be continued to the October 18, 2016, City Commission Regular Meeting. It was also noted that due to Hurricane Matthew, FDOT had given the City an extension regarding this item.

PH-1 - YMCA Lease (PH-1) to be continued to the October 18, 2016, City Commission Regular Meeting.

OFR-2 - Vacation Rental Ordinance (OFR-2) to be continued to the October 18, 2016, City Commission Regular Meeting for the First Reading and November 15, 2016, for the Second Reading.

Additionally, City Clerk Modarelli stated that all presentations including the citizen's presentations had been canceled and everyone involved has been contacted and notified.

**Community Policing Program**

Vice Mayor Trantalis announced the City had received a grant to add eight additional officers to the Community Policing Program to keep crime down in the City.

**Dental Study Club**

Vice Mayor Trantalis noted he had attended a meeting and spoke to this group who are very engaged in the community and the attendees inquired about many items involving the City.

**Upgrading City Flag and Key to the City**

The Commission and City Manager Feldman discussed upgrading the City Flag and the Key to the City given to Sister Cities and other organizations and individuals for special ceremonial recognition. Vice Mayor Trantalis suggested the possibility of creating a coffee table book that gives an overview of what the City has to offer and the attributes of the City. Further discussions ensued on this topic.

**Kick-Off of Pink Shirt Campaign**

Vice Mayor Trantalis discussed his attendance at the Kick-Off of the Pink Shirt Campaign in recognition of October as Breast Cancer Awareness Month.

**Florida Panthers Pep Rally**

Mayor Seiler requested City Staff inquire as to the speaking schedule for this event to ensure that all Commission members could attend this pep rally during the same timeframe.

**Noise Issues at Shooters Bar/Restaurant on the Intracoastal**

Vice Mayor Trantalis raised his concern with the reoccurring problem of noise issues at Shooters Bar/Restaurant on the Intracoastal Waterway. Discussions ensued on this topic including City Manager Feldman noting that the City's Police Detail Officers are working in this area to help address and regulate this issue. City Manager Feldman also stated the City is looking into purchasing decibel meters to help the Police Detail Officers address the noise levels in the area. Vice Mayor Trantalis requested the Police Detail Officers have the authority to get involved and be proactive.

**Federal Legislative Report**

Vice Mayor Trantalis noted his disappointment in the Federal

Legislative Report. It is too generic and does not focus on the City. He further commented on the need for the City to get its money's worth from the lobbying firms it employs. He stated this report should focus on specific items that impact our City and should not be just a year-end summary of all legislative items. City Manager Feldman gave examples of specific items relating to the City and further discussions ensued. Vice Mayor Trantalis recommended City Manager Feldman bring this to the City's lobbyist's attention.

#### **\$600,000 Grant for Police Needs**

Vice Mayor Trantalis discussed the issue of the City receiving a \$600,000 grant for the City's Police and what the City will do with these funds. City Manager Feldman stated the RFP for the City's Police Body Cameral Pilot Program is due on October 21, 2016. City Manager Feldman explained how things would proceed during that Pilot Program noting the high costs involved with the storage and staffing to manage both retrieval and redaction issues. Additionally, City Manager Feldman explained the \$600,000 grant is over a three year period and is the maximum. He stated the actual cost of the Police Body Camera Program is over \$2,000,000. City Manager Feldman also noted the grant funding must be expended over a 24 month period. Further discussions ensued on the City's policy, having a firm plan, avoiding a situation similar to the red-light cameras, and addressing the input received from the community and various organizations. City Manager Feldman stated all of that input would be brought back to the Commission for discussion once received by all those involved.

#### **Beach CRA**

Vice Mayor Trantalis noted his discussions with Bertha Henry, Broward County Manager, regarding the Beach CRA. He stated that during this conversation, it was Ms. Henry's impression that when the extension was made she thought it included the continued collection of Tax Increment Financing (TIF) money after the deadline. Vice Mayor Trantalis stated he explained to Ms. Henry that it was not the City's intention to collect more TIF funds, rather the City wished to extend the time to spend funds it has already collected following the expiration of the program.

Vice Mayor Trantalis noted Ms. Henry's reply that this was a completely different subject and she would not be adverse. Vice Mayor Trantalis brought this to the attention of City Manager Feldman as he believed there was some misunderstanding on this issue. Further discussions ensued including researching the legality of this matter and the need for deadlines to get things accomplished. City Attorney Everett commented on the legality of this matter at the

County level.

**Fire Bond Issue - Fred Stresau Correspondence**

Discussions ensued on the correspondence each Commission member received from Fred Stresau, Board Member - City's Board of Adjustment. Commissioner Rogers suggests having a meeting to ascertain the facts involved to clarify any misinformation. Mayor Seiler requested a meeting to follow-up on this issue with the City's Board of Adjustment.

**Lauderdale Park - Sailboat Bend**

Vice Mayor Trantalis raised the issue of the remodeling of Lauderdale Park in the historic Sailboat Bend area and replacing trees and historic lights in this area. He noted the residents in this area are satisfied with the trees. However, they are upset that the historic lights that are being replaced. Vice Mayor Trantalis stated the residents would like the historic lights put back. City Manager Feldman stated this matter just came to his attention yesterday afternoon and City Staff is still researching this issue. City Manager Feldman noted the replaced lights were the original gas lights that had been converted to electricity and no longer met code. This was the reason for replacement with similar looking lights. Further discussions ensued. Vice Mayor Trantalis requested City Staff recover the original light fixtures, have them restored and put back.

**County Water Board Request**

Vice Mayor Trantalis, as a member of the County Water Board, noted Broward County had made a request of the City Commission to sign on to a suggested letter the County has provided in support of the continued construction of the C51 Reservoir. Vice Mayor Trantalis also stated he was not aware this was a controversial issue and asked City Manager Feldman if he knew of any pertinent information relating to this matter. City Manager Feldman stated he knew of the program but was not aware of any recent requests being made to the Office of the City Manager. Vice Mayor Trantalis gave the letter along with the email from Dr. Jennifer Jurado, Director of Natural Resources Planning and Management Division of Broward County, to City Manager Feldman who stated the last time discussions occurred they were requesting \$10,000,000 in funding from the City. Further discussions ensued.

**All Aboard Florida Railroad Crossings**

Commissioner Rogers raised the issue of residents complaining about the rumbling when driving over the railroad crossing at Broward Boulevard after work done by All Aboard Florida. Other members of the Commission said they had also received such complaints.

Commissioner Rogers asked City Manager Feldman to look into the matter to see if the work is completed or if it can be addressed by All Aboard Florida. Commissioner McKinzie noted the railroad crossing at Sistrunk Boulevard also has the same issue and is dangerous. Further discussions ensued on this issue and safe zones along the Brightline route.

#### **Penny Sales Tax**

Discussions ensued on the efforts and upcoming events to inform the public about the Penny Sales Tax Referendum on the November 2016 Ballot. Commissioner Roberts noted the Speakers Form which is being made available to all City homeowners associations and additional events which he has attended to inform the public on this issue.

Vice Mayor Trantalis stated he had spoken and explained this item to the Central Beach Alliance and the importance of voting in November. Further discussions ensued on the Penny Sales Tax and the City continuing to take advantage of all public relations opportunities to inform the public on this important issue.

Additional discussions ensued later in the meeting on this topic including the amount of the City's annual proportionate share should the ballot initiative be enacted. City Manager Feldman stated it would be approximately \$15,000,000 annually. Discussions ensued on the calculations should this amount be bonded, how much the City could retrieve in the money market, and how those bonded funds could be utilized in the City.

#### **State Mandate for Retrofitting Fire Sprinkler Systems in the Non-Common Areas of the City's Condominiums**

Commissioner Roberts raised the issue of the mandatory 40-year fire sprinkler system retrofitting requirement for the non-common areas of condominium buildings. Commissioner Robert noted that there was formerly an opt-out for this requirement that is no longer in the statute. He stated that State Senator George Moraitis is working to change this statute in Tallahassee to create an opt-out clause and has requested the City Commission's support and to work with him on this issue. Further discussions ensued and City Attorney Everett requested a copy of the letter to research and address the issue with Senator Moraitis's office stating she would get back to City Manager Feldman to address this matter with the City's legislative lobbyists.

#### **Pension Board Investment Presentation**

Commissioner Roberts requested City Manager Feldman give the Commission a presentation on the passive side of pension investment

to enable the City Commission to have objective criteria of both active and passive investment approaches

**Forum on Use of Public Lands for Private Development Petition and the Petition to Halt Further Development within the City**

Commissioner Rogers noted his attendance along with Commission McKinzie at the Community Forum on these two petitions. Commissioner Rogers noted there was a full house, the two speakers did a good job of discussing all of the issues and there was a healthy discussion. He recommended the Commission bring this back for discussion to bring the issue to closure. Further discussions ensued.

**Transportation Management Association (TMA) Event**

Mayor Seiler thanked Commissioner Rogers and Commissioner Roberts for their input and work with the transportation issues within the Greater Fort Lauderdale area and their participation at the TMA Event.

Mayor Seiler raised an issue for discussion on the early suspension of public transportation specifically the City's Trolley, on Wednesday, October 5th during the City's preparation for Hurricane Matthew. There was agreement that the Trolley should have remained open on Wednesday as it was necessary for people to get home. Mayor Seiler recommended that this policy is revisited.

**Flagler Village Area Development**

Mayor Seiler and Vice Mayor Trantalis noted their attendance at the Elements event in the downtown Flagler area and the level of excitement from the City's next generation that is driving business to the City. Discussions ensued on the further development in this area. Commissioner Rogers raised the issue of the Greyhound Bus Company upgrading their station in the Flagler Village area. Vice Mayor Trantalis noted the developers have spoken to Greyhound about relocating their station.

**Fire Expo Presentation**

Mayor Seiler noted his participation along with Commissioner McKinzie at the Fire Expo. Mayor Seiler acknowledged the high level of respect that exists for the City's Fire Department. He stated the attendees who trained and learned best practices from our City's Fire Department personnel included firefighters from cities in Guatemala, Panama, Ecuador, and Argentina. Mayor Seiler recognized and noted the City is grateful for the high level of respect others have for the City's public safety officials from the Fire Department and Police Department.

**International City/County Management Association**

Mayor Seiler noted his and Commissioner Roberts's attendance at the swearing in of City Manager Feldman as the President of the International City/County Management Association in Kansas City stating this was an honor, an accomplishment, and a personal achievement for City Manager Feldman. Commissioner Roberts noted City Manager Feldman's efforts in taking the City to the forefront of many great initiatives as noted by those in attendance at this event. Further discussions ensued on the Kansas City Streetcar System.

**CONFERENCE REPORTS**

None.

**OLD/NEW BUSINESS**

**BUS-1 [16-1202](#)**

**Police Department Informational Presentation**

Assistant Police Chief Major Michael Gregory addressed the Commission giving the first part of the City's Police Department Presentation. He noted the new Online Police Servicing instituted this calendar year as stated in the President Obama's 21st Century Policing Initiative. He also noted the inclusion of suggestions, comments and recommendations from the City's 2015 Neighborhood Survey to reduce crime, increase police visibility in the City's neighborhood, and input from last year's Multi-Focus Community Policing Assessment. Comments, questions and discussions from the Commission ensued following the presentation.

***A copy of Assistant Police Chief Major Michael Gregory's portion of the Police Department presentation is attached to these minutes.***

Following Assistant Police Chief Major Michael Gregory's portion of the Police Department's Presentation, City Manager Feldman introduced Police Captain Dana Swisher who gave the second part of the presentation. Captain Swisher's portion of the presentation focused on the history of the Flakka issue and other illegal narcotics in the nation and the City. Captain Swisher also gave specific details regarding these problems and solutions currently being pursued to address these problems. Comments, questions and discussions ensued from the Commission during the presentation.

***A copy of Police Captain Dana Swisher's portion of the Police Department presentation is attached to these minutes.***



Mayor Seiler recognized Mr. Charles King, 105 N. Victoria Park Road, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

**BUS-2** [16-1214](#)

High Consumption and Meter Reading Discussion

City Manager Feldman explained this discussion is to address the issue of high water consumption in the City and what he as City Manager can do to make adjustments to water and sewer account billings for unexplained high consumption water bills. City Manager Feldman introduced Kirk Buffington, Finance Director for the City, who began the discussion on City Staff procedures in this area.

Mr. Buffington introduced several individuals from City Staff including Arnette Torrence, Utility Billing/Revenue Collections Supervisor, and Rick Johnson, Public Works Department. Mr. Buffington stated Mr. Johnson oversees the Utilities Distribution meter readers and Collection Systems Managers, as well as Bermex, Inc., the third-party contractor the City uses to outsource its meter reading.

Mr. Buffington noted the purpose of today's presentation is to begin a dialogue to ascertain ideas as to what City Staff can do and how the City Commission would like City Staff to handle high-water consumption spikes. He noted that the CAM for this item outlines how the City currently handles these issues according to the City's ordinances, things other cities are doing, and some recommendations for the Commission to consideration. Mr. Buffington requested input from the Commission.

Vice Mayor Trantalis began the discussion giving examples of spikes in high water consumption with no evidence of overconsumption, such as a leakage. He also noted residents in this situation must hire a plumber at their expense to determine if the plumbing system is operating correctly. Vice Mayor Trantalis stated the City's current remedy is to give customers a small discount which can be paid over time but not a full refund. Mr. Buffington confirmed this is the City's current method of handling these occurrences.

Mayor Seiler emphasized the City needs to come up with a system that works stating it is not always the fault of the City but can be at times. Further discussions ensued on the possibility of meters malfunctioning, the development of more expeditious procedures to follow to address this issue, and the need for a City Staff member to be designated to resolve these matters.

City Manager Feldman noted in one instance that the Master Meter

was not functioning correctly for a period and was eventually replaced. Further discussions ensued on this topic, the need for more flexibility, and effective communications with the party involved (both verbal and written with copies to Commission members) when a malfunction is discovered in order to explain the circumstances involved in the perceived overcharge. Further discussions and comments ensued on how to resolve the unusually high usage bills including the calculation of a 12-month average, and in extreme cases the review of the situations on a case by case basis.

Commissioner McKinzie stated that City Staff does not have a “menu” of options it can use to resolve these unexplainable high consumption meter readings. Commissioner Roberts recommended a cost averaging methodology that would be fair to everyone.

Vice Mayor Trantalis stated any changes to allow City Manager Feldman to make adjustments in the matters will require a change in the City's Ordinance. Mayor Seiler asked for a consensus on how to move forward.

City Attorney Everett asked if the City has data on the accounts and associated details of each situation to ascertain the extent of the problem. Mr. Buffington stated he could provide those types of reports to City Attorney Everett regarding meter replacement and what the City has done out of the norm for adjustments. Discussions ensued on how the City of Orlando is handling these issues.

City Auditor Herbst recommended consideration of eliminating the sewage charge. City Manager Feldman discussed how the system currently works. City Manager Feldman recommended the City pass an ordinance allowing the City to use common sense when addressing and resolving these issues. He noted, however, there is no way that the City can codify the unexplained consumption. Vice Mayor stated he did not feel the burden should be on the homeowner. Discussions regarding the costs of the various types of water meters used throughout the City ensued.

City Manager Feldman noted that as part of the City's energy savings program, one of the City's vendors, Siemens, is proposing swapping out the City's current meters with electronic, real-time wifi enabled smart meters. This would allow residents to see real-time usage and would be much more accurate. Moreover, he stated the City's additional revenue would offset the cost of the smart meters. Further discussions ensued on implementing this 12 year capitalized project.

Mr. Buffington stated his department, working in conjunction with the City Attorney's Office, would come back to the Commission with a proposed ordinance on this item.

Mayor Seiler recognized Pam Kane, 2340 SW 14th Court, who addressed the Commission with her comments, concerns, and questions on this item giving her example of this type of experience and suggesting the meter readers should notify the resident that something appears to be incorrect.

Mr. Buffington stated for the record the City does not estimate anyone's bill and every meter in the City is read every month. He also stated that some of the responsibilities of the meter reader are to make sure the meter is covered and is readable. Unusual water meter communications with residents are done via a door hanger left at the property. Additionally, the meter reader notifies the City's Public Works Department when they return to their office.

Mr. Johnson stated if the meter reader notices high consumption at the time of the read, they will go back out and read the meter a second time. If they notice a high consumption at the second reading, they will typically knock on the door. Further discussions ensued on the door-hanger notice that is placed on the property door. Ms. Kane stated there was no notice put on her door. Mayor Seiler agreed that he thought Ms. Kane raised a good point. Commissioner Roberts requested proper oversight by City Staff to ensure that door hanger notices are used to notify residents of these situations. He recommended checking this on a regular basis. Further discussions ensued on the City accepting liability in situations such as these and other aspects of this issue.

At the request of Mayor Seiler, Mr. Buffington stated City Staff would provide an audit of these types of over consumption matters going back 12 months.

Mayor Seiler recognized Mr. Charles King, 105 N. Victoria Park Road, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

### **BUS-3** [16-1204](#)

#### **Charter Revision Board Discussion**

Commissioner Roberts raised the issue about proposed changes in the City's Charter to enable the City Commission to be more effective and efficient. He noted that the City Charter does not include a requirement for a periodic review of the Charter and would like to see this provision added to require a review of the City's Charter every five

or ten years similar to other cities and the county. Further comments and discussions ensued.

Vice Mayor Trantalis noted there were recent City Charter changes that were proposed and put on the ballot in 2012 regarding elections and other proposed changes regarding City Charter Officer Positions and the ability to hire City Auditor Herbst.

City Attorney Everett commented on the duties of the Charter Review Board to regularly review the City Charter. Mayor Seiler recommended convening the Charter Review Board to review the City Charter. There as a consensus by the Commission reconvene the Charter Review Board.

City Manager Feldman requested Conference Item BUS-5 be moved to the October 18, 2016, Conference Meeting. Mayor Seiler agreed that Conference Item BUS-5 would be brought to the City Commission at the October 18, 2016, City Commission Conference Meeting.

## **EXECUTIVE CLOSED DOOR ANNOUNCEMENT**

City Attorney Everett requested Mayor Seiler announce the cancellation of today's Executive Closed Door Session due to the impending arrival of Hurricane Matthew.

Mayor Seiler announced the cancellation of the Executive Closed Door Session to hear the following case:

Royal Ellison v. City of Fort Lauderdale - Case No.: CACE 16-007414 (08)

### **BUS-4 [16-1203](#)**

Conflict of Interest Policy for Community Redevelopment Agency (CRA) and Beach Business Improvement District (BID) Advisory Committee Members

Mayor Seiler stated it was Commissioner Roger's recommendation to bring this issue forward and was a good idea. Mayor Seiler noted the request of someone to step down from a Community Redevelopment Agency (CRA) Advisory Board rather than recuse themselves was significant and it takes away individuals who have a vested interest in improving the CRA area. Vice Mayor Trantalis noted CRA Advisory Board members should not profit from its recommendations. Further discussions ensued on the importance of leaving the Board in its entirety and having CRA Advisory Board members recuse themselves rather than stepping down. Commissioner Rogers raised the issue of CRA Advisory Board members who are requesting a waiver from the CRA Board, or they would resign.

Jonathan Brown, Business and Economic Development and Area Manager of the Northwest Progresso Flagler Heights (NWPFH) CRA, stated the CRA Advisory Board members had requested a waiver from voting to allow them to remain part of the CRA Advisory Board and also seek CRA incentives or participate in CRA Programs.

Commissioner Rogers stated it seems like common sense that there should be a difference between the CRA Board's responsibilities as Commissioners and a voluntary CRA Advisory Board member. After Commissioner Rogers' discussions with City Attorney Everett, Ms. Everett stated this is governed by the statute which clearly outlines what is permissible. CRA Advisory Board members can fall under these same guidelines. Commissioner Rogers asked if there is not statutory relief for an Advisory Board members who volunteers, and if there is there something the City Commission can do with regard to the City's ordinances to maintain the goal of having good, qualified individuals on the City's Advisory Boards providing them relief other than giving them a blanket waiver. Discussions ensued on a previous matter involving Sixth Street Plaza and not having the City be put into this same type of situation again. Vice Mayor Trantalis concurred.

Commissioner Rogers suggested some "middle ground" that is legally possible for the City Commission to acknowledge the fact that CRA Advisory Board members are volunteers who are encouraged to serve on these Advisory Boards without totally hamstringing them from their livelihood. Further discussion ensued on language in the statutes and the ability of City Commission members to recuse themselves from a vote on a particular item without coming to the City Commission for a blanket waiver. Commissioner Rogers noted the importance of City Commission members knowing the issues and the area and integrating this into something that protects all involved parties.

Vice Mayor Trantalis noted allowing Board members to recuse themselves in a particular vote if they would profit from it is one aspect. However, he noted that there is a camaraderie on boards that grows over time and board members do each other favors. Mayor Seiler noted this is a legitimate issue and it a slippery slope, and the reason individuals are on the CRA Advisory Board is due to having a vested interest in the neighborhood. Further discussions ensued with Vice Mayor Trantalis noting CRA Board members should not apply for items such as funding or site plan approval.

Commissioner McKinzie noted all City Commission members would have an appearance of a conflict of interest when things are closely examined. He suggested having a Board Workshop to establish criteria to address this issue. Vice Mayor Trantalis also recommended

a Board Workshop. Further discussions ensued.

Mayor Seiler suggested discussing this with Advisory Board members during a workshop. He noted the Florida Statute that addresses how to deal with this issue. Additionally, the City Commission could make a policy decision to waive this as allowed in the last paragraph of Florida Statute 112.313(12). However, Mayor Seiler did not feel it is in the best interests of the City to waive that portion of the statute in this manner noting, however, it might be the only solution. Further comments and discussions ensued.

Assistant City Attorney Candace Duff pointed out that each waiver has to be done in each particular instance. It cannot be a blanket waiver and must be done on a case by case basis. Further discussions, comments, and questions ensued on this topic. Ms. Duff clarified these questions on the situations regarding recusals, waivers and situations requiring both a recusal and a waiver. Ms. Duff also gave specific examples of the various types of scenarios for the Commission members.

Mr. Brown gave an example of the waiver request from Jacqueline Reed that was denied. Further discussions ensued on possible monetary benefits received by the Advisory Boards members and the need for the boards to have experts in the field on the board. Vice Mayor Trantalis noted the distinction of funding going to an organization as opposed to an individual. Further discussions ensued on codifying incidents where a waiver is normal, customary, and automatic versus having a closer examination and viewpoint due to the specific circumstances and set of facts involved. Commissioner Rogers raised the point as to what would give direction to both the applicant for the waiver and the City Commission that votes on the waiver. Vice Mayor Trantalis reiterated Commissioner Roberts' suggestion to keep the ordinance the way it is and the City Commission creating a policy when it is appropriate to grant a waiver. He noted his position that it is more appropriate to grant a waiver to an organization rather than an individual.

City Attorney Everett suggested the Commission have a further discussion to reach some conclusions as it requires a decision for each instance and the Commissioner may have differing viewpoints. This necessitates the policy being very general to take into account that waivers would be granted on a case by case basis.

Mayor Seiler recommended going to the League of Cities to find out the policies of other CRA Boards to determine how to move forward. Jonathan Brown confirmed he would address this recommendation.

Further discussions ensued on the need to be consistent.

Mayor Seiler recognized Mr. Charles King, 105 N. Victoria Park Road, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

**BUS-5** [16-1018](#)

Update on Citywide Canal Dredging Effort

**Moved to City Commission Conference Meeting of October 18, 2016.**

### **BOARDS AND COMMITTEES**

**BD-1** [16-1189](#)

Board and Committee Vacancies

Discussions ensued on upcoming City Board and Committee appointments including a vacancy on the Northwest Progressive Flagler Heights CRA, and nominating the following individuals for the noted board:

Val Steele for the City's Board of Adjustment; and Mark Budwig for the Economic Development Advisory Board.

City Clerk Modarelli read the appointments for tonight's Regular Meeting Resolution appointing board and committee members as noted below:

#### **AFFORDABLE HOUSING ADVISORY COMMITTEE**

Wilson Atkinson is appointed to the Affordable Housing Advisory Committee (category: One who actively represents employers in the City of Fort Lauderdale) to complete an unexpired term ending 12/1/2017 or until his successor has been appointed.

#### **AVIATION ADVISORY BOARD**

Joshua Kroon is appointed to the Aviation Advisory Board for a one year term beginning 11/3/2016 and ending 11/2/2017 or until his successor has been appointed.

#### **EDUCATION ADVISORY BOARD**

Dale Fulton and Stefan Weiss are appointed to the Education Advisory Board for a one year term beginning October 5, 2016 and ending October 4, 2017 or until their successor has been appointed.

#### **CHARTER REVISION BOARD**

Wilson Atkinson is appointed to the Charter Revision for a one year term beginning October 5, 2016 and ending October 4, 2017 or until his successor has been appointed.

#### **COMMUNITY APPEARANCE BOARD**

Leslie Fordham is appointed to the Community Appearance Board for a one year term beginning November 4, 2016 and ending November 3, 2017 or until her successor has been appointed.

#### **COMMUNITY SERVICES BOARD**

Joseph Van de Bogart is appointed to the Community Services Board for a one year term beginning November 4, 2016 and ending November 3, 2017 or until his successor has been appointed.

#### **CITY MANAGER REPORTS**

None.

#### **ADJOURN**

There being no further business before the City Commission, Mayor Seiler adjourned the Conference Meeting at 4:57 p.m.



# Fort Lauderdale Police Department

## Online Police Services

Franklin C. Adderley – Chief of Police


Michael G. Gregory – Assistant Police Chief



# Presidents Task Force on 21<sup>st</sup> Century Policing

## ▶ 4.2.2 Action Item:

Law enforcement agencies should evaluate their patrol deployment practices to allow sufficient time for patrol officers to participate in problem solving and community engagement activities.



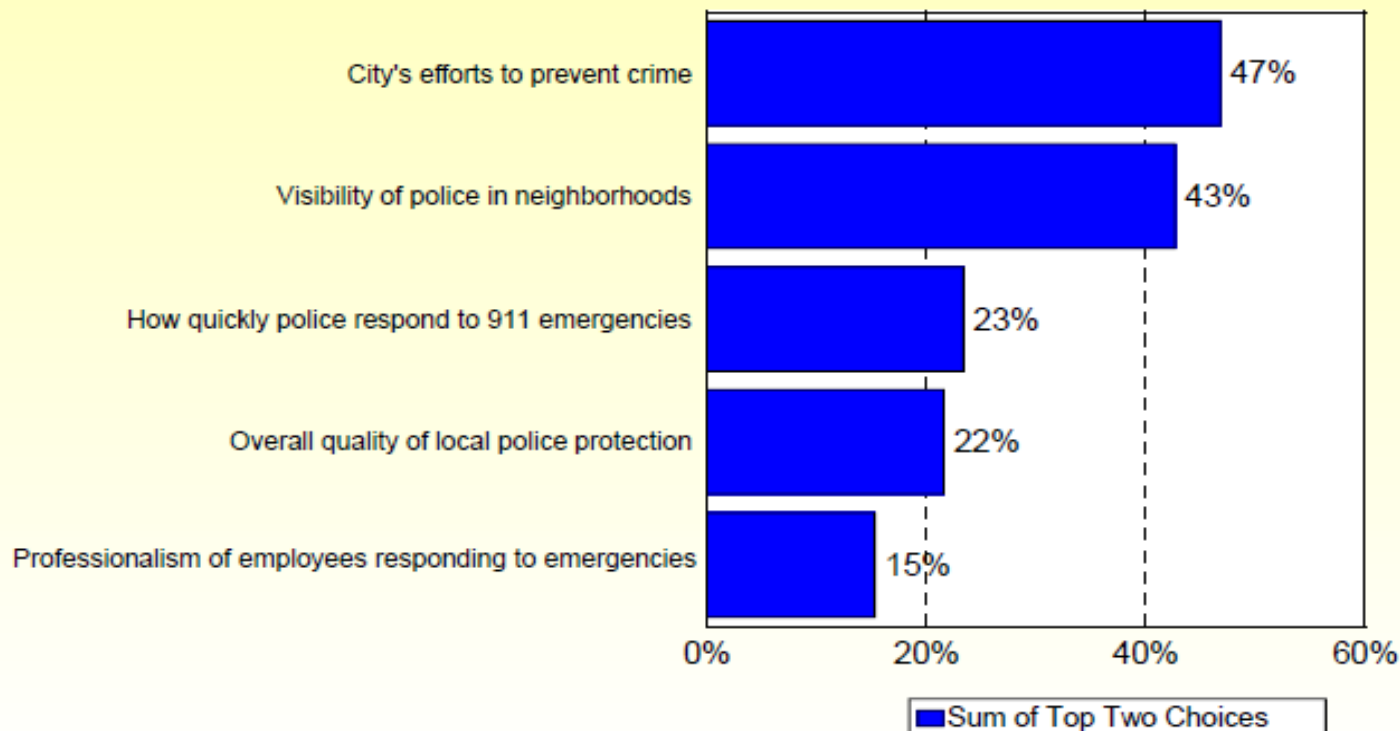
# 2015 Neighborhood Survey

Analysis was conducted to help departmental managers set priorities for their department. Services that are recommended as the top priorities within each department over the next two years are listed below:

- ▶ **Public Safety Services:** The City's efforts to prevent crime and the visibility of police in neighborhoods.
- 

## Q9. Public Safety Issues That Should Receive the Most Emphasis from City Leaders Over the Next Two Years

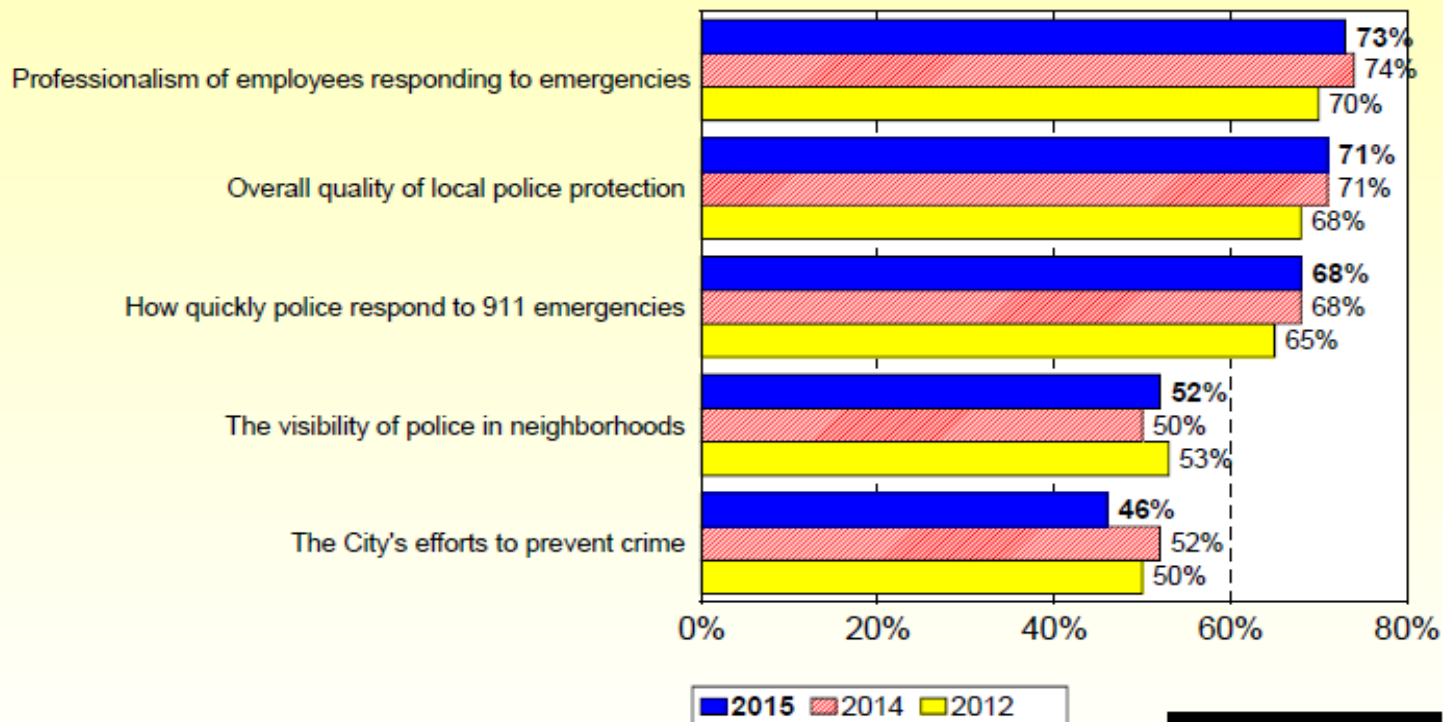
by percentage of respondents who selected the item as one of their top two choices



Source: ETC Institute DirectionFinder (2015 - Fort Lauderdale, FL)

# Satisfaction With Public Safety 2012 to 2015

by percentage of respondents who rated the item as a 4 or 5 on a 5-point scale (excluding "don't know")




\*Changes of +/-4% are statistically significant

Source: ETC Institute DirectionFinder (2015 - Fort Lauderdale, FL)

**Trends**


# Multi-Focused Community Policing Assessment

## Critique:

- ▶ “Calls for service drive the organizational strategy. Solely responding to calls for service doesn’t give officers time to interact with the community or focus on serious crime issues.”
- 

# Multi-Focused Community Policing Assessment

## Community Policing Recommendation 2: FLPD should formalize a call for service reduction plan.


- ▶ Every department, to create more time for officers to engage the community, found that they had to devise a more efficient method to handle the massive non-emergency call for service workload.
  - ▶ In FLPD, as we find in so many other police departments, non-emergency radio calls for service stifle the opportunity for patrol officers to park and meet the residents they serve let alone focus their efforts on crime reduction activities.
- 

# Objectives

- ▶ Free Up Officers' Available Patrol Time
  - For Community Engagement Activities
  - Increased Visibility in Neighborhoods
  - Proactive Crime Suppression
- ▶ Improve the Quality of Service Provided by the Police Department
  - Convenience to Make Incident Reports
  - Time Savings for Report Makers



# Strategies

- ▶ Public Safety Aide program
  - ▶ Station Report program
    - Walk-in Service
    - Call-in Service
  - ▶ Online Reporting System
- 

# Fort Lauderdale Police Department Online Reporting System





## AT YOUR SERVICE

The City of Fort Lauderdale Police Department is committed to providing quality service around the clock. Neighbors can use the online services portal to search for public safety incidents and arrests, submit incident reports, obtain copies of crash reports, request a security watch of their house, while they are out of town, and access other useful information. These new features are intended to provide convenience and greater ease of use. Please feel free to [contact us](#) if you have feedback or questions regarding our new online services.



### [Search Police Records](#)

Search for arrests, accidents and incidents.



### [Report an Incident](#)

Fill out a police report online for a non-emergency event.



### [Request a Security Watch](#)

Request a security watch on your home while you are on vacation.




# FORT LAUDERDALE POLICE DEPARTMENT


Online Services


[HOME](#) | [REPORT INCIDENT](#) | [SECURITY WATCH REQUEST](#) | [EVENT SEARCH](#) | [MOST WANTED](#) | [MISSING PERSONS](#) | [CONTACT US](#) | [RECOMMENDED LINKS](#)

### Event Search

What?

 ☒ Accidents

 ☒ Arrests

 ☒ Incidents

Case #:

When?

Who?

Search By: ☒ Date Occurred ☐ Date Reported

Date:  From:  To:

Specify Date  8/1/2016  8/2/2016

Last Name / Business Name:

First Name:

Middle Name:

Where?


Street #:


Street Name:

City:

Neighborhoods:

Search Range:

 Search

 Reset

Please click "Search" to execute a search when you have completed entering search criteria

powered by Singard Public Sector CSS3 & PHP engine



## Event Search

What?



☒ Accidents



☒ Arrests



☐ Incidents

Case #:

When?

Search By: ☒ Date Occurred ☐ Date Reported

Date:

From: \*

To: \*

This Week ▼

07/31/2016

08/02/2016

Who?

Last Name /

Business Name: First Name:

Middle Name:




Where?

Street #:

Street Name:

City:

Neighborhoods:

Search Range:



Date/Time	Type	Details	Location	Report
07/31/2016 01:38	Arrest	Arrestee: RODGERS, JAIME Charge: TOUCH OR STRIKE BATTERY/DOMESTIC VIOL	1200-BLK NE 17TH WAY	
07/31/2016 09:31	Arrest	Arrestee: LESSER, NANCY JO Charge: TRESPASSING-PROPERTY NOT STRUCTURE OR CONVEY	100-BLK S ANDREWS AV	
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123456

Map These Events with Google maps



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What type of incident are you reporting?

--Select An Incident Type-- ▾

--Select An Incident Type--

Group Home Missing Child

Lost Property

Theft (Less Than \$300)

Vandalism

Other

powered by Sungard Public Sector OSSl 's P2C engine





# REPORT INCIDENT

Please answer the following to begin the process:

Are you the  
victim?

Yes ▼

Is the victim a person or a  
business?

A Person ▼

Was any property damaged, lost, or  
stolen?

No ▼

Were any vehicles involved?

No ▼

Is there a suspected person?

No ▼

Next



Last Name:			First Name:			Middle Name:		
<input type="text"/>			<input type="text"/>			<input type="text"/>		
Race:			Sex:			Date of Birth:		
<input type="text"/>			<input type="text"/>			<input type="text"/>		
Street No:			Street Name:			Apt:		
<input type="text"/>			<input type="text"/>			<input type="text"/>		
City:			State:			Zip:		
<input type="text"/>			<input type="text"/>			<input type="text"/>		
Mailing Address - Check if same as above:								
<input type="checkbox"/>								
Mailing Street No:			Mailing Street Name:			Mailing Apt:		
<input type="text"/>			<input type="text"/>			<input type="text"/>		
Mailing City:			Mailing State:			Mailing Zip:		
<input type="text"/>			<input type="text"/>			<input type="text"/>		
Home Phone:			Date Leaving:			Time Leaving:		
<input type="text"/>			<input type="text"/>			<input type="text"/>		
Date Returning:			Time Returning:			Emergency Contact Number:		
<input type="text"/>			<input type="text"/>			<input type="text"/>		
Alarm System:			Lights on Timer:					
<input type="checkbox"/>			<input type="checkbox"/>					
Local Contact: (total characters: 0 of 40)								
<input type="text"/>								
Alarm Company: (total characters: 0 of 40)								
<input type="text"/>								
Cars Present: (total characters: 0 of 100)								
<input type="text"/>								
Animals Present:								
<input type="text"/>								
Authorized Persons/Key Location: (total characters: 0 of 100)								
<input type="text"/>								
Notes: (total characters: 0 of 1500)								
<input type="text"/>								
Email:								
<input type="text"/>								







## ***MOST WANTED PERSONS***



Race:  
Sex:  
Age:

**No Person on File**

If you have any information regarding this individual please  
contact us by clicking the button below or call us at

911

[Contact Us](#)



records



Disclaimer: These pages are based on the event date not the current date.



## MISSING PERSONS

**MARCELA  
ACEVEDO**



Race: White  
Sex: Female  
Current Age:  
17 years old  
Last Known Size:  
5' 03" 155 lbs

Please call 911 if you have any info about this missing person.

Thank you for your help.

1 of 937





## CONTACT US

First Name:

Middle Name:

Last Name:

Suffix:

Email:

Address1:

Address2:

City:

State:

Zip Code:

Home Phone:

Work Phone:

Mobile Phone:

Message For:

Message Type:

Relationship:

Message:

 Send Contact Message

 Reset



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# Questions

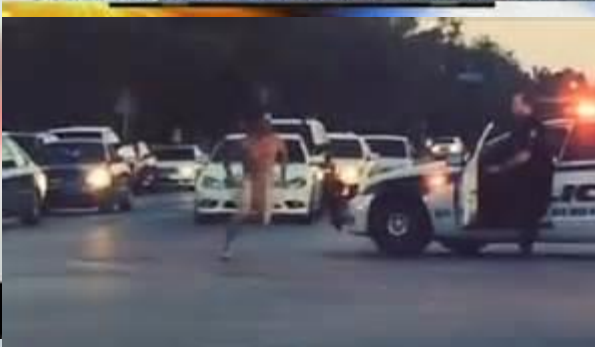
# Flakka



*“FIVE DOLLAR INSANITY”*



# Local Epidemic



# *Epicenter of Alpha - PVP*



## South Florida Crime a-PVP Lab Cases:

- 2012 - 2
- 2013 - 6
- 2014 - 576



# The Issues



## Flakka Hospital Cases: Broward Health

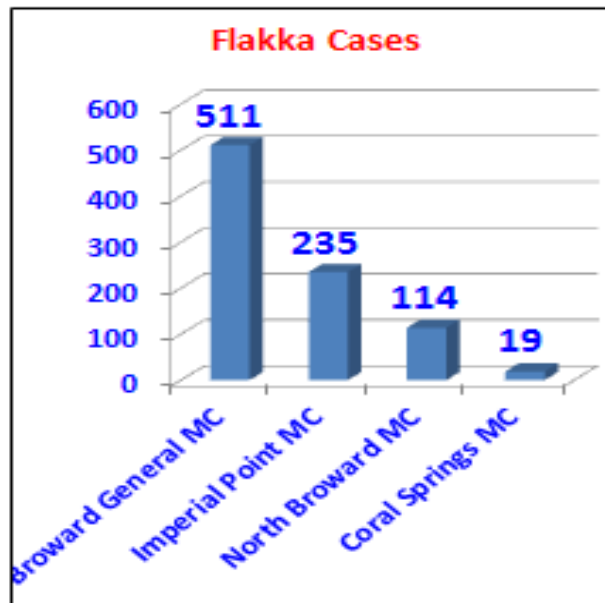
June 1 – August 20, 2015

**n = 882 Flakka Cases**

**June 1 – August 20, 2015**

**Source: Broward Health  
Medical Centers**

Time Period	Total Cases	Cases per Day
June 1 - 30	341	11.36
July 1 - 31	342	11.03
Aug. 1 - 20	199	9.95



# *The solutions!*



- Community Outreach
- Neighborhood marches and door to door campaigns with religious and neighborhood groups.
- DEV – Drug Enforcement and Vice Unit
- Unprecedented relationships with non-profits such as United Way.
- Worked closely with Federal Partners here and abroad.
- Formulated a delegation to visit U.S. Ambassador and Chinese counterparts.

# *Heroin – Fentanyl*

*A National Epidemic*



# City of Fort Lauderdale

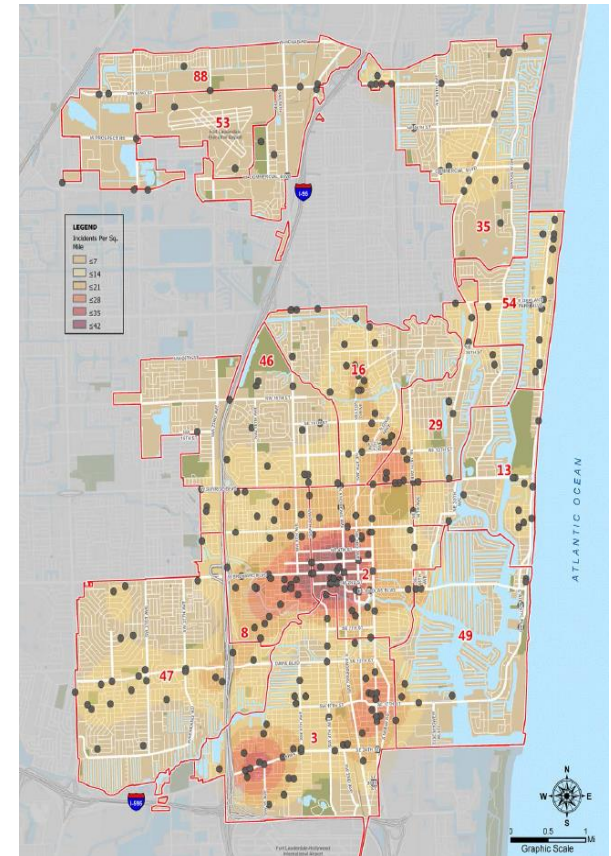


2016 Incidents  
(January – September 15)

Narcan Administration: 470 incidents

**CONFIRMED:** 143 cases (1/1/15 – 5/27/16)

Admitted heroin and/or fentanyl  
use by patient or witness/friend.



# *The Silent Killer*



## Heroin

- Product of the Pill Mill epidemic
- Heroin was the opioid replacement
- Injected, snorted, smoked,
- pill form, powder, liquid

## Fentanyl

- Search for better high led to fentanyl being added
- Fentanyl 50-100times more potent than morphine
- Fentanyl is a schedule II drug.

# Unique Issues



- Accepting the disease of drug addiction
- “Silent Killer”
- Users underestimate the strength
- Strength of Fentanyl and Carfentanyl
- Issues with officer safety and narcotic identification
- Endless variations of synthetic opioids
- Profit margin for dealers and lack of trafficking statutes.

# Solutions



- First Responder access to Narcan
- Relationships with Chinese Government
- Supply and Demand – Rehabilitative Services
- Community outreach (Community Action Team)

# Fort Lauderdale Police Department

## Online Police Services

Franklin C. Adderley – Chief of Police

Michael G. Gregory – Assistant Police Chief





# Presidents Task Force on 21<sup>st</sup> Century Policing

## ▶ 4.2.2 Action Item:

Law enforcement agencies should evaluate their patrol deployment practices to allow sufficient time for patrol officers to participate in problem solving and community engagement activities.

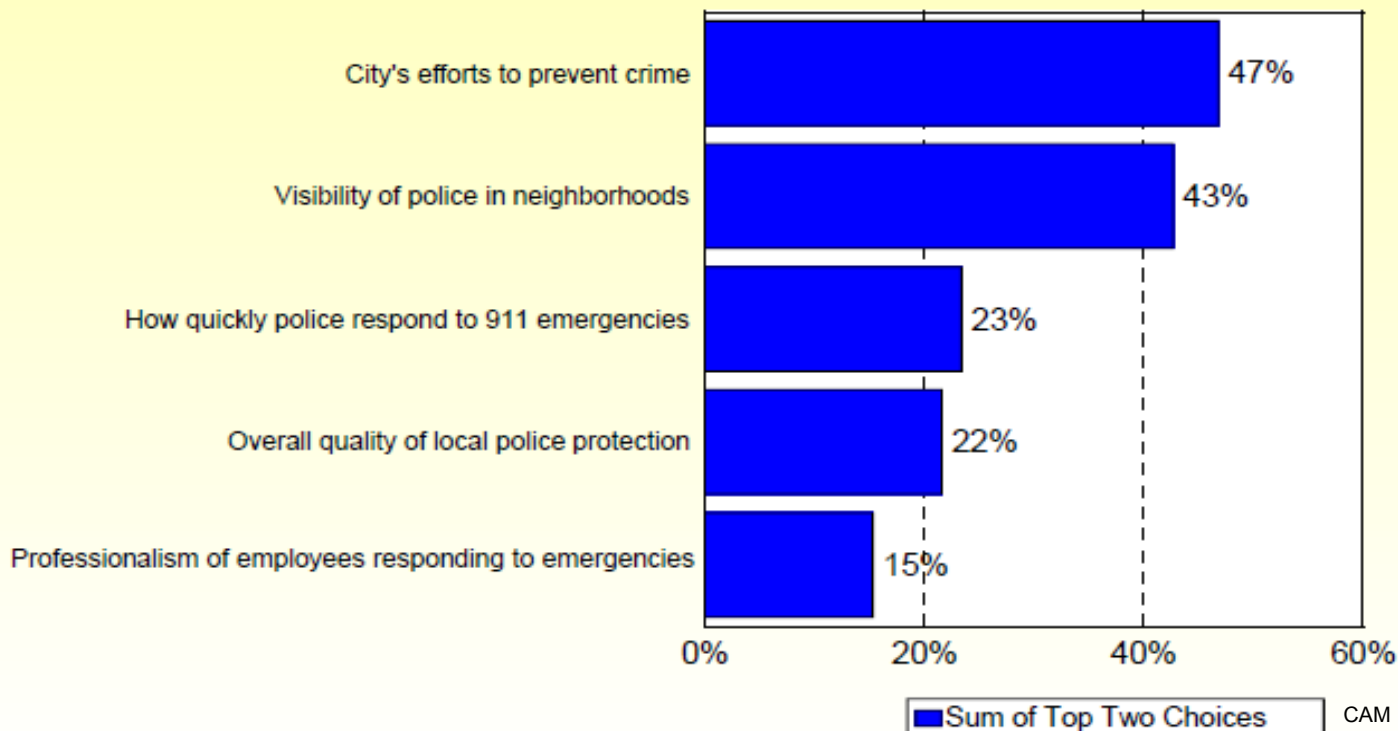
# 2015 Neighborhood Survey

Analysis was conducted to help departmental managers set priorities for their department. Services that are recommended as the top priorities within each department over the next two years are listed below:

- ▶ **Public Safety Services:** The City's efforts to prevent crime and the visibility of police in neighborhoods.

## Q9. Public Safety Issues That Should Receive the Most Emphasis from City Leaders Over the Next Two Years

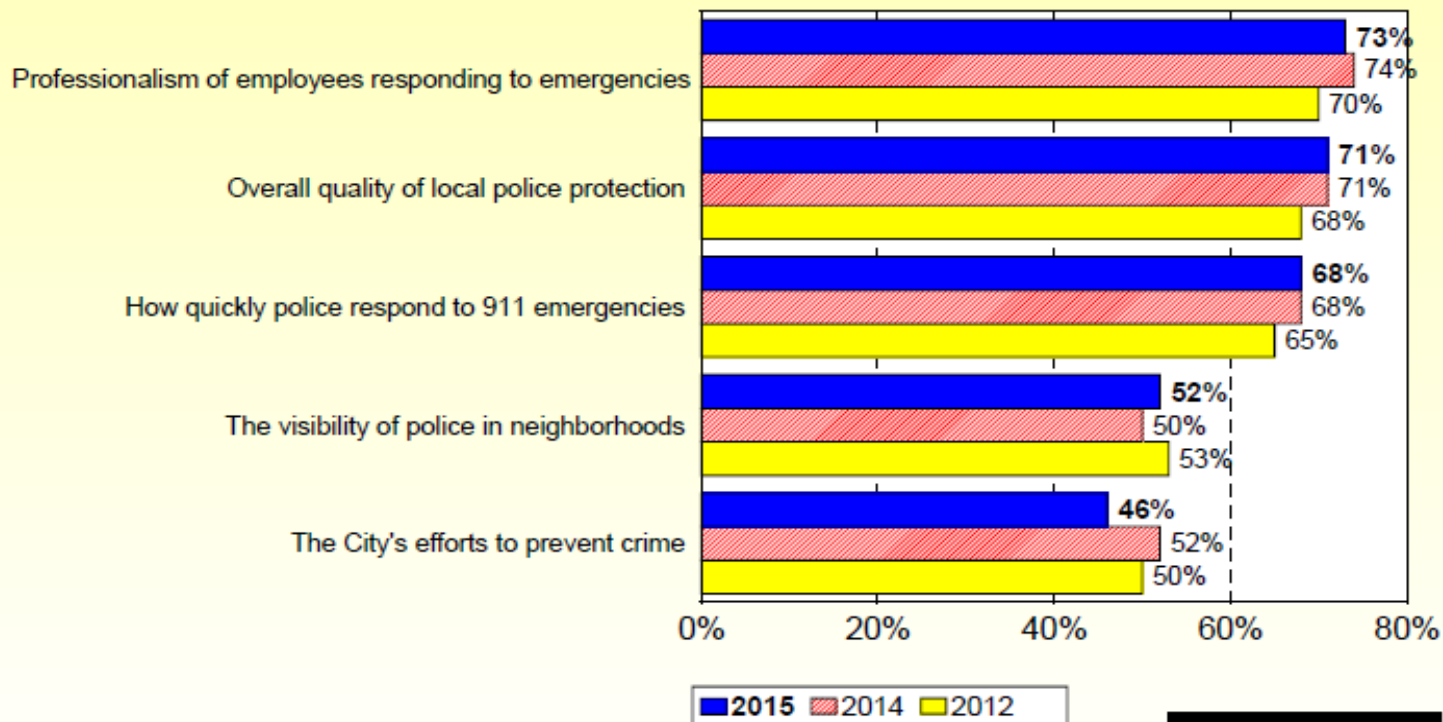
by percentage of respondents who selected the item as one of their top two choices



Source: ETC Institute DirectionFinder (2015 - Fort Lauderdale, FL)

# Satisfaction With Public Safety 2012 to 2015

by percentage of respondents who rated the item as a 4 or 5 on a 5-point scale (excluding "don't know")



\*Changes of +/-4% are statistically significant

Source: ETC Institute DirectionFinder (2015 - Fort Lauderdale, FL)

**Trends**

6-1202  
Exhibit 1  
Page 15 of 31

# Multi-Focused Community Policing Assessment

## Critique:

- ▶ “Calls for service drive the organizational strategy. Solely responding to calls for service doesn’t give officers time to interact with the community or focus on serious crime issues.”

# Multi-Focused Community Policing Assessment

## Community Policing Recommendation 2: FLPD should formalize a call for service reduction plan.

- ▶ Every department, to create more time for officers to engage the community, found that they had to devise a more efficient method to handle the massive non-emergency call for service workload.
- ▶ In FLPD, as we find in so many other police departments, non-emergency radio calls for service stifle the opportunity for patrol officers to park and meet the residents they serve let alone focus their efforts on crime reduction activities.

# Objectives

- ▶ Free Up Officers' Available Patrol Time
  - For Community Engagement Activities
  - Increased Visibility in Neighborhoods
  - Proactive Crime Suppression
- ▶ Improve the Quality of Service Provided by the Police Department
  - Convenience to Make Incident Reports
  - Time Savings for Report Makers

# Strategies

- ▶ Public Safety Aide program
- ▶ Station Report program
  - Walk-in Service
  - Call-in Service
- ▶ Online Reporting System



# Fort Lauderdale Police Department Online Reporting System



CAM 16-1202  
Exhibit 1  
Page 20 of 31





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Wind Sector 0651 1.940 Engine




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What?

 ☒ Accidents

 ☒ Arrests

 ☒ Incidents

Case #:

When?

Who?

Search By: ☒ Date Occurred ☐ Date Reported

Date:  From:  To:

Specify Date  8/1/2016  8/2/2016

Last Name / Business Name:

First Name:

Middle Name:

Where?


Street #:


Street Name:

City:

Neighborhoods:

Search Range:

 Search

 Reset

Please click "Search" to execute a search when you have completed entering search criteria.

powered by Singard Public Sector CSS3 & PHP engine



## Event Search

What?



☒ Accidents



☒ Arrests



☐ Incidents

Case #:

When?

Search By: ☒ Date Occurred ☐ Date Reported

Date:

From: \*

To: \*

This Week ▼

07/31/2016

08/02/2016

Who?

Last Name /

Business Name: First Name:

Middle Name:




Where?

Street #:

Street Name:

City:

Neighborhoods:

Search Range:



Date/Time	Type	Details	Location	Report
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123456

Map These Events with [Google maps](#)

CAM 16-1202

Exhibit 1

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What type of incident are you reporting?

- Select An Incident Type-- ▾
- Select An Incident Type--
- Group Home Missing Child
- Lost Property
- Theft (Less Than \$300)
- Vandalism
- Other

powered by Sungard Public Sector OSSl 's P2C engine





# REPORT INCIDENT

Please answer the following to begin the process:

Are you the  
victim?

Yes ▼

Is the victim a person or a  
business?

A Person ▼

Was any property damaged, lost, or  
stolen?

No ▼

Were any vehicles involved?

No ▼

Is there a suspected person?

No ▼

Next



Last Name:	First Name:	Middle Name:
<input type="text"/>	<input type="text"/>	<input type="text"/>
Race:	Sex:	Date of Birth:
<input type="text"/>	<input type="text"/>	<input type="text"/>
Street No:	Street Name:	Apt:
<input type="text"/>	<input type="text"/>	<input type="text"/>
City:	State:	Zip:
<input type="text"/>	<input type="text"/>	<input type="text"/>
Mailing Address - Check if same as above:		
<input type="checkbox"/>		
Mailing Street No:	Mailing Street Name:	Mailing Apt:
<input type="text"/>	<input type="text"/>	<input type="text"/>
Mailing City:	Mailing State:	Mailing Zip:
<input type="text"/>	<input type="text"/>	<input type="text"/>
Home Phone:	Date Leaving:	Time Leaving:
<input type="text"/>	<input type="text"/>	<input type="text"/>
Date Returning:	Time Returning:	Emergency Contact Number:
<input type="text"/>	<input type="text"/>	<input type="text"/>
Alarm System:	Lights on Timer:	
<input type="checkbox"/>	<input type="checkbox"/>	
Local Contact: (total characters: 0 of 40)		
<input type="text"/>		
Alarm Company: (total characters: 0 of 40)		
<input type="text"/>		
Cars Present: (total characters: 0 of 100)		
<input type="text"/>		
Animals Present:		
<input type="text"/>		
Authorized Persons/Key Location: (total characters: 0 of 100)		
<input type="text"/>		
Notes: (total characters: 0 of 1500)		
<input type="text"/>		
Email:		
<input type="text"/>		







## ***MOST WANTED PERSONS***



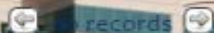
Race:  
Sex:  
Age:

**No Person on File**

If you have any information regarding this individual please  
contact us by clicking the button below or call us at

911

[Contact Us](#)



Disclaimer: The data is based on the event date not the current date.



## MISSING PERSONS

**MARCELA  
ACEVEDO**



Race: White  
Sex: Female  
Current Age:  
17 years old  
Last Known Size:  
5' 03" 155 lbs

Please call 911 if you have any info about this missing person.

Thank you for your help.

of 937





## CONTACT US

First Name:	Middle Name:
<input type="text"/>	<input type="text"/>
Last Name:	Suffix:
<input type="text"/>	<input type="text"/>
Email:	Address1:
<input type="text"/>	<input type="text"/>
Address2:	City:
<input type="text"/>	<input type="text"/>
State:	Zip Code:
<input type="text" value="Florida"/>	<input type="text"/>
Home Phone:	Work Phone:
<input type="text"/>	<input type="text"/>
Mobile Phone:	
<input type="text"/>	
Message For:	
<input type="text" value="FT LAUDERDALE POLICE DEPARTMENT"/>	
Message Type:	
<input type="text" value="I have a general comment"/>	
Relationship:	
<input type="text" value="I am a visitor to the website only"/>	
Message:	
<input type="text"/>	
<input type="button" value="Send Contact Message"/> <input type="button" value="Reset"/>	



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Wind Sector 0651 1.00 Engine

# Questions





**Memorandum No: 16-260**

**City Attorney's Office**

To: Honorable Mayor and Commissioners

Through: Cynthia A. Everett, City Attorney *C/E*

From: Candace R. Duff, Esquire *CRD*

Date: October 6, 2016

Re: Overview on Advisory Board Conflicts of Interest

---

We received a request from Commissioner Rogers for a general memorandum providing an overview of the state ethics rules pertaining to advisory board member conflicts of interest.<sup>1</sup> This Office issued a previous opinion to the Commissioners in Memorandum No: 16-141, dated June 7, 2016, regarding advisory board conflicts of interest (see attached), dealing with a conflict of interest arising from an advisory board member's membership in a nonprofit foundation that had submitted an application to the board for grant funding.

Section 112.313(7)(a), Florida Statutes (2016) provides that: "No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, . . ."

Advisory board members are "public officers" (§112.313(1), Fla. Stat. 2016) and "business entities" include both for profit and nonprofit corporations within the meaning of the statute (§112.312(5), Fla. Stat. 2016). Both the advisory board and the appointing body (in this case the City Commission) would be considered to be their agency.

"Employment" within the meaning of this provision requires that one be compensated or receive some consideration from the business entity or agency with which one has the relationship. Commission on Ethics Opinion (hereinafter "CEO") 76-21; CEO 80-29. The term "employment" is not limited to a master-servant relationship, but also includes being an owner, partner or sole proprietor of the business entity (CEO 84-95), being a compensated director of a nonprofit entity (CEO 85-89) and "hanging" a real estate salesperson license with a broker (CEO 12-15).

Law firm partners, shareholders and associates (but not of counsel) have contractual relationships with firm clients whether they worked on that particular client's matter or not (CEO 80-79, CEO 94-5, CEO 96-1, CEO 03-7, CEO 04-9, CEO 10-20, CEO 10-24); accountants, on the other hand, do not have firm based contractual relationships. (CEO 11-15).



A "contractual relationship" within the meaning of this provision can include the sale of goods or realty, the provision of services for compensation, owning shares of stock in a corporation (CEO 99-13, CEO 11-05), holding stock options (CEO 05-18, n. 8) and hanging a real estate license with a broker (CEO 12-15).

One does not hold a contractual or business relationship with a company that is doing business with his or her agency merely because he or she is an officer of a company that subcontracts with the company doing business with their agency. (CEO 88-43, CEO 07-2, CEO 11-12, CEO 11-18, CEO 12-8). Similarly, one does not hold a contractual relationship with a company merely because one's corporation holds a contractual relationship with a company. (CEO 08-23; CEO 14-27).

Past or possible future contractual relationships are not encompassed within this provision – the contractual relationship or employment must exist simultaneously with the other elements of this provision. (CEO 88-11; CEO 08-14; CEO 12-3).

Uncompensated service has been found not to constitute a contractual relationship (CEO 06-26); however, the fact that someone did not receive monetary compensation is not controlling if other consideration or services under a professional licensure is involved (CEO 95-28, CEO 08-7, CEO 08-8, CEO 11-6).

One can still have a conflicting contractual relationship with uncompensated service under certain circumstances. For example, a president, officer or director of a voluntary association can have a conflicting contractual relationship if, for example, their duties in that capacity would include seeking funding from or doing business with their agency. (CEO 06-12, CEO 08-7, Question 2).

Being a member of a nonprofit corporation can create a prohibited "contractual relationship" within the meaning of the statute. In CEO 06-12, the Ethics Commission explained the rationale behind finding a contractual relationship to exist between a nonprofit corporation and its members:

"[W]e have recognized that "[m]embership in a voluntary, unincorporated association rests on contract; the constitution and by-laws of a voluntary association become a contract between each member and the association. 4 Fla. Jur. 2d Associations and Clubs, Sections 5 and 7." CEO 82-14. Thus, in that opinion, we found that an airport authority official had a contractual relationship with an association of tenants of the authority as a member of the association. . . . Although we have not specifically addressed membership in a voluntary incorporated association

in any of our opinions, we find that under the general law of contract, the same principal applies. The constitution and by-laws of a voluntary association, when subscribed or assented to by the members, becomes a contract between each member and the association." (citation omitted). *Elbadramany v. Stanley*, 490 So. 2d 964, 966 (Fla. 5th DCA 1986).

A business entity is considered "doing business with" an agency where the parties have entered into a lease, contract, or other type of arrangement where one party would have a cause of action against the other in the event of a breach or default (CEO 86-24, CEO 07-11, CEO 11-14, CEO 11-15, CEO 12-15). Obtaining grant funding can constitute "doing business" with a board or agency – especially if there is an agreement with the City pertaining to the funding or obligations otherwise attached to the receipt of the funding.

Section 112.313(7), Florida Statutes (2016) also prohibits a public officer from having a contractual relationship or employment that will create a "continuing or frequently recurring" conflict of interest, or that would "impede the full and faithful discharge" of public duties. This section is based upon the principle that one cannot serve two masters; it is preventative in nature and intended to prevent situations where private considerations might tempt one. Representing a client before the board on which one serves, for example, would impede one's full and faithful discharge of one's duties and, if it occurred on a continuing basis, create a continuing or frequently recurring conflict (CEO 77-126, 78-86). Another example would be situations in which a board member may be tempted to disclose or use information not generally available to the public and gained by reason of one's official position. (CEO 92-18; CEO 11-14).

A Board member could also run into voting conflicts by virtue of his or her conflicting employment and contractual relationships. Pursuant to Section 112.3143(3)(a) of the state ethics code, "No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained . . ."

Even if a Board member does not technically have a voting conflict under Section 112.3143(3)(a), we recommend that he or she follow the Ethics Commission's advice:

"[W]e suggest a better course for the Commissioner than adherence to the letter of the law alone. Assuming that she becomes an unpaid director, we suggest that she declare that relationship, abstain from voting, and

timely file CE Form 8B (memorandum of voting conflict) regarding votes/measures of the County Commission concerning the corporation. Such conduct would foster public confidence in government and apparently would be in accord with Section 286.012, Florida Statutes, which provides, with emphasis supplied:

No member of any state, county, or municipal governmental board, commission or agency who is present at any meeting of such body at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of s. 112.211, s. 112.313, or s. 112.3143. In such cases, said member shall comply with the disclosure requirements of s. 112.3143.”

Pursuant to §112.313(12), advisory board member conflicts of interest arising under §112.313(3) (which prohibits a public officer from doing business with his or her own agency) and §112.313(7) (which prohibits conflicting employment and contractual relationships) may be waived by a two thirds vote of the City Commission as the appointing body.

Please do not hesitate to contact me if you have any questions.

cc: Lee R. Feldman, City Manager  
Jeffrey A. Modarelli, City Clerk  
John Herbst, City Auditor

CRD/grb

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<sup>i</sup> Much of the material in this memorandum takes liberally from continuing legal education materials prepared by C. Christopher Anderson III, Esq., General Counsel Deputy Executive Director of the Florida Commission on Ethics, dated December 8, 2015.