



COUNTY ATTORNEY'S OFFICE
THOMAS B. DRAGE, JR. *County Attorney*

201 South Rosalind Avenue - 3rd Floor
Reply To: Post Office Box 1393
Orlando, Florida 32802-1393
407-836-7320 ■ Fax 407-836-5888
http://www.ocfl.net

MEMORANDUM

Deputy County Attorney
Joel D. Prinsell

Senior Assistant County Attorneys

Robert D. Guthrie
Edward M. Chew

Assistant County Attorneys

Roberta Alfonso
David J. Bass
Linda Breluner Lanosa
Henry Brown
Dana Crosby

P. Andrea DeLoach
George L. Dorsett
Whitney E. Evers
Wanzo Galloway, Jr.
Tamara L. Gappen
Tara L. Gould
Charles J. Hawkins, II
Peter A. Lichtman
John P. Lowndes
Lila I. McHenry
Vivien J. Monaco
Lynn P. Porter-Carlton
William Turner

Legal Administrative Supervisor

Anna M. Caban

Sr. Paralegal

John P. Dougherty

Paralegals

Kimberly Cundiff
Cathy Saravanja, CP
Maria Vargas, ACP

TO: Richard T. Crotty, Orange County Mayor
-AND-
Board of County Commissioners

FROM: Thomas B. Drage, Jr., County Attorney

RE: Public Hearing; Approval of an ordinance and administrative regulation both of which relate to the ethical standards for County officers and employees

DATE: June 18, 2010

This is to request Board approval of the attached ordinance and administrative regulation, both of which relate to the ethical standards for County officers and employees. The ordinance contains amendments to the existing ethics ordinance and the administrative regulation addresses the ethics investigation process.

In the drafting the ordinance, the County Attorney's Office solicited input from the Mayor, members of the Board and staff. Mayor Crotty has proposed that stand alone social events such as birthdays, weddings etc. would not be subject to the food and beverage gift restrictions of the present ordinance. Further, Mayor Crotty has suggested that the food and beverage gift restriction not apply at social events where other community leaders are likewise invited to attend in their official capacities.

Commissioner Segal has proposed that the Mayor and Commissioners be subject to post employment restrictions with individuals or entities that have obtained a favorable vote in a non-consent agenda procurement matter occurring within the immediate preceding year.

Additionally, the draft ordinance includes provisions which impose penalties for lobbyist who violate the gift ban, provides a sunshine law exemption in conformity with newly passed state legislation; establishes a 5-year statute of limitations; and provides for implementation of the enforcement process upon completion of training for the ethics investigator, special master, and hearing officer.

If enacted, the ordinance will:

- Replace the word "meals" with the words "food or beverage" as it relates to gifts.
- Provide a definition for "stand-alone social event."

- Allow the Mayor and BCC members to accept food or beverage of any value which is served at a stand-alone social event.
- Allow the Mayor and BCC members to accept food or beverage of any value which is served at a function which is either open to the public or where elected officials or other community leaders have been invited or are expected to attend in their respective official capacities.
- Prohibit the Mayor and BCC members from accepting gifts from a lobbyist or principal who retains a lobbyist, except for certain exempted items.
- Provide penalties for a lobbyist and/or principal who retains a lobbyist who knowingly violates the ordinance.
- Institute a one-year restriction on post-County employment opportunities for the Mayor and BCC members who vote on specific non-consent agenda procurement matters within one year of leaving office.
- Permit the Mayor and BCC members to seek legal counsel of the County Ethics Officer regarding post employment restrictions prior to leaving office.
- Requires "post-employment restriction" language for Mayor and BCC members to be included in all bid or proposal packages issued by the County.
- State the public records and sunshine law exemptions for ethics investigations.
- State that investigating and penalty provisions of ordinance will go into effect once County Ethics Officer notifies BCC that the County investigator(s), special magistrate(s) and hearing officer(s) have completed the ethics and procedural training.
- Impose a 5-year statute of limitations period for filing of an ethics complaint.

If approved, the administrative regulation will:

- Adopt the complaint form for alleged ethics violations.

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- Adopt the enforcement response guide and matrix relating to ethics investigations.

If you have any questions or comments, please contact me at extension 67330.

BOARD ACTION REQUESTED: Approve the attached ordinance and administrative regulation both of which relate to the ethical standards for County officers and employees.

Attachment

C: Ajit Lalchandani, County Administrator
Robert Guthrie, Senior Assistant County Attorney
Charles Hawkins, Assistant County Attorney
Dana Crosby, Assistant County Attorney
Cheryl Gillespie, Agenda Development Office
Kim Cundiff, Paralegal

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