

Memo

To: Mark Brown, Commissioner, Town of Lauderdale-By-The-Sea

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

Cc: Connie Hoffmann, Town Manager

Date: February 20, 2015

Re: Adequacy of Training Obtained in 2014
Town Attorney Opinion (TAO): 15-1C (Training)

Facts: You have filed forms certifying that you have taken nine (9) hours of public service ethics training under Section 1-19 of the Broward County Code of Ordinances (the “County Ordinance”) in 2014, the second year of your term. You were elected as Commissioner and began a four-year term of office on February 14, 2012. The anniversary of the beginning of your term is February 14, 2015.

You previously received Town Attorney Opinion TAO 12-10C approving your ethics training for your first year in office, and advising you that your requirement should be calculated based on the anniversary of the date you took office. That opinion also advised that training in sunshine law and public records issues qualifies as public service ethics training, and that you can record a scheduled hour of training even if the training is shorter than a full sixty minutes. You also received TAO 14-1C approving your ethics training for your second year in office.

Question: You wish to know whether the training that you have obtained in 2014 is sufficient to satisfy the requirements of the County Ordinance for your third year of your term of office.

Analysis:

1. Satisfaction of Your Training Obligation

A. Scope of Training

The training in public records, sunshine law issues and other public service ethics issues described on your forms qualifies as public service ethics training under the County Ordinance.

B. Amount of Training

You attended public service ethics training sessions throughout 2014 offered by the Town Attorney, the Broward League of Cities, and the Florida League of Cities totaling 9 hours. This more than satisfies your eight-hour requirement.

Answer: The training you have reported satisfies your obligations for public service ethics training under the County Ordinance.

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.

Limitations: 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 be considered only if in writing and signed by the Elected Official or by his or her office staff. Requests for opinions shall state all material facts necessary for the advising attorney to understand the circumstances and render a complete and correct 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 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.”