



BOARD OF COUNTY COMMISSIONERS

DATE: August 19, 2014

AGENDA ITEM NO. 12

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

 **County Administrator's Signature:**

Subject:

Consideration of a Waiver of Ethical Conflict for an Appointee on the Tourist Development Council.

Department:

Convention & Visitors Bureau

Staff Member Responsible:

David Downing, Interim Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) CONSIDER A WAIVER OF ETHICAL CONFLICT TO AN APPOINTEE ON THE TOURIST DEVELOPMENT COUNCIL (TDC) AS AUTHORIZED BY FLORIDA STATUTES, §112.313(12).

IT IS FURTHER RECOMMENDED THAT UPON APPROVAL, FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST BE KEPT ON FILE IN BOARD RECORDS.

Summary Explanation/Background:

The TDC serves in an advisory capacity to the Board and its members are comprised of Board appointees. From time to time, these appointees may be faced with instances that present a potential ethical conflict. In such instances, Florida law provides for a waiver of ethical conflict. More specifically, a waiver of ethical conflict is provided when an appointee serving on an advisory board, such as the TDC, is simultaneously employed by a business entity that is conducting business with the agency. Jenny Carlisle, a TDC appointee, is requesting the Board consider waiving the potential ethical conflict which may occur due to her position at Clearwater Marine Aquarium (CMA).

After her appointment to the TDC on October 22, 2013, Jenny Carlisle obtained employment with CMA on March 26, 2014. Subsequently, on May 6, 2014, the Board approved the Capital Funding Guidelines which provides the TDC criteria to review capital project funding requests and to determine project eligibility, viability and ability to attract tourists to the County. The TDC then makes funding recommendations for eligible projects to the Board for ultimate approval. The CMA has expressed its intent to seek funding through this program and any such funding request by the CMA to the TDC would give rise to an ethical conflict for Ms. Carlisle as both a TDC member and an employee of the CMA.

As provided in Fla. Stat. §112.313(12), an ethical conflict can be waived by a two-thirds (2/3) vote of the Board. If granted, the waiver will allow Jenny Carlisle to continue both her service on the TDC and her current employment at CMA. Moreover, at such time as any CMA matter may come before the TDC, Jenny Carlisle would be required to announce her conflict and abstain from voting. If this occurs, she would also have to file Form 8(b) Memorandum of Voting Conflict for Public Officer, with the TDC.

Fiscal Impact/Cost/Revenue Summary:

None

Exhibits/Attachments Attached:

Form 4A Disclosure of Business Transaction, Relationship or Interest

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL Carlisle Carlisle, Jenny R			OFFICE / POSITION HELD Board Member
MAILING ADDRESS 2734 Meadow Wood Dr.			AGENCY OR ADVISORY BOARD Pinellas County TDC
CITY Clearwater	ZIP 33761	COUNTY Pinellas	ADDRESS OF AGENCY 315 Court St. Clearwater 33756

HOW TO COMPLETE AND FILE THIS FORM:

Parts A and B of this form serve two different purposes. Part A is for advisory board members who wish to use an exemption in the ethics laws that is applicable only to advisory board members. Part B is for public officers and employees who wish to use a separate exemption that is applicable when the business entity involved is the sole source of supply within the political subdivision. In order to complete and file this form:

- Fill out Part A or Part B, as applicable.
- Sign and date the form on the reverse side.
- File Part A with the appointing body or person that will be waiving the restrictions of 112.313(3) or (7), Fla. Stat., prior to the waiver.
- File Part B with the governing body of the political subdivision in which the reporting person is serving, prior to the transaction.

PART A - DISCLOSURE OF TRANSACTION OR RELATIONSHIP CONCERNING ADVISORY BOARD MEMBER

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including persons serving on advisory boards. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, permits the appointing official or body to waive these requirements in a *particular instance* provided: (a) waiver by the appointing body must be upon a two-thirds affirmative vote of that body; or (b) waiver by the appointing person must be effected after a public hearing; and (c) in either case the advisory board member must fully disclose the transaction or relationship which would otherwise be prohibited by Subsections (3) of (7) of Section 112.313, Florida Statutes. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable* to an advisory board member.

PLEASE COMPLETE THE FOLLOWING:

- The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - ☒ The reporting person;
 - ☐ The spouse of the reporting person, whose name is _____; or
 - ☐ A child of the reporting person, whose name is _____
- The particular transaction or relationship for which this waiver is sought involves [check applicable space]:
 - ☒ Supplying the following realty, goods, and/or services: potential request for TDC Funding
 - ☐ Regulation of the business entity by the governmental agency served by the advisory board member.
- The following business entity is doing business with or regulated by the governmental agency:

Clearwater Marine Aquarium
- The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:
 - ☐ Officer; ☐ Partner; ☐ Associate; ☐ Sole proprietor; ☐ Stockholder; ☐ Director; ☐ Owner of in excess of 5% of the assets of capital stock in such business entity; ☒ Employee; ☐ Contractual relationship with the business entity;
 - ☐ Other, please describe:

PART B - DISCLOSURE OF INTEREST IN SOLE SOURCE OF SUPPLY

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain employment and business relationships on the part of public officers and employees. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12)(e), Florida Statutes, provides an exemption from the above-mentioned restrictions in the event that the business entity involved is the only source of supply within the political subdivision of the officer or employee. In such cases the officer's or employee's interest in the business entity must be fully disclosed to the governing body of the political subdivision. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable*.

PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:

☐ The reporting person;


☐ The spouse of the reporting person, whose name is _____; or

☐ A child of the reporting person, whose name is _____
2. The following are the goods, realty, or services being supplied by a business entity with which the public officer or employee, or spouse or child of such officer or employee, is involved is:

3. The business entity which is the only source of supply of the goods, realty, or services within the political subdivision is:

(NAME OF ENTITY) (ADDRESS OF ENTITY)
4. The relationship of the undersigned public officer or employee, or spouse or child of such officer or employee, to the business entity named in Item 3 above is [check applicable spaces]:
☐ Officer; ☐ Partner; ☐ Associate; ☐ Sole proprietor; ☐ Stockholder; ☐ Director; ☐ Owner of in excess of 5% of the assets or capital stock in such business entity; ☐ Employee; ☐ Contractual relationship with the business entity;
☐ Other, please describe:

SIGNATURE

SIGNATURE	DATE SIGNED	DATE FILED
	6/23/14	

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES s. 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.