

# Memo

To: Lori Moseley, City Commissioner, City of Miramar

From: Jamie A. Cole, City Attorney, City of Miramar

Date: October 14, 2013

Re: Ability of Elected Official to Accept Invitation (US Conference of Mayors)  
CAO : 13-M29 (Gift Reporting and Acceptance)

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You have been invited by the US Conference of Mayors to attend an all expense paid trip to Saudi Arabia in December 2013 as part of a cultural mission. You wish to know whether you will be in compliance with the Broward County ethics ordinance should you accept this invitation and take part in this mission to Saudi Arabia.

Broward Code Section 1-19(c)(1)(a) contains certain restrictions on the acceptance of gifts. A municipal elected official and his or her relatives are prohibited from accepting gifts of any value from any registered lobbyists or from vendors, contractors, suppliers or potential suppliers of such governmental entity. The US Conference of Mayors is not currently a vendor or contractor with the City of Miramar and is not a registered lobbyist with the City. Consequently, you are not precluded from accepting the invitation from this organization to go on the mission.

The Broward County Ethics Ordinance has adopted the state statutory definition of the term "gift" (See Florida Statutes Section 1112.312(12)(b)(8)). By adopting the statutory definition of the term "gift," it is permissible for an elected official to accept something of value when provided directly or indirectly by a state, regional or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or appointed public officials or staff, to a member of that organization or officials or staff of a government agency that is a member of that organization.

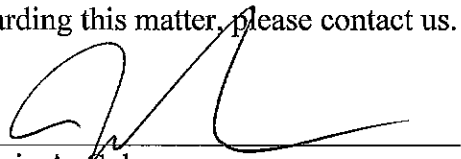
The US Conference of Mayors is a national organization covered by the exception to the gift rules because, among its many purposes, the US Conference of Mayors creates a forum in which mayors can share ideas and information and provides mayors with leadership and management tools. Consequently, the offer to you by the US Conference of Mayors to cover your expenses associated with the mission trip to Saudi Arabia does not constitute a gift to you. Since the

expenses incurred by the US Conference of Mayors do not represent a gift to you, you also have no reporting requirements under the law.

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."

Assuming that you have disclosed all pertinent facts to us, you may use this opinion as a "safe harbor" under the Broward County Ethics Ordinance should any questions arise concerning the Opinion provided herein.

If you need any additional guidance regarding this matter, please contact us.

  
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Jamie A. Cole  
City Attorney

**Jamie Alan Cole**

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**From:** Moseley, Lori <LMoseley@ci.miramar.fl.us>  
**Sent:** Monday, October 07, 2013 4:05 PM  
**To:** Jamie Alan Cole  
**Subject:** Safe harbor opinion

I have been invited by the USCM to be part of a mission in December to Saudi Arabia. All expenses will be paid, I am looking for a safe harbor opinion to allow me to attend, thank you.

Sent from my iPad