

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Wednesday, August 29, 2012 1:39 PM  
**To:** 'Frances, Francis'  
**Cc:** Centorino, Joseph (COE)  
**Subject:** GIFT DISLCOUSRE (INQ 12-151)

Francis,

This is in response to your questions about when to disclose tickets given to elected officials, guests and aides. (*Also see Miami-Dade Code at Sec. 2-11.1 (e)(4).*)

### WHEN THE CITY OF MIAMI BEACH PURCHASES TICKETS FOR AN EVENT *and*

- the city expenditure serves a public purpose, *e.g.*, supports the local chamber of commerce or a Miami-Beach nonprofit organization, *and*
  - a ticket will be used by an elected official to attend this event in his/her official capacity,
- (1) The elected official's ticket is not a gift to the elected official and need not be disclosed.
- (2) A companion ticket purchased by the city for a guest of the elected official is a gift to the elected official and must be disclosed by the elected official if the value of the guest's ticket is over \$100.
- (3) An aide's ticket paid for by the city and given to a city employee by an elected official so that the employee can attend the event on behalf of the elected official in an official capacity is not a gift to the elected official and not a gift to the city employee. Therefore, the ticket need not be disclosed by either.

### WHEN AN ELECTED OFFICIAL RECEIVES A TICKET FROM AN OUTSIDE ENTITY, *and*

- the ticket is valued over \$100 *and*
  - the elected official is to attend the event in his/her official capacity, *e.g.*, cut a ribbon, make a speech, *and*
  - the elected official gives the ticket to a city employee *and*
  - the city employee represents the elected official at the event and attends in an official capacity, *e.g.*, cuts a ribbon, makes a speech,
- (1) The elected official's ticket is not a gift to the elected official and need not be disclosed.
- (2) The aide's ticket is not a gift to the city employee and need not be disclosed.

Please note that this analysis might change if any of the facts mentioned above were to change. Also attached is an Ethics Commission memo with examples of other public purpose activities that might exempt elected officials and city employees from gift disclosure requirements if they were to participate directly in these events.

If you have additional questions, please free to contact me.

Sincerely,

**VICTORIA FRIGO, STAFF ATTORNEY**

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**From:** Frances, Francis [<mailto:FrancisFrances@miamibeachfl.gov>]  
**Sent:** Wednesday, August 29, 2012 9:58 AM  
**To:** Frigo, Victoria (COE)  
**Subject:** GIFT DISLCOUSRE (FORM 9)

Hi Victoria:

We are working on our disclosures and I was hoping that you could help us clarify some questions we have:

1. If the City of Miami Beach purchases a table/ticket for a gala, dinner, or any other event for the elected officials and their guests to attend, where the individual value of the ticket exceeds \$100, would the elected official have to disclose the ticket used? If so, would the elected official need to also disclose the ticket(s) used by the guest(s)? Also, if the elected official issues the City paid ticket to an aide (City employee) to attend the event on behalf of the elected official, what would be the disclosure requirement for this scenario? Please keep in mind that these tickets are being paid for by the City and are not a gift from an outside entity.
2. If an elected official is issued a ticket courtesy of an outside entity, with a value exceeding \$100, to attend an event and the elected official passes the ticket to an aide (City employee) to attend the event, in an official capacity, in representation of the elected official: who would be required to disclose the ticket used?

I really appreciate any guidance you can give us on these two scenarios.

Thanks!  
Francis Frances

## **MIAMIBEACH**

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*We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.*

ADDENDUM TO GUIDELINES AND RECOMMENDATIONS REGARDING  
“PUBLIC BENEFIT” CLAUSES IN CERTAIN GOVERNMENT CONTRACTS:  
**PUBLIC PURPOSE**

It is the intent of these guidelines and recommendations concerning the distribution of tickets and other public benefits, obtained by governmental entities through contractual negotiation or other exercise of public authority, to assure that these benefits, which are public property, shall be used and distributed for a public purpose. The overriding principle behind these suggestions is to curtail the private use of these public benefits by government officials and employees for their own personal benefit, directly or indirectly. In addition, these guidelines are established to provide guidance to such officials and their employees, as well as their advisors, in order to avoid possible future misuse of such public resources. It is hoped that this will also increase public confidence in the integrity of government in its use of such resources, as well as help to remove the perception that elected and other government officials distribute these public benefits with unfettered discretion and for purposes inconsistent with the proper disposition of public property. Further, it is the intent of these guidelines and recommendations to make clear that public benefits may be utilized under certain permissible circumstances by elected and other government officials and employees where there is a genuine, legitimate and articulable public purpose involved. To that end, we have set forth below a list of suggested permissible public purposes for government officials, staff and employees to consider when it is appropriate to use, for themselves or others, public benefits contemplated by these guidelines. The foregoing list is not exhaustive. The Commission on Ethics is always available to provide an opinion to an inquiring public official or employee regarding whether any particular use or method of distribution is ethically acceptable.

**A. PERMISSIBLE PUBLIC PURPOSES FOR OFFICIALS, STAFF AND EMPLOYEES**

1. Host business leaders to promote economic development;
2. Host leaders of community service organizations (e.g. organizations that serve the disadvantaged, senior citizens, disabled, ill, children, etc.);
3. Host dignitaries from municipal, state and federal governmental entities;
4. Host dignitaries and business leaders from other countries;
5. Host youth groups, student leaders and recipients of awards;
6. Host elderly Miami-Dade County residents;
7. Host disabled residents;
8. Host low-income residents;
9. Host constituents as: (a) a designated official by the Commission, Chairperson, Mayor or some other person delegated that responsibility, or (b) upon invitation of the event organizer(s) or a person or entity authorized to extend such invitation;
10. Host group(s) of governmental employees being specially recognized for job-related achievements;
11. Being officially recognized by the sponsors of event in a printed program or other public announcement.
  
12. Performing one of the following functions in one's official capacity as: (a) a designated official by the Commission, Chairperson, Mayor or other person delegated that responsibility, or (b) an individual invited by the venue

- a. Introducing organizers, participants, or dignitaries;
- b. Recognizing the contributions of the organizers or staff;
- c. Receiving or giving an award or other special recognition;
- d. Giving a speech;
- e. Greeting and welcoming attendees;
- f. Ribbon cutting;
- g. Leading the pledge of allegiance or national anthem;
- h. Acting as a goodwill ambassador designated by the Commission/Council, Chairperson, Mayor or other person qualified to delegate that responsibility;
- i. Assess facility needs, proposed changes and constituent concerns in response to a documented complaint specifically addressed to the attendee;
- j. Attending the opening day game or performance of a County/City-owned facility.

**B. OTHER PERMISSIBLE USES OF PUBLIC BENEFITS**

- 1. Distribution to residents on a publicly-advertised first-come, first-served basis or by lottery;
- 2. Sell to members of the public, if permissible, with the proceeds going to the general fund or a specially-designated public purpose;
- 3. Return to donor in exchange for monetary value, with the approval of the governing body of the County/City;
- 4. Allocations to:
  - a. Non-profit agencies for distribution to individuals served by the organizations;
  - b. Schools/students or youth athletic leagues;
  - c. Bona fide organizations that represent needy individuals, which organizations have no affiliation with the public official providing the benefits or the official's immediate family;
  - d. Community based organizations for distribution to individuals served by the organizations.
- 5. Allocations to the following based upon their contributions to the community or local government:
  - a. Employees, as part of an employee recognition program with defined criteria;
  - b. Residents who have made special contributions to the community, as established by defined criteria;
  - c. Unelected members who serve without pay on County/City boards; County, State and/or federal officials or local officials from other cities, in recognition of significant assistance to the local government;
  - d. Businesses and institutions which have contributed to the welfare of the County/City;
  - f. Visiting dignitaries or foreign officials.