



Legislation Details (With Text)

File #: 110920. **Version:** 0 **Name:** Request for a waiver to allow certain City employees with a potential conflict of interest under Florida's Code of Ethics for Public Officers and Employees, Florida Statute Section 112.311 et seq., to remain members of the CACCD (B)

Type: Staff Recommendation **Status:** Passed

File created: 5/3/2012 **In control:** City Manager

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Title: Request for a waiver to allow certain City employees with a potential conflict of interest under Florida's Code of Ethics for Public Officers and Employees, Florida Statute Section 112.311 et seq., to remain members of the Citizen Advisory Committee for Community Development (CACCD) (B)

This item requests the City Commission to approve a waiver pursuant to Florida Statute Section 112.313(12) to allow certain City employees who are current members of the CACCD and who have a potential conflict due to their employment with the City under Florida's Code of Ethics for Public Officers and Employees, Florida Statute Section 112.313, to remain members of the CACCD.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 110920_FL Statute_20120503.pdf

Date	Ver.	Action By	Action	Result
5/3/2012	0	City Commission	Approved as Recommended	Pass

Request for a waiver to allow certain City employees with a potential conflict of interest under Florida's Code of Ethics for Public Officers and Employees, Florida Statute Section 112.311 et seq., to remain members of the Citizen Advisory Committee for Community Development (CACCD) (B)

This item requests the City Commission to approve a waiver pursuant to Florida Statute Section 112.313(12) to allow certain City employees who are current members of the CACCD and who have a potential conflict due to their employment with the City under Florida's Code of Ethics for Public Officers and Employees, Florida Statute Section 112.313, to remain members of the CACCD.

The City of Gainesville (City) receives a direct allocation of Community Development Block Grant (CDBG) funding from the U.S. Department of Housing and Urban Development (HUD) to provide resources to address a wide range of unique community development needs within the community. As such, one of the main functions of the CACCD is to review applications and make funding recommendations for agencies who apply for CDBG funding through a competitive process. Upon staff review of the agency applications submitted for FY13 CDBG funding, it was discovered that three CACCD advisory board members are City employees who have a direct association with one of the agencies who has applied for FY13 CDBG funding, the Reichert House, a 501(c)(3) organization directly affiliated with the City.

In particular, on December 21, 2009 and June 2, 2011, the City Commission appointed the following members to the CACCD: 1) James Albright, 2) Earther Wright, and 3) Robert Wright. Currently, Mr. Albright is a Community Programs Coordinator with the Gainesville Police Department (GPD) and the Reichert House is one of the programs he oversees; Ms. Wright is a temporary part-time professional employee with GPD who is assigned to the Reichert House and ensures compliance with the program's 21st Century Grant; and Mr. Wright is a former employee of the GPD, and currently works in the Solid Waste Division of the Public Works Department as a Solid Waste Collection Inspector. Due to their employment with the City and affiliation with the Reichert House, as well as the City's relationship with the Reichert House, it appears that these advisory board members may have a prohibited conflict under Florida's Code of Ethics for Public Officers and Employees. Specifically, the conflict arises under Florida Statute Section

112.313(3) and (7), which prohibits public employees and advisory board members from doing business with one's agency and conflicting employment and contractual relationships. Pursuant to Florida Statute Section 112.313(12), these prohibited conflicts may be waived by the City Commission upon full disclosure of the conflicting transaction or relationship to the City Commission prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of the City Commission. With such a waiver, these three advisory board members may continue to serve on the CACCD in compliance with Florida's ethics law. Without such a waiver, these three advisory board members may not serve on the advisory board due to their potential conflict and the City Commission would need to appoint three new members to the CACCD.

No Fiscal Impact

The City Commission: 1) consider the potential conflict which exists for CACCD members James Albright, Earther Wright, and Robert Wright due to their employment with the City and their affiliation with the Reichert House, as well as the City's relationship with the Reichert House; and 2) waive the conflict of members James Albright, Earther Wright, and Robert Wright under Florida Statute Section 112.313(3) and (7) to allow these members to remain on the Citizen Advisory Committee for Community Development until their current term expires.