

CITY OF TAMARAC, FLORIDA  
RESOLUTION NO. R-2021\_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, ESTABLISHING A POLICY RESTRICTING AN ELECTED OFFICIAL'S PARTICIPATION IN DISCUSSION OF ISSUES AND VOTING ON MATTERS AT NON-CITY BOARD MEETINGS WHEN THE SAME OR A RELATED MATTER IS PENDING OR WILL BE VOTED ON BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Section 2-275 of the City's Code of Ordinances, provides that elected and appointed officials shall be subject to the City's Code of Ethics as found in Chapter 2, Article XI of the City's Code; and

WHEREAS, the City's Code of Ethics provides that elected officials shall be mindful of their actions when appearing before other boards or serving in an advisory or other capacity with other governmental or not-for-profit entities, and should report such actions to the City Commission; and

WHEREAS, under the law, a local government's code of ethics may generally be more restrictive than the State's Code of Ethics; and

WHEREAS, the City Commission has determined that it is in the best interests of the City to provide that when an elected official serves on a non-City board in an advisory, elected, or appointed capacity that the elected official shall refrain from participating in any discussions and voting with that board when the same or closely related matter is pending before the City Commission or will be voted on by the City Commission; and

WHEREAS, this Policy allows elected officials to avoid the appearance of impropriety and any potential conflicts of interest which is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA THAT:

SECTION 1: The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

SECTION 2: The City Commission hereby establishes the following:

- A. Policy: It is hereby the Policy of the City Commission that elected officials are to avoid the appearance of impropriety and any potential conflicts of interest at all times. Specifically, and to that end, when an elected official serves on a non-City board in an advisory, elected, or appointed capacity, and, during such service, if a matter arises before the non-City board and the same or closely related matter is also pending before the City Commission or will be voted on by the City Commission, then the elected official shall refrain from participating in any discussions and voting on such matter at the non-City board meeting, because to participate in such discussions and vote on such matter may give the impression of impropriety or may give rise to a prohibited conflict of interest or claims of bias by interested parties.
- B. Procedure: At the non-City board meeting where a discussion and/or voting is to occur, the elected official should advise the board that the matter before the board is the same or a closely related matter that is pending before the City Commission or will be voted on by the City Commission, and that under the City's Policy he or she must refrain from participating in any discussions and voting on such matter. The Elected Official shall disclose said recusal or abstention at the next City Commission meeting.

- C. Waiver: If the elected official knows in advance that a pending matter before the City Commission is also being considered by a non-City board that the elected official is a member of, then the elected official may request a Policy waiver from the City Commission if the elected official does not believe there is an appearance of impropriety or a conflict of interest or any potential claims of bias. The City Commission shall consider the waiver and make a determination based on the best interests of the City.
- D. Enforcement: If an elected official fails to comply with this Policy, then the elected official shall be subject to the enforcement provisions of Section 2-408, of the Code, which shall include, but not be limited to, censure by the City Commission upon a four-fifths (4/5) vote.

SECTION 3: All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 5: This Resolution shall become effective immediately upon adoption.

PASSED, ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Michelle J. Gomez  
MAYOR

ATTEST:

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Jennifer Johnson, CMC  
CITY CLERK

I HEREBY CERTIFY that I have  
Approved this RESOLUTION  
as to form.

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Hans Ottinot  
INTERIM CITY ATTORNEY