

Cities spot 'sponsorship' loophole in Broward ethics ordinance

PEMBROKE PINES Some cities are catching on to a loophole built into Broward's ethics ordinance for public officials that went into effect in January.

Cooper City and Wilton Manors have passed, and Tamarac will soon consider, ordinances officially sponsoring long lists of charities.

The ethics ordinance says charities "sponsored by the officials" city are exempt from ethical and transparency requirements.

Pembroke Pines on Wednesday night deferred approval of a list of 22 charities, including the American Cancer Society, Crime Stoppers of Broward County, the Pembroke Pines Charter School Foundation and the City of Pembroke Pines 9-11 Memorial Foundation.

The commission deferred because it wanted to the list to take the form of a law; it came before the commission as a resolution. Commissioner Angelo Castillo suggested the new ordinance state that the commission officially sponsors "all 501(c)3s [nonprofit groups] in Broward County."

Commissioner Iris Siple said, "This is something we've been talking about for a long time, since before the ethics ordinance."

Critics say the lists are a way to get out of the new ethics requirements for charity fundraising.

"They shouldn't hide behind a city-sponsored event or charity to raise funds," said Bob Wolfe, who was on the committee that wrote the county ethics ordinance. "For those elected officials who are getting out of transparency, I would hope the public wonders why."

Wolfe pointed out that Wilton Manors, along with Hillsboro Beach and Sea Ranch Lakes, passed charter amendments that weaken the ethics ordinance. Broward County is suing those cities over it.

Oakland Park Mayor Suzanne Boisvenue said the lists hurt transparency.

"I would want the process to be transparent, and not just pass a list and say, 'Now we can do whatever we want and it's out of the public's eye,'" she said.

A charity gains no direct benefit from being sponsored by a city until city staff or officials donate or raise money or services for the organization, said attorney Jamie Cole, who serves as city attorney for Miramar and Weston.

Technically they could do that without sponsoring the charity, he said, but it has been common practice since long before the ordinance to sponsor charity organizations or events. Usually they're sponsored one at a time, not in a list.

The ordinance sets out ethical and transparency requirements for officials raising money for charities. Officials at both the county and city levels have been caught using their positions to ask for funds from lobbyists and businesses that wanted or wanted to keep city or county contracts.

That can and in some cases has "quickly become corruption," said Wolfe.

According to the ethics rules, officials can't personally benefit from charity fundraising; must fill out forms stating for which charity they raised funds, to whom they spoke about it and from whom they got funds; and can't use city staff to help raise money.

None of that applies to charities sponsored by the city. But that doesn't mean the cities that approved sponsorship lists aren't going to be ethical and transparent, said Cooper City Mayor Debbie Eisenger.

"It's to facilitate the ability of elected officials to participate in charitable causes, to make it easier for them to raise money for those charities," Eisenger said. "Otherwise it discourages elected officials from participating in charitable causes, because of the stringent reporting mechanism. I think as it stands now there are elected officials who are hesitant about participating in charitable causes."