

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

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|--|-----------------------------|---|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><b>Jarjura Jordana</b> |                             | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><b>Delray Beach City Commission</b>  |
| MAILING ADDRESS<br><b>367 East Mallory Circle</b>          |                             | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:<br><input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |
| CITY<br><b>Delray Beach, 33483</b>                         | COUNTY<br><b>Palm Beach</b> | NAME OF POLITICAL SUBDIVISION:<br><b>City of Delray Beach</b>   |
| DATE ON WHICH VOTE OCCURRED<br><b>3/31/2015</b>            |                             | MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE  |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jordana Jarjura, hereby disclose that on March 31, 20 15 :

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, Trip Scott, Law Firm ;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

**The Law Firm that I joined in October 2014, one of the partners has a long standing relationship representing competing beach equipment vendors.**

**(See attached opinion)**

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

3/31/15  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

# CITY OF DELRAY BEACH



## CITY ATTORNEY'S OFFICE


200 N. 1ST AVENUE • DELRAY BEACH, FLORIDA 33444  
TELEPHONE: 561/243-7090 • FACSIMILE: 561/278-4755



1993  
2001

Writer's Direct Line: 561/243-7091

### MEMORANDUM

DATE: March 31, 2015  
TO: Deputy Vice Mayor Jordana Jarjura  
FROM: Noel Pfeffer, City Attorney   
SUBJECT: Conflict of Interest re: Oceanside Beach Services

#### **Facts:**

You have asked our office whether you have a conflict of interest because your law partner represented a beach equipment vendor that competed for the City of Delray Beach ("City") contract against the City's current vendor, Oceanside Beach Services ("Oceanside"). More specifically, while employed at a another law firm your law partner first represented the other vendor in connection with RFP 2009-18 in April 2009 and then again in connection with the current contract awarded in November 2013. In addition, your law firm presently represents this vendor in connection with a contract for beachside cabana services with another municipality in Broward County, Florida. The City is currently evaluating the performance of Oceanside in connection with its contract with the City to provide beachside cabana services. This evaluation has resulted in a letter of default, a potential discussion for termination of the contract and, subject to termination, the selection of a replacement vendor. Further, if a termination were to occur, your law firm's client may elect to respond to any future RFP.

#### **Discussion:**

Rules 4-1.10 and 4-1.7 of the Florida Rules of Professional Conduct prohibit your law firm from representing the current client if the client decides to compete for any future RFP issued by the City as a result of your position as Deputy Vice Mayor. Rule 4-1.10 prohibits lawyers who are associated in a firm from representing a client when any one of them practicing alone would be prohibited from doing so under Rule 4-1.7. Rule 4-1.7 prohibits representation of a client if there is a substantial risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by a personal interest of the lawyer. Here, any potential conflict you have with representing an entity competing for the City's contract would be imputed to your law partners under Rule 4-1.10.

Furthermore, you should abstain from voting on the Oceanside matter regarding both a motion to terminate the current contract and a motion to award the contract

to a successor vendor. Section 286.012, *Florida Statutes* provides that a commissioner may abstain from voting if there is, or appears to be, a possible conflict of interest under Section 112.311, *Florida Statutes*. Under Section 112.311, no public officer shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties in the public interest. If you were to vote on either of these motions involving an entity that your law firm represents in separate and distinct matters, there may be an appearance of a conflict of interest because of the perception that you have some interest in the outcome of the vote.

To conclude, the Florida Rules of Professional Conduct prohibit your law firm from representing the current client before the City if the client decides to compete for any future RFP. Furthermore, you should abstain from voting on both a motion to terminate the current Oceanside contract and a motion to award the contract to a successor vendor to avoid even the appearance that you have an interest in the outcome of the vote.

This opinion is based on the facts described above. Please alert the City Attorney's Office to any additional information or if facts have been omitted or are incorrect. In such event, our legal opinion is subject to change.