

M I N U T E S

MONDAY, April 26, 2010

**PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION
BUSINESS MEETING**

McEaddy Conference Room
12th Floor, 301 N. Olive Avenue
West Palm Beach

Members Present:

Monroe Benaim
Stephen Barborini
Flynn Bertisch
Peter Blanc
Delsa Bush
Barbara Cheives
Max Davis
Douglas Duncan
George Elmore
Feirmon Johnson
Beth Kigel
Frank Kitzerow
William Kramer
Kathleen Kroll
Karen Marcus
Gerald Richman
Valentin Rodriguez
Lee Waring

Members Absent:

Rosalyn Baker
Sharon Bock
Mary Brandenburg
Ric Bradshaw
Steven Burdelski
Mike Driscoll
Rolando Garcia
Carey Haughwout
Randolph K. Johnson, Sr.
Marti LaTour
Wesley Lauer
Michael McAuliffe
Luis Perez
Carmen Veneziano

James Barr, Ex-Officio Executive
Committee
Art Johnson, Ex-Officio Executive
Committee

Guests Attending:

Sarah Alsofrom, State Attorney's Office
Jeannine Damato, Office of Financial Management & Budget
Barbara Dawicke, Court Administration
Lynn Powell, State Attorney's Office
Pat Sheffield, Department of Juvenile Justice/JDAI
Louis Tomeo, Clerk & Comptroller

Staff Present:

Michael L. Rodriguez, Executive Director
Journey Beard, Crime Prevention Project Specialist
Arlene Burton, Administrative Secretary
Wayne English, Sr. Criminal Justice Analyst
Shahzia Hashmi, Intern

Katherine Hatos, Criminal Justice Analyst
Damir Kukec, Research & Planning Manager
Jenise Link, Sr. Criminal Justice Analyst
Rosalind Murray, Program Development Specialist
Brenda Oakes, Youth Violence Prevention Planning Coordinator
Mike Szakacs, Financial Analyst II
Becky Walker, Criminal Justice Programs Manager

- I. Chair Barbara Cheives called the business meeting to order at approximately 8:15 a.m. Welcome was extended to members and guests.
- II. Roll call was taken and a quorum was present.
- III. Chair Barbara Cheives invited guests to introduce themselves.
- IV. The agenda was unanimously approved.
- V. The minutes of the March 22, 2010 meeting were unanimously approved.
- VI. Under Chairman's Comments, Chair Barbara Cheives
 - A. Extended welcome to new CJC member Valentin Rodriguez as the League of Cities appointee, replacing Greenacres Deputy Mayor Charles Shaw.
 - B. Reminded members to use the microphone when speaking so that persons can hear you clearly and for recording purposes.
- VII. Under Executive Director's Comments, Mr. Rodriguez:
 - A. Reminded the meeting of the 3rd Palm Beach County Re-Entry Transition Fair on Friday, May 14, 2010 from 10:00 a.m. to 1:00 p.m. at the Old School Square, 51 N. Swinton Avenue, Delray Beach. This special event, he said is hosted by County Commissioner Priscilla A. Taylor and the Palm Beach County Criminal Justice Commission's Weed and Seed program, and is designed to help those who have been incarcerated to re-enter society as productive citizens. Local service providers from throughout the County will also be in attendance. He asked that persons extend the invitation to anyone who might be in need of the services.
 - B. Thanked Workforce Alliance for the donation of 20 computers to the Community Justice Service Centers and Weed & Seed sites in Palm Beach County.
 - C. Announced the airing of the CJC second TV show "Get in the Zone" featuring the youth empowerment centers. This is being aired on channels 18, 19 and 20 on a weekly basis.
- VIII. Business Consent item(s)

There were no business consent items.
- IX. Old Business

Under old business, Mr. Rodriguez updated the meeting on the 2011 budget. He presented information on the CJC budget that was requested by Mr. George Elmore in which he showed percentage comparison of the \$1M Criminal Justice Reserve Funds with the County's net budget. He said that this has been reduced over the years to just over \$200,000 for this fiscal year.

Mr. George Elmore expressed concern with the significant reduction in the 2011 budget request, noting that while he understands the need for cutting back, he thinks that the CJC is being penalized. He said that the original amount of \$1M was intended to cover the shortfall of federal and state grants but that the amount decreases each year with the total now just over \$200,000 which he thinks is unfair to the CJC. He feels that the CJC should bring this to the attention of the County Commissioners and request the full \$1M, and not just concentrate on the County Administrator.

Commissioner Karen Marcus commented that although the request for budget cuts came from the County Administrator the BCC directed him to make the cuts. She said that the CJC can certainly ask for the total amount but noted that the County has a shortfall of \$120M, and further stated that maybe a part of the CJC's role is to revisit the dedicated funding sources for the future of the CJC.

Chair Barbara Cheives noted that a committee was established to look at dedicated funding sources. This will be chaired by former State Attorney Barry Krischer, but noted that the committee waits to meet until this legislative cycle passes.

Chief Judge Peter Blanc suggested that the CJC approach the BCC with a meaningful plan of what the funds will be used for, at which point Commissioner Marcus concurred with the Chief Judge and further suggested that the CJC use the rest of the year to fine tune its role and approach the BCC with a more comprehensive plan instead of simply requesting funds because of a previous commitment.

Chairman of the Finance Committee, Mr. Kramer added that the Committee has to work with what it has while allowing the flexibility to adjust if additional funds become available, all within the scope of what is allowed.

In response to a question regarding the change in figures since the last CJC meeting, Mr. Rodriguez remarked that there could be more changes before the end of the process and added that the County is now going through a process which involves all departments and the budget office where different rounds of budget cuts are being determined.

After further discussion, it was decided that the Finance Committee will present a budget with expenditure of the current amount of \$282,784 showing the programs that would be funded as a result, a budget amounting to \$1M which includes the programs that would be funded, as well a budget showing the \$1.1M Federal dollars.

Chair Barbara Cheives noted that the Finance Committee will be meeting soon to finalize the budget for submission.

X. New Business:

- A. Members unanimously approved staff recommendation for retroactive approval of grant submission – Youth Mentoring Strategy for four of the five Youth Empowerment Centers that have an existing mentoring program.

Mr. Rodriguez noted that the CJC staff applied for a \$500,000 mentoring grant prior to CJC's approval because of the deadline presented.

Ms. Oakes added that staff is doing a lot of grant writing in an effort to sustain existing programs since there are no funds for the next fiscal year for the Youth Violence Prevention Project. She also believes, based on feedback from the YEC staff, that the

cities do not have the resources nor the infrastructure to take over administering and subcontracting of grants since they too are experiencing budget cuts.

Commissioner Marcus questioned whether the dollars received will be managed by the cities since the YECs will be handed off to them, and noted that this is a good opportunity to bring them to the table to be held accountable.

Mr. Rodriguez added that the CJC tried to get the cities to commit to managing the dollars but that the cities indicated no interest or ability to do so.

Chair Barbara Cheives concurred with Commissioner Marcus saying that it is time that the CJC holds a public meeting with all five cities and other stake holders to discuss the future of the YVPP in light of the CJC not managing programs in the future.

Chief Kitzerow noted the importance of presenting success stories, and the benefits of having the YECs to the cities to assist them in determining their worth, and whether to include YECs in their budget.

- B. Mr. Rodriguez updated the meeting on a temporary sub-committee that was established to look at the Juvenile Assessment Center (JAC) Funds, noting that during their research into the JAC activities, the sub-committee discovered that the JAC should have by statute, an Advisory Board to monitor their activities and spend the JAC funds. He said that a sub-committee was in existence but has not been operational for some years. He said that this temporary sub-committee chaired by Judge Kathleen Kroll is recommending that a permanent independent sub-committee be created to satisfy the statutory obligations with CJC staffing.

Ms. Lynn Powell of the State Attorney's office provided background on the JAC. She mentioned the partners involved in JAC which include the Department of Juvenile Justice (DJJ) State Attorney's Office (SAO), Palm Beach County School Board Police, Palm Beach County Sheriff's Office (PBSO), Drug Abuse Foundation (DAF) among others. She highlighted the benefits of having the Center as a "one stop shop" and explained how the partners work together in processing juveniles as opposed to when there was no JAC, specifically as it relates to the time involved in processing. She also provided a brief on the operations of the JAC.

Judge Kroll referred to a report in the agenda packet on the JAC which was prepared by CJC staff. She noted that the temporary sub-committee she chairs has two (2) ongoing projects, one of which is to study the JAC. She asked members to sanction the creation of an advisory committee to oversee the JAC, to include the members who presently composed the JAC either financially or through services, as well as two (2) additional members who now sit on the sub-committee (Children Services Council and the Department of Children and Families).

Chair Barbara Cheives inquired about the previous committee and the agency under which it exists.

Ms. Powell noted that the previous committee was a cooperative agreement between the agencies that were involved in the JAC and was under no direct agency.

Mr. Rodriguez sought clarification regarding the reporting structure of the proposed committee and expressed concern with committing CJC staff time to an independent committee.

Mr. Duncan concurred with Mr. Rodriguez that it could not fall under the Corrections Taskforce if it was created as an independent committee.

Commissioner Marcus suggested that the matter be brought to the attention of Assistant County Administrator, Vince Bonvento.

XI. CJC Initiatives/Updates

- A. Mr. Lenny Berger, Assistant County Attorney provided an overview of the Sunshine Law, reminding members of the purpose, which is the conducting of meetings in the open, have minutes and being in a public place. He stressed that any discussion between two or more members about matters that would potential come before the Board, has to be held in the Sunshine Law. He emphasized the importance of adhering to the law which also applies to all CJC sub-committees. He added that emails are public records if they deal with agency business and as such, appl to the Sunshine Law.

Regarding to the commission on ethics, Mr. Berger said that members should direct all questions to the newly elected Ethics Commission Executive Director, Allan Johnson who makes the interpretation and provides binding advisory opinions in this regard. He referred to the ethics training on line and invited questions on the issue.

Commissioner Marcus asked that he address the issue of persons doing business with the County as it relates to waivers.

Mr. Berger noted that this concept is not new since State Code of Ethics has always prohibited advisory board members from being employed by or owning businesses that do business with their agency, as it raises a conflict of interest. He noted however, that under state law, the conflict can be waived by a 3/5 votes of the BCC vote. He said that the County Code of Ethics has simply broadened the state law to reach all county government and that this conflict is referred to as a “prohibited conflict” because it is different from a voting conflict. He said if an advisory board member is doing business with the County, when the contract goes before the BCC, it would be the job of the liaison departments to know that this person serves on an advisory board, or the individual may bring this to the attention of the BCC him/herself. The agenda item that approves the contract will also have a provision for the BCC to waive the conflict, which the BCC may also decide is inappropriate and either reject the contract or ask that the member no longer serve on the board. The idea he said is not to prevent one from having these kinds of business relationships in private life, but rather to disclose these relationships for the public to understand. He pointed out that there are exceptions to the rule, such as bids, sole sources, and emergency provisions etc. which are all documented.

Mr. Berger also spoke of the voting conflict provision which prohibits members from voting on items that will be of benefit to the member, his family or business. In this case, the member should declare such conflict and abstain from voting. He also commented on the gift law that requires all advisory board members to report gifts received that are valued at over \$100.00. Members are also prohibited from accepting gifts valued at over \$100.00 if given by a lobbyist who lobbies their agency or the principal of that lobbyist that lobbies the agency.

He said this begins on October 1, 2010 and is an annual reporting requirement; hence the first report is due on October 1, 2011. If a member is reporting individually under

state law, there is no need to file a separate report but instead file a copy of his quarterly report with the Commission on Ethics.

He remarked that to date, just over 50% of the 600 advisory board members have returned their paperwork and that the County has received three resignations.

Chair Barbara Cheives thanked Mr. Berger for presenting.

- B. Due to time constraints, the Youth Violence Prevention Project - law enforcement component was deferred to the next CJC meeting.

XII. Members Comments,

There were no member comments.

There being no further business for discussion, the meeting was adjourned at 9:15 a.m.