

**OFFICIAL MEETING MINUTES
OF THE
INFRASTRUCTURE SURTAX
INDEPENDENT CITIZEN OVERSIGHT COMMITTEE
PALM BEACH COUNTY, FLORIDA**

MAY 21, 2020

**THURSDAY
10:04 A.M.**

**WEBEX REMOTE/GOVERNMENTAL CENTER
WEST PALM BEACH, FL**

- 1. CALL TO ORDER**
- 2. ROLL CALL**

MEMBERS:

Kimberly Weston, Vice Chair
Maria S. Antuna
Debra Chandler
Michael Coady
Lewis S. Crampton
Patrick Franklin
Glen Harvie
Christopher Hopkins
Rex Kirby
Frank Lewis
Denise Palmatier
John R. Smith
Christine M. Thrower-Skinner
Lee Waring - Absent

COUNTY STAFF:

Sherry Brown, Director, Office of Financial Management & Budget (OFMB)
Alicia DeAbreu, Budget Manager, Office of Financial Management &
Budget (OFMB)
Michael Jones, Senior Assistant County Attorney, County Attorney

ADMINISTRATIVE STAFF:

Marisa Valentin, Deputy Clerk, Clerk & Comptroller's Office

3. COMMITTEE OVERVIEW

OFMB Director Sherry Brown said that:

- The surtax was approved by voters in November 2016, and collection formally began on January 1, 2017.
- It was a countywide sales surtax of \$.01 that would last up to 10 years until 2026, or sooner if \$2.6 billion in revenue had been collected.
- The committee was created to overview projects funded by surtax revenue.
- The collected surtax distribution included the following:
 - 50% went to the Palm Beach County School Board;
 - 30% went directly to the County; and
 - 20% was divided among the 39 municipalities.
- The current amount collected by the County totaled \$267.8 million, and \$892.8 million was collected by the School Board and the municipalities.
- The surtax was created in part due to the 2008-2012 recession to help fund county capital projects.
- During the conception process of surtax expenditures, the estimated totals of backlogged projects were reviewed and included in the final plan.
- Recurring renovation and renewal project costs were excluded from the surtax plan because they were included in annual operating budgets.
- The mission of the committee was to provide oversight, review expenditures, and ensure proceeds were used for purposes included in the original ballot language.
- The committee met quarterly, issued annual reports, and members were required to reside in the county and served terms of 3 years.
- 7 committee members were appointed by district commissioners, and the remaining 12 were appointed by various community organizations.

- Over the past 10 years, the total project costs for the various County departments totaled \$711 million.
- The municipalities and the School Board had their own respective surtax oversight committees.

4. SUNSHINE AND PUBLIC RECORDS

Michael Jones, Senior Assistant County Attorney, said that:

- As an advisory board to the BCC, the committee and its members were subject to Florida’s Sunshine and Public Records Laws.
- The Sunshine Law applied to all meetings of any government board taking official action, including advisory boards and committees.
- The term, “official action,” included not only the final action, but also the entire decision-making process which led to the final act.
- There were 3 basic requirements of the Sunshine Law:
 - Government boards, commissions, and committee meetings must be open to the public.
 - Reasonable public notice must be given prior to all meetings.
 - Meeting minutes must be taken and recorded.
- Providing public notice was the responsibility of County staff, and the Palm Beach County Clerk and Comptroller provided minutes of the meetings.
- Sunshine Law prohibited 2 or more committee members from discussing any matter that might foreseeably come before that committee in the future, or otherwise related to committee affairs.
- Other examples of prohibited or discouraged conduct under the Sunshine Law included:
 - private discussions amongst committee members during public meetings;
 - staff members acting as conduits between committee members;

- conducting secret ballots or polling of committee members;
 - circulating memos or emails between committee or board members for comments; and
 - taking votes on topics that had a Sunshine Law violation anywhere in the chain of process, as doing so caused the vote to be void.
- Violation of any Sunshine Law provision was a noncriminal offense resulting in a \$500 fine.
 - Knowingly committing a Sunshine Law violation was a second-degree misdemeanor resulting in up to 60 days in jail, or a \$500 fine, or both.
 - Florida had a very broad public records law, meaning that committee members could receive or possibly create items that were public record and subject to disclosure.
 - Public records were defined as “any document, letter, paper, map, book, tape, photograph, film, sound recording, data processing, software, or other material regardless of physical form or characteristics, and were means of transmission made or received pursuant to law or ordinance or in connection with a transaction of official business by any agency.”
 - Retention periods for public records varied depending on the type.
 - The only exception to the public records law was transitory messages, such as those that had no administrative value, were obsolete, or had been superseded.
 - Violation of the public records law was a noncriminal offense punishable by a fine not to exceed \$500.
 - Knowingly violating the public records law was subject to penalties such as suspension, removal, or impeachment from the committee, and was a first-degree misdemeanor that was punishable by possible criminal penalties of up to a year in prison, or a \$1000 fine, or both.

5. APPROVE MINUTES – February 20, 2020

MOTION to approve the February 20, 2020 minutes. Motion by Frank Lewis, seconded by Glen Harvie and carried 13-0. Lee Waring absent.

6. REVENUE REPORT

Sherry Brown, Director OFMB, said that:

- All infrastructure surtax funds collected were accounted for in a separate fund, earned interest, and were closely monitored to ensure accurate transaction records.
- The infrastructure surtax revenue collection totaled \$274.6 million with added interest, and averaged about 5% higher compared to the same time period last year.
- Due to the COVID-19 pandemic causing statewide business closures and stay-at-home orders, approximately \$12 million in surtax dollars was predicted to be lost compared to the budget.
- Reserves were in place from funds collected in previous years, and project plans for either the current year or FY 2021 were not affected.

7. EXPENSE REPORT

7.a. Presentation by Jacobs Project Management Co.

Jonathan Jordan, Principal/Senior Project Manager for Jacobs Project Management Company, said that expenditures from FY 2017 through FY 2020 totaled approximately \$87.9 million.

8. BUDGET TRANSFERS/PROJECT PRESENTATIONS BY ENGINEERING, FD&O, AND PARKS

8.a. Parks

- 1. Type 1: Canal Point Community Center Septic System Replacement.**
- 2. Type 3: North County District Park New Park Development**

Robert Hamilton, Director, Parks Planning, Research, and Development stated that:

- The Type 1 transfer was for a completed project that came in under budget, and the excess funds were returned to the Parks Department reserves.

- The Type 3 transfer was for the reallocation of funds from a FY 27 project that was no longer taking place to the Riverbend Interpretive Center project.

MOTION to approve the budget transfers. Motion by Christine Skinner, seconded by Patrick Franklin and carried 13-0. Lee Waring absent.

6.b. Engineering

1. Type 1: Lawrence Road/Boynton Beach Blvd. to Lantana Road.
2. Type 1: Jog Road/Lake Ida Road to Boynton Beach Blvd.
3. Type 1: Pinehurst Drive from Lake Worth Road to Forest Hill Blvd.
4. Type 1: School Zone System Upgrade.
5. Type 1: Frederick Small Rd from Central Blvd. to Military Trail.
6. Type 1: Frederick Small Rd from Military Trail to Palmwood Road.
7. Type 1: SW 18th Street from SR7 to Boca Rio Road.
8. Type 2: Prairie Rd. over LWDD Lat. 8 Canal.

Assistant County Engineer Steve Carrier said that:

- The Type 2 budget transfer amount requested was \$480 thousand for the construction of a new bridge connecting Prairie Road over the LWDD Lat. 8 Canal, which had an estimated completion date of spring 2021.

MOTION to approve the budget transfers. Motion by Debra Chandler, seconded by Frank Lewis and carried 13-0. Lee Waring absent.

6.c. FD&O

Rosalyn Acosta, Capital Improvements Project Manager said that:

- In 2015, the Head Start Program was delegated to the nonprofit organization, Lutheran Family Services.
- The space in the Four Points building previously occupied by Head Start was made available for the Youth Services Department's (YSD) growing needs.

- The space needed renovations to accommodate the YSD's operational needs.
- The project plans anticipated the YSD's 10-year growth predictions, and the operation of the YSD's 3 divisions.
- Test fits were conducted to ensure the YSD could provide all required services within the Four Points Building.
- The YSD occupancy swelled during summer months due to the summer internship programs.
- The majority of the YSD staff was currently performing duties at work stations that did not accommodate the need for providing confidential services.
- YSD also performed community meetings and provided training sessions and youth activities, but YSD's current location was ill-equipped to handle the workload.
- The Four Points Building renovation had to be performed in a manner that allowed all other business to continue.
- The total budget of approximately \$900,000 was drawn from the following funding sources:
 - ad valorem – \$375,000;
 - infrastructure surtax – \$450,000; and
 - non-infrastructure surtax funds – \$106,000.
- Construction was expected to take approximately 10 months to complete.

7. OTHER COMMITTEE BUSINESS – None

8. ADJOURNMENT

At 11:19 a.m., the chair declared the meeting adjourned.

APPROVED: