

M I N U T E S

MONDAY, June 11, 2012 – 8:00 a.m.

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

EXECUTIVE COMMITTEE

McEaddy Conference Room
12th Floor, 301 N. Olive Avenue
West Palm Beach, Florida 33401

Members Present:

Rosalyn Baker
James Barr
Peter Blanc
Douglas Duncan
George Elmore
Carey Haughwout
Fairmon Johnson
James Kelly
William Kramer
Gerald Richman
Lee Waring

Barbara Cheives
Ex-Officio Executive Committee

CJC Member Attending

Valentin Rodriguez, Jr.

Guests Attending:

Ron Alvarez, 15th Judicial Circuit
Mark Broderick, Clerk & Comptroller's Office
Pamela Eidelberg, County Attorney's Office
Richard Howe, Palm Beach Police Department
Jenise Link, PBC Public Safety
Robert Mangold, Municipal Public Safety Communication Consortium
Richard Radcliffe, League of Cities
Brian Smith, Juno Beach Police Department
Audrey Wolf, PBC Facilities Department
Chris Yannuzzi, Ocean Ridge Police Department

Staff Present:

Michael L. Rodriguez, Executive Director
Arlene Griffiths, Administrative Secretary

Members Absent:

E. Wayne Gent
Ex-Officio Executive Committee

Katherine Hatos, Criminal Justice Analyst
Damir Kuvec, Research & Planning Manager
Brenda Oakes, Youth Violence Prevention Planning Coordinator
Craig Spatara, RESTORE Initiative Program Manager
Becky Walker, Criminal Justice Programs Manager

- I. Chairman Douglas Duncan called the meeting to order at approximately 8:03 a.m.
- II. Roll call was taken and a quorum was present.
- III. Chairman Duncan welcomed members and invited guests to introduce themselves.
- IV. The agenda was unanimously approved after motion after motion by Mr. Elmore and second by Chief Judge Blanc.
- V. The minutes of the September 12, 2011 meeting were unanimously approved after motion by Mr. Elmore and second by Chief Judge Blanc.
- VI. Chairman's Comment
There were no comments.
- VII. Under Executive Director's comments, Mr. Rodriguez congratulated Katherine Hatos and Arlene Griffiths on completing the Masters degree in Public Administration with honors.
- VIII. Business Consent Item
There were no business consent items.
- IX. Old Business
 - A. Mr. Rodriguez provided a brief chronology of events with regards to the Municipal Public Safety Communication Consortium (MPSCC). He noted that the issue dates back to 1990, and highlighted a number of resolutions adopted including resolution dated July 1992 to design, procure, install, and manage an 800 MHZ radio system in the amount of \$22 million, and a resolution to impose \$12.50 surcharge on moving traffic two months later. In 1993 a report was submitted to a CJC sub-committee with a revised cost of \$50 or \$60 million, but in 1994, the BCC authorized the Sheriff's office to design and implement a ten-channel non-public safety MHZ system at a cost of \$12 million. Interlocal agreements were distributed to municipalities to create the MPSCC in 1999, and by December 1999 resolutions were adopted in 9 municipalities to receive a portion of the \$12.50 fund. In addition, MPSCC submitted a request to the State Technology Office for approval of its proposed radio project and received approval in September, 2001. In February 2002, the BCC amended the original \$12.50 resolution to allow municipalities to determine the allocation of their \$12.50 monies for allowable expenses. Mr. Rodriguez reported that Chief Mangold was in attendance at May's full CJC meeting where

he sought members support for the MPSCC as the County proposes to change the \$12.50 distribution in August 2012 to have sole responsibility for the \$12.50 fund distribution.

Chief Robert Mangold clarified the County's proposal, stating that it would change the allocation method which would allow 24 cities to receive the funds providing that they are on the county system or if they are able to communicate with the county through a switch. He noted however, that the 12 cities in the consortium would no longer receive funding. He commented on the history of the MPSCC and requested the CJC's support for all the cities to continue receiving the \$12.50 funding in the current fashion, including those cities in the MPSCC. He further urged the CJC to review the 2002 resolution as the MPSCC was specifically mentioned with regards to funding eligibility.

Public Defender Carey Haughwout inquired about the number of cities in the MPSCC and the distinctions between those eligible for the funds and those that are not eligible. In response, Chief Mangold stated that the difference is in the radio systems. He noted that the County has a Motorola system while the cities in the consortium has an Open Sky system which has met all the criteria necessary to receive funding and are fully interoperable.

Chief Mangold provided answers to questions as well as clarification on issues raised by members.

MPSCC Attorney, Glen Torcivia remarked that both systems are interoperable but noted that the issue is about which system a city is on, suggesting that the cities should be eligible for funding as long as they are a part of a system that is fully interoperable. He said that it should not be a staff decision regarding eligibility because of a specific radio system.

Mr. Elmore inquired whether the County would be upgrading to a full digital system as it seems that most of the systems around the country have gone digital.

Chief Judge Peter Blanc inquired about MPSCC's legal recourse if the County proceeded with its proposal. Mr. Torcivia remarked that while there was no legal recourse and since it is not an entitlement, the County could revoke it. He however noted that the initial reason provided by the County was to close the budget deficit of \$30M which he argued was no longer an issue. Mr. Torcivia made an analogy of using an iphone versus a blackberry to the issue at hand.

At the request of Mr. Valentin Rodriguez, Mr. Richard Radcliffe, Executive Director of the League of Cities reported that the League of Cities Board of Directors opposed the discontinuation of the system which was scheduled to end on May 21st. He said that a request for an extension was granted by County Administration until the end of August

to allow the League more time to review the issue, but said that a position is not taken as he has not had a chance to present it to the Board.

Chief Kelly commented on the inception of the program and how it evolved. He said that more cities were in the consortium but that it became expensive to maintain resulting in some cities dropping out. He feels that since the money is generated by the cities, and in the interest of having everyone interoperable, each city should have the option of choosing the system they wish to be on as long as it is interoperable. He further noted that competition is good as it keeps price down, and that all should be working together.

Mr. Waring sought clarification on the \$12.50 fund and whether all the cities were contributing to the fund. Chief Judge Blanc then requested the County's perspective with regards to the budget issue mentioned by Mr. Torcivio.

Ms. Audrey Wolf noted that the County intends to move forward with the recommendation. She confirmed that the issue came about as a means to fill budget gaps. She further stated that there were Board directives to identify programs that didn't fill their mission and where non ad valorem sources of funding could be used to replace ad valorem sources of funding, and said that as far as she knows, the item is still included in the budget as part of the balancing. She emphasized that the County doesn't see it a system versus system saying that it was a purely budgetary decision. She further stated that the cities in the MPSCC were made aware of the eligibility requirements for accessing the \$12.50 funds, and that furthermore there is no statutory requirement for the County to provide same funding. According to Ms. Wolf, Palm Beach is the only county that does it.

Mr. Torcivio commented that MPSCC considered seeking an opinion from the Attorney General on the matter.

Mr. Richman noted that there seems to be a legal versus an equitable argument and expressed concern with the reimbursable issue when the goal of the system is to communicate. He said that since that objective is met it should not make a difference, and that he favors the equity over the legal basis. He said that though it is hard to be the finder of facts, there is no argument that the system doesn't work. To this end, he made a motion for the County to use the \$12.50 fund as it was intended in the 1990s once the system works, regardless of how technically any agreements may have been written. His motion was seconded.

Public Defender Haughwout expressed her discomfort in supporting any one radio system, and doesn't think that the CJC should be recommending support for a particular system based on good advocacy with no expertise on the issue. She applauded the County for funding a

number of the cities, and think they should continue to do so. She however noted that the Statute is clear with regards to funding the County's and not municipal participation. She feels that the CJC should urge the County to continue to support whatever systems support inter-governmental radio communication.

Mr. Kramer added that the expertise present (those using the system) was sufficient for him to believe that the system is working, and said that he is not convinced that the County's decision to discontinue funding is based on the system not working. He said that he would be in favor of a resolution from the CJC that urges the County to continue funding all the participants whose radio systems are effective. Ms. Cheives agreed that while the CJC is unable to defend a particular system, it doesn't make sense to undo something that is working.

Ms. Wolfe said that she would be happy to do a presentation to walk members through the specific criteria, but noted that although the systems are interoperable, the issue is technical in nature as there are specific requirements that must be met for distribution of the funds.

Chairman Duncan expressed his unpreparedness to vote on the issue at this time as he would like to review the information provided and take it back for a vote at the July meeting, if Mr. Richman was willing to delay the motion. He further noted that a letter would be sent under his signature to County Administration seeking the BCC's approval for an opportunity to weigh in on the issue.

Executive Director Michael Rodriguez stated that there was time for the vote in August if it did not get done at the July meeting. Mr. Val Rodriguez suggested that the CJC also include the League of Cities position on the issue.

Mr. Richman stated that the sense of his motion is to urge County Administration that this is a good idea and that it should continue to provide the funding to the cities, unless there are legal impediments to prevent them from doing so.

He restated the motion to reflect the CJC's support of the concept to continue providing funding to the cities with regards to the \$12.50 funds, providing that their system is interchangeable and interoperable as opposed to it being a particular vendor over another, barring any legal impediment.

After much discussion regarding the motion, it was clarified as "to support the 2002 resolution". The motion was seconded, and approved with Chief Judge Blanc and Chair Duncan abstaining.

A decision was then reached to bring the issue back for the August meeting instead of July.

Ms. Wolf and Chief Mangold will provide additional information.

B. Misdemeanor Probation Services Study – Race Characteristics

This item was deferred to the next meeting due to time constraints.

X. New business

The new business item regarding recommendations from the Criminal Justice Mental Health and Substance Abuse Juvenile Population Committee was deferred to the next meeting due to time constraints.

XI. CJC Initiatives/Updates

The meeting was adjourned at approximately 9:15 a.m.