

M I N U T E S

MONDAY, August 20, 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:

James Barr
Peter Blanc
Douglas Duncan
George Elmore
Carey Haughwout
Feirmon Johnson
James Kelly
Gerald Richman
Lee Waring

Barbara Cheives
Ex-Officio

Members Absent:

Rosalyn Baker
William Kramer

E. Wayne Gent
Ex-Officio Executive Committee

Guests Attending:

Kirk Bloun, Palm Beach Police Department
Ernie Clark, Palm Beach Gardens Police Department
Pamela Eidelberg, County Attorney's Office
David England, Jupiter Police Department
Michael Gauger, Palm Beach Sheriff's Office (for Sheriff Bradshaw)
Cindy Guerra, Clerk & Comptroller's Office (for Clerk Bock)
Rick Jenkins, North Palm Beach Police Department
Frank Kitzerow, Jupiter Police Department
Jenise Link, PBC Public Safety
Mary Olsen, West Palm Beach PD (for Chief Demasi)
Robert Mangold, Municipal Public Safety Consortium (MPSCC)
Carmen Mattoy, Manalapan Police Department
Jim Mize, PBC County Attorney's Office
Michael Poreth, Greenacres Police Department
Richard Radcliffe, PBC League of Cities
Dan Szarszewsk, Palm Beach Police Department
Javaro Sims, Delray Beach Police Department
Brian Smith, Juno Beach Police Department
Stephen Stepp, Palm Beach Gardens Police Department
Glen Torcivio, Municipal Public Safety Consortium

Robert Weisman, County Administrator
Audrey Wolf, PBC Facilities Department
Christopher Yannuzzi, Ocean Ridge Police Department
Dennis Yeskey, Office of Inspector General

Staff Present:

Michael L. Rodriguez, Executive Director
Arlene Griffiths, Administrative Secretary
Katherine Hatos, Criminal Justice Analyst
Damir Kucek, Research & Planning Manager
Brenda Oakes, Youth Violence Prevention Planning Coordinator
Craig Spatara, RESTORE Initiative Program Manager
Mike Szakacs, Financial Analyst II
Becky Walker, Criminal Justice Programs Manager

- I. Chairman Douglas Duncan called the meeting to order.
- 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 amended to include “Sunshine issue” under updates. Motion to approve made by Mr. George Elmore and second by Mr. James Barr.
- V. The minutes of the July 9, 2012 meeting were amended to correct the spelling of Public Defender’s name “Hangout” to “Haughwout”. The amended minutes were unanimously approved after motion by Mr. George Elmore and second by Mr. Lee Waring.
- VI. Under Chairman’s Comments, Chair Duncan congratulated Chief James Kelly on his retirement from the Palm Beach County School District, and wished him well in his future endeavors. Chief Kelly was recognized for his outstanding and dedicated service to the CJC and Palm Beach County and presented with a plaque from the CJC.
- VII. Under Executive Director’s comments, Mr. Rodriguez reminded members of the resumption of the full CJC meetings on the fourth Monday of September, and that executive committee meetings will be held only if needed.
- VIII. Business Consent Item
There were no business consent items.
- IX. Old Business
Under old business, Mr. Rodriguez provided a status of the Municipal Public Safety Communications Consortium (MPSCC). He reminded members of the vote to keep the Ordinance in place as it is currently constructed, to continue distribution of the \$12.50 monies to the municipalities. He also commented on

the interoperability and functionality of the MPSCC system.

Ms. Audrey Wolf, Director the County's Facilities Development and Operations provided a history of the MPSCC which she said represents six cities that have implemented a Law Enforcement Communications System (Harris-OpenSky). This system is independent of the County's Public Safety Radio System (Motorola). She referred to FS 318.21 that provides a broad guidance regarding the use of the \$12.50, and noted staff's concerns over the MPSCC System's ability to meet the requirements of the \$12.50 Resolution. The Statue she said, states that \$12.50 from each moving violation must be used by the County to fund the County's participation in an intergovernmental program approved by the Department of Management Services (DMS). In an effort to assist the cities to become fully interoperable, Ms. Wolf reported that the County used correspondence from DMS as a guide on a unique local program to disburse a portion of the \$12.50 funds to the cities.

In addition, Ms. Wolf noted that the funding policy was made with the understanding that the amount of revenue generated each year was unknown and insufficient to support annual operating and replacement costs. She said, it also stated that the cities could not rely on an annual perpetual distribution of \$12.50 funds from the County as the Resolution creates no entitlement to the funds collected. Further, the two criteria for the distribution of funds include the inclusion in the County's Intergovernmental Public Safety Communications Program (ICP) and compliance with the requirements of FS 318. She also pointed out that it was established that the money is legally designated as the County to spend on eligible ICP expenses. She said that as of June 2012 the cities collected a total of \$10.2M of which \$9M was distributed. She further stated that the purpose of this program was for municipalities to become interoperable and noted that the mission was recently completed.

Ms. Wolf noted that the functional differences of both systems speaks to officer safety and material functions, saying that without full functionality, the County is not able to participate on the MPSCC system and the MPSCC expenses are not eligible for reimbursement. She noted however that the MPSCC strongly disagrees with staff determination regarding its expenses eligibility, and believes that achieving interoperability should be sufficient for reimbursement. Ms. Wolf reiterated that staff recommendation to terminate the program is solely a policy decision on whether to continue subsidizing municipalities radio system expenses with these funds. She further noted that the County's annual ad valorem expenses associated with the system are \$2.8M, PBSO generates approximately \$1M revenue of \$12.50 funds, and an additional \$600,000 of non-ad valorem funds are received

Ms. Wolf stated that the County met with the municipalities during the summer and said that several alternatives were discussed. She said that staff recommended that the alternative to sunset the program in FY 2014 be chosen. Other staff recommendations were also presented by Ms. Wolf.

Recommendations set forth in the agenda item for approval at the upcoming

BCC meeting are as follows:

- Rescind Resolution R2002-0192 which allocates a portion of the funds from each moving traffic violation collected pursuant to Section 318.21(9) FS (\$12.50 Funds) for municipal efforts which enhance the ICP.
- Authorize the transfer of all remaining balances from Fund 1262 (Municipal) to Fund 1269 (County) upon the payment of all eligible requests made pursuant to R2002-0192 and received prior to, but not including October 1, 2012.
- Adopt amendment to Resolution R2000-0407 providing for the procedures for allocation of funds collected pursuant to Section 318.21(9) FS specifically clarifying the distribution of reports prepared by the Clerk & Comptroller.
- Authorize amendment to all direct and hub connectivity agreements with municipalities to offer the same credits for \$12.50 Funds collected against annual charges which are provided to the Sheriff.

Chief Robert Mangold noted that with this interoperability, one agency is able to speak with the other in real time and at street level. He provided a history of the MPSCC and the CJC's involvement from the inception, saying that interoperability was a priority of the CJC. He drew members attention to what he regarded as two critical documents (the 2002 Resolution and a letter dated February 26, 2002 from then County Commission Chairman Warren Newell formalizing the Board's understanding of the of the Resolution). He further noted that the only requirement was to become a member of the ICP, and referred to other documentation in the agenda packet for further details. Chief Mangold reiterated the importance of interoperability and provided examples of how it has worked in Palm Beach County.

At the request of Mr. Waring, Mr. Elmore provided a historical perspective of the issue as a long standing CJC member. Mr. Elmore further inquired about communication from the municipalities in this regard. Mr. Rodriguez referred to the League of Cities support of the Resolution to continue providing reimbursement to the municipalities regardless of the system they are on. Executive Director of the League of Cities Richard Radcliffe reported that Resolutions were received from 35 of 38 cities to date.

Public Defender Carey Haughwout spoke about the need for interoperability which she said has been discussed for a long time and noted the progress made but the cities in this regard. She however expressed her discomfort in getting too involved with the reimbursement issues that are somewhat technical. She noted the clarity of the Resolution saying that it was a policy decision by the County to give municipalities the \$12.50 funds, and moved the motion to recommend the continuation of the Resolution to the BCC, based on the technical requirements by the County.

Ms. Barbara Cheives inquired whether CJC's request to the County for continuation of the Resolution will still leave the MPSCC in a battle about the reimbursement. Chief Mangold responded saying that it would, and stated the request to CJC for recommendation to be the disbursement of the money to the MPSCC cities just as they do to the cities on the County's system. After further discussion and clarification of the support sought from the CJC, the motion was

amended to reflect CJC's recommendation to the BCC to continue distribution of the \$12.50 funds equitably to the municipalities as they do to those on the County system. Mr. Richman seconded the motion made by Ms. Haughwout and members approved, with Chief Judge Peter Blanc abstaining.

X. New Business

A. Members unanimously approved submission of grant application for a Department of Justice (DJJ) Title V Grant in the amount of \$100,000. The goal of Title V is to reduce juvenile delinquency and youth violence by supporting communities in providing their children with the knowledge, skills and opportunities necessary to foster a healthy and nurturing environment which supports the growth and development of productive and responsible citizen.

CJC Treasurer, Mr. Waring, noted that the funding has no impact in terms of additional cost other than operations already incurred.

Mr. Rodriguez advised that of a YEC workshop requested by the BCC scheduled for September 25th at 2:00 p.m., and asked for members support.

B. Mr. Rodriguez reported that the BCC directed the CJC to come back to them regarding future funding of the YECs. To this end, a YEC workshop is scheduled for September 25th at 2:00 p.m. for which Mr. Rodriguez will seek member support.

XI. CJC Initiatives/Update

A. Mr. Gerald Richman referred to a meeting of the Sunshine Committee held in June and presented a White Paper drafted by Attorney Glen Torcivia. He noted that it involve a series of step starting with the BCC's approval of the White Paper followed by the Legislative Delegation's assistance in finding members of the House to introduce the Bill. Support will be sought from other interests including the Attorney General and the State Attorney. Mr. Torcivia also commented on the issue.

The issue was discussed and members expressed their concerns and provided recommendations on how to proceed. Chief Judge Blanc suggested that the CJC reach out to other criminal justice commissions to see how they operate in this regard.

B. Due to time constraints, update on the Juvenile Assessment Center (JAC) was tabled for the next CJC meeting.

XII. Under member comments,

There were no member comments.

The meeting was adjourned at approximately 9:10 a.m.

