

M I N U T E S

MONDAY, October 25 2010

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

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

Members Present:

Rosalyn Baker
Peter Blanc
Steven Burdelski
Barbara Cheives
Douglas Duncan
George Elmore
Carey Haughwout
Feirmon Johnson
Randolph K. Johnson, Sr.
Nellie King
William Kramer
Kathleen Kroll
Marti LaTour
Wesley Lauer
Michael McAuliffe
Gerald Richman
Lee Waring

James Barr, Ex-Officio Executive Committee

Guests Attending:

Vince Bonvento, Administration
Jeannine Damato, Office of Financial Management & Budget
Jennifer Loyless, Public Defender's Office
Louis Tomeo, Clerk & Comptroller
Clay Walker, Manalapan Police Department
Dawn Wynn, County Attorney's Office

Staff Present:

Michael L. Rodriguez, Executive Director
Arlene Burton, Administrative Secretary
Tamika Cooley, Student Intern
Shahzia Hashmi, Intern
Katherine Hatos, Criminal Justice Analyst
Damir Kukec, Research & Planning Manager
Jenise Link, Sr. Criminal Justice Analyst

Members Absent:

Stephen Barborini
Monroe Benaim
Sharon Bock
Ric Bradshaw
Mary Brandenburg
Delsa Bush
Mike Driscoll
Rolando Garcia
Beth Kigel
Frank Kitzerow
John McKenna
Valentin Rodriguez
Priscilla Taylor
Carmen Veneziano

Brenda Oakes, Youth Violence Prevention Planning Coordinator
Becky Walker, Criminal Justice Programs Manager

- I. Chair Cheives called the meeting to order at approximately 8:05 a.m. Welcome was extended to members and guests.
- II. Roll call was taken and a quorum was present.
- III. Chair Cheives invited guests to introduce themselves.
- IV. The agenda was unanimously approved after motion by Mr. Douglas Duncan and second by Mr. Randy Johnson.
- V. The minutes of the September 27, 2010 meeting were unanimously approved after amendment to reflect Chief Peter Blanc's presence at September's meeting.
- VI. Under Chairman's Comments, Chair Barbara Cheives congratulated Public Defender Carey Haughwout on being the 2010 recipient of the "Unsung Heroine Award". The award ceremony will take place at the Lord's Place's 3rd Annual Ending Homelessness Breakfast at the Hilton Airport Hotel on November 18, 2010.
- VII. Under Executive Director's comments, Mr. Michael Rodriguez advised that the Community Justice Service Center (CJSC) and Community Court operations would be extended through mid December courtesy of unexpended grant funds. He noted that while there is still uncertainty about what will happen at the center, alternatives between the county and the city are being explored.
- VIII. Old Business:
 - A. Sunshine Statute

Chair Cheives advised of a recent Board of County Commissioners (BCC) workshop where the CJC was a subject matter as it relates to its membership make up and potential violation of the Sunshine Statute by constitutional officers who sit on the CJC. It was announced at the workshop that the constitutional officers had resigned from the CJC. Current commission member Priscilla Taylor also questioned the need for a commissioner on the CJC. Following the discussion, Commissioner Burt Aaronson directed staff to open the CJC Ordinance to remove the constitutional officers. Chair Cheives and Mr. Rodriguez have since met with County Administrator Robert Weisman and Assistant County Administrator Vince Bonvento regarding the issue.

Chair Cheives further stated that the issue was discussed at length at the October CJC Executive Committee meeting where options such as the constitutional officers becoming ex-officio members or having a representative in their stead, as well as possibly amending the Sunshine Statute were explored. She noted that the establishment of a sub-committee comprising the constitutional officers and four private sector members Committee to look at the issue was also discussed at the Executive Committee meeting

Mr. Rodriguez added that despite the extensive discussion at the Executive Committee meeting a resolution was not reached as members felt that it was important for State Attorney Michael McAuliffe who was absent from the meeting be a part of the decision.

Mr. Bonvento commented that staff were not advocating for those changes as proposed by the BCC.

State Attorney McAuliffe noted that although the CJC is not in violation of the Sunshine Statue, it does restrict members from discussing issues that will foreseeably go before the CJC thereby preventing members from efficiently carrying out their duties. He further stated that the state elected officials (State Attorney, judges, Public Defender, and Sheriff) behavior and scope of responsibilities are not bound or circumscribed by county Ordinance. He remarked that the CJC needs to discuss a more defined and limited scope of duties and a time frame for issues to come before the CJC so that better assessment on issues to be discussed can be determined. He said that after serious consideration he feels that resigning from the CJC and participating in the meetings without membership would be a viable option for him.

Chief Judge Blanc remarked that there was no truth in the statement made at the BCC's workshop about him resigning from the CJC, but noting that there is a problem that needs to be fixed, and while admitting that the Sunshine Statue slows down the process of getting things done, he does not think that avoiding the Statute will solve the problem.

Public Defender Carey Haughwout commented that the value of the CJC is its diversity, that of having the constitutional officers and the private sectors at the table advising the criminal justice system, and said she would hate to see a designee system in place of what now exists. She also said that members must find a way to carry out their duties in an efficient manner as she feels that there are ways to work within the Sunshine Statue and not around it.

Mr. Randy Johnson questioned the establishment of a sub-committee and whether it could accomplish something that the CJC cannot, asked also how it would relieve any of the consequences of the Sunshine Statue.

Chair Cheives explained that the sub-committee would be a temporary one specifically to formulate the CJC's response to the BCC.

Mr. Wesley Lauer suggested that the CJC could be proactive in presenting a modified ordinance to the BCC with the constitutional officers remaining in place but without voting rights.

Mr. Elmore inquired about seeking a waiver in this regard.

Ms. Marti LaTaour remarked that trying to get around the Sunshine Statute will leave question in people's minds and suggested that she would rather the CJC advise the BCC that the private sector members require the constitutional officers to provide necessary information to assist them in making good decisions.

After further discussion, Mr. Gerald Richman moved the motion for the establishment of the sub-committee which will look at the issue and present a proposal for going forward to the full CJC.

Public Defender Haughwout further commented that the idea of having a designee waters down the authority of the CJC, and reiterated that the value of the CJC is having the constitutional officers sitting at the table with the private sector.

She then amended the motion to include sending a response to the BCC advising that the CJC does not wish to revise the ordinance while proceeding with forming the sub-committee to address these concerns and bring back to the CJC in 30 days. Members unanimously approved the motion.

The Sub-Committee will be comprised of the four constitutional officers, Marti LaTour, Gerald Richman, Douglas Duncan and Chief Frank Kitzerow. Mr. Bonvento was invited to participate in the sub-committee meeting. Chair Cheives encouraged the constitutional officers at the meeting to urge the Sheriff to attend the sub-committee meeting.

Mr. Bonvento will proceed with getting the CJC's response on the BCC's November 16th meeting agenda.

- B. Members unanimously approved staff going forward with contracting with Pride Integrated Services, Inc., for the provision of a \$60,000.00 grant for the Probation Referral Manager.
- C. Due to time constraints, the following business items were deferred to a future meeting:
 - Old Business Items B and D
 - New Business Items A and B

IX. CJC Initiatives/Updates

Chief Clay Walker, Chairman of the Elder Abuse Investigation Protocol Committee presented a report on the vulnerable adult protocol. He noted that it was a partnership between law enforcement, the State Attorney's Office, the Department of Children and Families Services and other private and countywide social service entities. The protocol will be unveiled at the Law Enforcement Planning Council (LEPC) meeting on November 4, 2010) where it is hoped that all participants will sign the Memorandum of Understanding.

- X. Under member comments, Chair Cheives announced the resignation of Beth Kigel due to time commitments.

The meeting adjourned at approximately 9:00 a.m.