

M I N U T E S

MONDAY, MARCH 28, 2011

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

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

Members Present:

Stephen Barborini
Peter Blanc
Steven Burdelski
Barbara Cheives
Mike Driscoll
Douglas Duncan
George Elmore
Rolando Garcia
Carey Haughwout
Feirmon Johnson
Randolph K. Johnson, Sr.
William Kramer
Marti LaTour
Wesley Lauer
Valentin Rodriguez
Chuck Shaw
Priscilla Taylor
Lee Waring

Members Absent:

Rosalyn Baker
Mack Bernard
Sharon Bock
Ric Bradshaw
Delsa Bush
Nellie King
Kathleen Kroll
Michael McAuliffe
John McKenna
Gerald Richman
Carmen Veneziano
Clarence Williams

James Barr, Ex-Officio Executive Committee

Guests Attending:

Sarah Alsofrom, State Attorney's Office
Cristy Altaro, Court Administration
Ron Alvarez, 15th Judicial Court
Nicole Bishop, Palm Beach County Justice Service Center
Mary Brabham, Riviera Beach Weed & Seed
Kim Kelly, PBC School District
Jennifer Loyless, Public Defender's Office
Justine Patterson, Department of Corrections
Stephanie Patterson, West Palm Beach Police Department
Javano Sims, Delray Beach Police Department
Inda Spence, Riviera Beach Weed & Seed
Louis Tomeo, Clerk and Comptroller (for Clerk Bock)
Dorrie Tyng, Court Administration
Paul Zacks, State Attorney's Office (for State Attorney McAuliffe)

Staff Present:

Michael L. Rodriguez, Executive Director
Arlene Burton, Administrative Secretary
Shahzia Hashmi, Intern
Katherine Hatos, Criminal Justice Analyst
Rosalind Murray, Program Development Specialist
Brenda Oakes, Youth Violence Prevention Planning Coordinator
Jyota Snyder, Student Intern
Craig Spatara,
Becky Walker, Criminal Justice Programs Manager

- I. Chair Barbara Cheives called the meeting to order at approximately 8:07 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. Duncan and second by Mr. Elmore.
- V. The minutes of the February 28, 2011 business meeting were unanimously approved after motion by Mr. Duncan and second by Mr. Feirmon Johnson.
- VI. Under Chairman's Comments, Chair Cheives commented on her tour of Sago Palm Prison. She expressed satisfaction with our efforts at work saying how encouraged she was to see over 300 men returning to Palm Beach County to a minimum security facility, and provided with access to resources and skills to assist with their transition back into society. She further noted that the warden and staff were doing a great job and that eight men have attained their GED so far. The prison will hold its first graduation in the next couple of months. Chair encouraged persons to visit the prison if possible.
- VII. There were no Executive Director's comments.
- VIII. There were no new business items for discussion.
- IX. Old Business
 - A. Finance Committee Report

Mr. Kramer presented the report for FY2012 budget allocation on behalf of the Finance Committee, noting that the recommendations were based on guidance received at the recently held annual planning meeting regarding the CJC's priority areas. Funds totaling \$1,562,000 were allocated to four areas as follows:

- Existing CJC staff (Research/Planning Manger, Criminal Justice Analyst, Criminal Justice Program Development Specialist) - \$239,000
- Juvenile Assessment Center Security - \$403,000
- Drug Court Treatment - \$400,000
- Reentry initiatives (Project R.E.A.P., Gulfstream Goodwill, Riviera Beach Justice Service Center) - \$520,000

Mr. Kramer pointed out that a reevaluation of the funds necessary to keep the JAC open was undertaken and that the amount arrived at was \$403,000, up from \$250,000 which was presented at the last CJC meeting.

Mr. Randy Johnson enquired about the increase in the amount going to the JAC and Mr. Rodriguez explained that the \$250,000 represents the amount funded last year because a huge amount of funds were accumulated in the JAC Funds which was used to offset the difference between the full amount needed then and the amount needed now.

Public Defender Carey Haughwout commented that the CJC often talks about funding initiatives and projects would eventually get turned over to somebody else, and enquired whether there were plans for the JAC security in this regard. She further stated that the JAC security has become a basic funding obligation of the CJC which she thinks was not the intention, and wondered whether a study should be done to determine who gets the greatest advantage as a plan for future funding, or whether the issue should be referred to the Law Enforcement Planning Council (LEPC) for review.

Mr. Kramer added that in a previous meeting, Assistant County Administrator Vince Bonvento stated that the JAC was originally intended to be funded by multiple agencies, but like many other projects, the CJC makes a commitment to funding and when there is no ownership the CJC is left with the continuous funding of the project.

Chair Cheives remarked that there have been discussions about the funding and whether this should be from the state level as the new Secretary of the Department of Juvenile Justice (DJJ) is looking at expanding what the JAC does statewide.

Mr. Rodriguez noted that there was a proposed LEPC sub-committee to be chaired by Chief Jim Kelly of the School District that is also responsible for that portion of the JAC. He stated that there were many issues with the Center at this time such as; the expiration of their lease at the end of September 2011, a proposed price increase for the lease, negotiations with the DJJ to remain in the current location, and the County's Facilities Department push for the JAC to be relocated to the 45th Street location.

After further discussion about the budget, Mr. Barr made the motion, second by Mr. Randy Johnson to support the recommendations as place holders for submission to the Board of County Commissioners. Members unanimously approved the motion.

B. Sunshine Law

Chair Cheives provided a brief description of what led to the establishment of the Sunshine Law Sub-committee and what has transpired since. She reported that State Attorney Michael McAuliffe requested an opinion of the Attorney General (AG) regarding designees representing constitutional officers on the CJC. The AG's response indicated that designees were acceptable as long as they didn't act as alter egos to the constitutional officers. She noted that members of the sub-committee are mixed on the position of how to proceed as do members of the CJC. She said that the State Attorney's preference is to replace the constitutional officers with designees if they chose to do so. Two other options explored were bringing items to the CJC for finite period of time and that of having less issues coming from the committees.

Public Defender Haughwout expressed her concerns with allowing designees and noted that she is not in favor of going that route as she doesn't see it as a solution but merely

neutralizing the CJC, and would not recommend that the issue go back before the sub-committee since a decision could not be reached after several meetings. She also noted that the persons likely to become the designees are the ones doing the bulk of the work now and that if they no longer have the ability to communicate, it could worsen the situation. She spoke of the need to have a balanced view of the justice system and the important of having the decision makers at the table along with the private sector. She also expressed her sorrow that the State Attorney would see it necessary to resign from the CJC if this option was not pursued, saying he is an important part of the system and that she would like to see him remain to see if the situation can be resolved otherwise.

Chair Cheives added that Mr. Rodriguez compiled a list of items voted on over the last two years and noted that the numbers were not significant.

Mr. Duncan concurred that the issue should not go back to the sub-committee, but noted that the CJC is in a position of losing the Sheriff and the State Attorney and think that we should either proceed with the designee option or try to limit the agenda items which he doesn't think is a workable solution either.

Mr. Elmore commented that the Inspector General is already seeking a waiver for the sunshine law and think that's the most suitable option for the CJC, to seek a waiver for the five constitutional officers to because of the CJC's uniqueness and what it has accomplished over the years. He feels that the CJC should set funds aside to hire a private attorney to investigate the possibility of the waiver if the State Attorney was not willing to do so.

Paul Zacks representing the State Attorney at the meeting remarked that he didn't think it was appropriate for the State Attorney to seek a waiver since he is not the CJC's attorney and since his office is responsible for enforcing ethics and the sunshine law. He did not think that a private attorney was needed but suggested that maybe County Attorney Denise Neiman could since it's a county issue.

Commissioner Priscilla Taylor suggested that since time did not allow for a legislative fix to the sunshine law, the CJC could explore the possibility of an amendment.

After further discussions, a decision was arrived at to explore a legislative fix to the issue by first discussing the matter with Todd Bonlarron, Director of Legislative Affairs for guidance in proceeding. Chair Cheives and Mr. Rodriguez will proceed with doing so.

- X. Under Updates, Mr. Rodriguez reported that the CJC in conjunction with Court Administration submitted an application to the Knight Foundation for a Grant to provide life skills to youth coming through Juvenile Court. This will be used for the funding of a position in court administration.
- XI. Under member's comments, Chair Cheives welcomed Craig Spatara, RESTORE Initiative Program Manager to his first CJC meeting in that capacity.

There being no further item for discussion, the business meeting was adjourned at approximately 8:50 a.m.