

TRANSPORTATION SURTAX APPOINTING AUTHORITY MEETING

INDEPENDENT SURTAX OVERSIGHT BOARD

APPOINTING AUTHORITY MEETING

March 4, 2021

2:30 p.m.

MEMBERS PRESENT:

Mr. Randall Vitale, designee of the Broward Workshop, Chair
Dr. Colin Polsky, FAU Center for Environmental Studies, via telephone
Mr. Dan Lindblade, designee of the Broward County Council of Chambers
Ms. Bertha Henry, County Administrator, via telephone
Mr. Arnold Nazur, designee of Hispanic Unity, via telephone
Mr. Sidney Calloway, designee of the Urban League of Broward County
The Honorable Jack Seiler, designee of the Broward League of Cities

Also Present:

Gretchen Cassini, Assistant County Administrator
Angela Wallace, County Attorney's Office
Nicole Kalil, Public Information Officer
Johnny Caldera, Laws Reporting, Inc.

A meeting of the Independent Surtax Oversight Committee Appointing Authority was held in Room 430, Governmental Center, 115 S. Andrews Avenue, Fort Lauderdale, Florida at 2:30 p.m. Thursday, March 4, 2021.

(The following is a near-verbatim transcript of the meeting.)

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ROLL CALL - GRETCHEN CASSINI

MS. CASSINI: -- board members in person. And I'm going to call the roll for the --

Chair Vitale.

CHAIR VITALE: Present.

MS. CASSINI: Sidney Calloway.

MR. CALLOWAY: Present.

MS. CASSINI: Bertha Henry.

MS. HENRY: Present.

MS. CASSINI: Dan Lindblade.

MR. LINDBLADE: Present.

MS. CASSINI: Arnold Nazur.

MR. NAZUR: Present.

MS. CASSINI: Colin Polsky.

DR. POLSKY: Present.

MS. CASSINI: Jack Seiler.

MR. SEILER: Here.

MS. CASSINI: All right. So all seven members are here, Mr. Chair.

CHAIR VITALE: Okay. Great. Thank you.

CALL TO ORDER - RANDALL VITALE, CHAIR

CHAIR VITALE: Let's call this meeting to order.

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I'm going to take a moment to move around a couple of items on the agenda in the interest of some of the members' schedules.

So unless there's an objection, I'm going to be moving -- well, do I need to do the minutes first? No. Okay.

ACTION ITEMS

1 – APPROVAL OF JANUARY 28, 2020 MINUTES

MR. SEILER: I'll **move** the minutes, if you want.

CHAIR VITALE: Okay. Yeah.

MR. CALLOWAY: With a second.

CHAIR VITALE: The minutes have been moved and seconded.

All those in favor of accepting the minutes, please signify by saying aye.

All opposed.

CHAIR VITALE: Those are ayes. Thank you.

THE REPORTER: Sorry. For the purpose of the -- for the purpose of the record, because I cannot see who's speaking, can you identify yourself when you second the minutes?

MR. CALLOWAY: Sidney Calloway seconded the minutes.

MR. SEILER: And -- and Jack Seiler moved the minutes.

CHAIR VITALE: Thank you.

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VOTE PASSES UNANIMOUSLY.

2 – CONSIDERATION AND SELECTION OF APPLICANT(S) IN THE ENVIRONMENTAL SCIENCES CATEGORY VACANCY ON THE INDEPENDENT SURTAX OVERSIGHT BOARD

CHAIR VITALE: Okay. We're going to move the discussion item back and move up the action items of -- obviously, we had the minutes there, but the consideration of the open seat for the Oversight Board in the category of Environmental Sciences.

We have a member who -- of the Appointing Authority who will be needing to excuse himself for a few minutes and then, depending on the timing of it, we can come back to it.

So, Colin, do you want to weigh in on your subject matter area of expertise as we consider Applicant 1 and Applicant 2?

DR. POLSKY: I'd be glad to.

Thank you, everybody, for accommodating me. The COVID situation has made childcare unpredictable, so I just -- I will need a temporary step-away here, unpredicted.

I've looked at the files for these two candidates. I think they're both very qualified. And I know neither of them.

I'm much more familiar with the type of work that the professor at U.M.

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does, and -- but I think the experience, the prac-- what might serve this particular position a little bit better.

So I just want to try and make it brief, and I'd be happy to answer any questions if -- if I can, if there are any questions.

But these look like both very strong candidates. It's -- it's good to have representation from the field like this. And I it seems to me that Deborah Madden might have more immediate local practical experience that's relevant.

CHAIR VITALE: Okay. Thank you. Does anyone have any questions for Colin while we have him?

So --

MR. SEILER: Can I just ask Colin a question?

CHAIR VITALE: Sure.

MR. SEILER: Colin, when you say that Deborah may have a little more relevant experience, is -- is there anything in particular you're referencing?

DR. POLSKY: Well, she's an attorney who's been working, as it appears, on getting various types of land use and development and water-related projects through the system, whatever that -- you know, various systems, for approval and such.

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And -- and so she would seem to have a sensibility about the intersection between development, the law, and water at large.

MR. SEILER: All right. Thank you.

CHAIR VITALE: Okay. As everyone is aware, you all received all of the backup information for both applicants in advance of the meeting.

It's also in the folders -- thank you very much -- provided to us by staff.

Is there any questions or open discussion or -- happy to entertain motions, discussion, questions for anyone --

MR. LINDBLADE: I'd like to --

CHAIR VITALE: Yeah.

MR. LINDBLADE: -- make a **motion**, Chair.

CHAIR VITALE: Shoot, Mr. Lindblade.

MR. LINDBLADE: Yes. I'd like to recommend Ms. Madden.

CHAIR VITALE: Okay. Applicant 2, Deborah Madden, has been nominated by Dan Lindblade.

Is there a second?

MR. SEILER: I'll -- I'll second. Jack Seiler.

CHAIR VITALE: Okay. Discussion?

MR. NAZUR: Yeah, I had a question regarding Ms. Madden and her affiliation or working for the law firm. Is -- is that okay with our

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conflicts of interest policies, or would that be something that could be an issue in the future? Or is that not something that we need to address?

MS. WALLACE: So as long as the firm does not have a contract with the County or represent any clients that are -- are receiving or eligible to receive surtax funds, then there's no conflict.

MR. NAZUR: So if the law firm has some sort of lawsuit for a client of theirs against the County, that's okay as long as it doesn't have to do anything with the surtax?

MS. WALLACE: So that would need to be, I guess, disclosed. And I -- I -- I guess I need context.

So if they have a lawsuit against the County but they don't have a contract with the County, because the -- the ordinance and Florida statutes require that they not have a contract with the County or be employed by an entity that has a contract with the County, with certain exclusions for educational institutions, local and state or federal government.

So just having a lawsuit against the County, in and of itself, without more information, I don't think would -- would present a conflict.

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I would just -- I would need specifics regarding the -- the type of lawsuit.

CHAIR VITALE: So part of the discussion item which we will have is to update everyone on the change in the ordinance, which was adopted by the County as well.

As it relates to our function, you know, I believe that if it is -- we should be operating under the premise that if it was presented to this board, it has already been vetted and attested to. And so anyone who is presented to the Appointing Authority, we should proceed with confidence that they are qualified.

And if that were to change in the future, that would be brought to our attention.

MR. SEILER: Chair?

MS. WALLACE: Correct.

CHAIR VITALE: Jack.

MR. SEILER: Yeah, I just want to add -- and I don't know if you have the benefit of it in your materials on the telephone, but there's actually a Certification of No Conflict of Interest that's been filed by both these candidates in the back of the book, and we've had the benefit of -- of having them in front of us here in the room, so.

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CHAIR VITALE: And in the past, I think, just --

MS. HENRY: And then --

CHAIR VITALE: -- to refresh everyone's memory, there have been people who have applied who have not met the criteria, who therefore weren't brought forward to the Appointing Authority.

So, again, if they are -- if they make it past -- if they make it to us, they've been vetted and it'll be included in the backup material.

MR. CALLOWAY: Mr. Chair?

CHAIR VITALE: Yes.

MR. CALLOWAY: Also the certification is -- appears to be a sworn declaration by the applicant, and it would appear to me if they are adverse to the County in lawsuits, then that certainly would represent the fact they probably don't have contracts with the County.

MS. HENRY: Could -- could -- could I ask the speaker to speak up just a little bit? Because I didn't hear --

MR. CALLOWAY: Yes. I said --

MS. HENRY: -- all of his comments.

MR. CALLOWAY: -- my address to the Chair was that the certification as mentioned by Jack is not just a certification, but it's also -- appears to be a sworn statement, declaration by the individual

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executing it that they do not have a conflict of interest as stated under the regulations that -- that are in front of us.

In other words, they are not elected officials and --

MS. HENRY: Understood.

MR. CALLOWAY: -- the language --

CHAIR VITALE: Other discussion?

Okay. If -- I'll wait for one more moment. If --

MR. NAZUR: Well, I just --

CHAIR VITALE: Go ahead.

MR. NAZUR: -- can -- can I just make a clarification? Because I understand that she signed that certification, but on her certification there is an asterisk that indicates, again, "My law firm, Gunster, represents clients on various matters before Broward County."

So if -- if you're telling me this has been vetted and this is okay, then I'm okay with it also.

CHAIR VITALE: Okay. Thank you.

Any other discussion?

Okay. Before I call the question, I will just thank both of the applicants. I think -- and everyone who reached out to the community to get the applicants, and getting them through the process to get

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them here. I know it's a lot of work. And I was pleased to see two very qualified applicants.

So we will take a vote.

All those -- yes.

MS. CASSINI: I would recommend you do it by roll call --

CHAIR VITALE: Okay.

MS. CASSINI: -- because we have people on the line.

CHAIR VITALE: Okay. So we will do a roll call vote. Will -- will you call the roll, Gretchen? Thank you.

Please listen for your name. And a vote of aye is in support of the motion for Ms. Deborah Madden.

MS. CASSINI: Mr. Sidney Calloway.

MR. CALLOWAY: Yes.

MS. CASSINI: Ms. Bertha Henry.

MS. HENRY: Yes.

MS. CASSINI: Mr. Dan Lindblade.

MR. LINDBLADE: Aye.

MS. CASSINI: Mr. Arnold Nazur.

MR. NAZUR: Aye.

MS. CASSINI: Dr. Colin Polsky.

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DR. POLSKY: Aye.

MS. CASSINI: The Honorable Jack Seiler.

MR. SEILER: Aye.

MS. CASSINI: Chair Randall Vitale.

CHAIR VITALE: Aye.

Okay. So the motion carries unanimously.

Congratulations to Ms. Madden as the newest member of the
Surtax Oversight Board.

VOTE PASSES UNANIMOUSLY.

CHAIR VITALE: Dr. Polsky, I know that you might have to drop,
and if you're able to join us again, we would love to have you back on.

DR. POLSKY: I do have to drop. I will join. And thanks again,
everybody. Talk to you soon.

CHAIR VITALE: Thanks for your input.

MS. HENRY: Bye-bye.

DISCUSSION ITEMS

1 – FEBRUARY 11, 2020 AND FEBRUARY 23, 2021 COUNTY COMMISSION MEETINGS AMENDING THE QUALIFICATIONS FOR SERVING ON THE INDEPENDENT TRANSPORTATION SURTAX OVERSIGHT BOARD

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CHAIR VITALE: Okay. Moving back to the agenda item of discussion, it's pretty well clear, defined there in Discussion Item 1, but I will turn it over to I think Angela or Gretchen? Okay. To Gretchen, to go over the updates.

MS. CASSINI: Thank you so much, Mr. Chair.

We just wanted to make sure, because the last time that you all gathered in January, there was some substantial discussion during that meeting of the need --

MS. HENRY: Gretchen, could you speak into the mic, please?

MS. CASSINI: Can you hear me now?

MR. NAZUR: Yes.

MS. HENRY: Much better.

MS. CASSINI: Okay. I'll stay just like this.

We had substantial discussion at the January 2020 Appointing Authority meeting regarding the need to revisit the ordinance with respect to licensure. And because at that point, we were looking at the Architecture and Land Use categories, and there were interested parties who were retired and had not maintained their licensure.

So based on some input and feedback from the Appointing Authority members, various changes to the licensure requirements were put in place, and we just wanted to make sure that you all knew that and it was on the

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record and that we had followed up with you from that last meeting.

In addition to that, we also recently amended the ordinance to reflect conflict of interest.

So it was a -- very broadly drafted in the ordinance. The conflict would prohibit anyone who worked for any entity that had a contract with the County.

Dr. Sen Roy works for the University of Miami. In the -- while Legal was reviewing her application, it became clear that the University of Miami did have a contract with the County, but that it would actually not create any type of potential conflict of interest.

So we started evaluating whether that language was too broad and we were able -- Legal was able to come up with some much more narrow language that's still broader than the state's statute -- statute, right? Okay. And but provides a level of protection for you all and for the County and the Oversight Board members.

So we just wanted to make sure you were aware of that and take any questions that you might have.

CHAIR VITALE: Thank you for the overview.

I think it's a very necessary step, especially as some of these openings have come up. The breadth of the restrictions was incredible.

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And I think the intent is still the same. We wanted to be -- make sure that there is no conflict or actual appearance -- appearance or actual conflict, but we were eliminating some very qualified candidates inadvertently.

So does anyone have any questions or comments?

MR. SEILER: I just have a comment on this, because I -- I also want to commend the County Commission and staff for doing this, because I -- look, today, we had two outstanding candidates, both of whom who probably would not have qualified under the old ordinance.

So I think the proof's in the pudding when you look at these two that came forward today.

And so I just -- please express our appreciation to the County Commission, too, that voted on this, because I do think they saw an issues, addressed it, and resolved it.

CHAIR VITALE: Anyone on the line or in the room who would like to comment, or any questions on the issue?

MR. CALLOWAY: Just a question, Mr. Chair.

CHAIR VITALE: Sidney.

MR. CALLOWAY: This is Sidney Calloway.

MS. HENRY: Obviously, I'm on the line, but we -- we discussed this thoroughly and the Commission understood the issue. And I'm happy to

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share that information or Mr. Seiler's appreciation to -- to members when I next have an opportunity to do so.

MR. SEILER: Thank you.

CHAIR VITALE: Sidney?

MR. CALLOWAY: Yeah, and the question to Ms. Wallace, is the annual certification of no conflict of interest forms that we've seen from the candidates that applied today is consistent with the changes that were made most recently?

MS. WALLACE: No. Those were submitted before the ordinance changed.

The ordinance was actually changed, but we understood that we were taking those steps to amend the ordinance, because we have an existing member from the inaugural group of Oversight Board members who accepted employment with a Constitutional Officer, and -- after the November elections, and we wanted to address that as well.

And we were notified of Mr. Cavros' resignation due to his other obligations for the end of December.

So when we -- when we were addressing the ordinance with regard to an exist -- existing Oversight Board member and the -- the difficulty that we were having with applicants for the vacancy, we tried to take a holistic

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approach and -- and include or -- or have the ability to include applicants who do not have an actual conflict.

And that's how the ordinance was amended to eliminate, you know, an actual conflict and allow people with certain types of employment to -- to apply and be eligible.

MR. CALLOWAY: Okay. I'm just getting -- if we're using a form --

MS. WALLACE: Because that was -- they actually submitted it. We -- we're updating it --

MR. CALLOWAY: Yes.

MS. WALLACE: -- and we will have everyone on the -- because it was just approved the --

MS. CASSINI: The 23rd.

MS. WALLACE: -- right. The ordinance was just approved -- I thought the 23rd --

MS. CASSINI: 23rd.

MS. WALLACE: -- the 23rd of February.

And so my memo is dated the day after the Board approved --

MR. CALLOWAY: Okay.

MS. WALLACE: -- the -- the revised ordinance, which is the 24th, so -
- to ensure that everyone met the qualification.

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CHAIR VITALE: Is there any other discussion or topics that anyone would like to bring up in relation to the updated qualifications?

OTHER BUSINESS

CHAIR VITALE: Seeing -- hearing none, I don't think that there is any other business before the Authority.

I would like to point out, hopefully, you all have received -- I'm holding up the inaugural report, which we discussed at our last meeting, available electronically as well.

If you need one, we might have some extra copies that we could share with you before -- before you leave today.

But I thought it was a really comprehensive and great job of putting together what has been accomplished so far.

Is there any other topics for discussion?

MS. CASSINI: If I may, Mr. Chair --

CHAIR VITALE: Yes.

MS. CASSINI: -- could I introduce you all to the new Public Information Officer that came --

CHAIR VITALE: Please.

MS. CASSINI: -- on board just in August of 2020? And we're very lucky to have Nicole Kalil. She comes to us with lots of local government and

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transportation experience from all over the region, and I just wanted to make the introduction to you all --

MS. WALLACE: Yay.

(Applause.)

CHAIR VITALE: Welcome.

MS. CASSINI: -- both personally and virtually.

She worked very hard on the inaugural report as well, so.

CHAIR VITALE: Great job. Thank you, Gretchen.

(Laughter.)

MS. HENRY: Great job. Great job.

CHAIR VITALE: For those on the phone, there are chocolate covered pretzels here which you cannot have any of because you're on the phone.

MS. CASSINI: You can eat them virtually.

MS. HENRY: I'm so glad.

MR. SEILER: Bertha, I'm going to leave one here at your desk so --

MS. HENRY: We're all --

MR. SEILER: -- when you get back.

MS. HENRY: No, please do not do me that favor.

CHAIR VITALE: Okay.

MS. HENRY: COVID has had us all sort of lockdown. We -- we can

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do without. Some of us can do without. I'll speak for myself.

ADJOURN

CHAIR VITALE: Well, I think that will conclude the meeting.

MS. HENRY: All righty.

CHAIR VITALE: Just in case anyone has anything else?

MS. HENRY: Okay.

MR. SEILER: Thank you, Mr. Chair.

CHAIR VITALE: Meeting is adjourned. Thank you all.

MS. HENRY: Nothing from me.

CHAIR VITALE: Stay safe.

MS. CASSINI: Thank you.

(The meeting concluded at 2:55 p.m.)