

MINUTES

**INDEPENDENT SURTAX OVERSIGHT BOARD
APPOINTING AUTHORITY MEETING**

DECEMBER 18, 2019

MEMBERS Mr. Randall Vitale, designee of the Broward Workshop, Chair
PRESENT: Dr. Colin Polsky, FAU Center for Environmental Studies
Mr. Dan Lindblade, designee of the Broward County Council of Chambers
Ms. Bertha Henry, County Administrator
Mr. Arnold Nazur, designee of Hispanic Unity
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
Laura Rogers, County Auditor's Office
Nancy Cavender, The Laws Group

A meeting of the Independent Surtax Oversight Committee Appointing Authority was held in the Room 430, Governmental Center, 115 S. Andrews Avenue, Fort Lauderdale, Florida at 3:00 p.m. Wednesday, December 18, 2019.

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

CALL TO ORDER - RANDALL VITALE, CHAIR

CHAIR VITALE: Okay. So we will call this meeting to order, Wednesday, December 18th, at 3:02.

ROLL CALL - GRETCHEN CASSINI

CHAIR VITALE: And start with roll call, please, Gretchen.

MS. CASSINI: Thank you very much. Mr. Calloway.

MR. CALLOWAY: Present.

MS. CASSINI: Mr. Lindblade.

MR. LINDBLADE: Uh-huh.

MS. CASSINI: Mr. Seiler.

MR. SEILER: Here.

MS. CASSINI: Mr. Nazur.

MR. NAZUR: Here.

MS. CASSINI: Dr. Polsky.

DR. POLSKY: Here.

MS. CASSINI: Ms. Henry.

MS. HENRY: Here.

MS. CASSINI: Chair Vitale.

CHAIR VITALE: Here.

MS. CASSINI: All members are present.

CHAIR VITALE: Okay. Great. Well, thank you all. It's good to see you. Happy holidays to everybody.

MS. CASSINI: Same to you.

MS. HENRY: Same to you.

CHAIR VITALE: Thank you. We --

MR. LINDBLADE: Thank you for the chocolate.

CHAIR VITALE: You're welcome. Anyone can have some, so please enjoy. And then whatever's left over, feel free --

MR. LINDBLADE: Take to the Chamber.

CHAIR VITALE: -- feel free to take with you.

ACTION ITEMS

1 – APPROVAL OF NOVEMBER 4, 2019 MINUTES

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CHAIR VITALE: So we will start by discussing and approving the minutes of November 4th. They were sent in the backup material. Please let me know if you have any questions or revisions.

MR. SEILER: **Move** approval.

MR. CALLOWAY: Second the item.

CHAIR VITALE: It's been moved and seconded. Any discussion.

All those in favor, please signify by saying aye. Any opposed?

Okay. So the minutes have been accepted.

VOTE PASSES UNANIMOUSLY.

2 – CONSIDERATION AND SELECTION OF APPLICANT(S) IN THE LAND USE AND URBAN PLANNING CATEGORICAL VACANCY ON THE INDEPENDENT SURTAX OVERSIGHT BOARD

CHAIR VITALE: We have one action -- one more action item and then discussion item. The next action item will be a -- first we can kind of have a discussion, and then decide what we want to do. So I will give my best recollection of the previous meeting, what's happened since, and then staff can correct me as much as necessary. So you'll recall at the last meeting we, as a group, decided that we did not want to just pick up one member from the Oversight Board and move them to a new slot without having an open call for new members. And so we did. We opened up the application process and extended it, and did not receive any applicants that fit that are not currently on the Oversight Board; is that correct?

MS. WALLACE: (Nods affirmatively.)

MS. CASSINI: (Nods affirmatively.)

CHAIR VITALE: And so we for consideration one applicant today under the Land Use and Urban Planning category, and that is Doug Coolman, who is currently sitting on the Oversight Board as a member the Oversight Board under the category of Architecture. You may recall he originally submitted his application under both Land Use and Architecture, and it just worked out that he was slotted into the Architecture spot. We had hoped to receive more applicants and have not.

So I asked Gretchen, once the first deadline had passed, to -- you know, we all were reaching out to our respective circles. I know all the public notices were sent out -- if she would check with Doug to see if he would, in fact, consider applying for this role,

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and he did. So that's where we are today. Anything material that I'm missing?

MS. WALLACE: (Shaking head in negative.)

MS. CASSINI: (Shaking head in negative.)

CHAIR VITALE: So my recollection, and then I'll just kind of open it up for discussion, of our last meeting was that we just did not want to set the precedent, because pretty much everything we're doing is new, that, without having the public notification period, we would move a person from Slot A to Slot B. Does anyone remember that any differently?

MR. SEILER: Remember that very well.

MS. HENRY: That's my recollection.

CHAIR VITALE: Okay.

MR. CALLOWAY: I also thought that there was some question about the -- not just the overall process, but how a sitting board member could apply for another board position. So --

CHAIR VITALE: So -- and this is -- that's why we want to discuss this. My recollection was that we just did not want to move A to B without notifying the public and having a public call for applicants, not necessarily saying -- you know, had -- I think if we had gotten other applicants who were interested and qualified -- it's a tough category because of the business -- I think we would not be having this conversation. But as that did not occur, we kind of -- here we are. So I think we wanted to make sure there was public notice and public opportunity to apply.

MR. CALLOWAY: Maybe I need a cup of coffee, but I guess the rub of my question is if Mr. Coolman, for example, is currently sitting on the board, would he be required to resign -- and, again, this is the legal question --

MS. WALLACE: Uh-huh.

MR. CALLOWAY: -- is this before applying, at the same time as applying, after -- that's where I'm a little unclear.

MS. WALLACE: So the qualification memo reflects that Mr. Coolman is eligible and qualifies under the Land Use category, and he could be placed in that category subject to his resignation from the -- his current seat on the Oversight Board. He can't occupy both.

CHAIR VITALE: Go ahead, Jack.

MR. SEILER: Yeah, I think, one, I think you've correctly summarized what took place. Two, I think we were concerned about the perception that this was all insider moving people around from one to another without public input, public discussion, public debate. I think what we've done is we've -- the public has been on notice of what was taking place. Because what concerns me the most is that, you know, the average consumer looks and says, boy, this Appointing Authority, though an insider deal, moved people around on the --

MR. CALLOWAY: Yeah.

MR. SEILER: -- Surtax Oversight Board and, you know, we just sort of -- same game as the old game; right?

MR. CALLOWAY: Got you.

MR. SEILER: To me, I think what we've done now is we've made sure this is very public, very transparent, very open. And I think moving him now would be appropriate, subject to his resignation from his prior seat. But -- and maybe we took one extra step to get there, but I think at least if a member of the public is paying attention or a member of the media's paying attention or a potential vendor or potential supplier's paying attention, they say, all right, you know what, these guys are going to do things the right way, by the book, in the sunshine. And that's why I'm comfortable with where we are.

MR. CALLOWAY: Yeah. And, yeah, I'm not objecting to that piece at all, because I totally agree with --

MR. SEILER: Right.

MR. CALLOWAY: -- it. I'm just saying procedurally, my only question, really, to legal counsel is whether or not, procedurally, the present board member would have to resign before applying or after. So as long as we're comfortable that there's no challenge or --

MS. WALLACE: We're comfortable.

MR. CALLOWAY: -- exposure on that end, again, I'm fine.

MS. WALLACE: We're comfortable with that. And Mr. Coolman, at the time, indicated that he is willing, if the Appointing Authority is willing to consider him, he would resign from his current seat on the Oversight Board if favorably considered for the open seat, the vacant seat.

CHAIR VITALE: Yeah, I had that same question just procedurally and --

MR. CALLOWAY: Yeah.

CHAIR VITALE: -- that's how it was explained to me before the meeting, as well.

MR. CALLOWAY: Okay. Very good. I'm good.

MS. WALLACE: And that's the approach that we took last year where there were applicants for the Oversight Board who could -- there's a dual office holding prohibition under Florida Statutes --

MR. CALLOWAY: Right.

MS. WALLACE: -- and any of the applicants who were seated on a board that created a conflict, we indicated that their eligibility for the Oversight Board would be subject to their resignation from --

MR. CALLOWAY: Got you.

MS. WALLACE: -- their other board.

MR. CALLOWAY: Got you. That puts it in better context where I understand totally.

CHAIR VITALE: Great. Very good question, Sidney. Thank you. Any other discussion on the previous meeting or kind of how we arrived at this action item? No? Seeing none, okay. So what I'll do now is entertain the applicant and make sure -- again, in the backup material, all of you received the application, which has been vetted by staff, and confirmed that he does qualify --

MR. SEILER: I'll make the **motion**, then, to approve him.

MR. CALLOWAY: And I'll second the motion.

CHAIR VITALE: Okay. Motion made by Jack Seiler, and who? Second, Sidney Calloway, so to accept Doug Coolman in the category of Land Use and Urban Planning, which is vacant --

MS. WALLACE: Subject to.

CHAIR VITALE: -- subject to, thank you, him resigning his position -- glad you're here -- as a member of the Independent Oversight Board in the category of Architecture. And it's been moved and seconded. Any discussion? Okay. We'll call the question. All those in favor of the motion, please signify by saying aye. Any opposed? Seeing none, it carries.

And please communicate to Mr. Coolman that he has been selected to serve in the Land Use category.

VOTE PASSES UNANIMOUSLY.

CHAIR VITALE: Now, to clarify, it's my understanding that he will serve in the remaining three years, approximately; right? It's a four-year term, so he will move into that role for the remainder of that term; correct?

MS. WALLACE: Yes.

CHAIR VITALE: Okay. Now we have an opening in Architecture.

CHAIR VITALE: So the good news around that is I know of at least two candidates who have indicated that they would be interested in applying. Obviously, that's not an item we will take up today. We will have to advertise that opening and have a meeting again in the future to appoint for that role. But, again, I know -- hopefully, we'll get even more than two, but I know we have at least two.

MR. SEILER: Can I ask a question?

CHAIR VITALE: Please.

MR. SEILER: So since we're at a publicly noticed meeting, can you share the names of two that you -- have expressed? Because I want to make sure I -- I'm going to try to reach out to a couple, too. If they're the same two, then I don't want to -- just if that's all right.

CHAIR VITALE: Yeah, it's fine with me.

MR. SEILER: I don't think anything's improper to do it this way, but I'd like to make sure we're -- and I'll tell you one of the guys I was thinking of, and I don't know if he's able to do it, would be Anthony Abatte, who is an architect who -- with FAU. I don't know whether it would be a conflict, but he's been tremendously resourceful in helping on city projects where I appointed him. And I don't know if he'd have a conflict.
Yes?

MR. LINDBLADE: I've already talked to him. He's got a conflict, according to him, with --

MR. SEILER: All right. That's fine.

MR. LINDBLADE: -- not -- not Anthony, not Tony himself, but with the institution.

CHAIR VITALE: So I'm nodding my head yes. I'm just trying to find the names. I was not prepared for your insightful question, Mr. Seiler.

MR. SEILER: That means it probably wasn't too insightful.

MR. LINDBLADE: He's quick.

MR. SEILER: Is it improper if he were to just send out an email with who he's -- if it's a public email, just to you all?

MS. WALLACE: If it will come before this body for future consideration, then that is not permissible.

CHAIR VITALE: Even if it's one-way communication?

MS. WALLACE: Even if it's one-way.

MR. SEILER: All right. That's fine. We'll get it. I'll reach out to a couple architects (inaudible).

CHAIR VITALE: I -- one of them was Schiff, Mr. Schiff. Is that the last name?

MR. SEILER: Yeah.

CHAIR VITALE: That was the -- because he was in the -- original applicant pool, I believe, and was qualified in the original applicant pool.

MR. CALLOWAY: Yeah.

CHAIR VITALE: With the exception of --

MR. SEILER: Oh, that's right.

CHAIR VITALE: -- his architecture license is not active. But he has agreed to reinstate it if he were to be considered, I believe. And --

MR. SEILER: That's all right. We don't need it. We can do it -- later on.

CHAIR VITALE: Okay.

MR. LINDBLADE: Mr. Chair, just so I understand, are we going to -- is the notice going to be -- it's going to be the same type of notice, just the different category?

CHAIR VITALE: It's just a different category.

MR. LINDBLADE: So we can just use that as the semblance of the email that's going to go out for the advertisement of the position, and talk to as many architects as we want.

CHAIR VITALE: Correct. Gretchen, did you have something that -- you looked like you want to say something.

MS. CASSINI: I just wanted to let you all know that, based on the direction that we received at the last meeting, we'll immediately post the vacancy in all of the same places that we did before. We broadly, across social media and other avenues, did notify. And if you all have any recommendations for places that you would like to see us post the notification, I would appreciate you sharing that with me.

CHAIR VITALE: My -- the feedback I received is that Land Use, in particular, is just a very challenging category because there's so many conflicts. I feel like Architecture and many of the others do not fall into that same --

MR. CALLOWAY: A little less.

CHAIR VITALE: -- same discipline. You know, there's a lot smaller firms and some people just don't have public exposure or are retired. So, Jack, I can't find the second one, but --

MR. SEILER: That's fine. Let me comment on -- you know, there is a South Florida Architecture Association. I think it's like the AIA.

MR. LINDBLADE: There is.

MR. SEILER: We should send the notice to them, because that is a group that has hundreds of members --

MR. LINDBLADE: It's very active.

MR. SEILER: -- very active. I spoke to them one time a few years ago, as Mayor, and I was surprised. It was a dinner meeting and I think they had a, you know, hundred and some people show up. It was really kind of -- so I would probably send it to them, and that way, we know we're hitting an active group of architects who, obviously, are involved in the community.

MS. CASSINI: Okay.

MR. SEILER: I'll try to find that name. You don't remember the name? I think -- is it South Florida --

MR. LINDBLADE: It's the AIA, but I can talk to Judy --

MR. SEILER: Yeah.

MR. LINDBLADE: -- Zimmer. Her husband used to chair, before he passed away. So I'll talk to Judy and get that going.

MR. SEILER: But that might be one place to send the notice.

MR. LINDBLADE: Then we've got some -- Mr. Chair. Mr. Chair, we have some community magazines that we could -- Jorge -- I forget Jorge's last name, but he does community magazines --

MR. SEILER: Jorge Mijas (Phonetic.)

MR. LINDBLADE: -- Las Olas. I'll talk to all of my contacts in the media, and some of them will do it for free, as a courtesy to us. So that's a nice thing. We can save some money.

CHAIR VITALE: So I found the name while you were dropping other nuggets of information on us here. Bob McMahon, or McMann, was the other name. Retired architect. So said he'd be -- would consider when we have this back out.

MR. SEILER: You've got to have a few; right?

DR. POLSKY: So, Tony is one, but at FAU, the current or recent president of the South Florida AIA is also a colleague --

CHAIR VITALE: Great.

DR. POLSKY: -- and he would have a similar conflict institutionally but would know all of the folks in town in the field and could help disseminate our message.

CHAIR VITALE: That would be very helpful. And I think, generally, you know, reaching into our respective networks is one of the most important things we can do with these openings when they come up, just because some of us are in similar areas, but there is a lot of areas that do not overlap in. And so I think that'd be great, to reach out to the network. So I appreciate that.

MR. LINDBLADE: I had one question, Mr. Chair. Maybe staff can answer it, Gretchen. Some of the land use folks I talked to, they're saying how much time are we talking, Dan. And I couldn't give them an estimate. And it seems like Alan is having some extremely long meetings and a lot of deep digging, no pun intended.

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So can you answer that for me?

MS. CASSINI: Sure. We actually -- if you'd like, I actually put together an email, when we were trying to encourage interest in the Land Use vacancy, about the amount of expected time. The Oversight Board meets once a month, but they've also chosen to take several months off. So in the last year, they've met seven times. And the meetings have ranged from three and a half hours to a full eight hours, when they did a retreat and a workshop.

And there's usually a period of time right before the meetings where we do briefings, and the individual members, you know, have to obviously read through all the materials. But we've been telling people to plan for about 12 hours a month, with several months off.

MR. LINDBLADE: Okay. That's helpful. Thank you.

CHAIR VITALE: Any other questions as it relates to this opening right now?

DR. POLSKY: Yes, Mr. Chair --

CHAIR VITALE: Go ahead.

DR. POLSKY: -- just about process, just to be absolutely clear. We can put this on social media? Is that correct?

CHAIR VITALE: Yeah.

DR. POLSKY: And so it would be helpful to see, again, the shell text that we used last time, and then, you know, we can do that.

CHAIR VITALE: Great. I know Gretchen -- go ahead.

MS. CASSINI: We will send to each member the advertisement that we plan to use, along with some language that talks about the expected amount of time that the person would be committing to, and we'll make sure that gets to each member.

CHAIR VITALE: Thank you. Okay. So any other discussion or comments around the action item?

DR. POLSKY: No.

CHAIR VITALE: No? Okay.

DISCUSSION ITEMS

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1 – PRESENTATION: PROPOSED TRANSPORTATION SURTAX ORDINANCE AMENDMENTS

CHAIR VITALE: So next is a discussion item. I wanted to bring to this group's attention, you may or may not be aware of some discussion that's happening at the Oversight Board that I thought would be important for you all to be aware of, because it's come to me from multiple members of the Oversight Board. And since this is a public meeting, I wanted you all to have the opportunity to hear about it and weigh in, if you see -- if you deem it appropriate. So are you going to go through the dec there? So the dec was in the backup material, but we're going to go over it briefly. And the Oversight Board is meeting tomorrow to discuss this, as well.

MS. WALLACE: Okay. So there are several revisions proposed to the surtax ordinance, a lot of which stems from the agreements that have been entered into since the ordinance passed among the County, the municipalities, and the MPO that revolve around the process for municipalities applying for funds and surtax funds, and how those -- the municipal projects that were included in the plan, in the surtax plan, would be prioritized for purposes of funding. And so most of the ordinance deals with that, the revisions.

There were internal stakeholder meetings with regard to the ordinance. And County administration, the CFO, the budget -- the Office of Budget, the County Attorney's Office all met because we felt, in addition to dealing with the processes that were established through those interlocal agreements being incorporated in there, if there were any other areas that needed to be addressed in order to clarify processes, the County's processes, and make sure that the ordinance was consistent with established procedures, there were amendments that were -- that were revisions that were included to deal with staffing and how staffing would be approved through the County.

And the County Auditor has requested -- with regard to audits the ordinance allows for the Oversight Board to have audits of -- performance audits, and it addressed financial audits. And as part of the -- one of the meetings with the Oversight Board, we had the external auditor meet with the Oversight Board and discuss -- and the CFO, to discuss what the external audit consists of.

So under statute, there's a single audit requirement, and there's one auditing firm that does the single audit for all of the County funds. And it's the constitutional officers and County government. And so there was a presentation to the Oversight Board, and they agreed to have the external auditor complete the single audit that's statutorily required. And that's included in the proposed ordinance. Once the Oversight Board saw the revisions to the ordinance, there was a discussion, and the Oversight Board wrote a letter to the County Commission requesting that certain portions of the ordinance remain the same. And one of them had to deal with staffing and how staffing would be

accomplished. So the --

CHAIR VITALE: Angela --

MS. WALLACE: Yes.

CHAIR VITALE: -- I'm just going to interrupt for one second. Just -- I should have done this before, but as I've been in conversations that maybe some of you have or have not had, people share feedback with you, the overarching theme that some of the members of the Oversight Board are concerned with is the appearance of independence. And some of the changes are being perceived by a couple of members -- at least a couple of or a few members of the Oversight Board as removing the ability of the Oversight Board to have its independence. So that's the lens. Not that that's the intention, but that's what the language potentially is drawing up. So go ahead.

MS. WALLACE: Uh-huh. All right. And so the ordinance, original ordinance, provides that the County shall --

MS. CASSINI: (Inaudible.)

MS. WALLACE: Okay. Here for -- in the staffing category, the County shall provide sufficient staff to enable the Oversight Board to efficiently perform its functions and shall retain such consultants as the Oversight Board determines necessary to perform its responsibilities. That's the original language. And the proposed amendment includes the underlining. So Broward County shall provide sufficient staff and retain consultants as recommended by the County Administrator and determined reasonable and necessary by the County Commission to enable the Oversight Board to efficiently perform its functions.

CHAIR VITALE: So that's one example there.

MR. CALLOWAY: That's what I call Commission creep.

CHAIR VITALE: So I don't know if -- Bertha, if there's anything you want to share --

MS. HENRY: So the --

CHAIR VITALE: -- about it.

MS. HENRY: -- so if -- just to clarify --

CHAIR VITALE: Yes.

MS. HENRY: -- that what that statement does is just -- it just walks through the steps

that any County entity, County agency goes through. So it wasn't that it was -- that it's doing anything other than -- doesn't matter when -- what -- if there's a request from the outside or a request from the inside or wherever the request comes from, it goes through the County Administrator, and, yes, it's the Budget Office. We work through that. And then that item is taken to the Board for a final approval.

MS. WALLACE: Right.

MS. HENRY: So that's just the steps. It didn't change -- it just clarified what those steps would be. Those -- so when the -- if the Oversight Board needs resources, we understand that they -- they get to request and they make those resources, but this is clarifying where those requests go to.

MS. WALLACE: Right.

MS. HENRY: It just follows the same step that --

MS. WALLACE: And I would like --

MS. HENRY: -- County government uses today.

MS. WALLACE: -- that -- so while the term, independent, is used, it's a -- the Oversight Board is a creation of ordinance, and it's not an entity. So it is a board established by ordinance of the County Commission, and it's not sui juris. It cannot contract. It cannot hire. It cannot retain. So this, you know, revision clarifies that the way that the Oversight Board is able to obtain these resources is through the processes that are basically kind of outlined in Charter.

So the County Administrator operationalizes the organization, and the County Administrator is the one that, you know, the purchase -- the Procurement Office, the Budget Office, the financing, all of that, you know, channels through the County Administrator. And the contract would be -- so there would be a solicitation, a competitive procurement process, and -- following the County's procedures, and the contract would be with the County. So the intent is to clarify how that occurs, because they cannot retain anyone in and of themselves. The Oversight Board cannot contract and does not have a budget.

MS. CASSINI: And doesn't employ anyone.

MS. WALLACE: And doesn't employ anyone. So we are County employees.

MR. CALLOWAY: No, I -- go ahead.

MR. SEILER: No, you were -- you were still going.

MR. CALLOWAY: I totally understand that. I got it. But this also brings to mind, and it's a little different, but I think the concept, at least in terms of how I view this, is similar. And it takes me back to my time as a Commissioner for the Florida Transportation Commission and we had responsibilities for looking at how the counties were -- what their relationship was with the Metropolitan Planning Organization, which is a federal entity that really sort of fell into over a period of time under the -- not just auspices, but under the direction and control of Broward County government. This is different.

MS. WALLACE: Uh-huh.

MR. CALLOWAY: Like for all the reasons you just mentioned. But what is not different is the appearance of conflicting with the authority and the work of the public, who went so far as to approve the item. It was sold as an independent Commission or body. And it really does sort of conflict with the way it's actually constructed. I have that. But I do think, if you look, really, again, really just at item -- proposed item under paren G relative to staffing, it says Broward County shall provide sufficient staff and retain consultants as recommended by the County Administrator and determined reasonable and necessary by the County Commission. If I'm in the public, I'm saying, okay, here we go. Now we see that the County ultimately is going to be exercising control, more control than what the public was sold on this.

MS. WALLACE: Okay.

MR. CALLOWAY: So --

MS. WALLACE: So when we talk about what the public was sold, the ballot language specifically states -- and this is a yes or no question -- shall -- countywide transportation improvements to reduce traffic congestion, improve roads and bridges, enhance traffic signal synchronization, develop safe sidewalks and bicycle pathways, expand and operate bus and special needs transportation, implement rail along approved corridors, and implement emerging transportation technologies be funded by levying a 30-year one percent sales tax -- surtax paid by residents and visitors, with the proceeds held in a newly-created trust fund, and all expenditures overseen by an independent Oversight Board. That's what the voters approved. So the ordinance is -- was not approved by the voters. The ordinance was enacted by the County Commission.

MR. SEILER: Read that last phrase again, the last part.

MS. WALLACE: Okay.

MR. LINDBLADE: Independent Oversight Board.

MS. WALLACE: Right. It says --

MR. SEILER: With all expenditures approved.

MS. WALLACE: - - with all -- with all proceeds held in a newly-created trust fund -- and the trust fund is required by Statute -- and all expenditures overseen by an independent Oversight Board.

CHAIR VITALE: So as somebody who was very involved with that, I think without having Independent Oversight Board on the ballot --

MS. WALLACE: Uh-huh.

CHAIR VITALE: -- it fails.

MR. SEILER: Right.

CHAIR VITALE: So we have to reconcile the operationalizing of -- I totally get --

MS. WALLACE: Uh-huh.

CHAIR VITALE: -- what you're saying, which is why I wanted to discuss it. No one is indicating that -- I'm certainly not indicating that it feels like a grab --

MS. WALLACE: Right.

CHAIR VITALE: -- you know, in any way. I am concerned, however, the optics to the public --

MS. WALLACE: Uh-huh.

CHAIR VITALE: -- which is our role and the Oversight Board's role on -- you know, if you just read that language, it's a talking point; right?

MS. WALLACE: Uh-huh.

CHAIR VITALE: It's not -- people aren't going to have the opportunity to hear from somebody like you to explain the why.

MS. WALLACE: Uh-huh.

CHAIR VITALE: What's -- the bullet point feels like it was independent in this language; this new version, it's no longer independent.

MS. WALLACE: Uh-huh.

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CHAIR VITALE: I know that's not accurate from an operational standpoint, but if somebody's just reading that, it's an easy story to write.

MR. SEILER: Yeah. May I?

CHAIR VITALE: Jack.

MR. SEILER: And I think Randall and -- is right about this. I think the perception -- the reality may not be, but the perception is, if you don't understand government, this looks like a power grab, or, as you termed it, a Commission creep. But it -- so I don't know if it would help like somewhere in there, some reference to a request from the board -- and, I mean, I was just playing with this. I -- but I just -- I mean, if you were to say, Broward County shall provide sufficient staff and retain consultants as requested by the Oversight Board -- so that they actually look like they -- you know, because I understand the process -- as requested by the Oversight Board comma subject to recommendation by the city -- I mean by the County Administrator and determination of reasonable and necessary by the County Commission. So at least you've got the Oversight Board asking for something. Because right now, it looks like you're going to tell them what is -- who the consultants are --

MS. HENRY: Absolutely not the intent. And requesting --

MR. SEILER: That's why I say that wording --

MS. HENRY: -- so that -- it contemplates that the Oversight Board would say, this is what we want.

MS. WALLACE: Right.

MS. HENRY: So somebody's got to ask for it. I'm not going to go in and say, I think you need --

MR. CALLOWAY: Right.

MS. HENRY: -- or any County Administrator. I mean, we're, you know, we're off doing all these other things. But if -- they get to make the request, and that's not a -- that's just not an issue.

MR. SEILER: What --

MS. HENRY: That's how it's contemplated. They need to ask for what they want, and clearly, the Commission expects that they would do that.

MR. SEILER: Right. But that doesn't say that anywhere.

MS. HENRY: We -- you could. I mean --

MR. SEILER: That's what I'm saying. No. All I'm saying is just add in after the word, consultants, you go there.

MS. HENRY: Uh-huh.

MR. SEILER: Where was that?

MS. HENRY: It's right --

MR. SEILER: No, no. I'm looking up there. There. So after the word consultants --

MS. WALLACE: Uh-huh.

MR. SEILER: -- before the as, add in, as requested by the Oversight Board comma subject to recommendation by the -- or subject to recommendation by the County Administrator and a determination of reasonable and necessary by the County Commission. Now at least you've left their role in the process, I think --

MS. HENRY: Yeah.

MR. CALLOWAY: Can I --

MR. SEILER: -- (inaudible) --

MS. HENRY: I don't think that anybody would have a problem with that.

MR. CALLOWAY: Can I ask just a -- I want to make sure I'm in the right place on this. The consultants and the services of the Oversight Board, are they paid with the trust fund dollars?

MS. HENRY: Yes.

CHAIR VITALE: Well, it is -- I believe that it's envisioned that the majority, if not all, will be, yes.

MR. CALLOWAY: Yeah. Last question, then I'm done. What's wrong with the language as is?

MS. HENRY: I think the point --

MR. CALLOWAY: I mean, if the idea was --

MS. HENRY: -- and I don't know if the County Attorney --

MR. CALLOWAY: -- to say we don't -- we know how this works. They make the request. It gets done.

MS. WALLACE: This clarifies how it works. Because there as a misconception that the Oversight Board could contract, and they can't. And so the County procurements are subject to the County Procurement Code. So we had to make it clear that all of this is subject to what's provided in the Charter in terms of the County Administrator's role, under the Charter, and how the County procures services of consultants, of auditors, of any kind of contractual relationships, and that the contract is with the County.

CHAIR VITALE: I think that's an important point to clarify.

MS. WALLACE: Uh-huh.

CHAIR VITALE: My comment would be -- and obviously, the Oversight Board, you guys I'm sure will have a robust conversation about this tomorrow -- anywhere you can include language that identifies, similar to what Jack just said, clarity to people who aren't in the weeds on it --

MS. WALLACE: Uh-huh.

CHAIR VITALE: -- you know, not necessarily removing the words, Oversight Board, categorically, I think will be helpful in the optics of it --

MS. WALLACE: Uh-huh.

CHAIR VITALE: -- without changing the operational aspect. I get it. You know, it has to be County Administrator, all of that. Okay. No problem. They can't bind. They can't sign contracts. Okay. Reading this language without that context --

MS. WALLACE: Uh-huh.

CHAIR VITALE: -- makes it seem like we're going from A to B, and A you could do stuff and B you can't.

MS. WALLACE: Right. But, yeah --

CHAIR VITALE: And --

MS. WALLACE: -- never could.

CHAIR VITALE: -- well --

MR. SEILER: Right. But the --

CHAIR VITALE: -- but the optics -- I mean -- yes.

MR. NAZUR: I have a question. First, the A133 audit would -- the single audit would be done under the County premise, anyway, correct --

MS. WALLACE: Correct.

MR. NAZUR: -- on this fund. So the question who pays for that I think is not a clear cut and dry.

MS. WALLACE: No, it's not a matter of who pays for it. So the amendment reflects that the single audit will be done -- will be conducted by the firm that is -- that is retained by the County to conduct the single audit. And so the -- it's just to clarify that that's what happens.

And then there's another section that deals with performance and financial audits. And the County Auditor has requested to become the -- to have the right of first refusal with regard to conducting those performance or financial reviews and setting the auditing standards and would like to be the contract administrator. And simply, in the audit section what we did is referred to Section G above, which is you just go through the process of the County Administrator, you know, conducting the solicitation and so forth, and so that the County's procurement and contracting process will be used.

CHAIR VITALE: So I think on the audit side, if I could just have you pause that thought right now --

MS. WALLACE: Uh-huh.

CHAIR VITALE: -- I'd like to do the staffing language first, because I think the audit one has a lot of other components, as well.

MR. NAZUR: Going back to the staffing then, the question I have -- and I don't like the language, the -- is -- so the way the new language is supposed to read, consultants as recommended by the County Administrator and determined reasonable and necessary by the County Commission.

I would suspect that if a board says we have to do this, you guys go figure out how it's done, but this is what I want to see done, a reporting of financials or whatever. They requested it. It should be done. It shouldn't be left off to someone else to determine

whether it's reasonable and necessary.

MS. HENRY: I guess statutorily the Commission -- the County Commission approves -- when they approve the budget, they, in essence, authorize -- or approve an appropriation. They, in essence, authorize you to make that expenditure, and they concur and agree that that expenditure is reasonable and necessary.

MS. WALLACE: I guess I should --

MS. HENRY: And that's technically what they do.

MS. WALLACE: -- explain --

MS. HENRY: Any elected body that would -- when they go through an appropriation, and this is may be, you know, a little bit more government speak here, but every expenditure or appropriation is approved by the County Commission.

MS. WALLACE: Right. And subject --

MS. HENRY: Every last -- every last one --

MS. WALLACE: -- subject to a --

MS. HENRY: -- appropriation.

MS. WALLACE: -- delegation of authority by the County Commission, the County Commission approves it.

MS. HENRY: Right.

MS. WALLACE: So, you know, the County -- the Charter outlines what the County Administrator's roles and responsibilities are. The Statute outlines, you know, who -- the entity that budgets and appropriates the money. And that's the County Commission. And so, under the County's rules, the County Commission can delegate certain authority, and if they don't delegate the authority, it rests with the County Commission. And so -- and I guess you're -- I don't know if anyone here is familiar with the challenge to the Hillsborough County transportation surtax ordinance that passed at the same time in November of 2018 that Broward County's transportation surtax passed.

They arrived at their surtax differently, because -- and an outside group sponsored a petition initiative to amend their Charter to -- which is permissible under the Statute. You can do a petition initiative to amend the Charter to enact a surtax ordinance. But there were issues with what was included in that initiative that passed and amended Hillsborough's Charter, because that ballot initiative took authority that belonged to the

County Commission, under the Statute, and rested it with an independent body, an Oversight Board, and said that the Oversight Board will distribute the money in these percentages, in these categories. And that was challenged. And right now, there's an appeal pending in the Supreme Court, the State Supreme Court with regard to that. So in an effort to ensure that everybody understands that the County Commissioners -- County Commission's statutory responsibilities are not being --

MR. LINDBLADE: Usurped?

MS. WALLACE: -- or impermissibly --

MS. CASSINI: Delegated.

MS. WALLACE: -- delegated or --

UNIDENTIFIED SPEAKER: Right.

MS. WALLACE: -- removed. We had to clarify how this works.

MR. LINDBLADE: Mr. Chairman.

CHAIR VITALE: Yes.

MR. LINDBLADE: It seems to me like there -- one of two things happened, maybe both. The Oversight Board thought they had more authority than they have, and the County Commission thought they needed to rein things in a little bit. I'm not sure which happened, but, I mean, I don't have any big concern one way or the other over this. Is there a specific reason why you're bringing it to us other than to just illuminate us?

CHAIR VITALE: Yes, to illuminate. I think it has the potential to be a much bigger issue, depending on how the Oversight Board meeting goes tomorrow.

MR. SEILER: Yes.

CHAIR VITALE: And I think the most important thing that everyone involved with this should be cognizant of is the appearance of having the Independent Oversight Board provide what was put in the ballot language, and so that the transparency is ensured. And it's -- no one's talking about the folks sitting at this table. You know, we're setting out something for 30 years. We're not -- most of us aren't going to be involved in the surtax 29 years from now.

MR. LINDBLADE: Right.

CHAIR VITALE: So I think it's about setting the precedent the right way.

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MR. LINDBLADE: Okay. So just so I'm clear --

CHAIR VITALE: So there is concern on the Oversight Board. And this is one of, I think, three or four items that are being changed. And each of them have different dynamics.

MR. LINDBLADE: Okay. So -- but the changes, the amendments that are being made, are those at the County Commission? Because I see Commissioner Sharief's name all over this.

CHAIR VITALE: Yes.

MR. LINDBLADE: So is it --

CHAIR VITALE: It's to change the ordinance.

MR. LINDBLADE: -- the County Commission that's driving this, or is it the --

MS. HENRY: Just a point --

MR. LINDBLADE: -- staff that's driving this --

MS. HENRY: -- just --

MR. LINDBLADE: -- or?

MS. HENRY: -- a point of clarification. The original ordinance had language that was being modified by different entities who was trying to clarify what all of this means. Subsequently, there was an ask by a member of the Oversight Board to one of our Commissioners to further clarify, and that's what this is doing.

There has been -- to my knowledge, there hasn't been any overt conversation at a Commission meeting about these ordinance changes other than there were a series of changes proposed. They didn't appear -- I guess because we are in this business day in and day out, we didn't see the issues. The Oversight Board saw things that made them uncomfortable, and so there's an attempt here to just clarify. But just as -- just as there is an understanding that the people here -- I mean, we're talking about something that's -- that's got to last for 30 years, so it has to last for 30 years for both sides, so both sides understand how things move -- move through. How do -- how do you get that consultant that you would like? How do you get some additional staff that you would want? How do you -- whatever -- whatever they feel that they need.

I can't imagine that the Commission would deny the Oversight Board anything that they felt that they need, but we're talking 30 years. We don't know what the Oversight Board

is going to look like 15 years or 20 years from now. So all this is is they, up front, are trying to clarify how things move through the system.

MS. WALLACE: And I might add that it has not -- so these are proposed changes, and they're subject to Public Hearing and a determination by the County Commission. So there was -- I guess the initial Public Hearing was scheduled for December 3rd and has been continued to January 7th at this point. So at the December --

MS. HENRY: In an effort to make sure that the --

MS. WALLACE: That these issues were addressed.

MS. HENRY: -- Oversight Board asked -- get their questions asked or answers. They wanted -- there was requests for them to meet so that they can talk about these things. So the Commission wasn't trying to ram something through. But, you know, they're open. They'll -- they will listen to what it is that -- where the concerns are. But this was just at least -- at least for purposes of this discussion, trying to clarify what this was really about and what it's not about.

MR. LINDBLADE: Mr. Chair, then I'd like to make a **motion**, if it's appropriate --

CHAIR VITALE: Sure.

MR. LINDBLADE: -- on this item, this section.

CHAIR VITALE: I think --

MR. LINDBLADE: (Inaudible) --

CHAIR VITALE: -- I think Jack wanted to weigh in on something.

MR. SEILER: No, I just want to -- I was going to ask for a motion, but I was just going to -- and I think this language that I'm suggesting covers both, because I think -- you know, I mean, look, we've -- I've dealt with 25 years city and County government. I think by just inserting that language, and this is how I wrote it here, just Broward County shall provide sufficient staff and retain consultants as requested by the Oversight Board comma subject to being determine- -- subject to being recommended by the County Administrator and determined reasonable and necessary by the County Commission. That leaves their name in there.

MR. LINDBLADE: Right.

MR. SEILER: That keeps it front and center. That's my -- that's my **motion** that I'm asking.

MR. LINDBLADE: Second.

CHAIR VITALE: Discussion. So --

MR. SEILER: And I think that's a fair compromise.

CHAIR VITALE: -- so I would just point out that I don't know that we have -- I mean, we can send this as a memo to the Oversight Board. I don't know that we have a --

MR. CALLOWAY: Can make a motion, yeah.

CHAIR VITALE: Yeah. I mean --

MR. SEILER: Well, send it to Commissioner Sharief.

MS. HENRY: We could also send it to the Commission. I mean, I don't --

CHAIR VITALE: Sure.

MS. HENRY: -- again, this is -- I just want to make sure -- I want -- I don't want this to mushroom into something that it isn't.

MR. CALLOWAY: Right.

MS. WALLACE: Right.

MS. HENRY: And it was always contemplated that the Oversight Board would be making their requests. So that language is -- I mean, it's just that is -- that's fine. And we can -- I'm comfortable saying to the Commission this is just a point of clarification. It's just one more clarification on how the recommendations -- you know, how I come to recommendations. They have to ask if they want something.

MR. SEILER: But it --

MS. HENRY: So we're fine with it.

MR. SEILER: -- Bertha, it's inside baseball, is the problem.

MS. HENRY: Right.

MR. SEILER: So that the public doesn't understand because it's inside baseball.

MR. CALLOWAY: Right.

MR. SEILER: So they don't realize that everything you do with your budget's a recommendation to the County Commission.

MS. HENRY: I know.

MR. SEILER: And everything the County Commission does is a determination that it's reasonable and necessary to expend these funds --

MS. WALLACE: Yes.

MR. SEILER: -- to accomplish this purpose. And that's --

MS. HENRY: Yes.

MR. CALLOWAY: Right.

MR. SEILER: -- but that's like now asking the public what's happening in the six hours in Washington today with the impeachment; right? I mean, this isn't -- so I think all you're doing is codifying --

MS. HENRY: We agree.

MR. SEILER: -- the way the process works.

MS. HENRY: I'm fine with that.

MR. SEILER: But by inserting the Oversight Board in that codification, I think you take away the edge.

MR. CALLOWAY: And I --

MS. HENRY: And I think that's perfectly fine.

MR. CALLOWAY: -- and --

CHAIR VITALE: Please.

MR. CALLOWAY: -- Mr. Chair, I think the motion is spot on for that purpose. The only other thing that I would say -- and, again, it's not a motion, but just I think the sentiment, the extent to which both the Oversight Board and the Commission are able to sort of keep the sentiment of how this -- why we're here with the surtax --

CHAIR VITALE: Yeah.

MR. CALLOWAY: -- makes a whole lot of sense in terms of balancing not just what the Commission's ultimate responsibilities are, but for the idea of actually having the surtax board last for the next 20 -- 22 years or 30 years or whatever it's going to be.

MS. WALLACE: Twenty-nine.

MR. CALLOWAY: We've got to keep the sentiment of what got us here out in front. And I think with that said, the work of the Commission, again, would go a long way towards satisfying the public, as well.

CHAIR VITALE: Okay. I don't know that we need to take a vote. I think there's consensus --

MS. WALLACE: Okay.

CHAIR VITALE: -- on that.

MS. WALLACE: Uh-huh.

CHAIR VITALE: And we can maybe go to the next item and --

MS. WALLACE: Uh-huh.

CHAIR VITALE: -- package them all together as a memo to --

MS. WALLACE: Uh-huh.

CHAIR VITALE: -- the Oversight Board or in some way. We'll figure that out.

MR. SEILER: They need to write this sequence down.

CHAIR VITALE: For feedback.

MS. CASSINI: She's taking verbatim minutes. I know that Angela's taking notes.

CHAIR VITALE: Oh, okay.

MS. WALLACE: I have it, yes.

MS. CASSINI: She's got it.

CHAIR VITALE: Okay. And, again, we have -- to Bertha's point, the Commission did continue this item so that there would be an opportunity for the Oversight Board to have

a meeting and feedback. So -- I know that was great and appreciated.

MS. HENRY: No, they -- they were fine.

CHAIR VITALE: Yeah.

MS. HENRY: It just wasn't --

CHAIR VITALE: And, again, this -- it's really about --

MS. HENRY: I know.

CHAIR VITALE: -- the future and setting it right once so we don't have to come back and unpack it.

MS. HENRY: Got it.

CHAIR VITALE: Okay. So the next item was --

MR. SEILER: H.

MS. WALLACE: Okay. So the next one is with regard to the eligibility determination. So the ordinance provides that, you know, the Oversight Board has two roles. They determine that a project -- that proposed projects and proposed expenditures are eligible under the Statute, which is 212055 Florida Statutes, and a programmatic -- you know, monitoring component after the projects are underway. And there's a section -- the section with regard to the Oversight Board determine -- determining eligibility reflects that -- you know, that the Oversight Board would make these determinations in consultation with and based upon the advice of counsel. And so there were -- I believe there was at least one, maybe a couple of Oversight Board members who took issue with the phrase, based upon the advice of counsel.

And, you know, it is a legal determination. And I guess in the drafting of the revised ordinance -- and there's an -- this appeal section is included so that when -- if municipalities -- if there's a determination that a municipal project is not eligible, that they have an appeal process. And that appeal process included the County Commission and the County Commission making a determination under -- a statutory determination. And it said, in consultation with, but did not include the, and based upon the advice of counsel. So that based -- and based upon advice of counsel was inserted to apply to the County Commission as it does the Oversight Board.

In the discussion that we had with Commissioner Sharief, she indicated that, you know, when the -- when she, as a County Commissioner, is faced with making a decision that is a legal decision, she relies upon and she makes her decisions based upon advice of

counsel. So I know that the Oversight Board wanted to have the, based upon advice of counsel, removed as it relates to the Oversight Board. Rather than removing it, it was inserted with regard to the County Commission so that both provisions were consistent.

MR. SEILER: Question.

CHAIR VITALE: So one quick point of clarification. I believe the objection that I was made aware of, and I have not --

MS. WALLACE: Uh-huh.

CHAIR VITALE: -- attended -- I was not at that meeting, was not based on advice of counsel. It was based on the County Attorney. They wanted to reserve the right to, if needed, hire independent counsel, so -- that's outside of the County Attorney's Office versus the County Attorney.

MS. WALLACE: No. That hasn't been raised with -- with us. And so that would be subject to the County Attorney. That's another Charter provision; right? So Section 2.10 of the Charter, B, in specific -- in particular, says the County Attorney shall be the chief legal counsel to the County and direct and supervise the County Attorney's Office.

The County Attorney shall represent the County, the County Commission, the County Administrator, the departments, all -- the department heads, all departments and divisions of the County, all boards, committees, agencies, and authorities in all legal matters affecting the County unless otherwise provided for in the Charter or by ordinance. Upon request, the County Attorney may represent the constitutional officers. So the County --

CHAIR VITALE: You just said, or by ordinance, though; right?

MS. WALLACE: Right.

CHAIR VITALE: So --

MS. WALLACE: But --

CHAIR VITALE: -- they could.

MS. WALLACE: -- but, no, this ordinance doesn't --

MS. CASSINI: Constitutional officers.

MS. WALLACE: Right.

MS. CASSINI: Only.

CHAIR VITALE: Got it.

MS. WALLACE: Right.

CHAIR VITALE: Yeah. So how it was explained to me wasn't -- there weren't -- there was very few scenarios that it would come up that it would not be the County Attorney, but they wanted the County Attorney to play their role, but they wanted to also have the right, as an Oversight Board, to have -- to seek outside counsel, if it ever came up.

MS. CASSINI: So may I just jump in here? Because I do recall there being a conversation about this. Maybe in a briefing, perhaps not in the Oversight Board meeting.

MS. WALLACE: I wasn't there.

MS. CASSINI: And I -- what I will tell you is there seems to be confusion about what this section is related to. It is related solely and exclusively to the determination of eligibility under a statute.

MS. WALLACE: Right.

MS. CASSINI: It doesn't limit the ability for the Oversight Board to seek outside counsel as a consultant under the staffing provision, if it's appropriate. But the determination of eligibility being a legal one, the County Attorney's Office would have to represent the Oversight Board --

MR. SEILER: Right. And defend it.

MS. CASSINI: -- and defend it.

MS. WALLACE: Right.

MS. CASSINI: Which is why it's so important that that legal advice be the same legal advice that's given at the first appeal level and at the subsequent appellate level to the County Commission, because you wouldn't want two different opinions about that, because it would put us in a bad legal position.

CHAIR VITALE: Yeah. I think that makes perfect sense.

MS. WALLACE: Correction.

CHAIR VITALE: I just think that should be --

MR. SEILER: Conveyed.

CHAIR VITALE: -- conveyed.

MS. WALLACE: Right.

CHAIR VITALE: So that it is really about --

MS. WALLACE: Outside counsel is retained --

CHAIR VITALE: -- reading versus --

MS. WALLACE: -- by the County Attorney.

CHAIR VITALE: Yes.

MS. WALLACE: And is not a procurement. It is professional services, and any time there's outside counsel that's retained to represent the County in any matter, it is done through the County Attorney.

MR. SEILER: I know, but I think --

UNIDENTIFIED SPEAKER: Question.

MR. SEILER: -- I think what --

MS. WALLACE: Right.

MR. SEILER: -- he's saying --

MS. WALLACE: But she said that it would be through that other process, like the consultants in G or whatever, through the County Administrator --

UNIDENTIFIED SPEAKER: Under the staffing.

MS. WALLACE: -- and that's not what happens.

UNIDENTIFIED SPEAKER: Well, but --

MR. SEILER: If you look at the section --

MS. WALLACE: For -- for outside counsel.

MR. SEILER: -- if you look at the section this applies to --

MS. WALLACE: Uh-huh.

MR. SEILER: -- one, I don't even think you need that anywhere in there, based upon the advice of the County Attorney, because the County Commission always assumes they operate -- in consultation with the County Attorney. So if that is offensive, why -- you could easily just say, thereafter the County Commission in consultation with -- if you have consult with, you don't need to have upon the advice. That's excess language, in my opinion. So if you just said in consultation with the Office of the County Attorney will determine. And based upon what Gretchen just described, which I agree a hundred percent with --

MR. CALLOWAY: Right.

MR. SEILER: -- if -- if I'm the City of Fort Lauderdale City Attorney and I have to defend the city's Board in court, I sure as heck want to be involved in making the decision or recommending or consulting in that decision before it gets to the point where it's in court. But I think if this language is offensive to them, if you just left it at, in consultation with the Office of the County Attorney, that means the same as with the advice of.

CHAIR VITALE: Yeah, I don't --

MR. SEILER: I don't know why -- this seems duplicative.

CHAIR VITALE: -- yeah, I don't think there will be an issue -- a lot of echo --

MS. CASSINI: Yeah, there's too many microphones on.

CHAIR VITALE: -- as long as what you just said is re-relayed. Because to me, it's pretty clear the determination, it either is legal under the statute, or it's not.

MS. WALLACE: Uh-huh.

CHAIR VITALE: And the County should defend that.

MS. WALLACE: Right.

CHAIR VITALE: I think there was not clarity was the ability to retain counsel, if needed, not necessarily on determination.

MS. WALLACE: But --

MR. CALLOWAY: Mr. Chair?

CHAIR VITALE: And that's to --

MS. WALLACE: -- retaining counsel, if they want, will be approved by the County Attorney.

CHAIR VITALE: Well, but that's a different issue --

MS. WALLACE: Right.

CHAIR VITALE: -- than this.

MS. WALLACE: Okay.

MR. CALLOWAY: So here's my question, Mr. Chair. Is it contemplated that the County has projects that would come before the board?

MS. CASSINI: Every project and every expenditure comes before the board.

MR. CALLOWAY: No, no.

MS. CASSINI: County projects, too.

CHAIR VITALE: Between the Oversight Board. Is that your question?

MR. CALLOWAY: Comes to the Oversight Board.

CHAIR VITALE: Every project.

MS. WALLACE: For eligibility under the statute.

MR. CALLOWAY: For eligibility.

MS. WALLACE: Yes.

MR. CALLOWAY: Okay.

MR. SEILER: This should not be an issue, because if you understand how the eligibility threshold works, this should to be an issue. I just would take out the language, based upon the advice, because consultation involves that.

MS. CASSINI: So let me speak to why it's there just so that you all understand. At the Oversight Board, the last Oversight Board meeting, there was a discussion that the Oversight Board didn't want to be treated any differently than the County Commission.

And it was a determination of the County Attorney that the Oversight Board needed to not just consult with but act based upon the advice of when making a determination of eligibility. And so -- a legal determination, of course. So what we did to try to address that concern is treat the County Commission exactly the same as we're treating the Oversight Board, with respect to eligibility determinations.

Yes, you are right. It originally just said, consultation with, for the reasons that you just stated. But to address the concerns raised by the Oversight Board with being treated differently with different language, we just treated both parties the same in the appeals process.

MS. WALLACE: And the Commissioner who sponsored this particular amendment to include, based upon, said that she makes decisions, legal decisions, based upon the advice of counsel, and that's what she was comfortable with.

CHAIR VITALE: Okay. Any other discussion on this? I think there's nothing to add or recommend, I believe.

MR. CALLOWAY: I agree with that.

CHAIR VITALE: Consensus on that? Okay. I think just reclarifying.

MS. CASSINI: Say it aloud. Got it.

MR. SEILER: What's the third one?

MS. CASSINI: Audits.

CHAIR VITALE: Next one is audits.

MS. WALLACE: Okay. So --

MS. CASSINI: Let me put the original language up just for a second.

MS. WALLACE: Okay. So the original language was one paragraph. The Oversight Board shall retain an independent certified public accountant to perform and complete annual audits of all projects funded with transportation surtax proceeds and of all transportation surtax proceeds received, maintained or expended. The audit results shall be submitted to the Oversight Board and the Broward County Administrator no later than 90 days after the end of each calendar year during which the transportation surtax proceeds are expended.

And so that was revised because that independent certified public accountant and that audit is the single audit that's required by statute. And so the amendment separated that

out. So it has a one and a two now, and so the independent certified public accountant language refers to an annual financial audit -- single -- of the transportation surtax proceeds or program and related projects. And then the rest of it basically remains the same.

And the discussion with the Oversight Board was that this is the single audit, and the single audit is done by the external auditor that's retained by the County. And the Oversight Board seemed to be comfortable after, you know, there was a presentation by the independent -- the external auditor, and a discussion about what that audit consists of. And so then the -- what became paragraph 1, it just -- it was retain performance audit -- and this is Commissioner Sharief's amendment -- and performance auditing and financial review services related to transportation surtax proceeds so that, you know, they have the ability to have financial and performance audits of projects that are funded with surtax proceeds, and that's different from the external audit that's required by statute.

MR. SEILER: Does that make sense, the way it's worded?

MS. WALLACE: Yeah. So --

MR. SEILER: The Oversight Board may retain a performance auditing?

MS. WALLACE: No, audit. It -- the -- no --

MS. HENRY: It's services.

MR. CALLOWAY: No. It needs revision.

MS. WALLACE: Yeah.

MR. LINDBLADE: Maybe change performance auditing.

MS. WALLACE: It's struck through. A -- retain performance --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MS. WALLACE: Right. But A is struck through. Retain performance auditing and financial review services related to transportation surtax projects.

MR. SEILER: So that A is gone.

MS. WALLACE: That A is a strikethrough.

MR. SEILER: It's gone. I thought --

MS. WALLACE: Right.

MR. SEILER: -- that a was added.

MS. WALLACE: No. It's a strikethrough. So that way, it was revised so that there are performance and financial reviews of surtax funded projects that are permissible, and it says, you know, as provided in Section G, which was County Administrator, County Commission approval, is what that refers back to, how -- how that occurs --

MR. SEILER: And then in --

MS. WALLACE: -- for audits.

MR. SEILER: -- and then in 2 --

MS. WALLACE: Two is the external audit.

MR. SEILER: Well, I understand, but should complete on annual audits? Am I -- is that S struck through? Am I reading that --

MS. CASSINI: It's struck through, yes.

MS. WALLACE: It's struck through. The S is struck through. You just can't see it.

MR. SEILER: It's the chocolate.

CHAIR VITALE: Not enough of it.

MS. WALLACE: So the -- I think paragraph 2 was -- was fine. It's paragraph 1 that -- and I guess the Auditor's request that is, you know, causing some consternation. So the County Auditor presented, during one of the Oversight Board meetings, and provided an overview of his background and the services that are provided by his office, and his role as the County Auditor. And it -- has requested, and it's subject to, I guess, whether or not the County Commission decides to approve it, but the County Auditor would like to have the right of first refusal to conduct programmatic or financial audits of surtax funded projects.

And in the event that external auditors are retained, the County Auditor is requesting to be the contract administrator for purposes of that audit, so that the County Auditor would establish what the solicitation would consist of, what the requirements are, what the auditing standards would -- what auditing standards would be applicable to that particular audit service that would be retained.

CHAIR VITALE: So I think there are two separate issues, which is contract administration and right of first refusal. So take the second one first, which is, I believe, again, the optics of independence versus non-independence --

MR. SEILER: Right.

CHAIR VITALE: -- optics, not how things are operationalized, is that if someone from the County -- and my understanding is the Auditor reports to the County Commission directly; correct? Is that right?

MS. WALLACE: Correct.

MS. HENRY: Correct.

CHAIR VITALE: So I guess it's outside of County administration, officially.

MS. WALLACE: Correct.

CHAIR VITALE: However, if you're the Independent Oversight Board, it's still the County, on the County's side of the ledger versus on the independent side of the ledger. So I think contract administration makes a lot of sense. I think right of first refusal, regardless of -- and I don't know who the County Auditor is, but, again, this is not who is it today, but who are we setting this up for from a process standpoint for the next 30 years. I think that -- I think there is an issue around that, because it does not -- right of first refusal means right of first refusal.

MR. SEILER: It's a little bit like you're trying to keep something in-house and not let the public see, with this right of first refusal thing. So if the Auditor suspects something might be wrong, well, let's not let this go out, and I'll be the one that does this. And then if it does go out, I'm the contract administrator, so I'm going to -- this one, I think, is more problematic from a perception standpoint than the others, because this is supposed to be an Independent Oversight Board, and yet the Auditor is somehow keeping tabs on it and restricting and limiting. This one could be -- I don't know, conceptually, it seems we're changing, I think, the purpose of this one.

MS. WALLACE: Right. So this is a request by the -- that was submitted by the County Auditor and will be subject to, I guess, you know, the County Commission's decision regarding whether they, you know, approve the Auditor's request. But, I mean, so -- but with regard to contract administration, the members of the Oversight Board are volunteers, and they meet monthly. So when there are contracts for County -- to -- that the County will -- to procure services, the contract administrator will be someone with the County. It wouldn't be a member of the Oversight Board. So it would be -- like we've retained the -- we've entered into a contract with the MPO to prioritize the municipal projects, and that's being funded with surtax funds, and it's, you know, outlined in

agreement, interlocal agreements, and in the ordinance, but Gretchen is the contract administrator. So someone has to receive the reports. Someone has to review --

MS. CASSINI: The deliverables.

MS. WALLACE: -- the deliverables. Someone has to pay the invoices. That's what the contract administrator does.

MR. SEILER: Right. But then add another layer so the Oversight Board has some involvement in that. I mean, this looks like this can get buried in the Auditor's Office. That's the perception. This is -- the Auditor's going to say, hey, we've got a problem here, so, like I said, I'm going to do the audit. I've got the right of first refusal. And if it somehow goes beyond that, I'm going to control who gets the work and how it's processed, because I'm going to be a contract -- put something back in from a perception standpoint that lets the Oversight Board have some involvement then in the Auditor's role there, and I think that may address it. But --

MS. WALLACE: So reporting by the Auditor, or whoever the contract -- if the Board decides that Auditor would be the contract administrator, that the Auditor would report -- so report to the Oversight Board but -- so the Oversight Board meetings are public meetings like this one. And audits, during the pendency of the audit, the audit reports and papers and all of that are confidential and exempt --

MR. SEILER: I understand, but you could --

MS. WALLACE: -- under the Statute. So that gets complicated.

MR. SEILER: -- I understand, but --

CHAIR VITALE: All the more reason why they should be able to hire an independent auditor.

MR. CALLOWAY: Yeah.

MS. WALLACE: But if it's an audit for a public entity, it's still confidential and exempt during the course -- and so they couldn't discuss it during meetings. The auditor couldn't make a presentation, whether it was the County's internal auditor or the -- an external auditor that's retained under contract would -- during the pendency of the audit, the audit findings and papers and all of that don't become public until after the audit is complete.

MR. SEILER: Yeah, but it makes it -- this is still --

UNIDENTIFIED SPEAKER: Yeah.

MR. SEILER: -- a perception thing. I mean, in my opinion, not letting it out until after it's complete, even --you know, what -- what is being hidden here? To me, this is a perception issue, and I don't think I -- it sounds to me like it's not -- not a County Administrator's request, it's a County Auditor's request --

MS. WALLACE: No, it's a -- and so the --

MR. SEILER: -- so somebody needs to just figure -- I mean, we don't -- we could spend a lot of time on this, but if somebody could figure out a way to allow the Oversight Board, whether you have a meeting, you know, out of the sunshine or something or --

MS. WALLACE: Because this isn't subject to shade meetings. Only pending litigation and --

MR. SEILER: Well, I understand but --

MS. WALLACE: -- and --

MR. SEILER: -- an audit is done oftentimes in this manner. What I'm just saying is this perception looks like if there's a problem, it can be covered up by the County Auditor.

MS. WALLACE: I understand. And just for clarification, so there are three people that the County -- that the County Commission hires. And that's the County Administrator, the County Attorney, and the County Auditor. They directly report to the County Commission. And so this would not be under the County Administrator, and this is -- this is being requested by the County Auditor. And --

MR. SEILER: That's clear.

CHAIR VITALE: Got it.

MS. WALLACE: -- we'll -- we can communicate to the County Auditor, and Laura's here from the County Auditor's Office, the concern that is expressed, and try to address that concern.

CHAIR VITALE: We'll go Gretchen and then Sid. Go ahead.

MS. CASSINI: Well, I actually was just going to mention that the County Auditor's Office does have a surtax-funded position, and that person is here at the table, Ms. Laura Rogers.

CHAIR VITALE: Welcome, Laura.

MS. CASSINI: And that -- the expectation is that that individual will be doing performance audits basically 24/7 365 of the surtax.

MR. SEILER: You didn't tell her that.

MS. CASSINI: There is no rest, Laura. So I just -- I wanted that to be on the record is that, you know, the County Auditor already has a role. The Board of County Commissioners has seen fit to fund a high-level position to -- and assign it to the surtax. So that would be in addition to the financial single audit and in addition to any performance or financial auditing reviews that would be sought by the Oversight Board. And you are correct. This did generate quite a bit of discussion at the Oversight Board meeting, because, as you heard earlier from Angela, that ballot language where they oversee the expenditures, the actual performance audit and financial audit function that they see themselves as having for the surtax funds is something that they take very seriously. And there are two financial positions on the Oversight Board.

CHAIR VITALE: Right. Thank you. Sidney?

MR. CALLOWAY: All right. So we started off the conversation with understanding that there needed to be at least some clarification that ultimately the Commission itself is the backstop for how things are ultimately approved. I agree with the comments that I've heard so far on this issue. And I would take it one step further and say this is not the County Commission, this is now an auditor being given rights over the discretion of the board. And that's the slippery slope that I just think publicly it makes all the difference in the world in terms of how this ultimately lays out, after we're all gone on to do our other things in life. I just don't think the Auditor ought to be able to have a right that is not expressly given or -- I don't think it should supersede -- the Auditor's right should supersede the board's rights to retain whatever audit services they want, whether it's through the County or, ultimately, if they elect to have an independent audit. That's my view.

MR. NAZUR: I've got to get some --

CHAIR VITALE: Okay.

MR. NAZUR: -- clarification, because I'm the outside guy.

CHAIR VITALE: Yeah.

MR. NAZUR: County Auditor, that's your job. And who pays your check?

MS. ROGERS: The Board of County Commissioners.

CHAIR VITALE: Yeah.

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dh/NC

MR. NAZUR: Okay. So when we were talking before about the right of first refusal, where was that coming from? The external auditor?

MS. WALLACE: No.

MS. ROGERS: No.

MS. HENRY: So let's see if I can help with this.

CHAIR VITALE: Yeah.

MS. WALLACE: Right.

MS. HENRY: So when I met with a member of the Oversight Board, and just based on other conversations that they've had, so you think about this over a 30-year period -- and I'm going to stick with -- I'm going to start with performance. So we -- the County comes in and we say, hey, we want to do this program. This program would achieve these, A, B, C, D. Cities come in. They have this program or they have this project, it will achieve A, B, C, D.

So they said, periodically, we want to be able to go in and -- members of the Oversight Board -- we want to be able to go in to -- just to validate that what is being proffered, you know, they've approved a project, a program or what have you, under certain assumptions that were articulated when they -- by the entity making the request. And periodically, they said that they may want to go in and test and validate that, in fact, what we said we were going to do or they said they were going to do or it was -- this project was going to be doing is, in fact, doing those things. And that -- you know, that periodically they want to do that, and they want to be able to go out and bring in some outside resources to do that. And this is before the auditor's -- the auditor issue.

At that point, well, you know, I saw clearly that was under their purview. They are there to kind of oversee this for over -- over time. What I'm gathering is the Auditor is saying that, yes, I have -- and let me just explain for your benefit. When we were standing up the surtax program, we clearly need for 350,000,000, \$60,000,000 a year, we need to make sure that somebody's -- is watching it. So there was an auditor position approved by the surtax. So that position is being paid by the surtax.

MR. NAZUR: And she's an --

MS. HENRY: So what that --

MR. NAZUR: -- internal auditor.

MS. WALLACE: Yes.

MS. HENRY: Yes.

MS. ROGERS: Yes.

MR. NAZUR: That's the --

MS. HENRY: Yes.

MR. NAZUR: -- clarification I wanted to make. You're the internal auditor, not the external auditor.

MS. WALLACE: Correct.

MS. HENRY: Right. The external auditor -- the external auditor is paid by the County's General Fund. It looks at every nickel that the County spends and the like. What is now being requested by the Oversight Board, from the conversations that I've had, is that periodically over this period of time, we may want to come in and do some -- and I use the term, financial reviews, because audit means things to certain people.

And what was being described to me kind of goes beyond just an audit necessarily. So they just want to -- they want to go in and do some look-sees and validates and be able to communicate back to the public from a transparency standpoint, yes, in fact, this thing is achieving what it said it's going to do. And they wanted to be able to do that. Subsequently, what I think now where we are is the Auditor says, yes, and I would like to have right of first refusal to provide those secondary supplemental services that the Oversight Board may want to do when they want to go out and look and validate whatever programs and projects that the County and/or municipalities ultimately do.

CHAIR VITALE: Okay. Thank you for clarifying. Do you now have a comment or question?

MR. NAZUR: So if you're the internal auditor -- and, again, I'm new to the game here -- not every program has an internal auditor. Is that correct?

MS. ROGERS: My office serves as, yes, the internal auditor for the County, but we are still independent, and we're considered an independent auditing body. So our office serves the entirety of Broward County.

MR. NAZUR: Okay. Because the first -- right of first refusal, I'm not sure if they wanted right of first refusal because if under certain services you may be precluded from doing the entire County audit if you're not independent, depending on what type of services you're providing. You can't be auditing your own work if you're the external auditor as

opposed to the internal auditor. They have two separate functions. So I get the clarification now.

MS. ROGERS: Okay.

MR. NAZUR: But I've never seen something say we want right of first refusal, because the next thing that came to my mind, well, what's the bid process. You know, how does the first -- right of first refusal happen where if they don't want to do that audit, it goes out to the public? Does it have to be a 180 days? Which I think is a long time.

MS. WALLACE: So the --

MS. ROGERS: No --

MS. WALLACE: -- 180 days is what -- the timeframe -- so there's a timeframe allotted by statute after the end of the fiscal year for the single audit; right? That's different from what we're talking about now when it comes to review, financial or programmatic reviews of surtax-funded projects; right?

And if the County is going to retain services that are not professional services -- so there are some that are excluded, like the County Attorney decides, you know, if there's outside counsel and enters into the contracts related to outside counsel if he determines that that's necessary.

The County Auditor would conduct -- is requesting the ability to conduct the solicitation, the competitive process or the selection process for an audit firm that would conduct one of these programmatic financial or -- programmatic or financial reviews. So he's requesting that. And I guess he can request just like, you know, other internal to the County, and it's up to the County Commission whether that gets approved.

CHAIR VITALE: Sure, go ahead.

MS. ROGERS: Yes, I agree with what Angela has said. I do want to add, though, that my office currently serves as the contract administrator for the external audit. So our proposal to be the contract administrator for any external audit services is consistent with that.

CHAIR VITALE: Thank you.

MS. ROGERS: And I also want to add that any reports that our office completes are submitted to the Board of County Commissioners, whether it would be for the surtax or any other program that we audit.

CHAIR VITALE: Any else -- anyone else have comments or anything they want to

share or weigh on the issue?

MR. CALLOWAY: My last comment, Mr. Chair is that under that request, I'm not sure why the Auditor would ever -- would ever choose to do anything but to do the work year after year after year after year after year. So, to me, again, it goes back to the point that the Oversight Board has the ability, as it stands, to select its auditor for that piece of work, and I think it should stand that way.

CHAIR VITALE: So I believe there's consensus from this group that basically what Sidney just said. Dan, do you want something?

MR. LINDBLADE: No. I was just --

CHAIR VITALE: Okay. To direct -- if we can direct or share with staff to tell the Oversight Board tomorrow, I would attend the meeting tomorrow, but I'm out of town. And maybe, Bertha, you can be aware of this, as well.

MR. LINDBLADE: Why don't we send the chocolate with a note?

CHAIR VITALE: It's normally better received that way. That we don't feel -- the Appointing Authority doesn't feel comfortable with these recommendations.

MR. SEILER: With that recommendation.

CHAIR VITALE: With the audit. Yes, yes.

MR. SEILER: Our comfort level with the first one was as amended.

CHAIR VITALE: Yes.

MS. WALLACE: Uh-huh.

CHAIR VITALE: And the second one, we're okay. Does that generally sound like what we --

MR. SEILER: Yes.

CHAIR VITALE: -- covered? Consensus? I'm seeing nods of yes. Okay. Thumbs up. Is there anything else around any of these items that you all would like to discuss?

MS. HENRY: Just one piece. Just want -- just to clarify. There are two issues here. There is the right of first refusal and there is contract administrator. Are you -- what are you referring to? Because is the contract --

CHAIR VITALE: I think --

MS. HENRY: -- administrator is -- there are two separate issues.

CHAIR VITALE: You're right. I should clarify.

MS. HENRY: Okay.

CHAIR VITALE: I believe there was consensus on the first one for sure. On the second item, I think there's two pieces. One is contract administrator, and then one is selection; right? Which those are different things.

MS. WALLACE: Right. So the right -- I think the issues are right of first refusal --

CHAIR VITALE: Right.

MS. WALLACE: -- right?

CHAIR VITALE: That's the first item.

MS. WALLACE: Is the first. And then the second is contract administrator for --

CHAIR VITALE: Right.

MS. WALLACE: -- for the Auditor's request.

MS. CASSINI: And selection.

CHAIR VITALE: It says the Office of the County Auditor shall provide oversight regarding the selection and also --

UNIDENTIFIED SPEAKER: If there's an outside --

CHAIR VITALE: -- and shall serve as a contract administrator. So those are two separate items.

MR. SEILER: Right.

CHAIR VITALE: Right? I don't think there's an issue with contract administrator, unless it's more efficient to be done within the MAP administrator's role. And I don't know the answer to that. But I think --

MS. CASSINI: No one does. And -- but I will simply say that, again, I'm not speaking for the Oversight Board, but I have -- I just wanted to bring to you all's attention that in

the discussions about that, of which -- this, of which there have been three, both in September, October, and then during briefings with our Commissioners, that the Oversight Board would like the reports to come to them. And as you have heard, when the County Auditor's Office does audits, whether they be, you know, rights of first refusal or any -- or even if it was a contracted service through them, I think the issue for the Oversight Board will remain that they want to receive the reports. They want to see them first. And that is an unsettled issue.

MR. SEILER: Why can't they get them at the same time as the County?

CHAIR VITALE: Well, we'll leave that to the Oversight Board to --

MS. ROGERS: That was the intention.

CHAIR VITALE: -- to tackle. I think the -- so I think there's consensus on the first item, which is -

MS. WALLACE: Staffing.

CHAIR VITALE: -- we don't like the right of first refusal.

MS. WALLACE: Oh, on that one. Okay.

CHAIR VITALE: And then on the second item --

MS. WALLACE: Selection and contract administration.

CHAIR VITALE: Right.

MR. SEILER: Right.

CHAIR VITALE: Same thing. Right? Is that -- I think there's some opening on the contract administration. That's not as strong of a feeling.

MS. HENRY: Right.

CHAIR VITALE: But on the selection everyone feels consensus-wise, it looks like, that -

MR. SEILER: Yes.

CHAIR VITALE: -- that should remain with the Oversight Board.

MS. WALLACE: So the selection would be through the County's competitive

procurement process, whether it's conducted by --

CHAIR VITALE: Yes. But not through the Auditor's Office.

MS. WALLACE: Not through the -- okay. Not through the Auditor is the --

CHAIR VITALE: Right.

MS. WALLACE: -- consensus.

CHAIR VITALE: I think we have an audit professional on the Oversight Board for that reason. I mean, that's one of the reasons we --

MR. SEILER: Made that a position.

CHAIR VITALE: -- made that a position.

MR. SEILER: Yeah.

CHAIR VITALE: We have somebody who manages audits for a large firm, so you have expertise. Okay. Anything else?

MR. LINDBLADE: Randall, where does the Inspector General come in on this, if at all?

MS. WALLACE: Well, that's for -- if referrals get -- so the Inspector General is separate, and conducts investigations of ethics violations and possible --

MR. LINDBLADE: He deals with procurement all the time.

MR. SEILER: He does deal with procurement.

MR. LINDBLADE: He deals with procurement all the time, so he could -- he could --

MS. WALLACE: Right.

MR. LINDBLADE: -- get a referral on any of this as well. So we've got another layer of oversight as well if --

MS. WALLACE: Right.

MR. LINDBLADE: -- somebody felt there was something going on.

MS. WALLACE: He investigates complaints.

UNIDENTIFIED SPEAKER: Yeah.

MS. WALLACE: Right? Yes.

MR. LINDBLADE: Yes, ma'am.

OTHER BUSINESS

CHAIR VITALE: Okay. Any other items that anyone would like to discuss or bring before the group?

MS. CASSINI: Yes, please. Next meeting.

CHAIR VITALE: Oh, yes.

MS. CASSINI: So now that we know that we have an architectural vacancy that needs to be -- based on your direction at last meeting, we need to have that advertised for at least 15 days. I expect that we'll be able to do that relatively quickly, since we have something drafted. We'll make sure that that gets to you, as well. Cindy Malin, the Public Information Officer that was sitting in the audience, has already gone back to start drafting and make sure that the individuals here can receive something. I've checked the availability of this room, and it does appear to be available all day on January 14th, which is a Tuesday, if that works for anyone.

MR. SEILER: I am going to be flying back --

MS. CASSINI: That does not.

MR. SEILER: -- from New Orleans.

MS. CASSINI: Ok.

MR. LINDBLADE: I'm out of town.

MR. SEILER: You're out of town, too?

MR. LINDBLADE: (Inaudible) chamber.

MR. SEILER: It's the 14th, but it's the day after the national -- it's the day after the national championship game, so I'm flying back that day.

MS. CASSINI: Go ahead, give me some --

CHAIR VITALE: 20th?

MS. CASSINI: -- ideas.

CHAIR VITALE: 21st? I'm sorry. 20th is MLK. Excuse me. 21st?

MR. LINDBLADE: I'll be in Tallahassee.

CHAIR VITALE: Broward Days. That's right. Yeah.

MS. CASSINI: Is there any day the week of the 16th that might work? Just because I --

MR. SEILER: You mean going back to the --

MS. CASSINI: So --

MR. SEILER: -- the week of the 13th you mean?

MS. CASSINI: Yes, I'm sorry.

CHAIR VITALE: 17th?

MS. CASSINI: The only reason I ask is because in order for us to have enough time to onboard the person before the January 30th meeting -- we can wait until after the January 30th Oversight Board meeting if that would be your preference.

UNIDENTIFIED SPEAKER: No.

MR. SEILER: No.

MS. WALLACE: I think we could do it at the over -- at the Oversight Board meeting for January, because we have to do the ethics presentation and have them do their annual certifications and all of that. They can get all their training at the January meeting with everybody else.

MS. CASSINI: That's not what I was saying.

MS. WALLACE: Oh.

MS. CASSINI: I was saying that if --

UNIDENTIFIED SPEAKER: To get to that point before that meeting.

MR. CASSINI: -- if you would like them on board -- yeah, if you would like them to be -- if you would like them to be on board in time for the January 30th Oversight Board

meeting, then we would have to meet before that. Otherwise, we can just wait until after that.

MS. WALLACE: But it's before January 31st, because that's when the next Oversight Board meeting will be.

MS. CASSINI: It's on the 30th.

UNIDENTIFIED SPEAKER: Right.

MS. WALLACE: 30th. Okay.

MR. LINDBLADE: Mr. Chairman, the week of the 13th, I'm available the 15th, 16th, or 17th. I've got some meetings, but I'm in town.

MR. SEILER: I'm available the 15th. I get back the night of the 14th.

MR. LINDBLADE: Yeah.

CHAIR VITALE: The only --

MR. SEILER: What about --

CHAIR VITALE: -- I could only do the 13th or the 17th that week.

MR. LINDBLADE: I'm good the 17th.

MR. NAZUR: I can't do the 17th.

CHAIR VITALE: Cannot?

MR. NAZUR: No.

UNIDENTIFIED SPEAKER: Change it.

MR. NAZUR: International tax conference. It's kind of hard to change this for me.

MR. CALLOWAY: I can do the 17th, as well.

MR. SEILER: Yeah, I can do the 17th.

MR. LINDBLADE: But we've all got to be here; right?

MS. CASSINI: Yes, that was the decision of the board. How about Friday the 24th?

MR. LINDBLADE: That's good, except we've got our South Florida Business Council. It would have to be in the afternoon.

MR. SEILER: Yeah, we just scheduled that.

MS. CASSINI: Afternoon?

MR. SEILER: No. We just scheduled a half --

MR. LINDBLADE: No.

MR. SEILER: -- the -- we just --

MR. LINDBLADE: It's in the afternoon, so --

MR. SEILER: -- (inaudible).

MR. LINDBLADE: -- we could have the morning; right?

CHAIR VITALE: I have a lot of travel in January.

MS. CASSINI: So the 24th does not work for you, either?

MR. SEILER: Well, how about the 22nd in the afternoon, that following --

UNIDENTIFIED SPEAKER: Still out of town.

MR. VITALE: I'm gone.

MR. SEILER: You're gone that whole week?

CHAIR VITALE: 22nd to 24th. Broward Days is 21st and 22nd.

MS. WALLACE: Uh-huh.

CHAIR VITALE: And then MLK is the 20th. So that --

MR. SEILER: So the 23rd is out?

CHAIR VITALE: Yeah.

MS. CASSINI: How about the 28th? Oh, no, never mind.

MS. WALLACE: That's the County Commission.

MS. CASSINI: No, no, that's a Commission day. Never mind. It's not on the calendar yet.

MR. SEILER: What about the 27th?

MS. HENRY: No, the -- if the 28th -- the 28th, the Commission meeting day, would work if the only item on the agenda is this. I would be concerned if we -- like today, we were -
-

CHAIR VITALE: Yeah.

MS. HENRY: -- you know, we're an hour and a half into it. If -- at this point, we wouldn't know how many candidates.

MS. CASSINI: Correct.

CHAIR VITALE: 28th works for me.

MR. NAZUR: Works for me.

MS. HENRY: If it's first thing in the morning. I --

CHAIR VITALE: Sure.

MS. HENRY: -- you know, I'll stay until --

CHAIR VITALE: Okay.

MS. CASSINI: So I have an Alliance presentation that morning, but --

MR. LINDBLADE: Just depends on the time.

MS. CASSINI: -- but that afternoon, I can check the availability of this room if that's the preference of everyone, the Tuesday --

MR. SEILER: Yeah, I could do, what, like 8:00 a.m. on the 28th.

MS. HENRY: You said there's a --

MS. CASSINI: There's an Alliance presentation that day. There's a big economic engines presentation, apparently. Does that sound familiar to anyone? No? Okay. So I have asked to be -- I'm going to be on a panel that morning starting at 8:00, but you

don't need me necessarily.

CHAIR VITALE: What time is the Commission meeting start?

MS. HENRY: 10:00.

MS. CASSINI: 10:00.

MR. CALLOWAY: We've only got one item, right?

CHAIR VITALE: Yeah.

MR. SEILER: You know what? We should be done in a half -- half hour.

MR. LINDBLADE: First thing.

CHAIR VITALE: Yeah. So I'm available at any time on the 28th.

MR. SEILER: Why don't we just do the morning as early as possible? I mean, you don't have -- Gretchen, you can --

MS. CASSINI: I don't need to be here if you don't -- I mean, if you would prefer to meet in the morning, that's fine.

CHAIR VITALE: Okay.

MS. CASSINI: Or I can use it as an excuse not to do the panel.

MR. LINDBLADE: I'm good. I'm good.

CHAIR VITALE: Okay. So why don't we say 28th --

DR. POLSKY: Mr. --

CHAIR VITALE: Okay. Colin.

DR. POLSKY: -- Mr. Chair, I'm -- on the 27th or the 28th, I'm supposed to present at the Miami Beach City Commission meeting, but it's not clear yet when that is, for something different.

MR. SEILER: I'll help you out with that.

DR. POLSKY: Yeah.

MR. SEILER: I'll call -- I'll call Gelber.

DR. POLSKY: All right.

MR. SEILER: We'll work around that.

MS. WALLACE: Do they meet in the morning? Because a lot of our municipalities meet in the evening. I wasn't sure if it --

DR. POLSKY: Yeah, it's unclear. This is -- may be a retreat, quote, unquote. So I just - I just checked my email. They were supposed to update today, but haven't. So that's a potential conflict.

MR. SEILER: But I --

DR. POLSKY: I'll move --

MR. SEILER: -- at 8:00 in the morning, I don't think Miami Beach would start.

MR. LINDBLADE: They're still getting home.

MR. CALLOWAY: Yeah, they get home at 6:00 right?

DR. POLSKY: Okay. So I'm willing to say that I'll be available on the advice of the late night Miami Beach City Commissioners who -- won't be starting work that early.

CHAIR VITALE: Okay. So we're just waiting to see if the room's available. In the meantime, eat some chocolate.

MS. HENRY: It's usually available. We don't schedule things on Tuesday morning. So it'll probably show blocked because, you know, Commission meeting days.

MR. LINDBLADE: Is this the only room you've got?

UNIDENTIFIED SPEAKER: No.

MS. HENRY: No, no. We have other rooms --

CHAIR VITALE: Cameras.

MS. HENRY: -- that can -- that can handle this, but it's the room that keeps the transparency, the visibility, the recordings.

MS. CASSINI: All right. Book it.

MR. LINDBLADE: All right.

CHAIR VITALE: We're good.

MS. CASSINI: What time? 8:00? Or 8:30.

MR. SEILER: 8:00.

MS. CASSINI: 8:00 a.m. Book it from 8:00 a.m. to 10:00. Put the actual Appointing Authority up and send it out.

CHAIR VITALE: Okay. So we will meet on Tuesday, January 28th, at 8:00 in this meeting -- I mean, excuse me, in this room. We will expect for it to be a quick meeting. And I appreciate your help in circulating the --

UNIDENTIFIED SPEAKER: When you send that (inaudible).

CHAIR VITALE: -- application pool. So is there anything else anyone would like to bring forward to the group?

MR. SEILER: No, just happy holidays to everybody.

CHAIR VITALE: Same. Happy holidays --

MR. LINDBLADE: Happy holidays.

CHAIR VITALE: -- everyone.

ADJOURN

CHAIR VITALE: We are adjourned. Thank you.

(The meeting concluded at 4:36 p.m.)