

MINUTES

INDEPENDENT SURTAX OVERSIGHT BOARD APPOINTING AUTHORITY MEETING

NOVEMBER 4, 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
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 10:00 a.m. Monday, November 4, 2019.

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

CALL TO ORDER - RANDALL VITALE, CHAIR:

CHAIR VITALE: Okay. So 10:03, Monday, November 4th. And we'll call this meeting to order.

ROLL CALL - GRETCHEN CASSINI:

CHAIR VITALE: Roll call, please.

MS. CASSINI: Mr. Calloway.

MR. CALLOWAY: I am present.

MS. CASSINI: Mr. Lindblade.

MR. LINDBLADE: Here.

MS. CASSINI: The Honorable Jack Seiler.

INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING
NOVEMBER 4, 2019
dh/NC

MR. SEILER: Jack Seiler's here.

MS. CASSINI: Ms. Henry.

MS. HENRY: Here.

MS. CASSINI: Mr. Vitale.

CHAIR VITALE: Here.

MS. CASSINI: Mr. Nazur.

MR. NAZUR: Here.

MS. CASSINI: And Dr. Polsky.

DR. POLSKY: Here.

CHAIR VITALE: Okay. So thank you for roll call and to everyone for being here.

ACTION ITEMS:

N/A

DISCUSSION ITEMS:

1 - DISCUSSION: PROCESS FOR FILLING VACANCY IN THE LAND USE AND URBAN PLANNING CATEGORY

CHAIR VITALE: If you look at the agenda that's in front of you, we have really two items for discussion today. The first is the process for filling a vacancy. And the opening we have is in Land Use and Urban Planning, but as this is the first time that we are filling a vacancy, we should just be thoughtful about the fact that, you know, there's probably precedent that will be set as well. So I wanted to have a robust conversation about that versus just making decisions outside of this group. So the opening was because of -- the woman's name? I'm sorry.

MS. HENRY: Cynthia Chambers.

MS. CASSINI: Cynthia Chambers.

CHAIR VITALE: Cynthia Chambers resigned her role. And we have -- all the seats are four-year commitments. And so we have the opportunity to fill that slot by a majority vote of this body, and that will be for the remaining portion of that four years. Okay? I also wanted to have Angela kind of weigh in on the process that you think might make

INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING
NOVEMBER 4, 2019

dh/NC

sense, not just for this opening, but for any other future openings as far as advertising, process, etc.

MS. WALLACE: Good morning. So it's kind of timely. When this Appointing Authority last December, we talked about process and how we would approach filling all of the vacancies on the Oversight Board, because that would be the initial group. And what the process that you voted and approved -- voted on and approved last year is included in a draft that's going to be considered for the inclusion in the Administrative Code. And that document is attached to your materials.

If you look at page 3, line 8, paren B is the process for filling vacancies on the Oversight Board that you all voted on and we implemented for that initial group of appointees. We advertised the vacancies for 15 calendar days, and the applicants, each applicant was required to provide the information that's outlined in paren 2. And then once we had the completed applications and vetted each of the candidates and provided a memo with regard to which candidates were eligible, that information was compiled and presented to the body for consideration, and we proceeded with reviewing those. And I think the -- we did not conduct interviews, but there were applicants present at the meeting during which the candidates were selected.

So that's the process that we're proposing be included in the Administrative Code for filling vacancies going forward, but if there is something else that this body would like to do, in terms of proceeding on with regard to vacancies going forward, then this would be a time for everyone to discuss and provide their recommendations.

CHAIR VITALE: So does anyone have any comments or questions around that?

MR. SEILER: My only question would be on the timing issue, because as I understand it, it's a --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. SEILER: Yeah, there we go. It looks like there's -- when they receive notice, they then -- notice of vacancy for 15 days, and then I don't see what the period is between that 15 days and from when we get it. It says it's 30 days after the receipt of the slate of eligible candidates. So the timeframe I'm missing is from the close of the application period to the provision of the slate of eligible candidates. And that could be indefinite.

MS. WALLACE: Right.

MR. SEILER: If I'm reading this right.

MS. WALLACE: So, no, we don't intend for it to be indefinite. We will -- because that would be done by the County Attorney's Office, and we would expedite it. And so once the application is complete, it's just a matter of checking the licensure for -- the

INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING
NOVEMBER 4, 2019
dh/NC

Department of Business and Professional Regs for those positions that require a license, and checking the County's system to see whether or not any of those applicants are contractors with the County. And that doesn't -- that won't take that long. But if you would like to propose a timeframe for us to --

MR. SEILER: I guess I'm --

MS. WALLACE: -- complete --

MR. SEILER: -- asking --

MS. WALLACE: -- that --

MR. SEILER: -- for the timeframe. I'm not -- I don't -- having done this for 25 years --

MS. WALLACE: Right.

MR. SEILER: -- I don't like to put something on staff that's impossible to comply with. But I think we -- I'd like to at least have an outside window, because the way I read this now is if somehow something happened, one of your County Attorneys left, this slate doesn't get to us, but the 15 days came and went, and we're four or five months out. And I think this board's got a valuable role they have to play, the board that we appoint. I'd like to have some window, whether it's 15 or 30 days or 45 days, whatever you guys can safely say I can complete this within. I don't know how the other people feel about that, but I just don't want an indefinite middle period here.

MS. WALLACE: Okay.

MR. CALLOWAY: Yeah, I think you're spot on on that issue, so, yeah, my question would be the same to staff, yeah, the one person or two people, are we talking 30 days, 40 days?

MS. WALLACE: No, it wouldn't take me -- I would be the one doing it, and, no, it wouldn't take 30 days. I mean, I think that the 15 days is reasonable, and that's on the outside. So if you suggest no more than 15 days, I'm sure that we can do it within that time period.

MR. SEILER: I'm good with that.

MR. CALLOWAY: And if we had multiple vacancies all at the same time, would the 15 days still be prudent or?

MS. WALLACE: Yes, that would still be prudent, because it's, you know, from the time that the application period closes --

MR. CALLOWAY: Right.

MS. WALLACE: -- once we have all the information, if the applications are incomplete, then that applicant wouldn't be considered, and we would proceed with the information that we have, and provide the memo.

MR. NAZUR: So is there a date when the application date would close?

MS. WALLACE: So it's 15 days from the date that it's advertised, whatever --

MR. NAZUR: It just -- it just says minimum 15 days.

MS. WALLACE: Right.

MR. NAZUR: So if we don't get any applicants by the 15th day, is it automatically extended for another 15 days, or what's the process there?

MS. WALLACE: If we don't have any applicants, then we would have to either advertise it again or schedule another meeting of this body to address the lack of applicants. So I guess it depends on what's received in response to the advertisement.

CHAIR VITALE: I think the minimum of 15 days part, for discussion here, is just so that there is at least an opportunity --

MR. SEILER: Right.

CHAIR VITALE: -- for people who are interested to apply.

MS. WALLACE: Uh-huh.

CHAIR VITALE: I'm not as concerned about if somebody applied on Day 16, them not being considered, as long as there's a window that makes sense. It shouldn't be, you know, we're waiting in perpetuity. But I think the minimum of 15 days part is important so people are aware and they can apply. What the closure of that window is, you know, I'm not sure.

MR. CALLOWAY: Yeah, I agree. The other gap on this is from the time the vacancy occurs and the time that it actually gets advertised --

MS. WALLACE: Uh-huh.

MR. CALLOWAY: -- what does that -- what does a reasonable time period look like in order to say, okay, now, we know we've got a vacancy, at some point we need to advertise to start that 15-day period. What's reasonable, in staff's view, relative to when it should actually be advertised?

INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING
NOVEMBER 4, 2019
dh/NC

MS. WALLACE: So the vacancy, when the vacancy should be advertised?

MR. CALLOWAY: Yes.

MS. WALLACE: Based on this, it would be when we receive and accept the resignation of that candidate, if that's what this body desires. That's the way it's written, that when we -- if we receive a resignation and that creates a vacancy or, you know, it would be a number of reasons why a vacancy would be created, like if they're no longer eligible or any of the factors that would apply, then it would be from the time that the -- so if they have to be removed, it would be effective upon the removal by this body, because this body would remove someone if there's an attendance problem or they're no longer -- if they don't resign and they have a conflict.

MR. CALLOWAY: Yeah, a number of circumstances will equate to a vacancy.

MS. WALLACE: Yes.

MR. CALLOWAY: On the date that the vacancy is known --

MS. WALLACE: Uh-huh. We would advertise --

MR. CALLOWAY: -- what -- what --

MS. WALLACE: -- the --

MR. CALLOWAY: -- period of --

MS. WALLACE: -- following day.

MR. CALLOWAY: -- time does it take -- the following day?

MS. WALLACE: Right. We should advertise it the following day.

CHAIR VITALE: May I recommend that, just because things could get dicey depending on the time of year it is and --

MS. WALLACE: Uh-huh.

CHAIR VITALE: -- maybe we have a -- the day is when the staff member notifies the chair of this board, and it would be as soon as reasonably possible after? Or something to that effect. You know, and maybe it is the next day, but if it's --

MR. CALLOWAY: Yeah, I mean --

CHAIR VITALE: -- you know, the 30th of December and the offices are closed for five
INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING
NOVEMBER 4, 2019
dh/NC

days --

MR. SEILER: Let me just throw out, just maybe this will get -- so under one, why don't we say, within five days after a vacancy on the Oversight Board it shall be publicly noticed. That gives you four extra days there.

MR. CALLOWAY: Right.

MR. SEILER: Then upon the second one, say the applications to serve shall be submitted and then the Office of the County Attorney shall review the information and provide written notice, and then something there would probably say, you know, within 15 days of the close of the application period. And that may be -- and, as Randall's pointed out, that might be Day 16 or 17, depending on, you know, the stream of candidates.

MS. WALLACE: Uh-huh.

MR. SEILER: And then we meet within 30 days, which is fine.

MS. WALLACE: Uh-huh.

MR. SEILER: And that way, we'll not have a delay that should be any greater than about 60 -- you know, two months from the date of the vacancy to the --

MS. HENRY: Right.

MR. SEILER: -- date of the appointment.

MR. CALLOWAY: That's right.

MS. WALLACE: Uh-huh.

MR. SEILER: Right?

MS. WALLACE: Yes.

MR. LINDBLADE: I'm good with that.

CHAIR VITALE: I'm good with that. Nodding all around? Okay.

MR. LINDBLADE: Yeah, so I'll **move** that.

CHAIR VITALE: Okay. So motion was made. Do you feel like you have a good feeling of the motion --

MS. WALLACE: Uh-huh.

CHAIR VITALE: -- by Dan Lindblade. Do I hear a second?

MR. CALLOWAY: Second the motion.

CHAIR VITALE: Seconded by Sidney Calloway. Any discussion further? All those in favor, signify by saying aye. Any opposed? Okay. Thank you. It carries.

VOTE PASSES UNANIMOUSLY.

CHAIR VITALE: Staff feel good about the clarity to that? Okay.

MS. WALLACE: Yes.

CHAIR VITALE: Perfect. And, again, that would be for somebody resigning or for an opening that occurred based on the various ways people can be removed.

MR. SEILER: That's right.

CHAIR VITALE: Okay. great. Anything else you wanted to share on that, Angela?

MS. WALLACE: No -- well, everything -- the timing works perfectly in terms of the Oversight Board's business, at this point, because their last meeting of the year was October 26th. So there's no November or December meeting because their meetings dates are the fourth Thursday of every month, and so we have -- with the holidays coming up, there won't be any meetings the fourth Thursday of November or December, and their next meeting will be actually the fifth Thursday in January.

CHAIR VITALE: Okay. Great.

MR. SEILER: Thanksgiving and Christmas, is that the way it falls?

MS. WALLACE: Yes.

MR. SEILER: Boy, Bertha's getting soft.

(Laughter.)

MS. HENRY: It wasn't me.

(Laughter.)

MS. HENRY: It was the Oversight Board. I'm not on the Oversight Board. We don't get time off.

CHAIR VITALE: I know.

MR. SEILER: Giving these boards off.

CHAIR VITALE: Okay. So that, I believe, completes Item 1.

2 - REQUEST FOR EXISTING OVERSIGHT BOARD MEMBER TO BE CONSIDERED IN THE VACATED CATEGORY

CHAIR VITALE: And for Item 2 on the discussion items, we have an Oversight Board member to be considered in a vacant category. And if look at Exhibit 2 -- all right, slow to get there -- Doug Coolman is offering for our consideration to be placed in the Land Use and Urban Planning category, which is where we have an opening. If you -- you may recall he had, when he originally applied, had also asked to be considered in that category.

So he was placed in the Architecture category as a landscape architect, but also was qualified, I believe, for Land Use and Urban Planning. So, again, this is the first time this is happening, so we wanted to bring it up for the group to discuss and make sure everyone was on the same page as to what that process looked like, and have some discussion. Gretchen?

MS. CASSINI: I'd just like to add that one of the complexities around this particular vacancy was because there was an existing serving Oversight Board member who actually prefers to serve in the category that was vacated. Before we did a publication requesting nominations in the category of Land Use, we wanted to have that conversation here to see if there was any desire to move an existing serving Oversight member who would prefer to move into Land Use and then advertise for the vacated Architectural category. I just wanted to put that on the record.

CHAIR VITALE: Yeah, thank you. Angela?

MS. WALLACE: But what I would suggest for the board's consideration is having the person -- I know that they're currently sitting on the board, but submit the application for the Land Use position so that we can update the materials for that particular position and present that along with the other candidates for the position that gets advertised. And I don't know --

CHAIR VITALE: Process-wise, would that create a timing difference between -- we'd have to meet twice --

MS. CASSINI: Right.

CHAIR VITALE: -- correct? Appoint, and then there'd be an opening and appoint again.

MS. CASSINI: Correct. So that from a delay standpoint, so first you would advertise for Land Use. You would fill the Land Use category. That would create a vacancy in the Architecture. We would have to go through the Architecture category. So now instead of a 60-day delay, you would have a 120-day delay, which is one of the reasons why we wanted to have this discussion.

CHAIR VITALE: Right.

MR. SEILER: I'd like to be heard. You know, I think Doug's outstanding, and I think he's a good member of the board. But I don't want to make it look like this is an insider game here where we're moving people from this position to that position and doing it. I mean, he serves on that board. His vote's no different whether he's in one category or the other. His ability to debate is no different.

So I would just as soon advertise this specific opening. If he wants to apply, as I said, but I don't think, you know, there should be any protected status where we move someone. And I know Doug well, and if he was sitting here, I'd tell him the same thing. I think the fact is he's very valuable on the board. And I think with you having a Land Use and Urban Planning category, I think you're likely to have more applicants, and I think we want a broader representation of the community, and I think we want more people seeing that this is an open process that they can participate in. So I would just leave it as is without having any further delay.

CHAIR VITALE: Dan?

MR. LINDBLADE: Why is he asking for this? I mean, it's not clear to me why he wants to go over to this category. That was one question. The second thing is I've got to agree with Jack on this. I hate doing internal moves. And if we were to do this, Randall, I would suggest that we need to open that whole category up, and then we'd have to go through the whole process. I don't like it taking that much longer to fill the capacity of the Oversight Board. They've got a lot of stuff they're working on right now.

So I would, after that question is answered, and it may make sense after that, but I would rather just leave it the way it is and go with the Architecture --

CHAIR VITALE: Do --

MR. LINDBLADE: -- or the Land Use.

CHAIR VITALE: How many applicants do we have -- or did we have for the category of Architecture and Land Use?

MS. CASSINI: So that was the issue that also brought this meeting about is we had very -- we only had two applicants in the Land Use category. It was the category where we had the least public interest when we did this previously. We had four candidates in

INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING

NOVEMBER 4, 2019

dh/NC

the Architecture category, but I believe one of them was not considered qualified and could not move forward. And so, again, I have no problem going ahead and doing the advertisement in the Land Use category. I just wanted to bring that to your attention.

CHAIR VITALE: Yeah. That -- and that's why we're having this discussion. I think the challenge with Land Use, Jack, is that there are so few of those professionals who would not want to be considered for the surtax dollars that --

MR. SEILER: That's why I was looking at the category, because doesn't a lawyer that does land use fall under that?

CHAIR VITALE: Yes. If they do work with the County.

MR. CALLOWAY: Generally speaking, I would think, again, if they've got a resume that reflects that land use, and particularly if they've got an AICP --

CHAIR VITALE: Well, but I believe if their firm -- they or their firm does work with the County, they are disqualified.

MR. CALLOWAY: Yeah, I'm not talking about conflict. I'm just really --

CHAIR VITALE: Yes.

MR. CALLOWAY: -- talking on the qualifications, which is what I thought --

CHAIR VITALE: Yes, Jack's question.

MR. CALLOWAY: -- the lawyers --

MR. SEILER: Yeah.

CHAIR VITALE: Yes. Land use attorneys are qualified.

MR. SEILER: Yeah, so, I mean, I'm surprised we only had two applications; and neither one was a land use attorney, was it?

CHAIR VITALE: No.

MR. CALLOWAY: Just a comment on the conflict question --

CHAIR VITALE: Yeah.

MR. CALLOWAY: -- more than anything, but I totally agree with Jack's earlier comment, that I think the process is such that we owe it to the Oversight Committee to fill the slot as quickly as possible. And I, for one, also believe that we should follow the process for

INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING

NOVEMBER 4, 2019

dh/NC

a vacancy. If the other person wants to apply, then they should be allowed to do so.

MR. NAZUR: So we can't advertise for both positions?

CHAIR VITALE: I believe he would have to resign first.

MS. CASSINI: Right.

MS. WALLACE: It's not vacant.

CHAIR VITALE: It's not vacant.

MR. SEILER: Right.

MR. NAZUR: So based on the new timeframe that we just said for option one, we are looking at how many days?

MS. CASSINI: Give or take 60 days, considering we're also headed into the holiday season.

DR. POLSKY: My question is Dan's question, is do we know why this individual is interested in shifting? Because, as Jack said, functionally, I would guess the person's role is -- wouldn't change. It's just an identity, as far as I can tell. But maybe there's something more interesting.

MS. CASSINI: I hesitate to speak for other people, but what he has said is that he preferred the Land Use and Urban Planning category because that is his expertise, that is what he practiced in, and he felt, and has felt, that having an architect, a real architect, not a landscape architect, would benefit the Oversight Board.

MR. LINDBLADE: That sounds like Doug.

DR. POLSKY: I would then just follow up. I think Jack also said, or maybe Randy, that the number of applicants for the Land Use category was kind of low, probably because those folks don't want to be disqualified. I would say the same thing's probably going to apply to the architectural professionals, and so we're in that bind one way or another.

UNIDENTIFIED SPEAKERS: (Inaudible.)

CHAIR VITALE: Yeah, Dan.

MR. LINDBLADE: So I was kind of slammed when this all happened. So I did not reach out to people I would ordinarily reach out to. So my guess is when -- are you going to -- are we opening this back up for more applications? I mean, if I'm actively involved -- and we can be actively involved in --

INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING
NOVEMBER 4, 2019

dh/NC

CHAIR VITALE: Sure.

MR. LINDBLADE: -- getting the word out. I think we'll be okay.

CHAIR VITALE: Okay.

MR. LINDBLADE: My sense is, but I wasn't active at all in this because I just had too much on my plate. So I think we'll be all right.

MS. HENRY: And I wanted to just clarify. If you're an attorney in land use and you present before the Board, that's not a conflict, is it? It's --

MS. WALLACE: No.

MS. HENRY: Right?

MS. WALLACE: That's not a conflict.

MS. HENRY: Okay. Because someone suggested that that might be a concern, and I'm just trying to clarify. We have a lot of land use attorneys that present before the Board, but they don't work for the County.

MS. WALLACE: So it's you can't be a County employee. You can't be an elected official. You can't work for an entity that has a contract with the County. So --

CHAIR VITALE: So there's that lawyer --

MR. LINDBLADE: That's the catch.

CHAIR VITALE: -- that's the last one. So it's not necessarily that attorney, but if that firm does work before the County -- for the County --

MS. WALLACE: I don't know that our office has any contracts with land use --

MS. HENRY: I was going to say --

MS. WALLACE: -- attorneys --

MS. HENRY: -- I didn't think so.

MS. WALLACE: -- that do --

CHAIR VITALE: Sure --

MS. WALLACE: -- land use work.
INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING
NOVEMBER 4, 2019
dh/NC

CHAIR VITALE: -- but most of those land use attorneys work for much larger law firms.

MS. WALLACE: Uh-huh.

CHAIR VITALE: And so land use is just a small practice within that firm. There's only a handful of firms that are only land use.

MR. SEILER: Well, what does that have to do --

MS. WALLACE: Right. But --

MR. SEILER: That's not a conflict.

MS. WALLACE: Right. So they don't have -- I think it's a contractual relationship with our -- with the County.

MR. SEILER: Right.

MS. WALLACE: Right?

MS. CASSINI: Angela, just if -- tell me if I'm wrong. I think that this came up when we were doing this previously, and many of these firms have contracts with municipalities or other entities that are seeking surtax dollars in other areas of their practice, and that was the concern.

So if you were working in a firm that had any contractual relationship with a municipality or the MPO or FDOT, anyone who could potentially receive surtax dollars, they weren't able to complete the conflict form.

MR. CALLOWAY: And that applies to not just the Land Use category, but across the board.

CHAIR VITALE: Sure.

MR. CALLOWAY: So I think we just need to put our hats on and make sure that, as much as we can, we do the work to see that we've got a pool that at least can accommodate what our needs are here.

MR. SEILER: We can find --

MS. WALLACE: Okay.

MR. SEILER: -- qualified candidates.

MS. WALLACE: Sure.

INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING
NOVEMBER 4, 2019
dh/NC

CHAIR VITALE: Okay.

MR. SEILER: Do we need a motion on that?

CHAIR VITALE: I don't believe so, because the only action would have been if we wanted to -- well, there wouldn't have been action anyway, but there was discussion on whether or not to encourage Mr. Coolman to resign his position and move into a different category. But it sounds like --

MR. LINDBLADE: Don't resign.

CHAIR VITALE: Yeah.

MS. HENRY: I wouldn't recommend that.

UNIDENTIFIED SPEAKER: Right.

CHAIR VITALE: It sounds like that is clearly not the consensus.

MR. CALLOWAY: I think the consensus is that we've got a process and that applies here to this position as it applies to any other vacancies that may come up.

CHAIR VITALE: Yeah. Okay. any other discussion around that? Gretchen?

MS. CASSINI: There was one other question that came up with respect to whether there should be a different process used if a vacancy were to occur very quickly. You'll keep in mind -- if you'll recall our public consumer, public transportation issue --

MR. CALLOWAY: Uh-huh.

MS. CASSINI: -- at the very outset. We had just taken applications. We had a very fresh set of applications and conflicts letters. And if a person were to resign within a period of time after an advertisement had occurred, would this body want to be able to reconsider other applicants from that pool in order to expedite the filling process?

CHAIR VITALE: Discussion around that?

MS. HENRY: I don't know that I can answer that question today. I think that the Oversight Board has been in play now in a sufficient enough time that I wouldn't want to go back to old applications, at this point. If you're talking about that issue happening prospectively, that's something that we'd consider. But since we're on this issue, I would just move forward with a new recruitment.

MS. CASSINI: I think while we're trying to create the Administrative Code that solidifies what the process is going to be in perpetuity, I think what Angela and I were
INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING
NOVEMBER 4, 2019
dh/NC

contemplating is in three years, when it's time to do an entirely new slate and start taking applications again, if, at that time, the same thing that had happened with the resident consumer of public transportation were to occur, within 30 days, that person needed to resign, would you all want to be able to consider from those applicants, eligible applicants, in that pool.

CHAIR VITALE: Dan?

MR. LINDBLADE: Yeah, so I agree with what you said, but what I would say is like on this next -- in the Code, within this next go-round on the Land Use, if that person resigned for whatever reason -- let's say they died -- then we -- and it was 30 or let's use 30 days, and it was within that 30 days' window from when they were appointed, we ought to be able to go back to the list.

And the Code should allow for us to go back to the list and say, okay, we've had a resignation, for whatever reason, their job changed, whatever, and within 30 days, I guess, would be the number that I would throw out for discussion, we'd be able to, but anything beyond 30 days, it'd have to be a brand new advertising and recruitment.

CHAIR VITALE: Anyone have opinion on the concept or the days?

MR. NAZUR: So if that were the case, should we vote not only the first person that we like but a secondary person, a successor, if it does happen in 30 days? That way, we don't have to keep prolonging the period, and it could just be an automatic thing.

MS. WALLACE: I --

MR. NAZUR: A person resigns in 15 days, that was Person A. Person B is now the go ahead and vote at that time. That way, we're more efficient.

MS. WALLACE: I think that's a viable option, if they're ranked. And so if you do a -- if you conduct a ranking of the applicants and have at least a first ranked and a second ranked, then the second ranked person could fill that vacancy in the event of the first ranked person not being able to follow through. So it would be -- just be a part of, you know, when you're reviewing the applicant pool for that period.

CHAIR VITALE: So my only potential concern with that is if you have multiple people resign at the same time, or you have -- if it's the full slate again and you have three people, let's say, that are ranked second, and all of them -- we lose the opportunity necessarily for diversity, and then rank two, two, two, a different person gets put in place and the diversity of the group changes in a way that doesn't represent the community. I think that could be -- have an adverse impact to what we're trying to do.

So I think when we spoke, originally, we were trying to put forth an entire slate that represented the community. And so if it's one opening, it's pretty easy to go, yes, it's

INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING

NOVEMBER 4, 2019

dh/NC

Person 2. But it's more likely that it'll happen on the four-year cycle. So if we can delineate them, if it's an opening that's not on the four-year cycle or if it's only one, then maybe it's the second person. But if it's a full slate, then it's up to this body. Does that make sense?

MR. CALLOWAY: Yeah. And I also think the --

CHAIR VITALE: It'd be unintended, you know, but I could see it.

MR. CALLOWAY: -- and rather than a rank, I would call it an alternate.

MR. SEILER: Yeah.

MR. CALLOWAY: And the applications should have some notice that, again, we'd also be looking for a prospective alternate in the same process. And, again, I'm only following along the lines if we've got one versus an entire slate, but if we've got one vacancy, I think the application notice should at least make folks aware that we're considering one for the appointment but also a alternate in the event that the appointed person resigns or cannot serve within 30 days of appointment, or words to that effect.

CHAIR VITALE: Yeah, and I think having that burn off period makes sense, too, so that they know, okay, I'm potentially an alternate for the next 30 days --

MR. CALLOWAY: Yes.

CHAIR VITALE: -- or 45 days, or whatever the date.

MR. SEILER: I could live with that.

CHAIR VITALE: Dan? Nodding yes.

MR. LINDBLADE: Sounds good.

CHAIR VITALE: So 30 days? 45? 30?

MR. SEILER: Forty-five days.

CHAIR VITALE: Forty-five?

MR. LINDBLADE: Anybody give me 50, 55?

(Laughter.)

CHAIR VITALE: Forty-five?

MR. NAZUR: Forty-five's good.

CHAIR VITALE: Okay. So 45 days, thumbs up, nodding. Okay.

MS. HENRY: Yes.

CHAIR VITALE: Yes. Okay. So do you all feel like you have an understanding? Do we need a motion on that?

MS. CASSINI: Probably.

MR. LINDBLADE: I'll **move** --

MR. SEILER: Second.

MR. LINDBLADE: -- 45 days.

CHAIR VITALE: Okay. So the motion, 45 days for an alternate and for -- I'll try to restate it best I can here. So the motion from Dan is within a period of 45 days of the being selected by the Appointing Authority, an alternate will have the opportunity to be moved into the position without having to advertise the position again.

MR. CALLOWAY: And that the application will --

CHAIR VITALE: Yes.

MR. CALLOWAY: -- reflect --

CHAIR VITALE: Thank you.

MR. CALLOWAY: -- that process.

CHAIR VITALE: And that the application will reflect that process so that the individuals applying understand that that is an option. Okay. So that's the motion by Dan.

UNIDENTIFIED SPEAKER: Second.

MR. SEILER: I had seconded it.

CHAIR VITALE: Jack second. Any further discussion? All those in favor, please signify by saying aye. Any opposed? Seeing none, carries.

VOTE PASSES UNANIMOUSLY.

OTHER BUSINESS:

CHAIR VITALE: And I believe that concludes our discussion items. From staff, is there anything else you all would like to bring up or have us discuss since we have this group here?

MR. SEILER: Should -- should we schedule a date for the --

CHAIR VITALE: Yes, that's --

MR. SEILER: -- next --

CHAIR VITALE: -- that's next on Other Business.

MS. CASSINI: That's next on the agenda.

MR. SEILER: Okay.

CHAIR VITALE: Thank you, Jack. Okay. So now we will look to schedule a meeting for the actual appointing.

MS. CASSINI: So we will need twenty to thirty days from today --

MS. WALLACE.: Uh-huh.

MS. CASSINI: -- at a minimum.

CHAIR VITALE: How many days?

MS. CASSINI: So at a minimum we would need 30 days for the advertisement and the vetting.

CHAIR VITALE: Okay.

MR. LINDBLADE: Randall, Mr. Chair, I'm going to be --

CHAIR VITALE: Yes.

MR. LINDBLADE: -- out that first week of December.

MR. SEILER: That's out anyway.

MS. CASSINI: That week's bad.

MR. LINDBLADE: Oh, is it? That's --
INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING
NOVEMBER 4, 2019
dh/NC

MR. SEILER: Yeah.

MR. LINDBLADE: -- I'm counting days here. Okay. So that's out. So it'll be the week of the 9th, right --

MR. SEILER: You'd have to go --

MR. LINDBLADE: -- would be the earliest we could do it.

MR. SEILER: Yes.

MR. LINDBLADE: All right. So I'm in the rest of the year, so I'm good.

MS. HENRY: Same here.

MR. NAZUR: I'm good for December 9th.

CHAIR VITALE: I'm traveling that week for work. Is the week of the 16th --

MS. CASSINI: Uh-huh.

CHAIR VITALE: -- or actually maybe the 16th, by chance --

MR. LINDBLADE: Well --

CHAIR VITALE: -- or 17th?

MR. LINDBLADE: Depends on the time.

MS. CASSINI: That looks good.

MS. HENRY: The 16th works for me.

CHAIR VITALE: 16th what time works for Dan?

MR. LINDBLADE: I am good in the afternoon, after 2:00.

MR. CALLOWAY: I've got a conflict.

MS. CASSINI: On the 16th?

MR. SEILER: We have an Orange Bowl Committee meeting that day.

MR. LINDBLADE: I know.

MR. SEILER: So I could do 2:30.

MR. LINDBLADE: Sidney's got a conflict.

MR. SEILER: Oh, do you?

CHAIR VITALE: We've all got to be here.

MR. CALLOWAY: Yeah, I've got a conflict.

CHAIR VITALE: We've all got to be here, so.

MR. SEILER: How about the morning? Could there be like a 10:30? We probably don't need more than an hour.

MS. WALLACE: He said --

MR. SEILER: So do you have a problem in the morning?

MS. WALLACE: Someone has a morning problem.

MR. CALLOWAY: 16th? I'm available during the day. I mean, I'm sorry, during the morning of --

MR. LINDBLADE: The 16th.

MR. CALLOWAY: -- the 16th.

MR. LINDBLADE: I can shift some things. We've got a South Florida Business Council call on that morning --

MR. SEILER: 7:30.

MR. LINDBLADE: -- at 7:30, so we'll be out of that by 8:30.

MR. SEILER: I can make it easy. Tuesday morning, 10:30, does anybody have a problem with that? We'll just go a day later?

DR. POLSKY: I can't.

MR. LINDBLADE: I can do it on the 16th --

MS. CASSINI: You cannot --

MR. LINDBLADE: -- in the morning.
INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING
NOVEMBER 4, 2019
dh/NC

MS. CASSINI: -- on Tuesday?

DR. POLSKY: No.

MR. CALLOWAY: Neither can I.

MR. LINDBLADE: The 16th in the morning is okay, but it's got to be like after 8:30.

MR. SEILER: Let's just get --

MR. LINDBLADE: That's fine.

MR. SEILER: -- what about the 18th? Does anyone have conflicts on the 18th?

UNIDENTIFIED SPEAKERS: (Inaudible.)

MS. CASSINI: Can we do -- the 16th at 10:00 a.m., though, I didn't see any --

MR. CALLOWAY: Yeah.

MS. CASSINI: -- issues.

MR. SEILER: I'm coming from West Palm. I have a special set at 8:30. That's assuming I can get done at 9:00, I'd be cutting it right at 10:00.

MS. WALLACE: 11:00?

MR. LINDBLADE: 18th is wide open.

MS. WALLACE: 11:00?

MR. SEILER: 18th is wide open for me, too.

DR. POLSKY: I can do 18th. Okay.

CHAIR VITALE: Sidney?

MR. CALLOWAY: I can do 18th.

MR. NAZUR: I can do the 18th.

MS. HENRY: I can do the 18th.

DR. POLSKY: Maybe the afternoon, like 3:00?

MR. SEILER: In the afternoon, that's fine.

DR. POLSKY: I've got to come from Boca, so.

MR. SEILER: All right. That's fine. 3:00?

MR. LINDBLADE: I'm good.

UNIDENTIFIED SPEAKERS: (Inaudible.)

CHAIR VITALE: 3:00 o'clock on the 18th?

MS. WALLACE: On the 18th?

MR. SEILER: Yeah.

DR. POLSKY: But that's when I need coffee.

(Laughter.)

MS. CASSINI: Chocolate.

CHAIR VITALE: There'll be chocolate. There'll be chocolate.

MR. SEILER: You need Hoffmans.

CHAIR VITALE: There will be chocolate.

MR. SEILER: Yeah, this -- you know, I think we were misled today about that.

(Laughter.)

MR. SEILER: I walked in, and I see an empty table.

MS. WALLACE: See, we told him there's -- he created an expectation --

CHAIR VITALE: I know it.

MS. WALLACE: -- of chocolate.

MR. SEILER: I don't have a gift ban anymore, Randall. You can throw a chocolate my way. I'm just saying.

MS. CASSINI: So I'm hearing Wednesday, December 18th, from 3:00 to 5:00?

MR. SEILER: You can advertise it 3:00 to 5:00.

MS. CASSINI: Okay.

MR. SEILER: I think we'll be done --

MS. CASSINI: I'll advertise it 3:00 to 5:00.

MR. SEILER: Yeah.

CHAIR VITALE: Okay. Perfect. One item that actually we didn't discuss. I guess it could be open business, is -- excuse me, Other Business. Do we want to allow public comment from applicants, just so that people understand? And for the full slate, we chose to not have Q and A or interaction from those applicants who showed up. Do we want to keep that --

MR. SEILER: Yeah, I don't --

CHAIR VITALE: -- for openings, or do we want to have more dialog with potential applicants?

MR. SEILER: Randall, I thought the process went very well the first time. I thought it was effective and efficient. I don't -- I think if we start opening it up, somebody's going to say, why'd you change it? Because I don't think anything has happened with the first process to indicate we should change it.

CHAIR VITALE: Yeah, I'm not advocating for change. It's just noting that it is different for a replacement than for an original slate, so that we can be on the same page.

MR. CALLOWAY: I'm fine with our previous process.

CHAIR VITALE: Yeah. Everyone nodding. Okay.

MR. NAZUR: I'm good.

MR. CALLOWAY: What time are we meeting on the 18th again?

CHAIR VITALE: 3:00 o'clock.

MS. CASSINI: 3:00 o'clock.

CHAIR VITALE: 3:00 o'clock, December 18th. Same room, hopefully.

MS. CASSINI: I'm working --

CHAIR VITALE: TBD.

MS. CASSINI: -- on that. I'm working on that.

CHAIR VITALE: Okay. Dan?

MR. LINDBLADE: Only because I'm anal about this, is there any way that we could get an update from the coordinator on the committee's work, quickly?

MS. CASSINI: Quickly? Sure.

(Laughter.)

MS. CASSINI: Are there any specific areas that you're interested in hearing about, because in the seven months of work that they've done, there has been quite a bit.

MR. LINDBLADE: How much money have they spent?

MS. CASSINI: Well, the oversight -- the Oversight Board doesn't spend any money.

MR. LINDBLADE: All right. So have they --

MS. CASSINI: As of yet.

MR. LINDBLADE: -- have they not approved something?

MS. CASSINI: Yes.

MR. LINDBLADE: Can you fill us in?

MS. CASSINI: Sure. So they've also adopted their own processes, which are enumerated in the Administrative Code that you have in your packet. And the process that they've taken thus far for both FY '19 and FY '20 requests is staff bringing forth a very robust spreadsheet and presentation about whether or not the projects were in the original plan that was presented to the voters and, if so, being able to actually show them and justify exactly where that was in the plan, when it was expected to have occurred, and what the cost estimates for the particular project were. And then, if they don't come to a consensus among the nine members that they feel confident that that particular expense or project was in the original plan that was presented to the voters, we have to take that back to the Board of County Commissioners through our budget process first before they will entertain it. So at this point, they are only entertaining things that they can clearly see were in the plan that was presented to the voters. And that's worked relatively well.

They actually did a retreat in June where they brought in a futurist, a transportation futurist to talk about some of the disruptors, the technologies that are coming to market perhaps in other parts of the world, what we should be expecting over the next five to ten years here in this particular area.

They really like doing budget workshops before they consider the projects and the expenditures, so what we did in June is we brought forth all of the anticipated projects and expenditures for FY '20. They had about a five-hour budget workshop. They had an opportunity to ask questions to everyone who was bringing forth projects and expenditures. And then they had an entire month where they could submit questions to particular agencies or entities before they actually had to act on the budget in July. So that's been the process that they've been using.

We've had presentations from the Florida Department of Transportation District 4, twice, talking about some of the projects that they're looking to do, their automated vehicle pilot that they're working on in Gainesville, and then also on the TSM and O, which is the adaptive traffic management program that they work through our Traffic Engineering Division on.

So the MPO's done some presentations, both about their 2045 long-range transportation plan that they're finalizing in December. They've also done a couple of presentations, very brief, on what the process is that they are looking at for prioritizing municipal projects.

And then lately there's been a lot of discussion. We've had three separate presentations at the Oversight Board meetings about audits, both financial audits and performance audits, because I think the Oversight Board is looking at what their role is as far as ongoing project and programmatic oversights. What did the ordinance actually intend for them to do, and are they accomplishing the goal as intended. So that's kind of the highest-level overview I can give you.

MR. LINDBLADE: Thank you. Mr. Chair, as a follow up, so just your opinion, has everyone been attending and -- because I'm interested to make sure that our appointments are working out.

CHAIR VITALE: So I have asked staff to give us a summary, I think I said at the end of the year was what I kind of requested, so that we can do a look-back on attendance and participation so that we're kept abreast, as an Appointing Authority, to make sure that the folks who we have appointed are doing their work. And we set up that precedent on an ongoing basis so that we are aware and have information so that if there's a change needed, we can make the change.

MR. LINDBLADE: Thank you.

MR. SEILER: That was a great idea, by the way.
INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING
NOVEMBER 4, 2019
dh/NC

CHAIR VITALE: Was there anything else I requested in that? I don't remember. I think it was like an overview, right, as to the previous twelve months, as well. So it'd be attendance and a look back as to -- without it being, you know, too thick, more of like an executive summary as to what's been accomplished in the previous 12 months.

MR. LINDBLADE: Good idea. Thank you.

CHAIR VITALE: Any other questions or comments?

DR. POLSKY: I have one.

CHAIR VITALE: Oh, go ahead.

DR. POLSKY: Sorry. Learning that a futurist was brought in is very interesting. So some retreat and education sounds like a fantastic idea. And I guess I would just suggest that that happens more for the board, because, you know, Broward's not the only place doing this. You know, all across the country there's municipality, metropolitan areas going all in trying to get ready for the 21st century, even though we're already kind of in it on transportation.

And so we could, you know, really be in a real leadership position without knowing it if we bring in all these other folks to educate us and we might realize we're really already at the vanguard. Or we might learn that we've got a lot to learn. So, suggestion.

MS. CASSINI: The Chair of the Oversight Board has asked that we do a retreat every summer. We're hoping that we might be able to be in a position to invite those of you that would like to attend as well if we do decide to travel to another, hopefully, property that's doing something like this.

There's also the opportunity, and I'll be sending something out in -- probably in December, for a training for both Appointing Authority members, members of the community, the Oversight Board, and some of the leaders that are working in the surtax area to come together and do a full day training about transportation and public transportation.

CHAIR VITALE: Thank you. And correct me if I'm wrong here, Gretchen. As of October 1st, the budget year kind of rolled over and the Oversight Board now has staff dedicated to -- well, actually, they had staff dedicated for it, they just weren't paying for it. Is that more accurate?

MS. HENRY: Yes. But that's okay.

CHAIR VITALE: So now the Oversight Board has its dedicated team, and they're hiring professionals to staff the monumental task of the oversight that is that surtax. But that was effective October 1st, and I know that several positions have been filled, and

INDEPENDENT SURTAX OVERSIGHT COMMITTEE
APPOINTING AUTHORITY MEETING
NOVEMBER 4, 2019
dh/NC

several more I believe are advertised still; right? So thanks for the first nine months, Bertha.

Any other topics or points of discussion anyone would like to bring up?

ADJOURN:

MR. LINDBLADE: **Move** adjournment.

CHAIR VITALE: We are adjourned. Thank you all.

(The meeting concluded at 10:50 a.m.)