

INDEPENDENT TRANSPORTATION SURTAX OVERSIGHT BOARD

Meeting - October 24, 2019

9:30 a.m.

MEMBERS PRESENT: Shea Smith, Accounting, Director of Audit and Attest Services, Berkowitz Pollack Brant Advisors and Accountants
Phil Allen, Retired, Finance
Douglas Coolman, Retired, Architecture
Alan Hooper, Engineering/Construction Management, General Contractor and Real Estate Re-developer, Hooper Construction, Inc., and a founding member of Urban Street Development.
George Cavros, Esq. P.A., Environmental Sciences, Florida Energy Policy Attorney, Southern Alliance for Clean Energy
Anthea Pennant, District Director of the Broward College Office of Supplier Relations and Diversity

MEMBERS ABSENT: Allyson C. Love, Former City or County Manager, Assistant City Manager, City of Homestead
Dr. Consuelo Kelley, Resident Consumer of Public Transportation Vacant, Land Use and Urban Planning

Also Present: Angela Wallace, County Attorney's Office
Gretchen Cassini, Assistant County Administrator
Audrey Thompson, staff
Annette Lewis, staff, Finance Manager
Alex Mayorga, staff, Program Performance Analyst
Laura Rogers, County Auditor's Office
Nicholas Sofoul, Mobility Planning and Innovation Section, Planning and Development Management Division
Sonia Lovette, Purchasing Manager, Broward County
Althea Lewis, Assistant to Broward County Administrator
Sandy Michael McDonald, Director, Broward County Office of Economic and Small Business Development
Freddy Castillo, Small Business Manager, Broward County Office of Economic and Small Business Development
Tim Garling, Broward County Transit
Nancy Cavender, The Laws Group

A meeting of the Independent Transportation Surtax Oversight Board of Broward County, Florida, was held at the Traffic Management Center, 2300 West Commercial Boulevard, Fort Lauderdale, Florida at 9:30 a.m., Thursday, October 24, 2019.

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

CALL TO ORDER - CHAIR HOOPER

MR. HOOPER: Okay. Good morning, everybody. We're going to call the meeting to order of the Independent Transportation Surtax Oversight Board. It's Thursday, October 24th, 2019.

ROLL CALL - AUDREY THOMPSON

MR. HOOPER: Can we get a roll call, please.

MS. THOMPSON: Good morning, everyone. We have a few absences today, so I'll go over those first. Ms. Cynthia Chambers has resigned from her position. We are currently and actively refilling her role at this time. We have Dr. Consuelo Kelley, she is requesting an excused absence for today. And we have Dr. -- I'm sorry -- Ms. Allyson Love, who is out of the meeting, as well. She will not be here today due to traveling. And I'll go through with the remaining roll call. Phil Allen.

MR. ALLEN: Here.

MS. THOMPSON: George Cavros.

MR. CAVROS: Here.

MS. THOMPSON: Doug Coolman.

MR. COOLMAN: Here.

MS. THOMPSON: Mr. Alan Hooper.

MR. HOOPER: Here.

MS. THOMPSON: Anthea Pennant.

MS. PENNANT: Here.

MS. THOMPSON: Shea Smith.

MR. SMITH: Here.

MS. THOMPSON: Mr. Hooper, we have a quorum.

MR. HOOPER: Excellent. Thank you so much.

PRESENTATIONS
MOBILITY ADVANCEMENT PROGRAM DASHBOARD PRESENTATION -
INNOVATION TEAM

MR. HOOPER: Okay. So the first item on the agenda is a presentation of the Mobility Advancement Program dashboard, and the Innovation Team is going to present that. Great.

MR. SOFOUL: Thank you. Good morning, Chair Hooper, members of the Oversight Committee. My name is Nicholas Sofoul. I'm with the Mobility Planning and Innovation Section in Planning and Development Management Division. I'm delighted to be here this morning to give an update on the interactive dashboards that Lenny Vialpando presented to you back in your June retreat, and to be able to show you some of the innovations we've come, and the next iteration of this particular dashboard to show how we've kind of brought this to the next level. And I'm just thrilled to be able to share it, so let me go ahead and get -- jump right into it for you.

So this will probably look familiar to you. This is very similar to what you saw back in June. But we went ahead and made some tweaks to it based upon some of the comments and -- that we received back in June. So just to reorient you with this dashboard, you have our County Public Works roadway projects up here. These municipal projects, these are the city projects that the MPO is currently in the process of prioritizing. And then we have Transit projects below. We have their service projects and we have some capital projects as well, as well as a box for MAP Administration. And then we have the ability to go ahead to have the features to filter by year. One of the things

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we added that was -- that was asked for was being able, as a surtax board member, to be able to see what are the projects that are up for approval and which ones have already been approved, and kind of make that differentiation between, okay, what are we supposed to be looking at for approval but we haven't approved yet, and what's already been done, you know. So we added these tabs here, these filters for you to be able to look at, by date, what items are up for approval. So right now, you have no items up for approval, so you don't see a meeting date for today. But if we were to go back to, let's say, your July 25th meeting, if you were going into that meeting, you could click it, and the map is going to go ahead and automatically change to show you what are the projects that are actually up for approval for that meeting. And then you can go through and click on those projects to be able to get information on those particular investments. Likewise, once you've already approved projects, there's also a filter and ability for you to be able to go in here and be able to identify the projects you've already approved.

So we can go ahead and click on, let's say, all approved projects, and there's the list right there. And so if you wanted to go down to more details, you could click over these tabs, take a look and see what these projects are, and go from there. So I'm going to leave it on approved projects, and I'm going to show you kind of another ability we created to filter by project type. So maybe your only interest is, let's say, fiber optic projects. You really want to see where those are. So I'm leaving the approved filter on. I'm going to click on fiber optic in this dropdown. These are your fiber optic projects that you've already approved right here. And if you wanted to go into them, you can click on them and it pops right up, fiber optic network and the information and scope on that particular project. We can turn the filters off. This is all the fiber projects in the surtax plan. And then up at the top, you have the ability to filter by year, so you can see that all the fiber projects are programmed in the first years of the surtax program, from FY '19 all the way to FY 2024. And you have the ability -- let's say you only want to look at FY '20 and FY '19. You can click on both years together and be able to see kind of how the projects build upon each other through time, you know. And you can add to it. There's 2021, projected for 2022, and so on.

Another ability we added in here was the ability to filter by Transit investments, as well. So let's say you wanted to look at only the new local bus routes in the plan. You could click here on the transit filter, new local routes. There they are. The same thing goes for rapid bus routes, connectivity improvements, service increases, and Transit capital projects.

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For service increases, we know that we already approved the ten percent increase that's being currently implemented, so you could go in here and look at FY '19 service increase, click on that. These are the -- these are the projects that have already been approved via the surtax for 2019 for service increases. You can go in and see exactly where those investments are. So we think this adds an extra layer of power in these dashboards to be able to go through here and be able to do these filters and be able to really capture what you want to see, because we all know when you -- when there -- when there's no filters on this and you just see all this, it's overwhelming. We know the surtax is going to have a lot of projects, but this really gives you the power to be able to drill down to exactly what you want to see and the investments you're interested in.

Another feature we added in here was the ability to link directly to the County budget. So we added tabs here, let's say, for Transit. You can click on the FY '20 budget. It's going to link you directly to the budget, the approved budget in the County Budget Office so you can see exactly what was approved for those investments. We thought that was a nice little addition there. And just to kind of speak to you a little bit about budget, this dashboard is really a project tracking dashboard. It's not really designed to be a budget tracking dashboard. So we're looking, that in the future, that this will be kind of the project tracking, project status tracking. You can see where the projects are, what projects are up for approval. But separately, we're going to be looking to develop a more rich dashboard specifically geared towards tracking budget. And that should be coming in the coming months.

I'm going to shift over to one other dashboard. This is a brand new dashboard we went ahead and developed. Let me go ahead and bring that up. So one of the things we were asked is how can I tell which projects are, let's say, in my city. I only want to be able to see what's in my municipality. Same thing goes for Commission district or State Senate districts or State House districts, for instance. So we developed this dashboard that allows you to be able to select projects just by those political geographies. And, really, it's pretty comprehensive. We've included just about everything we can think of here on the left-hand task bar. So, for instance, if you wanted to go through and look at all the projects in, let's say, Pompano Beach, you could click on Pompano Beach. It's going to highlight the city, and it's going to show you just the projects that intersect the City of Pompano Beach. They've got to load. There we are. There they are. You know, if you wanted to go into them further, let's say you wanted to see, well, what exactly are these projects. You could click on the -- the details here, and it's going to

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zoom directly to the intersection on the map so you can see exactly where that investment is being prioritized within that particular city.

The same thing goes for Transit. You can go ahead and click on, let's say there's a -- there was a transit service increase, looks like, on Route 31 in fiscal year '19 that was approved in Pompano Beach. You can click on that. It's going to highlight the route exactly and be able to show you where that is. The same thing goes for congressional districts. We can turn off the city side. We can go to a congressional district. Let's say we pick -- I don't know, Fredericka Wilson. This is in the south part of Broward County. You see here the district and only the projects in south County that intersect her particular congressional district. So this is pretty powerful for us to be able to go out and be able to have conversations with our municipal partners, with our partners in state and federal government, to be able to talk about kind of their involvement in the surtax and how we can leverage funds at a state and federal level.

One more filter we added, you're probably familiar with the corridor approach, where we're going to try to bundle projects together by corridor. We went ahead and included filters for those corridors. So if you wanted to see, for instance, the -- all the projects along the Sheridan Street corridor, which is one of those corridors that was identified, you can go ahead and click that. The corridor's selected, and it's the same thing. You can go through here and you can see all the project that intersect the Sheridan Street corridor. So we feel this is really powerful. We're looking to continue progress on these dashboards, improve them over time. Right now, we're looking to continue to add additional information. We're working with our partners in our Transit Division to add some additional capital projects, as well as to include some of the great work they're doing on the community bus program -- community shuttle program, should I say. We're going to try to add in all those cities. We want you to be able to see the municipalities where we're making these -- these significant investments in community shuttles.

It's the same thing as looking at how we can see countywide investments in paratransit and for bus orders or whatnot so that we can really capture all of those projects comprehensively in these dashboards. We expect to be able to incorporate performance metrics in these dashboards. That's going to come a little bit later, maybe in the March/April time frame with our partnership with Open North to be able to add and try to connect these projects to the actual performance metrics. We feel that that's a -- there's a

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great value in doing that. That's going to be coming in the coming months. We're also going to be creating a dashboard specifically on the five-year plan, and that will be probably more towards the summer, July, once that five-year plan rolls out. That dashboard will provide a lot more details because we'll have all that information in that five-year plan. And so we're looking to be able to take that dashboard -- and, actually, that would be the time in which we'd probably roll out these dashboards to the public. We'd feel confident at that point that that five-year plan is going to be pretty solid to be able to go ahead and push that out and be able to really show kind of the innovation of these dashboards out to the public. So I am open and welcome to any questions you might have on these.

MR. SMITH: Well, first off, thank you. These look great so far, and it's a step in the right direction. It's great information. In terms of connectivity, how are we defining that? So if you click on the folder and it says -- and these project -- projects enhance connectivity, how is that built into this? How much judgment is involved in that?

MR. SOFOUL: At this point, we haven't really delineated the projects out by - - by whether they -- they enhance connectivity or reduce congestion. That's something that's going to be happening as a part of our partnerships --

MR. SMITH: Okay. I thought that was one of the filters --

MR. SOFOUL: -- (inaudible) metrics.

MR. SMITH: -- that you had on there that actually popped up.

MR. SOFOUL: Oh, there's a -- there's a connectivity improvement for Transit. And so that's kind of a broad term that's being used to describe anything that's a Transit route extension or route realignment.

MR. SMITH: Okay. So it's Transit --

MR. SOFOUL: Yeah, it's very --

MR. SMITH: -- related.

MR. SOFOUL: -- yeah. For connectivity improvements, this is under Transit. This is very specific to the Transit improvements. And so really what this is, this is bundled together. These are routes that have been realigned to better

meet needs and routes that have been extended to meet needs. So they're kind of increasing connectivity from that Transit --

MR. SMITH: Uh-huh.

MR. SOFOUL: -- perspective.

MR. SMITH: Okay. Because I'm definitely interested in any of this information that just goes right back to the ordinance --

MR. SOFOUL: Absolutely.

MR. SMITH: -- and can kind of be linked straight to alleviating congestion --

MR. SOFOUL: Uh-huh.

MR. SMITH: -- things like this that we can show and demonstrate on these projects, I think will be -- will be helpful. And I know connectivity is a part of that, you know, from a broad scale, but also you drill it down to different, you know, multi-modal --

MR. SOFOUL: Yeah.

MR. SMITH: -- and so forth. Which is another thing I'm interested in seeing, as well, and you're probably thinking about as --

MR. SOFOUL: Uh-huh.

MR. SMITH: -- you know, what are the multi-modal options --

MR. SOFOUL: Absolutely.

MR. SMITH: -- that are being built in. And maybe we can build a screen for that over time, as well.

MR. SOFOUL: Yeah. And I think that will connect into when we start to really develop the kind of performance metrics and performance dashboards, being able to identify those projects that are increasing mobility, increasing connectivity, you know, and being able to really drill down in how these projects are specifically meeting those goals under the ordinance.

MR. HOOPER: Ms. Wallace, did you have something to add?

MS. WALLACE: Yes, I just wanted to explain that the prioritization process that's being conducted by the MPO, that's being developed. So the MPO has been charged with prioritizing the municipal projects based upon their ability to relieve traffic congestion and increase connectivity. And there was a presentation at the MPO yesterday with the cities to outline, I guess, the beginnings of that process and the criteria that they are creating, the draft, but it's not completed yet. And once that's completed, then we'll be able to provide how they're -- how the projects are being evaluated in the MPO process.

MR. COOLMAN: And this is accessible to all cities, everyone, this dashboard, or not?

MR. SOFOUL: It will be.

MR. COOLMAN: It will be.

MR. SOFOUL: Not at this time. At this time, what we've been doing is we've been meeting with municipalities and meeting with partners. And we usually, when we meet with them, we'll bring the dashboard with us, and we'll have the opportunity to drill down to those geographies.

MR. COOLMAN: When do you think it'll be accessible to the cities, just so I know?

MR. SOFOUL: What do you think, Gretchen? You think by the April timeframe? Or when the five-year plan?

MS. CASSINI: It's hard to say, because we're still working on the five-year plan, and we're working with the MPO, as Nick mentioned. But we're hoping the March/April timeframe for our internal stakeholders, and then right after the five-year plan is rolled out in July for the public.

MR. COOLMAN: Thank you.

MR. HOOPER: Ms. Pennant.

MS. PENNANT: Two things. One, I was curious to know what metrics was being used to measure the customer service component that I saw, or will

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that be built into the performance model that you're working on?

MR. SOFOUL: Uh-huh. That's going to be a performance metric.

MS. PENNANT: A performance metric.

MR. SOFOUL: Uh-huh.

MS. PENNANT: Okay. And then the other thing is I notice you mentioned the congressional district.

MR. SOFOUL: Yes.

MS. PENNANT: Are we able to see the County district?

MR. SOFOUL: Yes.

MS. PENNANT: Okay.

MR. SOFOUL: Absolutely.

MS. PENNANT: Okay.

MR. SOFOUL: Absolutely. So actually, the very first -- the very first top tab is actually a filter by County Commission district.

MS. PENNANT: Oh.

MR. SOFOUL: So you could go in here, for instance, and you can click on Nan Rich, District 1, and that went ahead and highlighted her district and all of the projects that intersect with that district.

MS. PENNANT: Okay. Good.

MR. SOFOUL: Uh-huh.

MS. PENNANT: And it -- the performance metrics, I would hope that that would be including that 30 percent tracking on the --

MR. SOFOUL: Yeah.

MS. PENNANT: -- the goal. Okay.

MR. SOFOUL: The DBE.

MS. PENNANT: I'm good.

MR. SOFOUL: Absolutely.

MS. PENNANT: But it's awesome. Exciting, very exciting.

MR. HOOPER: Yeah, very -- very nice work. Thank you so much.

MR. SOFOUL: Thank you.

MR. HOOPER: I have a question that's not --

MR. SOFOUL: Sure.

MR. HOOPER: -- related to the dashboard. There's a project that's cutting through the Everglades right there.

MR. SOFOUL: Uh-huh.

MR. HOOPER: Is that like a bike route -- bike route or something like that?

MR. SOFOUL: That's a green -- that's a greenway connection. That's a greenway improvement, so it --

MR. HOOPER: Very -- and it goes past Loxahatchee or something like that?

MR. SOFOUL: Correct. Correct. So this is actually currently accessible via a trailhead out here at the end of Atlantic just west of Sawgrass Expressway, but we're looking to see if we can work with the Water Management District to make some improvements to the top of this berm to be able to make it more accessible to bicyclists and --

MR. HOOPER: So I can tell you --

MR. SOFOUL: -- (inaudible).

MR. HOOPER: -- that I go down 27 a lot, and there used to be a lot of

problems with groups of cyclists that came out of Weston, and people were getting hit by cars. And if we can do anything to improve that, I think it's a real amenity for the County, and I think it's a great project. But I'm sorry to take away from the dashboard --

MR. SOFOUL: Oh, no.

MR. HOOPER: -- conversation.

MR. SOFOUL: Wonderful.

MR. HOOPER: Mr. Allen, did you have something to say?

MR. ALLEN: Yeah, the question I have is will we be able to ask the system or the database which projects are on schedule for completion, the status of that particular project?

MR. SOFOUL: Yes. Yes, that's something we'd like to build in as time goes on. Ultimately, we see these dashboards as really being a project tracker. So it will be not just what projects are up for approval, what's already been approved, what phase is that project in, and is the project on schedule.

MR. ALLEN: And when --

MR. SOFOUL: Yeah.

MR. ALLEN: -- is that implementation planned for? Is that after the budget and five-year plan?

MR. SOFOUL: Uh-huh. Correct.

MR. ALLEN: So somebody -- a citizen then could access it and say, when are they going to finish Atlantic Avenue or whatever?

MR. SOFOUL: That's right.

MR. ALLEN: What's the status of that particular project.

MR. SOFOUL: That's right. That's the intent.

MR. HOOPER: You know, the challenge is going to be getting this out and

educating the public on how to use them -- use a dashboard like this.

MR. SOFOUL: That's right.

MR. HOOPER: Right?

MR. SOFOUL: We're already thinking about, you know, whether we can make some video tutorials, obviously, some sort of aids to help orient the public to the dashboard itself. That's something we're going to have to develop as time goes on. Which is why we want to wait before we push it out to the public, because we want to make sure that the final version is kind of solidified before we create all those training materials --

MR. HOOPER: It's probably --

MR. SOFOUL: -- (inaudible).

MR. HOOPER: -- it's like my ten-year-old kid is -- would be more intuitive to get through that and figure it out in about five minutes. Takes a guy my age like a tutorial to actually get through it. Any more questions? Great job. Thank you so much.

MR. SOFOUL: Thank you very much. My pleasure to present to you this morning.

PUBLIC PARTICIPATION

MR. HOOPER: Okay. The next item is public participation. So if there's anybody in the public or in the audience that would like to make any comments or --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. HOOPER: -- say anything? Nobody?

UNIDENTIFIED SPEAKER: Nobody.

MR. HOOPER: Anybody? Anybody? Okay.

ACTION ITEMS

1 - APPROVAL OF MINUTES, MEETING OF SEPTEMBER 26, 2019

MR. HOOPER: We'll move on from the public participation portion and we'll move up to the action items. So the first item is approval of the minutes of our September 26th meeting.

MR. COOLMAN: I'll make a **motion** for approval.

MR. HOOPER: Can you push the button and say that?

MR. COOLMAN: I'll make a motion for approval.

MS. PENNANT: I'll second.

MR. HOOPER: Okay. Any comments on the minutes?

MR. COOLMAN: I wish they would come out faster, but they're great.

MR. HOOPER: Did you read them all?

MR. COOLMAN: I tried.

MR. HOOPER: Okay. All right. All right. All those in favor? Those opposed? Okay. The minutes pass.

VOTE PASSES UNANIMOUSLY.

DISCUSSION ITEM

SURTAX ORDINANCE 31½-71 PROPOSED AMENDMENTS

PRESENTATION

MR. HOOPER: Next is a discussion item, the surtax ordinance, Exhibit 1. And I'll let -- Ms. Cassini, can you take over?

MS. CASSINI: Absolutely. My pleasure, Chair. And I think Angela and I will probably tag team a little bit here, so. At our last meeting, there were -- there was a lot of discussion about the proposed amendments to the surtax

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ordinance. This particular presentation is intended to allow for a dialog with the Oversight Board members and also to provide the information to the public. The ordinance contains no proposed revisions in Section 31½-71 through 74. The amendments begin in Section 75. And this is already scheduled for -- it's a set for Public Hearing. It's going to come before the Board of County Commissioners on November 5th to set for Public Hearing, which then allows us to incorporate your comments, provide those to the Board of County Commissioners in advance of the Public Hearing which will occur in December.

Some of the proposed ordinance revisions are a result of the Appointing Authority providing direction about -- sorry about that -- about the actual qualifications for the Oversight Board. And that particular agenda item was heard on January 8th of 2019. It's Attachment B in your packet. And it's very small, but what that particular action of the Board of County Commissioners did is just provide a little bit more direction and clarification about the qualifications for each professional category for each of the eight professional categories. And then I think the next piece was based on our bylaws. Angela, just correct me if I'm wrong. Section D with respect to the Director of the Broward County Office of Supply Relations, we just wanted to clarify that that was a position that was specifically identified in the ordinance and not subject to the Appointing Authority nomination process. Do you have anything you wanted to add, Angela, on that?

MS. WALLACE: No. That is correct.

MS. CASSINI: Okay. So on the September 26th meeting, there was some discussion regarding the suggested changes to Section G related to staffing. Section G stated originally Broward 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.

So while originally the ordinance intended for Broward County to provide both staff and consultants as necessary, the additional sentence was included, after a lot of internal discussion, to try to clarify how that would happen. So you had the what, but how exactly do we accomplish getting the staff and the consultants that might be needed for you to perform your functions. And so there was a recommendation from the Oversight Board that the word shall remain. And this is an opportunity, I think, right now for the Oversight Board to engage in a dialog about how this should read and what it

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is that you would like to recommend to the Board of County Commissioners when they take this up on Public Hearing.

MR. HOOPER: Okay. Do you want to start, Phil, or do you want me to start?

MR. ALLEN: Question. The status of the ordinance at this point in time, the amendments to the ordinance at this point in time, what has been presented or what is scheduled to be presented to the Board? Is it the shall or the may?

MS. WALLACE: The may.

MR. ALLEN: The may. So to overcome that, then we would have to go to the Board to request a change, an amendment to the amendment.

MS. WALLACE: Right. So if this body wants to make recommendations with regard to the ordinance, then those would be presented by -- through the Coordinator for the Public Hearing that will be set in December.

MR. ALLEN: It would happen at the Public Hearing, and not with the advertised version?

MS. WALLACE: So the advertised version will be on the agenda for the May -- I mean not May --

MS. CASSINI: November 5th.

MS. WALLACE: -- the November 5th meeting to publish but what's going to be published is what was directed internally from the various internal stakeholders.

MR. ALLEN: Which is may.

MS. WALLACE: Correct.

MS. CASSINI: And just to clarify, I can submit additional material to the November 5th item that would go with the set for Public Hearing. It doesn't have to wait until December.

MR. ALLEN: I can recall some discussions in the past where those proposed kinds of amendments needed to be at least known to the Board prior to the

actual Public Hearing taking place.

UNIDENTIFIED SPEAKER: Yeah.

MR. ALLEN: Well, the -- with the budget process and the limited ability of the independent board to hire directly or to contract directly with entities, I think it's appropriate that the may should -- should still be there, and not the shall. We can't direct a budgetary action. We can't make an appropriation. The Board has to do that. And so the request formally then is to request that. We may request that of the County Administrator to submit that to the Board.

MR. HOOPER: I'm not sure. So you're saying the may on the request -- so the may is actually upon request by the Oversight Board, the County Administrator may designate.

MR. SMITH: Yeah.

MR. HOOPER: It's not really -- it has nothing to do with our request. It's more about --

MS. WALLACE: Right.

MR. HOOPER: -- the action that will be taken after we make that request.

MR. SMITH: Yeah, it puts the --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. SMITH: -- in my view, it puts the decision back on -- or the authority back on the County Administrator; right? You use the word may, there -- it could be interpreted they're making a decision at their level.

MR. HOOPER: And it's not required.

MR. SMITH: Right. And they could say I'm not going to do that and I'm not going to present it to anyone. Theoretically. I'm not saying that this would happen --

MR. HOOPER: That's right.

MR. SMITH: -- literally. But if we're getting down to wordsmithing this thing,

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which we are, down to one word, that's the issue I have with using the word, may.

MR. HOOPER: Okay. Yes, Ms. Pennant.

MS. PENNANT: So I'm in agreement with what Shea's saying and what you're saying, that we should keep the shall. The request is to the -- you're saying that the County administration -- Administrator shall do. If you do may, she could decide to or not to --

MR. SMITH: Because it doesn't talk about --

MS. PENNANT: -- so --

MR. SMITH: -- her requesting of the County Commission. It talks about retention. So it doesn't get into that she's recommending and that there's another step there. It's saying -- actually, it's leaving it here that she would be retaining.

MR. HOOPER: Did you want to say something, Ms. Wallace?

MS. WALLACE: So, yes, I'd like to I guess kind of explain the County structure under the Charter. So the County Administrator -- there are three positions that report directly to the Board of County Commissioners. The County Administrator, the County Attorney, and the County Auditor. And so all of the operational functions of the County flow through the County Administrator, including procurement, and budget.

So in order to effectuate the desire of the Oversight Board, the County Administrator would have to have the procurement section, our Purchasing Division, actually conduct a solicitation to -- in an effort to secure the services of a consultant, whichever consultant you might want to have. That's the way it -- why it's written that way. And so it would be a request to the County Administrator, and she would direct her staff to fulfill that request. Without that, then you don't -- that's the way it -- that's the way it occurs, is the --

MR. HOOPER: I get the steps in the process that's required for someone to -- whether it's the County Administrator who sits in the seat today or one in ten years from now. But I believe that we're not asking -- I don't think we're asking for someone to allocate funds from, say, General Fund or general budget. It's part of the oversight -- the surtax money that needs to be

invested in maybe something that we are requesting, whether that be an independent consultant of some sort that is expert at understanding the viability of rubber tire buses. Whatever it is. And the may doesn't say, hey, I've got to go through all these steps and you're giving me the authority as the County Administrator to go through those steps. The may says I can choose to do this or not.

MS. WALLACE: Uh-huh.

MR. HOOPER: And so -- and I think that the surtax considered the idea that the Oversight Board, acting for -- on behalf of the public, would have certain expenses. And I am sure the budget of that surtax plan, or at least the statute, and I'm going to defer to you after I say this --

MS. WALLACE: Uh-huh.

MR. HOOPER: -- because I'm not sure -- has the language in there in which we should be able to function. It's as if we would have said at the very beginning, the minute we came into this room and you guys were just kind of -- let's pretend you're standing against the wall, and we say, okay, we've got to form a Board, and we've got to get an Executive Director and we've got to hire an attorney, and we need a few things, and you might or might not give those things to us. That's what, to me, it does. And I think the word shall says, hey, we make a request and you've got to kind of -- obviously, we're in the public eye, so you have to make sure that our requests aren't, hey, I -- you know, I would really like Starbucks to be serving us breakfast every morning. I mean, you know, I get that; okay?

But at the end of the day, within reason, if we request a -- and maybe there needs to be language about reason or -- I don't know, but we have to find -- we have to have the ability, when we request a third party consultant or to go out for RFP for the proper third party consultant, that when we find that third party consultant and then we make our request, that the County is compelled to use the surtax funds to help us do our job.

MS. WALLACE: Okay. So --

MS. PENNANT: And, Mr. Chair, if I may. I think the original intent was to do exactly what you said. They wanted to make sure the we were able to have access to whatever resources we needed. And so I want to stick with the shall.

MS. WALLACE: I understand.

MR. COOLMAN: I have a comment.

MR. HOOPER: Well, let -- okay, go ahead.

MR. COOLMAN: Regardless of the issue, I mean, shall -- I understand the difference between shall and may. Can we legally change it to may? Can -- is that legally allowed, based on the way the County does business, is my question.

MS. WALLACE: Not this Oversight Board. The Oversight Board can make recommendations regarding the ordinance. The County Commission determines what will be included in the ordinance. And the County Commission is who directs the County Administrator, not the Oversight Board. So that's why we provided a copy of the Charter. And the Charter kind of outlines operationally how the County works, you know, what the County Administrator's role is, and that the oversight of the County Administrator, the County Attorney, and the County Auditor come from the County Commission. And so this body is not statutory, and the Oversight Board is not provided for in the statute. The statute provides that the County shall deposit the surtax funds in a segregated account, but the -- does not create the Oversight Board.

The Oversight Board is created by ordinance of the Board of County Commissioners, and the Board of County Commissioners has the -- within its discretion to amend it and to -- and to delegate certain authority to the Oversight Board that it desires. But it cannot delegate its statutory authority. That's why you don't have budgeting responsibility. You don't designate how much -- you know, what budget gets appropriated, because under the statute, only the County Commission can do that.

So what we can do is make recommendations. So after the internal review of the existing ordinance and input from the internal stakeholders, the CFO, the County Administrator, the Budget Director, the County Attorney, so what's being presented to the County Commission as published for Public Hearing that will be on the November 5th agenda will be what those internal stakeholders included. And we can provide this body's recommendation to the County Commission, and the County Commission will decide.

MR. COOLMAN: With all that said, can we accomplish what we want with --

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it sounds like to me you're not allowed to put the shall in there. That's what I'm -- what I'm kind of hearing.

MS. WALLACE: I cannot put the shall in the version that's going to be published for consideration by the County Commission, but we can present recommendations from the Oversight Board to the County Commission for its consideration at the time it considers the proposed ordinance.

MS. CASSINI: Mr. Chair?

MR. HOOPER: Yes.

MS. CASSINI: The Board of County Commissioners can direct the County Attorney to make any amendments to the draft ordinance that it sees fit based on either the recommendations of this body, the recommendations of a member of the public, recommendations of the County Auditor.

MR. HOOPER: Sure.

MS. CASSINI: And what I would suggest is perhaps adding a -- requesting in your correspondence to the Board of County Commissioners with all of your recommendations, requesting that a sentence be added here that says that should the County Administrator not furnish the Oversight Board with the resources requested, that the Oversight Board would have the opportunity to request those resources directly to the County Commission, which ultimately would make the decision and direct the County Administrator to do so if they saw fit.

MR. HOOPER: Did you have any comments, Mr. Allen?

MR. ALLEN: I was wondering if there was a way that we could add that kind of language there that gives us the appeal rights to overcome the County Administrator -- potential County Administrator denial of the resource, to take it directly from the board -- from the independent board to the County Commission for appropriation.

MR. HOOPER: Okay. Was this ordinance prior to the referendum? The --

MS. WALLACE: Yes.

MR. HOOPER: -- original ordinance.

MS. WALLACE: The original ordinance was adopted in -- enacted in I believe June of 2018, and the referendum went to the voters in November.

MR. HOOPER: So, I mean, we can all -- we can -- we're -- we are -- I believe we could even individually show up on November 5th if we wanted to.

MS. WALLACE: Uh-huh.

MR. HOOPER: We're part of the public. We represent the public. My argument would be -- and, again, I've told everybody, every time I see someone from the County, I mean, this isn't -- I'm not trying to start a fight or anything. And certainly I respect the due process that's required in order to get things done at the administrative level. So it has nothing to do with that. The original ordinance says that the Broward 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 the responsibilities. That was part of an ordinance in which a referendum was voted on and which was approved. And the only thing I would add to that, if I wanted the County Administrator to be put into that language, would be, and the County Administrator shall retain such consultants as the Oversight Board determines necessary to perform its responsibilities. And I think the words, perform its responsibilities, means acting -- acting a bit responsibly and also doing things that are within the day-to-day business of operating. It's not -- it's not anything that's frivolous.

So this is a complete change, and I just think that we should just request that it not be changed. There's no other sentences that are required other than maybe adding the County Administrator's name to it so that the process is done in the right order. But other than that, I think that the original ordinance had it right. And then we had an election, and the voters voted, and now we're changing something that I think materially changes the process by which this board operates. Now, I understand in future conversations that we're going to have in the next few minutes about MPO, interlocal agreements, and how the ordinance and the interlocal agreements won't match up and we have to -- we have to amend. And that, to me, is a reasonable thing. But on this particular item, I would request that we ask the County Commissioners to consider leaving it the way it is.

MS. WALLACE: Okay.

MR. SMITH: Mr. Chair, can I add --

MR. HOOPER: Yes, sir.

MR. SMITH: -- one more comment?

MR. HOOPER: Yes.

MR. SMITH: I completely agree with the spirit of what you're saying. I think anything that could -- even could be perceived by the public that they agreed to something and we're representing them, and then there's a step backwards or in a different direction is really dangerous. And I don't agree with it. And also, I hate to bring up something else that could be interpreted that way, but there's another change in here that says, shall -- let's say we go with shall. Shall designate additional staff and/or retain consultants. So, to me, that also puts the decision back on the County Administrator to make that choice. And I don't know if everybody else interprets it the same way.

If you look at the original language, there's -- that choice is not in there. So, for example, just making up an example, we come and we say we need a consultant that understands, you know, where technology is going in transportation, it's an international consultant because they've only done the signalization internationally. I'm just making something up.

MR. HOOPER: Right. Right.

MR. SMITH: And they turn around and say, well, we have an internal staff that can perform that function, and that's what they give us. Is that something that could happen under this change even though we've gone through and vetted out a consultant or a group of consultants? I understand there's an RFP process.

MR. HOOPER: Uh-huh.

MR. SMITH: And I think one more quick comment. As far as procedurally and understanding that we can't directly hire, I don't think we need to keep getting into that. I understand that. I don't think that's what this is really about. That's not an issue. You know, that's fine. And whatever -- whatever language you need to put in to finalize that piece of it, that's fine.

MR. HOOPER: Ms. Wallace.

MS. WALLACE: So the issue is the Charter and who can provide direction to

the County Administrator under the Charter, and whether that provision is consistent with the Charter. So that is the -- that's the issue. And the reason that it's being changed is because the County Administrator takes direction, based on the Charter, from the County Commission. And if we do something that is inconsistent with the Charter, then that presents an issue.

MR. SMITH: Well, what's the practical example of that? I mean, what would happen that would be inconsistent with the Charter if we went with this language?

MS. WALLACE: If we were challenged -- so there's a challenge to the surtax in Hillsborough County and authority that was given to an Oversight Committee in Hillsborough when their surtax was passed last November. That actually -- because it was a citizens' initiative, it was not presented the way this item was by the County. It was presented as a citizens' initiative to amend the Charter to establish the surtax, and it gave the Oversight Committee specific authority that's designated to the County Commission in the statute. And it was challenged legally. So we don't want to be in a position where we are taking authority in the Charter and impermissibly, perhaps, delegating that authority to a body that's not elected. So you're an appointed body. You're not a body of elected officials, and the County Commission is. And the Charter is adopted by referendum. And so we don't want any inconsistencies with the Charter --

MR. HOOPER: Mr. --

MS. WALLACE: -- and how the Administrator's role under the Charter and the respective role of the County Commission under the Charter operates.

MR. COOLMAN: So you're saying, unless we change the Charter, we really have to leave it may?

MS. WALLACE: And you can't change the Charter unless it's on the ballot.

MR. HOOPER: I still -- okay. So the Administrator -- so it says in the original language -- and I understand that they're elected officials, and I understand that we can't be telling them how to spend the money or even approve any projects to allocate surtax money to those projects. But this ordinance, for just the responsibility to carry out our duties -- that's all we're talking about. We're not talking about, hey, you need to go buy 50 more buses. That's not what we're talking about. But to allow us the ability to act out in our

responsibilities, Broward County -- and I don't read that as Broward County Administrator. I read that as we're going to ask the elected officials to provide us with sufficient staff to enable the Oversight Board to efficiently perform its functions. And then they shall retain consultants as the Oversight Board determines necessary to perform responsibilities. That's it. That's all we're doing. We're asking for -- we're asking the County Commissioners, and I guess if they want to -- if they want to say, no, I guess there's -- that's their prerogative. But I think that all we're talking about is performing our responsibilities. We're not talking about spending money on equipment or anything like that, so --

MR. COOLMAN: Mr. Chair, what I --

MR. HOOPER: Yes.

MR. COOLMAN: -- think I'm hearing, though, is that paragraph, which I totally agree with, probably was written incorrectly based on the laws you're governed by, meaning the Charter and the way things work. In other words, you're -- we don't want you to change it, but I'm hearing you say you legally have to change it because it violates the Charter or something like that. Is that correct?

MS. WALLACE: It's inconsistent.

MR. COOLMAN: It's exactly what you were fixing the other things, you felt you had to fix that, even though we don't like that.

MS. WALLACE: Yes.

MR. SMITH: But the change would be inconsistent with what the voters approved, and that's where my issue is.

MR. COOLMAN: It is inconsistent with what the voters approved, but what was approved by the voters was written improperly based on the way we're set up to govern them. And I'm not an attorney, but I think that's what's happened.

MR. HOOPER: I don't totally agree --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. HOOPER: -- with that, because, you know, at the end of the day, they were compelled to allow an Oversight Board. That was one of the big deals in getting the referendum approved, was putting an Oversight Board into place; okay? And so by changing this, they may -- if it was a different Commission, in the future, if it was a different administration and they just want to take total control, they could just tie our hands completely, financially, from being able to do performance measures, from being able to -- you know, what if they say, hey, we're stripping you -- you know what? We're going to give you some interns to run your program, and you're going to lose an attorney and an Executive Director. We're just -- we're going to -- we're not going to spend any money on this thing. And all of a sudden, we are -- we're meeting in a warehouse. I mean, I'm just going extreme here; okay? I mean, but seriously, that's -- this is speaking to us performing our responsibilities, all right? And --

MR. COOLMAN: Yeah.

MR. HOOPER: -- and the County -- after having a referendum, the County Commission should be compelled to allow us to do -- act out our duties to the level that we deem necessary, because that's what was in the referendum.

MR. COOLMAN: Alan, I agree with you a hundred percent.

MR. HOOPER: So --

MR. COOLMAN: And I would make a **motion** that that be sent back. But I'm afraid we're getting into a legal limbo here. I mean, I agree with you, but other than changing the Charter, I think their hands are tied.

MR. HOOPER: Okay. Any other comments? So what do we -- how do we move forward with that?

MS. CASSINI: I think I've gotten some direction, but I just want to make sure that I've gotten clear direction from all of you. You would like the language to stay as it is, not to include --

MS. PENNANT: Vote on it.

MR. HOOPER: Does everybody believe that?

UNIDENTIFIED SPEAKER: No.

MS. CASSINI: -- a -- okay.

MR. HOOPER: Not everybody believes that.

MS. WALLACE: Somebody going to make a motion?

MS. CASSINI: So perhaps --

MR. SMITH: Can we be clear on which version that we're --

MS. CASSINI: -- so --

MR. SMITH: -- that we're -- that when you say, stays as it is, what --

MS. CASSINI: -- so stays as it did when it was passed in June, so rejecting the proposed changes.

MR. SMITH: No, I'm fine with the change that we have here with the word shall and adding in the part about the County Administrator. I don't have an issue with that.

MS. CASSINI: Okay. So adding in the part about if the County Administrator did not --

MR. SMITH: I'm down to the --

MS. CASSINI: -- grant it --

MR. SMITH: -- words -- I'm down to the word shall and may. What I thought I was hearing was that someone was suggesting to put the word may back in. That's what I thought we were talking about.

MR. HOOPER: So the word may between Administrator and designate. And you also brought up the and/or.

MR. SMITH: Well, that's a different -- right. That's -- that --

MR. HOOPER: Okay.

MR. SMITH: -- that's --

MR. HOOPER: So those are the two --

MR. SMITH: Yeah.

MR. HOOPER: -- those are really -- I mean, if you left it the way it is amended --

MR. SMITH: Amended, exactly.

MR. HOOPER: -- it would do essentially the same thing, only it would clarify it a little bit more if you left shall and if you put and instead of and/or. And I know we're talking about little words here --

MR. SMITH: No. It makes a difference.

MR. HOOPER: -- but believe me, I lose on lease -- on leases and purchase agreements over little words; okay?

MR. SMITH: No, I agree.

MR. HOOPER: So --

MR. SMITH: Yeah.

MS. CASSINI: Did the board want to add a sentence addressing the issue of an appeal should those resources not be provided? Because, again, I heard a lot of different things here. There is the possibility of inserting the word Commission after Broward County. The Broward County Commission shall provide sufficient staff, rather than the Administrator. You could keep Administrator and then create the appeal. But the -- you know, the issue I think that Angela and I will continue to wrestle with here is the direction. So to whom --

MS. WALLACE: Right.

MS. CASSINI: -- are you providing the direction and what is your recourse if that direction is not followed.

MR. HOOPER: I don't know. I don't know what our recourse is. I mean, it -- you're saying that we have to leave it up to the County Commission and they -- and it's ultimately they're going to be the one that sets the ordinance and

amends it as necessary. I just think that, from my perspective -- and maybe I'll show up at the meeting and just give my thoughts, but I just think that the word may should be changed to shall. And based on what Mr. Smith said, I think the and/or should say and. That's it. And then if they want to vote on that, then, really, an appeal to the County Commission after they've decided how do to it, I mean, an appeal is just going back to the County Commission to ask them again; right?

MR. COOLMAN: Alan, you're just saying don't change what was in there. That's --

MR. HOOPER: No, I --

MR. SMITH: No, no, no.

MR. HOOPER: -- I didn't. We're -- because now they've been clear to say the County Administrator, not --

MR. COOLMAN: Oh.

MR. HOOPER: -- the only thing I'm talking about is the word may goes to shall on the amendment, and and/or goes to and on the amendment. That's it.

MR. SMITH: That's exactly what I'm in agreement with as well.

MR. HOOPER: And so, I guess what we can do is take a roll call on who agrees with that and who doesn't, and then you -- we can say five out of six or four out of six or whoever, you know. Or even -- I don't care. Just that there were board -- there were Oversight Board members in a majority that felt this; okay? So why don't we take a --

MR. CAVROS: Can -- can I ask a --

UNIDENTIFIED SPEAKER: Well --

MR. HOOPER: Yes. Yes.

MR. CAVROS: -- let me just ask a question about --

MR. HOOPER: Mr. Cavros.

MR. CAVROS: -- there was a question about who we go to for additional support. Is it the Commission or the County Administrator? Is --

MS. WALLACE: So --

MR. CAVROS: -- did you have an opinion on that?

MS. WALLACE: -- yes. The Charter provides that the County Administrator operationalizes the County Commission's directives. So the County Commission is the governing body of the organization. The County Administrator operate -- and they create policy through ordinances, through Administrative Code provisions that they adopt.

The County Administrator operationalizes those under the Charter. That's why you were provided a copy of the Charter. The Auditor does the internal auditing, and the County Attorney provides representation to -- is the chief legal counsel for the County and directs and supervised the County Attorney's Office. And it says the County Attorney shall represent the County, the County Commission, the County Administrator, department heads, and all departments, divisions, all boards, committees, agencies, and authorities in legal matters affecting the County. So those are our roles. So the County Attorney determined that I would be here. The County Administrator kind of - - you know, Gretchen reports to the County Administrator. Laura Rogers reports to the County Auditor. So that's the -- but the County Commission can direct those three officials who report directly to them.

MR. CAVROS: So I guess my question is in the original ordinance, when it says Broward County, did it mean the Administrator or did it mean the Commission?

MS. WALLACE: It means the organization. And the person who operationalizes the organization is the County Administrator.

MR. CAVROS: Okay. So it's your opinion that whether it says Broward County or whether it says Broward County Administrator, either one of those is inconsistent with the County Charter?

MS. WALLACE: Well, the County Commission directs the County Administrator. I think right now it's -- what's in the ordinance is problematic, because the County Administrator is the person who would fulfill the request. And -- but her direction comes from the County Commission.

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MR. CAVROS: So -- yeah, so I guess I'm struggling with if we're asking the County -- well, the way it's written now, is this inconsistent with the Charter before -- the original language. If we're -- if we're asking the Commission to provide sufficient staff.

MS. CASSINI: If you asked the Commission to provide sufficient staff, which was I think why I was making that suggestion earlier, and the Commission directed the County administration to provide you with staff and resources as requested, it is not a violation of the Charter.

MS. PENNANT: So that's the change that we need. So it sounds like that's the change that we need, is that the shall is to the Commission.

MS. WALLACE: But do you think that the County Commission is going to allow this body to say that they shall do something?

MS. CASSINI: You can request. So, again, it's a request to the County Commission. And, based on the granting of that request, the County Administrator would be directed by the County Commission to provide you with those resources. It's just semantics. But, honestly, the request -- it's a request from this board to the County Commission, and then they direct the County Administrator.

MS. PENNANT: It's in our performance of duties, and so it feels almost like you want us to do this, but you have the potential to tie our hands. And that is, I think, where we're challenged.

MR. HOOPER: And the only --

MS. PENNANT: (Inaudible.)

MR. HOOPER: -- thing I would say is they approved the language the first time that said shall. So, hey, it's up to them to amend the ordinance however they have. I just wanted my voice -- I just wanted to say my opinion. And from there we'll -- it's up to the County Commission to amend as they see fit. Is there any other questions? Mr. Cavros?

MR. CAVROS: No, I would just add in the alternative, if they choose to adopt the alternative language, that there be a provision in there similar to what Ms. Cassini provided, an appeal process to be able to go directly to the Commission and ask them for those resources.

MR. HOOPER: And is it --

UNIDENTIFIED SPEAKER: -- not a function.

MR. HOOPER: -- is it -- I'm sorry to keep beating this thing. Is it the fear of what's happening in Hillsborough that's instigating this?

MS. WALLACE: I mean, there's no fear. There, for a long time, from the time, basically, the interlocal agreements, which we'll get into --

MR. HOOPER: Uh-huh.

MS. WALLACE: -- as we progress in this presentation, the ordinance -- what was always anticipated that there would be revisions based upon the action taken by the County Commission in January at the request of the Appointing Authority when they wanted criteria to apply to the applications for the Oversight Board positions, the interlocal agreements entered into between the County, the municipalities, and the Broward MPO regarding the prioritization process and how municipal projects would be addressed. So and we don't go and amend ordinance routinely, so it's -- there's one opportunity to --

MR. HOOPER: Uh-huh.

MS. WALLACE: -- amend it, and there was a holistic approach in analyzing the ordinance as it was currently enacted, and comments were received internally from the respective departments within the County so that it would be a one-time revision based upon things that have occurred since the passage of the surtax to address procedures and things going forward as it relates to the surtax. But it's not something that is done on -- just on an ad hoc basis --

MR. HOOPER: Got you.

MS. WALLACE: -- on a regular basis. So, you know, there was a desire to ensure that everything that needed to be addressed was addressed in this one revision.

MR. HOOPER: So what I'll ask is if somebody can make -- and I know that we're in the middle of a presentation. I just want to get -- I want to get -- I want to do a straw poll or whatever you want to call it. Mr. Smith, if you can --

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do you want to verbalize what you think is the correct way to --

MR. SMITH: Sure, I'm happy --

MR. HOOPER: -- amend it?

MR. SMITH: -- happy to do that. So I -- to restate, the way the amended language is written here, using the word shall -- so I'll just read it in full, and then I'll add one additional comment. Upon request by the Oversight Board, the County Administrator shall designate additional staff and retain consultants to assist Oversight Board in the performance of its functions. This is what I'd like to see put forth. In addition, I think what Mr. Cavros had mentioned in terms of an appeal process is something else to consider including.

MR. HOOPER: And thank you. And so if you wanted to add more detail to that in order to make it so that we couldn't just come in and say, hey, we want you to build us a new building or something like that, there could be -- this thing is one paragraph when we're talking about so many things --

MS. WALLACE: Uh-huh.

MR. HOOPER: -- right? And so many possibilities that, honestly, there should have been more thought into the language, and I think we might have been able to get to the right place. I don't think you can really do it in a paragraph. But, that being said, I just want to go --

MS. PENNANT: Can I?

MR. HOOPER: -- oh, go ahead.

MS. PENNANT: You know, the sentence before says, for staffing. It says Broward County shall provide sufficient staff to enable the Oversight Board to efficiently perform its function. That's the preface; right?

MS. CASSINI: Correct.

MS. PENNANT: So the County shall.

MS. WALLACE: Uh-huh.

MS. PENNANT: So I --

MR. HOOPER: Yeah, it's already there.

MS. PENNANT: -- so that's -- we're keeping that. So I'm trying to figure out if we're keeping --

MR. HOOPER: What's the difference?

MS. PENNANT: -- that, where's the problem, exactly?

MS. WALLACE: Because we're explaining --

MR. HOOPER: What's the difference?

MS. WALLACE: -- how that works.

MS. PENNANT: But are we still keeping that first shall?

MS. WALLACE: That's what's proposed, yes.

MS. PENNANT: And that's okay legally?

MR. SMITH: Yeah, why does the ordinance have to spell out exactly how things are going to happen procedurally in the County? I don't get that. So in other words, if you just had the word consultants in the first sentence, and we just knew that this would happen, do we really have to get into the fact that the County Administrator would be involved and all of these things necessarily? Or it would just happen as a matter of course?

MR. HOOPER: Anyone want to (inaudible)?

MS. PENNANT: And that's what I'm curious about, because if we just deleted this whole section, then we just go with Broward County shall provide. And then we're not hit with that, the ramification of whatever happens --

MR. SMITH: But you do need --

MS. PENNANT: -- in that other --

MR. SMITH: -- consultants --

MS. PENNANT: -- county.

MR. SMITH: -- in there, because there are going to be areas where we need expertise that's not going to lie within the County.

MS. PENNANT: So provide sufficient staff and retain consultants.

MS. WALLACE: Uh-huh.

MR. HOOPER: The only thing --

MS. PENNANT: In the performance of our duty. And just leave it as such.

MS. WALLACE: You can make whichever recommendation you'd like to make.

MR. HOOPER: So -- but why is it -- why is it a problem to put shall on the second sentence but having shall on the first sentence -- you're telling Broward County that they shall do something, and we're leaving it that way. I just need to understand that, too.

MS. CASSINI: Well, I'm going to jump out there and --

MR. HOOPER: Okay.

MS. CASSINI: -- Angela, correct me, but the first sentence is a broad policy statement, and it says that Broward County shall. It doesn't say that you all are determining how. So the issue with that sentence is --

MR. HOOPER: Oh, I get it.

MS. CASSINI: -- as the Oversight Board determines is necessary. So do you see the --

MR. HOOPER: I do. I see the --

MS. CASSINI: Okay.

MR. HOOPER: -- I see the distinction.

MS. CASSINI: I -- I just -- if -- Chair, if -- if I might also --

MR. HOOPER: Sure. Please.

MS. CASSINI: -- just maybe to provide some comfort to the Oversight Board members in this deliberation is the Oversight Board also is the body that funds and approves -- that approves the funding for all County projects that come before you annually. And so there would be little incentive for the County to not provide you with the resources that you requested.

MR. HOOPER: Thank you for that.

MS. PENNANT: All right. So on that issue, just because that -- I noticed that shall in the first --

MR. HOOPER: That's right.

MS. PENNANT: -- statement, I'm okay with having the County Administrator piece changed to may. Because at the end of the day, the County still has to provide the provisions that we need.

MS. CASSINI: Right.

MS. WALLACE: Right. And this body determines the eligibility of projects and expenditures.

MS. CASSINI: Right.

MR. HOOPER: (Laughs.) I won't say anything. Okay. All right. So you're --

MS. PENNANT: That's my --

MR. HOOPER: -- okay with may.

MS. PENNANT: -- concession. Yes, I'm --

MR. HOOPER: You're okay with may. But --

MS. PENNANT: -- yes, because --

MR. HOOPER: -- what about --

MS. PENNANT: -- of the preface.

MR. HOOPER: -- and/or retain?

MS. CASSINI: That was actually intended to offer the flexibility in that sentence to say that if you are asking for consultants, she could retain those. If you were asking for staff, she could retain those. We could draft that a little bit more artfully so that it's clear.

MR. HOOPER: Okay.

MR. SMITH: Yeah, I think that's just a language issue on that point.

MR. HOOPER: Okay. All right. Okay. So then maybe we get --

MR. ALLEN: What's --

MR. HOOPER: -- yes, Mr. Allen.

MR. ALLEN: -- what's the motion?

MR. HOOPER: The motion was originally to change may to add shall and and/or to and, but now maybe we vote on the amendment the way it is, and then we'll see if everyone is okay with the way it is. All right?

MR. ALLEN: Which is keeping the may.

MS. WALLACE: Uh-huh.

MR. HOOPER: Keeping the may. I guess staff will wordsmith the and/or as a recommendation; correct?

MS. CASSINI: And the only thing I need some direction on is if you would like the sentence to reflect the appeal should you not receive the resources that you've requested. The -- so again --

MR. HOOPER: Inasmuch as we were told that we fund projects, I think we could always go back and appeal as a board anyway; right? Couldn't we just go back and say, we fervently object to what you just did? You know, it's like at the end of the day, it -- the appeal process, to me, is a little bit -- you can add it if you want to. But, anyway, let's go around and -- I just want to find -- see how each member feels about leaving it the way it is, may, and a little bit

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of wordsmithing on the and/or. George, how do you feel about that?

MR. CAVROS: I think I'm okay with it with the wordsmithing of and/or.

MR. HOOPER: Okay. And you're okay with the may?

MR. CAVROS: I am. I mean, I think the appeal provision, like you said, might -- you know, might be nice to have there, but ultimately, I don't know that it's necessary, since we can always go to the Board directly.

MR. HOOPER: Right. Ms. Pennant?

MS. PENNANT: I'm fine with the change on the and/or. I'm good with the may now. And certainly I think having the appeal piece is a good idea --

MR. HOOPER: Mr. Allen.

MS. PENNANT: -- just to (inaudible).

MR. ALLEN: I'm fine with -- I'm fine with keeping the may.

MR. HOOPER: And the and/or, just wordsmithing it. Mr. Smith?

MR. SMITH: I really hate to do this. I don't see in the conversation where we jumped back to the may. Are you guys saying that because --

MR. HOOPER: You -- you --

MR. SMITH: -- Broward County shall.

MS. PENNANT: Right.

MR. SMITH: So now you're okay with the County Administrator may?

MS. PENNANT: Yes.

MR. SMITH: We're going to hang our hat on the shall up above? Is that what we're --

MS. PENNANT: Correct.

MR. SMITH: -- what we're --

MR. HOOPER: Just --

MR. SMITH: -- saying?

MR. HOOPER: -- just give us your take on it.

MR. SMITH: I'm not sure about it. I mean, I understand now what you're -- you're saying. I just think we made a jump there a little bit in the reasoning. I --

MR. HOOPER: So you're -- you don't agree with that?

MR. SMITH: No, I don't.

MR. HOOPER: Okay.

MR. SMITH: Right now I don't think I do.

MR. HOOPER: Mr. Coolman.

MR. COOLMAN: I'm okay with the may, because I think legally that's the way it has to be, based on the way the County operates. And with these other little things, that's fine.

MR. HOOPER: Okay. I'll just say I'd prefer for it to stay at shall, and you can change the and/or however you think it will fit best. And so, as a majority, most of the members did find that the may was okay, and that's -- you can let the County Commission know what we -- how we deliberated on that.

MS. PENNANT: I think that the bottom line is we want to be on the right side of the law, for sure. And I think we are protected by that first shall.

MR. HOOPER: Okay.

MS. PENNANT: And that it is the basis.

MR. ALLEN: Excuse me. Gretchen or Angela, do you prefer that we do a formal motion and take a vote on the motion to give you that kind of direction? I'm just --parliamentary process here that --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. ALLEN: -- we're saying, the majority.

MS. CASSINI: There was a motion but there was no second --

MR. ALLEN: Right.

MS. CASSINI: -- so, I mean --

MR. HOOPER: So the problem with that is we're about to go through like five or ten more items here, and we all may have different opinions on all of those items. And so I don't really know how -- honestly, other than just calling your County Commissioners or going to the meeting and speaking your mind, I don't know any other way to do it, unless we want to make motions on every single item. And if you want to do that, we can do that, too, and just vote on it.

MR. SMITH: Can I put one more comment on the record. Just as a practical example, looking at this the way -- thinking about approving it now or recommending now. If we wanted a consultant, okay, the top line says, Broward County staff shall provide -- shall provide sufficient staff. It's talking about the staff.

MR. HOOPER: Uh-huh.

MR. SMITH: The part where we get down to talking about consultants, there's a -- there's going to be a may.

MR. HOOPER: That's right.

MR. SMITH: So if we recommend a consultant that we specifically want in an area of expertise, they can flat out deny us, and we have no ordinance to go back to. And that is a step backwards from what was approved from the voters. And that's going to be my final comment on it.

MR. HOOPER: And not only that, you -- it could be something that is counter -- this board is not always going to agree with what the County is -- that's the reason we're here, is to do a performance measure on something that maybe we feel like isn't performing. And we may not be on the same side ten years from now with the County Commission.

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And then they can just say, no, you can't have that performance consultant to do that.

MS. PENNANT: So --

MR. HOOPER: We're going to do it.

MS. PENNANT: -- Chair, can I recommend, then, that on the first sentence, where we have, Broward County shall provide sufficient staff and retain consultants, could we have it -- that change there? Would that work?

MS. WALLACE: You can make a motion and we'll recommend whatever you decide.

MR. SMITH: That -- that would for me --

MS. WALLACE: But all we can do is --

MR. SMITH: -- and I don't -- yeah.

MS. WALLACE: -- refer it --

MR. SMITH: Sorry.

MS. WALLACE: -- as a recommendation from the Oversight Board, if there's a majority that agrees to that.

MS. PENNANT: Okay. So I'd like to make a **motion** that we include in that first section where we have, Broward County shall provide sufficient staff and retain consultants to enable the Oversight Board to efficiently perform its functions. And then, upon request by the Oversight Board, the County Administrator may designate additional staff and retain consultants to assist in the Oversight Board in its performance of its function.

MR. SMITH: Can we -- before --

MR. HOOPER: We need a -- wait, wait.

MR. SMITH: Yeah, go ahead.

MR. HOOPER: Is there a second on that motion?

MR. ALLEN: I would second.

MR. HOOPER: Okay. Now, is there any discussion?

MR. SMITH: I have discussion. Can we consider striking the second sentence? I mean, I think your revisions are perfect, and just leave it at that.

MS. PENNANT: I'm good.

MR. SMITH: I mean, the way the County operates after that --

MS. PENNANT: It's up to them.

MR. SMITH: -- it is what it is. Why do we need to get into what the County Administrator's going to do and start-- it doesn't -- it obviously doesn't help. It's confusing.

MS. PENNANT: And it's the piece that's opening us up to potential litigation. So I'm fine with striking it, too.

MR. HOOPER: So do you want to amend your --

MS. PENNANT: Yes. I can do that.

MR. HOOPER: -- your motion?

MS. PENNANT: I'd like to make a **motion** that we change the language in G, staffing. Broward County shall provide sufficient staff and consultants -- and retain consultants to enable the Oversight Board to efficiently perform its functions. Period.

MS. WALLACE: So that was a friendly amendment that she accepted.

MR. HOOPER: So --

MS. WALLACE: Mr. Smith's --

MS. PENNANT: Is there a second?

MS. WALLACE: -- friendly amendment.

MR. HOOPER: -- do we have a second?

MS. WALLACE: You second?

MR. ALLEN: I agree.

MS. WALLACE: You --

MR. HOOPER: Okay. All right. Now, let's go --

MS. WALLACE: Was that a second, Mr. Allen?

MR. ALLEN: Yes.

MS. WALLACE: Okay

MR. HOOPER: -- now let's -- can you do a roll call, please? I'm sorry. I'm looking at the wrong person. I'm sorry about that. Could we do a roll call, please?

MS. CASSINI: We'll start with Mr. Allen.

MR. ALLEN: Yes.

MS. CASSINI: Mr. Smith.

MR. SMITH: Yeah.

MS. CASSINI: Mr. Coolman.

MR. COOLMAN: Yes.

MS. CASSINI: Mr. Hooper.

MR. HOOPER: Yes.

MS. CASSINI: Ms. Pennant.

MS. PENNANT: Yes.

MS. CASSINI: Mr. Cavros.

MR. CAVROS: Yes.

MS. CASSINI: Okay.

MR. HOOPER: Okay. Wow.

MS. CASSINI: It passes.

MR. HOOPER: I'm glad we got -- I'm sure you guys are, too, glad we got through that. Okay. Then --

MS. WALLACE: So your recommend will be -- your recommendation will be noted.

MR. HOOPER: Okay.

VOTE PASSES UNANIMOUSLY.

MR. HOOPER: Ms. Cassini, if you could keep going.

MR. ALLEN: And that will be handled by a letter from --

MS. CASSINI: What I will do is draft a letter with all of the recommendations to make sure that I've captured them correctly. I'll distribute them to the Oversight Board before it's distributed as additional material to the County Commission. Okay?

MR. HOOPER: Very good. Thank you.

MS. CASSINI: No problem. Okay. So the next piece, I just want to give a little bit of a high level overview for those of you -- because we haven't talked in a while about the actual program in the plan and the municipal projects. So -- and for the Oversight Board and the public's benefit, just to reiterate, we're talking about a 16 and a half billion-dollar transportation surtax over 30 years. 3.3 billion dollars of that is, at this point, set aside for municipal projects. That's inclusive of the community shuttle program. And within those municipal projects, 2.8 billion are project specific. Some of those are new capital projects. In fact, many of those are new capital projects. And then a little over 200 of those are categorized as rehabilitation and maintenance of existing city facilities, municipal facilities.

The municipalities were concerned. Many of them felt that they had a lot of deferred maintenance in -- on the roadways, and they would like to be able to do rehab and maintenance projects early in the program. And their concerns were, well, is it really going to be considered a project that alleviates congestion and reduces -- and creates connectivity. Is repaving really going to meet that level of prioritization for the MPO. The solution, after many, many months of discussions with municipalities -- and I think we even had that discussion with this body at your first meeting in April, when the ten percent allocation question came up. That was generated in some degree by the municipalities' desire to be to be able to do rehabilitation and maintenance projects early in the program.

The first amendment accomplishes several things, one of which is to carve out rehabilitation and maintenance projects that were in the plan that went to the voters, submitted by municipalities from the MPO's prioritization process, to potentially allow them to be funded earlier in the program. Okay. So nothing about that changes the role of the Oversight Board, however. So when municipal rehabilitation and maintenance projects are brought forward for consideration, they will come to the Oversight Board just as all other municipal projects that are prioritized through the MPO will. Okay?

So there was a question -- there was a request at the last board meeting that you be able to look at the strike throughs and the underlined versions side-by-side, so rather than have them spit up across the document. So we're going to start with Section H, and all of the strike-throughs in Section H are completely related to the interlocal agreement that we entered into with the MPO for the prioritization process. So there was an application process that was contemplated when this ordinance was created, and it was contemplated based on what was available. At that time, there was no Appointing Authority, there was no Oversight Board, and the plan was being developed between the municipalities, the MPO, and the County, and then brought forth to the Broward County Commission for approval before it went to the voters. Now that all of those things are in place and we have our interlocal agreements in place, we're able to better articulate the application process.

So the very next page is the new language. I won't read through all of this because you all have it. I'll stop only if you have a specific question. But I did want to point out that in Subsection 3, based on the request of the Oversight Board on September 26th, we added language at the very end of that subsection that reiterates that when the five-year plan that's being developed

and is coming forward on July 1st of 2020 at the latest, when that comes forward to the Oversight Board, we know that they will be -- there will be amendments periodically. There will be annual updates to that plan. There will be new projects. I want, again, to reiterate, that five-year plan that comes forward in July of 2020 will consist only of projects that were in the plan that went to the voters, because new municipal projects will not be considered by the MPO until February of 2021. So the five-year plan will have those existing projects in it, and then, as new projects are considered and recommended for funding, both County and municipal, they'll be added into the plan. Every time that happens, it will come to the Oversight Board for your eligibility determination and approval.

The next page outlines the various elements that will be required in interlocal agreements with the municipalities in order for them to be eligible to receive funds. And it's many of the things we've talked about here previously. Consistency around branding, logos. The ability for us to audit. Separation and segregation of financial information. There are performance measures, data measures, deliverables that are going to be prescribed by the Oversight Board and the County. You'll notice you have been added in there. And a variety of other things, as well as the inclusion, in Subsection 6, the very bottom right, of an eligibility determination appeal process. This was, again, something that municipalities brought to us for our consideration. We agreed that it was a good idea. If, at the staff level, either the MPO surtax-funded staff or Broward County staff were to determine a municipal project as ineligible, either a rehabilitation and maintenance projects or a new capital project, and said, you know, this really does not meet the statutory requirements for eligibility, and that particular municipality wanted to be able to appeal that determination, since eligibility determination is really within the wheelhouse of the Independent Surtax Oversight Board, Subsection 6 has been included to give you all the first opportunity to review that eligibility determination.

Angela, did you want to add anything? Okay. Were there any questions or suggestions or concerns with that particular language from the board? Okay. I'll keep going. Because the Oversight Board, again, has as its fundamental pre-project funding role as determining eligibility, we recommended that you would be the appeal body. However, if there continues to be disagreement between a municipality or the County about a project's eligibility, the idea now is that we would then take that either to the Department of Revenue or to the Attorney General for an opinion on the eligibility of that particular project or expenditure. And Subsection 7 simply recognizes that the interlocal

agreement between the County and the MPO for municipal prioritization controls the process.

MR. HOOPER: Hey, Gretchen, so tell me where, because the Oversight Board -- the appeal process to the Attorney General, where -- what is that speaking to in the original language? Like tell me what did it say before?

MS. WALLACE: It didn't.

MR. HOOPER: But what did it say in terms of the Oversight Board not agreeing with a project? It just kind of left it in a 50/50 -- like a roadblock type thing? Is that where we would land?

MS. WALLACE: The existing ordinance did not address the ability to appeal a determination of ineligibility. So the plan went to -- that the Board approved is the only thing we've been operating with so far, and those were accepted by the County as eligible, and they were presented to the Oversight Board. But going forward, if there's -- there are new projects that are presented, then -- and a municipality comes to staff, with this new staff process, MPO staff and County staff reviewing the municipal projects, if staff, at the staff level, inform the municipality that the project is not eligible, then the municipality can request a review by this body. And this body will deliberate and make a determination and a recommendation regarding eligibility that would be forwarded to the County. And then the County can seek legal opinion from the Attorney General's Office, or the Department of Revenue that administers these funds, regarding eligibility if it rises to that level. But it was not addressed in the existing ordinance.

MR. HOOPER: Go ahead, Doug.

MR. COOLMAN: So I assume that's if the Oversight Board didn't agree with the city that --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. COOLMAN: -- was requesting it.

MS. WALLACE: Correct.

MR. HOOPER: And how would we play in that process? So if the Oversight Board didn't agree with a project because it felt that it -- I mean, how do we

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get -- how are we represented when it goes to another level like the Attorney General or the Department of Revenue? Because it's all about -- it's all about making sure both points of view are heard. So I'm struggling with this a little bit.

MS. WALLACE: So the basis -- what would come out of the deliberations of this body would be a recommendation and the reason -- reasoning, or the basis for that recommendation. And so that's what would be presented at any other subsequent level for review, the outcome based upon this body's deliberations and written recommendation.

MR. SMITH: Mr. Chair, so --

MR. HOOPER: Yes.

MR. SMITH: -- it sounds like, if I have the flow right, it would come to us, theoretically. We would say we don't agree that this meets the criteria for the ordinance. They would appeal. It would come before us again.

MS. WALLACE: Not before you again.

MR. SMITH: Not before us --

MS. WALLACE: The --

MR. SMITH: -- again.

MS. WALLACE: -- no, it goes to --

MR. SMITH: And then it goes --

MS. WALLACE: -- the County Commission.

MR. SMITH: Okay. So this is the part where it talks about the County Commission in consultation with the County Attorney? That's the language that's in here; right?

MS. WALLACE: This -- the Oversight Board, with -- is with consultation from the County Attorney's Office --

MR. SMITH: Okay.

MS. WALLACE: -- makes recommendations regarding eligibility.

MR. SMITH: I'm talking about --

MS. WALLACE: But then --

MR. SMITH: -- when it's an appeal, though. So we've already said we don't -- we don't approve the project. So from that point on, what's the appeal process?

MS. CASSINI: Let me read the language that's in the proposed ordinance into the record so that people in the public can also follow --

MR. SMITH: Uh-huh.

MS. CASSINI: -- along with what the conversation is. This is Subsection 6, and it says, any determination by surtax-funded Broward MPO staff or County staff that a proposed project does not meet the statutory requirements may be appealed in writing to the Oversight Board no later than 15 days after the staff decision is issued. This does not require formal City Commission action. It's just something in writing saying that a member of that particular municipality's appealing the decision.

The Oversight Board shall review the written appeal, afford the appellant an opportunity to be heard at an Oversight Board meeting, and submit a recommendation to the County Commission no later than 30 days after the meeting during which the appeal was considered. Thereafter, the County Commission, in consultation with the County Attorney, will determine whether the proposed project meets the statutory requirements. In the event of a dispute regarding eligibility, the Office of the County Attorney may request an opinion from the Florida Department of Revenue or from the Florida Attorney General, as applicable.

MR. COOLMAN: I assume this is here to protect the cities. They didn't have a process before, if they were denied. It comes to us first.

MR. HOOPER: Turn on -- turn on your -- turn on your mic.

MR. COOLMAN: If we -- if we agree that it is eligible, it didn't say what happens here, but I assume the issue's dead, and it goes forward. So this is a benefit to the city if something is turned down initially. We are just the first

steppingstone.

MS. CASSINI: Correct.

MR. COOLMAN: And if we -- if we disagree with the staff and we say it's good, then it goes; right?

MS. WALLACE: Then the recommendation goes to the County Commission --

MR. COOLMAN: Okay.

MS. WALLACE: -- yes.

MR. HOOPER: And this is -- this is only speaking to municipal projects?

MS. WALLACE: Yes.

MR. HOOPER: Okay.

MR. CAVROS: Chair, I have a question.

MR. HOOPER: Yes, sir.

MR. CAVROS: Angela, what was the thinking behind having the Oversight Board play a role in the appeal process?

MS. WALLACE: Because the Oversight Board, under the ordinance, is the body that reviews for eligibility under the statute through this -- through the process.

MR. CAVROS: So it's -- they're effectively pre-screened by the --

MS. WALLACE: By staff.

MR. CAVROS: -- Broward MPO -- by staff --

MS. WALLACE: Uh-huh.

MR. CAVROS: -- before.

MS. WALLACE: Uh-huh.

MR. SMITH: I think it's a good -- I think it's a good process, and good for the cities to have a way to get directly to this board in an official capacity.

MR. HOOPER: Okay.

MS. CASSINI: And I was asked to provide you with an update about the cities that had passed the first amendment to the interlocal agreement. That is the interlocal agreement that actually created the foundation for many, many of the changes to this ordinance, and why we've been waiting to bring these ordinance revisions forward. It became effective on September 12th, when the MPO passed it. And at this point, Coconut Creek, Cooper City, Coral Springs, Deerfield Beach, Fort Lauderdale, Hillsboro Beach, Hollywood, Lauderdale Lakes, Margate, Miramar, Parkland, Pompano Beach, Southwest Ranches, Tamarac, West Park, and Weston have acted on the first amendment, which made it effective at the point where we had enough cities that represented a population of 50 percent plus one of the total County population.

So it became effective back -- from a city population perspective, back on August 22nd. We're now moving into Section I strike-throughs. Again, it was requested that we put these side-by-side, so we're going to start with the strike-throughs. It's very difficult to read, so I'm going to read it aloud. There's a note there from one of the members of the Oversight Board that says -- oh, even with my glasses -- in the amended code, the Oversight Board appears to lose the right to make recommendations during the initial approval phase. While the Oversight Board's focus is on approving projects based on the statutory criteria, it may be helpful to retain the right to provide recommendations when warranted. It was our recommendation as staff internally to remove this because we felt that this was something that the Oversight Board had already, under Section J.

So the minute that you approve a project as eligible, it moves to the County Commission budget process. It's funded. At that point, the Oversight Board retains very broad level of authority to provide recommendations, comment on best practices, report, audit, et cetera, the performance and the finances of any project or the total program. However, if it is the will of the board to retain the ability to provide recommendations at the time of eligibility determination, we'd just like to have something on the record from you.

UNIDENTIFIED SPEAKER: Yeah.

MR. CAVROS: Chair?

MR. HOOPER: Yes, Mr. Cavros.

MR. CAVROS: Yes. I would like us to be able to retain the ability to make recommendations prior to projects being approved. You know, there could be projects that come before us, large capital projects, you know, purchases of certain buses and the like where, you know, we may want to provide some guidance to a large capital project. Why aren't you buying these types of buses or these, or, you know. As a board, I think it would be helpful to provide some guidance on certain projects. The amendment gives us -- and, you know, we already have sort of the project oversight on the back end, but not on the front end. So I think it would be helpful to maintain that, that ability to provide recommendations on the front end, as well.

MR. HOOPER: Okay. Does anybody object to that? Okay. Can you make that recommendation, please? So I want to go back one more time. On the appeal of the DOR and AG, that is for all of the projects; right? That's not just municipal. That's for every project.

MS. WALLACE: Yes. I guess so. I mean, so you're saying if you opposed a -- if you determined that a County project was ineligible --

MR. HOOPER: Uh-huh.

MS. WALLACE: -- then the County would have to submit something in writing to -- well, so, but it's staff. So at the staff level, I --

MR. HOOPER: Uh-huh.

MS. WALLACE: -- I guess if the County staff determined that a County proposed project was ineligible --

MR. HOOPER: Wait --

MS. WALLACE: -- I guess we could, but I don't know that that staff person would get beyond the County Administrator and bring it if there's been a determination that --

MR. HOOPER: So it's more about -- it's more about if a staff person has an issue with a project and its eligibility.

MS. WALLACE: So it's -- but that would be -- I don't know that the -- I guess it could come to the Oversight Board, but, given the County's internal processes, if internally -- because the -- they're reviewed by --

MR. HOOPER: So you're just trying to make sure that if you have a discrepancy or an argument over the words in the statute, you're then going to the Department of Revenue or whoever's -- whoever --

MS. WALLACE: So the County Attorney could, if he desired, request a legal opinion regarding eligibility of a County project --

MR. HOOPER: Uh-huh.

MS. WALLACE: -- but generally what will happen is if the County Attorney determines that it's not eligible, it's not coming to you.

MR. HOOPER: I understand.

MS. WALLACE: If it's a County project. So this is an appeal right for the city, for the municipalities, because they're --

MR. HOOPER: I got you.

MS. WALLACE: -- external.

MR. HOOPER: Okay.

MS. WALLACE: But given the County's internal processes and the way the County functions in, you know -- in proposing budgets and developing plans and so forth, the County Attorney would opine regarding eligibility, and if he opined that it was not eligible, it is doubtful that a staff member would bring that project to this body through Ms. Cassini, through -- for consideration.

MR. HOOPER: Okay. So let's say -- I just want to be clear. And this stuff, first of all, there's a lot of details, and I'm just trying to make sure that we get it right; okay? Because this may -- could have a big impact. It has a big impact on the cities. It certainly should have an impact on everybody. So if we were to find that, through some sort of performance measurements,

success measurement, if -- within statute, if we found that a certain program or project was not working and we, going forward, said, as a board, that we aren't funding this because the performance isn't there, it's not meeting its objective or intent, and it is -- I'm not saying it's a city project. If it's a County project --

MS. WALLACE: Uh-huh.

MR. HOOPER: -- and the County doesn't agree --

MS. WALLACE: Uh-huh.

MR. HOOPER: -- what would the County do?

MS. CASSINI: Well, so that's a different issue. So --

MR. HOOPER: But is it --

MS. CASSINI: -- it does not --

MR. HOOPER: -- could they point to this --

MS. CASSINI: No.

MR. HOOPER: -- and use this?

MS. CASSINI: Because this is an eligibility determination.

MR. HOOPER: Right.

MS. CASSINI: What you just described is a program performance. So your back end responsibility to determine whether or not projects or the overall program is performing as intended comes with recommendations.

MS. WALLACE: Correct.

MS. CASSINI: Right?

MR. HOOPER: Uh-huh.

MS. CASSINI: So you would recommend to the County Commission that

they no longer support or fund a program or a project.

MR. HOOPER: I got you.

MS. WALLACE: Correct.

MS. CASSINI: The issue of eligibility determination is one -- and the reason it's here, is one that, as Angela pointed out, we will -- the County will not be bringing you projects that have been determined ineligible by our County Attorney's Office. However, the municipality -- municipalities should have some type of appeal --

MR. HOOPER: Uh-huh.

MS. CASSINI: -- if, at the staff level --

MR. HOOPER: Okay.

MS. CASSINI: -- we determine something is ineligible. It should be able to get to you --

MR. HOOPER: Okay.

MS. CASSINI: -- is what they're asking for.

MR. HOOPER: Okay. Thank you.

MS. WALLACE: But with regard to project funding and performance review, so your project oversight authority is that -- and which has not changed -- the Oversight Board shall issue annual reports on performance of ongoing projects and shall provide recommendations to the County Administrator and County Commission for any proposed performance improvements. So they're recommendations regarding performance improvements, but it's not appropriation of funds. That's within the purview of the County Commission.

MR. HOOPER: Okay.

MR. COOLMAN: Going back, though, one more page, under I strike-throughs, does that need a formal motion of what we just basically agreed to? Do -- it says in here please provide direction in the form of a motion. We didn't give you a motion, but do you have enough direction?

MR. HOOPER: Yeah, we all -- we all agreed with it.

MR. COOLMAN: Okay.

MR. HOOPER: But, no, that's a good point, though.

MS. CASSINI: This is a discussion item, so, honestly, as long as I feel that I have clear direction, that I can encapsulate into something in writing, I'm fine with that.

MR. HOOPER: Okay.

MS. CASSINI: We're going to move on now to the rewrites of I, J, and K. Again, this goes to the approval of your proposed projects and expenditures. I didn't see a lot of questions when I was briefing you all on this particular area. Okay, but Phil does have one. Go ahead. Oh, I -- the strike through.

MR. ALLEN: Mr. Chairman.

MR. HOOPER: Mr. Allen.

MR. ALLEN: There is a significant change about where the arrow is on here which provides that the act of the Oversight Board to determine eligibility. As I read the proposed language, basically delegates our authority to vote on eligibility to the Assistant County -- or County Attorney, which is the Transportation Surtax General Counsel --

MR. HOOPER: Uh-huh.

MR. ALLEN: -- when it says, in consultation with and based upon the advice of the Transportation Surtax General Counsel --

MR. HOOPER: Uh-huh.

MR. ALLEN: -- which means this body becomes non-functioning as it relates to eligibility determination, because it's whatever the -- now, this is not intended to imply that I have a problem or concern with our existing assigned attorney.

MR. HOOPER: Right.

MR. ALLEN: Now, she's given me legal advice for almost 20 years, and --

MR. HOOPER: No, I get it.

MR. ALLEN: -- the majority of the time, she's been right. But in this particular case, I do strongly disagree with the way it is written. I would propose, in the form of a motion -- well, I don't need to make a motion at this point in time. I think we need to have the discussion first.

MR. HOOPER: Okay. All right. So you're talking about that last sentence?

MR. ALLEN: Yes, where --

MR. HOOPER: Just before you hit A.

MR. ALLEN: Right.

MS. CASSINI: Uh-huh.

MR. CAVROS: I apologize. Could you point to just the page number and line number?

MR. CASSINI: This would be page 13.

MR. HOOPER: And there's an arrow pointing right at it on the left-hand side.

MR. ALLEN: Well, yeah, I --

UNIDENTIFIED SPEAKER: I'm sorry.

MR. ALLEN: -- I think he's referring back to the --

MR. SMITH: If -- if we just --

MR. ALLEN: -- page 12, line 4.

MR. SMITH: Mr. Allen, if we left it with in consultation with and struck the three words and based upon -- actually, there's more words to strike. But if we struck and based upon the advice of?

MR. ALLEN: That would do it, in my mind.

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MR. SMITH: Would that work? Because we would then be having consultation --

MR. ALLEN: And it --

MR. SMITH: -- but making up our own minds.

MR. ALLEN: -- it goes -- it also goes back and refers to the same language that applies to the County Commission, which is in consultation with the County Attorney. Not the advice of County Attorney, but the consultation with County Attorney.

MR. HOOPER: Okay. But why do we need it at all? We're going to have our attorney -- we have our attorney. We're going to take their advice. I mean, what ordinance --

MR. ALLEN: We may not.

MR. HOOPER: -- says that? That says --

MR. ALLEN: We may not take the attorney's advice at that point in time.

MR. HOOPER: No, we will listen to the attorney's advice.

MR. ALLEN: But it says we -- based on the advice --

MR. HOOPER: But why even have the sentence? I agreed with you the first time.

MR. COOLMAN: Cut the accept part. Leave the first part.

MR. HOOPER: Okay. I don't think we need the sentence at all.

MR. SMITH: I under -- I understand Mr. Chair's point, that why is it necessary in the ordinance, to begin with. It's very -- it's a lot of -- it's just additional language. I don't know what it really does.

MS. WALLACE: Well, interpretation of a statute is basically a legal determination. And the applicability of a statute is a legal determination. And if we just think about the two occasions, possibly three, during which this body considered proposed projects and proposed expenditures, what

happened? I was asked are these eligible. And we put the screen -- the screenshot from the statute, and I read what the language said in the statute, and I said, yes, the projects that have been presented in each of the categories are eligible under the statute. That's how the process has worked. And it is -- a statutory determination is a legal determination, so it would be. And I think we added in consultation with based upon Mr. Allen's request at the last meeting, but the County Attorney feels very strongly that the -- it has -- that it needs to be based upon the advice of counsel, which is what has occurred thus far when we've considered proposed projects and proposed expenditures.

MR. HOOPER: You mean in the last eight months or nine months?

MS. WALLACE: Correct. During the time that this body has been in existence.

MR. HOOPER: Yeah, but we've only been operating for a short period of time, and I don't -- I have -- I hire lawyers all the time, and I've been in rooms where one lawyer doesn't agree with the other lawyer's perspective on things. So I don't know why we need to be -- we need to add a language in there that requires -- first of all, we're the Independent Oversight Board, and now it's feeling like we're becoming the Broward County Oversight Board. That's what's worrying me a little bit, is that you're saying that the County Attorney feels adamantly about this language. Well, we listen to you; okay? When you advise us, we listen. But I can't say we're always going to agree. I can't guarantee that. And so why does that word have to be there? If the -- if you speak to what the Florida statute says, then we should listen. And if you point it out on the screen this is what it says and we're not smart enough to figure that out, then shame on us. But I don't know why it has to be written in the ordinance, and I don't know why we have to give it such strong teeth. I don't.

MS. CASSINI: Chair, again, just for the record, it was to protect you all, because you're acting in a legal role. You're making a legal determination. We've had this discussion at previous Oversight Board meetings. And just as the ordinance specifically states that when the County Commission is making a determination of eligibility under the statute that it will do so in consultation with the Office of the County Attorney, just above this, on the previous page, it's intended to just provide you with a layer of protection.

MR. HOOPER: Where -- tell me where it says that exactly.

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MS. CASSINI: Okay. So in the new language of Subsection H --

MR. HOOPER: Subsection H.

MS. CASSINI: -- it's under Section 6, right before Section 7. It says, thereafter, the County Commission, in consultation with the Office of the County Attorney, will determine whether the proposed project meets the statutory requirements. We are treating the Oversight Board similarly to the County Commission, in that regard. And because you all are volunteers making a determination of eligibility that is statutory, I think that that's why that language was included.

MR. ALLEN: Mr. Chairman?

MR. HOOPER: Okay. Yes. Yes.

MR. ALLEN: Consultation with is different than advice of.

MR. HOOPER: And based upon the advice. So if you want to leave it in consultation with the Transportation Surtax General Counsel, I would agree with that.

MR. ALLEN: Basically, the **motion** then --

MR. HOOPER: The same as the County.

MR. ALLEN: -- would be the same language as the County, by striking, and based upon the advice of.

MR. HOOPER: Uh-huh.

MR. ALLEN: That would be the motion. Is there a second to that motion?

MR. COOLMAN: Second.

MS. PENNANT: Okay. Good.

MR. COOLMAN: Second.

THE REPORTER: I'm sorry, who seconded?

MR. HOOPER: Coolman. Push the button and say it.

MR. COOLMAN: I said second.

MR. HOOPER: I know, but it -- she couldn't hear you. Okay. Is there -- is there any other discussion on that? Okay. All right. Do we want to go around the room here, please?

MS. WALLACE: You want to poll them?

MR. HOOPER: We've got to poll them. He just made a motion.

MS. CASSINI: Okay.

MR. HOOPER: Thank you.

MS. CASSINI: All right. Mr. Allen.

MR. ALLEN: Aye.

MS. CASSINI: Mr. Smith.

MR. SMITH: Aye.

MS. CASSINI: Mr. Coolman.

MR. COOLMAN: Yes.

MS. CASSINI: Mr. Hooper.

MR. HOOPER: Yes.

MS. CASSINI: Ms. Pennant.

MS. PENNANT: Yes.

MS. CASSINI: Mr. Cavros.

MR. CAVROS: Yes.

MS. CASSINI: Thank you.

VOTE PASSES UNANIMOUSLY.

MR. HOOPER: So moving on from there?

MS. CASSINI: The next area that has a few changes that I just wanted to bring to your attention, unless there are other questions that come up, is in Section J. The ability for the Oversight Board to make recommendations regarding best practices or methods that can improve projects or expenditures exists in Section J as part of your very broad project oversight responsibilities. Any questions on that?

Okay. We're going to move to the annual audit section. And I know that there are -- it's going to be some discussion about this particular section. The top of the page, Subsection 1, the Oversight Board may retain a performance auditor to perform and complete a performance audit of projects funded with the transportation surtax proceeds as provided in Section G above. And based on our meeting in September where you all had a presentation from our County Auditor's Office, I received direction about looking to find firms that may be interested and capable of doing the type of performance audit that was discussed. There's going to be a presentation right after we complete this, and I just wanted to see if there were any other comments or questions with respect to this. I know it talks about the fact that if you wanted to retain a performance auditor, you would be making that request to the County Administrator, but now we've stricken that section of Section G, based on your motion.

So I was just looking for a little bit of direction about how you would want to go about making a request to retain an auditor. I assume it would be that the County would just provide it as it was deemed necessary. You all would tell me that you wanted something, and then I would provide that information to the County Commission. Is that correct?

MR. HOOPER: Yeah. You know, since the beginning, I think we've all discussed this. And, again, due to our independence, I think that the ability to hire auditors on the outside, or, if we thought it was something that did require the County Auditor to do it, but that would be on our -- that would be in our judgment. And so that's the way I've always seen it being expressed by my colleagues here on the board. Does anybody else have any --

MR. SMITH: No, I agree, we need to absolutely retain that ability --

MS. PENNANT: Yes.

MR. SMITH: -- to bring in outside auditors. Absolutely.

MS. PENNANT: I concur, for the record.

MS. CASSINI: So that takes us to our conclusion. And, again, I just wanted to point out that this will be set for Public Hearing on November 5th, 2019, Tuesday. There will be additional material outlining the direction that was received from the Oversight Board today and the recommendations and requests for changes to the ordinance as presented.

MS. WALLACE: Right. So on November 5th, the -- the Board will direct the County Administrator to publish the notices of the Public Hearing, and the Public Hearing will be on December 3rd.

MR. HOOPER: Oh, okay.

MS. WALLACE: So on November 5th, it's just a -- authorizing the publication, because they have to be published in the newspaper at least ten days prior to being set for hearing. And the hearing will be December 3rd.

MR. ALLEN: Can -- can I --

MR. HOOPER: Go ahead.

MR. ALLEN: Can you email to us the draft, the proposal, as it goes forth to the Board?

MS. CASSINI: Absolutely. As I said previously, I'm going to email it to you before. The additional material, the letter that will be coming through the Chair, will be emailed to each member so that you have an opportunity to let me know if I've captured it correctly. And then it will be submitted as additional material. I will also be notifying you of when the Public Hearing is taking place, but Angela's just told you it's December 3rd. So if you'd like to be there, please let me know so that I can let the Mayor know.

MR. SMITH: Can I ask one more question --

MR. HOOPER: Yes.

MR. SMITH: -- and clarify something? So what I was speaking to before was the performance auditor. So just to be clear for the public and everybody here, there's two components. One, we have a fund that's separate from the County financial statements but also included in the County financial statements, and that's one audit.

Then we're talking about a performance audit, which is what we were talking about before, which is what metrics do we use to measure these projects and so forth. We're going to spend a lot more time defining that. On the financial statement audit and the annual audit, with what I'm reading here, what -- are we retaining our ability in the future to come back and say we want our fund audited by a separate auditor? Because our history here has been we approved the County Auditor, to date, to also separately audit our funds. Do we have the right to come later, based on the language that's here, and say we want to have our funds separately audited at the fund level, just the financial statement audit, if we so choose?

MS. WALLACE: So I think the recommendation that the Oversight Board has requested is that the ordinance read such that the Oversight Board has the ability to retain auditors.

MR. SMITH: Yes, but --

MS. WALLACE: Right?

MR. SMITH: -- this is why I'm making the distinction between the first -- item one is a performance auditor. Okay? Item two talks about the annual financial audits. So those are two different engagements. And the way I understand it is, for this year, we've agreed to use the County Auditor, and there's going to be a separate report on our funds. But on a going forward basis, if these -- I just want to make sure where we started in the ordinance and what's proposed now as it relates to financial statement audit of our funds. Because they're really two different things.

MS. WALLACE: Right. I think what we're saying is what you want is the original language from the ordinance to remain, which is that you could retain any kind of auditor.

MR. HOOPER: Yeah, any kind of auditor.

MS. WALLACE: So that's what will be included in the recommendation.

MR. SMITH: Okay. All right. Just want to make sure, because I think we --

UNIDENTIFIED SPEAKER: That's the way I read it, too.

MR. SMITH: Okay. Okay.

MR. HOOPER: Thank you.

MR. CAVROS: Yeah, and just a question on that point.

MR. HOOPER: Yes.

MR. CAVROS: Was there a reason that, in the amended language, that we do not have the authority for an independent auditor?

MS. WALLACE: So during a previous meeting, there was a discussion regarding the statutory requirement for the County to have an annual single audit that includes all of the County -- all funds that are -- come out of the County budget, the constitutional officers, the entire County, the Enterprise Funds, which are the airport, the seaport, and then this will be a trust funded account.

There was discussion regarding how the financial statements should be addressed internally, and a request that the financial statements are treated the same for the Transportation Surtax Trust Fund as they are for the other Enterprise Funds at the County. And we agreed to do that. And there was a - - there is a firm that's been retained by the County to conduct that annual single audit. And we received information regarding -- we had the firm, a representative from the firm come and make a presentation, and that representative indicated how they would approach the single audit, and this body was willing to have the single audit for the '19 fiscal year performed by that entity. And that's how we got here.

So that contract was amended to include the single audit, this -- the audit for this fund as part of the entire single audit, as part of the contract that the County currently has with the external auditor. That's how we arrived at this. But we understand that this body is requesting the ability to retain auditors, in general, under the ordinance. And so that recommendation will be included in the letter that's provided to the County Commission.

MR. HOOPER: Okay. What do we got -- what do we got next?

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REQUESTED UPDATES
RESPONSES TO REQUEST FOR INTEREST SOLICITATION:
PERFORMANCE AUDIT FIRMS PRESENTATION, BY PURCHASING
DIVISION

MS. CASSINI: Okay. Up next, if I could ask Ms. Lovette to come up. Ms. Lovette is a representative of the Purchasing Division that acted as the lead in the solicitation for the request for interest for performance audit firms.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MS. CASSINI: You have to talk right into the mic.

MS. LOVETTE: Okay. No problem. Good morning. Thank you for having me. So I just want to talk a little bit about the request for information that Ms. Cassini requested for me to look into if there were any potential performance auditors that could provide an audit of the surtax transportation oversight. So prior to going out and taking a look and seeing if there's anyone that's available out there, I did do some other research by contacting other areas that have large transportation services. So I reached out to Miami-Dade County, Jacksonville Transportation Authority, and also to Tampa Bay Transportation Authority. And I speaking with them, I found out that they do their performance audits internally.

So they do not have an independent audit that's -- that -- over their transportation. But I did also take a look at what is being done also locally and also throughout the country, and we developed a scope of work. We were just looking for performance auditors with concentrations large transportation programs and operations consistent with surtax objectives and eligibility requirements. And we also told them that we were looking to provide Broward County with a avenue to demonstrate to the public that it has fulfilled the responsibilities of accountability resources.

So Broward County uses a system called BidSync, which goes out and provides bids -- throws a net out there, whoever's available to provide a bid to anything that we want to purchase. And we told them that our objective was to evaluate the management measures, looking at policy-making, planning, anything that the Oversight Board is looking into for our surtax, and looking at Transit operations, Public Works, community bus services, compliance with surtax requirements, and any other funded projects that may come through this body. So what we sent out was a scope of work,

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information questionnaire/request for work samples, which we do have, if you request to look at them. Those are actual performance audits that are done on large transportation bodies. We included our general terms and conditions and a vendor questionnaire and requested references, as well, from anyone interested.

So what we typically do is go through the National Institute of Government Purchasing, and we use our system called, BidSync, which is a electronic website that someone could submit a bid to the County. And we tell BidSync that we're looking for people who do performance audits, we're looking for auditors, someone that has any experience with management consulting, transit management services, traffic studies, anything. And that's how we throw our net to see who is eligible and who provides services. And the way BidSync works is that when you register to do business or to get a -- an alert, let's say, that there's a bid out there on the street, you say that I do these type of services, and so what it does is send them the bid. So what BidSync did was send out this bid saying that we're looking for a performance auditor for our transportation surtax -- or for our surtax, and it sent out invitations to over 15,000 different bodies.

Out of that 15,000, believe it or not, only 43 actually looked at the bid. And it also tells us what qualifications the bidders had, so we know if they had minority business enterprises, small business enterprises. So if you were looking for any particular body that just had those designations, you can already know who already has those qualifications. So once we sent it out, out of the 43 that actually looked at it, six of them said that they are interested in providing us with the services, if we wish. They're from Florida, Texas, and Virginia. And we have work samples that they provided with their responses, and also references. Anything if you should wish to look at them.

MS. CASSINI: Any questions?

MR. HOOPER: Mr. Allen.

MR. ALLEN: Since I made the motion at the last meeting to do a solicit- -- not a solicitation, but an RLI, and I perhaps was overly -- or did not clarify exactly what I was looking for. I wasn't looking for, at that point in time, a total solicitation of, you know -- I was looking for the process to go forward with a formal solicitation. And I was impressed with staff's ability to turn this much around at this point in time, but I have -- do have some concerns that, at least as it relates to the six firms who did respond, according to this list.

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When I do an independent Google search on them, I find very few -- very few instances where they have actual auditing experience that we're looking for -- I think what we're looking for going forward. The specifications or the requirements that you advertised, did they include a recognition that the audits would be conducted as GAAS, generally accepted auditing standard meanings (Phonetic)?

MS. LOVETTE: Yes, we did put that in the qualifications.

MR. ALLEN: Okay.

MS. LOVETTE: And just to let you know, this request for information is just to let -- give us an idea if there's anyone interested. We haven't vetted any of these --

MR. ALLEN: No, I --

MS. LOVETTE: responders, so the capabilities or the responsibilities, we haven't really looked -- dived in to see if they're actually able or they have the capacity to do it.

MR. ALLEN: Uh-huh.

MS. LOVETTE: So what typically happens, we do a request for information. It's just to test the waters to know if there's competition out there or if there's anyone available that could provide the service that we're looking for. And then we can -- if we know there's competition or eligible parties, then we can go into a more detailed solicitation, if needed.

MS. CASSINI: Right.

MS. LOVETTE: And if --

MR. ALLEN: I think then (inaudible.)

MS. WALLACE: And it's limited to the universe --

UNIDENTIFIED SPEAKER: Yes.

MS. WALLACE: -- of entities that are registered --

MS. LOVETTE: Right.

MS. WALLACE: -- in that system.

MS. LOVETTE: Yes.

MR. ALLEN: All right.

MS. WALLACE: So --

MR. HOOPER: That's right. In BidSync.

MR. ALLEN: But I was just somewhat concerned that we didn't see large scale national/international experience in the subset that we got back. And I think it's just a product that we need to do additional -- staff needs to do additional research on trying to clarify what we're looking for. But I don't feel that we're that rushed, because at this point in time, we don't even have the matrix on how we're going to measure performance, let alone auditing performance for how that whole process --

MR. HOOPER: That's right.

MR. ALLEN: -- is going to go. You know, I saw some of them had done some work on other surtax projects, I think, in Lee County or someplace like that, but --

MS. WALLACE: Uh-huh.

MR. ALLEN: -- but that was the same type of quote, unquote, audit that was done leading to our surtax vote, which wasn't a GAAS audit.

MS. WALLACE: Uh-huh.

MR. ALLEN: It was just a prescribed audit in accordance with the Department of Transportation on do these projects and meet standards --

MR. HOOPER: Right.

MR. ALLEN: -- state standards.

MR. HOOPER: You know, and my take on it, too, is, as you move forward

and we find that there are things we -- performances we want measured, you become a little more specific with what exactly it is you're measuring, and there's probably companies out there that are looking for that specificity that focus in on that particular type of performance. And it seems like you were -- we were casting a big net out there. So I agree with you. And thank you for your work. I mean, it was quick, how quickly you did that. But it also showed us a great deal of information on what kind of bidders are out there. I think I've spoken to staff and there's other ways around this. There's other ways to accomplish what we want in the future. So -- and I'm sure we'll talk about that more, but.

MR. ALLEN: As well as I think I said this in the past is divvying up the work between external auditors and our own Commission auditing staff relative to having the ability to do some of these audits, performance audits, internally versus a formal solicitation going out.

MR. SMITH: Mr. Chair, I think what's interesting here is that the word performance audit, or the two words, performance audit, is really -- is up for interpretation. And I agree with Mr. Allen that we can maybe slice that up in different ways. I mean, I think, to me, it's far -- I think there's an accountability to, yes, these funds were spent the way they were supposed to be spent, but it's also -- that's almost the more boring part. I think the interesting part here is, you know, how do we define really relieving congestion? I mean, how do we go back to the ordinance and come up with something innovative with this group, you know, in terms of maybe some value add recommendations. I mean, a lot of auditing is history and ticking and tying. I think we can utilize the County, in some regard there.

But what I want to get into with this group at some point is who's really leading the charge in looking at these things, even internationally. I mean, this is a huge project, a huge undertaking that we're going through here. So I think even benchmarking against other projects in Florida is a little bit dangerous when we start to go down the road really of what does performance mean to the public and to the ordinance here, and how are we going to get somebody to come in and really look at things differently. So that's -- and so it's going to be a whole process we're going to have to go through to arrive at that.

MR. HOOPER: Mr. Coolman.

MR. COOLMAN: Yeah, if and when we go down this road, that's fine. I'm

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interested right now in what our current auditor is doing for us, relative to surtax, because I understand we have someone assigned to that. So while we're -- may test these waters later in more detail, I assume they're looking at -- or are they looking at anything relative to performance or -- you know, we don't have much -- we don't have projects built yet, so it's a little hard to worry about performance, since we haven't done much. But I appreciate you being here, and I assume you're taking all this in.

MS. ROGERS: Yes.

MR. COOLMAN: If you want to comment on that, fine.

MS. ROGERS: Hello. Yes, thank you. We -- my position was just recently funded as of October 1st, as far as being assigned to the surtax. I have been with the County for a long time. So, no, we really haven't done much, yet, but we will be creating a plan and we will be able to provide a lot of services. Certainly, the traditional ticking and tying in looking at individual contracts, projects, and things of that nature, more of the traditional audit, with, for lack of a better term, a performance aspect to it on an individual project level. I hear what you're all saying about looking maybe more to program more comprehensively. Mr. Melton does feel that we can be of service to you in that regard. But other comments that we do need to get operational and first develop those measures and really give some of those projects time to actually perform before auditing their success or other means is also reasonable, you know, to not need to really react on that right now, but to give some of this some time to really kick off. I hope that answers your question.

MR. HOOPER: Yeah.

MR. COOLMAN: Yes.

MR. SMITH: One -- one --

MR. HOOPER: Ms. Pennant.

MR. SMITH: -- sorry.

MS. PENNANT: Yes. No problem.

MR. HOOPER: Go ahead.

MR. SMITH: Go ahead, Anthea.

MS. PENNANT: No, I'm just -- you know, if you're measuring performance, and I know we haven't done anything yet, you still have to have some baseline data. And so I'm interested in understanding where we are with gathering those data, especially on the projects that have been proposed over the next five years. So that's something to look at, where are we now, so once we start doing something, we have a way of measuring the impact that we're making.

MR. SMITH: And I can actually -- that's kind of what I was going to jump into, and then I'll let the County Auditor also respond to it. I'm an auditor by trade. So in an audit, you have three phases. You have planning. You have field work or testing, and then you have the reporting phase. So in the planning phase, to your point, this is where we are. So there's nothing stopping us from thinking about -- we know what these projects are going to be. I know they're not happening yet, but these are -- I mean, we know what they are; right? They're together enough to be submitted and approved.

So we can start talking about, and the County Auditor can certainly start thinking in a deep way about what does the performance mean for these projects, and coming up with those metrics and vetting those out and planning what we're going to measure to, if not exactly what the procedures look like, but what do we want to get back that's important to us. Certainly, there's nothing stopping us from doing that. The planning phase can start, I think, once they ramp up.

MS. PENNANT: I agree. We already have some goals and objectives that are outlined in the ordinance. So I think that's a good place to start.

MR. HOOPER: Ms. Cassini, did you have something to say?

MS. CASSINI: Well, I just wanted to let you know that we are starting that, and we're working on that through the Open North contract with the auditor. We have some new staff that have joined us that are working on that, as well, and I'll be talking about that a little bit later.

MR. HOOPER: And I'm -- this may not -- when you talk about planning, I think of something else, but I know maybe we're not thinking of the same thing. But this is where I do -- I align with our -- with staff in a way that I think that they are looking for the most innovative ways to make our systems work

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better, whether it's through equipment or technology, communication, everything. And so I am very optimistic on the planning stage that we are in very good hands, and that it's going to be moving forward. It's the performance, and then understanding what that plan is to provide for the future audit is what you're talking about; correct? Like understanding the plan and then -- but I do believe that -- because you did speak to why wouldn't we look for newer and innovative. I think you said something like that. And I've been around through other -- for other reasons, I've been around Broward County Transit and others, and I have a lot of confidence in their ability to think outside of the box in that regard. Good? We good? Okay.

MR. SMITH: Oh, absolutely. So just real quick, the planning in an audit is really the design of your procedures and just thinking about, you know, what you're going to benchmark against, in general, really.

MR. HOOPER: Okay. We good?

MS. PENNANT: We're good.

MR. HOOPER: What's next, Gretchen?

MS. CASSINI: Do you all want to take a break or do you want to keep going?

MR. HOOPER: I'd love to take a break.

MS. CASSINI: Okay. Take a quick --

MR. HOOPER: Everybody else?

MS. CASSINI: -- break and then Sandy Michael McDonald's going to be giving you an update on his small business outreach.

(THE MEETING RECESSED AT 11:45 A.M. AND RECONVENED AT 12:07 P.M.)

MR. HOOPER: All right. Let's get restarted. So -- hold on, hold on, hold on, hold on. The next one -- so the next item is the -- is it response --

MS. CASSINI: Small business.

MR. HOOPER: I'm sorry. Small business engagement efforts quarterly update. All right.

SMALL BUSINESS PARTICIPATION PRESENTATION, BY OFFICE OF ECONOMIC AND SMALL BUSINESS DEVELOPMENT

MR. MCDONALD: And I'll now say good afternoon. I was going to say good morning. Good afternoon.

MS. PENNANT: Good afternoon.

MR. HOOPER: Okay.

MR. MCDONALD: And, again, my name is Sandy McDonald, and I'm the Director of the Office of Economic and Small Business Development.

MR. HOOPER: There it is.

MR. MCDONALD: And I just wanted to come give you today a quick update on our activities since I last saw you in your June meeting and I presented and explained some of the things that we were looking to do at the onset, and just share how, at this stage, our office, along with Transportation and other County agencies, we've been more into the advertising and branding of what we believe will be some of the major opportunities for small business.

If you recall the conversation we had in June, the first thing we wanted to make sure that we did, along with our other community partners, my public/private partner the Greater Fort Lauderdale Alliance, the other business organizations around the County is to make sure that we were finding ways over the next year, this first year, to market, brand, and advertise surtax as a business opportunity, inclusive of its small business opportunity for businesses currently in Broward. Businesses in Broward, then we eventually want to go businesses in south Florida. Then we want to go to businesses in the state. And eventually we'll have to go to businesses outside the state, because one of the things we also recognize in capacity growing we also have a workforce development component that if we can target some businesses outside the state to move to Florida, and specifically south Florida, if not Broward County, that creates the opportunities for more jobs and bringing us industries that we currently don't have.

So I'll just share with you some of the things we've done from June until now

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since I met with you. Phase 1, as we're calling it, we had specific information sessions. We wanted to take the information that we gathered in the meeting we had with you, the information we've been working with with Ms. Cassini and others, and Transportation and myself along with the Transportation Director, we did a series of workshops to just explain the surtax again relevant to business and small business. We reminded them going back to November what the voters decided. We then made sure that they understood from transportation operations, transportation services, and infrastructure inclusive of the cities all the way to the future of rail what the opportunities could be.

This was the chance, in these workshops and sessions, to begin to have our small businesses -- oh, I'm sorry. There you go -- to have our small businesses begin to pay attention to what some of these future opportunities would actually be. And, again, you'll also see that, outside of the sessions we had, and there'll be a list on one of the future slides, we also made sure that any meeting or session that I was attending over the last 90 days, that we also, if I was speaking, that was a part of the engagement. Any opportunity we had to share, even when we went to the Conference of Minority Transportation Officials, we belong to that national association in Tampa, I had a chance, sitting on the CEO panel, to explain exactly what we're doing relevant to surtax.

It was a good presentation. I sat next to the gentleman who was representing Hillsborough County, and he, of course, wanted to give the shout out for the 157,000,000 of activity. And it was just so apropos that I came after him and wanted to say that we're collecting 355. But, at the end of the day, for the area, it was a good thing for all of us. These were the actual business information sessions and the dates and the different locations. One of the things that we recognize, again, Broward has over 60,000 businesses. Not small business. In this 1300 square miles, we talked about it before, 31 cities, we have registered over 60,000 businesses. So we know that we'll have multiple opportunities to rotate the County. We want to make sure we're doing sessions in all aspects of the County or all areas of the County, and we certainly have already started making sure that our municipal partners recognize we not only want to come share the information, but as this body moves forward with the ILAs with the municipal bodies and we're taking a look at that 30 percent small -- small participation goal, we want them to feel comfortable knowing our office, with additional staff, will be there to assist them.

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It's not just a requirement and we're going away. The aim is to make sure we're writing a program and we're creating the supports that the cities will recognize. We're willing to work with you in targeting and growing those small businesses in your city, getting them certified with the County, so that even beyond surtax, the programs that the cities actually implement will also afford their local businesses to participate locally with the municipality, locally with the municipality and the County through surtax, and, in addition, just participate with the County's small business program for all the things that we procure, even outside of surtax. We're reminding those cities and the small businesses last year alone, not inclusive of surtax, not inclusive of the Convention Center, Broward procured over a billion dollars of goods, materials, and services last fiscal year. And with that, we had our own at least 25 percent goal for small business participation.

So, again, it's just a good time for us to share additional information to what we currently do, but we did all of this since I left you in June under the name of surtax. Some of the completed activities relevant to these sessions. The fliers. One of the things that we recognized, again, in this day and age of technology, in addition to just printed material, we had to find multiple ways of getting the information out. So, of course, we're working with all 31 of our cities and their business communities and their economic development offices to make sure that they're posting our information. Our staff, in a future slide, you'll see educating me. We're actually doing more in terms of social media.

Again, we want to make sure whatever conduit or vehicle we can use to drive the message, we're actually doing so. Additional advertising. And you'll see a budget spread in a future slide. We are buying advertising. We're looking at everything from the Sun Sentinel to our local papers and then some of our regional papers. We're going into some of the free subscriptions in trade magazines. The idea is that these three months is just the beginning to what we recognize over the next 18 to 24 months we have to have an approach and a strategy for local advertising and promoting of surtax, then regional promoting and advertising of surtax. Statewide. And, yes, we'll eventually get to going outside the state, doing the same.

E-blasts. E-blasts is an advantage for us, because in all of our meetings and sessions, including our 31 cities, we afford small businesses or just those of interest to subscribe to our BAW, our Business Assistance Weekly. It's a newsletter the comes out every Wednesday about 6:15. And, again, for the last three months, surtax has been headlining that e-blast. But e-blasts

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affords us, for anyone who comes into our system under our weekly subscription, now that I've captured that email, we're then going to make sure that they're part of our repeater emails, especially as we're moving forward with surtax. So, again, it's one thing to have a newsletter. It's another thing to be a part of the County's process and our e-bulletins where this information is also shared. It's another thing for our 31 cities to also say, hey, Mr. McDonald, we'll also post your surtax activity.

In addition to that, it's a greater thing when we currently start with our e-blasts number, we're approximately at 17,000-plus businesses and/or interested individuals who are trailing us. So they're now a part of receiving this information in addition to the newsletter that we send out every single Wednesday. And, again, as I mentioned, social media. So we actually have a dedicated staff as a part of how we market brand and take a look at the ROI in terms of engaging our business population. Right now, we have one of our outreach staff who's also doing that for surtax. You'll see in a future slide where we talked about in June me bringing on two new staff, one on the small business side helping us to work with agencies and the cities, and the other's on the marketing side. When we bring that person on, and they'll both be on the month of November, they'll be dedicated staff towards making sure that the message flow is accurate, that we're finding other creative ways to reach that niche, reach that population, and, again, working with our partners to make sure that the message about surtax and business opportunities flow throughout Broward County and beyond.

Expenditures to date. Again, we kicked this off with your permission and direct instructions from County administration, again, just on the advertising side. So we spent a little bit more than 12K finding different ways, different media partners, different community partners, to just share this message with those e-blasts, those fliers you saw, some of the other social media print pieces. What we're putting together that, in a future slide we'll share with you, is going to be our strategy to complete this year in terms of addressing inventory and other opportunities with Transportation, but to start next year an actual campaign as, again, to make sure that we can put strong concentration into Broward-based businesses, not just small, Broward-based businesses and beyond Broward. Then I want to do the region, then I want to do the state.

Projects reviewed to date. There were projects that came across our desk that had surtax written on it. I do believe that surtax also was the opportunity for some of the projects which were eligible from the County's Transportation

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Department and/or Highway and Industries Department to identify eligible funding sources for projects they already had. So you will see where you have one or two projects that had my original CBE goal. It was revisited. And this is one of the things that we're clear about, this is one of the things that in the future I'll make sure we're very clear about with our cities as we look at the 30 for 30. The idea is that we would love to achieve a 30 percent goal on the procurement activities for surtax. But, again, as I mentioned to you in June, we recognize all things we procure will not be in the wheelhouse of small businesses.

I start each one of those workshops off reminding my small businesses as I'm informing, I ask each one to raise your hand if you current manufacture buses. And, of course, none of my small businesses can raise their hand. Well, then, raise your hand if you happen to be one of Department of Transportation's six approved seller of transportation buses. Of course, none of my small businesses can raise their hand. That's just our example to prepare them that the 30 for 30 is for eligible contracts. And eligible contracts means the things that can be procured and/or subcontracted by small businesses, as well as when we have enough -- excuse me -- small businesses in our directory. That's the key. That's the other part about the capacity building, that's the other part about starting this first five years to get to the first decade to get to the 30 years, growing small businesses as well as their participation, is recognizing the areas that we're short in small businesses.

So we've been doing each one of those workshops you saw, and we start conservatively. I think I mentioned to you in June, we're telling the small business community for that 355,000,000 estimated capture a year, we're only looking at 177, conservatively, because we recognize capacity, but, more important than capacity, we recognize there will be some purchases that has absolutely nothing to do with small business. And it's based off of that 177 we want to make all the efforts possible to make sure that small businesses can participate in those opportunities via County projects and, of course, future-wise, with the cities. Coordination with the MPO. We just had a meeting on the 4th to explain our program. And it was a very good meeting, I believe, but I'll let Mr. Riddle at some point speak, for himself. But we drilled down to explain our program via the County ordinance. Then we went back and drilled down and explained our program via the ordinance in my information I presented to the surtax committee via what we're recommending that we do, the MPO does, and your group via Legal do in terms of assuring that if we all want everyone to participate in the 30 percent,

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it's not our office's plan to abandon anyone by simply saying, hey, here's the goal, go do it.

We want to make sure either it's through your ILA or through administrative procedures they recognize we will assist, as we currently do with County agencies, with the solicitation language. We have no intention on being anyone's procurement office, but when it comes to the cities, we can offer you the solicitation language that we currently use that informs those who are interested in bidding of exactly what the requirements are. We make sure in that language it speaks directly to our office. Anyone bidding has a chance to call us in advance, email us in advance, come meet with us in advance to talk about the small business program, the NAICS Codes, which is North American Industry Codes, and help them to identify vendors to use. We never pick vendors. We just share with them what's in the directly based on vendors who are actually certified. We want to let them know in advance that as they're looking to present their projects to the MPO or to this group to be approved, that we'll work with the project managers in the beginning to make sure that we are identifying a realistic goal.

Again, every project won't have a 30 percent goal. Some will be higher, some will be lower. Some might not have one. But we want to walk them through the same process we currently walk the County agencies through. And then with that, we want those cities to go out for bid. When they get their responses and their bids back, then we don't mind, we want to review to make sure, based on the prime contractors who are identifying small businesses to use, that as they identify them, similar to what I do right now with all agencies, we review them. We make sure that that small business is in good standing, they are certified, and then we create a memo just sending back simply saying based on your project, based on your recommended award, or based on our review, these CBEs are in good standing. So now you have the CBEs tied to the prime contractor for whatever the projects the cities are doing, and then folks are on their way.

But you heard me talk about earlier that solicitation language. The language does mention that the prime, similar to my County primes, will be responsible for the MUR. That's the Monthly Utilization Report. That's a very easy way to just notify us monthly that, hey, this is what we did, these are the subcontractors we used, this is what we paid him. We use that process to make sure that we're moving forward towards the goal. We don't want to wait 18 months or two years into a project to find out that though you selected them, you never used them. So we require a Monthly Utilization

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Report. And, again, it's harmless. Any and every County prime who currently works on any County project, including those, the billion dollars out at the Convention Center right now and the 2.7 billion that was completed over the last nine years at Aviation, port, any County prime over the last 15 years have all used the MUR.

We're just getting ready to say if you're now a County prime and you plan to participate in surtax, you'll continue to do a MUR. If we end up, which we probably will, with some new vendors, again, from the solicitation language, we're there to help them understand the MUR. Recommended review and compliance process. That's what I just described. This is what we're sharing with the MPO. This is what we're going to be sharing with the cities. This is what I'm going to work with Ms. Wallace, from a legal perspective, to make sure that whatever is needed in the ILA to support and assure the cities that we're there to support them for the process, that that language is written on the front end, but whomever they end up, as individual cities, identifying based on different projects to be their project manager or whomever, that's the individual that'll be working with my staff directly to make sure that we're following whatever ends up in the agreement that they're agreeing to.

And the Phase II, and, again, this is just our play. Again, we're going to be working closely with Ms. Cassini and the marketing side of the overall picture of surtax. And we're certainly going to fall in line with whatever ends up being the identified branding. We want to make sure that we're all consistent in sharing and telling this message, not only in the County but once we go outside the state, certainly. But for right now, to focus on our local businesses and our local small businesses, this is our 30 for 30 percent Broward County certified business logo that we're currently using. And, again, every document has that asterisk for all eligible subcontractor opportunities. I don't want someone to think at the end of the day it's on everything. So we've decided from day one that for eligible will have to be written on everything we do. And if I ever do any radio, you'll hear me say it there. If we do television, the same. That's going to be the key. We don't want to be misleading. But we do believe, even for the 177,000,000 a year capture, which is approximately 53,000,000 for potential small business opportunity, that's a major opportunity for small businesses in Broward. So, again, we're proud to say that, but we just want to be clear on how we pass that information along.

MR. HOOPER: Can I ask a question? And -- yes, sir.

MR. HOOPER: This is going to be the branding we use, like, in front of a

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project or something like that? No?

MR. MCDONALD: No. This is the branding that we're using, coming out of the gate, as we're educating small businesses in the business community to the small business program. We will end up being married to whatever ends up being the universal branding or the marketing on how we end up pitching surtax --

MR. HOOPER: So --

MR. MCDONALD: -- in its entirety.

MR. HOOPER: -- so what would -- by looking at that, what would drive me to either your website or to more information? If I look at that and I thought 30 percent for 30 years, there's a penny there. Penny times 30 is 30 percent. They're spending 30 pennies. I don't -- what I would like to know is if I went to your website, I'd learn more about what that 30 percent means and, hey, maybe I could bid on a project if I'm a small contractor.

MR. MCDONALD: The answer -- the answer would certainly be yes. And even I think I have it in one of the future slides. The full banner that we use, the heading is 30 for 30. If you remember the June 27th meeting, actually, I do know I have it in one of the slides, that information that spells out the 355, the 177, the 53,000,000, that's all a part of every single sheet. We come off the 30 for 30 and we go straight to the dollars.

MR. HOOPER: Good.

MR. MCDONALD: We're hoping that's what's going to attract --

MR. HOOPER: Yeah.

MR. MCDONALD: -- a business and/or small business to be interested in what we're trying to push.

MS. PENNANT: I have a question. You say for all -- can you go back to the other slide? -- for all eligible subcontractor opportunities. Now, I guess I'm concerned about is it segregating the dollars on some level, you know, separating the dollars? Because I want to know that at the end, if we're spending \$16,000,000,000 over 30 years, when we look back, we've spent 30 percent of that 16,000,000,000. And when I see that language, it's making

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me think that it's only those opportunities that have been carved out that we're doing the 30 percent on. Or are we doing the 30 percent on the overall --

MR. MCDONALD: No.

MS. PENNANT: -- budget?

MR. MCDONALD: You -- we are not. I don't want to say you. I'm part of you. We are not doing 30 percent on the overall. And that was the example I actually gave with the buses. That's a realistic example. Someone's going to spend money on those electric buses. Those electric buses have no subcontracting opportunities, whatsoever, not even the guy who might drive the truck that bring them in from out of state. There's no subcontracting. So, in fairness, I can't hold your goal and small businesses responsible for something they have no opportunity to participate in. So, again, we will be reviewing every single project and contract and, based on reviewing every single one, it's based on that determination if there's an eligible subcontractor opportunity, even if it's only one, as a part of a project, we want to include that. Yes.

MS. PENNANT: So my concern, then, is if in some areas we're not able to hit the 30 percent, then in order for us to make sure that we hit that overarching goal, that we have to raise the bar a little bit in some areas to ensure that at the end of the day, that 30 percent represents 30 percent of the 16,000,000,000 that we are supposed to spend. And, certainly, I mean, I may need to look again at the ordinance, but --

MR. MCDONALD: Yes.

MS. PENNANT: -- I don't want to shortchange our small business owners at all. And I know you're not. I know your heart, Sandy, that you are all in when it comes to small businesses. But I wanted to make sure that there's clarity where that is concerned, because it sounds like the potential 30 percent has been reduced. And ideally, I say, open up more opportunities in areas where we can utilize small businesses and so that we can effectively meet the full goal of 30 percent of 16,000,000,000 --

MR. MCDONALD: Well, we might --

MS. PENNANT: -- in 30 years.

MR. MCDONALD: -- need to certainly have a meeting for more clarity. But this one I actually remember from the day at the dais --

MS. PENNANT: Uh-huh.

MR. MCDONALD: -- when the Commission was asking. And the first question was, from one of my Commissioners, can we look at 25 percent. And the other Commissioner then, can we look at 30. And then when I was brought to the dais, we talked about the 25 and the 30, and I said the same for both. Based on capacity growing -- and this is different than a project like the Convention Center. Three and a half years, that's over. You have capacity opportunity for the next 15, 20 years going into a 30-year project, so you can continue to grow. Based on those opportunities and the development and technical assistance we're offering, yes, I believe we can achieve 30. And then on the record we say it, for eligible contracts. We use that one example. For the 16,000,000,000, never was it an intent for us as small business -- and we've been very clear with all of our small businesses. There's things that's going to be procured that small businesses will not be able to participate in. So we've started from that angle. So I also believe that even the ordinance, and we can certainly go back and look, the ordinance also took that same little asterisk for me, and they wrote the word eligible --

MS. WALLACE: Uh-huh.

MR. MCDONALD: -- because we knew, when I was first meeting with everyone, every contract's not going to be eligible.

MS. WALLACE: Right.

MR. MCDONALD: Every one of my County contracts aren't eligible. So we try to put that realistic number in there and go after that approach, which is why my other documents --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MCDONALD: -- speak to half of the number versus the entire number.

MS. WALLACE: Right, so --

MS. PENNANT: I think --

MS. WALLACE: -- in addition to Mr. McDonald's example of electric buses and procuring those types of products, in order to leverage state and federal funds, we may need to combine surtax funds with federal funds for certain projects and with state funds for certain road projects. And state and federal law prohibit us from assigning local goals to projects that include their funding. So that's another prohibition.

MS. PENNANT: I -- and I guess it's -- maybe it's the subcontractor piece that is getting me, because it seems like it should say, for all contracting opportunities, as opposed to subcontracting -- contractor opportunities. Because if you're telling me that there's some opportunities that are going to exclude small businesses --

MR. MCDONALD: Yes.

MS. PENNANT: -- right?

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. PENNANT: But there are opportunities where the small businesses can participate fully, maybe beyond 30 percent. Ideally, I would hope that we would build their capacity to perform beyond the 30 percent.

MR. MCDONALD: And that, too, is a part of the formula.

MS. PENNANT: Right.

MR. MCDONALD: So, again, the goal is 30. My County -- my County current goal is at least 25. I'm currently averaging 39 on my at least 25. We'll be looking at the projects and, again, based on the directory, the number of businesses, the available scopes, and the opportunity, it's clear some will actually be more than 30.

MS. PENNANT: Good.

MR. MCDONALD: Some may be less. And some certainly will be none. So, again, we're taking all that under consideration as well.

MS. PENNANT: Thank you. And that's really for the record, Sandy. I want to make sure --

MR. MCDONALD: Oh, okay.

MS. PENNANT: -- that the public understands exactly what you're doing.

MR. HOOPER: Go ahead.

MR. SMITH: A quick, very basic question. At least, I think it's very basic. How do you define a small business? And in addition to that, where -- you know, I also see the term Broward County certified --

MR. MCDONALD: Yes.

MR. SMITH: -- businesses. So can we talk about what these categories are and what the metrics are?

MR. MCDONALD: Yes, sir. So for small business, we're going with the Broward County definition. And ours is you had a County that from 1992 to 2005 or '06 was a MBE/MWBE program. Minority Business Enterprise/Minority Women Business Enterprise. That went away. In 2010 you then created a program CBE, County Business Enterprise, tied to your SBE that you'd never gotten rid of, Small Business Enterprise. So Broward currently defines a small business as any business in Broward County, in 1300 square miles, that's been in the County at least one year. The personal net worth of the owner of that business has to be a million three or less, not counting his or her primary residence. That one we just adopted from the SBA.

MR. SMITH: What do you do if it's a -- if it's a partnership?

MR. MCDONALD: Okay. Each partner would then be vetted, and they both have to meet those qualifications. And again, so think. Even if it's a partnership, it's also to their advantage. When we're doing the personal net worth, they're looked at individually. When we're doing -- which I was going to say the next one, for the business revenue, we're just looking at the business revenue. So in most of our industries, if the business averages 5,000,000 or less over three years, and if the industry is construction, 9,000,000 or less over three years, and if the business provides a useful function, and a useful function by the County is defined by good, material, or service that you currently do in the course of your daily work; if the business or the applicant fits into there, that's our definition of a small business in Broward.

If you remember back in June we gave you the SBA numbers. We gave you the Census business patterns. Over 80 percent of the businesses in Broward are 20 employees or less. So within that regard, our existing program, we just want the same format for the surtax program, and as well as the directory. That's on our website. Any prime contractor, any interested business, anyone who just of interest can go to our broward.org, go to the Office of Economic and Small Business Development, click on a directory, and put in your word search or the NAICS code, that North American Industry code, and you'll see the list of businesses who are certified based on their eligibility in that actual industry.

MR. SMITH: Okay. And then in terms of Office of Economic and Small Business Development. On the economic side, do you partner with other groups like Broward Alliance or --

MR. MCDONALD: Yes.

MR. SMITH: -- the Florida Chamber? I mean, when you start talking about going outside of the state and things like that, I would think partnerships would make --

MR. MCDONALD: So --

MR. SMITH: -- a lot of sense.

MR. MCDONALD: -- so partnerships are key. And I smile when I say that, and Bob Swindell smiles, too, because most folks really don't know the history. The Alliance isn't the Alliance alone. The Alliance is my public/private partner. I'm their public side, they're my private side. We're the number one seat for the Alliance. But, again, based on how it's identified, we're also clear to support them by making sure everyone understands their agreement with the County is in eight target industries. So their job on behalf of us is business retention and recruitment in those target industries. We love them so much that they -- we love them because beyond those eight industries, on behalf of all 31 cities and the County, they're still willing to work with us even in other industries.

As you know, they even go outside of industry as the homeless initiative that they also work with us in that regard. So we recognize that the partnership is certainly bigger than our office, but that is the economic development side of our office. For the things outside of the eight industries, my staff work with the 31 cities to make sure that things beyond the eight are also being

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addressed. But as a partnership, every project or QTI that comes from the Alliance, we're the group that submits that to the Commission. So we believe, as you do, in partnership.

MR. HOOPER: Ms. Pennant.

MS. PENNANT: Sandy, I have a question. I still am -- that subcontractor language is just nagging at me. And the reason is if I'm a small business, couldn't I be eligible to access a contract as a small business? I guess that's the piece that's not clear --

MR. MCDONALD: So --

MS. PENNANT: -- for me.

MR. MCDONALD: -- so the next step, I should probably say, is for these, and that was talked about even that day at the Commission meeting. These are looked at as subcontracting, because we believed -- or as being introduced, the majority of the contracts were going to be in the volume, even beyond my existing small business. The other reason we looked at the subcontracting part is that if you look at my full program, even with the County, I do have some opportunities to do CBE reserves. That's what you're thinking. Where a CBE can get a contract directly --

MS. PENNANT: Directly.

MR. MCDONALD: -- with the County. He's not working for a prime. So those are CBE prime/CBE reserves. This didn't take under consideration CBE reserves or directs. Also, because we recognize that even if we create the agreements, we won't be facilitating city procurements. We'll be partnered with them in terms of language, small business participation, and monitoring, but not the actual procuring. So in that regard, we didn't do the CBE reserve. So in these, it's not scheduled where our CBEs will be the prime contractor. It's scheduled where our CBEs will be the subcontractor for the different disciplines on these projects.

MR. HOOPER: So what you're saying essentially is on prime deals, your goal is to hit 30 percent on subs.

MR. MCDONALD: Yes.

MR. HOOPER: Okay. And it doesn't even consider a prime deal that might be small enough for a small business to get the deal; right?

MR. MCDONALD: To get it directly on their own, no.

MR. HOOPER: If they get it --

MR. MCDONALD: Yes.

MR. HOOPER: -- directly on their own, if you added that, that would be -- if you added a hundred percent into your equation, it would up the 30 percent, because there are deals out there --

MR. MCDONALD: Yes.

MR. HOOPER: -- half a million-dollar deal that they could bid on and win.

MR. MCDONALD: Yes.

MR. HOOPER: Sidewalk or something like --

MR. MCDONALD: Yes.

MR. HOOPER: -- that. But you're not -- you're just trying to hit, hey, if you're a prime and you're doing a deal for us, you need to hit 30 percent on your --

MR. MCDONALD: You need to hit --

MR. HOOPER: -- subs.

MR. MCDONALD: -- 30, yes. You need to hit 30.

MR. HOOPER: (Inaudible.)

MR. MCDONALD: And, again, as mentioned --

MS. PENNANT: Okay.

MR. MCDONALD: -- earlier, sometimes more than 30. But -- and, again, that's what we'll be working with the city on. That's what we'll be working with our agencies on, especially if the scopes and the multiple scopes and if

we have that robust number of small businesses. I mean, it's just natural. We're not going to run just because it hit 30 and stop. If, based on scopes and based on businesses, I can get 37 or 42, we really do want it. Because the more we can put our businesses to work does sustain the opportunity. So that we want to be real clear about.

MR. HOOPER: Yeah, and one other thing, just from perspective. If you were doing a \$50,000,000 project, he could hit -- by hitting 30 percent, he could hit \$15,000,000 --

MR. MCDONALD: 15,000,000.

MR. HOOPER: -- worth of hits with little guys. I'm calling them little guys. I'm probably pretty close on that line, too. But, anyway -- but you would be hitting with small businesses, you would be -- your net would go out further. You'd be getting a bunch. And then you will get those one or two or three small projects, and, yeah, they'll go to small businesses as well.

MR. MCDONALD: And I'll add to that, because we're looking at one of these, right now, with Transportation. You take an example in that regard, and though I don't have my CBE reserve in place, there will be primes who will say to us, well, Sandy, I just don't feel like herding cats, so I'm not going to go out and get 20 of yours. That's fine. If you want to afford three of my small businesses -- and you're one example -- to be 5,000,000 a pop, that's great, because the whole idea is to grow them outside of the small business capacity. And that's one the best things that could ever happen --

MR. HOOPER: See, I, love that.

MR. MCDONALD: -- because now that small business will be scaling up.

MR. HOOPER: Yeah.

MS. PENNANT: Right.

MR. MCDONALD: And that's what they want to do. So we're hoping we get some of those projects where the prime has decided I looked in your directory and I have a chance to go get seven, or maybe I'll just get this four and give each one of them 4,000,000. We love that. And any one of my vendors would love the \$4,000,000 contract versus the 400,000.

MR. HOOPER: Heck, yeah.

MS. PENNANT: Okay. Got it.

MR. SMITH: One quick follow up. So -- and maybe you're going to get into this, so I don't want cut off where you are in your presentation. What does the pairing process actually look like? I mean, I just thought of that when you're talking about primes and subs. So, you know, I'm a sub, a small business. I want to go after something. You know, is there -- I just get in touch -- I know you have probably facilities and ways to facilitate this, but is it just on me to sell myself to them, or, you know, is there any -- or are you going to be looking at this and saying, look, you know, I know you're a small business, but you're taking a huge percentage of these opportunities, and there's other people that maybe are qualified but they're not as good at sales or have the connections. I mean, is it going to become just like every other business where there's fierce competition and not everybody does have a shot?

MR. MCDONALD: Okay. Well, I'll say it this way. And, actually, we just said this in our contracting opportunities meeting last Thursday. First of all, and I don't want to apologize for it, it is business. So every one of them at some point decided to go into business. But via surtax and the County program, and it doesn't happen all over the country, someone has decided that they wanted to run a small business program to help those businesses. So, yes, from your capability statement to your 90-second pitch, you need to be able to sell yourself. But to help you. That's where the meet and greets come in. That's where the projects with the prime, in advance of BidSync, we bring them in the room with the prime and the small, and we allow them to meet each other. And then we also share the additional information. And that's where -- later on in the slide, we start talking about capacity building. That's where we're now reviewing with our existing small businesses, this is the chance to be honest and up front.

We certify. We don't qualify. But some of you have a chance right now, over the next 90 days, 120, whether it's access to capital, whether it's bonding and insurance, whether it's honing that skill better, whether it's working on better marketing material, let's begin to give you whatever's necessary in that capacity void so then you're in that position as these contracts begin to roll out. And then we recognize also in that same area, from the competition standpoint, it's in the favor of all of our existing businesses to not only get certified with the County, but certainly in their home town or the community

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upon which they are in Broward, because, again, if I took the 60,000 number as an average, I know more than ten percent, but I'll just say ten percent are eligible for the small business. So that means that's 6,000 businesses in Broward that ought to be certified. Guys and girls, I've got 615. So at the end of the day, there's room. And those who are now willing to do the homework are going to have the best chances. But we are going to grow this population and not just have a big number, but to have more competitive opportunity for better value for the cities and the County as they're procuring the services.

MR. HOOPER: Can I -- go ahead.

MR. SMITH: I was just going to say I guess my concern is that people that qualify, let's say they're at kind of the top of the qualifications. They meet the qualifications, but they're large for a small business, and they have a track record, they're going to make it a lot easier on the primes to get in there and do the work. The prime's going to be able to rely on them significantly more. So I guess my concern would be we elevate those businesses over this whole program, and they do very well, but not enough of the other. And I understand you're just rolling out the tools. There's only so much you can do. But that's where -- you know, because a lot of these prime contractors are going to want to make their lives easier; right?

MR. MCDONALD: Right.

MR. SMITH: So they're going to want to look to be able to have a track --

MR. MCDONALD: Right.

MR. SMITH: -- record, which does -- can make it harder for other people to get going. I don't know how much we can build in --

MR. MCDONALD: No, no.

MR. SMITH: -- for that.

MR. MCDONALD: Philosophically, we agree with you. And that's why we do -- and we will be increasing the number of technical assistance training, access to the vendors. See, and that's the other key. And just to be totally open and honest with you, many of our sub -- many of our primes today, who know from the solicitation I got a use small business goal, many come to our meet and greets. But most get to the last three days before they submit the

bid to say, oops, got to use Sandy's small businesses. And most just go to the directory, and they're getting ready go in alphabetical order and just grab three firms. Now, I'm making marriage. You can't get a divorce. You're married. But to help that along, that's the same thing I tell the small business. Don't let him wait until the end. We make sure you have access prior to the bid of the potential primes, so as a business, it doesn't hurt you to send that capability statement.

MR. HOOPER: No.

MR. MCDONALD: At my meet and greet, it doesn't hurt you to go step up and say one-on-one. Prior to that contract, it doesn't hurt you to say, hey, I'm the guy that's been bugging the heck out of you, and at the end of the day, I can meet that goal, and I can provide the service. That's some of the tools we're giving that lesser business to understanding you can rise yourself, because your point is also well taken.

Most of my subcontractors or CBEs who are at that brink of graduating, they're excited about where they are. And they kind of King Kong hit their chest. So they're not as aggressive as they were four years ago, going to every meet and greet and doing all the capability statements and the outreach. My other ones are, and we're starting to see that trend, that a lot of those who haven't been selected have been getting selected because they're willing to put in the work. So in the end, we're just saying, as an office, we're here for the business. Whether you're almost at the plateau and you're leaving me, or you just got in the game, there's tools that we can give you, as well as support.

MR. SMITH: And then one just real quick follow up, how often do they have to qualify? So say somebody -- this program's going to go on a long time. Is it annual? How often do they have to say, here, I'm certifying?

MR. MCDONALD: They do an annual renewal. They never have to do the application again. All they're doing, I'm government, you're just giving me your updated taxes and you're signing the affidavit simply saying I still meet the criteria.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MCDONALD: That's it.

MR. HOOPER: I haven't done any work for Broward County, so maybe you can answer this question on bonding, payment and performance bonding.

MR. MCDONALD: Yeah. So, again, most, if not all the County contracts does have bonding requirements. One of the things that we do, even as a part of the solicitation and our review specifically for small businesses, we go over those. We hold two bonding sessions every year. We do bonding education to try to put them in position. We do get small businesses who get certified. They've done so much private stuff and family stuff, they've never been bonded before. So we help them on the front end.

But we also work quite closely with Risk Management and Purchasing. We have real live examples when we've had bonds out here and the requirements at the end of the day wasn't necessary or could be reduced. So over the years, we've had some reduced. We've had a few waived, but we try to make sure that our small businesses recognize reduced, waived, or not. If you plan to grow your business, if you plan to do more commercial activity --

MR. HOOPER: You have to be bonded.

MR. MCDONALD: -- you're going to have to get to a capacity where you can be bonded. So, again, it is one of the things that's always a challenge for small businesses, but, again, we have workshops in place to address that. And I am happy to say that, for the most part, six years ago, that was one of the top five on our list. It isn't. Our folks aren't having as much trouble with the bonding in our certified program. Do I have businesses in Broward not certified with me where bonding's still a challenge? Yes, we do.

MR. HOOPER: Yeah, I mean, if you've got how many thousands did you say? 60,000?

MR. MCDONALD: 60,000-plus.

MR. HOOPER: Okay. Because I have a hard time, if I have a \$10,000,000 construction project and I'm negotiating with the bank to lower my bonding requirement so I've got a bigger net to throw, and the sub, the MEP, mechanical/electrical/plumbing, and drywall and that, you know, these are all businesses that are usually small businesses.

MR. MCDONALD: Uh-huh.

MR. HOOPER: They're coming in at 500, 800,000, a million dollars contract. It's going to keep them busy for 12 to 14 months. And I have a hard time finding small businesses that have bondability, so I end up having to go with the same three guys every time. And --

MR. MCDONALD: Yeah.

MR. HOOPER: -- and it's not -- it wasn't easy for me when I was growing my business to become bondable, either. So that's a big brick wall for small businesses.

MR. MCDONALD: Which is why it's a part of the workshops in terms of capacity building. Again, we're happy to say for my firms, they're there, but there's at least a third of them who are there now because they worked with us on the front end. So we recognize even as we're casting this program, advertising and promoting this program, as we're getting small businesses interested in getting certified, we go to that immediate checkoff list of small businesses and capacity, bonding is one of them. So if that's your issue, we're open and honest about it. You don't need to break your neck to get ready to go to BidSync to go after this next bid. You're not ready. Let's get you where you need to be in terms of this bonding.

At the end of the day, you don't have that access to capital that you need that if you win this contract, you've got to float yourself for 45 days. Well, then let's get you where you need to be so that you have access to capital. So, again, we recognize outside of the existing small businesses, if we're really going to be casting this net and recruiting businesses to come get certified, what we do in terms of technical assistance and training will also have to continue, if not do more, because there is a group not certified with me who don't have that capacity today.

MR. HOOPER: Thank you.

MR. MCDONALD: So, again, these were just some more of our trying to get our message out and our message across. And it was that banner that's to the left of me on the left side of the screen, that entire banner, after that 30 for 30, that next big piece, flashes money. On my website, that's the page after 30 for 30, flashes the money, trying to get them to recognize that these are genuine or legitimate opportunities for small businesses to participate. Recruitment, as mentioned earlier, we're closing out on the end of year process.

We plan to have two new individuals under our belt on behalf of surtax starting about the third week of November as our staff. One is for my outreach side and the messaging, and the other one is for the small business side that'll be working with me. And, actually, my small business manager's in the room today, Freddy Castillo. So Freddy and his team will be the ones specifically working with the cities to again make sure, post that ILA and post -- and prior to any bid opportunities, they are not abandoned. They recognize that our office, our directory, and access to our small businesses will be made available to them.

And for our upcoming activities, this is something that I did mention. I'm going to close the year out with two more workshops dealing with surtax. The one that we've done six times now, I'm going to do that on November the 7th again. But then on November the 25th, we're going to do an IT focus. We've had a lot of folks to attend our meetings, and it's the IT side that they're all intrigued about, and the signalization and the smart community and all those directions. Everybody got an app for everything. Everyone wants to know where they can participate. So we got with the County staff, surtax staff, and on the 25th we're going to do a session specifically centered around surtax and IT. New and out of market initiatives, again, you heard me mention back in June we have some current vendors that we recognize that are outside of this County, so we want to go into 2020, as I continue in Broward, I then want to start making sure I'm focusing on south Florida and the state. We want to do that for the duration. We're trying to get ahead of the curve for all of '20.

Going into 2021, we want to end up with a campaign outside of the capacity building campaign that helps us to begin to target businesses outside this state. That is where I'll be using my partners like the Alliance and the others. That is where I'll be continuing to work with Enterprise Florida -- well, with the state. That is where we'll be working with our national site locators to then start talking about businesses that we know who currently participate in the County's procurement game for Transit and Highway activity. And, again, it'll be about getting them excited about the whole story of surtax. And I'm comfortable in saying many of them would recognize that these are not one hit wonders. Oh, we didn't know you guys had 30 years of activity on the horizon. And then comparing that to the other groups in this area, that's worthy of setting up a shop in south Florida, specifically Broward.

MR. COOLMAN: How did you pick Michigan and Georgia?

MR. MCDONALD: Well, we grabbed those two names, and if you go back to the June 27th meeting, I think it was, there was another name, too, there was another state. Maryland. Because those were three -- and, again, I -- my next slide, we're going to be talking about the inventory that I'm doing with Transit, specifically. Those were three states that currently, for certain goods and parts for Transit, we're currently buying from. So, as I told Transit, I'm like, okay, so for all the stuff we procure, you're buying goods and services there. Now, our job would be -- and we don't think they're special states. I mean, I was born in raised in one of them, but it's still not special.

MS. CASSINI: Very special.

MR. MCDONALD: Ours is to take a look at what businesses do I have in Broward that provides these goods and services. Not against Maryland, not against Michigan, not against Georgia, but if I have businesses -- not just small -- that provide these services, then I need to tell the businesses in Broward or south Florida or the state about our opportunity. And, again, we want to do that because we want to bring those group -- those states competition. And then at the end of the day, if there's something unique that they do that's just not down here, that's when we then want to garget them.

So we had three names in June, but I'm glad to say -- and it really wasn't because of us. We're not taking no credit, but Transportation had already been working on this. The Maryland group and -- for their service has already moved to south Florida, specifically Broward County. And they have a business now in Hollywood. So I'm even getting more details on that, because I want to understand what they did. And then in regard to this same service, I'm glad they moved from Maryland to Florida, but I still don't want them to be the only one. I want to take their service and take a look to see what else we have here, too. So that's the only reason why we had those states up, because I asked Transportation earlier in the summer, tell me some out of state locations you've got -- you're buying stuff right now, because I want to know what's special about them and not us. That was it.

Additional activities, again, the Transit inventory. And Mr. Garling is in the back and he and I were speaking about this. This is me and his staff between now and the end of this year going over the entire procurement list of goods and services they've been buying. And I'm more interested in those that they've been buying outside the state. We then want to take that NAICS code and then we want to do our homework beginning next year to see whatever we're buying outside the state, to first identify every business in the

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state that sells that good or service, then every business in this County that sells this good or service, and begin to market what we believe those real opportunities are going to be. We're also going to take his inventory list, because he shared with me he believes there's things that they're procuring that's going to have a unique niche to it that may not be on the existing list. But for example, when he gets his fleet of electrical buses in, there's going to be different services than what he currently does.

So I want those services in advance, because knowing those services, I don't need to go to another state. I can begin to shop right here at home to find out who can do that wheel rim and base for an electrical bus that's different than the existing bus. And if you can't, I'm telling you in advance, if you're here in Broward, you need to get your master -- your master technician trained or certified in that electric bus brake. Why? Because I got a new fleet coming. So Transit hasn't been doing that for the last decade, but they're going to do it now. So why let that be discovered within their first 40,000 miles when you've got to get ready to replace. We now recognize, oh, I've got to go out the state to get it. No, you don't. Our job is to know your inventory and target businesses now, hopefully that might be in Broward County. And if not Broward, south Florida. If not south Florida, State of Florida. And that would be it on the driving Broward's economy.

And, again, the last thing I would like to say is that it's an aggressive start for us, yet a slow start, because, again, the more information that we get, the more data, the more information on the projects in addition to what's already out on the website, each one of our business meetings, we have the link to the website. We're telling them to start paying attention now. We recognize the more we get into that, especially with the cities, there's going to be a better opportunity to begin to drill down on where the real small business opportunities are. So we've been very open and honest with our small businesses. This is a good chance to do your homework to understand the program and the opportunities, and even the projects from the city to the County. But as we go into next year and we're able to drill down, we'll be able to talk about the specific industries, and that's where you, as a business, begin to make a decision on how you want to participate competitively in this process going forward. So I thank you for your time.

MS. PENNANT: Just a comment. I know I asked quite a few questions earlier, and I do that because I want to get some things on the record. But I can honestly say that the citizens of Broward County can rest assured, and our small business community in particular can rest assured, having

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someone as Sandy-Michael McDonald running the small business development program, in general, is a gift. And I know your passion. I know your heart, and you are absolutely a genius at this. And so kudos to you.

MR. MCDONALD: Thank you, ma'am. Appreciate it.

MR. HOOPER: Thank you very much. There's no more questions. Okay.

OTHER BUSINESS

CHAIR'S REPORT

MR. HOOPER: Next, other business. Chair's Report. I think I've spoken too much today.

(Laughter.)

MEMBERS' REPORTS

MR. HOOPER: So I'm going to go to does anybody -- any of the members have anything that they'd like to report? Yes, Mr. Smith.

MR. SMITH: One quick comment slash question. Can we just state real quick how many open positions we actually have on the board and what the categories are? Is it just one that's open, or do we have one from before?

MS. CASSINI: No, there's one position that just became vacant with Cynthia Chambers' resignation, and that's in Land Use and Urban Planning.

MR. SMITH: I just -- I wanted to verify that.

MR. HOOPER: Uh-huh. Mr. Allen?

MR. ALLEN: I'd like to request for our January meeting that we have a status report on the audit. Financial audit.

MR. HOOPER: Anybody else? Okay.

MS. PENNANT: Just a quick comment. I just want to thank Angela and Gretchen and team for their hard work, their diligence, and just helping to

guide us through this process. I know it's new for everybody, and we all want to do the best job. And we know for sure that the County Commission is behind us, and Bertha and everybody at the County is certainly supportive of this. This is part of your vision, to begin with anyway, right? Even before the oversight. But I know we ask some pressing questions, but it's because, one, we're trying to better understand the process, but also we're all very diligent and committed to the task that we were authorized to do on this board. And so we just want to say thank you on behalf of the board.

UNIDENTIFIED SPEAKER: I want to echo that.

MR. HOOPER: That's good. Thank -- I agree. I ditto that.

CHAIR'S REPORT

MR. HOOPER: And, I'm sorry, I am going to say something. We did a -- we had a presentation in front of the downtown council, wasn't it the downtown council, the group of businesspeople in downtown, and staff did a fantastic job. And there must have been about a hundred people there, and they really -- you know, it was eye opening to them. And when they got -- when it was finished, I had several people email me later and say, this is fantastic. They didn't -- I mean, so outreach, continuing outreach, I think, is very positive. I think people that need to understand what it is that's going on -- because the more we tell people -- and I know that's part of our charge, but the more we tell people, the more excited they get. And I think we get a lot of support when we -- when we educate the public. So you guys did a great job, by the way.

MS. PENNANT: Yes.

COORDINATOR'S REPORT

MR. HOOPER: All right. Do you want to take over?

MS. CASSINI: I just have a couple of things. I know we're running a little bit behind, but I wanted to talk a little bit about the January 23rd, 2020 meeting agenda. Besides the item that was just requested by Mr. Allen, I did receive an offer from Monica Cejas, who is the Executive Director of the Citizens -- the CITT in Miami, which is very similar to the Independent Transportation Surtax Oversight Board. They've had their surtax in Miami-Dade County since

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2002. They have a lot of lessons learned. I actually served on a panel with her last week, and she offered to come and speak with you all, if that's something you'd like to do.

The MPO will have a prioritization process that they can -- the surtax-funded MPO staff will have a prioritization process that they can present to you at that time. So it will be a rather long agenda. I wanted to just get a feeling from the members. That would probably be a full-day meeting, based on the agenda that I'm looking at right now, or at least, you know, a 9:30 to 3:30 type of timeframe. Is that something that the members are amenable to?

MR. SMITH: Did we pick a date yet in January?

MS. CASSINI: They're always the fourth Thursday. That is what you all selected. So it would be the 23rd of January.

MR. SMITH: But we don't have to decide? It's not on the calendar yet.

MS. CASSINI: No, I haven't sent them through. I've been waiting to get some direction from you all. If you don't want to meet on the fourth Thursday, just let me know and we can look at other dates.

MR. SMITH: I don't mind in general. On that particular day, I have a conflict I could try to clear. If it works for everyone else, I could do my best to clear it.

MR. COOLMAN: For next year, maybe we should go to the third.

MR. HOOPER: Come on, guys. Hey, so I typically block out the whole day, knowing that these are long meetings.

MS. PENNANT: Me too.

MR. HOOPER: And for one day out of the month, you got me. So if you want to do a longer meeting, I'm in favor of it, but I do defer to my colleagues on whatever their schedules will allow.

MR. COOLMAN: I block out the whole day, too, so it's okay.

MS. PENNANT: So do I.

MR. SMITH: Yeah, in terms of the duration, that's fine.

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MS. CASSINI: Okay. And you'll let me know, Mr. Smith, if that's something that you are able to move. You've been receiving emails from Mr. Wolf, a Broward County employee, about how to access your new Broward County Oversight Board email addresses with your multi-factor authentications. And I just wanted to also, from a 2020 calendar, do you want to, at the January 23rd meeting, select the calendar for the rest of the year, or do you want to make an effort to do that at this time?

MR. HOOPER: From my perspective, the fourth -- the fourth? -- Thursday, we went through that already.

MS. CASSINI: I know.

MR. HOOPER: I'd really like to stick with the program.

MS. CASSINI: So I will tell you that in the month of February, you will have very little action items, I mean, unless there are discussion items or follow up or status reports that you all request as a result of the January 23rd meeting. You would have the opportunity to take that particular month off, because you will have some very, very hard work ahead of you in March and April when the municipal prioritization process and the County's second supplemental comes forward.

MR. COOLMAN: As long as those meetings are at 9:30, we can still live with the fourth Thursday.

MR. ALLEN: Can you --

MR. HOOPER: He never gets to change anything else.

MR. ALLEN: -- detail those months in which we're going to have significant issues to meet on? I mean, you've got the --

MS. CASSINI: Yes.

MR. ALLEN: -- MPO prioritization. You've --

MS. CASSINI: So based on the --

MR. ALLEN: -- got the budget process. So, I mean, so we could then, in January, decide which of those months that we want to either --

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MS. CASSINI: Absolutely.

MR. ALLEN: -- either meet or not meet.

MS. CASSINI: So I can do that in a formal presentation in January. I can tell you now that March, April, and June are going to be very demanding meetings. The March meeting will likely include the municipal prioritization process coming from surtax-funded MPO staff. Your April meeting will include the rehabilitation and maintenance projects coming from County staff. The June meeting will be an approval of -- unless we do a workshop process again as we did last year, it would be a review and approval of County FY 2021 budget requests, because that's right before our Board goes on break and kind of at the tail end of our budget process. So that's what I know thus far that I can share with you. And, like I said, I'm happy to put a presentation together for the public's benefit. The last thing I have is just that we have been doing a lot of outreach and education. We've been receiving requests almost daily for presentations. I've done eight presentations in the month of October. I have 12 and counting requested for the month of November.

So we are getting out there, we are telling our story. And, finally, and most excitingly, my favorite announcement to make is that we have two new wonderful employees, surtax-funded employees, that you all approved back for FY '19 finally onboarded. I'd like to introduce you to Annette Lewis. She is going to be serving as your Finance Manager. She has a very -- very long background in both government and the private sector as an auditor. And I'm really looking forward to her being able to support us and provide us with the forecasting and the types of financial information that you all have been requesting. And then Alex Mayorga, who is your Program Performance Analyst. He's going to be working on performance measures, baseline data, and developing some of the metrics you all were asking about earlier, and working very closely with surtax-funded MPO staff and our municipalities.

(Applause.)

MR. ALLEN: How does that survey information that we were asked to complete, how is that going to fit into the -- whatever they're -- Northstar or --

MS. CASSINI: So Open North --

MR. ALLEN: -- Open North.

MS. CASSINI: -- they're looking at data transparency, and they're helping us to determine what types of information needs to be transmitted to the public through public dashboards, what we need to be telling the Oversight Board, what we need to be telling the Board of County Commissioners, what we need to be looking at internally. And that's going to be coming to you on January 23rd. That's one of the items on your agenda for that day. They're going to do a presentation of all of their findings and recommendations to you on that day.

MR. ALLEN: How large was the universe that that went out to?

MS. CASSINI: Oh, gosh.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. CASSINI: It went out to a little over a hundred --

MR. ALLEN: Okay.

MS. CASSINI: -- individuals.

MR. SMITH: So going back to scheduling just real quick, so we don't meet again until January?

MS. CASSINI: You all selected to take the months of November and December off, because --

MR. SMITH: And --

MS. CASSINI: -- the fourth Thursday falls on Thanksgiving and then right after the -- Christmas, I believe --

MR. SMITH: Okay. So --

MS. CASSINI: -- (inaudible).

MR. SMITH: -- just to put it out there, I don't want to end up missing two meetings, for sure, in a row. So that January, I could have a conflict. I'll try and clear it. I would suggest that maybe we just have one substitution of the 30th, so not earlier but later, if we could pull it off, in January, because in March -- what I do is cyclical -- and the bank reporting deadlines, my busiest

month of the whole year is March, being March 31st deadline for dating financial statements for bank covenants. So I'm going to try not to miss that meeting, but that is one where it could just be the case I cannot sit here all day at the end of March. So I don't want to end up in a spot where I end up missing two meetings, and I know we won't have the whole group together for a while. So just want to put that out there. I'd like to avoid that happening.

MS. WALLACE: So are you saying that January -- because there are five --

MR. SMITH: Yeah. Like --

MS. WALLACE: -- Thursdays --

MR. SMITH: -- maybe we could --

MS. WALLACE: -- in January --

MR. SMITH: -- there happen to be, right.

MS. WALLACE: -- and the fifth -- right. So I know that when we had this discussion previously, the other three Thursdays of the month were booked for most of the board members, so we settled on the fourth Thursday. But there's actually a fifth Thursday in January.

MR. SMITH: Yeah. Right. So there's -- maybe we could sneak into that.

MS. CASSINI: So could I ask you all --

MS. WALLACE: So, you know, hopefully --

MS. CASSINI: -- to look at your calendars --

MR. WALKER: -- the fifth Thursday's not --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. SMITH: That's the last. That's the last --

MR. CASSINI: Is --

MR. SMITH: -- Thursday of the month.

MS. CASSINI: -- January 30th a possibility for the other members here?

MS. PENNANT: Yes.

MR. SMITH: That would work better for me.

MR. HOOPER: Yeah, I'm okay.

MS. CASSINI: Okay.

MR. SMITH: Okay. And also --

MS. CASSINI: All right. So --

MR. SMITH: -- I'm trying --

MS. CASSINI: -- we're --

MR. SMITH: -- to make March. I'm planning to be here in March.

MS. CASSINI: Okay. So we're going to move the meeting to January 30th, and I'll send a --

UNIDENTIFIED SPEAKER: All right. Great.

MS. CASSINI: -- an email to the group. And we'll be in this room, okay?

MR. HOOPER: Okay.

MS. CASSINI: All right. Great.

MR. HOOPER: That sounds good.

MS. CASSINI: Happy holidays.

ADJOURN

MR. HOOPER: Okay. Meeting's adjourned.

MS. CASSINI: Oh, if I could just ask if you all wouldn't mind leaving your binders, unless you take your binders and keep all of your information. Then

we'll recycle your binders for you each meeting; okay? Great. And you are more than welcome to bring your stack back if you'd like us to recycle them.

(The meeting concluded at 1:10 p.m.)