

**MINUTES**  
**INDEPENDENT SURTAX OVERSIGHT BOARD**  
**APPOINTING AUTHORITY MEETING**

**October 26, 2022**

**MEMBERS PRESENT:**

Mr. Randall Vitale, designee of the Broward Workshop, Chair

Dr. Colin Polsky, FAU Center for Environmental Studies, via telephone

Mr. Dan Lindblade, designee of the Broward County Council of Chambers

Ms. Monica Cepero, County Administrator

The Honorable Jack Seiler, designee of the Broward League of Cities

**Members Absent:**

Mr. Sidney Calloway, designee of the Urban League of Broward County

Mr. Filipe Pinzon, designee of Hispanic Unity

**Also Present:**

Gretchen Cassini, Assistant County Administrator, Board Coordinator, MAP Broward

Angela Wallace, County Attorney's Office

Roy Burnett, Administrative Coordinator, MAP Broward

Miriam Brighton, The Laws Group

A meeting of the Independent Surtax Oversight Committee Appointing Authority was held in Room 430, Governmental Center, 115 S. Andrews Avenue, Fort Lauderdale, Florida at 9:00 a.m. Wednesday, October 26, 2022.

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

## **CALL TO ORDER - CHAIR, RANDALL VITALE**

CHAIR VITALE: Okay. Good morning. It is a little after 9:10, 9:11 on October 26<sup>th</sup>.

All right. So we'll call this meeting to order. It's great to see everybody.

This is the Appointing Authority meeting for the Transportation Surtax.

## **ROLL CALL - ADMINISTRATIVE COORDINATOR, ROY BURNETT**

CHAIR VITALE: We'll start here by having a roll call. Roy?

MR. BURNETT: Good morning, everybody.

Randall Vitale?

CHAIR VITALE: Here.

MR. BURNETT: Monica Cepero.

MS. CEPERO: Here.

MR. BURNETT: Thank you.

Dr. Colin Polsky

DR. POLSKY: Here.

MR. BURNETT: Honorable Jack Seiler.

MR. SEILER: Here.

MR. BURNETT: Thank you.

MR. SEILER: Only my wife has to call me that.

(Laughter.)

MR. BURNETT: Dan Lindblade.

MR. LINDBLADE: Remote. Here.

MR. BURNETT: Thank you. Thank you, Mr. Lindblade.

Felipe Pinzon is absent, and Sidney Calloway should be attending shortly.

Thank you.

We have a quorum.

CHAIR VITALE: Okay. So we have a quorum. Thank you.

We expect to have, I think, a pretty efficient meeting this morning, but it's going to be an important one from a discussion standpoint.

It's been a little while since we've met, and we haven't had a need to meet, but we are now approaching that time for reappointment, and we also have a couple of openings.

So if you look at the agenda, the discussion items that we have in front of us, before we jump into the discussion items, I wanted to remind everybody of our policy, which is 34.3 in the backup material that was sent.

We have, as a board, agreed that we would like all seven members of the Appointing Authority must be -- must meet in order to conduct business.

So we don't have any action items today, and so that's okay, but that's going to be something that -- that's going to be something that we need -- a little bit of feedback there -- to discuss in the meeting.

But I wanted to have you -- remind you all of that, because that is an important item for us.

## **DISCUSSION ITEMS**

CHAIR VITALE: So Number 1 under the discussion items, we have Oversight Board members who have expressed interest in being reappointed for a successive four-year term.

We also have two openings -- will have two openings. One is effective at the end of the term, which is Ms. Love, who has graciously served, but is not seeking reappointment.

And the second is Ms. -- or I believe Dr. Kelley -- oh, yeah, Consuela Kelley, who is unable to also renew her term, and I think has also resigned --

MS. CASSINI: While her letter does not specifically state that she's resigned, because she's moved out of the state, she's no longer qualified to serve.

CHAIR VITALE: Okay. So those are the two seats that we need to have a discussion on.

And then also looking at the existing members who have all formally requested -- and, again, in the backup material, formally requested to be reappointed to another term.

**1 – CONSIDERATION OF CURRENT OVERSIGHT BOARD MEMBERS WHO HAVE EXPRESSED INTEREST IN BEING REAPPOINTED FOR A SUCCESSIVE FOUR-YEAR TERM**

- a. Will reappointments be treated as vacancies and follow the application process outlined in Section 34.3 of the Broward County Administrative Code?**
- b. What additional information is needed from current Oversight Board members, if anything?**

CHAIR VITALE: So the first item we need to discuss is Item 1A on the agenda, which is will reappointments be treated as vacancies and follow the application process outlined in Section 34.2.

How would the group like to handle vacancies -- excuse me, reappointments?

Jack?

MR. SEILER: Thank you, Mr. Chair. There we go.

You know, it took a while for this to get up and running, and it took some time to -- I think, for this group to really start performing, and they now are performing pretty well, and I think things are getting done.

I would hate to start this process over with treating a reappointment as a whole new application process. I think it would just set us all back, and I think it would be inefficient.

So I would just ask that we treat the reappointments -- just up and down on the reappointments. I think we can get enough feedback as to who's doing their job and who's participating actively.

And then just the two open seats, I think we have to treat those as a vacancy and go through the process, but I'd hate to lose momentum that's been achieved over the last four years by starting this over.

CHAIR VITALE: Okay. Great.

Colin, do you have any thoughts?

DR. POLSKY: Sure. I don't think we want to introduce any unnecessary delays.

The application, though, might not be that onerous, especially if they've already done it, just reviewing it here. B2, resume and certification, no conflict of interest.

So if to redo, that would result in a delay, then that's something we should avoid, but it doesn't necessarily seem, on the face of it, like a big deal.

The other thing is, as the Mayor was saying, I think we probably have some

information on the -- the quality, the nature of the service of the individuals who are up for -- or who are requesting to be reappointed.

And that would be some valuable information to review.

I see there's an attendance sheet in the packet, and I'm not sure if there's anything else that we have.

CHAIR VITALE: A great question and comment. I'm going to separate the two and answer the second question first, which is that's for us to decide if there is additional information that we would like staff to prepare or review.

And so the bullet Item B there, you'll see is there anything that we as an oversight -- excuse me -- we, as an Appointing Authority, would like to see.

And so we can have that discussion.

To the first question, I believe -- and staff can correct me here if I'm -- if I'm wrong -- they have to re-attest each year and make sure that they're qualified and re-qualified every year.

So that attestation happens regardless of our meeting. Is that right? Yeah.

So in that sense, I think they are checking the box to make sure that they're qualified.

Monica or Dan, do you all have anything? Oh, go ahead, Angela. Sorry.

MS. WALLACE: Yes. So each year, we conduct an ethics training and have the Oversight Board members complete -- excuse me -- annual certification that they still meet the requirements.

So the question is is there something that the Appointing Authority would like to have the existing members submit, say, regarding, as an example, their service over the

last four years and what that's consisted of and that they're still interested and why. So those sort of things.

It wouldn't be an open competitive application process, just what documentation would you like to have on file for those members seeking reappointment.

That's the difference.

DR. POLSKY: Great. And so I would withdraw my initial concern that, you know, maybe we should just have them reapply, because it sounds like there's nothing new in that process that they're not already doing every year.

And then, to follow up on -- on the second point, I think it just is a nice -- it sounds to me like a nice opportunity to be able to separate from an individual who's performing poorly.

And I'm not suggesting -- I have zero knowledge or expectation that that's the case at -- at all, but put another way, is -- is requesting to be reappointed an automatic rubber stamp thing? And if so, do we want it to be that?

CHAIR VITALE: So I think there's -- I think it's a very good question, and I think we -- we should remember that we are talking about, one, this board, but, two, and I would say more importantly, how it gets handled in the future.

MS. CEPERO: Future.

CHAIR VITALE: And so the thumbs up or thumbs down for these individuals, I think, is -- isn't, like I said, an important discussion, but broadly speaking, we are setting precedent.

So I think it's important to have the conversation now, and I'd love Monica or Dan to weigh in, as well.



MS. CEPERO: Thanks, Randall.

So, yeah, and it's nice to see this dialog, because I'm kind of stepping into this role and, for the first time, really looking at how the -- the appointment process for the Oversight Board is -- is really working in action.

So I do agree that there's two distinct issues here, and I think for -- for what we've got in front of us, I don't see any problem moving the way -- you know, with the review of these.

But moving forward, you know, Jack, I feel the same way you do about not holding things up.

And -- and -- is it Colin?

DR. POLSKY: Yes.

MS. CEPERO: -- on, you know, your -- your points about, you know -- you know, setting the tone for maybe allowing us to have a view, or a review of sorts, before -- if someone is not performing or not, you know, holding up their fiduciary responsibility in that role.

So I -- I think there's valid points on that as well.

I do think the nomination process is working and -- and going through that process doesn't seem to be too onerous.

And I think that the concern that you raised will probably work itself out through that process as well, and then we would have the opportunity to weed out, you know, some of -- you know, a candidate or candidates that might not really be the best ones or most -- most qualified to serve in this role, so.

MR. LINDBLADE: Yeah, Mr. Chair, this is Dan.

I have to agree with Monica's statements. We go through a nomination process at my organization every year. Jack's chairing that this year. And we have to look at attendance, participation, all of that.

So we want the best people that we can find on this -- on this tax authority, and so that's -- those would be my comments.

CHAIR VITALE: Thanks, Dan.

I'm remiss in not welcoming Monica as our new County Administrator, as our new member to the board. So I should have done that at the beginning of the meeting.

Welcome, Monica.

MS. CEPERO: Thank you, Randall.

But, you know, it's not new new, right?

CHAIR VITALE: Yes.

(Laughter.)

MS. CEPERO: I feel like --

CHAIR VITALE: Not new new.

MS. CEPERO: -- the seven months, it feels like seven years some days. But --

CHAIR VITALE: Well, welcome to our Appointing Authority.

MS. CEPERO: Thank you.

CHAIR VITALE: So going on with that dialog, what other -- we have attendance, which I think is a very easy, objective item.

Are there any other objective or subjective criteria that we would like to direct staff to request?

We have the letters, which I think is, per the documentation currently, sufficient.

They just need to notify, if I'm remembering correctly. They need to notify Gretchen, and they all have.

So is there anything else?

We'll need to meet again to reappoint. So is there anything else we would like to see as a group or individually?

If anyone has comments, this is the time to -- to share them.

MS. CASSINI: I --

MR. LINDBLADE: Randall --

MR. SEILER: Go ahead, Dan.

CHAIR VITALE: Go ahead, Dan.

MR. LINDBLADE: -- Mr. Chair? Yeah, the only other thing, and it's -- it's subjective, but I think it's important, would be to hear from the Chair, because he would have a better sense of performance.

So if we're able to do that, I think that would be a good -- good way to go.

MR. SEILER: The Chair is also up for reappointment, so I think that would be -- you know, I think we have to do it -- I think we either have to do it across the board for everybody or not.

I'm -- look, there is a lot of bureaucracy in bureaucracy, right? We know that. I've spent 25 years dealing with this.

And I think what -- you know, I -- I think the County's come such a long way in terms of efficiency. I think the cities have.

I think this board kind of start -- you know, started out and stuttered and stalled and then it finally has gotten its wheels underneath it and it's moving.

I would really -- I mean, I look at this, I'm looking at attendance. I mean, you look at Alan, you know, perfect attendance. Doug Coolman, one missed meeting in four years. Phil Allen, perfect attendance.

I mean, you know, these are people -- and Phil Allen has served this County so well for so long.

UNIDENTIFIED SPEAKER: Yeah.

MR. SEILER: I look at the -- Frazier, the architecture -- architect, two missed meetings.

The only one that looks like has more than that is Shea Smith. Has expressed, I guess, an interest in reappointment, but maybe we can find out what is the issue with that attendance.

But other than that, you go down to the next one, even Dr. Kelley only had one missed meeting before she notified them that she had moved out of County -- out of the County.

Allyson Love, you know, has four, but -- and then -- so I just -- I'd like to keep this moving forward.

And I -- I'd like to reappoint those that are up for reappointment if we think it's sufficient, and then I'd like to have a really good vetting process for the two new spots to make sure we're adding real value to the board.

But I think to start this whole thing over is -- is just creating bureaucracy for bureaucracy purposes.

MS. CEPERO: So, if I might (inaudible) --

CHAIR VITALE: I think Gretchen wanted to address one of the questions that

you asked, Jack.

MS. CASSINI: So I just wanted to let everyone at the Appointing Authority know that if you wanted to get a glimpse into participation, levels of involvement, discussion of any of these members, we have every single meeting videoed. We have verbatim minutes from every meeting going all the way back to February of 2019.

So there is an opportunity for each of you to kind of go in and -- and just see what was happening at various times.

With respect to Mr. Smith, he did have a very serious injury. And, of course, also, during the pandemic, there were some demands on his time with childcare.

So we -- that -- we know that that was the cause of -- of several of those absences.

CHAIR VITALE: Go ahead, Monica.

MS. CEPERO: Yeah, I just wanted to ask Counsel if you felt that the current code allows for a reappointment without an application.

MS. WALLACE: So the -- the current code says the, I guess, vacant category. And I think all of them are considered -- so they -- they're in their current term, but it would be, unless they're reappointed, it would be a vacancy for the next term.

So these current members are appointed through the end of the -- the four-year period, and then they could be -- the code allows them to seek reappointment for that position, but it's not automatic.

So the -- it's to indicate that the -- the category that the member would like to participate in, if they want to continue in that category, that they express interest in that, which they have.

And then the question is what the Appointing Authority wants. Do you want the -- do you want those individuals to do another statement of the relevant interest and as a -- as a person seeking reappointment rather than just the -- the interest initially, what they would like to or what they've contributed and how they see their participation or -- or value going forward, right?

But the -- the -- the positions are considered, I guess, vacant for the next term until there's an appointment.

MS. CEPERO: So -- so I guess to clarify, does it -- does it require a formal application process, or what we're discussing here would satisfy that, really is my -- I guess the question.

MS. WALLACE: I think what you're discussing here will satisfy.

MS. CEPERO: Okay.

MS. WALLACE: You can determine what you would like to consider.

MS. CEPERO: As the application.

MS. WALLACE: Correct.

MS. CEPERO: Okay. Well, for me, you know, I -- I think that, you know, I have sufficient comfort with the requests for -- of interest for those individuals that are seeking reappointment to move forward with that today.

And then for those other two vacancies, you know, a more formal type of process, I think is appropriate.

And, you know, for that, I would obviously, you know, ask for the resume, statement of interest, and -- and what they would -- what their backgrounds, what is unique or -- or what they would bring to the table to contribute to that process, I think

would be, you know, very appropriate.

And then that would come back before us, I understand, and then we just -- you know, I guess we could talk about how that really plays out and how much time and, you know, we open it up for a certain amount of time and -- through nominations and whatnot.

CHAIR VITALE: Yeah, that's correct. For -- for the openings, I think it's pretty clear.

And it seems like there's consensus on setting policy for the reappointments to be not treated as vacancies.

So I think that's the direction we'll give going forward, okay?

So that's not to say they can't be -- that's not to say they're automatically to be reappointed, but, from a policy standpoint, we are saying they're not to be treated as vacancies.

And I don't hear anyone objecting. I see everyone nodding their head yes.

Okay. So that's an important -- that's an important delineation for us to have made, and I appreciate the input.

So before we wrap up Item 1, is there any additional information as we are going to now seek reappointment for those who are reapplying, existing seats? Is there any additional information that anyone would like to see?

I heard some ideas, but I haven't really heard anything other than attendance.

MR. SEILER: Oh, I'm good, but I did like what you mentioned about the videos available. So if we could just have that link, then we can individually do that. Because I think from a government in the sunshine, we -- probably any one of us can look at those

videos individually.

If you just send us the link, that'll be great.

MS. CASSINI: I'll do that.

CHAIR VITALE: Thank you.

MR. SEILER: That'll help you, right? Other than that, I'm good.

CHAIR VITALE: Colin, anything else you'd like to see?

DR. POLSKY: On this question, no. It sounds -- sounds great.

CHAIR VITALE: Okay. Monica?

MR. LINDBLADE: Randall?

CHAIR VITALE: Go ahead, Dan.

MR. LINDBLADE: Yeah, I guess my only other question, and I think she indicated, but if the -- if Gretchen has anything that we should know about, I sure would like her to tell us.

MR. SEILER: A good video?

MS. CASSINI: I -- you know, I can certainly offer input on meetings that had the most discussion or were really lively. When we send you the link, I'll be happy to follow up with you all.

But I don't have anything to add with respect to the quality of the service of the members.

They've been incredibly committed, so dedicated. They -- we do briefings, Angela and I do briefings with every member individually before each meeting. They ask tons of great questions.

They're -- they're always prepared for the meetings.



I -- I -- it's a very, very good group of people and, you know, I'm honored to -- to be able to serve them.

CHAIR VITALE: And, as a reminder, those who volunteer for this role, this is a very big ask for a volunteer. Not only the time commitment of the meetings, the backup material they're responsible for, but they're also foregoing, you know, those who have, potentially, business in the space are foregoing all of that.

And so, you know, I think as a -- Dan, maybe this is what -- the point you were trying to make, which I agree with, is we do have, through our staff liaison team, the ability to get feedback.

You know, separate from the objective data of attending or not attending, I would imagine that staff would share with us if there was a member not meeting their duties, their responsibilities.

And at that point, we could call a meeting and, you know, handle that appropriately.

MS. CEPERO: Yeah, my only piece that I wanted just to put on the record is, you know, given what Angela has shared, that we wouldn't need to go through a formal application process for this round, you know, I feel very comfortable from a legal perspective that we've -- you know, we're doing everything the way we need to to kind of capture this.

And then, you know, for those other two positions, then we can go through the more formal round and -- I know, I guess we're not taking action today, but I guess we're setting the -- setting the table for the next discussion. All right.

CHAIR VITALE: Yeah. Okay. Great.

**2 – APPOINTMENT OF NEW OVERSIGHT BOARD MEMBERS IN  
CATEGORIES WHERE OVERSIGHT BOARD MEMBERS HAVE  
RESIGNED OR DO NOT SEEK REAPPOINTMENT TO SERVE A  
SUCCESSIVE FOUR-YEAR TERM**

**a. Follow process outlined in 34.3, Broward County**

**Administrative Code?**

**b. Additionally accept nominations from Appointing Authority members?**

CHAIR VITALE: So moving on to Discussion Item Number 2, the appointment of new Oversight Board members in categories where Oversight Board members have resigned or do not seek reappointment to serve successive four-year terms.

So I believe what I heard was we would want those to go through the full application process and follow the guidelines that we had set forth previously.

Does anyone disagree with that?

MR. SEILER: I think Monica summarized it.

CHAIR VITALE: Okay. So everyone's nodding their head yes.

MS. CEPERO: Sorry, Mr. Chair. I --

CHAIR VITALE: Please.

MS. CEPERO: -- think I jumped the gun.

CHAIR VITALE: No, no, no. They're one and the same. I think it's -- I think it's important to delineate the two, but also going through the process for -- for those who resign is different.

MR. SEILER: The only thing I would ask there is is there a way for us to get the word out now, we could get that process going and get a good group?

Because, again, I'm concerned about momentum. I do think, you know, there's so many good things happening in transportation around Broward County. We've got to keep this moving forward.

So if we could maybe leave this meeting putting it out on the street we've got two openings, how do we publicize that, try to get, you know, the two most talented, most impactful members we can bring in.

I think for the -- I'm looking at those two spots. That would be the Former City/County Manager spot and the Public Transportation Consumer spot, right?

CHAIR VITALE: That is correct.

MR. SEILER: All right. Those are the two. I'd love to just keep that process moving forward (inaudible).

MS. CASSINI: Mr. Chair?

CHAIR VITALE: Please, Gretchen.

MS. CASSINI: So that was one of the reasons why we wanted to have that discussion in 2(b) about whether or not you all want to nominate people.

It sounds as if you would just be directing them to apply. So you would be identifying folks that you think would be good Oversight Board members in those two categories, sending them to the website to submit their formal application.

And the question that I have for this group is right now in the Administrative Code, the minimum that we would advertise those vacancies for is 15 days. What --

MR. SEILER: Fifteen or 50?

MS. CASSINI: -- 15.

MR. SEILER: One five.

MS. CASSINI: One five. And I'm wondering if, because of the time of year and the nature of these vacancies, if you all would prefer that we leave that open for a longer period of time, perhaps 30 days or 45 days.

CHAIR VITALE: I -- go ahead, Monica.

MS. CEPERO: No, go ahead.

CHAIR VITALE: I would say 15-day minimum, and then we can see -- I mean, if we get great applicants at the end of 15 days, then we can choose to meet. And if we don't, we can leave it open.

It's not -- there's not a maximum number there. It's a minimum number.

Go ahead, Monica.

MS. CEPERO: And so -- and I want to make sure I'm clear on my understanding of this.

So we can, you know, advertise and whatnot, but, you know, is it -- is it also the -- as an appointment member, do we get the opportunity to also nominate? Or how does that work? I just want to make sure I understand the process.

Because I think it would be -- if I know somebody that would be great, yes, we can still go through the notice, the public notice, but I'd like to be able to also nominate somebody.

So does that lend itself, does the process lend itself for that?

MS. CASSINI: So the ordinance does contemplate you all nominating. And the first round of candidates were nominated.

The open advertisement process started when there was a vacancy --

MS. CEPERO: Uh-huh.

MS. CASSINI: -- during an existing four-year term.

The nomination came from Appointing Authority members and also, I believe -- no, they all came from Appointing Authority members. And then those individuals submitted application materials --

MS. CEPERO: Okay.

MS. CASSINI: -- that you all identified --

MS. CEPERO: Right.

MS. CASSINI: -- as required in order for them to be considered.

MS. CEPERO: So a follow up?

CHAIR VITALE: Please.

MS. CEPERO: So if someone has applied outside of one of us formally nominating somebody, then they would still need to be nominated or -- or is that up to us? I'm truly trying to understand the process, because this is -- this application piece seems like it might -- or the advertising piece might -- seems to me that it's kind of new.

CHAIR VITALE: I believe it would be up to us to decide. And my recollection, just broadly, was we wanted to cast as wide a net as possible --

MS. CEPERO: Uh-huh.

CHAIR VITALE: -- to try to get as many potential qualified applicants as possible, and then leave it up to those in the room here to decide --

MS. CEPERO: Okay.

CHAIR VITALE: -- who would be the best --

MR. SEILER: Who to nominate.

CHAIR VITALE: -- fit --

MS. CEPERO: Yeah.

CHAIR VITALE: -- given the makeup of the existing members, you know, all the other factors we would want to consider.

MS. CEPERO: Okay.

CHAIR VITALE: Jack, did you have something?

MR. SEILER: No, I agree with just what you said. I remember when we did this, initially, we nominated the names and (inaudible) sitting around this same table doing it. Doesn't seem like four years ago, but it was four years ago.

But no, I think, you know, I would like to just leave it open to the public, though, so that this is something -- you know, we've got 2,000,000 people in Broward County --

CHAIR VITALE: Yeah.

MR. SEILER: -- and I think we need to be transparent and open.

But I think at the end of the day, we're going to know which candidates are serious --

MS. CEPERO: Yeah.

MR. SEILER: -- and we'll nominate them. And we're going to know which candidates are just sort of -- whether they want to be involved, they want to disrupt. I think we can weed that out as part of the process.

CHAIR VITALE: Yeah, and there's a funnel, right, where the applicants are at the top of the funnel. Then they have to be qualified. They have to do the attestation.

We won't even see the -- those who apply who are not qualified. They won't even get to us.

So then we'll be able to have the discussion.

MS. CEPERO: Who -- who does -- if I may, who does that vetting, or how does that work?

MS. WALLACE: Our office does the vetting of applicants the same way we do with other County-created boards.

So there'll be a memo indicating whether the applicant meets the requirements.

MS. CEPERO: For a particular category?

CHAIR VITALE: Yeah.

MS. WALLACE: Yes.

CHAIR VITALE: And the conflict of interest and, you know, all the other requirements.

MS. CASSINI: And just to remind the group and make sure that this is still the direction you'd like us to go is we did not limit qualified applicants to be Broward County residents, which is unusual.

That's normally a requirement for our advisory boards, but we did accept nominations from residents of other counties.

Is that still the direction that you'd like us to take?

CHAIR VITALE: Go ahead. Weigh in.

DR. POLSKY: Just quickly, I was going to talk about this question of what are the requirements. It's not listed on this 34.3 page printout. Such as Broward County residence.

On top of that, I recall we relaxed it because it was getting difficult to get enough folks who were not conflicted and who lived in Broward.

So I would support us continuing to allow people who don't live in Broward.

The question then is which -- how many other counties would qualify. And that's open, I guess, for discussion.

MR. SEILER: Can I follow up on that?

CHAIR VITALE: Please.

MR. SEILER: Because I think Colin raised a good point.

I just -- I just want to be consistent. I don't want to have the next four years of the board be inconsistent with the first four.

So what we did, as Dr. Polsky pointed out, is we opened it up. I think we need to leave it opened up. I think if we're all of a sudden going to go from one four-year term to the next and say, well, this time you've got to be a member and a Broward County resident, so I -- I'd just like to be consistent.

I think what we agreed was there was no geographical restriction. We just said you don't have to be a Broward County resident.

We were very fortunate that we got very talented members to serve, but, I mean, look, if there's a former County or City Manager that happens to be living across the line in Boca or Miami Gardens, that should not disqualify them from serving if they're the most talented person.

So I -- I'd like to kind of leave it as is, just to be consistent.

CHAIR VITALE: That we're -- that is where the conversation was.

Go ahead, Monica.

MS. CEPERO: Thanks.

So I certainly fell into one of those categories once upon a time where I lived in Miami and I commuted here for seven years. So I can appreciate the --



MR. SEILER: Actually, I remember you in Tallahassee with all the work you were doing up there.

MS. CEPERO: Many years ago. You're exactly right. And I remember you sitting across the table from me many times.

(Laughter.)

MS. CEPERO: But I just want to make sure that there's some nexus to Broward County. Like it doesn't have to be -- you don't have to live here, but maybe your place of business or your experience or something tying to Broward. I think that's really important.

And, again, the residency is just where you go to sleep at night. That's not necessarily, to me, you know, a -- a -- a requirement or should be a requirement.

But I'd like to be able to say, you know, include that there should be some nexus, whether you work for a company here or something like that. I think that's important.

CHAIR VITALE: So where we -- how we landed there before, Monica, was, I think all things equal, for sure we would prefer it to be a resident, or there's some type of nexus, or whatever.

But that was going to be up for the board to decide as one criteria -- the Appointing Authority, one criteria versus the only criteria.

MS. CEPERO: Oh, without a doubt.

CHAIR VITALE: And -- and so -- and so I think we can have that discussion at that time. Let's get the pool in. Let's get the applicants in. Because that could also be relatively subjective, right, the nexus part.

You know, they have family here or they worked here but now they don't. It -- it's

--

MS. CEPERO: Yeah.

CHAIR VITALE: -- it could be very, very tricky to try to define that.

So I think the board here can have that discussion.

And I agree, the intent certainly was that, to have some type of nexus, and I agree it should be in the future.

Dan, anything you have?

MR. LINDBLADE: No, I'm -- I'm good.

CHAIR VITALE: Okay. Thank you.

### **3 – IDENTIFYING INFORMATION NECESSARY TO MAKE DECISIONS**

#### **AT THE NEXT MEETING**

CHAIR VITALE: So to clarify where we are, or just on the agenda, Item Number 3 here, is there any additional information that we would need as an Appointing Authority from staff or the applicants for reappointment before our next meeting?

MR. SEILER: If I can just, please.

CHAIR VITALE: Please.

MR. SEILER: The only thing I would ask staff, because you're at every meeting, if there's something we're omitting, that's all I would ask you to let us know.

I mean, like I said, I think this -- over the last four years, I've been pleasantly surprised by how this has all worked out.

And I would just ask that either the County staff or County Attorney let us know if there's something we're missing.

But other than that, I just want to keep moving forward.

CHAIR VITALE: That's a good comment.

Monica?

MS. CEPERO: Yeah. I just want to make sure that, other than attendance, you know, that, County Attorney's Office, if you would just make sure that everybody still, you know, fits into the categories. Maybe they've changed their roles or whatever.

I mean, just as a perfunctory review, that everybody still is in -- you know, fits in the categories and what not, so that we've checked all the boxes there.

MS. WALLACE: Yes, we'll do that. We'll make sure that they still meet the requirements under the ordinance.

I think part of that conflict of interest discussion was at the time that we had vacancies, there were -- there were limited numbers of people, candidates in Broward. And I think for one category, we couldn't find any applicants that didn't have a conflict --

UNIDENTIFIED SPEAKER: Right.

MS. WALLACE: -- as outlined in the ordinance at the time.

UNIDENTIFIED SPEAKER: Right.

MS. WALLACE: And then the ordinance was revised.

And -- and one of our sitting members for the -- the first term actually obtained employment with the Supervisor of Elections Office during the term, and we -- so then the ordinance was modified to --

UNIDENTIFIED SPEAKER: Uh-huh.

MS. WALLACE: -- to change those conflict requirements to allow board members to have employment with a Constitutional Officer, a -- a college or university --

MS. CASSINI: Or non-profit.

MS. WALLACE: -- yeah, or a non-profit, even if they had a contract with the County.

So before, it was any entity that had a contract with the County, the board members could not be employed with those entities. And there was a carve-out to allow for the opportunity to serve where there was no actual conflict of interest.

MS. CEPERO: Yeah, and I remember that. Thank you, Angela. I remember that, and -- and so I remember that conversation on the conflict side --

MS. WALLACE: Uh-huh.

MS. CEPERO: -- but, really, I think, you know, for this purpose, it was really just do they fit in those roles, you know, the categories that they -- they're seeking reappointment in that they were originally appointed to.

So I think --

MS. WALLACE: Yes, we will vet that they still qualify, that they're still qualified in the category for which they're seeking reappointment, and that they're not elected officials, not -- don't have a conflict, an employment conflict, and they're not -- there are no other issues.

We'll vet those and provide a memo that the -- those seeking reappointment meet the qualifications, along with the new applicants.

MS. CEPERO: With that I'm satisfied.

MR. SEILER: Me, too.

CHAIR VITALE: Okay.

DR. POLSKY: If -- if I could just --

CHAIR VITALE: Please.

DR. POLSKY: -- ask, regarding what extra information might be helpful, not to add new work, but is there an existing self-assessment of the process and outcomes so far and a report, a mid-term review or whatnot that we could just see?

MS. CASSINI: With respect to the Oversight Board members' service specifically or just --

DR. POLSKY: No, the whole --

MS. CASSINI: -- the overall program?

DR. POLSKY: -- the program --

MS. CASSINI: Okay.

DR. POLSKY: -- you know, just --

MS. CASSINI: Yes.

DR. POLSKY: -- yeah.

MS. CASSINI: We do annual reports, and we also do quarterly updates on various aspects of the program to the Oversight Board.

So what we'll also do is make sure that you have links to those annual reports and to the budget workshops each year where we provide updates on accomplishments in the various program areas.

DR. POLSKY: Great.

MS. CASSINI: And, Mr. Chair, with respect to Number 3, I just wanted to make sure on the record that we are not providing any additional information other than the annual reports, links to the Oversight Board meeting, webpage, and specific instruction on specific meetings for those that are seeking reappointment.

With respect to the two vacancies, we would be providing you the exact same

type of packets that you've utilized in the past to entertain interest, correct?

CHAIR VITALE: That is correct.

MS. CASSINI: Okay.

CHAIR VITALE: One -- one question. Is there anything that -- I guess this is for the attorney. Is there anything that would stop us from individually reaching out to speak to the Oversight Board member and just soliciting their feedback?

MS. WALLACE: No, there's no prohibition against any of the Appointing Authority members reaching out to existing Oversight Board members.

CHAIR VITALE: So, Gretchen, to add to your list, then, if -- if I can just ask that you send the contact information of all the Oversight Board members to all the Appointing Authority members. And if any of us choose to, want to seek their input of any one of the or all of them, you know, we'll have the option to do that.

Anything else as it relates to this?

#### **4 – SCHEDULING THE NEXT APPOINTING AUTHORITY MEETING**

CHAIR VITALE: Okay. One item that we -- that -- what I started with, which is all seven members of the Appointing Authority must meet in order to conduct business, you'll recall four years ago we had not lived in a virtual world like we live in now, with virtual meeting participation.

I'd like to solicit some input and then possibly give direction to staff on how we would define meet, if virtual participation would be sufficient. And, if so, you know, how many members would be allowed to participate virtually versus in person.

You know, it's just a different world right now, so -- than -- than we were four years ago.

So I think the intent at the time was we wanted everyone to participate in order for us to meet. We all have our respective views and that we're on this Appointing Authority (inaudible). So we agreed that we wanted to participate in order to make the decision for selections.

However, defining being present, I think, is -- has evolved.

So I'd like to welcome thoughts on other boards you're on or other ideas as to what -- what you'd like to see, have staff draw up, or just direction.

MR. SEILER: And I'm good with having us all be present. I just would think that if we have a hybrid meeting, that satisfies it.

I always prefer in-person, whether it be at the courthouse or anywhere else, but in this new day and age, if we have four in person and three on, you know, Zoom, or whatever the setup is with here, I'm -- I'm good with that.

I just think we need to -- when we set these things, let's -- let's pick a time, whether we go 8:00 a.m. or something, where we know we can get everybody on for a half hour or an hour. I know we had this set for a different time, and then this just got moved, which kind of messed me up with my mediation that I have -- I have starting at 10:00 o'clock, so I have to run out of here in a second.

But I'm good having a full board. I think it's an important enough matter that it should be a full board.

But if -- you know, if we've got four in the room and three on Zoom, I'm good with that.

CHAIR VITALE: Monica?

MS. CEPERO: I was going to ask legally if there was any prohibition of -- of kind

of maybe tweaking it.

I will tell you, when I first saw that all seven have to be here in order for us to conduct business, I mean, you can have an emergency on the highway and then all of a sudden we're -- you know, the -- all of our busy calendars, we're going to -- it may take two months for us to be able to get back together.

So I know our County Commission -- I don't know the exact language, but I know that for our County Commission to meet, in order to conduct the meeting, you need to have a physical quorum of a majority in person, and the rest of them can be virtual in order to -- and still their votes would be able to be cast and whatnot.

So I would recommend maybe we do something like that where you have to have at least four in person and the other three could be participating virtually and still -- I mean, if that's legally available. I -- or an option, I'd like to hear that.

MS. WALLACE: Yes. A physical quorum of -- which is a majority of the members physically present, is sufficient to conduct business, and the others can participate virtually.

MS. CEPERO: So let me clarify what you said.

When you said a majority of the members present, you mean a majority of the seven --

MS. WALLACE: Yes.

MS. CEPERO: -- in person.

MS. WALLACE: Correct.

MS. CEPERO: Okay.

MS. WALLACE: Yeah.



MS. CEPERO: So something like that, I think makes sense.

CHAIR VITALE: Okay. So if that can just be updated to reflect the -- if it needs to be updated. Maybe it doesn't

So we would still agree that everyone needs to participate for us to meet. However, virtually would be acceptable as long as we have a physical quorum in the meeting.

Colin?

DR. POLSKY: I'm in support of what's been said with the little caveat that, you know, what happens when there's another pandemic or another need for not wanting to be here?

So if we could somehow have the flexibility like we did during COVID to do our work virtually in the future, if the Chair decides that it's necessary, then that -- that would be helpful.

MR. SEILER: Doesn't the County Attorney deal with that already with the Executive Orders and things like that as to -- I mean, I think we have that flexibility, and then the County Attorney can prepare an Administrative Order. You guys did a bunch through the pandemic.

MS. CEPERO: Yes, we did.

MR. SEILER: Yeah, so --

MS. WALLACE: Right.

CHAIR VITALE: That's a good point. I would recommend we follow whatever the County is doing.

UNIDENTIFIED SPEAKER: Uh-huh.

CHAIR VITALE: Because then, if it flexes one way or the other, we're kind of falling under their rules.

If they require physical quorum, then we should. If that changes because of some extenuating circumstances, then I would think that we would be able to follow their flex.

I don't know if that's possible.

MS. WALLACE: Yes. That's possible, and that's what occurred during the pandemic.

During the declared State of Emergency, the governor issued an emergency and there was a waiver of the -- the 286 --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. WALLACE: -- public meeting requirements. And there were accommodations made so that at the meetings there could be public participation and board members' appearances by virtual means.

And that can occur in any future declared State of Emergency.

Now, I think that there was a matter that was being brought before the County Commission regarding certain County-created boards and providing the option of having the ability to meet without a physical quorum, and that we presented that to the Oversight Board members and the Oversight Board members decided that they didn't want the ability to --

CHAIR VITALE: Okay.

MS. WALLACE: -- be all virtual, and they wanted to maintain the -- the quorum requirement, the physical quorum requirement.

So in the event that this body decides that you want the Administrative Code to be modified to reflect the ability to have virtual meetings, we could present that and have -- request that the County Commission modify the Administrative Code.

Or you can leave it the way it is and have the ability, during a declared State of emergency, to meet virtually.

MS. CEPERO: I --

CHAIR VITALE: Go ahead, Monica.

MS. CEPERO: -- yeah, I would recommend we do that, that we seek that, because I think that tying our hands like this is a little stringent.

I know things come up, and I think the ability to have a -- a -- kind of a hybrid approach is -- is -- we can make the determination here that we don't want that, but hamstringing ourselves doesn't even give us that ability.

So I would recommend we do that.

And -- and, just, you know, I'm going to just throw it out there, you know, I -- I know my comments were about the County Commission and how we -- they have to have a -- a physical present -- quorum present in order for them to actually conduct the meeting, but, you know, even at the County Commission level, when they're making the decisions they do, they don't require all eight or nine of them to be present in order to conduct a meeting.

So I -- I just -- and -- and, you know, in the city, I -- I know, you know, you guys didn't have that either.

So just food for thought. So.

MR. SEILER: I am going to have to --

CHAIR VITALE: Please. Thank you, Jack.

MR. SEILER: -- go virtual.

CHAIR VITALE: Thank you for joining us.

MS. CEPERO: Are you -- may I ask, are you comfortable asking the County Commission to amend the Admin Code to give us --

MR. SEILER: Yeah, I'm fine.

MS. CEPERO: -- okay.

MR. SEILER: Yeah. Just whenever we're doing the next meeting, I think we -- I would just leave it -- I think we need to look at after sometime like 30 days out.

CHAIR VITALE: I think we'd be kicking it to the new year, realistically.

MR. SEILER: You think so?

CHAIR VITALE: Well, we'll -- we'll send out a --

MR. SEILER: But aren't we going to have two meetings, then, of the Oversight Board --

MS. CASSINI: We'll have --

MR. SEILER: -- (inaudible)?

MS. CASSINI: -- we'll have one -- no. And so that was the next item on the agenda, which is the availability of this group to meet to do the reappointments and appointments.

And the goal would be hopefully before the existing terms end so that there's no vacancy.

MS. CEPERO: And when is that?

MS. CASSINI: So we would love it if you're available on the 6<sup>th</sup> of January, which

is a Friday, in the morning. We have this room held. But I know it's holidays, so we could also go to the next -- okay.

MS. CEPERO: Could we go sooner? I'm just --

MS. CASSINI: We -- we could.

MR. SEILER: I'm good on January 6<sup>th</sup>.

MS. CASSINI: We could go sooner, but I think to have --

CHAIR VITALE: Holidays, it gets complicated.

MS. CASSINI: -- yeah, to have enough time to take -- to take all the -- the interested applicants, to vet them, and to package them for you all, it's going to probably take at least five weeks.

MS. CEPERO: All right. I'm good --

MR. SEILER: I'm good.

MS. CEPERO: -- for that date, too.

CHAIR VITALE: So everyone in the room is good. Thanks, Jack. Have a great one.

MR. SEILER: Thank you. Sorry.

CHAIR VITALE: We're good on January 6<sup>th</sup>, so we'll get that date out for everybody as soon as possible.

Dan, I hope January 6<sup>th</sup> works for you?

MR. LINDBLADE: As of right now, it does, yes.

CHAIR VITALE: Okay. Great. Thank you.

UNIDENTIFIED SPEAKER: Yeah.

CHAIR VITALE: So just to --

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR VITALE: -- yeah. Just to wrap up that last point, I'm a little unclear on -- I think the intent is to have flexibility.

I'm not sure that we need to do anything, though, to have that flexibility, because currently you're saying it can be that quorum present is sufficient.

So do we need to update the code?

MS. WALLACE: It's up to the body, to the board to decide whether you want to (inaudible) virtual, right, everyone to meet virtually, I think is the question.

UNIDENTIFIED SPEAKER: I have a question.

MS. CEPERO: So -- so the way it states right now, it says all seven members of the Appointing Authority must meet in order to conduct business.

MS. WALLACE: Uh-huh.

MS. CEPERO: So does -- I guess it's the -- the definition of does must meet mean.

CHAIR VITALE: So the -- the intent was, and everyone felt strongly about this, we don't want to appoint somebody to this term for four years -- because we don't meet frequently.

MS. CEPERO: Uh-huh.

CHAIR VITALE: That's number one.

MS. CEPERO: Right.

CHAIR VITALE: And we don't want to appoint somebody to a term for four years unless everybody -- because we represent so many distinct and discrete areas of the community -- unless everyone has a chance to weigh in and participate in that.

So that was the intent.

And we didn't have an issue up front. So far, we haven't had an issue meeting.

The meetings are normally planned well in advance because we have -- the work is really only appointing. And, in some cases, setting policy.

So that was the intent. I think -- I haven't heard anything from anybody saying that they would want to change that.

I understand what you're saying as far as it could be complicated from a last minute change and other city -- I think the -- the work of a city or a county is different because they're meeting so regularly. We might only meet once a year or less, if -- I mean, in the four years, we've met five times, including setting up, appointing, having a vacancy, and then now.

So that was the -- that was the feeling of the group.

Go ahead.

MS. CEPERO: And so to clarify -- and thank you, Mr. Chair.

So to clarify, it's really a -- about does must mean -- does it have to be in person.

CHAIR VITALE: Right.

MS. CEPERO: So can we do the four and three. That's really what I was trying to get at.

CHAIR VITALE: Correct.

MS. CEPERO: Then, do we need to change anything in the Admin Code to accommodate that.

MS. WALLACE: No.

MS. CEPERO: Okay.

CHAIR VITALE: Go ahead, Gretchen.

MS. CASSINI: But I think I also heard you say that what if we don't have four and three.

UNIDENTIFIED SPEAKER: Yeah.

MS. CASSINI: What if it's four and two, or what if it's four and one? Is -- can you still act?

MS. CEPERO: Right, and so -- so it sounds like we could not act. And -- and then does this contemplate -- you know, I hate to say it, but someone becoming incapacitated or something worse happens. So if -- if something happens where I can no longer serve, then does -- does my vacancy -- then there's a process to fill that or how does that work?

MS. WALLACE: It -- it's the County Administrator or that person's designee --

MS. CEPERO: Okay.

MS. WALLACE: -- so --

MS. CEPERO: What about someone else?

CHAIR VITALE: Same.

MS. CEPERO: Same thing?

MS. WALLACE: Same.

CHAIR VITALE: All of us are designees --

MS. CEPERO: Okay.

MS. WALLACE: Yes.

MS. CEPERO: All right.

MS. WALLACE: Everyone else is --



CHAIR VITALE: -- of our respective organizations.

MS. WALLACE: -- the designee of a -- a particular organization listed in the ordinance, so.

MS. CEPERO: Okay.

MS. WALLACE: And it can be whoever that organization nominates. Say Hispanic Unity, Broward Workshop.

But the County Administrator is the person, and the County Administrator can designate someone --

MS. CEPERO: Right.

MS. WALLACE: -- to act in the County Administrator's stead.

And the other is with Broward College is a -- the person who holds a particular position at Broward College or that person's designee.

MS. CEPERO: And that would be for a permanent replacement, not like on a given day --

MS. CASSINI: Well --

MS. CEPERO: -- is that correct?

MS. CASSINI: -- if you would look at the way that A is written, it's -- it's really based around the need for you all to meet.

MS. WALLACE: Right.

MS. CASSINI: So, for instance, when we knew that we needed to meet to do this, we reached out to the various organizations where we weren't certain that the current designee was -- still wanted -- still wanted to serve.

MS. CEPERO: Uh-huh.

MS. CASSINI: And then they have 45 days to tell us who that designee of that particular entity is going to be.

So it's -- it's very focused on the fact that you all don't meet in a -- on a regular basis, and somebody could be incapacitated or out for a long period of time.

MS. CEPERO: Got it. Okay. I'm satisfied.

CHAIR VITALE: Okay.

MS. CEPERO: Thank you. Thanks for my -- for indulging my questions.

CHAIR VITALE: No, it's -- it's -- we had -- we had a -- like I said, a very robust discussion about it when we were setting up, because there was a lot of what is that fair to say? As well.

And, again, the feeling, just generally, was we should all be here. We don't meet frequently enough to -- to not all be here.

MS. CEPERO: So if -- if you'll allow me one more. So --

CHAIR VITALE: As many as you would like.

MS. CEPERO: Thank you.

So I assume that the seven of us are subject to the sunshine, correct?

MS. WALLACE: Correct.

CHAIR VITALE: Yes.

MS. CEPERO: So when you said we could reach out to eh Oversight Board, they, too, are subject to the sunshine, but the two of us individually don't -- it doesn't apply.

I just want to be very clear.

MS. WALLACE: Correct.

MS. CEPERO: All right.

MS. WALLACE: So the -- the Oversight Board members are not part -- members of this body.

So the members of this body cannot reach out to each other regarding applicants that are going to be considered and voted on later. That would be a Sunshine Law violation.

However, interviewing or communicating with applicants is not prohibited. That's not a Sunshine Law issue.

They cannot communicate with each other regarding matters that would come before them as Oversight Board members that they would vote on, and you cannot communicate with each other regarding matters that will come before you as Appointing Authority members, which is basically the applications.

You can talk to each other about anything else. The weather, whatever, but you can't -- but not about applicants.

MS. CEPERO: (Inaudible) on the record.

CHAIR VITALE: Yeah.

MS. WALLACE: Yes.

MS. CEPERO: Got it. All right.

MS. CASSINI: Mr. Chair, we did hear from our newest member, Mr. Pinzon, who's the representative from Hispanic Unity, that he is not available on the 6<sup>th</sup> between the time of 9:00 and 10:00 a.m.

So could I ask whether or not you all would be able to entertain a meeting starting around 10:30 that day rather than --

MS. CEPERO: On January 6<sup>th</sup>?

MS. CASSINI: -- rather than early in the morning?

MS. CEPERO: I'm fine.

MS. CEPERO: Okay. Great. Thank you.

DR. POLSKY: Good for me.

CHAIR VITALE: Yeah, me as well.

MS. CEPERO: And -- and the reason we're allowed to meet today, you said, is because we're not actually voting on anything?

CHAIR VITALE: We're meeting -- or --

MS. CEPERO: We're not conducting --

CHAIR VITALE: -- we're not conducting --

MS. CEPERO: -- business --

CHAIR VITALE: -- business.

MS. CEPERO: -- I guess --

CHAIR VITALE: Yeah.

MS. CEPERO: -- officially.

CHAIR VITALE: Yeah. So there's no action items.

MS. CEPERO: All right. I just --

CHAIR VITALE: It's really --

MS. CEPERO: -- want to double --

CHAIR VITALE: -- just discussion --

MS. CEPERO: -- check.

CHAIR VITALE: -- items. No, it's a good question.

Anything else for the group?

Dan, anything else you'd like to share for the good of the group?

MR. LINDBLADE: No, I'm good. Thank you very much.

CHAIR VITALE: Okay. Thanks for participating.

## **ADJOURN**

CHAIR VITALE: Okay. So if there is nothing else, it is 10:05 and we will call the meeting adjourned.

Thank you, everybody.

(The meeting concluded at 10:05 a.m.)