

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**Meeting Date: September 14, 2010**

☐ Consent    ☒ Regular  
☐ Ordinance    ☐ Public Hearing

**Department: Facilities Development & Operations**

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff requests Board direction on a request from the State Attorney for the addition of \$943,000 into the Capital Improvement Program (CIP) for the build-out of shell spaces on the 3<sup>rd</sup>, 4<sup>th</sup> and 1<sup>st</sup> floors of the Criminal Justice State Attorney/Public Defender Building (SA/PD) to accommodate new attorney and support staff hires into existing, approved positions.

**Summary:** The State Attorney (SA) has requested the build-out of shell spaces located on the 3<sup>rd</sup>, 4<sup>th</sup>, and 1<sup>st</sup> floors of the SA/PD Building. These spaces are for; 1) 14 new prosecutors and 6 support staff hired by the SA in August 2010, 2) the relocation of 5 attorneys and support staff located within the Investigative Unit allowing for expansion, and 3) the expansion of the Public Integrity Unit by 1 attorney, and 2 support staff by the fall of 2011. These positions, as well as approximately 18 other vacancies have existed within the SA's complement since before 2007 when the build-out of these shell spaces was first requested. As part of the 5 year CIP budget, FDO Staff recommended the build-out of these spaces in FY 12 and FY 13 respectively. On July 15, 2010, the SA requested that the County reevaluate the timing of the projects based on the SA's hiring of additional personnel now for which there is currently insufficient space. FDO concurs that there is currently insufficient space to accommodate the proposed new hires, nor is it appropriate to further relocate staff from the SA/PD Building. If the Board desires to provide space, then Staff recommends that the 3<sup>rd</sup> and 4<sup>th</sup> Shell Space Build-Out be funded in the amount of \$763,000. Build-out of the 3<sup>rd</sup> and 4<sup>th</sup> floor shells will provide more work spaces than proposed hires. If approved, funding for this project would be taken from general fund contingency. (Admin) Countywide (JM)

**Background & Policy Issues:** In February 2010 and as part of the regular FY 11 CIP Budget process, the SA requested the build-out of shell spaces located on Floors 3 and 4 of the SA/PD Building. After having evaluated all requested project (both County as well as those of the constitutional), FDO Staff responded back to the SA in March indicating our recommendation for funding in FY 12 and FY 13 respectively.

**Continued on Page 3**

**Attachments:**

Letter dated July 15, 2010 from State Attorney Michael McAuliffe

<b>Recommended by:</b>		8/20/10	
	Department Director	Date	
<b>Approved by:</b>		9/10/10	
	County Administrator	Date	

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Year	2010	2011	2012	2013	2014
Capital Expenditures	* 763,000	0	0	0	0
Operating Costs	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income (County)	0	0	0	0	0
In-Kind Match (County)	0	0	0	0	0
NET FISCAL IMPACT	* 763,000	0	0	0	0
# Additional FTE Positions (Cumulative)	—	—	—	—	—

Is Item Included in Current Budget? Yes \_\_\_ No X

Budget Account No: If approved in part or in whole, the recommended source of funding is General Fund Contingency.

### Recommended Sources of Funds/Summary of Fiscal Impact:

Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Development & Control Comments:

\* Staff recommendation is \$763,000. State Attorney Request is \$943,000

OFMB

Contract Dev. and Control

### A. Legal Sufficiency:

Assistant County Attorney

### A. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.



**Background and Policy Issues (Cont'd):**

This recommendation was based on FDO only including recommendations for capital funding in FY 11 for those projects which were necessary to; 1) address existing safety/security concerns or 2) for renewal replacement. This position is consistent with the position FDO has taken with County projects as well as the Courts and requests for other constitutional offices. On July 15, 2010, the SA sent a letter to Administration requesting that the recommendation be re-evaluated. Staff re-evaluation resulted in the following.

1. There have been 30+ positions vacant, but funded in the SA's compliment since before 2007. The decision as to whether to fill these position is solely the SA's. Since the provision of space is the statutorily mandated responsibility of the Board, the decision as to the timing of the delivery of the space is the Board's. While the SA's timing on this request is not good in terms of the budget issues, he can certainly argue that the request is merely to eliminate an existing space deficiency.
2. The SA's Office has historically been conservative in its space requests and only requesting expansions or build-out after exhausting all possible re-use (using spaces for purposes other than their design intent) and re-location (to other buildings and/or moving a portion of a work unit's employees into spaces of other work units) options. In this case, FDO Staff has confirmed that there are no options for squeezing these employees into the SA/PD Building or for relocating employees currently occupying the SA/PD Building to the branches or the government center.
3. Similar requests for the build-out of the space have been made yearly since the original request in 2007 for FY2008

As a result, this request generally differs from other County and constitutional officer requests in that; 1) staffing is expanding and there is no other appropriate space to fulfill the request, and 2) has been consistently documented since 2007. In addition, this request will support the SA's constitutionally required law enforcement and prosecution efforts and possibly reduce length of stay in the County jails by processing cases in a more timely manner.

Specifically, the overall request consists of three parts.

**3<sup>rd</sup> Floor:** This is the floor where the prosecutors who support the Felony Circuit Court Divisions are located. Every office and workstation is occupied and there is no room to bring on another supervisor, attorney or staff person to assist in handling both the case filing and prosecution of approximately 25,000 felony arrests annually. The shell space available on this floor can accommodate 12 attorneys and 6 support staff.

**4<sup>th</sup> Floor:** This is the floor where the prosecutors who support the County Court Divisions are located. This floor holds County Court, County Family Violence Section and the Investigations Unit. Every office and station is occupied, including the conversion of a former computer server room to a 6 attorney work office space by installing 6 voice and data lines and 6 desks. The overflow has required the SA to lower its security to its Investigations Unit to use the only vacant spaces on this floor for prosecutors. There is no existing space for another supervisor, attorney, and staff to handle over 100,000 arrests annually. In addition, the Investigative Unit has vacancies to fill and the space needs to be re-secured.

**1<sup>st</sup> floor:** This shell space is connected to the SA's Public Integrity Unit. The SA estimates the need to add at least one more attorney and one more investigator to this team by fall 2011 to handle the influx of cases. The caseload for the Public Integrity Unit is expanding rapidly as the Inspector General, law enforcement and the public use the SA's hotline more and more. Each allegation requires an investigation which is being handled by the SA's special investigators. The SA will need to expand this unit within the next 12 months and their current space is fully occupied and the build-out of shell should accommodate these two positions and possible two more into the future

Neither the build-out of either the 3<sup>rd</sup> floor or 4<sup>th</sup> floor by itself is sufficient for the already filled vacancies as well as those proposed to be filled by the end of calendar 2011. These two shell spaces are also located immediately above one another in the building. Since both of these spaces would have be completed by the end of 2011 to fulfill the request of the SA, Staff is recommending that they be completed at the same time. Also completing these spaces at the same time will provide some additional space to accommodate the additional positions projected for the Public Integrity Unit, postponing that request for a future year





# OFFICE OF THE STATE ATTORNEY

FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY

MICHAEL F. McAULIFFE  
STATE ATTORNEY



RECEIVED

July 15, 2010

JUL 19 2010

Mr. Robert Weisman  
County Administrator  
Palm Beach County Administrative Office  
301 North Olive Avenue, Suite 1101  
West Palm Beach, FL 33401

DIRECTOR'S OFFICE

Dear Mr. Weisman,

I am writing concerning the current status of the build-out for the main offices of the state attorney located at 401 North Dixie Highway in West Palm Beach. As you know, numerous potentially useable spaces ("shell space") exist within the current state attorney's office. Specifically, over 6,000 square feet of space exists (on the first, second, third and fourth floors) which already is roughed in with drywall and basic trade work.

In 2007, my office completed a Capital Improvement Request communicating the need for the timely completion of the shell space build-out at the 401 North Dixie Highway building. The 2007 request forecasts that the state attorney's office would be out of space by 2010. Unfortunately, that prediction has now been realized. In addition to the Capital Improvement Request, we personally met with you during the first few months of 2009 to reiterate the need for our shell space to be built out for use. We appreciate the work of your staff in developing alternative, temporary space on the 10<sup>th</sup> floor of the county governmental center for my appellate and legal affairs section. However, this placement only partially addresses the space demands of the office.

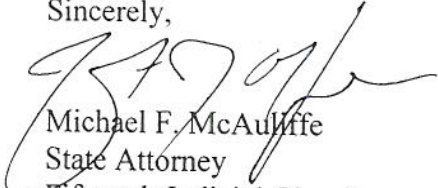
On August 16, 2010, approximately twelve (12) new prosecutors will join the office. These assistant state attorneys are needed to address our high felony caseloads. We cannot place these attorneys in suitable offices given the space constraints of the building in its current configuration. We have been forced by circumstance to place five (5) attorneys in one large bullpen office and to set up work stations in our reception areas.

We will continue to be good partners with the County and realize that budget issues confront every component of government. However, we outlined the basic need for a build-out of the shell space long ago, but project repeatedly has been postponed. We are hitting a wall and our operations have now started to be hampered by the inadequate space available for use. Fortunately, a cost-effective solution exists in that the shell space is within the current office facility and it does not need to be constructed from nothing.

401 N. Dixie Highway, West Palm Beach, Florida 33401-4209  
(561) 355-7100

As you know, the Florida Constitution and statutes require the County to provide reasonable facilities to the State Attorney as a state constitutional officer. Overwhelmingly, the County has taken that obligation to heart and has provided professional, appropriate space for the activities of the state attorney. I continue to appreciate the nature and degree of that cooperation. However, even with that backdrop, a compelling need exists for supplemental space for the operations of my office. I request that the County commit to completing the shell space project without delay.

Sincerely,



Michael F. McAuliffe  
State Attorney  
Fifteenth Judicial Circuit  
In and For Palm Beach County

cc: Audrey Wolf, Director, Facilities Development and Operations