

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	<u>0</u>	_____	_____	_____	_____

ADDITIONAL FTE POSITIONS (Cumulative) 0 0 0 0 0

Is Item Included In Current Budget? Yes No

Budget Account Exp No: Fund Department Unit Object
 Rev No: Fund Department Unit RevSc

B. Recommended Sources of Funds/Summary of Fiscal Impact:

There is no fiscal impact associated with this agenda item.

Departmental Fiscal Review: Stephanie Depoche

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature] 2/4/16
 FD 2/3
 NK 2/3/16
 OFMB

[Signature] 2/5/16
 Contract Administration
 Wheeler 2-4-16

B. Legal Sufficiency:

[Signature] 2/8/16
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

Background and Justification: Continued from page 1

In 1988, the BCC created the CJC by ordinance to develop innovative processes for addressing criminal justice issues. County government has a large stake in preventing crime, ensuring public safety, and controlling criminal justice system costs. The BCC reasoned that the most effective way to address these issues was through a collaborative criminal justice system. The CJC's role is to research current and emerging issues and advise the BCC of the most effective methods of addressing these issues. The CJC is organized into two parts: 1) CJC members; and 2) CJC staff. The first component, referred to as the Commission, was established by Ordinance on August 16, 1988 to coordinate all aspects of the criminal justice and crime prevention systems within the federal, state, county, municipal, and private agencies in Palm Beach County. The Commission is composed of 33 members, 21 from the public sector and 12 members from the private sector. The Commission was originally funded by the Economic Council and appointed all private sector members. The Commission is now fully funded through the Board of County Commissioners. The CJC make recommendations to the BCC on policies and programs to provide overall coordination to law enforcement and crime prevention efforts; to provide an efficient, cost effective, and timely criminal justice system; and to effect the reduction of crime on a permanent basis in Palm Beach County. These efforts have been accomplished by establishing task forces and subcommittees, adopting bylaws, entering into contracts, and hiring personnel to pursue the mission and objectives of the CJC. The second component is the CJC department staff. The CJC is authorized to select an Executive Director which is ultimately approved by the BCC. The Executive Director is considered a County employee and Department Head. The Executive Director has the authority to hire additional administrative, professional, and clerical County employees to support the CJC subject to BCC approval.

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, DIVISION 5 OF THE PALM BEACH COUNTY CODE ORDINANCE NO. 1988-16, AMENDED BY ORDINANCE NO. 1989-003, AMENDED BY ORDINANCE NO. 1990-038, AMENDED BY ORDINANCE NO. 1992-014, AMENDED BY ORDINANCE NO. 1992-025, AMENDED BY ORDINANCE NO. 1993-001, AMENDED BY ORDINANCE NO. 1993-035, AMENDED BY ORDINANCE NO. 1995-006, AND AMENDED BY 2014-003; RELATING TO THE CRIMINAL JUSTICE COMMISSION OF PALM BEACH COUNTY; AMENDING SECTION 2-216 (OPERATION); AMENDING SECTION 2-221 (ADMINISTRATION); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the coordination of all aspects of the law enforcement and crime prevention efforts in Palm Beach County, Florida is important to Palm Beach County; and

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WHEREAS, the Board of County Commissioners of Palm Beach County, Florida is empowered and has the duty to take such action as is necessary for the coordination of an efficient, cost effective and timely criminal justice system, and to effect the reduction of crime, in Palm Beach County Florida; and

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WHEREAS, it is now necessary to amend Chapter 2, Article V, Division 5 of the Palm Beach County Code of Ordinances.

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NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

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Section 1. Created.

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Section 2-216 of Chapter 2, Article V, Division 5 of the Palm Beach County Code is amended to read as follows:

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There is hereby established an advisory commission to be known as the "Palm Beach County Criminal Justice Commission," herein referred to as the "Criminal Justice Commission." The Criminal Justice Commission shall be comprised of twenty one (21) public sector members and twelve (12) private sector members for a total commission

1 of thirty-three (33) members in accordance with the policies and procedures
2 established by the Board of County Commissioners for advisory commissions as
3 follows:

4 (a) *Public Sector Membership.*

- 5
6 | (1) ~~Chair~~Mayor or Commission member of the Palm Beach County Board of
7 | County Commissioners.
8
9 | (~~12~~) Palm Beach County Sheriff.
10
11 | (~~23~~) State Attorney, 15th Judicial Circuit.
12
13 | (~~34~~) Public Defender, 15th Judicial Circuit.
14
15 | (~~45~~) Clerk of the Palm Beach County Circuit Court
16
17 | (~~56~~) Chief Judge, 15th Judicial Circuit.
18
19 | (~~67~~) Administrative Judge, Juvenile Division, 15th Judicial Circuit.
20
21 | (~~78~~) Supervisory Special Agent, Federal Bureau of Investigation, West Palm
22 | Beach.
23
24 | (~~89~~) Senior Agent, Drug Enforcement Administration, West Palm Beach.
25
26 | (~~910~~) Member, Palm Beach County School Board.
27
28 | (~~1011~~) Member, Palm Beach County Legislative Delegation.
29
30 | (~~1112~~) Member, Palm Beach County League of Cities.
31
32 | (~~1213~~) District IX Juvenile Justice Manager, Florida Department of Juvenile
33 | Justice.
34
35 | (~~1314~~) Representative of ~~President~~, Police Chiefs Association.
36
37 | (~~1415~~) Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms
38 | (ATF), West Palm Beach Field Office, U.S. Treasury Department.
39
40 | (~~1516~~) Chief, West Palm Beach Police Department.
41
42 | (~~1617~~) Circuit Administrator, Florida Department of Corrections, 15th Judicial
43 | Circuit.
44
45 | (~~1718~~) Supervisory Special Agent, Florida Department of Law Enforcement.
46
47 | (~~1819~~) President, Crime Prevention Officers' Association.
48
49 | (~~1920~~) United States Attorney, Southern District of Florida or Assistant U.S.
50 | Attorney, West Palm Beach.
51
52 | (~~2021~~) Member, Palm Beach Association of Criminal Defense Lawyers.
53

1 The term of membership for the Public Sector members will be for the duration of
2 their position entitling them to sit as a member of the Criminal Justice
3 Commission.

4 (b) *Private Sector Membership.*

5 (1) Twelve Five (125) persons will be nominated by the Palm Beach County
6 Economic Council, but not necessarily members of the Economic Council, and
7 said nominations will be submitted to the Board of County Commissioners of
8 Palm Beach County, Florida for approval. These members shall be
9 representative of all segments of Palm Beach County, Florida.

10 (2) Six (6) Board of County Commissioners shall appoint one (1) member to
11 serve on the Criminal Justice Commission. The Board of County Commission
12 member who serves as liaison to the Criminal Justice Commission shall not
13 be entitled to appoint a member.

14 (3) One (1) at-large member, chosen from local clergy, shall be nominated by the
15 Palm Beach County Clergy Alliance.

16 (c) *Maximum Number of Boards.*

17 The maximum number of Boards that an individual member appointed by the
18 Board of County Commissioners may serve on at one (1) time shall be three (3),
19 except that no individual may serve on more than one (1) board, ~~including~~ if
20 doing so would violate Article II, Section 5(a) of the Florida Constitution, which
21 prohibits dual office holding.

22 (d) *Terms of Office.*

23 Private Sector members shall be appointed for a three-year term, with said term
24 commencing on January 1 for the first year of appointment and expiring on
25 December 31 of the third year. Beginning on or after March 1, 2013, no private
26 sector member shall be appointed or reappointed to the Criminal Justice
27 Commission for more than three (3) consecutive three-year terms. Existing
28 member's terms shall end on December 31st of the year in which their term
29 expires.

30 (e) *Vacancies.*

1 Vacancies occurring during a term shall be filled for the unexpired term, and shall
2 not count toward the member's term limits.

3 (f) *Residency.*

4 All members of the Criminal Justice Commission must be residents of Palm
5 Beach County at the time of appointment or nomination and while serving on the
6 Criminal Justice Commission. Exemptions to this requirement are allowed when
7 circumstances warrant outside technical/professional representation, or if statute
8 or other rule specifies. Appointed members of the Criminal Justice Commission
9 shall serve at the pleasure of the appointing body.

10 ~~(g) *Removal for Lack of Attendance.*~~

11 ~~Members shall be automatically removed for lack of attendance. Lack of~~
12 ~~attendance is defined as failure to attend three (3) consecutive meetings or a~~
13 ~~failure to attend more than one half (1/2) of the meetings scheduled during a~~
14 ~~calendar year. Participation for less than three-fourths (3/4) of a meeting shall be~~
15 ~~the same as failure to attend a meeting. Members removed pursuant to this~~
16 ~~paragraph shall not continue to serve on the Criminal Justice Commission and~~
17 ~~such removal shall create a vacancy, unless otherwise provided by statute or~~
18 ~~other binding rule.~~

19
20 (hg) *Qualification as a Candidate.*

21 Criminal Justice Commission members shall not be prohibited from qualifying as
22 a candidate for elected office.

23 ~~(i) *Conduct of Meeting.*~~

24 ~~A quorum must be present for the conduct of all Criminal Justice Commission~~
25 ~~meetings. A majority of the members appointed shall constitute a quorum. All~~
26 ~~meetings shall be governed by Robert's Rules of Order.~~

27 (jh) *Sunshine Law and State Code of Ethics.*

28 Criminal Justice Commission members shall comply with the Sunshine Law and
29 State Code of Ethics. However, that portion of a meeting of a duly constituted
30 criminal justice commission at which members of the commission discuss active
31 criminal intelligence information or active criminal investigative information that is

1 currently being considered by, or which may foreseeably come before, the
2 commission is exempt from F.S., §286.011, as amended or replaced and §
3 24(b), Art. I of the Florida, State Constitution, as amended or replaced, provided
4 that at any public meeting of the criminal justice commission at which such
5 matter is being considered, the commission members publicly disclose the fact
6 that the matter has been discussed. Reasonable public notice of all Criminal
7 Justice Commission meetings shall be provided. All meetings of the Criminal
8 Justice Commission shall be open to the public at all times and minutes shall be
9 taken at each meeting.

10 (ki) *Palm Beach County Code of Ethics.*

11 Criminal Justice Commission members appointed under Section 1(B)(1-2) of this
12 ordinance are to comply with the applicable provisions of the Palm Beach County
13 Code of Ethics as codified in Sections 2-~~441254~~ through 2-~~448260~~ of the Palm
14 Beach County Code.

15 (lj) *Annual Narrative Report.*

16 The Criminal Justice Commission shall submit an annual narrative report to the
17 Board of County Commissioners. Agenda Coordinator. ~~The form, substance, and~~
18 ~~submittal dates for annual narrative reports are established by PPM CW-O-060,~~
19 ~~as may be amended from time to time.~~

20 **Section 2. Administration.**

21 Section 2-221 of Chapter 2, Article V, Division 5 of the Palm Beach County Code is
22 amended to read as follows:

23 The Criminal Justice Commission shall employ an executive director who shall hire
24 such other administrative, professional and clerical assistance as necessary to carry
25 out its duties authorized by this article, and as provided for in the Criminal Justice
26 Commission's budget, reviewed and approved by the Board of County
27 Commissioners. The County Administrator shall have oversight of the executive
28 director who will be selected by the Criminal Justice Commission and County
29 Administrator and approved by the Board of County Commissioners. The goals and
30 performance evaluations of the executive director shall be accomplished jointly by the
31 County Administrator and the Criminal Justice Commission. The executive director

1 ~~shall also have contemporaneous access to ongoing operations and planning within~~
2 ~~the Public Safety Department, Division of Criminal Justice of the County.~~ The Public
3 Safety Department will be responsible for providing financial oversight in managing
4 ~~agreements, contracts, revenues and expenditures for the Criminal Justice~~
5 ~~Commission.~~

6 **Section 3. REPEAL OF LAWS IN CONFLICT.**

7 All local laws and ordinances applying to the unincorporated area of Palm Beach
8 County in conflict with any provisions of this article are hereby repealed to the extent of
9 such conflict.

10 **Section 4. SEVERABILITY.**

11 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for
12 any reason held by a Court of competent jurisdiction to be unconstitutional,
13 inoperative, or void, such holding shall not affect the remainder of this Ordinance.

14 **Section 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

15 The provisions of this Ordinance shall become and be made a part of the Palm Beach
16 County Code. The sections of this Ordinance may be renumbered or relettered to
17 accomplish such, and the word ordinance may be changed to "section", "article", or
18 other appropriate word.

19 **Section 6. CAPTIONS.**

20 The captions, section headings, and section designations used in this Ordinance are
21 for convenience only and shall have no effect on the interpretation of the provisions of
22 this Ordinance.

23 **Section 7. EFFECTIVE DATE.**

24 The provisions of this Ordinance shall become effective upon filing with the
25 Department of State.

26 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm
27 Beach County, Florida, on this the ____ day of _____, 20____.

28
29 **SHARON R. BOCK, CLERK**

**PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

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32
33 **By:** _____
34 **Deputy Clerk**

By: _____
Mary Lou Berger, Mayor

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**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: 
Assistant County Attorney

EFFECTIVE DATE: Filed with the Department of State on the ____ day of
_____, 20____.

LETTER OF AGREEMENT

This Letter of Agreement is intended to more fully delineate responsibilities as described in Section 6 of the Criminal Justice Commission authorizing Ordinance, 88-16, as approved on August 16, 1988.

The Criminal Justice Commission shall select an Executive Director through a County approved hiring process. The Board of County Commissioners shall have the right of approval of the selection. The Executive Director shall be a County employee and shall be considered a Department Head for all administrative purposes and shall adhere to all applicable County policies and procedures. By standard County hiring processes, additional County employees, as authorized in the County budget and as selected by the Executive Director, will be hired to support the CJC.

Either the Criminal Justice Commission or County Administrator may periodically ~~initiate a review of goals and a performance evaluation of the Executive Director,~~ but such shall be accomplished jointly. It shall be the primary responsibility of the Executive Director to satisfy the expectations and policies of the CJC, acting on behalf of the Board of County Commissioners and in consideration with other participating jurisdictions and agencies.

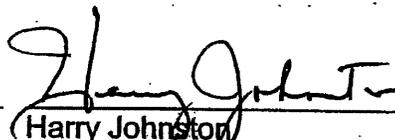
The starting salary of the Executive Director and annual salary adjustments will be in conformance with County salary policy. Special merit salary consideration may be granted by mutual agreement of the CJC and the County Administrator. Termination of the services of the Executive Director can be initiated by either the CJC or the County Administrator. If the CJC and the County Administrator cannot jointly agree on a course of action, the matter will be brought to the Board of County Commissioners for a decision.

Nothing in this Section shall be interpreted as to inhibit the Executive Director from representing the views of the CJC, establishing the agenda for the CJC and presenting any of their issues directly before the Board of County Commissioners.

Approved this 9 day of April, 2007.



Robert Weisman
County Administrator



Harry Johnston
Chairman of the Criminal
Justice Commission

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

<u>Name</u>	<u>Seat #</u>	<u>Designation</u>
Priscilla Taylor	1	MEMBER, PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
Ric Bradshaw	2	PALM BEACH COUNTY SHERIFF
Dave Aronberg	3	STATE ATTORNEY, 15th JUDICIAL CIRCUIT
Carey Haughwout	4	PUBLIC DEFENDER, 15th JUDICIAL CIRCUIT
Sharon R. Bock	5	CLERK OF THE PALM BEACH COUNTY CIRCUIT COURT
Jeffrey Colbath	6	CHIEF JUDGE, 15th JUDICIAL CIRCUIT
Kathleen J. Kroll	7	ADMINISTRATIVE JUDGE, JUVENILE DIVISION
Michael D'Alonzo	8	SENIOR REPRESENTATIVE IN PALM BEACH COUNTY OF THE FEDERAL BUREAU OF INVESTIGATION
Debra Robinson	9	PALM BEACH COUNTY SCHOOL BOARD MEMBER
Dave Kerner	10	MEMBER, LEGISLATIVE DELEGATION
TBD	11	MEMBER, LEAGUE OF CITIES
Gregory Starling	12	CIRCUIT 15 MANAGER, DISTRICT 9, FLORIDA DEPARTMENT OF JUVENILE JUSTICE
Lawrence Leon	13	PRESIDENT, PALM BEACH COUNTY CHIEFS OF POLICE ASSOCIATION
Robert Shirley	14	SUPERVISORY SPECIAL AGENT, FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES*
Bryan Kummerlen	15	CHIEF, WEST PALM BEACH POLICE DEPARTMENT
Rosalyn Baker	16	CIRCUIT ADMINISTRATOR, FLA DEPT. OF CORRECTIONS, 15th JUDICIAL CIRCUIT*
Duane Little	17	SPECIAL AGENT SUPERVISOR, FLA DEPT. OF LAW ENFORCEMENT
John McKenna	18	RESIDENT AGENT IN CHARGE, PALM BEACH COUNTY OFFICE OF THE DRUG ENFORCEMENT ADMINISTRATION

PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

<u>Name</u>	<u>Seat #</u>	<u>Designation</u>
Karl Martin	19	PRESIDENT, CRIME PREVENTION OFFICERS ASSOCIATION
George T. Elmore	20	PRIVATE SECTOR
Douglas Duncan	21	PRIVATE SECTOR
Vacant	22	PRIVATE SECTOR
Barbara Cheives	23	PRIVATE SECTOR
Barry Krischer	24	PRIVATE SECTOR
Lee Waring	25	PRIVATE SECTOR
Christina Morrison	26	PRIVATE SECTOR
Joseph Ianno, Jr.	27	PRIVATE SECTOR
Gerald F. Richman	28	PRIVATE SECTOR
Vacant	29	PRIVATE SECTOR
Nellie King	30	MEMBER, PALM BEACH COUNTY ASSOCIATION OF CRIMINAL DEFENSE LAWYERS
Randolph K. Johnson, Sr.	31	PRIVATE SECTOR
Rolando Garcia	32	ASSISTANT UNITED STATES ATTORNEY, WEST PALM BEACH
William L. Kramer	33	PRIVATE SECTOR
Robert Avossa		EX-OFFICIO MEMBER OF EXECUTIVE COMMITTEE – SUPERINTENDENT OF SCHOOLS