

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: October 17, 2023 [] Consent [] Regular [X] Ordinance [X] Public Hearing

Department: Criminal Justice Commission (CJC) Submitted By: Criminal Justice Commission (CJC)

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: On preliminary reading and advertise for public hearing on November 21, 2023 at 9:30 AM: 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 88-16, AS AMENDED BY ORDINANCES 89-3, 90-38, 92-14, 92-25, 93-1, 93-35 95-6, 2014-003, AND 2016-017) PERTAINING TO THE PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION, AMENDING SECTION 2-216 (CREATED), AMENDING SECTION 2-217 (OBJECTIVES), AMENDING SECTION 2-218 (AUTHORITY), AMENDING SECTION 2-219 (OPERATION), AMENDING SECTION 2-220 (STAFF COOPERATION AND SUPPORT), AND 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.

Summary: The CJC seeks to amend Chapter 2, Article V, Division 5 of the Palm Beach County Code of Ordinances to include an expanded private sector membership reflective of the County and diversity in community voice. Therefore, the CJC is making the following recommended amendments to the CJC Ordinance:

- 1) Modify the membership of the CJC by reducing the public sector members from 21 to 18 by removing a) Supervisory Special Agent, Federal Bureau of Investigation, West Palm Beach, b) Senior Agent, Drug Enforcement Administration, West Palm Beach, and c) Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms (ATF), West Palm Beach Field Office, U.S. Treasury Department;
2) Modify the membership of the CJC by increasing the private sector members from 11 to 17 by maintaining the ten (10) members who will be nominated by the Palm Beach County Economic Council, of which consideration should be given to one (1) representative from CareerSource and one (1) representative from the Health Care District of Palm Beach County; and by increasing the one (1) member at large to six (6) members at large, which will include one (1) local clergy, one (1) returning citizen, one (1) crime survivor, one (1) student between the age of seventeen (17) and twenty-two (22) years-of-age, one (1) person who will be nominated by, and will represent, the Black Chamber of Commerce, and one (1) person who will be nominated by, and will represent, the Hispanic Chamber of Commerce. These six (6) at large members will be nominated by the Criminal Justice Commission and approved by the Board of County Commissioners; and
3) Additional amendments clarify the nomination process and update the CJC Ordinance in keeping with uniform policies and procedures for the Palm Beach County Commissioners.

On September 26, 2023 these recommended amendments were presented to the CJC and supported unanimously. The recommended amendments were also presented to the Palm Beach County Economic Council and there was no opposition. Currently, the CJC is the largest advisory board to the Board of County Commission (BCC) and among the longest standing boards. Countywide (HH)

Background and Policy Issues Continued on page 3

Attachments:

- 1. Proposed CJC Ordinance (strike-through/underlined version)
2. Proposed CJC Ordinance (clean)

Recommended by: [Signature] 10/06/2023 Date
Approved By: [Signature] 10/12/23 Date
Department Director Assistant County Administrator

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</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: _____

III. REVIEW COMMENTS

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

Lisa Maste 10/10/2023
 OFMB QA 10/10 § 10/10

Eric J. Jacobson 10/11/23
 Contract Administration
 Trub 10/11/23

B. Legal Sufficiency:

Arlene C. DeWitt 10/11/23
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

Background and Policy Issues: 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 CJC was established by Ordinance on August 16, 1988 to study all aspects of the criminal justice and crime prevention systems within the federal, state, county, municipal, and private agencies in Palm Beach County. Currently, the CJC is composed of 32 members, 21 from the public sector and 11 members from the private sector. The CJC was originally funded by the Economic Council and appointed all private sector members. The CJC operations and staffing are now fully funded through the BCC. The CJC makes recommendations to the BCC on policies and programs; provides overall coordination to law enforcement and crime prevention efforts; ensures through data research the county operates an efficient, cost effective, and timely criminal justice system; and its work effects 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, research partnerships, and hiring personnel to pursue the mission and objectives of the CJC. The CJC department staff is managed under the direction of County Administration. 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.

Attachment# 1

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ORDINANCE NO. 2023-_____

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 88-16, AS AMENDED BY ORDINANCES 89-3, 90-38, 92-14, 92-25, 93-1, 93-35 95-6, 2014-003, AND 2016-017) PERTAINING TO THE PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION, AMENDING SECTION 2-216 (CREATED), AMENDING SECTION 2-217 (OBJECTIVES), AMENDING SECTION 2-218 (AUTHORITY), AMENDING SECTION 2-219 (OPERATION), AMENDING SECTION 2-220 (STAFF COOPERATION AND SUPPORT), AND 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.

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

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

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

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

SECTION 1. ORDINANCE AMENDMENT

Sections 2-216, 2-217, 2-218, 2-219, and 2-220 of Chapter 2, Article V, Division 5 of the Palm Beach County Code are amended to read as follows:

Sec. 2-216. - Created.

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."

I. Membership. The Criminal Justice Commission shall be comprised of ~~twenty-one (21)~~ eighteen (18) public sector members and ~~eleven (11)~~ seventeen (17) private sector

*Stricken text indicates deletions.
Underlined text indicates additions.*

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1 members for a total commission of thirty-two~~five~~ ⁽³²³⁵⁾ members in accordance with the
2 policies and procedures established by the Board of County Commissioners for advisory
3 commissions as follows:

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4 A. ~~(a)~~ *Public Sector Membership.*

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- 5
- 6 1. Mayor or Commission member of the Palm Beach County Board of County
- 7 Commissioners.
- 8 2. Palm Beach County Sheriff.
- 9 3. State Attorney, 15th Judicial Circuit.
- 10 4. Public Defender, 15th Judicial Circuit.
- 11 5. Clerk of the Palm Beach County Circuit Court.
- 12 6. Chief Judge, 15th Judicial Circuit.
- 13 7. Administrative Judge, Juvenile Division, 15th Judicial Circuit.
- 14 ~~8. Supervisory Special Agent, Federal Bureau of Investigation, West Palm Beach~~
- 15 ~~9. Senior Agent, Drug Enforcement Administration, West Palm Beach.~~
- 16 8. Member, Palm Beach County School Board.
- 17 9. Member, Palm Beach County Legislative Delegation.
- 18 10. Member, Palm Beach County League of Cities.
- 19 11. District IX Juvenile Justice Manager, Florida Department of Juvenile Justice.
- 20 12. Representative of Police Chiefs Association.
- 21 ~~13. Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms (ATF),~~
- 22 ~~West Palm Beach Field Office, U.S. Treasury Department.~~
- 23
- 24 13. Chief, West Palm Beach Police Department.
- 25 14. Circuit Administrator, Florida Department of Corrections, 15th Judicial Circuit.
- 26 15. Supervisory Special Agent, Florida Department of Law Enforcement.
- 27 16. President, Crime Prevention Officers' Association.
- 28 17. United States Attorney, Southern District of Florida or Assistant U.S. Attorney, West
- 29 Palm Beach.
- 30 18. Member, Palm Beach Association of Criminal Defense Lawyers
- 31
- 32

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

34 B. ~~(b)~~ *Private Sector Membership.*

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35

1 (1) Ten (10) persons will be nominated by the Palm Beach County Economic
2 Council, of which consideration should be given to one (1) representative from
3 CareerSource and one (1) representative from the Health Care District of Palm Beach
4 County. ~~Nominees do not have to be~~ ~~but not necessarily~~ members of the Economic
5 Council, and said nominations ~~will~~ must be submitted to the Board of County
6 Commissioners of Palm Beach County, Florida for approval. ~~These members shall be~~
7 ~~representative of all segments of Palm Beach County, Florida.~~

8 ~~(3)~~ (2) One (1) person will be nominated to represent the Black Chamber of Commerce
9 and one (1) person will be nominated to represent the Hispanic Chamber of Commerce.
10 Each chamber will nominate its representative.

11 ~~(3)~~ ~~(2)~~ Five ~~One~~ (5+) at-large members of the local community, including: one (1) local
12 clergy; one (1) returning citizen; one (1) crime survivor; one (1) student between
13 seventeen (17) and twenty-two (22) years of age; and one (1) member of the community
14 at large shall be nominated by the Criminal Justice Commission and approved by the
15 Board of County Commissioners.

16 (4) Member Nominations. The nomination process shall begin ninety (90) days prior
17 to the expiration of a member's term, or immediately in the event of an unplanned
18 vacancy. The Economic Council, Black Chamber of Commerce, and Hispanic Chamber
19 of Commerce shall be notified and requested to provide nominations for appointment.
20 An approved board appointment form, with attached resume, must be completed for all
21 nominees prior to transmittal to the BCC. These members shall be representative of all
22 segments of Palm Beach County, Florida.

23 ~~*(5)~~ Attendance. Private Sector Members shall be automatically removed for lack of
24 attendance. Lack of attendance is defined as failure to attend three (3) consecutive
25 meetings or a failure to attend more than one-half of the meetings scheduled during a
26 calendar year. Participation for less than three-fourths of a meeting shall be the same as
27 a failure to attend a meeting. Members removed pursuant to this paragraph shall not
28 continue to serve on the Criminal Justice Commission and such removal shall create a
29 vacancy.

30 ~~II. (e)~~ Maximum Number of Boards. The maximum number of Boards that an individual member
31 appointed by the Board of County Commissioners may serve on at one (1) time shall be three

1 (3), except that no individual may serve on more than one (1) board, if doing so would violate
2 Article II, Section 5(a) of the Florida Constitution, which prohibits dual office holding.

3 III. (d) Terms of Office. Private Sector members shall be appointed for a three-year term, with
4 said term commencing on January 1 for the first year of appointment and expiring on
5 December 31 of the third year. Beginning on or after March 1, 2013, no private sector
6 member shall be appointed or reappointed to the Criminal Justice Commission for more than
7 three (3) consecutive three-year terms. Existing members' terms shall end on December 31st
8 of the year in which their term expires.

9 IV. (e) Vacancies. Vacancies occurring during a term shall be filled for the unexpired term, and
10 shall not count toward the member's term limits.

11 V. (f) Residency. All members of the Criminal Justice Commission must be residents of Palm
12 Beach County at the time of appointment or nomination and while serving on the Criminal
13 Justice Commission. Exemptions to this requirement are allowed when circumstances
14 warrant outside technical/professional representation, or if statute or other rule specifies.
15 Appointed members of the Criminal Justice Commission shall serve at the pleasure of the
16 appointing body.

17 VI. (g) Qualification as a Candidate. Criminal Justice Commission members shall not be
18 prohibited from qualifying as a candidate for elected office.

19 VII. (h) Sunshine Law and State Code of Ethics. Criminal Justice Commission members shall
20 comply with the Sunshine Law and State Code of Ethics. However, that portion of a meeting
21 of a duly constituted Criminal Justice Commission at which members of the Commission
22 discuss active criminal intelligence information or active criminal investigative information
23 that is currently being considered by, or which may foreseeably come before, the Commission
24 is exempt from F.S. § 286.011, as amended or replaced and § 24(b), Art. I of the Florida State
25 Constitution, as amended or replaced, provided that at any public meeting of the Criminal
26 Justice Commission at which such matter is being considered, the Commission members
27 publicly disclose the fact that the matter has been discussed. Reasonable public notice of all
28 Criminal Justice Commission meetings shall be provided. All meetings of the Criminal
29 Justice Commission shall be open to the public at all times and minutes shall be taken at each
30 meeting.

31 VIII. (i) Palm Beach County Code of Ethics. Criminal Justice Commission members appointed
32 under subsection (b)(1) and (2) of this section are to comply with the applicable provisions of

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1 the Palm Beach County Code of Ethics as codified in Sections 2-441 through 2-448 of the
2 Palm Beach County Code.

3 ~~IX.~~ (f) Annual Narrative Report. The Criminal Justice Commission shall submit an annual
4 narrative report to the Board of County Commissioners.

5 Sec. 2-217. - Objectives.

6
7 The Criminal Justice Commission is established to study all aspects of the criminal justice and
8 crime prevention systems within the federal, state, county, municipal and private agencies within
9 the County. This purpose shall include the study of the health and human services and educational
10 systems, among others, as they pertain to criminal justice or crime prevention. The Criminal
11 Justice Commission shall make recommendations to the Board of County Commissioners on
12 policies and programs designed to accomplish the following objectives:

13 a. ~~To provide~~ Ensure the overall coordination ~~to~~ of law enforcement and crime prevention
14 efforts in the County;

15 b. ~~To provide an~~ Ensure an efficient, just, and cost effective and timely criminal justice
16 system in the County; and

17 c. ~~To~~ Effect the reduction of crime in the County on a permanent basis.

18
19 Sec. 2-218. - Authority.

20
21 The Criminal Justice Commission shall have the following authority and powers:

22 (a) To review, research and evaluate existing systems and programs within the scope of the
23 Criminal Justice Commission;

24 (b) To establish task forces or subcommittees to study in detail key aspects of programs and
25 systems within the scope of the Criminal Justice Commission;

26 (c) To adopt from time to time rules and bylaws providing for the governance of the
27 Criminal Justice Commission, which rules and bylaws will be adopted by a majority
28 vote of the members of the Criminal Justice Commission;

29 (d) To establish an executive committee by the majority vote of the members of the
30 Criminal Justice Commission, which executive committee will have such powers and
31 authority as delegated by the Criminal Justice Commission;

32 (e) To review and comment on all grant requests for programs and systems within the
33 scope of the Criminal Justice Commission;

34 (f) To make recommendations on modifying, creating or abolishing public and private
35 systems and programs within the scope of the Criminal Justice Commission;

- 1 (g) To make recommendations on modifying, creating or abolishing legislation, ordinances
- 2 or regional or county-wide comprehensive plans dealing with systems and programs
- 3 within the scope of the Criminal Justice Commission;
- 4 (h) To assist the consolidation of systems and programs within the scope of the Criminal
- 5 Justice Commission when approved by the Board of County Commissioners;
- 6 (i) To request members of all agencies within the auspices of the Board of County
- 7 Commissioners, to provide the Criminal Justice Commission in a timely manner with
- 8 all data and information requested by the Criminal Justice Commission, to appear at any
- 9 meeting or hearing requested by the Criminal Justice Commission, and to otherwise
- 10 work in cooperation and good faith with the Criminal Justice Commission in pursuing
- 11 the Criminal Justice Commission's objectives; and

12 ~~4. (j) To enter contracts and hire personnel as required to pursue the objectives of~~

13 ~~the Criminal Justice Commission, subject to approval by the Board of County~~

14 ~~Commissioners; and~~

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15 (j) ~~To take all acts reasonably required by the Criminal Justice Commission in the exercise~~

16 ~~of the authority set forth above and the pursuit of the Criminal Justice Commission's~~

17 ~~objectives.~~

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18 Sec. 2-219. - Operation.

19

20 (a) Travel Expenses, Reimbursement and Approval Authority. Members of the Criminal

21 Justice Commission shall serve without compensation, but may be eligible for travel

22 reimbursement for only those expenses which are incurred for travel outside Palm Beach

23 County which is necessary to fulfill Criminal Justice Commission member

24 responsibilities provided sufficient funds have been budgeted and are available as set

25 forth in Countywide Policy and Procedures Memoranda (PPM) CW-O-038. No other

26 expenses are reimbursable except documented long distance phone calls to the liaison

27 County Department. Any approved travel reimbursement shall be subject to those actual

28 expenses at the rate or rates established by State law and County travel policy. Approval

29 authority for pre-authorized Criminal Justice Commission member travel is designated

30 to the County Administrator and Deputy County Administrator and shall be in

31 accordance with Countywide Policy and Procedures memoranda (PPM) CW-F-009.

32 ~~(b) The Criminal Justice Commission shall comply with the quorum requirements of Palm~~

33 ~~Beach County Ordinance No. 2021-009, as amended or replaced. The chairperson may~~

1 call a meeting or a meeting may be called upon the written request of three members
2 made to the executive director.

3 ~~(b)(c)~~ ~~(b)~~ The Criminal Justice Commission shall operate with such funding and staffing
4 as the Board of County Commissioners shall approve from time to time. ~~Without prior~~
5 ~~approval, the Criminal Justice Commission shall have no authority to incur expenses for~~
6 ~~which Palm Beach County, Florida, would become liable.~~

7
8 Sec. 2-220. - Staff cooperation and support.

9
10 The staff of the Board of County Commissioners, including but not limited to the County
11 Administrator, the County Attorney, ~~and the Public Safety Department~~ and all other departments
12 of the County, are hereby charged with the responsibility to furnish to the Criminal Justice
13 Commission such records, documents, reports and other data on criminal justice matters which,
14 in the opinion of the Criminal Justice Commission, are reasonably necessary in order that the
15 Criminal Justice Commission may fulfill the duties required of it hereunder. Support services for
16 the Criminal Justice Commission shall be made available by the Public Safety Department, as
17 needed.

18 Sec. 2-221. - Administration.

19
20 The Criminal Justice Commission shall perform its duties through collaboration between the
21 County, municipality, and state criminal justice agencies, along with other intersecting system
22 agencies, such as education, health, behavioral health, human services agencies and related
23 community-based and non-profit organizations. The Board of County Commissioners shall
24 employ an executive director who shall be responsible for executing the CJC's authority and
25 work activities to achieve the mission and objectives of the Criminal Justice Commission. The
26 executive director shall be responsible for resource allocation, operations, budgeting, and
27 personnel. The executive director shall hire such other administrative, professional and clerical
28 assistance as necessary to carry out its duties authorized by this article, and as provided for in the
29 Criminal Justice Commission's budget, reviewed and approved by the Board of County
30 Commissioners. The County Administrator shall have oversight of the executive director who
31 will be selected by the Criminal Justice Commission and County Administrator and approved by
32 the Board of County Commissioners. The goals and performance evaluations of the executive
33 director shall be accomplished jointly by the County Administrator and the Criminal Justice
34 Commission. The Public Safety Department ~~may~~ will be responsible for providing financial

1 oversight in managing agreements, contracts, revenues and expenditures for the Criminal Justice
2 Commission, as needed.

3 **SECTION 2. REPEAL OF LAWS IN CONFLICT:**

4 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
5 repealed to the extent of such conflict.

6 **SECTION 3. SEVERABILITY:**

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

10 **SECTION 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

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

14 **SECTION 5. CAPTIONS:**

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

18 **SECTION 6. EFFECTIVE DATE:**

19 The provisions of this Ordinance shall become effective upon filing with the Department
20 of State.
21

22 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
23 County, Florida, on this the ____ day of _____, 2023.

24 **JOSEPH ABRUZZO, CLERK
25 OF THE CIRCUIT COURT &
26 COMPTROLLER**

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

27
28
29 By: _____
30 Deputy Clerk

By: _____
Gregg K. Weiss, Mayor

31
32
33
34 **APPROVED AS TO FORM AND
35 LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

36
37
38 By: _____
39 County Attorney

By: _____
CJC Executive Director

40
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1 **EFFECTIVE DATE: Filed with the Department of State on the ____ day of**
2 **_____, 20____.**
3

Attachment# 2

ORDINANCE NO. 2023-_____

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 88-16, AS AMENDED BY ORDINANCES 89-3, 90-38, 92-14, 92-25, 93-1, 93-35 95-6, 2014-003, AND 2016-017) PERTAINING TO THE PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION, AMENDING SECTION 2-216 (CREATED), AMENDING SECTION 2-217 (OBJECTIVES), AMENDING SECTION 2-218 (AUTHORITY), AMENDING SECTION 2-219 (OPERATION), AMENDING SECTION 2-220 (STAFF COOPERATION AND SUPPORT), AND 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.

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

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

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

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

SECTION 1. ORDINANCE AMENDMENT

Sections 2-216, 2-217, 2-218, 2-219, and 2-220 of Chapter 2, Article V, Division 5 of the Palm Beach County Code are amended to read as follows:

Sec. 2-216. - Created.

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."

- I. Membership. The Criminal Justice Commission shall be comprised of eighteen (18) public sector members and seventeen (17) private sector members for a total commission

1 of thirty-five (35) members in accordance with the policies and procedures established
2 by the Board of County Commissioners for advisory commissions as follows:

3 A. *Public Sector Membership.*
4

- 5 1. Mayor or Commission member of the Palm Beach County Board of County
6 Commissioners.
- 7 2. Palm Beach County Sheriff.
- 8 3. State Attorney, 15th Judicial Circuit.
- 9 4. Public Defender, 15th Judicial Circuit.
- 10 5. Clerk of the Palm Beach County Circuit Court. 6. Chief Judge, 15th Judicial Circuit.
- 11 7. Administrative Judge, Juvenile Division, 15th Judicial Circuit.
- 12
- 13 8. Member, Palm Beach County School Board.
- 14 9. Member, Palm Beach County Legislative Delegation.
- 15 10. Member, Palm Beach County League of Cities. 11. District IX Juvenile Justice
16 Manager, Florida Department of Juvenile Justice.
- 17 12. Representative of Police Chiefs Association.
- 18 13. Chief, West Palm Beach Police Department.
- 19 14. Circuit Administrator, Florida Department of Corrections, 15th Judicial Circuit.
- 20 15. Supervisory Special Agent, Florida Department of Law Enforcement.
- 21 16. President, Crime Prevention Officers' Association. 17. United States Attorney,
22 Southern District of Florida or Assistant U.S. Attorney, West Palm Beach.
- 23 18. Member, Palm Beach Association of Criminal Defense Lawyers

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

26 B. *Private Sector Membership.*
27

- 28 (2) (1) Ten (10) persons will be nominated by the Palm Beach County Economic
29 Council, of which consideration should be given to one (1) representative from
30 CareerSource and one (1) representative from the Health Care District of Palm Beach
31 County. Nominees do not have to be members of the Economic Council, and said
32 nominations must be submitted to the Board of County Commissioners of Palm Beach
33 County, Florida for approval. One (1) person will be nominated to represent the Black

1 Chamber of Commerce and one (1) person will be nominated to represent the Hispanic
2 Chamber of Commerce. Each chamber will nominate its representative.

3 (3) Five (5) at-large members of the local community, including: one (1) local clergy;
4 one (1) returning citizen; one (1) crime survivor; one (1) student between seventeen (17)
5 and twenty-two (22) years of age; and one (1) member of the community at large shall
6 be nominated by the Criminal Justice Commission and approved by the Board of County
7 Commissioners.

8 (4) Member Nominations. The nomination process shall begin ninety (90) days prior
9 to the expiration of a member's term, or immediately in the event of an unplanned
10 vacancy. The Economic Council, Black Chamber of Commerce, and Hispanic Chamber
11 of Commerce shall be notified and requested to provide nominations for appointment.
12 An approved board appointment form, with attached resume, must be completed for all
13 nominees prior to transmittal to the BCC. These members shall be representative of all
14 segments of Palm Beach County, Florida.

15 (5) Attendance. Private Sector Members shall be automatically removed for lack of
16 attendance. Lack of attendance is defined as failure to attend three (3) consecutive
17 meetings or a failure to attend more than one-half of the meetings scheduled during a
18 calendar year. Participation for less than three-fourths of a meeting shall be the same as
19 a failure to attend a meeting. Members removed pursuant to this paragraph shall not
20 continue to serve on the Criminal Justice Commission and such removal shall create a
21 vacancy.

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

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

- 1 IV. (Vacancies. Vacancies occurring during a term shall be filled for the unexpired term, and
2 shall not count toward the member's term limits.
- 3 V. (Residency. All members of the Criminal Justice Commission must be residents of Palm
4 Beach County at the time of appointment or nomination and while serving on the Criminal
5 Justice Commission. Exemptions to this requirement are allowed when circumstances
6 warrant outside technical/professional representation, or if statute or other rule specifies.
7 Appointed members of the Criminal Justice Commission shall serve at the pleasure of the
8 appointing body.
- 9 VI. (Qualification as a Candidate. Criminal Justice Commission members shall not be prohibited
10 from qualifying as a candidate for elected office.
- 11 VII. (Sunshine Law and State Code of Ethics. Criminal Justice Commission members shall
12 comply with the Sunshine Law and State Code of Ethics. However, that portion of a meeting
13 of a duly constituted Criminal Justice Commission at which members of the Commission
14 discuss active criminal intelligence information or active criminal investigative information
15 that is currently being considered by, or which may foreseeably come before, the Commission
16 is exempt from F.S. § 286.011, as amended or replaced and § 24(b), Art. I of the Florida State
17 Constitution, as amended or replaced, provided that at any public meeting of the Criminal
18 Justice Commission at which such matter is being considered, the Commission members
19 publicly disclose the fact that the matter has been discussed. Reasonable public notice of all
20 Criminal Justice Commission meetings shall be provided. All meetings of the Criminal
21 Justice Commission shall be open to the public at all times and minutes shall be taken at each
22 meeting.
- 23 VIII. (Palm Beach County Code of Ethics. Criminal Justice Commission members appointed under
24 subsection (b)(1) and (2) of this section are to comply with the applicable provisions of the
25 Palm Beach County Code of Ethics as codified in Sections 2-441 through 2-448 of the Palm
26 Beach County Code.
- 27 IX. (Annual Narrative Report. The Criminal Justice Commission shall submit an annual narrative
28 report to the Board of County Commissioners.
- 29 Sec. 2-217. - Objectives.
30
31 The Criminal Justice Commission is established to study all aspects of the criminal justice and
32 crime prevention systems within the federal, state, county, municipal and private agencies within
33 the County. This purpose shall include the study of the health and human services and educational

1 systems, among others, as they pertain to criminal justice or crime prevention. The Criminal
2 Justice Commission shall make recommendations to the Board of County Commissioners on
3 policies and programs designed to accomplish the following objectives:

- 4 a. To Ensure the coordination of law enforcement and crime prevention efforts in the
5 County;
- 6 b. To Ensure an efficient, just, and cost effective criminal justice system in the County;
7 and
- 8 c. Effect the reduction of crime in the County on a permanent basis.

9
10 Sec. 2-218. - Authority.

11
12 The Criminal Justice Commission shall have the following authority and powers:

- 13 (a) To review, research and evaluate existing systems and programs within the scope of the
14 Criminal Justice Commission;
- 15 (b) To establish task forces or subcommittees to study in detail key aspects of programs and
16 systems within the scope of the Criminal Justice Commission;
- 17 (c) To adopt from time to time rules and bylaws providing for the governance of the
18 Criminal Justice Commission, which rules and bylaws will be adopted by a majority
19 vote of the members of the Criminal Justice Commission;
- 20 (d) To establish an executive committee by the majority vote of the members of the
21 Criminal Justice Commission, which executive committee will have such powers and
22 authority as delegated by the Criminal Justice Commission;
- 23 (e) To review and comment on all grant requests for programs and systems within the
24 scope of the Criminal Justice Commission;
- 25 (f) To make recommendations on modifying, creating or abolishing public and private
26 systems and programs within the scope of the Criminal Justice Commission;
- 27 (g) To make recommendations on modifying, creating or abolishing legislation, ordinances
28 or regional or county-wide comprehensive plans dealing with systems and programs
29 within the scope of the Criminal Justice Commission;
- 30 (h) To assist the consolidation of systems and programs within the scope of the Criminal
31 Justice Commission when approved by the Board of County Commissioners;
- 32 (i) To request members of all agencies within the auspices of the Board of County
33 Commissioners, to provide the Criminal Justice Commission in a timely manner with
34 all data and information requested by the Criminal Justice Commission, to appear at any

1 meeting or hearing requested by the Criminal Justice Commission, and to otherwise
2 work in cooperation and good faith with the Criminal Justice Commission in pursuing
3 the Criminal Justice Commission's objectives; and

4

5 (j) To take all acts reasonably required by the Criminal Justice Commission in the exercise
6 of the authority set forth above and the pursuit of the Criminal Justice Commission's
7 objectives.

8 Sec. 2-219. - Operation.

9

10 (a) Travel Expenses, Reimbursement and Approval Authority. Members of the Criminal
11 Justice Commission shall serve without compensation, but may be eligible for travel
12 reimbursement for only those expenses which are incurred for travel outside Palm Beach
13 County which is necessary to fulfill Criminal Justice Commission member
14 responsibilities provided sufficient funds have been budgeted and are available as set
15 forth in Countywide Policy and Procedures Memoranda (PPM) CW-O-038. Any
16 approved travel reimbursement shall be subject to those actual expenses at the rate or
17 rates established by State law and County travel policy. Approval authority for pre-
18 authorized Criminal Justice Commission member travel is designated to the County
19 Administrator and Deputy County Administrator and shall be in accordance with PPM
20 CW-F-009.

21 (b) The Criminal Justice Commission shall comply with the quorum requirements of Palm
22 Beach County Ordinance No. 2021-009, as amended or replaced. The chairperson may
23 call a meeting or a meeting may be called upon the written request of three members
24 made to the executive director.

25 (c) The Criminal Justice Commission shall operate with such funding and staffing as the
26 Board of County Commissioners shall approve from time to time.

27

28 Sec. 2-220. - Staff cooperation and support.

29

30 The staff of the Board of County Commissioners, including but not limited to the County
31 Administrator, the County Attorney, the Public Safety Department and all other departments of
32 the County, are hereby charged with the responsibility to furnish to the Criminal Justice
33 Commission such records, documents, reports and other data on criminal justice matters which,
34 in the opinion of the Criminal Justice Commission, are reasonably necessary in order that the
35 Criminal Justice Commission may fulfill the duties required of it hereunder. Support services for

1 the Criminal Justice Commission shall be made available by the Public Safety Department, as
2 needed.

3 Sec. 2-221. - Administration.

4
5 The Criminal Justice Commission shall perform its duties through collaboration between
6 the County, municipality, and state criminal justice agencies, along with other intersecting
7 system agencies, such as education, health, behavioral health, human services agencies and
8 related community-based and non-profit organizations. The Board of County
9 Commissioners shall employ an executive director who shall be responsible for executing
10 the CJC's authority and work activities to achieve the mission and objectives of the
11 Criminal Justice Commission. The executive director shall be responsible for resource
12 allocation, operations, budgeting, and personnel. The executive director shall hire such
13 other administrative, professional and clerical assistance as necessary to carry out its duties
14 authorized by this article, and as provided for in the Criminal Justice Commission's budget,
15 reviewed and approved by the Board of County Commissioners. The County
16 Administrator shall have oversight of the executive director who will be selected by the
17 Criminal Justice Commission and County Administrator and approved by the Board of
18 County Commissioners. The goals and performance evaluations of the executive director
19 shall be accomplished jointly by the County Administrator and the Criminal Justice
20 Commission. The Public Safety Department may provide financial oversight in managing
21 agreements, contracts, revenues and expenditures for the Criminal Justice Commission, as
22 needed. SECTION 2. REPEAL OF LAWS IN CONFLICT:

23 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
24 repealed to the extent of such conflict.

25 **SECTION 3. SEVERABILITY:**

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

29 **SECTION 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

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

33 **SECTION 5. CAPTIONS:**

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

37 **SECTION 6. EFFECTIVE DATE:**

38 The provisions of this Ordinance shall become effective upon filing with the Department
39 of State.
40

41 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
42 County, Florida, on this the ____ day of _____, 2023.

43 **JOSEPH ABRUZZO, CLERK** **PALM BEACH COUNTY, FLORIDA, BY ITS**

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**OF THE CIRCUIT COURT &
COMPTROLLER**

BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Gregg K. Weiss, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
County Attorney

By: _____
CJC Executive Director

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