

**SOLID WASTE AUTHORITY OF PALM BEACH COUNTY
SMALL BUSINESS ADVISORY COMMITTEE**

April 4th, 2023

9:00A.M.

PRESENT: Michelle DePotter (District 3)
Erica Daley (District 4)
Rolando Barrero (District 5)
Kesnel Theus (District 7)
Bruce Lewis, Vice Chair (At-Large)
Angeleta Gray (At-Large)

ABSENT: Karen Lau (District 1)
Junaid Akther, Chair (District 2)
Selena Samios (At-Large)

STAFF: Colleen M. Robbs, Director, Equal Business Opportunity Office
Hattie Asberry, Outreach Specialist
Kavita Bedasie, Administrative Assistant
Jodi Hart, Director, Purchasing Services
Phil Mugavero, Director, Business Development & Compliance

CALL TO ORDER

Vice Chair, Mr. Lewis led the meeting. Mr. Lewis called the Small Business Advisory Committee (SBAC) meeting to order at 9:10 A.M.

ROLL CALL

Ms. Bedasie called the roll, and each member in attendance stated they were present.

PLEDGE TO THE FLAG

Mr. Lewis led the Pledge of Allegiance to the Flag.

AGENDA

Mr. Lewis called for a motion to approve the agenda. Ms. Robbs requested an amendment to agenda item number five stating February's monthly report will be presented instead of January. Mr. Lewis then called for a motion to approve the amended agenda. A motion was moved by Ms. Gray and second by Ms. DePotter. With no objections, the agenda was adopted.

APPROVAL OF MINUTES

Mr. Lewis asked the Committee for a motion to approve the February 7, 2023, minutes as submitted. Ms. DePotter moved to accept the minutes, and second by Mr. Theus. With all in favor, the minutes were

adopted with no objections.

ETHICS & FLORIDA SUNSHINE TRAINING

The next item on the agenda was a presentation from Mr. Phil Mugavero on Ethics & Florida Sunshine Training.

Mr. Mugavero reviewed the handout on Ethics and Florida Sunshine training. He stressed that all SBAC Committee members, as an advisory board, are considered public officers under Florida law. Therefore, the Florida Sunshine Law is applicable to everyone on the SBAC Committee.

Next, Mr. Mugavero proceeded to discuss public records. He encouraged Committee Members to abstain from voting when a conflict of interest exists. If what is discussed results in a special gain for you, your family, friends, your company that would require disclosure before or after the meeting. The abstaining SBAC Committee member must also complete and submit Form 8B prior to or shortly after the meeting depending on the specific circumstances.

Mr. Theus inquired if something happened that caused the Ethics & Florida Sunshine Training to be discussed. He also questioned why an email was sent regarding mileage reimbursement. Mr. Mugavero deferred to Ms. Robbs to answer the question. Ms. Robbs explained that the Ethics and Florida Sunshine Law Training is done annually as a refresher to keep committee members up to date on the law. She further explained that the training is a requirement because all the Small Business Advisory Committee meetings are open to the public and recorded. In reference to the mileage email, Ms. Robbs wanted to ensure that members know they can be reimbursed for trips to and from the meetings. Mr. Theus thanked Ms. Robbs for the explanation.

Mr. Barrero stated and inquired that last month in the news that the governor was looking to revamp the sunshine laws and would like to know if that affects the organization in anyway. Mr. Mugavero then advised that nothing so far with the new bills that are being brought forward would affect us in anyway with regard to the sunshine law.

Ms. DePotter stated that she doesn't have a question however she does have a comment that she would like to present. She just wanted to advise her colleagues, that when in doubt if you have a question ask, bring it up. Mr. Mugavero added that it is indeed very good advice, when there is ever a question he just discloses, no one gets in trouble for disclosing, disclosure is important.

Mr. Mugavero proceeded to discuss the topic of public records. He further defined the topic of public records as anything that is created or received in the course of your service on the SBAC Committee is considered a public record, and it is a crime to destroy public records. Again, all these meetings are public, the entire county is invited to these meetings. An example is given by Mr. Mugavero, he discusses "Personal Notes", if those notes are not discussed or distributed those are considered personal notes, however once communicated to another person or distributed, it is now considered a public record.

Mr. Lewis then asked for confirmation based on the example. If he has personal notes that were taken during the meeting, and he then gave it to his colleague irrespective of their intention or how

they use those notes, those are now considered public records, correct? Does that include our cell phones as well? Mr. Mugavero confirms the first scenario of notes being given to the colleague is indeed now considered public records. Regarding your cell phone, the law looks at it as content and purpose, not location. If notes are taken on your cell phone, and then if it is distributed, it is considered public records. He advised that personal devices and conversations should be abstained while taking part in public meetings or they risk becoming public records. Again, it is the content and purpose of the notes and not their location that make them a public record.

Ms. DePotter requests clarification on a few points discussed. If someone here were to hold a document up and show the public – that becomes public, correct? Mr. Mugavero confirm yes. Ms. DePotter then continues asking if that item can also be secured through public records request, correct? Mr. Mugavero confirms, yes. She then goes on by asking if one of my colleagues were to pass a note to one another and that is seen on camera – that too is open to public records request as well, correct? Mr. Mugavero confirms, yes even if it is not seen on camera it is a public record. Lastly, Ms. DePotter asks with regards to cell phones, does it matter if it's a personal or company phone? Mr. Mugavero explains no it does not matter, that again its content and purpose and not location of the message.

Ms. Gray asked, with her being a member on multiple boards, is she able to use this training from this board and use it for ethics training on another board? Mr. Mugavero confirms stating yes, it can be used.

Mr. Lewis interjects with a statement that he would like confirmation on. He states that your advice is to keep our personal notes, personal, refrain from using any other electronic devices for any purpose during the public meeting. Mr. Mugavero confirms yes, that is correct, although it cannot be forced but it is highly recommended.

Mr. Mugavero moves on to the last point, he further states that all the meetings we have are all Sunshine Meetings, they are opened to the public, and these meetings are required to be duly noticed. Mr. Mugavero also advises that any discussion about the meeting should be at the meeting itself, this way you as members are all protected in a way.

In closing, Mr. Mugavero informed Committee Members that he and Ms. Robbs are available for future questions and concerns that may arise.

Mr. Lewis excused Mr. Mugavero from the SBAC meeting.

EBO PROGRAM MONTHLY REPORT & UPDATES

Mr. Lewis proceeded to the EBO monthly report.

Ms. Robbs stated that the EBO Team helps businesses to obtain opportunities with the Solid Waste Authority. We continue to reach out to businesses in Palm Beach County and encourage them to register as a vendor. The primary benefit received when businesses are registered is continuous notification of upcoming projects and available procurement bids.

| SECTION | DESCRIPTION | FEBRUARY 2023 DATA | |
|---|---|---|------------------------|
| Vendor Registration | Number of Registered and Certified Firms | Registered:1,258 | S/M/WBE Certified: 392 |
| | Breakdown of Registered Certified Vendors by Certification Type | Total 760 (most vendors holding multiple certifications) MWBE: 185 MBE: 329 WBE: 138 SBE: 108 | |
| Solicitations Advertised with APIs Applied | Lists Projects with Goals (e.g., Affirmative Procurement Initiatives (API) are used to set preference goals.) | -RFQ 23-604 Consulting Engineering Services for Water/Wastewater and Electrical Utility Systems (20% SBE Subcontracting Goal) - ITB 23-04 Roofing Rehabilitation/Repair Services (Direct Contracting Reserved for Certified Firms) | |
| Solicitation Reviews | Number of informal and formal procurement requests received from various SWA departments which are reviewed by the Contract Compliance Specialists. | <u>Informal</u> Received: 24 Completed: 24 Contract Value: \$324,707.99 (<i>Completed Reviews only</i>) | |
| | | <u>Formal</u> Received: 4 Completed: 3 Contract Value: \$3,625,000.00 (<i>Completed Reviews only</i>) | |
| ITBs/RFPs Reviewed/ Pending Contract Award/ Contract Execution w/APIs | Summary of the different types of procurements in process. | -RFQ 23-605 Solid Waste Management Services for Indenture of Trust (10% SBE Subcontracting) -RFP 23-202 Water Well Contractor Services (SBE Evaluation Preference for Prime Bidders) | |
| Contract Type Summaries (Monthly & Program Performance YTD) | Contracts being monitored, contracts awarded and payments. | <u>Program Performance</u> <u>10/01/2018-02/28/2023</u> # Of Contracts: 413 Award Amt: \$416,266,910 | |

| | | |
|--|--|---|
| | | Goal: 28.1% Prime Payments: \$306,374,892 SMWBE Payments: \$79,679,747 Participation: 26% 02/01/2023-02/28/2023 # of Contracts: 2 Award Amt.: \$933,725 Goal: 21% Payments: \$11,170 |
| Contract List (Reporting Month) | Breakdown of all formal contracts (with or without goals) being monitored for contract compliance. | Two (2) contracts; Both (2) with goals. |

OUTREACH UPDATE

Ms. Asberry provided an overview of the outreach events and commented on the following:

Ms. Asberry stated that February was very eventful. EBO was invited by SBAC member Karen Lau to attend The Association of Christian Businesswomen’s Luncheon. The Luncheon was highly informative with great networking opportunities.

Next, we attended the Palm Beach County Black Business Investment Corporation’s annual meeting. Their main goal is to expand the participation of Black Business enterprises in all segments of Palm Beach County’s economy by creating a perpetual flow of capital for their growth.

Ms. Asberry highlighted February’s Transformational Tuesday which was in honor of Black History Month. The presentation was *4 Pillars of Time Management*, by Elizabeth Burrows. Ms. Asberry further stated that March’s Transformational Tuesday was incredible as we recognized Women’s History Month. She gave accolades to the panelist, Michelle DePotter, Kati Cassiani, and Alexcia Cox who were astounding. Everyone left the training feeling empowered with the great messages and experiences they received from the panelist.

Lastly, Ms. Asberry gave appreciation and thanks to Ms. Daley, Mr. Barrero and Ms. Gray for coming out and supporting EBO in these endeavors.

Ms. Daley stated that Transformational Tuesday Trainings are informative. However, she asked if we would consider making the time earlier based on feedback she received. Ms. Robbs thanked Ms. Daley for her feedback and advised that pre-recordings of Transformation Tuesdays are available at swa.org/ebo.

Ms. DePotter stated that this was her second time being a panelist for Transformational Tuesday and she could not have been more honored.

Ms. Gray stated that this was the first Transformation Tuesday Training that she attended. She said it was amazing and thanked Ms. Robbs and Ms. Asberry for their excellent work.

DISCUSSION OF OTHER MATTERS

Mr. Lewis moved to the final item on the agenda and asked staff if there is anything additional that needs to be addressed. Ms. Robbs advised that she will be presenting the Annual Report FY 2022 for the EBO Program at the SWA Governing Board Meeting on April 12th.

Ms. DeP Potter said that she had a meeting with the Palm Beach Post and contributed to their Supply Chain Article. If anyone is interested, she can forward the article, or it can be found on the Palm Beach Post.

Closing Remarks

Mr. Lewis advised that the next meeting will be held on June 6, 2023, at 9am.

MEETING ADJOURNMENT

Mr. Lewis requested a motion to adjourn the meeting, which was moved by Ms. Gray and second by Ms. DeP Potter. With all in favor and there being no further business, the meeting was adjourned at 9:50 A.M

Future Meeting Dates: 6/6/23, 8/8/23, 10/3/23, 12/5/23

Attest:

Colleen M. Robbs, Director, EBO Office

SMALL BUSINESS ADVISORY COMMITTEE

April 4th, 2023

ATTENDANCE LIST

| MEMBER | DISTRICT | 4/5/2022 | 6/7/2022 | 8/9/2022 | 10/4/2022 | 12/6/2022 | 2/7/2023 | 4/4/2023 | ABSENT | |
|--|----------|----------|----------|----------|-----------|-----------|----------|----------|---------|---|
| Karen Lau | 1 | Excused | Present | Present | Present | Present | Present | Present | Excused | 2 |
| Junaid Akther | 2 | Present | Present | Present | Excused | Present | Present | Present | Excused | 2 |
| Michelle DePotter | 3 | Present | Present | Present | Present | Present | Present | Present | Present | 0 |
| Erica Daley | 4 | Present | Excused | Present | Present | Present | Present | Present | Present | 1 |
| Rolando Barrero | 5 | Present | Excused | Present | Present | Present | Present | Present | Present | 1 |
| VACANT | 6 | - | - | - | - | - | - | - | - | |
| Kesnel Theus | 7 | - | Present | Present | Present | Present | Present | Present | Present | 0 |
| Vacant as of 12/24/2022 (Maria Antuna) | At-Large | Present | Excused | Present | Present | Excused | - | - | - | 2 |
| Angeleta Gray | At-Large | Present | Present | Excused | Present | Present | Excused | Present | Present | 2 |
| Bruce Lewis | At-Large | Present | Present | Present | Present | Excused | Present | Present | Present | 1 |
| Selena Samios | At-Large | Present | Present | Present | Present | Excused | Present | Excused | Excused | 2 |

Next Scheduled Meetings: June 6, 2023
 August 8, 2023
 October 3, 2023
 December 5, 2023

