



MEMORANDUM

Date: July 10, 2009

To: Bob Weisman

Fr: Commissioner Jess R. Santamaria

Re: Your 7/10/09 Response to my 7/8/09 memo

Cc: Chairman Jeff Koons and members, Board of County Commissioners

JESS R. SANTAMARIA
County Commissioner
District 6
Palm Beach County
Board of County Commissioners



Governmental Center
301 North Olive Avenue, 12th Floor
West Palm Beach, FL 33401
Telephone: (561) 355-6300
Facsimile: (561) 355-4366
jsantama@pbcgov.org



Glades Office Complex
2976 State Road #15
Belle Glade, FL 33430
Telephone: (561) 996-4814
Facsimile: (561) 992-1038
jsantama@pbcgov.org



www.pbcgov.com

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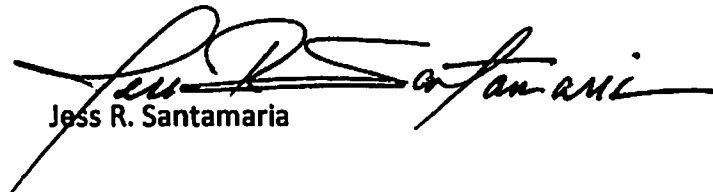
This is to acknowledge your **7/10/09 response to my 7/8/09 memorandum**. With equal due respect to you, it is obvious to me that you **completely misunderstood** the intent of my **7/10/09 memo** regarding Mr. Schaller and the Fargo paving issue because:

- 1.) Although the memo was addressed to you, it was directed in general to everyone representing the County (including myself) who participated in the discussions on the issue over the approximately fourteen (14) month period.
- 2.) What motivated me to pursue the issue, when first presented to the BCC, was the proposal that instead of the customary 50%/50% sharing of the road paving cost between the County and the homeowners, the entire cost (100%) would be solely charged to the homeowners along the Fargo Road.
- 3.) It was about a year later that I realized that homeowners **outside of the Fargo Road** were also considered to be assessed a portion of the cost.
- 4.) The fact that no Ranchette resident during several public discussions, objected to the Fargo paving, was the motivation for me to proceed to what I assumed was the normal process, and what the Board had agreed was the appropriate course of action during several public meetings.



5.) Now I have come to the conclusion, (as a result of what occurred at the July 7th, 2009 "Matters by the Public"), that **much expense, time and aggravation, could have been easily averted, had we, within the first three or four months, notified all potential financial contributors to the Fargo paving to express their opinions during a BCC public meeting in July/August 2008 (instead of July 2009).**

6.) The above is what I had hoped would result from my 7/8/09 memo: **That in the future, whenever we consider assessing any Palm Beach County group or entity, we immediately notify all affected parties, giving them adequate time to attend a publicized BCC meeting, prior to the Board taking any vote, such as the vote taken on June 2, 2009. A good example of a good process with a happy ending (for 99% of the affected parties) was how we handled the "boat ramp fees." (Affected parties were given multiple opportunities to express themselves).**


Jess R. Santamaria

P.S.

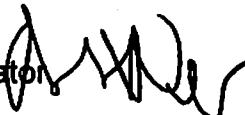
I suggest we have an MSTU Workshop after October 1, 2009 to improve the MSTU process and continue educating the four (4) new commissioners (including me).

JUL 10 2009



County Administration
P.O. Box 1989
West Palm Beach, FL 33402-1989
(561) 355-2030
FAX: (561) 355-3982
www.pbcgov.com

INTEROFFICE COMMUNICATION

DATE: July 10, 2009
TO: Commissioner Jess R. Santamaria
FROM: Robert Weisman
County Administrator 
RE: Andy Schaller & Fargo Paving

**Palm Beach County
Board of County
Commissioners**

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Burt Aaronson, Vice Chairman

Karen T. Marcus
Shelley Vana
Steven L. Abrams
Jess R. Santamaria
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County Administrator
Robert Weisman



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Commissioner, I must respectfully disagree with the basis and conclusions of your letter of July 8, which was addressed to me and copied to the other Commissioners.

Staff absolutely did not encourage the continued attendance of Mr. Schaller at County Commission meetings in pursuit of his request. You and some other members of the Board gave support only at his later ongoing appearances. This is demonstrated by the fact that no direction was received for many months. At every public opportunity, staff expressed concerns about his request, which I must remind you, was originally based on the idea that this should be rushed to keep the original contractor on for a cheaper price. Among other reasons, since no design had been done, this could not happen.

The June 2, Board item makes clear staff's recommendation: Put Fargo through a future regular MSTU process. You chose to favor more immediate action and were willing to charge other Ranchette residents for a share of the cost. That is a justifiable position, but staff had advised you and the Board that the neighbors had no reason to support such a proposal. Further, not providing for a vote of the neighbors was counter to the historic conduct of the MSTU program. On June 2, you made the motion to proceed with everyone to be assessed but only Fargo to be polled. Commissioner Aaronson asked about that and then made it a part of the motion through his second that the neighbors be at least notified.

The appearance of the neighbors to voice their opposition at this early time in the process was actually a good thing because no design funds have been



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expended. The Board did not have to honor their comments or take any actions. During agenda reviews with all of the other Commissioners, I noted that the Ranchettes was in your District and that they should give consideration to any comments or a motion you might make. However, you did not make any comments or debate the motion and voted with the unanimous majority. Everyone therefore, thought you were in favor of the end result, which was in reality the original June 2, staff recommendation.

If you are unhappy with the result, as you are on the prevailing side, you may bring this matter back to the Board on July 21, to ask for reconsideration at a future meeting. I will provide the necessary details if you wish to do so. Aside from their attendance at the Board meeting, the Board has now been provided with petitions from many Ranchette owners (over 70%) objecting to any assessment for Fargo. Any decision to reconsider and continue with an assessment at this time should acknowledge that fact.

cc: Jeff Koons, Chairman and Members of
the Board of County Commissioners