

**Intelligence Report
Special Election Issue
March 4, 2014**

Campaign Financing

A little-noticed development in Delray elections has been the introduction of outside political groups to funnel money from real estate developers to preferred candidates. This odious tactic has been common on the national scene, but appeared in Delray for the first time last year. Mr. Carl DeSantis, owner of the Atlantic Plaza complex, and related corporate entities funneled approximately \$25,000 to preferred candidates through clever-sounding entities. Doing so disguises the origin and enables the donors to give far more than the individual limit (\$500 last year, \$1,000 this year). The practice also allows candidates to avoid reporting such money on their financial disclosure forms. Unfortunately, it is perfectly legal. It's not desirable if you are interested in knowing who is funding a campaign, but it's legal.

Here is an example of how it is working in Delray right now. On January 21st of this year the City Commission voted on the half-million square foot Atlantic Crossing development. You may recall that Commissioner Al Jacquet was the swing vote on that matter. The evening of January 21st he voted against the residents who had appealed the SPRAB board and voted in favor of the Atlantic Crossing developer allowing the project to go ahead. On January 23rd, less than 48 hours later, CDS Holding Group (owner of the property and co-developer) deposited \$10,000 into an entity in Coral Springs called "Floridians for Accountability". Several weeks later that entity began sending out mailers to Delray voters supporting Mr. Jacquet. You may have received one with a photo of Mr. Jacquet on the street smiling. We are too polite to ask why he was smiling.

The mail piece appears to come from Mr. Jacquet, but it really comes through the generosity of the DeSantis company. The \$10,000 cost will not be reported on Mr. Jacquet's disclosure forms, and most voters will be unaware that his campaign is being funded so heavily by one developer. We suspect more money will be coming.

To avoid being fooled, we suggest that our loyal readers look at all political mailers to see who is sending it. If it comes from a candidate's campaign, it will say so. If it has a fanciful name (something like, "Citizens for a Better Future", or maybe "Floridians for Economic Leadership"), it is probably a tip-off that special interests are trying to sway you. And those special interests don't want you to know who they are!

The Election

As you know, there are 2 Commission seats to fill and one Ballot question. We will comment on all.

Seat 2

The Candidates are Mr. Al Jacquet the incumbent, Mr. Chris Davey and Mr. Rick Burgess.

Let's start with Mr. Burgess: There is nothing in his background that qualifies him for elected office. He has no experience on City Boards and little in local activities. He presents himself as a businessman, and has discussed his ideas on the City budget during the campaign. But his record indicates no success in running his own affairs. His previous business failed. He now operates a Valet Parking stand on Atlantic Avenue. He now has three outstanding court judgments against him:

\$14,740 plus interest plus court costs from May 16, 2012

\$17,347 plus interest from November 22, 2013

Eviction for possession from July 29, 2013 (the creditor waived pursuit of money to gain possession of the premises that Mr. Burgess had occupied)

Furthermore, Mr. Burgess owes the City of Delray \$2,000 related to the Valet stand. He has not paid any of these obligations.

His campaign has offered platitudes, but no specifics on his ideas for City government. So one might ask why he is running. It is our belief that he was encouraged to enter the race by others in order to take votes away from Mr. Davey. In other words, Mr. Burgess is a "spoiler".

Although he does not seem able to pay his own bills, on December 23rd Mr. Burgess gave Mr. Jacquet's campaign \$250, which increases our suspicion of his motives.

We do not think he has any expectations of winning, and we do not think he deserves your consideration.

Mr Davey: Mr. Davey has been a successful small businessperson for 18 years and is now operating his own real estate brokerage business in Delray. He has been President of his Homeowners Association for 4 years.

Mr. Davey served on the Board of Directors of Save Delray Beach, which was among the first resident groups to question the Atlantic Crossing development. He met with the developers of that project and tried to work with them to reduce the impact on nearby neighborhoods. He and Save Delray Beach also tried to work with developers of other projects to modify them to be more compatible with the character of Delray.

Mr Davey now serves on the City's Planning and Zoning Board, and has often been the lone voice questioning the rush to approve 1,500,000 square feet of new residential and office development in our downtown without proper planning or consideration. In doing so, he has been one of the few Board members to vote with the residents over the interests of the developers.

He is the only candidate to articulate an approach to addressing the enormous deficit in the Police and Fire Pension Fund. The issue has been ignored for many years, and Mr. Davey seems the only one to be willing to discuss it.

His campaign is being funded primarily by small contributions from residents.

Mr. Jacquet: Mr. Jacquet came on the scene 2 years ago promising to represent the residents over special interests. He did not do so.

Mr. Jacquet is a graduate of Atlantic High School, and went on to get a law degree before returning to Delray. He served on the City Planning and Zoning Board before being elected two years ago to the Commission. He is now running for re-election.

His campaign claims that he is opposed to overdevelopment, that he is addressing traffic problems and that he is working with residents. We find no evidence that he has done any of these things while he has been in office.

To protect neighborhoods, Mayor Glickstein proposed a noise ordinance that would limit the late-night hours for loud music coming from bars and restaurants. After first indicating his support, Mr. Jacquet voted against restriction on loud music. The bars along Atlantic Avenue opposed the ordinance, and Mr. Jacquet supported them – not the residents who asked for help.

He fought hard to offer the Beach chair rental contract to the existing vendor without going to public bid. At two separate Commission meetings, he argued strongly to accept the offers of \$25,000 and \$40,000 that the vendor offered to avoid bidding, calling it a “win-win”. When his fellow Commissioners insisted on going to bid, Mr. Jacquet reluctantly agreed. Good thing because when the bids came in the City received an extra \$650,000 from the existing vendor! Now his campaign literature proudly proclaims his insistence on bidding all contracts.

Mr. Jacquet has supported all the major development projects that have come before him during his two years in office. In previous issues of the Intelligence Report we have listed them and have questioned the impact they will have on the quality of life in Delray. He has stated that these projects will have little impact on traffic congestion or on the character of our town.

His campaign is now being funded primarily by those developers.

On two occasions Mr. Jacquet has asked his fellow Commissioners to vote themselves a special parking pass exempting them from parking regulations. Fortunately, he received no support. When the residents must respect parking regulations, we question why Mr. Jacquet would like to vote special privileges for himself.

We are unable to determine if Mr. Jacquet has any job or income other than the \$9,000 salary he gets as a Commissioner. When asked, he says that he is not motivated by money and wants only “to give back to the community”. We applaud his generosity, but are concerned that his lack of additional income may make him dependent on others.

Our recommendation:

We do not think Mr. Burgess deserves any consideration.

We are disappointed that Mr. Jacquet has not lived up to the expectations of two years ago. He has achieved a poor voting record and has lost the support of many residents across the City. His campaign two years ago was funded by small contributions from residents. This time it is funded overwhelmingly by special interests, including the funding through shadow groups described above.

Mr. Davey has consistently been a voice - and often an effective voice - for Delray residents. That voice is badly needed on our Commission, and **we recommend a vote for Chris Davey.**

Seat 4

This race has been equally interesting. The candidates are Dr. Victor (Doctor Vic) Kirson, Ms. Pamela Brinson, Ms. Jordana Jarjura and Ms. Angie Gray, the incumbent. Where to start?

Doctor Kirson: Dr. Vic is the President of his Homeowners Association, and has been a long-time participant at Commission meetings, commenting on a variety of matters at the public comment period. We are not sure what his platform is. He hasn't articulated one, but he has added much laughter to the race. At the Chamber of Commerce Candidates Forum recently he asked Mr. Brinson to name two

benefits of the Atlantic Crossing project. After her response, he said, "No. The biggest benefit will be if they have a deli where I can get a good pastrami sandwich". He also said that he had received no money for his campaign from developers. After a pause, he added, "Not that I don't want any. They just haven't offered it to me." Maybe he is right. Maybe a good pastrami sandwich is just what we need.

Ms. Pamela Brinson: Ms. Brinson seems well intentioned. A long-term resident, she has been involved with a Mothers Against Violence group, but she does not seem to have other qualifications for the position. She is not well informed on many issues, and has no background in finance or budgeting. When asked about the underfunded Police and Fire Pension she replied that the City budget should be examined. She seems unaware of many basic City functions. We hope that she stays involved, and that she seeks ways to gain more experience in City affairs, but she is not ready for the work of a Commissioner at this time.

Ms. Jordana Jarjura: Ms. Jarjura is a graduate of Atlantic High and went on to get a law degree and an MBA degree in California. She returned to Delray to live, and is a partner in a large law firm in Ft. Lauderdale, where she specializes in municipal law. She is now a member of the City's Planning and Zoning Board. During the campaign, Ms. Jarjura has shown a command of all the major issues facing the City from growth to finance. She has run a disciplined campaign and has picked up support from communities across the City, including the NW/SW Alliance, which had supported Ms. Gray in the past.

Ms. Angelita Gray: Ms. Gray is a long-term resident and business owner. She, too, is a product of local schools. She served on the Board of the Community Redevelopment Agency for several years and has been on the Commission for 4 years. She is up for re-election for a third term.

She has a long voting record. Unfortunately, it is a poor one.

She has strongly opposed public bidding of certain contracts and has stated that she has confidence in the ability of City staff to know what is best for the City. She maintains this position in the face of legal rulings that require the City to bid out all contracts over a certain minimum amount.

In particular, she continues to argue that the Waste Management contract should be extended without bidding. In doing so, she disagrees with the legal opinions of the City Attorney, the Office of the Inspector General and the special counsel appointed by the City to review the contract. She is a regular guest at events sponsored by Waste Management, usually an honored guest at the head table.

Although she has served on the CRA and Commission for several years, she continues to get confused about the budget, pensions and land development regulations.

In November, she prodded the Parks Department to remove several days of Delray's Little League games from Miller Field so that an out-of-town group could play on our fields. She gave no consideration to the disruption in the Little League schedule which was in the middle of its playoff season. When the President of the Little League came before the Commission to complain, she denied there was any interruption to the schedule.

We don't have enough space to analyze her full record, but we must also point out that she is currently the subject of a criminal investigation by the State Attorney's office. The investigation involves her actions as a Commissioner. We reviewed the matter in our last report.

We believe Ms. Gray has not served the interests of the residents well, and we feel that she should step down to devote time to her growing legal problems.

Our Recommendation:

We feel that Dr. Kirson and Ms. Brinson do not have the qualifications to serve. We also believe Ms. Gray has served the citizens of Delray poorly and is now the subject of a criminal investigation stemming from her position on the Commission.

Ms. Jarjura is young, accomplished and a product of Delray schools. She would make a good addition to our City Commission. **We recommend a vote for Jordana Jarjura.**

Ballot Question

Voters will be asked to vote "yes" or "no" on an amendment to the City Charter regarding voting procedures at City Commission meetings. Unfortunately, our City Charter is poorly written. It contains inconsistencies and omissions. One such omission is to determine what happens when there are less than three members voting. Normally it takes an affirmative vote by 3 to pass an item, but there may be an occasion that requires one or more Commissioners to excuse himself because of a conflict or absence.

The ballot question proposes a fix. An item may be approved by a unanimous vote of those remaining. In other words, if only 2 can vote the item will pass if both vote in favor. It also clarifies that a tie vote of 2-2 or 1-1 is a denial of the item.

Although the situation is rare, it has come up. Not knowing how to proceed has caused delay of some city business. We believe adoption of this amendment will allow a more orderly flow of business, and **we recommend a "yes" vote.**

Tidbits

--Many thanks to the Chamber of Commerce for a well-run and informative Candidates Forum last week.

--You may recall that in the last issue we politely corrected the new blog of 3 former Mayors who had incorrectly listed the candidates for the two Commission seats. They were kind enough to thank us for our input and they made the correction the day after our Report came out.

So we hate to have to do it again. We keep hoping they will get it right, but they have been out of office so long that they seem confused. In a recent blog, they stated that an unnamed current Commissioner initiated the inquiry of Ms. Lula Butler by the Office of the Inspector General. As much as we admire the former Mayors, they are once again wrong. As we wrote in our last Intelligence Report, the matter was brought to the IG by Mr. Ken MacNamee after he did his own investigation. No sitting Commissioner was involved.

We want the Mayors' blog to be successful. We've been thinking how we might help. We suggest that they read our Intelligence Report before they issue their reports. That way they will have the facts.

Final Word: VOTE ON MARCH 11th