

Summary of Discussion
Broward County Charter Review Commission
Wednesday, April 11, 2007
Broward County Governmental Center
115 South Andrews Avenue, Room 430, Fort Lauderdale, FL 33301
10:00 AM – 1:00 PM

Members Present:

Commissioner Hayward J. Benson, Jr.
Michael L. Buckner, Esq.
David Esack
Patricia Good
H.K. "Petey" Kaletta
Mark Ketcham
Dr. Mark Lieberman
Mayor Lori Moseley, Chair
Burnadette Norris-Weeks, Esq.
Commissioner Hazelle Rogers, Vice Chair
Bruce Rogow, Esq.
Dr. Irv Rosenbaum
Jodi Jeffreys-Tanner
Wil Trower
Richard J. Weiss, Esq.

Members Absent:

Mayor Debby Eisinger
Joseph Maus, Esq.
Commissioner Ted Mena
Robert Penezic, Esq.

Others Attending:

Joe Benavides, Vice-Chair, Broward County Fire Rescue Council
Pete Corwin, Assistant County Administrator
Walter Dix, Broward Fire Fighters and Paramedics (IAFF Local 4321)
Chedley Etienne, Administrative Assistant, CRC
Pete Fauerbach, Firefighters Union
Ellen Feld, Esq.
Matthue Goldstein, Broward County Planning Council
Samuel Goren, Esq., General Counsel
Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC

Phyllis A. King, Transcriber, PKING Consulting
Chris Lorber, OPRG
John MacNamara, Metro Broward Firefighters
Russell Rand
Lisa Vondrak, News-abstracts.com
Mandy Wells, Children Services Administration Division
Patricia G. West, Executive Director, CRC

(A copy of the sign-in sheets identifying those present is filed with the supplemental papers to the summary of this meeting.)

A meeting of the Broward County Charter Review Commission ("CRC" or "Commission" or "Committee") was held at 10:00 a.m. on Wednesday, April 11, 2007 at the Broward County Governmental Center – Room 430, Fort Lauderdale, FL.

I Call to Order/Roll Call

Chair Lori Moseley called the meeting to order at 10:06 a.m. The Chair then requested the roll call by Phyllis A. King, PKING Consulting, Inc. Upon completion of roll call, Chair Moseley recognized a quorum present.

II Approval of March 14, 2007 Summary of Discussion

The Chair requested a **motion for approval** of the CRC March 14th Summary of Discussion.

A motion was made by Mr. Benson; seconded by Mr. Rogow. The motion was approved unanimously.

General Counsel – For the Record (Richard Weiss, Esq. – Form 8B): *Mr. Goren advised that Mr. Weiss executed Form 8B Memorandum of Voting Conflict for County, Municipal and other Local Public Officers and filed same with the CRC Executive Director, Patricia West, which discloses legally appropriately an apparent voting conflict. Mr. Goren also advised that this form has been made a part of the public records and no further action is required. The Chair mentioned that the form states that Mr. Weiss' firm represents the MPO.*

III Chair and Executive Director's Report

| Motion No. | Title / Description | Status (Pass/Fail) | Count (Y vs. N) |
|------------|--|--------------------|-----------------|
| 1 | Cancel July Meeting The Chair: Motioned to cancel the July meeting in line with County Commission closing. Seconded by Ms. Good. | Passed | Unanimously |

The Chair advised that she is looking forward to hearing reports from the Subcommittees

Executive Director's Report:

Ms. West gave her Executive Director's Report, which included a request for Subcommittees to submit their draft recommendations by February and final recommendations in March 2008 so that General Counsel can complete its work by June of 2008.

Mr. Goren stressed submitting recommendations as early as possible, by the end of May and asked for those interested in participating in the committee to draft the recommendations to let him know.

Responding to the Chair's request to explain how Subcommittee proposal preparation will work, Mr. Goren advised that once Subcommittee issues are submitted to the full Committee that the rules require 10 votes to move a Subcommittee recommendation on for further discussion by the full Committee and 13 votes are required to place the item into ballot language.

A discussion ensued regarding open communication between the full Committee and the Subcommittees followed by a decision that the timeline for submitting the proposed recommendations be placed at the bottom of the agenda with Mr. Goren adding that the first Tuesday in June is the deadline.

Ms. West raised the issue of whether additional Public Hearings should be held. A discussion ensued and it was agreed to create surveys and develop other community outreach methods including but not limited to coordinating with libraries, and announcements at County Commission meetings since they are televised. Other strategies include uploading comments via the CRC web-page, mail-ins, newspapers, and Condo Association notices.. Ms. West

proposed to prepare a Citizens' Infrastructure Survey which would include questions developed by each Subcommittee based upon the issues of the Subcommittees.

[End of Executive Director's Report]

IV. Discussion of Charter Issues

Counsel at Subcommittee meetings:

The Chair stated that she thought that if Counsel is at all five Subcommittee meetings there might be budgetary issues. Mr. Goren suggested that counsel would not be needed at every meeting but will be available to respond to specific legal questions on an as needed basis. He also stressed it is very important that minutes be kept of every meeting. Each meeting is held as a public meeting, and access to the public should be particularly given.

| Motion No. | Title / Description | Status (Pass/Fail) | Count (Y vs. N) |
|-------------------|---|---------------------------|------------------------|
| 2 | <i>Counsel at Subcommittee Meetings Approach</i> Mr. Rogow: made a Motion to accept the Counsel at Subcommittees meetings approach as proposed by Mr. Goren (above). Seconded by Mr. Trower. | Passed | Unanimously |

Ms. West expressed a concern with Land Use and other subcommittees where there might be a requirement for significant recommendations. She asked how the determination will be made as to when counsel will be required for a particular Subcommittee. A brief discussion ensued and it was agreed that Ms. West will ask the Subcommittee Chairs if they need legal counsel.

Mr. Goren suggested the following format (as used during MESC):

1. **Question:** Specific question(s) are asked in a particular Subcommittee meeting; Ms. West will ask if counsel is needed or Chair will determine deferment to counsel.
2. **Deferment:** The item(s) is deferred in the overall conversation pending review of the legal question(s) that is being asked so that the process is not delayed but the item is deferred briefly.
3. **Characterization:** The item(s) are characterized into a question form.
4. **Counsel Review:** The question(s) are forwarded to legal counsel or with no further pre-discussion of issues as issues should come up during a meeting itself; and

5. **Counsel Response:** Legal counsel will respond to question(s) in writing or via physical attendance at the next meeting as required.

| Motion No. | Title / Description | Status (Pass/Fail) | Count (Y vs. N) |
|-------------------|---|---------------------------|------------------------|
| 3 | <i>Counsel at Subcommittee Meetings (Amendment)</i> Mr. Rogow: made a Motion to accept the Amendment to the Counsel at Subcommittee meetings approach as proposed by Mr. Goren (above). Seconded by Ms. Moseley. | Passed | Unanimously |

Duration of meetings – 90 minutes for all Subcommittees

Following discussion it was agreed that meeting durations would be scheduled at 90 minutes for scheduling purposes; however, should additional time be required it will be left to the discretion of the Subcommittee itself.

Transcriber at Subcommittee meetings:

Ms. West advised that staff is using and will continue to use a contracted transcriber (PKING Consulting) and explained the necessity of the transcriber; that summaries of discussion will be provided, from notes taken. She also stated plans to obtain an additional microphone and mixer to prepare for frequent subcommittee meetings.

Ms. Rogers inquired about the turnaround time for members to receive the summaries of the meetings. Ms. West advised that the turn around time was 4 to 5 days and staff gives themselves approximately 2 to 3 days to review and distribute to the Committee members one (1) week prior to the next meeting. This will continue to be the goal. Upon request by Ms. Tanner, staff agreed to include copies of Summaries of Discussions from each Subcommittee to the full CRC as a part of their packets.

Refreshments at Subcommittee Meetings:

The dais agreed that refreshments would be provided at each subcommittee meeting.

V. SUBCOMMITTEE REPORTS

Land Use Subcommittee (LUSC) Report – Richard Weiss, Esq., Chair

Mr. Weiss informed that the LUSC decided to engage in an educational process which began with the head of the Broward County Growth Management Division and her staff. He stated that the LUSC intends to continue forward with representatives from the League of Cities and the Broward County Planning Council and LUSC meetings will take place twice per month. Mr. Weiss advised that this format is to try to get the Committee up to speed for future discussions. He also invited everyone to attend the next meeting at which time Ms. Shelley Eichner will be presenting as a representative of the League of Cities. Mr. Weiss provided the opportunity for other Subcommittee members to comment. General comments were made by Ms. Good.

Transportation Subcommittee (TSC) Report – Michael Buckner, Esq., Chair

Mr. Buckner informed everyone that the TSC first met on April 5. The Subcommittee prioritized their issues as follows: Airport / Seaport, Mass Transit and then the MPO. They started the educational process with the first speaker, Mr. Chris Walton, Executive Director of the Broward County Mass Transit Department who provided an overview of the Mass Transit System which included showing how efficient the Mass Transit system is working compared to the number of buses available, population size and regions in comparison to Counties that are much larger than Broward County, the future issues, and funding.. Other speakers planned are Mr. Roger Delrio, Acting Director of the MPO, and Robert Bielek, Acting Director of Broward County Aviation Department. Others will be brought in from different areas in order to educate themselves on the issues before them. Ms. Tanner and Mr. Esack made general comments.

Administrative Issues / Governance (AGSC) Report – Dr. Irv Rosenbaum, Chair

Dr. Rosenbaum informed that the AGSC reviewed its work plan and established priorities and a work program. The Subcommittee will look at 1) the Structure of the Government, Mayor and Elected County Commissioners and view them as one issue, 2) Census, Ethics and Budget / Finance, 3) the future and the Charter in the same manner as it was done in 1975. A potential speaker will come from Vision Broward and they intend to collect information on all of the issues before them. General comments were made by Ms. Norris-Weeks. The next meeting of the AGSC is planned for the 2nd Wednesday of the month prior to the full Charter Review Commission meeting.

Other subcommittees had not met but were given the opportunity by the Chair to speak.

Public Safety Subcommittee (PSSC) Report – Dr. Mark Lieberman, Chair

Dr. Lieberman advised that the PSSC's first meeting will take place today and the guest speaker will be Mr. Bruce Moeller. He also advised that the PSSC meetings would be an educational process.

Health / Social Services Subcommittee (HSSC) Report – Wil Trower, Chair

Mr. Trower advised that the HSSC's first meeting would take place today at which time Ms. Marlene Wilson Director of the Broward County Human Services Department would be present to educate the members of the Committee on issues relating to Housing and Children Services. He then asked from a protocol standpoint if it is proper to call the Directors at the County level to request meetings with the Subcommittees or if it should go through the County Administrator. Mr. Goren replied that all requests should be made through Ms. West as the liaison to the County Administrator.

Mr. Trower advised that he has gone back through and looked at other Charters throughout the State (links provided on the CRC website) and he cannot find anything on Health and Social Services, in any Charter and expressed his opinion based upon his research there does not seem to be one for which there needs to be a Charter Amendment. ***Mr. Trower then asked how much time should be spent on issues that do not rise to the level of being a Charter Amendment but are more operational in nature.*** He suggested that the committee members think about what are really not Charter amendment candidates and what are more operational, social or systemic issues that need to be dealt with elsewhere.

Ms. West suggested that this issue will gain importance in the future and can be addressed in other venues, e.g., County Administration or County Commission and suggested bringing in someone from Vision Broward. Dr. Rosenbaum, Ms. Tanner, Mr. Weiss, Mr. Goren, Mr. Esack, Mr. Benson, Mr. Ketcham and the Chair discussed what the charge of the CRC members was according to Article 6 of the Charter.

GENERAL DISCUSSION

The topic of the format of the guest speakers was discussed with the Chair, Dr. Rosenbaum and Mr. Benson providing input; it was agreed to have a free flowing format for speakers to allow questions and answers.

A different discussion was entered into in which Mr. Weiss asked what the protocol was for having speakers before the entire CRC vs. Subcommittee. Input was given by the Chair, Mr. Weiss, and Mr. Goren, who responded to the question of how the last Charter got to the detailed work.

The Chair asked if it was desired in the future for the Subcommittees to generate the CRC agenda rather than having guest speakers. She advised that she was looking for direction from the dais. A discussion ensued with input from Mr. Weiss, Ms. Good, Ms. Norris-Weeks, Ms. Kaletta, and Ms. Tanner.

Mr. Trower stated that the question is, should the Subcommittee approach be continued or be moved back to full Committee approach. He suggested a hybrid approach to create a Subcommittee term of 3 months allowing the Subcommittee enough time to go through the issues, identify those that are workable and after sunset of the Subcommittees, prioritize their lists and let the full Committee get going. A general discussion ensued along the lines of Mr. Trower's suggestion between Ms. Rogers, Ms. Good, and Mr. Trower. The Chair led a discussion in order to develop a timeline for the Subcommittees. Suggestions were made, including Dr. Rosenbaum's suggestion to not duplicate speakers, and concluded in a motion, set forth below.

Mr. Goren advised the Chair to divide the question and adopt it by motion as a part of the procedures so that the Committees are on the record and the public will know what the process is.

| Motion No. | Title / Description | Status (Pass/Fail) | Count (Y vs. N) |
|-------------------|--|---------------------------|------------------------|
| 4 | <i>Subcommittee Work Directive</i> The Chair: made a Motion (<i>summarized by Mr. Goren</i>) to have Subcommittees complete their work effort between now and September 2007 and | Discussion | Discussion |

| | | | |
|--|--|--|--|
| | report in final form by the first meeting in September 2007 for semi-conclusions of their recommendations to the full Committee. Moved by Mr. Rogow, seconded by Ms. Tanner. | | |
|--|--|--|--|

A discussion ensued as to the objective of the completeness of the Subcommittee reports by September 2007 and what is expected to happen at the full Committee at that time. It was determined that recommendation reports are desired and if further information is needed the Subcommittees will be allowed to reconvene to do more research.

| Motion No. | Title / Description | Status (Pass/Fail) | Count (Y vs. N) |
|-------------------|--|---------------------------|------------------------|
| 4 | <i>Subcommittee Work Directive</i> The Chair made a Motion (<i>summarized by Mr. Goren</i>) to authorize and direct Subcommittees to effectively reach recommendations for action by no later than the September 2007, meeting of the full Committee and to submit that information to the full Committee by September 2007 with an objective that Subcommittee work efforts will be abated pending the need to recall them for further action. Moved by Mr. Benson, seconded by Ms. Good. | Passed | Unanimously |

Mr. Goren reminded the Chair of the need for a second motion regarding speakers (Subcommittees vs. Full Committee). A discussion ensued 11:28am ; the motion is as follows:

| Motion No. | Title / Description | Status (Pass/Fail) | Count (Y vs. N) |
|-------------------|---|---------------------------|------------------------|
| 5 | <i>Speakers at Subcommittees vs. Full Committee</i> Ms. Good made a Motion to have speakers for general knowledge topics of benefit to all membership at the full Committee meetings. | Discussion | Discussion |

Ms. West advised the Committee that the next speaker scheduled to appear at the full Committee will be Dr. Wayne Lee – Emergency Medicine expert from the Fire Rescue Council who was recommended by Dr. Lieberman.

The Chair entertained a discussion of other invitees and suggested Downtown Council, Vision Broward with input from Mr. Ketcham on the subject of Strong Mayor, Commissioner Rogers on obtaining directions from the Subcommittee Chairs and Ms. West and the Chair responding that the CRC will receive reports from the Subcommittees, which will likely prompt further input from outside sources.

| Motion No. | Title / Description | Status (Pass/Fail) | Count (Y vs. N) |
|------------|--|--------------------|-----------------|
| 5 | <p><i>Speakers at Subcommittees vs. Full Committee</i></p> <p>Ms. Good made a Motion to have speakers for general knowledge topics of benefit to all membership at the full Committee meetings and Ms. Rogers seconded, adding to continue coordination with Subcommittee Chairs with regard to scheduling of speakers.</p> | Passed | Unanimously |

Lunch Break – [11:33 am – 12:03 pm]

The Chair reconvened the meeting at 12:03 pm and advised that Mayor Joy Cooper, the Chair of the Broward County Fire Rescue Council (FRC) was unable to attend today’s CRC meeting due to scheduling conflict. She then introduced Mr. Joe Benavides, Vice-Chair of the Broward County Fire Rescue Council.

VI GUEST SPEAKERS - Joe Benavides, Vice-Chair, Broward County Fire Rescue Council (FRC)

Mr. Benavides stated for those who were not aware that the FRC is the product of the last Charter Review Commission. He provided specific information on the makeup of the FRC, its formation by the 2000 CRC, its purpose, its role, the infrastructure, e.g., the different CAD communications Systems and the redundancy facilities, its current situation and requirements. He stated that the FRC is now at the stage of asking Broward County and the municipalities to supply the FRC with the numbers of units and approximate cost that they have invested in their respective communication systems. He gave details on the life expectancy of the communication systems, and the potential cost savings.

Mr. Benavides advised that this is where the FRC is today and they are now just trying to get the municipalities to cooperate and provide the figures. He then advised that in the Communications Council they are looking at streamlining video, automatic vehicle locators, GPS, Computer Software and mobile data uplinks which go directly to the hospitals or where the patient will be transported or prior to arrival of a patient transport or fire scene. Mr. Benavides continued with the importance of cooperation from the municipalities regarding their input on financial data. He stated they don't know how many radios are out there; therefore, if they don't get the information from the Cities then they can still try to figure out how many units and try to come to a close estimate of AVLs etc. Mr. Benavides advised that they are looking at lowering this in the future, deleting the redundancies, and funding two systems where the upgrades will be less.

The Chair referred to the County Charter and asked Mr. Benavides what the County's participation is regarding funding, the County maintaining the infrastructure and coordination with the cities. He responded with his understanding of the issue. The Chair read into the record: *The County shall provide funding for the communications infrastructure and all service providers will utilize the elements of the communication infrastructure.* Mr. Benavides advised that that issue is really the **bones** of the Fire Rescue Council. He stated that they are trying to find out the cost of putting a whole structure together. He advised that the County is willing to fund it but there is a demarcation line of where the funding partnership begins and ends between the municipalities and the County. He also explained that there are also issues of responsibilities (i.e. who will pay to maintain the AVL locators, the Radios, the CAD system etc.) Mr. Benavides advised that a CAD system could cost \$5M but a maintenance program for the system may cost \$300,000 or \$700,000 over the course of that year so the argument is to fund it, and who pays it, where the partnership begins etc.

The discussion continued regarding future work of the FRC and reiterated his request for the municipalities' cooperation and added that the FRC is trying to find out three (3) things: what they are paying for the system, (2) what a new system will cost to replace it vs. 2 systems-redundant County-wide vs. maintaining the old system (3) how much it will cost and where the partnership actually begins. He advised that the reality is County-wide CAD common communications will cost approximately \$30 to \$40 million. The cost of re-doing it every 3 to 5 years and that the savings may be a main issue that drives the other issues with regard to the equipment that is purchased, how it is purchased and how many people will be in the group in the future.

Mr. Esack and Mr. Benavides continued the discussion of how long the FRC has been in existence, the FRC Annual Report, and the closest response issue.

Ms. Kaletta asked about how responsive the Cities have been. He responded their response has been positive, but that the information is public information to very easily be dispersed but it is not being generated properly. Therefore, one city cannot look at another city's files and this is part of the communications issue. He advised that there are several different programs and analysis programs out there, and the cities are utilizing different programs that do not allow them to interact with each other in the way that the County can read everyone's language the same. He advised that the final step is the Fire Chief's Organization that should be able to deliver information upon request and the FRC is not able to get that information from them as it is very scattered.

Ms. Kaletta asked how Closest Unit Response happens without the communication. Mr. Benavides replied that generally the Closest Unit Response is being done for the most part. However radius response is the practical means of traveling to emergencies (see below for sample design of Radius Response Zone based upon description provided by Mr. Benavides).

SAMPLE
as described by speaker.

RADIUS

RESPONSE

ZONE



Mr. Benavides advised that with cities there are borders so when a Radius Response Zone is attempted, those cities are only reporting information within their own jurisdictional boundaries "you do not get the other parties pie," Therefore, he explained if there is overlap or another unit which may be closest or closer, they are still calling the city unit first. He stated that this is one of the areas where Communications and Closest Unit Response through a radius response protocol is a requirement in the FRC's opinion and communication is the factor.

The Chair mentioned that the Cities have Mutual Aide Agreements that cover each other. Dr. Lieberman, Mr. Benavides discussed this issue further with Dr. Lieberman reiterating that the

FRC can only make recommendations and Mr. Benavides stating that without the cities cooperation not much can be accomplished.

Mr. Benavides then listed the FRC's accomplishments:

Fourteen (14) CAD systems are now interfacing with each other, setting protocols that they automatically respond to certain calls within jurisdictional areas, and helping the radius response become better. They are also identifying where they have weak timeframe zones and having other Cities cover that. He cautioned that there is still a lot of work left to be done but home rule is an issue and everyone wants their home rule; this is a very important thing for central services / global border to border funding and regional communications are very important factor in eliminating some of the overlap or redundancies.

Dr. Lieberman asked Mr. Goren if the possibility exists for the Charter to be changed to place a mandate on the cities to cooperate in the process.

Mr. Goren advised that this was an issue raised in 2002 which resulted in an opinion by Attorney General Bob Butterworth in Tallahassee who answered a question posed by Special Counsel hired by the then Charter Review Commission because of Mr. Goren's conflicts as a legal representative for the League of Cities. Mr. Goren advised that the League of Cities highly opposed the transfer of powers to the County without a referendum. He advised that the Constitution requires that when you transfer powers between governmental agencies that there must in fact be a dual referendum that authorizes that transfer. The argument was that this in fact was a transfer of powers between the cities and the County when the County would otherwise overbear or take control over standardization of those things which Mr. Benavides has spoken to today. Mr. Goren advised that the Attorney General's opinion was issued in May of 2002. Mr. Goren read the following into the record.

Question: *Does the adoption of the Charter provision creating the Broward County Fire Services and Standards Council to develop County-wide Standards regulating the provisions of Fire and Rescue Services addressing such issues as uniform fees, standardized dispatch and minimum levels of emergency services constitute a transfer of powers as contemplated by Article 8, Section 4 of the Florida Constitution?*

Mr. Goren stated that at the time the Attorney General opined that it did not. In fact that the conclusion in short said after citing a number of cases and other decisions; *"I am therefore the*

opinion that the adoption of a Charter Provision creating the Broward County Fire Services and Rescue Standards Council to develop Countywide standards in regulating the provision of Fire and Rescue Services addressing such issues as uniform fees, standardized dispatch and minimum levels of emergency services does not constitute a transfer of powers as contemplated by Article 8, Section 4 of the Constitution. Mr. Goren added that what is currently in the Charter is a compromise which was reached between the 2002 Charter Review Commission, League of Cities, Cities in Broward County and the County to create what is now in Section 5.03 of the Charter, which is, not exactly what was sent to the Attorney General's office for review. He stated that it is a lesser mandatory requirement than was contemplated by the original proposal.

Dr. Lieberman asked if the original proposal could have been revisited if the decision went against it. Mr. Goren responded that it was an Attorney General opinion and, of course, the Attorney General who wrote it is no longer, in that seat and their opinions are persuasive; they have merit but they are not legally binding. He advised that this opinion was rendered and given to the 2002 Charter Review Commission as a matter of their request and would be referred to by the next Attorney General if asked a similar question.

Mr. Weiss asked Mr. Goren to forget about the Constitution, etc. if it means that Dr. Lieberman could do what he asked or not, according to that opinion. Mr. Goren replied that the answer is yes. That under the aegis of the opinion, the current Charter could hypothetically seek to do what was requested at the last go-around.

Mr. Weiss informed Dr. Lieberman and the CRC that Mr. Goren might have a conflict and, therefore, suggested that they retain outside counsel to further discuss this issue. Mr. Goren responded by explaining his brief explanation of the issue; he realized the limitation of his input

The Chair advised that a speaker will be invited to speak on the municipal point of view because the issue should be seen from multiple sides and ongoing and informed the members that she is uncomfortable as the Chair providing the municipal point of view, but she is also uncomfortable listening to the conversation without hearing the other side. Dr. Lieberman stated his position that everything is in place. The Chair abstained.

Mr. Benavides advised that the FRC is definitely in the right spot to make the recommendations for the communications issues and gave the other point of view regarding the Commission's

willingness on the funding issues and what the FRC's position will be. He continued by providing further background on the situation when the FRC began and that there is a "Smart Patch" with some cities out of the loop. He believes everyone is trying and Mr. Kapoli – FRC Communications is now meeting with the cities and trying to get everyone to buy in for the future

Ms. Tanner, Mr. Benavides, and others then discussed the issues regarding the lifetime of the computer systems, the cross-training of the Advanced Life Support staff, paramedics, EMT and certified firefighters,

Mr. Trower asked Mr. Goren who is actually responsible for making Charter amendments happen and queried about the timeframe for making things happen. Mr. Goren responded that the County Commission is responsible.

The members discussed the number of seats on the FRC, the money added to traffic tickets to go toward communications in counties, Palm Beach County's process for minimum standards, the Annual Report of the FRC, the Standardized Dispatch system, and Charter Section 5.03

The Commission thanked Mr. Benavides for coming.

[End of Speaker]

The Chair called Mr. Walter Dix to the podium explaining that he was invited to provide a comprehensive look at Minimum Standards for Firefighters and Paramedics.

VII Walter Dix, President of the Broward County Firefighters and Paramedics Union (IAFF Local 4321)

Mr. Dix gave his background and experience and his present position as a Fire Fighter Captain with Broward Sheriff's Office. He stated his global perspective on the issue Fire Rescue and what he believes the citizens expect of Fire Rescue. He made comparisons to Miami-Dade and Palm Beach Counties

Mr. Dix described the complexities of traveling through 10 different municipalities. and what the citizens expect, related to fire rescue. Mr. Dix further advised that the dispatch is the key but it ties into the minimum standards.

Mr. Dix advised that minimum standards were discussed several years ago and he was involved in some of those discussions with the last Charter Review Commission and a compromise was reached. He stated that the current standard is the **NFPA 17.10**, which is the National Fire Protection Association Standard that establishes minimum resource requirements for safe and effective emergency response. He further explained how the minimum standards are determined: e.g., saving lives, property, scientific data, emergency medical calls, American Heart Association Standards.

The Chair asked for clarification of whether everyone works with the NFPA 17.10. Mr. Dix said no. Ms. Tanner asked if the County or municipalities within Broward County have adopted it. Mr. Dix responded that some have chosen. He advised that Dade County operates under the standard. Palm Beach County has created their own and here in Broward it has been left up to the individual municipality.

Ms. Tanner and Mr. Dix entered into dialogue regarding how long he has been lobbying the efforts to try to get the County to take on the minimum standards, resources available, the County's input in paying for the software for communication systems used, the lack of coordination of the various communication systems, and the reallocation of resources, and how the national study was performed. Mr. Dix explained the history of the study.

Mr. Tanner asked if some of the Cities already have the information available, but is it a matter of putting it together.

The Chair stated for clarification that the greatest of a City's budget is Public Safety, gave an example, and explained the impact on the community. She explained further the relationships the cities have with various entities and their budgets and how the issue of home rule influences the cities' decisions. The Chair advised that she was being cautious as to not tell what her City does because she does not wish to color what other cities might do she was just trying to explain part of the process.

Dr. Lieberman asked if an amendment for minimum standards were passed in Broward County would it mandate the cities to perform. The Chair advised that it would be an interesting conversation.

Mr. Goren advised that the topic might require separate counsel to be engaged for an answer because of his position as an advocate for the League of Cities. Mr. Goren further stated that

although he has his own opinion as a lawyer for the Charter Review Commission, someone who can advocate that position objectively would be useful.

The Chair advised that the Subcommittee might wish to engage and figure out how the Subcommittee wants to deal with the topic.

Mr. Trower stated that in both the Law Enforcement and Fire Protection Section of the Charter, it states that *The County Commission should provide for methods of funding for fire departments in the unincorporated areas and areas not otherwise protected*. He asked if a city could theoretically drop their Fire Safety Department and then the County would be required to go in and fund that. Mr. Goren advised that this is also a unique question because there are case decisions referencing County tax dollars and their allocation for that service (BSO service for example). He advised that it creates a challenging answer and it would be a wake-up call if someone picked up the phone and said you need to pay for my Fire Service this week. The discussion continued with Mr. Trower, Mr. Goren, Mr. Benson, and Mr. Dix joining the discussion.

The Chair stated that she is going to invite someone to speak from the Chief's Association to give an overview to the CRC.

Ms. Kaletta asked about the Volunteer Fire Departments being manned or on-call. Mr. Dix advised that there is only one Volunteer Fire Department which is the City of Plantation. He stated that they call in the volunteers. He advised that they have full-time Paramedics who work on-duty around the clock who are employees of the City. Mr. Dix advised that they have some full-time employees who do the inspections and administration, but the remaining force is called in when they are needed. Mr. Kaletta asked more questions about the City of Plantation fire rescue staff and the impact of minimum standards on the volunteers with the Chair joining the conversation.

Mr. Dix advised that there is a Minimum Standard for Volunteer Fire Departments which is **NFPA 17.20** and the NFPA recognizes that there are rural communities across the Country that have Volunteer Fire Departments that need to have a Standard as well; therefore, this one was created. He added that 17.10 is primarily Career Fire Departments.

Ms. Norris-Weeks pointed out a contradiction between Mr. Dix and Mr. Benavides wherein Mr. Benavides mentioned that coordination is occurring whenever there is an issue and Mr. Dix

stated that it is not. She then asked if Mr. Benavides was only limiting his comments to **Mutual-Aide** situations, or if there is something that would automatically trigger assistance.

Mr. Dix advised that there are two different ways to solicit assistance from a municipality (Mutual Aide and Automatic Aide). He advised that in **Automatic Aide**, the governmental entities enter into an agreement that they will respond a certain way to each other automatically. Normally when they are on the same communication system they are able to do that. He added that it is much more difficult when you are apart and not on the same communication system.

Ms. Norris-Weeks asked if there are some cities with Automatic Aide Agreements who are on the same communication system. The Chair reminded Ms. Norris-Weeks that there are 26 municipalities on the same communication system. Mr. Dix advised that there is a difference between... (multiple speakers at once).

Mr. Dix advised that it is important to know that there is a difference between communicating and actually dispatching units on an automatic basis. He stated that there could be a patch which goes to a box to talk from one truck to another and as long as that box is operational and the call does not get dropped you can talk to each other on a limited basis. He advised that this is a far cry from automatically sending someone to a call that one unit can go to because it is busy and having it done seamlessly. Mr. Dix advised that **Mutual Aide** is not seamless, it is very lengthy and delayed.

Ms. Norris-Weeks asked if the automatic agreements are actually written agreements. Mr. Dix responded that some are informal but most are reduced to writing. He added that NFPA 17.10 requires that they be reduced to writing and have the governmental entities approval.

Ms. Norris-Weeks requested information from the Chair with regard to her assistance in drafting the FRC documents because she stated she personally would be interested in it. The Chair replied that she will try to bring someone other than herself as representation because, unfortunately, as President of the League of Cities she has an opinion on every topic because as President, she has been intimately involved. The Chair thanked Mr. Dix for appearing today.

[End of Speaker]

Mr. Esack reminded the Chair of his interest in receiving a copy of the FRC's Annual Report. The Chair responded that it will be supplied.

VIII. **OLD BUSINESS** None

IX **NEW BUSINESS** None

X **PUBLIC COMMENT** None

XI **ADJOURNMENT**

There being no further discussion the meeting was adjourned at 12:58 p.m. until the next meeting on May 9, 2007.

The minutes of this meeting are recorded on CD # 4.11.07 (BCGV CTR)