

Summary of Discussion
Broward County Charter Review Commission
Wednesday, September 12, 2007
Broward County Governmental Center
115 South Andrews Avenue, Room 430, Fort Lauderdale, FL 33301
10:00 AM – 1:00 PM

Members Present:

Mayor Lori Moseley, Chair
Commissioner Hazelle Rogers, Vice Chair
Commissioner Hayward J. Benson, Jr.
Mr. Michael L. Buckner, Esq.
Mayor Debby Eisinger
Ms. Maggie Davidson
Mr. David Esack
Ms. Patricia Good
H.K. "Petey" Kaletta
Mr. Mark Ketcham
Dr. Mark Lieberman
Mr. Joseph Maus, Esq.
Commissioner Ted Mena
Ms. Burnadette Norris-Weeks, Esq.
Dr. Irv Rosenbaum
Ms. Jodi Jeffreys-Tanner
Mr. Wil Trower
Mr. Richard J. Weiss, Esq.

Members Absent:

Mr. Bruce Rogow, Esq.

Others Attending:

Rad Berky, Channel 10 News
Kareen Boutros, Executive Director, Broward Workshop
Pete Corwin, Assistant to County Administrator
Rhonda Calhoun, Executive Director, Broward League of Cities
Roger Del Rio, Director, Broward County MPO
Mayor Josephus Eggelation, Board of County Commissioner
Chedley Etienne, Administrative Assistant, CRC
Lynn Everett, Broward County Office of Transportation
Ellen Feld, Esq.
Dan Glickman, Resident, Deerfield Beach, FL

Matthue Goldstein, BC Planning Council, Assistant Planner
Samuel Goren, Esq., General Counsel
Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC
Derek Hayward, WSVN Channel 7 News
Jacob Horowitz, Esq., Assistant General Counsel
Alain Jean, BSO
Phyllis A. King, Transcriber, PKING Consulting
Kevin Lovelace, WSVN Channel 7 News
Jose Pepe Lopez, Pembroke Pines, FL
Kimberly Maroe, Broward County Public Information Manager
Mr. Bruce Moeller, City of Sunrise Fire Chief
Russell Rano
Robin Rorapaugh, Hollywood, FL
Gary Stein, Sun Sentinel
Mr. David Tolces, Esq., Assistant General Counsel
Lisa Vondrak, News Abstracts
Scott Wyman, Sun Sentinel
Patricia G. West, Executive Director, CRC
Vice Mayor Lois Wexler, Broward County Board of Commissioners

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

A meeting of the Broward County Charter Review Commission (“CRC” or “Commission”) was held at 10:00 a.m. on Wednesday, September 12, 2007 at the Broward County Governmental Center – Room 430, Fort Lauderdale, FL.

I Call to Order/Roll Call

The Chair Lori Moseley called the meeting to order at 10:02 a.m. and requested the roll call by Phyllis A. King, PKING Consulting, Inc. Upon completion of the roll the Chair called for approval of the August 8th 2007 Summary of Discussion.

II Approval of August 8, 2007 Summary of Discussion

The Chair called for a motion for approval of the CRC August 8, 2007 Summary of Discussion.

A MOTION was made by Mr. Buckner; SECONDED by Ms. Tanner. The Chair called for all in favor, I’s were stated and the motion passed unanimously.

III. Chair and Executive Director Report

That Chair advised that at a previous meeting it was agreed to make sure that today's meeting is timely and would adjourn at 1:00 p.m. in honor of the holiday. The Chair advised that if there is an issue that is not on the agenda and someone wishes to bring it up, it will be addressed under New Business in the agenda.

[Dr. Rosenbaum entered at this time 10:04 a.m.]

Ms. West advised that she has worked with OIT in attempts to begin webcasting the Charter Review meetings starting with the next full CRC meeting. She is not sure if the meetings will remain in the current room 430 or if they will move to Commission Chambers, but she will advise accordingly. Ms. West reviewed the contents of the subcommittee folders and reminded the Commission that Michael Buckner, Chair of the Transportation Subcommittee, will make his subcommittee recommendation report during today's meeting.

Ms. West advised that future subcommittee reports will be as follows:

- AGSC - October 10, 2007
- LUSC - November 14, 2007
- HSSC and PSSC – December 12, 2007

She advised that there will be a wrap-up meeting on 1/9/07 to deal with any issue left on the agenda.

[Ms. Weeks entered at this time 10:08 a.m.]

The Chair acknowledged the presence of Vice-Mayor Lois Wexler

The Chair informed everyone that the impending discussion would be a general discussion of the possible realignment of the Airport and Seaport; and gave Vice-Mayor Wexler the floor.

IV. Vice-Mayor Lois Wexler-Airport & Seaport Realignment

Vice-Mayor Wexler: Good morning, I thought that it was a reaction to my request for the Transportation and the Governance subcommittees to actually look at the – I did not use the word realignment – “reporting authority,” because realignment to me is something even more drastic in the way of governance. I was asked to put my request in writing through Pat West for

that to occur. I think it is important to just capture a tiny bit of history as to why and what motivated me to ask that the Charter Review Commission take a look at a change of reporting lines. A great deal of it really has been frustration over at the Airport. a lack of leadership at the Airport, and quite frankly spending a year, and coming up with zero was not what I call productive. During the summer – just before the break, we asked the County Administrator to pretty much do this in-house, or have our HR person work with a search firm in order to wrench it up a notch. My biggest disappointment came when 40 applications came in on August 13th and they were peripherally looked at because somebody had already been selected from out of the area;;a contract was forth coming and they had not even put their applications in.

When I ran in 1992, originally, the Port Authority was in existence and as you know the Port Authority does not exist any longer. The County Commission has that authority; however, administratively the hiring and the firing and the evaluation of the Director of the Airport and Port Everglades remain with the County Administrator. What I was asking for was that – that responsibility be placed on the shoulders of the County Commissioners. The 9 of us certainly could review applications, interview and ask questions. We actually have the authority in the Charter now – at the discretion of the Mayor to have a Committee put together. I have served on 2 Committees so far at the Mayor's appointment to interview potential Airport Directors. I a, personally, rather familiar with the process but what I find very bizarre about a provision that is in the Charter, is our ability to reject a nomination with no cause, just because, and that is already in there. Some people may find that empowering, I personally do not. I do not believe you reject somebody because you do not like their tie or their hair; that is the power that is provided. Maybe I would be more comfortable, but because they're not, I feel that these factors that allow the County Commissioners the opportunity and give right now in the Charter to the County Administrator, the authority to hire, fire and evaluate.

We right now have 3 responsibilities, the Auditor, the Attorney, and the Administrator. I was asking the Charter Review Commission, through the 2 subcommittees to take a look and have a conversation whether you thought my suggestion had any merit. That was merely the intent of it. It was not – I'm not going out and campaigning or I'm bringing this forward at the Commission level, or am I throwing myself on the sword for it. The answer is absolutely not. I thought, I believed, I still believe this is the place. You are the people, you are the voice of the public and you look at Broward County Governance. You look at the Charter and determine what might make it run better. So that was merely something that I had asked you to take a look at. It seems that Mr. Buckner, you are Chair of the Transportation Committee, nothing

occurred there other than to bring it to the full Commission. I got a phone call, “please come here and layout why, and what was the motivation.” That was it, nothing more nothing less.

The Chair explained why the issue was forwarded to the full Commission.

Vice-Mayor Wexler: I also understand that there was a conversation – I know I have been asked about a Transportation Authority. I do not know enough about it, but I certainly believe this is the place where it belongs. This is the place where the dialogue and the research need to occur in order to make a determination, if that is in the best interest of the people to move on that.

The Chair asked if there were any questions or comments.

Mr. Benson asked Vice-Mayor Wexler to restate the protocols as to what happened with the review of the 40 applicants for the Airport Director position.

Vice-Mayor Wexler: It is something that we actually have an evaluation process now of our County Administrator and it is an in-house issue. I plan on handling it as part of my evaluation process. I have already met with the County Administrator and have indicated my displeasure with a lack of procedure.

Mr. Buckner asked Vice-Mayor Wexler if she felt her request is more of a personnel question. He stated in light of her displeasure with County Administration it seems that it might not dictate a change to the actual Charter.

Vice-Mayor Wexler: Excellent question. When you are looking at one person who is in charge of administratively operating the County personnel-wise and 9 electeds, to put the responsibility on 9 elected people, for me at least, personally, has a more palatable feel, rather than one individual. With me and my 8 colleagues, whatever I do is done in the Sunshine. Whatever conversation I have is done in a venue such as this, where there is an interview. You see the thought process, the kinds of questions and the responses from the individuals. I just think that it's really the process of the reporting lines that need to be looked at, because we are in a difficult situation right now. Maybe that helped me be more focused in making this request. Sometimes timing is everything. There is no way getting away from that - having thought it through and thinking is it just a person because you never make a policy because of one person. You do not do that; it is a bad policy. If you folk do not debate the pros and cons and if

you think it is a terrible idea, it may be a terrible idea, but it is an idea that I think needs debating. It is an idea that needs discussion and I can see the merits in the idea.

Mr. Buckner asked Vice-Mayor Wexler if making the hiring decision political by bringing it forward to the County Commission would be a danger because of the economic influence in the County.

Vice-Mayor Wexler: First of all, you have a job description and embedded in that job description are the requirements, whether it is past experience, whether it is educational, whatever is embedded in there, unless you meet these minimum qualifications – which it should be. By the way, it is very “loosey-goosey” around here as far as job descriptions are concerned; it is an ill of the whole County. We could go on for hours if you really want to hear what I really believe are many issues around here. True, the actual description of the job itself is how you control that. It’s not politics that’s occurring and it is legitimately – I’m going to tell you having read – and you asked me about the 40 applications, there were 3 that popped to the surface that – on paper were very highly qualified individuals. If you do not think politics played a role in this name coming forward, in my humble opinion it certainly did. That doesn’t mean that he’s not capable of doing the job, I want to make that very clear – I do not know, only time will tell and only time would tell with any selection by whether it is a body or an individual.

Mr. Buckner asked Vice-Mayor Wexler where reporting lines should be drawn.

Vice-Mayor Wexler: It could be a double-line where the Administrative – I do not want a micro-manage the Airport or Seaport, but what I’m looking at and what I am suggesting is the hiring and the evaluation. We make it very well known and clear when we are not satisfied with the performance of an Airport Director or a Port Director, we make that very clear and in essence, you hold the County Administrator responsible.

We have had a huge turnover for the last number of years even at Port Everglades. It has been tremendous and looking at the last 10 years – you might want to ask how many Directors have been in place at both Port Everglades and the Airport and see that it is 3 or 4 of them. At the end of the day the public does hold us responsible. I guarantee you that when the Herald and the Sun Sentinel write their stories, it is the 9 Commissioners that are held accountable, not the County Administrator who hired that person and it is their fault.

Ms. Kaletta asked Vice-Mayor Wexler if she includes the Port in the hiring process for both of the entities.

Vice-Mayor Wexler: Yes we do.

Mr. Mena advised that he is confused to some degree; he stated that presently Seaport and Airport Directors report to the County Administrator. He stated that unfortunately, based on the County's Organizational Chart, they do not go directly to the County Administrator; they are directed to someone else. Mr. Mena asked how politics would be eliminated if the Directors are reporting directly to the 9 Commissioners.

Vice-Mayor Wexler: First of all there has to be an evaluation instrument – I cannot disagree with you about politics, because when I came here there was not an evaluation instrument for the Auditor, Attorney, or the County Administrator. If you had 5 votes you got a bonus and that was it; it was a very loosey-goosey operation. I guess one of my first statements “was do not accept a thing out of me without having something in writing”. . I am very used to evaluating the Superintendent of Schools, so I will be very happy to share with you the detail that I am looking for;,, now we do have evaluation instruments of these 3 individuals that report to us, so consequently I certainly envision having a similar mechanism. I cannot tell you it would be identical because the responsibilities are different. If you make the tool, what drives the performance instead of the personality, then you are on much more solid ground as far as politics is concerned and that goes to the fact of whether the County Administrator does it or the 9 County Commissioners. There would have to be a solid evaluation instrument developed in that case.

Mr. Mena stated that he believes that personality is a factor sometimes. Mr. Mena added that a lot of people don't trust the County Commission when it applies to money and the political situations.

Vice-Mayor Wexler: I think people do not trust politicians, I do not think it is just County Commissioners, and you are one of them too.

Ms. Eisinger advised that politics is a very broad concept, and whether you are an elected official or in any position the word politics applies to our daily living in terms of who you would want to appoint for a position. She asked whether a non-interference clause would apply in this issue, because the Port Authority and the Airport would still answer to the County Administrator.

Ms. Rogers advised that the Charter clearly states that a County Administrator shall have the power to nominate all department heads and the nomination must be approved by the majority of the County Commissioners. She believes that there is a process for which the County

Commissioners can say that they are not totally in support of this individual that was brought forth by the Administrator.

Vice-Mayor Wexler: Without cause, that is correct.

Mr. Benson asked Vice-Mayor Wexler for clarification of what she is proposing.

Vice-Mayor Wexler: I want to make it very clear. I am here for exactly what I have said six times; I am not going to throw myself on the sword. I want you to debate the pros and cons of it, I had a thought – I thought going through this process through a subcommittee was the proper channel. If you think it has merit after you have looked at the Management and Efficiency Committee that met for 2 years, and study who made some recommendations, whether they looked at this issue or not I cannot recall. You are charged as a Commission to do likewise; you have broken into subgroups to study and debate and make recommendations on the governance as well as multiple other issues of Broward County as it relates to the Charter.

I guess I can bring it forward as a discussion item among my colleagues, but this seems like the proper venue for that to occur and that is what the request was. I will tell you I have many more troubling issues than this one that I am very passionate about; this is one that I truly thought needed and merited discussion and that is it. Do with it as you wish.

Mr. Weiss MOTIONED to approve Mr. Buckner's recommendation, to have a joint meeting with the Transportation subcommittee and the Administrative Governance subcommittee to discuss Vice-Mayor Wexler's concern.

The Chair suggested that Mr. Weiss hold his motion until after other speakers have presented.

The Chair advised that there has been a lot of dialogue within the Commission regarding the County shifting their focus more regionally; and asked Vice-Mayor Wexler if what she is proposing would help towards the goal of being more regional.

Vice-Mayor Wexler: I am not quite understanding your question, are you asking if I think we should be more regional in our approach, regional beyond the borders of Broward County.

The Chair stated - only Broward County.

Vice-Mayor Wexler: I had not even thought that, but you certainly do help make the case for it, by just that question. We have fewer than 10,000 people remaining in unincorporated Broward

County; yes we are responsible for the Libraries, Traffic Lights, Parks, the Airport and Seaport but, I'm responsible for Airport and Seaport... kind of – Thank you.

The Chair thanked Vice-Mayor Wexler for sharing her thoughts.

The Chair recognized Mayor Josephus Eggelletion and stated that she was glad he was able to attend the meeting because of his knowledge of the Seaport. The Chair asked Mayor Eggelletion to comment on the Airport and Seaport specifically.

V. Mayor Josephus Eggelletion-Airport & Seaport Realignment

Mayor Eggelletion: I want to talk to you about something else, but I'll certainly talk to you about the Airport and Seaport. Well, let me just put it to you this way. Those are the two largest economic engines for this County and one need be very careful of how you tinker with that.

I believe that each of the Directors of those needs to have a contract to insulate them from any practices that we may or may not agree with. Both of those entities have to run like a business; they receive no funds from general revenue. They have to generate their own and they have to spend the money that they generate to maintain the business. The expenditures over there are not in the hundreds or millions they are in the billions of dollars . Which means that if they do not run themselves like a business they cannot go to Wall Street and borrow money to upgrade and to remain competitive throughout the world.

With respect to the Directors – we will have a new Airport Director in here pretty soon – that Airport Director will have a contract. The contract as I understand will be for 5 years. I think that is appropriate. Our current Port Director does not have a contract but he needs to have a contract, and that contract needs to be, I think, for a minimum of 5 years.

I believe that it is time that both those individuals should report to the Board of County Commissioners directly, and I do not come to that conclusion lightly. During our last round of interviews with Airport Directors, one of the problems that we had in getting an Airport Director was not only salaries but the layers of bureaucracy. Let me put it to you this way; if you are a Director over at the Airport and here comes an employee, and the employee does not like what you tell them and in their relationship with the Administrator and they realize that if the Administrator does the hiring and firing they are likely not to listen to you. That is one of the problems that 3 of the persons who interviewed had pointed out to me as some of the problems that they had with our current arrangement. The fact that the hiring and firing decisions remain

with the Administrator as opposed to the Aviation Director was a problem. Any hires that they had to make had to be approved by the Administrator; it is a problem if you bring in your own employee. To surround yourself with the appropriate people that will make you successful becomes a problem. Where, in this case, if they reported directly to the Commission, they could run their own show and they would be responsible directly for their success or failure. It is something I think that you need to think very carefully about. Unlike many other localities, we do not have an Aviation Authority nor do we have a Port Authority.

The voters in this County spoke sometime ago with respect to a Port Authority; they wanted to abolish it and they did. I think that would have a very difficult time passing; both our Airport and Seaport have done very well. We do have some challenges at the Airport with respect to the finances there but those are challenges that I think we are up to the task of correcting particularly with a new Aviation Director.

The Seaport is running very well. It is record profits out there. When I got here we were the 15th largest Seaport in the world. Today we are the 11th. We are now the busiest container port in Florida. We have surpassed Miami-Dade. Our profits out there are at a record level. We are doing a tremendous job, but then again everything – it takes forever to get an item from the Seaport Director on the agenda for us to deal with. The reason is the Director over there has to meet with the Administrator; the Administrator then has to approve it, and it is run by all of their folk. They have to check it and then it comes to us. In a business you cannot operate that way if you want to bring some goods or service into that particular port. You should not have to go through all that bureaucracy to get there. That is not what they are used to; they're used to going directly to a Director that is accountable only to an authority and it is done. You do not go through what you have to go through here in Broward County. I would certainly support having the voters take a look at whether or not the Director of the Airport and/or the Seaport should report directly to the Board of County Commissioners.

The Chair asked Mayor Eggelletion if he believes it would be a good idea to have the County Commission do the hiring and firing.

Mayor Eggelletion: Yes, because ultimately if anything goes wrong, guess who gets the blame? We do. I mean we are the ones that are left hanging out there and I get very frustrated by the current arrangement we have today. Let me just put it that way. I have worked very closely with Mr. Allen. I have tried working very closely with the former interim Aviation Director. I believe– I can tell you forthright, I just simply was not satisfied with his work performance. I do

not think he had enough experience in that area to be in the position he was in. Two and half years experience and he becomes an Aviation Director; it is just not enough time; it really isn't.

Ms. Good asked the Mayor if the reason he wants the Aviation Director to report directly to him is because he wants to give that position that flexibility.

Mayor Eggelleton: Absolutely, they need to be autonomous. They are running a business. We want to look at it as a branch of government; in reality, it is really a business. It is unlike any other branch of government that you have both aviation and port.

Mr. Mena stated his concern for the politics that would be involved if the Commission was in command of both Airport and Seaport, and that this would be a hard sale to the public. He asked how the 9 Commissioners could get the right information on an individual unless they go through staff.

Mayor Eggelleton: Just like any other thing you do in government. Just like we hire an Administrator, an Attorney, or an Auditor, we go with a head hunting firm. That particular firm is there for a living every day, they bring us the best candidates. We would twiddle that number down and choose the best candidates. I know personally; I attend a lot of national and international port conferences so that I can be well abreast of what is happening out there in the Port. You get to know some of the major players in the world. You get to look at their ports and see what they are doing differently from you. It is some of the things we utilize here to turn our Port around and make it profitable today. That is where I learned that it is better for us to go into common use terminals, as opposed to continually leasing land to companies that had no intent of bringing cargo into our Port. Their intent was to keep other cargo providers out; we changed that, and it changed the dynamics at the Port. It really did. That is the way we would do it. I am not a lawyer; I do not know anything about being a lawyer, but I think we hired a darn good one in Jeff Newton. We did it through a search firm.

Mr. Benson stated that the Board of County Commissioners sits as an entity other than the County Commission. He stated if they were to take that same concept and have the Board of County Commissioners sit as a Transportation Authority it would put the Commission in a position to be responsible for both Seaport and Airport economics and operations. Mr. Benson asked Mayor Eggelleton if this is the direction he was moving towards.

Mayor Eggelleton: I like that concept; we tried to do something similar to that this year when we met over at the Port. The reason for getting this Commission out of the building and literally go over to the Port to sit with Phil Allen and his staff and go thru a Port Master Plan and what we were doing over at the Port was to force us to think as Directors of the Port as opposed to Commissioners. Over here you tend to think like a Commissioner and you get into the political side of it. The whole purpose of getting us over there was to force us to think as a Port Authority and to think as a business entity as opposed to a political entity. It worked and yes, I think that concept would work very well. I wanted to do it over at the Airport, unfortunately we do not have any room over there to house us. I could not do it over there; so we had to have our meetings here in this room as a matter of fact. I think that would certainly work.

Let me remind you of this, Broward County Airport, for instance, I know and Mr. Benson you probably know, as far back as Floyd Johnson, has been responsible for the demise of 3 different Administrators in this County. You could not fire the Director the only person you could fire is the Administrator. I want you to think about it, including Floyd Johnson. If you were to change that, you could deal with the Director as opposed to constantly changing Administrators, that is the only person I can terminate. I cannot terminate the Director; so the Administrator has to die for the sins of the Director.

Mr. Benson commented that he is glad to hear that the Mayor likes the idea, but stated that he felt it would be better to come up with a structure like the one he proposed versus trying to fix or mend what is already in place. He stated by establishing the County Commission as the authority, it takes on the business responsibility for both Airport and Seaport and sits as the governing Board.

Mayor Eggelleton: We started to do that now with the Cocomar Water Control District. We adjourned the Board of County Commission, we opened up the Cocomar Water Control District, Water Control District 1 and 2; we have to adjourn the County Commission and we open those as the Authority over those entities

Ms. Weeks commented in regard to Vice Mayor Wexler's comment on an Airport Authority; she was not sure how they work in other counties, but there would be a group of people who were knowledgeable to sit on that Airport Authority. She agreed with Mr. Mena that this would be a

hard sell to the public, and suggested that they look at different models, in respect to the Airport Authority. She asked if the Port Authority is working smoothly now, is it necessary to make any changes there and have them report to the Commission.

Mayor Eggelletion: First of all, you can probably look at Tampa and Orlando, they have separate Aviation Authorities. I believe the appointees are made by the Governor to those various Authorities. I am not sure; I think that is actually where they come from. Do not hold me to that; I cannot answer that affirmatively. In a lot of locations, the Governor makes those appointments and they have been created by statute. With respect to the Seaport and how it is run and despite the fact that it is running well, should the reporting still be to the Commission? I believe so. I mean it is running well today ; you do not understand what we went through. The fights over tugs, the fight over just to get the Commission to look at another viewpoint on how we deal with terminals. I mean it was a knock-down drag out fight. I mean Jodie was here, she remembers that. It was very difficult to get them to look at it differently, and when you do that you just create a business model. It gives a Director a lot more autonomy to think and do things other than they are doing today, it really does. The thing I hate and I guess I am prejudice in this resolve, I hate large bureaucratic organizations. I believe ultimately the taxpayer suffers. When it takes you too long to make a decision on an Airport and Seaport, trust me you are going to lose money.

Let me say I am a shipper and I want to bring my cargo into your terminal. I am sitting there and I have an agreement with a producer of fruit, and I've got to move out so my fruit is ripe on the vine in October. I have to get it to the market because I have sold contracts to several grocers. and is not working out where I am,, then I need to change and take it to another port. I cannot wait 6 months for government to make a decision. I mean I have got to make a business decision pretty quick, and let me tell you sometimes it takes that long.

Ms. Weeks stated that many people could be concerned with the volatility of the decisions that can be made and whether it will be in the best interest of the people.

Mayor Eggelletion: It could be, I don't necessarily agree with it. I do believe that my colleagues, at least what has been demonstrated since I have been on the Board since 2000. When it comes to the Airport and Seaport, some kind of debate is very good because you hear everyone's viewpoint. At the end of the day when it comes to those 2 entities, there are no

districts. It is what is in the best interest of Broward County, and I can tell you that forthwith. It has always been what is in the best interest of this County. It is **vetted**. There is no question about it. At the end of the day, it is what is in the best interest of the County.

Ms. Rogers asked Mayor Eggelletion if he would consider merging the Airport and Seaport.

Mayor Eggelletion: No. They are 2 totally different functions. They are just totally different functions. There are some things that you may look at, for instance, security; you may want to look at that. That is something you can deal with internally, but in terms of merging the two together –the functions of the Airport is totally different from the Seaport. The skill sets for both of those entities are different in terms of their administration. Totally different, Airport for instance, is governed by the FAA; At the Seaport you have to deal a lot with the Coast Guards, US Department of Commerce, and US Department of Agriculture; those are the entities you are working with - just totally different entities.

Dr. Rosenbaum commented that a single purpose district is a viable solution. He asked Mayor Eggelletion if he thought that the day to day decisions that the County Administrator deals with are different from the business decisions made with the Airport and Seaport.

Mayor Eggelletion: Absolutely, totally different from what you normally do in government; it really is.

Mr. Weiss commented that he would expect this type of discussion at a Transportation subcommittee meeting and that the subcommittee did not have the kind of time the topic requires and suggested continuing the discussion at the Transportation subcommittee meeting.

Mr. Buckner stated that the TSC will address the Vice Mayor's request.

Mr. Weiss MOTIONED to forward the issue of the Airport/Seaport to the Transportation and Administrative Issues/Governance subcommittees, respectfully, and whether the Directors should report directly to the County Commission, SECONDED by Mr. Benson.

The Chair called for a roll call vote.

Commissioner Hayward Benson	Yes	
Michael Buckner, Esq.	Yes	
Mayor Debby Eisinger		Yes
Ms. Maggie Davidson	Yes	
Mr. David Esack	Yes	
Ms. Patricia Good	Yes	
Ms. H.K. "Petey" Kaletta	Yes	
Mr. Mark Ketcham	Yes	
Joseph Maus, Esq.	Yes	
Commissioner Ted Mena	Yes	
Mayor Lori Moseley, Chair	Yes	
Burnadette Norris-Weeks, Esq.	Yes	
Commissioner Hazelle Rogers	Yes	
Dr. Irv Rosenbaum	Yes	
Ms. Jodi Jeffreys-Tanner	Yes	
Mr. Wil Trower	Yes	
Richard Weiss, Esq.	Yes	

17:0

MOTION Passed 17 YES to 0 NO.

Mayor Eggelletion: Madam Chair, obviously, you are the Chair of this organized body and I want to respect your Chairmanship and what you do here, but I thought I contacted your Executive Director and asked to at least come before this body to talk about the issue of Public Safety – directly related to the Sheriff. Is it your intent to deal with that issue today and at what time? I am going to be meeting with members of Congress when this is over and I don't know how long that is going to last.

The Chair responded that they are going to follow the agenda that they had, and that her office emailed him and stated that any new business can be discussed during the discussion on New Business, due to the timeframe.

Mayor Eggelletion: I am sorry madam Chair; I would not be able to make that. I am meeting with a couple members of Congress on issues that are critically important to the County and it is a luncheon meeting. I will just have to make your next meeting.

The Chair stated that she is sure the topic will be discussed at the next meeting.

Ms. Eisinger MOTIONED to move to New Business, SECONDED by Ms. Tanner.

A 7 minute debate ensued amongst members in regard to whether or not the Mayor should be allowed to speak on the issue of the Sheriff.

Ms. Eisinger MOTIONED to allow Mayor Eggelletion to make his presentation with no further discussion by the Charter Review Commission related to the new business proposed by the Mayor, SECONDED by Mr. Esack, I's were stated and the MOTION passed unanimously.

Mayor Eggelletion: Thank you, madam Chair and members of the CRC, it is indeed a pleasure again being here. The gravity of certain situations hit us all at different times and that is one of the reasons we have a Charter Review Commission in place: to look at what we do as a body every 10 years. Just as the State of Florida has a Constitutional Revision Commission to look at it. Various things do occur, we do not live in a stagnant world, the world changes every day, and so is the case here in Broward County. I am looking all the way back to Bob Clark, when I first came to Broward, to Ed Stack, Nick Navarro, and now Sheriff Jenne.

I believe it is time for you take a long and serious look. It is your decision, purely your decision. I want to make that clear: to look at whether or not we need to move away from an elected Sheriff to an appointed Public Safety Department. I say that because the Office of Sheriff has changed. You are no longer just looking at road patrol deputies. The Sheriff is in charge of truancy in this County; the Sheriff is in charge of food service; the Sheriff is in charge of mental health; the Sheriff has contracts with 14 different cities. The Sheriff is in charge of administration of the jail system, the duties and office of the Sheriff, as well as Fire Safety and Rescue and Medical rescue. It is a huge operation today, unlike any other, as I think you will find when you start to study this issue in the Country, period. I think it is serious time for you to give this a look, to determine if the model we have here in Broward County is working to the best benefit of the residents of Broward County. It is time to determine whether or not we move to an appointed Public Safety Department. It used to be time where if I wanted to be a Police Chief in a small City or in Broward County, I needed to have a lot of police experience. We have known with Ed Stack and others you do not have to be that anymore to run a very successful department.

I remember sitting on the City Commission in the City of Lauderdale Lakes with Ed Stack. We were the first City to become a contract City with the Sheriff Department. It is because of his keen administrative skills that we were able to do that. Just frankly put, I just believe it is time that your body looks at that, and if you were to refer that to the Public Safety Subcommittee or whatever subcommittee takes a look at that and I do not know if you have such a committee, I am quite sure it can be vetted and come back to this body in one way, shape, form or another. I just hope you do not become stagnant in your approach to looking at everything that you do. It does not matter. I do not want to sit here and try to twist your arm. I am just throwing the idea out there. You are the body that is charged with the responsibility of looking at our Charter. You may choose to do it. You may choose not to do it, but it is your choice at the end of the day. You make the decision, but I think you need to look at where we are as a large urban metropolitan county. We are no longer a small County, we are a big County and the responsibility of Sheriff is enormous. It is not like what you may think. I think once you get your handle around all the duties and responsibilities of the Sheriff, you may begin to perhaps rethink that office in one way, shape, form or another.

I appreciate your time, Madam Chair; I appreciate the members for allowing me to speak to you today, so that I could meet with our members of Congress and try to bring some more things back to Broward from a Federal perspective. Thank you very much.

The Chair called for recess at 11:22am

The meeting reconvened at 11:30am

VI. Presentation by CRC Transportation Subcommittee Chair Michael Buckner, Esq. on the Recommendation to the CRC Regarding the Metropolitan Transit Authority (MTA)

The Chair recognized Mr. Buckner.

Mr. Buckner introduced the Transportation subcommittee members and advised them that their focus was on 3 major issues:

- a) *Airport and Seaport Operations in Governance- After receiving testimony and research by staff; the Transportation Subcommittee recommended that analysis*

be continued. There are some deficiencies in operations of the Airport, but they were unable to reach definitive solution or consensus on how to resolve the issue.

- b) Membership and Governance of the Metropolitan Planning Organization (MPO)- He stated in regard to the recent State law that was passed reaffirming the independence of the MPO in Florida, in conjunction with testimony and research by staff, the subcommittee determined the MPO was operating within its stated mission and purpose and a Charter change would be inappropriate to enhance the MPO governance.*
- c) Mass/Public Transit- after conducting tours, partaking in bus ridership, and listening to testimony from the various transportation authorities and the public the subcommittee recommended the creation of the Metropolitan Transit Authority (MTA).*

Mr. Buckner advised the Committee that there were 4 envelopes distributed to certain individuals and each envelope represented a different scenario. Envelope 1 was opened by Vice-Chair Rogers and her envelope contained a piece of paper with \$4,826 written on it. He advised the Committee that this amount represented the annual cost to drive a small vehicle, depending on mileage. He stated that the annual cost of public transportation for 1 adult ranges from \$200 - \$2,000 depending on services.

Envelope 2 was opened by Ms. Davidson and contained the figures 36% and 14% which Mr. Buckner explained represented the fact that the poorest still spend 36% of their budget on transportation, while the richest spend only 14% of their budget on transportation. He added that transportation is the #2 expenditure for most families after housing.

Envelope 3 was opened by Mr. Maus and contained the figures \$3 billion and 600%, and these numbers represented the return of investment for a Transit Authority per Mr. Buckner. He gave the Committee examples of Washington, DC, which had an excellent Metrorail system. 40% of the buildings built in the 1980's worth \$3 billion were built within walking distance of a Metro-rail station. Furthermore, the value of commercial square foot near Metro-rail stations in the DC area and northern Virginia have increased more than 600% since the first station opened in 1977 and he believes that commercial entities want to construct and build around public transit.

Mr. Buckner told the Committee that the research conducted by the Center for Transportation Excellence indicated that it would require 37 more lane miles just to keep pace with just one year in increased traffic demand. Mr. Buckner stated that there is no additional land in this region to continue to add or build more roads.

Mr. Buckner advised the Committee that Envelope 4 which was opened by Ms. Tanner contained the figures 99 gallons / \$1,160. He explained that the average rush hour driver wastes 99 gallons of gas a year due to traffic and the average cost of time lost in traffic is \$1,160 per person. He stated that if 1 in 10 Americans were able to use transit, the US would have a 40% decline in the reliance on foreign oil.

Mr. Buckner advised the examples were all given to reflect why it is so important for Broward County to move forward with Mass Transit and not stay idle. Mr. Buckner continued with the proposal and stated that the purpose is to create a Metropolitan Transit Authority (MTA) and to transfer the current Broward County Office of Transportation duties to the MTA. He stated, in addition, the proposal seeks to amend Broward County Charter Sec 3.08, which deals with the Department of Transportation. Mr. Buckner explained that the Proposal would require that a brand new Article 12 be added to the Broward County Charter.

Mr. Buckner continued on to discuss the topic of regionalism in regard to transit from Palm Beach County to Miami-Dade and gave the Committee a historical overview of the tri-county area. He advised that all 3 counties need to be more cohesive in their efforts in regard to transportation. Each County has a significant number of residents who commute to either of the other Counties for work each day and each would benefit from a more efficient transit system. He gave Miami-Dade County Transit System as an example of an efficient and future thinking transit system. He also gave the Committee an overview of the history of Tri-Rail and informed them that in 2003, Tri-Rail was transferred into the SFRTA (South Florida Regional Transportation Authority) and was charged with coordinating, developing, and implementation of our viable regional Transportation System in South Florida.

In 2005, the Broward County Board of County Commissioners approved the Transit Oriented Currency (TOC) which is a development mitigation program. Mr. Buckner explained that the funds generated through the TOC are set aside and used for transportation related needs in accounting. In 2007, over \$6.5 million in new bus service was funded through TOC fees. He added that Miami-Dade Transit recently proposed constructing a 10.1 mile Metrorail extension, named the Orange Line, going from Calder Race track in the north to FIU in South Miami with

connection through Miami International Airport. Miami would then have 2 Metrorail lines, as well as Metro Mover, and an enormous fleet of bus service.

Mr. Buckner stated that BCT is participating with other regional transit systems, utilizing various mechanisms and programs in order to try to create a regional transportation network, in conjunction with SFRTA, Palm Beach Transit, and Miami-Dade Transit. Mr. Buckner stated that Broward's MPO lists approximately \$6.5 billion in transportation projects and needs, but there is only \$600 million that can be devoted. The reason that there is no comprehensive public transit system is due to a lack of political leadership and dedicated funding. The County Commission has numerous responsibilities and mass transit has suffered as a result. He added that Broward County needs more funding and political leadership in order to begin alleviating this problem. He gave 3 possible solutions:

- a) Do nothing and hope the County Commission follows through on what they proposed.*
- b) Ask the County Commission to recommend that Florida Legislature create a State Transportation Authority for Broward County which would have Governor appointed members and local government appointed members.*
- c) Support the creation of the MTA that the subcommittee recommends which will address the issues of political leadership and dedicated funding.*

Mr. Buckner proceeded to give the Committee an overview of the Transportation subcommittee's MTA proposal. He stated that the creation of the MTA would alleviate both primary issues in regard to leadership and funding. He continued his presentation to the Committee via slides and graphs, including the current operating budget of Broward County Transit and their funding sources. He stated that they would propose an MTA consisting of a 7 member appointed Board of Trustees, which would govern the MTA. Four positions will be nominated by the Mayor, confirmed by the Broward County Commissioners, one will be appointed by Broward Legislative delegation, one appointed by the Broward League of Cities, and one appointed by Broward County School Board. In addition, there is a proposed Article 12, which covers the authority and duties as well as the power for Mass Transit system. It would eliminate the current office of Department of Transportation for Broward County and have all the voting accomplished under the MTA. It would call for an Executive Director, which will be hired and fired by the MTA Board of Trustees. The County Auditor would be required to audit all the operations and finances of the MTA every year, and those reports would go to the

Board of County Commissioners, as well as the Citizens Advisory Council. The proposal is also seeking that nominees for this Board have some knowledge in regard to transportation issues and do not have current contracts with the County Government or County employees. Mr. Buckner opened the floor to questions from the CRC.

Ms. Good thanked Mr. Buckner and the entire Transportation subcommittee for their comprehensive presentation. She asked how the MTA would differ from the MPO besides not having elected officials, and what would their interaction be?

Mr. Buckner explained that the MPO is a planning entity under federal law and they are there to help plan transportation needs. He referred the Commission to the TSC proposal, Section 12.05C which states that the relationship between the MPO and the MTA would be the coordination for the regional development planning for the South Florida region. Eventually all 3 transit divisions would need to be merged and all 3 would need to have a dedicated funding source in order to optimize transit in this region for the future.

Mr. Ketcham asked several questions in regard to finance:

- *Would the MTA become its own governmental entity?*
- *Will the County write the MTA a check for \$35 million?*
- *Will the MTA be its own taxing authority?*
- *Will the MTA have eminent domain?*

Mr. Buckner replied that they will not have eminent domain. As far as budgeting, the MTA will go through the regular budgeting process, and the County Commission will go through their budget process, and disperse accordingly. The goal is, however, to give the MTA the authority to seek out alternate funding sources, i.e. Federal Government. Taxing would have to go through the appropriate governmental protocol. He also stated that the MTA would not be an entity of County government, but all of the employees would still be Broward County employees.

Mr. Goren: The entity that is being contemplated is a Charter driven entity. The organization is adding a context to the Charter in regard to membership. The employees will be employees of the County. On the subject of taxation, this entity cannot tax. There is no legal authority to tax. There is no legal authority to take property **by eminent** domain; it cannot be placed on the ballot unless done by County Commission. The objective was to transition the current situation to a new opportunity, given the appropriate legal authority with employees having certain functions

and delegated duties and responsibilities. As to certain specifics in regard to inter-relationships between County Firefighters, it was not specific nor made clear in the document. Those are refinements or other issues that need to be worked on in some length of time.

Mr. Ketcham questioned who would be responsible for raising bus fares.

Mr. Buckner responded that under the current proposal, the MTA Board would hold that delegation in conjunction with approval from the County Commission.

Mr. Goren: It is not stated in the context, that particular funding source, but funding as a relevant topic of a relationship is described in the charge of this. The theory being whether the County Commission or the MTA, or some jointly made decision, is not yet clear in the document but needs to be clarified.

Ms. Weeks questioned in regards to page 1 Exhibit A whether the monies for transportation that would have otherwise gone to the Department of Transportation would now be under the County and dedicated to the MTA. She also asked if whatever administrative needs the MTA has would be a part of the budget process.

Mr. Buckner confirmed that Ms. Weeks was correct.

Ms. Weeks also asked Mr. Buckner whether final approval for the decisions of the MTA would be determined by the County Commission.

Mr. Buckner responded that the subcommittee envisioned that any decisions in determining affairs to deal with the Mass Transit System would have final approval with the MTA. However, he noted, that the subcommittee would want to clarify that for the Commission.

Ms. Weeks questioned Mr. Buckner in regard to what purpose the proposed Metropolitan Transit Authority would serve over what is currently in place.

Mr. Buckner answered that the MTA would be able to focus a considerable amount of time and energy in resolving transit issues as the County Commission has so many other responsibilities to oversee. The issue of mass transit in Broward County is unattractive because it is the lower socio-economic classes of society that are the primary users of this service. He added that the MTA would provide consistent leadership as well.

Ms. Weeks expressed concern with the term “reasonable cost” in the Charter , and the need for having a clear definition.

Mr. Buckner responded that her concern was discussed by the subcommittee, as well as a request whether there should be included in the Charter *the right to public transportation*. He stated that as a subcommittee they could not define that in the Charter without subjecting the County to legal liability. The language in Section 12.02B was an attempt to emphasize that the goal of the MTA is to provide what is reasonable. He noted that BCT would be increasing their fares on October 1 from \$1 to \$1.25, and that a dedicated funding source could help alleviate the extra financial burden for the users of mass transit.

Ms. Weeks asked whether there should be another parallel ballot question which would address a dedicated funding source first.

Mr. Buckner advised that it is not permissible to have *dedicated funding* language specified in the Charter.

Mr. Goren: The answer is no. Only the County Commission by State Statute can place a ballot question regarding any penny sales tax for transportation; it is preemptive to County government. That is why this language is subject to provisions under State law.

Ms. Weeks asked Mr. Buckner whether he and the subcommittee discussed any possible challenges they could face by having the County financing, constructing, and doing the other suggestions posed that may not have the necessary funding.

Mr. Buckner responded that he agrees that there needs to be a dedicated funding source but none are in place right now. He stated that even in the best case scenario they would still not have any decision or direction for another 2 years. Until otherwise, they must rely on County Government to secure some kind of dedicated funding. Mr. Buckner added that although there is no dedicated funding, this is the first step to create a system where mass transit is always at the forefront, and not after you talk about a host of other issues.

Ms. Rogers questioned Mr. Buckner as to why the subcommittee chose to not include elected officials as a part of the leadership of the Board of the MTA.

[Commissioner Benson exited at this time 12:30 p.m.]

Mr. Buckner answered that the reason the County is in its current predicament is because of elected officials as elected officials are concerned with the next election and not necessarily the best interest of their constituents.

The Chair called for break at 12:32 p.m.

[Commissioner Rogers exited at this time 12:40 p.m.]

The Chair reconvened the meeting at 12:44 p.m.

Dr. Rosenbaum told the subcommittee he enjoyed their presentation as he felt it showed the effectiveness of using a ***single purpose district*** approach. He then asked if this was their way of placing mass transit in the forefront.

Mr. Buckner affirmed it was and noted that it was obvious to him and the subcommittee that something different needed to be done in regard to mass transit and this was their attempt to do so. The current set up of the Office of Transportation requires them to report to the Assistant County Administrator, which is not a senior level and which is a reflection of the value placed on mass transit by the County, but the Airport and Seaport both report the Deputy County Administrator.. He added that actions speak louder than words, and on paper transit is supposed to be important but the actions show that it is not.

Ms. Kaletta added as a TSC subcommittee member the bottom line came down to utopia. She stated they thought in the sense of what can be done, where success is possible, and move the importance of transportation forward and away from County Government.

Ms. Kaletta stated that the MTA would allow for 2 things: political leadership and dedicated funding. The Citizens Advisory Committee proposed would play a crucial role in informing the public of what needs to be done and educating the general public on how mass transit affects them. She added that when speaking of dedicated funding, it is not just in relationship to a tax, but also matching of funds by the federal government. Their goal is to provide leadership through a cohesive group of individuals whose goal is to help transportation in Broward County and eventually become regional.

Ms. Tanner as a TSC subcommittee member stated that as a CRC, the Commission has an opportunity to test, promote, and better the quality of lives for those in Broward County through this Charter. This proposal would be the baby step needed in order to obtain dedicated funding and move towards regionalism.

Mr. Trower praised the subcommittee for their presentation and questioned the TSC on their 2 different approaches in regard to the Airport and Seaport and the MTA. He asked why the subcommittee is not recommending having the Airport and Seaport report to the County Commission as well.

Mr. Goren: By delegation, the County Commission delegated authority that would be empowering to the MTA.

Mr. Buckner responded that the TSC has not completed its work in regards to the Airport and Seaport, so he is not sure what direction they will be headed. In his opinion, there are 2 different situations. He stated that their intention was not to add another layer of government.

The Chair asked the Committee to adjourn the meeting at 1 p.m. as agreed for the holiday. The Chair also posed the question to the Committee of extending future meeting hours. She also noted that there were several elected officials who have a conflict of interest for the November meeting for those attending the National League of Cities and suggested either October 24th or November 21 as alternative meeting dates.

Conversation ensued amongst the Committee in regard to future times and dates. The Chair stated that the first agenda item at the next meeting will be the continuation of this meeting. It was determined that staff will advise of future meetings dates and locations.

VII. Subcommittee Reports

Items tabled to the next meeting.

1. Administrative Issues/ Governance – Dr. Irv Rosenbaum
2. Health/ Social Services – Mr. Wil Trower

3. Land Use – Richard J. Weiss, Esq.
4. Public Safety – Mayor Debby Eisinger

VIII. New Business

Ms. Eisinger MOTIONED to forward for discussion the issue of the Office of the Sheriff to the Administrative Issues/Governance and Public Safety Subcommittees respectively, SECONDED by Mr. Mena.

The Chair made a **FRIENDLY AMENDMENT** to Ms. Eisinger’s **MOTION** to include all Constitutional Officers.

Following a brief debate with comments made by Dr. Rosenbaum, Ms. Good, Mr. Weiss, Ms. Weeks, Mr. Mena, Ms. Tanner, and Mr. Buckner.

The Chair **WITHDREW** her **FRIENDLY AMENDMENT** to the MOTION and called for a roll call vote.

Michael Buckner, Esq.	Yes	
Mayor Debby Eisinger		Yes
Ms. Maggie Davidson	No	
Mr. David Esack	No	
Ms. Patricia Good	No	
Ms. H.K. “Petey” Kaletta	Yes	
Mr. Mark Ketcham	No	
Joseph Maus, Esq.	No	
Commissioner Ted Mena	Yes	
Mayor Lori Moseley, Chair	No	
Burnadette Norris-Weeks, Esq.	No	
Dr. Irv Rosenbaum	Yes	
Ms. Jodi Jeffreys-Tanner	Yes	
Mr. Wil Trower	No	
Richard Weiss, Esq.	No	

**6:9
MOTION Failed 6 YES to 9 NO.**

XI. PUBLIC COMMENT

None

XII ADJOURNMENT

There being no further discussion the meeting was adjourned at 1:16 p.m. The next meeting of the full Charter Review Commission will be held on Wednesday, October 10, 2007 at 10:00 am.

The minutes of this meeting are recorded on CD # 09.12.07 (BCGV CTR)