



**BROWARD COUNTY**

# Board of Rules & Appeals

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<http://www.broward.org/codeappeals.htm>

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## **BOARD OF RULES AND APPEALS**

**April 14, 2011**

**Meeting Minutes**

### **Call to order:**

Chair Jay Shechter called a published meeting of the Broward County Board of Rules and Appeals to order at 7:03 p.m.

### **Roll Call**

Ron Burr

Steve Feller, P.E.

Bill Flett

Steve Kastner

Allan Kozich, P.E.

John Sims

John R. Smith

Dave Tringo

Abbas Zackria – Vice Chair

Hank Zibman, P.E.

Don Zimmer

Jay Shechter – Chair

The presence of a quorum was established with 12 members.

### **Approval of Minutes**

Mr. Kozich made a motion to approve the minutes. Mr. Zibman seconded the motion and the minutes were approved for the January 13, 2011 board meeting.

## **REGULAR AGENDA**

### **1. 7:05 p.m. Time Certain - Appearance by Annika Ashton – Assistant County Attorney to Educate Board Members on the Countywide Ethics Law and Requirements**

Ms. Annika Ashton briefly addressed the Board on the new Countywide Ethics Laws and requirements, pointing out that the County Commissioners approved a code of ethics for themselves and for the constitutional officers. Ms. Ashton went on to explain that, because of the Code of Ethics, they were required to pass a Code of Ethics for the Advisory Boards and the Broward County Employees. The County Commission still has not approved the code for Advisory Boards, which will likely include the Board of Rules and Appeals in their list. This

refers to what we describe as “other boards”, including any board created by statute or Federal law, or County Charter, that the board may appoint members to. Ms. Ashton discussed the materials in the agenda packet, and said the Commission was concerned about members of boards using their relationships with County divisions or departments in order to obtain personal gain or other gain unrelated to their position on the board in what they may consider an inappropriate manner. Consequently, they passed the Advisory Board Lobbying Ordinance prohibiting members of Advisory Boards from lobbying the division or departments to which their Advisory Boards relate.

Speaking specifically for Board of Rules and Appeals they do not really relate to any County department or division, they would relate only to the Commission and to County Administration. Therefore, the ordinance effectively does not apply to this board and would not impose any restrictions upon our ability to speak with County Administration or the Board of County Commissioners. However, the Commission has requested that the County Attorney’s office put forth an Advisory Board Ordinance whether they will try to regulate the ethical obligations of other boards, as well as Advisory Boards was unclear. Right now, the request has been for Advisory Boards, but they may do what they have done in the past and try to also regulate the behavior of members of other boards, like ours.

In your agenda packet the Code of Ethics for County employees, which applies, to our County employees and this will give you an idea of what issues may arise in an Advisory Board ethics ordinance. The new ordinance will take into consideration the fact you will not be County employees and will have a different relationship with us from our other employees. There were no questions, and Ms. Ashton said she would be back in a couple of months when the Advisory Board Ethics ordinance goes through. The Chair thanked for her attendance and participation.

### **CONSENT AGENDA**

#### **1a. Certifications – Staff Recommended**

**MR. KOZICH MADE A MOTION TO APPROVE AND MR. ZIBMAN SECONDED THE MOTION.**

**THE MOTION CARRIED WITH A VOTE OF 12 to 0.**

### **REGULAR AGENDA**

#### **1b. Certification of John Kolovrat to be Certified as Building Inspector for Broward County**

Mr. Carroll, Chief Structural Code Compliance Officer addressed the board. There was discussion of the W-2 forms and the 1040. In Mr. Carroll’s opinion, Mr. Kolovrat has not submitted sufficient data. Mr. Carroll explained the difference between the two; he supplied a summary of his 1040. He was certified by Dade County, and we do not reciprocate with Dade County.

Mr. Kolovrat, the applicant, addressed the board and asked if they had questions. He discussed his application, and said it clearly states that the application has to supply satisfactory evidence to verify

their supervisory experience. He informed the Board that he had submitted a notarized affidavit, and had been in possession of a General Contractors License for 4 to 5 years.

Jack Fisher, Building Official for Broward County addressed the Board. There was some discussion, and he told the Board that his department concurred that Mr. Kolovrat is qualified. After further discussion from board members, the director discussed what constitutes substitution for W-2's. The evidence that you substitute for W-2's should reflect your view as a board member that the paperwork is adequate.

**MR. TRINGO MADE A MOTION TO APPROVE AND MR. FELLER SECONDED THE MOTION.**

**THE MOTION CARRIED WITH A VOTE OF 12 to 0.**

**2. ASCE 7-10 Broward County Wind Speeds, Recommended Adjustments to Coincide with New Building Code, Calendar Years 2012, 2013, and 2014**

Mr. Carroll addressed the Board. He informed them that this is primarily to fix a windload glitch and explained its origination from ASCE-7-10, American Society of Civil Engineers. The State did vote to adopt this and it will be in the next issue of the Florida Building Code. The Wind speed throughout Broward County is for category one, (a barn, agricultural buildings), it should have been 156 rather than 160. Staff submitted a glitch change on behalf of the Board because we had a State of Florida cut-off date deadline.

Mr. Carroll summarized the issue, and added that the board would be offering classes on wind speeds for all the structural inspectors sometime in the near future.

**MR. KOZICH MADE A MOTION TO APPROVE AND MR. SMITH SECONDED THE MOTION.**

**THE MOTION CARRIED WITH A VOTE OF 12 to 0.**

**3. Conceptual Review of a Proposed Code Amendment by Cos Tornese, Building Official, Weston, Relating to Use of Magistrates as a Substitute to a Multi-person Unsafe Structures Board**

Mr. Carroll addressed the Board. This is a proposed code change, which normally goes through a public hearing. The board is reviewing this item on a conceptual basis only. Later this year, we will be bringing the entire Chapter One back to the Board to adopt in the new code. We have to re-adopt Chapter One, so if the Board adopts this concept, it will be tweaked and then brought back with Chapter One at the end of this year. If you do not adopt it, it dies tonight.

If the Board accepts the concept, in staff's opinion, the language will have to be revised. Section 115.61, indicates changing the membership of a board to a magistrate. Mr. Carroll directed the Board to page 1.48, and the thrust of the code change was read into the record. Staff does not feel a single individual could replace the board.

Mr. Tornese, Building Official for the City of Weston, addressed the Board. Mr. Tornese discussed Section 115.1.3 and explained that the city could not get a board together because of the restrictions to which Mr. Carroll referred. The members must live in the city they serve, and they have to be appointed by the city and in the city. They deal with facts; they weigh the facts, and make a decision. Mr. Tornese further stated that technical information has to be assessed, and pointed out that as Hurricane season approaches, the greater the difficulty in getting an Unsafe Structures Board established.

City Manager for the City of Weston, John Flint addressed the Board. Mr. Flint noted that the new ethics ordinance may make it more difficult to get persons to serve on a board. Mr. Flint discussed what criteria was necessary to declare a structure unsafe. He concluded by asking the Board to enable the city of Weston to provide an alternative. If the property owner feels they did not get the proper decision, they are entitled to go to the circuit court to seek relief. Mr. Zimmer said he agreed with Mr. Carroll, and does not like the idea of one person, maybe nine people to comprise an Unsafe Structures Board.

**MR. ZIBMAN MOVED TO TABLE THE ITEM AND MR. KOZICH SECONDED THE MOTION.**

Mr. Tringo recused himself from the vote due to a conflict of interest with respect to the city of Weston.

**THE MOTION CARRIED WITH A VOTE OF 10 to 1.**

Positive votes:	Negative votes:
Mr. Burr	Mr. Feller
Mr. Flett	
Mr. Kastner	
Mr. Kozich	
Mr. Sims	
Mr. Smith	
Mr. Zackria	
Mr. Zibman	
Mr. Zimmer	
Mr. Chairman	

Mr. DiPietro noted that the Chair would like to have more information before we convene for the next meeting.

**4. Board Policy #11-01, Restrictions on Annual Leave Cash-out for Fiscal Year 2012 (October 1, 2011 – September 30, 2012)**

Mr. DiPietro explained that the Board adopted this concept at its' regular meeting of January 13, 2011. The attached regulation formalizes the program and clarified the reason was revenue shortfalls. The forty (40) hour maximum annual leave cash-out policy will automatically sunset on October 1, 2012, and will not interfere with the right of employees to cash in vacation hours at retirement or upon entering the State DROP timetable.

**MR. FELLER MADE A MOTION TO APPROVE AND MR. KOZICH SECONDED THE MOTION.**

**THE MOTION CARRIED WITH A VOTE OF 12 to 0.**

**5. Modification to Existing 24 Furlough Day Program for FY2011 to Reflect Temporary Options in Standard Work Schedule for the Job Classification of Board Technician I, said options to expire no later than September 30, 2011.**

Mr. DiPietro addressed the Board and discussed mileage and fuel prices, and cited our 24 furlough day program as equal to a pay cut of \$3,500.00, for one employee, and 9.2% for all employees. Two employees would be affected. The recommended program would allow employees to choose a four-day traditional eight hour workday, with a fifth day working at home. Alternatively, the employee could work four ten-hour days each week at the office. This regulation automatically sunsets on September 30, 2011.

Mr. DiPietro discussed the process of remote access. He went on to explain how the employee is using a laptop, with remote access capabilities, which enables her to access all the files and drives we access from the office. We also have the capability to forward her telephone calls to her cell phone. We have a commitment from the County to reduced furlough days from 24 to 18 in fiscal year 2012, which begins October 1, 2011, and this program would end at that time. Mr. DiPietro concluded by informing the Board that he can cancel the program at anytime the way the regulation is worded.

**MR. FLETT MADE A MOTION TO APPROVE AND MR. ZACKRIA SECONDED THE MOTION.**

**THE MOTION CARRIED WITH A VOTE OF 12 to 0.**

**6. Director's Report**

Mr. DiPietro spoke briefly on the budget. He and the Budget Office will bring their final recommendations at the June meeting, at which point they would set the budget for next year. Based on that, he updated the Board with the current revenues, noting that these numbers were being put out every couple of weeks, and the trend is upward. The question is whether the revenues will increase quickly enough.

Mr. DiPietro discussed the possibility of sitting on his Homeowner's Association Board of Directors, a matter that he is considering. He noted that under his contract, any outside work (which he has never done), would require the Board's approval. Although there is no monetary gain from sitting on the homeowner's association board, it involves time, and technically, it is outside employment. No objections were voiced. Mr. DiPietro thanked the Board.

**Adjournment**

There being no further business to go before the board, the meeting adjourned at 8:05 p.m.



