

Summary of Discussion
Broward County Charter Review Commission
Public Safety Subcommittee Meeting
Wednesday, December 5, 2007
Broward County Governmental Center – Room 422
Commission Chambers
2:00 PM – 3:30 PM

Members Present:

Dr. Mark Lieberman, Chair
Mayor Debby Eisinger, Vice Chair
Commissioner Hayward Benson
Ms. Maggie Davidson
Commissioner Ted Mena
Mr. Wil Trower

Members Absent:

Ms. H.K. "Petey" Kaletta

Others Attending:

Joe Benavides, President, Broward County Council of Professional Firefighters
Rhonda Calhoun, Executive Director of the Broward County League of Cities
Mark Curran, City of Coral Springs
Edward Curran, President, Fire Chiefs Association of Broward County
Major John Curry, Executive Director of Administration, BSO
Mayor Joy Cooper, Hallandale Beach
George Danz, Fire Advisory Committee
Chief David Donzella, Lighthouse Point Fire Department
Deputy Chief Rick Earle, Broward Sheriff's Office, Fire Rescue
Chedley Etienne, Administrative Assistant, CRC
Chief Duncan Foster, City of Coral Springs Police Department
Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC
Phyllis A. King, PKING Consulting
John McNamara, Broward County Council of Professional Firefighters
Chief Bruce Moeller, City of Sunrise Fire Department

Chief John Picarello, Pembroke Pines Fire Department
Chief David Raines, Lighthouse Point Fire Department
Mark Steele, Battalion Chief, Hollywood Fire Rescue
James Saunders, Esq., Williams, Wilson, & Sexton, PA
Chief Tony Stravino, Deerfield Beach Fire Rescue
Chief Daniel Sullivan, Hallandale Beach Fire Rescue
Lisa Vondrak, News-Abstract
Patricia G. West, Executive Director, CRC
Mel Wilson, Esq., Special Counsel

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

A meeting of the Broward County Charter Review Public Safety Subcommittee "Committee," "Subcommittee," or "PSSC," was held at 2:00 p.m. on Wednesday, December 5, 2007 at the Broward County Governmental Center, Commission Chambers, Fort Lauderdale, FL.

I. Call to Order/Roll Call

The Chair Dr. Mark Lieberman called the meeting to order at 2:04 p.m. and requested the roll call by Phyllis A. King, PKING Consulting, Inc. Upon completion of the roll, the Chair recognized the presence of a quorum.

II. Approval of Summary of Discussion from September 27, 2007 Meeting

Mr. Mena MOTIONED to approve the Public Safety Subcommittee September 27, 2007 Summary of Discussion, Ms. Davidson SECONDED and the motion PASSED unanimously.

The Chair suggested that the subcommittee take a few minutes to address the outcome of the previous PSSC meeting. He advised that the CRC has the 10 votes needed to move the issue forward to the voters.

The Chair opened the floor to discussion with PSSC members who have problems with the proposed resolution.

He advised that the PSSC is not determining Minimum Standards for Fire Rescue in Broward County; however the subcommittee is asking that the new Broward County Public Safety Council be

responsible for looking into and recommending minimum standards. He requested input from members that are on the fence with regard to the proposed resolution. The Chair added that without the Article 11 language that was added, "The County Ordinance on minimum standards could adopt and prevail over any conflicting municipal ordinance," and without such language he believes that there is no need to continue.

Mr. Mena asked the Chair what page he was referring to.

Ms. Eisinger advised that the last paragraph of the resolution is the question that is the sticking point. "If adopted the County Commission shall prevail over municipal ordinance to the extent of any conflict."

The Chair advised Mr. Mena that when the process was considered, many of his recommendations were included in the proposed Amendment.

Mr. Mena thanked the Chair for his comments.

The Chair asked Mr. Mena for his consideration regarding the minimum standards issue.

Mr. Wilson: Mr. Chairman if I could just clarify one point. The current language that addresses minimum standards says that, this is the Fire Rescue Council – which you eluded to "**shall** recommend to the County Commission minimum standards."

The Chair asked Mr. Wilson if what he just read means that the Fire Rescue Council will make some recommendations.

Mr. Wilson: I wanted to just distinguish – I think the comment that was made was that they can consider whether to submit minimum standards. If you want to change the language; we can certainly change the language, but the current language says, "The Council **shall** recommend to the County Commission minimum standards."

The Chair asked Mr. Wilson if the verbiage suggest something more, if the Council after testimony and discussion decides that minimum standards are met, they don't need to make any changes.

Mr. Wilson: It certainly is subject to interpretation, but the word shall say "**shall**". I suppose that if they get to the point where they feel that the current practices in place are acceptable, then one option would be to hold the recommendation of what is already in place, but the current language does say "**shall**".

The Chair tabled the discussion for later consideration.

The Chair opened that floor for discussion in an attempt to gain consensus.

III. Discussion of revised proposed Public Safety Subcommittee Resolution Related to:

a. Regional Public Safety Communication;

b. Member of Public Safety Council Appointed by County Commission from a Law Enforcement Labor Organization;

c. Amending Article 11 regarding prevailing County Ordinance for minimum standards

Mr. Mena stated that he is a team player, but unfortunately cannot agree with the Chair regarding this particular issue. He added that the Cities are not going to accept the language, "*The County Commission prevails over municipalities*" and added that the ballot question will die. Mr. Mena stated that if language is modified to where the County Commission may suggest something but not have the last word, might work better. He advised that the City of Coral Springs surpasses some of these minimum standards and he cannot in due consciousness go along with the resolution because he does not believe that the County should prevail. Mr. Mena stated that the City of Coral Springs standards are pretty good at this point.

The Chair referred the PSSC to Article XI of the Charter and asked Mr. Mena for additional comments. Mr. Mena suggested making the resolution broader.

The Chair advised that without the provision the resolution would be a very weak amendment. He added that there needs to be some meat behind it.

Mr. Mena advised that he is not on the fence and is clear on his decision. He does not think the City of Coral Springs would like a Municipal Ordinance that would supersede their standards.

The Chair advised that the PSSC is worried about the cities that are not up to minimum standards.

Ms. Eisinger referred the subcommittee members to a letter in the Committee folders from Mayor Cooper to Mayor Wexler and advised that based on the letter she believes there is a disconnect.

The Chair advised that the letter was just this morning provided to the PSSC. He gave the subcommittee members a few minutes to read the letter dated November 30, 2007 from Mayor Joy Cooper, Chair of the Fire Rescue Council to Mayor Lois Wexler.

Ms. Davidson asked Ms. Eisinger to explain.

Ms. Eisinger replied that as the PSSC was discussing, there was input from members of the Fire Rescue Council that helped the subcommittee reach their conclusion. She was under the impression that there was majority support from the Fire Rescue Council. Ms. Eisinger requested supporting documentation to the Fire Rescue Council vote mentioned in the letter, of who voted and how.

The Chair also asked Mayor Cooper for the specific language voted on.

Ms. Eisinger complimented Mayor Cooper on a recent article in the newspaper.

Mayor Joy Cooper – City of Hallandale Beach, FL

Mayor Cooper: Good afternoon and I apologize for this. If you noticed it was addressed to the Mayor (Mayor Lois Wexler) and the full body of the Charter Review Commission. Pete Corwin just brought the copies to me; I apologize if you feel this is coming from left field. I just want to clarify from comments; everyone who serves on this Board currently, except for the Fire Union representative supported this position. That was the only vote against our action to encourage you not to make any changes to the Charter. I have been in front of your body before; I raised questions and concerns with the intent and focus of this body and the initial task of what the Fire Council is to do, which was to focus on County-wide Communications to facilitate closest unit first response. I think at this point to be focusing on minimum standards – which I testified before and we raised these points. They were discussed at length by the exact members of the Council that represent municipalities, Fire Chiefs, and the bodies that are listed currently and after discussing this are opposed to the changes that you are suggesting. Again, the only person voting against this was the Union Fire representative. Based on the conclusion they have suggested about duplication, creation of unfunded mandates, and the control issue that Commissioner Mena just raised that we know our cities, we are different. I am sure people would testify to this. Specialist and experts that deal with this are the grassroots, the Fire Chiefs and service providers; I suggest you listen to them as well. We as municipalities certainly understand complexion. I testified on this before, uniquely of each of the needs of every municipality, you can suggest standards, but to expand that, this isn't the place I believe nor the narrow focus this Board should be taking. I think that we should work cooperatively – the Fire Council endorses what our goal and task is, and we respectfully request that you do not make changes. That you encourage us to continue to do our work; that is the answer to some of your questions. I could certainly continue and answer questions at this time if you'd like, and can update you on the progress of the Fire Council and some of the initiatives that we are undertaking. Thank you

The Chair again inquired as to the exact language voted on by the Fire Rescue Council.

Mayor Cooper: We voted on the proposed language that you were presenting and that you are considering today. If I may, from an elected's point of view and somebody involved in this process; I might even remove it. A representative taught me something about nine (9) years ago when I was first in office. One of the things that they do on the State level is to create laws and they don't consider their unintended consequences. What might be common, seemed to be a good idea, and certainly I agree with you. When I work, my priority is the public safety and welfare of my residents, but the advice I was given was to go out there and look at it as a representative. What can I tell them is not to prevent legislation from happening that may hurt the state. That yes, there are some good ideas; but a lot of times just because you're there and you're doing your work, and I commend you for the hard work that you're doing; doesn't mean that you have to change anything. You're there to evaluate it. I encourage you to sincerely consider unintended consequences that may be created by your actions and by the Charter Review Commission's actions. I agree with Mr. Mena, and the Florida League of Cities stands firm that we represent the whole, your initial grass roots responders and providers, and first response services in the majority of this County. That's just a little bit of advice that I wished to share and I hope I didn't overstep my boundaries, but I feel very passionate about it.

The Chair advised Mayor Cooper that the PSSC understands her opinion. He stated that what he does not understand is – He advised that the PSSC is not deciding minimum standards but was asked to look at minimum standards and looked at both sides. He stated whether 6 to 1 or 8 to 1, he is not sure that the vote should weigh solely on the PSSC. The Chair explained to Mayor Cooper that the PSSC was looking to have her same Council that voted against the proposed resolution to decide if minimum standards are needed, to delve into that question and make the decision. He explained that at the end of the day, if the resolution passes by the voters of Broward County; the Council would decide if minimum standards are needed and what they would be. The chair stated further that he was not sure why the Fire Rescue Council would be in opposition of looking into minimum standards.

Mayor Cooper: I know you just got the document in front of you but if you look at bullet 5, it goes back to my comment of our Fire Chiefs, service providers, and our experts that serve on a daily basis to address the needs of the municipalities. Our Council provides numerous stakeholders, they agree that the responsibility should lie in the choice of the Fire Chiefs, and those providers that understand the intimate needs of their Community. I am concerned of what your focus is, because maybe in looking at this on the other side of the coin, there is a suggestion here that municipalities aren't providing those proper services that we're not addressing the safety needs of our residents and we're putting life and safety at risk in our community. I believe that is a very strong statement that I disagree with. You have many Fire Chiefs here that do it on a daily basis. We believe this Council is not a body to make those decisions. The Fire Rescue Council does not agree to expand and add the

duties to make those choices and recommend those choices. We think it is a duplication of services; we think there are other agencies and I encourage you to listen to public testimony today from the experts that you are creating an extra layer of bureaucracy and again may be creating unintended consequences that will impact everyone.

The Chair asked Mayor Cooper who the descending voter was.

Mayor Cooper: The Broward County Professional Firefighters Union representative Mr. Joe Benavides who is here today.

The Chair asked Mr. Benavides to come forward.

Joe Benavides - President of Broward County Council of Professional Firefighters

Mr. Benavides: I'm the Vice-Chair of the Fire Rescue Council. The facts are I don't know who voted that one descending vote because I was not at that meeting. I did not cast that vote, I can guarantee you I would have made it two, but the reality is I did not cast that descending vote. There are people on the Council that do agree with our position other than just ourselves. The Council is to make recommendations to move forward. Clearly what we were trying to do in your statements and the whole testimony clearly shows that the Council has not to date been allowed to make any recommendations to the County Commission for any standards, period. That is the reason why this question is before you today. The reality is the Board as it sits are all appointed positions and the same appointees have been using home-rule and a minimum standard for years to compromise the integrity of the Fire Recue system County-wide.

We believe we can have better standards, we believe we can make those recommendations – it's up to the County Commission to in fact enforce or try to push those recommendations – which I can agree with the Council members on. I don't believe Broward County itself has been progressive in trying to make the standards of Broward County better. They clearly on their own have the ability to put an ordinance up, so they just allow the home-rule application to be applied County-wide which is disparaging on some municipalities versus others. There is clearly work to be done here. As long as this body allows everyone to not allow you to do your job, and you don't do it, then the system will stay exactly as it is today. So, I personally support the movement of the position so recommendations can be put in a public purview for discussion whether it's with the County Commission or any other language you would like to put in.

I can say that I do not believe that over the past 10 years Broward County has done its proper part to make sure all the municipalities came to a standard that is acceptable from County line to County line

and that is the issue. The issue isn't, should there be standards? We have standards. Should there be a standard that is a standard County-wide or applied County-wide so everybody gets the same proper response protocol for every response call in Broward County? That's the question. I think you are on the right track.

That's my opinion and I respect the Mayor and the Cities, but clearly this has been a debate that's been out there for 20 years and there have been newspaper articles that were sent to you from other Fire Unions and in other Counties that clearly say that Broward County is behind the ball. This isn't just the Broward County Council or Joe Benavides; this is clearly a position to move forward with that needs to be looked at. It doesn't change anything, it has to be voted on, it has to be recommended and it has to be real. I think there are dissimilarities in Broward County that are real, they are costing people their lives, they are costing longer hospital stays, and there are duplication of services and redundancies that we can work through if you move ahead. So I applaud your efforts, I think you are on the right track.

Mr. Mena asked Mr. Benavides for one instances where a municipality has failed public safety.

Mr. Benavides: Lighthouse Point – Lighthouse Point is poorly staffed, has poor response and they can't work a fire. Every fire call they go on they call either Deerfield Beach or Pompano Beach to respond, that's just once instance. Now when those units that the people of Pompano Beach are paying for, or the people in Deerfield Beach are paying for are called upon to respond into their City; when they're on a fire or another call in Lighthouse Point, they're not getting that service. They have to call another unit whether it's a backup unit in Deerfield or another unit from Tamarac or Coral Springs, or whoever.

Mr. Mena asked if it is possible that Lighthouse Point's problem may not be because of minimum standards but maybe cause by a lack of funding, a lack of manpower because they can't afford to hire more firefighters.

Mr. Benavides: It all comes back to minimum standards, if a minimum standard of 3 fire fighters per truck is the standard, not 4, not 5 but 3.

Mr. Mena referred to the NFPA standard 1710 and advised that it does not state that there has to be 5.

Mr. Benavides: If there is a minimum standard County-wide then everybody would look at what the standards are and who is riding what, and who is responding to all situations in different ways. Some units run 3 Paramedics some units run 2 Paramedics, some units run 2 on an engine. There should

be a standard level of service that is all we are saying. We think that can be applied evenly and effectively County-wide, everybody claims dollars and cents – I don't think it would affect the bottom line whatsoever if we did what we had to do.

The Chair thanked Mr. Benavides for his comments.

Ms. Eisinger advised that as an Elected Official she knows the sticking point is that “the County Commission shall prevail over municipal ordinance to the extent of any conflict.” She added that there is a concern and sensitivity over home-rule and that she is comfortable with switching from a Fire Rescue Council to a Public Safety Council and adding the additional names. She advised that she recognizes the importance that there are some cities who cannot afford to adequately staff their Fire Rescue. Ms. Eisinger advised that it was brought up that there is no vacant land separating one city from another and explained that she could see the advantage being in a city with a more Regional Support System being with the Broward Sheriff's Office. Ms. Eisinger stated that she supports the need for making sure there is fair and equal treatment, she added that the PSSC is more concerned about bringing up the standards of those who fail to live up to the minimum standards. She suggested the possible rewording of Section E, and added that she does support the need for establishing or recommending, and making it public to know that there has to be a certain level to adequately protect the residents of Broward County.

The Chair asked Ms. Eisinger if she supports the proposed resolution as it is currently worded.

Ms. Eisinger advised that her only concern is with Section E due to the unfunded mandate. She explained that she supports expanding the role and power of the Council.

Mr. Benson advised that he capitalizes on Ms. Kaletta's observation with regard to having an accident in municipalities with different standards. He raised Ms. Kaletta's same question at the Full Charter Review Commission meeting, and that there should be some expected level of services offered to anyone who may have been in an accident. Mr. Benson advised that it troubles him to know that there is a need in the community and a solution and an expectation of service to be delivered that would require some support service from a public entity, that while he understands the need for a clear separation between the County and the municipalities there should be a way to get beyond it. Mr. Benson advised that he is in the same mindset as Ms. Eisinger and that the subcommittee needs to focus on getting beyond the conflict. He supports the fact that a set of standards needs to be established.

A new document was distributed to the subcommittee.

Mr. Benson advised Mr. Benavides that he was just handed meeting minutes from the Fire Rescue Council which showed that Mr. Benavides was indeed in attendance at the meeting in question and also participated in discussion.

Mr. Benavides: I thought that vote was taken at the last meeting – I was not at the last meeting, but I was at that meeting. Mayor Cooper reminded me when I sat down, I apologize for the confusion.

Mr. Mena advised that he does not believe that the subcommittee should scrap the entire resolution because of one section. He also suggested deleting Section E and keeping Section D.

Mr. Mena MOTIONED to strike Section E from the resolution.

The Chair called for discussion for the motion on the floor

Mr. Benson advised that that there is a difference between Sections D and E; Section D recommends the standards and Section E recommends something that is desired.

Mr. Mena suggested changing the language to “minimum desired standards.”

Mr. Benson advised that he would like to hear from legal counsel.

Mr. Wilson: The reason that E was put in the proposal is that, the issue of the home-rule had been raised and the existing Charter has the following language in Article XI which basically says, “Any County ordinance in conflict with a municipal ordinance shall not be affected within the municipality to the extent that a conflict exists, regardless of whether such municipal ordinance was adopted or enacted before or after the County ordinance.” This body can do what it wants, but what I am suggesting is that if this body has decided that they want a Council to make recommended minimum standards to the Charter Review Commission and the Broward County Commission – while it may not be obligated to, but should it decide in its wisdom that it should pass a County ordinance adopting any form of minimum standards. What we are simply saying is that ordinance, if passed would not apply to cities where there may be conflict with respect to those minimum standards. The ordinance would not have any application to a city that has its own minimum standards. In other words, if the Broward County Commission as a result of any recommendation from the Public Safety Council as we are proposing should make minimum standards and the County Commission passes a law – that law would not be applicable in your city if you already have an ordinance in affect.

Ms. Eisinger asked if a city has lower standards that they have adopted as part of an ordinance and the County adopts higher standards, would the city’s ordinance prevail ?

Mr. Wilson: That's what the existing Charter says.

Ms. Eisinger asked which option supersedes which.

Mr. Wilson: What we have recommended we think is appropriate, because the ordinance of the Charter currently has a provision that would cause some problems in going forward. So to clarify which would prevail, we had recommended paragraph E.

Ms. Davidson clarified that the proposed language is being changed in order to make the County prevail.

Mr. Wilson: We are not changing Article XI that language will remain. Article XI goes on to list those areas where the County ordinance would prevail over a municipal ordinance; currently it has, "A. Minimum standards related to air or water pollution, and B. Land Use Planning." What we were simply saying was, you would add a C. that says, "Sets minimum standards that identify desired levels of service for fire protection and emergency medical services." In essence, what we are doing is just adding a 3rd item to Article XI as an exemption under Article XI.

The Chair asked the subcommittee for their thoughts.

Ms. Davidson agreed with Ms. Eisinger and Mr. Benson stating that she believes that every citizen should have the opportunity to receive the same level of service.

The Chair commented that minutes and seconds in major emergencies make the difference in whether someone lives or dies. If some cities are not meeting a certain standard or at least a minimum standard, then maybe they need to readjust their budgets. The Chair advised that he wished to go around the room to find out if the members plan to vote up or down.

Ms. Davidson asked how many cities would be affected.

An audience member stated that every city would be affected.

The Chair stated that he does not see how every city could be affected as it would mean that every city does not comply with minimum standards.

The Chair invited the public speaker to the podium and asked if he is saying that every city does not currently comply with minimum standards.

Mr. Dan Sullivan – Fire Chief, City of Hallandale Beach, FI

Mr. Sullivan: They don't comply with the standards being proposed.

Multiple members of the subcommittee advised that no standards have been proposed.

Mr. Sullivan: My name is Dan Sullivan, I am the Fire Chief of the City of Hallandale Beach, and I am also speaking as a resident of Broward County. The fact is, I have almost been to every meeting and they say it has been proposed; the standard was the NFPA 1710 standard. The NFPA 1710 standard in fact requires, and was suggested by the fire unit that each fire engine has to have 4 people on it at a time.

The Chair advised Mr. Sullivan that he is incorrect; he added that those were standards that were discussed. The CRC does not decide the standards, and the decision on standards will go before the new Public Safety Council if approved.

Mr. Sullivan: In fact, in testimony to this Committee we have had Chief Bruce Moeller testify that we are adhering to every standard. You are assuming that there are no standards in place! There are standards in place!

The Chair responded that those in place are not minimum standards.

Mr. Sullivan: If you impose the 1710 standard which requires...

The Chair responded to Mr. Sullivan's outburst that the PSSC is not suggesting 1710 standards; the PSSC are not proposing any standards.

Mr. Sullivan: There is one single special interest group that has proposed this language and that is the Broward County Professional Fire Fighters. Every other professional organization and every other professional that has testified in front of you here, has testified that in fact we have a good system. We have an advanced system in Broward County.

The Chair asked Mr. Sullivan why he is afraid of minimum standards.

Mr. Sullivan: Minimum standards will impose expenses, and the lack of the ability to be flexible and manage our level of service. In Dade County, they meet the minimum standards of numbers of people on a fire engine. However, when you measure the numbers of people per capita they are far below what we provide here in Broward County. So, unless objectively we are researching how these standards are going to affect us – you are a scientist, you have collected nothing but subjective information and you are moving forward with subjective information. It's beyond me that you can move forward with that.

The Chair advised that he does not understand why it is a problem for the PSSC to look at minimum standards.

Mr. Sullivan: Why.

The Chair advised that minimum standards may be an issue, he added that minimum standards are an issue that the PSSC was asked to look at.

Mr. Sullivan: Who asked you to look at minimum standards?

The Chair replied that minimum standards are one of the mandates that were set.

Mr. Sullivan: There is not an identified problem, we've heard subjective comments, but we have not identified a problem!

The Chair advised that he believe that the subcommittee should look into the problem. The goal is to have another Council look at fire rescue and minimum standards and let them make the decision on whether it is something that needs to be changed.

Mr. Sullivan: As a citizen of Broward County, I am suggesting that this Board has failed in looking at objectively whether or not there is a problem to be addressed. We have a lot of professionals who spent a lot of time and effort here. I am disappointed Chairman that you have not looked at this more objectively; particularly as a physician knowing that you have the ability and the knowledge to do that. I say that as Dan Sullivan citizen of Hallandale Beach and resident of Plantation, Fl.

The Chair thanked Mr. Sullivan for his comments.

Edward Curran – Fire Chief City of Lauderhill, and President of the Fire Chiefs Association

Mr. Curran: I think our biggest concern as professionals is that you are sending something that's open to a Committee . We are talking about any standard, anything that you could imagine there is a standard for, it's not necessarily measured in our business as much as we would like to see it;it really opens up Pandora's Box in a lot of ways. You can look at every one of our standards in our industry and it can be looked at different ways. It's just like the old saying about numbers tell a different story if you have the right person to sell it. I am telling you that we are running into a problem here, and that is, that you are going to be looking at standard on equipment, standard on location of your fire stations, standard on your specific type of gear, and you are going to be looking at staffing levels. That's why we have NFPA 1710 and NFPA 1700, because we have a volunteer group that would

accept the 1710 minimum standard. I would be very cautious on giving anybody the power to set standards within an organization; we tried to do it professionally.

I am surprised that we could get so specific of pointing out that Lighthouse Point kills people, basically that's what Chief Benavides said. I am surprised that he would go out that far and say that. It amazes me, because if you go back, most of our systems started with one station. Cooper City is a great example of that. I know that gang and how everything went regional. If we looked back that far we would have said to ourselves, "Oh my God we are really not doing the right thing". The truth is that they were providing the service that the community wants them to provide, and that's where I would be very careful. We have told you that there are tons of standards – legally, we can't afford them. From every indication I can tell you that – I mean when they say one EMT and one Paramedic, I can show you that every system has two paramedics. There will be times when you might have an EMT and paramedic as an extra unit but we wouldn't be allowed to do that, I would think that would be an enhancement. Some people argue that 3 people or 4 people on a rescue are better than 2 and you know what? They're probably right in some cases, but we supplement differently with other services. So it's not as simple as saying, "Oh I am going to send it to a Committee and let them make the decision," it can get into something very complicated and turn around and have the impact that we all would not be able to handle. I would just be very careful on that. I would say to remind you that I know you have a lot of professionals up there telling you that they don't agree with it, because that's just another level of bureaucracy.

Most of the Fire Chiefs in Broward County belong to the Emergency Coordination Council; which is the Council that does Emergency Management in Broward County. We are moving to make rules that we all work together and deal with all these issues that come after a storm or before a storm or training wise. Having that emergency management aspect on the Committee is just another example, just like the Medical Council; which I belong to and I represent Commissioner Lieberman. There are representatives from every area out there and we deal with everything including when a city service submits for a license – it goes through that program. So, there are already things in place and I think that you all are complicating things by placing requirements on us.

Mr. Trower asked the Chair if there's a pending motion on the floor.

Mr. Wilson: The motion has not been seconded.

Mr. Trower referring to the PSSC September 27, 2007 Summary of Discussion reminded the PSSC that he MOTIONED to drop the discussion of minimum standards, which was SECONDED and ended with a tie vote of 3:3. He advised that his position has not really changed and believes the

subcommittee should ask one question which is, here we are expanding the Fire Rescue Council to a Public Safety Council and asking them to come up with Minimum standards and which they are opposed to do so.

Mr. Trower explained that he does not see where putting minimum standards in the Charter will make a difference in terms of the outcome that the subcommittee is looking for. Over the months, hearing every one's testimony he too has received mixed messages. He stated that his understanding was that the PSSC was to look at whether or not the County Charter should mandate or not, a minimum standard across the board regarding fire rescue. He feels that we do have a good system in Broward County and minimum standards are simply the basics to get by. He does not see at this point the wisdom in loading up the Charter with a mandate that will be hard to fulfill. Mr. Trower advised that there are other mechanisms that the County on its own can look into it and that if there is a significant problem in the Community, he believes it's up to the officials in that community to deal with their problems; he does not think at this point that it makes sense to continue to try to push a resolution that will not be affective. He stated that he plans to oppose it.

The Chair asked Mr. Trower to clarify his comment stating that "every city meets minimum standards."

Mr. Trower advised that he is not in favor of the resolution.

The Chair asked Mr. Trower if there was a city not meeting minimum standards how he would suggest handling it.

Mr. Trower advised that it is up to City officials and the County. He does not believe at this point that minimum standards are something the PSSC needs to put in the County Charter.

Mr. Wilson: A couple of clarifications – only portions of the resolution remain on the agenda for discussion today, previous revisions that comprise the resolution have already been passed. The other comment I believe someone mentioned was that there were state standards, and the PSSC has been asked in meetings with the full Commission, what the minimum standards are. We looked at this issue, and let me just briefly say that when it comes to Fire Rescue you will find in the statute that there is a reference to at least two fire rescue personnel for each incident. I think some of the comments that you have heard are correct. When it comes to fire protection the National Fire Protection Agency sets a numerical standard of four. They refer to it as four per company; which I think equates to an engine.

But interesting enough, and to respond to a question that was asked about what do the cities do? I think they will tell you that they rely on Mutual Aide and Automatic Aide Agreements. They vary now and we have not seen a lot of those. We can't tell you how they operate or what the impacts are; but those are the types of things that they have been using and are referring to. So, I wanted to at least make you aware of that. Regarding the comment that came earlier, that there are no cities in Broward that have adopted the NFPA Standard of 4 per engine, or 3 on a rescue; most of the cities in the County operate with 3:3. There are some cities that operate with 3:2, the 2 being the rescue and that is what we have found. I think we have provided you with some materials in that regard.

Bruce Moeller - Fire Chief City of Sunrise

Mr. Moeller: I have also been before this group several times before – just a couple of comments if I could. Mr. Trower made a comment with regard to having law enforcement involved and Mr. Mena spoke earlier in this process to that regard. I specifically asked a question which represents a little bit of a fracture point for me. I don't understand why the language is drafted prenatally, it only speaks to recommending minimum standards for Fire and EMS and not for law enforcement. So on one hand the language that is drafted currently talks about expanding to include law enforcement and changing the name to Public Safety Council, and on the other hand, then limits the recommendation for minimum standards only for Fire and EMS not law enforcement.

The Chair asked Mr. Moeller if he is suggesting that minimum standards are added to Police as well.

Mr. Moeller: I am suggesting that it is incongruent to do one and not do the other. I am here to tell you that there are a number of standards. I brought books and showed it to the full Commission that there are a large number of standards which every single community, fire rescue complies with. There are other recommended practices and standards that may not be adopted for a reason. Dr. Lieberman as the Chair and an Emergency Room Physician talked about response time, and I can certainly agree with him that minutes and seconds are extremely vital. However, there is no statistical research that specifically shows that the number should be X or Y, and in fact there are methodological problems with doing that sort of research. There are at least, in research done here in Florida, nine (9) different definitions of response time that are used here in the State of Florida. There are also problems with how response time is measured. There are problems with 1710 if that were one standard that were to be considered, I know it's in the packet today so, that's at least some background material that is certainly relevant.

The question becomes what are we trying to accomplish? There are State regulatory agencies, county regulatory agencies; and there are National regulatory agencies to which we comply. There

are some places where good people simply disagree. The comment was made that there are agencies that are costing people's lives, I disagree with that. There's no data to support that. There's nothing other than perhaps some anecdotal information. But, I would certainly hope that the purposes would be to keep in place, if there was a need for standards, to put a mechanism in place to address that. To date, I have yet to see brought forth to this group good, statistical, valid data that an objective review would say shows systemic problems in the Fire Rescue Systems in this County – I don't believe it exist. I disagree with the enhancement of establishing minimum standards because that information and that data do not exist. Commissioner Benson made the perfect point, if it were a daughter or a grandchild you would want that standard there. Every single Fire Rescue in Broward County is using the medical treatment protocols, the Fire Chief's did that. We operate under a tremendous amount of similarities and some places are different because we simply disagree respectfully, Thank you.

The Chair called for any other public comment.

Mr. Benavides: I never said that Lighthouse Point is killing anybody. I just said that they run a different standard, when other cities have to run all there calls whenever their unit is working. Those cities have to carry those cities because there is no County-wide standard. My position is this; I am not asking for 1710. I am asking for a minimum standard that the Council would recommend that would make Broward County boarders the same level of service from boarder to boarder. Let everybody accept the same response, the same protocols, and the same standards from County- line to County line. The facts are the Chief's did not stand up here and tell you that they can do that today, and that's why they are arguing. But the reality is, there is no single standard County- line to County- line that Broward County operates under, and I think that's where we should be, I think we can do better.

Mayor Cooper: In a brief nutshell, I wanted to update you and maybe give you assurances of why legally the system is working and we are working towards improvement. Currently, this County is totally interoperable for radio dispatch services except in Coral Springs and Margate. With one flick of a switch they could change their frequency and be totally interoperable. So, we are at that point now that we are almost totally interoperable. Mr. Benavides picks up a point – County- line to County- line, just at our most recent meeting we discussed a CAD system but it is not responsible to think that Hallandale Beach is necessarily going to respond on a Mutual Aide Agreement to Coral Springs. It's just too wide of a County. We actually have samples that we are researching. We have a template that we are working on as far as what we want to have improvement on. I also want to

update you that the County has Mutual Aide Agreements County-wide. They have communication capabilities, and they run tests on a regular basis. The Fire Rescue Council is ready to make a presentation to the full County Commission at a workshop and move forward with some of the initiatives, as well as funding mechanisms from the federal government. We are not recommending any changes in addition to that. I was requested to speak, to kindly request that you do not make changes and let us continue with our mission. I keep hearing that Broward County has one of the best systems in the United States – is it perfect, can it be improved, yes. There's always room for improvement, but I am here again, please let the language remain as it is or I would support the motion of Mr. Trower and Commission Mena regarding eliminating the contentious issues.

Mr. Curran: Mr. Trower, there is a minimum standard in Broward County; it is the State of Florida Standard. Surprise inspections are done on us all the time, we just had one last month. I promise you that there is a minimum standard and everybody has to meet it. Whether or not you decide that you are in Weston and you want 5 people on your Rescue versus 2; that's going to be the issue. That is what makes it hard for us to set these standards. That's all I wanted to say. Thank you.

Mr. Mena restated his motion.

Mr. Mena MOTIONED to eliminate Section E from Exhibit A, Article 5 of the proposed resolution, Mr. Trower SECONDED for discussion.

Mr. Wilson: You must also address D.

Mr. Wilson: The question was whether or not E, since it is already part of the existing resolution, his motion would have the affect of eliminating D. I was responding to the Chair's comments that we had to do something else different first as I think they are saying the same thing.

Mr. Trower asked which section the subcommittee is voting on D or E.

Mr. Wilson: E.

Mr. Trower asked if section E has the affect of eliminating D.

The Chair advised that by eliminating E you eliminate the County's right to impose, and section D recommends looking at minimum standards and making recommendations.

Ms. Eisinger advised that she is in support of eliminating Section E, however, she believes that there could be some changes made to Section D.

Mr. Benson pointed out if the subcommittee votes for the elimination of Section E the only thing that is accomplished if E were to pass would be the proviso that says, "The County shall prevail to the extent of any conflict with any municipal ordinance."

Mr. Wilson: Correct.

Mr. Benson asked if with the elimination of Section E, Section D would still prevail and there would still be a level of service expectation.

Mr. Wilson: You would have to vote on D, if you want to do something with D; Section D will not be affected by this as far as this resolution is concerned.

Ms. Davidson asked if the language of the resolution has to be modified if Section E is eliminated.

Mr. Wilson: We would have to modify the revised resolution, and then we can talk about the affects of Section D later.

The Chair called for a roll call vote.

Hayward Benson	Yes
Maggie Davidson	Yes
Mayor Debby Eisinger	Yes
H.K. "Petey" Kaletta	Absent
Dr. Mark Lieberman	Yes
Ted Mena	Yes
Wil Trower	Yes

Motion PASSED on a vote of 6 YES: 0 NO

Mr. Benson requested a statement that reflects some set of standards being considered for establishment in Broward County as a reaffirmation that Section D is a part of the resolution.

Ms. Eisinger MOTIONED to extend the PSSC meeting, Ms. Davidson SECONDED and the motion PASSED unanimously.

Ms. Eisinger suggested rewording Section D and adding Police, she asked Mr. Wilson for his guidance in the proposed language.

Mr. Wilson: Just to speak to the language itself, the subcommittee can decide what it wants to do but going with the word “shall”, would be an obligation on the Council to do what it says in the Charter. The other option would be “may,” the word “will” is a little bit in between and I think it’s a little too ambiguous for comfort. The words “shall” or “may,” would certainly be something that we have seen. Then the Council – if it’s “may”, can work in its own discretion to decide whether it wants to do it or doesn’t want to do it. But, I would only go as far as a recommendation to the County Commission then the County Commission could pass an ordinance and we have already said that ordinance would just be there and it would not have any force or affect on cities necessarily.

Mr. Mena advised that the subcommittee should let the new Public Safety Council do their job; he suggested not putting language in that would cause a problem.

Mr. Benson agreed with Mr. Mena’s comment and added that the question is, *should the subcommittee ask the proposed Council to consider standards for police.*

Ms. Eisinger MOTIONED to amend Section D to read as follows: “The Council may recommend to the County Commission minimum standards identifying the desired levels of service for Public Safety services”, Mr. Mena SECONDED.

Mr. Trower advised that he does not believe Section D is necessary.

Ms. Eisinger MODIFIED her MOTION to leave the word “shall”: The Council shall recommend to the County Commission minimum standards identifying the desired levels of service for Public Safety services, Mr. Benson SECONDED.

The Chair called for a roll call vote.

Hayward Benson	Yes
Maggie Davidson	Yes
Mayor Debby Eisinger	Yes
H.K. “Petey” Kaletta	Absent
Dr. Mark Lieberman	Yes
Ted Mena	Yes

Wil Trower

No

Motion PASSED on a vote of 5 YES to 1 NO

Mr. Benson wished everyone a Happy Holiday.

IV. Discussion of Bifurcation of Ballot Question

Item tabled until the next meeting of the PSSC.

V. Public Comment

Public Comment was captured throughout the course of this meeting.

VI. Adjournment

There being no further discussion the meeting was adjourned at 3:45 p.m. The minutes of this meeting are recorded on CRC-PSSC CD # 12.05.07 (BCGV CTR)