

**Summary of Discussion
Broward County Charter Review Commission
Transportation Subcommittee Meeting
Thursday, September 6, 2007
Governmental Center
County Administrator's Conference Room 409-G
10:00 AM – 11:30 AM**

Members Present:

Michael Buckner, Esq., Chair
Commissioner Ted Mena, Vice Chair
Mr. David Esack
Ms. H.K. "Petey" Kaletta
Ms. Jodi Jeffreys-Tanner, via Telephone

Members Absent:

Bruce Rogow, Esq.

Others Attending:

Chedley Etienne, Administrative Assistant, CRC
Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC
Dan Glickman, Deerfield Beach resident, Public
Phyllis A. King, Transcriber, PKING Consulting
Lisa Vondrak, News-Abstracts.com
Patricia G. West, Executive Director, CRC
Enrique Zelaya, Broward MPO

(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 Transportation Subcommittee "Committee," "Subcommittee," or "TSC," was held at 10:00 a.m. on Thursday, September 6, 2007 at the Governmental Center Room 409-G, Fort Lauderdale, Florida.

I. Call to Order/Roll Call

The Chair, Michael Buckner, Esq. called the meeting to order at 10:05 a.m. and requested the roll call by Phyllis A. King, of PKING Consulting, Inc. Upon completion of the roll the Chair acknowledged the presence of a quorum.

II. Approval of Summary of Discussion of August 16, 2007 Subcommittee Meeting

The Chair asked the subcommittee if there were any corrections to the August 16, 2007 Summary of Discussion.

Ms. Tanner MOTIONED and Mr. Mena SECONDED to approve the Transportation Subcommittee Summary of Discussion dated August 16, 2007.

A discussion ensued among members regarding the language on page 7, paragraph 7. It was noted that the word "accident" should be changed to "incident."

The MOTION carried unanimously to approve the Transportation Subcommittee August 16, 2007 Summary of Discussion, including the changes that were identified.

III. Review PowerPoint Presentation on Metropolitan Transit Authority Proposal for September 12, 2007 CRC Meeting.

The Chair advised the subcommittee that at the last meeting the MTA Proposal was approved. It will be the first resolution that the full CRC will consider at the September 12th meeting. He advised the members that he and his staff, along with Ms. West, have been working on the PowerPoint presentation in order to provide an educational summary for the full CRC to have a complete understanding of this subcommittee's view point. He opened the floor for changes and/or inclusions by the subcommittee.

Ms. West stated that it would be a basic presentation and that she was responsible for giving the history of the South Florida Region. She was planning on referring to comments from Mr. Del Rio, Chris Walton, and other speakers who gave insight during previous meetings, as well as referring to the County Auditor's Report on Mass Transit for background. Once completed, she would furnish the other members with a copy. The presentation would include a timeline for major mass transit milestones: Miami-Dade Metrorail, Tri-Rail, Miami-Dade ½ penny tax, the planned Metro-Rail Orange-Line, and the failed Broward County penny sales tax.

The Chair added the purpose of the timeline was to compare what has been going on in the region, and what Broward has or has not been doing during the same time period. This shows that Miami-Dade has been doing all of these things, and that Broward still is in some sort of stalemate.

Ms. West advised the subcommittee that their presentation would also include the state of mass transit in Broward County and the South Florida region to include:

- Description of Major Transportation
- Mass Transit Entities (MPO/ SFRTA/BCT)
- Information of Traffic to and from Tri-County areas
- Brief summary of mass transit speakers
- Lack of comprehensive mass transit
- Lack of leadership and dedicated funding source

A conversation ensued amongst Mr. Mena, Ms. West, and Ms. Kaletta on the term “leadership,” and the need to clarify it as political leadership.

Ms. West stated that the presentation would also include the creation of the MTA, a description of their MTA Charter Amendment, an overview of the composition of the MTA and the inclusion of the recommendation for the Citizen’s Advisory Council and a transition period.

Ms. Tanner suggested using Broward County Office of Transportation, rather than Department of Transportation for clarification.

Ms. West gave the subcommittee an overview of the Mass Transit Budget fiscal year 2007, and asked the Chair his opinion on using this information in the presentation as well. The Chair stated to Ms. West to include a budget for bus replacement and capital improvements based upon current size and future ridership.

Mr. Mena suggested presenting that information in a pie-chart format and felt this would give them a clearer visual picture to reflect the spending for each department.

The Chair asked Ms. West to include the slide provided by Chris Walton, comparing Broward County Transit to other Regional authorities with similar populations to show the need for more funding.

The Chair asked the members to give a final review of Resolution 2008-001, and opened the floor to discussion for any changes or additions.

Ms. West asked what was meant by the term “re-lettering articles and sections.”

Mr. Horowitz: All that essentially does is provide the ability to have, for example, a section A, B, and C of section 12.02; 12.03, to re-letter a number of those to provide for consistency throughout the Charter.

Ms. Tanner suggested amending the first page of the Charter to reflect of the Broward County Office/Department of Transportation.

The Chair asked Counsel why was Section 3.08 and the entire Section 12 not underscored in the Charter, as coding indicates all additions will be underscored. He indicated to Counsel that he wants to ensure consistency.

Mr. Horowitz: I will double check to see how they are doing it in Broward, with the resolutions, just to confirm. I know the entire section, as you say, is a new section to the Charter.

Mr. Mena stated that the proposal is flawed, because the MTA would still be beholden to the County Commission. It is flawed because the County Commission would appoint a majority of the Board of Trustees, which in his opinion, would make the Trustee beholden to that County Commissioner; this MTA should be something that is workable and should fly. He gave an example of the Dallas, Texas MTA, which was an independent organization that was funded by a one (1) cent tax. He suggested having a representative from each district on the MTA, and also having MPO involved with the planning of MTA.

Ms. Tanner, Ms. Kaletta and Mr. Esack stated their disagreement with Mr. Mena’s views regarding the Commission and his statements in regard to appointed members being beholden to the Commissioner who appointed them. Mr. Esack also stated his disagreement with Mr. Mena’s Model B being tied to a special taxing district; it could be a set up for failure. Mr. Mena responded that it had not failed for other cities, including Miami. The reason the special tax vote failed prior was due to lack of political leadership from the Commission. The tax is the only way he could see that would fund the MTA.

Ms. Kaletta stated she did not have any problems with his Model, except that they as a subcommittee agreed that taxing would not work because of all the other taxing issues. She felt if this were to go on the ballot at this time, there would be no chance of it being passed.

Ms. Tanner agreed with Ms. Kaletta in regards to the tax issue.

Ms. West added that Mr. Guilletti spoke to the subcommittee in regard to funding and the difficulty in obtaining it, as it is for the Tri-Rail; the feedback she has been getting is that it is a first step.

The Chair thanked Mr. Mena for bringing his ideas forward. He stated with regard to Plan A, the MTA would not report to the County Commission, but it will be an entity of County Government. The County Commission is funding the MTA because there is no direct funding source. He reminded them that General Counsel provided them with a memo of different options of creating authority, and were told that they could not mandate taxing. The Dallas and Houston MTA's were created by State Legislation which allowed areas in the State to create MTA entities. He reminded the subcommittee that they agreed the context of the Charter would provide for an alternative for legislative creation.

Ms. West asked if they could recommend at an upcoming legislative session, and the County could make that a part of their legislative program.

Mr. Horowitz: Sure, what you can actually do is present this proposal and as an alternative, state other options to accomplish this; the end result would be to go thru a legislative route. Theoretically, you will want to do an either/or route; you do not want to do both. You're not going to want to present this to the voters and go the legislative route. You may want to present this to the full CRC or Commission as an option, and then, say, as an alternate way of accomplishing the same end result, we could also do this. This avoids having to go out for referendum, but it does go through the bill process.

Conversation ensued with comments made by Ms. West, Ms. Kaletta and General Counsel in regard to his comments and submitting legislation to Tallahassee.

Mr. Mena asked Counsel if there is any language he could include in the Charter that would allow for possible legislation in the future.

The Chair asked Mr. Mena why he felt having the cities nominate the members would be any less political than having the County Commission nominate them. He added that no matter how it is done, politics will always be involved. Mr. Mena responded that it was not his intent to have no politics involved, as that would be impossible, but he felt like it could be minimized.

The Chair stated that by having cities appoint members, those members would be even more focused on their individual cities thus creating more politics. Mr. Mena replied that it was just a

thought to have all municipalities represented, but it was not necessary. His main concern was to ensure this issue would not be forgotten. He is fine with taking baby steps, but something had to be initiated to get the ball rolling.

Ms. Tanner reminded the subcommittee that they are there because they are dealing with public and governmental funding. If they were privatized, then there could be basis for their desire to have politics excluded, but they are not. She added as much as you want to minimize politics, it is very necessary.

Mr. Esack thanked Mr. Mena for his due diligence on this matter and advised it was a very mature direction. He also expressed concern for the time frame to have the slide show prepared, if it were to include this information.

The Chair stated he did not feel they should present anything to the full CRC that they feel would not work. He opened the floor to the subcommittee for comments or suggestions and also offered revisiting the composition of the Board of Trustees.

Mr. Mena stated that he would like to revisit the composition, and although he voted for it along with the other members, he wanted to have the record show he gave the caveats. He did agree with the Chair in regard to not presenting anything to the CRC that they feel would not work.

Ms. Kaletta stated that the composition is better as is, than it would be if cities were on it. The current composition would allow for Countywide versus Regional. If so, the subcommittee should be able to explain that the Committee is made up of County people looking out for the best interest of the County and eventually the region. She added that funding should be first and primary on their list.

The Chair pointed out that Texas legislation already had funding. He referred the subcommittee to 12.05C as an approach to regionalism and including the MPO.

Mr. Horowitz: With the Dallas model, it came down to the legislature, and there was a funding source provided for in the actual bill that created the entity. They did not have some of the issues that you are currently dealing with based on that designation. Going that route may provide you with those options, but the route you are currently going down leaves you with the funding issues you are dealing with now.

The Chair stated to the subcommittee they had several options. They could make a change to the Charter which only provides them so much authority in regard to mass transit,; they could decide not to make any changes, and ask County Commission to propose legislature to make the state an authority for Broward County; they could create a Charter special district, which would allow all 31 cities to sign off in terms of a vote and the County, or they could do nothing.

Mr. Mena asked Counsel if there was any language that could be used to state as a provision, this Charter must be revisited and reviewed in X amount of years.

Mr. Horowitz: Yes, including something in the actual Charter seeking a review in X amount of years, absolutely. A discussion ensued amongst members in regard to Mr. Mena's suggestion and logic for his proposed revision.

Mr. Horowitz: On that note, if you are going to go after this review and change the duties or something that is in the Charter, you would have to go back to the voters. You can certainly have a mechanism to provide for some type of review but it is after that review, if it is found that certain Charter provisions are not working or doing something differently, that starts the referendum process to go back to the voters, in order to make that change.

Mr. Esack asked if there was a way to change the MTA to seek recommendations from the creators of the MTA.

The Chair stated in the post Charter amendment, section 12.06, that the County Auditor is authorized by independent oversight, and to provide annual review of business practices.

[Mr. Esack departed at this time 11:08am]

Ms. Tanner asked why insert something that might leave room for failure. She stated they only need to expand and improve the transportation system, and move towards regionalism to include something that leaves room for failure would be a detriment.

Mr. Mena stated that his concern with an audit is that they would only look at the financials. Members of the subcommittee corrected him and stated they would do performance measures as well and referred him to section 12.06D.

The Chair stated his concern for having this Authority controlling the MTA, is not having any type of mechanism to ensure that it works. Otherwise, he felt they would do a disservice to the MTA and make the situation worse.

Ms. Gross asked if it could be suggested that the next time the MTA has to elect members, the new subcommittee has the right to change the composition. A conversation ensued among members in regard to her comments, and it was determined that that section 12.05A covered Ms. Gross' question.

The Chair asked if there were any members who were in favor of adding a provision for automatic review.

Ms. Kaletta MOTIONED to have the resolution accepted as-is and presented as a united front to the CRC.

Mr. Horowitz: I have one question before you discuss that motion; there was a discussion earlier in the title to include "Broward County" as a clarification to the office/department. I just want to make sure that is the consensus.

The Chair advised that subcommittee members cannot be stifled. He stated that each member may want to voice their concerns to the full CRC and that is how it should be.

Ms. Kaletta withdrew her MOTION.

Conversation ensued between Mr. Mena and Ms. Tanner in regard to whether there needs to be language included in the Charter for review or not.

Mr. Horowitz: The only thing I want to add is at the meeting on Wednesday you have the option to say, as an alternative to this, there is another way to achieve this end result. Just to let everyone on the full CRC know that this is the ultimate goal but it is not the only way to get there.

The Chair opened the floor to public comment on this issue.

Mr. Glickman: I am very concerned about Section 2 of the resolution on page 2, which is the ballot title and summary for the proposed amendments/revisions. I do not feel like I am being picky, because I think what I am mentioning is major, but it is up to you if you feel it should be discussed now or brought up later, but I do have some very important things I would like to mention. I am not concerned about the 75 words limitation; there are a lot of things that can be done on this, For example, I do feel it is important to put in the Charter, when you say "create and fund", my recommendations would be subject to Broward County Commission's final approval. The truth of the matter is, to say creating funds is to give the electorate the ability to

think that the funding is coming through the Board of Trustees. Then all of a sudden, magically, they have the right to do exactly that, when in fact it is subject to final budget approval. I feel that is important enough to mention as part of the summary. On the same page, where it says from a "separate" division, I would suggest that it would say an "independent" division. You say governed by an appointed Board of Trustees, on page 3, once again they should be included that they are advised by a Citizens' Advisory Council. I think it is important for an elected official to see there is a Citizens' Advisory Council. The last thing, the next sentence says "coordinate a comprehensive regional public transit system..." I do not respectfully believe you can include the "region;" that does not preclude that the MTA could not do all those things,. but say "comprehensive" and include the word "regional," that is just promising much more than you can deliver. So, I would just strike the word, and leave "comprehensive public transit system," and leave it at that.

The Chair asked Mr. Glickman why he had those feelings when it has been shown that MTA has been working to increase communication between the Miami-Dade and Palm Beach Transit and working more with the RTA.

Mr. Glickman: Certainly you can put exactly what you just indicated in the further parts of the resolution 12.06, 12.07...wherever you want to say that those are the things they should be involved in. To say that within the 75 words and to give what amounts to...I think they are trying to do, with no real basis. In fact you can do anything regionally other than, I think, is to promise more than you can deliver. I think it is fine pointing out all of the things that you have just said, as far as attempting to cooperate with, coordinate with and eventually having an actual SFRTA. However, I do believe that it is misleading to put it in this summary, including the word "comprehensive" and especially including the word "regional." I just do not think that it can be lived up to. Everything you said in regard to how to do the responsibilities, coordination, etc...is fine.

Ms. Tanner stated she respectfully disagreed with Mr. Glickman's comments. She felt the subcommittee needs to include that wording, especially regionalism in the Charter and state that as their goal.

Ms. Vondrak: I live in Northeast Ft. Lauderdale, near bus route 50. I just wish when we are talking about transportation with using the letter R for one thing, not regionalism, but rapidness and rapid transit. Rail is where it is at. It is the only thing that is going to move lots of people fast, and if we are talking about 2012, 2018, 2020 buses are not going to make it. Please let us look at rail;, this proposal, I think, the County Commission is going to love it. What they would

hate is if you were to make the airport an authority; that would make them crazy. This they would love, this is a money loser for them; buses are something they do not want to deal with. You know, from Mr. Walton, the problems they have funding those federal mandates. We know because of federal mandates, 20% of the money for the buses go to 3% of the ridership. County Commissioners do not want to deal with the bus service; they want someone else to deal with bus services. You are doing them a favor; they are going to like this proposal.

A conversation ensued between Ms. King and Mr. Glickman in regard to his suggestion made earlier in the meeting, and how his suggestion would be misleading when read by the public. Mr. Glickman explained that his suggestion would be a subordinate clause, which indicates that it can be taken out and stand independently.

The Chair asked the subcommittee if they had any comments in regard to the proposed changes to the ballot question as suggested by Mr. Glickman. Mr. Horowitz clarified Mr. Glickman's suggestion for the subcommittee.

Ms. Tanner MOTIONED to have the Resolution accepted as-is.

The Chair commented on his agreement with Mr. Glickman to have 'and fund' removed from the resolution.

Ms. Tanner MOTIONED to delete 'and fund', SECONDED by Mr. Mena passed unanimously.

Mr. Mena MOTIONED to delete 'a separate' and add 'an independent', SECONDED by Ms. Tanner passed unanimously.

Ms. Tanner MOTIONED to amend her original MOTION to accept the resolution as written with changes on page 2, SECONDED by Mr. Mena to approve CRC Resolution 2008-001 with revisions adding Broward County to the resolution title on page 1 and approved deletions and revisions to the ballot language. MOTION carried unanimously.

Mr. Mena MOTIONED to extend the meeting, SECONDED by Ms. Tanner. The MOTION passed unanimously.

IV. Review Cover Letter to CRC Regarding MTA Proposal

The Chair advised the subcommittee of the revisions made to page 4 of the cover letter. He stated that he made a revision to page 2, on the 5th line in the second paragraph, where it says the CRC continue to monitor airport and seaport, he added the seaport. The Chair asked if anyone had additional revisions.

Ms. Tanner MOTIONED to approve the cover letter with the revision, SECONDED by Mr. Mena.

The Chair opened the floor to public comment in regard to the cover letter.

Mr. Glickman: On the second page, the second to last line says “report and analyzes,” and it should be report and analyses.

Ms. Tanner MOTIONED to approve the cover letter with the revision of Seaport on page 2, the spelling correction of analyzes to analyses, insert of the word Political on page 3, and the words abolish the office/Department of Transportation. The motion was SECONDED by Mr. Mena and the MOTION passed unanimously.

The Chair stated for the members to move to the next order of business.

V. Discussion of Request for Realignment at Airport & Seaport to Provide Authority for County Commission to Hire and Fire Directors of Both Entities

The Chair stated Mayor Eggelation and Vice-Mayor Wexler would be speaking at the full CRC meeting next week. He stated he would be asking both of them if they were to eliminate the two layers of County Administration, who is going to do the work and who will oversee it.

The Chair opened the floor for public comment.

VI. Public Comment

Mr. Glickman: I just want to mention one thing., On having done all your good work on the MTA, the idea of having some sort of authority that the director of the seaport would report to, or a board of trustee unfortunately, we all know the situation. Who would have known that with the Sheriff of Broward County where there is almost no oversight or accountability, whatever existed. So, when you talk about accountability and oversight, there has got to be something.

VII. Adjournment

Mr. Mena MOTIONED to adjourn the meeting; SECONDED by Ms. Tanner and the MOTION passed unanimously.

There being no further discussion and no additional comments the meeting was adjourned at 11:45 am.

The minutes of this meeting are recorded on CRC-TSC CD # 9.06.07 (BCGV CTR)