

**Summary of Discussion
Broward County Charter Review Commission
Public Safety Subcommittee Meeting, No. 2
Monday, April 23, 2007
Governmental Center- Annex Room A-200
10:00 AM - 11:30 PM**

Members Present:

Dr. Mark Lieberman, Chair
Mr. Ted Mena, Vice-Chair
Commissioner, Hayward Benson
Ms. Petey Kaletta
Mr. Robert Penezic

Members Absent:

Mayor, Debby Eisinger, Vice-Chair
Mr. Will Trower

Others Attending:

Mr. Joe Benavides, President of Broward County Council of Professional Firefighters
Mr. Mark Cohen, Broward Professional Fire Fighter
Mr. Walter Dix, President of the Broward Professional Firefighters
Ms. Chedley Etienne, Administrative Assistant, CRC
Ms. Yolanda Grooms, Administrative Specialist, CRC
Ms. Maria Gross, Assistant Director, CRC
Ms. Paulette Kandel, BEMA, Public Safety Program Manager
Phyllis A. King, Transcriber, PKING Consulting, Inc.
Mr. John McNamara
Mr. Bruce Moeller, Fire Chief
Patricia G. West, Executive Director

(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 10:00 a.m. on Monday, April 23, 2007 at the Broward County Governmental Center Annex – Room A-200, Fort Lauderdale, FL.

I Call to Order/Roll Call

Chair Dr. Mark Lieberman called the meeting to order at 10:04 p.m. The Chair then requested the roll call by Phyllis A. King, PKING Consulting, Inc. Upon completion of the roll, the Chair recognized the presence of a quorum for the record.

Ms. West asked that the subcommittee review the Summary of Discussion at their leisure; she suggested that the subcommittee approve it prior to the next full Committee meeting.

The Chair asked the PSSC members to introduce themselves to today's guest speaker. Following member introductions, the Chair welcomed Ms. Paulette Kandel, Public Safety Program Manager of the Broward County Emergency Management Agency. (Emergency Operations Center (EOC)).

The Chair advised Ms. Kandel of the Charge of the PSSC and reviewed the five issues that the subcommittee is addressing:

- ***Emergency Management / Coordination / BSO***
- ***Fire Rescue Coordination***
- ***Firefighter Minimum Standards***
- ***Provide accountability for existing Charter Amendment for firefighters***
- ***Intergovernmental Interaction in emergencies***

He then asked that Ms. Kandel to touch on these issues specifically.

II Presentation – Paulette Kandel, Public Safety Program Manager, Broward County Emergency Management Agency

Ms. Kandel distributed a handout which she advised she would summarize during her presentation. She invited everyone including the public to the upcoming 2nd Annual Hurricane Expo and explained that it is a County-wide Expo which will take place on June 2, 2007 at the Emergency Operations Center in Plantation. She advised that they would have lots of participation from the North and South Broward Hospital Districts, Traffic Engineering who has a lot to do with emergency management, Fire Rescue, Fire Safety House from the Fire Chief's Association various other vendors. Ms. Kandel advised that they would bring out their Mobile Command Center, which is brand new, which any City can use at any time she explained that it

has all of the communications systems for every radio system including the Division of Forestry, VHF and the State Law Enforcement Radio.

Ms. Kaletta inquired as to the radios and whom the Command Center can communicate with.

Ms. Kandel replied that there Mobile Command Center has all of the Broward County and surrounding County radios programmed in it.

Ms. Kaletta asked if the Counties cannot communicate with each other, they could through the Emergency Operations Center via the Mobile Command Center.

Ms. Kandel replied *yes through the Mobile Command Center*, she explained that this is designed for in-field use through dispatch. Ms. Kandel advised that radio systems include the County Radio System, Air to Ground, Marine Radios, Amateur Radio, the State Law Enforcement Radio, Mutual Aides, and Medcom for Hospitals. She stated that the only thing they do not have is Military Aircraft Radio due to the cost of the system; she added that there is a place to plug in the radio but they do not have the equipment.

Ms. Kaletta asked if the Mobile Command Center is only used in an emergency.

Ms. Kandel replied yes and thus far, it has only been used in practice and for display. She advised that there are several in this region and they were bought under the Urban Area Service Initiative (UASI) Funds along with several other command vehicles for the Greater South Florida UASI area. Having multiple Mobile Command Centers in the area you could combine the resources and use of the Mobile Command Centers and assign different functions in an emergency using one for Law Enforcement, one for Operations, one for Fire Rescue, one for general Emergency Management Planning and they could all talk to each other, prioritize and coordinate their efforts remotely in the field.

Ms. Kandel explained that the Broward County EOC is a multi-Agency Coordination Center. She advised that they are one of the few EOCs in a large urban area that has every City represented including the Seminole Tribe of Indians.

Ms. Kandel reviewed pg.2 of her handout, and provided an overview and explanation of defined Emergency Support Functions (ESFs).

Ms. Kandel advised that Broward County has mapped out ¼ mile grids and pre-numbered to conduct search and rescue by grids. She explained that some grid maps overlap Cities, she advised that grid maps are shared between Davie and Plantation and it is predetermined who will handle that area and when. They have a systematic way of doing search and rescue through the entire County and a similar process is being adopted by the State of Florida. She explained that they have 4 Hazardous Materials (HAZMAT) teams and all work on the same protocols; they all are equally equipped irrespective of their location. She advised that their response for Hazmat is relatively short and the Department of Environmental Protection is a part of the Hazmat Team.

Ms. Kandel explained that BSO also has a major coordination role as the lead for ESF-16 Law Enforcement, which represents and coordinates all of the Law Enforcement Activities within Broward County. She advised that there are other uniforms at the ESF-16 table, which includes the Highway Patrol, FDLE, Fish and Game. Ms. Kandel continued her discussion of the ESFs and the specific functions of each including the discussion of evacuations and what determines when and who should evacuate.

Ms. Kaletta inquired about the High Rises on the Ocean.

Ms. Kandel replied that if they are on the Ocean they should evacuate, she stated that if they are under a mandatory evacuation order they need to evacuate. If not under a mandatory evacuation order then you need to protect yourself as best as possible. She advised that if a person does not feel safe, they should go to a shelter. All of Broward County shelters special needs and regular meet the Enhanced Protection Hurricane Code (EPHC) a building within a building. She advised in 1994 the first EPHC code came out of four schools where the roof above the Hurricane protection area is concrete. She stated the shelter is supposed to withstand a Category 5 Hurricane. She advised that all of the shelters do have generators, it is mainly for emergency lighting, and none of the general shelters have generator capacity to run Air Conditioning.

The Chair asked Ms. Kandel how the PSSC could help the EOC as far as the Charter.

Ms. Kandel replied that they need to do a better job in long-term recovery; she advised that they are working on the vulnerable needs population.

The Chair asked Ms. Kandel if she was working on pre-identification.

Mr. Moeller advised that the County Commission has an Advisory group called that Emergency Coordinating Council which has representatives at the Hospital Districts, each municipality, the American Red Cross and various constituency groups created a task force to look at vulnerable populations. He advised if there is loss of basic support mechanisms such as electricity, medicine etc. they are looking to identify those people through a registry, he explained that it would be no specific criteria except they will be able to register themselves via telephone, fax, mail or online. Each City will have the grid system in order to have the data and they will know what their vulnerabilities are i.e. insulin dependent, home oxygen etc.

The Chair asked if the Cities and the County would stock oxygen and insulin.

Mr. Moeller replied that the EOC would be responsible for getting that. Ms. Kandel advised that Fire Rescue has a certain amount of it but the EOC also has vendors to provide medicine, she added that this was a big issue in Hurricane Wilma. Ms. Kandel advised that they now have 24 hour contact numbers for vendors so if they do go home they can be contacted and they will be able to come back to provide support.

The Chair stated that they had a huge problem with dialysis patients, they needed clean water supplies and Coral Springs Medical Center was overrun with 40 – 50 patients from all over the County for dialysis and they only had four (4) machines.

Ms. Kandel advised nurses are being trained to do dialysis manually. She stated that more dialysis centers now have generators; she advised that ESF 8 is assisting with coordination. She stated that they are doing a better job with dialysis and they have their own subcommittee as a part of ESF 8.

The Chair asked if the generators are something that should be mandated.

Ms. Kandel replied that it would probably have to be State mandated legislatively under Florida Statute 395 for the hospitals.

The Chair asked Ms. West to ask Mr. Goren if the County can mandate generators for dialysis centers and nursing facilities.

Ms. Kandel stated that each facility with regard to healthcare is supposed to have a plan in which they do not burden the community they are not supposed to go to public shelters and they are supposed to go to like facilities with which they have Mutual Aide Agreements.

Dr. Lieberman advised that he sees Emergency Management Coordination / BSO under Disaster Planning. He asked if there is an issue that the Charter might help the County with in regards to disaster planning coordination.

Ms. Kandel advised that BSO coordinates with the EOC. She advised that there is a lot of cross-integration between them especially with critical infrastructure. She advised that the Urban Area Security Initiative dealing with terrorism has brought them much closer because it crosses all hazards.

Dr. Lieberman asked Ms. Kandel if she meant there were no needed improvements to the system.

Ms. Kandel advised that there is always room for improvement. No matter how many times a plan is written and exercised it can always be adjusted. She advised that the EOC works closely with BSO and there is no friction between them.

Dr. Lieberman asked about the County Communication System.

Ms. Kandel advised that she is the liaison with telecommunications from the County perspective and she works very closely with BSO Telecom and they currently have public safety communications meetings with the municipalities are involved in as well. She advised that Rick Karpani is opening the doors to make it a much more seamless operation.

Mr. Mena mentioned there was a problem with pets during the last hurricane. He asked what programs exist to keep people from having to leave their pets in their homes. He also asked why Oxygen, Lipitor, Insulin, and/or other detrimental items could not be available for people pre-disaster.

Mr. Penezic advised that this is because of the insurance companies. But if you pay out of pocket you should be able to obtain it.

Mr. Mena suggested then they should be reimbursed because of the emergency nature of obtaining the meds.

Ms. Kandel advised that this was brought up as one of the statewide issues and the Legislature was going to try to look into it. She stated that she does not know what happened with that Bill.

Mr. Penezic reiterated that the problem is the insurance company. He advised if you are willing to go out of pocket, the pharmacies will refill it as long as there are available refills unless there are restrictions based upon the level of control that is attached to it. He stated that you could get pre-approval from the insurance company, as sometimes they will actually pre-approve. He stated that with so many elderly recipients of prescription drugs that this is probably a State issue with insurance legislation.

Mr. Mena responded shame on the insurance companies if this is their attitude in an emergency. He advised that it should still be requested either from a State or County level. He then moved on to the generator mandates for gas stations as an example and asked if it was the market place that dictated this or law he suggested that the system be pro-active and plan for everything in advance.

Ms. Kandel advised that there are two (2) shelters. One requires pre-registration. She advised that the most people they have had in that shelter is 30 people. She advised that the second shelter is waiting for 50% capacity of the first before it goes online. She advised that this is in the EOC literature.

Dr. Lieberman inquired as to advertising and how the public is notified.

Ms. Kandel advised that it is in the literature and every residence in Broward County will receive a pamphlet this year.

Mr. Mena inquired as to whether the literature is bilingual (Spanish / Creole). Ms. Kandel stated that she did not know.

Mr. Mena suggested that radio stations would assist. He then asked with reference to the Nursing Homes and generators why the fire departments couldn't have generators / A/C and means to make elevators work.

Ms. Kandel responded that this is Florida Statute 400 under Nursing Homes. She advised that their generators are only for emergency medical equipment and emergency lighting and they do not have to have A/C so they can have the minimal generator and be in compliance with the law.

Mr. Mena advised that he is not so much concerned about the A/C as he is with the elderly on the upper floors of buildings who cannot get downstairs on their own.

Ms. Kandel suggested that even with the high-rises, there were no generators and people didn't evacuate along the beach.

Mr. Penezic asked Ms. West to have Mr. Goren look into County's legal authority to add restrictions to a State Statute or rule for nursing homes or assisted living facilities. He then asked everyone present when viewing the Charter what specific language recommendation do they as experts believe needs to be in the Charter to address the needs of Broward County. He added whether it is pre-planning or after something takes place that needs to kick in immediately and specifically.

Ms. Kaletta added that the Charter is very generic is what it does and gives a lot to the FRC to work together and make recommendations. She asked what specifically could be put in the Charter to help. Because everything discussed thus far is a State issue.

Mr. Penezic asked if there is some way to beep and interrupt television in advance of a storm during primetime with a message such as the Emergency Broadcast System.

Ms. Kandel responded not directly through the County but the ability is there through the National Weather Service as long as it meets the Emergency Alerting System (EAS) criteria Broward County has the right to send something out over that system.

Mr. Penezic asked if this was done before Wilma.

Ms. Kandel responded not by Broward County but the National Weather Service routinely sent messages. She stated that usually if it is a weather related instance it is deferred to the National Weather Service.

Mr. Benson asked what happens if it is not a weather related instance what happens.

Ms. Kandel responded that the County could do an Amber Alert type broadcast. She advised that the EOC has the ability to do it as long as it meets the EAS Criteria through the National Weather Service, they have 24/7 people there and they would broadcast it. However if it is public service message she is not sure it meets the EAS criteria. She advised that she would review the rules to see if public service messages meet the criteria. Most of the radio stations and news networks are good about allowing the EOC to broadcast public service announcements. The good news is when the EOC is activated there is a captive audience of media at the EOC including Spanish and Creole radio, all the major networks are there, several

radio stations and they are running 24/7 so they are looking for air time. Ms. Kandel stated that the major complaint the EOC receives is why is there so much on the hurricane and regular programming is not running.

Dr. Lieberman restated Mr. Penezic's question on what language should be in the Charter.

Mr. Benson stated that the Charter currently speaks to law enforcement, fire departments, and the BCFRC and its structure. He asked if it would be appropriate to think in terms of putting the organization of the EOC in the Charter and then giving them the ability to make decisions based on emergencies. The EOC in terms of the pecking order would be in a position to begin to make statements, give information, give edicts, override existing rules and regulations that would function normally. The EOC would be in a position on the pyramid to be responsible thereby making the Charter viable to begin to address how things should or should not function with regard emergency and public safety issues.

Dr. Lieberman asked Ms. West to research or ask Mr. Goren if any other County has something similar to what Mr. Benson is suggesting.

Mr. Benson advised that in Miami-Dade the Mayor takes over and directs, which he suggested might also be the need here in Broward County where the Mayor takes over and directs based upon input that comes from professionals who feed that data into that position so that it can in fact function. He stated that he thinks it would delimit to a great degree some of the fragmentation heard at the last CRC meeting and Ms. Kandels question as to whether something meets criteria. Mr. Benson stated that what he is saying is if there is an emergency, you take over the EAS and begin to spread out the solutions for the problem. He suggested taking out the middleman because when you have unusual situations you need to take unusual steps to resolve them.

Dr. Lieberman asked if the red tape could be cut during a disaster.

Ms. Kandel replied that it moves smoothly when an actual emergency is declared. She advised that they go through the Mayor and they try to get a Commission Meeting if the Mayor is unavailable. She advised that she has not experienced a delay in a declaration.

Mr. Moeller advised that there have been no delayed declarations but he knows that after Hurricane Wilma the Fire Chiefs Association and Police Chiefs Association put together a plan.

Ms. West requested a copy of the plan. Mr. Moeller advised that he would get one for Ms. West.

Mr. Moeller advised that in this Plan the Police Chiefs and Fire Chiefs addressed Mr. Benson's comments to a degree. Addressing who has authority and who can truly make the decisions and move things along during an event and then are the policies and procedures mechanisms in place so that things operate effectively. He advised that the EOC believes that there has been some slight tension and/or lack of clarity in an emergency. He advised that Florida Statute 252 speaks to that issue. He advised that there are multiple Charter Officers and the reality is that the EOC did not see the clarity and leadership that they wanted to see in Wilma. With regard to the language in the Charter, Mr. Moeller advised that he did not know what language to suggest.

Mr. Penezic asked who should be in Charge.

Mr. Moeller advised that this debate just took place at the National level and Congress has moved to make the Director of FEMA an Under Secretary and should he report directly to the President during an emergency. He stated that this is the same debate and suggested it be taken from the Federal level to a local level.

Mr. Penezic advised that he does not care politically who should be in charge but for the safety and the benefit and well-being of the citizens of Broward County he asked what office should be in charge.

Mr. Moeller and Ms. Kandel responded that it should be the Broward Emergency Manager and then the elected officials with the gravitas that they each bring by virtue of their office to line up behind the Emergency Manager.

Mr. Benson advised that if this is what the Charter agrees to, this could be put out to the people without having to go through the Commission.

Mr. Penezic agreed with Mr. Benson and supported his statement with a caveat that the language can be specific that when an emergency is declared certain things happen by structure within the Charter (this is what happens, this is who is in charge and this is when it happens).

Mr. Mena recommended keeping the politicians out, as it should be the professionals.

Mr. Benson stated that if there is no need to have the position reporting to the Mayor this is fine but stated there needs to be someone in charge at the helm.

Mr. Joe Binevides, Broward County Fire Rescue Council advised that he represents the men and women of the fire service. He advised that they tell him very specifically what some of their needs or desires are. He suggested the following language with regard to the Fire Rescue Communications Council: ***“The Broward County Fire Rescue Communications Council shall make recommendations for review and implementation by the Board of Broward County Commissioners”***. Mr. Binevides provided a detailed explanation of why this language should be included and in summary advised that the wording clearly needs to force people to review and implement what should be done and then the facts can be discussed internally of how to implement a coordinated effort Countywide.

The Chair asked Mr. Binevides for clarification if he is asking for the power to go out and control pre-identification and assistance for the vulnerable people.

Mr. Binevides responded that every Cities Chief sits on the Fire Rescue Communications Council. Everyone there has to play a part in Fire Rescue response, delivery, and emergency management, medical. The reality is that they as a coordinated group which is in place do not have the power today to make any recommendation that shall be reviewed for implementation.

The Chair asked Mr. Binevides who gives the FRC the marching orders and makes the decisions. Mr. Binevides stated that the Charter says the FRC shall make recommendations to facilitate the closest unit response but it does not bite at the reality of putting a recommendation out there that the County Commission has to discuss, review, and then consider for implementation.

The Chair asked if wording should be changed to give the FRC more teeth.

Mr. Binevides responded “allow us the power to recommend for review and implementation” as the FRC’s recommendations should be of a standard because they have the people who represent those people, then their voice should be the voice to say, review it and if it can be implemented to coordinate Countywide through the Fire Rescue Council.

The Chair changed the subject back to the EOC. He advised Mr. Binevides that they all come together but his issue is completely separate. He then opened the floor for ideas relating to the EOC and giving them more power.

Mr. Mena stated that he does not agree that the Broward County Commission should have the last say so when it comes to Emergency Preparedness. He then suggested that the Chiefs, Unions etc. have input into an agency independent of the politics. The EOC should be an "Advisory Agency" because they are the professionals. He also suggested that law enforcement should be involved. He again expressed concern with the lack of law enforcement representation at today's meeting.

The Chair asked Ms. West to invite someone from the Sheriff's Department to future meetings.

Ms. West advised that they were invited and are a part of the PSSC's distribution list. She advised that Pete Corwin informed her that someone would be attending the meetings. Ms. West stated that she will follow-up.

Mr. Penezic suggested inviting someone from all municipalities.

The Chair asked Ms. Kandel who the Emergency Manager for Broward County is.

Ms. Kandel advised that Ms. Lori Voncanan is the Interim Emergency Management Director appointed by the County Administrator. She advised that Tony Carper left in March.

The Chair asked if she is the top person in charge of the EOC.

Ms. Kandel advised that she is the top person.

The Chair asked the experts present if they thought the Emergency Manager should be the one running the emergencies as they occur and should there be an amendment to that affect.

Mr. Mena asked if BSO should be involved with them directly.

Ms. Kandel replied that there is an Emergency Management Team, which consists of the Sheriff or his representative, the EM Director, the County Attorney, the County Administrator, the County Mayor, and all Department Directors within Emergency Management within the County such as Public Safety, Public Works and Superintendent of Schools.

The Chair asked who is making the decisions and who chairs that conference call during a disaster.

Ms. Kandel replied theoretically right now it is the Mayor.

Mr. Benson stated that it has always been the Mayor.

Ms. Kandel replied that it has not always been the Mayor.

Mr. Penezic stated that theoretically means no one.

Ms. Kandel stated that in the past the EM Director made recommendations to the County Administrator prior to the last revision in which the Mayor was placed in the loop of Emergency Management. She stated that prior to that the EM Director would make recommendations to the County Administrator and they made the decisions together.

Mr. Penezic stated if the PSSC wanted to have one person by way of position in charge this sounds like a discussion because he is not hearing a definite answer.

Ms. Kandel stated that the EOC does not have a designated incident Commander.

Dr. Lieberman acknowledged two recommendations that need further discussion by the dais:

- Look at an Amendment that puts a position in charge of a disaster.
- FRC – Giving them more authority than just making recommendations.

Mr. Moeller pointed out **Section 2.04 G of the Charter** wherein the language states that the **Mayor or designee shall implement the provisions of the County's Emergency Management Plan**. He advised that this was a change made in the last Charter because it was prior to the change, the County Administrator using the EM Director.

Mr. Benson suggested that the Charter should look more to a professional in terms of 2.04 G as opposed to an elected official.

The Chair asked Ms. West for the original language / recommendation from the last Charter as well as any discussions, what the thinking and discussions were which lead to the change.

Mr. Mena expressed concern with looking at the Mayor to make the decisions.

The Chair advised that in accordance to the Charter the Mayor is the ultimate decision maker.

Mr. Mena pointed out that he gets advice.

The Chair replied that he is sure he gets advice, but he is the decision maker.

Mr. Penezic stated that his point is that the named position / the change to the Charter did not work.

Ms. Kandel stated that the Mayor may or may not take the advice of the people there. She stated that one of the things in the National Incident Management System is designating and *Incident Commander* which is a little different because it is for planning purposes but if a person is designated as an IC it would be a little bit of a different role.

Mr. Mena asked if the County Administrator is in charge of the County and if the current setup is a Weak Mayor setup.

The Chair replied yes. A discussion ensued with regards to Weak Mayor vs. Strong Mayor and that most cities have a set up of Weak Mayor / Strong City Manager Council.

Mr. Penezic again suggested inviting municipalities because the issue is not that someone is not named it is that something did not work the last time and it needs to be fixed.

Mr. Moeller advised that a classic problem is that there is Charter language which attempts to establish a structure which is widely dependent upon the individuals there. He advised Mr. Mena that he is correct that it is a Weak Mayor form and the Charter then provides the Weak Mayor with a weak responsibility for an emergency.

Mr. Penezic asked the experts present if the problem is the position or the person that held it. He stated that his question is debate and discussion and he suggested that the PSSC look to see if the position was there and could have worked or if a different position needs to be in charge.

Ms. West asked Chief Moeller if there is a Police Chief's Association; because she advised that she does not believe many more people other than those who represent the organizations should be invited. The Chair suggested Ms. West invite the people who can best answer the questions of the dais.

III Other Business

The Chair reminded the dais that the next meeting would take place Wednesday, May 9, 2007 at 3:00 pm. Ms. West advised that dais that she would begin to distribute requested materials electronically for their review. The Chair and Ms. West thanked Ms. Kandel for her presentation.

IV Public Comment

None

VIII Adjournment

There being no further discussion and no public comment the meeting was adjourned at 11:34 AM. The minutes of this meeting are recorded on CRC-PSSC CD # 4.23.07 (BCGV CTR)