

Summary of Discussion
Broward County Charter Review Commission
Public Safety Subcommittee Meeting No. 3
Wednesday, May 9th, 2007
Governmental Center- Room 430
3:00 PM - 4:30 PM

Members Present:

Dr. Mark Lieberman, Chair
Mayor, Debby Eisinger, Vice-Chair
Commissioner, Hayward Benson
H. K. "Petey" Kaletta
Commissioner Ted Mena
Robert Penezic, Esq.
Wil Trower

Members Absent:

None

Others Attending:

Major Kyle Berwick, DLE Operations Manager, BSO
Richard Carpani, Director Communication Technology, BSO
Ed Curran, Lauderhill Fire Rescue
Major John Curry, Executive Director of Administration, BSO
Chedley Etienne, Administrative Assistant, CRC
Tom Gallagher, Pembroke Pines Fire Department
Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC
Alain Jean, BSO
Phyllis A. King, Transcriber, PKING Consulting
Chief Joseph Lello, BSO Fire Rescue
Chief Kenneth Pachnek, Lauderhill Police Department
Chief John Picarello, Pembroke Pines Fire Department
Chief Robert Pudney, Plantation Fire Department
Kim Rubio, Regional Communications Manager, BSO
Chief Daniel Sullivan, Hallandale Beach Fire Rescue
Patricia G. West, Executive Director
Mel Wilson, Esq., General Council

(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 3:00 p.m. on Wednesday, May 9th, 2007 at the Broward County Governmental Center Room 430, Fort Lauderdale, Florida.

I. Call to Order/Roll Call

The Chair Dr. Mark Lieberman called the meeting to order at 2:58 p.m. and requested the roll call by Phyllis A. King, PKING Consulting, Inc. Upon completion of the roll call, and the declaration of the presence of a quorum, the Chair requested self-introductions by subcommittee members and visiting Police and Fire Rescue professionals

II. Approval Summaries of Discussion from Meetings of April 11 and April 23, 2007

The Chair MOTIONED, Mr. Mena SECONDED and the motion carried unanimously to approve the Public Safety Subcommittee Summary of Discussion from April 11.

Ms. Kaletta MOTIONED, Mr. Mena SECONDED and the motion carried unanimously to approve the Public Safety Subcommittee Summary of Discussion from April 23.

The Chair gave Chief Robert Pudney the floor.

III. Presentation - Fire Chief Robert Pudney City of Plantation Voluntary Fire Department

Mr. Robert Pudney introduced himself as the Fire Chief of the City of Plantation; and thanked the PSSC on behalf of Mayor Carole Armstrong for inviting the City of Plantation to explain how Plantation’s Fire Rescue System Model operates, its benefits and shortcomings.

Mr. Pudney described his 30+ year career in various municipal Fire Departments including the Cities of Lauderhill and Plantation of which 16 years he spent as a volunteer. Mr. Pudney stated that the Plantation Fire Department is a Volunteer Fire Department; and that the title *Volunteer Fire Department* is no longer accurate. He advised that the proper term for their model is a **Combination Department** meaning a combination of career / paid employees and volunteers; however, the majority of their members are volunteers to develop and provide the Fire Rescue Service. He then described the evolution of the Fire Department in Broward County from Volunteer to Career Departments. He explained that the City of Plantation did not

follow the path of conversion from Volunteer to Career... The City of Plantation has been blessed to have a series of elected officials who funded certain operations so that they could change and meet the needs of the community as it grew. He advised that the City of Plantation is geographically in the center of Broward County and has tremendous commercial property, which includes Motorola, American Express, DHL, The Broward Mall and other light industrial applications. Plantation houses approximately 84,000 residents at night and hosts a population of approximately 150,000 during the day.

He explained that in 1996 six (6) cities including Plantation approached the County Commission and received a Certificate of Public Need and Necessity (COPCN) to provide ALS Medical Rescue and Transport. During that time, Plantation was served by the overall County system and was determined by the City that their needs were no longer being met. He informed the dais that all six cities received the COPCN, but not all six (6) Cities use the same model. He advised that when the City of Plantation received the COPCN there were a number of models that could be used; the Traditional Model here in Broward County is a cross-trained Firefighter/Paramedic. Mr. Pudney added that there was a private entity whereby the cities could contract with a private provider and outsource the services; this was reviewed by the City of Plantation.

In 1996, the City of Plantation decided they would design their own ALS Transport System. Consequently, they sent staff to Phoenix, Chicago, California and Washington, States where premier Fire Rescue Systems were located to gather information to determine how to develop a system for Plantation. Mr. Pudney advised that he believes that Broward County has the finest Fire Rescue System today; but they may need minor adjustments but when compared to others within the State or Nation, we are far better.

Mr. Pudney advised that upon returning to Plantation, they found that the traditional cross-trained Firefighter/Paramedic did not necessarily provide the best level of medical care to the community. They were put in place predominantly because there were existing resources in many departments, and this was another use of those cross-trained personnel. He advised that this was done for a financial reason, than for a medical care reason.

Mr. Pudney explained that the City of Plantation has a Suppression Division, which is 95% volunteer; Plantation's Rescue Division is primarily 99% Career. He stated that cross-training is done in basic medical care on the fireside, and basic firefighting on the rescue side. But he

advised as a general rule, they do not use Paramedics to fight fires, and they do not use Firefighters to provide medical care. He advised that there are contingencies to do this, predominantly when the system is very busy or under a disaster response, however, from a day- to- day model operation, they have separated the two divisions. He advised that there is a joint staff of volunteers and paid employees who manage both divisions, as well as other divisions in the department including Fire Prevention, Public Education, Maintenance, and Mechanical Support. Mr. Pudney stated that the model has been in place since 1976 and does meet the Mayor's qualifying requirements. He advised that the Medical Rescue Unit response average is below 4 minutes, including receipt of the 911 call. He explained that this response time includes from the time the call is answered, to the time the Medical Rescue Unit arrives on scene at patient contact. Many systems do not measure this way, as it is a total response time. He stated that the Medical Rescue Unit responds with a three person crew including a Lieutenant/Paramedic, Paramedic, and an EMT Driver.

He advised that the Fire Rescue side uses 95% volunteers and that the City of Plantation strives to great lengths to provide the best training possible to meet minimum state requirements. A considerable amount of the Plantation Fire Rescue's budget goes toward training.

Mr. Pudney advised that the City of Plantation budgets and provides funds for the appropriate amount of equipment and Fire Stations. Their volunteers are very dedicated and spend thousands of hours with no income or little reimbursement.

Mr. Pudney provided an example of a Quick Response. He advised that the City of Plantation average response is forty-two (42) Fire Fighters per call. The City of Plantation gives up some response time in the beginning which he feels is the negative of their model. He advised that they never missed a call; and added that they track the reaction time everyday with a summary done every week. Mr. Pudney advised that one of the benefits to the elected officials and citizens in Plantation is that the Plantation Fire Department is very efficient when compared to similar departments. He stated that they are not inexpensive; the City of Plantation currently has a \$10 million budget for the Fire Department which includes both the Rescue and Suppression Division. He advised that under the Fire Department there are approximately 300 employees and volunteers. Mr. Pudney advised that they operate six (6) Fire Stations in the City of Plantation, which covers a 22.5 square mile area. They meet the requirements of the Independent Insurance Office Agency, which rates Fire Departments and gives them a score based on the Independent Organization of Standardization (ISO) rating. He advised that

Plantation's ISO rating is a 3. Mr. Pudney added that their Fire Stations are within the minimum response distance of 1.5 miles. He added that funding for Fire Stations is a Capital Improvement. The Plantation model is very efficient and the community is supportive of the organization.

Mr. Penezic asked Mr. Pudney to address the future of minimum standards in Broward County. Mr. Pudney replied that the model that Plantation uses is not incumbent upon his presence. He advised that it is however, incumbent upon groups with checks and balances, including the planners, visionaries and elected officials responsible. Mr. Penezic asked whether the success of the model depends upon the success of the people at the high- end running the model. Mr. Pudney responded no, but there has to be a buy-in by all entities involved.

The Chair asked Mr. Pudney if there were any other cities with volunteer fire departments. Mr. Pudney replied no, but advised that the City of Coral Springs and Lauderdale by the Sea were major cities who transitioned from volunteer to career departments.

The Chair inquired about the differences between career and volunteer Firefighters, and if there is a required difference in training. Mr. Pudney replied that there is no required difference. He did however explain that more training is provided to Plantation volunteers than the average departments, because of the different skill levels. He advised that firefighting is a locational hands-on, physically challenging profession which requires a certain number of bodies, well-trained with the right equipment to do the job. Mr. Pudney advised that the opportunities for volunteers are greater than a career Firefighter; he added that the training hours globally are greater and the opportunity might create an equal or better trained Firefighter.

The Chair asked Mr. Pudney if there were minimum standards would his Firefighters meet them. Mr. Pudney replied that there are minimum standards (NFPA 17.10 and 17.20); he advised that should a training standard come out that everyone must meet the City of Plantation would do so. He stated that 75% - 80% of the City of Plantation Firefighters is Firefighter 2 certified.

The Chair inquired about Plantation's ISO rating. Mr. Pudney gave a definition of how ISO works and how they rate. (Best rating is a 1 – Worst rating is a 10); the City of Plantation's rating is a 3.

Ms. Kaletta asked Mr. Pudney if the City of Plantation Fire Department has any other weakness. Mr. Pudney replied that recruitment and retaining are issues.

Ms. Kaletta asked Mr. Pudney if Plantation is a part of Mutual Aide with surrounding Cities. Mr. Pudney replied yes, they meet the requirements in the Mutual Aide Pack.

Ms. Kaletta asked Mr. Pudney how the Firefighters are dispersed. Mr. Pudney replied that their initial response plan is a combination of technology, radio dispatch, and pagers; that they notify the two closest fire stations and those members respond to the fire station if they are not already there. He advised that they have a minimum requirement to respond. Ms. Kaletta asked Mr. Pudney if it is a choice to show up, or if there is a schedule, how the firefighters are committed. Mr. Pudney replied that volunteers are able, to not respond if they are not available. He stated there is a process in place which ensures coverage that duty schedules are posted in the stations. He advised that training and dedication of the department dictates the response, he added that they have 200 volunteers which average 42 firefighters per response.

Ms. Kaletta asked if the Mutual Aide is handled the same way. Mr. Pudney replied that it is the same system but instead of the call being in Plantation it is another area, he added that the response plan is built into the CAD.

Mr. Mena informed Mr. Pudney that response was an issue in Coral Springs. He asked Mr. Pudney if there have been any problems with response. Mr. Pudney replied no, and stated that on his staff he has a mixture of volunteers and career. He stated that he is very familiar with the City of Coral Springs and the reason volunteers failed to respond was due to a change in the model.

Ms. Eisinger pointed out that Plantation is the only City with a Strong Mayor form of government, she asked if Mr. Pudney is advocating for volunteer or for mixed. Mr. Pudney replied no, he advised that the model works for Plantation, but it could not be recreated. He suggested that this model should not be County-wide.

Mr. Pudney explained Mayor Armstrong's absence for the record and extended an apology on her behalf. He advised that she asked that the dais keep in mind that Plantation's model works and one hat does not fit all.

Mr. Benson asked Mr. Pudney when visiting States and Cities outside of Broward County, if the models visited were volunteer programs. Mr. Pudney replied yes. Mr. Benson asked Mr. Pudney if there were any automatic Mutual Aide agreements established with other municipalities. Mr. Pudney replied no, Plantation has a signed agreement with all municipalities

in Broward County. He advised that it is always voluntary, that there is a system in place that BSO manages real time and handles the mutual aide dispatch. Everyone has the ability to not respond.

Mr. Mena suggested that the dais identify what is meant by minimum standards. The Chair advised that NFPA 17.10 does not apply to the volunteer firefighters. Mr. Mena explained that minimum standards can apply not only to the training of the individual, but also the engines. The Chair asked if an amendment was passed would the City have to comply.

Mr. Wilson advised that a number of legal documents have been reviewed relating to this issue. He stated that if the dais takes the Charter from where it is now, it does not cover the entire spectrum of Fire Rescue and Fire protection. He stated that it recognizes where the County has a responsibility for a County-wide communication infrastructure, and that by not identifying certain areas, it recognizes that the municipalities have an area of responsibility. Mr. Wilson advised that the bright line is that the County does have the ability to establish standards or regulations in Fire Rescue; he added that where the lines seem to have been drawn is that those regulations can not go beyond the area of transferring service from the municipalities to the County. You cannot talk about standards from a municipality standpoint without looking at unfinanced or unbudgeted mandates. He asked if it is appropriate for the County or the CRC to look at regulations and under regulations would befall the standards; he stated that answer would be yes. However, he suggested looking very carefully at whether there is any attempt by the County to move into areas where it will not be transferred. Mr. Wilson offered to look at this issue in more detail and get back with the dais.

The Chair advised that Palm Beach County made their own standards; he asked if Broward County did the same, would the Cities be obliged to comply. Mr. Wilson advised that if it is by amendment, he believes that the municipalities would have to comply with those standards.

Mr. Penezic asked if standards requiring funding will be a big issue. Mr. Wilson advised that the Courts recognizes the ability of the regulatory agencies to establish or set / mandate fees to implement those very same regulations, he urged the dais to consider that the two go hand in hand. Mr. Penezic stated that if Property Tax reform affects the Cities, it would seem that funding and standards will come up quickly. Mr. Wilson urged the consideration of this component. He advised that he believes that it is a real issue. He added that when looking at the current Charter, standards and funding are not addressed.

The Chair advised that the last Charter did look at standards and advised that there was a compromise; he then referred to issues of the dais, the third being Firefighter Minimum Standards.

Mr. Benson advised in reading 5.02A of the Charter that the words “not protected by” might preclude the application of Minimum Standards unless the motion is brought forward that there must be a set of standards. Mr. Mena asked is if they can build from the minimum up. Mr. Wilson advised that there are varying levels of minimum. He explained that what he believes the PSSC is considering is the level of service the County should expect from a policy standpoint on a countywide basis regardless of location. Ms. Kaletta asked if it would be appropriate to say in the Charter that there will be minimum standards on training etc., to be determined by the Broward County Fire Rescue Council, which will allow the standards to be changed more easily as the need would come about.

Mr. Wilson advised that Ms. Kaletta is correct in terms of how the working document should be interpreted. He suggested that a document of this nature and emphasis of the body should be looking at policy information. He advised that what the standards are, and how they should be reviewed is more at the operational level of the Council. Ms. Kaletta asked if this would be a viable thing to do; she added that this would give the Broward County Fire Rescue Council more authority. Mr. Wilson replied that based upon preliminary research, the area of setting regulations is an area that is acceptable for not only the PSSC, but for the Charter to consider.

Mr. Trower stated that he would support having Counsel on this issue, and inquired about a question he asked earlier, regarding who is in charge of the Fire Department. He suggested that the dais get a clear definition on that issue. He asked what purview the CRC has over minimum standards, operational and constitutional issues. He advised that they cannot create unfunded mandates for municipalities without legislative action. Mr. Trower suggested the scope of ability to manage the issue should be on the next meeting agenda.

Ms. Eisinger clarified that it be added into the Charter to empower the BCFRC to make minimum standards; she asked if it is an issue of home rule. The Chair agreed to table the conversation until the next PSSC meeting and give General Counsel time to review. He advised that they must do both, he added that the BCFRC should be more than just an advisory group.

Mr. Penezic inquired whether it is appropriate for the Charter to delegate the authority to an advisory group. Mr. Wilson replied yes, that the Charter can delegate and indentify a group or Counsel to make recommendations. He stated that it would not be the CRC. Mr. Penezic clarified his question and asked, assuming that the Advisory Board becomes something more than advisory can the Charter create a Board with that kind of power to mandate those changes. Mr. Wilson replied generally yes as it relates to the Charter, but asked the dais to allow Counsel time to look at it and get back to them. Mr. Penezic suggested getting legal parameters.

Mr. Benson made an observation that is to remember the protocols. He explained that if the dais can move and agree to any language and it is approved by the CRC, the people make the decision.

The Chair suggested for the next meeting to invite Mr. Carpani the Director of Communications, Department of Administration BSO.

The dais agreed that the next meeting will be held on Wednesday, May 30th at 3:00 pm location is to be determined.

Ms. West advised that Section 5.02 seems to speak about Broward County as it is now (before becoming fully incorporated). She suggested that it might need to be updated because Broward County will have no more unincorporated areas by 2010. Ms. Eisinger reminded the dais that the Airport and Seaport are still there.

Mr. Mena expressed his concern with the attendance of BSO. All representatives of BSO advised Mr. Mena that they were present. Mr. Mena stated that law enforcement needed to be discussed. The Chair advised that the discussion has to be regarding coordination with Fire Rescue.

Mr. Mena advised that they can not have PSSC without involving Law Enforcement. A brief discussion ensued among the dais regarding BSO involvement. The Chair advised that BSO is present and all agreed that coordination between Fire and Police and other issues will be discussed.

IV. Public Comment

Chief Kenneth Pachnek, BSO advised the dais for the record that he will be in attendance at all meetings. Mr. Curry advised Mr. Mena that Police, Fire and Communications Technology are present and will continue to be available.

V. Adjournment

There being no further discussion the meeting was adjourned at 4:30 pm.

The minutes of this meeting are recorded on CRC-PSSC CD # 5.9.07 (BCGV CTR)