

**Summary of Discussion
Broward County Charter Review Commission
Public Safety Subcommittee Meeting
Wednesday, September 12, 2007
Broward County Governmental Center – Room 430
1:00 PM - 2:30 PM**

Members Present:

Mayor Debby Eisinger, Vice-Chair
Maggie Davidson
Ms. H.K. “Petey” Kaletta
Commissioner Ted Mena
Mr. Wil Trower

Members Absent:

Dr. Mark Lieberman
Commissioner Hayward Benson

Others Attending:

Richard Carpani, Director Communication Technology, BSO
Chedley Etienne, Administrative Assistant, CRC
Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC
Phyllis A. King, Transcriber, PKING Consulting
Mr. Bruce Moeller, City of Sunrise Fire Chief
Chief Kenneth Pachnek, Lauderhill Police Department
John Picarello, Pembroke Pines Fire Rescue
Commissioner Hazelle Rogers, CRC Vice-Chair
James Saunders, Esq., Williams, Wilson, & Sexton, PA
Patricia G. West, Executive Director, CRC
Mel Wilson, Esq., Williams, Wilson, & Sexton, PA

(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 1:00 p.m. on Wednesday, September 12, 2007 at the Broward County Governmental Center Annex – Room 430, Fort Lauderdale, Florida 33311.

I. Call to Order/Roll Call

Vice-Chair, Mayor Debby Eisinger called the meeting to order at 1:26 p.m. She requested the roll call by Phyllis A. King, PKING Consulting, Inc. Upon completion of the roll, Mayor Eisinger recognized the presence of a quorum.

II. Approval of Summary of Discussion from August 29, 2007 Meeting

Ms. West stated for the record that Mr. Joe Benavides was not in attendance at the August 29, 2007 PSSC meeting.

Mr. Mena MOTIONED to approve the August 29, 2007 Summary of Discussion with requested correction, Ms. Kaletta SECONDED, and the MOTION passed unanimously.

[Mr. Trower entered at this time 1:30 p.m.]

III. Discussion of Proposed Public Safety Council (Purposed- Scope of Responsibilities)

Ms. Eisinger asked that Mr. Wilson read proposed Resolution 2008-00XX.

The Resolution was read into record by Mr. Wilson.

Mr. Mena MOTIONED that the subcommittee discuss and approve proposed Resolution 2008-00XX, Mr. Trower SECONDED and the MOITON passed unanimously.

Mr. Mena advised that he wished to have clarification from legal counsel regarding the minimum standards provision for the record.

Mr. Wilson: The minimum standard provision is addressed – if you would turn to page 3 of the actual Legislative tracked change of the document and the specific language is identified in paragraph D and the related language that we discussed at the previous meeting in the event that a minimum standard or minimum standards, which are subsequent, to be adopted as an ordinance by the County Commission is what would prevail. Paragraph D and paragraph E on page 3 has the specific language. Starting with paragraph D it reads, "the Council recommends to the County Commission minimum standards identifying desired level of service for Fire Protection in emergency medical services. The Council shall adopt a schedule to develop such minimum standards" – and then it reads pending further consideration and approval by the Public Safety Subcommittee. E provides that an ordinance establishing minimum standards that identify desired level of service for Fire Protection and Emergency Medical Services as described above, if adopted by the County Commission, shall prevail over a municipal ordinance to the extent of any conflict pending further consideration of approval by

the Public Safety Subcommittee. The intent of including this provision was to reflect what we believe the subcommittee had voted on, with respect to minimum standards or the intent of the subcommittee to vote with respect to minimum standards.

The second sentence of that paragraph deals with the issue of time frames. There were some discussions, although not voted on, that if there was a Council that looked at minimum standards, should there be a time frame set as to when those minimum standards should come forward. We looked at the issue and added language that talks about a schedule to be adopted by the Council instead of a specific timetable or date. We felt that it might frustrate the intent of the subcommittee or the Commission if it were to become a Charter amendment, for the following reason, this process and the process of – let's say if the Council should pursue minimum standards. This process could be extended over a period of time. It would be out of this group's control once adopted. If for some reason unknown at this time that those dates and time tables aren't met, then there would be some limitation as to whether or not you could do anything if you don't meet within those time frames. If that were the case, the Charter would have to be amended again to address that issue, whereas this provision gives flexibility.

We are not saying whether you should vote yes or no on it. We are saying this is the appropriate language to address the issue, if this Committee should decide that they want to (1) Include minimum standards and (2) Set some kind of timeframe as to when those minimum standards should come forward.

I must add that there is an additional issue that we noted from your July 17 meeting. You did pass unanimously – the motion was made by Commissioner Mena that Broward County would decide what the minimum standards are for Fire and Police departments, Mr. Trower seconded that motion and it carried unanimously. I want to make two points regarding that particular motion that was passed (1) If this subcommittee still wants to go forward with minimum standards, based on discussion at the last meeting that we had in August, you would need to clarify –I do not believe it is the intent of the subcommittee to include Police Department with respect to minimum standards. (2) I believe at the last meeting Commissioner Mena did express very clearly that he felt that minimum standards was not something that the subcommittee should approve or go forward with; The subcommittee would have to try to address that issue as well.

Mr. Mena stated that he does not believe that the Charter Review Commission should be in the business for setting standards for police or fire. He stated that the Council should set standards based on advice from the Fire Department and their NFPA standards and he believes that some

cities will be opposed to having minimum standards imposed on them. He suggested leaving minimum standards and the Public Safety Council to the body that could recommend to the County Commission what the standards should be.

Ms. Kaletta asked if the proposed Council would be adopting or recommending.

Mr. Wilson: The first sentence addresses the question whether or not the Charter Review Commission wants the Council to recommend minimum standards to the County Commission, that is all it does. If you want the Council to recommend minimum standards, that is what the first sentence does. The second sentence addresses the other issue that has been discussed, as to whether or not you want to put a timeframe or a timetable on that Council. While we suggest that, and recommend that a specific timetable may not be recommended, maybe you want to give them the authority to set their own timetable when they should come up with their own minimum standards.

Ms. Kaletta asked if the Council will have authority.

Mr. Wilson: That is the intent of the second sentence but only to recommend.

Ms. Kaletta asked if there is a way to include something that incorporates the need of the various communities.

Mr. Trower responded that the purpose of the Council is to bring the players together to come up with something that is workable.

Ms. Eisinger agreed with Mr. Trower. She stated that her concern would be personally for the health and safety of the residents, and imposing unfunded mandates upon the municipality. Her biggest concern would be the home-rule issue, because she does not believe the amendment would pass if it were proposed as an unfunded mandate.

Mr. Mena asked Ms. Eisinger for clarification of her comment. Ms. Eisinger asked the subcommittee members if the municipalities already have set standards, who will pay the additional cost. Mr. Trower stated that all the subcommittee can do at this point is to create a super-structure from which they can operate. Ms. Kaletta advised that there is representation on the Council to keep it from becoming an unfunded mandate. Ms. Eisinger stated that she supports the amendment, but can also see other elected officials feeling uncomfortable because of municipal ordinance. A brief conversation ensued.

IV. Discussion of Time Frame for Recommendations regarding Communication System

Item IV was tabled until the next Meeting.

V. Discussion of Time Frame for Adoption of Minimum Standards

Mr. Moeller: Minimum Standards is a nomenclature; Commissioner Mena made reference to that. The fiscal impacts of that for most communities would be extremely expensive, if that recommended practice was adopted as a minimum standard in Broward County. He even made reference to the fact about the funding issue. Section 5.03 does in fact talk about communication, which says that, "The County shall provide funding for the County-wide communications infrastructure." That is what passed last time. The last time the Charter was amended, if in fact it is significant enough to develop minimum standards for Fire Rescue – if it is important enough for a policy decision to say that, regionally, we believe that all the players should be at the same minimum standard – as was done in the prior Charter revision. I think it is appropriate to say there should be regional funding to achieve those minimum standards, and that would avoid some what, with what the chair pointed out, the unfunded mandate that would come with it. If there is a desire to have minimum standards County-wide, because the voters of the County believe – perhaps it is appropriate to say that County-wide, we should fund those minimum standards. I will leave my comments to that.

Ms. West asked why the County would want to do that if they are as explained by Mr. Corwin getting out of the municipal services business.

Mr. Moeller: There are some services that are provided; we do not look at it as an individual city, but we look at it as a region. The regional funding mechanism unfortunately is the County Commission.

Mr. Trower asked Mr. Moeller if minimum standards have to be at the NFPA standards.

Mr. Moeller: I do not think there is a requirement for that; it certainly could be something other than that.

Mr. Moeller questioned why the subcommittee would consider minimum standards are for Fire and not for Police.

Ms. Kaletta referred to a previous meeting where it was agreed that each community has different needs, and minimum standards may not be appropriate for all.

Mr. Moeller: If you look at South Florida and Broward County and the high penetration that we have of senior citizens that live here, the demand for EMS services is much higher in this area of the nation than it is in many other areas. So to take a number and say I need one rescue truck for this 25,000 population is completely different. In the study done for Broward County by an independent research company, our call volume for the 100,000 population was significantly higher than Miami Dade County. So if a standard is created in this region – if you look at those communities that have senior citizens housing areas and contrast that to an area that does not have as large of a population – to make a standard to say that you would only need one rescue truck for 25,000 may not make sense in Coral Springs, because it is too much and it may not make enough in a community that has a large population of senior citizens.

Mr. Mena explained that Coral Springs does not have a high percent of senior citizen population, but there is a very high population of younger people.

Ms. Kaletta advised that she believes Mr. Moeller does not feel that minimum standards would be a positive mandate.

Mr. Moeller: When I read language like minimum standards, respectfully, that is exactly what it says to me, **everybody** will do it this way. Now if the language says that there will be X number of people on a fire truck, then that is how many people that are going to be on a fire truck. I spoke to the full Charter Review Commission and I believe I referred to a number of standards and practices and things that we have. I published an article recently that speaks to that issue regarding Section 17.10 – every single agency in Broward County, in fact, South Florida uses the exact same medical treatment protocols; every one of us - we have the same standards, which are done in the State, and it defines how we respond. The question becomes this, “is it appropriate for the regional government at the County level to say that we can develop a set of standards that have greater meaning and value and impose that as a minimum standard on different cities.

Ms. Eisinger stated that the County has gone regional in terms of looking at services, and the cities are so close to one another that Broward County has mutual aide and inter- local agreements. She added that regional does not mean that the County is going to take over funding of all fire rescues. She has thought of subsidizing any city that did not meet the standards.

Mr. Mena suggested that the subcommittee cross out minimum standards.

Ms. Eisinger advised that there is a Motion on the floor to address the resolution, and the subcommittee would have to make an amendment to change any part of the resolution.

Mr. Trower advised that if the subcommittee is interested in pushing this issue forward to make a change, they would have to do two things, number one being to follow up on the wording about the County prevailing over the cities, number two, the subcommittee would have to amend section 11 A. of the Charter, which describes minimum standards as an alternative.

Mr. Wilson: If section 11 A. is there – in other areas, they have had it in two different places or they have had in the actual Article that applies. I am not opposed to it at this point, is what I am saying.

Mr. Trower advised that there is another police labor organization that is trying to organize another agency. He suggested that the language be changed to something similar to prevailing police labor organizations.

Mr. Wilson: Change item 13 page 3 language to “One member shall be a representative from a law enforcement labor organization as determined by the local law enforcement organizations of Broward County.”

Mr. Trower MOTIONED to change the language in item 13 page 3 of the proposed resolution to say “One member shall be a representative from a law enforcement labor organization as determined by the local law enforcement organizations of Broward County”, SECONDED by Ms. Kaletta.

The Chair called for a roll call vote.

Ms. Maggie Davidson Yes

Mayor Debby Eisinger Yes

Ms. H.K. “Petey” Kaletta Yes

Commissioner Ted Mena Absent for vote

Mr. Wil Trower Yes

MOTION PASSED 4 Yes – 0 No – 1 Absent

Ms. Eisinger asked Mr. Wilson to go through the changes that were made to the resolution.

VI. Discussion of Prevailing County Ordinance for Minimum Standards

Mr. Wilson: Minimum Standards is probably one of the biggest issues that this subcommittee and the full Commission will have to address, because there is obviously a lot of opposition to it as well as, how it would be implemented and the impact. One of the other things that we have seen out there is language like, reasonable standards or performance measures to kind of soften it, but there is a balance in terms of how you write things, and clearly there's an understanding of what minimum standards are. But what I want to do is basically just quickly give you an idea of what the purposes are of some of the other changes in the text of the article. If you would turn to page 3, not of exhibit A, but page 3 of the Resolution section 2. What you have in this section is what would be the proposed title; the paragraph that follows would be the ballot question as it would be proposed, and just for the record as a guideline of 75 words for the ballot question. I think it is 15 words for the title.

Ms. West asked for clarification.

Mr. Wilson: That is the additional language that the Chair had talked about and this subcommittee needs to consider, whether or not in addition to minimum standards or in addition to communications. Whether or not you want to have or give the Council the additional authority to have other responsibilities as determined by the County Commission. I am just going to go through quickly what Exhibit A provisions are. I do have some issues to point out to you. On page one of Exhibit A section 5.02 – this was intended to be a fairly innocuous change. There had been a lot of discussion about Fire Protection, Emergency Medical Services, and Law Enforcement. We added into the title of 5.02 and Emergency Medical Services, primarily because that is what the first sentence says. We did get some response back from the County. I think, from Pete who indicated that there was some opposition to including emergency medical service as part of this title suggesting that we include any emergency medical service EMS in addition to Fire Protection. We responded by indicating we were simply reflecting in the title what was in the text, and that is why you see that title added, in case there are any questions regarding that.

On Page 2, section 5.03, as we have articulated this before, the Council that was created and the amendment that was created from the last Charter Review Commission dealt primarily with communications. That paragraph that is under 5.03 simply indicates that it is communication that we are dealing with. Substantively, what we did is we changed the title from Broward County Fire Rescue Council – that is moved down to a new section, and titled this section Public Safety Communication. This is the intent, and the substance of the paragraph has not

changed except for the following issue. This subcommittee wanted to add Law Enforcement; we simply added Law Enforcement and the other changes are merely technical changes. So what was section 5.03 that dealt with Fire Rescue Council is now called the Broward County Public Safety Council. It has been moved down to paragraph section 5.04; and there you see the additional language that talks about other public safety matters as directed by the County Commission. The additional language that the subcommittee needs to consider also has the name of the additional 4 members.

One last point I wanted to make with respect to paragraph 10 on page 2 where we have added the Chiefs of Police – I believe in the previous motion that was passed it referred to the Police Chiefs' Association. The group that exists in Broward is called the Broward County Chiefs of Police as opposed to Police Chiefs. There is a Florida Police Chiefs' Association that has members and directors that are in Broward County; : the local group. I thought the intent of this body was that they wanted the Broward County Police Chiefs – and their official name is the Broward County Chiefs of Police Association.

Ms. Gross referring to Section 2, Page 3 of the initial ballot language asked the subcommittee if the ballot question should be bifurcated since the language asks three distinct questions. She explained that should an individual not want minimum standards then renaming the Council and increasing its membership will also fail.

The Chair stated that Ms. Gross' question raised a good point and is well noted. She added that the subcommittee is proposing the resolution as one Charter amendment. The Chair mentioned that the subcommittee has not come to an agreement on the level of standards which is an item that needs to be discussed. She also suggested possibly breaking the resolution up into two amendments.

Mr. Trower advised that Police are using the same equipment.

Mr. Carpani: Yes, but there are different levels of interoperability. I think what we are trying to achieve here from my understanding in terms of radio interoperability for police communication, is trying to get everyone on a common platform.

Mr. Trower asked Mr. Carpani if the common platform is for emergency purposes only or is it for routine communications.

Mr. Carpani: It is communications for Public Safety, whether that is Fire Rescue or Law Enforcement. Mr. Trower asked if all calls would go through the same system. **Mr. Carpani:**

The dispatch calls will go through that system. Mr. Trower asked Mr. Carpani who runs the dispatch system. **Mr. Carpani: the County by Ordinance is running the system today.** Ms. Eisinger suggested that the language of the resolution be reconstructed. A brief discussion ensued.

VII. Discussion of Recommendation to Charter Review Commission

Mr. Trower MOTIONED to have the word “the” removed from section 2, SECONDED by Ms. Kaletta and the MOTION passed unanimously.

Mr. Mena MOTIONED to strike the language “providing that County ordinance shall prevail over conflicting municipal ordinances in matters relating to minimum standards for fire protection and emergency medical services.” Ms. Davidson SECONDED.

Ms. Eisinger opened the floor for discussion regarding Mr. Mena’s motion.

Mr. Mena advised that he does not believe that the resolution will pass with this language.

Mr. Wilson: Let me just try to explain why the prevailing language is there. Apparently, the Council can just make a recommendation. What we try to anticipate or envision is what happens if there are minimum standards recommended and somehow they get before the Commission and the Commission should decide to pass some law, in some ordinance, in some fashion dealing with minimum standards. Should that happen, we are not saying that it must or it will happen. What we are simply suggesting here is if that happens, then there should be some clarity as to if we get to that point, if there is an ordinance passed by the County Commission, then how does that affect conflicting municipal ordinances. That is what this is intended to do. I agree with you it is perhaps a lightning rod, but it addresses the issue of which should prevail. What I am trying to suggest is, if you want minimum standards and those minimum standards at some point in the future should become law, then you need to perhaps clarify which ones should prevail. This subcommittee can vote to take it out, but my recommendation would be, if you want minimum standards this goes along with it.

A brief conversation ensued.

Ms. Eisinger advised that she will not support the motion on the table; she suggested that the issue go before the full Charter Review Commission.

Mr. Mena WITHDREW his Motion to strike.

Next Meeting

Ms. Eisinger advised that the next Public Safety Meeting will take place on September 26, 2007 at 10:00 a.m. Ms. West will email the meeting location.

Mr. Mena MOTIONED to accept the resolutions with the amendments that have passed, SECONDED by Ms. Davidson.

The Chair called for a roll call vote.

Ms. Maggie Davidson Yes

Mayor Debby Eisinger Yes

Ms. H.K. "Petey" Kaletta Yes

Mr. Mena Yes

Mr. Wil Trower Yes

MOTION PASSED unanimously by roll call vote of 5:0

VIII. Public Comment None

IX. Adjournment

There being no further discussion the meeting was adjourned a 2:42 p.m. The minutes of this meeting are recorded on CRC-PSSC CD # 9.12.07 (BCGV CTR)