

Broward County Consolidated Communications Implementation Advisory Board

To: The Honorable Broward County Mayor and Commissioners

From: John R. Flint, Chair

Date: 1 February 2013

Re: Final Report for Implementation of Cooperative Consolidation of E-911 Communications
In Broward County, Florida

On behalf of the members of the Broward County Consolidated Communications Implementation Advisory Board (the "I Board"), I am pleased to transmit to you the Final Report for Implementation of Cooperative Consolidation of E-911 Communications in Broward County, Florida (the "Report").

The I Board was created by County Commission Resolution No. 2012-159 on March 27, 2012. The I Board held its first meeting on April 13, 2012, and to date has had 19 meetings. All of the meetings complied with open meeting requirements. All of the I Board members participated in the meeting discussions, and had the opportunity to review and make contributions to this Report. The I Board, at its January 29, 2013 meeting, approved forwarding the Report to the County Commission, with only the City of Coral Spring opposed.

The I Board looks forward to the County Commission's consideration of the recommendations within the Report, and is prepared for a presentation and discussion of the Report with the County Commission.

Broward County Consolidated Communications Implementation Advisory Board

Final Report
for Implementation of Cooperative Consolidation of E-911 Communications
in Broward County, Florida

February 1, 2013

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Hollywood
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Margate
Miramar
North Lauderdale
Oakland Park
Parkland
Pembroke Pines
Pompano Beach
Southwest Ranches
Sunrise
Tamarac
Weston
West Park
Wilton Manors

In Opposition

Coral Springs

Other

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(opposed county ad valorem, favored
33%/33%/33% MSTU/CFS/POP)

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No Resolution

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Lazy Lake
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BACKGROUND

The Broward County Consolidated Communications Implementation Advisory Board (the "I Board") was created by the Broward County Board of County Commissioners (the "County Commission") by Resolution 2012-159 (the "Resolution") adopted on March 27, 2012 (Exhibit 1).

The purpose of the I Board is to review, consider, and make recommendations to the County Commission relating to the creation, governance, funding, and operations of a regional and cooperative consolidated E-911 communications system which shall include the development of an Interlocal agreement ("ILA") to be utilized by all participants in the regional and cooperative consolidated E-911 system.

The membership of the I Board consists of municipal managers/administrators from all Broward County municipalities, the County Administrator, the Sheriff or designee, a representative from the Broward County Chiefs of Police Association, and a representative of the Fire Chiefs Association of Broward County (Exhibit 2).

The scope of the I Board's responsibilities, as set forth in the Resolution, includes but is not limited to, governance, funding, and operations. The Resolution provides that the I Board submit a written draft report to the County Commission no later than November 15, 2012, and the final report shall be submitted to the County Commission by February 1, 2013.

The basis for the commencement of the I Board's work is the Broward County Consolidated Communications Committee (the "4C Committee") Report and Recommendations for Cooperative Consolidation of E-911 Communications in Broward County, Florida, dated March 7, 2012 (the "4C Report") (Exhibit 3).

The first meeting of the I Board was April 13, 2012. The I Board proceeded to meet approximately twice per month thereafter. The I Board received an overview of the 4C Report, and a report from each of the 4C Committee sub-committee chairs for funding, governance, and operations respectively.

Pursuant to the Resolution, the I Board was charged with submitting a Draft Report to the County Commission no later than November 15, 2012, and a Final Report by February 1, 2013. The I Board submitted its Draft Report to the County Commission on November 15, 2012. The County Commission, on December 4, 2012, adopted a motion to file the Draft Report (Exhibit 8). With the submittal of this Final Report to the County Commission, the I Board will have concluded its work.

FUNDING

The I Board decided to address the issue of funding first, because without a consensus of the I Board members as to how to fund a countywide consolidated E-911 system there would be little purpose in pursuing the governance and operations issues.

The 4C Report Points of Consensus – Funding states the following:

- Funding must be equitable, stable and predictable;
- Funding must take into account this is a regional function;
- Any ILA must provide stability, predictability, transparency and equity of funding;

The 4C Committee considered three potential funding options: (a) Municipal Services Taxing Unit, (MSTU) millage set by the Broward County Commission and dedicated to communications only; (b) Service agreement predicated on usage, population, taxable value, or some combination of those three; and (c) County funding through Ad Valorem.

After consideration by the full 4C Committee of the funding and history options, there was broad consensus that Broward County should maintain not less than the current dollar funding level in the new consolidated organization in the immediate future (during the transition period of approximately three years) and the County's funding in future years should be in the same proportion as its initial funding in the consolidated organization, disregarding transition costs. Additionally, the gap in funding between the level of the County funding and the total operational costs of the consolidated model should be funded via ad valorem through a Municipal Services Taxing Unit ("MSTU").

The I Board considered all of the funding methods contained in the 4C Report to fund the gap in the funding between the level of County funding offered as an incentive for current E-911 operators to participate (\$19.7 million) and the total operational costs of the consolidated system. The gap is currently estimated at \$17.6 million at full efficiency.

In considering the MSTU, I Board members identified inequities as municipalities with higher property values would be paying a disproportionately higher share of the cost of the system, and conversely, municipalities with lower property values would be paying a disproportionately lower share of the cost of the system. Further, this method does not provide an incentive for current E-911 operators to participate.

In considering the funding method predicated on usage, population, taxable value, or some combination of the three, the I Board considered numerous scenarios having varying percentages of usage, population, and taxable value, with the last iteration being based on simplicity rather than having a rational or logical basis, one-third based on usage; one-third based on population; and one-third based on taxable value (Exhibit 4). However, the I Board determined that this method lacks long-term stability

and predictability as two-thirds of the annual municipal funding portion relies on the willingness and ability of each of the 31 municipalities to consistently and without exception appropriate the required funding. Finally, this method does not provide an incentive for current E-911 operators to participate.

In considering funding wholly through County ad valorem taxes, the I Board was reminded by the County Administrator on many occasions that the County Commission has to date not supported this method. However, after extensive consideration of the other methods and the fundamental principles of stability and equity, the I Board chose to recommend funding wholly through County ad valorem taxes as the preferred method with the greatest incentive for regional participation.

On September 21, 2012, the I Board voted 16-2 (with Broward County and Coral Springs dissenting), to support a resolution for the adoption of a plan for cooperative countywide consolidation of E-911 communications and dispatch, to be operated (or contracted for operation) by Broward County, and to be wholly funded through County ad valorem taxes. This method provides the greatest incentive for all current operators to participate in a consolidated system, and provides stable and predictable funding of a consolidated regional system for the long term.

The governing bodies of 23 of Broward's 31 municipalities representing 86.68% percent of the incorporated population of Broward County, and the Broward League of Cities, have each adopted a resolution to support the adoption of a plan for cooperative countywide consolidation of E-911 communications and dispatch, to be operated (or contracted for operation) by Broward County, and to be wholly funded through County ad valorem taxes (the "Resolutions") (Exhibit 5).

GOVERNANCE

The I Board considered the 4C Report Points of Consensus – Governance which identifies two potential models for governance and operations, being:

The 4C Committee recommends further consideration of two potential models for governance and operations; (a) a regional model where the Board of Directors would have hire/fire authority over the Executive Director through the Broward Sheriff operations; or (b) a similar model operated through Broward County government.

It was the consensus of the I Board that a model operated through Broward County government was the preferred model.

Based upon direction from the I Board, the County Attorney's Office drafted a governance section for a proposed Interlocal Agreement ("ILA") which provided that the regional communication system be implemented through a department of Broward County government. The County Attorney's office advised that county employees would need to report to the County Administrator. If there is to be an Executive Director appointed by a Board of Directors, under the model operated through County

government, the departmental county employees would still need to be directed by the County Administrator. Such an employment arrangement raises several issues: First, this employment arrangement does not currently exist within County government. Second, this arrangement is counter to the Council-Manager form of government enjoyed by the County. Third, such an arrangement would provide numerous opportunities for conflict between a Board of Directors and the County Administrator over the supervision and accountability of the Executive Director.

If the County Commission responds favorably to the adoption of a plan for cooperative countywide consolidation of E-911 communications and dispatch to be operated (or contracted for operation) by Broward County, and to be wholly funded through County ad valorem taxes, then it stands to reason that the County Commission should have governance over the system, including the appointment of an Executive Director.

Currently there exists several cooperative professional/technical boards/committees comprised of public safety and communications professionals from the current E-911 operators that establish standards, protocols and procedures shared among those operators (Exhibit 6). These boards/committees are a valuable asset to the systems as they exist today and can continue to be equally, if not more, valuable in a consolidated regional system. The I Board is committed to the involvement of these boards/committees in the future regional solution.

OPERATIONS – Site Locations

The 4C Report Points of Consensus – Operations recommends reducing the number of PSAP's to three for the entire county, from the current ten, and using three geographically separate PSAP/911 locations. The Report also recommends before site selection to have an expert to obtain validated opinions on viability and desirability of chosen infrastructure.

At its July 19, 2012 meeting, the I Board selected five potential current PSAP site locations, including Coconut Creek, Sunrise, Pembroke Pines, Hollywood, and the County's Public Safety building. The Coconut Creek, Sunrise, and Pembroke Pines site locations were included as they were identified as "flee-to" sites in the Broward PSAP Consolidation Feasibility Report. Hollywood requested that its site location be included as the city's intention is to participate in a consolidated system. The County's Public Safety Building site was included as it is an existing PSAP and operated by the Sheriff of Broward County.

The I Board requested the County to obtain the services of an expert to evaluate each of those five sites for viability and desirability. The evaluation of each site includes, but is not limited to, square footage, year built, hurricane category strength, line and stand-by power systems, and voice and data capacity.

The County Commission, on August 21, 2012 authorized the County Administrator to hire the appropriate expert, being the firm of Saltz Michelson Architects, Fort Lauderdale, Florida. Saltz

Michelson prepared the "Investigative Report for Broward County 911 Dispatch Centers" dated January 16, 2013 (Exhibit 9) and presented its findings to the I Board on January 18, 2013. Saltz Michelson did not offer any recommendations as to any of the five sites the firm investigated.

The Broward County Department of Public Works, based on the Saltz Michelson report, recommended that the sites located in the cities of Sunrise and Coconut Creek be considered for two of the three consolidated sites, and that third consolidated site be either the one located in the city of Pembroke Pines or the one located at the County's Public Safety Building (Exhibit 10).

The I Board, at its January 18, 2012 meeting, voted to accept the Saltz Michelson report and the recommendations of the Department of Public Works with the County to finalize the site selection; only the city of Coral Springs opposed.

OPERATIONS - Metrics

The I Board, on December 7, 2012, formed the Operations Sub-Committee for the purpose of identifying the most appropriate guidelines for a cooperative countywide consolidated E-911 communications service model that would best serve Broward County. The Sub-Committee members are its Chair, Richard Lemack, representatives of the currently operating PSAP's, representatives of the Fire Chief's Association and the Police Chief's Association, and the County's EMS Medical Director.

The Sub-Committee met on December 21, 2012, January 4, 10, and 17 2013, with all meetings in compliance with Florida's Sunshine Law. The Sub-Committee issued its report on January 17, 2013 (Exhibit 11).

In summary, the Sub-Committee identified the organizations, regulations, statutes, and standards that apply to 911 communications operations, and has recommended that the best and highest operational standard within each dimension should be used in the design and operation of a cooperative countywide consolidated E-911 system.

The I Board, at its January 18, 2013 meeting, voted to accept the Operations Sub-Committee report, with only the city of Coral Springs opposed.

If the County Commission responds favorably to the adoption of a plan for cooperative countywide consolidation of E-911 communications and dispatch to be operated (or contracted for operation) by Broward County, and to be wholly funded through County ad valorem taxes, then the County should take the lead in the coordination of consolidating the systems of the willing participants utilizing the expertise of the existing professional/technical boards/committees.

NON-PARTICIPANTS

The cities of Coral Springs and Plantation have stated that they have chosen not to participate in a consolidated regional system and prefer to operate their current systems independently. The remaining cities with currently operational PSAP's have expressed support of regionalization, as evidenced by passage of their resolutions supporting E-911 funding wholly by County ad valorem taxes, however; none of these cities have been asked nor have they stated if they would close their PSAP in order to participate in the consolidated regional system if their facility was not one of the three consolidated PSAP locations.

The City of Coral Springs raised the issue of double taxation for the same services should the consolidated regional system be operated (or contracted for operation) by Broward County, and to be wholly funded through County ad valorem taxes while Coral Springs continues to operate its own system. Coral Springs also requested to be included in any technical aspects of the consolidated regional system so that it can remain abreast of such developments. A similar situation was litigated in the District Court of Appeal of the State of Florida, Fourth District at *Palm Beach County v. City of Boca Raton and City of Delray Beach, et. al.*, 959 So. 2d 1017 (Fla. 4th DCA) rev. denied 10 So. 3d 631 (Fla. 2009) in October, 2008 (Exhibit 7), where the Court upheld Palm Beach County's right to operate a countywide communications system funded by county ad valorem taxes regardless of subordinate municipalities operating their own system. The City of Coral Springs has also raised a concern that the level of service that will be provided by the Countywide E-911 system will be lower than currently provided by the City of Coral Springs. The I Board shares this concern, and it is the goal and intention of the I Board that the level of service that will be provided through the Countywide E-911 system will meet or exceed that currently provided by the City of Coral Springs as well as national standards and will be more efficient with a lower cost per call.

The City of Fort Lauderdale has indicated that it is in the process of establishing its own independent public safety dispatch system and absent funding through a County ad valorem tax will likely not join a regional system.

RECOMMENDATIONS

The I Board requests the assistance and continued leadership of the County Commission in the effort to develop a regionalized E-911 and dispatch communications system for all of Broward County.

The I Board offers the following recommendations:

1. The County Commission adopt a plan for cooperative countywide consolidation of E-911 communications and dispatch to be operated (or contracted for operation) by Broward County wholly funded through County ad valorem taxes;

2. The County take the lead in the coordination of the communications professionals among the current E-911 operators to address the consolidation of the sites, the consolidation of the infrastructure, the consolidation of the respective staffs of the current operators, and the establishment of a professional structure with accountability based upon performance metrics that will meet or exceed national standards;
3. The status of the existing professional/technical boards/committees be codified within County Code or Administrative Code as appropriate, to assure the continuance of their contributions to a countywide consolidated E-911 communications system;
4. The County develops a methodology to fairly and equitably compensate the owners of the three PSAP sites selected for the use of their facilities;
5. The County Commission maintains governance over the countywide consolidated E-911 communications system, with the system being a unit of county government and the management hired by and reporting to the County Administrator, whether the County Commission chooses to operate the system or contract for its operation.
6. The County Commission make its best effort to have the cooperative countywide consolidated E-911 communications system as recommended herein operational by October 1, 2013.
7. The County Commission sunset the I Board coinciding with its filing of this Final Report so that the municipal managers/administrators may participate with their peers in the implementation of the cooperative countywide consolidated E911 communications system.

The municipal managers and administrators, along with the municipal and county public safety and communications professionals, are committed and stand ready to assist the county with the implementation of a countywide consolidated E-911 communications system as recommended in this report. This report was approved by the I Board to be forwarded to the County Commission at its meeting on January 29, 2013, with only the city of Coral Springs opposed.

ACKNOWLEDGEMENTS

The members of the I Board wish to thank County Administrator Bertha Henry, who has been the consummate professional throughout the proceedings of the I Board, her staff, and the staff of the County Attorney, whose assistance is greatly appreciated.

The members of the I Board also wish to thank the County Commission for the confidence they have placed in the municipal managers/administrators and public safety professionals to address this important regional matter.