

Broward County Board of Rules and Appeals Meeting Minutes

April 11, 2024

Time: 7:00 PM

Zoom Meeting Information:

<https://broward-org.zoomgov.com/j/1614982962>

Meeting ID: 161 498 2962

I. CALL MEETING TO ORDER

Chairman D'Attile called a published virtual meeting of the Broward County Board of Rules and Appeals to order at 7:00 PM.

II. ROLL CALL

Gregg D'Attile, Chairman
Ron Burr, Vice Chairman
Stephen Bailey
Jeffrey Falkanger
R. Art Kamm
Daniel Lavrich
Daniel Rourke
David Tringo
Dennis Ulmer
Derek Wassink
Lynn Wolfson

III. APPROVAL OF AGENDA

Mr. Lavrich made a motion, and Mr. Bailey seconded the motion to approve the agenda as posted. The motion was carried out by a unanimous vote of 9-0.

IV. APPROVAL OF MINUTES – March 14, 2024, Board Meeting

Mr. Kamm made a motion, and Mr. Wassink seconded the motion to approve the March 14, 2024, minutes as submitted. The motion was carried out by a unanimous vote of 9-0.

V. PUBLIC COMMENT (Except public hearing items on this agenda)

Public comments are limited to 3 minutes.

VI. CONSENT AGENDA

1. Certifications – Staff Recommended

CITY OF CORAL SPRINGS

Bell, Josh, Structural Inspector-Limited (Temporary 120-Day)

CITY OF DEERFIELD BEACH

Carle, Joshua, Plumbing Inspector (Temporary 120-Day)

CITY OF HALLANDALE BEACH

Brina, Antonio A., Chief Structural Inspector
Sauer, Philip A., Building Official

COUNTYWIDE

Alexis, Quesly, Structural Inspector
Alexis, Quesly, Structural Plans Examiner

Donovan, Kevin, Structural Inspector
Donovan, Kevin, Structural Plans Examiner
Gomes, Lecio Do, Electrical Inspector
Gomes, Lecio Do, Electrical Plans Examiner

Mr. Lavrich made a motion, and Mr. Tringo seconded the motion to approve the certifications as recommended. The motion was carried out by a unanimous vote of 9-0.

VII. REGULAR AGENDA

1. Updates, Deletions, and Moves to Board Policies

a. Staff Report

Dr. Ana Barbosa, Administrative Director, advised that she is recommending adoption of the following seven revised Board policies: 95-02 The Function of the Broward County Board of Rules and Appeals; 95-03 Probable Cause; 96-01 Staff Opinion; 05-01 Representation on the Board of Rules and Appeals Standing Committees and Appointment Guidelines; 06-06 Program guidelines for countywide certification of Broward County Certified Inspectors and Plans Examiners of all disciplines; 16-03 December Holiday Work Schedule; 20-03 Payment for First Attempt Taking Fire Inspector Examinations. Board and administrative policies were mixed. The recommended changes have to do with format and grammar. Those policies created for a specific time in history and no longer needed were eliminated. Some policies have been incorporated into the Code and therefore not needed as policies. Some policies were moved to the administrative grouping. The seven revised Board policies have been reviewed and approved by the Board Attorney.

Dr. Barbosa went into more detail about changes to Policy 95-02. The standing committees are no longer specified as having one meeting annually and an Energy Committee was added. Board members that serve on a committee would not vote on the matter when brought to the Board. Board Alternates could serve on committees. Both Ms. Wolfson and Mr. Ulmer are not discipline specific and therefore could serve on any committee. Ad hoc committees could be formed.

b. Board Questions

Mr. Lavrich noted that alternates have always served on committees, and he did not recall any issue with Board members voting on matters brought forward from a committee. Committees bring recommendations to the Board which is not binding. Mr. Charles Kramer, Board Attorney, indicated that pursuant to the Sunshine Law and different from fact-finding, committee members making recommendations cannot then vote on their own recommendations. In such case, Mr. Lavrich pointed out that committee makeup would then need to be examined because there are several Board members on committees. The Board has not prohibited Board members who have served on a committee from voting at the Board level. Mr. Kramer offered to provide an advisory memorandum on the Sunshine Law for clarity going forward. Dr. Barbosa indicated that policy could be removed from this evening's agenda so that it could be reviewed with the advisory memorandum along with the structure of the committees. Mr. Lavrich questioned if this is followed at the State level. He said that there are individuals serving on technical advisory committees that also sit on the Florida Building Commission. Mr. Kramer offered to investigate that question. In response to Chairman D'Attilio's question about the potential loss of a quorum, Dr. Barbosa advised that was the reasoning for a committee makeup being composed of alternates with the committee chair being a Board member. The composition would need to pay attention to the required discipline for each committee. Mr. Lavrich noted that there were four Board members on the Energy Conservation Committee. He went on to ask about a work group formed by the Board. He questioned if Board members that served on the work group would be prohibited from voting when the matter came before the Board.

Mr. Burr asked about the length of service of a Board member after the three maximum terms. Dr. Barbosa commented that maximum for a Board member is nine years. Board member maximum terms was one outcome of the City of Sunrise Mayor Ryan's recent comments. The League of Cities has requested a membership list including the length of service. There will be people applying to serve on the Board. Mr. Lavrich commented that historically a Board member that reached their

maximum three terms could be reappointed as an alternate. Although he could not speak for every Board member, he has followed the procedure in requesting reappointment by the League of Cities and sometimes serving as an alternate. Dr. Barbosa indicated in researching this matter, she did not find anything along those lines. She added that the Charter is silent with respect to alternates. She offered to look further.

c. Board Action

Mr. Tringo made a motion, and Mr. Falkanger seconded the motion to approve all policy recommendations excluding Policies 95-02, Function of the Board, and 05-01, Representation on the Board Standing Committees and Appointment Guidelines. The motion was carried out by a unanimous vote of 11-0.

2. Director's Report

Dr. Barbosa noted that she spoke at the Board's recent open discussion about City of Sunrise Mayor Mike Ryan's recent comments. She has met with most of the County Commissioners and Mayors. Sunrise adopted a resolution to stop the 25-year Building Safety Inspection Program and sent it to all Broward municipalities. She attended the Sunrise Commission meeting this week and indicated that nothing has been brought before the Board of Rules and Appeals. The program was discussed at the committee level and all the building officials. The general thinking was that this first year would be difficult and easier going forward. It will be less expensive at the ten-year intervals because maintenance will happen more frequently. The Sunrise City Manager wanted the Board to give the building officials the ability to provide extensions. However, in fact, building officials already have that ability. Because he was unaware of this option, everything was sent to the Special Magistrate. The discussion ended on a positive note. She emphasized at the meeting in Sunrise that she needs to think of the greater good for all thirty-two jurisdictions in Broward County and staff looks carefully at matters from that perspective.

Chairman D'Attile complemented Dr. Barbosa on her professional handling of the matter.

Dr. Barbosa appreciated Mr. Stephen Pizzillo, Building Official, City of Pembroke Pines, coming to the defense of the Board.

Mr. Pizzillo commended the Board for hiring such an exemplary director. He felt the relationships of most building officials with the Board's staff is as close as it has ever been. He commented that there are several buildings that would not have been inspected that are being declared unsafe. He cautioned against dissolving the program because of the professional engineering fee. He supported the Board's actions.

3. Attorney's Report - none

4. Committee Reports - none

5. General Board Member Discussion

Mr. Lavrich thanked the Chair, Board and Director for the plaque he received recognizing his service as Chair of the Board.

In response to Mr. Burr, Dr. Barbosa indicated her understanding was that House Bill 735 was postponed until the middle of 2024. Mr. Jose Cruz-Vellon, Chief Plumbing Code Compliance Officer, advised he was at a meeting today wherein the Broward County Attorney announced that House Bill

735 was approved and on its way to the Governor. Efforts are being made to postpone it a year. Chairman D'Attila asked staff to follow-up and provide a status report at the next Board meeting.

Mr. Burr spoke in favor of municipal zoning departments being under the building official's jurisdiction.

Adjournment

The meeting adjourned at 7:54 PM.



Chairman

If a person desires to appeal any decision with respect to any matter considered at this meeting, such person will need a record of the proceedings and, for this reason, such person may need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is to be based (FS Sec.286.0105).

Members: If you cannot attend the meeting, please get in touch with Dr. Barbosa at 954-931-2393 between 6:00 PM and 7:00 PM.