

Broward County Board of Rules and Appeals Meeting Minutes

May 9, 2024
Time: 7:00 PM

Zoom Meeting Information:
<https://broward-org.zoomgov.com/j/1605358384>
Meeting ID: 160 535 8384

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
Steven Feller
Shalanda Giles-Nelson
R. Art Kamm
Daniel Lavrich
Sergio Pellecer
Daniel Rourke
Robert Taylor
Dennis Ulmer
Lynn Wolfson

III. APPROVAL OF AGENDA

Mr. Lavrich made a motion, and Mr. Feller seconded the motion to approve the agenda as posted. The motion was carried out through a unanimous vote of 13-0.

IV. APPROVAL OF MINUTES – April 11, 2024, Board Meeting

Mr. Lavrich made a motion, and Mr. Feller seconded the motion to approve the April 11, 2024, minutes as submitted. The motion was carried out through a unanimous vote of 13-0.

V. PUBLIC COMMENT (Except public hearing items on this agenda) - none

Public comments are limited to 3 minutes.

VI. CONSENT AGENDA

1. Certifications – Staff-Recommended

CITY OF FORT LAUDERDALE

Pelaez, Ricardo III, Electrical Inspector (Temporary 120-Day)

TOWN OF HILLSBORO BEACH

Folles, George, Building Official

CITY OF PLANTATION

Sulaman, Mohamed M., Chief Plumbing Inspector

COUNTYWIDE

Prieto, Rosendo, Structural Inspector

Mr. Lavrich made a motion, and Mr. Feller seconded the motion to approve the certifications as recommended. The motion was carried out through a unanimous vote of 13-0.

VII. REGULAR AGENDA

1. Update to Board Policies 95-02, Function of the Board and 05-01, Committee Guidelines

a. Staff Report

Dr. Ana Barbosa, Administrative Director, explained that Policy 95-02 contained several policies that have now been moved to other areas as appropriate or deleted because they were already addressed in Chapter One. Also, some terms were updated. The proposed update is specific to the Board. She went on to advise that the Board Attorney has indicated that Board members may serve on committees and still vote on those items as Board members.

Mr. Lavrich felt it is essential to clarify what the Board would be voting on because both policies are listed under this one agenda item. Dr. Barbosa offered to provide an overview of Policy 05-01 before the Board votes. She went on to list the committees recommended for removal or have as an Ad hoc. The Energy Conservation Committee would be added. The Mechanical/Smoke Control Committee would be renamed to the Mechanical Committee. Ad hoc committees could be formed to address an issue. The Roofing Committee would be combined with the Structural Committee. The standing committees would meet as needed.

Mr. Burr wanted Policy 05-01 to come back to the Board with more clarity on membership. Mr. Lavrich pointed out that the committees' proposal is different than what has been in place for quite some time. He did not object to removing some committees that are not needed, but he felt the makeup of the committees should stay the same. He felt there should be more Board members on the committees. He pointed out that this policy was revised based on the thought that Board members could not vote if they served on committees; however, that has been changed based on the Board Attorney's opinion. Dr. Barbosa acknowledged that the agenda item for Policy 05-01 was not updated to take into account the Board Attorney's opinion that Board members could serve on committees and vote on matters coming forward from them. She is only requesting that the committees she listed be removed and that committees only meet on an as needed basis. The committee makeup would not change.

b. Board Questions

c. Board Action

Mr. Lavrich made a motion, and Mr. Feller seconded the motion to accept the updated Policy 95-02. The motion was carried out through a unanimous vote of 13-0.

Mr. Pellecer made a motion, and Ms. Wolfson seconded the motion to table consideration of Policy 05-01 and move to the next Board meeting. The motion was carried out through a unanimous vote of 13-0.

Mr. Feller requested at the next meeting that this item be revised to list each committee and its members so that the Board can efficiently decide upon each one.

2. Director's Report

Dr. Barbosa commented that the conversion project from paper to electronic is going well. In response to Chairman D'Attilie's question, Ms. Natasha Strong, Operations Manager, advised that completion should be within the next four to six months, by the end of the fiscal year. It will be a searchable database.

3. Attorney's Report

Mr. Charles Kramer commented that there are two types of committees that report to the Board; one is fact-finding, and the other is advisory. He initially thought that a Board member serving on an advisory committee could not then vote on the final decision. Upon further research, he advised that a Board member having served on an advisory committee can vote on the final decision. The Board of Rules and Appeals is not a formal judicial body, nor strictly governed by the Administrative Procedures Act (Florida Statutes Chapter 120). He elaborated upon the research findings. He issued an advisory opinion on this matter. He did not feel that the Board needed to take any action on this matter as it has been correct historically.

Mr. Kramer noted that the Board is being sued in circuit court by an individual named Mr. Butler. However, BORA still needs to be properly served. Mr. Butler alleges he has a right to submit plans to Broward County for approval even though he is not a licensed engineer or architect.

4. Committee Reports - None

5. General Board Member Discussion

Mr. Burr asked about the status of House Bill 735. Mr. Kramer offered to follow up.

Ms. Wolfson announced that she collects medical supplies from the deceased and anyone who no longer needs them. She then redistributes them to the uninsured, destitute, homeless, and emergencies at no cost. She noted the website Ostomyandfeedingsupplybank.org.

Mr. Ulmer noted the Open Discussion this Wednesday, May 15th. As Chairman D'Attilio will be out of town, Vice Chairman Burr will take his place.

6. Adjournment

The meeting adjourned at 7:48 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.