



BROWARD COUNTY BOARD OF RULES & APPEALS

JULY 9, 2020

MEETING MINUTES

Call to Order

Chairman Daniel Lavrich called a published virtual meeting of the Broward County Board of Rules and Appeals to order at 7:00 p.m.

Present:

Daniel Lavrich, Chair
Stephen E. Bailey, Vice Chair
Ron Burr
Gregg D'Attile
Jeff Falkanger
John Famularo
Shalanda Giles-Nelson
Sergio Pellecer
Daniel Rourke
James Terry
David Tringo
Dennis Ulmer

Mr. Tringo made a motion and Mr. D'Attile seconded the motion to approve the agenda as posted. The motion carried by unanimous vote of 12-0.

Approval of Minutes – March 12, 2020

Mr. Tringo made a motion and Ms. Shalanda Giles-Nelson seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 12-0.

CONSENT AGENDA

1. Certifications - Staff Recommended.

TOWN OF DAVIE

INSERRA, ASHLEY, FIRE PLANS EXAMINER

CITY OF HALLANDALE BEACH

FARIS, JOSEPH A., JR., CHIEF ELECTRICAL INSPECTOR

CITY OF HOLLYWOOD

GARCIA, CHRISTOPHER, FIRE INSPECTOR

REYES, SHENEVIA, FIRE INSPECTOR

CITY OF LAUDERHILL

SHAH, SYED ASIF, STRUCTURAL INSPECTOR – LIMITED – BUILDING (TEMPORARY 120-DAY)

CITY OF MIRAMAR

BRICENO, JULIO A., CHIEF MECHANICAL INSPECTOR

CITY OF NORTH LAUDERDALE

MEDICHINI, CRISTOFORO LUCIUS, ELECTRICAL INSPECTOR (PROVISIONAL)

CITY OF PARKLAND

CORRALES, ALEJANDRO D., STRUCTURAL INSPECTOR (TEMPORARY 120-DAY)

WILLSON, TONY WAYNE, STRUCTURAL PLANS EXAMINER - LIMITED (PROVISIONAL)

CITY OF PEMBROKE PARK

CORCUERA, GONZALO, CHIEF MECHANICAL INSPECTOR

CITY OF PEMBROKE PINES

EVIA, ADOLFO L., JR., STRUCTURAL INSPECTOR (PROVISIONAL)

BOSTWICK, ALBERT, JR., CHIEF ELECTRICAL INSPECTOR

MILLER, JASON G., FIRE INSPECTOR

CITY OF POMPANO BEACH

JASIURKOWSKI, GREGORY, STRUCTURAL INSPECTOR (PROVISIONAL)

COUNTYWIDE

ALBORES, ALEXANDER, STRUCTURAL INSPECTOR

ALMAS, MARCELO DESOUSA, STRUCTURAL PLANS EXAMINER

BRODOWSKY, DAVID, STRUCTURAL PLANS EXAMINER

HERRERA, RONNIE, ELECTRICAL INSPECTOR

HILTON, ADAM, PLUMBING PLANS EXAMINER

HORVATH, MARIA, STRUCTURAL PLANS EXAMINER

KOSTICK, JOSEPH J., MECHANICAL INSPECTOR

MANSOR, SIMO, PLUMBING INSPECTOR

MORIN, DAVID F., STRUCTURAL PLANS EXAMINER

PINO, MIGUEL, PLUMBING INSPECTOR

PINO, MIGUEL, PLUMBING PLANS EXAMINER

PRICE, EVERETT DAVID, III, ELECTRICAL INSPECTOR

REMEK, ROGER VAN, JR., STRUCTURAL PLANS EXAMINER

ROBINSON, JOSEPH C., III, STRUCTURAL INSPECTOR

SIM, VICTORIA P., STRUCTURAL INSPECTOR

SIM, VICTORIA P., STRUCTURAL PLANS EXAMINER

A motion was made by Mr. D’Attile and seconded by Mr. Falkanger to approve all submitted certifications. The motion passed by unanimous vote of 12-0.

1.a. Mr. Dean Decker, City of Hollywood Building Official request that Ms. Giselle Hipolito be certified as a Structural Inspector

Mr. Guerasio was sworn in for all items on the agenda. Mr. Dean Decker, Building Official, City of Hollywood, was sworn in for this item.

a. Staff Report

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, reviewed information in his memorandum to the Board, dated July 9, 2020, highlighting that her experience does not meet the language set forth in the code.

b. Request of Dean Decker

Mr. Dean Decker, Building Official, City of Hollywood, pointed out that Ms. Hipolito misses the requirements by a very small measure. He described her qualifications and experience generally. She is lacking in the construction area. He requested the latitude of one year like the provisional

process and assured the Board within that time frame she will have a general contractor's as well as a professional engineer's license.

Mr. Decker responded to Ms. Giles-Nelson's questions, indicating that she has been employed by the City of Hollywood, working in the engineering department for the past year. He further advised that she qualifies to take the general contractor and professional engineer exams, but due to the COVID-19 pandemic, she was delayed. However, she is now scheduled for September/October.

In response to Mr. Bailey with respect to the HVHZ exam, Mr. Decker indicated she has not taken this exam, but all her experience is in Miami-Dade or Broward counties. Mr. Guerasio explained how she has not met the experience requirements in the various path options. It was noted that she took the PE exam but did not quite pass and is slated to retake it. Even should she pass the exam, she would still need to work as a PE for two years. Additional discussion continued with respect to the experience requirement in the various paths. Chairman Lavrich pointed out that although she performed inspections, they were under the direction of a PE and therefore the responsibility rested with the PE. Mr. Guerasio indicated that the HVHZ exam does not substitute for experience years. Mr. Bailey believed as it is written, if she passes the PE and HVHZ exams, she has satisfied the requirement for Path 1. Mr. D'Attile concurred.

In response to Chairman Lavrich, Mr. Guerasio advised that Ms. Hipolito revised her application from the PE path to the BCAIB standard inspector path. However, she does not still have enough experience. Mr. James DiPietro, Administrative Director, explained that although staff believes this is a good candidate, her application does not meet the rules. Mr. Decker reiterated the extent of her experience and that he is only asking for a period of one year like the provisional process so that she can take the exams. Mr. DiPietro explained that the HVHZ exam is scheduled upon demand however passing this exam would not qualify, nevertheless. Chairman Lavrich pointed out that the application is to qualify according to the standard inspector path which requires five years' experience. In response to Chairman Lavrich, Mr. Charles Kramer, Board Attorney, confirmed that the experience is implied in the language. Technically this individual does not qualify, but the Board has discretionary power to approve the application.

Mr. Bailey commented that if the Board does not have the power to grant this type of exception, the matters should not be presented to the Board, but rather the committee route perhaps. If her experience began in 2017, the Board could not approve the request. He had thought it was merely an accommodation of time to take the PE and HVHZ exams.

Mr. Burr pointed out that although the Board has this authority, it also has a responsibility to use the code as a guideline. He also pointed out the precedent that would be set.

c. Board Action

A motion was made by Mr. Bailey and seconded by Ms. Giles-Nelson to deny the application. The motion passed by a vote of 10-2. Mr. D'Attile and Mr. Tringo voted no.

REGULAR AGENDA

Appeal 20-02 – 4250 NW 5 St., Plantation

a. Staff Report

All individuals were sworn in.

Due to reception difficulty, Mr. Adnan “Danny” Ezzeddine, Building Official, City of Plantation, verbally granted Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, authority to represent the City of Plantation in this matter.

Mr. Castronovo explained that this is about an emergency generator at a nursing home at 5310 NW 33 Avenue in Plantation. The Code requires that all standby generators have a reliable second fuel source. The Code further provides that the Building Official may override this provision if there is a low probability of simultaneous failure of both sources. The second source is a gas line from TECO Gas on the property line. The Building Official and Appellant, Neil Sutton, disagree as to whether the gas line is a reliable source. The Building Official sought verification from TECO Gas but they refused to provide verification. The Appellant has offered to provide a statement from the Agency for Health Care Administration (AHCA) that this generator meets all other codes. The Building Official has no other objections to this project and tried to make the exception but does not have any proof of the TECO gas line being a reliable source. He proposed diesel fuel tanks be placed on the site. AHCA’s rules do not override the Florida Building Code or National Electrical Code.

In response to Mr. Bailey, Mr. Castronovo advised that the change shown on page 14 of the backup, “Piped natural gas is an allowable fuel source and meets the onsite fuel requirement under this rule.” was made to the fire code, not the electrical code and fire cannot override electrical.

b. Appellant Request

Mr. Neil Sutton, Appellant, was sworn in.

Mr. Sutton advised that the organization he represents operates six nursing home facilities in Florida, four of which are in Broward. Post Hurricane Irma, the ambient temperatures in nursing homes must be 81 degrees or less. The generator proposed would be a third generator and would power the entire facility. If it fails, a 100KW and a 40KW already onsite would be used. This project has been in permitting for two years. This is the only remaining outstanding issue. He referred to a communication from Scott Waltz, Chief of Plans and Construction for the Agency for Health Care Administration (AHCA) provided the Board in his appeal application, indicates building officials across the state may misinterpret this rule. Mr. Waltz contends that natural gas is an acceptable fuel source for meeting the standard. Mr. Sutton pointed out that this has already been done by his organization in Sunrise, Fort Lauderdale, North Miami, and New Smyrna Beach. It was not done in Tamarac only because there was no natural gas, therefore a belly tank was installed beneath the generator. He went on to comment on his organization’s successful record including use of natural gas for ten to fifty years within both Miami-Dade and Broward counties. He added that this was presented to the Board’s fire and electrical committees, but the process was interrupted by the pandemic.

c. City Response

Mr. Adnan “Danny” Ezzeddine, Building Official, City of Plantation, was sworn in.

Mr. Ezzeddine pointed out that AHCA does not override the Florida Building Code and the National Electrical Code (NEC). He could not answer for why this was approved in other

municipalities and can only speak for the City of Plantation. This generator does not meet the requirements of NEC for dual fuel supply. He referred to the deaths in Hollywood in 2017 from heat exhaustion when the power source shut off and there was no air conditioning. He has obtained waivers from the fire and zoning departments to use an alternative plan. The Board has received a letter from their Board Attorney advising that the letter from AHCA is not the Building Code. His job is to protect the welfare and safety of the public. This facility is for immobile people, elderly and children.

Mr. Michael Freire, P.E., Project Manager, was sworn in.

In response to Mr. Bailey, Mr. Freire advised that it was initially planned as a standby generator but was changed to a legally required generator to satisfy the City. There is already an emergency generator and a generator serving the critical load. Mr. Castronovo said this was never an issue. It cannot be optional one day and Level 1 the next. It is Level 1.

Mr. Charles Kramer, Board Attorney, noted that the problem is that this is not an AHCA issue. It is not code compliant. It is up to the Authority Having Jurisdiction (AHJ) which is the Building Official. He did not see any way around this.

Mr. Sutton elaborated upon their research findings of the 685 nursing homes in Florida none have indicated such an interpretation in this fashion. Therefore they have pushed the issue to this point. If they had to modify their Level 1 life safety, it would be necessary to change out the entire infrastructure of the building. When the rule was put into place by Governor Scott, it was said that there might be misunderstanding of the intent. Mr. Castronovo explained that Mr. Ezzeddine does not have knowledge of the conditions of other facilities. Hard evidence would be helpful. For example, what if the capacity to compress air in the gas line is lost by being torn out of the ground in a hurricane.

In response to Mr. Terry, Mr. Sutton advised that their plan (piped natural gas) was approved initially in plan review but overridden by the Building Official.

d. Board Action

A motion was made by Mr. Ulmer and seconded by Mr. Famularo to deny the appeal. The motion passed by unanimous vote of 12-0.

Code Amendment for 1st Reading

The Board will consider adopting amendments to the Florida Building Code, 6th Edition, 2017, Chapter 1, Section 109.3.1

a. Request of Board Member D'Attile

Mr. James DiPietro, Administrative Director, explained that there are cities requesting a contract with every permit application which is not the intent of the code. The proposed amendment will clarify this point. The building official may require a cost estimate utilizing RS Means, a copy of the contract or any other descriptive data. The building official must have a reasonable basis for his or her determination. It is not automatic. Until the code amendment is put into effect, a formal interpretation has been provided that would be effective immediately. It is felt to be going too far to request a contract for every permit. Another choice is to prohibit contracts altogether.

Mr. D'Attile felt it is wrong to assume that every contractor is not telling the truth with respect to the cost estimate.

Mr. Terry suggested a dollar amount threshold concept. Mr. D'Attile explained that the applicant as a contractor is signing the application that serves as an affidavit and attesting to being truthful. He did not think the contractor should be forced to submit their contract. It is the contractor's intellectual property and should not become public record. If the building official thinks the project is under-valued, he or she could use an estimating tool such as RS Means to justify and at that point the applicant could present the contract.

Chairman Lavrich opened the floor for public comment.

Mr. Andre Vera, Chief Mechanical Inspector, City of Fort Lauderdale, was opposed to this item including Mr. D'Attile's proposal. Fort Lauderdale's permit fees are contract value which is not the case countywide.

There was no one else wishing to speak.

b. Board Action

A motion was made by Mr. D'Attile and seconded by Mr. Terry to accept the Section 109.3, Chapter 1, Florida Building Code amendment language detailed on Page 2 of the information provided the Board and attached to these minutes. The motion was later amended – see below.

During discussion of the above motion, Mr. DiPietro pointed out examples of two very different situations. One would be a water heater permit value of \$1,500 and the other a project of \$50,000 or \$100,000 value. There is no reason to mandate a contract for a water heater permit application. On the other hand, with a \$50,000 or \$100,000 project value and the building official feels uncomfortable, there is a clear argument that the building official should have that option.

Mr. John Travers, Building Official, City of Fort Lauderdale, pointed out their ordinance on permit fees establishes the fees based on construction cost. The terminology is construction cost not contract. Chairman Lavrich noted that the existing code language is exactly in keeping with that terminology. It also says that if the building official determines the value is under-estimated, he or she can require additional information. However, it is unreasonable to require a contract in every instance.

Chairman Lavrich pointed out the language on Page 2 says that a signed contract by an applicant is not required at any time is a misnomer. The building official needs some good motivation for asking to see a contract. It seems the code is written this way but not being administered in that way.

Mr. Tringo felt the verbiage does not need to be changed. It already allows for that flexibility. Chairman Lavrich agreed that the formal interpretation clearly spells it out.

Mr. Charles Kramer, Board Attorney, felt the language on Page 2 provides greater clarity. Mr. D'Attile suggested "at any time" be deleted. Mr. Kramer preferred code language stand on itself

without a formal interpretation. Mr. James DiPietro, Administrative Director, pointed out that language on Page 2 prohibits contracts whereas language on Page 3 (Alternative Version of 109.3.1) provides the building official the option of contracts under special circumstances. Further an interpretation is offered instead on Page 4.

Mr. Burr agreed with Mr. D'Attile's suggestion. The building official may request the backup justifying the cost.

Ms. Giles-Nelson emphasized that the current code is clear. The permit valuation is determined by the total cost of construction, not a contract. It is more about enforcement of what is on the books than rewriting. There is no need for any discussion unless the building official determines that the construction value is under-valued. It should never be at the beginning, but the current code does not allow for it to be at the beginning. This is more about enforcement not rewriting.

Chairman Lavrich suggested this be referred to a committee.

Mr. D'Attile noted that building officials are relying on 109.3.1, not 109.3. Section 109.3.1 says that the building official may require an estimate of the cost. Ms. Giles-Nelson believed that 109.3.1 is only to be triggered if the building official believes the estimated value is wrong. Mr. D'Attile felt the language on Page 3 gives the building official authority to have the permit applicant use a different estimating tool, and not the building official. Chairman Lavrich did not think it is the responsibility of the building official to perform estimates. Ultimately, the contract would resolve any question.

Mr. D'Attile amended the motion to remove "at any time" from the proposed amended Section 109.3 shown on Page 2 and attached to these minutes. The amended motion was seconded by Mr. Tringo but superseded by the following motion: Ms. Giles-Nelson made the motion and Mr. Famularo seconded the motion to refer this matter to committee. The motion passed by unanimous vote of 11-1 with Mr. Burr voting no.

During discussion of the amended motion, Mr. DiPietro pointed out that it appears to take away the right of the building official to ever require the contract. Chairman Lavrich suggested amended language to the Alternative Version of 109.3.1 on Page 3, starting after "Building Official may require" validation of the cost of construction utilizing one or more of the following options: 1) estimate based on RS Means, 2) copy of a signed contract, 3) any other descriptive data as a basis for determining the permit fee. The Building Official must have a reasonable basis for his or her determination that the valuation is underestimated." Mr. Burr suggested and Chairman Lavrich agreed to remove "or more". Mr. D'Attile did not think the applicant should ever be required to provide the contract. The responsibility should rest with the Building Official. After more discussion, Chairman Lavrich directed this matter be referred to committee.

4. **Request of Mr. Noel A. Zamora for an extension of time with respect to the Board of Rules and Appeals Policy 18-02 relating to closing out of open and ongoing projects**

a. Staff Report

Ms. Giles-Nelson abstained from discussion and voting on this item. She filed a Memorandum of Voting Conflict that is attached to these minutes.

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, summarized his memorandum to the Board, dated July 9, 2020, noting that Mr. Zamora requested and received Board approval at their February 13, 2020 meeting, of an extension for his two remaining open permits. Mr. Zamora is now requesting an additional extension of six-months for one remaining permit due to COVID-19 until February 12, 2021.

Mr. Zamora was sworn in. He gave a brief overview noting the extension gives the contractor a little more time than he indicated would be needed.

b. Board Action

Mr. Terry made a motion and Mr. D'Attile seconded the motion approving an additional 6-month extension until February 12, 2021. The motion passed by a vote of 11-0. Ms. Giles-Nelson abstained from voting and filed a memorandum of voting conflict attached to these minutes.

5. **Request of Mr. Manuel Barrera for an extension of time with respect to the Board of Rules and Appeals Policy 18-02 relating to closing out of open and ongoing projects**

Ms. Giles-Nelson abstained from discussion and voting on this item.

a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, reviewed information in his memorandum to the Board, dated July 9, 2020, noting that Mr. Barrera has closed 39 of the original 54 open permits. COVID-19 is now making it difficult to close the remainder.

Mr. Barrera was sworn in. He noted that he has been able to close more to bring that outstanding number to eleven. The requested extension is until September 30, 2020.

b. Board Action

Mr. D'Attile made a motion and Mr. Famularo seconded the motion approving an extension until September 30, 2020. The motion passed by a vote of 11-0. Ms. Giles-Nelson abstained from voting and filed a memorandum of voting conflict attached to these minutes.

6. **Request of Mr. James Hollingsworth for an extension of time with respect to the Board of Rules and Appeals Policy 18-02 relating to closing out of open and ongoing projects**

Ms. Giles-Nelson abstained from discussion and voting on this item.

a. Staff Report

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, summarized his memorandum to the Board, dated July 9, 2020, noting that Mr. Hollingsworth requested and received Board approval at their January 9, 2020 meeting, of an extension for his remaining open permits. Mr. Hollingsworth is now requesting an additional extension due to COVID-19 until June 21, 2021. There are twelve open permits.

Mr. Hollingsworth was sworn in. He noted that he completed architectural drawings for these projects before starting his employment with the City of Fort Lauderdale. He is essentially on-

call for potential as-built drawings or to address field conditions. Delays have been caused for the most part by COVID-19.

b. Board Action

Mr. Falkanger made a motion and Mr. D'Attile seconded the motion approving an extension until June 21, 2021. The motion passed by a vote of 11-0. Ms. Giles-Nelson abstained from voting and filed a memorandum of voting conflict attached to these minutes.

7. **FBC 2020 7th Edition Formal Interpretations (Effective December 31, 2020)**

a. Staff Report

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, advised that all of the formal interpretations are reviewed at each three-year cycle. This was a team effort including staff and some committee chairs. References are checked. Interpretations no longer serving a purpose are removed. This cycle Formal Interpretations Nos. 2, 12 and 20 are being removed. Interpretation 5 is still pending and will be addressed at a future date.

There was no one from the public wishing to speak.

b. Board Action

A motion was made by Mr. Tringo and seconded by Mr. Falkanger to accept renewal of all interpretations except for Nos. 2, 12 and 20 along with any necessary code updates. The motion passed by unanimous vote of 12-0.

8. **Agreement between Broward County Board of Rules and Appeals and Charles M. Kramer, Esquire for legal services (Effective July 1, 2020)**

a. Attorney's Request

Mr. Charles Kramer, Board Attorney, noted that the John Madden case contributed to a significant amount of fees. He attributed the increase in advisory opinions to the County's population growth. He expanded on the exploitation of perceived loopholes in laws that impact the protection of life, health and safety including assisted living facilities for the elderly and disabled. He went on to comment on his engineering education and experience as a contractor. He is board certified in construction.

Mr. Kramer indicated that he has agreed to a 55% reduction in his hourly rate. Information furnished the Board by the Administrative Director show the hourly rate to the board attorney in 1995 at \$125 per hour. His rate in 1995 dollars would be \$77.29. He is requesting a three-year contract.

Mr. James DiPietro, Administrative Director, noted that the nature of this job has changed. He pointed out the upward trend. He commended Mr. Kramer on his quality of work, collaboration and responsiveness.

Ms. Giles-Nelson commended Mr. Kramer on his performance and responsiveness. She supported a 3-year contract.

b. Board Action

A motion was made by Ms. Giles-Nelson and seconded by Mr. D'Attile to accept the proposed 3-year agreement for legal services (effective July 1, 2020). The motion passed by unanimous vote of 12-0.

Chairman Lavrich as well as Mr. Ulmer also expressed complimentary remarks on Mr. Kramer's work.

Requested ratification of the Administrative Director's recommended appointment for the Chief Energy Code Compliance Officer position

a. Recommendation of the Administrative Director

Mr. James DiPietro, Administrative Director, advised that Mr. Tim DeCarion was the Committee's and his first choice. He has been with the Town of Davie since 2005 when he was certified.

Mr. DeCarion thanked Mr. DiPietro for their support and looked forward to providing clarity in the energy code as well as uniformity throughout the county.

b. If desired, motion approving of appointment

A motion was made by Mr. Tringo and seconded by Ms. Giles-Nelson to accept the Administrative Director's recommended appointment of Timothy DeCarion as the Board's Chief Energy Code Compliance Officer. The motion passed by unanimous vote of 12-0.

11. **Calculation and structural plan review summary by Johnson Structural Group report, May, 2020**

Mr. Johnson was not able to stay until this time of the evening.

Chairman Lavrich asked that Mr. Johnson provide a more detailed report with data when this item is rescheduled before the Board.

10. **2021 Fiscal Year Budget (October 1, 2020 – September 30, 2021)**

a. Recommendation of the Administrative Director

Mr. James DiPietro, Administrative Director, commented that financial matters are in good shape. He discussed the reserves' strength going forward. The only out of the ordinary item

has to do with last year's budget that contained a grant for e-permitting which was not approved by the County. It has been restructured to focus on small cities.

- b. Board Discussion

A brief discussion on the reserves.

- c. Public Comment
- d. Board Action

A motion was made by Mr. Tringo and seconded by Mr. Famularo to approve the budget as submitted. The motion passed by unanimous vote of 12-0.

- 12. **Amendment to Board of Rules and Appeals Policy 15-02 entitled "Delegation by Board of Rules and Appeals to the Administrative Director of the Board's Authority to obtain goods and services up to and including \$9,500 (nine thousand five hundred dollars) per year per vendor for the purpose of funding duties as contemplated under the Florida Building Code, Special Act 71-575, and Broward County Code 9.02, and to assist carrying out those duties as reasonable and as legislatively contemplated." The policy allows for the inclusion of the Building Officials and Inspectors Educational Association (BOIEA) doing business as the Code Officials Educational Association (COEA) and the Fire Inspectors Association of Broward County (FIABC) to use funds for the payment of instructors. These payments will be made directly to the instructors and not the organizations mentioned above.**

- a. Recommendation of the Administrative Director

Mr. James DiPietro, Administrative Director, explained this policy amendment will eliminate individual agenda items when the Board of Rules and Appeals works with these associations in offering classes. Mr. Tringo did not want a restriction to these two groups. Mr. DiPietro explained that when the Board offers classes, they are free of charge. These two entities are private and they charge a fee. It is a co-sponsorship on the part of the Board. If another group came forward, he would have to secure the Board's approval.

- b. If desired, motion to approve amendments

A motion was made by Mr. Falkanger and seconded by Mr. D'Attilio to approve the policy amendment. The motion passed by unanimous vote of 12-0.

- 13. **Director's Report**

Mr. James DiPietro, Administrative Director, reviewed a chart provided to the Board, reflecting payments by all cities in the county for fiscal year 2020 with the decreased rate of 52 cents.

- 14. **Attorney's Report** – none

- 15. **Committee Report** - none

- 16. **General Board Members Discussion** - none

- 17. **Public Comment (3-minute limit per person) and written communications** - none

18. **Adjournment**

Having no further business to go before the Board, the meeting adjourned at 10:30 p.m.

A handwritten signature in black ink, appearing to read "D. L. Lavrich". The signature is written in a cursive style with large, rounded letters.

Daniel Lavrich, P.E. - Chair

Section 108 Temporary Structures and Uses

108.1 General. The Building Official is authorized to issue a special building permit for the erection of temporary structures such as seats, canopies, tents and fences used in construction work or for temporary purposes such as viewing stands. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty (180) days. The Building Official is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall conform to the fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this Code and FBC Building Section 3103, as necessary to ensure public health, safety and general welfare.

108.3 Temporary power. The Building Official/Chief Electrical Inspector is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in Chapter 27 of FBC, Building.

108.4 Termination of approval. The Building Official is authorized, for good cause, to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

Section 109 Fees

109.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

109.2 Schedule of Permit Fees. On all buildings, structures, electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the applicable governing authority.

~~**109.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at a time of application. Permit valuations, shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.~~

~~**109.3.1** The Building Official may require an estimate of the cost utilizing RSMMeans, copies of signed contract and/or other descriptive data as a basis for determining the permit fee.~~

109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations, shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the Building Official may estimate the cost utilizing RSMMeans, or other cost estimating tool as a basis for determining the permit fee. Submission of a signed contract by an applicant is not required at any time however, a signed contract may be submitted by an applicant and the price reflected in the contract shall be determinative of the cost of the job for the purpose of permit fees.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or the Building Official's written approval, shall be subject to a penalty not to exceed one hundred (100) percent of the usual permit fee that shall be in addition to the required permit fees.

109.5 Related fees. Reserved.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

| | |
|--|--|
| LAST NAME—FIRST NAME—MIDDLE NAME Nelson Shalanda Giles | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Broward County Board of Rules & Appeals |
| MAILING ADDRESS 2250 NW 28 St | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |
| CITY COUNTY Oakland Park Broward | NAME OF POLITICAL SUBDIVISION: |
| DATE ON WHICH VOTE OCCURRED July 9, 2020 | MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE |

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Shalanda Giles Nelson, hereby disclose that on July 9,, 20 20 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Noel Zamora is a co-worker

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

July 9, 2020
Date Filed

Shalanda Giles Nelson
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

| | | | |
|--|--------------------------|--|--|
| LAST NAME—FIRST NAME—MIDDLE NAME Nelson Shalanda Giles | | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Broward County Board of Rules & Appeals | |
| MAILING ADDRESS 2250 NW 28 St | | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY | |
| CITY Oakland Park | COUNTY Broward | NAME OF POLITICAL SUBDIVISION: | |
| DATE ON WHICH VOTE OCCURRED July 9, 2020 | | MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE | |

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

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- You must disclose orally the nature of your conflict in the measure before participating.
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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Shalanda Giles Nelson, hereby disclose that on July 9,, 20 20 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Manuel Barrerra is a co-worker

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July 9, 2020
Date Filed

Shalanda Giles Nelson
Signature

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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

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| LAST NAME—FIRST NAME—MIDDLE NAME Nelson Shalanda Giles | | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Broward County Board of Rules & Appeals |
| MAILING ADDRESS 2250 NW 28 St | | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |
| CITY Oakland Park | COUNTY Broward | NAME OF POLITICAL SUBDIVISION: |
| DATE ON WHICH VOTE OCCURRED July 9, 2020 | | MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE |

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

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- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

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James Hollingsworth is a co-worker

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July 9, 2020
Date Filed

Shalanda Giles Nelson
Signature

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