

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

WORKSHOP MEETING

Town Commission Meeting Room

4501 Ocean Drive

Tuesday, July 25, 2006

6:00 P.M. to 7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 6:08 p.m. Present were Mayor Parker, Vice Mayor Yanni, Mayor Pro Tem Clark, Commissioner Silverstone and Commissioner McIntee. Also present were Town Manager Robert Baldwin, Town Attorney James Cherof, and Town Clerk Medina.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. DISCUSSION ITEMS

A. Discussion regarding fire suppression services

Commissioner Silverstone stated that he had asked Town Attorney Cherof to confirm when and how the existing contract for fire services between the Town and the Broward Sheriff's Office Department of Fire Rescue and Emergency Services could be terminated. He asked Attorney Cherof to respond to that inquiry at this time. Attorney Cherof stated that the existing contract could be terminated with appropriate notice being provided to the Sheriff/Broward County. He explained that he included the County as the agreement began with the County. Attorney Cherof further explained that the original contract was then assigned to the Broward Sheriff.

Commissioner Silverstone asked what would be the proper way to provide notice that the Town had the intent to terminate the contract, if it was chosen. Attorney Cherof explained that the notice had to be in writing and would become effective in a year. Commissioner Silverstone asked if the termination period could be shorter. Attorney Cherof replied that a shorter period for termination would need to be negotiated with the Sheriff.

Commissioner Silverstone stated that his intent was to amend the contract to maintain emergency medical services through the Broward Sheriff's Office and suspend fire suppression services. He expressed his desire to move forward with this amendment and to have the Town's Administration aggressively pursue other bids for emergency medical services.

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Commissioner McIntee asked if Commissioner Silverstone's request could be made in the form of a motion so that the Commission could take action. Mayor Parker replied negatively, explaining that no action could be taken at a workshop.

Commissioner McIntee stated that the Town paid approximately \$3.1 million for fire suppression and emergency medical services. He expressed his belief that the Town was the only municipality in Broward County that paid more for fire services than was paid for law enforcement. Commissioner McIntee stated that there were usually more firefighters on duty than there were law enforcement officers and believed this occurred no where in the country. He provided some statistics and costs for other municipalities within the County and felt that the Town was paying more per capita than other municipalities. Commissioner McIntee felt that the Town was over-protected and was unnecessarily spending tax dollars.

Commissioner McIntee recognized that Broward Sheriff's Office was placing a third person on the rescue truck, and placing three or four firefighters on Engine 36. He felt that there was no need for Engine 36 to be located within the Town and that removing Engine 36 would save the taxpayers that portion of the funds currently expended.

Commissioner McIntee stated that Fire-Rescue provided an outstanding service and had no problems with maintaining their services indefinitely. He added that the personnel on Engine 36 also performed outstandingly, but again reiterated that their services were not needed.

Commissioner McIntee stated that he was in favor of requests for proposals and indicated that he had prepared a request for proposal that would be pursued by the Town. He indicated that fires in Lauderdale-By-The-Sea "were as rare as pigs flying" and that instead of fire suppression the Town should invest more time in beach safety.

Mayor Pro Tem Clark stated that the real issue of this meeting was dealing with the Volunteer Fire Department and the Broward Sheriff's Office and where the responsibility of fire suppression ultimately lies. He stated that the Commission had passed a resolution to support the Volunteers provided that certain criteria were met. Mayor Pro Tem Clark stated that before he could support the return of fire suppression responsibilities to the Volunteers, four specific issues had to be dealt with: 1) total accountability to the Town Manager and the Town Commission; 2) a level of expertise that's documented and acceptable to the Commission; 3) fiscal responsibility had to be proven; and 4) procedures had to be in place to provide for consistency to ensure the ability to respond to calls 7 days a week/24 hours a day, year round – roster, membership, and the ability to timely respond being included.

Mayor Pro Tem Clark stated that the membership for the Volunteer Fire Department vacillated from time to time and was not necessarily consistent. He indicated that members did not all live in Town and procedures had to be in place to ensure proper and timely response no matter the circumstances. Mayor Pro Tem Clark emphasized that until all these issues were dealt with, he would not support a change.

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Vice Mayor Yanni stated that it was no secret that the Volunteers wanted to take over fire suppression for the entire Town, but felt that the Commission had not yet been provided with proper figures to determine fiscal responsibility. He expressed concern that if the Town terminated the existing contract, the Broward Sheriff's Office might not consider maintaining its emergency medical services stationed within the Town.

Vice Mayor Yanni stated that he had not seen any evidence that the Volunteers could take over the responsibility of providing fire suppression to the entire Town. He indicated that the Town had grown and doubled its population, with an increase in highrises that needed to be protected. Vice Mayor Yanni stated that he was not really concerned with what other municipalities paid for their professional services, but, rather, worried that the safety of the Town's residents and visitors were kept as a top priority.

Vice Mayor Yanni stated that for \$260 yearly, the Town enjoyed the benefit of the best fire protection – a combined professional/volunteer fire department. He felt that when a life was at stake, \$260 was minimal.

Vice Mayor Yanni stated that Commissioner McIntee had quoted a price of \$3.1 million, but had failed to mention that that cost included the cost of paying for the Volunteer Fire Department.

Vice Mayor Yanni stated that bringing up this issue for discussion at this time had caused a lot of dissention within the Town. He indicated that his main concern was to ensure that he provided the Town with the best services possible. Vice Mayor Yanni indicated that his concern has and would continue to be the safety and welfare of the residents and visitors and would continue to vote to ensure that the best qualified individuals would respond to save life and property. He did not feel comfortable enough at this time to take the responsibility of having the Volunteers be the sole provider for fire suppression services.

Commissioner Silverstone stated one of the main reasons he had run for Commission was to take care of this issue. He indicated that the Town passed a resolution supporting the Volunteers to become the sole providers for fire suppression within the Town. Commissioner Silverstone was unsure if the resolution was a "feel good" resolution or if its true intent was to support the Volunteers in moving in that direction. He provided a history of the membership and expressed his belief that the services provided by the Volunteer Fire Department had improved in the last five years. Commissioner Silverstone stated that other municipalities provided volunteers and could not understand why the Town could not follow suit.

Commissioner Silverstone provided information regarding training the Volunteers were pursuing and indicated that 80 percent of the calls received within the Town were for emergency services. He indicated that the Volunteers only provided fire suppression services and expressed his belief that the Volunteers were trained just as well, if not better, than BSO for fire suppression services. Commissioner Silverstone stated that as

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long as the Town continued to provide Volunteers the services could be provided and believed that the asset was being thrown away.

Commissioner Silverstone stated that the Volunteers had signed up with the Broward Sheriff's Office and there was no additional accountability as the Volunteers continued to run the way they saw fit. He indicated that if the Town wished to hire a Fire Chief or a Fire Commission, perhaps the accountability could be corrected. Commissioner Silverstone stated that Volunteers were currently performing at the level of services the Town needed. He asked if a combination department was needed, why the Volunteers could not provide the combination of services by hiring personnel to man the station 24 hours a day, 7 days a week. Commissioner Silverstone stated that having two departments was not working and one of the departments just had to go. He indicated that his chose was to have BSO leave. He indicated that he and his department had earned the right to go further.

Commissioner McIntee stated that perhaps a straw vote should be taken from residents through the Town Topics. He indicated that BSO was a professional fire department that ran a tight ship, but indicated that Fort Lauderdale and Pompano Beach also had professional fire departments. The difference, he felt, was that BSO was not the Town's neighbor. Commissioner McIntee stated that the Town had to bid out for these services to ensure that it was receiving unabridged cost. He indicated, too, that private companies were willing to come to the Town and provide its emergency medical services and felt that this possibility needed to be investigated.

Mayor Pro Tem Clark stated that he had no objections about reviewing all options available; however, he felt that additional workshops were necessary and believed that the next workshop should be scheduled tonight. He stated that it was important for the Volunteers to document everything they claimed they could or could not do.

Mayor Pro Tem Clark stated that there were a lot of allegations regarding the performance by the Broward Sheriff's Office and believed they should have the opportunity to speak for themselves. He felt this was the only way to ensure that a proper decision was made.

Mayor Parker asked Commissioner Silverstone, as Fire Chief for the Volunteer Fire Department, if he had graduated from Incident Command School. Commissioner Silverstone stated that he was currently pursuing the Volunteer's version of that training. Mayor Parker asked Commissioner Silverstone if he had completed the State of Florida's Incident Command School. Commissioner Silverstone replied negatively. Mayor Parker asked if Commissioner McIntee, as Deputy Fire Chief for the Volunteer Fire Department, had completed the State's Incident Command School. Commissioner Silverstone replied that he did not believe he had. Mayor Parker asked if Battalion Chief XXX Padden had completed the State's Incident Command School. Commissioner Silverstone replied that volunteer firefighters were not required to attend this training.

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Mayor Parker asked Chief Scott Gooding if the Volunteer Fire Department had given money to a “would-be” firefighter for training who then absconded with the money. Chief Gooding replied affirmatively and explained the circumstances of that case. Mayor Parker questioned if one the volunteers had absconded with approximately \$20,000 a few years ago. Chief Gooding stated that he had heard something regarding those charges, but explained that this incident had occurred before he began his tenure in Town.

Mayor Parker stated that reasonable financial control had to be proven to the Town. He added that qualified leadership positions had to be provided and expressed concern that a self-created incident command was being taken over State accredited training.

Manager Baldwin stated that a comment was made regarding staff pursuing a request for proposal and asked if the Commission wished to direct staff to proceed in this matter. Mayor Parker indicated that this portion of the meeting had been concluded, but indicated that any Commissioner was welcome to include this issue as a separate item during another meeting.

B. Discussion regarding the possibility of the Town having its own fire inspector/fire marshal (*continued from July 11, 2006*)

Manager Baldwin provided a brief history concerning this issue and indicated that Attorney Cherof was prepared to provide the Commission with a report concerning the legalities of this matter.

Battalion Chief Charlene Smith, of the Fire Marshal’s Bureau for Broward Sheriff’s Office, provided a PowerPoint presentation which explained the history of the Sheriff’s Office and the services provided by the Fire Marshal’s Bureau. She indicated that the Bureau’s mission statement was to provide the residents and visitors of Broward County with professional, high quality, comprehensive, cost efficient fire prevention and life safety management services to reduce the loss of property and life and any other perils.

Chief Smith stated that Deputy Fire Chief Charles Rainken served as the Fire Marshal and Fire Code Official. She explained that other staff included fire plan examiners, inspectors, public educators and support staff. Chief Smith explained the programs that were available through the Fire Marshal’s Bureau, including inspections, plan reviews, fire investigations, Code compliance, fire safety and prevention training, and complaint investigations. She stated that additional programs included child seat safety checks, fire extinguisher training, public education and awareness, juvenile fire setters and prevention, and distribution of smoke alarms.

Attorney Cherof stated that the provisions of the existing contract provided that the Chief Fire Code Official, as required by applicable Codes and regulations, was to be appointed by the County and, subsequently, the Broward Sheriff’s Office. He explained that the matter of providing these services was a matter of the existing contract and no additional compensation was paid for this function under the contract. Attorney Cherof

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stated that although he was not stating that this was a gratis service, the total cost for these services were absorbed by the cost of the contract. Mayor Parker asked if the Town was required to use these services under the contract. Attorney Cherof replied affirmatively and indicated that in order to pursue these services elsewhere, an amendment to the contract was needed.

Commissioner McIntee stated that he had been advised that fire inspections were “money makers” for municipalities and asked Battalion Chief John Frailey if he could speak to this issue. Chief Frailey indicated that the rates for fire inspections were set by the Broward County Commission. Commissioner McIntee stated that a fee was collected for each fire inspection and asked if the Town received a portion of those funds. Manager Baldwin indicated that he did not believe the Town received any of those funds.

Commissioner McIntee asked what was the cost of a regular inspection for a building. Chief Smith explained that BSO was currently working under two separate fee structures and that the Town was under the old fee structure as the new fee structure. She explained that the fees were charged to cover the costs of the Bureau and was not a “money maker”. She indicated that the Town could, at its discretion, set its own fees for fire inspections. Commissioner McIntee felt that BSO could allow the Town to pull out from using these services and alleviate one headache. Chief Smith stated that providing this service was not a headache for the Bureau as education and prevention were very important to the safety of any community. Commissioner McIntee stated that the main concern here was not about education but the numerous complaints he received regarding the yearly inspections made to commercial sites. He indicated that the Town had no schools within its boundaries and he was concerned with the cost to his constituents. Commissioner McIntee referred to trade magazines that indicated that the costs included a 40 percent profit for these types of inspections. Chief Smith explained that the fees were set based on the trip fees across the board, as well as the inclusion of five special events, including the Fourth of July and Christmas By The Sea. She further explained that the fees included the initial inspection and a return trip. Chief Smith stated that upon beginning this program with the Town, the Fire Marshal had performed a walk audit and visited every business with a list of items that were inspected so as to allow them time to bring their businesses in compliance. Chief Smith emphasized that in reality, this was a responsibility of each business and that a partnership between the businesses and a fire department was necessary to ensure the safety of the community.

Commissioner Silverstone commended the Broward Sheriff’s Office and the Fire Marshal’s Bureau, stating that they performed professionally and provided a great service. However, he did not see why the Town could not choose its own Fire Marshal that was more familiar with this particular area. Commissioner Silverstone stated that he would pursue the available options in this matter, but emphasized that it was not a reflection of the services provided by BSO.

Mayor Pro Tem Clark requested that a workshop be set at this time.

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Mayor Parker stated that the Town had had to reschedule its regular meetings in September due to the public hearings for the proposed budget; however, he asked if the Commission could hold workshops on those days. Attorney Cherof replied affirmatively.

After a brief discussion, the Commission agreed to hold the next workshop regarding fire suppression on September 12, 2006, at 6:00 p.m.

Mayor Pro Tem Clark stated that he wanted the Volunteers and the Broward Sheriff's Office to be prepared to discuss issues of concern. He indicated, too, that if the departments wished to discuss their budgets, he would be pleased to do so, stating that documentation was necessary.

Mayor Parker asked that certificates regarding Incident Command training within the chain of command in the Volunteer Fire Department be provided, as well as certification for Firefighter Is and Firefighter IIs within the department. Mayor Parker stated that he would also like to review the department's books for the past two years.

4. ADJOURNMENT

Vice Mayor Yanni made a motion to adjourn the meeting. As there were no objections and no other business to discuss, the meeting was adjourned at xxx p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk.

Date Accepted: _____