

COMMISSION MINUTES

January 25, 2011

Meeting 10:06 a.m.

COMMISSION MINUTES

ACTION AGENDA

MEETING OF JANUARY 25, 2011

(Meeting convened at 10:06 a.m., recessed at 12:45 p.m., reconvened at 5:00 p.m., and adjourned at 6:01 p.m.)

CALL TO ORDER was led by Mayor Sue Gunzburger, District 6.

PLEDGE OF ALLEGIANCE was led by Commissioner Kristin Jacobs, District 2.

MOMENT OF SILENCE

In memory of Miami-Dade Police Detectives Roger Castillo and Amanda Haworth recently killed in the line of duty.

In memory of Alfred Pepin, civic activist and past Board member of the Hollywood Democratic Club, and World War II Veteran.

In memory of Dolores Barwell Ziff, generous patron of the arts in South Florida.

In memory of our brave men and women serving in the United States armed forces at home and abroad.

COMMISSIONER	DISTRICT	ATTENDANCE
Sue Gunzburger	6	Present
Dale V.C. Holness	9	Present
Kristin Jacobs	2	Present
Chip LaMarca	4	Present
Ilene Lieberman	1	*Not Present
Stacy Ritter	3	Present
John E. Rodstrom, Jr.	7	Present
Barbara Sharief	8	Present
Lois Wexler	5	Present

*Commissioner Lieberman was not present for the entirety of the Consent Agenda and participated telephonically for portions of the Regular Agenda.

CONSENT AGENDA

A motion was made by Commissioner Wexler, seconded by Commissioner Holness and unanimously carried, to approve the Consent Agenda consisting of Items 1 through 40. At the request of the Mayor, Items 44, 45, and 46 were transferred to the Consent Agenda.

Each item voted on the Consent Agenda was passed by unanimous vote of the Commission unless otherwise indicated by record vote.

The following items were withdrawn/deferred: 3, 6, 14, 32 and 47.

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The following items were pulled by the Board and considered separately: 3, 4, 11, 31, 34 and 40.

The following items were pulled by members of the public and considered separately: 4, 13, and 19.

BOARD APPOINTMENTS

1. MOTION TO APPROVE Board Appointments

ACTION: (T-10:13 AM) Approved.

8-0. Commissioner Lieberman was not present during the vote.

A. MOTION TO REAPPOINT Mary D. Graham to the Broward County Planning Council. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved. (Scrivener's Error – See County Administrator's Report: Motion reads: "reappoint Mary Graham to the Broward County Planning Council," and should read: "appoint Mary Graham.")

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

B. MOTION TO APPOINT Levoyd L. Williams to the Management & Efficiency Study Committee. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved.

8-0. Commissioner Lieberman was not present during the vote.

C. MOTION TO RE-APPOINT Mr. Lawrence Stuart to the Bicycle and Pedestrian Advisory Committee. (Commissioner Jacobs)

ACTION: (T-10:13 AM) Approved.

8-0. Commissioner Lieberman was not present during the vote.

D. MOTION TO APPOINT Robert J. Buchner to The Consumer Protection Board. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

E. MOTION TO APPOINT Bobby B. Dubose to Broward County Planning Council. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

F. MOTION TO APPOINT Hugh B. Bailey to Bicycling & Pedestrian Committee. (Commissioner Holness)

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ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

G. MOTION TO APPOINT John R. Cates to the Substance Abuse Advisory Board. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

H. MOTION TO APPOINT Joe Nathaniel Toliver, MBA to the Substance Abuse Advisory Board. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

I. MOTION TO APPOINT Karl C. Thompson, P.E. The Transit Advisory Committee. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

J. MOTION TO APPOINT Tyson Jones to the Parks & Recreation Board. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

K. MOTION TO APPOINT Cindy W. Baldwin to the Library Advisory Board. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

L. MOTION TO APPOINT Ruth Roman Lynch The Educational Facilities Authority. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

M. MOTION TO APPOINT Ms. Reggie R. Lewis, Ed.D. to the Diversity Advisory Council. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

N. MOTION TO APPOINT Abelardo "Al" Otero to the Diversity Advisory Council. (Commissioner Holness)

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ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

O. MOTION TO APPOINT Janice Carter to the Commission On The Status Of Women. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

P. MOTION TO APPOINT David W. Eich, DVM to the Animal Care Advisory Committee. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

Q. MOTION TO APPOINT Edith L. Gooden-Thompson The Broward Cultural Council. (Commissioner Holness)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

R. MOTION TO APPOINT: Commissioner Michael S. Long to the Broward County Planning Council. (Commissioner LaMarca)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

S. MOTION TO APPOINT: Katie Leach to the Children's Services Board. (Commissioner LaMarca)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

T. MOTION TO APPOINT: Tim Bascombe to the Broward County Planning Council. (Commissioner LaMarca)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

U. MOTION TO APPOINT Ms. Sharon P. Ragoonan to serve on the Planning Council. (Commissioner Rodstrom)

ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

V. MOTION TO REAPPOINT Mr. Mark J. McCarthy to the Broward County Consumer Protection Board. (Commissioner Jacobs)

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ACTION: (T-10:13 AM) Approved, per the Yellow Sheeted Additional Material dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

HUMAN SERVICES DEPARTMENT

FAMILY SUCCESS ADMINISTRATION DIVISION

2. A. MOTION TO APPROVE Amendment to Agreement between the City of Hollywood and Broward County, from June 18, 2010 through January 26, 2011, extending the term through July 31, 2012, and increasing the amount by \$75,001 from \$49,999 to \$125,000, for the purpose of providing Homelessness Prevention and Rapid re-housing Program (HPRP) screening and case management services to all clients seeking Hollywood HPRP emergency housing assistance; authorizing the Mayor and Clerk to execute same; and authorizing the County Administrator to execute any time extension amendments, administrative and budgetary actions necessary to implement the amendment. There is no County match requirement.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

B. MOTION TO ADOPT unanticipated revenue Resolution 2011-014 in the amount of \$75,001 within the Stimulus HPRP Screening and Case Management Hollywood Fund (8017) for the purpose of providing Homelessness Prevention and Rapid re-housing Program (HPRP) screening and case management services to all clients seeking Hollywood HPRP emergency housing assistance.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

PORT EVERGLADES DEPARTMENT

3. MOTION TO APPROVE Amendment to Easement Agreement between Broward County and Florida Power & Light Company for the installation, operation and maintenance of cooling water intake ducts and discharge canal, electrical transmission lines and a fuels pipeline at Port Everglades, effective when it is fully executed; and authorize the Mayor and Clerk to execute same.

(This item was pulled by Commissioner Jacobs.)

ACTION: (T-10:14 AM) The Board deferred this item two weeks to obtain additional information. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

OFFICE OF INTERGOVERNMENTAL AFFAIRS AND PROFESSIONAL STANDARDS

4. MOTION TO APPROVE Broward County Board of County Commissioner's 2011 Federal Legislative Program for the First Session of the 112th Congress.

(This item was pulled by Commissioner Holness and a member of the public.)

ACTION: (T-10:15 AM) Approved, per the Yellow Sheeted Additional Material submitted by the Office

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of Intergovernmental Affairs and Professional Standards, dated January 25, 2011. (Refer to minutes for full discussion.)

VOTE: 7-1. Commissioner Lieberman was not present during the vote. Commissioner LaMarca voted no.

COUNTY COMMISSION

5. MOTION TO ADOPT Resolution 2011-015 of the Board of County Commissioners of Broward County supporting Meet Your Streets Broward events, bike share and active transportation in Broward County; and providing an effective date. (Commissioner Jacobs)

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

REQUEST TO SET FOR PUBLIC HEARING

6. MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing to be held Tuesday, February 8, 2011, at 2:00 p.m., in Room 422 of the Governmental Center to consider the enactment of a proposed Resolution, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CREATING SECTION 24.101 OF THE BROWARD COUNTY ADMINISTRATIVE CODE; PROVIDING A SPECIAL PURPOSE PROJECT FOR ANIMAL CARE AND ADOPTION CONCESSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-10:13 AM) (Withdrawn for further staff review.)

7. MOTION TO ADOPT Resolution 2011-016 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 22, 2011 at 2:00 P.M., in Room 422 of the Government Center, 115 South Andrews Avenue, Fort Lauderdale, Florida, to vacate a portion of a 15-foot wide platted utility easement, lying within, over and across a portion of Tracts G and H, of the Commerce Center of Coconut Creek Plat, located east of State Road 7 and north of N.W. 40 Street, in the City of Coconut Creek; at no cost to the County; Petitioners: Seminole Properties II, Inc; Keith and Schnars, PA., - Agent; 2010-V-09. (Commission District 2)

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

8. MOTION TO ADOPT Resolution 2011-017 directing the County Administrator to publish a Notice of Public Hearing to be held February 8, 2011, at 2:00 P.M. in the County Commissioners' Meeting Room (Room 422), 115 South Andrews Avenue, Governmental Center, to consider an application to renew the non-exclusive franchise of Seagull Marine, Inc., to provide steamship agent services for a five-year term at Port Everglades.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

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ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION

9. MOTION TO APPROVE expenditure of \$25,000.00 from the Broward County Tree Preservation Trust Fund for the annual Water Matters Day Tree Giveaway.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

NATURAL RESOURCES PLANNING AND MANAGEMENT DIVISION

10. A. MOTION TO APPROVE Letter Agreement with the South Florida Water Management District (SFWMD) providing for funding in the amount of \$35,000 to the County in FY 2011 for reimbursable services in support of water quality protection and Everglades restoration within the Broward County non-Everglades Construction Project basins.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

B. MOTION TO AUTHORIZE Director of the Natural Resources Planning and Management Division to execute the Letter Agreement and resulting Purchase Order.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

11. MOTION TO ACCEPT "Energy Efficiency Finance Strategies" report and direct staff continue to monitor and support federal legislative developments that may ease PACE program implementation and monitor alternative programs that might serve as future models for County adaptation.

(This item was pulled by Commissioner Jacobs.)

ACTION: (T-10:52 PM) Approved. The Board asked that information come back to the Board as to PACE-like programs in Broward County. (Refer to minutes for full discussion.)

VOTE: 9-0. Commissioner Lieberman voted in the affirmative telephonically.

12. A. MOTION TO APPROVE Land Stewardship Program "Parks for People" grant funding in the total amount of \$1,225,000 for applications to support the development of 26 Safe Parks and Land Preservation Bond Program acquired sites.

ACTION: (T-10:13 AM) Approved per the Yellow Sheeted Additional Material submitted by Environmental Protection and Growth Management Division, dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

B. MOTION TO APPROVE amended Land Stewardship Program Agreement for dissemination of funds as reimbursement to successful applicants consistent with the Land Stewardship Program; and authorize the County Administrator to execute the agreements.

ACTION: (T-10:13 AM) Approved per the Yellow Sheeted Additional Material submitted by the Environmental Protection and Growth Management Division, dated January 25, 2011.

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VOTE: 8-0. Commissioner Lieberman was not present during the vote.

POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION

13. MOTION TO RETROACTIVELY APPROVE Florida Department of Environmental Protection (FDEP) Agreement S0521, between FDEP and the Broward County Board of County Commissioners, to provide funding for the ambient air monitoring program in the amount of \$82,138.90 from July 1, 2010 to June 30, 2011; and authorize the Mayor and Clerk to execute the same.

(This item was pulled by a member of the public.)

ACTION: (T-10:49 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Public Works Department

14. MOTION TO AWARD fixed-price contract to low bidder, American Engineering & Development Corporation, for the reconfiguration of the Broward Interim Contingency (BIC) Landfill Slope Modification and Drainage Improvements, Bid No. Q0821811C1, for Waste and Recycling Services, in the total amount of \$1,135,800, and a completion term of 270 calendar days from the issuance of the Notice to Proceed, subject to receipt and approval of the required insurance/performance and payment guaranty; and authorize the Mayor and the Clerk to execute same. (Commission District 8)

ACTION: (T-10:13 AM) (Withdrawn for further staff review.)

15. MOTION TO AWARD open-end contract to low bidder, Everytrade International Company, a certified Small Business Enterprise, for Water Meter Boxes and Covers, Bid No. C0860204B1, for the Water and Wastewater Services Division, in the estimated annual amount of \$147,982.50, and authorize the Director of Purchasing to renew the contract for two one-year periods, for a potential three-year amount of \$443,947.50. The initial contract period will begin on date of award and will terminate one year from that date.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

RECORDS, TAXES, AND TREASURY DIVISION

16. A. MOTION TO APPROVE minutes of the 10:00 A.M. Board of Broward County Commissioners meetings of November 9, 2010, November 16, 2010, December 7, 2010 and December 14, 2010; and the minutes of the 2:00 P.M. Public Hearings of November 9, 2010 and December 14, 2010.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

B. MOTION TO APPROVE FOR FILING supplemental papers pertaining to the plats and other items that were approved in prior years.

ACTION: (T-10:13 AM) Approved.

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VOTE: 8-0. Commissioner Lieberman was not present during the vote.

C. MOTION TO APPROVE destruction of Board of County Commission minutes and supporting documents which have all been imaged and have met retention requirements per General Records Schedule GS1-SL, established by the Division of Library and Information Services of the State of Florida for local government agencies.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

D. MOTION TO FILE quarterly report, October 2010 through December 2010, of all Resolutions filed by cities and outside agencies.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

17. MOTION TO APPROVE First Amendment to the Agreement between Broward County and Broward Tag Agency, Inc. d/b/a Broward Express Auto Tag Agency for Private Auto Tag Agency Services, Request for Letter of Interest (RLI) No. R0746406R1, to allow Broward Tag Agency, Inc. d/b/a Broward Express Auto Tag Agency to relocate their facility as required by the Agreement, at the company's sole expense, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

18. MOTION TO FILE Quarterly Investment Report as required by Section 22.93 of the Broward County Administrative Code.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

RISK MANAGEMENT DIVISION

19. MOTION TO APPROVE full and final settlement of Claim 0929052281.

(This item was pulled by a member of the public.)

ACTION: (T-11:04 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Lieberman voted in the affirmative telephonically. Commissioner Sharief was out of the room during the vote.

20. A. MOTION TO APPROVE full and final settlement of Claim 0926099426.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

B. MOTION TO APPROVE full and final settlement of Claim 0926099426-01.

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ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

21. MOTION TO APPROVE full and final settlement of Claim 111607235201.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

22. MOTION TO APPROVE full and final settlement of Claim 031609726101.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

OFFICE OF MANAGEMENT AND BUDGET

23. MOTION TO ADOPT unanticipated revenue Resolution 2011-018 within the Law Enforcement Trust Fund in the amount of \$25,000 to provide funding for the Youth Crime Prevention and Intervention Program, administered by the Urban League of Broward County.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

24. MOTION TO ADOPT unanticipated revenue Resolution 2011-019 within the Law Enforcement Trust Fund in the amount of \$5,000 to provide funding for the Leadership Academy Program, administered by 100 Black Men of Greater Fort Lauderdale.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

25. MOTION TO ADOPT unanticipated revenue Resolution 2011-020 within the Law Enforcement Trust Fund in the amount of \$25,000 to provide funding for the Drug Free Youth In Town Program.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

26. A. MOTION TO ADOPT budget Resolution 2011-021 transferring funds within the General Capital Outlay Fund in the amount of \$484,033 for the purpose of funding a portion of the technology associated with the Closest Unit Response program in the Broward Sheriff's Office's budget.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

B. MOTION TO ADOPT unanticipated revenue Resolution 2011-022 within the General Fund for the Broward Sheriff's Office (BSO) in the amount of \$484,033 for the purpose of funding a portion of the technology associated with the Closest Unit Response program.

ACTION: (T-10:13 AM) Approved.

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VOTE: 8-0. Commissioner Lieberman was not present during the vote.

27. MOTION TO APPROVE settlement agreement between Broward County and the Florida Department of Revenue for repayment of overpaid federal Title IV-D funds received by the County, and to authorize the Mayor and Clerk to execute same.

ACTION: (T-10:13 AM) Approved per the Yellow Sheeted Additional Material submitted by the County Attorney's Office, dated January 25, 2011.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

PUBLIC WORKS DEPARTMENT

REAL PROPERTY SECTION

28. MOTION TO ADOPT Resolution 2011-023 authorizing the conveyance to the City of Deerfield Beach, by Quit Claim Deeds, of six unbuildable parcels of submerged land and one unbuildable parcel of vacant land that escheated to Broward County for delinquent real estate taxes pursuant to Florida Statutes Chapter 197.502(8) at no cost to the County; authorize the Mayor and Clerk to execute Deeds and recordation of same. (Commission District 2)

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

29. MOTION TO ADOPT Resolution 2011-024 authorizing the conveyance to the City of Miramar, by Quit Claim Deed, of a 0.21 acre parcel of land, improved as an access road, that escheated to Broward County for delinquent real estate taxes pursuant to Florida Statutes Chapter 197.502(8); authorize the Mayor and Clerk to execute Deed and authorize recordation of same. (Commission District 8)

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

30. MOTION TO ADOPT Resolution 2011-025 authorizing conveyance by Quit Claim Deed to the Housing Authority of the City of Fort Lauderdale, two narrow non-contiguous strips of land, containing a total area of approximately 24,000 square feet, located within the Dixie Court Housing Project situated at the southeast corner of N.W. Fourth Street and N.W. Ninth Avenue, in the City of Fort Lauderdale, that were erroneously transferred to Broward County; and authorize the Mayor and Clerk to execute the Deed, and the recordation of same. (Commission District 7)

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

SEAPORT ENGINEERING AND CONSTRUCTION DIVISION

31. MOTION TO APPROVE Fourth Amendment to the Agreement between Broward County and Craven Thompson & Associates, Inc., for General Engineering Services at Port Everglades, Request for Letters of Interest (RLI) No. 20050927-6-CPD-1, for the Seaport Engineering and Construction Division in the amount of \$1,187,773, increasing the total Agreement amount from \$8,007,278 to \$9,195,051; and authorize the Mayor and Clerk to execute same.

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(This item was pulled by Commissioner Holness.)

ACTION: (T-11:06 AM) Approved. The Board asked that information come back to the Board on a going-forward basis as relates to companies that have grown, as well as good modeling practices. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Lieberman voted in the affirmative telephonically. Commissioner Rodstrom was out of the room during the vote.

AVIATION DEPARTMENT

32. MOTION TO APPROVE Agreement of Lease between Broward County and Diversified Aviation NP, LLC (Diversified) at the North Perry Airport (HWO) for a 12.18 +/- acre parcel effective upon Board approval; terminating on the last day of the 25th lease year with two five (5) year options conditioned upon the completion of certain performance requirements for a total term not to exceed 35 years; with a minimum capital expenditure requirement of \$2,250,000 for the construction of an aviation business park to include an assortment of aircraft t-hangars, hangars, tie-down spaces and aviation and non-aviation office spaces; anticipated annual revenue of \$100,805.83 following the completion of phased construction, which will be adjusted annually by the greater of 3% or the United States Consumer Price Index, and by a fair market value appraisal in the 10th and 20th lease year; and authorize Mayor and Clerk to execute same.

ACTION: (T-10:13 AM) (Withdrawn for further staff review.)

33. MOTION TO APPROVE Mutual Termination of Agreement between Broward County, Florida and Valiant Aviation, LLC, (Valiant) to terminate the Agreement of Lease between Broward County and Valiant at North Perry Airport (HWO) dated April 28, 2009, to be effective upon Board approval and upon restoration of the leased premises to the satisfaction of the Aviation Department; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

OFFICE OF ECONOMIC AND SMALL BUSINESS DEVELOPMENT

34. MOTION TO APPROVE Resolution 2011-026 recommending that Optical Crime Prevention, Inc. (OCP) be approved as a qualified applicant for participation in the State of Florida Qualified Targeted Industry Tax Refund Program (QTI), for fiscal years 2012 through 2015, based on the creation of 100 high wage/high skilled jobs resulting in an estimated capital investment of \$19,800,000 in the City of Sunrise, Broward County, Florida

(This item was pulled by Commissioner LaMarca.)

ACTION: (T-11:14 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0. Commissioner Lieberman voted in the affirmative telephonically.

QUASI-JUDICIAL CONSENT HEARING

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ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION

35. DISCUSSION: of plat entitled "Franklin Academy" (017-MP-10). (Commission District 8)

ACTION: (T-10:13 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

36. DELEGATION: Debbie Orshefsky regarding MOTION TO APPROVE agreement among Broward County, City of Pembroke Pines, Watermen Pines, LLC and Alliance XII, LLC for the issuance of building permits prior to plat recordation for the Franklin Academy Plat (017-MP-10). (Commission District 8)

ACTION: (T-10:13 AM) Approved subject to staff's recommendations.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

37. DELEGATION: Michael D. Rose regarding request to amend the note on the Central Park of Commerce Plat (052-MP-83). (Commission District 2)

ACTION: (T-10:13 AM) Approved per staff's recommendations.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

38. DELEGATION: Conrad J. Boyle regarding MOTION TO APPROVE Amendment to Regional Road Concurrency Agreement relating to the Duke Pembroke 'C' Plat (030-MP-09). (Commission District 6)

ACTION: (T-10:13 AM) Approved subject to staff's recommendations.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

39. DELEGATION: Mike Vonder Meulen regarding request to amend the note on the Cypress Grove Plat (049-MP-04). (Commission District 4)

ACTION: (T-10:13 AM) Approved per staff's recommendations.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

40. A. MOTION TO ADOPT Resolution of the Board of County Commissioners of Broward County, Florida, providing for deferral of an application to amend the note on the Village Marina Plat (037-MP-85) to allow the County to pursue voluntary acquisition; providing for severability; and providing for an effective date. (Commission District 7)

(This item was pulled by Commissioner Jacobs, Vice Mayor Rodstrom and members of the public.)

ACTION: (T-11:17 AM) Denied. (Refer to minutes for full discussion.)

VOTE: 6-3. Commissioners LaMarca, Ritter and Wexler voted no.

B. DELEGATION: Debbie Orshefsky regarding request to amend the note on the Village Marina Plat (037-MP-85). (Commission District 7) (Deferred from November 16, 2010 – Item No. 20)

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ACTION: (T-11:17 AM) The Board denied the plat note amendment. (Refer to minutes for full discussion.)

VOTE: 6-3. Commissioners LaMarca, Ritter and Wexler voted no.

END OF QUASI-JUDICIAL CONSENT HEARING

REGULAR AGENDA

AVIATION DEPARTMENT

41. A. MOTION TO WAIVE Chapter 26 of the Broward County Administrative Code, "Operational Policy, Aviation" Part 1, "Statement of Policy for Awarding Concessions and Consumer Service Privileges," Section 26.4.b.5(a), the requirement for the Board of County Commissioners to appoint the Selection Negotiation Committee; and grant authority to the County Administrator, or designee, to appoint the Selection Negotiation Committee (SNC), pursuant to the Code of Ethics.

ACTION: (T-11:58 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0. Commissioner Lieberman voted in the affirmative telephonically.

B. MOTION TO APPROVE Request for Letters of Interest (RLI) to provide Automated Retail Concession Services in the Airport Terminal Complex and the Rental Car Center at the Fort Lauderdale-Hollywood International Airport, RLI No. 20100308-0-AV-01 (Automated Retail RLI).

ACTION: (T-11:58 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0. Commissioner Lieberman voted in the affirmative telephonically.

42. MOTION TO APPROVE deviation from standard County language to provide for inclusion of a statement entitled "Conflicts of Interest Regarding the Airport Expansion Program Projects" in substantially the form contained herein in all procurement solicitations and contracts related to the Airport Expansion Program at the Fort Lauderdale-Hollywood International Airport (FLL).

ACTION: (T-12:09 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 8-1. Commissioner Lieberman voted in the affirmative telephonically. Commissioner Wexler voted no. Commissioner Wexler asked that the record reflect that she opposed the item as the language was not clear. (Refer to minute for full discussion.)

**PUBLIC WORKS DEPARTMENT
REAL PROPERTY SECTION**

43. MOTION TO DISCUSS AND PROVIDE DIRECTION TO STAFF regarding status and potential disposition of the County owned surplus property, commonly known as the Tarpon Building, located at 955 South Federal Highway, Fort Lauderdale, together with a non-contiguous satellite parking lot with frontage on nearby S. E. Ninth Street. (Commission District 7)

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ACTION: (T-12:22 PM) The Board asked that staff continue to negotiate the price of the Tarpon Building and reject the current offer. (Refer to minutes for full discussion.)

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Aviation Department

44. NOTE FOR THE RECORD advertisement of the Request for Proposals (RFP) No. N0840412P1 for U.S. 1/Florida East Coast (FEC) Railroad (RR) Structures for the Expansion of Runway 9R-27L at the Fort Lauderdale-Hollywood International Airport (Step II), including certain alternative procedures used in the solicitation.

(Transferred to the Consent Agenda.)

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

45. MOTION TO APPROVE Request for Letters of Interest (RLI) No. R0900601R1 for Terminal Modernization (1, 2, and 3) at Broward County Aviation Department at Fort Lauderdale-Hollywood International Airport.

(Transferred to the Consent Agenda.)

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

For Port Everglades Department

46. MOTION TO APPROVE Request for Letters of Interest (RLI) No. R0884605R1 for Port Everglades Wetland Enhancement/Southport Turning Notch Expansion - Engineering Design.

(Transferred to the Consent Agenda.)

ACTION: (T-10:13 AM) Approved.

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

COUNTY ATTORNEY

47. MOTION TO CONSIDER settlement agreement with the United States Department of Justice, under the Americans with Disabilities Act; Case Nos. DJ 204-18-91 and DJ 204-18-199.

ACTION: (T-10:13 AM) (Withdrawn at the request of the County Attorney.)

OFFICE OF MANAGEMENT AND BUDGET

48. MOTION TO ADOPT unanticipated 2011-027 revenue Resolution within the Fire Rescue Fund for the Broward Sheriff's Office in the amount of \$6,338,567 for the purpose of establishing an appropriation for a new contract for Fire Rescue and Emergency Services with the City of Dania Beach.

ACTION: (T-11:54 AM) Approved. (Refer to minutes for full discussion.)

COMMISSION MINUTES

VOTE: 9-0. Commissioner Lieberman voted in the affirmative telephonically.

OFFICE OF INTERGOVERNMENTAL AFFAIRS AND PROFESSIONAL STANDARDS

49. MOTION TO DISCUSS conflicts of interest provision in current state lobbying contracts.

ACTION: (T-5:00 PM) The Board directed staff to create a written policy for handling conflicts of interest with lobbyists separate from the contract language and bring it back to the Board. (Refer to minutes for full discussion.)

VOTE: 7-0. Commissioners Lieberman and Vice Mayor Rodstrom were not present during the vote.

50. MAYOR'S REPORT

A. RESOURCE RECOVERY BOARD

ACTION: (T-5:40 PM) Mayor Gunzburger explained she has received requests from an attorney and members of the Resource Recovery Board to seek representation on the Resource Recovery Board for an interim period. (Refer to minutes for full discussion.)

In response to Mayor Gunzburger, Commissioner Jacobs expressed she was unable to serve on the Resource Recovery Board at this time. (Refer to minutes for full discussion.)

Commissioner Ritter offered to serve on the Resource Recovery Board. (Refer to minutes for full discussion.)

ACTION: (T-5:45 pm) The Board appointed Commissioner Ritter to the Resource Recovery Board. (Refer to minutes for full discussion.)

VOTE: 7-0. Commissioner Lieberman and Vice Mayor Rodstrom were not present during the vote.

51. COUNTY ADMINISTRATOR'S REPORT

(No report given.)

NON-AGENDA

52. APPOINTMENT TO BOARDS-COMMISSIONER SHARIEF

ACTION: (T-5:46 PM) Commissioner Sharief read aloud a memorandum from herself to Mayor Gunzburger explaining, as stated at the Commission Meeting on Tuesday, January 4, 2011, she preferred not to serve on certain Boards to avoid any perceived conflicts of interest. Commissioner Sharief asked the Board to accept her formal resignation from the Fire Rescue Council, HIV Health Planning Council and Broward Regional EMS Council effective immediately. Commissioner Sharief expressed she is open to serve on other Boards that could not be perceived as a conflicts of interest. (Refer to minutes for full discussion.)

In response to Commissioner LaMarca offering to swap his appointment to the Homeless Partnership Initiative with Commissioner Sharief, with Commissioner LaMarca serving on the Fire Rescue Council and the Broward Regional EMS Council, Commissioner Sharief accepted. (Refer to minutes for full discussion.)

Mayor Gunzburger explained she will appoint a Commissioner to the HIV Health Planning Council on

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Tuesday, February 1, 2011. (Refer to minutes for full discussion.)

53. JUVENILE DETENTION CENTER-COMMISSIONER WEXLER

ACTION: (T-5:49 PM) Commissioner Wexler explained she has been appointed by the Juvenile Justice Board to head a committee to look at a readiness plan for running the Juvenile Detention Center. (Refer to minutes for full discussion.)

54. BROWARD COUNTY EXTENSION SERVICE AND OPEN HOUSE AT THE UNIVERSITY OF FLORIDA-COMMISSIONER WEXLER

ACTION: (T-5:52 PM) Commissioner Wexler referenced Broward County Extension Service and an open house she recently attended at the University of Florida in Davie, Florida. Commissioner Wexler noted the exhibits on display. (Refer to minutes for full discussion.)

55. HORSE PROGRAM-COMMISSIONER RITTER

ACTION: (T-5:54 PM) Commissioner Ritter asked for feedback as to why she has been receiving letters relating to the Friends Program, known as the Horse Program. (Refer to minutes for full discussion.)

In response to Commissioner Ritter, County Auditor Even Lukic explained there was an item that was deferred on a recent Commission Agenda that would extend a licensing agreement. In the interim, legal issues relative to the property need to be resolved, which the County Attorney's Office is working on. (Refer to minutes for full discussion.)

56. ENERGY ISSUES-COMMISSIONER JACOBS

ACTION: (T-5:55 PM) Commissioner Jacobs referenced an item on today's Commission Agenda as to energy issues, funding, and a new program entitled, QECBE. Commissioner Jacobs offered to help with any legislation. (Refer to minutes for full discussion.)

57. EXPRESSION OF THANKS TO ALL-COMMISSIONER HOLNESS

ACTION: (T-5:56 PM) Commissioner Holness thanked all for helping with the recent Martin Luther King birthday weekend. (Refer to minutes for full discussion.)

58. RENAMING OF THE FAMILY SUCCESS CENTER AND COSTS-COMMISSIONER JACOBS

ACTION: (T-5:58 PM) Commissioner Jacobs referenced the upcoming renaming of the Family Success Center in Pompano Beach. Commissioner Jacobs noted her personal office account is covering the cost of tents and juices and the like, due to overtime issues for park employees. (Refer to minutes for full discussion.)

County Administrator Bertha Henry explained this is first time she has been made aware of such issues and will try to resolve issues going forward. (Refer to minutes for full discussion.)

MEETING/WORKSHOP NOTICES

**COMMISSION WORKSHOP
BSO COMMUNICATIONS**

Tuesday, January 25th, in Room 430 at 12:30 PM

COMMISSION MINUTES

THE BROWARD COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING OF
JANUARY 25, 2011
10:00 A.M.

A meeting of the Broward County Board of County Commissioners, Broward County, Florida, was held in Room 422 of the Government Center, Fort Lauderdale, Florida, at 10:00 a.m., Tuesday, January 25, 2011

COMMISSIONER	DISTRICT	ATTENDANCE
Sue Gunzburger	6	Present
Dale V.C. Holness	9	Present
Kristin D. Jacobs	2	Present
Chip Lamarca	4	Present
Ilene Lieberman	1	Present via telephone
Stacy Ritter	3	Present
John E. Rodstrom, Jr.	7	Present
Barbara Sharief	8	Present
Lois Wexler	5	Present

CALL TO ORDER: Mayor Sue Gunzburger called the meeting to order.

(COMMISSIONER LIEBERMAN WAS PRESENT VIA TELEPHONE.)

MAYOR GUNZBURGER: We do have -- I know that -- oh. I know Commissioner Sharief is on her way and will be here shortly.

I don't know about Commissioner Holness.

And will you all stand -- oh, here's Commissioner Holness.

Would you all please stand for the Pledge of Allegiance. And, Commissioner Jacobs, please lead us in the Pledge.

(THE PLEDGE OF ALLEGIANCE WAS LED BY KRISTIN JACOBS, BROWARD COUNTY COMMISSIONER, DISTRICT 2.)

MAYOR GUNZBURGER: And please remain standing for a moment of silence.

Sadly, today we must honor two Broward residents who were Miami-Dade police officers killed doing -- doing their jobs on Thursday.

Detective Roger Castillo was a 21-year veteran officer. Detective Castillo and his wife, Debbie, and their three sons, Brian, Michael, and Anthony, lived in Davie.

Detective Amanda Hayworth was a 23-year veteran. Detective Hayworth and her son, Austin, live in Miramar.

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Both of these officers were members of a specialty squad with a high level of expertise, and trained to arrest fugitive career criminals.

Our condolences go out to their families and friends, their fellow officers, and comrades.

And we know how dangerous this work is, because we saw another repetition of it in our state as well, yesterday.

Other condolences, Alfred Pepin, a dedicated civic activist, past board member of the Hollywood Democratic Club, and a veteran of World War II and the Korean Conflict, passed away on Saturday, January 22nd, 2011.

He is survived by his son, Jason Pepin, of Washington, D.C., and his brother, Charles Peppin, of Hollywood.

And Dolores Barwell Ziff, best known as a generous patron of the arts in south Florida, the wife of Sanford Ziff, died Tuesday, January 11th.

In addition to her husband, she is survived by her sons Barwell Keator, Peter Hoppe, Steven Sandys Keator. She was predeceased by son Richard Sandys Keator.

Does anyone else have another name to put forward?

Then, there being none -- no others, and, of course, the brave men and women serving in the U.S. armed forces at home and abroad.

(Moment of silence.)

MAYOR GUNZBURGER: Thank you. You may be seated.

CONSENT AGENDA

MAYOR GUNZBURGER: And I'm going to read the Monday -- the Tuesday morning memo for January 25th.

Consent items are Items 1 through 40.

I request that the following withdrawals and scrivener error corrections and inclusion of additional information.

The withdrawals and deferrals are Items 6, 14, 32, and 47.

Scrivener's errors are on Item 1A, the motion reads reappoint Mary Graham to the Broward County Planning Council. It should read appoint Mary Graham.

Item Number 27, at the request of the CAO, the settlement agreement has been modified in two respects. The county's payment obligation becomes effective only after the Department of Regulations notifies the county that the three conditions listed in the final paragraph of the agreement have been satisfied. And the -- number two, the agreement no longer requires the county to release the Clerks of Court or the Florida Association of Clerks.

Item Number 48 is time certain at 11:30.

COMMISSION MINUTES

I am requesting that we add the following without objection items to Consent. 44, 45, and 46.

Are there any objections?

Then they will be moved to Consent.

You have yellow sheets on Items 1D to 1Q, 1R to 1T, 1U, 1V. Those are all Board appointments by different Commissioners.

Item 4, there's a memo to the Board from the Office of Intergovernmental Affairs and Professional Standards. And one -- two items from them.

Item Number 12, a memo to correct Exhibit 2 from Environmental Protection and Growth Management Department.

Item 27, substitute Exhibit 1 submitted by the Office of the County Attorney.

Item 43, memo to the Board from the county administration.

And that's all for this morning.

We will now get to the Consent Agenda, Items 1 through 40. And I will start with Commissioner Holness.

COMMISSIONER HOLNESS: Item 31.

MAYOR GUNZBURGER: Okay.

COMMISSIONER HOLNESS: And Item -- Item 4.

MAYOR GUNZBURGER: All right.

Commissioner Jacobs.

COMMISSIONER JACOBS: Items 3, 11 for -- 3 for -- 3 pulled, 11 for comment, and 40, I'd like to vote on Item 40 today, not defer it.

MAYOR GUNZBURGER: Okay. Item 40 is a quasi.

Vice Mayor?

VICE MAYOR RODSTROM: Well, I mean, I'd like to talk about Item 40.

MAYOR GUNZBURGER: Okay. And --

VICE MAYOR RODSTROM: It's on the agenda.

MAYOR GUNZBURGER: -- any other?

VICE MAYOR RODSTROM: No, thank you.

MAYOR GUNZBURGER: Commissioner Ritter?

COMMISSIONER RITTER: None.

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MAYOR GUNZBURGER: None. Okay.

Commissioner Wexler.

COMMISSIONER WEXLER: None.

(Laughter.)

VICE MAYOR RODSTROM: (Inaudible.)

COMMISSIONER JACOBS: That deserves donuts just by itself.

COMMISSIONER WEXLER: But I asked lots of questions (inaudible).

MAYOR GUNZBURGER: You sure did. You and Commissioner Lieberman.

Commissioner Sharief.

COMMISSIONER SHARIEF: None.

MAYOR GUNZBURGER: Thank you.

And Commissioner Lamarca.

COMMISSIONER LAMARCA: 34.

MAYOR GUNZBURGER: 34. Okay.

Commissioner Lieberman. Are you there? I guess not.

Then is there a motion on the remaining Consent --

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: So moved.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Oh. Is there anyone from the audience that needed an item pulled? Is -- I have to look through these; just a moment.

Item 4 has been pulled. Oh, Item 13. Just a moment. Thank you. Yes. Item 19.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: That's -- those are the other ones.

COMMISSIONER WEXLER: Move approval of the Consent Agenda.

COMMISSIONER LAMARCA: Second.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.

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Opposed, like sign.

The Consent Agenda is approved.

And when you leave the room, please do it quietly.

Individuals who are interested in speaking on any of the Regular Agenda items or Supplemental Agenda items, please come forward and sign up to be heard, if you have not already done so.

Once the items come before the Board, if you have not already signed up, you will not be permitted to speak.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 3

MAYOR GUNZBURGER: Okay. The first item was Item 3, and that was by Commissioner Jacobs.

COMMISSIONER JACOBS: Thank you, Mayor.

Colleagues, I pulled Item 3 because what I'd actually like to do is defer it for two weeks and have a conversation with -- with staff, which I have not had an opportunity yet to understand any connection with cooling water intake of this easement.

I believe there is no connection. But you may recall that we recently allowed development in the City of Dania Beach contingent upon their ability to -- FP&L's ability to give up its potable drinking water that it's using for cooling now, and go to reused water, which the City of Hollywood desperately needs, as does Broward County, as relates to their ocean outfall mandates from the State.

And my understanding is that FP&L -- FP&L is now refusing to use reused water, even though power plants all over the state and county use reused water for cooling purposes instead of using potable drinking water.

So at this -- at this time, I'd ask that we defer it for two weeks so I can look into those issues and then bring it back.

MAYOR GUNZBURGER: Is there an objection --

COMMISSIONER JACOBS: That would be my motion.

MAYOR GUNZBURGER: -- from staff?

MS. HENRY: No.

MAYOR GUNZBURGER: There being none --

COMMISSIONER LAMARCA: Second.

MAYOR GUNZBURGER: -- no objection, you've moved for deferral for two weeks.

COMMISSIONER LAMARCA: I second.

MAYOR GUNZBURGER: Is there a second?

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COMMISSIONER LAMARCA: Second.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 4

MAYOR GUNZBURGER: The next one is Item 4, and that's Russell Rand.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Oh, I'm sorry.

Dale Holness first.

COMMISSIONER HOLNESS: I -- I pulled it simply for -- for comment.

I have the privilege of having breakfast yesterday morning with Dr. Senator Dilian Francisca Toro from Columbia. And she was one of the people who actually went to Washington four years ago to make a presentation to our government for the free trade agreement, something that we have plans to seek support from the federal government to help us ensure it happens.

Columbia this past year, 2009, our trade with south Florida and Columbia was in excess of \$6,000,000,000. We have a surplus of one -- over \$1,000,000,000 with this market.

I -- I -- I certainly believe that we have to ensure that we work to continue to foster trade with nations, especially those that we have a surplus with, and Columbia's one of those nations. They're the second highest trading partner with south Florida. Only Brazil, at \$11,000,000,000, surpassed them.

So I ask not only that are here on this dais, but everyone, really consider how powerful it would be if we will be -- if we are able to expand trade opportunities with Columbia and the other countries, particularly in that market in the Caribbean, because that is where the future growth of our market is.

The more we trade with them, the better off we're going to be.

MAYOR GUNZBURGER: Okay. Go ahead --

COMMISSIONER WEXLER: So, Commissioner, where would you like to see our legislative program adjusted?

COMMISSIONER HOLNESS: I -- I'm not asking for it to be adjusted. I said it was just for comment.

COMMISSIONER WEXLER: Oh, that -- is there something in there about it?

COMMISSIONER HOLNESS: Yes.

COMMISSIONER WEXLER: Could you point out where it is, so that I could see it, please?

MAYOR GUNZBURGER: The free trade agreement.

COMMISSIONER HOLNESS: (Inaudible) --

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COMMISSIONER WEXLER: The free trade agreement --

COMMISSIONER HOLNESS: Yes.

COMMISSIONER WEXLER: -- is that what it is?

COMMISSIONER HOLNESS: Yes, yes.

COMMISSIONER WEXLER: Thank you.

MAYOR GUNZBURGER: All right. And we also have a speaker on this item.

Russell Rand.

COMMISSIONER LAMARCA: Mayor, I had an issue on it, too.

MAYOR GUNZBURGER: Oh, I didn't see your hand. I'm sorry.

COMMISSIONER LAMARCA: I just didn't repeat the number.

MAYOR GUNZBURGER: Go ahead, Commissioner Lamarca.

COMMISSIONER LAMARCA: I would refer back to Commissioner Lieberman's question in the PBMI about getting involved in opposing legislative action undermining the implementation of healthcare reform. It could affect our appropriations.

That's the exact point I have, is we have -- we're asking for \$22,972,000 from the federal government only after we've told them that we disagree with the majority of Americans, that we disagree with 28 states which, in a bipartisan effort that there is an opposition to Item 5 on this. And I don't think we should tie ourselves to it, possibly hindering our possible -- you know, our ability to get those \$23,000,000 in appropriations.

MAYOR GUNZBURGER: Did you read the --

COMMISSIONER LAMARCA: I did.

MAYOR GUNZBURGER: -- comment --

COMMISSIONER LIEBERMAN: I did.

MAYOR GUNZBURGER: -- from Ms. Harkins?

COMMISSIONER LAMARCA: I did.

MAYOR GUNZBURGER: This was something that was brought forth from the public and put on because there is a real concern.

COMMISSIONER LAMARCA: There is -- there is debate nationally. They want it. I mean, the -- the comment was we become too deeply involved in healthcare; the staff's answer was kind of a half answer. It's like being half pregnant. You can't go up and half argue on an issue and -- and tell us that you halfway agree with it, halfway disagree, because it's -- it's one of our five major issues that we want to -- to send to Washington.

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So I have -- I have an issue with that, especially if it's going to be under -- under the guise of the Broward County Commission is unified in this request.

MAYOR GUNZBURGER: All right.

Let me hear from the public, and then we'll continue the discussion.

COMMISSIONER LAMARCA: Okay.

MAYOR GUNZBURGER: Mr. Rand.

MR. RAND: Hi, there, again. Russell --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. RAND: I've (inaudible).

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: Thank you.

UNIDENTIFIED SPEAKER: (Inaudible), too.

MR. RAND: Yeah. Russell Rand. I, as you know, may or may not --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. RAND: May or may not be a county employee. I want to -- just have some comments, and I want to thank Commissioner Jacobs for an excellent presentation on the environment last night. Very good.

And I have some comments on environmental other matters.

The air quality, you're -- this sounds like a wish list, of course. You know, wishful thinking and whatnot, if there was unlimited funds and all that. You're proponents of very strong air quality, and I used to work in that area, of course, and I'm, as you know, contaminated for 35 years and all. I worked with extremely dangerous chemicals, benzene, chloroform, et cetera, and -- and all of that.

So you should be proponents of strong and clean air for everybody, including myself.

On the beaches, you know, that's the shifting sands of time, and whether the government is going to keep funneling money into shifting sands or just ship the tourists to the Bahamas rather than the beach sand from the Bahamas here.

And it's -- you talk about hurricanes and storm surge, and, of course, storm surge rises, it doesn't just lap on the -- on the beach. And Commissioner Jacobs had an excellent slide for the climate change which is slow going, of course. In a storm surge, the water will rise, you know, 20 or 30 feet in a couple hours, and that'll flood everything from Weston east. It's not just something that laps on the beach.

And climate change, as I said, the climate's been changing for four and a half billion years, and no government has stopped it yet, although it's good to be cognizant of what's going to happen over the next couple hundred years and all that.

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And it's critical down here. Commissioner Jacobs hit the -- the point that there's no place in the world like this that's so flat and all and -- between the Everglades and the ocean. And when that storm surge rises, see, then you're trapped. And this will look like the Florida Keys, little islands, Coral Ridge and Pine Island and Hollywood Hills and all.

It's important to protect the Everglades and storage and saltwater intrusion, which is happening at a slow rate, again. And, you know, we always have feast or famine of -- of the water, which follows the hurricanes, which follows the money, you know, the economy and all that.

So it's a never-ending balancing act.

You're opposed, or want to be opposed, to all drilling. Of course, as long as we're driving gasoline powered cars, people are going to keep wanting to drill oil out in the Gulf of Mexico in particular.

I just want to point out what nobody'll talk about, really, too, is that you have this storage tank farm. We known for three, four decades there was a bunch of oil under there. So when you get a storm surge comes in, it will go into the Los Olas Isles and everywhere, of course. And that -- that's your greatest risk from oil.

You also mentioned justice, human rights. On the one hand, you're a proponent of human rights for the populace, but, again, in your agenda you want to control your own employees and so as to oppose any effort for the --

MAYOR GUNZBURGER: Please, you --

MR. RAND: -- burden of change.

MAYOR GUNZBURGER: -- Mr. Rand, your time is up.

MR. RAND: And the Herbert Hoover dike. Be careful.

Thank you.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Now, let's get back to you, Commissioner Lamarca. So you're opposing our -- our adding that there should be parity on mental health care?

COMMISSIONER LAMARCA: No, I'm not. I'm -- I'm -- I'm opposing the -- the issue of a national -- being opposed to a national -- in legislative -- legislative action undermines the implementation of a national plan that is still under some major scrutiny.

I -- I have a vested interest and a very strong will to go there and -- and advocate on the \$6,000,000 for beach nourishment, \$3,000,000 in traffic -- transit improvement, and all the other things that are on here, but I have an issue coming from a body that's basically said that we're not listening to the people, regardless of what happened in the past, if there is current repeal issues there within our state, for me to go to -- to Washington D.C. and ask -- help ask for \$23,000,000 when that's one there, and -- and I know there -- there was clarification in the PBMI. The final statement is we do not intend to actively advocate the issue.

So why don't we take it out, so we can concentrate on the things that we can get from Washington, D.C.?

MAYOR GUNZBURGER: Well, I -- I'm going to strongly disagree with you, because there's a body of

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people that are very concerned about this issue.

And we'll go on from there.

Commissioner Wexler.

COMMISSIONER WEXLER: I'm going to try to ask it a different way. And I was asking Commissioner Lamarca if what he was referencing is actually in the executive summary, and the answer is -- or summary explanation background, and the answer is yes.

COMMISSIONER LAMARCA: Uh-huh.

COMMISSIONER WEXLER: That's the line you're referencing on the cover of Item Number 4.

I'm actually holding the program itself in my hand, and I'm under the section page 25, Commissioner, Health and Human Services. Is that where I would find the language? Because I'm -- what I'm trying to find is support/oppose, support/oppose. This is all continued -- it doesn't -- it doesn't frame it as drastically as what you've pointed out to us.

COMMISSIONER LAMARCA: Uh-huh.

COMMISSIONER WEXLER: And so that really, Mayor, is a question for -- through Ms. Henry to staff.

MAYOR GUNZBURGER: Yeah, I'm just trying to understand is what you're opposing is the Health Care Act of last year?

COMMISSIONER LAMARCA: I'm not opposing any of the -- any of the issues identified in --

MAYOR GUNZBURGER: I'm just asking a question.

COMMISSIONER LAMARCA: -- in this, but absolutely.

COMMISSIONER WEXLER: Well, that's what --

MAYOR GUNZBURGER: Well, then, I --

COMMISSIONER WEXLER: -- (inaudible).

MAYOR GUNZBURGER: -- don't want you going to D.C.

COMMISSIONER WEXLER: Yeah, but -- but the country is split on this issue.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: Yeah, 48 percent of the public oppose it; 64 percent --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: -- for --

COMMISSIONER WEXLER: It -- it is --

COMMISSIONER LAMARCA: I'm not -- I didn't. My -- my point isn't to take up a -- a national issue here in -- in a partisan manner, but I'm looking at the \$23,000,000 that we want to get for Broward County

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--

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER LAMARCA: -- and I don't want to jeopardize that.

COMMISSIONER WEXLER: Can I have my question answered?

MAYOR GUNZBURGER: Sure.

COMMISSIONER WEXLER: Under summary explanation, the -- the last bullet down says opposition to any legislative action that undermines the implementation of healthcare reform.

Do I see that language in my program?

MS. HARKINS: Mayor?

MAYOR GUNZBURGER: Ms. -- oh, no. Ms. Henry.

MS. HENRY: Ms. Harkins.

MS. HARKINS: Thank you.

Actually, on page 10 --

COMMISSIONER WEXLER: Thank you.

MS. HARKINS: -- of the document that you received yellow sheeted, additional material, the very last sentence under the healthcare reform piece states the Board opposes any legislative action that undermines the implementation of the Patient Protection and Affordable Care Act of 2010. That line was added.

The rest of this entire section was carried over from the 2010 federal program.

COMMISSIONER WEXLER: That line was just added this year?

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER WEXLER: I -- I have to tell you something. It's stepping into a real ant hill. A real ant hill in Tallahassee, as well as in -- in Washington.

And we've asked -- you've asked, Commissioner, to lobby for us. I -- what do we want to do? Do we want to ignore it or do we want to lobby for it or how --

MAYOR GUNZBURGER: (Inaudible.)

COMMISSIONER WEXLER: -- (inaudible) --

MAYOR GUNZBURGER: You know, I'm going to have to (inaudible) --

COMMISSIONER WEXLER: Could you (inaudible) that?

MAYOR GUNZBURGER: -- that particular position, because I might have a very opposite viewpoint from Commissioner Lamarca. On this issue, I am with 60 percent of the American public that believe that we

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need affordable healthcare.

COMMISSIONER WEXLER: Yes.

MAYOR GUNZBURGER: I --

COMMISSIONER WEXLER: Yes.

MAYOR GUNZBURGER: -- know that there are people who cannot afford to have healthcare, and is it -- it is really making (inaudible) --

COMMISSIONER WEXLER: But that is not what this says, Mayor. That's not what this says. The theory of affordable healthcare for all, I think every one of us absolutely embraces. It's the --

COMMISSIONER LAMARCA: I do, as well.

COMMISSIONER WEXLER: -- elements -- it's the elements of the current healthcare bill that was passed that troubles over half of Americans, or -- America is --

MAYOR GUNZBURGER: (Inaudible) percent.

COMMISSIONER WEXLER: -- America is divided. But -- but you know what? Let's focus on staff's answer. Staff's answer to Commissioner Lieberman's question was the following: but we do not intend to actively advocate the issue.

Well, that's pretty sad.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: Furthermore, our federal lobbying firm has been consulted regarding the program's content, and has not expressed any concern about the position statement.

Now, as a position statement, that's one thing. Putting it out here in front in a summary explanation, there's a whole bunch of position statements embedded within this 40-some-odd page document.

MAYOR GUNZBURGER: Yes.

COMMISSIONER WEXLER: But this one rises right to the top, and it is controversial. Whether we want to admit it or not, it is.

MAYOR GUNZBURGER: Commissioner Jacobs.

COMMISSIONER JACOBS: First of all, I would say that this country has not had an honest discussion of healthcare. We've had bumper stickers, we have had allegations, we've had a whole pack of lies thrown out on both sides on what is and what is not in that bill.

So to assert that 50 percent of this country is for or against it, I don't think is accurate.

As relates to the language that is before us today, and the conversation that's before us today in our own legislative package, the language that is here currently in the program, I support.

Staff has said that, in fact, the lobbying team, as was just read by Commissioner Wexler, doesn't think that there are any concerns that need to be -- that this issue doesn't raise to the level of any

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concern.

So it seems to me much ado is being made about nothing in the way that this legislative package has been written. And, in fact, this very conversation took place several weeks ago when we were adopting the legislative package.

What I find frustrating about this topic is that we had this package given to us repeatedly by staff. We had workshops where we're all invited to bring forth our comments. And yet, still, we're right here back where we started, trying to change it from the dais.

If you wanted to change it from the dais, why wasn't that language objected to back when we all agreed to put it in? Nobody raised an issue about it then. Is it because you weren't prepared? I'm sorry, I don't buy that. If you're not prepared, then wait, and next year, when you are prepared, then we'll discuss it and you can try to yank it out at that time.

But this package has been vetted through us many, many times, through workshops and on this dais. I'm really over having these items come back and forth and back and forth to us.

The -- the greater political divide of this country is those who I consider to be on the extreme edges and not in the moderate position that most Americans -- indeed, I would think everybody on this Board -- finds themselves.

These -- many of the issues that are in this legislative package are not -- and, in fact, I don't believe this one is, or should be, a partisan issue. To try to create some sort of partisanship amongst the Board, I find indefensible.

This item should stay as it -- as written, and if anyone wants to change it, take it up in the next -- in the next go round for the legislative package.

And one final comment. We consistently, as we go through session, and as items come before the federal government, adjust this package. It is never -- it is a living document; it is constantly changing.

So if, in fact, this one issue needs to be vetted, I would think that we do not have to have a conversation up here today where not a soul has all the elements that's in the American Healthcare Bill, and discuss it with knowledge and information at our fingertips instead of bumper stickers.

That's what's wrong with the direction this country is going in is no one is having a frank, open, real discussion. It's all about fear. And I'm -- I just can't support pulling it apart at this point.

If an agenda item wants to get created to go and have an informed discussion, bring it on.

MAYOR GUNZBURGER: Commissioner Rodstrom. I mean Vice Mayor. I'm sorry.

VICE MAYOR RODSTROM: I think -- I think you're both right, but I think it's a matter of how you present yourself.

If you hand a document to somebody and say -- and the reader picks it up and -- and immediately it's argumentative to the reader, and they say, oh, by the way, I want all these things from you, you have no chance of success.

So maybe what you need is you have your -- the policies that you espouse, and that's in one document. And in the other document are the things that you want. So -- so a person can pick and chose what it is they want to read. They don't have to read about your policies, because, you know, it's

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kind of like selling them religion to feed them. I mean -- and some do that. But I'm saying we -- we're just out there to get something, and I think you want to get as many people on your side as you can possibly have on your side.

So why not just bifurcate the documents? One for policy and one for the things that you're asking for, and never the two meet. And that way, you know, you're -- you're more likely to get more of a buy-in.

I don't know. I just -- if I read something from you and I was -- you know, you made me mad, I wouldn't even turn the page. I'd throw the whole thing out and say, look, philosophically, these guys are in left field. I don't care what they want. You know, who else do we have here, you know.

But -- you know, we're begging. We're on our knees. Please give us some money. You know, so don't aggravate people when you're asking them for money.

MAYOR GUNZBURGER: Thank you.

Commissioner Ritter.

COMMISSIONER RITTER: Thank you, Mayor.

Boy, for a nonpartisan Board, we sure have a lot of partisan discussions these days, don't we? That's really a shame. I actually appreciated the fact that we were -- that our issues were nonpartisan. Or I thought they were. I find that refreshing at the county -- at the county level, as opposed to the state or federal level.

And I also didn't realize that asking for affordable and accessible healthcare was -- was coming out of left field. I mean, I think that's a position that most Americans enjoy. You can look at polls on a left, right, and in the middle, and they're all over the place. You can pick and choose how the questions are asked, and you can parse through a poll and determine who's asking it, what their agenda is, and you can come up with any number you want.

But I think if you asked, the majority of Americans would say they were absolutely in favor of -- in favor of affordable and accessible healthcare.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: But I actually think, Commissioner Jacobs, that we might want to amend the statement, and here's what I would suggest.

I think we might want to say -- oh, and by the way, before I go to that specifically, has anybody looked at all the earmarks we've asked for in this document?

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER RITTER: Which, apparently, they're not doing in Washington these days.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER RITTER: Commissioner Lamarca, you didn't bring that up. You didn't say we're asking for earmarks, why are we asking for earmarks? And they're the same earmarks year after year after year. If we're going to amend it, we might as well take every earmark out. We might as well stop asking for money --

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COMMISSIONER LAMARCA: (Inaudible) the document (inaudible) --

COMMISSIONER RITTER: -- because Congress has told us that they are not going to provide earmarks. Of course, the definition of earmark seems to change depending on who you talk to and --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: -- what it's costing that person.

Again, that's something -- again, how do you ask the question.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: But here's how I think we might want to consider, Commissioner Jacobs, amending this particular statement.

Maybe we should say the Board opposes any legislative action that undermines the implementation of the Patient Protection and Affordable Care Act of 2010 for a variety of reasons, including the fact that the Independent Congressional Budget Office has said that the bill would save the treasury \$143,000,000,000 over ten years, and this Board absolutely and positively approves of the reduction of the deficit, which is out of control.

COMMISSIONER WEXLER: I like that. Excellent.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: All right. I'd like to know where we want to go on this issue and -- so we can dispose of it.

Someone who hasn't spoken?

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: You're going to close, but I see Commissioner Holness wants to chime in.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: Yes.

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER HOLNESS: I -- I believe that --

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER HOLNESS: -- I believe that the document we have substantially address the -- the best interest --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: I'd like to hear him.

COMMISSIONER HOLNESS: -- of the people we serve. There might be nuances, depending on each of us background here, but I think overall this is where we ought to be going to ensure that we are

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advocating for the people we serve.

The -- the issue of someone seeing this document and because one part of it doesn't match what -- what their philosophy is, then they throw the whole thing out, I -- I can't buy. We're public servants all day and they have to look out for the best interest of the people. And if someone would do that, then they probably ought not be serving.

MAYOR GUNZBURGER: So are you moving the item?

COMMISSIONER HOLNESS: I -- I --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: -- I am supporting it as it is, yes.

COMMISSIONER JACOBS: Second.

MAYOR GUNZBURGER: Okay. It's been moved and seconded.

COMMISSIONER LAMARCA: Still had a comment on it.

MAYOR GUNZBURGER: Commissioner Lamarca. And then Commissioner Wexler, and then we're voting.

COMMISSIONER LAMARCA: When you -- when you walk by a bee's nest, it's probably not a good idea just to swat it just to swat it. I'm trying to figure out why we want to thumb our nose at -- you know, there's a different makeup in Washington, D.C. right now. I didn't bring the word partisan up, I didn't bring the word party up, but everybody else seemed to. So it seems like no matter what I do, it's -- it's going to come up on this Board. And this -- the work we do here is not partisan.

But if we're going to ask for \$23,000,000 from Congressman West, from Congressman Wasserman-Schultz, and everybody else who represents Broward County, they're going to have to understand we -- we -- that these are important issues for us. And many of them already do, and the new ones will -- will very soon, as well.

But why go, like I said, swat the bee's nest on the way in the front door of the new Congressman's office and ask him for money for beach renourishment? I'm just picking that one out, but, you know, what -- what purpose does it serve if we say in the document, we say in the pre-Board meeting inquiry that it's -- we're not going to advocate on it? Then why put it in there? Like -- like Vice Mayor said, why not have two documents, say this is our vision, this is our statement for Broward County, but here's our document? And that other document's going to change. You know, as dollars -- the earmark issue aside, I mean, we have issues that, you know, Congress is in session to -- to work for their representatives.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: Commissioner Wexler.

COMMISSIONER WEXLER: You see, we had this discussion a week or so ago with the -- both state platform. And you got emails the night before from 100 realtors in Broward County directed to your district, and you took something out of our program.

I wasn't happy about it, Commissioner. Not at all. Especially since it had been in our program for the previous five years, and it was permissive language.

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I just believe that we need to recognize changes. Whether it's changes in Tallahassee or whether it's changes in Washington, we need to recognize that.

Affordable, accessible healthcare, I don't think there's one person on this dais, or one person that would be asked on the street in a poll if they didn't support that.

But the way that this is, the language that was chosen, to support the current and -- and the official name of the current program is Patient Protection and Affordable Care Act of 2010. That's the official name of it. I'm not going to say the unofficial name of it, because it's unkind.

The -- the -- the -- I don't want us to be hurt, and that's why I'm going down this road of conversation. I don't want us to be hurt in -- in Tallahassee or in Washington. And right now it's the end of the process.

I think that Commissioner Lamarca, I, Commissioner Rodstrom, Commissioner Ritter, have made the points of it needs to look a little different. And maybe it should be massaged and presented differently.

It's not the essence -- I'm not -- I'm not looking to get rid of that act. I'm not looking to support repeal of it. I'm looking to support that it probably needs to be amended, it probably needs to be massaged. But for sure, any impact that it has on reducing the deficit, any impact that it has on reducing the deficit -- even our President says it's not a perfect document.

So we're opposed to any legislative action that undermines the implementation of this act. That's a very, very strong statement. It's a very strong statement.

But I'm asking, and I -- I may be asking for something different than what Commissioner Lamarca is asking for -- I was asking that the statement reflect more of what Commissioner -- and you may have said it in jest, but I will tell you that I like what you said, and I absolutely support the way that that statement was positioned, because what it gets to the heart of is reducing the deficit.

MAYOR GUNZBURGER: Well, if we want a substitute motion from Commissioner Ritter.

COMMISSIONER RITTER: I actually have a -- an amendment, I think, to the -- to the motion, which is I think -- I think Commissioner Rodstrom makes sense in bifurcating the documents.

So I would move that we bifurcate the documents in the respect that you had mentioned.

But I've got to tell you, we didn't bring up the partisan issue. Commissioner Lamarca, you said 28 states are opposing this healthcare Patient Protection Act of 2010, two are Democrat. And I have yet -- and I have not had an opportunity to research whether or not they're Democrat governors and Republican Attorneys General, or Democrat governors and Republican legislatures. And, quite frankly, I don't think that 28 states, two of which are Democrat, makes it bipartisan.

And I am sick and tired of Democrats rolling over. Sick and tired of Democrats rolling over.

So if you want to bifurcate it, I would actually also put forth the language that I had said about reducing the deficit, and -- but I am not going to -- I will not vote to have this taken out.

MAYOR GUNZBURGER: Okay.

UNIDENTIFIED SPEAKER: (Inaudible.)

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MAYOR GUNZBURGER: Well --

COMMISSIONER JACOBS: Mayor, I have a question.

MAYOR GUNZBURGER: Yes. Commissioner Jacobs, and then I need some help from --

COMMISSIONER JACOBS: I'm --

MAYOR GUNZBURGER: -- Mr. Meyers --

VICE MAYOR RODSTROM: I'll second the motion, if that's (inaudible).

COMMISSIONER RITTER: Thank you.

COMMISSIONER JACOBS: Okay. What I don't understand --

MAYOR GUNZBURGER: And then I -- and then I need Mr. Meyers --

COMMISSIONER JACOBS: -- is the physical result of this motion, what it looks like, first of all.

And second of all, there was only one person that pulled this item. Actually, two.

UNIDENTIFIED SPEAKER: Two.

COMMISSIONER JACOBS: Mr. Rand from the public pulled it for the environmental comments in our legislative package, and Commissioner Holness.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: There was --

UNIDENTIFIED SPEAKER: There was three.

UNIDENTIFIED SPEAKER: (Inaudible) Lamarca.

COMMISSIONER JACOBS: No, he didn't.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: He pulled 34, and then after we started, then he said -- when you were recognized, he said, oh, I want to make a comment about that. But he did not --

MAYOR GUNZBURGER: Yes, he did not --

COMMISSIONER JACOBS: -- pull the item.

MAYOR GUNZBURGER: -- pull it.

COMMISSIONER JACOBS: So now we're having a full blown conversation.

When do we do our homework and read the item before it comes before us? There was only one Commissioner who actually even asked a question about this item in the pre-Board meeting inquiry.

So now we've discussed this item for the second time. This language came before this Board

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two weeks ago. Nobody raised the issue then. In fact, all of you approved its inclusion. And now it's before you, and now we're going to ask staff to go back and bifurcate and pull apart this document and re-write it, or separate those.

I think we're headed the wrong direction, folks. I think that the County Commission takes a leadership role. We stand where we stand. We don't go up there limping along through the halls of Tallahassee or Congress, wondering who we may or may not offend in our leadership position.

That's what we do. That's what's wrong with this country is no one's taking a position anymore.

So, I'm sorry, but I can't support the motion to go pull it apart. I'm not even sure physically what that looks like, or how that results in our lobbying efforts in Tallahassee or Washington.

But I can tell you this, that every member of this Board is allowed, by our own rules, to go to Tallahassee and Washington to lobby, and I fully intend to continue doing it, as I have for the 12 years.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: And I object to the designation of any one person or party --

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER JACOBS: -- designed to go up and -- and lobby on behalf of this county.

MAYOR GUNZBURGER: Commissioner Rodstrom and --

VICE MAYOR RODSTROM: All right. So let me --

MAYOR GUNZBURGER: -- then we will take a vote on the amendment.

VICE MAYOR RODSTROM: You know -- all right. We're all Democrats except for one Board member. And -- and, you know, there was a time where we had W in office -- we had W in office, and -- and there were a number of things that this Board didn't agree with what W did.

Now, if we put in our legislative package we strongly oppose the President of the United States' position on such and such and such and such, and then we hand in the same document, here's all the things we want, well, you know, the President's got to okay that. You know, it's kind of like, you know, it's -- you -- you get more with sugar or honey, is the saying.

And so, you know, if you want to stay a hundred percent philosophical, then don't ask for money.

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: But if you're going to ask for money, then get your kneepads on and do a little begging, and don't make people mad when you do.

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: If you want the money. If it's all about philosophy, then it's all about philosophy. But if you want to win, then put your -- leave your philosophies at the door and try to win.

And -- and that's what -- and all this is saying is you have two documents. You have your philosophical document over here, and those can read it. And over here, you have what you're asking for, and you're not talking about philosophy. You're saying this is what we need, this is what we want.

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And -- and you're not bringing the two together, so you're not upsetting anybody.

That's the --

MAYOR GUNZBURGER: All right. We -- we will now take a vote on the amendment.

COMMISSIONER LAMARCA: Just one comment, Mayor. And, you know, I second the Vice Mayor's comments about sugar. There's 12 and a half million dollars in here in either deepening, widening, or dredging of beach renourishment. That's my concern.

I didn't get to this office by being philosophical. I got here the same way my -- my two colleagues got here, on jobs and the economy. I didn't get here by praising or being disagreed -- disagreeable to a person or party. It was on -- on the issues.

And this issue is 12 and a half million dollars that's drastically needed on the east coast of Broward County for these issues.

I just don't want to go up there and poke somebody in the eye and then ask them for 13,000,000 bucks.

MAYOR GUNZBURGER: Thank you.

All right. We will now vote. Conversation is over. On the amendment.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: All those in favor of the amendment as proposed by Commissioner Ritter and seconded by the Vice Mayor, please say aye.

Please raise your hands, because I think this is a close vote. One, two, three, four.

All those opposed.

UNIDENTIFIED SPEAKER: It's pretty close.

MAYOR GUNZBURGER: It's 4 to 4.

VICE MAYOR RODSTROM: So it fails.

MAYOR GUNZBURGER: So it fails.

VOTE DOES NOT PASS.

MAYOR GUNZBURGER: All -- we have a motion on the floor for the main -- main document.

All those in favor, signify by saying aye.

All those opposed?

It -- it passes 7 to 1, with Commissioner Lamarca opposing.

VOTE PASSES 7 TO 1 WITH COMMISSIONER LAMARCA VOTING NO.

AGENDA ITEM 11

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MAYOR GUNZBURGER: Okay. The next one is Item Number 11, which was Commissioner Jacobs for a comment.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Pardon me, Mayor, we're on Item 11.

MAYOR GUNZBURGER: Yeah.

COMMISSIONER JACOBS: Oh, the Energy Efficiency Finance Strategies report.

Oh, Ms. Henry -- where did Ms. Henry go? I'm looking for the County Administrator.

UNIDENTIFIED SPEAKER: She stepped out.

COMMISSIONER JACOBS: Okay. Can we come back to this item, then, when the Administrator returns to the dais?

MAYOR GUNZBURGER: Okay. I've put Item 11 on to be just resting until she returns.

AGENDA ITEM 13

MAYOR GUNZBURGER: The next item is Item Number 13, that Mr. Rand pulled.

MR. RAND: Participatory democracy. The item is air quality monitoring, which I'm in favor of, of course, and that just continues on with what I had been saying a few minutes ago.

And in the contract, it says that the county is complying with applicable local, state, and federal laws. And as I was just saying, the burdens of compliance with the federal laws, et cetera, vis a vis my contamination with asbestos those 35 years ago and the extremely hazardous chemicals I worked with, benzene and chloroform and the cyanide and all that.

So you're taking money to monitor air quality. This is some of the job functions I once did over the nearly three decades I worked for the county environmental. And you can't have it both ways. You really -- you know, you can't go down two roads here again.

You just mentioned about the healthcare and all. According to federal law, you should be doing annual medical monitoring, and, of course, I have probably Chronic Obstructive Pulmonary Disease. I don't think that sounds good. Could be from the chemicals or whatever.

You're talking about monitoring ambient air, which is, you know, in this room or whatever, and you're building a new courthouse based on asbestos or indoor air quality. You really need to be consistent in what you're doing and all.

And in a like manner, to the healthcare debate, when you took my job away, you took my health insurance away. So I'm one of the many that was out of luck without health insurance and all. So, by some miracle, I'm still alive, but my brother-in-law, of course, died from the asbestos and -- and all that, and several people close to me. Jody Carone had the rarest mesothelioma, caused only by asbestos in the stomach lining. Maybe 25 women in the United States die of that. And I knew her for 30 years or so. Multi-millionaire, but it didn't matter. She was a goner.

So air quality is important, and -- but consistency is important, and I'm waiting for you to adhere to your own laws, state laws, and federal laws.

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I still have 39 seconds. What am I going to do?

Thank you.

MAYOR GUNZBURGER: Thank you. (Inaudible), reset.

All right. Item 13, is someone going to please move it?

COMMISSIONER JACOBS: I'll move it.

COMMISSIONER SHARIEF: Second.

MAYOR GUNZBURGER: It's been moved and seconded.

All those in favor, signify by saying aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 11

MAYOR GUNZBURGER: The next item, 19.

COMMISSIONER JACOBS: Do you want to go back to 11?

MAYOR GUNZBURGER: Mr. Rand, you didn't need to go to the --

COMMISSIONER JACOBS: Mayor, could we go back to 11?

MAYOR GUNZBURGER: All right. Excuse me. Sit down in the front row, Mr. Rand. We're going to be taking Item 11, and then we will go to 19.

COMMISSIONER JACOBS: Thank you.

I know staff is in the audience, and I didn't want to keep them here any longer than they have to be.

Ms. Henry, I pulled this item because it is an excellent report that talks about all of the different financing options that are out there, many of which I'm familiar with and glad to see a paper of its sort go and address these issues so the whole Board can follow what's going on out there.

I just came back from a conference where the Department of Energy was prominently featured on both days, and had the good fortune to sit at the table with two of their members.

It was striking to understand that the Department of Energy's EECBG program, of which Broward County received zero funding from the federal government by virtue of the formula that the Department of Energy created, has now morphed into another program called the QECGB Program.

And what was interesting to understand from DOE is that when they first started two years ago that whole process, there were only ten of them. Now they're up to 70, and they claim they're being able better to manage the program, and they've morphed it into a new phase.

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The concern I have is that this program now, the new version of it, is slightly different, but they are using the very same flawed formula that excluded Broward County from the EECGB, and now the QECGB funds are also not going to be available to Broward County.

So when I look at this report, and I look at all of the other options out there, many of which we cannot participate in by virtue of not having EECGB funds, I am quite alarmed.

Also understanding that the Department of Energy also was very forthcoming in believing that they didn't think that there was going to be another round of EECGB dollars and any opportunity to fix that formula, even though Congressional intent was clearly that if you had a population over a certain amount, which Broward County met, you would receive formula funding. And, of course, that did not happen for us.

So when I look at this report, what I see is a series of explanations about what a PACE program is, and some of the other innovative strategies that are being engaged in by, say, for example, St. Lucie County, and Sonoma County out in California, of which we are not participating.

And I have concerns that -- that, while we are giving direction to staff through this item to go forward and continue monitoring and looking for any cracks that happen, there are other counties that are actively joining suits to overturn some of the very actions that are happening by Fannie Mae, Freddy Mac, for example, that are stymieing our -- our abilities, and counties' all over the country, to move forward with PACE-like programs, including the -- the -- the county I said earlier, Sonoma County.

So I would like staff to come back at some point and better explain to this Board what we're going to do to shape a program. While lots of them are detailed here, there is no recommendation about what would a -- a Pace-like program look like for Broward County. What are the elements that we want? Once we know what those are, we can then go up and start to talk to DOE once again to craft a program, but absent those elements being defined, as this item just basically explains the strategies happening across the country.

It doesn't define a path for us to take. Rather, it -- it suggests that we will continue to monitor the situation as Fannie Mae and Freddy Mac continue to believe that PACE-like programs will -- they are arguing against being in a second position.

Sonoma County's argument, legal argument, and that -- that has been joined in by many other counties around the country, is that, in fact, this is an assessment --

CONFERENCE OPERATOR: (Inaudible) is joining the meeting.

COMMISSIONER JACOBS: -- like any other property assessment, and should be handled that way.

So we're not actively engaging in -- in that dialogue or in that suit. We are not actively, at this point, looking at crafting a model that would work for us, should certain roadblocks be put -- removed. Nor are we looking at language that we could go -- for example, I can take to Washington to say but for this little change that you make, it would -- it would suit Broward County, and here is our program that we would like to run forward with, but we can't right now because of this obstacle.

So I -- I guess, in moving the item forward, we are directing staff to continue to monitor and support federal legislative developments, but I think we need to do much more than that. I think we need to look at crafting a program.

And -- and if there aren't any objectors, I would ask staff to go forward and look at what would a program like Broward County look like. What kind of program would the Board support?

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And -- and just as an aside, we know clearly from earlier conversations that we had that there's very little, if not any, support on this Board for creating a bond effort to go out and -- and do a PACE program.

But there are so many other options that we could pursue, none of which we've taken a position on. I just think it's half baked, and I would like to see more of it come back.

MAYOR GUNZBURGER: Okay.

COMMISSIONER JACOBS: And I didn't know if you had any questions for me on that issue. No?

MAYOR GUNZBURGER: Commissioner -- well, wait a minute. Commissioner Wexler, and then I'll ask if there are any objectors to the latter part, and then we will go -- and then we will vote on the item.

COMMISSIONER WEXLER: I -- I believe I understand that what Commissioner Jacobs is asking for us is to not just be prepared, but to have something that we could actually promote.

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER JACOBS: Right.

COMMISSIONER WEXLER: Minus the funding stream. But that's what we're going to go out and promote.

Is that -- isn't that what I hear you saying?

COMMISSIONER JACOBS: What -- well, yes and no. If I could just clarify.

COMMISSIONER WEXLER: Right. That's --

COMMISSIONER JACOBS: And I apologize, because I left it --

COMMISSIONER WEXLER: -- because that -- before we give --

COMMISSIONER JACOBS: -- cloudy.

COMMISSIONER WEXLER: -- direction, I want to make sure that I understand what direction we're asking for, because I thought that staff captured what's going on throughout the country, federally, as far as programs, the -- the EECGB --

COMMISSIONER JACOBS: B.

COMMISSIONER WEXLER: -- program -- you said that so fast. I -- I had to go find the -- the -- the EECG -- CBG plans.

And -- and that's -- that's the funds that funded the St. Lucie County program. But we're not in that stream.

And the Leon County program, which is a different -- a different funding stream, is being challenged. They are suing the federal government and --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- seeking an injunction. And we're watching that.

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But -- and there's the CDFI, which is through the banks.

COMMISSIONER JACOBS: Right.

COMMISSIONER WEXLER: And is that what we want our program to look like? So I'm not sure that I -- I guess --

COMMISSIONER JACOBS: And that's the problem --

COMMISSIONER WEXLER: -- that's --

COMMISSIONER JACOBS: -- Commissioner.

COMMISSIONER WEXLER: Right.

COMMISSIONER JACOBS: My concern is is that somewhere between the two, we haven't crafted -- what you see is a document that talks about all the different counties -- I guess it's a rendering, rather, of what different counties across the country are doing --

COMMISSIONER WEXLER: Uh-huh.

COMMISSIONER JACOBS: -- with their programs, whether it's a CDFI, whether they were able to get EECGB dollars, and how they're leveraging those dollars and -- for example, Miami-Dade had 14,000,000, Palm Beach County had 9,000,000, Broward County --

COMMISSIONER WEXLER: Nothing.

COMMISSIONER JACOBS: -- received nothing from the federal government. But through a state allocation, we were able to get 1.2. A pittance that doesn't allow us to do what other counties do.

But, at the end of the day, we need to have some idea of what a program might look like for us. And so staff has done a great job in explaining what other counties are doing, but has not come back with the tenets or the elements of --

COMMISSIONER WEXLER: Uh-huh.

COMMISSIONER JACOBS: -- of what a program, a Broward program, might look like.

And then, having done so, to say, well, this is what we'd like, but here are these certain impediments, whether it is the Fannie Mae/Freddy Mac impediment or the lawsuits that are taking place around the country that we're monitoring, what would we want but for. That's -- I guess our next step is -- in my opinion, we shouldn't be waiting. We should be proactive and looking to craft a program that would work, not just for Broward County, but that this Board philosophically would embrace, because I believe there's elements in which we will not.

And that's what I'd like to see, them start to look at this and bring something back to us that we could have further discussion on.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: All right. So, Ms. Henry?

MS. HENRY: Yes, that was my understanding of what Commissioner Jacobs was looking for.

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We -- and we believe we can turn that around relatively quickly, because we spent a lot of time early on in that direction, quite frankly, before we realized that there were problems with Fannie Mae and all.

And once we have -- once we -- we have that, we can bring that program back to you.

There -- there are some -- some real questions about what this Board would -- would be -- would be willing to do, particularly when we -- because we vet the whole CDI and -- CDFI --

COMMISSIONER JACOBS: CDFI.

MS. HENRY: -- and certainly there were -- there were concerns about that, because it's a -- it's a consortium, and they're going to look at criteria that probably will not be favorable for a lot of people. And we want this to be, if it's public -- with a public slant to it, to be open to as many people as possible.

So we're happy to bring that back and walk through what some of the other implications are so that we know exactly what it is that you're prepared to do in order to -- to get this program off the ground.

COMMISSIONER JACOBS: Thank you.

MS. HENRY: Yeah.

COMMISSIONER JACOBS: Okay. With that, I'll move the item.

MAYOR GUNZBURGER: Thank you.

First I need to make sure -- I'm sure there aren't -- are there any objectors?

UNIDENTIFIED SPEAKER: No.

MAYOR GUNZBURGER: There being no objectors, a second please?

COMMISSIONER HOLNESS: Second.

UNIDENTIFIED SPEAKER: Second.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.
Opposed, like sign.

It passes unanimously.

And I'd like to welcome Commissioner Lieberman to our meeting.

VICE MAYOR RODSTROM: Do you want to ask her if she wants to break for (inaudible)?

MAYOR GUNZBURGER: No, I don't want to go back there.

COMMISSIONER WEXLER: (Inaudible.)

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Strange.

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VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 19

MAYOR GUNZBURGER: Mr. Rand, Item Number 19.

But thank you for the suggestion, Vice Mayor.

COMMISSIONER WEXLER: We'd have to do a motion to reconsider.

MAYOR GUNZBURGER: I don't want to go back there.

Mr. -- I'd like to get through this meeting today. Thank you.

Mr. Rand.

MR. RAND: I just want to speak to the larger issue of risk management, which parallels what I've -- I've already been talking about, because Commissioner Ritter, on March 12th of '09, said it sounded like a risk management issue, and risk management would cover our county employees. So that puts me in the twilight zone here of being or not being a county employee.

As you know, and I mentioned last month, the first responders in 9-11 got 4.2 billion dollars for the dust and -- and dirt that they encountered without protection.

According to Senator Tom Coburn, they'll receive over \$30,000,000,000 for Workman's Comp.

(VICE MAYOR RODSTROM LEFT THE ROOM.)

MR. RAND: They've already been issued money and all for future ingrown toenails or hemorrhoids or whatever issues they may have as a result of the dust and dirt that they were exposed to, which they were contaminated 26 years after I was.

In my time with the county, at one point I accidentally broke my knuckle at home, my right hand. I'm right handed. And then they had me shipping a 49 pound (inaudible) with one hand a couple -- you know, ten days later, and I injured my left hand. I told everybody about it, and nobody would fill out a form or do anything about it. And the -- the wrist bothered me and continued to bother me, and they had me doing labor, et cetera.

(COMMISSIONER SHARIEF LEFT THE ROOM.)

MR. RAND: And at one point the lab manager swung the chains at me and then they forced me to do the manual labor my co-worker didn't do, refused to do, for six hours. I'm in a cast on the right hand, and the left hand's injured. And I was literally crying, and the division director wouldn't let me go to the doctor. The doctor said come in right away, and they wouldn't let me go.

And, you know, this shouldn't be like pulling teeth. You know, if you're guarding -- you've got plenty of lawyers that are guarding the monies for whatever purposes and all that. It shouldn't be this hard.

And I paid my own money, well over a thousand dollars, and it took a lawyer -- it took years to get reimbursed for the money that should have been -- it's a no-brainer, you know?

And I'm reminded of this because a couple of weeks ago, my shoulder, pulled a muscle or whatever, old age. At the same time, my left wrist was hurting, you know, and -- coincidentally or

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whatever. So 12 years later, I still have that injury and -- and pain to it, a permanent injury and all.

And you really should not make it so difficult for county employees to receive the medical attention that they're supposedly due by law.

And I don't know what's going to happen if my lung gets cut out, or my throat, or -- well, some people would enjoy if my throat were cut out, I suppose. But I've got to pay for it myself, I guess, you know? These people in New York got, you know, \$30,000,000,000. I didn't get a dollar, and it was taken from me.

Thank you, as always.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Is there any -- is there a motion and a second?

UNIDENTIFIED SPEAKER: Second.

MAYOR GUNZBURGER: Moved and seconded.

All those in favor, please signify by saying aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 31

MAYOR GUNZBURGER: We have three more items from the Consent Agenda. Item Number 31, and that has been pulled by Commissioner Holness.

COMMISSIONER HOLNESS: Yes. Here's an example of one of our (inaudible) contractors (inaudible) by ensuring -- by ensuring that the entire community is able to participate in our expenditures.

And I'd just like for them to come forward and -- and -- and tell us how they're able to do such a marvelous thing by far exceeding what the goal was set in terms of having minority, women-owned business enterprises participate in this contract. And maybe some of the others that we do businesses may be able to learn a thing or two.

Would you please?

MR. MCDONALD: Hi. My name's Tom McDonald. I'm the president of Craven Thompson and Associates.

We've had this contract for -- this will be the fifth year of a five-year contract. We had it two previous five-year periods.

But from the beginning, this contract was -- was made up of many small business, women and minority-owned businesses in Broward County. And it's been a success because some of our vendors -- some of our sub-consultants have now graduated, are a majority-owned firms.

(COMMISSIONER SHARIEF RETURNED TO THE ROOM.)

MR. MCDONALD: And how we -- how we structured this, and staff was very supportive, Craven

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Thompson is basically a civil engineering surveying firm. There was many other disciplines, electrical, mechanical, structural, wetlands, and we tried to structure the program that all those disciplines were headed up by -- at that time, it was DBE firms. And staff was very good in negotiating with the -- the DBE firms. They encouraged the DBE firms, they helped the DBE firms.

We make it a policy of paying the firms the day we get paid, and if they're having financial problems, we pay them earlier.

But I'd have to say that (inaudible) my employees work well with the DBE firms, but the staff encouraged us to use the DBE firms and -- and they're still encouraging us to use those firms. Unfortunately, some of them have graduated, and next time they won't be DBE firms, but hopefully we'll be able to mentor new firms.

Thank you.

MAYOR GUNZBURGER: Thank you.

COMMISSIONER HOLNESS: Thank you. And -- and let me commend you and your firm for doing what's right.

MAYOR GUNZBURGER: Okay. Are you moving it?

COMMISSIONER HOLNESS: Move for approval.

COMMISSIONER WEXLER: Can I ask a question?

MAYOR GUNZBURGER: Sure.

COMMISSIONER WEXLER: So what's the percentage that's used? 25?

COMMISSIONER HOLNESS: 64 percent.

MR. MCDONALD: In the -- in the previous four years, we're up to 64 percent. The goal is 25 percent.

COMMISSIONER WEXLER: 25 is the goal, and you used 64, right?

MR. MCDONALD: Yes.

COMMISSIONER WEXLER: Okay. And could you provide, or could staff provide -- because I think that the essence of what you're talking about is that you mentor and graduate people; is that what you're saying?

MR. MCDONALD: Well, in -- in this type of contract, it's -- these are small projects --

COMMISSIONER WEXLER: Right.

MR. MCDONALD: -- so instead of a structural engineering firm being a small portion of a majority owned firm, they get the entire project. And it gives them experience working with the county. They do the whole entire project from start to finish.

COMMISSIONER WEXLER: So you're doing that? Is that what's being explained --

MR. MCDONALD: No, we don't --

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COMMISSIONER WEXLER: -- to us?

MR. MCDONALD: -- no.

COMMISSIONER WEXLER: The contract with you, Craven Thompson --

MR. MCDONALD: Right. The contract is for miscellaneous civil surveying, architectural, structural, electrical, mechanical.

COMMISSIONER WEXLER: (Inaudible.)

MR. MCDONALD: It's a catch-all type thing for small projects.

COMMISSIONER WEXLER: Right.

MR. MCDONALD: And so if staff has a problem with an air conditioning, electrical mechanical, we'll call up Eric Hammon, for example, he -- and he'll get the entire project. We don't -- we're not allowed to mark it up, we're not allowed to make any money off of it.

COMMISSIONER WEXLER: Okay. And that -- and that's a CBE company --

MR. MCDONALD: Right.

COMMISSIONER WEXLER: -- is -- is what you're --

MR. MCDONALD: Yes.

COMMISSIONER WEXLER: -- saying. Okay. So, in essence, you've created some type of an internal mentoring program --

MR. MCDONALD: (Inaudible.)

COMMISSIONER WEXLER: -- on your own.

MR. MCDONALD: We -- we've had to help -- a lot of these firms never had, before these -- before this contract, didn't have an opportunity to work with the county.

COMMISSIONER WEXLER: Tom, let me tell you what I'm trying to understand here.

MR. MCDONALD: Right.

COMMISSIONER WEXLER: I'm trying to understand what the point is. The point is is that the -- I think this is the point. 25 percent is the required county participation; you've hit 64 percent. I think I heard you both say, and I want you to correct me if I didn't, that your -- that companies are graduating to be primes?

MR. MCDONALD: Well, some of -- some of the firms -- I'll give you an example --

COMMISSIONER WEXLER: No. I want you to put that in writing, because I'd like to see, since --

MR. MCDONALD: Right.

COMMISSIONER WEXLER: -- the beginning of this contract, how many companies -- if that's, indeed, what you're both saying, I'd like to see who they are.

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MR. MCDONALD: Well, one -- one of them is EAC.

COMMISSIONER WEXLER: I'm well aware of Rick.

MR. MCDONALD: But --

COMMISSIONER WEXLER: Okay? I'm --

MR. MCDONALD: -- but you have to (inaudible) --

MAYOR GUNZBURGER: (Inaudible.)

MR. MCDONALD: -- you have --

COMMISSIONER WEXLER: A long time he's graduated.

MR. MCDONALD: No, but you have to understand --

COMMISSIONER WEXLER: I'm talking about --

MR. MCDONALD: -- when this project started, he was still under the limit. Rick Cooks came to me --

COMMISSIONER WEXLER: How long have you had this contract?

MR. MCDONALD: I've had this -- this is the -- I've had it -- this is the --

COMMISSIONER WEXLER: The twelfth year?

MR. MCDONALD: I think it's the -- no, on this contract, it was a five-year contract.

COMMISSIONER WEXLER: Right.

MR. MCDONALD: We had it the previous five years before that. When Rick Cooks started with me, he had two employees. And he's graduated. When we started this project four years ago, he had not graduated yet.

COMMISSIONER WEXLER: Okay. So I would -- if you would be kind enough, if that's what Commissioner is stating as a model, that he's doing the right thing and this is a model program, instead of today just making a statement, I would really like to see the numbers of what it is that you have done in order to graduate --

MR. MCDONALD: Well, we --

COMMISSIONER WEXLER: -- who they are and --

MR. MCDONALD: -- wait --

COMMISSIONER WEXLER: -- not just Ricky Cooks.

MR. MCDONALD: Hold on. I stood up there just because Commissioner Holness asked me to.

COMMISSIONER WEXLER: (Inaudible) I'm not.

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MR. MCDONALD: I mean, all I said is that we -- we cooperated with the county. It was a 25 percent goal. We tried to -- to put together a team of all DBE firms, other than ourself, and some of these firms have graduated, and it was very easy to grow those because they got the entire job. And some of them have graduated. Rick Cooks, I think Akia was one of them.

COMMISSIONER WEXLER: Okay.

MR. MCDONALD: But I don't know how you -- I didn't -- I'm not stating that it was --

COMMISSIONER WEXLER: If staff --

MR. MCDONALD: -- my program.

COMMISSIONER WEXLER: I didn't even know you were going to talk.

MR. MCDONALD: I -- I didn't either.

COMMISSIONER WEXLER: You know --

MAYOR GUNZBURGER: I really think --

COMMISSIONER WEXLER: -- Mayor, I -- Commissioner made a point.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER WEXLER: I'm speaking to the Commissioner's point, not --

COMMISSIONER HOLNESS: Well, let --

COMMISSIONER WEXLER: -- even to Mr. McDonald.

COMMISSIONER HOLNESS: -- the -- the point I'm trying to make is this, and the point that I made is this. That here is a firm that had a goal of 25 percent that reached 64 percent. Nothing beyond that. And they ought to be commended for doing that work.

In terms of whether or not they have a program for training, for graduating, that is not any part of the statement that I made.

COMMISSIONER WEXLER: Okay.

COMMISSIONER HOLNESS: I'm just saying it's --

COMMISSIONER WEXLER: But he did.

COMMISSIONER HOLNESS: -- it's -- yeah, I'm just saying it's a good thing that they're able to accomplish what they accomplished, way beyond --

COMMISSIONER WEXLER: Okay.

COMMISSIONER HOLNESS: -- what we set the goal for.

Now, how they did it, I commend them. I don't know. I didn't ask them that. Just that they -- they -- they expressed that they do this.

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And if they can do it, then other companies should be able to do it, also, and not have an issue not being able to meet --

COMMISSIONER WEXLER: Okay.

COMMISSIONER HOLNESS: -- even --

MAYOR GUNZBURGER: All right.

COMMISSIONER HOLNESS: -- a fewer percent.

MAYOR GUNZBURGER: Let's move on.

COMMISSIONER WEXLER: Then moving forward, I think we ought to note who's really doing a super job out there, because there are other companies that are doing it.

But I would like to know, moving forward, as long as you opened up this door, if there are companies in this contract, staff, that have graduated. I don't need the answer today, but I would like to know if there are. Because I think that's really important to the way that we do business around here. And especially as you asked at the retreat about mentoring and --

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER WEXLER: -- and to know what kind of model, good model, might be working out there.

UNIDENTIFIED SPEAKER: We'll -- we understand, and we'll prepare --

COMMISSIONER WEXLER: Thank you.

UNIDENTIFIED SPEAKER: -- a report and bring it back to you.

COMMISSIONER WEXLER: Thank you so much.

MAYOR GUNZBURGER: Thank you.

Move it, please, Mr. --

COMMISSIONER HOLNESS: Move.

MAYOR GUNZBURGER: -- Commissioner Holness.

Second by Commissioner Ritter.

All those in favor, signify by saying aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

MAYOR GUNZBURGER: I would like to get through the Consent Agenda before we go to our 11:30 time certain item.

The next item is Item 31, and the person who pulled it is Commissioner Holness.

COMMISSION MINUTES

UNIDENTIFIED SPEAKER: That was 31.

COMMISSIONER HOLNESS: It was 31 and --

MAYOR GUNZBURGER: That was 31. I'm sorry.

COMMISSIONER WEXLER: 34.

(VICE MAYOR RODSTROM RETURNED TO THE ROOM.)

AGENDA ITEM 34

MAYOR GUNZBURGER: 34. And that is Commissioner Lamarca.

COMMISSIONER LAMARCA: I'll be very brief, because I -- I don't want to detain us any -- any longer. But -- but my -- mine was for the same -- for the same reason as Commissioner Holness. When we finally see somebody do what we really want -- want to see happen here in Broward County, just wanted to commend this -- this firm on this contract for -- for bringing the business and (inaudible).

I don't want to identify any one company, but, again, it's -- this is what we're looking for, and this is how we can work with Mr. Taylor, and we'll see more of this.

MAYOR GUNZBURGER: Correct.

COMMISSIONER LAMARCA: So it was just for comment.

And just as a -- as a matter of inquiry, when we do a pull, I didn't -- I didn't repeat Number 4, not because I didn't think I had the ability to speak on it or be put -- put in my place, but, certainly, I don't want to repeat a number. If we -- if that's the protocol, then in the future when -- if -- if five of us have the same number to pull, I'll -- I'll mention it, as well --

MAYOR GUNZBURGER: Okay.

COMMISSIONER LAMARCA: -- because that was on my sheet here, 4 and 34.

MAYOR GUNZBURGER: Well, that's fine. It has been a -- and nobody's castigating you.

UNIDENTIFIED SPEAKER: No, not yet.

MAYOR GUNZBURGER: Commissioner Wexler, and then, if -- I have two from the public, but only if it's pulled, but I don't think it's being pulled to --

COMMISSIONER WEXLER: No, it's -- it's not a negative. It's pulled as a positive --

MAYOR GUNZBURGER: Right.

COMMISSIONER WEXLER: -- I'm sure. And I -- I heard Commissioner state it as a positive.

However, the questions that I asked were there's a whole process here. There are other areas of the country that are being considered for this location.

MAYOR GUNZBURGER: Right.

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COMMISSIONER WEXLER: We haven't been selected.

MAYOR GUNZBURGER: That's correct.

UNIDENTIFIED SPEAKER: That's correct.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: So -- okay. So I didn't know what your -- who -- who are we congratulating? The Office of Economic Development? Okay.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: Okay. Fine.

MAYOR GUNZBURGER: Right. But we don't know that they'll be here.

COMMISSIONER WEXLER: Right. I mean, I --

MAYOR GUNZBURGER: It seems to look --

COMMISSIONER WEXLER: -- I (inaudible) --

MAYOR GUNZBURGER: -- if you read the backup answer --

COMMISSIONER WEXLER: -- that they (inaudible) --

MAYOR GUNZBURGER: -- answer --

COMMISSIONER LAMARCA: I was just cheerleading.

MAYOR GUNZBURGER: Yes. I'm glad you're cheerleading, and I see who our biggest competitor was.

COMMISSIONER WEXLER: Correct.

MAYOR GUNZBURGER: The Town of Brotherly Love -- the City of Brotherly Love.

COMMISSIONER WEXLER: I -- I -- I think it's fabulous. I hope it happens. Let's keep our fingers crossed.

MAYOR GUNZBURGER: Right.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: That's --

MAYOR GUNZBURGER: We sure do.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: All those in -- has it been moved?

MR. MEYERS: No, not yet. He's got to move it.

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UNIDENTIFIED SPEAKER: (Inaudible) was made.

MAYOR GUNZBURGER: Is there a second?

COMMISSIONER SHARIEF: Second.

MAYOR GUNZBURGER: Did you want to talk on it?

COMMISSIONER HOLNESS: No.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

QUASI-JUDICIAL CONSENT HEARING

AGENDA ITEM 40

MAYOR GUNZBURGER: The next item that has several speakers from that public, that -- pulled by three Commissioners, and it's under Quasi-Judicial, so Maite is going to be taking over, and I will let her conduct it.

I will let you know that the following Commissioners have pulled this item: Rodstrom, Jacobs, and Lieberman.

MS. AZCOITIA: Thank you.

MAYOR GUNZBURGER: Lieberman? No, can't be. Must have been --

UNIDENTIFIED SPEAKER: I didn't pull it.

MAYOR GUNZBURGER: Did you, Commissioner? Who was -- who was the third one?

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: Only two.

UNIDENTIFIED SPEAKER: Two.

COMMISSIONER HOLNESS: Only two.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Just Jacobs and Rodstrom. Sorry.

MS. AZCOITIA: The code requirements for quasi-judicial proceedings provide for a two week deferral when a Consent item is pulled, so I'd ask the applicant if -- if they would prefer that it be heard today. That's one of the options under the code.

So, Ms. Orshefsky, would you prefer that this item be heard today?

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MS. ORSHEFSKY: Debbie Orshefsky, representing the applicant. Yes, we'd like to move forward today.

UNIDENTIFIED SPEAKER: (Inaudible.) Did she say yes?

MAYOR GUNZBURGER: Yes.

MS. AZCOITIA: Yes.

MAYOR GUNZBURGER: She said yes. All right.

MS. AZCOITIA: All witnesses who will testify on Item Number 40 will be sworn.

Participants who are members of the general public will not be sworn, and will not be subject to cross examination if they are not sworn. However, the Commission shall not assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations.

(COMMISSIONER RITTER LEFT THE ROOM.)

MS. AZCOITIA: The applicant has the burden of proof.

After the applicant's concluding remarks, the hearing will be closed and no additional testimony, material, or argument will be allowed, unless the Commission chooses to request additional testimony.

The Commission will then deliberate.

All evidence relied upon by reasonably prudent persons in the conduct of their affairs may be considered in these proceedings, regardless of whether such evidence would be admissible in a court.

Hearsay evidence may supplement or explain other evidence, but shall not alone support a conclusion unless it would be admissible over objection in a court.

The material in the Commission agenda package will be considered as evidence without authentication.

All witnesses who intend to give sworn testimony should be sworn at this time.

(Witnesses sworn.)

MS. AZCOITIA: Mr. Danovitz, please briefly describe the nature of this agenda item.

MR. DANOVIK: Good morning, Commissioners.

Dave Danovitz, Development Environmental Regulation Division.

This is a request to amend the plat note to add 330 hotel rooms and 162,085 square feet of office, to allow a total of 749 hotel rooms, 298,585 square feet of office, 1415 square feet of commercial, and an 80-foot -- an 80-foot -- and 80-foot slip marina.

The plans submitted with the application show a 15-story hotel structure with parking, and a 17-story office structure with parking.

This property's located east of I-95 and north of Griffin Road in the City of Dania Beach, and

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contains 9.35 acres.

The plat is adjacent to the Fort Lauderdale-Hollywood International Airport, and a portion of the property is located within the future runway protection zone for the expanded South Runway.

The property has gone through a foreclosure since the plat note amendment was initially presented to the Board on April 6, 2010. The new owners have approached the Aviation Department regarding the potential acquisition of the property.

The attached memorandum from the Aviation Department, which is Exhibit 2 in your backup, recommends the voluntary acquisition of the property due to its close proximity to a planned expanded South Runway at Fort Lauderdale-Hollywood International Airport, and because a portion of the property is located within the future runway protection zone for the expanded South Runway.

In addition, there is a resolution from the City of Dania Beach that is attached to your backup expressing concerns from the city, and there is a representative from the city who would -- I think, wants to address this item.

(COMMISSIONER RITTER RETURNED TO THE ROOM.)

MR. DANOVIK: In sum, staff is recommending that the Board adopt a resolution to allow the county to pursue voluntary acquisition of this property, and to defer the plat note amendment that's pending until October 25th, 2011 or sooner to allow the county to pursue voluntary acquisition of the property pursuant to Section 5-182 (inaudible) of the Broward County Land Development Code.

(COMMISSIONER WEXLER LEFT THE ROOM.)

MS. AZCOITIA: Mrs. Orshefsky, do you have any questions of Mr. Danovitz?

MS. ORSHEFSKY: No questions at this time.

MS. AZCOITIA: Does any member of the Commission have questions of Mr. Danovitz?

MAYOR GUNZBURGER: No.

(COMMISSIONER WEXLER RETURNED TO THE ROOM.)

MS. AZCOITIA: Ms. Orshefsky, you may now present any arguments or witnesses you have.

MS. ORSHEFSKY: Good morning, Madam Mayor, members of the Commission.

This is kind of an interesting *deja vu* moment for many of us. The current owners of the property were the lenders. They are independent investors. It's not a conventional situation. They are, in fact, lenders and developers. They can proceed in either developing the property or working with the county staff to come up with an acceptable purchase arrangement.

We really -- it's whatever this Board chooses to do today.

In terms of the acquisition, we have met with the Aviation staff and with Real Property. We have, I think, the potential for fruitful discussions.

But if this Board is not wanting them to pursue that, then my clients will understand, and they'll proceed with their development plans for the property.

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MS. AZCOITIA: Does any member of the Commission have questions of Mrs. Orshefsky?

There's two members of the public who had signed up to speak.

Robert Daniels.

Mr. Daniels, if you could indicate whether you've been sworn.

MR. DANIELS: I have been sworn, thank you.

MS. AZCOITIA: Thank you.

MR. DANIELS: Robert Daniels. I'm the Community Development Director for the City of Dania Beach. Good morning and thank you for -- for having us.

I just really would -- I asked to speak so that we could put on the record that -- that in your backup, you will see a resolution from the City of Dania Beach opposing the acquisition of the property by the county.

The -- the Commission's reason for that is that this is a prime piece of commercial property that is currently only partially in the runway protection zone.

That piece of -- that commercial designation on the property is consistent with the Broward County Land Use Plan.

Acquisition by the county, even though it would put it back onto the tax rolls at some point, will take it off for -- for an indeterminate period of time.

We're looking at the loss of -- of the Hilton site and -- and we're -- so the city is just asking, that number one, if -- if the -- if the Commission chooses to go forward with consideration of acquisition, that the -- these points be taken into consideration and that the City of Dania Beach be a part of that discussion.

Thank you.

MS. AZCOITIA: Does any member of the Commission have questions of Mr. Daniels?

The next speaker is Bob Anton. And, Mr. Anton, if you could indicate --

MR. ANTON: I don't need to speak, because Mr. Daniels has said it. I'm here if there are any questions.

MS. AZCOITIA: Okay. Thank you.

Mr. Danovitz, do you have any concluding remarks?

MR. DANOVITZ: No.

MS. AZCOITIA: No.

Mrs. Orshefsky?

Seeing none, the quasi -- oh, Commissioner Jacobs -- the quasi-judicial procedure is closed and the Board may now deliberate.

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COMMISSIONER JACOBS: Thank you.

Colleagues, for our new colleagues to understand the property, this project came before us and, as you can see by the aerial maps, it -- it encroached in the -- the runway protection zone, that we believed it was going to when it was redrawn, and, in fact, it has.

So this project's been kind of punted out into the future, and we have it in front of us now. The original developers or proposers of that project have foreclosed on it.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: You find it before you now wanting to double the square feet, add a tremendous number more of hotel rooms, all of which staff has adequately said does not comply with the Land Development Code.

Additionally, in our backup, the -- staff also tells us that the applicant has not provided an updated determination of no hazard to air navigation from the FAA. Time ran out on that.

They have not provided an updated air space obstruction permit from FDOT for the proposed buildings.

And they also have technical violations to the environmental resource license that remain -- that remain unresolved.

So when -- and then, of course, there's the whole access issues and a whole bunch of other stuff that's going on.

So, to me, this project does not comply with the Land Development Code. I don't think we should be messing around with it anymore, and give another nine months. We ought to flat out deny it today, and let it go away and die a death that it should.

Two things happen when we do that. First, staff has yet to articulate what in the world we would do with this property if we purchased it, other than to avoid all the pitfalls of the proposed land development, which, I think, if, in fact, the owners of this land can find a way to develop it, keep it on the tax rolls, which we all know are suffering, and -- and find a project that works with the airport, then maybe it's not such a bad deal for us to allow that to happen.

But if, in fact, we approve Motion A today and defer it for nine months and instruct staff to go out and negotiate and purchase it, then we've precluded anything else from ever happening with that property, because Broward County will have it and it will hence leave the tax roll.

So I don't see -- I don't see the danger in -- in denying this project today. Under all of the circumstances that have been articulated by Planning Council and by our staff as backup, they can't develop this project to the degree to which they want to. They don't have the permits that they needed. All of their existing opportunities they have have been exhausted and -- and expired. And they'd have to start the whole process over again. And you have new owners.

So I say let the new owners go find something that would be useful for this property. We don't know what we're going to use with it to purchase it. I honestly can't see going farther down that path today when staff has not articulated what they would do with it should we purchase it.

(COMMISSIONER RITTER LEFT THE ROOM.)

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COMMISSIONER JACOBS: And -- and in the long term, should we want to purchase it down the road, there's nothing in this item that precludes us from being able to do that, should the current holders of the land not want to develop it.

In the meantime, until anything happens with the property, it is on the tax rolls, and it is benefitting the City of Dania Beach.

So my motion -- I don't know if you --

MAYOR GUNZBURGER: We can't do it yet.

COMMISSIONER JACOBS: Are we back to the Mayor on -- okay.

MAYOR GUNZBURGER: Yes.

MS. AZCOITIA: Yes, we are.

COMMISSIONER JACOBS: I -- I don't know if you want me to make a motion now, or wait, because I know (inaudible) --

MAYOR GUNZBURGER: There were other people that wanted to chime in, so if you're going to make a motion to deny --

COMMISSIONER JACOBS: Okay. What I would do is make a vote -- let me make sure I have a -- the -- what staff in Motion A wants to direct staff to go forward and pursue voluntary acquisition.

So on Motion A, I would -- I would make a motion that we deny that.

And then on Item B, also that we deny the request to amend the note.

So it would be deny both.

MAYOR GUNZBURGER: Okay. So --

VICE MAYOR RODSTROM: I'll second both.

MAYOR GUNZBURGER: All right. I had -- that means that -- as far as I remember, a motion to deny means we cut off all --

UNIDENTIFIED SPEAKER: No.

MAYOR GUNZBURGER: No? All right. So then you have --

COMMISSIONER JACOBS: No, it's a motion to deny.

MAYOR GUNZBURGER: Right.

COMMISSIONER JACOBS: Yeah. Not --

MAYOR GUNZBURGER: Not defer. All right. That means that you have an opportunity, you had pulled that item, to speak on it, Commissioner Rodstrom.

And also -- well, Commission Jacobs just spoke.

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(COMMISSIONER RITTER RETURNED TO THE ROOM.)

VICE MAYOR RODSTROM: Well, I -- this item's been in front of us before, and, you know, typically, for the new Commissioners, when you have a plat note amendment, those are ministerial in nature, and, you know, you typically have to vote for it.

But this is a case where it's not ministerial because it doesn't meet our code. And -- and this project has been to us previously when it didn't meet our code, and this Commission had the opportunity -- this Commission, I think wisely, didn't allow all this intense development, because we didn't know at the time whether we'd then have to -- after having allowed that intense development, then we'd have to buy it back through condemnation and pay for all that development -- those development rights that we granted that we didn't have to grant.

And so we've been -- we've been pretty good at maneuvering this one, and -- and, you know, so the -- the bottom line is we -- we -- the staff has not presented me sufficient enough evidence that we absolutely have to have this property. And -- and Dania has -- you know, certainly has a reason, a strong reason, why they want to see this property remain on the tax rolls.

And so I -- I don't -- you know, certainly I don't think we should be granting rights that -- that they're not entitled to. And that's really what this item is about, granting rights they just flat out aren't -- aren't -- they're not entitled to.

So I would vote no on that.

And as far as, you know, we -- we'd always consider purchasing something if staff can give us a good enough, strong enough reason. And they're always -- they can always present a deal to us any Tuesday.

But to hold up this item, I think we're -- we're -- we are prejudicing ourselves. We should just flat out vote it no, because it doesn't meet our code.

MAYOR GUNZBURGER: Okay. You -- you've had an opportunity to speak. I don't know whether we all want to hear from you again, Ms. Orshefsky, but I'm going to let my Board talk before, and then you can answer.

MS. ORSHEFSKY: Okay. Thank you.

MAYOR GUNZBURGER: Commissioner Ritter.

COMMISSIONER RITTER: Thank you.

First of all, I'm going to -- I'm going to -- I'm going to apologize if I'm repeating anything that's been said, or asking anything that's already been answered today. I have a stomach virus, which requires me to pop up every now and then and run to the back. But if I wasn't here, it would be a headline, so I'm here. Not in -- it's not contagious, I don't think, but --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: -- I do lean left, so you are in trouble. You are potentially in trouble.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: Which means you are, too, Commissioner Lamarca.

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Does this denial -- how does the denial affect the county's pursuit and potential acquisition of the -- of this property?

MAYOR GUNZBURGER: I ask Ms. Henry to --

COMMISSIONER RITTER: And if it has been -- I, again --

MAYOR GUNZBURGER: No, it has not.

COMMISSIONER RITTER: Okay.

UNIDENTIFIED SPEAKER: It does not. We can always consider voluntary acquisition.

COMMISSIONER RITTER: Okay. Ms. Orshefsky --

MS. ORSHEFSKY: Yes.

COMMISSIONER RITTER: -- again, I -- you know, I don't know if you've -- I -- you spoke. I don't think -- I'm not even sure I was on the dais when you spoke. Could you -- could you respond to the motion of denial on behalf of your client?

MS. ORSHEFSKY: Thank you, Commissioner. I hope you're feeling better. Personally, me, it's a sinus infection, so --

COMMISSIONER RITTER: Hey, two and a half pounds in 24 hours ain't bad.

MS. ORSHEFSKY: Let me clarify something, and -- and I -- we've been kind of allowing the plat note amendment to drive what is more appropriately discussion of whether or not the county would like to buy this property.

The plat note that is reflected in this application was filed by the borrower prior to my current client's foreclosure. That was a very protracted foreclosure process, by the way.

And in coming out of it, we came into a process that actually provides an interesting framework for both the Aviation Department and my client to have a dialogue. We know that it's any Tuesday, but in the -- in the course of that dialogue, we have maintained that the currently approved development program for this site, with 419 hotel rooms, 138,000 square feet of office and commercial, and the existing marina, was the development program that my clients were asserting was the valuation program.

So let me allow this Commission to be unburdened by the plat note amendment, and we can withdraw that request, and I'll file whatever affidavits are necessary under the Land Development Code, and allow the dialogue and the discussion to really be is this something that the county wants to pursue, because if not, my clients are prepared to pursue a development option. But doing that means they have to increase their costs, increase value, et cetera, et cetera.

And rather than play any kind of game about we'll go in and put up a crane, let's try to deal with this in a forthright yes, be -- is the county interested in this property, give Mr. George some direction as to whether he is. We don't have to be within the procedural framework of the plat note process. And let's see if we can finally get something feasible going on on this very troubled piece of dirt, and troubled only because it's do they want it, don't they want it, whether they want it, do they want it, what should be do on it.

My clients would like to either pursue that or sell it to the county. And they're prepared to go forward with the existing approvals on the site, so.

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MAYOR GUNZBURGER: Okay. Any other questions of Ms. Orshefsky?

UNIDENTIFIED SPEAKER: No.

MAYOR GUNZBURGER: Okay. Thank you, Ms. Orshefsky.

Any further discussion on the dais?

Commissioner Wexler.

COMMISSIONER WEXLER: Thank you.

I need to understand something. Motion A actually is a motion for deferral. Commissioner Jacobs has made a compelling argument for us not to support that.

However, a few of us do have the painful history of the hours of dialogue on this particular topic. And I recognize another owner now, that there is another owner now. But -- and what I'm trying to sort out in my head is if we support the denial and we don't support staff's request to defer this for --

UNIDENTIFIED SPEAKER: Nine months.

COMMISSIONER WEXLER: -- nine months. Nine months. Thank you, Commissioner.

It's my understanding that it is in the spirit of negotiating with your client for the county to pursue this nine some -- nine plus acres.

The -- what the -- what the previous owner was going to build there, part of it was in the runway protection zone, or at least conflicted somehow with the runway protection zone. And I'm certain that staff wants to at all costs avoid anything potentially that would put us into that kind of a predicament or situation with the current owners and what they might wish to build on this piece of property.

And so it really is for the City of Dania Beach and the county, as far as tax rolls are concerned, that certainly is a negative.

But the positive is potential control of what actually goes on this site. And -- and so that -- that, for me, is really the heavy lift of -- of making that determination.

Why nine months, staff? Why -- why is the request for nine months? And -- and I honestly walked into here thinking that this was a no-brainer today. I honestly did. I -- I misjudged it, and I didn't -- because we've had it before us so many times, I didn't think we were going to debate it again. But new owner, another argument, another debate. Okay.

Why the nine months, please?

MS. AZCOITIA: Commissioner, that's consistent with the Land Development Code. If -- if the Commission --

COMMISSIONER WEXLER: Up to?

MS. AZCOITIA: Up to.

COMMISSIONER WEXLER: Up to.

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MS. AZCOITIA: Correct.

COMMISSIONER WEXLER: I guess that, for me, I would like to see a short period of time. I'd like to see a 90 day window. I'm -- I mean, it's been years. We -- we're -- we're toying with this project and this site for years.

If there was a way that we could, or I could get -- if I could get to a short meet and confer and let's determine is the county going to buy this, or are you going to put some kind of a pad down there and then the value goes up even more, and blah, blah, blah. We've been down this -- this road.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: I wish to make a -- that kind of a determination as a Commissioner of if it's going to be a 90 day window, where you're going to do your best within that time frame to bring back a direction for us that we're going to purchase it or, you know, we -- we've reached some kind of an agreement, or they're going to go forward and -- and build something, and we'll see you, you know, at some point up here arguing whatever it is that they're going to put in -- put there.

I -- I would rather have the property in my control now, if at all possible. But I don't know if that's to be. We've had this conversation before.

So that -- that's where -- I'm hesitant to approve it the way it is. And I'm leaning towards supporting your motion.

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER WEXLER: However, if we could get to a shorter window somehow, and the parties both agreed to that. I guess if both parties agree to that, Ms. Azcoitia, then that certainly -- there I go, practicing law again without a license. I apologize.

Is it possible that if the parties agree that we could modify the terms?

MS. AZCOITIA: It -- the parties don't have to agree. What the code says is the Commission may defer it for up to nine months. So, really, the discretion is -- is with the Board.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Okay.

COMMISSIONER WEXLER: Yes. Thank you.

MAYOR GUNZBURGER: Commissioner Jacobs, Vice Mayor Rodstrom, and Commission Holness, in that order.

COMMISSIONER JACOBS: Here -- here's the thing about this property. Commissioner Wexler, you were so accurate on so many points.

The first is I believe firmly that this is a troubled property. And the reason why it's a troubled property is it's in a very awkward place. And what has been proposed to do on it has been problematic for this Board all along.

But every time a -- the proposals came to us, we were able to punt it out because we didn't like those proposals. Most importantly, we did not know at the last go round, the last owner of this property, what they were proposing, where it would fall in relationship to the expansion of the airport.

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But now we know. Now we know where that line is. Now we know where you could develop it, and what the parameters of that would be. So anyone who holds the property now at least has a clearer idea of what they're in for.

But honestly, at the end of the day, they still have to get a determination of no hazard to air navigation from the FAA, they still have to get the F -- Florida Department of Transportation to give them an air space obstruction permit. They -- and all of these things have expired.

And the list goes on of things, environmental permits, there's a whole bunch of stuff this property needs.

The truth is, the folks that bought it, in my opinion, bought it for speculation so they could flip it back to the county.

Now, is it a good time for the county to buy this property? I don't think they can do anything on it right now. But if they do find a way to take a healthy commercial piece of property and turn it into a tax producing chunk of land, go for it. I think that would be a very positive for our airport, because the Land Development Code precludes the things we don't want to happen from happening, which is why it has been stalled in all of its processes, and why it's still coming before us. Because what is being proposed cannot be allowed under the current Land Development Code, and under all the other auspices of FDOT and the FAA and environmental protection rules and so forth.

So, to me, at the end of the day, do we need to purchase it? Nothing's happening with it. It's fallow land. It's just sitting out there. So it's -- it's sitting out there, though, and it's still on the tax rolls.

If we purchase it, we don't know if we -- if we -- if we give staff six months or six weeks or nine months to go --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- purchase it, to me it doesn't matter. Either we're purchasing it or we're not. If we are going to have a conversation about purchasing it, then we really ought to have a better idea what we want to do with it.

If -- so controlling it isn't so much of a concern to me, because I feel we are, in essence, controlling its destiny by virtue of the Land Development Code and all the other commenting agencies that have to issue permits.

And clearly, as was said earlier, this is a property that's very difficult to develop, or it would have developed long ago, even with the old runway protection zone, which was much narrower and less prescriptive than where they are now.

So I -- I think that we ought to not purchase this property at this time. I don't believe that they're going to be very successful in moving forward with it. And if they aren't, then we have an opportunity at some point in the future to purchase it.

If, on the other hand, they are successful in developing it amongst all of these parameters, then I think that that still benefits the county, and certainly it benefits the City of Dania Beach.

VICE MAYOR RODSTROM: I guess one of the questions I have is if we -- typically, when we go buy a piece of property, we have appraisals done on it. And -- and those appraisals are going to, you know, look at the various uses that are permitted on that property.

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And so the first thing is, if you've got this plat note hanging out there, how's the appraiser view that? Somebody -- we have somebody here from -- I don't want --

MAYOR GUNZBURGER: No, not --

VICE MAYOR RODSTROM: -- Ms. Orshefsky --

MAYOR GUNZBURGER: -- not you.

VICE MAYOR RODSTROM: -- I don't want your opinion. Thank you.

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: And it's not -- yeah, it's not personal, no.

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: Yeah, she said (inaudible).

COMMISSIONER HOLNESS: Yeah, that's -- that's the point I was going to make.

UNIDENTIFIED SPEAKER: Yes.

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: What -- what's the --

UNIDENTIFIED SPEAKER: She said she would withdraw it.

VICE MAYOR RODSTROM: Withdraw the --

UNIDENTIFIED SPEAKER: The application.

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER RITTER: She said she would withdraw the plat (inaudible).

VICE MAYOR RODSTROM: Well, then she could bring it back. Right. At any time.

But if -- but if -- if you deny it, then you can bring it back at a later date, too, can you not, in six months?

UNIDENTIFIED SPEAKER: I -- I think it's a year.

VICE MAYOR RODSTROM: But you just have to pay the fees again?

UNIDENTIFIED SPEAKER: It's a year, yeah.

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER JACOBS: (Inaudible.)

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VICE MAYOR RODSTROM: (Inaudible) --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: -- so I actually want to know the difference between withdrawing it --

MR. DANOVIK: Okay. The -- the -- if they withdraw, they can file another application whenever they want, provided they met the requirements of the Land Development Code to withdraw; there's some paperwork involved.

VICE MAYOR RODSTROM: You pay fees?

MR. DANOVIK: To withdraw it, no.

VICE MAYOR RODSTROM: You pay fees if you have to bring it back?

MR. DANOVIK: Yes, if you re-file, it's about a couple thousand dollars in application fees to bring it back.

VICE MAYOR RODSTROM: And if we deny it, can you bring it back in six months?

MR. DANOVIK: I believe the -- they would not be able to bring it back for a year.

VICE MAYOR RODSTROM: For a year.

MR. DANOVIK: Yeah.

VICE MAYOR RODSTROM: And they pay fees again?

MR. DANOVIK: Yes.

VICE MAYOR RODSTROM: More than the couple -- same 2,000?

MR. DANOVIK: The same fees unless we --

VICE MAYOR RODSTROM: So really the only difference is what, between --

MAYOR GUNZBURGER: Time.

MR. DANOVIK: The difference is that they --

VICE MAYOR RODSTROM: Six months?

MR. DANOVIK: Yeah.

VICE MAYOR RODSTROM: Extra six months?

MR. DANOVIK: Correct.

VICE MAYOR RODSTROM: Okay. So, I mean, that part of it, I don't know. I mean, I -- if they're going to --

UNIDENTIFIED SPEAKER: (Inaudible.)

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VICE MAYOR RODSTROM: -- but now, I guess -- I guess, from a legal perspective. Our staff has not given us any kind of indication of what the property might be used for. And there was a controversial item in the paper over the weekend about buying a piece of property when this Board had -- you know -- you know, staff had a vague notion of what they wanted to use the property for, the property sits there today.

COMMISSIONER JACOBS: We could also ask (inaudible).

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: Right. But she can -- she's withdrawing it. I mean, she can withdraw it, and that would have the same effect as denial, except -- except --

MAYOR GUNZBURGER: Except it -- it shortens --

VICE MAYOR RODSTROM: -- except she -- it shortens the time frame for when they can bring another --

COMMISSIONER JACOBS: And so our staff is asking if we do, that we would (inaudible). That's what staff wants.

VICE MAYOR RODSTROM: Right.

MAYOR GUNZBURGER: All right.

VICE MAYOR RODSTROM: But what I'm -- what I'm -- what I -- I guess my problem is is that, staff, I think this is -- the part about purchasing this property is not ripe for discussion today, because we don't -- we don't really have -- I mean, just to say, oh, we'd like to control it, why? Why? I mean, you know, I think I'd like to control it. That, to me, is not a compelling enough reason to buy a piece of property.

And then I'd want to know a lot more about the process, the methodology that would go into that property, about how we -- how it's going to be valued. You know, is it going to be valued as a marina? Is it going to be valued as a hotel? And how many rooms, and -- you know, I mean, because that was -- remember -- remember the old owner was talking about terms of a -- and this is a vacant piece of property -- in terms of us paying \$30,000,000 for that piece of property.

You know, and if we're talking about a few million dollars, well, then, heck, yeah. We might want to control it.

But -- but I want to know a lot more about, you know, how we're going to value this property and what the use is going to be, and whether it'd just be nice to have versus we -- we're going to, you know --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: -- take it -- but -- but that -- to me, that discussion's not ripe, because that's not in the backup.

COMMISSIONER WEXLER: Well, we didn't have that.

VICE MAYOR RODSTROM: No. No. That's right. And that's right. And --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: -- and that's why -- that's why I think, you know, Ms. Orshefsky wants to --

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you know, she wants to --

MAYOR GUNZBURGER: Withdraw.

VICE MAYOR RODSTROM: -- withdraw the plat, and then we can move the agenda, and staff can always come back with another -- another agenda item at a later date to talk about what reasons and how -- you know, give us some backup on a decision, because I don't want to make that decision today because I don't have any backup.

MAYOR GUNZBURGER: So are you withdrawing your second?

VICE MAYOR RODSTROM: You know, I might. You know --

MAYOR GUNZBURGER: I need to know.

VICE MAYOR RODSTROM: -- in deference -- in deference to Ms. Orshefsky, I would let them voluntarily withdraw it, if that would be the case, as opposed to us voting to denial. I'm -- you know, I'm -- I'm okay with that, I mean.

MAYOR GUNZBURGER: So -- so then we would need a second to the motion to deny from someone else.

COMMISSIONER SHARIEF: Second.

MAYOR GUNZBURGER: Okay. Now, that's where we are.

Commissioner Holness.

COMMISSIONER HOLNESS: Okay. I -- I think the point is already made that they're either going to withdraw or we're going to deny. Okay? One or the other. And amounts to pretty much the same thing.

The fact is today's market, property cost is very low. And I think what staff is asking is give us the green light to go ahead and pursue the conversations as to whether or not we move forward with this. Whether we buy it, what -- how -- how we determine the price and the value, would be a part of that discussion, I'm -- I'm certain, or -- or what they do to come up with some sort of --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: -- a price.

So the first issue is -- is -- is, in my opinion, we deny it, they can come back six months, a year from now. The -- the real issue that's on the table is do we give staff the okay to go ahead and pursue a conversation regarding purchasing this property.

And -- and I say we do. Because, for one, cost of property's pretty low right now. Two, if we control this property, if the price is right, we can put deed restriction in to do what we want done with that piece of property. So then we are in control of it, and it will go back on the tax roll as a result of -- of us then being able to -- to -- to -- to -- to determine that.

MAYOR GUNZBURGER: Okay. Thank you.

I am now going to call for a vote, either up or down.

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COMMISSIONER WEXLER: I'm going to make a substitute motion. Substitute -- sorry. Substitute --

MAYOR GUNZBURGER: Okay.

COMMISSIONER WEXLER: -- motion is that on A that the time frame be amended to 90 days versus nine months, and vote for approving it, the -- give them 90 days.

MAYOR GUNZBURGER: Is there a second to the substitute motion?

COMMISSIONER RITTER: I'll second it.

MAYOR GUNZBURGER: All right. We have a substitute motion.

All those -- and we're going to ask -- I'm going to ask people raise their hands, because --

VICE MAYOR RODSTROM: What -- what does the motion say?

COMMISSIONER WEXLER: The -- the motion is for deferral. It's a motion for deferral of the application for a period of 90 days.

VICE MAYOR RODSTROM: Right. But that -- but what --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: -- happens to the plat amendment?

COMMISSIONER JACOBS: No, it's --

COMMISSIONER WEXLER: She withdrew the plat amendment.

COMMISSIONER JACOBS: Point -- a point of order, though. That is not what this motion also directs the county to pursue voluntary acquisition.

COMMISSIONER WEXLER: That's correct.

COMMISSIONER JACOBS: That's more than deferral.

COMMISSIONER WEXLER: You bet. That's correct.

COMMISSIONER JACOBS: It defers it for this sole purpose of purchasing.

COMMISSIONER WEXLER: That's correct.

COMMISSIONER JACOBS: With no understanding why we're purchasing --

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER JACOBS: -- and what we're going to do (inaudible).

COMMISSIONER WEXLER: Wait, wait.

VICE MAYOR RODSTROM: (Inaudible.)

COMMISSIONER WEXLER: You know what? I --

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COMMISSIONER JACOBS: You're directing them, you're just giving them a shorter amount of time.

COMMISSIONER WEXLER: May I finish the motion? Because --

MAYOR GUNZBURGER: Yes.

COMMISSIONER WEXLER: -- I think there needs to be a statement with it. I'm sitting here thinking, you know what, I spent over an hour meeting with staff for agenda preparation yesterday. Went over -- that's why I didn't have anything to pull. Everything was questioned.

And we discussed what they would use it for. I really -- I don't think we should be saying -- you know, everything's in the sunshine. God bless the sunshine. You know, it's wonderful.

But if they are going to have a half a chance of sitting down and negotiating anything on behalf of Broward County government, then you want me to reveal everything staff said yesterday about what they could potentially use it for? No, I don't think so.

Now, if they --

COMMISSIONER JACOBS: Well, (inaudible) --

COMMISSIONER WEXLER: -- didn't tell that -- obviously, they had that conversation with Commissioner Holness, too. And I'm sure they had it with others that they did agenda prep with.

But if you didn't meet with them, then you probably didn't have the conversation.

So I'm very comfortable with knowing that there is a purpose, there is a use; they've got a number of ideas that they're working with. And I'd like to give them the opportunity to do it. That's --

MAYOR GUNZBURGER: Thank you.

There's been a substitute motion and a second. It -- my --

MS. AZCOITIA: Just for clarification --

MAYOR GUNZBURGER: Ms. Azcoitia.

MS. AZCOITIA: -- it's to adopt the resolution with an amendment to 90 days instead of nine months, but the -- the note amendment is still active under that.

VICE MAYOR RODSTROM: That's right.

MS. AZCOITIA: What it does it defers the --

VICE MAYOR RODSTROM: (Inaudible.)

MAYOR GUNZBURGER: Right.

MS. AZCOITIA: -- the note amendment for --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. AZCOITIA: -- for 90 days, up to 90 days.

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COMMISSIONER WEXLER: Why?

MS. AZCOITIA: It's --

COMMISSIONER HOLNESS: That's the way it is.

VICE MAYOR RODSTROM: It's the process.

UNIDENTIFIED SPEAKER: That's the way it is.

COMMISSIONER JACOBS: (Inaudible) to deny the plat.

MS. AZCOITIA: Yes.

UNIDENTIFIED SPEAKER: Correct.

COMMISSIONER WEXLER: So with your motion, it can be withdrawn and it disappears?

COMMISSIONER HOLNESS: She's killing it.

COMMISSIONER JACOBS: With my motion --

COMMISSIONER WEXLER: You're killing it.

VICE MAYOR RODSTROM: We deny (inaudible).

UNIDENTIFIED SPEAKER: (Inaudible).

COMMISSIONER JACOBS: -- we deny -- we deny the plat, and we do not direct staff to purchase the property.

COMMISSIONER WEXLER: But the plat has been withdrawn. So basically it's move the agenda.

COMMISSIONER JACOBS: I would point you to staff's recommendation, which asked us to deny this plat if we chose not to move forward with purchase. And, honestly, I know there was a comment made about deference to the -- the representative of the property owner, but they are speculators, and I do not think that we should be giving deference to speculators.

They walked in, they took over a property that was in foreclosure -- foreclosure, and they're fishing for a way to move forward. This plat should be denied. The old owner is gone. It needs to go away, let them come back with it. They're a new owner, let them come back with a new plan.

Right now, I see no reason -- and it's nice that staff comes and tells certain members what we're going to do with the property and not others. But I -- count me in the not others.

VICE MAYOR RODSTROM: And me, too.

COMMISSIONER JACOBS: And so, absent any knowledge of why we want this property, I see absolutely no reason to approve directing the staff to go purchase it today. That option is still available to us next week or any other week that goes by.

At the end of the day, what we do is we deny this plat, and then --

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UNIDENTIFIED SPEAKER: That's right.

COMMISSIONER JACOBS: -- at some point in the future, staff can still go negotiate to purchase this property. (Inaudible.)

MAYOR GUNZBURGER: All right. We are now voting on the -- the substitute motion.

All those in favor, say aye and raise your hand.

There's four in favor.

All those opposed?

It -- it fails.

COMMISSIONER LIEBERMAN: Mayor? Mayor?

MAYOR GUNZBURGER: Yes?

COMMISSIONER LIEBERMAN: I voted in the affirmative, so --

MAYOR GUNZBURGER: Right. That's -- it's a five -- five people voted in the negative.

COMMISSIONER LIEBERMAN: Okay.

VOTE DOES NOT PASS.

MAYOR GUNZBURGER: All right. Now the original motion is on for denial.

All those in favor of denial, please again raise your hand and vote.

One, two, three --

COMMISSIONER LIEBERMAN: Aye.

COMMISSIONER JACOBS: Ilene said aye.

COMMISSIONER HOLNESS: Yeah, we might as well do it, because --

MAYOR GUNZBURGER: -- four -- one, two, three, four, five.

All those opposed?

Commissioner Lieberman, for or against?

COMMISSIONER JACOBS: She voted for the motion.

MAYOR GUNZBURGER: Okay. So it's -- it's denied 6 to 3.

COMMISSIONER HOLNESS: Okay.

MAYOR GUNZBURGER: Thank you.

COMMISSIONER HOLNESS: The -- the -- I still would like to have staff pursue the opportunity to --

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UNIDENTIFIED SPEAKER: They can.

MAYOR GUNZBURGER: They can --

UNIDENTIFIED SPEAKER: They can.

MAYOR GUNZBURGER: -- they can, anyhow.

UNIDENTIFIED SPEAKER: They can any day.

COMMISSIONER HOLNESS: (Inaudible.)

COMMISSIONER JACOBS: They can bring it back and tell us why.

COMMISSIONER HOLNESS: I'd like for them to go ahead and still look at it, discuss it, see what -- what the possibilities are.

MAYOR GUNZBURGER: I think they understand that.

COMMISSIONER HOLNESS: Okay.

MAYOR GUNZBURGER: Thank you.

VOTE PASSES 6 TO 3 WITH COMMISSIONERS LAMARCA, RITTER, AND WEXLER VOTING NO.

REGULAR AGENDA

AGENDA ITEM 48

MAYOR GUNZBURGER: We need to get to Item Number 48, which is why we have a great number of the Sheriff's deputies and firefighters from the City of Dania Beach, et cetera, here.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: On Item 48, we have two speakers from the public. One is Commission Anton, and the other is Commissioner Walter Duke. But if there is going to be no opposition up here, do you want to speak anyhow? And I think I see Mayor McElyea, who did not sign.

It -- Commissioner Rodstrom, I believe this is your district, part of it?

VICE MAYOR RODSTROM: Yes.

MAYOR GUNZBURGER: Would you like to move the item?

VICE MAYOR RODSTROM: I'll move it.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Would you like to second it, Commissioner Lamarca?

COMMISSIONER LAMARCA: Sure.

MAYOR GUNZBURGER: All those in -- and I saw that a couple of us asked if this is neutral when it

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comes to expenses, and it is. So I think that was our biggest question.

All those in favor, signify by saying aye.

Opposed, like sign.

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

MAYOR GUNZBURGER: Thank you for being here.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: They don't speak if it's passing. They (inaudible).

COMMISSIONER JACOBS: (Inaudible.)

UNIDENTIFIED SPEAKERS: (Inaudible cross-talk.)

COMMISSIONER WEXLER: You know what, Mayor? Mayor, I know that they're leaving the room, but I think that -- I -- could I ask the Sheriff if he could introduce the new fire chief? Commissioner Holness and I had the opportunity to go to the swearing in, but the other Commissioners did not. At least meet Chief DeJesus.

COMMISSIONER SHARIEF: But I've sat on board -- on the board with him for the last (inaudible).

COMMISSIONER WEXLER: I know you did. I know. But he's in a brand new position.

UNIDENTIFIED SPEAKER: (Inaudible.) Oh, never mind.

SHERIFF LAMBERTI: Good afternoon, Madam Mayor, Vice Mayor and Commissioners.

COMMISSIONER WEXLER: You all know him as a former City Commissioner.

SHERIFF LAMBERTI: I didn't know this was on the agenda but --

COMMISSIONER WEXLER: No, it's not. It's a point of personal privilege, if you don't mind just --

SHERIFF LAMBERTI: As a formality, last Monday I had the opportunity to swear in our new police chief. As you know, Chief Joe Lello retired after 41 years in the fire service. Great, great career, and I think he's probably on a cruise by now.

But with us now, sworn in last -- last Monday for the new Broward County Fire Chief, Neil DeJesus. He has a great, great background, not only as a fire fighter and a fire chief, a union president, and a -- one of our local officials in -- in Cooper City, and has dealt with the fire service both on a municipal level and a county level. And he's seen it from all possible sides of the fire service.

And I think he'll be a great addition to Broward County, and I think we're very, very fortunate to have him on board as our new Broward County Fire Chief.

CHIEF DEJESUS: Thank you. Welcome.

UNIDENTIFIED SPEAKER: Thank you.

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MAYOR GUNZBURGER: Thank you. And --

UNIDENTIFIED SPEAKER: Thank you, Mayor.

MAYOR GUNZBURGER: -- you also were on our Charter Review Board and --

COMMISSIONER WEXLER: A chair (inaudible) --

MAYOR GUNZBURGER: -- a former chair --

COMMISSIONER WEXLER: -- chair of the Ethics Commission.

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: You had to (inaudible), right?

UNIDENTIFIED SPEAKERS: (Inaudible cross-talk.)

CHIEF DEJESUS: Mayor, Vice Mayor, Commissioners, thank you very much. I look forward to serving as your next -- as your next Fire Chief, and working with the Sheriff to -- to help better the service here in the county. And I look forward to working with each of you.

Thank you very much.

MAYOR GUNZBURGER: Thank you, Chief DeJesus.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 41

MAYOR GUNZBURGER: All right. We are -- we now have a half hour to finish the agenda. We can do it.

Item Number 41. We are now on the Regular Agenda. It's an Aviation one.

Is there a motion, or do you need discussion?

(VICE MAYOR RODSTROM AND COMMISSIONER LAMARCA LEFT THE ROOM.)

COMMISSIONER WEXLER: I have a lot of discussion, yeah. Thank you. Apologize for that, but.

(COMMISSIONER SHARIEF LEFT THE ROOM.)

MAYOR GUNZBURGER: Okay. Commissioner Wexler, and who are you going to want to discuss this with? Is it going to be Mr. George? If so, I'm going to ask --

COMMISSIONER WEXLER: Sure. Probably.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: Mr. George, you can start hobbling up here.

MAYOR GUNZBURGER: That's why I wanted to give him warning and time.

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COMMISSIONER WEXLER: Right. I -- I -- you know, I didn't pull any items off of Consent Agenda, but I do have a lot of questions on the Regular Agenda, which is fine. And I put them out there, but they weren't really -- they weren't all answered to my satisfaction.

UNIDENTIFIED SPEAKER: Three.

COMMISSIONER WEXLER: This --

MAYOR GUNZBURGER: One, two, three, four. Commissioner Sharief?

UNIDENTIFIED SPEAKER: We have five.

MAYOR GUNZBURGER: We have five? Oh, I'm sorry. I'm wrong. I miscounted. I was afraid I was losing my quorum. Go ahead.

COMMISSIONER SHARIEF: I'll be right back.

MAYOR GUNZBURGER: Thank you.

COMMISSIONER WEXLER: I won't take it personally.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: Yeah.

MAYOR GUNZBURGER: We're in trouble if you have issues is right.

COMMISSIONER WEXLER: Okay. Talk fast. I -- I -- the pilot project for the automated concession --

MR. GEORGE: Yes.

COMMISSIONER WEXLER: -- (inaudible) two years ago. It was just that, a pilot project.

I recognize that the -- it -- it was deemed a success, but, truthfully, when there is a pilot, I would think that the Board of County Commissioners would get more than just the fact that 1.2 million dollars of revenue was generated, and that \$128,000 of --

MR. GEORGE: \$126,000 --

COMMISSIONER WEXLER: -- commission or whatever you want to call it was received by FLL. Okay. Fine. I'm going to accept that, that that's all that we're going to get as far as the success of the program was concerned.

MR. GEORGE: That's under this program. It won't happen in the future. Any pilot program in the future, you'll get a full report.

COMMISSIONER WEXLER: Wouldn't you think?

MR. GEORGE: Yeah.

COMMISSIONER WEXLER: Okay. And then, secondly, SH&E, I'm still waiting for their concession report. Meanwhile, I'm -- we have not gotten it, by the way.

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(COMMISSIONER LAMARCA RETURNED TO THE ROOM.)

MR. GEORGE: And you're not --

COMMISSIONER WEXLER: I'm --

MR. GEORGE: -- and you're not going to get it (inaudible).

COMMISSIONER WEXLER: And we're not going to get it. Well, that makes me feel really good.

MAYOR GUNZBURGER: Why?

COMMISSIONER WEXLER: All right. That's -- maybe we'll discuss that in a workshop. I don't want to be embarrassed more than I'm already doing.

So -- and you know what? I'm going to just move on to the next thing on that. We'll talk about that privately or at a workshop.

Here we are. I asked the question that really troubles me.

Where are you going, Stacy?

COMMISSIONER RITTER: I'm not going anywhere.

COMMISSIONER WEXLER: (Inaudible.)

MAYOR GUNZBURGER: We have five others.

COMMISSIONER WEXLER: All right.

COMMISSIONER RITTER: (Inaudible) five.

COMMISSIONER WEXLER: What really troubles me is that we have providers in place. We have Paradis and we have Hudson in place doing the sundry and dry goods. We have duty-free in place that does all kinds of not just cigarettes and liquor, but they do cosmetics and they do skin care products. And the minute that skin care products was mentioned in this RLI, that's what triggered the question.

And the answer to the question was very perplexing. Will products sold in these machines compete with existing news, gifts, duty-free vendors? And the answer that you gave me was yes.

I don't get it. So why would I put in direct competition with what I already have in place? And if that's the case, then why -- then I -- I'm -- at the very least, then, the second part of the question was, and then if it -- if the answer is yes, am I going to put in language in this RLI that prohibits that competition of the same type of product?

And so that's the conversation that I really want to have with my colleagues here today. It's not like us to do something like that. And maybe the answer isn't correct?

MR. GEORGE: Well, I -- I think --

COMMISSIONER WEXLER: And I'd like (inaudible).

MR. GEORGE: -- I think it's misunderstanding. Under -- when we look at duty-free, duty-free is for people coming in that are leaving here to go into another country.

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COMMISSIONER WEXLER: Uh-huh.

MR. GEORGE: They purchase it with their ticket. They then pay for it, and then they pick it up at the gate. They don't pay tax, they don't pay some other duty on it, and so forth.

Under this program, this is a -- was a pilot with machines that were -- there were five initially. It went down to four when we found one of them didn't produce very much revenue. Went down to four. And, you know, they -- they maybe take ten square feet. And they carry some very higher value items. They're beyond security. Like the iPods and the special earplugs.

UNIDENTIFIED SPEAKER: Electronics. A lot of electronic items.

MR. GEORGE: And then, also, cosmetics that -- that a lot of people, when they go through the security, either get confiscated or something else, and they just grab it real quick.

And it's not -- they're not being offered at other locations. But we're not saying these other locations can't offer them if they want to go in -- in competition with it.

But we just found a way that this came out, and it's been spreading across there. It doesn't take very much space. That's a big key thing. It's in an area where we're limited in space. And, you know, with four machines generating a -- over 1.26 million dollars, that's pretty successful, we thought.

So in keeping with it, we said maybe we need to look at going out with an RLI, see if anybody else is doing it, and going from there.

Very clearly, if Paradis or Hudsons want to carry these items, they're more than welcome to go out there and carry these items. And carry them at the inventory cost and see if they can get them sold.

I was skeptical.

(COMMISSIONER RODSTROM RETURNED TO THE ROOM.)

COMMISSIONER WEXLER: Could we have water, too?

MR. GEORGE: Water is an exclusive, only by --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: No, I -- that -- is that -- you know, that's --

MR. GEORGE: But that's going to be changed. That's being changed.

COMMISSIONER WEXLER: So --

MR. GEORGE: We -- you're bringing too much into the mix of things.

COMMISSIONER WEXLER: Because I have a lot of information. You know, I -- I guess I was better off when I didn't have the kind of information of history and knowing what we had --

(MAYOR GUNZBURGER LEFT THE ROOM.)

MR. GEORGE: Well, I'm glad -- I'm glad we've provided a lot for you.

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COMMISSIONER WEXLER: Well, thank you. But it's not because you provided it.

MR. GEORGE: Oh, come on. Geez.

COMMISSIONER WEXLER: No, no, no, no, no. It's the history of living it and listening to the debates and -- and knowing that one of the things that the Hudson and Paradis have wanted was a no-compete.

MR. GEORGE: We're --

COMMISSIONER WEXLER: No compete. And -- and we've been pretty -- we've been pretty good, up until right now, it seems, with this.

And I absolutely support the concept of the automated. I think it's great. I think that the opportunity, I think that the -- the -- we make -- we are -- it's low -- low -- literal low maintenance --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- and -- and we're making money on it. And it takes only ten feet. That's fabulous.

However, we also have to give -- and I'm surprised that we -- maybe -- I don't know, maybe they didn't look at this. Maybe --

MR. GEORGE: No, they looked at it, and they're not -- they're not concerned about it. They're very familiar with it.

COMMISSIONER WEXLER: They're not at all concerned --

MR. GEORGE: No.

COMMISSIONER WEXLER: -- about it? Because --

MR. GEORGE: (Inaudible) --

COMMISSIONER WEXLER: -- I didn't hear from anybody.

MR. GEORGE: The only call that I received from Hudsons and Paradis concerns --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: (Inaudible) they can carry the same.

MR. GEORGE: -- the sale of water. I'm sorry. I can't hear.

COMMISSIONER WEXLER: What she stated was --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- what she --

COMMISSIONER JACOBS: (Inaudible) I don't really care if they're concerned, because they can carry the same items, so --

MR. GEORGE: Yeah. And at the price --

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COMMISSIONER JACOBS: -- the issue of non-compete, they can -- they can compete. I'm -- I'm really interested in letting others compete, which is what this does.

MR. GEORGE: And, Commissioner, at your direction, you said please try to get away from exclusive agreements. Open them up so we can do competition and bring new ideas and do things different here.

COMMISSIONER WEXLER: We did. How about water?

MR. GEORGE: And -- and -- and right now, and that's what we're negotiating with Delaware North, is to get water out there that can be sold in every single one of the news and gift stores, along with sodas and light snacks.

COMMISSIONER WEXLER: Right.

MR. GEORGE: And that's -- that's in the negotiations with Delaware North.

COMMISSIONER WEXLER: Okay. Okay.

MR. GEORGE: And that was a direction you gave us --

COMMISSIONER WEXLER: Exactly.

MR. GEORGE: -- (inaudible).

COMMISSIONER WEXLER: Because if I'm just doing this piecemeal, but your plan is not to do this piecemeal --

MR. GEORGE: That's correct.

COMMISSIONER WEXLER: -- the plan is to do this concept of compete and cross --

MR. GEORGE: Competition and --

COMMISSIONER WEXLER: -- competition, that Delaware may sell water, Sundries may sell water.

MR. GEORGE: Yes.

COMMISSIONER WEXLER: They may both sell water. Right now, they're prohibited from doing that.

MR. GEORGE: Yes, they are.

COMMISSIONER WEXLER: If I'm going to take that philosophy, which I do embrace, and implement it evenly across whatever's for sale there, then fine. But it seemed to me that this was the first one out of the chute, and that it reflects competition.

MR. GEORGE: Yes.

COMMISSIONER WEXLER: And that's fine, if that is going to be in the short term implemented for all sales countywide. No exclusivities.

MR. GEORGE: Short term and long term.

COMMISSIONER WEXLER: Right.

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MR. GEORGE: And also, if you remember --

COMMISSIONER WEXLER: Okay.

MR. GEORGE: -- because of the way the leases are structured right now, we have to negotiate those things that they have exclusivity with --

UNIDENTIFIED SPEAKER: Right.

MR. GEORGE: -- out.

COMMISSIONER WEXLER: Right. And --

(MAYOR GUNZBURGER RETURNED TO THE ROOM.)

MR. GEORGE: And until I can negotiate it out, I'm stuck with it. And that's why we brought to you and said this is the plan, these are the next steps that we have to go.

Geez, you know, it would be so much easier for me if I could walk in here and have -- abrogate all of them and start over again. I can't. I've got --

COMMISSIONER WEXLER: You know --

MR. GEORGE: -- agreements.

COMMISSIONER WEXLER: -- I think that years ago, including with the gates when there were exclusives with the gates, with the planes themselves --

MR. GEORGE: Oh, yeah.

COMMISSIONER WEXLER: -- when you first got here --

MR. GEORGE: There were -- there were exclusive gates to the airlines --

COMMISSIONER WEXLER: Right.

MR. GEORGE: -- and we only have six of those left right now.

COMMISSIONER WEXLER: Right. Because the philosophy, again, was be able to have the flexibility to mix it up. And I think that --

MR. GEORGE: (Inaudible) gates.

COMMISSIONER WEXLER: -- that -- right. But that philosophy is something that this Commissioner, at least, wants imbedded throughout. And you're reinforcing that that is where you're going, that is what you're doing, and this is just one demonstration, because it happens to be in front of you today.

MR. GEORGE: Yes.

COMMISSIONER WEXLER: Okay.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSION MINUTES

COMMISSIONER WEXLER: Okay. That's fine, then. That's fine, then.

Thank you.

MAYOR GUNZBURGER: Are there -- are there any more comments?

COMMISSIONER WEXLER: With that, I'll move it.

MAYOR GUNZBURGER: Thank you.

COMMISSIONER HOLNESS: Second.

MAYOR GUNZBURGER: Thank you.

It's been moved and seconded.

All those in favor, signify by saying aye.

(COMMISSIONER SHARIEF RETURNED TO THE ROOM.)

MAYOR GUNZBURGER: Opposed, like sign.

Passed unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 42

MAYOR GUNZBURGER: Item Number 42 is the new language for conflicts of interest -- excuse me -- conflicts of interest regarding the airport expansion program projects.

Is -- is there a motion?

COMMISSIONER HOLNESS: Move.

MAYOR GUNZBURGER: Is there a second?

COMMISSIONER SHARIEF: Second.

UNIDENTIFIED SPEAKER: Second.

MAYOR GUNZBURGER: Is there a question?

COMMISSIONER WEXLER: I'm sorry.

MAYOR GUNZBURGER: Commissioner Wexler.

COMMISSIONER WEXLER: I'm sorry, but I tried to -- and it looked different when it was on line last evening. It was the third paragraph up of the new language. Okay. Third paragraph up of the new language, for those working with hard copies, from the bottom of what's being proposed.

Maybe somebody in Legal can help me understand what this says --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSION MINUTES

COMMISSIONER WEXLER: -- because --

MAYOR GUNZBURGER: What number is it? Or is it just on the summary?

COMMISSIONER WEXLER: It's on -- it's -- it's --

COMMISSIONER JACOBS: What page?

COMMISSIONER WEXLER: It says language from January 25th Agenda Item, conflicts of interest regarding airport.

I had asked them to compare -- in my PBMI, I asked them to -- to compare the language from December 7th, December 14th --

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER WEXLER: -- and January 25th. And so they submitted a -- that's what I'm working from. I don't know where it is --

UNIDENTIFIED SPEAKER: I don't have it.

COMMISSIONER WEXLER: -- Drew, in the language. Okay? So it's the third paragraph up on the last page, for those that are following. All right.

For purposes of this conflict of interest statement, an entity will be considered an affiliate of another entity if the entity has the power to control or is controlled by another entity or an identity of interest exists between the entity and another entity.

I -- I've got to -- it's hysterical, isn't it? I -- between affiliate and entity, when -- I don't know how you use this word affiliate. What are we saying? Help me know what it is that we're saying here about this conflict. Because then it goes on to say in determining whether there is an identity of interest or whether an entity of an affiliate of another entity -- help me. Who wrote this?

UNIDENTIFIED SPEAKER: A lawyer.

COMMISSIONER WEXLER: A lawyer?

MAYOR GUNZBURGER: That's how they earn their money.

UNIDENTIFIED SPEAKER: Yes, (inaudible).

MAYOR GUNZBURGER: By obfuscation.

UNIDENTIFIED SPEAKER: Right.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: I -- I don't know what it means, says.

(COMMISSIONER JACOBS LEFT THE ROOM.)

MR. MEYERS: I understand that. I'm going to call on Chris Lee.

COMMISSION MINUTES

MS. LEE: Okay. Christine Lee.

The -- the language at the bottom is taken from another provision, and I can't remember which statement it comes from. Let me see. Because it --

UNIDENTIFIED SPEAKER: (Inaudible) --

MS. LEE: -- it's standard --

UNIDENTIFIED SPEAKER: -- with the County Attorney's Office. It comes from the Small Business Development definition of an affiliate.

MS. LEE: Of an affiliate.

UNIDENTIFIED SPEAKER: Straight from there. It's straight -- the existing code. And it relates up to the fourth (inaudible), the second one from the bottom here.

COMMISSIONER WEXLER: Okay.

UNIDENTIFIED SPEAKER: You -- you (inaudible) affiliate, you can't have a conflict with your affiliate, so (inaudible).

COMMISSIONER WEXLER: What's an affiliate?

MS. LEE: So --

UNIDENTIFIED SPEAKER: That's the definition of it (inaudible).

MS. LEE: Okay. So in -- so in terms of what is an affiliate, at the bottom of the paragraph it says to be considered an affiliate of another entity, you're considered an affiliate of another entity if he has the power to control or is controlled by another entity, or an identity of interest exists between the entity and another entity.

So it's -- it's broad language, but it is the type of language that you will see in contracts. And then there is flexibility provided, because towards the bottom, it says in determining whether there is an identity of interest or whether an entity is an affiliate, common ownership, common management, common control in contractual relationships to the extent they demonstrate affiliate status, as well as other factors may be considered by the county.

So it is ultimately -- could, you know, in certain circumstances, not be a definitive answer, and it might need to be brought back, or, you know, considered and the determination made with the flexibility to evaluate it -- the second -- the next paragraph underneath it give the flexibility to evaluate potential conflicts of interest. And it gives the county the right to render binding decisions through the appropriate award authority.

COMMISSIONER WEXLER: I --

MS. LEE: So those decisions --

COMMISSIONER WEXLER: -- I understand --

MS. LEE: -- will be made in that fashion.

COMMISSIONER WEXLER: -- I understand the paragraph below it. I understand everything above it.

COMMISSION MINUTES

I read the whole answer to can you compare the languages from the three different dates, and when I focused on that third paragraph up, I'm telling you, I did not understand, in English, trying to translate what it is. And that's what I'm asking you to explain to me. Not to parrot it back to me --

MS. LEE: Okay.

COMMISSIONER WEXLER: -- but to explain it to me, for the record, in clear --

MS. LEE: For example --

COMMISSIONER WEXLER: -- non-legalese.

MS. LEE: -- for example, if you're looking at a control situation, you would look at if it is a partnership, if a partner within the partnership owns a percentage that could -- could give that partner control over the management of that corporation. Then that -- the partner would then be an affiliate. And control would be an evaluation of different factors, including, for example, if the partner owned 50 percent of the ownership interest --

COMMISSIONER WEXLER: So it's a percentage of the ownership?

MS. LEE: -- you would -- you would evaluate that, as well as other factors.

COMMISSIONER WEXLER: Right. So if someone has an owner's interest in a certain corporation, and that corporation, then, is prohibited, could the owner -- could the person that has the owner's interest then have another totally different company go after competing work or conflicting work, or?

MS. LEE: If -- if -- if the partner had an ownership interest and the partner could be deemed -- had a controlling ownership interest --

COMMISSIONER WEXLER: Right. That's the key.

(VICE MAYOR RODSTROM LEFT THE ROOM.)

MS. LEE: -- could be deemed to be an affiliate. And then that affiliate would fall within the definition of what is -- what is prohibited for the work for an affiliate to do.

So then you would look at the --

COMMISSIONER WEXLER: So it's a controlling owner's interest? Is that -- because I don't see that. Is that in some other -- some other part of this?

MS. LEE: No, it's --it -- Commissioner, it's where it says controlling interest.

COMMISSIONER WEXLER: Okay.

MS. LEE: So it says the entity has the power to control or is controlled by another entity --

COMMISSIONER WEXLER: Is controlled by another entity. Yeah, but -- so that reference to controlled by another entity is the percentage of --

MS. LEE: And then later on it says common ownership. So you're looking at these factors that would then -- after you evaluate the factors, there would be a determination of being insufficient for one entity to have common ownership or control of another entity.

COMMISSION MINUTES

COMMISSIONER WEXLER: Let -- let me tell you that I'm very troubled when, on December 7th, we have a recommendation that comes forward from -- you all worked real hard on it -- from staff and -- and the lawyers. We get a couple of emails from vendors out there, asking us not to support it, to defer it. We have a Commissioner that comes forward and asks us to send it back, it needs more work. We did that.

Along comes December 14th. Still came forward. At that point in time, I clearly understood -- I understood and supported the original language. I understood and supported the language of December 14th. That Commissioner said, but I haven't had a chance to see it yet, it need -- there needs to be more time.

Now we're at January 25th --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- and I don't understand what it says anymore.

MAYOR GUNZBURGER: Gee.

COMMISSIONER WEXLER: And I'm very troubled by that.

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER WEXLER: And if you're asking me to support a conflict of interest, then I at least want to know what it is that I am supporting. And I don't meant to be fresh, and I don't mean to be laborious here, but I'm sorry, I am a fairly intelligent individual, and do not get what you've got in front of me today.

(VICE MAYOR RODSTROM RETURNED TO THE ROOM.)

COMMISSIONER WEXLER: And so I'm not going to be able to support it today. If it was the language of December 7th, or the language of December 14th, you have -- you have made this into so many different words, and it -- it's like it's a balloon that the air has just been -- I can see it getting bigger and bigger and bigger and bigger, until it has absolutely no validity whatsoever, and has a loophole for everything and everybody.

(COMMISSIONER JACOBS RETURNED TO THE ROOM.)

COMMISSIONER WEXLER: And that's how I feel it is right now.

MR. MEYERS: Commissioner -- Mayor, may I say something?

MAYOR GUNZBURGER: Please.

MR. MEYERS: I think by adding affiliate to it, you're actually closing some potential loopholes. We were dealing with entities that may be affiliated with one of the contractors, but it may not -- it may be in a broader sense.

And the definition of affiliate that is in here is relatively standard, although it is difficult to sort through. We can, if you'd like, try to -- try to reword it, but it really is whether one entity controls or is controlled by another. And there needs to be some flexibility in that determination.

So if your -- if your problem is with that specific language, certainly we can work with that and try to make it as simple as possible.

COMMISSION MINUTES

COMMISSIONER WEXLER: Mr. Meyers, I'll tell you what my problem is. My problem is is that when I asked for a comparatives -- a comparative matrix of the three different times it was before us, it got larger and larger and larger. And I think in the quest to get it larger and larger, if the intent was to confuse me, you succeeded.

MR. MEYERS: Well, I can --

COMMISSIONER WEXLER: And I know that wasn't.

MR. MEYERS: Well, no, I --

COMMISSIONER WEXLER: That wasn't the intent.

MR. MEYERS: -- I wasn't directly involved, but I can assure you no one was attempting to confuse you. I will, however, tell you that I prepared a matrix in connection with the dangerous dog discussion this afternoon, and it started out small, and as I looked at things and saw other things that needed to be clarified, it did expand.

So just because you're providing new information, it doesn't necessarily mean (inaudible) --

COMMISSIONER WEXLER: It's clearer.

MR. MEYERS: Yeah.

COMMISSIONER WEXLER: And it's not clearer for --

MR. MEYERS: Okay.

COMMISSIONER WEXLER: -- it's not clearer for me, and I'm not sure what's in front of me to support today. And -- and I'm not going to be able to support it, because I don't know what it means and what it says.

MR. MEYERS: And -- and all I'm asking, if that issue with that is the definition of affiliate with that provision about control, certainly that's something that we could work on, if that's the will of the Board.

COMMISSIONER WEXLER: Maybe no one else has a problem.

MAYOR GUNZBURGER: Commissioner Jacobs.

COMMISSIONER JACOBS: Well, I don't really have a problem with it. What I am mostly concerned about is that while we pulled this back and gave them direction to go sharpen it up so the unintended consequences that the previous language was rife with would then be eliminated and hence has been, and -- and we have a letter from the Small Business -- Business Advisory Board that is now supportive of the language, and that is that certain procurement projects have been put on hold pending this language.

And there are a whole lot of projects sitting out at the airport, and vendors that need to go to work. And the longer that we defer this language and it's -- hence the contracts, the more concern I have about projects that are just simply not moving out at the airport. It's -- I don't want to get into all the other concerns I have up here. That's a conversation for a different time with staff.

But I am increasingly becoming alarmed at projects that are not moving at --

MAYOR GUNZBURGER: Right.

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COMMISSIONER JACOBS: -- at the airport, and I wouldn't want to cause that to extend those -- those concerns by messing around with this language any further. I'm pretty comfortable with it as it stands now.

And -- and, just as an aside, our office did reach out to a lot of different companies to understand the language that was before us before, and then since, how it impacted them and were they comfortable with it. And we didn't have anything but glowing reports from all of those who are the subjects of this.

So while it may be confusing to us, those who are regulated by it didn't seem to have any confusion.

And so, with that, I would support the item today.

MAYOR GUNZBURGER: And I -- has it been moved and seconded? I -- it's -- you're moving it, then?

COMMISSIONER JACOBS: No, I would move it.

MAYOR GUNZBURGER: And --

COMMISSIONER WEXLER: So the vendors are all happy. I'm glad they're happy.

MAYOR GUNZBURGER: Commissioner Holness, were you seconding it?

COMMISSIONER HOLNESS: Yes.

MAYOR GUNZBURGER: All right. Is there further discussion?

All those in favor, signify by saying aye.

Opposed?

COMMISSIONER WEXLER: No.

MAYOR GUNZBURGER: It passed 8 to 1 with Commissioner opposing it.

VOTE PASSES 8 TO 1 WITH COMMISSIONER WEXLER VOTING NO.

AGENDA ITEM 43

MAYOR GUNZBURGER: Item 43 is going to be --

COMMISSIONER WEXLER: And I want the record to -- to be very clear that it just wasn't oppose. It was oppose because it wasn't clear.

MAYOR GUNZBURGER: -- Item 43, I believe, is going to have quite a bit of discussion, but we -- I'm going to see if we can get through it in eight -- nine minutes, at least have that out of the way.

I'd like staff to begin, Ms. Henry.

MS. HENRY: Yes. Mr. -- I'm sorry. Okay. Mr. Mallick, if you could come and shape this item for the Board. And, Mayor, I understand that you have --

MAYOR GUNZBURGER: There -- there is -- I'm the (inaudible) --

COMMISSION MINUTES

VICE MAYOR RODSTROM: Can he address what's not in the presentation in your remarks, because I --

MAYOR GUNZBURGER: Right.

VICE MAYOR RODSTROM: -- (inaudible) the backup.

MAYOR GUNZBURGER: Right. But there is something that we received early this morning that I think needs to be put into the record.

MR. MALLICK: Thank you, Ms. Henry.

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MALLICK: Madam Mayor --

MAYOR GUNZBURGER: Yes.

MR. MALLICK: -- Commissioners, Ronald Mallick, Director Real Property Section.

This property was last offered for sale in June of '09.

VICE MAYOR RODSTROM: (Inaudible.)

MR. MALLICK: We weren't successful in the second attempt.

MAYOR GUNZBURGER: I just want him to go over it.

MR. MALLICK: We wrote a letter at that time indicating we'd bring the matter back to the Board when circumstances warranted. We believe that circumstances do warrant bringing this back to the Board at this time.

That being that in the last six months --

MAYOR GUNZBURGER: Listen, John.

MR. MALLICK: -- we've had a number of inquiries --

MAYOR GUNZBURGER: John, listen.

MR. MALLICK: -- parties expressing an interest in acquiring the property.

Most recently, as of last Friday, the City of Fort Lauderdale expressed an interest in buying the property to site a new fire station. That is four active parties with an ongoing interest. Two of those parties are not-for-profits, one being the Community Foundation of Broward County. They have made an offer to purchase the property, significantly below the most recent appraised value.

The most recent appraised value being \$1,490,000. That was -- that was an appraisal as of December of -- of last year. The offer by the Foundation is for \$348,000.

MAYOR GUNZBURGER: And it is appraised at?

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MR. MALLICK: \$1,490,000, Mayor.

MAYOR GUNZBURGER: Okay. I knew the answer. Thank you.

MR. MALLICK: Yes, ma'am.

MAYOR GUNZBURGER: Thank you, Mr. Mallick.

We will now move on. We have someone from the public who wishes to speak, and I will call on her.

Linda Carter.

MS. CARTER: Thank you, Mayor, Vice Mayor, Commissioners.

We were not apprised that this item was coming before you until by surprise late in the week. We -- just because our name was on it, I just wanted you to know we were sincerely interested in this property. I know the price sounds pretty low, but if you saw the building, we've had people in the construction business to look at the property, and it will take millions of dollars to bring it up to any kind of capacity.

We put in an offer. We would hope that you would be proud of the work we would do with that. We would bring a community forum there by way of the Community Foundation of Broward, for those of you who don't know us. We're 27 years old. We've put back \$50,000,000 into the community. We provide leadership on community solutions, and foster philanthropy to match people who care with causes that matter.

That means we bring the community together to talk about the issues in our community. We convene elected officials, government agencies, the for profit/non-profit sector to work on community solutions.

This would be a Mecca for that, and it would be in downtown Fort Lauderdale, trying to build development in the south part of the -- of the bridge.

We apologize we did not speak to you individually about this, and didn't want you to be shortsighted. It was no reflection; we just didn't have the time and didn't know it was coming forth.

Our offer is sincere. I know that the Community Foundation of Broward will receive a lot of property through estates, and we have property that we're trying to sell, and there are a lot of folks who express interest, but never put forth a bid.

And for two years, we've -- well, three years, we have noticed that you've put it out to bid, always thinking you had prospective buyers, and never got any bidders. And that happened twice.

We've put forth an offer. We'd love to purchase the building. If it goes forth in a bid package, that's probably too long for us.

And we appreciate the opportunity. Wanted you to know we're -- we were interested.

MAYOR GUNZBURGER: Thank you.

MS. CARTER: Thank you.

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MAYOR GUNZBURGER: Okay. This is a motion to discuss and provide direction to staff. It isn't one to take action particularly, so I would like to call on -- I see three hands up.

VICE MAYOR RODSTROM: It's in my district.

MAYOR GUNZBURGER: And it's in your district, and you may go first, Vice Mayor.

VICE MAYOR RODSTROM: I think -- I think the -- I think the real issue, before we even decide to do anything today, is there is a bold statement in here about how it's going to be 5 or \$6,000,000 to bring this thing up to code.

That, I find to be rather curious, because that would be \$280 a square foot. And so you could build a big new building for less than that.

So I think before we do anything, I think staff ought to come back to us with an agenda item that talks about whether this building should be torn down, demolished, and whether the vacant land ought to be -- because if, in fact, it's -- I don't believe it's 5 or 6,000,000, and maybe -- you know, I mean, really it's a negotiated process with the City of Fort Lauderdale regarding what -- what they're going to take and what they're not going to take.

And -- and -- but yet that's not reflected in the backup. It's almost as if the backup's trying to say you've got a worthless piece of property here, folks, and you might as well just give it away. And -- and I don't think that that's the case at all.

I think this is a -- a strategic piece of property. It's on -- it's a great location. And, you know, to me, a \$350,000, 370, whatever. It's 369 on my agenda (inaudible), but that's not an offer. That's just somebody just throwing -- throwing something out there. You know, I mean, we've had it appraised. We know what it is worth, we think.

But -- but I think that this is not baked in the cake yet. If we're -- if we're desperate to sell it, well, then, you know, let's put it out there again. But I think -- I think, you know, we'd want to have a better idea of what -- you know, quantify this 5 or \$6,000,000 price tag to bring it up to code. Because what that does, in essence, is back up agenda item like this, takes -- gets buyers to (inaudible).

MAYOR GUNZBURGER: Uh-huh.

VICE MAYOR RODSTROM: I mean, it scares people away, those kind of statements. That hurts our own ability. That's like -- that's like a sales memo that, you know, you don't really want to buy this.

So I think I'd really want to quantify what the liability is on this property with great specificity before I'd want to bring this thing back and put it on the market.

MAYOR GUNZBURGER: Okay. And Commissioner Jacobs, and Commissioner Wexler. And as -- at the conclusion of this, we will adjourn to our workshop that was supposed to start two minutes ago.

Will someone make a motion to --

COMMISSIONER JACOBS: Extend. I'll make a motion to extend.

MAYOR GUNZBURGER: -- extend until the end of this item? Thank you.

All those in favor.

VOTE PASSES UNANIMOUSLY.

COMMISSION MINUTES

MAYOR GUNZBURGER: All right.

Commissioner Jacobs.

COMMISSIONER JACOBS: Thank you.

You know, the offers consistently -- and our appraisals -- seem to be going the other direction. In '09, our appraisals yielded an 18.-something. I was digging for it. I can't find it. I just remember 18 percent reduction in its value. And then the December, 2010 appraisal yielded a further loss of 48 percent.

So the building is losing in its money -- in its value. However, as Vice Mayor said, it's in a very strategic location. And I'm not too sure that at -- someone -- again, I couldn't find it in here, I believe it was \$26,000 a year that it's costing us --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- to maintain the property, if that's in fact what we're spending, it doesn't seem to me to be much of a liability to hang on to it and hold out for a better offer. Even though it does seem that the property is headed south in its value, I think by virtue of its site, location, that at some point we're going to experience the bottoming out; revenue estimators say January of 2012. So if that's rather immanent, maybe it doesn't harm the county in any way to hang onto the property.

As relates to the suggestion that maybe we should raze the property, I would be concerned about the demolition costs and bearing -- taking on those costs. It would seem that if -- I'm not sure how substantial those costs might be, but I'm sure it would be more than the \$26,000 a year it's currently costing us to maintain it.

So my gut reaction is let's hang on to it and wait for the market to improve. Or -- it doesn't seem to be any shortage of -- of folks out there that are interested in purchasing the property.

The one heartburn I have, though, is this yellow sheeted item that came out that says that staff has budgeted 2.86 million dollars in revenue, anticipating the needs from the sale of this building, and that if they're less than that amount, the reductions in appropriations would need to be made.

Now, nothing suggests what we're -- what we had planned on should we not sell it.

So, Ms. Henry, I'd ask you to address that issue. Should the Board's decision today, or direction be today that we hang on to it, what does this do to our budget?

(COMMISSIONER RITTER LEFT THE ROOM.)

MS. HENRY: The -- the money that's budgeted is in the capital program, and the capital program is -- it's standard five years. So what, in essence, we're saying is that we're depending on revenue in the next five years to that tune to be able to balance the capital budget.

(COMMISSIONER RITTER RETURNED TO THE ROOM.)

MS. HENRY: So there's nothing that I would recommend that we do today or tomorrow. We have some time to address that.

And the -- the most recent estimates of what the value of the property is today came after the budget process, which was the middle of last year. So -- but the timing of the two didn't coincide.

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The reason this item is before you is that there have been interest in the property. The Community Foundation of Broward was but one entity that has expressed an interest in the property. And staff did allow them to see it and went with them to look at it. So to their -- to their credit, they made an offer which we can accept or reject.

And we're certainly not promoting any -- any of those today.

So what we -- what we are intending to do is to -- really to get the direction from you as to whether or not we want to continue to hold on to the property at 26,000 carrying cost, or you could -- there's a new value. We could -- we could enter into a process to see. At a minimum, we set it at what it's appraised today to see what kind of interest that you'd get back into it.

Some of those interests could be money; some of it could be other -- other quid pro quos, if you will, particularly when you start talking about working with local governmental entities.

So we're not today -- we just want to have the -- the debate and the conversation with you. We're -- it's -- staff's recommendation would be, you know, we're always going to, you know, test the market. We'll see if there's something good that can come out of it, because you do have the ability to reject and not accept any of the proposals.

So that's sort of why it's in front of you today. And particularly since we did allow the Community Foundation of Broward to come in and look at the property and to express an interest in it, it was only fair that we not string them along much longer, to -- to either give them a direction.

Because of what it would take to restore the building, the -- if you look at the appraisals, the -- the -- the building itself is very little of the total value. The value's in the property and its location.

So we're not recommending or even suggesting for a moment that -- that the county would be spending 5,000,000 to -- we've looked at the building. We really don't have a use for it. So that's why it's never come back to you to try to use it for something else other than to put the building up for sale.

So I didn't want to confuse (inaudible).

COMMISSIONER JACOBS: And this property was purchased in the '70s, I believe?

MS. HENRY: It's been purchased quite a while, and it has some -- it has -- it has quite a bit of structural deficiencies, ADA concerns, and the like. So whoever, if they didn't take the building down and start over, they would spend a lot of money to try to retrofit it to meet today's requirements --

COMMISSIONER JACOBS: Okay.

MS. HENRY: -- which would definitely be a requirement.

COMMISSIONER JACOBS: Thank you, Ms. Henry.

So based on that, I -- I -- my suggestion is that we hang on to the property, continue to negotiate for a better price. And the offer that's been received so far is just --

UNIDENTIFIED SPEAKER: Rejected.

COMMISSIONER JACOBS: -- we reject that offer, understanding that the property basically is a buildable lot. And right now it happens to have something on it, but most likely, the idea that we should let it go at a very low price because to retrofit the building would be between 5 and 6,000,000 doesn't hold

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enough of an argument for us to accept that offer or even consider it further.

UNIDENTIFIED SPEAKER: Yeah.

MAYOR GUNZBURGER: Commissioner Wexler, and then Commissioner Holness, and then hopefully there's enough direction to the staff and we can adjourn for our workshop.

COMMISSIONER WEXLER: Well, the reason I asked the question about what would our professional staff recommend that we do with the property is because they are just that, professional staff. And their recommendation is that the property be advertised for sale at the minimum price of 1.49 million dollars.

The purchase was in 1974 by the county for 1.1 million.

MAYOR GUNZBURGER: Thank you.

COMMISSIONER WEXLER: Within the summary explanation, the cost to rehab, which is where Linda must have gotten the -- the number from, is between 5 and \$6,000,000. It is the second paragraph within this public document.

And so I would imagine that in the scheme of doing business since 190- -- 1908 -- 2000 -- 1908. Long time ago. 2008 when --

UNIDENTIFIED SPEAKER: Year before I was born.

COMMISSIONER WEXLER: -- the Board declared this property surplus, we put it out for 4.1 million dollars. A year or so later, you had a new appraisal, and the new appraisal indicated that we should be reducing the price.

At that point in time, it was put out for 2.8 million dollars and change. It was advertised; no offers were received.

However, there were some people that were interested, and you've shown it. Not just to Community Foundation, you've shown it, actually, to six prospective purchasers. And that's your correspondence to me --

MS. HENRY: Uh-huh.

COMMISSIONER WEXLER: -- from December, when I was inquiring about it, if my colleagues are wondering where -- where did she get that information from.

When the appraisal was done -- and if I may, Mayor, I have a question for Mr. Mallick. I'm a little bit confused about the building itself. If somebody comes in and wants this piece of property, they get the piece of property, which is on a canal, and they get a building, which is in great disrepair.

When the appraiser goes in and gives us a number, gives you a number, are -- don't they do the land and the building separate?

MR. MALLICK: Yes, Commissioner, they do.

COMMISSIONER WEXLER: In the current appraisal that was attained in December -- and I'm sorry, I didn't see that broken out -- the -- what was the building appraised at versus the land?

MR. MALLICK: It's virtually 50 percent of the land and 50 percent of the building, in round numbers --

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COMMISSIONER WEXLER: Okay.

MR. MALLICK: -- Commissioner.

COMMISSIONER WEXLER: So that -- it -- Commissioner -- Vice Mayor, in the scheme of things, may also help people moving forward, that that's the -- that's the appraised value at the moment.

MR. MALLICK: Yes, ma'am, that's correct.

COMMISSIONER WEXLER: I'm hoping that January of 2012 is the bottom. I really am hoping and praying that that is the bottom for us. And that we begin to recover.

I -- I would -- I would opt for two things right now. Either one of them I could support. Either holding on to the piece of property for a particular period of time, but I don't think that it should be an endless period of time. The cost is 26,000 a year, and in the scheme of things, that's not very much.

However, at some point the determination needs to be made is when do you re-advertise this. And even when it bottoms out and begins to increase again, I -- I don't believe that the predictions are -- and we have an expert sitting up here amongst us -- is that we're ever going to see anything compared to what it was before in this -- the huge --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- increase and the double digit increase of -- of value.

And so for me, personally, I would be -- I -- I would opt today, if -- to give direction to put it out at the 1.4 million dollars.

I have some concern about the 2.8 that was budgeted to generate in the capital budget, but I also know the fine job that everyone has done year after year in the -- the wiggle room that we do have there, and the wiggle -- the wiggle room of is that there is unspent capital year after year that keeps rolling over in that capital budget. And so it really doesn't give me too much heartburn. If -- if it was the general fund that it had been budgeted to, I'd be very concerned. But I -- I'm less concerned that it -- with where it -- where it's allocated.

So that -- that's where I'm at. I would opt for the -- putting it out again at the minimum price of 1.4 million.

MAYOR GUNZBURGER: All right. Commissioner Holness, and then we must stop, because we've got Good and Welfare starting at 1:30, and we were supposed to have an hour for this workshop. And I did not expect this item to take this long.

COMMISSIONER HOLNESS: In this market, unless you're absolutely desperate, you don't sell.

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER HOLNESS: Hence, the only people that are selling it are people that are desperate or bank foreclosures, because they need to get it off their books.

So I -- I would not really consider at all selling now. The 2.8 million that we'll -- we'll need to -- to replace in our capital -- but we have five years. So we're not desperate. We -- we've got time on our side.

I wouldn't -- I wouldn't even put it out. If somebody really, really wants it, let them come pay

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beyond what we want, what -- what the appraised value is, so that we can make -- we can make the profit.

Now, if it's really that important to them, they will pay beyond what the appraised value is, if --if it's that critical. And then we can look at whether or not we find some other means of probably a long-term lease down the road if we find the money to replace the 2.8.

But we -- we need to hold this property until we can do better than we can, because as -- as well as it went down, it's going to go back up. That's the real estate market.

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER HOLNESS: It never stays down, and -- and it will go up and it will come back down when you go up too high.

MAYOR GUNZBURGER: Thank you. Yes?

COMMISSIONER JACOBS: I'm sorry, just one clarification for me.

I assumed in my remarks when I said hang on to it that we would hang on to it and -- and still be open to selling it for at least its appraised value.

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER JACOBS: But the other option, though, is something that I think is also that I'm open to that Ms. Henry raised, and that is there may be some other land out there that we end up swapping, or some other need that the county has, and this land would help us in that regard. So I'm open to being able to do that.

I don't want staff to get the impression that we just want it to sit and lie fallow and do nothing. I would encourage anyone who's interested in the site, whether they want to buy it or they have some other swaps in mind that would benefit the county, to continue to bring those proposals forward.

MAYOR GUNZBURGER: I think that's the direction. Staff understands where we are?

MS. HENRY: Yes.

MAYOR GUNZBURGER: Thank you.

We are in recess until after the Public Hearing.

(THE MEETING RECESSED AT 12:45 P.M. AND RECONVENED AT 6:01 P.M.)

AGENDA ITEM 49

MAYOR GUNZBURGER: And we are going back to the last item on the morning meeting, which was the conflict of interest with our people in -- our lobbying team in Tallahassee.

And, Ms. Henry, is Ms. Harkins -- or who is going to discuss it?

UNIDENTIFIED SPEAKERS: (Inaudible cross-talk.)

MAYOR GUNZBURGER: All right. I know you're tired, but I'd -- I'd like you to please listen. This is an important issue.

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MS. HARKINS: Commissioners, Mayor, Vice Mayor, you asked that we bring back an item for your discussion about the way that conflicts of interest, potential or real, are handled with our state lobbying contracts.

What you have before you is a copy of the existing contract language. Section 8.5., I believe, deals with the conflict issues.

And we've consulted with the County Attorney's Office, and our understanding is that the contract has been the same since 2000. So that language has existed exactly as it is today since the 2000 -- well, it was the 2000 signatures for the 2001 session. So for ten years.

MAYOR GUNZBURGER: Yes. And?

MS. HARKINS: And it is -- we are seeking policy direction from you as to how you would like to handle conflicts in the future.

MAYOR GUNZBURGER: All right. And this is talking about this session, et cetera.

How do we want to handle conflicts of interest with members that -- of our team that will be lobbying in Tallahassee?

Commissioner Lamarca.

COMMISSIONER LAMARCA: This -- just dealing with us, or are we talking about our lobbyists, as well?

MAYOR GUNZBURGER: We're talking about our lobbyists.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR GUNZBURGER: We never -- and we don't lobby against our interests.

COMMISSIONER LAMARCA: No, I understand that.

The -- the issue that was brought before us, and County Administrator made it clear that it was -- it was not going to be a conflict, but I'm not really -- I'm very comfortable with her word, but I'm not comfortable with a lobbyist telling her that it's not going to be a conflict when we have somebody lobbying on an issue which is staunchly against what we're -- what we're hoping to do with our -- future of our -- our goals.

COMMISSIONER JACOBS: And, Mayor, if I may, what --

MAYOR GUNZBURGER: Yes.

COMMISSIONER JACOBS: -- what she said was that what -- not that it isn't a conflict. It is a conflict as it stands right now, with the bill the county -- a voted county policy. Our lobbyist does have a conflict of interest.

UNIDENTIFIED SPEAKER: Correct.

COMMISSIONER JACOBS: Our lobbyist is asserting that they don't really have a conflict, because they're going to amend state law or get it changed.

Now, as you know, as session goes, things are -- language is yanked out of bills and put back in

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again. So to say that you may not have a conflict in the future, that you're going to be successful in getting language removed, does not take away from the fact that currently, today, as the situation stands, there is conflict.

So and -- and I saw Ms. Henry shaking her head, both to you and to me, so I want to make sure that we're getting -- all of us getting the same interpretation.

MS. HENRY: Yes. The -- the bill that's been -- that's filed currently would constitute a conflict, given that -- given the actions that the Board took last week, or -- I think it was last week.

And I just want to -- there's -- there's two issues. I want to start with the issue with respect to the Dolphins, because this is the issue that would create the conflict.

I have spoken to the general manager for the Dolphins, who is extremely concerned about its relationship with Broward County.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. HENRY: They recognize that the approach that was taken to -- to have this bill, to give you the opportunity to weigh in on this was one way to handle it, and, obviously, there were other ways which include a specific dialog with each one of you.

They chose the first.

Mr. Dees has asked that he be able to meet with each one of you. He is very concerned that -- that as these messages go, that there's -- that there be no misunderstandings, no misinterpretations of where they're trying to go.

They very much would like to have Broward County again provide -- at least acknowledge or have some support for the work that they -- the commitment to the Dolphins as a regional partner.

Notwithstanding what they did, and they understand that you are not supportive of that, I believe that they are prepared to extract that language in some way, shape, or form.

But they would like to have a conversation with you. They would like to try to make amends to the way that things have transpired. They feel very badly about that.

And -- and what I am -- what I am able to say today, given my last conversation with Mr. Dees, is that they would really like to come and speak with you about what transpired.

COMMISSIONER JACOBS: But that's not --

MS. HENRY: That said -- okay.

COMMISSIONER JACOBS: -- that's not the issue.

MS. HENRY: Okay.

COMMISSIONER JACOBS: That's not the item at hand. The item at hand is how to deal with the conflict of interest by our lobbyists, not what the intentions of the management team of the Miami Dolphins says.

This is whether their hired lobbyist has a conflict to approach this Board.

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MS. HENRY: And that -- and I agree. That's why I said there are two separate issues. I wanted to separate -- I wanted to separate the two issues, because it's the -- it's the action of the -- the lobbyist, as it relates to this particular issue, as we're talking about the Dolphins that creates the conflict. So I wanted to separate the two.

The conversations that -- that I've had, and I'm sure that our lobbying team has had, is similar to what -- what you stated, Commissioner Jacobs. He believes that no conflict will exist, even though today there is a conflict.

So you are -- so your questions, as it relates to how you would like to proceed with this, since there has been no specific action taken to withdraw the bill or to modify the bill in some manner, shape, or form --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. HENRY: -- is a legitimate -- I'm sorry -- is a legitimate issue for you to -- to wrestle with.

But I wanted to have that other part of the conversation, because I do think it sort of plays into this. And I didn't want to be in a position of further trying to articulate all of the concerns that have been expressed to me by Mr. Dees. He -- he feels very comfortable that he can do that, and -- and hopefully make amends and find a way to have this Board support their overall efforts, notwithstanding there's not any support for TDT to go across the border.

So they understand that very clearly.

MAYOR GUNZBURGER: All right. One at a time, please.

COMMISSIONER JACOBS: I think I stole the floor.

MAYOR GUNZBURGER: Yes.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: No, I think I stole it from Chip.

COMMISSIONER LAMARCA: Well -- well, I mean, we -- we kind of went through the process. We went through it last year with -- with an ordinance that -- that sits on top of us here. But -- and I don't think we can ever create an ordinance that will sit on top of the lobbyists.

But they're never going to perceive conflict. I mean, how can you represent -- I don't -- I don't believe from -- from a little bit of checking, I don't believe he represents the Panthers or the sun -- Sunrise Entertainment or the BankAtlantic Center anymore. So that to me was -- was pretty mind boggling.

But the fact that somebody can go to Tallahassee, and even if they're not -- even if they're -- they don't perceive a conflict --

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER LAMARCA: -- if this legislation gets moved forward, leaving out the TDT dollars and all that, I mean, there could be a conversation that, well, this is in the best interest of -- of Broward County; it's also in the best interest of the Miami Dolphins.

We need to look back at some of the comparisons they made with the -- the paperwork you gave us yesterday, the -- the bullet points and comparing Sun Life to BankAtlantic. There's no way that

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somebody couldn't identify there's two arenas. I think there -- there isn't a direct conflict, or a different -- direct competition.

It's -- you know, it's clear (inaudible) --

MAYOR GUNZBURGER: But he does represent the city.

COMMISSIONER LAMARCA: I'm sorry?

MAYOR GUNZBURGER: He represents the City of Sunrise. He's their only lobbyist. That's part of their -- their revenue stream.

COMMISSIONER LAMARCA: (Inaudible) he represents everybody.

MAYOR GUNZBURGER: So that --

COMMISSIONER LAMARCA: I don't know. I don't know what the answer is there, but --

MAYOR GUNZBURGER: But that means --

COMMISSIONER LAMARCA: -- ultimately I don't --

MAYOR GUNZBURGER: No, that just came out.

COMMISSIONER LAMARCA: I know. I know. I -- I don't feel comfortable --

MAYOR GUNZBURGER: You don't feel comfortable --

COMMISSIONER LAMARCA: -- I don't feel comfortable with him in Tallahassee on behalf of us. Maybe that's as harsh as I have to say it.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Yes, finish the sentence.

All right. Commissioner Jacobs, Commissioner Wexler --

COMMISSIONER JACOBS: Here's the thing.

MAYOR GUNZBURGER: -- Commissioner Holness -- you know, Commissioner Holness, you've been pretty quiet.

COMMISSIONER JACOBS: He has.

MAYOR GUNZBURGER: Just like -- like Commissioner Sharief. So I'm going to let you go before everyone else.

COMMISSIONER HOLNESS: If I --

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER HOLNESS: Okay. Well, I think it was documented (inaudible) that (inaudible) predates after they found out they have a conflict of interest.

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UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: No, it's not. Three --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: -- three days after. But the -- the -- the -- the -- what was not addressed is when we decide that they have a conflict of interest, because -- and -- and that's something that we probably want to --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: -- something we probably want to make a provision in the next agreement, or if we amend it now. I -- I don't know that we can, since we've already contracted.

MAYOR GUNZBURGER: Oh, you can.

COMMISSIONER HOLNESS: But that -- that is what I think we need to do is to say, well, we now determine that -- or a process to determine that there is a conflict from -- from our perspective, and then what action we take, I think is what we need to address.

And -- and that's what I'd probably look for, staff to -- to help us craft and -- and come up with some ideas in terms of -- of where we go with that.

MAYOR GUNZBURGER: Okay.

Commissioner Jacobs.

COMMISSIONER JACOBS: I completely agree. The issue here is that there is currently a conflict. Until such time as there is no conflict, there's a conflict, and he -- that lobbyist cannot lobby this Commission.

It should not be -- and I'm -- I'm just, frankly, very surprised that we are allowing the lobbyists themselves to determine whether or not they have a conflict.

Now, I know that our files are full of lobbyists that have worked for us very hard and have conflicts, because, frankly, if you're a good lobbyist, you're going to have these conflicts from time to time.

So the issue to me is until you cure the conflict, you have a conflict. And unless we have some process, which we don't have -- we have sidestepped this issue ever since I've been on the Board. No one's wanted to really address the issue. And I think it's time that we do.

It's time to stand up and say, listen, you have a conflict, and you can't come talk to us, and you can't represent us on this issue.

It kills me to know that a large county in -- in this state whose lobbyist is part time employed by us would -- we would be at odds up in Tallahassee, working against one another. And I can't find a -- I can't allow that -- that to continue to go on until such time as that lobbyist actually makes a cure or is successful.

And for all Mr. Dees's apologies and bad feelings about how all this has shaken out, the bottom line is -- and -- and whatever language they -- he may want to, or they may want to pull out of this bill, they're not a member of the House or the Senate, or the Governor, who's going to ultimately sign this bill. So -- and neither is our lobbyist. Our lobbyist can't guarantee that language will stay in or be removed.

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So until such time as that is effectuated, then I think we do have a conflict of interest, and I would encourage language to come back from staff that defines this, not just that the lobbyist has determined it, but the county -- it kicks in when the County Commission has determined it, and that does not release the lobbyist from the obligation to report a conflict within three days.

MAYOR GUNZBURGER: What I'm hearing, and I think I'm hearing it from many, is that there's a need to change the policy as it is currently written.

VICE MAYOR RODSTROM: I'm not saying that. I don't agree with that.

MAYOR GUNZBURGER: Okay. But you didn't raise your hand.

VICE MAYOR RODSTROM: I'm saying now.

MAYOR GUNZBURGER: Okay. So would you like to present your viewpoint, and then I --

COMMISSIONER WEXLER: Wait a minute. He gets to talk (inaudible)?

VICE MAYOR RODSTROM: Yeah. I'm just saying, she was wrapping up the whole conversation.

MAYOR GUNZBURGER: All right.

COMMISSIONER WEXLER: I don't like being ignored.

MAYOR GUNZBURGER: All right.

Commissioner Wexler.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: (Inaudible) your fair shake.

MAYOR GUNZBURGER: All right.

VICE MAYOR RODSTROM: That's all right. I'll stand for a few more minutes.

UNIDENTIFIED SPEAKER: (Inaudible) so we can get out of here.

MAYOR GUNZBURGER: All right. Commissioner -- Commissioner Wexler, please give us your viewpoint.

COMMISSIONER WEXLER: I think she's intentionally ignoring me, but that's okay. She is.

All right. The way that I see it and read the language of 8.5, when we approved opposition last week to TDT dollars going from one county to another, there became a conflict in place.

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER WEXLER: When Gretchen transmitted the lobbyist program to our lobbyist team, I believe that's when the three-day clock began to tick, according to what's written in the contract.

We believe that there is a conflict. I believe there is a conflict. However, 8.5 requires the lobbyist to declare that conflict. It does.

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UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Makes no sense.

COMMISSIONER WEXLER: Something's a little screwy there.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: I believe that what we need to do is further look at new language that either gives the lobbyist or the employer, us, the ability to declare a conflict, and certainly how we might deal with that conflict.

This says including termination of the agreement.

Now, everybody knows that I sent an email to Charlotte Greenberg last week that made it onto Brittany's blog. Everybody knows that, because it has been printed. Everyone knows, that chose to read it, that, well, it –

MAYOR GUNZBURGER: I wasn't --

COMMISSIONER WEXLER: -- I -- I answered Charlotte Greenberg's question of me, and somehow it got out to the whole world.

And -- and that's okay, because I really do recognize that everything that I do on my public email is a public record. And I absolutely stand by what it is that I wrote here in that Mr. Book happens to be one of the most effective lobbyists in the state, and that he's able to open doors that I'm not able to open up, as far as appointments are concerned.

And we, though, need to deal with how we're going to either insert penalties into these agreements, or a waiver, which we've done in the past. And we've done it more than -- more than once, that we have said, okay, a waiver is going to be implemented here, and we'll just have other members of our team lobby the issue.

That doesn't give me a great feeling. I really think there needs to be much more of a stick.

What that is, I cannot -- I really want to talk -- I want to discuss that. I want to discuss possible penalties embedded within a contract for conflicts of interest. That's what I'm looking for.

MAYOR GUNZBURGER: All right.

COMMISSIONER WEXLER: Wow, silence.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: You know, and it's true. What you -- you've really identified it.

Now, Commissioner Rodstrom.

VICE MAYOR RODSTROM: My position's been very consistent for years, and that is I'm not afraid of myself, so I'm not afraid of my lobbyist doing what my lobbyist does. I think you've got a really strong lobbying team; last thing I want to do is -- is not have Ron Book work for us. That's cutting your nose off to spite your face, in my opinion.

COMMISSION MINUTES

So, you know, I would tell you to get over it. I mean, you know, but that's my opinion. You obviously don't agree with it, but -- but so then -- then don't have --

UNIDENTIFIED SPEAKER: (Inaudible) --

VICE MAYOR RODSTROM: -- don't have Ron Book work for you. Go find yourself --

UNIDENTIFIED SPEAKER: --- lobbying.

VICE MAYOR RODSTROM: -- go find -- well, you know, you have, in my judgment, one of the best, if not the best --

COMMISSIONER JACOBS: One of.

VICE MAYOR RODSTROM: -- one of the best, if not the best lobbyists working for you now, and you're going to get hung up on this issue which, in the scheme of things, you ultimately control, because you're -- you know, even if it passes, you still have to approve the bed tax, and you're not going to do that. So what are you -- what -- what is the big deal here? This is -- this is a lot of arguing over, in my -- my mind, very -- very little.

I mean, this is just splitting hairs here, and I don't have time to split hairs.

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: And I didn't have a problem last year, either. So --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: -- so -- okay. Well --

COMMISSIONER JACOBS: We had more (inaudible) --

VICE MAYOR RODSTROM: -- you know, I mean --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: -- and maybe someday I'll have a problem with an issue. I haven't -- it hasn't risen to the level to where I would say I don't want Ron Book working for us.

COMMISSIONER JACOBS: (Inaudible.)

MAYOR GUNZBURGER: All right. I don't think we've given a clear direction to staff.

For once, I can say there's absolutely no consensus.

Commissioner Holness, was that --

COMMISSIONER HOLNESS: (Inaudible.)

MAYOR GUNZBURGER: -- when you sort of raise your pen, is that raising your hand?

COMMISSIONER HOLNESS: And -- and -- and I think that it's an item we're working through. I don't think the final stone has been cast in terms of where this piece of legislation go.

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And it appears from the conversation from Ms. Henry that there's a pull back on their part to accommodate what we want.

So from that standpoint, it appears as if that particular issue's resolved. If -- if that's correct, what she said, and I truly believe what she's saying, that -- that they're -- they're not pursuing that angle anymore.

COMMISSIONER JACOBS: No, that's not true.

COMMISSIONER HOLNESS: And -- and it's doing business and living. Stuff's going to happen. Issues are going to arise. And -- and only that we can take one issue and -- and make it the norm for everything, and then says, well, from here on, we're going to fix everything in the future. Stuff's going to come up that we'll never know is going to come up. We're never going to be able to -- to address in advance.

I -- I think that we've already taken the action that we needed to take as -- as a body. We -- we basically expressed clearly that we're opposed to that -- that particular piece of the legislation. Not the entirety of it, but the piece that would hurt us.

So, again, I go back to saying to our staff is if they have some ideas that they would like to bring forward, let's look at it.

But beyond that, I don't know what else we're going to be able to do. And I think that's the most appropriate thing we can do at this point in time.

COMMISSIONER JACOBS: Madam Mayor?

MAYOR GUNZBURGER: Yes.

COMMISSIONER JACOBS: This conversation's making me crazy. This is waiver, i.e., the rules are the rules except when they're not. Okay.

We have determined a position. We have taken a position. There is no change to the bill as yet. Our position is yet unchanged by virtue of the bill not changing. There's a lot of great intentions out there, and a lot of unintended consequences, and a lot of wounded feelings. That is all to be set aside.

If this Board heads down the path that we take a position and our own paid lobbyist is working adverse to that position, and we are not going to -- and we have decided that it's a conflict of interest that's working adverse to us, and then we are going to look the other way, or we're not to put any provisions in there on how we're going to deal with this; more importantly, that we're going to allow the lobbyists to determine when and when there is not a conflict is absolutely the wrong way to go.

To me, lobbyists are running the show in this country, in our state, and apparently in our county well enough as it is. At some point, when we, as a Board, take a position, a unanimous position, certainly, that is a conflict.

And so until it's cured -- I don't believe that it's incurable. And I believe that this is going to continue to occur in the future. But we've always had a remedy for it; there's always been a letter that was filed, they didn't lobby on behalf of Broward County during that time.

The issue this time is different. The issue this time is that the lobbyists themselves are determining that they do not have a conflict, even though, right now, the bill as written is in conflict with the county adopted position.

COMMISSION MINUTES

You can't get around that. I don't see -- we have nothing in our rules that determine when we are at odds with the position of our own lobbyist.

So, to me, the kicker ought to be that the County Commission -- the language includes that the County Commission has determined that there's a conflict. If -- if nothing else, I would think that once a conflict has been determined and recognized, then the steps that have been outlined by those who care most about this issue will be then engaged with all haste to cure the conflict.

And that's what we're after here, is to cure the conflict. But in my opinion, we cannot -- we can't walk away and ignore the fact that we recognize a conflict in our lobbyist does not --

COMMISSIONER WEXLER: -- asked for. I asked that there be language created that I -- that -- this puts the onus strictly on the lobbyist to declare within the period of time.

Sometimes -- when do I get the right to declare it? That's silent there.

So I'm asking that that provision be at least added to it.

The other thing I was looking for was to determine what type of penalties could be put in place in order to discourage conflicts of interest.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: I -- (inaudible) -- I think that some of what Vice Mayor said in relation to this lobbyist is accurate. I know that when he's blocked some things in the past that we didn't want passed, we didn't have the ability.

And, much as I'm not happy with the bill as it's written, it does give us the leeway that we'd have to pass the sending of our tourist dollars to Dade County. They would not go automatically when the bill is passed.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Pardon?

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: All right.

Commissioner Lamarca.

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER LAMARCA: The process that you just mentioned and the process that the Vice Mayor mentioned is a waste of our time. Why should we wait for that point to -- to vote it down?

They shouldn't -- they shouldn't have the right to discuss that without our -- the fox is guarding the henhouse? Does that sound like anything?

We should be the ones that are deciding if there's a conflict.

MAYOR GUNZBURGER: Oh, that -- that I don't disagree with.

COMMISSIONER LAMARCA: I mean, that -- that's the issue. I didn't think I was going to wake up this

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morning and -- and agree with just about everything that Commissioner Jacobs said today, but I did.

(Laughter.)

COMMISSIONER LAMARCA: Except for one minor issue at the beginning of the day. But -- but the --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: -- honestly, I mean, we're -- we're a body that -- that pays these people handsomely to go to Tallahassee and represent our interests. And if they're getting -- and nobody makes the -- nobody makes the rules that they can't have ten clients up there paying them 50 grand. That's fine. Then they're good entrepreneurs; they do a good job. And if they offer us good access, that's good, too.

But if there -- if there is a conflict like this, I mean, just look to Commissioner Jacobs for somebody who's been in Tallahassee quite a bit, and Commissioner Ritter, to bang on those doors and find out, you know, how we -- how we get our issues moved forward. It's not always the lobbyists.

MAYOR GUNZBURGER: Okay.

COMMISSIONER JACOBS: Mayor?

MAYOR GUNZBURGER: Yes.

COMMISSIONER JACOBS: I -- I want to caution us, too, about going back to the rules are the rules unless they're not. We can't have rules that apply to everybody because they're mid-level lobbyists and then we have a different set of rules for those who are considered the top -- one of the best amongst the best.

This particular lobbyist, I have one, two, three, four, five double-side pages of all the clients that they represent. They're not at a loss for potential conflicts. These things happen, and I'm open to that.

I -- I am very concerned that we seem to be -- or some of us seem to be in a position to look at the issue and not at the base of it, which is we have to be the ones making the decision. We can't allow those whom we hire to be driving this train.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: And so, if we have taken a position, which we have, until there's a cure, then there is a conflict. And language needs to be drafted that would make it clear that the County Commission ultimately is the one that decides whether or not there is, indeed, a conflict.

The question I have, though, is that it appears we don't have a policy; we have language in a contract. So the policy that we're all discussing here is not -- if -- if the -- if the individual lobbyist, not just this, but anyone to come, doesn't agree to amend their contract, then where are we as far as a set of rules that we're following, because it's in their individual contract.

So I guess, if it's been in place for ten years, maybe what we ought to be doing is to create some of our own language that is outside of the contract, that addresses policy.

So I -- I guess I would ask administration or the inter-gov team, do we, in fact, have a printed policy anywhere, or is the only living policy that we have that's been repeated in individual contracts?

MS. HENRY: Ms. Madison, if you can shed some light on that.

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MS. MADISON: The only policy that we have is what is written in the contract.

The process that this Board directed some time ago was that when a conflict letter is received, that letter gets distributed to the Board. If the conflict cannot be worked out by -- by neutralizing mitigating a lobbyist lobbying a position contrary to the Board's policy, then the Board has taken it up.

And that has happened on two occasions in my tenure with the county, where the Board has taken up the conflict.

COMMISSIONER JACOBS: And what if no letter is received to trigger that process?

MS. MADISON: A letter has always been received in those instances. When the lobbyist is not forthcoming with the letter, staff generally will request the letter to -- to be forthcoming.

COMMISSIONER JACOBS: Okay. My understanding, Ms. Henry, is that a letter has been requested by staff; is that correct?

MS. HENRY: A -- a letter has been requested by staff. It was Mr. Book's intent, as I understand it, to send that letter. He believed that that conflict would have been mitigated or addressed by not needing to -- to bring it to closure through I have a conflict and now the conflict is gone.

I believe he had hoped that the conflict would have gone away without necessitating the letter.

At this point, it hasn't, so I would certainly have staff --

COMMISSIONER JACOBS: (Inaudible.)

MS. HENRY: -- call him to say we now need the letter, because it has not been (inaudible) --

COMMISSIONER JACOBS: But there -- has there been enough time, a generous amount of time in which this issue was expected to be resolved and not? That he thought that there was an -- an idea that it would have happened by now?

MS. HENRY: I think this conversation has been in the last couple of days --

COMMISSIONER JACOBS: Okay.

MS. HENRY: -- pretty much. So --

COMMISSIONER WEXLER: (Inaudible) conversation. I'll share it. I --

MAYOR GUNZBURGER: Put your mic on.

COMMISSIONER JACOBS: Oh, my.

COMMISSIONER WEXLER: -- I -- it's part of the public record. I had a phone conference with Mr. Book yesterday afternoon, 4:30, 4:45, regarding this agenda item. I wanted to know if his intent was to send the letter declaring conflict.

And he does absolutely believe that the conflict is going to disappear.

I -- I said, but this is now, in the moment, and it exists.

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I was hoping that Ms. Henry would be able to -- and she made a statement at the beginning, that Mr. Dees wishes to meet with Commissioners individually.

But there's a process that they all need to go through, they need to go through, as well.

I absolutely believe that the conflict will disappear. But in the meantime, he needs to follow Section 8.5 and declare it. And --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- and that is what it is.

And that was my conversation with him.

I know that I have a meeting set up Thursday, and I don't know if they have with any other Commissioners, to meet with Mr. Book and Mr. Dees. And it -- they will sign in, and it will become a public record.

And I believe they've set up appointments with other Commissioners for that day and that afternoon. We have workshops in the morning, and -- for that afternoon.

That -- that -- you know, and, once again, when I meet with them, I will share this conversation, and hopefully by then we will have that letter in house.

And need to figure out how we're going to deal with it. I mean, because that's another issue. Not just this. This is one example. How do we deal with it generally, generally. And I don't know that we've resolved that today.

That's one example.

COMMISSIONER JACOBS: Well, Mayor, I think that the way --

MAYOR GUNZBURGER: Go ahead.

COMMISSIONER JACOBS: -- we resolve it is that staff comes back with a policy, but separate from contracts. Then we have something else to -- to stand up and say, rather than these individual contracts.

Because, at the end of the day, you can only amend a contract if the other side is willing. So the fact that we are being held hostage, in essence, to even having a policy, by virtue of someone else deciding and someone else agreeing to amend a contract, that doesn't seem to be smart to me in the long run. It may have been the way we've done it for a very long time, and I believe that there are cures to conflicts; they come up all the time, and then they disappear.

And that's what my hope is will happen here, but I don't think we cannot move forward and -- and agree that we must ask for a letter of conflict, and that as soon as that conflict is removed, or we have enough assurances that there are, then so it goes away.

But I believe there will be the same issues that we had conflict of interest forms filed last year. Those same issues are going to be back this legislative session. So this is not -- as you said, this isn't just for this particular issue.

(VICE MAYOR RODSTROM LEFT THE ROOM.)

COMMISSIONER JACOBS: This is a long-term position that we -- I -- we've just never had a policy before, and it's time that we did.

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So as far as what should be in the policy, I don't know about all the other things that ought to be in it, but we could start with this one thing, and then, as need arises, we could craft a different amendment --

(VICE MAYOR RODSTROM RETURNED TO THE ROOM.)

MAYOR GUNZBURGER: I -- I'm going to --

COMMISSIONER JACOBS: -- to the policy.

MAYOR GUNZBURGER: -- put -- put some questions out on the table.

So, we declare this a conflict. It means that Mr. Book can or cannot lobby on this topic? It means that he can lobby against us?

COMMISSIONER JACOBS: Yeah.

UNIDENTIFIED SPEAKER: Yeah, yes.

MAYOR GUNZBURGER: And then how are we --

COMMISSIONER WEXLER: (Inaudible) a waiver.

MAYOR GUNZBURGER: Right. And then what happens -- who do we then have lobbying for us?

UNIDENTIFIED SPEAKERS: (Inaudible.)

MS. HENRY: You've got the rest of the team.

MAYOR GUNZBURGER: The rest of the team and -- and, I mean, what does this policy accomplish? Seriously. If we declare that someone has a -- a conflict, let's talk about what we're talking about.

So we declare someone has a conflict. They have carte blanche and lobby against the county, and what have we solved?

COMMISSIONER JACOBS: We're not paying them while they're doing it.

UNIDENTIFIED SPEAKER: If I --

MAYOR GUNZBURGER: They lose the salary for that period of time?

COMMISSIONER WEXLER: (Inaudible) penalties built into this, though.

MAYOR GUNZBURGER: What?

COMMISSIONER WEXLER: We have no penalties built into --

MAYOR GUNZBURGER: That's what I'm saying.

COMMISSIONER WEXLER: -- though.

MAYOR GUNZBURGER: What do we accomplish, other than we give them free rein to lobby against us?

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COMMISSIONER WEXLER: We gave them a waiver (inaudible).

MS. HENRY: (Inaudible.)

UNIDENTIFIED SPEAKER: Free rein.

MS. MADISON: The -- the current lobbyist contracts also contains a provision that they cannot lobby a position contrary to the county.

So unless this Commission gives them a waiver to lobby a -- the issue, they shouldn't be lobbying for either client on the issue.

And if there is a defensive posture or --

MAYOR GUNZBURGER: So if we don't give him this waiver --

UNIDENTIFIED SPEAKER: He (inaudible) --

MAYOR GUNZBURGER: -- supposedly, he will not be able to lobby on behalf of his other client.

MS. MADISON: That's correct.

MAYOR GUNZBURGER: That's a theoretical, I assume.

MS. MADISON: However, that being said, to take it the step further, I don't see him being precluded to lobbying the removal of the language that puts him in conflict with the county.

MS. HENRY: Do you --

MAYOR GUNZBURGER: Right.

COMMISSIONER JACOBS: Right. (Inaudible.)

MS. MADISON: So -- so it wouldn't mean he -- right. He could -- he could cure the conflict through -- through that activity.

But in the past, what has occurred, if -- if there was no waiver granted, they didn't lobby for either client, and other members of the lobbying team were assigned to that particular issue on behalf of the Commission.

MAYOR GUNZBURGER: So they didn't lobby for us or against us --

MS. MADISON: Correct.

MAYOR GUNZBURGER: -- is what you're saying.

MS. MADISON: On that specific issue.

MR. MEYERS: Mayor, may -- I'm sorry. I -- I don't read the contract that way. I don't know if there's a specific provision that refers to that.

The only thing that I read is 8.1(B) which says that -- it says before proposing, advocating, or otherwise advancing any legislation on behalf of a client where it may potentially -- potentially impact us,

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that they shall disclose it to us.

And there may be another provision that I'm missing, but what it looks like here is there's just an obligation to disclose it, but there is no remedy or teeth and that your ultimate right is either you have some sort of right to terminate administratively or go back to the board for termination for convenience. That's what it seems like to me. I could be missing it. I just don't see where it is prohibited.

8.2 I think in previous contracts the was clearer notwithstanding drew is correct in terms of vagueness but our practice has been they don't lobby for either client.

MAYOR GUNZBURGER: I assume that's theoretical.

MR. MEYERS: You have ultimate penalty but as Vice Mayor said it's a business decision you have the right to terminate the agreement if that is what you want but we could certainly add teeth to this to provide exactly what happens in the event of conflict.

MAYOR GUNZBURGER: I -- I don't see where we have any path that we've chosen, other than that we want to declare a -- a conflict on this issue, as long as the bill remains as it is; is that correct? Did I hear that here?

I -- I --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: Yes.

MAYOR GUNZBURGER: All right. So there is a conflict if the bill remains as it is written. So that's -- then we need to notify Mr. Book that there is a conflict in the current bill.

COMMISSIONER WEXLER: They have already, I'm sure.

COMMISSIONER JACOBS: They did.

MAYOR GUNZBURGER: Right.

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER WEXLER: They said they've notified him.

UNIDENTIFIED SPEAKER: That's been established.

COMMISSIONER WEXLER: But there's no provision in here for us to declare a conflict.

MAYOR GUNZBURGER: So has he -- has he told us that he will not lobby on it --

COMMISSIONER WEXLER: No.

MAYOR GUNZBURGER: -- until the bill is changed?

COMMISSIONER JACOBS: No.

UNIDENTIFIED SPEAKER: No.

COMMISSIONER JACOBS: And his obligation next is to send a letter declaring a conflict.

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UNIDENTIFIED SPEAKER: Right.

MS. HENRY: So we will -- we will request the letter, which I don't believe he has a problem -- I think he was prepared to send had the issue not been -- had the issue not been resolved sooner. So I think he's prepared to send the letter. And it just goes back to, okay, we have a letter; what would you like to have happen after -- at that --

MAYOR GUNZBURGER: Well, that's where I'm --

MS. HENRY: -- point. You -- then you -- then you have to decide about whether or not there is a waiver of that conflict until such time as there is a -- is a resolution to the issue.

And, again, on the issue, I -- you know, as I said, I have had conversations, but I think that -- that the -- in this particular instance, the Dolphins would like to carry their own message, and not have me do it. They're very much concerned about how this has been perceived. They want to make sure that they are valued publicly in the community for what they do, and that -- and what they bring to the region.

So, hence, the meetings, the one on ones with each of you. And --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. HENRY: -- and after that, I'm sure something will transpire.

MAYOR GUNZBURGER: Is there more that you want from this Commission at this time?

MS. HENRY: No.

MAYOR GUNZBURGER: Okay.

COMMISSIONER LAMARCA: So he just --

COMMISSIONER WEXLER: But we didn't do anything.

COMMISSIONER LAMARCA: -- he just wants to meet with us and make sure we know that they're a valuable asset to the community?

COMMISSIONER WEXLER: No, they want more than that.

COMMISSIONER LAMARCA: Okay.

MS. HENRY: Actually --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. HENRY: No, they -- they want to have -- they want to know that this Commission supports what they do in the region. They understand your position with respect to this -- the -- having the TDT go across county.

But they are -- they have -- they have other plans. They want to remain very -- seen in a positive light for this community. Broward is very important. So they're not -- they don't want to --

UNIDENTIFIED SPEAKER: (Inaudible.)

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COMMISSIONER JACOBS: Mayor?

MAYOR GUNZBURGER: Yes.

COMMISSIONER JACOBS: I thought I had articulated at least on three separate occasions direction for staff.

UNIDENTIFIED SPEAKER: You did.

COMMISSIONER JACOBS: And it seems to consistently be ignored. So I'm going to try it a fourth time --

MAYOR GUNZBURGER: Why don't --

COMMISSIONER JACOBS: -- and be as clear and succinct as I can.

A policy that is separate from their contract. We have no policy in place. That we direct staff to direct a policy that once direct -- once notified by staff that a lobbyist has a conflict, that the other elements that we have in the contract here are now copied and put into a policy, so we have rules that exist outside of a contract.

COMMISSIONER WEXLER: You want a motion?

MAYOR GUNZBURGER: That's fine.

COMMISSIONER JACOBS: I've -- I've made the motion.

MAYOR GUNZBURGER: Thank you.

Any further discussion?

All those in favor, signify by saying aye.

Opposed, like sign.

COMMISSIONER JACOBS: All right.

MAYOR GUNZBURGER: All right. We --

COMMISSIONER WEXLER: Is that the only thing you want?

UNIDENTIFIED SPEAKER: No, no, no.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER WEXLER: Kristin, is that it?

COMMISSIONER JACOBS: That was --

COMMISSIONER WEXLER: Because you articulated a few things, like (inaudible).

COMMISSIONER JACOBS: I'm not -- I don't think I -- what I said earlier was let's start with this one issue, and then we can go where we need to go. But for right now --

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MAYOR GUNZBURGER: Right.

COMMISSIONER JACOBS: -- I believe it's going to get cured, and I don't want to take it too far. But we should have a policy.

MAYOR GUNZBURGER: Right.

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER JACOBS: Which is how this item got here in the first place. I asked for staff to help --

MAYOR GUNZBURGER: All right.

COMMISSIONER JACOBS: -- draft a policy.

VOTE PASSES UNANIMOUSLY.

MAYOR'S REPORT

AGENDA ITEM 50

MAYOR GUNZBURGER: All right. At that -- this point, then, we are almost through with the meeting except for our comments. I have the Mayor's comments, and I do have one.

We have a -- we have a problem with a situation with the Resource Recovery Board.

COMMISSIONER JACOBS: Oh.

MAYOR GUNZBURGER: I have had a request from the attorney and other members of the Resource Recovery Board, since that board is really missing Commissioner Lieberman's leadership.

And in her absence from being able to attend their meetings, I'm going to have to remove her as our person who is representing the county and appoint someone else until she returns.

I have asked Commissioner Jacobs if, by any chance, she has the time to do it. I know her plate is more than full; it's overflowing.

Will you be able to do it in the interim or not? I hate to put you on the spot here.

COMMISSIONER JACOBS: I -- I have to say that -- that my plate is very full, and this issue is hugely important to me, and I can't believe it's unraveled to the degree to which it has. And it absolutely needs leadership.

Here's my concern. The White House called yesterday, and they are making a decision within a week and a half on this ocean -- the National Oceans Council. I'm one of three, and I don't know -- they asked -- they called and asked that we clear dates on our calendar.

So I don't know what's going to happen with that, and I don't want -- if -- if it goes in the way that would be the most amazing thing that ever happened, then I would not be able to take this on.

So, given that there are so many other areas that I'm involved in, from the National Association of Counties and the Florida Association of Counties and the Climate Change and the water and all --

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MAYOR GUNZBURGER: I know.

COMMISSIONER JACOBS: -- and I'm about to become chair of the Regional Planning -- the Regional Transportation Authority, I -- I think I can't take this one on, too.

So I -- I appreciate the -- the honor of being asked, but I don't think I can.

MAYOR GUNZBURGER: Commissioner Ritter?

COMMISSIONER RITTER: Thank you.

Clearly, it's your choice, but I would -- I would like to do it if -- if Commissioner Jacobs won't. I -- I have long thought that as Commissioner Lieberman is termed out in two years anyway, that we need someone on this Board to start taking an active issue in that issue. And if -- you know, obviously, Kristin, you've taken up right -- right there with Ilene with this, but if you can't do it, and you're declining, I would -- I would like to do it.

MAYOR GUNZBURGER: All right. Then I -- I'm happy to put you in that position, and I -- it's going to be meaning a letter of --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: -- of regret to Commissioner Lieberman that until she -- you know, due to the fact that her health problems are interfering with her ability to attend the meetings, and this is so critical, that we are going to appoint Commissioner Ritter in her place.

COMMISSIONER RITTER: Thank you.

MAYOR GUNZBURGER: All right. That was the most important thing that I had to take care of.

I want to check with Mr. Meyers, is this something I can legally do?

MR. MEYERS: I -- I don't know what the procedure is. I'm not prepared to address that. But if you take the action now, if we find out that formal steps need to be taken, then we'll bring that to your attention and we'll make sure that an agenda item is put forward.

MAYOR GUNZBURGER: Thank you.

COMMISSIONER WEXLER: Take the action and don't look back.

MAYOR GUNZBURGER: I am taking the action.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: All right. Do I need to ask for a motion and a second?

MR. MEYERS: I just don't know. I don't have the appointment language before me, so I don't know if that's something that you have unilateral power or if it's something by the Board.

COMMISSIONER WEXLER: Why don't we do that? I mean, I -- I know it's Non-Agenda --

MAYOR GUNZBURGER: Right.

COMMISSIONER WEXLER: -- but -- and we don't do motions during Non-Agenda, but I --

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MAYOR GUNZBURGER: It is so critical.

MR. MEYERS: Why -- why don't you do it through a motion and second, a majority vote. We'll look at it and if ratification's required, we can put an item on for the 1st.

MAYOR GUNZBURGER: Thank you.

COMMISSIONER WEXLER: Great idea.

I would move Commissioner Ritter be the Commission appointment to the Resource Recovery Board.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.

Opposed, like sign.

Congratulations. Or -- or condolences.

UNIDENTIFIED SPEAKER: It's a whole 'nother world.

MAYOR GUNZBURGER: Yes.

VOTE PASSES UNANIMOUSLY.

COUNTY ADMINISTRATOR'S REPORT

AGENDA ITEM 51

MAYOR GUNZBURGER: Ms. Henry, do you have any?

MS. HENRY: Nothing today.

NON-AGENDA

MR. MEYERS: Also nothing.

MAYOR GUNZBURGER: Okay. Mr. Lukic?

MR. LUKIC: No, thank you.

MAYOR GUNZBURGER: Commission?

Commissioner Lamarca.

COMMISSIONER LAMARCA: Good day at work. That's all I have to say.

(Laughter.)

AGENDA ITEM 52

MAYOR GUNZBURGER: Commissioner Sharief.

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COMMISSIONER SHARIEF: I have a memo that I'd like to read into the record, and it's being passed around.

At the January the 4th meeting, I stated my preference to not serve on certain boards to avoid any perceived conflicts.

After receiving feedback from counsel, please accept my formal resignation from the Fire/Rescue Council, the HIV Health Planning Council, and Broward Regional EMS Council, effective immediately.

To date, I have not attended any meetings for the aforementioned boards --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: -- and I'm open to serving on boards that cannot be perceived as a conflict with my personal business.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: So I -- I'm trying --

MAYOR GUNZBURGER: I -- I understand, but I don't have any other board openings now.

COMMISSIONER WEXLER: Fire/Rescue?

COMMISSIONER SHARIEF: Well --

COMMISSIONER WEXLER: She -- she is -- can I tell them?

COMMISSIONER SHARIEF: What? Tell them what?

(Laughter.)

COMMISSIONER SHARIEF: (Inaudible.)

COMMISSIONER WEXLER: No, no, no. I said it on the -- on the dais about juvenile justice.

COMMISSIONER SHARIEF: Right. That's what I was --

COMMISSIONER WEXLER: Right.

COMMISSIONER SHARIEF: -- saying. So I thought you were coming to me about juvenile justice --

COMMISSIONER WEXLER: Yeah, in March or --

UNIDENTIFIED SPEAKER: That's fine. But I'm going to -- but meanwhile you --

COMMISSIONER WEXLER: I think that your comfort level was to -- that it's kind of --

COMMISSIONER SHARIEF: Yes.

COMMISSIONER WEXLER: -- shadowing this year?

COMMISSIONER SHARIEF: Right.

COMMISSION MINUTES

COMMISSIONER WEXLER: Okay. That --

COMMISSIONER LAMARCA: You can make a swap if anybody --

COMMISSIONER WEXLER: Well, it --

UNIDENTIFIED SPEAKER: Well, I -- we're trying to handle it --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: Mr. Attorney, the meetings are publicly noticed, so there's no issue as far as two Commissioners. They are publicly noticed, so.

COMMISSIONER SHARIEF: What I was trying to do was serve in another capacity, because I knew I'd have to give up these three, and I stated that when I was appointed, but, you know.

MAYOR GUNZBURGER: I am going to have to ask the Commissioners who already have full plates, A, if there's a -- an assignment they received that they would prefer one of these three -- I don't know how I'm going to fill these positions any other way.

Commissioner Lamarca, you agree to take all three?

COMMISSIONER LAMARCA: No.

(Laughter.)

COMMISSIONER LAMARCA: On -- on my request to you, I had listed both Fire/Rescue and EMS Council. And I have --

MAYOR GUNZBURGER: They're yours.

COMMISSIONER LAMARCA: -- and I have Homeless Partnership Initiative, which sounded great, too, but I'd be -- if there's not a conflict --

COMMISSIONER SHARIEF: Can -- can I have that?

COMMISSIONER LAMARCA: -- you can have that.

COMMISSIONER SHARIEF: Thank you.

COMMISSIONER LAMARCA: A two for one swap.

MAYOR GUNZBURGER: Oh, wonderful. Wonderful.

COMMISSIONER WEXLER: What a deal.

COMMISSIONER LAMARCA: She still -- she still as the HIV --

COMMISSIONER SHARIEF: No, no, no, I don't have anything. I just have Homeless and MPO --

COMMISSIONER LAMARCA: Well, someone --

COMMISSIONER SHARIEF: -- and Juvenile Justice in March.

COMMISSION MINUTES

COMMISSIONER LAMARCA: Okay. So you --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: All right. So the only one I have unfulfilled is HIV Planning Council. Oh, yeah.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: We'll have to find someone to take it, and I'll have to see who has the least number of committees they sit on, and that person will be the designated person.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: And he won't go, either.

UNIDENTIFIED SPEAKER: No, he won't.

MAYOR GUNZBURGER: But they really need -- I had thought that HIV, because of your expertise as a healthcare provider, that's why I wanted you there.

COMMISSIONER SHARIEF: And we provide a large amount of services to the HIV positive and AIDS positive community, so --

MAYOR GUNZBURGER: I understand your conflict.

COMMISSIONER SHARIEF: -- if you want (inaudible) me sitting here --

MAYOR GUNZBURGER: No, I know. That's why I thought you would --

UNIDENTIFIED SPEAKER: (Inaudible) hooked up.

MAYOR GUNZBURGER: All right.

COMMISSIONER SHARIEF: (Inaudible) hooked me up.

MAYOR GUNZBURGER: All right. Moving right along. Anyone else want to take -- I'm going to have to look, then. I will be appointing that person February 1st.

Don't give me that look.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: (Inaudible.)

AGENDA ITEM 53

MAYOR GUNZBURGER: Commissioner Wexler?

COMMISSIONER WEXLER: Let -- let me talk a second about juvenile justice. It's something that I've kept Ms. Henry in the loop, and her human service staff, led by Mr. Elwell has been at the forefront of this.

There is a first -- I have been -- I have been involved in the juvenile justice issue for almost my entire tenure as a school board member. I think, Commissioner Ritter, when you were Mayor, you

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appointed me to the -- back to the Juvenile Justice Board, and so I've been there now for the last two years.

Something that we are going to be dealing with in Broward County, which is potentially being prepared for the running of the Juvenile Detention Center. We really as a body expect -- and I don't mean Board of County Commissioners, except we're funding probably 60 to 70 percent of it right now.

And so what Marsha Ellison and I, as members of the Juvenile Justice Board, have been appointed to head up a committee for Broward County Juvenile Justice Board to look at the issue, and to come up with a readiness plan.

And it's full of community stakeholders. Many of them are involved. Commissioner Sharief has been kept in the loop informationally as -- and is aware of the issue.

I have no problem, Mayor, stepping back from the Juvenile Justice Board, but it is really a -- quite a heavy issue to throw a new Commissioner into that discussion.

So I wanted to disclose that to you, and I haven't had the -- I can't. I mean, this is the place to do that.

The first meeting is taking place the second Wednesday in February, and it's going to be in Room 430. And if any Commissioners wish to attend, we'll be very happy to get notices. It is publicly noticed, but there were people that volunteered to serve on it from -- from throughout Broward County that represent all different stakehold groups.

Ms. Henry is -- is aware of every step of the way. I'm not doing anything out there as a Lone Ranger. She and her staff, and particularly Mr. Elwell, are by my side at all times.

Having said that, that -- that's the disclosure of what's going on. That's a very meaty -- meaty issue this year with juvenile justice.

AGENDA ITEM 54

COMMISSIONER WEXLER: I do want to share with you that I had the opportunity Saturday to go to an open house at the University of Florida, Broward County Extension Service out off of College and Davie Road. And it was a really neat event, in that I got to see termites, really living in -- in their habitat, and bees in their habitat. And the hurricane house, if you ever have an opportunity to go out there and see the U of F hurricane house that's on -- on the grounds out there --

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER WEXLER: I -- you know, they had -- they had a map of the whole place, and each thing -- each thing --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: Yeah, but it is quite a schlep, and it wasn't a particularly nice day Saturday. And so the sun kept going in and out and there were little drizzles in between, and so even going down to hurricane house, we got in our car and we drove down there. So -- because it was quite a walk from the main building to -- to that.

But I wanted to say nice job, and everybody worked together. And always the Broward County Extension Service is something that we discuss every budget cycle, and so I wanted to take the time to actually go out and see some of the good work.

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MAYOR GUNZBURGER: Thank you.

AGENDA ITEM 55

MAYOR GUNZBURGER: Commissioner Ritter?

COMMISSIONER RITTER: Thank you.

Ms. Henry, I've been getting -- I'm sure we all have -- been getting a lot of letters about the Friends Program, which is the horse rescue program. But none of them address why they are writing to us about it, and what the county's involvement is in that --

COMMISSIONER WEXLER: (Inaudible) the morning agenda, but it was withdrawn.

COMMISSIONER RITTER: I -- I do and -- I know. I -- and --

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER RITTER: -- but I -- oh, Mr. Lukic. Oh, I'm sorry. Mayor, can Mr. Lukic --

MR. LUKIC: A couple weeks ago --

MAYOR GUNZBURGER: Sure.

MR. LUKIC: -- a couple days ago, there was an item to extend the licensing agreement for property, Broward County property, that their facility is on.

My office asked to defer that item to take a look at the agreement and take a look at the arrangements there.

In the process of doing so, issues relative to the -- legal issues relative to the use of that property have arisen that need to be resolved, and the County Attorney's Office is currently working on that.

COMMISSIONER RITTER: Okay.

MR. LUKIC: So we -- and plan coming back to the Board fairly soon.

COMMISSIONER RITTER: I thought it was our land, but I wasn't sure.

MR. LUKIC: Yes, it is our land.

COMMISSIONER RITTER: Okay. Thank you.

MAYOR GUNZBURGER: Thank you.

AGENDA ITEM 56

MAYOR GUNZBURGER: Commissioner Jacobs.

COMMISSIONER JACOBS: I just wanted to make double sure this morning when we were talking about the energy issues, that the Department of Energy has come up with this new program, and I believe the acronym is QECB.

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But they're using that same flawed formula from the DECGB, and this means that we need to engage our legislative delegation and -- and really address this issue to change, to work for some flexibility in this program, so we don't get left out.

And I wanted to understand how -- that that's going to become some part of an action on behalf of -- of our staff. And any way -- I'm in Washington shortly; any way that I can assist in making that communication through those members of our legislative delegation which were very unhappy that we didn't get funded under the EECGB, may be able to help nudge DOE.

They certainly did seem to get the message. In fact, the second in command urged the speaker that he might not want to stand near the Broward table as he made his -- his PowerPoint, as a joke, but they -- so they definitely told us they were taking that message that. But they were -- I think it would be helpful for our legislative delegation to be aware of the -- the inequity, as well.

UNIDENTIFIED SPEAKER: Okay.

COMMISSIONER JACOBS: Okay.

MAYOR GUNZBURGER: Thank you.

COMMISSIONER JACOBS: That's it.

AGENDA ITEM 57

MAYOR GUNZBURGER: And Commissioner Holness to bring it to a close.

COMMISSIONER HOLNESS: I want to say thank you to all the folks who helped us on Martin Luther King's birthday weekend in Pompano.

In Collier City, we had almost 200 people help us with the clean up over there. And it'll be amazing to see some of the before and after pictures, and we want to provide that to you at another time.

I want to especially thanks -- say thanks to Volunteer Broward, (Inaudible) International Café, DBE&C (inaudible), Southwest Management, Southernmost Management, DeVry University, Bank Atlantic, the Kiwanis Clubs. We had a large number of folks out on -- in the City of Pompano --

UNIDENTIFIED SPEAKER: I don't (inaudible).

COMMISSIONER HOLNESS: -- for -- for their great work and help. Bank Atlantic --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Okay.

COMMISSIONER HOLNESS: We had a large number of suppliers, community service people there. The Supervisor of Elections Office, (Inaudible) Broward, Small Business and Economic Development, Senior Volunteer Service, (Inaudible) Bethel, Broward Community Schools, Community Access Center, Healthy Mothers/ Healthy Babies, Broward Regional Health Planning, Broward County Minority Builders, Sunshine Cleaning Systems, Volunteer -- Volunteer Broward, I mentioned already. Work Force One, CAC, Hispanic Unity, (Inaudible), and Two on One First Call for Help.

It was a great success on the MLK Day. We had about 2,000 people that attended the event for -- for -- for the Monday, and on the Saturday, we had almost 200 people, so it was a tremendous success.

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MAYOR GUNZBURGER: Sounds like a very big success. Congratulations.

AGENDA ITEM 58

COMMISSIONER JACOBS: Mayor, Mayor --

MAYOR GUNZBURGER: Yes.

COMMISSIONER JACOBS: -- I forgot one thing I neglected, and -- and beg the indulgence of the Board.

Ms. Henry, we have the renaming of the Family Success Center in Pompano Beach coming up soon. And an issue has been raised in our office that is problematic for me, and I believe is probably going to happen to all of you, all of us, at one time or another.

And that is that when we go to an event like this, we come out and the Parks Department puts up a tent, and they set up the chairs, and they bring out the plants and the cookies and all of those things. And this event is from 3:00 to 5:00 o'clock on a Friday.

Because it's at 3:00 to 5:00, we -- our office is now -- on my personal office account, is having to cover the cost of the tent, because it's overtime for the Parks employees; they go home at 3:00. We're having to cover the costs of the cookies and the juice.

We're having to cover all kinds of costs there that are -- as well as Family -- there are other agencies in the county that are paying for them, but we simply don't have that money. We are -- we're going to dig it up and find it. We've been trying to find a way around it.

But it seems to me that our office budgets are being challenged. They are so -- we took such a hit in -- in cuts this last time around that -- and I know that Commissioner Holness had some of the same issues -- but this is a county approved item and redesignating and renaming the facility.

So I'm wondering if staff can't look at some policy to how we deal with the issues that are being billed back to our office, because this will simply deplete funds that we have, that we've got to find some other way to accomplish this.

MS. HENRY: And I apologize. This is the first that I'm hearing of that, and, certainly, we can do that. So let me -- let me find out what -- you know, get -- get to the heart of the issues and --

COMMISSIONER JACOBS: Okay.

MS. HENRY: -- we'll try to --

COMMISSIONER JACOBS: Okay.

MS. HENRY: -- resolve that going forward --

COMMISSIONER JACOBS: Thank you.

MS. HENRY: -- for all of you.

COMMISSIONER JACOBS: Thank you.

COMMISSIONER WEXLER: I don't think that's (inaudible).

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UNIDENTIFIED SPEAKER: Yeah.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: We're now adjourned.

AGENDA ITEM 16

For Research purposes, supplemental papers from previous meetings as approved in Item 16A-D are listed below:

1. 01/07/92 94 Request for Execution of Consistency with the Consolidated Plan Form from Broward County Housing Authority for Project – Family Unification Program located at Broward County Housing Authority at 4780 North State Road 7, Lauderdale Lakes, FL 33319.
2. 05/16/00 29 Satisfaction of Mortgage executed by Donald and Icolene Daley, bearing date the 30th day of April 2009, recorded in Official Records Book 46299, Pages 626-640, securing that certain note in the principal sum of \$9,000.00; Satisfaction of Mortgage executed by Audra S. Easter and Delerick V. Easter, bearing date the 12th day of August 1994, recorded in Official Records Book 22521, Pages 0377-0386, securing that certain note in the principal sum of \$11,746.00; Satisfaction of Mortgage executed by Lincoln J. Fleming, bearing date the 6th day of June 2006, recorded in Official Records Book 342205, Pages 578-594, securing that certain note in the principal sum of \$10,000.00; Satisfaction of Mortgage executed by Patti Keller and Leroy Keller, bearing date the 9th day of May 2008, recorded in Official Records Book 45720, Pages 1304-1318, securing that certain note in the principal sum of \$7,350.00; Satisfaction of Mortgage executed by Jacqueline M. McIntosh, bearing date the 20th day of December 2000, recorded in Official Records Book 31142, Pages 0079-0088, securing that certain note in the principal sum of \$18,000.00; Satisfaction of Mortgage executed by Clement Mosseri and Janet S. Mosseri, bearing date the 6th day of July 2006, recorded in Official Records Book 43876, Pages 1779-1792, securing that certain note in the principal sum of \$30,000.00; Satisfaction of Mortgage executed by Stanley and Marva Samuel, bearing date the 14th day of April 2009, recorded in Official Records Book 46183, Pages 121-135, securing that certain note in the principal sum of \$9,000.00; Satisfaction of Mortgage executed by Mary E. Cottam and Lauri Saunders, bearing date the 26th day of June 2007, recorded in Official Records Book 44952, Pages 705-718, securing that certain note in the principal sum of \$30,303.00; Satisfaction of Mortgage executed by Diane Vollmann, bearing date the 29th day of March 2005, recorded in Official Records Book 41263, Pages 1498-1511, securing that certain note in the principal sum of \$17,200.00; Certificate of Compliance and Release executed by Cassandra M. Eubanks and Earnestine Aikens, bearing date of the 5th day of April 2005, recorded in Official Records Book 39427, Pages 1873-1883, securing that certain note in the principal sum of \$10,000.00; Certificate of Compliance and Release executed by Robin Tillman, bearing date of the 29th day of April 2005, recorded in Official Records Book 39553, Pages 465-472, securing that certain note in the principal sum of \$10,000.00; Certificate of Compliance and Release executed by Paula Edwards, bearing date the 12th day of April 2005, recorded in Official Records Book 39445, Pages 184-193, securing that certain note in the principal sum of \$10,000.00; Certificate of Compliance and Release executed by Yvette Bennett, bearing date the 7th day of February 2006, recorded in Official Records Book 44073, Pages 1177-1191, securing that certain note in the principal sum of \$4,149.00; Certificate of Compliance and Release executed by Joyce C. Findlay, bearing date the 15th day of April 2005, recorded in Official Records Book 39663, Pages 768-782, securing that certain note in the principal sum of \$6,900.00; Certificate of Compliance and Release executed by Dinah Gresely, bearing date the 25th day of March 2005, recorded in Official Records Book 39358, Pages 654-661, securing that certain note in the principal sum of \$35,000.00; Certificate of Compliance and Release executed by Delisa L. Odomes, bearing date the 18th day of April 2005, recorded in Official Records Book 39534, Pages 489-498, securing that certain note in the principal sum of \$10,000.00; Certificate of Compliance and Release executed by Allison R. McFarlane, bearing date the 11th day of March 2005, recorded in Official Records Book 39287,

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Pages 1074-1083, securing that certain note in the principal sum of \$10,000.00.

3. 05/17/05 48 Termination of Installation of Required Improvements Agreement Whereas, Lago Preserve, LLC and Isaac Dabakaroff, entered into that certain Installation of Required Improvements Agreement dated January 10, 2006, and recorded at Official Records Book 41303, Page 42, relating to the plat of Lago Preserve.

4. 05/09/06 37 Fourth Amendment to Home Funding Agreement between Broward County and Broward Community Development Corporation, Inc. d/b/a Broward Housing Solutions Providing for Acquisition and Rehabilitation of Housing Units 206-2007.

5. 11/14/06 107 Termination of Installation of Required Improvements Agreement Whereas, S&D Rental Group, a Florida corporation, entered into that certain Installation of Required Improvements Agreement dated December 21, 2007, and recorded at Official Records Book 44946, Page 543, relating to the Sessa-Danielle Plat.

6. 02/27/07 48 Release of Lien in Agreement for Installation of Required Improvements Whereas, Blackstone & Investments, Inc., entered into that certain Agreement for Installation of Required Improvements dated August 28, 2008, and recorded in Official Records Book 45646, Page 734 and re-recorded in Book 45931, Page 1021, relating to the plat of Avery Glen.

7. 04/24/07 23B Addendum to State EMS County Grant Funding for Participating Agency (Miramar) – Sunrise 07-OMETS-8151-03.

8. 05/08/07 09 Fifth Amendment to Agreement between Broward County and City of Margate for Service Area 41 – Generator Purchase Program in the amount of \$564,381.00 with Contract Number 07-DB-3V-11-16-01-Z08; Fourth Amendment to Agreement between Broward County and City of Oakland Park for Service Area 24 – NE 5th Avenue Improvement Project in the amount of \$990,877.00.

9. 10/23/07 19 Amendment No. 2 to Agreement No. 08-CSAD-8276-02 between Broward County and Children's Home Society of Florida, Inc. for Behavioral Health: Mental Health.

10. 12/11/07 21 Letter extending for Fiscal Year 2008 – Agreement No. 08-HSD-EMS-8145-01 between Broward County and City of Miramar for State EMS County Grant Funding for one Project: Staff Vehicle AEDs from October 1, 2010 to September 30, 2011.

11. 04/08/08 14 Seventh Amendment to Unit of Service Agreement between Broward County and Broward Community & Family Health Centers, Inc. for Ryan White Part A Funding FY 2010; Seventh Amendment to Unit of Service Agreement between Broward County and Broward House, Inc. for Ryan White Part A Funding FY 2010; Eighth Amendment to Unit of Service Agreement between Broward County and Broward County Health Department for Ryan White Part A Funding FY 2010.

12. 04/08/08 15 Fifth Amendment to Unit of Service Agreement between Broward County and AIDS Healthcare Foundation for Ryan White Part A Funding FY 2010 with Contract Number: 08HCS8515RW; Fourth Amendment to Unit of Service Agreement between Broward County and Legal Aid Service of Broward County, Inc. for Ryan White Part A Funding FY 2010 with Contract Number: 08HCS8309RW; Sixth Amendment to Unit of Service Agreement between Broward County and Mount Olive Development Corporation for Ryan White Part A Funding FY 2010-11 with Contract Number: 08HCS8138RW; Seventh Amendment to Unit of Service Agreement between Broward County and North Broward Hospital District d.b.a. Broward Health for Ryan White Part A Funding FY 2010 with Contract Number: 08HCS8111RW; Seventh Amendment to Unit of Service Agreement between Broward County and Minority Development & Empowerment, Inc. for Ryan White Part A Funding FY 2010-11 with Contract Number: 08HCS8352RW.

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- 13. 06/10/08 73 Second Amendment to Agreement between Broward County and City of Oakland Park for Service Area 19 – Harlem McBride Flood & Drainage Project in the amount of \$919,119.59.
- 14. 10/28/08 06 Joint Participation Agreement between Broward County and City of North Lauderdale for Household Hazardous Waste Collection Events.
- 15. 11/13/08 78 Agreement between Broward County and North Lauderdale for Hampton Pines Park through the Broward County Land Stewardship Program in the amount of \$25,000.00.
- 16. 12/09/08 27 Exhibit H – Addendum to State EMS County Grant Funding for Participating Agency (City of Oakland Park) – Fort Lauderdale 09-OMETS-8261-02; Exhibit H – Addendum to State EMS County Grant Funding for Participating Agency (Miramar) – Fort Lauderdale 09-OMETS-8261-02.

(THE MEETING ADJOURNED AT 6:01 P.M.)

(THIS IS NOT A VERBATIM TRANSCRIPTION OF THE MINUTES.)

Public Hearing 2:05 p.m.

PUBLIC HEARING MINUTES

ACTION AGENDA

PUBLIC HEARING OF JANUARY 25, 2011

(Meeting convened at 2:05 p.m., and adjourned at 5:00 p.m.)

PLEDGE OF ALLEGIANCE was led by Commissioner Dale V.C. Holness, District 9.

CALL TO ORDER was led by Mayor Sue Gunzburger, District 6.

COMMISSIONER	DISTRICT	ATTENDANCE
Sue Gunzburger	6	Present
Dale V.C. Holness	9	Present
Kristin Jacobs 2		Present
Chip LaMarca 4		Present
Ilene Lieberman1		*Not Present
Stacy Ritter 3		Present
John E. Rodstrom, Jr. 7		Present
Barbara Sharief 8		Present
Lois Wexler 5		Present

*Commissioner Lieberman participated telephonically for portions of the meeting.

1. A. MOTION TO OPEN Public Hearing relating to the proposed issuance of Broward County, Florida Industrial Revenue Bonds (Urban League of Broward County, Inc. and Urban Ventures, LLC project) in

COMMISSION MINUTES

an aggregate principal amount not to exceed \$3,700,000.

ACTION: (T-2:06 PM) Approved.

VOTE: 9-0. Commissioner Lieberman voted telephonically.

B. MOTION TO ADOPT Resolution 2011-028 authorizing a Financing Agreement with Urban League of Broward County, Inc., Urban Ventures, LLC, and TD Bank, N.A. (the "Bank"); providing for the issuance of Broward County, Florida Industrial Revenue Bonds in an amount not to exceed \$3,700,000; approving a Second Amendment to Use Agreement between the County and Urban League of Broward County, Inc.; approving a Consent to Assignment, Sublease and Mortgage; Estoppel Certificate; providing certain other details with respect thereto; and providing for an effective date. (Commission District 7)

ACTION: (T-2:06 PM) Approved.

VOTE: 9-0. Commissioner Lieberman voted telephonically.

2. MOTION TO ADOPT Resolution 2011-029 of the Board of County Commissioners of Broward County, Florida, amending the Broward County Administrative Code Volume 3, Chapter 35, part I, entitled "Revenue Collection," by amending the title of Section 35.6 from "Internet Transaction Fees," to "Transaction Convenience Fees," to authorize convenience fees to be charged to customers transacting business with Broward County, using approved credit cards, charge cards, bank debit cards, or electronic funds transfers for payment of statutorily prescribed revenues; providing for severability; providing for inclusion in the Broward County Administrative Code; and providing for an effective date.

ACTION: (T-2:08 PM) Approved.

VOTE: 9-0. Commissioner Lieberman voted telephonically.

3. MOTION TO ADOPT Resolution 2011-030 to vacate the north seven feet of a ten-foot wide platted utility easement, lying within, over and across Lot 13, Keystone Lake Subdivision, Tract A Big Sky Plat, located south of Sheridan Street and west of N. W. 184th Avenue, in the City of Pembroke Pines; at no cost to the County; Petitioners: Josue Acevedo and Miriam Frometa; Fidelity National Title Group - Agent; 2010-V-08. (Commission District 8)

ACTION: (T-2:08 PM) Approved.

VOTE: 9-0. Commissioner Lieberman voted telephonically.

4. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO CONTRACTORS AND THE CENTRAL EXAMINING BOARDS; AMENDING CHAPTER 9 OF THE BROWARD COUNTY CODE OF ORDINANCES, "CONTRACTORS," ARTICLE I, "CERTIFICATES OF COMPETENCY," SECTION 9-7, "CERTIFICATION," PROVIDING FOR REQUIREMENTS FOR CONTRACTOR CERTIFICATION; AMENDING ARTICLE IX, "BROWARD COUNTY CENTRAL EXAMINING BOARDS RESTITUTION TRUST FUND," SECTION 9-141, "CREATION OF THE BROWARD COUNTY CENTRAL EXAMINING BOARDS RESTITUTION TRUST FUND," SECTION 9-142, "CONDITIONS FOR RECOVERY; ELIGIBILITY," AND SECTION 9-143, "PAYMENT FROM THE FUND," PROVIDING FOR CONDITIONS FOR RECOVERY FROM THE RESTITUTION TRUST FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

COMMISSION MINUTES

ACTION: (T-2:09 PM) Filed proof of publication and enacted the Ordinance to be effective as provided by law.

VOTE: 9-0. Commissioner Lieberman voted telephonically.

5. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO PUBLIC ART AND DESIGN, AMENDING SECTION 1-88 OF THE BROWARD COUNTY CODE OF ORDINANCES TO PROVIDE FOR FUNCTIONALLY-INTEGRATED ARTWORK AND TO PROVIDE FOR AN APPROPRIATION OPTION ON A PROJECT-BY-PROJECT BASIS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:09 PM) Filed proof of publication and enacted the Ordinance to be effective as provided by law, with the inclusion of the proposed amendments to the Ordinance listed on the Purple Sheeted Additional Agenda Material dated January 25, 2011 submitted by Commissioner Wexler. (Refer to minutes for full discussion.)

VOTE: 7-2. Commissioner Lieberman voted in the affirmative telephonically. Commissioner Ritter and Mayor Gunzburger voted no.

6. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO ANIMAL CARE AND REGULATION; AMENDING SECTION 4-2 TO DEFINE "DIVISION" AND "PROPER ENCLOSURE OF A DANGEROUS DOG," AND TO AMEND THE DEFINITION OF "DANGEROUS DOG"; REWRITING SECTIONS 4-12 AND 4-12.5 FOR CLARITY AND CONFORMITY WITH STATE LAW; AMENDING SECTION 4-14.5 FOR CLARITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Chip LaMarca)

ACTION: (T-3:00 PM) Filed proof of publication and enacted the Ordinance to be effective as provided by law, with the inclusion of the Purple Sheeted Additional Agenda Material dated January 25, 2011, submitted by the County Attorney's Office. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

ACTION: (T-4:52 PM) The Board approved Commissioner Jacobs amendment on page 7 through 17 of the proposed Ordinance submitted by Purple Sheeted Additional Agenda Material dated January 25, 2011. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

ACTION: (T-4:53 PM) The Board approved Commissioner Wexler's amendment on page 3 of the proposed Ordinance submitted by Purple Sheeted Additional Agenda Material dated January 25, 2011. (Refer to minutes for full discussion.)

VOTE: 7-1 Commissioner Lieberman was not present during the vote. Commissioner Sharief voted no.

COMMISSION MINUTES

ACTION: (T-4:54 PM) The Board approved Commissioner LaMarca's amendment on page 7 of the proposed Ordinance submitted by Purple Sheeted Additional Agenda Material dated January 25, 2011. (Refer to minutes for full discussion.)

VOTE: 7-1 Commissioner Lieberman was not present during the vote. Commissioner Sharief voted no.

ACTION: (T-4:58 PM) Without objection the Board asked the County Attorney's Office to research leash laws. (Refer to minutes for full discussion.)

ACTION: (T-4:59 PM) The Board approved the above proposed Ordinance with the above amendments. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Lieberman was not present during the vote.

THE BROWARD COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING OF
JANUARY 25, 2011
2:00 P.M.

A meeting of the Broward County Board of County Commissioners, Broward County, Florida, was held in Room 422 of the Government Center, Fort Lauderdale, Florida, at 2:00 p.m., Tuesday, January 25, 2011

COMMISSIONER	DISTRICT	ATTENDANCE
Sue Gunzburger	6	Present
Dale V.C. Holness	9	Present
Kristin D. Jacobs	2	Present
Chip Lamarca	4	Present
Ilene Lieberman	1	Present via telephone
Stacy Ritter	3	Present
John E. Rodstrom, Jr.	7	Present
Barbara Sharief	8	Present
Lois Wexler	5	Present

GOOD AND WELFARE

MAYOR GUNZBURGER: Good afternoon and welcome to the Good and Welfare. Thank you all for coming.

I believe it is employee recognition, and Ms. Henry and I -- and I was going to invite the Vice Mayor to join us, but he disappeared.

MS. HENRY: Thank you, members of the Commission and public.

Today we celebrate those employees who have been with Broward County for 20, 25, and 30 years. They have given us wonderful service for those number of years.

COMMISSION MINUTES

And so, with that, I will start with those employees celebrating 20 years of service.

Debra Floyd from Libraries.

(Applause.)

MS. HENRY: Dennis Malone from Transit.

(Applause.)

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. HENRY: When Transit outdoes the libraries, we're in trouble here.

(Laughter.)

MS. HENRY: Okay. Mr. Howard Wright from Facilities Maintenance.

(Applause.)

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. HENRY: All right. Celebrating 25 years of service, we have Barbara Augusto from Facilities Maintenance.

(Applause.)

MS. HENRY: Faye Bodwin from Aviation.

(Applause.)

MAYOR GUNZBURGER: There are a couple of Commissioners here that would like to congratulate you as well.

MS. HENRY: Next we have Suzanne Campbell from Transit.

(Applause.)

MS. HENRY: Marlene Menely from BARC.

(Applause.)

MS. HENRY: Theresa Willoboro from Transit.

(Applause.)

MS. HENRY: Commissioners, celebrating 30 years of service, and this cannot be, Maggie Augusto. Are you sisters? Maggie? No?

(Applause.)

MAYOR GUNZBURGER: Take your green tag off. Did you get the whole family.

UNIDENTIFIED SPEAKER: Thank you.

COMMISSION MINUTES

MAYOR GUNZBURGER: Thank you. Please go by and let my fellow Commissioners congratulate you.

MS. HENRY: Sandra Barrett from Family Success.

(Applause.)

MAYOR GUNZBURGER: Thank you and congratulations.

MS. HENRY: Jodi Horn-Lashinsky from Cultural.

(Applause.)

There we go. Wonderful.

MS. HENRY: Howard Jacobs from Transit.

(Applause.)

MS. HENRY: Okay. And last but not least, Mary Rivera from Records, Taxes, and Treasury.

(Applause.)

MS. HENRY: And thank you to all of our employees.

(Applause.)

PUBLIC HEARING

CALL TO ORDER: Mayor Sue Gunzburger called the meeting to order.

MAYOR GUNZBURGER: -- and I'd like everyone to please stand for the Pledge of Allegiance. I'm trying to see if there's another elected official out there.

UNIDENTIFIED SPEAKER: There might be.

MAYOR GUNZBURGER: Don't see one.

Commissioner Holness, please lead us in the Pledge.

(THE PLEDGE OF ALLEGIANCE WAS LED BY COMMISSIONER DALE V.C. HOLNESS, BROWARD COUNTY COMMISSIONER, DISTRICT 9.)

MAYOR GUNZBURGER: Thank you.

I'd like the recording secretary to post -- please post the appropriate notice of Public Hearings.

Individuals who are interested in speaking on any of the Public Hearing items, please come forward and sign up to be heard, if you have not already done so.

Once the items come before the Board, if you have not already signed up, you will not be permitted to speak.

AGENDA ITEM 1

COMMISSION MINUTES

MAYOR GUNZBURGER: Our -- our first item, Public Hearing regarding the issuance of not exceeding 3,700,000 Broward County, Florida Industrial Development Revenue Bonds for Urban League of Broward County, Incorporated, and Urban Ventures, LLC.

At this time, the Board of County Commissioners opens the Public Hearing regarding the issuance of not exceeding 3,700,000 Broward County Florida Industrial Development Revenue Bonds for Urban League of Broward County, Incorporated, and Urban Ventures, LLC.

The public -- this Public Hearing is held pursuant to public notice published on January 10th, 2011 in the Sun Sentinel and the requirements of Section 147(F) of the Internal Revenue Code of 1986 as amended and applicable treasury regulations.

The public is invited to present comments on this item at this time.

I have no public comments filled out for Item Number 1, so I --

COMMISSIONER JACOBS: Move Item 1.

UNIDENTIFIED SPEAKER: Second.

COMMISSIONER HOLNESS: Second.

MAYOR GUNZBURGER: Are there any comments?

There being none, this Public Hearing regarding the issuance of \$3,700,000 is -- of Broward County, Florida Industrial Development Revenue Bonds is now closed.

It's been moved and seconded.
All those in favor, signify by saying aye.

Opposed, like sign.

And it passes -- passes with eight votes --

COMMISSIONER WEXLER: Please show me as an affirmative.

MAYOR GUNZBURGER: It passes --

COMMISSIONER WEXLER: Thank you.

MAYOR GUNZBURGER: -- unanimously with 9 votes.

I think I heard you, Commissioner Lieberman? Okay.

(COMMISSIONER LIEBERMAN JOINED THE MEETING VIA TELEPHONE.)

MAYOR GUNZBURGER: With nine votes.

(COMMISSIONER WEXLER ENTERED THE ROOM.)

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 2

COMMISSION MINUTES

MAYOR GUNZBURGER: Moving on, Item Number 2, Public Hearing. We're -- we have several purple sheets on it. It is an adoption of -- amending the Broward County Administrative Code on revenue collection for the convenience fee.

Is there any -- is there a -- anyone from the public wishing to be heard?

There being none, the Public Hearing is closed.

Is there a motion?

COMMISSIONER WEXLER: Move approval.

COMMISSIONER SHARIEF: Second.

COMMISSIONER HOLNESS: Second.

MAYOR GUNZBURGER: Any -- any discussion?

Being none, all those in favor, signify by saying aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 3

MAYOR GUNZBURGER: Item Number 3, which is a resolution to vacate a public -- a platted public utility easement.

Is there anyone from the public who wishes to be heard on this item?

There being none, the Public Hearing is closed.

Is there a motion?

COMMISSIONER HOLNESS: So move.

UNIDENTIFIED SPEAKER: Motion to --

COMMISSIONER SHARIEF: Second.

MAYOR GUNZBURGER: Is there any discussion?

All those in favor, signify by saying aye.

Opposed, like sign.

It passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 4

COMMISSION MINUTES

MAYOR GUNZBURGER: Item Number 4, which is an ordinance of the Board of County Commissioners pertaining to contractors and the central examining boards, amending Chapter 9 of the Broward County Code of Ordinances, contractors, et cetera.

Is -- there are no public comment cards filled out. Is there anyone from the public who wishes to be heard on this item?

There being none, the Public Hearing is closed.

Is there a motion?

COMMISSIONER SHARIEF: Motion to approve.

COMMISSIONER HOLNESS: Second.

MAYOR GUNZBURGER: All -- all those in favor, signify by saying aye.

Opposed, like sign.

Now, I'm sure the next two items are going to go just as fast.

UNIDENTIFIED SPEAKER: Oh, yeah, I'm sure. Dream on.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 5

MAYOR GUNZBURGER: Item Number 5, a motion to consider the enactment of an ordinance, the title of which is -- is as follows. An ordinance of the Board of County Commissioners of Broward County, Florida, pertaining to public art and design.

I have a number of people from the public who have signed up to speak, and I also have presented a substitute motion --

COMMISSIONER WEXLER: As have I.

MAYOR GUNZBURGER: -- as has Commissioner Wexler.

So we will -- Ms. Azcoitia --

COMMISSIONER JACOBS: Azcoitia.

MAYOR GUNZBURGER: -- Azcoitia -- I want to get it right. Azcoitia. Should we present those now, before we open for the Public Hearing, or should we wait?

MS. AZCOITIA: We should open the Public Hearing.

MAYOR GUNZBURGER: Okay. Thank you.

I will call on you in the order that you signed up. You will have two minutes --

COMMISSIONER WEXLER: (Inaudible.)

MAYOR GUNZBURGER: -- to speak. Yes?

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COMMISSIONER WEXLER: You and I both submitted those --

MAYOR GUNZBURGER: Yes.

COMMISSIONER WEXLER: -- when we advertised it for Public Hearing, so I believe it -- it should have ridden with it as far as what's out there --

MAYOR GUNZBURGER: But it didn't.

COMMISSIONER WEXLER: -- for the -- it didn't. Hmm.

MAYOR GUNZBURGER: I --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Yes. I -- I was very upset --

COMMISSIONER WEXLER: Okay.

MAYOR GUNZBURGER: -- believe me.

COMMISSIONER WEXLER: (Inaudible.)

MAYOR GUNZBURGER: Yeah, that's why we presented it before today, so that it would ride with it, and it did not.

(VICE MAYOR RODSTROM LEFT THE ROOM.)

MAYOR GUNZBURGER: The first person to speak is Estelle Loewenstein. And after Estelle will be Bonnie Barnett, and then it'll be Monique Force.

So if you'd be -- those who I've called on after Estelle, please come to the front row so that you're ready to come forward.

MS. LOEWENSTEIN: Good afternoon, Mayor and Commissioners. I am Estelle Loewenstein, and I'm Chair of the Broward Cultural Council, and I'm here to speak on the public art ordinance that's before you and before me today.

I have a few -- first of all, I think I would -- I would just like to introduce myself as not just the chair, but as a resident of Broward County since the 1960s, and I've seen a lot of major, major changes.

It was a great honor for me to be appointed to the Broward Cultural Council. My background is not in art; it's only in appreciation of art and an understanding over these many years of how critical and significant it is in all aspects to our -- our community, to our past, to our present, and to our future for our children.

When I was appointed, I was appointed to an advisory board. I took that very, very seriously. I do a lot of work, homework on -- on the issues that they deal with, and I feel that I'm pretty -- I'm pretty familiar with them now, and I -- I'm very responsible in terms of the entire community, not just the Cultural Council.

So when I speak to you, I think -- I hope that I'm speaking to you in terms of what I feel is best for Broward County, for the whole community.

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So, very quickly, I'll give you some public arts statistics. There are, at the present time, 350 public art programs in the United States, 37 of them in -- are in public -- in Florida, excuse me. There have been new two public art programs in Florida in 2010. And there's five new public art programs in Florida created in the last three years. And there are still more being considered in other communities.

So that, as you can see, many communities feel that it is definitely an asset.

We're dealing --

MAYOR GUNZBURGER: I'm sorry.

MS. LOEWENSTEIN: Can I take another minute?

MAYOR GUNZBURGER: Well, we have a lot of people who are speaking on both Number 5 and Number 6, so that you spent a lot of time introducing yourself.

MS. LOEWENSTEIN: Yes, I did. And I had a reason for doing that, so that you would all know where -- where I'm coming from.

MAYOR GUNZBURGER: We have your letter here, Ms. Loewenstein, and --

MS. LOEWENSTEIN: All right. Thank you.

MAYOR GUNZBURGER: I'm sorry.

MS. LOEWENSTEIN: Thank you.

MAYOR GUNZBURGER: All right. The next one is Ms. Barnett.

MS. BARNETT: Thank you. I'm Bonnie Barnett. Thank you, Mayor Gunzburger, and the rest of the County Commission.

Commissioners, I do serve on the Cultural Affairs Council, thanks to all of you. And I am on the -- I'm a trustee of the Fort Lauderdale Museum, and I am on the executive board of the Performing Arts Center.

I'm here to talk about public art. When you visit any city or any foreign city such as Florence, if you've been there, you've David. The Medicis in the 1500's commissioned Michelangelo to do David. Took him three years. And they pulled David around until they found out where to put the statue. And he's been sitting there for 500 -- almost 4 or 500 years.

The Pieta de Divina in Venice opened two years ago on the tip of Venice. So when you enter the canal, you see not only the new museum that was built in the 1500's as a (inaudible) museum, but you see our artist, Jeff Coombs, sitting on the -- on the very tip.

(VICE MAYOR RODSTROM RETURNED TO THE ROOM.)

MS. BARNETT: When you go into Chicago, what do you look at? (Inaudible) Park. It's so exciting.

When you're going down to Miami, what are you going to see? The new Frank Gehry Building. That's fabulous.

Now, all of you sitting up there, your children, your grandchildren, and, I hope, my children's

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children are going to be living in this county. I want them to enjoy what I've had here. I've lived here since 1973.

I'm going to address now why we shouldn't be doing these projects for all of you project by project to look at.

Because I've been in the state level for eight years, hanging art in public places, and because I -- that is my profession, investment art, and the people that I work with, when you give us a project and we have to work with the end user, the user, the architect, it really has turned out very well. So you have given us a really great caucus of people who are experienced to look at these projects.

So now, if we give it back to you and then you're going to look at it one by one, not that you don't have the knowledge, but do you have the tools?

When I call my accountant, I listen to him. When I call my lawyer, I listen to him.

I'm asking you, don't do that. And if you must go to integrated art, which is fine with me, I really follow the Mayor's advice.

Thank you very much.

MAYOR GUNZBURGER: Thank you.

(Applause.)

MAYOR GUNZBURGER: No applause, please.

And after Ms. Force, we'd like Russell Rand, Edith Gooden-Thompson, and LeeAnn Yater to come forward, please.

MS. FORCE: Good afternoon, Mayor Gunzburger, Vice Mayor Rodstrom, and Commissioners. My name is Monique Force, and I'm here on behalf of Florida Grand Opera. I'm the Director of Broward County operations.

I'm here to speak in favor of art in public places. I think we all know the importance of art in public places, although sometimes it's hard to quantify. There aren't ticket sales to count; there isn't anything to tabulate.

But I want to remind you, just because we don't have tangible results, that it is so important. And sometimes, just being a part of something and re-looking at something in a different way, something you haven't heard before, just makes all the difference.

I had the opportunity today to attend an in-school opera performance at Thurgood Marshall Elementary. There were two performances, and when it -- the opera was introduced, the children were asked how many of you know what opera is. And, unfortunately, there were only a smattering of hands that kind of went up, sort of halfway, ready to be snatched down in case further explanation was required.

Well, the performance began, and the children were really enthralled. They really enjoyed it so much.

And as they were filing out, I overheard one little girl say to the other, "Well, I didn't know what opera was. Now I know, and I liked it."

And I have to say that it is so gratifying to hear that. And because of your support of the arts,

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you make that happen. And that, after all, is what it's all about, for all of us, in many forms and many shapes. Whether it's art in public places, whether it's the performing arts, or visual arts, it has an impact. We may not always see it; we may hear it anecdotally, but it is important.

And I thank you so much for letting me speak. Thank you.

MAYOR GUNZBURGER: Thank you.

Russell Rand. And then Edith Gooden-Thompson and LeeAnna Yater, please come forward.

MR. RAND: I knew the arts were newsworthy. My name's Russell Rand, of course. I'm an artist of some note in the community over the years, as well as a scientist and whatnot. And I made glass for years, and I'm waiting for the discussion on hurricanes some day, and this is a windstorm this way, and upside down, it's the storm surge that kills 30,000 people --

(Laughter.)

MR. RAND: -- 30,000 people. Because I saw the first billion dollar hurricane 56 years ago in Connecticut.

Also, over the years I've painted 35 -- didn't get reimbursed on the tuition either. Over the years, I've painted 35,000 square feet, like the Performing Arts Center, (inaudible) and of the (inaudible). The guys in there with the shovels for the digging in the dirt and all that 23 years ago.

So I painted 35,000 square feet for not a dollar, including the courthouse barricades in the last courthouse dig 19 years ago. And I'm working on a portrait of a taxpayer, you know. Bite -- biting the bullet or being muzzled, you know, as -- as the case may be and whatnot.

So, obviously, in tough times, you've got to do something different. My mother always talked about, you know, having the champagne tastes with a beer pocketbook, you know. And that's what's going on these days. You want to cut the arts, of course, but that's like cutting your nose off to spite your face, you know.

We all have two sides of the brain. One's a thinking, logical; the other's emotional. I use both sides and all, which is a curse sometimes and all.

We really need to be fluid and be better at it. There's a lot of crappy buildings out there. Come on, we can do something, you know. If you go back to plop art 30 years ago, you stick something somewhere in the county space, when it could be in the county, the whole county.

Look at Dania. Looks like crap, that US-1. You know, Sistrunk is actually looking better. It has some good motifs and whatnot. Coral Springs has a great program and whatnot.

We need these kinds of things, and we hope it doesn't become more politicized than it is and all. Because there are a lot of people out there with energy and all. And I spend hundreds of hours and thousands of dollars to do these kinds of things. About 15,000 for the glass before the hand injuries. That was (inaudible).

MAYOR GUNZBURGER: Thank you.

MR. RAND: Thank you.

MAYOR GUNZBURGER: Well, now we know why you wore purple.

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MR. RAND: Yeah. Joker.

MAYOR GUNZBURGER: Ms. Gooden-Thompson.

MS. GOODEN-THOMPSON: Good afternoon. I'm Edith Gooden-Thompson, and I'm the current Chair of the Public Art and Design Committee.

I'm here to talk to you about the ordinance.

First of all, I don't think we needed to tinker with something that wasn't broken to begin with. The ordinance was fine the way it was.

But if we have to change it, then I do support the changes that Mayor Gunzburger would like to make.

But to add to that, I would just like you to know that we have been doing integrated art anyway. Over 80 percent of the art that we currently have in the planning stages is integrated.

So we have been following the trends, and knowing that this is something that we needed to do, and we did it without having to have an ordinance over our heads.

Basically, we will continue to do -- we will continue to do integrated art.

However, we do need some latitude to do some art that's practical, that has other uses, that is not integrated into the building design. And I can give you some examples. We were currently talking with members from the Port Authority, who were asking us about a creative design to help them with their security issues. And we have come up with a -- a wonderful idea. But if this ordinance is passed, it's passe. We couldn't do it, because it hangs from the ceiling and is not part of the ceiling.

So think about that. We could end up shooting ourselves in the foot by changing this ordinance.

But if we do, then we support Mayor Gunzburger.

Thank you.

MAYOR GUNZBURGER: Thank you.

Ms. Yater, and then Lori Pratico and Virginia Fifield, and that's all.

MS. YATER: Commissioners, Vice Mayor, Mayor Gunzburger, I'd like to thank you for your continued support of the arts, and especially a public art program.

I do understand what this ordinance is, but I'd like to address as an artist and college-level art educator working in Broward County.

I moved to Broward County in 1963, with my parents, both artists and educators. My father came to teach at a small college now known as Broward College. I followed in his footsteps and teach there as well. My mother, who is 92 now, was an active, practicing artist in south Florida, and she is still painting every day.

Inspired by my parents and the art educators at Stranahan High School where I graduated, Broward College where I also went to art school, Western Carolina University and Winthrop University, I became an active, practicing artist myself. My work has hung in the Fort Lauderdale Airport, and I have -- I have assisted as an allied artist in a major public art project in Broward County.

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I have watched the arts program grow, and have been -- and have seen firsthand the public arts program become a model program for other start-up programs throughout the U.S.

I watch my classes at Broward College fill up continually every semester, semester after semester, with creative and hopeful students looking to begin their art careers. They come back to me time and again with their positive responses to the wonderful artwork that's been placed around the county. I require them to go and visit the public arts sites every semester, and they come back saying I -- I just didn't know.

I ask you, my fellow students -- I mean my students, my fellow artists, and art appreciators ask you to please continue to support the arts and the public art program as it is.

I trust that our public art program managers and art administrators will continue to do the exemplary job they have been doing.

Don't change what is already good, please.

Thank you very much.

MAYOR GUNZBURGER: Thank you.

Okay. Lori Pratico. I hope I pronounced it correctly.

MS. PRATICO: Very good, yes. Perfect. Thank you.

My name's Lori Pratico. Good afternoon, Mayor, Commissioners.

I'm a Broward County artist. It's pretty much as simple as that. I take advantage of all the programs from Broward County, as many as I can.

Being an artist was never a valid thing to be when I was growing up. I grew up in Philadelphia, stay at home mom, father that didn't make more than \$12 an hour his whole life. And when I told them I wanted to be an artist and that I actually found out that the government would give me money to go to school, and supply grants for me to go to school, I was told don't waste the government's money. That's how much it just was never validated in my life that an artist was something you could be, and that you could be successful at it.

Thanks to the Broward County programs -- I moved to Florida 17 years ago, and I have twins in college, their first year of college now, and I have supported myself through my art for the last 20 years. And I -- right now, my work is hanging over at Gallery Six across the street in the library. I took full advantage of the AEI program, of DBA. And I'm proud of those programs.

And I took today off to come here just to, you know, say to see any programs cut in the arts, it takes away some of that validity again, and I hate to see that happen. So I hope it doesn't.

Thank you.

MAYOR GUNZBURGER: Thank you.

And last, Virginia Fifield.

MS. FIFIELD: Good afternoon, Mayor, Vice Mayor, and Commissioners.

First of all, I would like to thank you very much for your support of the arts.

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My name is Virginia Fifield. I'm an artist here. And I can say that I'm living independently on my artwork, in part thanks to the programs that you have provided here in Broward County. I am now represented by an international gallery, and I also am very honored now to be invited to serve on the selection committee for public art in Broward County, and board of directors at ArtServe.

I would just like to remind you that -- or ask you please to leave the ordinance for public art unchanged. I believe that public art is really important to us economically. Look at any business and ask why do they decorate their stores. A new store opening, why do you decorate? Because it attracts customers.

We only have to look at Broward -- our neighbors in Miami-Dade, and look at what they've been doing in the last few years to the artwork in their airport so when the tourists come off, the first thing that -- they're impressed by the stunning artwork that they see. And then into the city, and, of course, Frank Gehry's New World Center has just been open.

It attracts people, and people are impressed and they will come back. And I think Broward County is a tourist-based economy, and we need to keep people remembering that Broward is beautiful. We have beautiful beaches and beautiful new hotels, and we want people to enjoy themselves here with the wonderful beauty that Broward has, that it's artists can produce, and its public art.

Thank you very much.

MAYOR GUNZBURGER: Thank you.

And that concludes all the public comment.

I will now open the floor for discussion on this item.

Commissioner Wexler.

COMMISSIONER WEXLER: You want me to start?

MAYOR GUNZBURGER: Fine.

COMMISSIONER WEXLER: (Inaudible.) It's been a while since this has been before us. It was October -- I mean, it's just really been a long time. October, 2009 was when we actually gave direction to the County Attorneys (inaudible) -- to craft something, which is the document that we see before us today.

There was a reason that we did it. There were a couple of reasons that we did it. But I believe that the compelling reason that we did it was because of money and finances.

And I didn't hear anybody say not to incorporate functionality. I didn't hear that. As a matter of fact, I heard Edith say but we're doing that in 80 percent of our projects anyway.

But then there's the other 20 percent. And I don't want to have to give some of those ugly examples. And I don't mean ugly art examples. I mean ugly that they were done examples. They're plop art; they're art that you could only appreciate if you're in a skyscraper looking down, or an airplane looking down at it. And I've actually shared that with some folk, and I think that those that know what I'm talking about -- and I don't want to point it out. I don't want to embarrass anybody or -- or say that I don't like the work.

But the Commission said that it no longer wanted plop art. Yet we opened up the Mill Center not

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too long ago, within the last 60 days, and what was there? What's out in front? Statues.

So I pay attention to what Edith had said, because the words that were utilized was we're using functionality; however, it's in things that are in design now.

So I'm -- I really hope that that is the direction that they are going now.

There was also a misnomer that if this passes, that everything that would be recommended would come before the Board. What would be before the Board would be capital project by capital project, not art by art or -- or recommendation by recommendation.

And the best example, and the one that was used in 2009, was the courthouse. And wherever the project winds up with the courthouse, I don't think -- I will tell you this Commissioner absolutely wants to see art in public places in the courthouse.

However, I don't know if I want it to be at the extent of the current policy, which is 2 percent of the construction project, which would be, under today's market, somewhere about 3.6 million dollars. That's a lot of money for art in public places. I may want it to be 1 and a half percent. But I want it -- I want us, the funders, to have the authority and to have the right to really deliberate and make that determination.

One of the things, also, that didn't float with it, Mayor, was a question that I asked when we set it for Public Hearing. And the question that I asked, which was yellow sheeted at that time, was about one of the motions that you have submitted here, which was to eliminate the proposed appropriation option.

And this is Mr. Meyer's response. I asked that would it -- would -- well, does Legal agree that the intent of this language would make it very difficult to waive funding for future appropriations. And the Mayor's proposed amendment to eliminate the proposed appropriation option would make it difficult for the Board to waive funding for future appropriations for public art in the -- in the county's capital program. The requirement to appropriate funds for public art and design is contained in the ordinance, and, therefore, it cannot be waived by the Board without expressed provision in the ordinance allowing that to happen.

So now you're -- what you're proposing takes away our right to waive it in the future, unless I bring back the whole ordinance and go through what we've gone through right now.

That's why I didn't support and -- and don't support taking out that provision which is in the language that is in front of us.

What we asked staff to capture back in October of 2009 was what the Board at that time wanted, which was an appropriation option on a project by project basis.

If one of your -- or the essence of what you're proposing is supported here today, then that will not happen. And I think you're taking away my fiduciary responsibility as a County Commissioner.

And -- and so, for me, that's the essence of not agreeing with you.

I will tell you, and I've had this conversation privately with some people out there, I venture to say that 99 percent of the time I'm going to support the ordinance, I'm going to support the 2 percent, but I want the option, I want the ability to say no for this particular project, or maybe it needs to be considered to be a little bit less.

And that's something that I -- I don't know how you can function moving forward without maintaining that right.

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And then, the other piece is a window, a time. And some of the emails and some of the correspondence that have been proffered from members of the audience and others say, well, if you must support it, then put a window on it. I absolutely agree. I do believe that a sunset provision, if it does pass here, needs to go on it, because I would like to go back, eventually, to the way that it -- it was originally, the original language. And maybe a trigger, some kind of a trigger built into it. But I think we could cross that bridge when we come to it. Right now, we've got to get past today.

And it just concerns me that we would want to take out anything that would diminish our fiduciary responsibility.

And that's all I'm going to say at the moment.

Thank you.

MAYOR GUNZBURGER: Vice Mayor.

VICE MAYOR RODSTROM: Well, I mean, I think, Commissioner Wexler, you're -- you're absolutely spot on, and it's unfortunate it took so long to get here, but it really was predicated on a couple things. The plop art, and as much as, you know, we've heard time and time again we're not going to do it anymore, we still see examples of it. And the example at the time was the Fin Fan. This was the million dollar plop art that they didn't even have a location for at the airport, that FAA wasn't even sure they could approve it because of its reflection and its glare and --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: -- it was -- it was like -- it was called the Fin Fan, and it was -- it was a pretty massive piece of whatever it was.

But -- but anyway, this Board scuttled that project; we saved a million dollars. And -- you know, and from there the -- you know, the conversation kind of talked about plop art as opposed to integrating art, and we just think that, you know, when you start looking at massive projects like the airport, how you can integrate art into the building itself, and really have some -- you know, some great -- great things happen.

And then other thing was being able to pick on a case by case basis.

And -- and that was it. That was all we ever talked about. And, you know, to have to wait a year and a half to get an ordinance, almost as -- almost as if it was kept off the agenda intentionally so it would never be voted on. I mean, that's the only thing you can think happened.

But, you know, this shouldn't be that hard.

Was it -- I see the County Administrator smiling. Was this kept off the agenda?

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR RODSTROM: Okay.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. HENRY: No, it was not.

MAYOR GUNZBURGER: I did not.

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VICE MAYOR RODSTROM: Well, no, I know. And it certainly wouldn't have been you. You've only been here a couple months. But I'm just wondering if it was deliberately -- it just seems a long time to draft an ordinance --

MAYOR GUNZBURGER: Well --

VICE MAYOR RODSTROM: -- so.

MAYOR GUNZBURGER: -- I -- I can't speak to that. Are you finished?

VICE MAYOR RODSTROM: Yeah.

MAYOR GUNZBURGER: Commissioner Jacobs.

COMMISSIONER JACOBS: Technology, it's so lovely.

You know, it's really -- this is probably, for me, one of the most frustrating conversations that we have, because we're looking at the issues of what our head and our hearts say in opposite. That we know what art brings to a community. We know what it brings to our buildings.

For anybody who's been riding along the very, very boring turnpike only to come to -- is it -- I forget the plaza that -- it's up near 75 where they have all that public art, and it's spinning in the wind. And you come along, and it's such a relief in that dreary landscape.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: No, on the turnpike. On the turnpike as you go very far north.

And -- and it just leaps up out of the landscape at you, and it's just -- it is, in essence, what someone called plop art, but it's lovely. And it really is a welcome sight. It's a welcome sight to people coming from out of state and coming into our state.

There are so many areas around the country where you have art complete as a part of the buildings. And it really is, I think, a reflection on what we think of ourselves, how we value our community.

And so I think it absolutely is imperative that it's part of all of our projects.

But that's the other side of the story, because there is yet the fiduciary side, as Commissioner Wexler spoke of, that requires that we have really difficult choices at hand.

And so the fear I have is that giving this out, this little relief valve, that we can look at projects and let an art project go so that the project itself can continue, I worry that from that position we will never recover. We won't bring it back.

Given the -- the budget decisions that this Board and -- and the state has required us to make over the last four years, it is going to be a very long time for us to recover. This is not houses are selling again and everything's hunky dory. We are going to have a very, very long, slow recovery, which means basically that Broward County's entering -- entering almost a dark ages if this pass -- passes, as far as art. Because it's structured in such a way that you have to vote to keep the funding there. Instead of it being automatically in place, you have to vote to put it back in.

And so I guess what I would be more comfortable, and I don't see this in any one -- in any one -- any one of the Commissioner's suggestions, and that is that the ability to waive it is there, but that it is inherently there. It isn't absent until such time as it's placed back in.

COMMISSION MINUTES

And, to me, that would give me a little bit more comfort. It also, I think, gives those Commissioners a little -- both us and those to come, a -- a greater range of options.

There is also a suggestion, I believe, Commissioner Wexler, it was yours. I have too many papers in front of me.

COMMISSIONER WEXLER: Yes.

COMMISSIONER JACOBS: On temporary art. And when I first saw it, I was of very like mind. I thought, well, we're -- certainly, whatever ever dollars we do manage to come up with for art, I'm not going to support it being for something temporary.

And then I realized what the issue of temporary was when I was stuck in an airport and there was a gallery. And the gallery had all kinds of different artists' artwork coming and going. And I believe that is what staff means by the word temporary.

MAYOR GUNZBURGER: Uh-huh.

COMMISSIONER JACOBS: And so I have concerns about waiving that language to be completely and only functionally integrated.

Now, if -- and I guess this would be for the County Attorney to weigh in on -- if functionally integrated means that the gallery itself is constructed as a part of the wing of -- of -- or an area within our airport, then it would allow the opportunity for artists and artwork to come in and leave and rotate around on a temporary basis.

If, however, though, the very use of it for that is considered not to be functionally integrated, then I think we've defeated the purpose. Because one of the things we're looking for here is not just our own dollars, but to leverage that which we have with the community, and to bring an opportunity and a forum for artwork that we may not otherwise be able to display into Broward County facilities.

And in order to accommodate that, we may need something that is not actually fitting this -- this criteria.

So I guess, for the County Attorney, if you could help me understand, when we say -- or the item that -- the change that was put forth by Commissioner Wexler that changes artwork may be temporary or permanent, may be integral to the architecture or may be incorporated into the county's capital construction project, and alter it to instead say artworks may be functionally integrated into the architecture or into the county's capital construction project, that, to me, I'm not quite sure where that leaves us for options.

So, given my concerns, if you could weigh in.

MS. AZCOITIA: Commissioner Jacobs, I'm not really sure. I'm going to call upon Deputy County Attorney Angela Wallace. Her division drafted the -- the ordinance and the changes.

COMMISSIONER JACOBS: Okay. Thank you.

MS. WALLACE: Good afternoon, Mayor --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. WALLACE: -- Vice Mayor, Commissioners.

COMMISSION MINUTES

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Okay. Well, yeah, I -- this is a -- a good conversation. What I want to know was what the intent was, but if, in fact, the legal language doesn't allow what the intent was, then we still are going to need to massage it.

COMMISSIONER WEXLER: In the definition, which is on page 2 in the underlying part of integrated -- functionally integrated public art, in my -- and this is going back three weeks ago when we -- under my agenda preparation.

In sitting with Ms. Henry and Mr. Meyers, I pointed out that line that said artwork may be temporary or permanent. And their response in discussion was, yes, we don't know what it means.

And so it was -- if you're telling me that building a -- into the architecture a gallery is what the intent is, that was not what my interpretation was. And in discussing it with Drew and Bertha, that it -- temporary was just that. What you were referring to on -- on the turnpike as temporary. It --

COMMISSIONER JACOBS: No, it's a permanent structure. (Inaudible.)

COMMISSIONER WEXLER: Well, I don't even know what it -- okay. Something that's literally temporary, not that it's a revolving art that comes in and out of a gallery. That was not even part of what we thought about.

And -- and art dollars, capital dollars, I don't even -- I can't even imagine them being used for that. Being used to build a gallery, yes, but not being used to rotate artists in and out. That's a whole 'nother function of -- of something else.

So I don't think that the intent -- I know the intent wasn't. It was to clarify and clear up for the legal and staff.

So if by offering this it made it more confusing, that was not the intent.

COMMISSIONER JACOBS: Okay. So to the -- to the attorney, Ms. Wallace. In -- in the way that it's crafted, the language, it would allow the creation of -- or a percent of the dollars if it was chosen by the Board to do so, to use those dollars for a gallery that could be -- would be -- it would be considered permanent; it would not be considered temporary, because you would be basically --

COMMISSIONER WEXLER: A gallery is (inaudible).

COMMISSIONER JACOBS: -- offering nothing other than a forum for future artwork.

MS. WALLACE: Within the proposed amendment, or the Commissioner's amendment.

COMMISSIONER JACOBS: Yes, I'm speaking to her amendment. My concern is that because it strikes the language about temporary and integral, and only goes to functionally integrated, that language, to me, leaves some gray area.

So if, for example, we were to carve out in the courthouse, maybe near a jury room or some place where you had -- we're -- we're building it, and we included an area where artwork could go in the future, that was specific for that purpose, would this language preclude it?

MS. WALLACE: No, it would not, because the language allows for functionally integrated artwork into the capital construction project. So if the project is the courthouse, and you integrate a gallery within the courthouse, then that would be functionally integrated into that capital improvement project.

COMMISSION MINUTES

COMMISSIONER JACOBS: Okay.

MS. WALLACE: That's my understanding.

COMMISSIONER JACOBS: And that -- to me, that -- that's a big concern, that we -- that we -- thank you -- that we need to have the opportunity to leverage it.

So at the end of the day, I don't know which of you is always using this comment, but I can count. And I don't think that we're going to be able to get to the numbers that we need in order to have the ordinance stay as it is. We're going to have to, in essence, venture into a very dark future where art is limited and not excluded, but I believe that we're going to be struggling with many other -- other options.

And so, I plead with my colleagues, as we go through these processes, that we do not change this ordinance to exclude in its -- in its first step that there is a 2 percent set aside for public art. Rather, that we are at liberty to waive it when -- when the need arises. And --

COMMISSIONER WEXLER: That's what I'm asking.

COMMISSIONER JACOBS: -- and that's what I believe this ordinance does. It lets us accommodate a very dark period in time in financing, one which I share with those who've come up to speak. And I know you've all heard me speak on many occasions, and know where I stand on this issue.

But I honestly don't see a way around it, and I don't see the opportunities that I wish in the Mayor's -- in the Mayor's recommended amendments, that we have that opportunity to go forward with changing our minds at some point.

And so I'm going to have to support the one as -- as has been produced by staff and amended by Commissioner Wexler.

MAYOR GUNZBURGER: Did you want to speak?

COMMISSIONER HOLNESS: Oh, yes, I support the original, keeping it the way it was, so that we have the option of -- of listening to the people that we -- we put on boards, but also having the opportunity to change if we need to, to -- to be specific about having certain projects waived or not waived, or -- and -- and the idea that Commissioner Jacobs -- Jacobs is suggesting.

But if we can't do that, I guess we will have to make adjustments.

MAYOR GUNZBURGER: Is there anyone else?

Before -- before we have -- pardon?

You, Commissioner Lamarca?

COMMISSIONER LAMARCA: Just a comment on the -- on the numbers and having flexibility. Art is a -- you know, I believe art is a -- is a must for -- for our culture. However, those that are supporting the courthouse, we know it has a \$323,000,000 price tag on it. That's 6.56 million (inaudible).

COMMISSIONER WEXLER: Oh, I'm sorry. Yes. You have the financials?

COMMISSIONER LAMARCA: That's a lot of jobs. So, I mean, if we -- if we're able to incorporate a level into -- into that -- that project so that it is acceptable, at the same time not being stuck -- stuck on a rigid number of 2 percent, I think we need to have that flexibility.

COMMISSION MINUTES

MAYOR GUNZBURGER: Is there anyone else before I speak? Okay. I'd like to speak. And I've waited to hear from everyone.

You all know that this is my passion, among others. And to see art taken on a case-by-case basis means that if some of us don't like a particular artwork that's proposed, then it doesn't happen.

If -- or if we decide that we are not -- I think an easier solution would be to talk about up to 2 percent, deciding on whether the construction is a certain amount. At a certain level, you would want 2 percent. At a much greater level, such as the courthouse, you may want less than 2 percent.

For example, we did a very expensive terminal, Terminal 18. The artwork cost \$600,000. That was a lot less than 2 percent of the cost of the terminal.

And that means that our current ordinance gives staff, and us, the ability to limit the percentage, rather than to eliminate artwork.

The worst thing we can do for this community -- and when you talk about jobs creations and jobs destroyed -- is to destroy public art. It employs so many people in our community, and we had a couple of them come and speak to us. And all you need to do is, thanks to you, Vice Mayor, we have an artist living space in your district because of the project at Riverbend, which is helping artists get a foothold in our community.

I'd like to see the arts continue to flourish, because when we look at any community that attracts tourists, which is one of the backbones of our economy, art makes a difference.

Look what's going on in St. Petersburg today. And I'm talking about Florida, not Russia. There is a brand new Dali museum. People are flocking there, booking trips even within the state, to see this brand new museum. Yes, it's cultural tourism. Wait until you see what the Gary building in downtown Miami Beach is going to mean. The New World Symphony is sold out for the rest of the season, because people want to see the building and hear the acoustics, which I understand, as we speak, they have been adjusting their instruments to the better acoustics that they have there from Lincoln Theater.

We know, in your city, what the arts, Commissioner Sharief, are doing for Miramar in your new art center.

Arts are what really gives a community its soul. It gives it tourist attraction, but more -- more than that, it talks to the quality of life and how we feel about something enervating us and lifting us out of where we are.

And if every art project is only decided on a case-by-case basis, rather than saying let's say up to 2 percent that are at a certain level, and I don't know what level that should be, and it should be determined, that it does not -- over a certain level, rather, it does not need to be 2 percent for the next several years, that we keep art in every public place that we build.

We made a commitment to keeping all our buildings in the future green, which ends up in savings over the long run, but maybe a 2 percent different in the cost of building them.

We should also, because of the savings that will be generated because they will be green buildings, have some of that money made, that we can save by the operating costs, be available for arts.

And that's why I'm -- would like to have support that it wouldn't be decided on a case-by-case basis, that rather, we just change the percentage based on an economic basis.

And I don't know if that's something that would be acceptable to the rest of the Commission.

COMMISSION MINUTES

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Based on at a certain level, like over 50,000,000 or over 25,000,000, it will not be 2 percent; it will be less than.

COMMISSIONER JACOBS: (Inaudible.)

MAYOR GUNZBURGER: Yes.

COMMISSIONER JACOBS: That would be worse than what's proposed.

COMMISSIONER WEXLER: That's right.

COMMISSIONER JACOBS: Because what's proposed is that it's inherently coming along every project with its 2 percent.

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER JACOBS: You're -- it's not an up to. And the -- and to set a level would mean that it depends on the project, because it's integrated artwork. In some cases, if you look, for example, at the rental car center, you're looking -- I don't -- I'm hoping the new Commissioners have had a chance to see the floor in there. It's absolutely awesome. It was integrated into the building --

MAYOR GUNZBURGER: Right.

COMMISSIONER JACOBS: -- and it made (inaudible) floor --

MAYOR GUNZBURGER: Exactly.

COMMISSIONER JACOBS: -- (inaudible). It's exquisite to go in and visit it.

So if you -- depending on the project, that if you were to set it at levels, it would mean in certain areas where you could get that kind of bang for your buck, you would not be allowed to do it, because you would have already pre-set.

This ordinance, what it does is it doesn't take away your 2 percent. What it does is it says the County Commission may change the rule. We may change some of the requirements. It may -- we may reduce all or any part of the art for -- on a project-by-project basis.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: So it means every project inherently still has its 2 percent, unless there are circumstances that the Board feels need to be waived or massaged or any particular requirement.

And the problem is, up until now we haven't had the ability to even tinker with it. It was exactly as it was, and we couldn't touch it.

So this gives some flexibility.

MAYOR GUNZBURGER: But the word --

COMMISSIONER JACOBS: I wouldn't want it to go any farther.

COMMISSION MINUTES

MAYOR GUNZBURGER: -- the word may is what bothers me. If we decide, well, it's just a courthouse, so why do we need any public art --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: But it would still be a project-by-project basis, the Board --

MAYOR GUNZBURGER: That's what I'm saying.

COMMISSIONER JACOBS: -- this ordinance does not say you can go and take -- I guess unless you have an agenda item that put multiple unrelated projects together and asked you in -- in total would you want to support, but I don't think that this Board, A, would support that. They're individual projects, and that would be inappropriate to try to cast a vote across multiple projects throughout multiple divisions of the county.

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER JACOBS: So this --

MAYOR GUNZBURGER: Well, we'll --

COMMISSIONER JACOBS: -- I think this gets a little closer to where we want to -- where we don't want to go, but not as far as -- as -- as some have recommended.

MAYOR GUNZBURGER: Well, I'm just concerned when it's on a may basis rather than a shall, it means that certain projects will have no public art.

UNIDENTIFIED SPEAKER: But you --

COMMISSIONER JACOBS: And, again, if it says shall, Mayor --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- it would force you --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- each time to question the 2 percent that was assigned to each project.

UNIDENTIFIED SPEAKER: Exactly.

COMMISSIONER JACOBS: You want the ability to do it, but you don't want to be forced into it.

Again, it's taking it to a more extreme position than that which is proper today.

COMMISSIONER WEXLER: I think that most of the time we won't be questioning it.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: I have no idea. I think that it --

COMMISSIONER JACOBS: Well, some of us won't --

MAYOR GUNZBURGER: -- will -- it will (inaudible) --

COMMISSION MINUTES

COMMISSIONER JACOBS: -- and some of us will. And we'll have a conversation --

MAYOR GUNZBURGER: I -- I have a feeling --

COMMISSIONER JACOBS: -- on (inaudible).

MAYOR GUNZBURGER: -- that at -- at times, they questioned on a -- on each and every basis.

UNIDENTIFIED SPEAKER: For a minimum of (inaudible) percent.

VICE MAYOR RODSTROM: Please, do not speak out.

COMMISSIONER JACOBS: You're not allowed to speak.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: I -- I --

VICE MAYOR RODSTROM: Well --

COMMISSIONER JACOBS: Okay.

COMMISSIONER WEXLER: -- I'm going to move the item with the amendment, my amendment, as I understand it -- it -- as I understand --

COMMISSIONER JACOBS: (Inaudible) temporary.

COMMISSIONER WEXLER: -- it explained by integrated -- explained by counsel.

COMMISSIONER JACOBS: Second.

MAYOR GUNZBURGER: Any further discussion?

COMMISSIONER HOLNESS: May I ask the -- the attorney whether or not the discussion as to may or shall, is there some way for us to massage that to -- to accomplish what both parties wanted to have? Can we -- can you think of language that we might be able to devise?

COMMISSIONER JACOBS: Maybe.

MS. WALLACE: Shall is mandatory; may is --

COMMISSIONER HOLNESS: I understand.

MS. WALLACE: -- permissive.

COMMISSIONER HOLNESS: Understood.

COMMISSIONER JACOBS: Well, another language is may consider.

COMMISSIONER WEXLER: Well, that's a may, too.

COMMISSIONER JACOBS: That's the same thing. I know --

COMMISSION MINUTES

COMMISSIONER WEXLER: Right.

COMMISSIONER JACOBS: I was looking for another example.

COMMISSIONER HOLNESS: Yeah.

COMMISSIONER WEXLER: May is so much (inaudible) than shall.

COMMISSIONER JACOBS: It is.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.

Opposed?

I oppose. And you do?

It passes -- Commissioner Lieberman, are you on?

COMMISSIONER JACOBS: She isn't on.

MAYOR GUNZBURGER: Are you an aye or a nay?

COMMISSIONER LIEBERMAN: I'm aye.

MAYOR GUNZBURGER: It passes 7 to 2, with Commissioner Ritter and myself opposing.

Thank you.

VOTE PASSES 7 TO 2 WITH MAYOR GUNZBURGER AND COMMISSIONER RITTER VOTING NO.

AGENDA ITEM 6

MAYOR GUNZBURGER: We are now moving on to Item Number 6.

UNIDENTIFIED SPEAKERS: (Inaudible.)

UNIDENTIFIED SPEAKER: It's a dog fight.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. RAND: You know, you all just killed the small-time artists. You know, (inaudible) you just put in the hands of corporations and big companies to integrate art into -- into a building. That's big name artists working with the architects. Basically, you might as well just give it to the --

COMMISSIONER JACOBS: You're not recognized. I'm sorry, we cannot speak out of turn.

MR. RAND: (Inaudible) something. There should be a rebuttal of this. We should (inaudible) --

COMMISSIONER JACOBS: Sir, I'm sorry --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- you cannot speak out of turn. (Inaudible.)

COMMISSION MINUTES

MAYOR GUNZBURGER: You are out of order, please. He's an artist.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: It's not that pretty thing that's on the side of the road, is it, John? Oh.

All right. We have -- we are on Item Number 6, a motion to consider an ordinance of the County Commission pertaining to animal care and regulations.

I have quite a few people wishing to speak on this ordinance, and it looks like all the media is very excited about this one.

The most important thing we're doing today, I can see.

COMMISSIONER JACOBS: Mayor Gunzburger, may I ask of staff, I -- our attorney mentioned a side by side comparison, and I haven't seen it.

UNIDENTIFIED SPEAKER: It's right here.

COMMISSIONER JACOBS: Is it -- was it passed out this --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: I don't -- can someone bring me a copy, please?

MAYOR GUNZBURGER: And I would like one, too.

COMMISSIONER JACOBS: Okay. I have not seen it.

UNIDENTIFIED SPEAKER: Very well done, I might add.

MAYOR GUNZBURGER: All right. If -- if --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Well, if it was on --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: All right. Item Number 6, I will have -- it's a Public Hearing, so we will hear from the public.

I am going to call names three at a time, and when your names are called, please come to the front row so that we can hear you and get through this hearing as quickly as possible.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: The first three are Beth Lipsky, Lon Lipsky, and Richard Stroes.

MS. LIPSKY: Good afternoon.

I stand before you today a very sad and very exhausted woman. A woman who has spent the last eight months not sleeping, sitting at a calculator, crunching and worrying about finances, and losing precious time.

COMMISSION MINUTES

One quarter of my two-year-old daughter's life was wasted on this nightmare. What happened on May 3rd was tragic, but it also could have been avoidable.

I'm not going to stand here today and get into the detailed specifics, but we aren't talking about a bloodthirsty attack dog. We aren't talking about a vicious dog looking for something to kill.

We are talking about a rescued Brandy. A ten-year-old arthritic dog who was legally being walked on a public sidewalk on a leash.

We are talking about a dog, an animal that has instincts, which of one is to protect itself and its guardian.

This is not a premeditated murderer running loose on Broward County. Don't you think we have enough of those?

The hearing officer most definitely classified Brandy as scared. Brandy reacted to a perceived provoked threat. The poodle was unlawfully loose, and lunged at Brandy. Transcripts show that there was no blood or barking. Brandy reacted.

Due to the 60 pound size difference, the inevitable happened.

There is nothing more we could have done. This dog was running at large. Would we blame the driver of a car who hit the poodle as it bolted out into the street? Would -- what would have happened if the poodle was a 70 pound pit bull who ran and lunged at Brandy? If Brandy defended herself from a pack of pit bulls, would we want Brandy to die as well?

According to your ordinance, she, the victim, should be euthanized as well.

There most definitely needs to be dangerous dog law. Animals that are true threats must be dealt with accordingly.

But there also needs to be an ordinance in Broward that protects people like me who are abiding by your laws.

I truly believe in the next few days the 4th DCA will find this foolish ordinance unconstitutional. And if any one of you would have stepped up eight months ago, we would not have to be anguished today.

It is heartbreaking and terrible, and there should be no victims of a dangerous dog attack.

But a leashed dog on a public sidewalk, minding its own business for the past ten years should not be murdered.

Thank you for your time.

MR. LIPSKY: I'm here today an angered man. I'm angry for myself, for my family, and every other Broward County dog owner that has had to be affected by this law, both good and bad, that was enacted in 2008.

For the last eight months, you wouldn't listen, but today you will.

I will stand before you, telling you and giving you facts about Brandy's case. I can give you all sorts of facts, but I'll only give you the most specifics.

COMMISSION MINUTES

Seven months Brandy was locked up. 221 days, 5,304 hours, 318,000 minutes, and we, the Lipskys, spent in excess of 15,000 defending Brandy.

Thanks, Broward County.

My -- my family is forced to spend a minimum of 90 minutes four times a week out of our normal life routine for these seven months, visiting Brandy.

Thanks a lot, Broward County.

Every Saturday for 29 weeks, my family spent the morning with Brandy. This is time we should have been spending at the park, the mall, or playing outside with my daughter. This is time that was robbed of my -- my daughter's childhood.

Thanks, Broward County.

It's a miracle that our Brandy held up like she did. She was confined to a five foot by three foot cage with little exercise compared to the time that she spent locked up.

Thanks, Broward County.

On May 4th, 2010, Brandy was ripped from our family because of a very unfortunate incident that happened the previous day. On that day, the law was broken. Not by Beth and Lon Lipsky, but by the persons responsible for the other dog, because that dog was at large.

There's been many discussions since that day about those two words, at large. But everyone from the hearing officer to the chief investigating officer to the County Commissioners have not been able to correctly define it.

From the Broward County regulations site, it is against the law for any person to permit their dog to be at large. In the case of dogs, this means that a dog must be under the physical direct control of a person by means of the following: leash, cord, chain, or confined to the property by (inaudible) of its fence.

If this is a dog that had been hit by a car, it would have been at large, with the responsibility lying in the owner's dog's hands. Why should it be any different for our situation?

On March -- May 4th, 2010, Beth and I made some promises. We promised Brandy that we wouldn't stop loving her, that we'd get her home as soon as possible.

We also made a promise to ourselves and our community. First, we promised to get Brandy home. Second, we promised to lobby to have this law changed so that no other family in Broward County would ever have to endure the mess that we've dealt with.

I stand before you today because we've only achieved half of what we have. Brandy -- Brandy has come home.

And you wouldn't listen eight months ago, but I hope you listen today.

Thank you.

MAYOR GUNZBURGER: Thank you.

COMMISSION MINUTES

And after Richard, the next four are Robert Goldstein, Randa Kunde, and Natalie Cooke.

MR. STROES: I'm a resident of Broward County. I'm a Broward -- proud to say I'm a Broward County firefighter.

I've known Beth and Lon and long time. I've known Brandy just as long. The dog would rather lick your face than bite you.

They're very passionate and sad. They only got two minutes to talk.

I hope your debate is as long as it was for the arts as it is for this, because protecting the dog is my job. That's -- what happened was wrong. The problem is the ordinance is wrong. You got eight months to deal with it, and you didn't. I've listened (inaudible) talk about how they tried to contact anybody. I -- I've been at a -- a political function where Chip was there. I tried to talk to Ken Keechl. He threw his hand up in the air and walked away.

Plain and simple, there's about six or eight or ten of us here talking on their behalf. This is a thousand people out of 3500 people that support us. It comes down to numbers. All these people agree that the ordinance is wrong. A new ordinance is a step to the right direction. It's not perfect, but it's a step to the right direction.

It's a double edged sword, what happened with -- with Ron and Beth, because they lost their dog. But if someone like them wouldn't have lost their dog, it would have never got to this point. Who know, besides the 50-some dogs that got killed before, how long this would have gone on if they wouldn't have stepped up, lost their dog, won the fight to a certain extent, and brought it to the attention eight months later.

You look at the news media, look at CNN, you look at all the papers, there's a lot of this out there. They know this ordinance is wrong, and there's a lot of people that vote who are educated and are -- not about the ordinance, it's -- it's a right direction going to a new ordinance is going into, but it's not perfect.

I'm proud to say I met Chip, and if there were more stand-up politicians like him that did the right thing -- and no one even noticed this until all this came to the attention. And if there's more politicians like him, I wouldn't -- I wouldn't be so sad about politicians.

I vote. Educated. If you decide to vote this law down and go back to where it was, we back out in the same way Keechl went out, everyone that votes against it is going to go out, too.

Thank you.

MAYOR GUNZBURGER: Robert Goldstein.

MR. GOLDSTEIN: Good afternoon. I'm a resident of Plantation, resident of Broward County, taxpayer for over 30 years.

I'm here, actually, to speak on behalf of people being bitten by dogs. And I speak of myself on January 2nd. About 10:00 p.m., I was walking my dog in Plantation. I have a Shitsu. And --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. GOLDSTEIN: -- I was attacked, vicious attack, by a Boxer-Husky mix, about a 85 pound dog. And this wasn't a dog sniffing and then reaching up and biting. Basically, I was on public property where we're required to walk our dog. I live in a townhouse community, so nobody has a yard.

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I sensed that there was a problem. I -- I heard a dog growl. Dog was about 45 feet away on the west-northwest side of the hedge with its owner huddled over it.

I instinctively went down to pick up my Shitsu with my left hand. In the time that it took me to do this (gesturing), as I was coming up, had to be less than three seconds, the dog was in full attack mode, all four paws up in the air, mouth open, growling.

I instinctively protected my dog like this (gesturing), exposing my back to the dog. The dog bit through a leather jacket. I was wearing a long sleeve shirt, a T-shirt underneath that. Still suffered four puncture wounds to my flesh.

Plantation police came out, and then that's when the nightmare of Animal Control came into play with the dangerous dog law.

Because I wasn't bitten repeatedly, because I was able to call off the dog and get it off of me, and because my eye didn't get gouged out, or I didn't suffer tendon or muscle damage, or have fingers bitten off, it wasn't a dangerous enough attack. So this dog, according to Animal Control and Broward County, is not a dangerous dog.

When Animal Control came out and got files from our townhouse community, there were 19 –

MAYOR GUNZBURGER: Just finish your sentence.

MR. GOLDSTEIN: -- there were 19 reports of complaints about this dog, but none to Animal Control. The last complaint was on November of 2010. A female was wheeling her infant, five-month old infant, in a stroller along the same spot where I was attacked, and the dog chased her.

I was just wondering if it's going to take a child to be mauled before there's protection and something's done.

I'm not asking --

MAYOR GUNZBURGER: (Inaudible.)

MR. GOLDSTEIN: -- for the dog to be euthanized, but perhaps once a dog's bitten somebody, there's a muzzle.

Also, the dog had no vaccinations, no registration, nothing. And the dog is still being walked and nothing's happened.

MAYOR GUNZBURGER: Please don't leave, because I'm going to ask you a question later when it's possible, because I --

MR. GOLDSTEIN: Absolutely.

MAYOR GUNZBURGER: Okay. Ronda.

MS. KUNCLE: Hi. Good afternoon, Mayor and Commissioners. Thank you for having this hearing.

I'm also here about dog bites. I would like to leave this for your copies. You may have those.

This is probably what the gentleman's dog bite looked like, because my husband's hand was bitten the same way by a pit bull.

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This particular dog was owned by a sexual predator that lives on our street, that is -- was sentenced in 1989 to 30 years in prison for sexual battery on a child under 10. Has two pit bulls, a male and a female. He breeds them. God only knows what happens to the puppies. They're probably sold for pit bull fighting.

My husband is very lucky. He's recovered pretty well. This is a pretty nasty bite. And this was a male and a female pit bull. They bit my husband, and they also bit another man at the same time.

These dogs were put in the back yard. They were -- the owner went away. The dogs breached the fence, got out, were running at large. My husband was walking our little 30 pound dog, Fletcher. We live on Fletcher Street in Hollywood. We love our neighborhood so much that we named the dog Fletcher.

This guy lives on Fletcher Street, 1721. He was a renter when he was paroled from prison, and the house went into foreclosure and he purchased it for \$74,000, with two other people.

Everybody in the neighborhood is afraid of him. There's a picture of him in there from the website, the public record.

I can tell you that we have a lot of children there in the neighborhood, a lot of mothers walking their children with strollers and their dogs. If this would have happened to them, it would have really been a travesty.

(COMMISSIONER HOLNESS LEFT THE ROOM.)

MS. KUNCLE: You need to vote on this with conscience, with cohesiveness. If you're going to err, err on the side of caution. There's no textbook answer to this problem. We need to create a -- we do not need to create a vicious circle over vicious dogs.

And I -- please, appeal to you to use your consciousness and don't let special interests get in the way. Go by the facts, go by the statistics of Broward County and the dogs they have bitten.

Thank you for your time. I appreciate it very much.

MAYOR GUNZBURGER: Thank you.

Natalie Cooke. And the next three are Suzanne Citere, Mary Majchrowski, Dawn Hanna.

MS. COOKE: Honorable Mayor and Commissioners, thank you very much for having me here today. My name is Natalie Cooke, and I have recently experienced a personal tragedy. My dog, Coco, and my cat, Marbles, were viciously and brutally attacked by three loose pit bulls in my neighborhood.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. COOKE: These animals were at loose with no owner anywhere to be found on January 6 of this year in Cooper City.

My cat, Marbles, was attacked in his own back yard after being chased and being held down against a fence, and being bitten by these dogs.

My neighbor, Cheryl, called to call me to tell me that my dog was being chased, but I didn't hear the phone, because my dogs were barking hysterically, and I didn't know why.

I ran outside to find out why my dogs were barking, and I found these animals in my back yard. I ran at them to try to shoo them away, and when I realized what they were doing, they had my cat pinned

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against the fence, and were biting his stomach. And I grabbed the only thing that was available to me, which was palm branches, and I began to -- to smack the dogs. The didn't even look up.

At that instant, my little Coco, hearing my screams, came running out of my back dog door into my back yard. And at that very same instant -- I'm so sorry -- that very same instant, a third pit bull came around the canal and grabbed Coco. And the two pit bulls spun around and also began to attack Coco.

I would like to play for you the record of what an attack sounds like.

(Audio recording of animal attack.)

Marbles was our pet for 13 years. We have not found his body so Broward County Animal Control says a --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. COOKE: -- a crime wasn't committed. Even though I witnessed the attack, they do not wish to press charges against the two dogs.

My vet says that cats don't come home to die; they hide from their owners. And I truly believe that.

My daughter has spent her money and spent her time going neighborhood to neighborhood, looking for him. One man did call me and say he found a dead raccoon, but he didn't look at it. It might have been my cat.

MAYOR GUNZBURGER: Thank you.

MS. COOKE: If you change the law, please change it so it doesn't affect loose dogs whose owners don't care enough about keeping them confined so this can't happen to anyone else.

This is what I lost. I can't be replaced.

Thank you.

MAYOR GUNZBURGER: Suzanne Citere.

MS. CITERE: Good afternoon. My name is Suzanne Citere. And I'm actually the woman that called the governor and asked for a pardon for Brandy, because it seemed to be the only thing that was going to get it into a newspaper, so that we'd sit up and pay attention.

I ask you if this looks like a dangerous dog, because under the ordinance that you signed in, that's the dog you're putting down. The one that was on a leash.

And I actually ended up, by accident, in the hearing for the dog, with my ten year old daughter. I didn't even know the Lipskys before that day. We sat and listened to the whole thing, and a ten year old was able to decipher that when the owner of the poodle who was killed said her daughter always screams if the dog gets out because we think she's going to get hit by a car or something, even my ten year old was able to look at me and say, Mom, that's not a dangerous dog. They're not going to put that dog to sleep, right?

And I had to promise to her that day that if it was the last thing I did, we were going to make changes to make sure that this dog was not one of the dogs that was put to sleep.

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We emailed all of you eight months ago. Some of you never even responded. And that is -- when you talk about the crazy dog people, I think that's what made them crazy. Because if you ignore people, then they're going to respond to being ignored. And, you know, it has everything from responses that made it clear that you were not familiar with this particular case, which is a dog that was going to be put to sleep.

(COMMISSIONER RODSTROM LEFT THE ROOM.)

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. CITERE: And I called, in addition, dogs all over the county are not being euthanized as a result of this ordinance, when, in fact, 56 of them have been euthanized already.

This is a overwhelming majority, I believe, in Broward County that wants the ordinance amended. (Inaudible) on the Sun Sentinel on line, there was a man by the name Gary Stein, who did an op ed in favor of this ordinance. And on the very same web page, there was a poll that thousands of people voted on, overwhelmingly in favor, 85 percent in favor of changing of the ordinance.

And I know that you're here to represent what the majority of your constituents want. And you might have personal feelings one way or the other, or personal experience one way or the other, but the bottom line is you're here to represent what we want. At least, that's the way it was the last time I checked.

The worst part of all was that the very Commissioner whose district this took place in didn't respond to one email. Commissioner Jacobs, if I'm not mistaken, you make \$92,000 a year. You've got two aides. Marcia Monserrat that makes almost 68,000. Franco Ripple for 50,000. I'm a fine arts teacher at a private school. I have 12 hours to answer my emails, and I don't make even half of what Franco Ripple makes.

And so, at the end of the day, your responsibility is to find out the details, find out what's going on, review the cases, think about why people are contacting you. Because it makes me worry what else are people writing to you about, what else is getting swept under the rug and not responded to. It made me sit up and pay attention, I'll tell you that part.

I'll tell you that now I know that -- that even though I'm working three jobs and trusting you guys to do what you're supposed to do, I have to do my homework. I don't have time to babysit you guys. I need you guys to do the right thing.

Thank you.

MAYOR GUNZBURGER: Thank you.

Mary, and then Dawn, and then the next one will be Jason Wandner.

MS. MAJCHROWSKI: Hi. My name's Mary Majchriwoski, and I'm a professional dog trainer out of Plantation. I also serve on the Animal Care and Advisory Committee in the Animal Behaviorist position.

Overall, I think the revised ordinance is an improvement. What scares me is relying on an organization that's so underfunded, that can't look at a dog like Brandy or some of these other potential dogs, and make decisions in a life or death way.

Unfortunately, I think neither version of the ordinance is going to prevent some of the horror stories that we've heard, and probably will hear. Legislation by itself has limits. It can't take the place of enforcement and education.

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My only concern with the new ordinance, and I don't know if this is a part of the ordinance or a proposed part of the ordinance, is the apparently proposed addition to page 7, line 17, E, that the owner shall at the owner's expense have the dog evaluated by a credentialed animal behavior specialist.

My concern with that is that, unfortunately, animal behavior, animal training is not a regulated industry. And so if this is to be included, that needs serious look, because there's -- there's some potential issues with that, including that dog training done the wrong way can actually make dogs worse.

So that's my only concern, and I don't know if that's an issue or not.

MAYOR GUNZBURGER: Thank you.

Has your -- has the animal care group taken a position on this? Or are you speaking for yourself?

MS. MAJCHROWSKI: I -- I am speaking for myself. We have not had a chance to meet on this. Our last meeting was canceled. I don't know why.

MAYOR GUNZBURGER: Thank you.

COMMISSIONER SHARIEF: Mayor?

MAYOR GUNZBURGER: Yes?

COMMISSIONER SHARIEF: Is it possible to ask them to turn the mic up, because some of the people that are speaking are hard to hear.

MAYOR GUNZBURGER: Sure.

MS. HENRY: I got it.

MAYOR GUNZBURGER: Thank you.

Next was Mary Majchrowski.

MS. HANNA: That was Mary. I'm Dawn.

MAYOR GUNZBURGER: Okay. I'm sorry.

MS. HANNA: That's okay. Can you hear me?

MAYOR GUNZBURGER: Okay.

MS. HANNA: Good afternoon, Mayor, Vice Mayor, and Commissioners. My name is Dawn Hanna. I'm a certified pet dog trainer at Oh, Behave Dog Training, and that means I've passed an exam that demonstrates knowledge of ethology, as well as animal behavior by an internationally recognized certification board.

I'm also a volunteer at Animal Care, and I -- and I also serve on the Animal Care Advisory Committee, although I'm not representing them; I'm just representing myself as a voter and a dog owner.

I'm here to support Commissioner Lamarca in rewriting the Animal Code Section 412, and I also share concerns with Mary. I just think perhaps you should allow for expert testimony in some of these

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cases.

All dogs that have teeth are potentially dangerous. This fact has been demonstrated by all of these really sad stories that we've heard. And I -- I've been holding back tears this entire meeting.

Animals have been killed by dogs or euthanized and taken from their families because of their involvement in deadly incidents. What many of these cases have in common is either a botched or non-existent investigation.

The current ordinance may have seemed like a good idea, but in practice, this law has taken dogs away from their responsible families because they acted like dogs.

In addition, the interpretation of the word "provoked" is in the hands of people that don't seem very knowledgeable in dog behavior. And this miscarriage of good intentions has taken the lives of over 50 dogs that may not have been dangerous at all. These dogs were railroaded to euthanasia for one incident that may not have indicated dangerous behavior.

Please consider the limited resources of this agency. This agency does not have the resources in these cases to obtain all the facts. They can't be burdened with making life or death decisions over one incident without the facts.

This agency is on the cusp of a turnaround. Please support them to educate your residents about responsible dog ownership, and give them the resources to conduct meaningful investigations in these cases.

I appreciate your -- your listening to me. Thank you.

MAYOR GUNZBURGER: Thank you.

Jason Wandner and Russell Rand and -- let me see, who's the next one -- Alyson Casper.

MR. WANDNER: Yes. Thank you, members of the Commission.

I'm here representing numerous families, clients of mine, in fact. The Roberts family, the Lenosty family, Montros family, Conlin family, Turicio family, the Hersch family, and the South Florida Siberian Husky Rescue.

This case has not -- this issue has not been going on only eight months since the -- the terrible situation involving Brandy. This has been going on almost since the day this ordinance was -- was imposed.

I was called about a case involving four Siberian Huskies that, unfortunately, accidentally, not with any malice or intention to cause any ruckus or anything, got out of their house and ran around the neighborhood. And, unfortunately, a small dog lost its life as a result. This was right after the -- the ordinance. Nobody really knew what it was about. It wasn't even on the website.

And from the very beginning, I've been negotiating and litigating and bringing to everybody who would listen -- anybody and everybody who would listen, the mistake that was made when this ordinance was enacted.

It is unconstitutional. It diverts from Florida law. Florida law is clear what has to happen in scenarios like this.

The hearing where the initial issue involving these four dogs occurred, the hearing officer

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basically said, you know, we can't tell who actually did it, so they're all guilty.

And, you know, this -- the one bad thing out of all the situation involving with dogs, I -- I feel -- I'm a dog owner; I love my dog. And I would be just as upset.

But the wording you used, ma'am, you attributed human to consciousness for a dog. Dogs can't be criminals. You can't charge a dog with a crime. It is not legal. It's not rational.

And so to attribute a dog, to give it human consciousness, or accuse it of a crime when they don't have the consciousness to commit a crime, is itself a crime. And that's what this ordinance did.

Florida law, and Broward County's ordinance, which tracked Florida law appropriately, up until two years ago, two and a half years ago, puts the owners, the people who are supposed to be responsible for these dogs, the people who have consciousness, who must exercise their obligations as dog owners and as citizens, the law puts it on them that once they are put on notice that their dog is capable of doing something like this, or that their own manner of protecting (inaudible) --

MAYOR GUNZBURGER: Thank you.

MR. WANDNER: Can I just finish my statement, please?

MAYOR GUNZBURGER: Finish your sentence.

MR. WANDNER: Thank you.

That's where the law has to keep them on notice. Now that you know that -- that something could happen, you must keep notice. And if you can't, then the law will take action.

And the issue of roaming dogs, most of the dogs' situations where the dogs were off leashes that, unfortunately, killed other animals were not due to people letting them out running around, causing havoc. They were because a gardener didn't think about the dog situation and left the back gate open, or the pool guy --

MAYOR GUNZBURGER: All right.

MR. WANDNER: -- or the --

MAYOR GUNZBURGER: Thank you.

MR. WANDER: -- constructor.

MAYOR GUNZBURGER: Thank you.

MR. WANDNER: That's where those situations happened. You can't just assume that because a dog was running loose, that it was --

(COMMISSIONER RITTER LEFT THE ROOM.)

MAYOR GUNZBURGER: There --

MR. WANDNER: -- due to the malfeasance --

MAYOR GUNZBURGER: Sir --

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MR. WANDNER: -- of it's owner, either.

Thank you, ma'am.

MAYOR GUNZBURGER: Russell Rand, Alyson Casper, Richard Castillo. I guess Russell's gone?

UNIDENTIFIED SPEAKER: No.

UNIDENTIFIED SPEAKER: No, there he is.

MAYOR GUNZBURGER: Okay.

UNIDENTIFIED SPEAKER: He's here.

MR. RAND: Russell Rand.

Yeah, I worked in the county environmental, as you know, for -- I was hired over 36 years ago. Lived with dogs, a cat, parrot, monkey, spider monkey.

(COMMISSIONER LAMARCA LEFT THE ROOM.)

MR. RAND: Long ago, came to the realization that all animals are wild animals. And some of them are domesticated a bit, but even though, you know, I have a very gentle lap cat who likes to tear up my hand and all, and -- and in the environment, I mean, I've been chased by everything there is. A wild boar and alligators, rattlesnakes. Was punched in the jaw by a fish once.

And as the attorney said, you know, I don't think there was malice aforethought or whatever.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. RAND: It was just (inaudible) the canals. Almost knocked me out, the fish.

But, again, all animals are wild animals, you know. And I think the law needs to be amended. One strike and you're out is too Draconian. And I know that from working for bureaucrats, because I'm under the zero strikes and you're out provision.

But it has to be on a case-by-case basis. And I know about incompetent investigation things and all, where the wrong conclusion is reached or whatever.

Your heart goes out for some of these people, of course. I don't let my cat outside.

But all animals are wild animals, yeah, no matter how tame they are.

And there should be a financial responsibility.

You can't just execute dogs on -- on one-case basis or whatever. And there needs to be a better compilation of problem dogs.

And any -- again, to address the cat, when you get a pack mentality, and this goes on at any football game, I'll tell you, you know, in any bar or whatever, you get a pack mentality going on that's instinctual. It's in human beings, who do think, and it's in animals who don't think. Their instincts go first. And it -- it's bad enough with people, but animals are very instinctual.

(COMMISSIONER RITTER RETURNED TO THE ROOM.)

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MR. RAND: Thank you.

MAYOR GUNZBURGER: Thank you.

Alyson?

(COMMISSIONER LAMARCA RETURNED TO THE ROOM.)

MS. CASPER: Yes. Hi. Good afternoon, Mayor, Vice Mayor, County Commissioners. Thank you for allowing us to speak.

My name is Alyson Casper. I'm a dog owner, a dog lover. I'm involved in multiple organizations here in Broward County. I participate as -- as an exhibitor in multiple dog events, including agility, fly ball, obedience, and conformation.

(COMMISSIONER HOLNESS RETURNED TO THE ROOM.)

MS. CASPER: I'm also on the National Education Committee for the Nova Scotia (inaudible) Retriever Association.

If this was a perfect world, and all dog owners were responsible, and no dogs were allowed loose, this would not be an issue.

As long as we have owners who have inadequate fencing, no matter how many times they're told, or let their dogs out loose or unleashed, this problem will exist.

The truth is, the problem lies with the people, not with the dogs.

Since we can't solve, or we can't seem to change the behavior of so many people in our community, then there has to be something done to stop these dangerous dogs.

If you can't make the decision on a case-by-case basis, then I am in support of leaving the ordinance as it is.

When you make a decision, or when you see the face of these cute little dogs on death row, these dogs that may have been out time after time after time, people calling, not calling to make the complaint, think of the dogs. Think of the families who have lost their dogs. The ones who have the daughter watching the cat ripped into pieces. Think about that picture when you make a decision about where you want to go on this.

Thank you.

MAYOR GUNZBURGER: Thank you.

Richard Castillo, then Anna Nylander, Lily Sayre, and Megan Donahue.

MR. CASTILLO: Good afternoon. Richard Castillo, attorney for 20 years, owner of 440 Building with my partner, Alan Waldman. Owner of 12 dogs with my girlfriend, including a 210 pound Mastiff.

I merely ask that the Commission, when we're looking at this ordinance, be fair to all parties. You cannot sit there and take a dog that is being provoked by another dog and say unilaterally that he is responsible.

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My Mastiff, when I'm walking him, if -- if he gets accosted by a small dog, it will take every ounce of my 210 pound body to stop him.

You cannot take an animal based upon his size and breed and state that he is -- he is dangerous because he was attacked. Dogs have instincts. When provoked, they'll respond.

I feel bad for the woman like you would not believe. If one of my dogs got -- or cats got destroyed by other animals, I would be despondent.

But a situation like this needs to be fair to all parties. You need to have some level of expertise if you're going to decide the fate of an animal. There must be due process. There must be procedural safeguards.

The law that was written a couple of years ago by Mr. Keechl was legislative abortion. I read it; I was horrified to read it. And I reached out to Mr. Keechl through his colleagues, offering my advice. I offered to rewrite the statute, and was rebuffed.

As an attorney for 20 years, I've seen a lot of the statutes be declared unconstitutional, and the way this one was written was really poorly drafted. It might have been well intended, but it was -- it was scary that someone could lose their animal without any iota for due process.

And I ask that if you're going to rewrite this statute, that you deal with the idea that all parties have been protected. And I will appeal to the Commission, if you want me to help rewrite it, I will.

Thank you.

MAYOR GUNZBURGER: Thank you.

Anna?

MS. NYLANDER: Good afternoon. My name is Anna Nylander, and I own a company called the Canine Academy. I'm a dog trainer, an animal behaviorist. I work with a lot of aggressive dogs.

And I just wanted to say that I -- there's two key points, I think, in the new ordinance. The removal of two to three opportunities for -- for an animal and an owner to take corrective measures, maybe hiring a dog trainer, that was definitely a very sad day when that was done, because, as you've heard from some of these people, these are animals. They -- you know, they have instincts. Some of them never had a fair shot at becoming a good pet. They weren't socialized. They were chained up. They weren't taken out in public. They are dangerous to other animals and people.

And the second part is that I really wish that we can include language that allows for people who have had these incidents to, through the county, get training for themselves, for their animals, so that they can be safer pets to be out in the community.

You know, 50 percent of the people in Broward County own a dog or a cat. So, you know, there just needs to be a support system in place where these dogs and these owners have a chance to become the -- you know, the good pet that they can be. And it can be done. And there's a lot of us here who are happy to help with, you know, designing a program that's proactive, that can give these dogs a chance, and the people to have a chance, and perhaps also offer a grief --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. NYLANDER: -- program for people who have lost their pets.

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Thank you.

MAYOR GUNZBURGER: Thank you.

Lily, and then next three are -- oh, no, I have Megan Donahue, Melissa Carbonell, Tom Austin.

MS. SAYRE: Mayor, Vice Mayor, and Commissioners, I'm Lil Sayre. Many of you are aware that I've been involved with animal care for some 15 years now.

I'm here today representing the Humane Voters Alliance, and we are in favor of this change that's been proposed by Commissioner Lamarca. We've been very concerned since the one-bite law was put into effect, and we know that there have been many unjust prosecutions under the existing law.

Some people feel that eliminating the one-bite law here would give the animals a free pass, but that's not the case, because we still have the muzzle ordinance in effect. So if, in fact, a dog does bite, there's an investigation and that dog would have to be muzzled thereafter.

We certainly agree with the email that was sent by Kathleen Wildes, and the speakers here today who have stressed over and over again that training of the investigators is critical here. The investigation needs to be done by people that have experience in investigations and experience in animal behavior. And we feel that that's very important.

And another thing as far as this ordinance is concerned, the one thing that we would want to add is that we need to have a complication defense. A dog that has been provoked should not be declared as a dangerous dog. And we hope that you will insert that.

And, again, we do support this change.

Thank you.

MAYOR GUNZBURGER: Thank you.

Megan?

MS. DONAHUE: Good afternoon. My name is Megan Donahue. I'm a Broward County resident, and I'm a dog owner.

I'm going to be brief, because we're getting to the point where everything that needs to be said has been said and then some.

I'm very careful with my dogs. I have an 80 pound American Bulldog, and he's big. And I'm careful with him. And I think that you're punishing people because there has been some dogs who have gotten out without their owner's knowledge and things like that, and I -- I just think one tragedy doesn't necessarily have to lead to another.

I think you have to have things in place and protections in place, but it's the owners' responsibility to take care of their dog.

And dogs are wild animals. As much as they're domesticated, they're still animals, and I think we need to take that into account.

Thank you.

MAYOR GUNZBURGER: Thank you.

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Melissa Carbonell, Tom Austin, Joe Montrose, and Jaime Monaco. And then we're done.

MS. CARBONELL: Hi. I'm Melissa Carbonell, and I'm from District 4. I guess I'm special interest, because I want to protect my dog. That's my special interest.

I have a hundred pound dog, and when I saw their story on the news I was really upset. He's constantly being approached by little dogs. They yap in his face, they bite him, they try to attack him. And it scares me. He's never responded. He's (inaudible) a happy adult. But it scares me that if one day he does respond and bites one of those dogs and kills it, you guys would kill my dog. And it's not fair to him.

So there has to be some change to the law so that -- the way it's processed right now, they don't really look into -- to that much detail. They just euthanize the dog within ten days without notifying the owner after they remove it from their possession.

So there has to be a change so that we can protect the dogs, because they are instinctive, and they do have a right to protect themselves.

Thanks.

MAYOR GUNZBURGER: Thank you.

Just a minute. Tom.

MR. AUSTIN: Yes. Hi. I'm Tom Austin, and I am the owner of Gigi, who was one of the dogs that got quite a bit of publicity, being taken in as a dangerous dog.

Let me -- let me first of all say quickly that I think a lot of the -- I heard some of the -- the very sad stories here today, and I don't think anyone in this room wants Broward County not to have a dangerous dog law. I don't want to live in a county without a dangerous dog law.

We need a good dangerous dog law, and this is not it, however.

Some of you may or may not know, I'm also an attorney, so I approach this not only as the owner of one of the dogs, but as an attorney. When my dog was taken in, I -- I looked at the ordinance, and I will have to tell you that I looked at the state statute, and, as you may or may not know, I have appealed this to the county court. I filed an appellate brief; it's about 30 pages. So I -- I'm not going to be able to argue all of that here today.

But I found that the ordinance -- and I really researched it in depth -- conflicts with the state law.

And I'm going to tell you, the first time I read the state statute, I said I'm screwed. I read the last paragraph of the state statute, which the county has attempted to use to validate their own ordinance, and I said, boy, they're right. You know, they can write -- they can change the state law and adapt it to the ordinance.

But I have read that statute now probably 7 or 800 times. And if you read the statute as it was -- as it is written, in full, (inaudible) dangerous dogs, the statute springs from a higher -- two or three pages of the statute defining dangerous dogs, and then at the last paragraph it says but if you have a dangerous dog, and they can put in parentheses as we've just defined it, then you can have more stricter ordinances.

MAYOR GUNZBURGER: Thank you.

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MR. AUSTIN: Okay. Thank you.

MAYOR GUNZBURGER: Joe Montrose. Has he left?

UNIDENTIFIED SPEAKER: Yes.

MAYOR GUNZBURGER: All right. And Jaime or Jaime --

MS. MONACO: It's Jaime Monaco.

MAYOR GUNZBURGER: Okay.

MS. MONACO: Hi. I live in District 1, and I, too, have a large dog. And I was unaware of the current ordinance until I had heard the plight of both the Lipskys and Tom Austin.

And as somebody who visits all of the dog parks in Broward County, I rotate them, my -- like I said, I take my dog there every weekend to one of them, and, you know, he's a submissive dog, but I thought, you know what, he gets snapped at a lot by little dogs because he's all furry and, you know, he -- he intimidates them just by his look. But he's very sweet.

He gets -- he's been bit before by neighbors' dogs. And, you know, I think to myself, one day I'm, like somebody else said, not going to be very lucky, and then my dog is actually going to be the victim, just from defending himself. Because, unfortunately, under the current ordinance, unless you have \$500 to appeal, and -- you know, you're -- you're pretty much screwed.

(COMMISSIONER LAMARCA LEFT THE ROOM.)

MS. MONACO: And that's -- that's the fear that I have is that under our current ordinance, if -- if I need to protect my dog, it could be a financial burden on me and, you know, there's -- my dog can be confiscated regardless. And, you know, his life will just wait in the wings, like the Lipskys' and Tom's did.

And that's my concern. And I would just hope that the current Commission takes a look at it with fresh eyes and sees both sides of it, but also realizes that the state spent a long time, I'm sure, developing the law and all the statutes with it, and, you know, re-writing one for Broward County, or putting one in place that differs, isn't really necessary? A dangerous dog -- I'm sorry. That's all.

MAYOR GUNZBURGER: Thank you.

(COMMISSIONER LAMARCA RETURNED TO THE ROOM.)

MAYOR GUNZBURGER: And that concludes our hearings.

I had one question where I'd asked Mr. Goldstein to wait. If he's still here?

MR. GOLDSTEIN: Yes, ma'am.

MAYOR GUNZBURGER: Could you come back to the mic? Because I plan to propose something that we can vote on at a subsequent meeting.

Was the dog that attacked you on a leash?

MR. GOLDSTEIN: I did not see a leash. It was 10:00 p.m. The owner was huddled over the dog in a hedge, and, as I say --

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MAYOR GUNZBURGER: No, I just wanted to know if they were on a leash.

MR. GOLDSTEIN: She -- she says it was, but the dog traveled 45 feet and attacked me in less than three seconds, so I doubt it was on a leash.

MAYOR GUNZBURGER: Unless it was on a retractable, but I didn't think they go that long.

UNIDENTIFIED SPEAKER: No.

MAYOR GUNZBURGER: All right. Thank you.

MR. GOLDSTEIN: But what the lady just said before about having a muzzle, the dog is not required to wear a muzzle, and the investigation by Animal Control was horrific.

MAYOR GUNZBURGER: All right. Thank you.

When we're through, I want to talk about leashes.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Yeah, I would like my -- what I'm going to be looking for is if we look to have a leash law, that these dogs will be on leashes; the dogs should be walked on leashes, and that they be six feet fixed leashes rather than retractables. Because retractables, you really don't have good control of your dog. They can go a long distance without you being -- being able, as a responsible owner, to pull your dog back. If it's on a six-foot leash, I think you have that ability.

But that's for another day. That's what I'm going to be looking for when we get through with this -- dispose of this item.

Now, Commissioner Lamarca, it's your item. Would you like to speak on it first?

COMMISSIONER LAMARCA: A few things. But I did note -- is Commissioner Rodstrom going to be coming back or?

COMMISSIONER WEXLER: I'm sure he is.

MAYOR GUNZBURGER: I -- I imagine he is, but I have no idea where --

COMMISSIONER LAMARCA: Okay. A few things, because this is reported to be a political thing for me, and it wasn't.

You know, one -- one of the incidents that -- that we heard about, and, unfortunately, no law will ever prevent some of these horrible accidents, the -- the family with the dog and the cat who were horrifically killed, it's terrible. But that was also in Cooper City, and they have their own dangerous dog ordinance, like we do in Lighthouse Point, because we didn't quite believe in what was done here.

The -- the ordinance itself, and there were some terrible horror stories. Again, anybody who has a pet, I don't care whether you're a dog, cat person, if you have a bird, whatever it might be (microphone feedback) --

MAYOR GUNZBURGER: Is that a dog or a cat?

UNIDENTIFIED SPEAKER: (Inaudible.)

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COMMISSIONER LAMARCA: It's an angel.

You know, the -- the stories that -- that we heard were terrible. But the fact is that the current law wouldn't have prevented any of these deaths. The new law won't prevent any of these deaths.

The only thing that will prevent these deaths are, unfortunately, what we can't legislate, is responsibility. We can try to. And we can have a leash law, which we already have.

You know, I have a -- I have a 24, 25 pound Basenji, and that's a medium size dog. It's known as the African Barkless Dog, so they don't make any noise. You won't hear them coming. But I don't -- I don't know what she -- you know, I don't trust her around other dogs or other dogs around her. There's a -- there's a docile, probably 15 year old Husky in the neighborhood that walks off leash. It's a great dog, and the neighbor's a great guy, but I always tell him you need to put your dog on a leash, because you never know what can happen.

And, you know, as we looked at -- as we look at the law, everybody kept saying what do you want to change about this law. Was it -- was it the political thing? And somebody made a political statement. That's not why we're talking about this. No matter how everybody votes on this, this ordinance is about what -- it's about responsible government, it's about a common sense law.

You know, we looked at some of the -- some of the backup, and I agree with -- with a lot of the input that other Commissioners had.

I think if we get to state law, the biggest issue is -- is responsibility of the owners, and it's also in enforcement.

And, quite honestly, I think there's some -- there's some truth to what was said, that the -- the division prior as it was run had some issues. The division as it's run now, I think, put a new face on things. I think it's more positive.

I took a -- took a trip there, and, you know, one of the worst things to see, and we can't talk about breed specificity, but we can say that saw -- you know, that I -- when we did our tour of Animal Control with Cynthia Chambers, you know, there was the vicious pit bull and then the five that this vicious dog practiced by attacking and maiming. And it's horrible.

But the situation is people need to be responsible for the dogs.

Now, if -- if these dogs that were on the loose were -- were they -- if they were pets, if they were owned, if they were licensed, if they had -- if they were responsibility of somebody in the neighborhood, then that -- that somebody, just like this Boxer, needs to be approached. They need to be -- they need to face the punishment. Because it's -- it's terrible. I mean, these are -- literally, if it -- if the wrong animal is not treated properly, it can be a -- it can be a weapon, you know.

But it's up to us to control -- to try and have as much control over -- over these -- our animals, who are members of our family, and -- and try to prevent accidents like this from happening.

I want to -- I kind of want to hear what everybody has to say about it.

MAYOR GUNZBURGER: I will be happy to call on whoever wants to approach this delicate problem.

Who -- Commissioner Jacobs.

COMMISSIONER JACOBS: You know, it's interesting, I -- I don't see it as that delicate. I think that we

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have an ordinance before us that has a lot of solutions to some problems that, admittedly, the ordinance, which I had pointed out, wasn't just Ken Keechl's ordinance. I think every County Commissioner voted for it. At that time, it was drafted by the County Attorney's Office and presented to the Board as legally defensible, and all of us voted for it.

Time has gone by, though, and there are circumstances that the ordinance as previously drafted did not contemplate.

And so, while there are some changes that need to be made, there is, at the end of the day, the very basics of dangerous dog.

And the question is, in my mind, how do we -- where do we go from here? The ordinance attempts to move back toward state law. First of all, a more legally defensible position for the county. But, more importantly, to define what is a dangerous dog, and has been pointed out by so many people, the owner of that dog, what happens as a recourse -- as -- as a result of the owner's dog not behaving in the way that we would all like to see.

So to speak to issues of the ordinance, first, I think just a few months ago my son was walking door to door canvassing for somebody who was running for office, attacked by a dog that jumped up, opened the door. It was one of those door knobs that has -- you can push on it and it slides down and it opens. And the dog got out and attacked my son.

Someone had a photograph here of a hand. That looked exactly what my son's hand looked like. And it turns out later on that I learned that this dog routinely bites people who come to the house.

So people have a responsibility to their dog. The problem is those who are bit by these dogs are not reporting it. And I'm not too sure that even with this ordinance that at some point we need to come back and create some easier opportunity for people to make their stories heard.

We heard person after person come up here today and talk to us about knowledge they had, and knowledge that the community had, and many of the letters that we've received were people know where you can run, if they're a runner in the mornings, and where not to go because of a certain dog. But yet the dog still sits there, undeclared as a dangerous dog.

What this ordinance attempts, rightfully, to do is to define what is a dangerous dog, to define that as you are interpreted to be a dangerous dog through a series of hoops, that once that happens, it kicks in all kinds of measures that would then protect any future re-occurrence of -- of an attack. And that would be -- it's a long list to go through the ordinance now; everyone's got a copy of it. There are lots and lots of steps that an owner must go through.

So I, in general, support the ordinance, and have since we first discussed it. I think this Board has had a lot of harmony in thought on what we ought to do.

The area where I kind of have some divergence is in two areas. The first is that Commissioner Rodstrom introduced an item for a leash, and my concern about his amendment -- oh, my, we have too many papers here today --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Here it is. Okay.

The issue of being -- what he wants to do is add in language -- I don't know if you all have it, so I will read it. After -- on page 2, line 18, insert after assault, or if the incident involved the death or -- of or injury to an unleashed dog, and resulted from the unleashed dog attacking or provoking a leashed dog.

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We've -- I have concerns, and -- and, Mayor, you -- you started to go there a little bit about what the issue is with the leash. Because you can have your dog on a leash, and your dog can be walking on my property. Your dog should not be walking on my property. If they have a leash, they should stay in the public right-of-way.

So the issues of leash and how we define a leash, I think is important. And so as this item's been written, I'm -- I'm not supportive of this amendment, because of the issues associated. Just the mere fact that you are on a leash doesn't mean that you are being a responsible owner. There are lots of other extenuating circumstances, one -- one issue of which I like about this ordinance is it allows for a hearing officer to consider extenuating circumstances, or even mistakes by those who have been reporting what happened.

The County Attorney gave us also a three-page side-by-side comparison of the existing state law, the existing county ordinance, the proposed county ordinance, and the Palm Beach County ordinance.

And in talking to the County Attorney, there are many elements of the Palm Beach County which are virtually exactly the same as that which has been proposed by Commissioner Lamarca.

There is -- in fact, as I go through it, I believe there's really only one significant difference, and that is in defining what is a dangerous dog.

In defining a dangerous dog, under the Palm Beach County ordinance -- now, again, this isn't what happens if you've been defined, as far as the one -- the euthanasia and the following steps that came, but just being defined as a dangerous dog -- has once severely injured a domestic animal while off the owner's property, while state law says more than once severely injured a domestic animal while off the owner's property.

When we talk about all of these issues that are happening with dangerous dogs, I think it's inherent that once you have attacked, being defined as a dangerous dog is a very responsible step to go forward. There are a lot of areas that get kicked in as you get -- go under this definition.

And so I would like to see us, in that regard, when it comes to being defined as a dangerous dog, that once you have severely injured a domestic animal while off the owner's property, it shouldn't be more than once. If you roamed off the owner's property, it should be -- is that what you submitted was? Okay. Because I was going to next --

COMMISSIONER WEXLER: It's the Palm Beach (inaudible).

COMMISSIONER JACOBS: It's the Palm Beach one. Okay.

COMMISSIONER WEXLER: It's (inaudible) model.

COMMISSIONER JACOBS: Well, as I was sitting here trying to compare all of these different items, the pages and pages of them that refer me to different lines, and then re-order the different lines --

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER JACOBS: -- I guess at the end of the day, where I am is I am complete in line with what has been proposed by Commissioner Lamarca, with the exception, which apparently has, in this pile, been proffered by Commissioner Wexler, and that is once you have severely injured a domestic animal.

Now, there's one other issue that has come up, and that is the gentleman that was here that

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talked about being bit through his jacket, and others here who's come up.

And what I understand is that I think we need to do a better job in defining the word severe, because when it comes to being bit through your clothes and having these kind of severe bites on a person, now we're not talking about death or harm to another pet, but to a person, for those things to not be considered by Broward County as severe or warranting definition as a dangerous dog gives me great concern.

I think that we need to better define severe. And so I would ask you, Mr. Meyers, where, if anywhere, do we define what severe is, and how can that be a little more massaged so that, in fact, the bites as described by this gentleman would actually be part of the definition of a dangerous dog?

MR. MEYERS: Well, Commissioner, severe is not specifically defined in here. Certainly, it could be.

However, from my interpretation of -- of state law and our existing ordinance and our proposed ordinance, and the Palm Beach County ordinance, the type of attack that occurred would be sufficient for that dog to be considered dangerous.

The -- the first -- we broke this down on the first page of the matrix to five different elements, and there were five different ways for a dog to be declared dangerous under state law.

COMMISSIONER JACOBS: Right.

MR. MEYERS: It's four, but we divided it just for ease of analysis.

The first one is aggressively bitten, attacked, endangered, or inflicted severe injury on a human. So that certainly sounded like it would be an aggressive bite, attack, or endangerment. So I --

COMMISSIONER JACOBS: Despite the -- despite the word severe, it would be covered under the other -- is that what you're saying?

MAYOR GUNZBURGER: Because they -- they didn't consider it (inaudible).

COMMISSIONER JACOBS: Because if that's the case, then isn't that -- how is our existing ordinance not covering that -- that --

MR. MEYERS: Well -- well, it should be. And -- and also, Ms. Wallace just pointed out to me that there are existing definitions in 4-2 that we're not changing. One of them actually is of severe, and it is consistent with state law.

(COMMISSIONER RITTER LEFT THE ROOM.)

MR. MEYERS: So for the severe injury component, it says severe injury shall mean any physical injury to a human or domestic animal that results in broken bones, multiple bites, or disfiguring lacerations.

So it wouldn't fit --

COMMISSIONER JACOBS: Okay.

MR. MEYERS: -- that -- that would probably not fit within the severe component, but it may fit within the other components of that.

COMMISSIONER WEXLER: You might want to look at the Palm Beach definition of severe.

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COMMISSIONER JACOBS: Okay. So here's where I -- I think we still -- I would like some better definition so we understand what severe means.

When you're speaking of people, when you're speaking about an adult male in a leather jacket, and the county decides that that's not severe, I have issues with that, because had that been a child whose skin and bones are much tinier, then you are now talking about a life threatening injury.

So it -- it shouldn't be reliant upon the stature of the victim. Rather, the -- the effect of it.

MR. MEYERS: Commissioners, I guess, if I may respond to -- to this part of that, as well, severely is defined under Florida law, and it's consistent with what is in our ordinance.

We are as -- I don't know if it was Mr. Austin or -- I know somebody stated, and inaccurately so, that with regard to the definition of dangerous dog, our belief, our legal analysis, is that we are constrained by the state definitions.

There are ways to try to -- to come up with another -- other category of regulation. That's what was being proposed by Commissioner Wexler, when you define a term called aggressive dog that would apply on the first bite and impose certain conditions and restrictions and requirements then.

I am, though, reluctant to recommend redefining terms that are defined under state law. And that's just -- just our legal advice on this point.

We'll -- we'll do what the Board wants, but it would be something that is very subject to challenge.

COMMISSIONER JACOBS: Well, thank you, Mr. Meyers.

And having been down this path already with an ordinance that may or may not be in all of its elements legally defensible, I certainly don't want to venture that direction now.

But to the degree to which we're able to understand how injuries of that sort could be defined as not severe, that just -- I just think that's terrible, because it continues to happen over and over, as -- as judged by the -- the various letters that we've received.

(COMMISSIONER RITTER RETURNED TO THE ROOM.)

COMMISSIONER JACOBS: Finally, Commissioners, I wanted to bring to you the amendment that I have proffered, and that is about the victim.

We've had a lot of conversations about the owner and the owner's responsibility, and how their dogs were acting naturally, and it wasn't their dogs' fault.

The one thing for sure we know whose fault is those animals who've been absolutely either killed and mauled in such horrible ways, and I know you all received the pictures of the donkey and the goats and -- and what became of them. I don't know if anyone in the public has seen these, but this is --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- this is horrible. Horrible, what happened. And the victim, there was no restitution for this victim, these victims, and the owners of these. They are still covering to recover. And they aren't the only ones. These are just very vivid pictures. We've received pictures as well as testimony from what happens to those families who also lost a beloved pet, and they seem to get lost in the shuffle, because they have to dispose of that animal. And in some cases, they have to go to the vet before that animal actually passes away, and they have to endure those costs.

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So in talking to the County Attorney, with the fines that already are levied, isn't there some way that we could put some money either into a victims' trust fund, or some way that the victim could seek some reimbursement of their legitimate, documented expenses?

And so the County Attorney has drafted this language. This language was drafted because it could be included as a part of this ordinance without re-advertising.

There is also another way in which these -- the same thing could be accomplished through a trust fund that would require coming back with additional -- and, actually, a new ordinance, and changes to some of the other administrative codes that we have.

This seemed to be the most expedient way to get there, and so it is proffered today for you to consider. And I encourage you to.

The language says the -- it's a new section that would be added -- the -- once a dog has been defined as dangerous. This is not until all of those other steps have happened, and a dog has actually killed another pet.

The owner shall be required to sign an agreement provided by the division to pay the victims' documented, reasonable veterinary expenses and disposal costs, if applicable. The owner of the dangerous dog shall deliver a check payable to the victim to the division within 15 days after being provided with the documented, reasonable veterinary expenses and disposal costs.

All of these would have to be vetted through the county staff before they would be passed on as -- amongst the other elements that a dog owner whose dog had killed another pet would have to go through, and a dog who had subsequently been defined under all of the different criteria as a dangerous dog.

So I'll ask you today to consider the victims and the costs that the victims endure, and to make sure that this ordinance doesn't just address those responsible owners who are trying to do the right thing, but also to remember that there are victims out there who never do have any recourse.

Thank you.

MAYOR GUNZBURGER: All right. Commissioner Sharief.

COMMISSIONER WEXLER: (Inaudible.)

MAYOR GUNZBURGER: Yeah. But -- but you -- you talk a lot more frequently than Commissioner Sharief.

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER JACOBS: It's her turn.

MAYOR GUNZBURGER: So when she talks, it's, you know, something special.

UNIDENTIFIED SPEAKER: (Inaudible.)

(Laughter.)

COMMISSIONER SHARIEF: Wow. Wow.

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COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER SHARIEF: I'm going to try. I'm going to try.

Well, I know we've had lots of discussion about the dangerous dog ordinance, and I -- I'm very sympathetic and empathetic to the people who have come up with their stories of tragedy.

I just would like to say going forward I'm more in mind with keeping with the state law when we -- I would say revise our dangerous dog ordinance, because I can just see going to this Palm Beach model, and, again, having people come before us saying that the once while off the owner's property, or the once while -- the once in terms of severely injuring a dog, or killing a dog, is going to become an issue, because in -- in some of the scenarios that we've heard today, this would -- it -- this wouldn't fix their situation. This would only make it worse.

I mean, I can think of about two or three of the people that have come up today and spoken, that if we change to this Palm Beach County ordinance, it wouldn't help them a bit.

So I don't think that we're going to come down on any side of this and please everybody. You can't.

And for legal purposes, I think that we'd probably do best by sticking with the state law and not altering it, because I can see this becoming an issue down the road.

And, you know, I've always been an advocate for, you know, humane treatment of animals. In Miramar, you know, I helped to pass the tethering ordinance for dogs in Miramar, because they were being abused and mistreated.

The issue becomes at what point do we -- do we want to continue to take on liability in terms of owners who are not as responsible as others, or owners who have dogs who they may or may not be able to control, or owners who have had dogs who have accidentally escaped from a confined area?

So I'm -- I'm just a little bit leery about approaching this -- this topic and -- and doing what Palm Beach is doing. You know, I'm -- I'm just not comfortable with that.

So -- and I'd like to err on the side of caution and stay within the state law.

So that's what I have to say. See, short, sweet, and to the point.

MAYOR GUNZBURGER: Marvelous example.

COMMISSIONER WEXLER: Let's see if we can get you comfortable.

UNIDENTIFIED SPEAKER: Uh-oh.

COMMISSIONER WEXLER: And the reason that I -- I state that is because -- and -- and I apologize for getting it out while the meeting was going on, but we worked on it -- I've been working on this thing for weeks. Literally, for weeks, trying to balance -- and that's what I heard Commissioner Jacobs say, the balance -- the victims, as well as -- there are victims here, and -- as well as the owners.

And we heard from everyone here today, and I -- I listened and I took notes and I -- and -- and I'm really -- we have responsibilities up here. We have responsibilities to try to do the right thing.

And there were folks that stood up and they're going to work against us, and they're going to this and they're going to that. And that's not something that -- really, threats -- threats are not particularly

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well received by anybody. No one stands up -- no one sits here and makes a decision without thinking it through and analyzing the pros and cons, and trying to find balance.

When we asked our attorney to create a comparison for us of what the current ordinance is, what the state law is, what the Palm Beach model is, and what Commissioner Lamarca has brought forward, which is a mirror image of the state law, one of the things -- the most compelling thing, for me, that stood out -- and I want to disclose, I do not have a dog or a cat. I haven't had a dog or a cat for probably 20 some-odd years. I own a bird, who's going to outlive us. And both of my daughters own small dogs.

I -- something that many of you said was about the investigation. And I really believe that in both of the cases of -- and -- and I haven't read the transcripts of the hearing officer -- both the Brandy and the Gigi case, that the key word was provoked versus unprovoked.

And from at least what the parents of the dogs, Brandy and Gigi, stood up and explained to us, it seemed to be unprovoked.

And --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: I'm sorry. Provoked. Yeah, yeah, yeah. I saw your faces. I saw your faces.

No, provoked. That the little dog came and barked and barked. And barking is provoking.

Now, what do we do about it? There's still -- it resulted in a death. It did result in the death of a little dog. And so somebody was hurt. Not just the victim, but the owner of the little dog.

And the way the state law is -- is -- is written, it's okay, it's one free kill. And it is. There's no nice way to get around it. If you kill a human being, or you severely injure a human being, there's a different rule. But if you kill an animal, you pretty much get a free pass.

What I was looking at, and what I wanted to be able to do -- because I don't think that it's the dog's fault; I really believe that it's the owner, the owner of probably the dog that's doing the provoking, and the owner that should be tightening up on the leash -- how do we -- how do we take a look at putting in some kind of a trigger mechanism, or a step-up mechanism.

And so sitting with -- with Mr. Meyers, what we spoke about was inserting prior to, and that's what was passed out; it would be on page 3 -- and nothing requires euthanasia.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: So that's out of the equation altogether.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: It's -- right. It's not -- it's not euthanasia. It is that there's now requirements. There's penalties. There are -- there's muzzling, there's licensing, there's pictures submitted, there's chip inserted. There's different provisions. And the lawyer has actually submitted a whole raft of -- of -- of different potential amendments as -- as well.

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER WEXLER: Yeah. There's another whole thing that -- that -- that the County

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Attorney's Office had submitted.

But what I was looking to do was create an aggressive dog category, before you actually get to be a dangerous dog. And the -- the -- what Palm Beach was dangerous and vicious. I don't want to use the word vicious. I think dangerous is just fine.

But before it becomes dangerous, there -- it's called aggressive.

And with that, I know this is a deviation, and certainly would require another Public Hearing, right, Mr. Meyers?

MR. MEYERS: Well, it's a -- it's an interesting thought. I was actually thinking that we're currently regulating our dogs after the first bite anyway. It's probably within the title, although we are coming up with another definition.

We could -- we could act on it today if that's something that you want to do. If it's challenged and we ultimately (inaudible) --

COMMISSIONER WEXLER: It's another step --

MR. MEYERS: Yeah.

COMMISSIONER WEXLER: -- in the process, is what it is. It's really something that the public has not seen, and I -- and has not reacted to at all. My colleagues just saw it passed out an hour and a half ago. They -- they -- they get my -- my public explanation as to where I envisioned it fitting in.

But it created a category of owner responsibility. And -- and in that, there were certain requirements. And with that was the category of aggressive dog.

Then, if there is a second bite, then the dangerous dog one as it is currently portrayed --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- would -- potentially, it could be. But that's also in the state law, the second bite. It -- you know, that's nothing -- that's nothing different than what is in -- in the state law, by second bite to an animal.

That -- that's where I'm coming from. I'm coming from trying to create a balanced approach here, a fair approach for the victim, as well as the victimized. And I'm -- I'm just not -- you know, it's -- it's sounding to me and -- and, Lil, you said, you know, you stood up and -- you were sitting out there. There you are. There you are. I see you. You -- you had said one of the things about botched investigations and -- and different interpretation of words. And your email was very thoughtful and -- and very compelling as well.

MS. SAYRE: (Inaudible.)

COMMISSIONER WEXLER: (Inaudible.)

MAYOR GUNZBURGER: No back and forth.

COMMISSIONER WEXLER: I get to mention your name.

MS. SAYRE: (Inaudible.)

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MAYOR GUNZBURGER: No back and forth, please.

COMMISSIONER WEXLER: No, you don't get to -- it's not that way. You know. You've been here enough times, you know that.

But -- but there are things that we heard today, and it is very important, also, that we give the Attorney tools to defend us properly as we move forward with this, but that we also protect the residents and the animals that live in Broward County.

I will tell you that Dr. Sarno, and the pictures that you held up, I met with her over a week ago. She has a personal tragedy herself with her young daughter, and she's at Duke University Hospital with her today or she would have been here.

And that type of an incident where you have a -- a band of wild dogs, literally, out there causing havoc in a community -- Ms. Cooke stood up and -- and told of her story. They were and continue to desperately be looking for the second victim, Marbles.

They are looking for the second victim because with the way that staff is interpreting what the statute is at the state level, those pit bulls that swam across the -- the pond to get to her cat and dog get a free kill.

I don't think that's what we want. I don't think that's what we want. So what I'm trying to do is find some balance here. And I'm not sure that I found it yet, but I think that as we continue to work on it -- I'm going to tell you, Commissioner Lamarca, just putting the state law in place and allowing for a free kill doesn't get me where I need to go.

And I do want to address Mr. Goldstein. I think he's under the impression that the dangerous dog ordinance, even the one proposed by -- by yourself, Commissioner, has a muzzling requirement in public, properly confined when on premise, display a sign of -- of dangerous dog, an implanted chip, and a registration process. So all of those components are in place.

And so, again, there's lots of misinformation that's out there, too. And it makes it even more difficult for us to do what we hope to be able to do.

MAYOR GUNZBURGER: If there are no more comments --

COMMISSIONER WEXLER: Is Rodstrom coming back?

MAYOR GUNZBURGER: Not for a while; he's at the doctor's.

If there are no more comments --

COMMISSIONER JACOBS: Mayor, the -- the -- I'm sorry. The County Attorney has a whole laundry list, and I would like him to go through them one at a time, because he, too, is suggesting -- we have a lot of amendments here.

And so I'm not sure procedurally how we're going to get through them. Either vote each of them up and down, which would seem to me to be the cleanest way to -- work through the ordinance, but I know the County Attorney, I'd like to at least hear him speak to the changes he himself thinks that need to be made.

MR. MEYERS: Thank you. That's -- I was actually going to state that. Thank you.

COMMISSIONER JACOBS: You're welcome.

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MR. MEYERS: What -- what we did was we started with state law, because that was our direction, and that is the most defensible position. But, unfortunately, state law is not that artfully drawn, either.

So in going through some of the other ordinances that are out there, we saw some clarifying language that really doesn't change the -- we don't believe, the substance.

So we're proposing that this be included in with consideration of the proposed ordinance. And I can go through that page by page very, very quickly.

Does everybody have it in front of them? Those who want it in front of them have it? Thank you.

MAYOR GUNZBURGER: This one? You mean the original or --

COMMISSIONER JACOBS: No, it looks like this.

MR. MEYERS: This is -- well, one of them, I think, is just a -- it talks -- it's provisions from the Palm Beach County ordinance, and the other one is actually the one that we prepared.

MAYOR GUNZBURGER: Which is the purple cover that has what you're talking about?

COMMISSIONER JACOBS: It has a purple sheet on it.

MAYOR GUNZBURGER: Gee, thanks.

COMMISSIONER WEXLER: It has (inaudible).

COMMISSIONER SHARIEF: Too -- too many purple sheets.

MR. MEYERS: Yes, it has five pages --

MAYOR GUNZBURGER: Found it. Thank --

MR. MEYERS: -- and it -- it won't --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Okay. Thank you.

MR. MEYERS: -- it won't take that long.

MAYOR GUNZBURGER: All right. One from you.

COMMISSIONER JACOBS: (Inaudible.)

MR. MEYERS: Yes, thank you.

The -- the first change is essentially just to clarify. We're providing for a certain hearing here. In other sections of Chapter 4, which has to do with animal regulation, there were certain court proceedings that are available.

So the only change here makes it clear that you have to go through this administrative process. It's really just a very legalistic change.

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The second one just says that there were certain requirements that are applicable only if the owner maintains possession of the dog. And that just makes sense, because they couldn't maintain them if they didn't have possession of the dog.

The third one, which is page 5, line 15, is -- is just the reason for imposing a requirement is to prevent the dog from coming into contact with a person or domestic animal other than someone in that immediate household. It's language borrowed from Palm Beach.

The -- the fourth one, and this is -- we had put in there -- one of the changes we had made from state law, and there very few that were included in the initial draft, had to do with sort of an administrative search that would enable us to enter properties, if necessary, to make sure that people are complying with the requirements once dogs are classified as dangerous.

We probably overreached a little bit there, and just to be safe, we made that change that an owner is going to be executing a -- a form that consents to us going into the exterior of the premises. And it -- it basically just makes it cleaner for us to do that, and less subject to challenge.

The fifth one is -- is page 9, line 20, and what this does is it just answers the question as to what happens if an individual is unwilling or unable to comply with the dangerous dog requirements.

One thing we don't want to do, obviously, is to have a dog that is subject to classification as being dangerous and then none of the requirements are followed, and the only thing we can do, basically, is -- is fine them for violating it. This allows the dog to basically be taken over by the division and euthanized if necessary.

Number -- number six is just some -- this is on page 9, lines 21 through 24. This talks about when a -- a dog basically may be impounded. If the owner does not get the dog back, as -- if an owner is not in compliance with the dangerous dog regulations, the dog is impounded, the owner has a period of time to get the dog back and to pay our impound fees. If that doesn't happen, it allows us also to dispose of the animal.

Number -- the next one is page 10, line 9. The fine used to say not to exceed \$500; we just put a fine of \$500, because, frankly, we didn't see standards in there. Standards are a good idea when you're determining how to assess a fine. They seem to be easier.

The next page just says that if an owner refused to turn the dog in for impoundment, it's a violation of the chapter, which we'd be able to enforce in court if we needed to, or to fine. So it just basically perfects our rights.

The next page, something taken from Palm Beach, also. I think it was implied in the ordinance, but it's good anyway. The hearing is scheduled, and the individual fails to appear before the hearing officer, then the case is dismissed, and that results in a -- a classification of dangerous.

That's it. It's really just housekeeping and clean up. And we would suggest that they all be included in the proposed ordinance at the time it's considered.

COMMISSIONER JACOBS: May I ask a question?

MAYOR GUNZBURGER: Absolutely.

COMMISSIONER JACOBS: Okay. You have in here at the discretion of the hearing officer, so that would -- there are many reasons why someone might not be able to attend a hearing, so this allows the discretion of the hearing officer for any extenuating circumstances.

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MR. MEYERS: Yes. And that's -- that's consistent with -- with court proceedings. The -- so, yes, it does --

COMMISSIONER JACOBS: Okay.

MR. MEYERS: -- if there are -- if there was an emergency, then it could be continued and delayed.

The one thing that I did want to mention also, just to make sure that it is in the record, is that Commissioner Lamarca had proposed earlier another condition, and this is actually a condition precedent to a dog -- to an owner being able to register a dog as being dangerous. This is a separate purple sheeted item. It's on page 7, line 17.

And what it says is the owner shall -- and you all should have a copy of this, but I did want to make sure you did, and no need for me to read it if you -- you have it and --

COMMISSIONER JACOBS: Which one is that?

MR. MEYERS: -- you understand there as a proposal.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: It's this?

MR. MEYERS: Yes, but it's -- but it's --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MEYERS: It is. It's short. The owner shall, at the owner's expense, have the dog evaluated by a credentialed animal behavior specialist, provide a copy of the written evaluate to the division, and agree in writing to comply in full with all recommendations made by the specialist.

That is not --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MEYERS: -- that is not at the stage of determining whether a dog is dangerous.

COMMISSIONER JACOBS: Oh.

MR. MEYERS: That is after a dog is already determined to be dangerous. It would be another condition precedent to being able to obtain a registration, which is something that's required.

I mean, I don't have --

COMMISSIONER JACOBS: I'm sorry, I'm confused by that one. May I ask a question, Mayor?

MAYOR GUNZBURGER: Yes.

COMMISSIONER JACOBS: If -- and maybe it's a question for Commissioner Lamarca.

Is the intent once the dog has already been found to be by the county, or by all of the state and all the circumstances, to be listed as or defined as a dangerous dog, then amongst all the many conditions that person must then proceed through, this would be one of them, then, to go have a specialist of some

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sort come out and define the -- the temperament and behavior pattern of the animal?

And I'm not sure what does that -- if that's the case, then what does that yield? Is it to -- is it to engender a better relationship between the owner and the dog, so that they are better able to handle the dog, or -- or -- again, I'm not sure.

COMMISSIONER LAMARCA: Obviously, if they're -- if they're deemed to be dangerous, there's a tough set of requirements they're going to have to live by.

And just let me go back a second. We've talked about muzzles from time to time. It's a responsibility thing. I mean, if you -- if your dog is -- is -- if somebody has a dog that -- whether they've ever been in an incident like this, if they have a tendency to snap at somebody or another animal, they should be walking them on a leash that -- that -- either muzzle or a leash that -- you know, there's this leash that -- that keep their mouth --

COMMISSIONER JACOBS: Right.

COMMISSIONER LAMARCA: -- you know, within restraint so they can't pull on it.

That being said, this portion of it would -- would enable them to, obviously, live better with that -- with that dog under that classification, so this never happens again, because the next step's not good. The next step's --

COMMISSIONER JACOBS: Right.

COMMISSIONER LAMARCA: -- pretty bad. You know, and that's -- you know, just --

COMMISSIONER JACOBS: Okay. So it's --

COMMISSIONER LAMARCA: -- part -- part of that.

COMMISSIONER JACOBS: -- after the fact. Then it helps train the owner as well as the dog.

COMMISSIONER LAMARCA: Yeah. And one of the -- one of the things that -- under the aggressive dog portion that Commissioner Wexler brought up, one of the things -- one of the items in there was spaying/neutering. Chip -- you know, the -- the chip and that type of -- I mean, these are things that, really, a responsible pet owner, unless they're a breeder, should be doing anyway.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: I know. But we can't -- but if they've put themselves in the situation they have an aggressive dog, you can. I mean, that's part -- a lot of times, that's part of the issue that makes them go a little --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Mayor, could I just say one thing? And I think --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- we --

COMMISSIONER LAMARCA: Sometimes.

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COMMISSIONER JACOBS: -- we all seem to be on the same page as in dealing with the first set of circumstances that you are now declared a dangerous dog, you fall under this definition. And then there is this long list of conditions that you must --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- abide by. And if you don't abide by them, then there's another long list of things that can happen, ending in the worst of all, which is euthanasia.

And I worry that we've really written an ordinance that works to serve to correct the behavior of responsible pet owners that may have had an accident where the dog escaped and it was not typical.

But then, if you look at all the letters that we've gotten in, there are so many dog owners out there who their dogs aren't -- they haven't had their shots, they aren't registered, they aren't neutered, they aren't caring that they get out, they get out routinely. We -- and I mentioned this earlier, there are people who run in neighborhoods -- I'm one of them -- and, unfortunately -- or luckily, I don't have the problem that other unfortunate runners do, which is you know certain -- when you run through your neighborhood now -- one woman said she's now given up running outside. She's running inside, because the dog runs after her every day, and she's afraid. She's now locked in her home.

So there are a lot of people out there who have dogs who are not going to abide by all of this. And my concern is that once -- once we put so many things in place, and I guess this is really an issue for administration, we -- we have such an underfunded division, and they're -- one of our speakers talked about this today. But these laws, almost all of our laws are geared toward the responsible pet owner who's going to see these intense procedures and say, wow, I'll do anything rather than have -- be subject to that. And they will take extra care.

But for those who aren't, and for our agency that is so understaffed to be able to go out and provide protections, I -- I wonder if there isn't -- I wonder how we deal with that as -- you know, we'll feel good about making these changes today, but these stories are going to continue.

And I don't know how we continue to move into the future and to address those issues. And I'm wondering if, at some point, if we are able to -- and I have -- nobody here addressed the issue of victim restitution through some of the fines for their actual and -- and real costs.

UNIDENTIFIED SPEAKER: I couldn't

COMMISSIONER JACOBS: Pardon me?

UNIDENTIFIED SPEAKER: They won't let me talk.

COMMISSIONER JACOBS: Oh.

(Laughter.)

COMMISSIONER JACOBS: I wonder if there isn't also a way to include training or some of the very same things that Commissioner Lamarca is -- is anticipating in the behavioral evaluation and training once they're determined.

What if, for the average person out there who owns dogs and nothing has happened yet, we were to try to direct some of these fines to also help low-cost or free training for people who are pet owners, who may want to do the right thing and -- it just seems we might -- we might be able to pull a few more into the process to do the right thing if, in fact, we took the same approach that we do, in essence, with low-cost spay and neutering, that there are opportunities out there to grab a portion of the population.

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MS. HENRY: The -- the extent to which we're able to do that and get people to really participate, we'd certainly try it.

But I think, just given all of the -- the discussion that -- that's been had today, you know, we really are trying to deal with those people that are right there out on the -- out on the fringes. And the people that are going to do the right thing generally would.

So if we have enough funds and we're able to do some training and sort of monitor how it's being perceived and it's being utilized, I think it's worth a try, because what we're trying to do is change behavior.

COMMISSIONER JACOBS: Okay. So what -- what I'm speaking of specifically is the same as the -- to approach it in the same way that we are if we adopt the amendment for the victims, and that is that a portion of the fines, some portion is set aside that goes into that division's funding to be able to promote these kinds of courses.

MS. HENRY: Sure, we could do that.

COMMISSIONER JACOBS: Okay.

COMMISSIONER LAMARCA: Commissioner --

COMMISSIONER JACOBS: That's something, Commissioners, I'd like -- I'd like to consider.

COMMISSIONER SHARIEF: Can I just say that we -- you know, we've been talking about how we want to expand the definition, and how we want to impose all of these restrictions, but restrictions cost money. And I -- I was echoing your sentiment about how are we going to support the cost of maintaining and following up on all the restrictions that we're going to impose if we go to Palm Beach's way of doing things, and how are we going to, you know, fit that all in. And -- and especially when that office has received budget cuts just like every other office has, and they complain about being understaffed.

So that's -- that's kind of why we've been -- I've been saying stick with the state law. I mean, we keep morphing this thing into something where, okay, well, what if the owner of the dangerous dog doesn't pay the fines, we're still stuck with the bill.

So, I mean, when we're talking about enforcement of -- of the ordinance, enforcement of following up on it, you have to send somebody out there to enforce it. So we're talking about more people on the street, we're talking about more money.

I -- I just see it -- we're going down that road again where, you know, it's going to cost money, so let's figure out where we're going to get that from.

MAYOR GUNZBURGER: Commissioner Wexler.

COMMISSIONER WEXLER: Whatever -- whatever passes here today, I think that we also need to revisit the whole fee schedule here.

I did pull Palm Beach's along with ours. It's not in this ordinance. It's in something else. But --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- whatever passes here, we've got to make sure that the owner takes responsibility. And right now, it is through licensing and it is through renewals on time and things such as

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that, and the dangerous dog tag, which is very steep in Broward County. It's nowhere near as steep in Palm Beach County, but it's quite -- it's \$200 there. It's \$500 here.

But if we had a step-up category, then I would suggest that we have something in between.

And -- and I'm -- I don't know that even though we have this in place here for the last two and a half years, I'm really not sure -- well, I do know how many dogs have been licensed.

UNIDENTIFIED SPEAKER: Licensed?

COMMISSIONER WEXLER: As dangerous dogs. Yes, and I left it in the office. I'm pretty sure it was 14. Okay? 14 licensed as dangerous dogs. Not euthanized.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: And I asked that question of staff, and I didn't bring it out here because I didn't think that we were going to go down that road. It was -- I believe it was ten or twelve prior to us making the change in 2008.

So it's not a lot of animals that happen to be licensed.

And then the question is is whoever is licensed to do it, are they actually even paying? And if not, what happens? Which is really to your point.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER WEXLER: Does someone go knock on their door and say, excuse me, you owe \$500? I don't -- I don't know the answer to that.

So I -- whatever passes, I really believe we need to revisit this schedule and how, operationally, it works in Broward County as well.

MAYOR GUNZBURGER: We've been on this topic now over -- well over an hour, and I think it's time to conclude and come to some decisions, either yay or nay.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Commissioner Lamarca, you wanted to close. This is your topic.

COMMISSIONER LAMARCA: Yes, Mayor.

I -- actually, to -- to Commissioner Jacobs's agenda item, I had "good" written on the outside, because the proposed issue of some of these tragedies we've heard here today, I mean, somebody should be fiscally responsible --

UNIDENTIFIED SPEAKER: That's correct.

COMMISSIONER LAMARCA: -- for the -- the damage that their animals cause if they wreak havoc like that.

Back on the -- the training portion and that, I don't know that there -- it's prevalent now, but I know a lot of -- some of the -- some of the -- some of the retail pet chains have -- have training, have puppy training, have other -- other types of dog training. I know they're not for evaluating dangerous dog, but certainly to promote good welfare of pets, it certainly would be a good step.

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I -- I'm happy with -- with pretty much all the amendments that have been put forward. I don't know how everybody else feels about the -- the aggressive portion. It's good, but I'd like to pass something here today and move on with the business of Broward County.

So I -- I'll leave it up to --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: What's that?

COMMISSIONER WEXLER: Do you support it or you don't support it?

COMMISSIONER LAMARCA: Can we -- County Attorney, can we include that in what we're doing here today?

MR. MEYERS: It's -- the -- the safer position would be to bring that back, but it's -- it's a very close call.

MAYOR GUNZBURGER: If it's safer, let's -- let's --

MR. MEYERS: Commissioner --

COMMISSIONER LAMARCA: Is that legal?

MR. MEYERS: -- yeah, well, when I say close call, legal -- Commissioner, I don't -- I don't ride the fence, and I'm just telling you how I feel about this. If I think somebody's very clean and in, I'll tell you. Clean and out, I'll tell you.

I think we presently regulate, but we didn't advertise that we're going to be adding a definition, and we were very specific in our advertisement.

However, we are regulating an area that's clearly subject to discussion. It's in our current ordinance that we're amending it. I think we're -- we're probably okay.

If we're not, we're no worse off, because we can come back later and ratify it, if we're challenged and it's somehow invalidated. There is a severability provision in it.

MAYOR GUNZBURGER: All right.

MR. MEYERS: So it's your call.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Commissioner Lamarca.

COMMISSIONER LAMARCA: I -- I like her amendment, and I'd like to put it in. If we need to clean it up at a later date, then I'm fine with that, too.

MAYOR GUNZBURGER: All right. Let's --

COMMISSIONER JACOBS: Do you have a cleaner definition of where -- my understanding is is that it's a -- kind of a stop-off point. Before you actually become certified as a -- registered as a danger and go through all of the steps --

UNIDENTIFIED SPEAKER: Uh-huh.

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COMMISSIONER JACOBS: -- to become -- that your animal is registered as a dangerous dog, there is -- what was the word --

UNIDENTIFIED SPEAKER: Aggressive.

COMMISSIONER JACOBS: -- Commissioner? Aggressive. You would have this other designation.

And what -- I guess what I better need to understand is --

MAYOR GUNZBURGER: When do you get muzzled?

COMMISSIONER JACOBS: -- you know, if -- if you -- if you -- if your pet kills another pet, aggressively kills another pet, and is then only labeled aggressive, then gets to kill again and then a second time to be labeled as a -- as dangerous, now it's -- so I'm a -- I'm a little confused about the steps. So if you could just walk me through specifically -- because there are too many amendments laying here --

UNIDENTIFIED SPEAKER: Okay.

COMMISSIONER JACOBS: -- just -- from day one, this instance would -- would yield this result and then if this happened, this result. What would be the particular steps?

MAYOR GUNZBURGER: All right. Do that, please, Commissioner.

COMMISSIONER WEXLER: Do you want to do it or you want --

MR. MEYERS: Sure. I'll give you it very quickly. I -- I think -- it's up to you.

COMMISSIONER WEXLER: Well, you worked very closely with it. It's just where it's inserted --

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER WEXLER: -- and what the provisions of it happen to be.

MR. MEYERS: It would be inserted just prior to the dangerous dog regulation part of it, since it is sort of an in-between. It's on the way to being labeled dangerous. And the state law and ordinance definition of dangerous would still apply.

So you don't get to be labeled aggressive and then have two more attacks. That's just going to constitute one of the attacks --

COMMISSIONER WEXLER: Uh-huh.

MR. MEYERS: -- that would be documented in the record of the division, our division, for purposes --

COMMISSIONER JACOBS: When you say attack, does that mean death?

MR. MEYERS: No. In this instance, the specific language that's -- that's used here is -- is killing a domestic animal. The -- the --

MAYOR GUNZBURGER: It's --

MR. MEYERS: -- definition of aggressive dog is any dog -- or the proposed definition, excuse me --

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MAYOR GUNZBURGER: Uh-huh.

MR. MEYERS: -- any dog that, according to the records of the division, has killed a domestic animal while unprovoked and off the owner's property.

So that happens, then a dog would be labeled aggressive. There would be the availability of all of the hearing procedures that are there for dangerous dog designations, and there would be a series of restrictions and requirements that are all articulated in the pages of the proposal that would be applicable once the dog is conclusively, after any hearings, classified as aggressive.

But that -- that would in no way interfere or change when a dog would be labeled as dangerous. That would still happen as defined in the existing ordinance which, again, tracks state law.

MAYOR GUNZBURGER: Uh-huh.

MR. MEYERS: Excuse me, the proposed ordinance --

MAYOR GUNZBURGER: Okay.

MR. MEYERS: -- tracks state law.

MAYOR GUNZBURGER: We're clear?

COMMISSIONER WEXLER: What -- what it does for -- for this -- I -- I want to be able to support my colleague, and I am uncomfortable with one free kill. Okay?

COMMISSIONER LAMARCA: (Inaudible.)

COMMISSIONER WEXLER: And -- and --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: It is (inaudible).

COMMISSIONER JACOBS: But it's the truth.

COMMISSIONER WEXLER: But it -- and it's a graphic description, so --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- what -- what this proposal is is an interim. And it puts requirements on the owner, then. You've got the owner's attention, hopefully, in order to now provide these different things to the county Animal Care, as well as the different muzzling and -- and not -- you know, proper --

MAYOR GUNZBURGER: And who's going to enforce this?

COMMISSIONER WEXLER: Well, you know what? Who enforces it now?

COMMISSIONER JACOBS: (Inaudible) the red lights. It's the same thing.

COMMISSIONER WEXLER: It's the same exact thing.

UNIDENTIFIED SPEAKER: Uh-huh.

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COMMISSIONER LAMARCA: Now, I hate -- let me slip in for a second. I hate to say it, but, you know, I have a -- you know, our pet is our child. Okay? So -- so it's important to me. But to somebody else, maybe the only way you can get their attention is through a fiscal -- through --

MAYOR GUNZBURGER: That's correct.

COMMISSIONER LAMARCA: -- through a fine or penalty. I hate to say it, but --

MAYOR GUNZBURGER: I agree with you.

COMMISSIONER LAMARCA: -- you brought the red light thing up. Maybe somebody thinks twice before going through that red light. And maybe somebody thinks twice --

COMMISSIONER JACOBS: (Inaudible) this doesn't have a fine (inaudible).

COMMISSIONER LAMARCA: -- taking the dog out.

COMMISSIONER WEXLER: It will. That's why I brought these up, because I can't --

COMMISSIONER LAMARCA: It's -- it's a step.

COMMISSIONER WEXLER: Right. It's -- if we approve this category in the ordinance, the next thing is to bring back --

UNIDENTIFIED SPEAKER: The next hearing.

COMMISSIONER WEXLER: -- the fines and --

MAYOR GUNZBURGER: All right.

COMMISSIONER WEXLER: -- put it in.

COMMISSIONER JACOBS: Okay. So, pardon me, but I still don't follow, then, what is the next trigger to go to the next level --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- to dangerous dog, where all of those other requirements kick in. Because the one thing that is now under this term, you would stop at aggressive. You wouldn't have to reimburse the victim.

COMMISSIONER WEXLER: No, no, no.

COMMISSIONER JACOBS: Correct?

COMMISSIONER LAMARCA: (Inaudible) --

COMMISSIONER WEXLER: That's -- that (inaudible).

COMMISSIONER JACOBS: But that comes under dangerous dog definition, not aggressive dog.

COMMISSIONER WEXLER: But that's your amendment here. I think it absolutely has to come under aggressive, as well, the reimbursement --

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COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER WEXLER: -- of the victim. I didn't --

COMMISSIONER JACOBS: Mr. Meyers, what I'm not -- what I'm not following is this interim step seems to interrupt the designation as a dangerous dog and the kicker for all the other subsequent --

MR. MEYERS: It -- it doesn't. I don't think it has any impact on dangerous dog at all. It -- the dog would still be classified as dangerous if it met any of the requirements, as though the proposed regulatory scheme for aggressive dogs was not part of the ordinance.

UNIDENTIFIED SPEAKER: Uh-huh.

MR. MEYERS: This is just an added step where there is -- and I hate to -- to be euphemistic about it -- as well, where there's no one free kill. It applies to a kill that's unprovoked, off the owner's property.

These are things that the owner would have to comply with, including registration at a -- an amount that would be set by resolution, and fines, if -- if these conditions were not complied with.

So it does not in any way impact or change what is required in order to be a dangerous dog. This won't change that.

COMMISSIONER JACOBS: Okay.

MR. MEYERS: I don't think I helped you.

COMMISSIONER JACOBS: I still --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: What -- what she's asking is --

COMMISSIONER JACOBS: I -- you know what would be helpful --

MAYOR GUNZBURGER: -- if (inaudible) aggressive, will it -- will they have to --

COMMISSIONER JACOBS: What do they have to do next to be decided to be dangerous?

COMMISSIONER WEXLER: A second kill?

MR. MEYERS: It's -- it's any --

MAYOR GUNZBURGER: Aren't they euthanized if they do a second kill?

COMMISSIONER JACOBS: The potential is there for that. No, only after a second kill, then they would be --

COMMISSIONER WEXLER: Right.

COMMISSIONER JACOBS: -- euthanized.

COMMISSIONER WEXLER: Yes, after a second kill --

UNIDENTIFIED SPEAKER: (Inaudible.)

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COMMISSIONER WEXLER: -- the potential is there. But that's in state law.

MR. MEYERS: And -- and this first kill --

COMMISSIONER JACOBS: Right.

MR. MEYERS: -- that label -- that results in them label -- being labeled aggressive counts towards --

COMMISSIONER WEXLER: Towards.

MR. MEYERS: -- the two kills.

COMMISSIONER WEXLER: Correct. Counts --

MR. MEYERS: It doesn't --

COMMISSIONER WEXLER: -- towards it.

MR. MEYERS: -- the clock doesn't start again.

COMMISSIONER WEXLER: Right.

MR. MEYERS: So you asked what would it take for them to be registered dangerous, the -- the first time they aggressively bite, attack, or inflict severe injury on a human, they'd be labeled dangerous.

COMMISSIONER WEXLER: Uh-huh.

MR. MEYERS: The -- the second time, which has already happened once now, that they've killed or the second time that they've severely injured a domestic animal, and, again, it's already happened once, they would be labeled dangerous --

COMMISSIONER WEXLER: Uh-huh.

MR. MEYERS: -- and the other two are unchanged, also. Dog fighting, et cetera.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: In -- Mr. Meyers, in that step there's a -- a question, and Commissioner Wexler, and you can answer this as well.

It mentions the dog not being able to be brought to a commercial establishment, i.e., a dog park, that type of thing?

COMMISSIONER JACOBS: Yeah, it says that specifically.

COMMISSIONER WEXLER: Yes, (inaudible).

COMMISSIONER LAMARCA: Okay.

COMMISSIONER WEXLER: Yes, that's the intent.

COMMISSIONER LAMARCA: Okay.

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MR. MEYERS: They're -- they're actually separate, so you see number 3 is shall not be brought to a dog park, public park, et cetera. Number 4 is shall not be brought to -- brought to any commercial establishment other than a veterinary office or other facility that the dog is being treated in.

This -- this was from the Palm Beach ordinance.

COMMISSIONER LAMARCA: Okay.

MAYOR GUNZBURGER: Okay? Now we're clear? Can we vote please?

COMMISSIONER SHARIEF: Let me just -- Mayor?

MAYOR GUNZBURGER: Yes, Commissioner Sharief.

COMMISSIONER SHARIEF: We have five amendments before us. And there are --

COMMISSIONER WEXLER: Oh, there's more than that.

COMMISSIONER SHARIEF: -- three that I don't --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: -- agree with. So I don't want to vote on all of this at one time. So can we please take them separately? I mean, don't want to put them altogether.

MAYOR GUNZBURGER: I do not believe that all of them were included in what we are voting on.

COMMISSIONER WEXLER: How about if I move what the Attorney has proposed to --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Good idea.

COMMISSIONER WEXLER: -- to include --

MAYOR GUNZBURGER: That's all we're voting on.

COMMISSIONER WEXLER: We're doing -- we're doing --

MAYOR GUNZBURGER: We're not voting on this huge packet.

COMMISSIONER WEXLER: No, we're --

COMMISSIONER LAMARCA: Can you -- can you review that so we're all clear, please?

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER WEXLER: (Inaudible) purple sheeted it.

MR. MEYERS: Yes.

UNIDENTIFIED SPEAKER: Okay.

UNIDENTIFIED SPEAKER: (Inaudible.)

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MR. MEYERS: Perhaps the initial motion could be the proposed ordinance, together with the nine pages of non-substantive changes that have been purple sheeted by the County Attorney's Office.

Once we get past that, then we can address the other proposals.

COMMISSIONER JACOBS: Okay.

COMMISSIONER SHARIEF: Fine.

MAYOR GUNZBURGER: Okay? Fine.

COMMISSIONER SHARIEF: Motion.

MAYOR GUNZBURGER: You've --

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER SHARIEF: Second.

COMMISSIONER JACOBS: Well, it's Commissioner Lamarca's motion.

MAYOR GUNZBURGER: And there's --

COMMISSIONER LAMARCA: Motion to approve with the County Attorney's amendments.

MR. MEYERS: And -- and just with the understanding that this is going to be -- this is basically just to figure out what the -- what the base motion is.

(VICE MAYOR RODSTROM RETURNED TO THE ROOM.)

MR. MEYERS: We're going to keep adding to it. Where you don't have a majority, you don't add that amendment, and there's only three other amendments that we go through.

So this isn't the final vote of approval yet. This is to -- okay?

MAYOR GUNZBURGER: Fine.

COMMISSIONER LAMARCA: Yes. I move to approve the -- the item with your amendments as read, the nine pages.

COMMISSIONER SHARIEF: Second.

COMMISSIONER WEXLER: (Inaudible.)

MAYOR GUNZBURGER: Okay. It's been --

VICE MAYOR RODSTROM: Can I speak?

MAYOR GUNZBURGER: Yes.

VICE MAYOR RODSTROM: And I'm sorry, I had to leave the dais to get some treatment. I have a herniated disk, so I've been put on the rack, so I'm in a lot of pain today.

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Anyway -- and I'm sorry I missed this conversation, but I just want to add one thing. And that is, having had dogs my whole life, you know, it seems like the ordinance we had in the past, you know, was really predicated on which dog won.

And dogs are funny creatures. They don't think of who's the bigger dog or the smaller dog. They will engage in a -- in a dog fight, and usually the bigger dog wins.

And I think the thing that struck me about this whole situation when it arose is these people are walking their dog and -- on a leash, and a dog that was not on a leash got involved and, you know, if it had been a dog twice the size, that dog would have won, and -- unless the owner was able to restrain it. That's the problem; you can't restrain the dogs.

And -- and so I think that, you know, the ordinance we have here that's been proposed, I just don't -- I just don't think it considers completely the case where -- you know, because what happens is the dog that wins is the dog that loses, because the dog that dies, dies. Or the dog that gets hurt, gets hurt.

But if -- but dogs -- you know, that's what I struggle with on this ordinance, because, you know, it -- it's really -- it's more about the dog that -- that -- it should be about -- it should be about the dog that's doing what the dog is supposed to be doing, and that's -- that's the dog that's on a leash. And -- and an owner should be able to constrain that dog.

And the problem is when a dog is not on a leash, that dog has lost all of its rights, no different than a person driving on the highway who doesn't have a driver's licence. They lose all their rights, because they shouldn't be behind the wheel of a car without a driver's license.

And -- and, to me, I see this, you know, very much similar to a driver's licence.

Anyway, that's my -- my two cents.

MAYOR GUNZBURGER: Thank you.

We are now ready to --

UNIDENTIFIED SPEAKER: (Inaudible) explain his --

VICE MAYOR RODSTROM: That -- that's what I was trying to -- my -- what I -- what I purple sheeted.

UNIDENTIFIED SPEAKER: (Inaudible) understand it.

MAYOR GUNZBURGER: Okay.

COMMISSIONER JACOBS: Well --

VICE MAYOR RODSTROM: (Inaudible.)

COMMISSIONER JACOBS: -- Mayor, if I might suggest, since Commissioner just got here, let's go back through the ordinance and the amendments, and we -- we'll put his amendment last, so that we can vote on that at the end. And then that way, he'll have a chance to amend that. And, at least in the interim, we can get the -- the bulk of this out of the way, because I think there's -- there's just so much harmony, it wouldn't make sense otherwise.

COMMISSIONER LAMARCA: So move to -- move to approve the -- the item was it is, with the amendments as the County Attorney read them.

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COMMISSIONER SHARIEF: Second.

COMMISSIONER JACOBS: That's (inaudible).

MR. MEYERS: And -- and, Vice Mayor, that's just incremental now, because the other amendments will be considered afterwards. It's not final approval of the item. I -- I didn't know -- I know, but the Vice Mayor wasn't --

COMMISSIONER JACOBS: He knows. He's explaining it to John.

MR. MEYERS: Okay. Thank you.

VICE MAYOR RODSTROM: Thank you.

MAYOR GUNZBURGER: Okay. All those in favor, signify by saying aye.

Opposed?

Commissioner Lieberman, are you still here? Guess not.

So it passes 8-0.

VOTE PASSES UNANIMOUSLY.

MAYOR GUNZBURGER: Now, where do -- Mr. Meyers --

MR. MEYERS: Would you like --

COMMISSIONER JACOBS: I would like --

MR. MEYERS: -- I can take you though (inaudible) --

COMMISSIONER JACOBS: -- to make a motion to support my amendment to restitution to the victims.

COMMISSIONER LAMARCA: Second that.

MAYOR GUNZBURGER: Second. Oh, I can't. Go ahead.

Any discussion?

All those in favor, signify by saying aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

MAYOR GUNZBURGER: I'd like to have brought back to a future meeting that we outlaw retractable leashes and just ask for six foot leashes so that owners can have more control of their dogs.

COMMISSIONER JACOBS: (Inaudible), we have to get --

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER JACOBS: Wait a minute. We have to get through the amendments first.

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(Laughter.)

UNIDENTIFIED SPEAKERS: (Inaudible cross-talk.)

MAYOR GUNZBURGER: I've been so patient. Look, I lost big today.

COMMISSIONER JACOBS: (Inaudible.)

MR. MEYERS: You have three more.

COMMISSIONER WEXLER: I'm going to move -- I'm going to move (inaudible) right now.

MAYOR GUNZBURGER: Which --

COMMISSIONER WEXLER: My -- the one that I was moving was to insert the aggressive dog category and all of the provisions that go along with it.

MAYOR GUNZBURGER: All right. Commissioner Wexler has moved the aggressive dog category, and the provisions that go along with it.

COMMISSIONER HOLNESS: Second.

COMMISSIONER JACOBS: I'm sorry. Say that again? (Inaudible.)

COMMISSIONER WEXLER: The --

MAYOR GUNZBURGER: Commissioner Wexler has moved her -- her amendments on the aggressive dog, and the provisions that go along with it.

And it was seconded by Commissioner Holness.

Any discussion?

All those in favor, signify by saying aye.

Opposed, like sign.

Okay. It passes 7 to 1 with Commissioner Sharief voting in the negative.

COMMISSIONER WEXLER: Now yours, Chip.

VOTE PASSES 7 TO 1 WITH COMMISSIONER SHARIEF VOTING NO.

MAYOR GUNZBURGER: Are there any other amendments?

COMMISSIONER WEXLER: Yes. There's two more.

COMMISSIONER LAMARCA: The amendment with the behavioral specialist and dog evaluation after the dangerous dog designation.

MAYOR GUNZBURGER: I have a question, because someone said there are not such things as behavioral -- animal behaviorists, et cetera.

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COMMISSIONER LAMARCA: One spoke here -- two spoke here today.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Okay. All right.

UNIDENTIFIED SPEAKERS: (Inaudible cross-talk.)

COMMISSIONER LAMARCA: I -- the point of this is just so somebody who is professional, proficient in the area of identifying traits and things like that, that after we've been -- we've identified the dog as dangerous, they --

MAYOR GUNZBURGER: All right. Is there a second?

COMMISSIONER WEXLER: Second.

MAYOR GUNZBURGER: All those in favor, signify by saying aye.

Opposed, like sign.

Okay. With -- it passes 7 to 1 with Commissioner Sharief voting no.

VOTE PASSES 7 TO 1 WITH COMMISSIONER SHARIEF VOTING NO.

MAYOR GUNZBURGER: Any others?

COMMISSIONER WEXLER: Vice Mayor.

VICE MAYOR RODSTROM: What -- what I'm being told is that mine is contradictory to state law.

COMMISSIONER WEXLER: That never stopped us before.

VICE MAYOR RODSTROM: Yes, that's true. Never stopped us from any law.

MAYOR GUNZBURGER: So are you withdrawing yours?

VICE MAYOR RODSTROM: No.

(Laughter.)

VICE MAYOR RODSTROM: (Inaudible) make me feel better.

MAYOR GUNZBURGER: Is there a second to Vice Mayor's?

There being no second, it dies for lack of a second.

Any others?

We are finally done with the afternoon meeting.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR GUNZBURGER: Do we have to pass it --

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MR. MEYERS: It --

MAYOR GUNZBURGER: -- with all the amendments?

MR. MEYERS: -- it -- you know something? It can't hurt. Just -- that's -- that's fine, if you want to do it.

MAYOR GUNZBURGER: All right. Will somebody make a motion to pass --

COMMISSIONER JACOBS: Mayor, I'm sorry to interrupt, but just procedurally, for those who didn't want to vote on certain elements, if you now -- those -- that person didn't prevail, so if you lump everything together now, you may put that person in a position of having to vote overall against the ordinance, which they may not want to do.

MR. MEYERS: Okay. I -- I --

COMMISSIONER JACOBS: So -- so my question is doing -- I thought the way we did it was to allow those who didn't want to agree to certain amendments to not vote on those, but to vote on the overall ordinance.

MR. MEYERS: I -- I think it's clear that -- and if anyone disagrees, please let me know -- but the intent of the Board was to do exactly what Commissioner Jacobs just mentioned, the original proposal, plus the County Attorney's additions, and then the other additions that were voted up. That is what the Board has now approved.

COMMISSIONER JACOBS: So we don't --

MR. MEYERS: There's no need --

COMMISSIONER JACOBS: -- we don't need to vote again --

MR. MEYERS: -- to re-vote on it.

COMMISSIONER JACOBS: -- is my point.

MR. MEYERS: Correct.

COMMISSIONER JACOBS: Okay. Good. Thank you.

MAYOR GUNZBURGER: All right. And then if there are not five objectors, I would like us to look at a leash law.

COMMISSIONER WEXLER: There, now it's your turn.

MAYOR GUNZBURGER: There not being five -- or six objectors, there not being six objectors --

VICE MAYOR RODSTROM: Well, I mean, let me ask a question about that.

MAYOR GUNZBURGER: Okay.

VICE MAYOR RODSTROM: I mean, these leashes, I mean, these are the only kind of leashes -- these are kind of -- basically the only kind of leashes that I've ever seen sold in pet stores. So, you know --

COMMISSIONER JACOBS: No.

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MAYOR GUNZBURGER: No, they -- they sell the six foot --

COMMISSIONER JACOBS: There are short ones.

MAYOR GUNZBURGER: -- ones.

VICE MAYOR RODSTROM: Sure. But -- but, I mean, they're so -- so many people have them. I mean, I probably have five of them. I mean, they're so -- no one buys the other kind anymore, you know, and --

MAYOR GUNZBURGER: But the trouble is that you really can't --

VICE MAYOR RODSTROM: I know what the trouble is, but the point is that you can't pass a law that nobody can comply with. So what are they going to do? So they're all going to know that they've got to throw all their leashes out, and these are -- these are leashes -- you know, I mean, I think that's a ridiculous law.

COMMISSIONER JACOBS: Okay. But, Commissioner, there's a point you're missing, though. And that is that under state law, if you are in public with your dog, you must be leashed. And if your -- and on public property.

So if you have an extended leash that's 45 feet out, for example, 20 feet out, then your dog is free to wander off of public property onto owned property, and therein lies the problem that the -- the dog, under state law, can go defend its territory, or it's owner's territory, because your dog is now on private land as opposed to public.

So lots of people own them, but --

VICE MAYOR RODSTROM: And I --

COMMISSIONER JACOBS: -- the bigger your dog, the more difficult --

VICE MAYOR RODSTROM: -- and I think what --

COMMISSIONER JACOBS: -- (inaudible) control the dog.

VICE MAYOR RODSTROM: -- you've got to do, I think you write something in, because special masters are going to hear these cases, and I think you tell the special master what the position is of this Board without creating a law.

COMMISSIONER WEXLER: Mayor, if you don't object, could we just ask if there are six of us that don't object to the Attorney doing some research?

MAYOR GUNZBURGER: Research.

COMMISSIONER WEXLER: I don't think that that --

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER SHARIEF: Yeah, then I would discuss it.

COMMISSIONER WEXLER: I don't even know what it -- I don't even know if we can.

VICE MAYOR RODSTROM: Right. So --

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MAYOR GUNZBURGER: All right. So let's have --

VICE MAYOR RODSTROM: -- we just don't want to give the impression that we've done something.

COMMISSIONER WEXLER: Okay.

MAYOR GUNZBURGER: We haven't yet.

MR. MEYERS: Mayor?

MAYOR GUNZBURGER: Yes.

MR. MEYERS: I've -- I've been advised, and it's -- it's being conservative advice that, in an abundance of caution, we probably should vote on the ordinance as amended.

Clearly -- clearly, what was -- parts of it were passed (inaudible) --

MAYOR GUNZBURGER: (Inaudible.)

VICE MAYOR RODSTROM: Let's just do it.

MAYOR GUNZBURGER: We always have in the past.

All right. I'd like a motion and --

COMMISSIONER WEXLER: Chip, do you want to do it, or do you want me to (inaudible)?

MAYOR GUNZBURGER: Commissioner Lamarca, will you make a motion?

COMMISSIONER LAMARCA: I would be happy to make a motion that we vote on the --

COMMISSIONER WEXLER: Amended.

COMMISSIONER LAMARCA: -- entire amended item as is.

COMMISSIONER WEXLER: I would second it.

MAYOR GUNZBURGER: All right. All those in favor, signify by saying aye.

Opposed, like sign?

It passes unanimously, 8-0.

VOTE PASSES UNANIMOUSLY.

MAYOR GUNZBURGER: We are now finished with the -- the afternoon -- the Public Hearing is adjourned.

(THE MEETING ADJOURNED AT 5:00 P.M.)

(THIS IS NOT A VERBATIM TRANSCRIPTION OF THE MINUTES.)