

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

BOARD APPOINTMENT SUMMARY

Meeting Date: June 7, 2011

Department: Fire-Rescue

Advisory Board Name: Fire Code Board of Appeals and Adjustments

1. Executive Brief

Motion and Title: Staff recommends motion to approve: One (1) appointment to Seat No. 8 to the Fire Code Board of Appeals and Adjustments Committee for a three (3) year term beginning June 7, 2011 through June 6, 2014.

Appoint:

<u>Nominee</u>	<u>Category</u>	<u>Seat No.</u>	<u>Nominated By</u>
Daniel Thompson	Mechanical Engineer	8	Commissioner Marcus Commissioner Burdick Commissioner Abrams Commissioner Vana Commissioner Aaronson Commissioner Taylor

Summary: The Fire Code Board of Appeals and Adjustments is maintained in accordance with the Palm Beach County Local Amendments to the Florida Fire Prevention Code (Ordinance 2008-045). On May 5, 2011, a memo was distributed to the Commissioners requesting nominations to this nine (9)-member board (At-Large). This board is appointed by the Board of County Commissioners and members serve three (3) year terms, with no limit on the number of terms an individual may serve. No other nominations were received. **Countywide (SB)**

Background and Justification: The Fire Code Board of Appeals and Adjustments requires the appointment by the County Commission of individuals working in specific, related fields that are knowledgeable to make decisions on Fire Code appeals, and to make recommendations for changes to the Fire Code to the Board of County Commissioners and Fire-Rescue. The current ethnic diversity breakdown of the board is Five (5) Caucasian males and one (1) African-American male.

Attachments:

1. Board Appointment Nominee Information Form(s)
2. Sunshine Amendment and Code of Ethics Acknowledgement of Receipt
3. Bio/Resume for Nominee – Daniel Thompson
4. Member List – Fire Code Board of Appeals and Adjustments
5. Ordinance No. 2008-045, Fire Code Board of Appeals and Adjustments
6. Memo dated May 5, 2011 to Commissioners requesting nominations

Recommended By: Alan B. Jewell 5/24/11
 Department Director Date NEW

Approved By: Paul F. [Signature] 5/11/11
 Assistant County Attorney Date

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
ADVISORY BOARD NOMINEE INFORMATION FORM

The information provided on this form will be used by County Commissioners and/or the entire Board in considering your nomination. This form MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Further, please attach a biography or résumé to this form.

Part I (to be filled out by Department): (Please Print)

Board Name: Palm Beach County Fire Rescue Board of Appeals and Adjustments

At Large Appointment or District Appointment

Term of Appointment: 3 Years. From: 5/18/2011 To: 5/17/2014

Seat Requirement: Mechanical Engineer Seat #: 8

*Reappointment or New Appointment

or to complete the term of _____ Due resignation other to: _____

Completion of term to expire on: _____

*When a person is being considered for re-appointment, the number of previous disclosed voting conflicts shall be considered by the Board of County Commissioners.

Number of previously disclosed voting conflicts during the previous term _____

Part II (to be filled out and signed by Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: THOMPSON DANIEL ERLE
Last First Middle

Occupation/Affiliation: PROFESSIONAL ENGINEER - CONSULTANT

Business Name: THOMPSON & YOUNGBOSS ENGINEERING CONSULTING ENGINEERS, LLC.

Business Address: 112 S.E. 10th STREET

City & State: DELRAY BEACH, FL Zip Code: 33483

Residence Address: 18292 181ST CIRCLE SOUTH

City & State: Boca Raton, FL Zip Code: 33498

Home Phone: (561) 488-9372 Business Phone: (561) 274-0200 Ext. 11

Cell Phone: (561) 271-2570 Fax: (561) 274-0222

Email Address: dan@tecfla.com

Mailing Address preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code:

- IF (Native-American Female) IM (Native-American Indian Male)
 AF (Asian-American Female) AM (Asian-American Male)
 BF (African-American Female) BM (African-American Male)
 HF (Hispanic-American Female) HM (Hispanic-American Male)
 WF (Caucasian Female) WM (Caucasian Male)

Applicant's Signature: Daniel E Thompson Date: 5/3/2011

Part III (to be filled out by Commissioner):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: Cindy R DeSalvo for Date: 5/10/11
Comm. Karen T. Marcus

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by member of the public.

ATTACHMENT # 1

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- IM (Native-American Indian Male)
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- BM (African-American Male)
- HM (Hispanic-American Male)
- WM (Caucasian Male)

Applicant's Signature: Daniel E Thompson Date: 5/3/2011

Part III (to be filled out by Commissioner):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: Paula H Burdick Date: 5-8-2011

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- | | |
|--|---|
| <input type="checkbox"/> IF (Native-American Female) | <input type="checkbox"/> IM (Native-American Indian Male) |
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Applicant's Signature: Daniel E. Thompson Date: 5/3/2011

Part III (to be filled out by Commissioner):

Appointment to be made at BCC Meeting on:

Commissioner's Signature: Steven L. Abrams Date: 5-11-11

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Applicant's Signature: Daniel E Thompson Date: 5/3/2011

Part III (to be filled out by Commissioner):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: Shelley Vance Date: 5/11/11

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Applicant's Signature: Daniel E Thompson Date: 5/3/2011

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Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: [Signature] Date: 5-18-11

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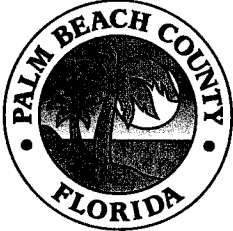
- | | |
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Part III (to be filled out by Commissioner):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____



Fire Rescue

Chief Steven B. Jerauld

405 Pike Road

West Palm Beach, FL 33411

(561) 616-7000

www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Karen T. Marcus, Chair

Shelley Vana, Vice Chair

Paulette Burdick

Steven L. Abrams

Burt Aaronson

Jess R. Santamaria

Priscilla A. Taylor

County Administrator

Robert Weisman

TO: ADVISORY BOARD MEMBERS

**FROM: ROBERT WEISMAN
COUNTY ADMINISTRATOR**

**RE: STATE GUIDE TO THE SUNSHINE AMENDMENT
& CODE OF ETHICS**

As an appointee to a Palm Beach County Advisory Board, you must familiarize yourself with the State Guide to the Sunshine Amendment and Code of Ethics. The purpose of this guide is to ensure adherence to the highest standards of ethics, protect the integrity of County government and foster public confidence.

This guide addresses conflict of interest, disclosure, acceptance and reporting of gifts, use of position or property, voting conflicts, political activities, prohibition against misuse of the code, and enforcement. This Guide also addresses conflicts, prohibitions on doing business with the County or having conflicting employment or contractual relationships. The Guide can be found on the web at: <http://palmbeachcountyethics.com/training.htm>

Please read and make yourself familiar with the Guide and return the acknowledgment form below to: Darlene Miller, 405 Pike Road, West Palm Beach, Fl. If you cannot access this document on the web, please contact Darlene Miller at 561-616-7030 for other arrangements.

Acknowledgment of Receipt

NAME: Dan Thompson
Print or Type

ADVISORY BOARD(S): PBC Fire Rescue Board of Appeals and Adjustments

I acknowledge that I have read the State of Florida Guide to the Sunshine Amendment and the Code of Ethics. I understand that as an advisory board member of the above-mentioned board(s) that I am bound by it.

Signature: Daniel E Thompson Date: 5/3/2011

Please sign and return to Administration in self-addressed envelope provided.

Revised 3/15/10

"An Equal Opportunity
Affirmative Action Employer"



TO: ADVISORY BOARD MEMBERS

FROM: ROBERT WEISMAN
COUNTY ADMINISTRATOR

RE: PALM BEACH COUNTY CODE OF ETHICS

Effective May 1, 2010, contractual relationships between Palm Beach County government and advisory board members, their employers, or businesses, are prohibited conflicts of interest as set forth in the Palm Beach County Code of Ethics, Ordinance 2009-051. This conflict of interest must be waived by an affirmative vote of five (5) members of the Board of County Commissioners upon full disclosure at a public meeting in order to accept appointment to an advisory board. In the space provided below, please identify any such contractual relationships, or verify that none exist at this time. The Ordinance (2009-051) and the training requirement can be found on the web at: <http://palmbeachcountyethics.com/training.htm>

<u>Type of Contract</u>	<u>Which Department/Division</u>	<u>Effective Date</u>	<u>Term</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

_____ Yes, submit a waiver to the Board of County Commissioners, since I or my employer have/has the above named contract(s);

OR

At this time, I nor my employer have contract(s) with the Board of County Commissioners

As a (current or potential) advisory board member you are required to receive training on the PBC Code of Ethics and acknowledge that you have read and understand the PBC Code of Ethics Ordinance.

If you are unable access the training and/or Ordinance on the web, please contact Darlene Miller at (561) 616-7030 for other arrangements.

Acknowledgment of Receipt

NAME: Dan Thompson
Print or Type

FIRM/COMPANY/ORGANIZATION: Thompson & Youngross Engineering Consultants

ADVISORY BOARD(S): PBC Fire Rescue Board of Appeals and Adjustments

I acknowledge that I have taken the required training; and read and understand the Palm Beach County Code of Ethics Ordinance, the provisions of which are effective May 1, 2010. I understand that as an advisory board member of the above-mentioned board(s) that I am bound by it.

Signature: *Daniel E Thompson* Date: 5/3/2011

Please sign and return this FORM to Darlene Miller, Palm Beach County Fire Rescue, 405 Pike, Road, West Palm Beach, Fl 33411. A self-addressed envelope has been provided for your convenience.

THOMPSON & YOUNGROSS ENGINEERING CONSULTANTS, INC.

PERSONNEL

Daniel E. Thompson, P.E.
LEED A.P.

EXPERIENCE AND RESPONSIBILITIES

PRINCIPAL

Mr. Thompson is responsible for marketing, engineering of Mechanical systems, administration, and finance of all projects on a daily basis. Experience of over thirty-five (35) years in the consulting, contracting and HVAC equipment sales provides knowledge, experience and leadership in the design of mechanical systems for new and renovated systems for industrial, office, warehouse, theaters, commercial, hospital, hotels, restaurants, nursing facilities, multifamily residential applications.

EXPERIENCE

As principal of Thompson Engineering Consultants since 1985 and branch manager of the West Palm Beach office of C. E. Bailey & Associates for three years Mr. Thompson has developed management principals and ethics that help provide the environment, which allows design ingenuity and individual initiative.

As either engineer of record or as designer Mr. Thompson has been responsible for numerous and successful projects. These projects include: Hotels, Multifamily Apartment Buildings, Adult Congregate Life Care, Critical Care Nursing Facilities, Spas, Schools for Broward and Palm Beach County, Office Buildings, Water and Waste Water Treatment Facilities, Sports Lighting for City and County Parks, Fire Stations, Municipal Facilities, Warehouse and Industrial, Thermal Energy Storage Systems, Large Single Family Homes, Shopping Centers, Restaurants, Marinas, Parking Garages and Retail Stores.

EDUCATION

ENGINEERING <i>Broward Community College</i>	YEARS ATTENDED (1962-1964) <i>Davie, Florida</i>
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ENGINEERING <i>University of Florida</i>	YEARS ATTENDED (1964-1966) <i>Gainesville, Florida</i>
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PROFESSIONAL SOCIETIES

- ~ National Society of Professional Engineers.
- ~ Florida Engineering Society.
- ~ American society of Plumbing Engineers
- ~ American Society of Heating, Refrigeration & Air Conditioning Engineer
- ~ National Fire Protection Association

PROFESSIONAL REGISTRATION

- | | |
|-------------------------|--------------------------|
| ~ Florida - 33289 | ~ Maine - 10369 |
| ~ Arizona - 276990 | ~ New Hampshire - 10665 |
| ~ Massachusetts - 32422 | ~ North Carolina - 13277 |



**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
FIRE CODE BOARD OF APPEALS & ADJUSTMENTS**

I. AUTHORITY :

Ordinance No. 92-18, Section 105.1, Fire Code Ordinance; amended by Ordinance No. 94-12; amended by Ordinance No. 2001-101 and Administrative Order 03-03 on January 1, 2004; amended by Ordinance No. 2004-073; adopted on December 29, 2004.

II. APPOINTING BODY :

Board of County Commissioners

III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :

The Board is composed of nine (9) individuals appointed at-large. The composition is as follows: one (1) registered engineer, practicing in the mechanical field; one (1) registered engineer, practicing in the fire protection field; one (1) Florida or Palm Beach County certified general contractor; one (1) representative of the insurance field; one (1) certified fire sprinkler contractor; one (1) citizen of Palm Beach County, not eligible under other membership categories; one (1) registered architect; one (1) Palm Beach County municipal building official and one (1) Palm Beach County municipal fire service representative. Where a member is required to be registered or certified, same shall be issued by the State of Florida unless otherwise specified.

The initial terms of the appointments shall be as follows: one year: Architect, General Contractor and Fire Protection Engineer; two years: Mechanical Engineer, Building Official; and Fire Sprinkler Industry Representative and three years: Municipal Fire Representative, Insurance Industry Representative and Citizen Representative. Thereafter all appointments will be for three years and there will be no limit on the number of terms an individual may serve. Any member may be removed at any time without stated cause, by the BCC of PBC, and new members appointed by said BCC shall serve the remainder of the vacant term. Members serve at the pleasure of the BCC. All members must reside within Palm Beach County at the time of the appointment and while serving on the Board and shall be qualified electors of Palm Beach County. The Board shall adopt rules and regulations for conducting its business. A quorum for said Board shall be a majority total membership of the Board. The AHJ shall designate a representative to act as Secretary to the Board.

*NOTE: When sitting solely in its advisory capacity, the Board shall be known as the Fire Code Advisory Board and shall be composed of the same members as the Board of Appeals & Adjustments. Persons appointed to the Board of Appeals & Adjustments shall be deemed to be likewise appointed to the Fire Code Advisory Board. Each member shall have a full vote. All members are subject to the rules, adopted by the Board of County Commissioners, governing Board participation and attendance. When sitting solely in its advisory capacity, the Board shall be known as

EXTENDED COMPOSITION :

the Fire Code Advisory Board and shall be composed of the same members as the Board of Appeals and Adjustments. Persons appointed to the Board of Appeals and Adjustments shall be deemed to be likewise to the Fire Code Advisory Board.

V. MEETINGS :

Meetings are scheduled on a monthly basis, or as needed for resolution of pending appeals. Upon receipt of the notice of appeal by the Board, a hearing shall be held at the next regularly scheduled meeting of the Board, with notice to the appellant, the AHJ, and the members of the Board, at least five (5) working days prior to said hearing. Special meetings may also be called by the Board provided that five (5) working days notice is given to both parties.

ATTACHMENT # 4

V. FUNCTIONS :

1) The Board shall review the Fire Code and make recommendations, in the form of specific amendments, to the Board of County Commissioners for corrections, additions, substitutions or deletions to said Code for the purposes of clarification, applicability, public safety, and changes in technology, so as to maintain this Code as an effective and responsive document; 2) To entertain appeals or decisions made jointly by the local AHJ and the local building official, in accordance with Section 553.73(8), Florida Statutes; 3) To resolve conflicts between the building code and the fire code, in accordance with Section 553.73(8), Florida Statutes.

VI. LIAISON INFORMATION :

LIAISON DEPARTMENT

Fire Rescue

CONTACT PERSON

Jeff P. Collins

ADDRESS

405 Pike Rd
West Palm Beach FL 33411
Phone # 561-616-7031



FIRE CODE BOARD OF APPEALS & ADJUSTMENTS

SEAT ID	CURRENT MEMBER	ROLE TYPE	RACE CODE	GENDER	BUSINESS / HOME PHONE	SEAT REQUIREMENT	APPOINT DATE	RE-APPOINT DATE	EXPIRE DATE
Appointed By : AT Large									
1	Vacant	Member	UN	M	--	General Contractor			
	FL								
NOMINATED BY :									
2	David Woodside City of Boca Raton 6500 Congress Ave Ste 200 Boca Raton FL 33487	Member	AA	M	561-982-4030	Municipal Fire Representative	12/21/2010		05/17/2013
NOMINATED BY :									
3	Jacek Tomasiak Village of Wellington 12794 W Forest Hill Blvd St St Wellington FL 33414	Member	CA		561-753-2505	Building Official	05/19/2009		05/18/2012
NOMINATED BY :									
4	Ronald Goodstein Ronald Goodstein AIA 712 U.S. Highway One Ste 301 North Palm Beach FL 33408	Member	CA	M	561-881-9990	Architect	05/19/2009		05/18/2012
NOMINATED BY :									

Appointed By : AT Large

5	John Whitehead J.W. Fire Sprinkler, Inc. 5730 Columbia Cir West Palm Beach FL 33407	Member	CA	M	561-863-8161	Fire Sprinkler Contractor	10/05/2010		05/17/2012
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NOMINATED BY :

6	Vacant	Member	UN	M	--	Fire Protection Engineer			
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FL

NOMINATED BY :

7	Roy Pollack Guardian International 3880 N 28th Ter Hollywood FL 33020	Member	UN		954-926-5200	Fire Alarm Contractor	05/18/2005	05/18/2008	05/17/2011
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NOMINATED BY :

8	Vacant	Member	UN	M	--	Mechanical Engineer			
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FL

NOMINATED BY :

Appointed by : AT Large

9 Kerry Koen Member CA M 561-368-5411 Resident of Palm Beach County 10/20/2009 05/18/2010 05/17/2013

1140 SW 15th St
Boca Raton FL 33486 6723

NOMINATED BY :

ORDINANCE NO. 2008-045

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING THAT THE UPDATED FLORIDA FIRE PREVENTION CODE SHALL BE DEEMED ADOPTED; PROVIDING FOR LOCAL AMENDMENTS TO THE FLORIDA FIRE PREVENTION CODE; REPEALING AND REPLACING CHAPTER 12, ARTICLE IV OF THE PALM BEACH COUNTY CODE (CODIFYING ORDINANCE 2004-073) IN ITS ENTIRETY; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 633, Florida Statutes, the State Fire Marshal has adopted by rule an updated statewide minimum firesafety code, known as the Florida Fire Prevention Code, which incorporates Florida editions of NFPA 1 Uniform Fire Code and NFPA 101 Life Safety Code; and

WHEREAS, Chapter 633, Florida Statutes, requires local governments with firesafety responsibilities to enforce the Florida Fire Prevention Code as the minimum firesafety code; and

WHEREAS, Chapter 633, Florida Statutes, authorizes local governments to adopt more stringent local amendments to the Florida Fire Prevention Code which strengthen the requirements of the minimum firesafety code; and

WHEREAS, the Palm Beach County Fire Code Advisory Board has recommended that the Board of County Commissioners adopt local amendments to the Florida Fire Prevention Code as set forth in Appendix A attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. Chapter 12, Article IV of the Palm Beach County Code (codifying Palm Beach County Ordinance 2004-073) is hereby repealed and replaced in its entirety by the provisions set forth in this Ordinance and Appendix A attached hereto and incorporated herein.

SECTION 2. In accordance with Sections 633.0215 and 633.025, Florida Statutes, the updated "Florida Fire Prevention Code" adopted by the State Fire Marshal in Rule Chapter 69A-60 of the Florida Administrative Code, as may be amended, including the Florida editions

of NFPA 1 Uniform Fire Code and NFPA 101 Life Safety Code, is deemed adopted by reference as the minimum firesafety code, and is hereby amended by the local amendments set forth in Appendix A attached hereto and incorporated herein. The local amendments adopted by this Ordinance shall be known as the "Palm Beach County Local Amendments to the Florida Fire Prevention Code." The updated Florida Fire Prevention Code as amended by the Palm Beach County Local Amendments to the Florida Fire Prevention Code may be hereinafter referred to as "this Code."

SECTION 3. Legislative Findings: The Board of County Commissioners hereby determines that the local amendments set forth in Appendix A are more stringent than the minimum firesafety code and strengthen the minimum firesafety code in accordance with Sections 633.025 and 633.0215, Florida Statutes.

SECTION 4. Applicability: The provisions of this Ordinance shall be in full force and effect in Palm Beach County within the boundaries of any Fire-Rescue municipal service taxing unit (MSTU) established by ordinance, and within any municipality that has entered into an interlocal agreement for fire protection services from Palm Beach County Fire-Rescue and enacted an ordinance to adopt the Palm Beach County Local Amendments within the municipality, unless otherwise provided by the interlocal agreement.

SECTION 5. Repeal of Laws in Conflict: Any laws or ordinances in conflict with this Ordinance which Palm Beach County is authorized to repeal are hereby repealed to the extent of such conflict.

SECTION 6. Savings Clause: Notwithstanding the provisions of Sections 1 and 5 of this Ordinance, all provisions of Palm Beach County Ordinance 2004-073 (codified at Chapter 12, Article IV of the Palm Beach County Code) as originally enacted and amended are specifically preserved, and shall remain in full force and effect, for the limited purpose of enforcing any alleged violations of said law which occurred prior to its repeal or replacement.

SECTION 7. Severability: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be

unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

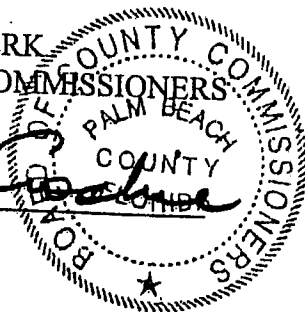
SECTION 8. Inclusion in the Code of Laws and Ordinances: The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 9. Effective Date: The provisions of this Ordinance shall become effective on December 31, 2008.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 18th day of November, 2008.

SHARON R. BOCK, CLERK
BOARD OF COUNTY COMMISSIONERS

By: Judith Coakley
Deputy Clerk



PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: Shelley Vana
Chairman
Shelley Vana for
John F. Koons Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: Sharon Burrows
County Attorney

Filed with the Department of State on the 24th day of November, 2008.

Code Board of Appeals and Adjustments within thirty (30) days after the AHJ's issuance of a written order. Such appeal shall not be a hearing de novo. The appeal shall be limited to appellate review of the record created before the AHJ. The Board shall reverse the decision of the AHJ only if it determines that there is no substantial competent evidence to support the AHJ's decision.

If the written order of the AHJ or the Board of Appeals and Adjustments determines that the challenged Local Amendment or any part thereof does not comply with the applicable statutory requirements, then said Local Amendment or part thereof shall be deemed void effective as of the date of the written order. Such holding shall not affect the remainder of the Local Amendments or this Code.

The decision of the Board of Appeals and Adjustments shall be final action which may be appealed by the challenging party to the State Department of Financial Services in accordance with Section 633.025(4) (d), Florida Statutes.

1.10 Board of Appeals and Adjustments.

1.10.1 General. Whenever it is claimed that the provisions of this Code do not apply or have been misapplied, or when it is claimed that the true intent and meaning of this Code or any of the regulations there under have been misconstrued or misapplied, or when it is claimed that a decision is unreasonable or arbitrary as it applies to alternatives, the owner or his duly authorized agent may appeal the decision of the AHJ to the Board of Appeals and Adjustments. Notice of appeal shall be in writing and filed with the AHJ within thirty (30) days after the decision is rendered by the AHJ. Appeals shall be on forms provided by the AHJ.

1.10.2 Board of Appeals and Adjustments Created.

There is hereby created a Fire Code Board of Appeals and Adjustments, herein after referred to as the "Board", consisting of nine (9) members who are qualified by training and experience to vary the application of the provisions of this code, and act on related matters, and to perform such other duties as established herein. The Board shall be appointed by the Board of County Commissioners. All members must reside within Palm Beach County at the time of appointment and while serving on the Board and shall be qualified electors of Palm Beach County. The Board shall adopt rules and regulations for conducting its business. A quorum for said Board shall be 5 members of the Board. The AHJ shall designate a

representative to act as Secretary to the Board. Public Notice of all Board meetings shall be provided. All Board meetings shall be open to the public and shall comply with the applicable requirements of the Florida "Government in the Sunshine" and "Public Records" laws. Minutes shall be taken at each meeting.

1.10.3 Recommendations to Board of County Commissioners. The Board shall review this Code and make recommendations, in the form of specific amendments, to the Board of County Commissioners for corrections, additions, substitutions or deletions to said Code for the purposes of clarification, applicability, public safety, and changes in technology, so as to maintain this Code as an effective and responsive document.

1.10.4 Composition. The composition of the Board of Appeals and Adjustments shall be as follows:

- a. One (1) registered engineer, practicing in the mechanical field.
- b. One (1) registered engineer, practicing in the fire protection field.
- c. One (1) Florida or Palm Beach County certified general contractor.
- d. One (1) certified fire alarm contractor.
- e. One (1) certified fire sprinkler contractor.
- g. One (1) citizen of Palm Beach County, not eligible under other membership categories.
- h. One (1) registered architect.
- i. One (1) Palm Beach County municipal building official.
- j. One (1) Palm Beach County municipal fire service representative.

Where a member is required to be registered or certified, same shall be issued by the State of Florida unless otherwise specified.

1.10.5 Vote Calculation. Each member shall have a full vote.

1.10.6 Term. The members shall serve three (3) year terms. There shall be no limit on the number of terms an individual may serve.

1.10.7 Removal/Absences. All members shall be subject to the rules, adopted by the Board of County Commissioners, governing Board

participation and attendance.

1.10.8 Fire Code Advisory Board. When sitting solely in its advisory capacity, the Board shall be known as the Fire Code Advisory Board and shall be composed of the same members as the Board of Appeals and Adjustments. Persons appointed to the Board of Appeals and Adjustments shall be deemed to be likewise appointed to the Fire Code Advisory Board.

1.10.9 Procedures on Appeal.

1.10.9.1 Hearing. Upon receipt of the notice of appeal by the AHJ, a hearing shall be held at the next regularly scheduled meeting of the Board, with notice to the appellant, the AHJ, and the members of the Board, at least five (5) working days prior to said hearing. Special meetings may also be called by the Board provided that five (5) working days notice is given to both parties. If the applicant requires a special meeting to be called, the appeal fee shall be One Hundred Dollars (\$100.00). Both the appellant and the AHJ, or their representatives, shall attend the hearing and may present evidence at same. The Board shall consider each appeal on its own merits and shall base its decision only on the evidence presented at said hearing.

1.10.9.2 Board Action. The Board, upon an affirmative vote of a majority of the votes present, shall either 1) affirm the decision of the AHJ; 2) modify the decision of the AHJ; or 3) reverse the decision of the AHJ and affirm the appellant's position. The Board's decision, with the reasons therefore, shall be transcribed in writing and a copy shall be mailed, by certified mail, to the appellant, within ten (10) days after the hearing. All such decisions shall be final, subject to judicial review as provided by law.

1.10.9.3 Tie Vote. In the event the Board is deadlocked in a tie vote, the appellant may request the Board to defer final action until the next regular meeting date or a specific date certain. The appellant shall be entitled to one (1) such deferral as of right. The matter shall be deferred and heard de novo, unless the majority then present at the time deferral is requested vote for the matter to be determined upon the record only at the upcoming hearing after deferral.

1.10.10 Decisions.

1.10.10.1 The Board shall provide for reasonable interpretation of the provisions of this Code and rule on appeals from decisions of the AHJ. The Board may approve an equivalent alternative in accordance with Section 1.4 of this Code.

1.10.10.2 Action. The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the AHJ, the AHJ shall immediately take action in accordance with such decision.

1.10.11 Fire Marshal Order Stayed, Exception. Pending the disposition of an appeal scheduled for hearing, the order or decision of the AHJ sought to be appealed shall be stayed unless the AHJ certifies under oath, based upon available data, that an extreme danger to life or property exists, warranting immediate compliance under this Code. Said certification must be included in the order and be filed with the Board within ten (10) days after the notice of appeal is filed.

1.10.12 Conflict Resolution

1.10.12.1 Any conflict between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code as applied to a specific project shall be resolved in accordance with Section 553.73(10), Florida Statutes.

1.10.12.2 The Fire Code Board of Appeals and Adjustments is hereby designated and authorized to perform the local administrative board functions set forth in Section 553.73(10), Florida Statutes. In accordance with Section 553.73(10), Florida Statutes, the duties and functions of the Fire Code Board of Appeals and Adjustments shall include the following:

- a. To hear and render decisions in appeals of conflict decisions made jointly by the local AHJ and the local building official, in accordance with Section 553.73(10), Florida Statutes.
- b. To resolve conflicts between the building code and the fire code, in accordance with Section 553.73(10), Florida Statutes, in those instances where the local AHJ and the local building official are unable to agree on a resolution of said conflict.

1.10.12.3 If the County has, or does, designate another local board to perform the functions set out in Section 553.73(10), Florida Statutes, then said board and the Fire Code Board of Appeals and Adjustments shall rotate the duty to fulfill the functions as set forth in this Section 1.10.12 and in Section 553.73(10), Florida Statutes, on an annual basis or as otherwise agreed to by the AHJ and the local building official.

1.10.12.4 Any conflict between the Building Code and the Fire Code that involves the County's local amendments to either Code shall likewise be resolved in the manner set forth in Section 553.73(10), Florida Statutes, and this Section 1.10.12.

1.10.13 Additional Powers and Functions. The Board of Appeals and Adjustments is hereby authorized and empowered to: 1) hear and rule upon appeals from orders of the AHJ in Local Amendment challenges brought pursuant to Section 633.025(4) (d), Florida Statutes, and in accordance with Section 1.7.19 of this Code; 2) hear and rule upon appeals from decisions of the AHJ relating to false alarms as set forth in Section 10.7.6 of this code; 3) perform any other functions authorized for the Board by this Code.

1.10.14 Fireworks Board of Appeals. The members of the Fire Code Board of Appeals and Adjustments shall serve ex-officio as members of the Fireworks Board of Appeals and perform the functions of that Board, all as set forth in Palm Beach County Ordinance No. 2004-020, as it may be amended from time to time.

1.10.15 Any decision of the Fire Code Board of Appeals and Adjustments shall be final and reviewable in the manner and within the time provided by the Florida Rules of Appellate Procedure only by a petition for writ of certiorari filed with the Circuit Court in Palm Beach County.

1.12 Permits and Approvals.

1.12.19.4 Any permit authorized to be issued by the AHJ pursuant to this Code shall be subject to immediate suspension, revocation or denial by the AHJ upon the AHJ's determination that conditions exist which make the permitted activity imminently dangerous to life or property. The AHJ's order immediately suspending or revoking a permit shall cite with particularity the facts supporting the suspension or revocation. The suspension or revocation shall be effective immediately upon notice to the permittee at the location indicated on the permittee's application. Upon such immediate suspension or revocation of a permit, the permittee shall be entitled to appeal the decision of the AHJ at a subsequent hearing of the Board of Appeals and Adjustments. Upon the Board's receipt of a written notice requesting a hearing with respect to an immediate permit suspension or revocation, the Board shall set such a hearing for a date no later than five (5) working days from the Board's receipt of the written notice. The Board's written decision shall be mailed by certified mail to the permittee within two (2) working days after the hearing. In all other respects, the procedures of



Fire Rescue

Chief Steven B. Jerauld

405 Pike Road

West Palm Beach, FL 33411

(561) 616-7000

www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Karen T. Marcus, Chair

Shelley Vana, Vice Chair

Paulette Burdick

Steven L. Abrams

Burt Aaronson

Jess R. Santamaria

Priscilla A. Taylor

County Administrator

Robert Weisman

To: The Honorable Karen Marcus, Chair and Members of the Board of County Commissioners

From: Steven B. Jerauld, Administrator
Fire-Rescue Department

Date: May 5, 2011

Subject: Fire Code Board of Appeals and Adjustments

The Fire Code Board of Appeals and Adjustments is an advisory board appointed by the County Commission to review the Fire Code, hear appeals, and make recommendations to the Commission on fire and life safety issues. This Board, established in 1984, is required by the County Fire Code, Palm Beach County Ordinance 2008-045.

Each position on the Board is representative from a segment of the fire protection community. We are currently filling a vacancy of Seat #8 the Mechanical Engineer Representative position which has been vacant since May 2009.

Mr. Daniel Thompson of Thompson and Youngross Engineering Consulting Engineers has requested to sit on this board. Mr. Thompson has completed and signed the Advisory Board Nomination Form, the Palm Beach County Code of Ethics Acknowledgment of Receipt and State Guide to the Sunshine Amendment and Code of Ethics Acknowledgment of Receipt.

If you would like to nominate the above listed applicant please sign the attached Advisory Board Nomination Form. If you would like to make a nomination for appointment or reappointment please forward the information to the office of Deputy Chief Jeffrey Collins, Palm Beach County Fire Marshal. Please submit your nominations by May 20, 2011.

Thank you for your interest and assistance in this appointment process. If there are any questions reference this process, please contact Chief Jeffrey Collins at 616-7030 or my office at 616-7001.

Attachment: Board Appointment Information Form

cc: Jeffrey P. Collins, P.E., Deputy Chief