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## THE BEACH PROJECT AND A NEW COUNTY GOVERNMENT



Article by Eric Berkowitz



On December 20th, the Galt Mile Community Association Advisory Board convened its final meeting for 2007. As part of the GMCA's mandate, the Advisory Board aspires to keep abreast of projects that either benefit or detract from every resident's "quality of life". Based upon the Advisory Board's ongoing evaluation, the neighborhood association votes to support or oppose the project. Ireland's Inn founder Jack Ireland and proprietor Andy Mitchell of the Fairwinds Group updated the board about their establishment's development progress.

They've pieced together five acres and with Fortune International Realty's golden boy developer Edgardo Defortuna, Westin Diplomat and Fountainebleau architect John R. Nichols, high end landscape architecture firm EDSA and superbrand Mandarin Oriental, Mitchell and wife Kathy Ireland plan to morph the post-Wilma remnants of the 40-year Fort Lauderdale institution into a five-star resort & spa. The Ireland family is facing an unusual zoning dilemma. Since Municipal intent is to deter the erection of massive structures "out of character" with the surrounding neighborhood, City approval requires provision for open space proportional in scope to a proposed structure or structures. To ascertain compliance, the total length of the structure serves as the basis for calculating the amount of open space that must be accommodated.

The planned redevelopment of Ireland's Inn resort is predominated by two main buildings. The architectural riser clearly shows the two structures separated by a sizable open space that reveals the ocean backdrop. Ordinarily, this layout would pass code requirements with flying colors. However, the plans provide for underground parking facilities beneath the buildings. Despite the fact that the below grade garage is invisible and covered with landscaping, since it is located below both structures, City planners are interpreting the two buildings and the connecting underground garage as one continuous structure.

By classifying invisible underground building elements as if they were visual impediments capable of obscuring the view or blocking the sun, building officials have deemed the plan in violation of maximum length regulations. The proprietors have continuously modified their vision to satisfy neighborhood concerns, altering height, placement and shadowing in response to suggestions forwarded by local residents. Moving features that can't be seen is a barren source of aesthetic benefit.

Another obstacle arises from the property's residential zoning status. For years, Fort Lauderdale residents have congregated at the Ireland's Inn restaurant, patronized their beauty shop and enjoyed the beachfront bar. By definition, residentially zoned areas rightfully preclude businesses from providing direct entry from the street. Given the resort's creation of a self-contained enclave that is compatible with the surrounding neighborhood, forcing customers to funnel through the hotel lobby to access the ancillary services is another foolish, counterproductive compliance objective.

Continued on page 4



## Commissioner Christine Teel's Redevelopment Strategy

The Planning and Zoning Board and the Council of Fort Lauderdale Civic Associations have expressed concerns associated with recent development. The Council has provided a set of proposed modifications to the Fort Lauderdale Unified Land Development Regulations (ULDR) in an attempt to address some of the changes occurring within the built community. Some of the concerns expressed include:

- Abrupt change in scale, particularly height and mass, from existing smaller buildings to new larger structures;
- Minimal distance between buildings on adjacent properties, leaving minimal room for shade trees and mature landscaping;
- Dominating garages and expansive vehicular use areas in the front yard, which are not visually attractive, reduce pervious areas and space for landscaping, and negatively impact pedestrian activity along the street; and
- Insufficient architectural details and minimal façade undulation of variation in building height, creating boxy massive structures that stand in stark contrast to existing adjacent buildings.

The City recognizes the problems and concerns and wants to address them in a comprehensive way. We are soliciting proposals to select a consultant(s) to undertake the Neighborhood Development Criteria Revisions Initiative. The objectives of this planning initiative include:

- Identifying the perceived negative issues resulting from neighborhood redevelopment;
- Providing opportunities for the community to work together to create a vision for the future neighborhood redevelopment patterns;
- Proposing recommendations to modify the City's ULDR to carryout the established vision; and
- Enacting ordinance changes to mitigate identified negative impacts new development has upon existing neighborhood character and building patterns.

This initiative will be in two phases: Phase I will be the ULDR Modifications Plan that includes the research and analysis, public outreach, and draft ULDR modifications plan; Phase II includes the draft ordinance process, followed by the approval process for the ordinance amendments.

While the building boom has slowed down, the cyclical nature of redevelopment will cause an upward trend in the future. This is an excellent time to lay the groundwork for what future development should look like in the City of Fort Lauderdale. Once a consultant has been selected I look forward to having the residents in District I involved in the process and to offer their recommendations so that we all have an impact on the redevelopment in our neighborhoods for the future. I'll provide updates as the Neighborhood Development Criteria Revisions Initiative progresses and I look forward to your input on this extremely important City project.

Please feel free to contact me with any questions or suggestions. I can be reached at city hall at (954) 828-5004 or by e-mail at [cteel@fortlauderdale.gov](mailto:cteel@fortlauderdale.gov)



*\*Like many other major metropolitan communities, the City of Fort Lauderdale's neighborhoods have developed in fits and starts. In the absence of carefully regulated Master Plans developed and endorsed by community residents, neighborhood growth has often been a function of fashion, fad and marketability – changing radically in mid-stride with economic booms and busts. Sunny blocks lined with one and two story homes were randomly peppered with high-rise structures that effectively blocked out the sun. Driven to maximize negotiable square footage in highly desirable locations, opportunistic developers perceived green space and setbacks as unproductive fiscal liabilities during heated real estate markets.*

*In a recent Newsletter, District 1 City Commissioner Christine Teel lamented the consequences of unplanned, disorganized development wherein communities are stripped of their character along with any semblance of environmental balance. A two-part therapy is recommended to avoid further adulteration of the City's resources - planning and local input. The vehicles best-equipped to engineer and oversee these ambitious efforts are the Planning and Zoning Board and the Council of Fort Lauderdale Civic Associations. After eliciting input from residents about their local preferences for controlled growth, enacting effective modifications to the Fort Lauderdale Unified Land Development Regulations (ULDR) will help actualize their neighborhood vision. READ ON... – [editor]\**

From the Desk of Commissioner Christine Teel

During the past decade there was considerable redevelopment throughout Fort Lauderdale. Many, once relatively low scale, single and multifamily dwelling neighborhoods were finding numerous large-scale dwellings being built. Some residents supported the change in character of their neighborhoods, while others opposed the changes.

## The Galt Mile News

The Galt Mile News is the official newsletter of the Galt Mile Community. Published 12 times a year, this publication is designed to educate the Galt residents of neighborhood-oriented current events and issues, and to offer residents Galt-specific discounts from various local merchants.



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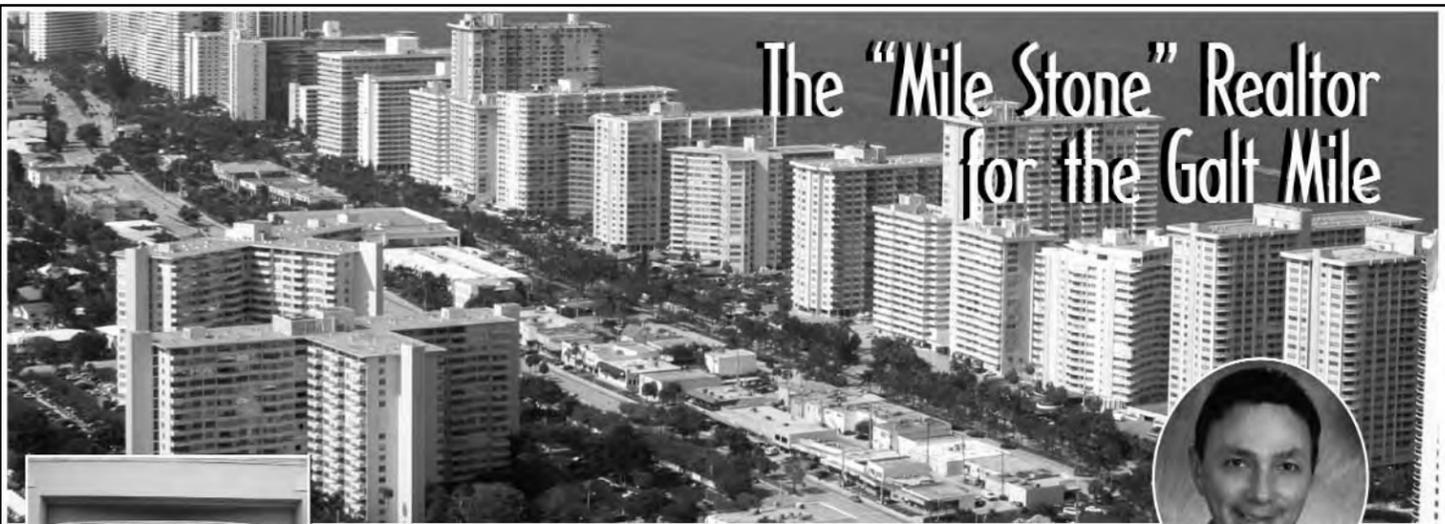
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Glitch...Continued

statute that requires Florida to negotiate with any Indian tribe wishing to offer identical Class III slots. Subsequently, the Seminole Tribe of Florida requested to enter into negotiations with the State.

The Florida Constitution does not set forth a process for entering into compacts like that which the IGRA requires. It seems clear that the Governor has the authority to negotiate with the Tribe as Florida's chief executive. However, the Constitution vests the power to create state policy in the Legislature. It is the House's position that he may not unilaterally exercise certain powers that the Florida Constitution expressly delegates to the Legislature.

Now that the Governor reached terms with the Seminole Tribe, there remains a question over ratification of the compact. The federal government has no authority to require Florida to allow illegal table games on tribal lands and the Legislature has a rightful role in deciding the state's policy on gambling expansion. As a result, the House filed a Petition with the Supreme Court asking the Court to declare the compact invalid unless and until it is approved by the Legislature.

The question over whether to legalize table games is a policy issue, not a legal obligation. Federal law only requires Florida to negotiate over how to regulate Class III slot machines on tribal lands. Key policy questions related to the gambling compact include the number of slot machines allowed, the State's share of slot revenue, and which state entity will have oversight over Class III Indian gambling. The IGRA does not require Florida to negotiate over allowing table games, which are currently illegal in Florida.

This debate is about more than the expansion of gambling. It is about protecting our system of checks and balances. Our constitution divides

power to assure that no one person has too much power. The House made the decision to file the petition believing it is our obligation to protect the constitutional power of the Legislature.

Most of our neighbors have the wrong impression that tax revenues from the expansion of gambling solve the current budget crunch. Even the most liberal forecasts of table game-driven revenue would be insufficient to offset Florida's projected revenue shortfalls. Florida presently faces a budget shortfall of about \$1.5 billion, with similar shortfalls projected in future years. Recent media reports have indicated the gambling compact may generate anywhere from \$50-100 million per year, depending on the terms. Also, any new state revenue would correspond with increased demand for social services and public safety, while displacing economic and human resources for local businesses. Additionally, it is believed that the expansion will grossly impact our pari-mutuels and those businesses that service them, thereby reducing revenue to the state. So it is anticipated that the \$50-100 million received by the compact will have a substantial offset when other revenues diminish as a result.

Oral arguments will be heard at the Supreme Court on January 30th and I will be there. This is a fascinating constitutional issue and one that will be an incredible learning experience regardless of the result.

I will keep you posted as this issue progresses. If you have any thoughts on the matter, I would love to hear from you. No doubt, gambling will be one of the major issues of the 2008 legislative session.

Thank you again for your support and for allowing me the privilege of serving as your representative in the Florida House.

UNTIL NEXT TIME...

Beach...Continued

Keechl confirmed that Higgins has expanded his search for sand. Several borrow areas that were originally designated as adequate sand sources were reevaluated in late 2007. The net borrowing to date has diminished the ratio of sand to rock to unacceptable levels, prompting an effort to identify and locate alternative sand sources. In addition to re-examining offshore deposits, Keechl said, "Higgins is looking to the Gulf and the Bahamas as potential donors." Higgins also investigated the efficacy of "glass-sand", sand-like smooth glass grains that can be sized and colored to match intended target areas along the Broward coast. Since sand and glass share silicon dioxide as their main ingredient, both products are chemically compatible with the beach environment. The State and County have already spent about \$600,000 in engineering costs and for vesting test areas with glass-sand to ascertain its on-site viability.

At the September 20th Advisory Board meeting, the Commissioner expressed concern about the deployment of erosion control devices at what are known as "erosion hot spots." Certain areas along the beach are prone to heightened erosion rates. Ordinarily, as beach sand naturally washes south along the shoreline, it is in turn replaced by sand migrating from beaches to the north. Theoretically, the only deficit should occur at the northernmost beaches where nothing is available to replace the southerly migrating sand. Breaks in the shoreline - such as inlets - disrupt the natural flow, diverting sand out of the loop. These interruptions in the flow are characterized as "erosion hot spots."

Coastal engineers have developed marine construction elements that catch the lost sand, slowing the rate of erosion. The boulder mound spur and two T-head rock groins installed next to the Port Everglades inlet fulfilled that purpose. By slowing coastal erosion, the devices delay the need for subsequent expensive renourishments, justifying the minor aesthetic drawback. Expressing his opposition to any coastal plumbing that mars the natural appearance of the beach, he said he would ask Higgins if the machinery could somehow be hidden from view. However, until technology can effectively blend the devices into the beach environment, Keechl agreed to support the installation of a limited number of erosion control elements. Winding up his beach update, Keechl said, "Delays attributed to the search for sand prompted Steve Higgins to project a fall 2009 start date for the Segment II renourishment."

Our District 4 Commissioner broached the impending January 29th vote on a proposal to amend the constitution with controversial property tax reform. A longtime advocate of a more equitable property tax system, Keechl expressed his disappointment with the Legislature's tax package. Digressing, he remarked that he was very pleased with the installation of Al Lamberti as County Sheriff. Clarifying his surprise segue, he asked if we were aware that 50% of the County's property tax assessment went to the Sheriff, half of which went to fund the jails. The Broward Commission is vested with marginal control over how constitutional officers (the Broward County Sheriff, the Broward County Property Appraiser, the Broward Supervisor of Elections, etc.) budget their departments. The Commission was often frustrated by the previous sheriff's lack of cooperation in exercising budgetary self-restraint. Keechl complimented the new sheriff's predisposition to work with the Commission to control spending.

Continued on page 7



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Beach..Continued

Changing the meeting focus to some potential revisions in the Broward County Charter, Commissioner Keechl said the Charter Review Commission is considering major changes to the structure of county government. As expected, the Commission reviewed the current musical chairs format that underlies the mayoral rotation and discussed whether the County would be best served by a strong or weak mayor. In the current format, the commissioners take turns serving rotating one-year terms as Mayor. Since their primary allegiance remains to their respective districts, the seat is largely symbolic and its occupant's objectivity is hardly credible. Alternatively, Keechl described several formulas considered by the Commission that would create an independent mayor.

The Charter Review Commission is composed of 19 members, two appointed by each of the nine County Commissioners and the 19th was appointed by Kristin Jacobs with "At-Large" status. The Commission is serviced by subcommittees charged with a variety of responsibilities. In addition to a Charter Budget Subcommittee and a Charter Legal Subcommittee attending primarily to Commission housekeeping, the five other jurisdictions addressed by 7-member subcommittees are Administrative Issues/Governance, Health/Social Services, Land Use, Public Safety and Transportation. The Charter Review Commission's final recommendations will likely appear on the November 2008 ballot for public approval.

So far, the Administrative Issues/Governance Subcommittee recommendations include a "Non-Interference in County Administration" amendment that precludes the County Commission from interfering with County Administration, a "County Commission Meetings Rules and Voting" amendment that describes how conflicted County

Commissioners should ethically recuse themselves from inappropriate participation in matters related to a conflict of interests and a "Broward County Regionalism Policy Statement" that provides for the inclusion of a statement detailing the County government's "duty to develop programs and policy with a county-wide focus." Keechl described the subcommittee's most important work product as their "Redistricting & Directly Elected Mayor" amendment.

After considering 5 possible formulas for reconfiguring Broward's governing board, Commissioner Keechl said the final proposal provided for 9 Commissioners, a Mayor and a Vice Mayor (or At-Large Commissioner). The two additional positions would be committed to the County's interests as opposed to any particular district. The election of an independent Mayor and Vice Mayor (or At-Large Commissioner) would bring to a halt the peculiar practice of attiring an elected district Commissioner "in Mayor's clothing" for a year. The subcommittee is still wrestling with the Mayor's actual powers. Although most jurisdictions are led by a strong Mayor who shares power with an elected commission, exceptions to that model include the City of Fort Lauderdale, Miami and Broward County; wherein elected commissioners work with a strong Manager or Administrator. The largely ceremonial Mayors are equipped with powers comparable to those of their commission peers. Keechl mentioned that the Broward Workshop, a panel of 18 civically active business leaders and professionals committed to the County's betterment, supports a weak Mayor for Broward County.

The Health/Social Services Subcommittee will recommend the formation of a "Broward County Housing Council" to address workforce housing, affordable housing and homelessness and recommend that the County Commission continue to support Children's Services as a County priority. The Land Use Subcommittee will recommend an

Continued on page 8

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## Representative Bogdanoff's Correspondence Clinic

*"Legislators are generally guided by constituent input. Their survival depends in part on promoting or supporting legislation advantageous to the voters that seat them. District 91 Statehouse Representative Ellyn Selnor Bogdanoff, the Galt Mile's voice in the Statehouse, also serves as the "Majority Whip" in the Florida House of Representatives. Her dual responsibilities require careful attention to properly organizing her time. She must balance her "Whip" responsibilities with advocating on behalf of the folks back home.*

*Legislators experience relatively short – yet frenetic – "seasons" during which they are preoccupied with supporting legislation favorable to constituents while working to sponsor their own bills. Once the legislative session starts, there is little available time to significantly alter their legislative strategy. Since lawmakers ordinarily organize that strategy prior to the start of the session, that is the optimum time to apprise them of your concerns.*

*In her January 2008 Newsletter, Representative Bogdanoff explains how constituents with legislative interests can productively advance their cause. Armed with a first-hand perspective of the daily rigors endured by her peers in the Florida Statehouse, Ellyn draws a roadmap for constituents aspiring to participate in the legislative process. She describes how issues should be packaged and delivered. Although her recommendations are applicably useful for contact with any legislator, they carry heightened significance for her constituents. While her "Whip" responsibilities understandably burden constituent communications once the session heats up, it also affords her an intimate familiarity with the session's legislative layout. By using the format enumerated in her newsletter, constituents can be assured that their "predigested" concerns will be effectively matched to any legislative opportunities that surface during the session. Alternatively, you can always wait until the last minute before frantically peppering lawmakers with pleas, threats and/or "white papers" in support of some perceived agenda – GOOD LUCK. Notwithstanding, trying it her way should enhance prospects for a rewarding – if not successful – outcome. Read on – [editor]\**

### Communicating with Legislators

Dear Neighbor:

The 2008 Legislative session is quickly approaching, and with only 60 days to work, there is so much to accomplish. By sharing your opinions and ideas with me, you help decide what to do about the issues and pending legislation that affect us all. I value your suggestions and encourage you to express them:

Continued on page 13



### Water Restrictions...Continued

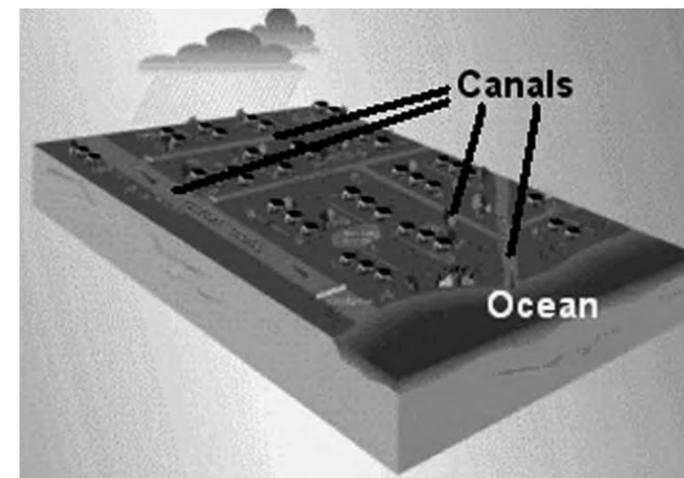
The City of Fort Lauderdale will continue to strictly enforce water restrictions and issue citations for water use violations.

The City is required to follow the restrictions imposed by the SFWMD at its parks and other landscaped properties. In addition to following the guidelines, whenever possible the City continues to look for ways to decrease water usage. Since there are over 200 city-owned irrigation systems it is a monumental task to ensure that all the systems are functioning properly. Our residents can assist the City by contacting my office if they observe what may be a malfunction of a sprinkler system or a timer.

The SFWMD is responsible for permits that determine how much water city, county and other large users are allowed to withdraw from our shared underground water reserves. Local city and county governments are responsible for actually treating and delivering the water we use in our homes and businesses.

When the SFWMD declares water restrictions, the City of Fort Lauderdale implements a drought surcharge for all residential and commercial water, wastewater and irrigation accounts. The surcharge amount will vary depending on the type of water account and the number of gallons used above the established limits for that type of account. If a residential or business user reduces the amount of water used there will be a reduction in the water bills.

For more information on the restrictions in effect, water bill surcharges, water conservation tips and city enforcement, visit the city website at [www.fortlauderdale.gov](http://www.fortlauderdale.gov). For additional information on the role of the South Florida Water Management District and the educational materials available to the public visit their website at [www.sfwmd.gov](http://www.sfwmd.gov). To prevent further restrictions and in an effort to preserve our most precious natural resource, I encourage everyone to find ways to reduce water consumption. •



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# REPRESENTATIVE BOGDANOFF RAPS TRIBAL GAMING GLITCH

REPRESENTATIVE ELLYN BOGDANOFF, DISTRICT 91

By Eric Berkowitz

*"The state of Florida appeared to have reached an accommodation with the Seminole Indian tribe over whether they would be allowed to operate Las Vegas style slot machines (Class III) in their casinos. The Tribe had unsuccessfully tried to secure an agreement for years. After a Broward County referendum legalized the use of slot machines in the four pari-mutuel establishments within the County, the state was legally obliged to allow the Seminole gaming establishments to have the machines as well. However, Governor Jeb Bush fought them until he was no longer in office. If Bush had permitted them to have slot machines at their gaming locations before the Broward referendum, the state could have negotiated for a healthy portion of their proceeds. Once Broward opened the door to allowing slots, the state could no longer preclude the Seminoles from also installing the devices. Divested of the State's former leverage, Governor Crist had to sweeten the pot in order to secure a piece of the tribe's action. The tribe wanted to offer table games. On November 14, 2007, the makings of a deal were in place.*

*Pleased with their successful Seminole Hard Rock Hotel & Casino operations in Hollywood (near Miami and Fort Lauderdale) and Tampa, the Tribe bought Hard Rock International and other related entities from The Rank Group Plc for approximately \$965 million. The deal gave the Seminoles ownership of 68 company-owned Hard Rock Cafe Restaurants and retail stores, including 44 in the United States, three in Canada, 17 throughout Europe, three in Australia and one in Puerto Rico. Additionally, the Tribe controls licensing or franchise agreements for another 56 restaurants and five hotels with locations in places such as Orlando and Chicago, plus Hard Rock Live performance venues. Hard Rock Cafe International is headquartered in Orlando. In addition to its two Seminole Hard Rock Hotels & Casinos, the Seminole Tribe owns and operates five more non-Hard Rock Florida casinos in Coconut Creek and Hollywood on the Southeast coast, in Immokalee near Naples, on the Brighton Reservation north of Lake Okeechobee and on the Big Cypress Reservation south of Lake Okeechobee. Since opening their first bingo hall in 1979, the Seminole Tribe has been widely credited with kick-starting the Indian Gaming movement.*

*Tired of waiting for the State's permission to install the Class III slot machines used by the Broward pari-mutuels (Gulfstream Park: Thoroughbreds in Hallandale, Mardi Gras Gaming: Greyhounds in Hallandale, The Isle at Pompano Park: Harness Racing at Pompano Beach and Dania Jai-Alai: Jai-Alai at Dania Beach), the Seminoles filed a motion in federal court last January that accused the Florida legislature of utilizing delay tactics to circumvent the negotiation process and requested that the U.S. Department of Interior immediately approve their slot machines. Governor Crist asked for a delay in a letter to U.S. Secretary of the Interior Dirk Kempthorne, stating, "I would appreciate the opportunity to enter into discussions with the Tribe about this ongoing issue. I therefore request that the Department not take any action immediately in order to give the State an opportunity to enter into a process with the Tribe." With the table stakes significantly heightened, the Governor and the Tribe entered into serious negotiations.*

*However, legislators opposed to any deal have continuously belabored and delayed the negotiations. Lawmakers from jurisdictions with major recreational*

*facilities (i.e. Disney World, Universal, etc.) opposed any expansion of Florida's gaming venues (including the pari-mutuels) that could cut into their share of the tourist dollar. Concerned about the anticipated sharpened competition, the four Broward pari-mutuels (with permission to operate 6000 new Class III slot machines) also opposed the Tribe's efforts to upgrade their slot machines. This created a new wrinkle for local legislators. The Broward electorate voted their support for pari-mutuel slot machines with the understanding that profits would fund education and offset any local costs for increased social services and public safety to accommodate the expected additional recreational traffic. Enhancement of the Tribe's local operations would cut into those revenues. As such, any financial advantage expected from a deal with the Seminoles might be offset by the anticipated corresponding drain on the local share of pari-mutuel revenues. These contradictory incentives contributed to the Legislature's seemingly schizophrenic behavior. To create a nationwide formula for the 360 Tribal gaming venues in the United States, Congress passed Indian Gaming Regulatory Act (IGRA), a statutory requirement that Indian Tribes be permitted to offer whatever the State allows to other gaming interests.*

*The understanding arrived at by the Tribe and the Governor would allow the Seminoles to offer Class III slot machines and table games such as blackjack and baccarat. Under the agreement, the tribe will phase in the conversion of its Class II, video-style slot machines, to Class III slot machines, which operate more quickly while rewarding players with higher prizes and the house with higher profits. The Seminoles committed to converting 75 percent of them within two years and all of them within five years or the state will receive payments "as if the conversion has been completed whether or not the tribe has fully executed its conversion." The Tribe will pay the State of Florida \$50 million upon the federal government's approval of the compact.*

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*On November 8th, Statehouse Speaker Marco Rubio provided House members with a legal opinion by former House Speaker, University of Florida law school professor and member of Florida's most recent Constitution Revision Commission Jon Mills that addressed the Legislature's role in the process of entering into a gambling compact with the Seminole Tribe.*

Continued on page 15

## THIS MONTH AT-A-GLANCE

# FEB/MAR 2008



SUN	MON	TUE	WED	THU	FRI	SAT
<b>10</b> Walk Against Hunger in front of the Winn Dixie in the Galt Ocean Mile Marketplace 8 a.m. Florida Renaissance Festival (Through 3/9) Weekends only, 10 a.m. - sunset Quiet Waters Park Info.: 954-776-1642	<b>11</b> Chris Rock Hard Rock Live Info.: 954-797-5531	<b>12</b>	<b>13</b> Tony 'n' Tina's Wedding Broward Center Tix.: 954-462-0222 Panthers vs. Canadiens BankAtlantic Center 7:30 p.m. Tix.: 954-835-7825	<b>14</b> Valentine's Day at Fairchild A Romance of Jazz & Modern Art Fairchild Tropical Gardens 7 p.m. Tix.: 305-667-1651 X 3358	<b>15</b> Collector Cars of Ft. Lauderdale (Through 2/17) Broward County Conv. Ctr. Tix.: (800)-211-4371 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Info.: 954-776-5092	<b>16</b> Pizza Fusion - Kids Organics Class 10 a.m. Info.: 954-427-5353 Main Street Green Market Richardson Historic Park 8 a.m. to 2 p.m. Info.: 954-568-0504
<b>17</b> ATA Marathon Las Olas Blvd to Hillsboro Inlet Info.: 561-241-3801	<b>18</b> Vice Mayor Teel Pre-Agenda Meeting Beach Community Center 6 p.m. Info.: 954-828-5033	<b>19</b> Ft. Lauderdale City Commission Meeting City Hall 6 p.m. Dresden Philharmonic Broward Center Tix.: 954-462-0222	<b>20</b> Noon Tunes Stranahan Park "The Bluegrass Boys" 11:30 a.m. to 1:30 p.m.	<b>21</b> G.M.C.A. Advisory Board Meeting Nick's Italian Restaurant 11 a.m. Madama Butterfly Broward Center Tix.: 954-462-0222	<b>22</b> Big Cypress Shootout (Through 2/24) 2 p.m. & 8 p.m.. Tix.: 800-467-2327	<b>23</b>
<b>24</b> Household Hazardous Waste Drop Off Event 8 a.m. to 3 p.m. Hagen Park Oscar Night Party Cinema Paradiso Tix.: www.fliff.com	<b>25</b>	<b>26</b>	<b>27</b> Ft. Lauderdale Billfish Tournament (Through 3/2) Las Olas Marina Info.: 954-523-1004 Noon Tunes Stranahan Park "Two Nite Stand" (Latin/Top 40) 11:30 a.m. to 1:30 p.m.	<b>28</b> Classical Concert Hagen Park Tosca, Florida Grand Opera Broward Center Tix.: 954-462-0222	<b>29</b> Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Info.: 954-776-5092	<b>1</b> Walk For The Animals Esplanade Park 8 a.m. Info.: www.walk4theanimals.com Las Olas Art Fair (Through 3/2) Las Olas Blvd. 10 a.m. to sunset Info.: www.artfestival.com
<b>2</b> Sunday Jazz Brunch Riverwalk, Downtown FL 11 a.m. to 2 p.m. Info.: 954-828-5985	<b>3</b> Vice Mayor Teel Pre-Agenda Meeting Beach Community Center 6 p.m. Info.: 954-828-5033	<b>4</b> Ft. Lauderdale City Commission Meeting City Hall 6 p.m.	<b>5</b> Afternoon Tea Fairchild Tropical Gardens 3 to 5 p.m. Noon Tunes Stranahan Park "Joey Gilmore Band" (Blues) 11:30 a.m. to 1:30 p.m.	<b>6</b> Panthers vs. Pittsburgh Penguins BankAtlantic Center 7:30 p.m. Tix.: 954-835-7825	<b>7</b> Rocky Horror Picture Show Cinema Paradiso Begins at midnight All Seats \$5 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Info.: 954-776-5092	<b>8</b> 12th Annual Spring Garden Event (Through 3/9) Flamingo Gardens Info.: 954-473-2955 31st Annual Waterway Cleanup 9 a.m. to 1 p.m. Info. & site locations: 954-524-2733
<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b> Panthers vs. Islanders BankAtlantic Center 7:30 p.m. Tix.: 954-835-7825 Noon Tunes Stranahan Park "Joey Gilmore Band" (Blues) 11:30 a.m. to 1:30 p.m.	<b>13</b> Wicked, Broadway (Through 4/6) Broward Center Tix.: 954-462-0222	<b>14</b> Panthers vs. Rangers BankAtlantic Center 7:30 p.m. Tix.: 954-835-7825 Jazz on the Square The Village Grille Commercial Blvd. & A1A 7 p.m. Info.: 954-776-5092	<b>15</b> MoneyShot Volleyball South Beach Park Team Sign-Up.: 561-241-3801 Main Street Green Market Richardson Historic Park 8 a.m. to 2 p.m. Info.: 954-568-0504

## A look ahead

- March 19 - March 23 Fort Lauderdale International Auto Show Convention Center, Info.: 954-765-5900
- March 19 - March 20 Tony Bennett Hard Rock Live, Info.: 954-523-3309
- March 21 Playhouse Disney Live! BankAtlantic Center, Tix.: 954-835-SHOW
- March 22 Pet Adoption in the Park C.B. Smith Park, Shelter #15, Tix.: 954-835-SHOW
- April 12 Walk for Wildlife and Family Festival featuring Jeff Corwin, Quiet Waters Park



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Beach...Continued

amendment that will raise the bar for changing the status of County Park land, making it more difficult to capriciously barter away our dwindling green space. They've also composed a Policy Statement that details the County government's duty to enact policies that protect "citizen's rights to a sustainable environment while encouraging the stewardship of natural resources." The Public Safety Subcommittee will recommend reorganizing the "Broward County Fire Rescue Council" as the "Broward County Public Safety Council", imbuing the new entity with expanded jurisdiction and requiring that County ordinance prevail over municipal ordinance in matters relating to minimum standards for fire protection and emergency medical services. The Transportation Subcommittee will recommend the creation of a "Metropolitan Transit Authority" serviced by a Board of Trustees and a Citizens Advisory Council that will replace the existing Broward County Office/Department of Transportation.

Following the Commissioner's address, GMCA President Pio Ieraci asked about the County's take on the Calypso Deepwater Port and the adjoining Calypso Pipeline. Commissioner Keechl surprised the Advisory Board by admitting no familiarity with the projected construction of a liquid natural gas (LNG) transfer station off the Galt Mile beach. If City Commissioner Christine Teel hadn't apprised the GMCA Presidents Council at their December meeting of the project's anticipated implementation, much less its serious implications for the adjacent area, it would have mysteriously appeared one day on the horizon without the community's knowledge or assent. An investigation into some of the project's liabilities revealed a horrifying potential for massively incinerating the surrounding area and killing thousands of local residents.

When creating a licensing format for liquid natural gas offshore facilities, the Administration resisted attempts by Congress to include local input as a major requirement for receiving approval. In fact, only State Governors are empowered to veto LNG projects within their jurisdictions - everyone else enjoys spectator status. Although the project will be located in waters under federal jurisdiction, the pipeline carrying the revaporized end product at some point enters County and City jurisdiction en route to achieving landfall in Port Everglades.

Studies suggest that the dangers inherent in the project, not the least of which is the cargo's potential for ignition, will threaten the entire area within 30 miles of the LNG Deepwater Port. Since the facility is expected to be located about 7 miles offshore opposite the Galt Mile beach, tens of thousands of barrier island residents and thousands more inland city dwellers would become victims if subjected to an accidental ignition similar to catastrophes in Cleveland and Algeria. In Cleveland, a city block was incinerated in 1944 at the site of the first onshore LNG facility built in the United States. A similar holocaust occurred in 2004 at a LNG facility in the Algerian port city of Skikda. The Administration's strategy of shielding LNG licensing from local input while fast tracking regulatory approval flies in the face of a report by former White House chief of security Richard Clarke that characterizes LNG facilities as ideal terrorist targets.

While the County and City have been deliberately marginalized by federal licensing procedures, the project must still pass local review as part of developing a required Final Environmental Impact Statement. Commissioner Teel promised to arrange a public meeting to address inquiries about project safety and potential vulnerability to terrorist attack, severe weather events and human error. The total amount of energy contained in a full tanker of LNG is comparable to 55 Hiroshima-style atomic bombs or roughly 7/10 of a megaton of TNT. Despite the County's lack of input, Commissioner Keechl said he would look into the issue and, if appropriate, solicit federal assistance to help contend with any adjudicated threat. As exclaimed by Ieraci after thanking the Commissioner for his offer to help, "Its begining to appear as if we may need it!"

Bogdanoff...Continued

Representative Elyn Bogdanoff, Majority Whip  
1421 South Andrews Avenue, Fort Lauderdale, FL 33316  
(954) 762-3757

Representative Elyn Bogdanoff, Majority Whip  
402 S. Monroe Street, 323 Capitol, Tallahassee, FL 32399  
(850) 488-0635

I receive a tremendous number of phone calls, mail and email from our neighbors and I am often at the capitol past midnight to read and respond to it all. I would like to provide some tips and ideas to help you get the most impact out of your communications:

- Know how to contact me and your other elected officials. If you don't know who represents you, you can find out by calling my office.
- Understanding the legislative process will help you effectively express your ideas. We are happy to explain the process or guide you to some materials that can assist you.

• Contact your representative about a particular issue before the Legislature takes action on it. Most matters coming before the Legislature are well publicized before session. You can track legislation online at: [www.myfloridahouse.gov](http://www.myfloridahouse.gov).

• I am sure it is no surprise, but the press does not always get it right. Feel free to call my office if you read something in the paper or online. Things change rapidly and often change after something is put in print. We are happy to discuss any issue with you, so feel free to call my office for an explanation or clarification.

• Use a variety of communication methods. You might choose to write or fax, but the most effective methods are: e-mail, telephone, or a visit to my office at 1421 South Andrews Avenue. Aaron and Mike are there when I am in Tallahassee to answer and questions. If you make it to Tallahassee, call Katie in the Whip's office or Mike or Aaron and set up something in advance. I am always available to visit with folks from home.

When corresponding with my office or any other member of the legislature, I have found over the years that the following components of any communication are the most helpful:

- Tell me what effect you think a particular bill, if it becomes law, will have on you, your children, business, or community. Be concise, but specific.
- Feel free to suggest a course of action and offer assistance. I have never passed a bill without a great deal of help from many people. It is a team effort.
- Type or print legibly. Sign your name neatly and give your address and telephone so I can respond to you.

Continued on page 17

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During the past few months, residents and business owners may not have dwelled on the water shortage since some of the restrictions previously in place were eased and there was optimism that the rainy season would improve our situation. Unfortunately, the 2006 and 2007 rainfall was the lowest on record, causing the South Florida Water Management District (SFWMD) to issue the following new restrictions that take effect January 15, 2008.

- Addresses that end in an odd number (1, 3, 5, 7, 9) may water lawns and landscapes on Mondays from 4 - 8 a.m. or from 4 - 8 p.m.
- Addresses ending in an even number (0, 2, 4, 6, 8) may water lawns and landscapes on Thursdays from 4 - 8 a.m. or from 4 - 8 p.m.
- Hand watering of "stressed" areas using a hose with an automatic shut-off nozzle is permitted for 10 minutes per day.
- New landscaping (planted for 30 days or less) can be watered 2 - 8 a.m. every day except Friday. Landscaping in place for 31 to 60 days may be watered 2 - 8 a.m. every day except Tuesday and Friday.
- No restrictions apply to car washing, boat washing, pressure cleaning or water used for decorative fountains, pools or other water-based recreation. Restrictions for these uses could be implemented if conditions worsen.

**COMMISSIONER TEEL  
EXPLAINS  
REVIVED WATER  
RESTRICTIONS**

In her January Newsletter, District 1 City Commissioner Christine Teel aspires to prepare neighborhood residents for a renewed set of water utilization restrictions as mandated by the South Florida Water Management District. Effective on January 15th, residential constituents whose addresses end with an odd number will be authorized to irrigate landscaping on Mondays from 4 to 8 AM and PM while those whose addresses end with an even number may water their lawns on Thursday from 4 to 8 AM and PM. Newly planted landscaping is afforded special dispensation and is subject to a fairly liberal policy of incremental irrigation. Commissioner Teel admonishes that the City is equally obligated to comply with the conservation effort. Some 200 irrigation systems that service City Parks and other properties occasionally malfunction. Absent the assistance of residents in reporting these glitches to the City, they could go undetected for extended periods and intensify the shortage. The Commissioner also clarifies that a SFWMD restriction declaration triggers the City's charging of drought surcharges to residential and commercial customers. How quaint! READ ON... - [editor]\*

From the Desk of Commissioner Christine Teel

I hope 2008 has gotten off to a great start for everyone and that you and your families had a safe and happy holiday season. A new year always gets active quickly as people return from visiting friends and relatives or recover from hosting others who want to take advantage of the weather and amenities of South Florida in the winter.

Continued on page 9

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Glitch...Continued

In short, the opinion concludes that any final compact will not be valid unless it is approved by the Florida Legislature. Specifically, Mills gives a detailed legal treatise, explaining, "It is my opinion that the Legislature must either delegate authority to negotiate and enter the compact, or must itself ratify and implement any proposed gaming compact to avoid a violation of Florida's constitutional separation of powers doctrine in Article II, Section 3, Florida Constitution.1 The argument that such a compact can be negotiated and implemented in Florida without legislative consent is not supported by Federal law, and it is directly contrary to Florida law." Simultaneously, Speaker Rubio filed a Petition with the Supreme Court challenging the Governor's authority to finalize any agreement without legislative ratification. Crist decried Rubio's assertion as disingenuous, stating that Rubio had two opportunities in the 2007 legislative session to pass a bill that would have mandated legislative approval. Rubio refused to consider House Bill 209, sponsored by freshman Democrat Rep. Jim Waldman from Coconut Creek, or Senate Bill 160, which passed the Senate 39-1 and was available for the House's consideration in the final days of the session.

Guaranteed annual minimum payments to the State of Florida will be \$100 million. Starting in the third year, the state will receive between 10 and 25 percent of the revenue on a sliding scale, depending on total revenue amounts. Upon signing a 25-year compact with Seminole Tribe of Florida Chairman Mitchell Cypress, Governor Crist commented that the federal government had indicated it would allow the tribe to operate the slot machines, even if the state and tribe did not come to an agreement for profit sharing or oversight.

District 91 Statehouse Representative Elyn Setnor Bogdanoff (representing the Galt Mile), echoes the Speaker's concern about this threat to State government's separation of powers. While admitting that the Governor is clearly empowered to act as the State's primary negotiator, Representative Bogdanoff confirms that the Florida Constitution imbues the Legislature with policy-making responsibilities. By negotiating the details of the state's deal with the Seminoles, Governor Crist assumed a legislative obligation.

Our Statehouse Representative simplifies for constituents the basis for objecting to this separation-of-powers violation, insisting that it trashes the constitutional checks and balances that underwrite the government. If the Legislature isn't afforded the opportunity to ratify the deal, the Governor will have successfully usurped a legislative power. By overlooking this jurisdictional gaffe and ignoring its impact on constitutional protocol, the Governor will have embarked on the infamous slippery slope. Whenever a branch of government infringes on another, if no objection is made and enforced, it serves as a de facto constitutional amendment. Of course, constitutional amendments are the public's business. While the issues are certainly important, if the format consequently shreds the constitution, Elyn contends that the price is too high. However, even if the Supreme Court is amenable to the Governor's negotiations, our Statehouse Representative opines that the funds expected from gambling revenues will contribute little to curing the State's budget deficit. For Elyn's current evaluation of the issue, Read On! - [editor]\*

**TRIBAL GAMING**

Dear Neighbor:

Many of you have called my office about a tribal-state compact that the Governor and the Seminole Tribe of Florida are negotiating to regulate Class III gambling on tribal lands in Florida. I would like to take this opportunity to provide you with a brief overview the State's obligations and choices in this matter.

In spring 2005, Broward County voters authorized Las Vegas-style Class III slots at certain pari-mutuel gambling sites. This authorization triggered the Indian Gaming Regulatory Act (IGRA), a federal

Continued on page 16

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Beach...Continued

Andy Mitchell was considering his options in formulating a response to some of these technically applicable yet highly questionable "incompatibilities" with current code. Instead of preparing volumes of variance applications, he is predisposed to request a unique Planned Unit Development (PUD) status. If granted, the city will judge these issues based upon their actual community impact instead of their alignment with questionably applicable code requirements.

Following the Ireland's Inn project update, Broward County Commissioner Ken Keechl addressed the Advisory Board, initially reviewing the progress of the County's Beach Renourishment project. Following the completion of the southern part of the project, an 18-month monitoring period was mandated to evaluate the Segment III component ranging from the Broward-Dade county line to Port Everglades. Scientists and engineers were charged with auditing the environmental aftermath of the renourishment in Dania Beach, Hallandale Beach, Hollywood Beach and John U. Lloyd State Park Beach north to the Port. The monitoring period ended in September. Academicians from Nova Oceanographic Institute commiserated with Broward County scientists and some outside engineering firms to develop a report useful as a resource for the upcoming Segment II renourishment in Fort Lauderdale.

Fulfilling their obligation, the scientists identified problematic impacts, made relevant recommendations and compiled the data into a report prepared for the Florida Department of Environmental Protection (FDEP). Governor Crist and the Cabinet will review their work product and establish a start date for the Segment II rehabilitation. Keenly aware of the rapidly diminishing shoreline along the Galt Mile, the Commissioner emphasized the importance of establishing adequate beachfront to buffer the barrier island and inland communities from the devastating hurricanes that are expected to continue hammering the County. The renourishment project promises the only effective protection for lives and property. Compared to the huge storm repair costs ultimately underwritten by taxpayers and ratepayers during the past few years, the cost of the project is a small price to pay to save \$billions in future damages and prospective loss of life.

Commissioner Keechl exclaimed that the beach is also a critical part of State and County fiscal health, fueling Broward's two largest economic engines - the Tourism and Marine industries. Keechl said that "most Broward residents view the beach as an integral part of their lives," whether they live on the barrier island or near Sawgrass Mills. As such, the County is working feverishly to keep the project "on track". He learned from Stephen Higgins, Broward's beach administrator, that the County was recently reimbursed \$1.2 million in project expenses by the Federal government. Networking with our federal representatives, he said, "Congressman Ron Klein is working to keep the project's Federal - State - County partnership intact and viable."

In his FY 2007/2008 Local Government Funding Request to FDEP's Beach Management Funding Assistance Program, Higgins determined the project is 90.25% (78.14% of Segment II and 99.45% of Segment III) eligible for state cost sharing. As such, of the anticipated \$7 million in 2008 Broward beach renourishment costs, \$3,931,200 is expected from the federal government, \$1,198,980 from the State and \$1,869,820 from the County. The Commissioner also made reference to a penny bed tax dedicated to preserving the beach.

Continued on page 5

Bogdanoff...Continued

- Try to identify your issue or opinion in the first 2 lines of any correspondence. It makes it easier for our office to prioritize and address the issue on a timely basis.
- It is best to cover only one issue per letter.
- It is helpful if you can provide facts to support your opinion. It saves us research time when things are moving fast and often those facts can assist us in persuading other members.
- Personalized letters have more impact. Standardized letters are often filed and given a standard response. If you are supporting an issue and your organization provided you with a form letter, change it and do something in the first paragraph to catch the attention of the member.
- If you can, prepare a one-page fact sheet concerning your issue and email or mail it to me as follow up. We deal with hundreds of issues during session and I keep a folder on each issue as session progresses. It is helpful if I can refer to a fact sheet before voting.

I try to make it back to the district each week, but as we enter the last stretch of Session, I will likely spend more time in Tallahassee. We are working long hours, virtually 7 days a week. Your ideas have been invaluable to solving the challenges our state faces, and your perspective continues to shape our agenda. Please stay in touch and email me anytime at [ellyn@ellynbogdanoff.com](mailto:ellyn@ellynbogdanoff.com). Thank you for your continued support and for allowing me to serve as your representative in the Florida House.

UNTIL NEXT TIME...•



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