

4/6/2017 OFR-1
Provided by
Peter Partington

RE Agenda Item OFR 1 and OFR 3, Commission Agenda 6/6/2017.

Ordinance Changes Relating to the Engineering Division and City Engineer.

I am writing to you in connection with the first reading of the above proposed Ordinance Changes. I had the honor to serve the City in the position of City Engineer from 2007 until 2012.

The proposed Ordinance changes are bad for the City in a number of respects including:

1. The City Engineer will no longer be in responsible charge of the Engineering Division/Department; however according to the City Manager's memo accompanying the agenda item 'there remains an Engineering Division in the Department of Public Works which is responsible for the management [including engineering and design] of all City infrastructure.' As I understand, the current Public Works Director is not a licensed Professional Engineer and therefore under Chapter 471 of the 2016 Florida Statutes cannot be responsible for the design output of the Engineering Division.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0471/0471.html

The Engineering Division, which has a significant number of employees, will therefore need to be under the supervision of a licensed Professional Engineer who is not the designated City Engineer. I submit that it makes no sense NOT to have the City Engineer be responsible for the City's in house engineering and infrastructure designs and construction.

2. Placing the City Engineer position at lower grade than currently in the Department of Sustainable Development [DSD] sets up inherent possible conflicts between the City Engineer and the management of the DSD; specifically Chapter 61G15 -19 of the Florida Statutes, especially #6L – overruling of a Licensed Engineer's judgement etc.

<http://consensus.fsu.edu/stormwater-task-force/pdfs/Engineers%20Rule.pdf>

Previously, staff under the City Engineer's direction were placed in the DSD to administer Article III, Chapter 25 of the City's Code of Ordinances.

3. A substantial amount of public infrastructure is often required in connection with private developments, especially with regard to future infrastructure improvements. The City Engineer needs to be fully in the loop of the future infrastructure plans and needs of the Public Works Department in order to insure that developments meet their fair share of future plans and of the infrastructure demands they generate. A position within DSD does not facilitate that necessary knowledge. I would respectfully suggest to you that some of the City's current infrastructure woes and problems are caused by the lack of an engineering voice at the appropriate levels within the City.

4. Part of the Public Works/Engineering design function is the construction management of City projects. Licensed Professional Engineers are bound by a code of ethics [Chapter 471, Florida Statutes]. If the in house design or construction management of public works causes cost overruns or other consequences, Licensed Engineers can be disciplined by the Florida Board of Engineers. More importantly, a City Engineer responsible for design/construction is more answerable to the City Manager and City Commission than an unlicensed Public Works Director or a Licensed Engineer placed in charge of some part of engineering design or construction in the event of problems.

5. Section 2-124 of the City Code of Ordinances requires an annual report to the City Commission of each class and branch of work performed by the Division during the year. Again this is best prepared by a City Engineer responsible for design and whom the Commission can hold responsible for the expenditure of taxpayer money. This section of the Code of Ordinances is proposed to be eliminated reducing accountability to the Commission.

6. Section 2-125 of the Code of ordinances is also proposed to be eliminated. This specifies that the Engineering Division shall prepare all plans and specifications for public improvements ...subject to the approval of the City Commission and when the total cost exceeds \$10,000. I respectfully submit to you that any public improvements [ie work within the public right of way] NOT designed under the responsible supervision of a Licensed Engineer will be subject to possible liability issues in the event that public safety is compromised or, worse, an injury is caused.

I ask the Commission to exercise their usual careful consideration of this proposed agenda item in the light of the City's best interests and public accountability.

Please accept my thanks for considering my email.

Peter Partington PE

1521 NE 53 St

Fort Lauderdale

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