

August 16, 2022

# Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## Minutes

**Tuesday, August 16, 2022**

**9:00 AM**

**Regular**

**Commission Chambers**

**A. CALL TO ORDER 9:00 AM**

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 3 John Tobia, Commissioner District 4 Curt Smith, and Commissioner District 5 Kristine Zonka

**C. PLEDGE OF ALLEGIANCE**

Chair Zonka led the assembly in the Pledge of Allegiance.

**E.1. Resolution recognizing the Melbourne-Tillman Water Control District for Its 100 Years of Service**

Chair Zonka read aloud, and the Board adopted Resolution No. 22-080, recognizing the Melbourne-Tillman Control District for its 100 years of service.

President of the Board of Directors for the Melbourne Tillman-Water Control District stated he is extraordinarily proud of the 20 employees led by District Manager Debbie LeClair, and he asked her to introduce some of the employees.

Debbie LeClair thanked the Board for recognizing the districts' 100 years of service to Brevard County; she introduced part of the staff; and she reiterated her appreciation for the resolution.

Chair Zonka stated she goes back to the days in Palm Bay where Mike McCabe sat so patiently to explain things to her; and she thanked Mr. McCabe and the Melbourne-Tillman District.

**Result:** Adopted

**Mover:** Curt Smith

**Seconded:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**E.2. Resolution Recognizing the Brevard Humane Society on Its 70th Anniversary**

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 22-081, recognizing the many and ongoing contributions of the Brevard Humane Society on its 70th Anniversary.

Theresa Clifton, Brevard County Humane Society, expressed her appreciation for the Resolution; she stated it is not often that there is an organization that was created by the community and is solely supported by the community that can help in so many different ways; the Human Society is focused on animals but it benefits the human population in a number of ways as Commissioner Pritchett just mentioned; they are very grateful for the recognition; in the past 18 years, they have made great headway for the animals in this community; and they are very proud of that. She mentioned she has some Board members and some staff with her today; this is a small representation of the hundreds of volunteers out in the community; and she introduced those in attendance.

Chair Zonka stated if anyone knows anything about rescue animals she knows Theresa Clifton does; and she thanked her for her many years of service and for caring for the animals.

**Result:** Adopted

**Mover:** Rita Pritchett

**Seconded:** Curt Smith

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**E.3. Resolution Recognizing the Brevard County Supervisor of Elections Office and the Honorable Lori Scott**

Commissioner Tobia read aloud, and the Board adopted Resolution No. 22-082, recognizing the Brevard County Supervisor of Elections Office and the Honorable Lori Scott for being instrumental in ensuring the proper functionality of the government, which consists of dedicated and exceptional civil servants, and the unsurpassable performance has proved an essential component of the continued success and dependability of the office.

Commissioner Tobia mentioned one thing he left off of the Resolution, his dad always serves as his treasurer and Supervisor Scott has updated, made it more efficient on computers, which is the exact opposite of the way his dad wants it; the time her staff has dedicated, his dad got off the phone more comfortable with computers, which is very scary to him, but the patience to not just elected officials, but the people who work with elected officials, is admirable; he has trouble telling his dad how to use the remote control so the one on one interaction with the community is extremely commendable; he thanked her for all she does; and he noted now is an important time if she would like to speak as he would love to get more people out to vote.

Lori Scott, Supervisor of Elections, stated they are seven days away from the August 23, 2022, primary, so she brought her team over for a moment of recognition; people talk about it takes a village and in this case, it really does; she has a 26-member staff that is incredibly dedicated and she brought six of them with her; with 455,000 voters and the 10th largest voting population in the third largest State in the nation, collectively these 26 people have 196 years of election experience, she is incredibly blessed to work with them every day, and right now it is literally every day; and she expressed her appreciation for the recognition. She went on to say it really goes to her staff and Brevard County's very dedicated 1,100 poll workers that during 2020, in the middle of a global pandemic, because of their patriotism to the Democracy and their commitment to this County and its voters, did not hesitate to come out and literally risk their lives; everyone has their own personal ways of measuring their own success, and for her it is being blessed to do what she loves for a County she loves, with the people she loves; and she is incredibly blessed and honored to have the support, not only of the Commission, but of her fellow Constitutional Officers that she has a wonderful relationship with and it makes Brevard County better as a whole. She went on to say this is really a reflection of them and their dedication and she could not do it without them.

Commissioner Pritchett stated Ms. Scott really does have a wonderful staff; they are efficient at their jobs; after watching the process she runs and all the things she has gotten to sit through, whenever anyone asks her questions, she always says Lori Scott runs a tight ship and she has no stress or heartburn over it because she knows it is going to be accurate; and she thinks they are all awesome.

Ms. Scott introduced those employees she brought with her.

Chair Zonka stated she thinks she has dealt with each of them in one capacity or another, as a voter, as a candidate, as a Canvassing Board member; and she thanked them all for what they do.

Commissioner Smith mentioned recently he had the opportunity to look up professionalism in the dictionary and oddly enough Ms. Scott and her staff's picture was in there.

Ms. Scott once again thanked the Board.

Commissioner Pritchett stated she would like to do a shout out to the Clerk of Courts, Rachel Sadoff, and Dana Blickley, Property Appraiser; she thanked Ms. Blickley for all the work she does for the homeless veterans; it was wonderful on Friday and she has done it for years; and she really appreciates all the work Ms. Blickley does with that, it is huge.

**Result:** Adopted

**Mover:** John Tobia

**Second:** Curt Smith

**Ayes:** Pritchett, Tobia, Smith, and Zonka

## **F. ITEMS PULLED FROM CONSENT AGENDA**

Commissioner Tobias asked to pull Item F.8., resolution to amend the Economic Development Tax Abatement Program guidelines.

### **F.1. Florida Department of Environmental Protection Grant INV24: Mobile Algae Harvesting to Mitigate Harmful Algal Blooms in Brackish Waterways**

The Board authorized the Chair to execute the Grant Contract; authorized the Chair to execute a contract up to the grant funding amount, as needed to accomplish the work, subject to the approval of the County Attorney's Office, Purchasing, and Risk Management; authorized the County Manager to execute grant and contract amendments, as needed, subject to the approval of the County Attorney's Office, Purchasing, and Risk Management; authorized the County Manager to execute the sole source justification form needed to implement the grant-funded work; and authorized the County Manager to approve associated Budget Change Requests.

**Result:** Approved

**Mover:** John Tobia

**Second:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

### **F.2. Valkaria Airport Seeks Approval from the Board of County Commissioners to Accept FAA Grant #: 3-12-0144-017-2022, and FDOT Pending Joint Participation Agreement (JPA) for the Construction of Taxiway E**

The Board approved and accepted the FAA Grant Offer/Agreement and the pending Florida Department of Transportation (FDOT) JPA for Taxiway E construction; and authorized all necessary Budget Change Requests associated with this project.

**Result:** Approved

**Mover:** John Tobia

**Second:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

### **F.3. Acknowledgement, Re: American Rescue Plan Act of 2021 (ARPA) Revenue Replacement Funds**

The Board acknowledged Commission District 5's identified use of American Rescue Plan Act of 2021 (ARPA) Revenue Replacement Funds; authorized the Housing and Human Services Department to negotiate and develop a contractual agreement with the identified agency; authorized the County Manager to execute related Contracts, Agreements, Amendments,

and/or Modifications upon approval of Risk Management and the County Attorney's Office; and authorized the County Manager to execute all necessary Budget Change Requests for the projects listed in this Agenda.

**Result:** Approved

**Mover:** John Tobia

**Seconder:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**F.4. Approval, Re: State Aid to Libraries FY 2022-2023, Grant Application with the Florida Department of State, Division of Library Services**

The Board authorized the Chair to execute the State Aid to Libraries Grant Agreement application, and Certification of Hours, Free Library Service and Access to Materials; authorized the County Manager to execute any follow-up agreements, amendments or modifications contingent upon approval of Risk Management and the County Attorney; and authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** Approved

**Mover:** John Tobia

**Seconder:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**F.5. Acknowledge Receipt of the Tax Collector Recapitulation and Errors and Insolvencies Reports**

The Board acknowledged receipt of the Tax Collector Recapitulation of the Tax Roll (DR-502) and Errors and Insolvencies Report (DR-505) for the 2021 Tax Year.

**Result:** Approved

**Mover:** John Tobia

**Seconder:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**F.6. FY 2023 Proposed Budget for Chaparral of Palm Bay Community Development District**

The Board acknowledged receipt of the FY 2023 Proposed Budgets for Chaparral of Palm Bay Community Development District.

**Result:** Approved

**Mover:** John Tobia

**Seconder:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**F.9. Resolution Acknowledging Yuliang Huang for Earning First Place at the International Esri User Conference**

The Board adopted Resolution No. 22-083, acknowledging Yuliang Huang for earning first place at the International Esri User Conference; and offered best wishes for a successful future as he continues his education at the University of Florida.

**Result:** Adopted  
**Mover:** John Tobia  
**Second:** Rita Pritchett  
**Ayes:** Pritchett, Tobia, Smith, and Zonka

**F.10. Resolution Acknowledging Ana Maria Tea a Recipient of the Girl Scout Gold Award and for Her Extensive Community Service**

The Board adopted Resolution No. 22-084, acknowledging Ana Marie Tea, for her outstanding efforts in obtaining the Girl Scout Gold Award through Girls Scouts of the USA Troop 747; and offered congratulations and best wishes for a successful future as she continues her college education at the University of Florida.

**Result:** Adopted  
**Mover:** John Tobia  
**Second:** Rita Pritchett  
**Ayes:** Pritchett, Tobia, Smith, and Zonka

**F.11. Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**Result:** Approved  
**Mover:** John Tobia  
**Second:** Rita Pritchett  
**Ayes:** Pritchett, Tobia, Smith, and Zonka

**F.8. Resolution to Amend the Economic Development Tax Abatement Program Guidelines**

Commissioner Tobia stated he thinks this was just a clerical issue, but according to the Agenda Report, Ad valorem Tax Council has been using the same annual wages since 2015, and they used 2013 numbers; thankfully, they have decided to update it; he thinks it was a clerical issue and they used the 2018 numbers instead of the 2020 numbers; and therefore, he will make a motion to accept this with the most recent and current numbers of the average salary from 2020.

Commissioner Pritchett asked if Commissioner Tobia has that number.

Commissioner Tobia advised this is from the State of Florida and looks at Brevard County as \$55,328; and the one they have down there is \$49,128, so it is a delta of about \$6,000.

Commissioner Pritchett stated that is pretty good.

The Board adopted Resolution No. 22-085, amending the guidelines for the Economic Development Tax Abatement Program as recommended by the Economic Development Commission (EDC) of Florida's Space Coast; and accepted utilizing the most recent and current numbers of the average salary from 2020.

**Result:** Adopted  
**Mover:** John Tobia  
**Second:** Rita Pritchett  
**Ayes:** Pritchett, Tobia, Smith, and Zonka

**G. PUBLIC COMMENTS**

Kevin Panik stated he has been a Brevard County resident for 46 years; he has stood at that podium eight times in the last seven years on a topic of routine mowing over roadside litter; he does not see any reason to go into the topic, as he has done it for seven years; he would like to speak on the journey through time to get to this point; and in the early days, year one or two, he actually had the ability to contact staff and get it on the Agenda. He advised he could literally write an email and the topic would appear on the published Agenda in print, that was pretty cool; he did that for a couple years and he noticed he was not making any traction, so he got the bright idea to put it in old business; he told staff to move that to old business because he had been coming to the meetings for a number of years and there did not seem to be any traction; and he showed dates of times he had been before the Board. He continued on by saying he thinks that one time he got it on the Agenda under old business, but then the rules changed; the next year he called to get it put under old business and they said the Commissioners are the only ones that have the authority to write on the Agenda, so that stopped that in its tracks; then he was working with Space Coast Government TV (SCGTV) Director, Don Walker, and he would send him his charts every year; it was their thing, they both knew when August came around he would send Mr. Walker the charts; this year he got a surprise, he sent Mr. Walker the charts, it was a little video or something, and he said, "You know Kevin, got to run it by the Commissioners now;" he thought that was interesting; and he would guess, at this point, it is a common sense thing that someone picks up litter before they mow over it. He noted he remembers the days of his grandfather changing the oil in the sand, he always made sure to kick fresh sand over the top of it, and that is kind of what is happening with mowing over the right-of-way litter, just mow it over another month and the grass covers it up; and after a while it is not visible any longer, but it is there. He commented he has 30 seconds; last year he was not afforded 30 more seconds to finish his thought in front of this Board; and he could not believe it, so he is done.

Commissioner Pritchett stated if anybody wants something on the Agenda they can just go see their Commissioner, or any Commissioner, and if they will sponsor it, it can be placed on the Agenda; this item is a problem, but the problem is trying to afford somebody to pick up garbage before the guys go mow; the real problem is people littering and she wishes that problem could be solved; and it really is a pretty big problem on the sides of the roads, so if anybody is hearing this, she would ask them to please not throw their garbage out of the window.

Tom Unrath stated he wants to thank the Commission and their predecessors for allowing them to have the lease that is Hundred Acre Hollows with the piece of property that is 114 acres; the reason that they are in attendance is to honor a couple students who have been with them since before the beginning of Hundred Acre Hollows, Yuliang Huang and Ana Maria Tea; Mr. Huang actually had an article in the paper last week; he is going to be going to the University of Florida next week, as is Ana Maria; and he thanked the Board and its predecessors for allowing them to work with them. He went on to say in the lease, it says they should be conservation in education; these two students are going to be using what they have learned working with Hundred Acre Hollows to go to the University of Florida; Ana Maria is going to be pursuing environmental engineering, a STEM-kind of program; and Yuliang is going to be going to the University of Florida with computer engineering. He went on to say Mr. Huang has been working with Hundred Acre Hollows to do geolocation of Gopher Tortoise burrows, which has allowed them to document the number Gopher Tortoises that are out there; Yuliang's dad works for the County; his dad has been working with Yuliang for many years and he is an exemplary student; he has done work with them using his knowledge to help them to help the County document what is on the County property; and he could go on and talk for a lot longer but he just wanted to lift up Yuliang and thank the Board for the opportunity to have these students to continue their education. He advised they have another student, Hugo Baron, who is now on the board as these two students have been; he is planning on going to the Coast

Guard Academy and will be using his work with Hundred Acre Hollows to assist him in that endeavor as well; and he appreciates the opportunity to continue with and for the County.

Commissioner Smith asked if Mr. Unrath knew how many Gopher Tortoises are out there.

Mr. Unrath responded not exactly, there are 467 burrows located, but tortoises do not actually line up for people to count.

Commissioner Smith asked about bobcats.

Mr. Unrath advised he just got a picture of a family of four bobcats a couple of weeks ago; there are deer out there and lots of other things; and Anita Unrath has a report that she will be handing out to the Commissioners.

Anita Unrath thanked Ana Maria Tea and Yuliang Huang for all they have done for them; she stated she wants to thank the Commission for giving them the opportunity, as citizens, to do something where the County did not really know what to do with the property; they were trying to sell it for 200 more houses; there is only one access on an empty lot between two houses, and literally when they signed the lease with the County, there was no entrance there; and that was in November of 2016. She pointed out it was July 2015 when the previous Commissioners voted to not sell it; they did have a couple of bids on the property and then everybody asked what they would do with it; there was a year to study the property; some Brevard County teachers helped with that; they had camera traps out there, and really did a great job of finding what lives there besides Gopher Tortoises; and it was the bobcats, the Eastern Spotted Skunk, which is rare, and other animals. She continued by saying the day they were talking in October, it came before the County about what to do with the property; Yuliang was receiving an award from the County; she thought to herself, this young man works with Global Positioning System (GPS), and wondered if he would be interested; she ran out after he received his Resolution and she asked him in the hallway if he would be interested in helping them; and Yuliang has been there from the beginning with his drone pictures, measuring the altitude of the basins. She noted the two northern basins are 31 feet above sea-level and there are 20-foot pine trees growing there now; the last time the County mowed the property in the basins was January 2015; native plants have come back, there is a very rare plant called Blue Sky Lupine, and there is an endangered butterfly that only uses that plant; Ana Maria did her Girl Scouts Silver Award for them with the entrance signs; and she presented a project to do her Girl Scout Gold Award with them. She added she thought she was going to make these wonderful signs, which can be seen in the packet she handed out, but no, she had to teach the public something, so she had an event at the end of March with 25 volunteers who helped, and 95 public people came to see what was going on; she is an amazing young woman who is not yet 18; her birthday is election day, and Yuliang just turned 18; he won this wonderful award at the International Environmental Systems Research Institute, at the ESRI Conference, at the age of 17; he won first place in special analysis category; and they are so proud of these young people and everything they have offered to them.

Commissioner Smith stated he wanted to personally thank Mr. and Mrs. Unrath for their dedicated service to Hundred Acre Hollows and to the community; they have been there from the beginning; they knocked on his door back in maybe 2015 and said that there is a jewel in the middle of all of the development, and the County wants to sell it, but they thought a better purpose would be to allow it to maintain its natural habitat; he went out there and walked around the place with them and their friends and they assured him that if somehow they could get the Commissioners to save this property from being sold to a developer, which there was one that had made an offer of \$2.2 million, that they would work very hard and diligently to make this something that would be special to their community and to the County; and they have done that. He continued by saying they have spent hundreds and hundreds of hours and



recruited hundreds of people to help them: he would highly recommend to the other Board members to take a trip out there and contact Tom and Anita to let them show them around; he would also extend that to the community as well; they have done a wonderful job out there; and it is amazing how hard they work at it.

**H.1. Petition to Vacate, Re: Public Utility Easement- 591 S. Sonora Circle - “Rio Lindo” Plat Book 17, Page 52 - Indialantic - Ryan Leslie & Lauren Youngsma**

Chair Zonka called for public hearing on a request by Ryan Leslie and Lauren Youngsma for a petition to vacate a public utility easement at 591 S. Sonora Circle in District 5.

Susan Jackson, Road and Bridge Program Manager, stated this is a petition to vacate a portion of a public utility easement located at 591 South Sonoran Circle, Indialantic, District 5; the property owners have requested this vacating for pool construction; and there are no objections to the vacating.

Chair Zonka advised she has no issues with it.

There being no further comments or objections, the Board executed and adopted Resolution No. 22-086, vacating a portion of a public utility easement located at 591 South Sonoran Circle, Indialantic, by Ryan Leslie Lauren Youngsma.

**Result:** Adopted

**Mover:** Rita Pritchett

**Second:** Curt Smith

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**H.2. Adoption of a Resolution Establishing User Fees for FY 2022-2023 for the Melbourne-Tillman Water Control District**

Chair Zonka called public hearing to adopt a resolution establishing user fees for FY 2022-2023 for the Melbourne-Tillman Water Control District.

Jill Hayes, Budget Office Director, stated this Item is adoption of a resolution establishing user fees for the Melbourne-Tillman Water Control District for Fiscal Year 2022/2023; and there was a public hearing last week within the District where these proposed fees were heard and approved.

There being no further comments or objections, the Board executed and adopted Resolution No. 22-087, approving user fees for the Melbourne-Tillman Water Control District for FY 2022-2023.

**Result:** Adopted

**Mover:** Curt Smith

**Second:** John Tobia

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**H.3. Permission to Participate in and Accept the FY 2021 Edward Byrne Memorial Justice Assistance Grant Countywide (JAGC) Program Grant**

Chair Zonka called for public hearing on a request by the Brevard County Sheriff's Office to participate in and accept the FY 2021 Edward Byrne Memorial Justice Assistance Grant County-wide (JAGC) Program Grant.

Jill Hayes, Budget Office Director, stated this is a request from the Sheriff's Office for permission to participate in and accept the Fiscal Year 2021 Edward Byrne Memorial Justice Assistance Grant.

The Board granted permission to participate in and accept the 2021 Edward Byrne Memorial Justice Assistance Countywide (JAGC) Grant application; designated the Brevard County Sheriff's Office as the point of contact; authorized the Sheriff, or his designee, to sign the applications for Federal Assistance SF-424 form; authorized the Chair to execute the necessary contractual agreements, modifications and amendments; and authorized the County Manager to execute necessary Budget Change Requests and provide the Sheriff written approval.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Curt Smith

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**I.1. Staff Direction, Re: Lease Agreements for Nance Park and Sunrise Park**

Mary Ellen Donner, Parks and Recreation Director, stated at the May 3, 2022, Board of County Commissioner meeting, staff was directed to explore options on transferring the State Lease Agreements associated with Nance and Sunrise Parks in the City of Indialantic; staff has done so; they have reached out to the Town of Indialantic and they expressed an interest in exploring the possibility of having the direct lease with the State of Florida; she has also reached out to the State and she was sent an application for the use of State-owned uplands from the Board of Trustees that each of the parties would need to complete to see if this would be a possibility; and she advised she is looking for direction from the Board to either continue to explore this or leave the State Lease with the County and then a sub-lease to the Town of Indialantic.

Commissioner Smith stated he would like to see this go forward so if Ms. Donner needs a motion, he will make it.

Chair Zonka inquired which option, one or two.

Commissioner Smith advised option one.

Commissioner Tobia stated he agrees; he thinks this is good for the County and he thinks it is good for the Town as well; they will not have to come to the Board for permits; and he appreciates Ms. Donner's work for putting this together.

Ms. Donner advised there are a couple of caveats; they need to make sure to preserve the County's right for the use of beach renourishment with the Town of Indialantic; they would also like to remember to retain the right for the stormwater infrastructure that the County installed; and those items would need to be worked out with the Town of Indialantic.

The Board approved providing staff with direction regarding the transfer of State lease agreements associated with James H. Nance Park and Sunrise Park from the County to the Town of Indialantic; approved option I: Directing staff to submit an application to the State requesting release of lease for Nance and Sunrise Parks and work with the Town of Indialantic to directly lease the two Parks from the State; and directed the Parks and Recreation Director to preserve the County's right for the use of Beach Renourishment with Town of Indialantic and retain the right for the stormwater infrastructure that the County installed.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** John Tobia  
**Ayes:** Pritchett, Tobia, Smith, and Zonka

**J.1. Approval, Re: Tourist Development Office (TDO) Proposed FY2022-23 Marketing & Media Plan, Approval for the TDO Director to Make Vendor Selections, Negotiate and Execute Agreements with Media and Advertising Vendors and Contract Extension with &Barr for Advertising Services**

Peter Cranis, Tourism Development Director, stated this is the request for approval of the tourism marketing and media plan for 2022/23; it is a \$9.78 million budget; it also includes renewal and renegotiation of the agency contract; and he noted they were able to renegotiate and seek a \$73,000 savings every year for the next three years.

Commissioner Pritchett advised she got to sit through the presentation and it is really pretty good; she just wants to echo what she brought up and they listened to her; she thinks maybe they need to do a little more United States Specialty Sports Association (USSSA) projects with the tourism they are bringing in; and she thinks that may benefit the County a little bit more for tourism tax.

The Board approved the proposed FY 2022-2023 Marketing & Media Plan for the TDO in the total amount of \$9,779,982.00, including the selection of the media vendors listed in the presentation; approved the Tourist Development Director to have the ability to select media and advertising vendors without a bid process, thus waiving Procurement Policy BCC-25, as well as negotiate and execute contracts, contract amendments, and any necessary contract extensions, with such vendors, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services in accordance with Administrative Order AO-29, up to and exceeding \$100,000; approved the ability for the TDO to receive and accept revenue from cooperative advertising partners and grants from organizations (such as the Florida Sports Foundation); authorized the Tourism Development Director to be able to access Disaster Funds (Fund 1444) in the event of a state or local emergency declaration, natural or man-made disaster for the purposes of advertising/marketing/promotional costs of up to and exceeding \$100,000; approved and authorized the Tourism Development Director to sign the renegotiated agency contract with &Barr for three years through September 30, 2025, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Rita Pritchett  
**Ayes:** Pritchett, Tobia, Smith, and Zonka

**J.2. Request America Rescue Plan Act (ARPA), Second Tranche Funding be Allocated to (1) Support Updating of the Property Appraiser's GIS Infrastructure and (2) Upgrade of the Brevard County Public Safety Radio System to be P25 Compliant**

John Scott, Emergency Management Director, stated this is the request of authorization allocation of American Rescue Plan Act ( ARPA) funds in two ways; one is for up to \$1.866 million to upgrade the Property Appraiser's GIS infrastructure; the second is \$1.2 million to upgrade the public safety radio system communications backbone to P25 standards; additionally, they are asking for approval of a one-time fee of \$372 per radio user at a municipal level that will net about \$1 million in revenue; to add the \$1.2 to the \$1 million from the cities, and include the \$1.2 they already have in existing funds, that will get them to the \$3.4 that they need to complete the project; they have worked with the cities and they are on board; and staff

is excited to move forward.

Chair Zonka stated that is great.

Commissioner Pritchett inquired, from her understanding the County still has not received a response from the City, as far as chipping in the \$1.3 million, so if the Board moves forward with this what will happen with that \$1.3 million that it will still have a deficit on.

Frank Abbate, County Manager, asked if Commissioner Pritchett is speaking to the GIS infrastructure.

Commissioner Pritchett replied, yes.

Mr. Abbate advised there is actually a shortfall if the cities do not participate, of \$600,000; staff would have to be working with the Property Appraiser who recognizes that; she did agree; they met with various city managers but there was no firm commitment from them; staff is bringing this forward so that the County share, as it relates based on acreage available in the County, what is incorporated including all the areas like Kennedy Space Center, that is where these numbers came out that the County's portion of it was the \$1.86 million, and if they do not receive city participation, staff would have to look at how that additional \$600,000 would be made up; it might be possible to come back to the Board and still utilize ARPA funding because it would be available, unless the Board allocates it another way, but that is pending; and they hope the cities see the value because it is beneficial for the municipalities to get this GIS upgrade, so that is what they will be working toward with the Property Appraiser to see if that can be accomplished.

Commissioner Pritchett stated it is going to benefit the cities as well, so this is a project for them as well.

Mr. Abbate stated absolutely.

Commissioner Pritchett inquired if it would be really appropriate for them to come to the table with some of these funds as well.

Mr. Abbate responded affirmatively; he mentioned that is why staff has indicated in there, there is no mandate that this will not move forward at this point; the Property Appraiser is trying to be proactive realizing that it is an improvement that benefits the whole system, the whole County, including the private sector; and the Property Appraiser is anxious to move forward, if the County can have it funded.

Commissioner Pritchett stated she is going to make a motion to approve it, she just wanted to say she thinks the cities need to examine this and step up as well.

Commissioner Smith stated he is concerned if the cities see that the County is willing to step up and do this on its own that would just cause them to back-off and say the County is going to do it anyway.

Mr. Abbate explained he is not saying the County is going to do it, what he is saying is that the County came in with the hope, and the intent, that it only be municipalities; the question was, it is always a matter of priority, so the Board would have to make a determination, if in fact the County does not receive the City's participation, whether or not it would want to go forward; and he advised the County has not made any commitment that it would look to do that.

Chair Zonka stated if staff could just get those numbers so when they have those discussions

with the cities, staff could maybe ask about dividing among the cities equally or divide it among the proportion of properties that would be covered by the GIS system, and let them know this is the ask because if it is a more concrete number they may be more apt to help.

Mr. Abbate advised there are concrete numbers that have been provided to them.

Chair Zonka stated, great; and she advised she does not have a problem going to the council meeting and asking.

Mr. Abbate pointed out that may be what needs to happen, he will see.

The Board authorized the use of ARPA funds, not to exceed \$1.866 million, to partially fund the reconstruction and updating of the Property Appraiser's GIS Tax Map utilizing Coordinate Geometry; authorized the use of ARPA funds in the amount of \$1.2M to upgrade Brevard County Public Safety Radio System backbone to P25 standards; having obtained the cities' concurrence, authorized Emergency Management to invoice municipal users of the Public Safety Radio System a one-time P25 Upgrade charge of \$372 per radio (totaling \$1.03 Million), no later than FY24; and authorized the County Manager implement any necessary Budget Change Requests in regards any of the Board's approved actions.

**Result:** Approved

**Mover:** Rita Pritchett

**Seconded:** John Tobia

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**J.3. Discussion, Re: Proposed Charter Amendments to the Brevard County Home Rule Charter**

Jim Liesenfelt, Assistant County Manager, stated this is to discuss the proposed Charter amendments to the Brevard County Home Rule Charter; the Charter Review Commission has met over the last year; their first meeting was August 12, 2022; they elected Mike Haridopolos as Chair; in total the Commission met 11 times; they considered 24 proposals from the public and from the members; they set a threshold that 10 members had to approve any proposal before it advanced on; of the 24, there are six proposals in front of this Board that met the 10-vote threshold; and he provided a quick summary of the items: 1) the three-person panel review, where they review amendments and bring back whether they think it meets the ballot, the Charter Review Commission asked that any rejections be brought back to the County Commissioners or the Charter Review Board because the current Charter is unclear of what to do if something is rejected, 2) Items require a 60 percent vote from the voters to pass as opposed to 50 percent, 3) adds the recall and replacement of School Board members under Florida Statute 100.361, similar to the County Commissioners, Property Appraisers, and other County officials, 4) a number of changes to the three-person panel, they would report and be selected by the Charter Review Commission and they would have to explain the rationale if they rejected an amendment, and provide a cure and it will extend the term of the Charter Review Commission to consider rejections, 5) this is filling a Commissioner's vacancy, right now it says one year or less and it would be up to the Governor, and the State law right now is 28 months or less would be selected by the Governor, so this corrects that conflict in law, 6) this adds language for a workforce and supportive housing trust fund. He continued by saying the three-panel Review Commission attorneys determined that Items 1, 4, 5, and 6 meet the requirements of embracing one subject consistent with the Florida Constitution, General Law, and the Charter; and at least two attorneys determined that Items 2 and 3 did not meet those standards.

Chair Zonka stated if Mr. Trettis needs more time, considering he dedicated his time to 11

meetings in a year sitting on the Charter Review Commission, she will allow him to speak; and she asked that he not take 30 minutes.

Blaise Trettis, Brevard County Public Defender and a member of the Charter Review Commission, stated he is there to speak in particular about the recall of the School Board member proposal; the Board heard Mr. Liesenfelt say that did not get two out of the three attorneys to say that it was consistent with State Law; he wants to point out that under the current Charter, the Board is allowed or is permissible to vote approval of a Charter Review Commission proposal; that is what he is asking for today is for the Board to grant approval for the recall of School Board members; he would like to point out that the three attorneys on this issue of School Board recall, one law firm of Gray Robinson refused to render an opinion which is quite strange to him because that is what they were paid to do, but they did not want to make the call on this one; and another law firm that disagreed with the proposal is James Dinkins, of CF Law. He continued by saying the interesting thing that he would like to point out about that opinion is he concluded that it would likely be unenforceable if adopted; he did not find that it was inconsistent with State Law; the reason he found that it would likely be unenforceable if adopted is his opinion is School Board members have to be, if there is a vacancy, appointed by the Governor; he cited Statute 1001.38, vacancies how filled; and he read it, "The Office of any School Board member shall be vacant when the member removes his or her residence from the District School Board member residence area from which he or she was elected. All vacancies on the District School Board shall be filled by appointment by the Governor." He went on to say specifically the Statute applies for vacancies because the School Board member does not live in their District; there was actually a case where this happened in Florida in the last year, where Governor Ron DeSantis removed a School Board member in Gainesville because she did not live in the District and never lived in the District; this is specifically what this applies to, that vacancy and that is not what is being talked about in the School Board recall; he would submit that this attorney's citation to this Statute as the basis for his disagreement with the proposal is erroneous, wrong, and should be disregarded; therefore, from what he has is there is a wrong opinion, no opinion, and then an opinion that says it is consistent with State Law and it meets the single subject requirement. He mentioned this proposal was greatly debated and unanimously approved 13:0 by the Charter Review Commission; the final version had support from all aspects of the community, there was no one opposed to it; all it does is add School Board members to the list of County Constitutional Officers who can be recalled by recall election; and he would ask that the Board use its discretion in this instance and vote approval of this resolution.

Commissioner Pritchett stated she watched almost all of those meetings and Mr. Trettis talks a lot; she does not disagree with Mr. Trettis; she listened to the conversations and she did not know the Board would get this opportunity; she is curious to know what the rest of the Board will say; she thinks everybody that has an elected position should have the opportunity for the people to remove them if something is really out of line; and she thinks there are some protections in there too if that happens so a group of people with a wild hair cannot just do something emotional, which is scary too. She asked Mr. Liesenfelt if he could provide the run-down on why they had heartburn over this.

Mr. Liesenfelt explained of the two, CF Law, the language he put why Resolution 2022-03 contains procedurally appropriate proposed Charter amendment, that amendment would likely be unenforceable if adopted, first, because the exercise of the County authority is outside the scope of what a County Charter may encompass, and secondly, because some specific provisions conflict with State Statutes; then Gray Robinson's language, in summary, was that they reluctantly advise Brevard County Charter Review Commission that they cannot provide any assurance to the validity of proposed amendment, and three, should it be placed on the ballot and approved by Brevard County voters; and both had several pages of back-up.

Commissioner Pritchett thanked Mr. Trettis for all his work.

Commissioner Tobia asked Mr. Trettis if he has spoken with any State officials; he knows Chairman Fine is his representative, and if it is in conflict, and he is not saying it is because he is not an attorney, but does he know where they would stand on this, as far as potentially correcting or clarifying State Statute.

Mr. Trettis noted he has not spoken to any State Representatives so he really cannot say.

Chair Zonka commented what the Board is stuck with is a yes, a no, and a non-opinion, essentially.

Mr. Liesenfelt advised what the Charter says is if there are two members of the panel that find the proposed amendment abrades all the requirements, then it shall be placed on the proposed Charter Amendment on the ballot for consideration, so that would be items 1, 4, 5, and 6; and then they will follow whatever direction the Board would like for items 2, and 3.

Commissioner Tobia stated he has no legal training whatsoever, but asked if a Constitutional Officer just suggested that the Board has the ability to unilaterally place that on the ballot, he would assume that would need to be unanimous; there are other protections on there if the other one passes that requires it to go from 50 to 60; and he asked if that would not raise the necessary number for recall; and he pointed out that is two different questions.

Frank Abbate, County Manager, stated when one reads, and he is an attorney but he is not functioning in that capacity, the Charter says what is mandated if in fact two of the three attorneys say that it is valid and met all the criteria, which those four did, it does not say that the Board does not have the right if it is questionable, that it still cannot be placed on the ballot; he believes that was what was said, that this Board has the discretion to do that; and that is for the recall. He continued by saying to address the second issue, is the Charter going to 60 percent; there is the reasoning and Mr. Liesenfelt could go over that as to why they said that; and the Board, in the past, has looked at what might potentially rectify any deficiency that any attorney said; and if the Board were to ask that question, staff could provide an answer to the Board on what modification could be made to make that other provision on 60 percent pass the muster, to put it on the ballot.

Mr. Liesenfelt stated for item 2, the 50 percent versus 60 percent, in the Charter there are two different methods to approve amendments; under section 3 is amendments by the County Commissioners and by petition; that was the language the Charter Review Commission said they wanted, 60 percent; there is also the section 7.4 which is amendments by Charter Review Commission and it says 50 percent; the Charter Review Commission did not address that; if the Board would like under 7.4.12, instead of just requiring a majority of the registered electors, it can say 60 percent of the registered electors; that language was sent to one attorney that had an issue saying it did not meet State Law because the ballot did not explain it covers everything and he stated in summary, when applied the updated proposed language meets the General Law requirements and the summary is not misleading; therefore, adding the 60 percent to 7.4.12 would fix Item 2, but it would require all four votes of the Board.

Christine Schverak, Interim County Attorney, stated if the Board wanted to consider that her office prepared a draft of what that resolution would look like to fix it; and if the Board would like to see that she can pass them down.

Commissioner Tobia asked what the vote was, the first one was unanimous; and he asked if anyone remembered the vote.

Mr. Trettis stated it was 100 percent as well; he would like to point out that just this morning he reviewed these attorneys' opinions and what he came up with is two out of the three attorneys found that the 60 percent proposal was fine; that would have been Gray Robinson and CF Law, James Dinkins; 60 is consistent with State Law is from James Dinkins, CF Law and also page six of Nabors, Gibber, Nicholson stated the proposed amendment is consistent with the General Laws of Florida; and on the CF Law on page four it reads, "While Resolution 2022-002 contains a proposal that is consistent with the Florida Constitution, General Law, and the Brevard County Charter, the proposed ballot summary is deficient in that it misleads voters in believing that changed threshold will apply to all proposed Charter amendments, not just those proposed by the petition or by the County Commission"; and he would like to point out that ballot language is not a part of the analysis that is to be done in the Charter, it is just whether it is not consistent with State Law, so that proposed language on the ballot is not part of the analysis. He continued by saying he knows all three law firms got into it but he would submit that it is just surplus, or unnecessary; and the bottom line is, he believes two out of three law firms found it to be consistent with State Law.

Mr. Abbate inquired if it was the intent for 60 percent to be in all the cases including review of any Charter proposal, because that is really the amendment that staff has, to make sure that there is specific language that says the Charter Review Commission would still be at 50 percent and that is a second provision that would say it applies to 60 percent for all, whether it is from the Board or the Charter Review Commission.

Mr. Trettis advised that was definitely the intent.

Mr. Abbate noted that is what this resolution is, it has been modified to take care of doing just that.

Chair Zonka stated it just cleans it up.

Mr. Trettis stated he is fine with it; he is just advising that he thinks the two out of the three attorneys found it to be okay, but if it is a clarification that is good.

Mr. Abbate advised that is what it would be.

Commissioner Tobia stated he does not want to pick and choose between these; he appreciates the work that everyone did from different walks of Brevard County, lay people, attorneys, republicans, democrats, men and women; he knows this needs unanimous support and he would hope that this Board would not pick and choose one or the other; and he would support both of these, the revised one that the County Attorney's Office nicely did, as well as the recall one that brings it in line with the other ones. He added he knows it is unanimous but he would support both of them.

Commissioner Smith stated he likes the resolution, it cures the issue he has with number two, so he would support number two.

Chair Zonka asked about number three.

Commissioner Smith stated maybe he missed it but why did James Dinkins think it was likely unenforceable; and he asked Mr. Trettis if he has any idea. He continued by saying he is just wondering if Mr. Trettis knows, because maybe they could cure that problem, but if not he is ready to go forward with it.

Mr. Trettis commented he thinks his opinion was that Charter Rule is expansive but not quite that expansive, was his argument; he did not argue that it was inconsistent with State Law



which he submits is the criteria in the Charter for them to look at, but that exceeded the scope of County Charter Rule to extend it to School Boards, is his belief.

Commissioner Smith commented clearly Mr. Trettis does not agree with that; and he noted he is good and will support both.

Chair Zonka stated obviously if the County, or the elected officials, ever tried to do anything that was against State Law that would be a whole other hurdle to overcome; he does not like the fact that one did not opine; she agrees with Mr. Trettis that some of their explanations were outside the scope of what they were required to do as a three-member panel; she is going to support all of these items to move forward because that was the intent, as she sat through hours of watching these meetings as well; and she would caution in the future, she knows the future Charter Review Commissions will have their own panel, she would recommend to the County that it come up with a method for them to help decide.

Mr. Liesenfelt stated even though the panel would be selected by them, report to them, they would still have to go through the County's procurement system, that would be the best way.

Chair Zonka responded affirmatively.

The Board discussed and authorized the Supervisor of Elections to hold a referendum on the Charter Review Commission's six proposed amendments with the next general election; adopted Resolution No. 22-088, calling for a special election on November 8, 2022, on the question of whether Brevard County should amend the Brevard County Home Rule Charter to provide for a charter amendment which amends Section 7.4.1 to clarify what happens to a proposal that is found by the Attorney Review Panel not to be consistent with the Florida Constitution, general law, or the Charter; adopted Resolution No. 22-089, calling a special election on November 8, 2022, on the question of whether Brevard County should amend the Brevard County Home Rule Charter to provide a charter amendment which amends Section 7.3.3 and Section 7.4.1.2 to require approval of any charter amendment by at least 60 percent of the electors voting; adopted Resolution No. 22-090, calling a special election on November 8, 2022, on the question of whether Brevard County should amend the Brevard County Home Rule Charter to provide a charter amendment which amends Section 5.2 to provide for recall of certain County Officers and School Board Members; adopted Resolution No. 22-091, calling a special election on November 8, 2022, on the question of whether Brevard County should amend Section 7.4.1 of the Brevard County Home Rule Charter to provide that to review Charter Review Commission proposed amendments before being placed on the ballot the three member Attorney Review Panel shall be selected by the Charter Review Commission, and to further provide that if the Panel rejects the Charter Review Commission proposed amendment, it shall be returned to the Charter Review Commission for further consideration; adopted Resolution No. 22-092, calling a special election on November 8, 2022, on the question of whether Brevard County should amend the Brevard County Home Rule Charter to provide a charter amendment which amends Section 2.7 providing for filling vacancies in the Office of County Commissioner; and adopted Resolution No. 22-093, calling a special election on November 8, 2022, on the question of whether Brevard County should create Section 1.9 of the Brevard County Home Rule Charter to provide a workforce and supportive housing program.

**Result:** Adopted

**Mover:** Curt Smith

**Second:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

Chair Zonka thanked the Charter Review Commission for all of the work that was done on the Charter Review, the work of staff; and she stated it is something the Board does quickly in a

meeting but they cannot thank them enough for their service to the Board, their research, and their expertise.

Commissioner Smith asked how many hours that was and if anyone kept track of that.

Commissioner Pritchett noted it was days and days.

Mr. Liesenfelt replied 30 or 40 hours, maybe.

Chair Zonka pointed out that was just what was broadcasted, it was not the time spent outside of meetings.

Mr. Liesenfelt responded affirmatively adding that does not count what the members did on their own research and in putting stuff together.

#### **J.4. Letter Regarding Community Redevelopment Agency Plans and Affordable Housing**

Commissioner Tobia stated affordable housing is a crisis, not only across the Country, but in Brevard County; organizations such as Brevard Justice Ministry have repeatedly approached the Board to address this concern through the creation of a trust fund and he will get to them just a little later; unfortunately, Community Redevelopment Agencies (CRAs) exist across this County that are capable and have funds to address this crisis; in fact, Florida State Statute reads, "Provide for the development and affordable housing in the area or state the reason for it not addressing the plan for development of affordable housing"; those who created CRAs in Tallahassee long before he got there recognized that affordable housing was so important, if they did not do it they had to give a reason why; he put together a proposed letter and it is in everyone's Agenda packet; it is only one page and it is meant to be sent to the CRAs to let them know just how serious the Board is concerning affordable housing; and he noted the Board would prefer the resources be used for affordable housing instead of many of the, and he does not want to say wastes, but he could go over just how bad they were addressing the need of affordable housing. He went on to say to be clear, this would not go to all the CRAs, there are a number that are winding down or do not have resources available because unfortunately, they have bonded it out; and he noted this letter would go to the Cocoa Downtown CRA, the Melbourne CRA, Titusville CRA, Merritt Island Redevelopment Agency (MIRA) CRA, City of Cape Canaveral CRA, City of Rockledge CRA, and the City of Cocoa Diamond Square CRA; he has the TIF payments if anyone is interested for 2022; they look to be well in excess of \$3.5 million; this letter is not a demand letter but it certainly requests very strongly that the CRA get together in the next 60 days and provide the Board with a plan of how they intend to attack the problem of affordable housing; and instead of sending the letter out from his office, he thought it would carry more weight if it was from the entire Board. He added this was just three paragraphs as a suggestion.

Commissioner Smith stated he would like to offer his full support to the letter; he likes the way it is written; as a point of fact, he had MIRA in his office yesterday and this was a topic of discussion; they brought it up, not him; he noted they are moving forward with some ideas on this exact subject matter; and they are moving forward on that, so he thinks it is a great idea.

Chair Zonka noted she thinks that meeting came after Commissioner Tobia brought it up at a public meeting.

Commissioner Smith stated kudos to them for not just sitting back.

Commissioner Pritchett stated she would like to throw a paragraph in before the last line, to make it not sound so mean; she thinks if they place in there, "We would encourage you to consider this community crisis and make this funding part of your scope" and maybe add, "We look forward to hearing some response from you over the next 60 days"; she thinks that would be a little bit softer; she thinks the cities do typically try to work with the Board; and she thinks that would be a little kinder. She added this was written like a teacher. She continued by saying something else she likes is Chair Zonka's idea of working with those funds coming in from tourists; something else that could be done is to start a County CRA District where it is in the unincorporated areas, all those places have development, and the Board could take those funds and use them towards affordable housing as well; and that is just a thought in this discussion about CRAs.

Chair Zonka stated she would just add that Commissioner Tobia referenced the State Statute where it is required that they either make it part of their plan or they may explain why it is not; she would like to see that in the letter; and she knows he mentioned that is the purpose, but she would say it is required.

Commissioner Tobia stated in each plan, and they looked over plans all for that excuse for not spending it on that, and if anyone remembers these were created to help the community of slum and blight; he placed draft on the background and he is more than willing, if that makes it a kinder letter, to add whatever, as he said this was just an initial draft; and he is very happy no one picked out any spelling errors and if Kristine's name is on it, he can blame her for the spelling errors. He noted he would be more than willing to add either one or both of those suggestions to the letter.

Chair Zonka commented she would like that, it is a clear reminder to them.

Commissioner Tobia noted the only thing he was looking for was the 60 days because he thinks there needs to be a deadline for the Board to get something in return.

Chair Zonka stated she agrees.

Commissioner Tobia stated he thinks 60 days gives them plenty of time to meet and come up with some ideas and send them to the Board.

Commissioner Pritchett stated she does not think the Board has a lot of authority.

Commissioner Tobia replied, do not say that.

Commissioner Pritchett stated she does not think the Board has time to waste.

The Board reviewed the letter to be sent to the CRAs considering the community crisis of affordable housing, making funding for affordable housing be part of the CRAs scope, to hear back from the CRAs in 60 days, and adding the referenced Statute of requiring CRAs make it a part of its plan or to explain why it is not part of its plan; authorized the Chair to sign and send the Letter to the following CRAs: Cocoa Downtown CRA, Melbourne CRA, Titusville CRA, MIRA, City of Cocoa Beach CRA, City of Cape Canaveral CRA, City of Rockledge CRA, and City of Cocoa Diamond Square CRA.

**Result:** Approved

**Mover:** John Tobia

**Second:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

## J.5. Rescind Resolution 2022-55 Regarding Referendum Election for School Millage Increase

Commissioner Tobia stated this is regarding the school millage; he wanted to bring this up for a couple of reasons; he will go over those as briefly as possible; reason one, this came up at the Planning and Zoning meeting on May 26, 2022, and he is not quite certain that the Board should deal with a potential tax increase of one-fifth of a billion dollars on a Planning and Zoning meeting in a Consent Agenda; reason two, he wanted to provide Commissioner Smith the opportunity to come back on the other side, as he mentioned he was not voting for this, therefore, it was dead; since he went on, he would give him the opportunity to come back, he does not want to say on the dark side, but he will say the conservative side; reason four, this is going to affect affordable housing, should it pass; he has a bunch of newspaper articles that he is willing to pass out, but the Orlando Sentinel addressed the issue in a 2015 article regarding property tax burdens shifting to renters; and one of the landlords stated if it is his own choice he can either go broke or pass the tax along to renters. He continued by saying a study done by MIT Center for Real Estate found conclusively that rents rise after tax changes, sufficient to absorb 80 to 90 percent of the changes in landlord tax payments; raising taxes generally harms renters who are already struggling to make ends meet; he did a little math so he could put a dollar figure on this; according to the Brevard County Property Appraiser, the median market value for single-family residents in Brevard County is approximately \$250,000; the 2021/2022 adopted millage rate is 3.561, which is on a \$250,000, annual tax of \$891; if this was to pass, and it is just being placed on the ballot, annual taxes would rise somewhere in the neighborhood of \$250 which is an extra \$20.83 per month on to renters; and if one just used the MIT numbers that drops to \$15, but it still adds up, and remember this will increase faster as investment property is not subject to that three percent cap that homestead is. He mentioned the last one, the Board may disagree with him on all of this, but this one is the most important part here; the Brevard Justice Ministry are frauds; and he is going to explain why. He went on to say his office has done more by sending not only the CRA letter, but this to email and it is not fair to not name them so, Fred Douglas, Travis Brown, Kira Beard, Dr. Quinten Wood Sr., Reverend Lorenzo Lewis, Merton Clark, and Jean Sparse; not only did his office email the explanation as well as these articles explaining how this would impact affordable housing, but his office called, not once, the email was sent on August 8, called on August 9, followed up on August 15, and to the best of his knowledge none of these folks have stood up, so they may have concerns, but their concerns are not affordable housing; and it is very disappointing. He stated they claimed the Board did not show up to their meeting and many of the Board members met with them personally, and to not even get a response to something that was very important to them and then blast this Board about not showing up to one of their meetings is extremely disingenuous, rude, and this does nothing but prove it; he does not know what their issues are but it is not solving or dealing with affordable housing; and to be clear, he is bringing this up for affordable housing, this really has nothing to do with Brevard County Public Schools budget and he does not want to get into that; however, he did want to mention this was not a unanimous vote, Republican School Board member, Matt Susin, voted against placing this millage on the ballot. He went on say he knows there was an opinion from the County Attorney's Office should anyone want him to bring that up he is more than willing to deal with it; he is not going to make a motion because he does not expect this to get any support, but he thought it was very important that something that would deal with affordable housing, the Board certainly gives the people the opportunity to show up and discuss it; that is the issue; and he is more than willing to take any questions or deal with the opinion that came out yesterday, if the Board desires.

Commissioner Smith stated whether he personally supports or does not support this School Board measure, it is not the issue that is being faced today, this Board is simply being asked to follow the law and confirm that the School Board checked all the proper boxes before this measure goes to the voting public; and this is what is being done here.

Chair Zonka asked if Commissioner Tobia wanted to address this legal opinion.

Commissioner Tobia thanked the County Attorney for doing this on such short notice; he stated if the Board would have gone the other direction, he thinks this would have put it in a bad position and he thinks she knows that; he does not think she has done a very good service, but he has some questions for her; and he asked before May 17, 1954, if segregation was legal in schools.

Christine Schverak, Interim County Attorney, replied she is going to say yes.

Commissioner Tobia asked before June 14, 2022, in the Dobbs decision, did women have a constitutional right to an abortion.

Attorney Schverak advised they did.

Commissioner Tobia asked if she was aware of the February 24, 1803, decision in Marbury vs. Madison in which the legislative branch of government is subject to review and possible invalidation by the judiciary.

Attorney Schverak responded affirmatively.

Commissioner Tobia asked if she knows who Harold Fatzer is.

Attorney Schverak replied, no.

Commissioner Tobia stated neither did he; Harold Fatzer is the attorney that gave the opinion to the school board in Brown vs. the Board of Education; and he asked if Attorney Schverak knows who Thurgood Marshall is.

Attorney Schverak replied she does.

Commissioner Tobia noted that is the guy that overturned it; he stated while he appreciates Attorney Schverak's opinion, he certainly believes that the Board has the ability to challenge; he understands if she is reluctant to do that, but he does not appreciate the way in which it was done; he is certainly not going to go into the opinion here because, quite frankly, he has no basis to question it as he is not an attorney; however, he does have the ability to question a statute, he has given the reasons why, and he has given times when he thinks that people thankfully stood up and said the law was unjust and courts have decided the same with them. He added he wishes the County would do that right now, but he does not expect that to happen.

Commissioner Pritchett stated she wants to thank Attorney Schverak for jumping in and filling in this position right now while the County is in between County Attorneys; she thinks she is doing a great job and this Board is certainly throwing a lot at her right now; and she thanked her for dealing with all the different personalities, it takes thick skin, and she appreciates her.

Carol Vyhonsky stated she has lived in Melbourne for 22 years; in 2014, the voters passed a one-half cent sales tax in Brevard to go to the schools; this replaced 0.25 millage on people's property taxes for the schools for critical needs; the sales tax was renewed by the voters in 2020, but now, in addition to that tax still being in effect until 2026, the School Board wants to hit people with a double whammy, a huge increase to property taxes; and not 0.25 mill for critical needs like they requested last time, but four times that amount with a full one mill increase. She went on to say now many people do not know what one millage is, she did not know, and had to look it up to find out what it would mean and she was shocked; this would

result in hundreds of dollars of property tax increases per year for the average home owner; one dollar for every \$1,000 worth of property value; therefore, if someone owns a home worth \$300,000, after the homestead exemption they would end up paying \$300 extra per year on property taxes. She inquired if this would be explained clearly on the ballot, she doubts it will be; she stated she watched the County Commission meeting last month where people were coming up to the podium and complaining about a \$5 per year solid waste disposal fee increase; this request by the School Board would result in hundreds of dollars per year for homeowners, thousands for multi-unit owners who of course, as Commissioner Tobia stated, would pass that cost on to the renters; she knows the Board will say it is not imposing this tax increase, it is merely approving it to go on to the November ballot; however, there is a reason that the School Board cannot just directly place whatever tax increases they want to request on the ballot, it has to go through the Board first. She pointed out this Board is to be the watchdog or the gatekeeper that says enough is enough, this is not the time, which is what School Board member, Matt Susin, stated after he voted against placing this on the ballot; he told a reporter, "this is not the time;" she completely agrees with that and she hopes the Board will too; and she is asking the Board to please rescind the Resolution that was passed on May 26 and vote no on the School Board millage proposal.

Katie Delaney stated she is a hard act to follow; that was awesome; the issue is not do we want to pay teachers, of course people want teachers to have a living wage and to be supported, the issue is that a very small portion of that millage is going to go to teachers; there is a lack of trust in the public, she has spoken to that multiple times; there is no transparency when it comes to the budget, including the \$8,000 bonus Dr. Mullins just received by the School Board, in addition to a raise on his already \$240,000 salary, plus a District vehicle; that is a lot of money; and the School Board has wasted money on training that does not work, including conscience discipline. She continued by saying the discipline is out of control in the schools; the teachers have said, especially those in the higher grades, that conscience discipline does not work and the School Board is spending hundreds of thousands of dollars on it; the first week of school, they sent out a survey asking about pronouns and asking if it is okay for them to use the name the child has said to their caregiver or parent violating the new laws that were just passed; the first week of school the new bus system that they have spent a lot of money on is not working, parents cannot access it; at Apollo Elementary School on the first day, they lost eight children and the second day, they lost four children; and that is at just one elementary school. She commented they are irresponsible with the way that they spend people's money; air conditioners for instance, instead of redoing the whole system, waiting and budgeting, and doing it the right way, they just piece-meal together new pieces, so now there are just pieces of brand new, multiple thousand-dollar equipment that is getting trashed because it is being piecemealed together with the old equipment; this is not how they would be spending their money; she believes there should be a forensic audit before giving the School Board any more of the taxpayers' money; and they also need training on accounting and negotiating contracts. She added she hopes since this Board is full of conservative people that it will hear her and see that what she is telling them is the truth; and she commented the taxpayers cannot give these people any more of their money until they know where their money is going.

Sara Mirsky stated she lives in Rockledge, is a mother of two children who attend Brevard Public Schools (BPS), college student, taxpayer, constituent, stakeholder, registered voter, and resides in District 2 for School Board and for County Commission; this is her first time speaking at a County Commission meeting, she is usually across the street holding the School Board accountable on a bi-weekly basis; first, she would like to address the issues the average Brevard resident is facing today; she asked, has anyone filled up their gas tank lately or gone to the grocery store; she noted people are facing, as the Board has talked about and considered today, an affordable housing crisis and what to do with it; people are having to choose between putting gas in their car or the grocery store; and she, as well as many other stakeholders, believes that the Brevard Public School Board has broken its corporate fiduciary

responsibility. She went on to say she has personally brought up, meeting after School Board meeting, legitimate concerns about where the tax dollars are going; the majority of the School Board at this time has broken the trust of parents; a couple of examples are, Brevard County became one of the dirty dozen who required their students to wear a mask to continue their education while after school started for the year, and because of this illegal policy, the BPS Board had an investigation opened up against it; it was found guilty by the State, and had money taken away, but returned back; the fact that three Board members would take that risk is not in the best interest for Brevard County taxpayers and stakeholders; then there is the one-half penny sales tax, which was already shared extensively today; and the School Board has passed risky policy and is now being sued for it, having to hire outside counsel on the taxpayers' dime. She mentioned there are two other points she wants to make; there was a County vehicle contract passed back in February, she asked for bids on that, and has not received it; it was not towards school busses, so she does not know where that tax money went or why that money was needed for more County vehicles; as a mother, she pointed out to the School Board last fall about declining enrollment and their budget, only to be called a liar by the Superintendent; and with their financial presentation last month, they talked about how enrollment declined and that they are facing budget issues because of it. She noted she wants the Board to rescind this Resolution to place this on the ballot this fall.

Commissioner Pritchett stated the Count Commission is really not the watch dogs of the constitutional offices or other elected bodies; what they are doing is kind of housekeeping to flow through; the Board just did it with the Charter Review stuff; there are some things that they needed if the Board wanted to put them through; there were four of them and the Board had no choice but to be a flow-through; she wants to mention the School Board is going to have to educate Board voters if they are going to get this passed; and she thinks as well as other people, they are going to need to educate voters as well. She mentioned Brevard County has a smart community and she thinks the goal is to get the word out, but the community is going to have to decide if it wants to self-impose a tax and do it; that is the community's choice, the Board is not going to decide it; she is glad that has to go to a vote to up the millage for them; she thinks it is a good thing to watch that happen; she wants to mention with what Governor Ron DeSantis has done, he has made the schools a lot more competitive by allowing a lot of these grants to go to private schools; and she thinks there have been about 30 private schools rise up in the last year or two, so it is becoming more competitive, and people will start to see the educational system become more competitive as well. She added she thinks that is a really good thing because it will then hold the public schools a little bit harder in the fire with what they are doing because they have all these others, in a way private businesses starting to rise up as far as educating the children; and she knows it is really tough right now with what is going on with taxes, but if people think this is bad, just wait until that inflation bill hits and close to over 100,000 IRS agents come out. She mentioned she read that and she has had to deal with the IRS herself the last few days, so it is interesting days that people are in and she would encourage people if they have faith to start praying because it is an interesting day; she loves this community; and she is glad she is in Brevard County, Florida.

Chair Zonka mentioned she is the one who asked the County Attorney for a legal opinion because she thinks the school tax is outrageous, and she will be the first to say it; she definitely will not be supporting this; she wanted to see what the County's exposure would be whether or not the Board is legally required; this multi-page analysis says that this has been settled case law that the Board is legally bound to put this on the ballot; one of the speakers came up and talked about the School Board being sued and how that is on the taxpayers' dime; well, the School Board is just going to sue the County if the Board does not do this, which would be cause for a special election, but she has not received that number because she would hope it would not get there; and she asked the County Manager if it would be at least \$100,000.

Frank Abbate, County Manager, advised he believes it is over \$350,000.

Jim Liesenfelt, Assistant County Manager, commented a special election, Countywide, would be over a million.

Chair Zonka stated so over \$1 million for a special election, the attorney's fees for being sued by the School Board, and she thinks they have already stated that they would sue if the Board did not place this on the ballot; and she asked the County Attorney if that is correct.

Attorney Schverak commented she does not believe they have made that position known, but it is very probable.

Chair Zonka asked if the County Attorney's position is that this Board is legally bound to put this on the ballot.

Attorney Schverak responded affirmatively.

Chair Zonka noted she can only go off of what her County Attorney says, and if it is going to be on the ballot, it is either going to be on the ballot now or later; she would hope that people would do their best to educate others and let them know that this is something that they do not support and provide the reasoning why; the School Board members are elected by the public so if they do not like the job they are doing, they can either be recalled hopefully in the future, or they can vote in people who share in the same principles, morals, and ethical beliefs that they do; and she does not always agree with what the School Board does. She added she has issues with their public speaking, with allowing parents; she has watched those meetings and she just shakes her head thinking this Board used to have its issues, and she would not want to be the School Board right now; she wished this Board had the discretion to say no, but unfortunately, legally this Board does not; with the potential expense of costing taxpayers over \$1 million for a special election, and the tens of thousands in attorney's fees; if the case law is settled, this is not a segregation; she would not equate it to talking about moving mountains and allowing people of color to attend school, because she does not think the courts would be excited to overturn something like this; and she thinks case law is clear.

Commissioner Tobia stated at a minimum the Brevard Justice Association or group is not there, that is extremely telling, and he thinks it makes it worthwhile; he has not made a motion because he thinks the Board has made it very clear; and he has a compromise, the Board has all mentioned that it is a little disappointed with the way State statute is written, so what he would ask is that the Board ask the delegation to clarify that, and provide more authority to the Board to make that decision as to whether to place that on the ballot, so it cannot hide behind a legal opinion of an attorney.

Chair Zonka inquired ask the State.

Commissioner Tobia explained ask the State elected officials, State Senators, and Representatives to clarify; he has had this individual discussion as a heads up with one of the County's State Representatives, giving the Board more authority...

Chair Zonka interjected by saying if Commissioner Tobia would want a State Representative, who does not have a law degree to tell what his opinion is, she would stick with the attorneys and the existing case law.

Commissioner Tobia explained he is not talking about that individual's legal interpretation, what he would like, and he said he would be more than willing to champion it, is to change State statute so this ambiguity does not come up again, so the Board does not have to get an opinion and fall behind an opinion as to why it is being placed on the ballot; it would give the Board authority; and they can change State statute to give authority to the Board to reject.



Chair Zonka commented an act of the Legislature.

Commissioner Tobia reiterated that is what he is asking; ask the State Representatives and the State Senators; he thinks if that did not just come from him it would mean a lot more; to be clear, he will not be voting for this; he imagines most will not be voting for this; if the Board can prevent it legally, he thinks it would mean a lot more coming from the Board going to the delegation than just himself; he is going to do it regardless, but he would rather have it come from the Board, is what he is saying; and that is the compromise, to ask the delegation to clarify giving authority moving forward by changing State statute.

Chair Zonka stated she would say by any governing body or otherwise, because when a Melbourne-Tillman issue comes before them as well, there is somewhat of a similarity.

Commissioner Tobia advised he thinks he supported that by providing more authority; and he asked if Chair Zonka would like him to draft something and bring it back or would she like authority.

Chair Zonka advised that it is not going to make it on time.

Commissioner Tobia noted to be 100 percent clear, this is for moving forward.

Chair Zonka commented she knows that, and what he is saying is looking to the future.

Commissioner Tobia stated he is looking to the future.

Chair Zonka advised she does not have a problem with that.

Commissioner Tobia stated his question is would she like him to draft something or if she would like the Board to give authority to write it, he is good with either one.

Chair Zonka asked if he wanted to bring it to the next meeting.

Commissioner Tobia stated he will bring it to the next meeting; and he made it clear that there is no motion so the status quo stands.

The Board discussed rescinding Resolution No. 2022-55, that was adopted on May 26, 2022, regarding referendum election for school millage increase, but took no action; and reached consensus for Commissioner Tobia to bring a letter back to the Board on August 30, 2022, Board of County Commission meeting to send to the Brevard Legislative Delegation regarding an amendment to Florida Statute, Section 1011.73(1-2), regarding district millage elections.

**J.6. Permission to Reject all RFP Bids Received in Response to P-7-22-21, Medical Director Services**

Katherine Wall, Central Services Director, stated this is a request to authorize Purchasing Services to reject Request for Proposal (RFP) P-7-22-21, Medical Director Services; to authorize Purchasing Services to reject all bids received for RFP P-7-22-21; to authorize staff to reissue an RFP for Medical Director Services with revised language; and approve the County Manager to execute any necessary extensions to the Medical Director's contract.

The Board authorized Purchasing Services to reject RFP P-7-22-21, Medical Director Services; authorized Purchasing Services to reject all bids received for RFP P-7-22-21; authorized staff to reissue an RFP for Medical Director Services with revised language; and approved the County Manager to execute any necessary extension to the Medical Director's contract.

**Result:** Approved  
**Mover:** Rita Pritchett  
**Secunder:** John Tobia  
**Ayes:** Pritchett, Tobia, Smith, and Zonka

**J.7. Amendment to BCC-97 regarding District Commissioner's Obligations to Provide Video, Power Point and Other Electronic Presentations to County Production Staff**

Commissioner Tobia stated he did not mean for this to be in consent; it was pulled from consent to be put on for clarity issue; last meeting it was brought to his attention that he had a couple spelling errors on his handouts and the reason for this change to BCC-97 is to give himself a little more time to proofread his slides; therefore, this amends BCC-97 by bifurcating the presentations of the public as well as with the Board.

Commissioner Pritchett stated if it was just him she would be good with it, but there are elections coming up; the Board has lived through some interesting pasts; her recommendation would be that even if he did not get it out on time, that the Commissioner would send it to the other Commissioners so he or she has 24 hours to review it and be ready; this is of course just for the County stuff of anything that one does, even like when he used to show Billy in diapers; she is fine with that as well; but she thinks just for the Board, if one cannot get it to the Agenda in time, to just send it to the Commissioners to have time to review it; and she reiterated if it was just him it would be different, but she is looking at many people running for offices right now and she can see it causing a situation in the future with some of them. She asked if that would be okay.

Commissioner Tobia stated this is the first time he has seen this; this is different, so people running for office out there would still have to abide by that; and he has only taken the 24-hour provision off of the elected officials.

Commissioner Pritchett stated if it is County business she is just thinking it could at least go to the County Attorney so she can send it out to all five Commissioners so each one can have an ability to just kind of look at it; then he would probably still have time to fix his typos; even with her, she would hope that if she is doing a presentation, she would send it to them and have them send it to the Commission so it knows what is coming; this is a formal presentation for County business; and what each Commissioner does in his or her Board report she does not think would make a difference, he can still do all those things he has done in the past. She went on to state she thinks this is a good idea because there have been things in the past where they have gotten very personal with presentations and she thinks the Board needs to be ready for that before it hits; and she just thinks that is a good idea. She noted she has had to sit through hours of emails, and why they were right or wrong; and she thinks it is just a safety thing.

Commissioner Tobia commented unfortunately, that does not solve the issue when things come up in Board Reports that were substantive in nature, many times there were costs associated with them, and he had put something on the Agenda trying to remove any type of costs to be brought up because he does not think it is fair to the public, with the exception of course of emergency costs that the Board has no control over; and he noted he has a compromise that he thinks would help to figure both of those. He stated the first one is instead of providing them to Don Walker, Space Coast Government Television (SCGTV) Director, that they be run through the County Manager's office and if someone is concerned about it coming from one office and being presented up there, he thinks the Commissioner had a good suggestion a while ago that he has abided by which is the disclaimer on it; and he would be more than willing, because there is some gravitas when it is big and back there, but the disclaimer being on it, so he would be more than willing, and to be clear, he has no

PowerPoints coming up and he has no plans for PowerPoints, he just got picked on, and rightfully so, for his poor spelling and he just wanted to help solve this. He continued by saying he is trying to figure out what happens like with the handouts he passed out, they were not attached to the Agenda to the best of his knowledge, and yet he brought them out; he thought the PowerPoints were more advantageous to the public because they would have access to the source information that the Board is getting; if the Board wants to go in a different direction, he is more than willing to do that and hand stuff out instead of putting it on the big screen; he thinks it is probably best for the people that watch and people that participate to place it up there big when it gets into complex stuff; he reiterated if Commissioner Pritchett wants to go in a different direction, he is more than willing; but unfortunately, he thinks he had four or five things on this Agenda, so time was short.

Commissioner Pritchett stated she sees what Commissioner Tobia is saying so maybe if the Board can think of a way, because she knows he understands what she is trying to protect the Board from.

Chair Zonka stated it says video PowerPoint and electronic presentations, it does not say anything about handouts or documents.

Commissioner Tobia stated he makes handouts for everyone up here plus the Clerk and the public has access to that after the meeting; and his point is when it is placed up there for source material then not only do the people in the audience, but the people watching have access to it immediately.

Commissioner Pritchett stated she is probably good if it goes to the County Manager's Office just in case they receive something that is awful and try to place it on there.

Commissioner Smith inquired if the Board is talking about Commissioners.

Commissioner Pritchett advised there could be doodle as a Commissioner.

Commissioner Tobia advised he thoroughly trusts the County Manager and he is even willing to go further and place the disclaimer on there that goes even further than that, but either one, or both; and he has run it by the County Manager and he said he is okay with that.

Commissioner Pritchett stated she is good with that, too.

Chair Zonka stated the Chair could kind of do what it has done before up to this point, give it to the Chair.

Commissioner Smith agreed with that; and he stated to make the Chair responsible.

Chair Zonka went on to say because the Commissioners cannot talk anyway.

Commissioner Tobia advised there is not a Sunshine issue to be 100 percent clear, but it is a step towards a Sunshine issue; the reason it is a step towards a Sunshine issue is because there needs to be at least two things; there needs to be information transfer from one Commissioner to another and then there needs to be some response; this provides for that first step; he does not think anyone on this Board would do that, but this Board does not know who is coming after it; and he does not think placing the temptation before them, where there are no steps to Sunshine if it is provided to the County Manager because he has no authority to vote.

Commissioner Pritchett stated she thinks going to the County Manager and if he struggles with something he can talk to the Chair and they can remove it; and she asked how that works for

Commissioner Tobia.

Commissioner Tobia stated if that is the direction the County Manager wants to go, then he would certainly support that.

Commissioner Pritchett asked the County Manager if that is heartburn for him.

Frank Abbate, County Manager, inquired if the proposed motion would say that any PowerPoint presentation electronic, by a Commissioner, would come through the County Manager, the Chair would not get it unless he had a concern with it, and then would show it to the Chair; and he noted that is what he thought he was hearing.

Chair Zonka stated this is just getting weird; it is getting way into the weeds; she does not see what the difficulty is with a 24-hour notice for a video, PowerPoint, or other electronic; it does not say anything about handouts; and obviously, the Board has the discretion to deal with handouts. She noted there has been issues with other PowerPoint presentations, attacks on people, and all kinds of stuff, so somebody needs to put their eyes on it; and she would not want to place the County Manager in a spot to have to make a decision on whether or not he thinks something is too risky, too obscene, or too offensive.

Mr. Abbate advised he is obviously going to follow the Board's direction, he is just trying to understand what it is.

Chair Zonka noted she is just trying to give him some cover because she does not think she would want to put him in that position to have that subjective opinion.

Mr. Abbate advised he appreciates that.

Commissioner Smith commented he thinks the Board is trying to fix something that does not need to be talked about; he does not know if the County currently has a written policy, but there is a policy if someone wants to place something on the screen to contact the Chair; this Board and future Boards will elect a Chair; these Boards are not going to elect a Chair that is going to approve something that would be annoying or offensive; he does not see the purpose of this discussion; and he asked what is he missing.

Commissioner Tobia pointed out he is missing a couple of things; the County does have a policy and it was included in the packet, BCC-97; secondly, the policy he just described, or the practice he just described, is not what is currently in policy; he thinks that is an issue, the fact that there is a policy, there are things in it, and Commissioner Smith just explained why the County probably does need a policy; however, this is not the cross he wants to die on, so if the Board is not comfortable with having PowerPoint presentations up there, but bringing up term limits at the last second.

Commissioner Smith stated that was just for discussion.

Commissioner Tobia pointed out that was one that he is willing to die on, but this one he is not; if the Board wants to go with the status quo, he is not going to fight that one; and he pulled back the proposed change so the Board can go with the status quo. He reiterated to Commissioner Smith it is BCC-97, and the policy he mentioned is not part of the policy, it is just give it to Mr. Walker, SCGTV Director, and then be disseminated out if anyone has a PowerPoint presentation in the future.

Christine Schverak, Interim County Attorney, stated the current policy as written was not specific as to how to handle Commissioner electronic presentations and so there was some

question as to whether they needed to be following the same guidance that is followed by the public or whether it needed to be treated differently; and in an attempt to resolve that is where this came from. She mentioned the standard language is sort of silent and staff was treating the Commissioner presentations in a similar manner as the public presentations.

Commissioner Pritchett advised she wants to re-state what Commissioner Smith said, even though it is not written policy, through the years the Board has been doing this; the Chair gets the whole Agenda and looks at things and if there ever was anything, the Chair would say something about placing something on the screen; it is the Chair's job to run the meeting so the Chair would have to decide what is appropriate or not appropriate; with the Commission it is a little different so she thinks as long as it is County business, 24 hours is good; and the Board should not be throwing County business items that is on the Agenda up unless it is under a Commissioner's Board Report, which is a little different; and she thinks this may be chasing down a problem that is not there yet. She added she agrees with Commissioner Tobia that the Board is trying to avoid anything that would cause a break in Sunshine, but she does not know if the Board has had that issue so far.

Chair Zonka stated she thinks the County Attorney was trying to get the Board to clean up the language so it has clarity.

Commissioner Pritchett stated she thinks 24 hours would be sufficient.

Chair Zonka noted honestly, if the Chair has it before the meeting, even if it is an hour before, as long as they can put their eyes on it to make sure it is not offensive, because there has been some pretty offensive things that have made its way to this screen; and she thinks this Board has an obligation to at least keep a professional setting and to make sure that Commissioners are not abusing their power and abusing residents, whether one likes the resident or not, it does not matter. She mentioned that has been done up there; she thinks that is kind of where that unwritten policy came from; she is fine with putting a policy in place, maybe lose the 24 hours, but she thinks it should go to the Chair because the Chair is ultimately responsible for the meeting.

Commissioner Tobia advised he would like to apologize to the County Attorney; his issue was with something else; when he saw this appear on the Agenda, he was surprised that it was under his office, so he was only looking at it from one angle, he was not looking at it from the other angle; there does need to be a change here for the very reason that the County Attorney pointed out, to just add in the Board with the members of the public so it is the same guidelines for everything from the public, such as obscenity, pornography, or whatever is added in there; and he noted that was not his intent to misstate, but it was silent. He added if the Board could just place them all in the same field and keep it the way it is just with the addition of the Board members, he thinks it is probably the right way to go at this point. He made a motion to change Policy BCC-97 placing Commissioners into the same requirements as members of the public, which includes everything stated in Section I.

Chair Zonka noted motion fails for lack of a second.

Commissioner Tobia pointed out everything the Board wanted is here.

Commissioner Smith advised but it is not necessary.

Commissioner Tobia stated Commissioner Smith's argument was that it was necessary because what has happened in the past; and he stated to never mind, he gives up, and that it is okay.

Chair Zonka mentioned she herself is okay with it, she would just like to see that discretion in there that Commissioner Pritchett brought up; and she asked if Commissioner Pritchett would like to make a motion to include the language that she wants included.

Commissioner Pritchett asked if it could be brought back to the next meeting because she was not prepared for Commissioner Tobia to make that compromise, so she wants to work through this; and she asked for clarification if the Board is not in a hurry so it can come back at the next meeting to tighten it up a little bit.

Chari Zonka agreed.

Commissioner Tobia asked if the County Attorney could be assigned to do that so it comes from the County Attorney's Office, that way it would be more clear that it is not coming out of his office.

Chair Zonka advised she did not write the Agenda so she assumed it was coming from his office.

Commissioner Tobia explained he has apologized for that and that is why he pulled it off; and he advised none of his stuff will be on consent, unless it is a resolution.

Chair Zonka stated she will get with the County Attorney and the Board can figure it out.

The Board discussed amendment to BCC-97 regarding District Commissioner's obligations to provide video, PowerPoint, and other electronic presentations to County production staff, but reached consensus to bring the item back to the Board at the August 30, 2022, Board of County Commission Meeting.

#### **L.4. John Tobia, Commissioner District 3, Re: Board Report**

Commissioner Tobia stated on July 19, he suggested to the Board the idea of removing it from the agreements, regarding any athletic fields owned by Brevard County Public Schools, but maintained by Brevard County as this money could be redirected into its own parks; as he is a Commissioner whose district includes south parks area along with Commissioner Zonka and parts of Commissioner Smith's district, his focus was on Gemini-District 3, Hoover-District 5, and Suntree-District 4; after looking at the maps, where fields were located, and where available County parks are located, the options beachside are extremely limited; in trying to keep the access to parks equitable through the south area, the idea of possibly a long-term lease of the current fields at Hoover is something that he thinks the Board should consider; and he does not think it is fair to place County resources into a temporary contract. He noted the County has long-term contracts with Brevard County Public Schools for a number of things and this would be similar, so the County would have the comfort of putting substantial improvement in those parks. He went on to say Suntree can be directed to Wickham Park in District 4 if that is the direction, and Gemini can be redirected to the South Beach Community Center if that was the idea; it was more looking at Hoover in the geographic region; what he would like to do is make a motion to direct staff to contact appropriate parties with Brevard County Public Schools to gauge responsiveness and willingness to enter into these long-term contracts with Brevard County, namely starting with the south part of the County, that being Hoover Middle School; if it works there then maybe the County can expand this program out; he reiterated this is not removing any dollars, this is in fact, he would like to see more dollars directed into the parks; the one he is looking at in the south happens to be in District 5; and he would like Chair Zonka's buy-in to potentially enter into a contract and see if the School Board is interested.

Chair Zonka stated as long as the Commission stays committed to maintaining those parks

because she likes the idea of the County having a little more control over the property.

Commissioner Tobia advised that is the idea; when the Board only has it for a guaranteed five years, there is no point in putting in substantial...

Chair Zonka interjected by saying not only that, but in the event that they have superseded any of the County, she does not like that either.

Commissioner Tobia stated that is why he wants the Board to be in control of that, that was the idea of it; hopefully, that can be worked out; largely those fields are not used by Hoover; he met with the assistant principal there and they only use a small portion; for security reasons, there may need to be fences; but that is something that could be worked out in negotiations to see if the Board wants to go in that direction. He noted there is a motion because he feels it would mean a lot more if the Board directed staff and they know they have support of the Board to start negotiating with another government body.

The Board approved directing staff to contact the appropriate parties with Brevard Public Schools to gauge responsiveness and willingness to enter into a long-term lease with Brevard County for the Hoover Middle School Athletic Fields.

**Result:** Approved

**Mover:** John Tobia

**Seconded:** Curt Smith

**Ayes:** Pritchett, Tobia, Smith, and Zonka

Upon consensus of the Board, the meeting adjourned at 11:03 A.M.

ATTEST:

\_\_\_\_\_  
RACHEL M. SADOFF, CLERK

\_\_\_\_\_  
KRISTINE ZONKA, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA