

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on January 22, 2019 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

ITEM A., CALL TO ORDER

Attendee Name	Title	Status	Arrived
Rita Pritchett	Commissioner District 1	Present	
Bryan Lober	Vice Chair Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Kristine Isnardi	Chair Commissioner District 4	Present	

ITEM B., MOMENT OF SILENCE

Chair Isnardi called for a moment of silence.

ITEM C., PLEDGE OF ALLEGIANCE

Commissioner Lober led the assembly in the Pledge of Allegiance.

ITEM D., MINUTES FOR APPROVAL

The Board approved the December 4, 2018, Regular Meeting Minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM E.1., RESOLUTION, RE: BREVARD COUNTY SCHOOL CROSSING GUARD APPRECIATION DAY

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 19-004, recognizing February 1, 2019, as Brevard County School Crossing Guard Appreciation Day in Brevard County; and expressed its appreciation to all crossing guards for their dedicated service.

A Representative for the Crossing Guards thanked the Board for showing appreciation to them, for keeping the kids safe to and from school, and they love what they do.

Chair Isnardi stated she knows they do not do it for the pay; they are always out there in inclement weather; she smiles and waves to the crossing guard that has been out there since her children were in Elementary School; and she knows she does it because she cares about the kids.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM E.2., RESOLUTION, RE: PRESCRIBED FIRE AWARENESS WEEK

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-005, recognizing Prescribed Fire Awareness Week.

Mike Knight, Environmentally Endangered Lands (EEL) Program Manager, stated he has Steve McGuffy, the EEL Fire Coordinator, who is in charge of coordinating all of the prescribed burns, and Captain Ryan Southerlan with Brevard County Fire Rescue (BCFR) Wildfire Division. He added the implementation of a prescribed wildfire requires the expertise of many trained professionals working closely together in a challenging environment; quality partnerships, inter-agency coordination, and open communication are absolutely critical to ensure that fire objectives are achieved, while ensuring that team members and the surrounding communities are kept safe. He went on to say in 1998, Brevard County experienced one of the most destructive wildfire seasons in the County's history; this unfortunate event fostered the beginnings of a multi-agency prescribed fire partnership that has played a significant role in protecting Brevard's ecosystems, and local communities. He remarked during this same time-frame the EEL Program, which was established by Brevard County voters in 1990, was making good progress in acquiring conservation lands and was beginning to develop its prescribed fire management program; in 1998, the wildfires set the stage for expanding the use of prescribed fires to reduce hazardous fuel accumulation, helping to prevent the devastating effects of wildfires on local communities, natural landscapes, and wildlife populations; and this has been possible through the coordinated effort of multiple agencies such as Florida Forest Service, Brevard County Fire Rescue (BCFR), Florida Fish and Wildlife Conservation Commission (FWC), St. Johns River Water Management District (SJRWMD), Nature Conservancy, U.S Fish and Wildlife Service, and Brevard County Environmentally Endangered Lands Program. He explained the outstanding cooperation among fire agencies in Brevard County over the last 20 years has not only helped the EEL Program meet its ecological management objectives, but it has also created a network of trained professionals, equipment resources, and ongoing support that emphasizes the value of prescribed fire to the communities and establishes a frame-work for its safe and effective implementation. He indicated they are grateful for the support they get from the partner agencies, many could not be present, and he thanked the Board for the recognition.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM E.3., RESOLUTION, RE: RECOGNIZING THE 50TH ANNIVERSARY OF THE SOUTH BREVARD DEBUTANTE ASSEMBLY COMMITTEE

Chair Isnardi read aloud, and the Board adopted Resolution No. 19-006, recognizing the 50th Anniversary of the South Brevard Debutante Assembly Committee, as the celebrate 50 years of tradition, friendship, and service.

Amy Wendel thanked the Board for recognizing their organization; she stated they are somewhat unique in that they have been around for 50 years, and are run solely by women who have volunteered time, talent, and treasure with Brevard's young, future leaders; and the organization has come a long way since 1969, they have evolved from an induction into society to today's program, which promotes and prepares exceptional young women for college and their future. She noted during their 50 years, they have had around 800 young ladies become leaders through the debutante program, and its traditions.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

CONSENT ITEMS PULLED

Commissioner Tobia pulled Item F.9., Brevard Cultural Alliance for Fiscal Year 2019, Brevard County Community Cultural Grants.

ITEM F.1., RESOLUTION, RE: AFFIRMATION OF MERRITT ISLAND REDEVELOPMENT AGENCY BROWNFIELD ASSESSMENT PROGRAM

The Board adopted Resolution No. 19-007, affirming that the Merritt Island Redevelopment Agency (MIRA) has authority to establish a MIRA Brownfield Assessment Program pursuant to MIRA's existing 2013 Community Redevelopment Plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.2., INTERLOCAL AGREEMENT FOR FOUNTAINHEAD ADVANCED DENITRIFICATION SYSTEM PROJECT

The Board approved and authorized the Chair to execute Interlocal Agreement with City of Melbourne for the Fountainhead Advanced Denitrification System Project; and authorized the County Manager, or his designee, to execute future amendments, subject to approval of the County Attorney's Office and Risk Management.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Curt Smith, Commissioner District 4
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.3., APPROVAL, RE: AMENDED INTERLOCAL AGREEMENT BETWEEN BREVARD COUNTY AND THE SCHOOL BOARD

The Board approved and authorized the Chair to execute Interlocal Agreement with Brevard County School Board providing for funding of new or expanded public educational facilities with Education Facilities Impact Fees.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Curt Smith, Commissioner District 4
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.4., WAIVER REQUEST SUBDIVISION PERMETER BUFFER, RE: SILVER HORSESHOE (18WV00025)

The Board approved waiver request of Section 62-2883(d) of the subdivision requirements to allow existing wetlands and proposed stormwater ponds in place of the 15' perimeter buffer, for Silver Horseshoe Subdivision (18WV00025) - Silver Horseshoe, LLC.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Curt Smith, Commissioner District 4
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.5., MEMORANDUM OF UNDERSTANDING FOR EEL AND NORTH/CENTRAL FLORIDA PRESCRIBED FIRE WORKING GROUP (N/CFL PFWG)

The Board approved and authorized the Chair to execute Memorandum of Understanding (MOU) between the Brevard County Parks and Recreation Department's Environmentally Endangered Lands (EEL) Program and the North/Central Florida Prescribed Fire Working Group (N/CFL PFWG).

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Curt Smith, Commissioner District 4
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.6., REQUEST FOR BAD DEBT WRITE-OFF/FINANCE DEPARTMENT

The Board approved the write-off of various uncollectible receivables identified by Board Departments.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Curt Smith, Commissioner District 4
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.7., BUDGET CHANGE REQUESTS

The Board approved the Budget Change Requests, as submitted.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Curt Smith, Commissioner District 4
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.8., PRECINCT BOUNDARIES - ALTERED AND ADDED (CHAPTER 101.001 (1) F.S.)

The Board approved the revised precinct boundaries generated by Annexations by the City of Melbourne.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Curt Smith, Commissioner District 4
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.10., ANNUAL INVESTMENT PERFORMANCE REPORT YEAR ENDED SEPTEMBER 30, 2018, FINANCE DEPARTMENT

The Board accepted the Brevard County Annual Investment Performance Report, for the Fiscal Year-Ended September 30, 2018.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Curt Smith, Commissioner District 4
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.11., APPOINTMENTS/RE-APPOINTMENTS

The Board appointed **Justin Lauer** to the West Melbourne Public Library, with term expiring December 31, 2019; **Peter Fusscas** to the Transportation Planning Organization Citizen's

January 22, 2019

Advisory Board, with term expiring December 31, 2019; **Patrick M. Mulligan** to the Marine Advisory Council, with term expiring December 31, 2019; **Sean Taylor** to the Historical Commission, with term expiring December 31, 2019; **Dennis Ryan** to the Emergency Medical Services Review Committee, with term expiring December 31, 2019; **Richard Follet** to the EEL's Program Recreation and Education Advisory Committee, with term expiring December 31, 2019; **Vince Lamb** and **Sil Crespo** to the EEL's Procedure Committee, with term expiring December 31, 2019; **Daniel McHugh** to Building and Construction Advisory Committee, with term expiring December 31, 2019; and **Lynn Herndon** and **Heidi Targee** to Art in Public Places, with term expiring December 31, 2019.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.9., BREVARD CULTURAL ALLIANCE, RE: FY 19 BREVARD COUNTY COMMUNITY CULTURAL GRANTS

Commissioner Tobia stated aside from the changes to the Tourist Development Tax (TDT) allocation, \$30,000 of funding for these Cultural Grants will come from the General Fund; he believes, while these organizations are wonderful, this Board has greater fiscal priorities than funding dinosaurs; this funding can be utilized to prioritize such items as transportation, infrastructure, and public safety; and after discussion he would like to make a motion to remove the \$30,000 General Fund allocation from this proposal and proportionally reduce the awards.

Chair Isnardi stated she does not really have a problem with that; however, she thinks since the awards have already been put in place, she thinks this is something that should be addressed maybe before the next award cycle; she would hate to see these organizations lose after this Board put them through the task of having applied for and been granted the awards; she has no problem looking at this next year or even the possibility of elimination; however, right now she does not feel that would be responsible thing to do.

Commissioner Lober stated he echoes Chair Isnardi's feelings on that; he thinks Commissioner Tobia may receive broader support if he were to consider just cutting it initially, rather than just outright doing away with it, basically just phasing it out to a degree as to just wiping it out all at once; however, it is Commissioner Tobia's motion and he respects however he wishes to put it.

Commissioner Pritchett advised the Board did do a large cut on this a few years ago; she agrees totally with Chair Isnardi; and she thinks it is something that should the Board come back with.

Commissioner Tobia stated the proposal was not to zero any of this out; it was clear in the motion to proportionally reduce the awards; so it would be reducing \$30,000 from the \$130,000, which is about a 23 percent reduction; therefore, the dinosaurs would still get a little bit over \$3,000. He mentioned he hopes he gets a second on this so the Board can prioritize pot holes over dinosaurs but if not, he is glad it is out there.

Commissioner Lober inquired if Commissioner Tobia would consider instead of the outright \$30,000 coming out of the General Fund, to reducing that; and if so he would provide a second if he would be amenable to that.

January 22, 2019

Commissioner Tobia stated he will take that and reduce the \$30,000 to \$29,999 so there is \$1 dollar left in the General fund.

Motion dies due to lack of a second.

Commissioner Pritchett stated she makes a motion to approve.

The Board approved the recommendations from the Brevard County Community Cultural Grant Review Panel to award grants to 30 nonprofit cultural organizations or cultural programs within the county.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Rita Pritchett, Bryan Lober, Curt Smith
NAYS:	John Tobia, Kristine Isnardi

Chair Isnardi stated the only reason she voted nay on that is because she is okay with a reduction; she thinks it went a little sideways on how much that should be; perhaps she misunderstood the intended motion made by Commissioner Tobia; she knows this was discussed before during the budget meetings and she knows the Board had talked about a reduction; she noted she would like to have seen a 20 percent reduction like what was done with the other services; and she commented she would have been more amicable to that.

Commissioner Lober inquired if it is untimely to move to amend what the Board had just done. He stated he would like to reintroduce that with a 20 percent reduction to the \$30,000, leaving the \$100,000 alone.

Eden Bentley, County Attorney, stated the Board would have to do a motion to reconsider the prior motion.

Commissioner Pritchett inquired if that has to be done by someone who voted for the majority.

Commissioner Tobia advised Commissioner Lober was in the majority, so he can make the motion.

Commissioner Pritchett inquired if the one who seconded it would have to be the same.

Attorney Bentley stated under Robert's Rules it could, but the Board can waive those Rules.

Chair Isnardi stated she would be inclined to hear Commissioner Pritchett's comments on this; she knows she originally approved it although she is okay with 20 percent; and she inquired if that is something Commissioner Pritchett could live with.

Commissioner Pritchett stated possibly; it is just everybody has this all together; she would like to have a discussion beforehand; and she inquired how possible would it be to table it and come back.

Commissioner Lober stated if Commissioner Pritchett wants him to table this he will.

Chair Isnardi stated she thinks the other motion would have to be rescinded.

January 22, 2019

Commissioner Lober stated he rescinds his motion.

Chair Isnardi explained the Board would have to rescind the previous vote.

The Board rescinded the previous motion; and it tabled the recommendations from the Brevard County Community Cultural Grant Review Panel to award grants to 30 nonprofit cultural organizations and cultural programs with the County to the February 12, 2019, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM G. PUBLIC COMMENTS

Anthony Sargenti stated he has the concession stand at Howard Futch Park; he has been there for five years; the reason he got it was to supplement his income because he has a disabled son; and this helps this helps support him. He added over the last couple years, business has gone down over 30 percent; he has done everything he can to bring it back; a lot of people come to the window and ask if they can have a sandwich with a beer, and he has to tell them no; they walk across the street to Ichabad's or one of the other places; and he knows that he is losing money that way. He went on to say he always wanted to ask the Board this, but never knew it was possible, until he spoke to one of the other concession stand owners, Derek, who spoke to Parks and Recreation, and found out it is possible. He remarked as soon as he heard that he went into high gear and found out through the County Attorney that if he fenced in the eating area and hung signs that they could only have the beer and wine at his tables that it is possible; he had a restaurant for about four or five years; and he had a full liquor license. He noted he employs two people there and they know how to handle beer and wine; they will card the people; and they will make it the best they can, but if he does not get the beer and wine he is afraid he may have to close up. He pointed out people love the fact that they are there. He noted he employs two local people with families and right now they can only work half the week because he had to cut their hours.

Chair Isnardi stated she knows this issue has been talked about a little with staff; and she would be interested in looking at this Item if possible.

James Liesenfelt, Assistant County Manager, stated they have some of the back-up data and will bring something back in February for the Board's consideration.

Chair Isnardi stated that would be great, and maybe staff could also include some information that may be unique to Mr. Sargenti's property, such as address his specific situation versus the impacts overall with the County.

Derek Thomson stated he has a concession stand, Billy's on the Beach, on Melbourne Beach, he is in the same situation as Tony; and he has only had his stand just over a year, but in the last seven to eight months he has seen a big decline. He went on to say he has tried to do a bait squad for deliveries, changed their menu, and placed ads on Facebook; and the only thing they can see is the beer and wine that will help their establishment. He revealed it is himself and his wife that runs the restaurant and their son comes in at lunch time to help.

Chair Isnardi stated the Board will take a look at this.

January 22, 2019

Linden Campbell stated he is addressing the issue of abusive Code Enforcement, particularly in Canaveral Groves, but he is finding it is extended further; he had an issue with mowing that he could not address; he contacted the Commission Offices and many other agencies, but received little support; and now a number of working people who have Conex Boxes are being cited and given almost no time to remove them. He commented they are fairly large; what disturbs him is they have been out there for years; the area has an agricultural aspect to it; and Agricultural is Commercial. He went on to say there is a number of Commercial businesses agriculturally working out there; this is arbitrary and capricious, because he cannot find anything in the Code that even applies; and yet they are given 10 days to remove these boxes, and often they are full. He added it is part of the residents' livelihood and they are using it as a storm shelter because the engineering is rated in excess of 200 miles-per-hour wind; when they are tied down, they are better than many storm shelters; lives and livelihoods are being threatened, and offered no recourse; and it appears to be abusive. He advised he is getting to the point that it appears talking to them and what happened to him, Constitutional approach is using the other branches of government, and may be the only remaining approach if they cannot get satisfaction with the elected officials; some may know of his son being an attorney, Charlie Campbell; and he is hopeful that it does not come down to that because he would like for this to be handled in a civil and professional manner.

Commissioner Pritchett stated her office has received a lot of calls from her District on people using shipping containers for storage; it is against Code right now, but a way is trying to be figured to make this work somehow; what happens is people are moving these and adding them onto their houses; it is a real struggle trying to figure it out; but she has talked to staff. She went on to say she has prepared something and she would like to see if the Commission would help her with it right now; she would like to have staff prepare a report that would go ahead and examine these containers to be used for residential storage buildings; and she asked if the Commission would grant to not proceed right now with enforcement complaints until staff comes back to the Board with some remedy for this. She added she is trying, but there are a lot of neighbors who are irritated about them; she has both sides kind of going back and forth on it right now; she is doing her best to try to figure out something fair and equitable; but it is going to take a little time and work; and she mentioned staff is trying very hard on this. She asked if the Commission would go ahead and allow her that time with staff to work something out, she would appreciate it.

Commissioner Lober stated rather than having a blanket pause on that; and he inquired if one month or six weeks would be a preference; he stated he is fine with that; and he noted he would hate to say until it comes back and then perhaps it does not come back. Commissioner Pritchett responded certainly; and she stated Tad Calkins, Planning and Development Director, is coming back in one month or two, but already has some information for it.

Commissioner Lober inquired about eight weeks. Commissioner Pritchett responded affirmatively.

Commissioner Tobia stated he is not very familiar with this issue; he is a little hesitant to put a blanket pause on enforcement for something he has no idea about.

Chair Isnardi stated it is not in County Code, it is not addressed in the County's Code, and this issue was brought forward by staff because there is nothing about shipping containers.

Commissioner Tobia stated there is not anything in there about space ships either, but he does not think one can park a space ship on the front of one's yard; and asked for an explanation from Tad Calkins, Planning and Development Director, as to why the Board is potentially doing this, if it is in fact not in the Code, and what the background is.

January 22, 2019

Tad Calkins, Planning and Development Director, stated the shipping containers are considered 'commercial equipment'; currently the Zoning Code does not specifically address them, but it does address commercial equipment; the former Director of the Department had a policy and a formal interpretation of Zoning Code is that they would not be allowed, because they are considered commercial equipment; and he would have to look into how they would be able to allow them as residential accessory structures.

Commissioner Tobia inquired if Mr. Calkins is aware of how other counties handle shipping containers and what the definition of commercial equipment is to see how close it is; if he has that available offhand, or if that what would be contained in the report.

Mr. Calkins replied he believes that is what would be provided in the report; he does not have that information offhand; he stated when thinking about commercial vehicles being stored in residential areas, and if a single axel box truck is someone's personal vehicle it is not considered a residential use, it is not allowed in those Zoning classifications; he believes that is how this has been viewed, historically; and they would be overturning that mindset.

Commissioner Tobia inquired if the Board were to hit pause on this can Mr. Calkins explain how fines continue to be accrued, and what would happen assuming a different interpretation of commercial equipment allowed would happen with the folks who paid those fines, as well as those that are currently in the system; and he mentioned he is not sure how the changing of Code has been handled in the past.

Mr. Calkins responded it would be something new to him in changing Code for something like this; the thought internally would be not proceed with an additional one at this point; he does not know the number of those that have gone through Code Enforcement, and that have removed them; and it would be something that he can include in the report as well, because there would be an impact to those who had to get rid of them in the process.

Commissioner Lober asked if there is a particular way Attorney Bentley would like the motion phrased, to prevent there being any sort of ambiguity, and potentially help avoid or obviate any problems with any sort of existing enforcement that may be impacted by this.

Eden Bentley, County Attorney, responded the concept is to abate citations at this point, if that is where the Board would go; if the Board would like staff to defer or terminate the accrual of fines, it could give that direction as well; and she commented that it would help.

Commissioner Pritchett inquired how many properties are out there that currently have these storage containers on them.

Mr. Calkins responded there have been an increased number of complaints on them recently, but he does not know the exact number.

Commissioner Pritchett stated they have also been there for a while.

Mr. Calkins stated in some cases, yes.

Commissioner Pritchett stated this is a little difficult just because some of them have been there for a long period of time, not that it makes it okay; she thinks the residents thought of it as being like an outside utility shed; and she requested the Board give staff some time to come back. She remarked she agrees there needs to be a time limit on it, and to figure it out; it might not go well for the residents, but it might, depending on which side they are on; she thinks it is something that should be done for the community; and she would appreciate anything the Board would do for the Canaveral Groves area.

January 22, 2019

Commissioner Lober advised if Commissioner Pritchett would like to phrase the motion since it is something that impacts her District more-so than others, he would second it.

The Board directed Tad Calkins, Planning and Development Director to prepare a report that examines containers and to see how they may be possibly utilized for residential storage buildings or not; authorized Code Enforcement not to proceed with Code Enforcement complaints for eight weeks regarding containers; and directed him to include in the report the deferral of any fines that have already been imposed.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

Barbara Campbell stated she is talking about the same thing; just to jump to the bottom line, she has a friend who has a hearing Thursday before the Magistrate on her situation; and she inquired if that is going to stop.

Attorney Bentley replied she understood it would be tabled until the report comes back.

Ms. Campbell stated that means she does not have to face the Magistrate on Thursday.

Attorney Bentley stated a formal notice needs to be sent.

Ms. Campbell stated she checked on these cases; she knows personally of probably four or five; the citation they use is Section 62-1331, un-permitted uses in GU zoning; and these cases are not violating that, they are single-family detached residential dwellings, they have accessory buildings, and that Section also refers to Section 62-1102. She added again, there is no violation; it talks about accessory buildings which are included, but not limited to garages, storage sheds, and so forth; and they could even skate under the not limited to these buildings. She went on to say Section 62-2100.5, again, no violation, these people in Canaveral Groves, the lot sizes are all at least an acre, so they could have four buildings; they are not exceeding the building limit; and she understands what Mr. Calkin's said about commercial, but again, these are not semi-trailers they have no wheels, they are just boxes for storage. She remarked her friends have been using these, and they depend on them.

Mark Shropshire stated he is addressing the same issue; he also had a violation that he corrected, and that got him into seeing some of the problems with the system; even though his corrections have been made, he would like to be a solution to the problem still; and he wrote down five things that the Board may want to take a look at. He pointed out at the top of the list, that is most offensive to most of the property owners out there is the anonymous complaints; these seem to be used as a weapon to hurt neighbors; the first level of resolution is a neighbor going to a neighbor, and anonymity takes the issue to a level beyond community resolution; and then it involves a government entity. He went on to say Brevard County Code is being subjectively applied in non-incorporated parts of the County with GU, AU, ARR, etcetera; property owners are receiving Code Enforcement violations under restrictions of RU properties; the structure of fines for Code Enforcement violations is not proportioned to the violation; and at \$500 for a Magistrate fee and \$1,000 per day, a person could lose their home in six months for having a shed out back, and that just does not seem right. He noted Brevard County Code seems to be vague on this; in the Code, there is not even a word "conex" box, shipping container, sea can, all the words used, it does not describe them at all; and it is often made up,

January 22, 2019

seems to be, if one talks to people out there over the years, the definitions have changed over the years, that is vagueness. He stated the State of Florida is encouraging local Agriculture through small farms an alternative enterprise program; it seems like the way they are being looked at, in rural areas, in Mims, it is across the board in the whole County, in the rural areas is that this is being discouraged; if one wants to become an agricultural property, one is in trouble and will not want to do it because they will not have permission; however, the State is saying there are a lot of things it will encourage by doing that.

Chair Isnardi pointed out Mr. Shropshire's time was up.

Charles Tovey stated he would like to thank, he is smiling today because it has been at least 10 years since he has had the time to have peace of mind, and anyway, he is in recovery now; he feels a little bit more than he used to, and his card is on the Lagoon and what he is looking for is one of the Commission Offices, or to show him the way. He added he does not want to go to Natural Resources and all these other people, he would like to see one of the Commissioners, preferably Curt Smith, he has been helpful and he appreciates that and all his efforts. He went on to say he has done it, he has disclosed it, he is looking at maybe two months that it might take to make a drastic change; he has experienced it, and this is what he would like, to not only explain it and put it on paper and give a program of what he has conceived, but also demonstrate the technique that is needed in order to change the environment. He explained just cleaning the sludge out or having the places, which is good, and all the efforts are good, but that is not changing, it is just addressing the symptom, it is not really addressing the problem. He added it is cleaning the place up, but the problem is still there and if the environment is converted it will retain itself and make its own changes, but first it has to be at that level, and just cleaning the sludge out or having these programs; what he would like to do is work with the Sheriff's Agencies and he will tie all of the conversations he has been expressing for 10 years, he will tie them all together in the program; the inmates could be used to, the low infraction inmates, the people that run stop signs and give them the opportunity; not only will they learn, they will also gain respect for the environment and the Lagoon; and it will offset some of their expenses or whatever. He continued the word of mouth, people do not know, and this is why he has not disclosed anything. He added it has to do with facing his problems, and F.A.C.E. is an acronym Flow Agitation Circulation Exchange; the reason why he submitted his route form where he did his route, one of the main reasons, and he did the whole thing and the whole Lagoon, but it is because the Banana River and the Indian River come to a point at that section; the amount of water going up, anyways, he will continue this in another comment, but the amount of water going into the Lagoon is not sufficient; he has a program; and he will show it is evident. He thanked the Board and wished it a nice day.

Karin Atwell stated she is here, real quick, to tell the Board about the Conex Boxes; they are back to that for just one minute. She advised she has looked and researched people that are out there; there are about 60 or more people that have them, some of them have been out there 25 years or longer; when one sees that they think they are able to put them out there; they had made a design and had an engineer come in to put a top over theirs with walls, concrete it to the floor and bolt it to the ground; and they got them and had to move them. She added they have incurred a lot of expenses and they have to move them again from another place that they have had them in at a commercial property; a friend of hers just took theirs out last week and one today; they have also incurred a tremendous amount of expense getting these taken care of; she does not have the Code with her, but in Brevard County Code, it says on commercial property they can only have them for 90 days two times a year; and that is a concern for those people who have them on commercial properties. She explained they had their property changed to Agricultural because they want to have bees, and they wanted a bee house so they can spin honey and sell it and also have the bees; she has a small garden; and she wanted to be able to store her supplies in a rodent free place. She added commercial property have them, like a place in Cocoa off of US 1 that has 30 and they are double stacked; according to the

January 22, 2019

Brevard County Code, that is not allowed; and she stressed there is not a balance in what one person can have and what another person can have.

Chair Isnardi stated this is related to an earlier public comment, but Commissioner Anderson when he was in District 5, came up with a good idea, and she is sure the County Manager knows about it, she is sure staff does too; what her office does is not accept anonymous complaints; the argument is what if one is afraid of their neighbor, what if they are fearful for their life, she understands that, and what they do is one of the staff members, either herself, Mr. Luebker, or Ms. Stern have gone out to investigate it themselves; and if they deem that it is a public safety issue or it is injurious to the neighbor, they put the Code complaint in their own name, that way it protects the neighbor from any retaliation. She noted usually the neighbor can figure it out or they speculate; rather than put someone in a potentially back and forth or dangerous situation, this has really eliminated a lot of neighbor drama because people will call back and forth on each other several time; and she reiterated this is a great office policy that Commissioner Anderson put in place.

Commissioner Lober stated to piggy back on that, he knows Fritz and himself went back and forth in the office about whether or not they were going to keep it anonymous, which was how it was prior to his becoming Commissioner; they were so ambivalent to which way was better they decided that if it is something that has been operated in a certain way for a period of time, if they do not know that clearly the change would be better, they would keep it as is; and he thinks Chair Isnardi's way actually sounds like it has some of the merits of both sides, so he going to reconsider that over the next couple weeks and perhaps have some sort of a change along those lines.

Chair Isnardi stated it works very well.

Commissioner Pritchett stated they typically do that, too; she agrees with Chair Isnardi, people usually tell them who they are, but they are a little concerned about it getting out to the neighbors, and not necessarily in this situation; her office does their best to do what is best for each person individually; and she agrees. She noted the biggest part of the complaints was they thought realtors were going in and filing these to improve property values; they did not find that happening, because they checked on that; this is legitimate people just having concerns; and she mentioned people are very tight out there and they do not want anyone to know who is concerned about whom.

Chair Isnardi stated it does not stop neighbors from trying to go back and forth when they call the office and say they are fearful, but they can usually figure that out pretty quickly by going out.

ITEM H.1., REPEAL OF ORDINANCE 90-41

Chair Isnardi called for public hearing to repeal County Ordinance 90-41, which created the Children's Services Council (CSC).

Chair Isnardi stated this is for the repeal of the Independent Special District that was put in place by the County Commission in 1990; since that time, this Independent Special District has not collected a tax, they have operated based on private donations; they were dormant for a while not filing any paperwork, and not doing anything for several years in the middle; and most recently, in July of 2018, they came before the Board and asked for this to be put before referendum. She advised their request was denied by the Board, four of which are Commissioners today; that is where this is at as of today; and she noted she can argue her point after she allows the speakers to comment.

January 22, 2019

John Fernandez stated he would urge the Council to repeal the Children's Services Council because it is a scam; it so happens many times these groups come down to the Council, they want to tax the property owners of the County; many of the citizens are on a fixed income and their bright ideas are to tax them; historically these groups have done nothing to benefit the community; and he thinks it should be repealed. He believes they should not go on scamming the people of this County; many of the citizens have come from other counties that have gone through this, scamming issues, taking money out of their pockets so they cannot afford to live, and it is sad that it falls upon the poor people of the County to pay for the scammers who have nothing to do with benefiting the community.

Bob White stated he is in attendance to speak on behalf of the Republican Liberty Caucus (RLC), Florida organization, as well as the local organization; one of the principles, they as an organization exist to support, defend, and advocate for, is the principle of limited government; that principle is built on what they believe is the absolute truth that governments are established by the governed to do for its citizens only those things that they cannot adequately do for themselves; he is the first to admit he cannot go out and clear the land or pave a road, he cannot provide his own sanitary sewer system, he cannot provide drainage, and he cannot provide police and fire protection, which are the things that people look to their government to do for them; however, the idea of supporting children, supporting the poor in the community, and the people that are under-privileged is something the citizens can do for themselves; therefore, he does not think there is anything better than to start the new year by taking a vote today to limit the size and the scope of government. He went on to say that is what this vote to repeal this Ordinance would be. He stated he can honestly tell the Board that the community is very generous; they are very giving; and there are a number of private charities and foundations that they can give their money to, to solve the problem of children with needs. He suggested the Board should let the citizens handle this problem, because not only can they handle it, they can handle it much more efficiently than the Board can; what the Board is talking about is an enormous bureaucracy that can waste a tremendous amount of money; he asked the Board to let the community take care of the problem by doing it through local churches, and all the different charities and foundations that exist for this purpose; and he commented this is an area where government needs to get out of the way, it does not need to tax for this. He advised the community will be generous and take care of the problem.

Commissioner Lober stated he is an RLC member; he does not think that impacts this at all; however, he wanted to be up-front with everyone.

Alice Kritz stated she is so pleased that Chair Isnardi has brought this to the attention of anyone who did not know about this Council because they never really accomplished much that she knows of and certainly not for the children; anything with children in it always appeals to voters so that is why she is praying this does not go to a referendum, it is totally unnecessary; this was just an Ordinance that was passed in 1990 and can be very easily suppressed or done away with; and that is what she feels should happen. She continued this is really taxation without representation; the Council members cannot be voted out; there are many big names behind some of this connected with *Florida Today*; *Florida Today* has printed some articles about the meetings that have happened; and that is where she received a lot of her information about the dates and all. She pointed out the residents that she knows and the groups that she is in, none of them want to sustain the Children's Council; it is not because they do not have children and grandchildren, it is because it is disturbing to see a political action committee pushing a tax referendum on behalf of this council; this pact group, Put Brevard Kids First, is co-chaired by Jeff Kiel who is the former president of *Florida Today* and regional president of Gannett; and there are people on this volunteer committee that have a lot of money and influence in the County, yet they have never had a benefit for this particular council. She went on to say many citizens get invitations all of the time to fund raising events for various charities in the County; they attend if they do something for the County, but they have seen nothing that has transpired

January 22, 2019

from this particular Council; she thinks there are 400 charities in Brevard County that are worthy of mandatory taxation but they do not ask the Board for this type of agreement; and she noted she has talked to a lot of teachers and a lot of them do not agree that this is necessary at all. She stated look at what has happened with this particular Council in Palm Beach and Broward County; they have wasted millions of dollars to operate this Council and they have seen nothing coming from it, yet there are people making big salaries; if approved the residents would see a special property tax, if it was put to a referendum anyway, of \$.25 per \$1,000 taxable value in the first year which would collect about \$8.4 million in that year; every year after that there would be a rate of \$.33 which would collect \$11.4 million; and to her that is utterly ridiculous to have that kind of money.

William Haskell stated his three favorite things are little dogs, veterans, and children, and he does not even have children; he is actively involved in a lot of charities, a few nights ago he spent most of his night at the cold night shelter helping people; he is very concerned about helping people; and he pointed out the Board's primary job is needs, not wants. He continued if there are alternatives, non-government organizations, such as churches and others, they should be relied on; he is not impressed with the lack of a solid program to do this and that this has been lacking for many years where there is a possibility of a large waste; the Board has very limited money and he hopes it realizes that considering the waste in previous years where the Board was spending a lot, per Scott Ellis's chart; with the new developments coming in and the changes the Board has to make with paving of roads, that is costing huge amounts of money, and it is his belief that the Board has to be very judicious. He went on to say he was very concerned about the children in the past years when there was not enough food, but the today there are more jobs and more availability; and he thinks parents have to be parents and step up because there are so many other problems that people have to deal with. He noted he does not want the taxes to go up because it is going to affect the poor people who live in trailer parks and others, like retired people; and he hopes the Board will think of that in a concrete way and get something developed that will serve this.

Peter Fusscas stated he would like to take a look at where the County is right now since 1990; the County budget is over \$1 billion; 80 percent is dedicated funds which there is little or no control of how it is spent; 20 percent is the General Fund expenditure, \$220 million; 52 percent of that or more is for the constitutional offices; and of the remaining \$100 million there is only about \$38 million out of a \$1 billion budget with which the Board has discretionary spending. He continued what this has to do with the Children's Services is, as proposed funding Children's Services will not only add \$11.54 million to the County mandated expenditures over which the County will have very little say or control over; he asked if that burden needs to be added to the County's tax base; he is concerned about the critical needs of the County; and he noted there is only so much the County can do to enumerate the tax base and it is the growth of that tax base that concerns him the most. He went on to say over 10 years the County is looking at over \$120 million in Children's Services, which he reiterated the County has no control and no oversight; he has not seen a detailed Comprehensive Children's Service's Plan; it is not good public policy to vote for a 10-year funding mandate before the Board knows where those funds will be used; he mentioned he thinks Commissioner Pritchett brought that up back in July, to have a detailed Service Plan so the Board would know where those monies are going; and he asked if there is such a plan.

Chair Isnardi stated when the Council presented the item in July they had an outline of where those potential monies could go.

Mr. Fusscas inquired if it was by programs.

Chair Isnardi responded in the affirmative.

January 22, 2019

Mr. Fusscas inquired if it was by service providers.

Chair Isnardi responded in the affirmative. She stated she did not know whether Mr. Fusscas would agree with what was presented, because some programs would have received \$1 million or more; and she asked if that is fair and equitable. She mentioned she just wanted him to know they presented an outline because those were questions the Board had; and she advised they had done a nice job laying that out.

Mr. Fusscas stated he is glad the Board is armed with a service plan so it has a better idea on how to fund it.

Chair Isnardi noted that was back in July when the plan was presented and the Board opted not to go to referendum based on that information.

Mr. Fusscas stated he is opposed to continually burdening the County's tax base because it has its own critical needs to take care of.

Lois Lacoste stated she had appeared before the Board in July 2018, over this same issue; she thinks at that time the Board's constituents spoke loud and clear that they were against this charity becoming the taxpayers' burden; here it is again, to decide whether taxes should go up again for Brevard County residents to fund a charity, the Children's Service's Council; she reiterated Brevard County residents spoke loud and clear six months ago before the Board regarding this charity organization; she asked how many ways and how many times do the residents have to tell the Children's Services Council they are not interested; and she noted the Board has to abolish the Children's Services Council tax. She continued this is a wasteful, welfare program that existed for 30 years; the Committee sponsoring the Council in Brevard is made up of well-connected politicians, bureaucrats, lobbyists, and political insiders to plot for a future property tax hike to line their own pockets; and they want \$120 million of the County's tax money and no oversight for how this slush fund is spent. She advised she lived in Broward County for 31 years so she is very aware of taxpayers' dollars spent on extravagant salaries and huge sprawling oversize buildings for the Children's Services Council in Broward and Palm Beach Counties; and they have not worked out well, with tens of millions being wasted on six figure executive salaries, travel perks, and oversized buildings. She stated she and her husband moved to Brevard County 14 years ago and love living here; in the last four years they have seen two sales tax hikes, property tax hikes, increases on stormwater and trash, ambulance transfer, and fire assessments; the half-cent sales tax for the Indian River Lagoon has not shown any improvements either; the answer always seems to be increase taxes; however, she feels the tax money should never go to a charity like the Children's Services Council, it is unfair to worthy charities. She stated charity contributions should be private voluntary contributions not forced taxpayer funding; real charity comes from individuals not government; she is retired now and lives on a fixed income and her cost of living increase is a joke amounting to pennies per day; she cannot afford to have her taxes increase again, especially for a charity; and those who want to give to a charity should do so but taxpayers should not be mandated to pay taxes for the benefit of the Children's Services Council charity. She inquired when parents are going to raise and be responsible for the children they are having.

Connie Smith stated she is adding her families full support to Chair Isnardi' s proposal to eliminate the Children's Services Council; residents all contribute in their own way to charities they hold dear; she was shocked to find out that a Florida Statute gives the Children's Services Council the right to place a referendum on the ballot; and if that referendum were to pass, property taxpayers would be on the hook to fund another huge bureaucracy made up of unelected officials spending taxpayers' dollars on their own charity voices. She noted everyone has to remember not all voters are property owners, but all voters would get to vote on the referendum that funds charities by property tax monies; this is an outrageous slippery slope for

January 22, 2019

funding charitable organizations; no charitable board should have the power to tax citizens; and she thanked Chair Isnardi for having the backbone to bring this to the citizen's attention and coming up with the only solution, to abolish the Children's Services Council (CSC) board. She went on to say charities will still be funded by independent people; it is the bureaucratic board that needs to be eliminated; and she inquired if in the County Charter, Section 5.1.3, an initiative is considered a referendum.

Eden Bentley, County Attorney, replied there is also a petition procedure for a Charter amendment, where there are two different sections that essentially say the same thing.

Ms. Smith inquired if the Charter overrides the Florida Statute that gives the CSC the ability to tax Brevard County citizens.

Attorney Bentley responded there is a proposal to place it on the ballot from the summer, but right now this is a repeal of the Ordinance.

Ms. Smith advised she understands that. She noted in this Section it actually says the collection of taxes.

Attorney Bentley replied there is an issue that has been identified by both the CSC and her office regarding the ability to do that because it is a tax related item.

Ted Dolbizno stated the speakers before him covered what he had to say so beautifully, that he is waiving his time; and he noted he supports the repeal of this Ordinance.

Jeff Kiel stated he is no longer employed by *Florida Today*; he is the co-chair of Put Brevard Kids First, the committee that was established to educate the community ahead of a ballot measure, if the measure were to have been placed on the ballot pursuant to the meeting in July; in 2018, after understanding the unmet needs and for services for kids in this community, he volunteered his time to help do something about it; and his prior role as President of *Florida Today*, he had the benefit of seeing the good work done by many nonprofit community organizations providing these services. He continued he was also exposed to the unmet needs, which are growing; the implication that this can all be solved by charities is just not realistic; he hears it, but it is not realistic; that is why he volunteered to help upon leaving *Florida Today*; the resistance has been disheartening and unfortunate for this community; and everyone is hearing some of that today. He went on to say he has attended most of the CSC meetings as a volunteer since April 2018 and has seen a very talented, dedicated, and caring group of Council members and volunteers; it is an impressive caring and well-intended group of professionals; unfortunately, they and the cause they represent has been maligned; it is one thing to have a philosophical difference and debate about them; it is quite another to provide for an implication that this is a group of bandits dealing on self-interest; and this Board holds lots of power to keep this from the community at large. He advised there are other ways it can play a part; there are other models where the Board has more control over funding; Orange County and Indian River County are two examples; he encouraged the Board to be part of the solution because he does not see a solution without it; and he is not sure what the rush is, but if the energy that is put into keeping these efforts alive to keep the door open for solutions to helping kids is not successful, the true loser will be the kids and families in this community. He stated the urgency being displayed is confusing and he hopes that will be considered before casting a vote; there were a number of comments from people who have come from other counties that had CSC's and how awful it was; and he asked what happened because those communities would have to go back to vote to continue them and in every case they were overwhelmingly, 75 percent, passed because the voters saw the value in them, felt it was important enough for the community, and wanted it to continue. He went on to say the implication that it was a disaster, the voters would

January 22, 2019

not have kept it going if they felt it was a disaster and that there were millions and millions of dollars of wasted money spent.

Commissioner Lober stated he is concerned about something Mr. Kiel just said; Mr. Kiel stated the CSC has been maligned; the more direct Mr. Kiel is the more he is inclined to have some empathy with this cause; and he asked if any of those first eight individuals said anything that he is aware of that was factually incorrect.

Mr. Kiel noted it is not just here, look at social media.

Commissioner Lober inquired if his answer is a no.

Mr. Kiel inquired if Commissioner Lober had asked him if anyone who has spoken has said anything.

Commissioner Lober asked Mr. Kiel to allow him to ask his question. He inquired again if anyone who has spoken prior to him has said anything that is factually incorrect; and he again advised Mr. Kiel, the more direct his answer the more inclined he would be to be sympathetic to his cause.

Mr. Kiel responded he believes there have been misstatements of facts.

Commissioner Lober inquired which specific facts have been misstated by any of those individuals.

Mr. Kiel responded he thinks the implication of how money is spent, of how the Council is doing its job.

Commissioner Lober commented he is not talking about implications; he inquired again which specific statements did anyone make that were incorrect.

Mr. Kiel stated he does not have a list of them.

Commissioner Lober asked for just one.

Mr. Kiel responded he does not have one.

Krista Soboh stated she is deeply concerned about how the shifts are going on in the economy are affecting the families; she feels there is a moral obligation to address some of the issues; just to get a picture of what is going on, the suicide rate in Brevard County among school-aged children is the highest in the State; she has looked at the Governor's Task Force Report on baker acts, and Brevard is among the highest in the State of Florida; currently there are almost 3,000 homeless students, which is approximately three percent of the school age population; and there are between 50 and 60 percent of the students who are on free and reduced lunch, so even those who are not homeless are under pressure. She continued she feels this every day; her daughter attends the University of Florida and her roommate just chipped her tooth and is having trouble paying for that to be fixed; she has four crowns and they talked about maybe she could go to Mexico to have them fixed; this is a big concern; to look at this County's high-tech workforce, the County needs to think about these businesses and the types of skills required to run these businesses because if it does not have somebody who is trained to that skill level they will not be able to build airplanes and fill the types of jobs employers are looking for; and in order to get that higher skill set, the County needs to fulfill some of those basic needs, the psychological needs, the needs for safety, and that is what some of the things that will be able to be accomplished by creating a foundation in order to prepare themselves later for those high-

January 22, 2019

tech jobs. She advised all of this will help the County in the long run. She stated to think that charities will work, it is not going to happen; they are not structured in a way that is going to allow the money to follow the needs of the child; and she asked the Board to reconsider the initiative and bring the referendum to the public.

Kim Rezanka stated early in 2018 she was asked to assist the CSC with the ballot initiative to fund the CSC on a pro-bono basis; she was not familiar with the CSC so she researched and learned; the CSC is an Independent Special Taxing District that was organized by a County Ordinance in 1990; it was authorized by Florida Statute 125.901 which defines the powers, obligations, and functions of the CSC; it is a Special District as defined by Chapter 189 of the Florida Statute; it is a unit of local government created for a special purpose; and it is to have 10 members of the community who are appointed, elected, or well-known in the community. She continued she has learned the CSC is not a charity, it is not a scam, and it is not corrupt, as was heard here today; at least to her that is how it has been maligned here today; her goal in agreeing to help the CSC is to implement State and County law to follow the law; what the Board proposes to do here today by mere ordinance of dissolution of the CSC does not follow County law, State law, or the Florida Constitution; in fact, the CSC does have taxing authority by ordinance, by State law, and by the Florida Constitution; the electorate must approve this ordinance if it is passed to dissolve it; and she announced she has prepared a memo but she has not provided it yet because she does not want the Board to read it as she is going through it. She went on to say the CSC has been given taxing authority but the taxing authority has not been exercised to date; there are a number of Attorney General Opinions (AGOs) to support this and some case law as well; they have been defined in her memo and have been attached to it; several Attorney General Opinions discuss taxing authority by special districts and have stated that special district taxing authority is found in the Florida Constitution and Florida Statutes prescribing the ability to tax; simply because the electorate has not approved the millage, does not eliminate the taxing authority of the CSC that has been granted by the Legislature and the County Commission; and in AGO opinion 2007-17, the Attorney General opined the Lanark Village Water and Sewer District can only be dissolved by election because their authority to levy was by approval of bonds that had to be approved by the electorate. She advised because the CSC has been granted the taxing authority the County Commission cannot dissolve this on its own; there are a number of other legal issues that need to be addressed that were simply disregarded in the County's legal opinions; the taxing authority was not discussed at all in the legal opinion; there are at least four or five issues; there are three options she would like the Board to consider before making its decision or an illegal error which will cause litigation; and she asked the Board to deny the dissolution of the Ordinance, to request or allow the CSC to request an AGO on this issue, and to give the issue of dissolution to the voters. She asked the Board to not dissolve the CSC.

Chair Isnardi inquired since Ms. Rezanka is pro-bono to the CSC if she has knowledge whether the CSC has gone out for an AGO to try to fight this Commission should it decide to repeal the Ordinance.

Ms. Rezanka stated she has spoken with five different statewide law firms and one has agreed to represent the CSC; the paperwork has not yet been filed, but they will do so; and she advised they intend to file the paperwork because there is legal support that what the Commission is doing is illegal.

Chair Isnardi noted she has two attorneys who say otherwise, and the Statute is pretty clear, but she can agree to disagree.

Ms. Rezanka stated it was never addressed in the memo, they just concluded the Board has taxing authority; and she feels they are wrong.

January 22, 2019

Commissioner Lober thanked Ms. Rezanka for addressing his earlier question. He stated he will not go through each item Ms. Rezanka brought up; he has spoken with her previously and feels she is a competent attorney, as well as Attorney Bentley; and he inquired with Attorney Bentley if she is confident with the knowledge she has at present that the County Commission is on solid ground to do what it is doing regardless of how it rules on this today.

Attorney Bentley responded in the affirmative.

Bunny Finney stated she serves as the CSC Vice-chair; Kelly McKibben sends her sincere regret that this morning's item could not be held until February when she could attend in person; due to the short notice and combined with a holiday weekend Judge McKibben could not change her Eighteenth Circuit Felony Division Court Docket as she has 35 trials scheduled for today; and on behalf of the CSC, she appreciates that Chair Isnardi has offered her and others as Judge McKibben's designated speakers an extended period of time to pass her thoughts along to the Board.

Chair Isnardi inquired if she is the designated person for Ms. McKibben.

Ms. Finney advised she and Bart Gaetjens are as the officers of the CSC. She stated the Board has her commitment that the comments heard today will be concise.

Chair Isnardi inquired if the two will be splitting the time because she wants to be fair to all the speakers.

Ms. Finney responded affirmatively. She stated the Board has their commitment that they will focus on clarifying legal points to this Item; she has three points to address, the first being CSC achievements, number two is the authority to incur debt, and three is the Commissions opportunity to participate in CSC appointments; regarding CSC achievements over the years, in 1990, the CSC was formed and the next few years were spent seating the council, forming, organizing, and running bylaws; in 1997 to 2002, the CSC was contracted by Brevard Public Schools to deliver a Department of Education (DOE) grant that created a shared services network, and the grant was over \$100,000; and in 1999 to 2003 they engaged in privatization of foster care through Together in Partnership (TIP), Leadership Roundtable, and Community Alliance. She continued ultimately the Brevard Family Partnership was created with Brevard County Government as a partner; in 2000, they received a large undesignated donation in the amount of \$200,000 from Holmes Regional Medical Center to move their business forward; from 1998 to 2005, they provided a local Kid Care match at a cost of over \$26,000; and in 2008, reporting rules changed to exclude private source dollars from full audit, insurance requirement, and it was determined that CSC qualified as the funding was private. She went on to say the economy in 2008 and the potential for a successful referendum was negative so the CSC scaled back meetings to one to two times per year as necessary; 2009 to 2011, at the recommendation of the Leadership Roundtable partnered with the Brevard Public Schools and other community partners, they funded the whole childhood connection project at \$25,000 and served 36,000 un-duplicated families; from 2008 to 2014, they met annually and considered the community climate; and in 2014, they did some initial polling, had new members of the public sector seated onto the CSC, and it was determined they wanted to move forward with seeking millage. She stated in subsequent years 16/17 they researched and discussed over 15 plus meetings, site visits, and decided it was time to move forward. She noted regarding the CSC incurring debt, the Brevard County Ordinance 90-41, makes clear on this point, Section IV, Powers and Functions reads, "The Children's Service's Council of Brevard County shall have the following powers and functions provided, however, that such functions and powers shall not be implemented unless and until a funding source is established through the passage of a referendum in accordance with the provisions of Section VI of the Ordinance;" Items A, B, C, and E address service provision, funding limits, and hiring and D addresses incurring debt; and

January 22, 2019

it reads, " To lease or buy such real estate or equipment and personal property and to construct such buildings as are needed to execute the foregoing powers and functions provided at, no such purchase shall be made or building done unless paid for with cash on hand or secured by funds deposited in financial institutions." She went on to say point three is CSC appointments and vacancies; they have an opportunity for the Commission to engage with the CSC; there is currently a seat open for appointment and two more will be open in May; as in the past, this is the opportunity for the Board to move forward with its selected nominees and recommendations to the Governor's Office; and in closing, the members of the CSC are committed to Brevard County's children and they applaud the past Commissioners who have partnered with cross sector, private, public, and governmental efforts for the safety, well-being, and security of the children. She urged the Board to seriously consider the clarifying and legal points addressed today; and she asked the Board, if it is not in concert with CSC, what it plans on doing for services for the children of Brevard.

Chair Isnardi stated rather than go through this opinion piece that was modified from the media that she sent to Space Coast Daily versus what is on the CSC of Brevard, she wants to go over a couple things; everybody was quick to have a rebuttal to her comments; she wants to be very clear, she was appointed to the CSC so as far as her and her staff attending two of those meetings, she did provide input, she asked questions, she voiced her concerns, and in the paper it claims she provided no input; and she does not think that was fair. She advised she could pick apart the entire thing but this is about voter perception, talking about being honest versus being dishonest; she is not going to go back and forth with Ms. Finney but she just wanted it to be made clear that she has sat on both sides and if anyone is interested she can rebut some very negative and disparaging comments that were generally designed to mislead the public, just like marching the children in today during the Item; and she mentioned she has a question about the poll. She noted there was proper public notice despite what has been put out there in the media.

Attorney Bentley advised it was advertised on January 12, pursuant to Statute.

Chair Isnardi stated she knows some people do not agree with how she went about this, but it was handled legally and fairly in her opinion. She mentioned the poll that was done and the information that was gathered in January; she noted she would like to know if Ms. Finney has any information about that poll; and she asked who turned the CSC on to the group who did the polling.

Ms. Finney stated the CSC has a State resource for the CSC of Florida who help assist CSCs across the State and cooperatively help support one another; it was a firm that specializes in this kind of polling; to look at 90-41, Section 4, items one and two speak of a sequential directive of how CSCs get off the ground, how they are formed, and etc.; the first two items talk about the responsibility of doing research and knowing the community; and that is part of what the whole piece was.

Chair Isnardi stated she does not disagree with that because that is even in the State Statute for CSCs that receive a taxing authority; what she is a little concerned about is that the poll polled 400 people; 70 people in her entire District, which covers large portions of five municipalities; that poll and this big private donation money that the Council has been getting by with paid \$17,000 for this poll and that is concerning to her; that is a lot of money to pay 400 people; and that is why she is asking how this came about, because she would have hoped the CSC would have had different advice or maybe talked to more people because, she reiterated, that is a lot of money. She went on to say another \$2,000 for a consultant when she is not sure what the consultant did; what really disturbed her is the rumor that this poll contained the children's information; she asked if it is true that the poll also polled elected officials; and that the poll

January 22, 2019

asked those who answered the questions how they felt about certain elected officials and whether they found them favorable or not.

Ms. Finney inquired if she could ask a question.

Chair Isnardi agreed.

Ms. Rezanka stated the person who provided the polling is here to answer any of the polling questions.

Kathryn Rudloff inquired if Chair Isnardi had a specific question or if she wanted to hear her comments.

Chair Isnardi replied the question is if that poll contained favorability rankings for elected officials that are currently elected into office.

Ms. Rudloff responded affirmatively. She stated she can provide a sample of the poll, she has the methodology and the summary with her if someone would like to make copies once she is finished; they do test the elected official favorability and that was for the purpose of seeing who would be the best spokesperson should they go to ballot for this; at the time Desmond Blackburn sat on the Board; they did other members of the County Commission as well as Sheriff Wayne Ivey, who is well known in his support of various nonprofits and children entities; and that is in order to help the Commission understand who may or may not be a good spokesperson.

Chair Isnardi advised she heard the member of the County Commission that was polled was Commissioner Tobia.

Ms. Rudloff advised that might be true, she knows it was Commissioner Tobia, Desmond Blackburn, and Sheriff Wayne Ivey. She remarked to enlighten the point about the 400, she is not sure if Chair Isnardi ever studied statistics or if she has any history in conducting polling, but a relevant sample for a community the size of Brevard County is actually only about 300 people; that is a sample size that would be used to determine statistically relevant; and that is the scientific methodology used by polling firms and polling companies. He continued in addition to selecting bids to pick who they chose, and they did select one of the most highly respected research companies in Florida called Clearview Research, they actually chose to over sample because of the large nature of the community; they opted for the 400 so they could account for the large physical size of Brevard County and poll more voters from each of the five Districts; and with that, there is also the term statistical relevance so not only when someone does political research do they want to have a sample size that is statistically relevant but they want to poll from the voting population that actually reflects the larger population that the person is trying to understand. She continued when conducting this poll, which is an average cost of polling, the representative sample size means they try to poll various demographics that reflect the community; the polling went through and made sure they had 47 percent male, and 53 percent female to reflect the population of Brevard, they went through the various partisan identifications to make sure they were accurate depictions of the partisan breakdown as well as race, by age group, and finally by the Commission District; that is relevant because, while the group of people who are coming before the Board today make very valid points, and she knows many of the speakers who have spoken out against the CSC, she would remind the Board, that they are in no way a representative sample of the population of Brevard County as a whole; and they are in no way a statistically relevant sample size of the entire relevancy of the Brevard County voters. She stated the poll the council paid for is statistically relevant and the results are quite plain in their poll, which took place a year ago, January 23 - January 27, before they even knew what a CSC was; the first question was if they would support funding it, and 58 percent of

January 22, 2019

the voters said they would; that is no surprise that people want to support services; and she noted after 12 questions explaining what they may or may not pay for, and after repeating in two different ways if they understood if it was a property tax, the poll went up to 64 percent.

Chair Isnardi advised it does not state an increase in property tax, it says use property tax dollars. She stated to look at that specific question.

Ms. Rudloff interjected all it says, "A yes vote is to use property tax money to fund these local services."

Chair Isnardi noted which she would interpret.

Ms. Rudloff explained that makes people 56 percent more likely to support it.

Chair Isnardi finished by saying she would interpret it as using property tax, it does not say increase property taxes to fund this; and that is a very clear difference.

Ms. Rudloff read question 24, "The CSC would be funded with property tax dollars, and some say that is not fair to make the property owners pay for the cost of services, would this make you more likely or less likely to support the CSC."

Chair Isnardi interjected it stated again for property taxes, not increasing property tax dollars.

Ms. Rudloff stated if Chair Isnardi would like to come to CSC meetings next time she is appointed to it, she can make that feedback when it reviews what questions would be asked in Council; and she commented that would have been wonderful input, she could have provided.

Chair Isnardi stated the CSC would be funded with property tax dollars and some say it is not fair, likely is 48 percent, hardly the 58 percent from the poll; and she could go through all the questions if she really wanted to get in the mud; where it is said does someone support funding for this, or if someone supports child abuse, it is very slanted; and she advised she does know about polling.

Ms. Rudloff stated it is not slanting when it is research; when someone asks the public if the money went to support this, and would they support dollars to go towards this, it is helping the CSC make a decision and if what they learned from this, if it is a preventative nature and it has something to do with hardline issues such as delinquency and that sort of thing, people were much more supportive; soft issues such childcare and prevention of teen pregnancy, those were on the lower end; and this is statistical scientific research not anecdotal leading to understand.

Chair Isnardi commented she understands statistics.

Ms. Rudloff commented she does not know if Chair Isnardi does understand statistics because she has maligned that a 400 person poll is irrelevant.

Chair Isnardi noted she has taken many statistics classes while working on her dissertation; and while she appreciates the insult, she understands Ms. Rudloff is upset, and that she probably has something to gain from this.

Ms. Rudloff stated not to go there; and she inquired what she is going to gain from this.

Chair Isnardi stated if she wants to get personal, she can put on the overhead Ms. Rudloff misleading the public based on what the initiative is here today.

January 22, 2019

Ms. Rudloff commented to go ahead and do that.

Chair Isnardi stated she will just read it because she does not know how much more time she wants to waste on this.

Ms. Rudloff commented all the time Chair Isnardi wants to.

Chair Isnardi read, "Hello parents, if you are tired of long waits and high cost to access behavioral therapies for your children, or sick of driving to far away areas because we don't have the services your child needs here in Brevard, if you think there is a shameful lack of quality, affordable childcare in Brevard, or if you think it is simply unacceptable that despite having at least seven Brevard children commit suicide in one school year, we still have no program for low cost child counseling, or if your heart aches at the number of homeless children and families that is on the rise in what is supposed to be a family-friendly slice of heaven, well please help express disappointment that Brevard County Commissioner, Kristine Isnardi, is trying to dissolve the CSC of Brevard," and she stated this would imply to this Space Coast Moms Swap Shop and Talk that she was taking away services.

Ms. Rudloff commented it is taking away voters rights to even vote on funding the CSC, which is the voters right to make a decision on this issue as outlined by State Statute.

Chair Isnardi advised State Statute specifically says, "The people hold the authority to decide if they want to invest in CSC to prevent funding for kids competing with whims of political politicians ideological while the council was founded in 1990 it was never funded;" that is not under the Board's control; if the Commissions of the past, almost 30 years ago, decided to put it to referendum they would have; and she continued reading, "finally a movement begins to try to place a question before the people, and Commissioner Isnardi wants to deny the voters the opportunity to do so". She advised there were four Commissioners who did not want that on the referendum.

Ms. Rudloff advised Chair Isnardi is the one who is motioning to dissolve it.

Chair Isnardi stated this is exactly why; because it becomes political, misinformation gets out there, the public does not completely understand it, and because the ballot language does not portray that; and she explained the language just asks if people want to fund these services, it does not tell people it is a tax that would be in place for 12 years, it does not tell people the CSC has the authority to go up to a maximum millage rate, it does not tell them only two rotating elected officials sit on the board who themselves do not even belong to the same body, it does not tell them that places like the United Way and other organizations are receiving millions of dollars through these agencies in other cities, and it does not tell them there is no voter recourse.

Ms. Rudloff stated there is voter recourse because it is a direct tax; and only the voters can vote on it to provide the taxation.

Chair Isnardi argued it is 12 years; and there is no one with this kind of term limit.

Ms. Rudloff noted if Chair Isnardi wanted to make it less she could make a proposal to make it less.

Chair Isnardi stated she does not think this is productive so she is moving on.

Commissioner Lober noted he has questions.

January 22, 2019

Ms. Rudloff advised she declines to answer any questions.

Commissioner Lober clarified that Ms. Rudloff does not want to answer his questions.

Chair Isnardi stated because it is not about facts.

Commissioner Lober inquired if he could propose his questions to Mr. Gaetjens.

Bart Gaetjens responded affirmatively.

Commissioner Lober inquired what Ms. Rudloff's position is with the CSC.

Mr. Gaetjens responded she is a volunteer.

Commissioner Lober inquired if she has a title or some particular interest in it.

Mr. Gaetjens responded there is not a specific title.

Commissioner Lober inquired when stating she is a volunteer, what is the nature of her volunteerism, what is her involvement.

Ms. Rudloff returned to the podium stating she has volunteered with the CSC and she has volunteered with Put Brevard Kids First; she has received no funding at all for any of the work she has done for them; and she noted this is on a volunteer basis because she has spent the majority of her free time, since she has left politics fulltime as an occupation, as a volunteer advocating for children's issues.

Commissioner Lober inquired she said she is involved with Put Brevard Kids First; and he inquired what that is.

Ms. Rudloff explained that is a pact that was formed, as Mr. Kiel stated, with the explicit purpose of running the public education campaign should the referendum have been put to ballot; the express purpose of forming that was to raise funds; since then they have not raised any funds or done anything once this resolution came forward; and she mentioned they have shared articles relevant to child welfare and articles that come out in the news.

Chair Isnardi stated while she said she is not involved in politics any longer, Ms. Rudloff is the Executive Director of Brevard Business Voice, that runs the pacts, that endorse candidates, and it is a very political organization.

Ms. Rudloff advised she retired from politics full time in 2010 and she currently works 10 to 15 hours a month and during elections around 20 to 25 hours per month; that is not full time work; she is a full time mother; and she works part time advocating for causes she believes in.

Chair Isnardi commented in politics.

Commissioner Tobia inquired which politician received the highest favorability.

Ms. Rudloff advised Sheriff Ivey was the highest and that Commissioner Tobia was lower than the Sheriff.

Commissioner Tobia responded if he was not the lowest, then it probably was not a good poll. He stated he wanted to make sure Sheriff Ivey got his name out there.

January 22, 2019

Chair Isnardi inquired if Sheriff Ivey was approached and if he endorses this.

Ms. Rudloff commented she does not; to her understanding neither Sheriff Ivey nor Desmond Blackburn knew; and it was more of a research to see whose voice would lend out.

Chair Isnardi inquired if she is saying she does not know whether or not Sheriff Ivey was asked to promote or endorse this measure.

Ms. Rudloff commented she does not believe he was.

Chair Isnardi commented if the Commission is interested, she can say he was approached and he does not support this measure; he could not be here tonight as he is in Destin; and she noted will not speak for him, however, he gave her his permission to provide that information.

Mr. Gaetjens stated a point of clarification, he spoke to some other CSC representatives and they did not have the children come in; and he does not know if they came in voluntarily or if someone else asked them to, but the CSC did not ask them to. He continued he is an officer with CSC and he serves as the council secretary; he has been on the council for less than a year; before joining the Council his application was approved by this Board; his application was then sent to Governor Rick Scott for appointment to this Council; and he joined this Council for one reason, the task asked of him when the Board approved his appointment, was to fight for the needs of the under-served children of Brevard County. He went on to say every Council member whom he works with carries the same vision, to make this a better community for the children; he wants to stress that he never forgets he represents the CSC, this Commission, and the taxpayers of Brevard County; and their special interest is the children of Brevard County and determining how the council can find a manner in which the CSC will seek and provide funding for the children's unmet needs. He went on to ask the Board to allow the CSC to continue to fight for this noble cause.

Chair Isnardi stated to anyone watching and everyone in the audience, she apologizes, not for being passionate about this issue, but for getting worked up; a lot happens in meetings and people's emotions sometimes get the better of them; and she noted she is only human.

Nick Tomboulides stated he thought what that last speaker did was extremely disrespectful and that she should be ashamed of herself; she claims to be a volunteer right now, but if this thing is to ever obtain taxpayer funding, he would bet \$120 million to donuts that she is going to be the CEO making \$220,000 just like they do in Palm Beach County; this is a scam, it is as crooked as a three dollar bill; and he cannot say this is a good charity in any way, shape, or form, it is a scam to line the pockets of the political elite. He continued he knows that because that is already how it works in Palm Beach and Broward County, where the politicians and the voters were duped into funding this; Palm Beach and Broward collectively spent \$25 million on executive buildings; in Palm Beach the Executive CEO rakes in \$220,000 and there are 15 more executives who are making at least \$100,000 per year; he does not see how executives driving around in Ferrari's helps the children at all; make no mistake, there is nothing compassionate about stealing and spending other people's money; imagine sitting in church while the offering plate makes its rounds, and he asked if anyone would dare reach for the wallet of another man and pull out his dollar to put in the collection plate; and he asked if that is compassion. He went on to say taxation is not compassion, it is theft; government is not some magic wand to force people to fund things that they would not fund on their own; he has been wondering how this charity has gotten by over the last 30 years; they have accomplished essentially nothing; he went on the website this morning and there is not even a donate button; if someone wanted to provide these people with a private contribution it is not possible because they have put all their eggs in the basket of winning the taxpayer lottery; and if they do not get it, the people who run this will be on the next bus to Pittsburgh. He commented these people do

January 22, 2019

not care about the taxpayers, they just care about lining their own pockets; even if the CSC got its money and by some miracle it was not wasted on bureaucracy this would still be a failure because welfare programs never work; since government declared a war on poverty in 1967, they have dumped \$22 trillion into the problem; the federal government currently runs over 70 different means-tested programs providing food, cash, housing, medical care, and social services to poor and low income people; it costs nearly \$1 trillion a year; and he asked what does it have to show for it, record high unwed birth rates, the destruction of fatherhood, total dependency, and a poverty rate that remains unchanged. He asked the Board to please vote to repeal the CSC, as it is a terrible program; and he advised opposing it does not mean people do not love children, it means they want the best for everyone, real charity provided at the level closest to them.

Diana Schommer stated she is against putting this on the referendum; Abe Lincoln said many, many years ago, "You cannot and should not do for people what they can and should do for themselves" and "Charity is not the business of government;" there are many worthy causes out there, but she believes Brevard County has gotten so far off track with the funding of all these charities and the 20-plus Community Redevelopment Agency (CRA)'s, which are charities for local businesses, but there is never enough money to do the basic jobs; she would implore the Board to do away with the steady stream of charities that come for money; and do away with CRAs which are siphoning off millions of dollars and while their funding grows exponentially, what the County gets stays at a basic rate. She went on to say she tried to get an accounting for the amounts given to charity by Brevard County and it came to her in bits and pieces; she advised that is what the handouts are for; the information she has is from Fiscal Year 2015/2016, she had asked for the data in 2017; on the list are 20 charities totaling \$2.9 million; and it does not mention all of them. She stated one email said that Lead Brevard was funded with \$40,700 and her region received \$25,000; she has no idea what either of these do; in addition, the North Brevard Economic Development Zone (NBEDZ) which operates the same as a CRA gave \$35,000 to the non-profit Greater Titusville Renaissance; now the charities are giving to other charities; that same year NBEDZ received about \$3 million from the Brevard County General Fund; and she believes it is wrong to tax people to give to the Board's favorite charities, because that should be the taxpayers' choice to make. She continued charities all have come to the conclusion that it is easier to get money from the government than it is to get donations, it should not be; she urged the Board to go over the entire scope of gift giving to see what the real totals are and to start reigning it in because if it does not, the list will continue to grow; and by all means stop the CSC as it is only the tip of the iceberg.

Rob Rains thanked the Board for its service. He stated he respects the Board's leadership; he does not have time to address the misleading and misinformed comments; some have been addressed, this is not a charity and not a scam; there is lack of understanding of how services work in the community; he is sad about the dark hearted world that some people live in and the feeling of contempt for people they do not even know; and he asked the Board not to dissolve the CSC. He noted one of the issues, it has not been brought up today, is the idea that CSC will take on debt; that is not going to happen; taxation without representation is also misleading, this is not some king imposing a tax; if this ever were to happen, it would be a mandate from the voters and they would have to approve it; it would be limited and have all kinds of rules and regulations on how it would work; and there would be all kinds of oversight on that. He commented the Board already has control; the Board stated to the CSC, in July, if it wanted this to go get the petitions; it appears the CSC being a Special Taxing District, is not allowed to go the way of petitions; this cannot go to ballot; what they are talking about today is whether to dissolve the CSC and repeal the Ordinance or not repeal the Ordinance and not dissolve the CSC; and he believes it is a bad idea to dissolve the CSC today. He stated the Statute would still exist and the CSC could be recreated; the Board could kill it now, but not forever; to kill it now, would be a disservice to this Board and future Boards; having the CSC now gives this Board the ability to shape the Policy of that Council; five of the 10 members of the council could

January 22, 2019

come from the County Commission; and none of the Governor appointees could get there without the Board's approval. He noted with a seated CSC member, the Board can make decisions and get the answers to the questions about where the dollars are going to go; if it is killed and resurrected the Board will not be able to get answers to those questions; and he asked the Board to please work with the council and to let the council be the arm of the Board to learn more about the needs of children, shape the council, and allow the opportunity for voters to have input. He asked the Board to not waste dollars on legal fees, when it already has control; and he advised it is never going to go to ballot without a Board vote.

Commissioner Lober stated he heard some comments from the audience when Mr. Tomboulides was up speaking about his thoughts with respect to Ms. Rudloff, and what, if any, capacity she would have moving forward; and he asked if there had been any discussions with respect to her assuming or obtaining a paid position with the CSC or with any affiliated entity.

Mr. Rains responded there has not been any discussion on that; and he noted everything Mr. Tomboulides said was incorrect.

Commissioner Lober commented that he appreciates Mr. Rains being respectful to the Commission; and he stated he believes Mr. Rains does much more service to the cause than some of his patriots.

Jo Shim stated she is speaking in support of the CSC and against dissolving the County Ordinance that created the CSC; she is a long time healthcare advocate; she has done case management for a few years; she helps people with their Affordable Care Act Applications and she sees a lot of need in the community; and she worked with the group that reestablished the Kid Care Coalition in Brevard, therefore, she is very familiar with a lot of healthcare and children's issues and she knows there is a lot of need in the community. She went on to say she commends the CSC for exploring ways to obtain funding to fill the gaps in available services for children, such as the Early Childhood Education; she asked if the Board knows that the CSC helps enable parents to actually send their children to good daycares so the parent can go out and work; that is a big lead for many in the community to be able to afford daycare; services for the developmentally disabled, if anyone has ever talked to someone with a disabled child, they would know that sometimes some of them have been on a waiting list for 20 years to get health care services; and there is a great need in Brevard County for homeless children. She went on to say those at risk for delinquency prevention and services for children who are physically, intellectually, or emotionally challenged, whatever services are available elsewhere, Brevard still needs help with all of these; and she believes the CSC could be an organization that could help coordinate and get the necessary funding. She stated the CSC has the potential to provide much needed services and asked why the Board would dissolve such an organization; she thinks the CSC should be kept because it is good for the community; she thinks the Board should work with the CSC to see how it can provide services; and if it cannot be done through a ballot initiative, then let the people decide.

Mary Murray stated she came from Minnesota and at the age of 18 she was dealing with an unplanned pregnancy, married, just accepted into Stanford University, and her income was not at a level to afford that pregnancy or even move forward without assistance; her daughter is now 40 years old; and she is now the mother of four children and grandmother of 10 grandchildren. She noted this is something that is near and dear to her heart. She continued she was somewhat disturbed by the fact that the children who came in today were moving on to see another part of the government and were there to see a respectful debate; and some of the comments from the audience were disturbing, especially as they left. She commented her and her husband, who is 70 years old and on a fixed income, have decided to come to the State of Florida because of the weather, not because of the taxation, although in Minnesota there are 10,000 lakes and 10,000 reasons to tax people; however, they have an environment that is very

January 22, 2019

solid, thriving, and growing, unfortunately the weather is not. She mentioned she went on to get her undergraduate at the University of Miami, her Masters from another university, and she worked as an executive making that \$250,000 for her hard work; she then went on to start her own businesses that thrived for many years; if it had not been for the coming together of the CSC in Minnesota, they would not have had the opportunities they had moving forward; and her story ended up being a success. She noted it was the coordination of all those services that allowed her family to move forward. She stated today the minimum wage is \$8.49; at \$8.49 and working 40 to 60 hours per week, she could not have afforded the health care for her children, let alone driven to Orlando to receive those services; the children are important; and the County needs to do whatever it can to bring those services that make them a success, like she is, closer to people's homes.

Stacey Patel stated Nelson Mandel once wrote, "There can be no keener revelation of a society's soul than the way that it treats its children;" yet advocates for children are in these chambers in hopes that the Commission will not dissolve the local CSC; this afternoon they will be across the street rallying with teachers at the School Board who refuses to pay a fair wage; and it is unclear to her why this community's leaders fail to prioritize the needs of the community's children. She added when she was much younger she lost her brother, in this County, to an overdose; in her niece's graduating class at Satellite High two years ago, two children committed suicide; tens of thousands of local children live in poverty as she once did, although her father worked for the service; last year alone nearly 3,000 homeless children were enrolled in Brevard County schools; and seven local children took their own lives. She went on to say she does not have children of her own; but people do not invest in children because they created them, they do it because they love them, respect them, and ultimately they create the world and the community in which they all will live; it is clear that at least one of Board members believes that charities and non-profits should absorb the cost of provision of social services to these children; however, these children warrant consistently funded public services that meet the needs of all the children, and are responsible for all members of the public. She stated the Commissioners should understand well, the limitations of private funding in providing for the public good; the people already live in one of the oldest congressional districts in the County; if Brevard wants to build a thriving community with a real future, it must invest in the health and well-being of children and families; and she hopes this Commission will reject Chair Isnardi's motion to dissolve the CSC. She commented it is amazing to her that the Democratic-elected officials are so afraid to allow this community to democratically determine funding the CSC.

Mary Bowman stated she too had just lost a family member to an overdose; two daughters will grow up without their mother; they will be taken care of because they have families, but the children at the Haven for Children do not have families to take care of them; and that is where she has been a volunteer and worked with Ms. Rudloff. She pointed out there was an opening for a development position and Ms. Rudloff and herself were the volunteers that year; she could have taken that if she were interested in the money, it would have been hers without an interview, knowing her dedication to the cause; and one of the reasons she comes for the CSC is to support her friends who have worked so hard and have never taken a penny. She noted they have all donated more than the average amount of money to these causes; Ms. Rudloff spends hour after hour trying to balance motherhood and trying to take care of the children that do not have mothers; it is so hard for her to sit and listen to them being disparaged in this way, knowing their dedication; and she asked the Board to table this so it has time to think about it and provide more time for comments. She advised she does not understand why the Board is so urgent to dissolve a group that does not cost the County any money; she does not like high taxes, and she is not sure how she would have voted; at this time it costs her nothing, it hurts no one, and it does have an opportunity to help; and she does not want to pay for a lawsuit.

Commissioner Lober stated there is a lot that has already been covered with respect to the good, the bad, and the ugly on both sides; there are a few things he would like to touch on that

January 22, 2019

he feels were not adequately covered, his concerns, and his justification for the way he will eventually be voting in all likelihood. He continued he does not doubt that Children's Services is a general concept or that charities that are geared toward helping children are a good thing; he also does not doubt that homeless charities are a good thing, that Cancer patient charities are a good thing, that disaster victim charities are a good thing, that disabled veterans charities are a good thing, and that puppy and kitten charities are a good thing; he has not heard anything today that suggests why this cause is more or less worthy than any of the other causes; as much as he thinks this deserves funding, he thinks all of those charities mentioned deserve funding as well; and his question is why tax people and make a decision that ought to be an individual decision for them without them having indicated that is what they want to do. He noted with respect to the speakers, there were certainly folks on both sides that were very passionate; there were a couple folks on the CSC side that really turned him off to their arguments; he thinks everyone can guess who they were quite easily, without naming names; he had questions and he advised the more direct the response, the better chance he would be empathetic to the cause; the speaker danced around that question where he had to ask it multiple times; there was another individual who came up on behalf of the CSC who would not initially listen to his questions, having him have to ask another individual the same question; and this was after that individual was intentionally disrespectful to the Chair and he really resents that. He went on to say he thinks that was totally inappropriate and beyond counterproductive; if anyone wants to come to the podium, whether he agrees with Chair Isnardi or not, and insult her, it is not going to win anyone any points in his book, or any of his other colleagues for that matter; if someone is going to come to the podium to be belligerent or nasty it will not help that person or their cause; and he does not think it is appropriate to try to shame people, bully them, to threaten litigation, or to otherwise try to coerce them to support something without just using sound logic. He noted he is not saying there was no sound logic whatsoever, there were good points and bad points on both sides of this; he knows, however, for any of the Board Member who seeks reelection, who are going to vote for this, that it is going to get twisted by folks who will leave out any semblance of context down-the-road, so for three out of five of the Board Members, it is either going to be said either they hate kids and are pro-suicide or they love taxes and want to take away individual choice, however, they vote it will be used against them; and he mentioned he did have a preconceived notion with respect to how he was going to vote today and he thinks the entire Board should have as well. He advised the reason for this belief is because this is important enough of a decision that the Board Members ought to have done their due diligence and done the recon that needed to be done prior to tonight's meeting; if anyone has changed their mind, God bless them as it is their right; but he believes a lot of this was already hashed out in doing due diligence prior to this vote. He stated of his constituents that reached out to him, even outside of his District, the overwhelming vast majority were in favor of dissolving this; he thinks in the past day he may have had two individuals that reached out to him and asked him to save it; he does not recall any other individuals, maybe one, prior to that; his constituents have spoken to him pretty loud and clear; regardless of his personal opinion with respect to the worthiness or how deserving a particular cause is, when his constituents let him know to that degree and when it is that one-sided, he does not feel he has much of a choice based on that; and he noted anyone can do a public records request from his office.

Commissioner Pritchett stated she knows this is a very emotional topic, in some ways it brought out the best in people, and in some ways it brought out the worst; she thinks there needs to be grace for the reaction because of all the emotions that are tied into this; people can say yes or no without being emotional, so she is going to go that path; she is very emotionally attached to children, puppies, and kittens, but there has to be good decisions made for the fairness of all the people; and the Board has to look at those things because there are so many things the Board is held accountable for and for the rights of all people. She continued she believes CSC really does care and believe in the children; she knows these people, they have big hearts, and they love children; she does not think there is anything going on underhanded or ugly; even when

January 22, 2019

she has received phone calls she respects them, even if she does not agree with what she has been asked to do; and she noted she does believe children are suffering in Brevard County. She added the County has to figure this out; she thinks this is almost band-aiding part of the problem and she does not know how to fix it all; there has to be job creation, people need to be employed, and they need to take care of their children; she never realized she grew up poor and raised her kids poor, but she typically had two or three jobs and took care of the kids; she does not know how to train people to do that and the County is losing in society; and talking about teen suicide, she hates it, although she loves what Dr. Mikitarian is doing back in town trying to address this. She went on to say until social media is removed from kids, problems are going to get a lot worse because parents are not raising their children anymore, social media, schools, and day cares are; there is a lot of work to be done; and she reiterated she does not know how to do that. She pointed out she has a few concerns with this; she had only gone to a couple meetings for the CSC; the first one she went to, she had asked some questions and felt that she was shut down; one response that was given to her was the person did not care; and she felt the communication there was not easy, so she was not sure what to do with this board. She mentioned when they started asking about putting this on the ballot, the Board did receive a general plan but when looking at the numbers, people want to know where and why the money is going to certain places; she really did not get the breakdown of that; she wanted a target if it were to do this; for example, if they were to deal with children in a certain category and someone puts in an application, this is how the money would be spent; and to her that just was not there, it was too ambiguous, so she could not get on board with it. She stated she listened to the transcripts of the meeting before the CSC was to bring it to the Board and it gave her a lot of heartburn; she did not realize the CSC was going to put it through for one tax and then raise it up immediately afterwards to have more money come through; not that these people are not good people, but there were things that were very concerning to her as far as how to control taxes; having taxation with representation, as Chair Isnardi stated, she totally agrees with that; and she thinks if this would have been under the County Commission, that CSC bring it forward, have another board along with an advisory board, this would have been a Dependent District and it would have had a designated tax for it that everybody in the community voted on, and it would have been so different. She noted she spoke with the County Attorney and at this point the Board almost has to hit reset and figure out what the people want; it is not like there is a mandated time, it has been 19 years and the County has not moved forward much with it; and she will be voting in favor of what Chair Isnardi has brought forth because she believes this has a lot of work to do as far as oversight, frame, and structure. She added she thinks Ms. Finney is delightful, Judge McKibben is wonderful, and that there are wonderful people on this Council, so it has nothing to do with her thoughts of integrity on this council, it is just the organization; and she thinks this needs to be reset and made into something that is more fair for the burden of the County.

Chair Isnardi stated she is going to read a statement because she does not want to get side-tracked; one thing she would like to say is that if this went to referendum, all voters would decide, but only homeowners would be paying; she inquired how that would be a fair thing for homeowners. She noted all homeowners are affected; there are single parent households, elderly senior citizens on fixed income, and lower to middle class people who are just trying to get by; she thinks that is one of the biggest take home points with all of this; and even it were put to referendum, she takes issue with the ballot language. She went on to say she will read her statement because she believes it is the best way to stay on track, keep emotion out of it, and not make it personal. She read, "The Children's Services Council was put in place by County Ordinance in 1990 by the County Commission. While the CSC rules and memberships are governed by State Statute, the law is clear that the County can repeal this Independent District by Ordinance. The Commission that voted and allowed this Special District to form in 1990, it went to ballot once and failed in 1992 and came back to the Commission and failed for us to put it in referendum." She noted there is no question, obviously, how she feels about this; she philosophically and strongly disagrees with the collection of Ad Valorem property taxes to

January 22, 2019

select funding of nonprofits; she understands the compelling argument of why this is a great thing, but she thinks Commissioner Lober addressed it well, there are multiple causes; her office has taken on the initiative of taking care of the elderly, the seniors, and they take care of wards of the State that have no family and low income; there are the homeless, the veterans, and addicts, which are all big issues; not that children's issues are better or equal, that does not matter; and she understands that, but every cause has a compelling case. She continued bringing issues to voters can be a great thing, although this County is not a direct democracy, like some would like people to believe; if it were it would look a lot more like California; and if people are complaining about their taxes now, they could only imagine what it would really look like in Brevard County. She noted she takes zero issue with allowing the voters to decide. She mentioned she thinks when getting into an area where the education is a little grey and a little skewed and the ballot language is a little more emotionally tied, than factual based, that is wherein lies the problem; it happened again when she did the *Space Coast Daily* interview; she was asked questions and answered things honestly; it is fine if people do not like what she says and if people disagree with her or even hate her, but she asked that people do not lie about her, misrepresent what she says, make it look like she does not care, or that she wants to kick puppies and children; and that would be like her saying she knows all the board members of the CSC are crooked, and even though that may have been said in this room, she was not the one who said it. She went on to say it has happened in other councils, so it can happen; it may not happen with this one, but it could happen with staff, it is a great possibility; and the thing that concerns her the most is the lack of voter recourse. She noted people say there is representation, she was rebutted by Mr. Kiel and others, but that is just a disagreement; there is no representation when there is no voter recourse; and that is modern day taxation without representation, any way it can be spun because it is taking a tax from the people and all the people can do is complain. She continued they can try to figure out who voted for what, but of the two elected officials that actually get to vote, they are outnumbered 8:2; and she asked someone to tell her how that is representation. She stated the lovely judge that sits on that council, and Judge McKibben is one of her favorite people, does not even get to vote on that tax; that is two elected officials, the School Board Member and a County Commissioner who collectively do not even sit on the same board outside of that Independent District; and that is something she takes issue with. She continued when getting away from all the drama and insults, just from the polling alone, when asking people if they want some of their tax dollars used to fund suicide prevention, most would agree, if it was possible; the other question is would people want to pay higher homeowner's taxes to fund CSC; she commented this may sound sarcastic, but she truly does not mean it that way, but if the CSC wants true transparency and straight forward honesty, then pose the question if it is okay to raise people's property taxes for at least the next 12 years to fund nonprofits for Children's Services that will not have County Commission oversight or approval, where seven of the 10 members hold no elected position in the County, thus meaning the voters will have no true voter recourse if the people do not agree with how the money is spent; and with honest language such as this would provide a truer poll, or maybe they could run it again and the number would increase like they did at polling. She went on to say it could even be included in the referendum how the CSC can hire as many employees as it wants, pay them what they want, and buy real property or lease it, if they choose to do so; this is another thing she takes issue with because there is no recourse; she has seen some great things from local charities, but this is not the way to do it; homeowners cannot be robbed to have an unelected body deciding who is worthy to receive those dollars, it is just not fair; and the CSC has had almost 30 years to bring it to the Commission with a compelling case and she thought it was interesting that someone brought up the CSC has never even had a fund raiser; although, she does not know if it has the authority to do that. She added she has had a few statistics classes, so she is not stupid when it comes to statistics, despite what was presented, but \$17,000 to poll 400 people, and half of that data she is sure was from Web Elect and the State's website, is an exorbitant price; she has asked a few people who run polls frequently; she noted that is what the CSC has done with its private donations; she was disturbed by the elected official because she honestly believes, and she does not know who

January 22, 2019

decided on what questions and she does not blame the firm in Tallahassee because it has a good reputation, but Commissioner Tobia was probably selected as the biggest opponent of the tax because then the CSC did not know how she felt about it because she was just going to be placed on the board; and she thinks they probably figured Commissioner Tobia would give the biggest opposition and Sheriff Ivey would be the biggest advocate because he is probably the most beloved politician in the County. She added Sheriff Ivey was polled very well; he was asked and he does not believe in this either; she spoke with him a few times in past couple months and he was always coming back from somewhere doing something for charity; she is not going to speak for him but he did not want to advocate for this; and she is sure he had the same concerns as she does.

The Board adopted Ordinance No. 19-02, Repealing Ordinance 90-41 which created the Children's Services Council; assuming the Council's Debts, liabilities, contracts, and obligations; providing for severability and conflicts; and providing for an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

Commissioner Tobia noted this duck tales off of this motion; he understands the reasoning behind this proposal; according to the Florida Department of Economic Opportunity, there are at least seven Independent Special Districts in Brevard County listed as local governing authorities; some like the Baytree Community Development District (CDD) has hundreds of thousands of dollars in assessments; others like the Walkabout CDD appears to do absolutely nothing, much like the one this Board dissolved; not all of these Independent Special Districts would have the ability to collect Ad Valorem taxes; some may perform important functions; making things more complex, some may have been created by special acts of legislature while others may have been created by County Ordinance, but under the authority of Statute, which has since been revised; and using the review of the advisory board as a model he thinks it would be prudent to ask staff to review Independent Special Districts in the County.

Commissioner Pritchett asked Commissioner Tobia to send out what he has up front so she can start looking into the information he has.

Commissioner Tobia noted he was being a little hesitant since the Department of Economic Opportunity has seven, yet on another website he found 13; he noted he is not even finding a consistency with Independent Special Districts; this will at least provide the Board an opportunity to look into this on a level playing field; and he noted he will send it to the County Attorney's Office for distribution to the other Commissioners.

The Board directed staff to conduct a review of Independent Special Districts in the County, including how they were created, and any statutory authority, to include: whether they are, or could acquire the authority, to collect Ad Valorem revenue, whether they collect assessments, and the methodology of dissolution, should the Board choose to do so.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

The Board adjourned at 11:35 a.m. and reconvened at 11:48 a.m.

ITEM I.1., REQUEST OPTION, RE: RFP FOR SOLID WASTE EMERGING TECHNOLOGIES

Euripides Rodriguez, Solid Waste Management Director, stated he is seeking guidance on the next step to take; in May of last year, the Board authorized Solid Waste Management to seek a Request For Information (RFI) regarding new technology in the disposal of solid waste; a committee was created consisting of John Denninghoff, Assistant County Manager, Jill Hayes, Budget Office Director, and himself; in the initial guidance they had the parameters to scale to 500,000 tons, have an option for 10 facilities, eliminate the need of the County to purchase a new or expand existing landfills, not requiring donations by the County of land, reduce the smells, process all known hazardous waste, and a couple other items; and with this in mind, his office went out and developed the RFI. He continued they had four respondents initially; two of them have merged into making one presentation; the points of the presentations are in the Agenda Package; pretty much all of them have some valid points; one of them in particular said they could do it at a cost of \$70 per ton, but take into consideration right now the County charges \$29.50 a ton; they made a table with all the main options required, the vendors, and whether the vendors met all or some of the requirements; and most of them would not commit themselves to the 10 facilities. He added he thinks this is more market driven than anything else; these facilities need to be of a certain size to be able to operate in an economic basis; there is all of them that had cautiously said they would need the landfill for the excess of what they would not be able to process; and he has provided several options for the Board. He went on the first option is to go out for Request For Proposal (RFP) using the same parameters as before; to go out for an RFP using different parameters like changing from 10 facilities to five facilities or to let the market determine how many facilities are better suited to the needs of the contractor and the County, recognizing that all of them who presented require a landfill in which to take the residue that they cannot process, the landfill would be able to scale down its activities but would still be needed, and he would like to include some financial guidelines like publishing the cost of the current operations and what is charged to the citizens, so when the contractors respond they know what information is required in order to make a big presentation; discontinue all together; and the fourth option is any other direction in which the Board wishes staff to go to.

Frank Abbate, County Manager, stated option two takes into consideration the responses that were received in the RFI and modifies the original requirements that the Board meant to take into account the responses that were received so the County would have a better opportunity to receive a proposal that fell within those parameters.

Commissioner Lober stated he spoke with Mr. Rodriguez about this last week, and he thinks there is certainly good reason to include the County's cost information in anything the Board may end up rewriting; based on the difference in terms of what the County had previously been paying for services and what it now is looking at paying, he thinks it is substantial enough that giving some guidance would probably be to everyone's benefit; whether the Board chooses to make use of some other options or not, he is flexible; and it looks like based on this Agenda Item, the Board really does not have many options in the way of 10 facilities, so maybe scaling that back to five would be better.

January 22, 2019

Commissioner Pritchett noted she agrees with Commissioner Lober; when she spoke to Mr. Rodriguez, they talked about the different elements and he actually said that it would be possible to break this down into categories; he brought up that yard waste is such a potential thing in the landfill; and she is very interested in the yard waste category because the cost of that is going up exponentially.

Mr. Rodriguez stated one of the Items previously under Consent was a budget change request from his Department; they used to take the mulch over to Polk County at \$8.75 per ton; the plant was closed down so they went out for bids; the least expensive bid was for \$19.97 which is a huge increase in costs; and he noted to take into consideration, that was mulch. He added the County has to process it into mulch, which is another \$9.00 per ton; there is also the County's own cost of handling the materials; on the private side only, that is looking at \$19.00 plus another \$9.00, which would bring it to \$28.00; and that provides an idea that the County charges \$23.66 per ton while they are paying about \$28.00 per ton. He mentioned that is a problem, being upside down on this particular issue. He went on to say another consideration, in 2012, the Sarno landfill brought in around 50,000 tons of vegetative material; last year the County brought in over 80,000 tons; that is a problem and it is not going to go away as population increases; there are areas in the Department which are getting out of control; and if those areas can be brought under control with the help of a private contractor and if it could take care of this for them at a reasonable rate, that would be great for everyone involved.

Commissioner Pritchett asked staff to come back with a recommendation of how to target this.

Commissioner Smith stated based on what Mr. Rodriguez has said he thinks Option 2 is the better way to go because it provides him and the Board with a lot of information; and it would have a better idea going forward. He noted his concern is how to anticipate the changes in the next contract because in this contract there have been a lot of changes that costs money; and he inquired going forward if some of those things can be anticipated and priced out accordingly.

Mr. Rodriguez stated one of the problems is that when they had a previous company who had been out there for decades, they were burning the mulch to convert it to electricity; they were bought out and the new owners decided to close the plant; he is not too sure if this is a trend of \$19 or if it is just the market taking advantage of a plant being shut down; and he provided, for example, the contractors that actually mulch it, the trend has been a steady increase every time it goes out for bid.

Commissioner Tobia commented he has heard what has been said here; he believes Commissioner Smith said Option 2; he thinks a lot of the Board has pointed in that direction; he thinks there were a couple points with Option 2 that the Board has offered change on and maybe a little more change is needed; the Board talked about the number of facilities and his goal is to have as many vendors provide proposals as possible; any time there is a number it is limiting proposals; and he noted he would like to remove the facility number requirement. He continued there is something about not adding to landfills; some of these folks could actually remove quite a bit of waste from landfills, but if they were to add one single thing to a landfill, then that would technically take that proposal out; therefore, he would like to remove the cannot add to landfill. He continued he thinks the costs are good to place in there; he would actually go a step further than that and add a requirement that any proposal not increase the cost to citizens of Brevard County adjusted for an annual Consumer Price Index (CPI); to put the cost out there is fine, but he is not willing to have the taxpayers pay any more than what they are currently paying; and he noted with the market analysis he does not really think there is much of a need for that because the County does not require a feasibility study when opening other businesses to a large extent here in Brevard County and that could limit the number of respondents.

January 22, 2019

Commissioner Lober inquired if Commissioner Tobia would consider instead of stating 'cannot add' to say 'cannot cause or result in a net increase'.

Commissioner Tobia responded that sounds better than what he stated.

Commissioner Lober noted he thinks that accomplishes what Commissioner Tobia is trying to do.

Commissioner Tobia agreed.

Commissioner Lober stated he personally does not care how many facilities there are; and he inquired if Mr. Rodriguez has a concern scaling it back from the 10 requested down to zero, or if there is some substantial benefit for the County by keeping that number above a certain threshold.

Mr. Rodriguez advised he would let the market determine it, mainly because there are benefits to more facilities, but these facilities also have to be a certain size; they are supposed to be the experts in how big the facilities have to be in order to run economically; his choice would be to let the respondents determine how many facilities they want out there; and the County would also publish how many facilities the County has in order to give them an idea, and let them respond to their economic model. He went on to explain as far as the feasibility study, it is not intended to determine if they are capable of doing the job, it is intended, if there is a byproduct of it, to determine there is a market for it and that the County will not be left with a mountain of the product. He noted they generally have to do feasibility for their own purposes; and what the County is asking them to do is share it if there is a byproduct that they are going to market, other than electricity.

Commissioner Lober advised if Commissioner Tobia wants to modify the motion to state it 'cannot cause or result in a net increase', he will be happy to second it.

Commissioner Tobia commented he does not care if they include feasibility, it is potentially an added cost; he explained if someone opened an ice cream shop, the County does not require a feasibility study to see if people in Brevard County consume ice cream; he understands this is a little different because this would be providing services to the County, but he thinks the Board has stated on a couple of occasions that it wants to have some sort of surety bond, as large as possible, so if the company was to go under it would have the required funds; and he reiterated his goal is to get as many respondents as possible and the more qualifications put on this, the less that could be. He noted he has no idea what a feasibility study would cost, but he is requesting that it be optional at best, but certainly not a requirement like it is on Option 2.

Commissioner Smith asked for clarification that Mr. Rodriguez stated the companies themselves typically do a market analysis because they want to know if their numbers are going to work.

Mr. Rodriguez noted that is correct, no one goes in to invest in a business without doing their own study; it might be proprietary that they do not want to share, which has happened in the past; that is not uncommon; the idea behind this was not about that, it was about whether they would make widgets out of it and whether there would be a market for those widgets; and in other words, he does not want the company to go out of business in two or three years after the contract has been approved. He noted on the other hand, they would be investing millions of dollars into this product, and if they do not do it themselves, he is not so sure that would be a good business deal; the question would be whether they would want to share it; another thing, maybe it should not be a part of the RFP, but a part of the contractual negotiations for them to demonstrate at that point in time, in order for them to lower the cost of them responding to the RFP; and one last clarification he is seeking, there is costs to homeowners and costs of the

January 22, 2019

actual payment when going across scale. He added \$29.50 per ton does not necessarily equate to what the people pay in assessments because it supports other programs, not just landfilling, so that is why he was interested in publishing as part of the RFP that this is what Brevard County's actual cost is or that it is the last five years of what the cost has been; and he wants them to be able to note any trend. He mentioned he is trying to get the best response possible from these companies in order to cut down on any misunderstanding; and that is not going to be entirely possible, but, he would like to cut it down as much as possible.

Commissioner Smith stated he would think any company in this business, or any business, is going to do their own feasibility study to make sure they are not getting in over their head, so it would be nice if they would make that available to the County; as long as it does not include proprietary information, he does not see why they would have an objection to it; and he noted it would not cost them any more money because they do it anyway.

Mr. Rodriguez stated it is being asked that they do it on their dime not the County's dime; there was one company that said they were going to do a feasibility study and that the County should pay for it; and that is what brought this on. He pointed out his belief is the County should not pay for it.

Commissioner Smith agreed. He inquired what Commissioner Tobia's thoughts are on the market analysis now.

Commissioner Tobia commented his first question would be if Mr. Rodriguez has ever seen a market analysis come back stating this is not feasible and yet the company moved forward with the project; and he inquired would the County know what the results are going to be prior to.

Mr. Rodriguez responded he has never seen that; however, he has seen some make the wrong assumption and come back years later.

Commissioner Tobia inquired if Mr. Rodriguez has any idea how much of a burden would be placed on a business to provide the County with this type of analysis.

Mr. Rodriguez noted he does not; and he stated if it is a concern, then he believes at the very least, if a vendor is selected and they move on to negotiations, that the information should be shared with the County, maybe not during RFP but certainly during the negotiation process.

Commissioner Tobia stated he asked the County Attorney about this; some of this, such as profit margins and things, are proprietary; there are some things under State Statute that would allow that to be kept confidential; and he would be comfortable with that at the end, that the information be held confidential.

Eden Bentley, County Attorney, explained the problem is sometimes the public views what is proprietary a little differently than the Statute and the County will not know until it is submitted if it meets the criteria of the Statute; and therein lays the problem.

Commissioner Smith stated then the County will rely on the Statute.

Attorney Bentley agreed.

Jack Kirschenbaum provided a handout to the Board. He noted he is with Gray Robinson, and represents Florida Recyclers of Brevard; he has spoken with Mr. Rodriguez on a number of occasions; it appears to them the Commission is at a crossroads seeking new technologies and new answers to really big complicated questions; these answers are going to control solid waste issues for the next 10 years or longer; many were here when 3,000 acres were acquired from

January 22, 2019

Deseret Ranches 30 years ago; and that appeared to the answer back then. He noted they are very familiar that things have changed and technology has changed. He noted as part of the options given to Mr. Rodriguez, one is the acquisition of some land. He provided an aerial photograph of the Sarno Road Landfill; he pointed out, the portion up is owned by Florida Recyclers; they operate a construction and demolition landfill, receiving concrete, mixed rubble, wood, drywall, cardboard, asphalt, roofing, metals, bricks, and plastics; nearly 100 percent of the vegetated waste is recycled onsite and turned into organic mulch and soil products; the concrete, metal, drywall, cardboard, and plastics are also removed from the waste stream and are recycled offsite; and this is a potential opportunity for the Board to acquire this land and join it with these bigger plans for the future. He went on to say this is a 45-acre site, that is fully permitted; it is a C & D Landfill and has been in operation a long time; it is a profitable operation with many options to be entered into, if this is an interest to the County; and most importantly when filled the Sarno Landfill has 3:1 slope, as with the Florida Recyclers. He noted the Florida Recyclers are just seeking an opportunity to be included in the options as a potential acquisition of the property.

Chair Isnardi inquired if Mr. Kirschenbaum is familiar with the study that was done on this property regarding how many years this extends the life of the existing landfill if it was pacing at the rate it is now.

Mr. Kieschenbaum advised Mr. Moia can address that.

Chair Isnardi explained she may have a few questions, but she will allow Mr. Moia to speak first.

Bruce Moia commented he is representing Florida Recyclers of Brevard; he noted he used to be an employee of the County and present items to the Board; he feels this is a viable option to extend the lifetime of the landfill; based on some simple math he feels the County is coming to some capacity issues maybe in the next five to seven years; that C & D facility that is operating now was keeping a lot of that material from entering the landfill, but the business closed down; he noted the person who operated it recently passed away; and now they are losing interest in operating that facility which could shorten that life span. He pointed out filling in the gap would give the Board an option of eight to 12 years more in capacity; getting the recycling facility at a maximum height that it could do, the County could get about 20 years; he is sure that would need to be investigated as well as what it would take to acquire the property; and he noted he just wanted to present that they believe it is a viable option, if the Board would like to look into.

Commissioner Lober inquired what the specific concerns are within the District. He stated he is happy to have options but he does not want anyone to waste their time preparing options if it is something that, for whatever reason, the Board is not going to support in the end; and he asked what Chair Isnardi's thoughts are on this one.

Chair Isnardi commented in a perfect world, and rather than dump an enormous issue on this Commission, there are three moving pieces; this is her speaking, she is not speaking for the Board or staff, and this is something near and dear to her heart before she was even a Commissioner, the County has the Deseret Ranches property that was basically taken from them using Eminent Domain; the County cost them hundreds of thousands of dollars maybe millions in court and the County spent millions; when they got to a point where they thought they could lose it all they agreed jointly with the County to allow for construction waste for at least 10 years; and the County could come back and apply to do all types of waste, household and otherwise. She pointed out the property is west of 192 and the first thing people would see when they drove into Brevard County; she knows Commissioners Smith and Pritchett and probably Commissioner Tobia are probably tired of hearing her talk about this because she has brought it up a few times, but she is very passionate about it; when American Recyclers came to her office, she wondered if there was a possibility to extend the life of the landfill; in her world if she

January 22, 2019

made all the decisions she would give the land back to Deseret Ranches, make them pay for it, because the County did reimburse, and they would have the first right of refusal because it was not used for the intended purposes; and then the County would start to look at the other options. She continued she absolutely knows the County did this with the Deseret Ranches property because the sky was falling on the landfill 30 years ago; now there are other ways with technology changes; as the County finds ways to extend that landfill, whether it be through removing stuff, adding stuff, or doing something different with the liner, this would almost provide the security assuming the land is good; and from her limited understanding, she believes it is a viable option as it is already zoned a Landfill, it expands the life of the existing landfill, and the County could not only sell the land back to Deseret Ranch, but it would have a surplus of funding to address the infrastructure and some of those things it has not been able to address. She noted she has butted heads with staff on how much this land is needed; the County is leasing the land to Deseret Ranches; it is in her District and she does not want the landfill to be in any other District; and if the space is available at the existing site, she thinks it would be a safety net.

Commissioner Pritchett asked if Mr. Rodriguez could get a report done in the next few weeks on the pros and cons of this; and what the County would look at, as far as costs, to get a cost benefit analysis if this was thrown in as an option. She inquired if it is possible to recycle construction waste.

Mr. Rodriguez responded yes if the County is willing to pay for it; and environments like highly urbanized areas are recycling about 50 percent of their construction and demolition waste.

Commissioner Pritchett stated the goal is to reduce the landfill needs and not have to go anywhere else; if construction and yard waste is filling them up, those may need to be targeted even if there is a cost, if it keeps the County from moving, it could utilize this; she thinks the benefit to the County might be leading into the future of what everybody should be doing; she would be interested in finding out the cost to recycle them; and she suggested if someone is a builder they may need to up-charge and start recycling some of the costs. She thinks it would be responsible to start taking care of the waste costs; she advised staff to get an analysis of recycling construction costs and the yard waste costs; and she pointed out potentially this could be an idea for the County, to stay within the County's own boundaries.

Mr. Rodriguez advised that would take more than a couple weeks.

Commissioner Smith commented he does not know if there needs to be a time frame on it because this is not something that has to be done in three weeks or three months; he noted the Board would have to depend on Mr. Rodriguez for the feasibility of buying this, the ramifications if bought, and what the pros and cons are; and he noted if the County were to sell Deseret Ranches property it is his understanding that it cannot be used for infrastructure because it came from Solid Waste Management funds.

Mr. Rodriguez advised the monies were generated out of the Solid Waste Management fund and can only be used for Solid Waste purposes.

Commissioner Smith stated it would be nice if the County could use it for infrastructure, but it cannot; and he thinks the more information Mr. Rodriguez can provide, the better.

Mr. Rodriguez stated he can certainly take a look at it.

Commissioner Smith stated if it makes sense the County would be silly not to take a look at it.

Chair Isnardi noted she thinks it is a great idea.

January 22, 2019

Commissioner Tobia stated he would like to amend his motion; this is pivoting off of Option 2, but technically would be Option 4; and he would like to remove facilities number requirement, no net increase to landfills, add a requirement that any proposal not increase the cost to citizens of Brevard County adjusted for an annual Consumer Price Index (CPI), as well as publishing the County's cost as part of the RFP, and a market analysis and feasibility study at the end, pursuant to a contract, as well as whatever was covered under 119 of Confidentiality.

Commissioner Lober noted he agrees to maintain his second.

The Board approved Option 4, to remove the facilities number requirement, to have no net increase to landfills, to add a requirement that any proposal does not increase the cost to the citizens of Brevard County by adjusting for an annual Consumer Price Index (CPI), to publish the County's costs as part of the RFP, and to provide a market analysis and feasibility study at the end, pursuant to a contract, and to Chapter 119 of Confidentiality.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

Commissioner Lober inquired how formal of a report is Commissioner Pritchett looking to get from Mr. Rodriguez.

Commissioner Pritchett advised they usually do not receive them too formal from Mr. Rodriguez because that is a lot of information.

Mr. Rodriguez stated the questions that the report would have to answer would be capacity, local permits, State permits, how is the stormwater going to be affected, the new regulations as both of the landfills were built under the old regulations, new regulations and how they are going to impact, one is a construction and demolition landfill and the other one is a Class III Landfill, which accepts different types of material, and how do they get meshed together; and he noted it is mainly stormwater and technical issues.

Commissioner Lober inquired if it is fairly involved.

Mr. Rodriguez advised he would have to get an engineer to answer all the questions; he noted stormwater is not a cut and dry issue; there is a lake in the back and it has to be calculated whether the lake is sufficient; in order to join both facilities, another lake would have to be eliminated, with capacity issues in the back; whether ditches are sufficient, without being an engineer, he would say no, the ditches would have to be redirected as far as the slope and where they are headed towards; and he noted he does not need to go into the nitty-gritty of that, it could just be is it feasible to do it yes or no. He went on to say he could bring that report back to the Board to show the Commissioners what was found and then inquire if the Board wanted him to pursue it and how much it would cost.

Commissioner Pritchett commented that is basically what she is asking for, to get enough information to have a good discussion on the dais; she would love to be able to manage the waste in the same amount of space there is now; and if there is a way to get to that goal, she would love to see what these brilliant minds come up with as an idea.

Chair Isnardi stated the County in general, because they fought these Deseret Ranches people for so long, does not want to give up this land; they will do the will of this Board; however, she

January 22, 2019

believes this can be made to work. She continued she knows the reason the construction waste was approved is because they were concerned about heaps of household trash.

Commissioner Lober inquired if Attorney Bentley knows if the County ended up picking up some or all of Deseret's legal fees with that Eminent Domain.

Attorney Bentley responded affirmatively.

Commissioner Lober inquired if that was required back then.

Attorney Bentley stated the County picked up their legal fees, paid for their appraiser, and they paid \$8 million for the land.

Commissioner Lober inquired if that lawsuit went before a 12-person jury or if it was resolved prior.

Attorney Bentley responded it was settled and the County had outside counsel at that time.

Chair Isnardi inquired if they had acquired any more legal fees then.

Attorney Bentley advised she believes there were permitting issues where they had incurred legal fees; and she does not believe the County covered those costs.

Chair Isnardi advised they are currently leasing the land back from the County.

Attorney Bentley responded she thinks that is the case, but has not read that lease.

Mr. Rodriguez stated the Commission asked for a study and he inquired which study is that.

Chair Isnardi inquired if there was a study done on this piece of property.

Mr. Rodriguez stated he just wants to make sure he understands what study the Board is referring to.

The Board directed the Solid waste Management Director to provide an analysis on the potential of purchasing additional property and the capacity of recycling construction waste and yard waste that adds to the life period of the existing landfills.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM J.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE THE NUMBER AND THE LENGTH OF STAY RV'S ARE PERMITTED AT FISH CAMPS

Rebecca Ragain, Assistant Planning and Zoning Director, stated this is a request for legislative intent and permission to advertise Code revisions to increase the number of RV's allowed and the length of stays permitted at fish camps; this Item is a result of several meetings that staff had with Honest John's Fish Camp where currently there is a limit of 72 hours for RV's at fish

camp; and it currently causes a problem for them. She continued what this Item would do is more closely align RV stays at fish camps to those with RV parks.

The Board approved legislative intent and permission to advertise revisions to Chapter 62, Article VI, Zoning Regulations, Sections 1835.4.5 and Section 62-1841 to better align RV stays at Fish Camps and Recreational Vehicle Parks.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM J.2., APPROVAL RE: SOLAR TOGETHER, AN FPL SHARED SOLAR PROGRAM

Frank Abbate, County Manager, stated this Item is for approval of the County Manager to be authorized to enter into programs with FP&L Solar Together, a shared solar program; in the Agenda Report it displays the estimated costs over the first few years of the County's participation in that program; the County would receive solar energy credits; the cost would be approximately \$70,000 the first year; and by the end of year four and five it would be approximately a \$500 differential, and for the remainder of the County's participation with years six through 30 would be upwards in savings at the end of the program to be \$795,000 a year. He continued he thinks it is the way to go; there are representatives from FP&L here; and he noted the County would have to be registered by January 25, so there are a few days left. He added he knows there are a variety of other municipalities that are also looking and will be participating in the program as well as other major energy users.

Jennifer Shaffer, FP&L, stated she is the Senior Manager with the organization; she is leading up the development of this program; and she would be happy to answer any questions the Board may have.

Commissioner Lober stated he spoke with Mr. Abbate about this; obviously over the course of time that any the Board Members will sitting on the dais, the County will be in the negative; not withstanding that and looking at the long term prospects, even beginning on year eight, it really substantially benefits the County; and the question is does the County have any costs that are so pressing now or does it expect to have any between now and the end of year seven that would offset the pretty clear benefit of signing up for this. He noted it seems to him to be something that while it may not help any individual on the Board it will certainly help the County in the long run; looking at the numbers over a 30-year span the County would be over \$10 million ahead; and as was mentioned by Mr. Abbate, around \$795,000 to \$800,000 a year at the end will benefit the County; he does not see this getting that much better; he thinks it is great in the sense that FP&L is responsible for installing everything and they have the maintenance requirements so if something were to go wrong it is on them not the County; and the question is whether it is in the Board's interest. He noted he will be supporting this and he asked that his colleagues consider doing the same.

Commissioner Smith stated he agrees with everything Commissioner Lober has just said; he has solar panels on the roof of his own house; the drawback is he will have to spend the money to replace them in 20 years; in this program there is no future expense so the County will continue to reap the benefits; and he does not see any hiccups that would cost the taxpayers of the County moving forward.

Commissioner Pritchett stated she thinks this is good, it is strategic; besides the cost for the County, she feels the County is so far behind on good energy anyways; she thinks it is a great thing, it is a wonderful investment; and she noted she is on board as well.

The Board authorized the County Manager to begin the registration process for Solar Together, and FPL Shared Solar Program; and authorized the County Manager to sign said Agreement with Solar Together.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM J.3., STAFF DIRECTION TO PRIORITIZE, REVIEW, AND ANALYSIS OF THE JANUARY 3, 2019 PROPOSAL FOR INSTALLATION OF WATER QUALITY MONITORING SYSTEMS BY OCEAN RESEARCH AND CONSERVATION ASSOCIATION; AUTHORIZE EXECUTION OF CONTRACT BY COUNTY MANAGER UNDER SPECIFIED CONDITIONS

Commissioner Lober noted one of the things he would like to have here, based in the County is the ability for the County to monitor where it is at with some actual solid numbers; some metrics that can be used moving forward to determine whether that \$40-plus million being received from the half-cent sales tax is being put to good, efficient use or alternatively if the County is moving in the wrong direction; there are certainly some nutrient monitoring systems in the Lagoon now; but what he is proposing is having four nutrient monitors placed in the Lagoon, such that Natural Resources determines where they are as opposed to some other entity outside the County's purview; and there are different ones there now, but most if not all are being put to particular uses in localized areas whereas these ones would be more broad-based at least in his conception of how they would be used so the County can track where things are going in the future. He continued in the actual Agenda Item he is giving Natural Resources the ability to have some degree of subjectivity in terms of placement; he does not pretend to be an expert in terms of where precisely the best spots are, but he is sure that Ocean Research and Conservation Association (ORCA), who is the company he is proposing to get these from, would work with them; he looked at this a few months back and if this has changed, Ms. Barker may correct him, but there was nothing else more comparable in terms of what it would cost the County either on the upfront side or the monitoring side; and with respect to what he is proposing, he believes if the numbers that were previously known to him are still accurate, that just to purchase the monitoring equipment for each location at the onset, which is \$80,000-plus a piece, that this would simply obligate the County to pay a diminuous cost for the upfront installation. He added these are already funded by Florida Department of Environmental Protection (FDEP), and by virtue of already funding them, they vetted it to a degree that it is good enough for the State; some of them are already in use throughout the waterways; depending on the location it could be like \$1,500 or if they must sink a piling in there, it may be a little more; and from there on it would be like \$30,000 a year per monitor per location, which is \$120,000 per year in aggregate for the four of them over a course of a period of time that is going to depend on whether FDEP or St. John's River Water Management District were to reduce or eliminate funding for existing monitoring stations within 20 miles point to point then this will have to come back to the Board for approval. He noted the reason that is in there is because based on his conversations with Ms. Barker, there was a concern that no good deed would go unpunished, and that the County having these four, FDEP would say thanks for offsetting what would have otherwise been a State expense, and they may decide to scale back what the State was spending; and he thinks this would give the County some protections from that.

January 22, 2019

Commissioner Pritchett commented Commissioner Lober really did his homework on this and she was really impressed; she asked a lot questions; this is not an RFP matter because the County already owns them; they can only pay the company to monitor them, so she is comfortable with that; she spoke to Ms. Barker about money that was already in a roll over for monitoring that was sitting in an account, so the funds are there for it; and she thinks the Lagoon Board would probably come back and recommend it anyways. She stated she thinks it is a pretty good plan so she will be supporting it.

Commissioner Tobia stated he understands that the County has the equipment and he inquired if it is true that the Ocean Research and Conservation Association is in fact the only entity that could monitor these.

Commissioner Lober stated with these particular units, yes; there are other ones available at an upfront costs; if the Board were to put the upfront costs aside, the ongoing monitoring costs, when he looked at it a few months back, they were so substantially higher, he cannot fathom that they would have decreased since he reviewed the costs; and with respect to monitors that have the upfront costs already paid for, they are the only ones that are able to monitor them because it is their equipment.

Commissioner Tobia noted his issue with this was it is a single source; and he advised if the County were to put this out to RFP, it could only receive one back, if it were to keep the equipment it has in place.

Commissioner Lober advised he is all about putting things to bid or for RFPs; having done the due diligence himself with respect to this, these particular monitoring stations could not be put out to bid, because he does not know that they would allow someone else to service their equipment; he knows that depending on the sampling frequency there will be folks going out at least once a month, dead minimum, to the actual sites to make sure the reagents that are used to determine the different metrics, that are measured with whether it be nitrate or phosphates to make sure that they are still filled; they check the sensor to make sure they are calibrated appropriately; and they will basically bring an equivalent unit with them to run through the same measurements to make sure things mesh, are identical, or in close enough proximity that everything is determined to be working properly. He continued if there is any issues with oxidation with any of the medal contacts they will address that; this is really kind of a one-source shop in the sense that unless the County is looking at paying substantially more for different technology, there is no way to put this out in such a way that it could get more than one response back.

Commissioner Smith commented he loves the idea of getting more information because the County definitely needs to know how successful the County is with what it is doing; he does not think there is ever too much information about anything; and his only concern is \$30,000 a year just to monitor, seems pricey to him.

Commissioner Lober stated it is not just someone going out, they are based south of the County so they have to have someone physically here; there are other costs incorporated within that \$30,000; for example, the unit themselves, depending on the sampling rate, they have the ability, and this is how they report back without human intervention, through basically like a sim card or cell phone technology; it will respond if it is asked for 15-minute intervals, or whatever is asked of it; the problem is, if anyone ever had a fish tank and checked for ammonia or other chemicals, there is a process that actually has to be undertaken in order to get those measurements and reagents when messing with chemicals to get the values; and some are based on in-optical sensors where there has to be reagents added in order to receive a sample that is able to be measured by the equipment that is onboard. He explained it has to have human intervention. He stated everything is relative and the next closest alternative is much

January 22, 2019

more expensive than this; in comparison to the market these are below market; whether someone thinks they are too expensive is irrelevant because there are no less expensive options available; and if there were he would love it and be proposing something different. He went on to say this is the cheapest option the Board has.

Commissioner Smith noted he is a little confused because if the County has these monitoring stations in four different places, then they should be pumping out information constantly with information that is available with a cell phone or blue tooth; and he asked if they are then why the County would need someone to physically do the reagents.

Commissioner Lober explained in order to get the data that it is uploading automatically and do the testing automatically, it still needs human intervention to refill the reagents, to make sure there are no battery issues, to make sure things do not go wrong because occasionally something will go wrong because of the salt water and brackish water; contacts will oxidize and certain things will fail; this is something of a cottage industry in the sense that there are not 10,000 different distributors or sources in which to get this equipment; and not just with ORCA but also St. Johns River Water Management District (SJRWMD), there are still people going to the sensors to refill the reagents which have to be refilled, to check the contacts, to make sure that the equipment is in the shape it needs to be in order to do the measurements autonomously.

Commissioner Smith inquired how long this contract is.

Commissioner Lober explained it depends on if SJRWMD and or FDEP end up defunding or taking away any of their existing nutrient monitoring systems; if they do not then it is contemplated to be renewed annually for up to three consecutive years through County staff; and if they do remove any of those, then he is proposing for it to be a one-year term and to be brought back before the Board to determine whether or not it ought to continue on that course.

Commissioner Smith commented it works for him.

The Board directed staff to prioritize the review and analysis of the January 3, 2019, proposal for installation of Water Quality Monitoring Systems provided by Ocean Research and Conservation Association; upon completion of the analysis, if staff determines that the terms presented are reasonable, pricing is at or below the amounts proposed from January 3, 2019, and Ocean Research and Conservation Association is a single source provider, the Board approves waiving the bid requirements; and authorized the County Manager to execute the contract providing a one-year contract that may be renewed annually for up to three (3) additional, consecutive, one-year terms providing that the Florida Department of Environmental Protection (FDEP) or St. Johns River Water Management District (SJRWMD) does not reduce or eliminate funding. Should the funding be removed it will come back to the Board to determine whether or not to continue on that course.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM J.4., RESOLUTION SUPPORTING THE PASSAGE OF HB 89

Commissioner Tobia stated he has four, so he will go over them very briefly; the first on is a resolution for Representative Thad Altman's HB89; last year he introduced the measure which would extend the requirements to utilize the E-Verify program to all County contractors and that passed 5:0; this resolution simply supports a bill which was filed by Representative Thad Altman and sponsored by Senator Bean in the Senate; HB89 requires all employees throughout Florida to use E-Verify; it puts Florida in line with the southeastern region; the states that already do this are Alabama, Georgia, Mississippi, and South Carolina; and that is what this resolution does.

The Board adopted Resolution No. 19-08, supporting the passage of HB 89 filed by Representative Thad Altman for consideration during the 2019 regular session that would require businesses to participate in the E-Verify program.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM J.5., REQUESTING THE ATTORNEY GENERAL'S OFFICE TO ISSUE OPINION, RE: E-VERIFY

Commissioner Tobia stated on September 18, 2018, he brought forward a measure to amend County Policy to require all County contractors to utilize the free E-Verify system; the Board unanimously adopted this; he was considering bringing forward a more expansive measure which would apply to all employees in Brevard County the same way that Representative Thad Altman is doing at the State level; the County Attorney's Office did some research and they identified several ambiguities in State Statute; Florida Statute allows for the Board to request the Attorney General's Office issue an Attorney General Opinion (AGO) on questions like this; and he noted requesting this opinion does not obligate the County Attorney's Office to act on in any way. He went on to say all this would do is give the County more information; this is just more clarification; and it is not looking for another opinion from the one the County Attorney has already provided the County with.

Commissioner Pritchett stated she is good with this; she really respects Eden Bentley, County Attorney; however, she has learned that many attorneys have many different opinions so she is fine with moving it up to the next level for another opinion to see if the County can get the E-Verify where she would like it to be.

Commissioner Tobia pointed out just for clarification purposes it is not that he or the County is acting against the County Attorney's opinion, this is just for further clarification of questions that she herself had outlined.

Commissioner Pritchett commented she totally understands; and a second opinion is always good too.

Commissioner Lober advised he just wants to make sure he understands the specific question being proposed to the Attorney General's Office; and he inquired if that is something that Attorney Bentley will draft or if that is something the County Manager's Office will draft.

January 22, 2019

Commissioner Tobia stated he would like the County Attorney to double check him, but he feels he was pretty specific in what he wanted; it basically comes down to whether the County has the authority under Florida Law to condition the insurance or renewal of a business tax receipt upon participation in the federal E-Verify program; it is pretty specific as Commissioner Lober probably knows that the Attorney General wants it as single minded as possible; and if the County Attorney has the ability to make it more singular then by all means he would want her to do that.

The Board directed the County Attorney's Office to request an opinion from the Florida Attorney General's Office, for the proposed question: Does Brevard County have the authority, under Florida Law, to condition the issuance or renewal of a business tax receipt on participation and compliance in the federal E-Verify program.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM J.6., RESOLUTION SUPPORTING THE PASSAGE OF HB 141 AND HB 216

Commissioner Tobia stated this is another Bill being filed by the Brevard County Delegation; HB 141 has been introduced by Representative Randy Fine, Chairman of the Brevard County Legislative Delegation, and Senate companion Bill SB 216 has been introduced by Senator Gruters; HB 141 proposes to give Brevard County and its partners the opportunity to request more than \$50 million in local match for projects benefiting the Indian River Lagoon (IRL); members of this Board and the public have stressed repeatedly the State funding is critical in restoring the IRL to its natural beauty; matching funds will be available for projects which will directly prevent sewage discharge in the Lagoon; and the match will only be available for septic to sewer conversion projects which has been a focus of Brevard County. He added it includes the Save Our Indian River Lagoon Project Plan (SOIRLPP) approved by the Citizens Oversight Committee (COC); and he noted all this resolution will do is let it be known to the Delegation, that it is the official position of the Brevard County Board, that the Bill is in the best interest of its citizens.

Commissioner Pritchett commented she loves the way Commissioner Tobia wrote this; if it was just on the way he wrote it she would not have any heartburn; her only struggle, and she is so thankful that Representative Randy Fine put this through, is with the fines; if this could be done with the fines being negotiable she would love that; she feels it is an awful lot to place on the community; and she asked if there is a way this could be done by pulling out the severity of the fines. She added she really wants to support him.

Commissioner Tobia advised it is his understanding to amend bills the Board would have to be members of the Florida Legislature. He noted he has done it and he believes Commissioner Pritchett and himself are sitting in a better position where they are; he would respect her decision if she were to vote this down; he thinks it is very clear that she supports the spirit of it and that it is just the penalties involved; and knowing Representative Fine, he does not think that would be much of an insult since it is on the record that she is in favor of the spirit of the matching funds.

Commissioner Pritchett commented she would never want to do something to publicly harm Representative Fine.

January 22, 2019

Commissioner Lober stated with this, the Board has to take the bad with the good; he is going to support it; he understands where the concerns are arising from with respect to the penalty clause; he has spoken with Mr. Fine about this specifically; and he thinks it is pretty apparent from the conversation that him pushing this forward is contingent on that particular item being in there. He noted it is a package deal and people either take it or leave it; what happens when it hits Tallahassee and how it gets amended, he does not know; however, his thought is with respect to the fine portion of it, he does not see any municipality paying the fine, it would almost be worthy of removing someone from office if they would rather pay \$1 per gallon as opposed to \$2 per gallon to fix the underlying problem. He noted it is going to put some folks in a tough spot; certainly there will be some municipalities and some counties that are impacted by this in a way that they are not happy with; but he thinks this Board as it is currently comprised has shown a tremendous willingness and a tremendous inclination to look toward infrastructure and to prioritize infrastructure more so than it has been in the past; for that reason he is happy to support it as it is; and he certainly respects Commissioner Pritchett's opinion and he understands the basis of her concern.

Commissioner Smith noted he is totally in support of receiving some matching funds; he thinks they are long overdue and he is happy that Representative Fine realizes that and is pushing this forward; he also has a real concern about the fine aspect because, for example, if there is a 20 million gallon discharge, but three million is raw sewage and 17 million is just water, how will that be differentiated or will it be; there is a big difference between a \$3 million fine and a \$20 million fine; and he inquired who is going to pay the fine. He advised the fine is going to be paid by the utilities which is the taxpayers; he thinks that could be a real problem, going to the taxpayers to pay the rates to keep that sewer running and make them be responsible for something that is unforeseen; these sewers are not failing because someone is being malicious, they are failing because they are old or because of environmental damage occurs like undermining of sand under pipes to cause undue pressure breaking the pipes; and when Hurricane Irma went through there were a large number of sewer failures in the State. He added when Hurricane Michael went through Texas the entire city of Houston's sewer system failed; that is just one city, and all the cities around there failed also; that penalty, while it sounds good, is going to punish those people with bad sewers; however, the citizens are the ones who are going to foot the bill because the rate payers are going to have to pay.

Commissioner Pritchett stated with the last breach the County had it would have been like a \$12 million fine; if Brevard County was excluded she would probably be okay with it because this County writes down a self-imposed tax to try to make some improvements; she gets that Statewide this might be necessary; and she knows everyone in this County is trying really hard to fix these things. She added she thinks the County needs to work on some rate increases and start getting more aggressive with these problems; she just cannot tax this community with what they are already doing; she knows Representative Fine was at a Board meeting before and that he was really frustrated with what was going on; and for him to try to get a bill together to try and address this, she is really thankful for that.

Commissioner Smith inquired if the Board can change its wording on the resolution to support it, to say this Board is 100 percent behind the intent of this bill but take exception to the fine aspect.

Commissioner Tobia stated he thinks so. He noted he just wants to put a couple things down; Commissioner Smith mentioned whether it is water or sewage, and 131 and 132 contemplate that, raw or partially treated sewage, so if it was water discharge it would not; he does not want this to be thought of like a \$2 fine; and he advised the \$2 per gallon would not go to the State, it would have to go into infrastructure.

January 22, 2019

Commissioner Smith interjected he read that; and he noted they would be forgiven if they used those funds.

Commissioner Tobia stated it does not look good if only three members are in favor of this; he asked the Board to table this; he will change it and bring it back in two weeks to support the matching of it; and he will accidentally forget the fine aspect of it.

Chair Isnardi inquired if Commissioner Tobia knows where the bill is sitting right now.

Commissioner Tobia commented it probably has not had its first hearing yet.

The Board tabled consideration of a resolution supporting the passage of House Bill (HB) 141 and Senate Bill (SB) 216 to a future Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM J.7., RESOLUTION SUPPORTING THE STATED GOALS OF GOV. DESANTIS

Commissioner Tobia stated this resolution supports the goals of Governor Ron DeSantis as it relates to Policy which affects the citizens of Brevard County. He read the resolution aloud.

Commissioner Smith stated he likes all the things the new Governor is doing; he is taking the bull by the horns in many areas; he does not support this because it is sending the message that Florida is not going to be players for businesses coming to this State any longer; if the State restricts because Alabama gave Blue Origin \$35 million, the County cannot compete with that; at least it is a possibility that Florida can compete; and he thinks what this is saying is that the State is not going to compete with other states with incentives.

Commissioner Tobia stated that was not his intent and he asked Commissioner Smith to point that out in the resolution.

Commissioner Lober and Commissioner Pritchett both responded it is the third "whereas" clause.

Commissioner Tobia stated he does not think that has anything to do with it. He inquired if Commissioner Smith would be more comfortable if it stated Governor DeSantis will focus on the economic base with reasonable regulatory climate and a low tax burden.

Commissioner Smith noted that will work.

Commissioner Tobia advised that was not the intent and if that makes Commissioner Smith feel more comfortable he will change it because he would like to get this one unanimous.

Chair Isnardi stated she does not think that was what it meant either.

The Board adopted Resolution No. 19-009, supporting the goals of Governor Ron DeSantis as they relate to Policy which affects the citizens of Brevard County.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM L.5., JOHN TOBIA, COMMISSIONER DISTRICT 3

Commissioner Tobia stated on January 15 he went to the Brevard Delegation meeting that took place; during this meeting a local bill was discussed that would give the Board limited oversight over pre-Charter Community Redevelopment Agencies (CRAs); as an elected official he expects his feet to be held to the fire, even the law does that; slander and libel is different for elected officials than for other folks: and he fully respects that. He went on to say his issue is when individuals go after staff members of the County; he finds that absolutely abhorrent; and the line was crossed in his opinion. He noted he would like to send a letter which he believes is complimentary, to the Mayor of Titusville; and it is his intent to ask the Attorney General for her opinion. He read the letter aloud. He stated he will be bringing this up for discussion at the next Committee meeting asking the Attorney General for an opinion on the exact same opinion that was rendered by the previous County Attorney; and he noted he did not want to place his bold print on the bottom of this letter, he would rather it come from the Board of County Commissioners rather than just himself.

Chair Isnardi commented she watched most of that meeting but she was in a hotel room in South Carolina with terrible service; she would have no problem with this if what she sees on there is not appropriate; however, she wants to be sure to review it beforehand.

Commissioner Tobia asked the Chair to repeat herself as he did not catch what she said.

Chair Isnardi reiterated she did not watch the entire meeting; she saw only 90 percent of it; she wants to believe what he says in the letter is honest and she is sure it is; however, she would like to review the meeting for herself before she puts her name to the letter. She stated she does not know if Commissioner Tobia would consider tabling it or not; and she noted she is not the only voice on the Board, she is only giving her opinion.

Commissioner Tobia stated unfortunately he plans on bringing this up at the next County Commission meeting to ask for an Attorney General's Opinion on this regardless of whether this passes or not.

Chair Isnardi stated she really does not care about that part of it; she will support him on that because any opinion from the Attorney General is a good thing; as far as the letter, which is so craftfully written, she reiterated she would like to put her eyes on the meeting before signing it.

Commissioner Tobia stated that is absolutely fair; he wanted to give the Mayor and council time on this; he wanted full support on this; and since he is not seeing that, he will respectfully pull it back and place a disclaimer on it.

Chair Isnardi stated she would be happy to sign the letter if the Mayor was insulting to the County Attorney.

Commissioner Pritchett stated she watched the whole thing; Commissioner Tobia spoke eloquently; but the first part of the meeting was cut off so she did not catch all of that; she did hear a little bit of the conversation back and forth and everyone seemed a little light with what

January 22, 2019

she was watching; and she inquired if he spoke as himself or as the Mayor, because she knows Commissioner Tobia separated himself out as it being personal.

Commissioner Tobia stated he identified himself as the Mayor, he did not provide, to the best of his knowledge, his individual address, and he was wearing a shirt with an insignia on it; he does not recall specifically; he himself gave his home address and was not in his official capacity; and he said since this has been read on the record he is going to pull it and send a copy over there and allow them to decide whether or not they would like to join the Board, if the Board approves asking for the Attorney General's opinion. He added he has no idea if that will happen but he is giving a heads up that he will be asking for an opinion on lawful expenditures of these organizations.

Commissioner Pritchett stated she is fine with that; she knows she wore him out a few years ago when they had the conversation about the Attorney General's Opinion; she was very persistent; she thinks the Board may have to have something done at the House level in defining this a little better; she knows this goes back and forth all the time, but she does not think it is very clear; and she commented maybe there needs to be some changes in that.

Commissioner Tobia stated showing up at the Delegation meeting he does not believe the delegation has any motivation or any desire to change CRAs one bit; in fact, former Senator Altman said he would like to provide the CRAs that were created after the Charter the powers given to the ones created prior to the Charter because his idea was never to have a Charter in the first place; and he mentioned there are some strong CRA supporters in the Delegation.

Commissioner Pritchett stated she has been watching most of the CRAs change their policies; she thinks they are starting to recognize there are some appropriate and some inappropriate places; they have new boards so they are trying to figure it out; and she thinks maybe this Board could work on what is appropriate and what is inappropriate. She added maybe then there could be stricter guidelines from the State.

Commissioner Tobia stated he would like to stand up there with her at the next Delegation meeting because it is very lonely; and he reiterated there are some very strong CRA supporters on the Delegation to say the least.

Commissioner Pritchett stated she has learned everything the Board is doing here, it is hard to turn this big ship fast; it moves a little at a time; as everyone knows she does like CRAs; however, she likes them done correctly.

Commissioner Lober stated he understands based on what Commissioner Tobia just said, that based on the timing of tabling this for another meeting it is just not going to work; and he asked if he were able to get a response before the next meeting what would the deadline be in order to have something meaningful, to add names.

Commissioner Tobia noted he would gladly share whatever responses he receives; he will blast it out and he is sure the Mayor will as well; he has a feeling it will not be as complimentary as his, but he will be glad to share it; and he noted it will not change the next Agenda, where he will ask for the opinion of the Attorney General's Office.

Commissioner Lober stated he does not like seeing staff attacked, it really does not sit well with him; if someone did something inappropriate and there is a genuine complaint that is not what he is talking about; he is not going to mislead everyone into thinking he watched this whole thing verbatim word for word, he did not; and he inquired if he were to send Commissioner Tobia something that said to please add his name, if that would be a breach of sunshine.

January 22, 2019

Eden Bentley, County Attorney, advised Commissioner Lober might want to send his own letter that would be the cleanest way.

Commissioner Tobia asked that Commissioner Lober be as complimentary in his letter as he was.

Commissioner Pritchett stated she is fine with this also; she did not see anything out of the ordinary; to her everyone was just expressing themselves; and she noted she is on board with Commissioner Tobia requesting the Attorney General's opinion.

ITEM L.4., BRYAN LOBER, COMMISSIONER DISTRICT 2, VICE CHAIR

Commissioner Lober stated he believes he may have mentioned at the last meeting that he was intending to bring the puppy issue back in February; it is definitely going to come back but it looks like it will not be back until March; it is still a very high priority for him; however, realistically it will not be ready until March. He went on to say he will in all likelihood, he is still doing due diligence in respect to this, potentially be proposing adding tertiary treatment to the Sykes Creek Plan; and he just wanted to plant that bug early on so the Board will not be shocked when it comes up down the road. He noted it may be several months down the road.

Upon consensus of the Board, the meeting adjourned at 1:23 p.m.

ATTEST:

SCOTT ELLIS, CLERK

KRISTINE ISNARDI, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA