

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on May 26, 2016 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Robin Fisher	Commissioner District 1	Present	
Jim Barfield	Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

**ZONING STATEMENT**

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board, takes action on the request. Likewise, if a Commissioner has made a site visit, inspections, or investigation, the Commissioner must disclose that fact before the Board, takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes of rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

**INVOCATION**

The invocation was provided by Barry Russell, Chaplin of Titusville Police Department and Pastor of The Grove Church, Port St. John.

**PLEDGE OF ALLEGIANCE**

Commissioner Infantini led the assembly in the Pledge of Allegiance.

May 26, 2016

**ITEM I.A., RESOLUTION, RE: PROCLAIMING JUNE 5-11, 2016, AS NATIONAL BEACH SAFETY WEEK AND RIP CURRENT AWARENESS WEEK**

Chairman Barfield read aloud, and the Board adopted Resolution No. 16-080, proclaiming June 5-11, 2016, as National Beach Safety Week and Rip Current Awareness Week.

Eisen Witcher, Interim Assistance Ocean Rescue Chief, thanked the Board for the continued support; he stated their guys did an amazing job last year; and they hope to continue the same success rate this year.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM I.B., RESOLUTION, RE: CONGRATULATING WEVENTURE MELBOURNE FOR RECEIVING THE 2016 SBA REGION 4 WOMEN'S BUSINESS CENTER OF EXCELLENCE AWARD**

Commissioner Infantini read aloud, and the Board adopted Resolution No. 16-081, congratulating weVENTURE Melbourne for receiving the 2016 SBA Region 4 Women's Business Center of Excellence Award.

Beth Gilith stated she would like to recognize their director, Wanda Lipscomb-Vasquez, for the Melbourne Center because she was very instrumental the past two years for winning this award the last two years in a row; there are centers in Melbourne, Orlando, and Rockledge; and through their Ignite 360 Business Mentoring Program, they work with men and women entrepreneurs to accelerate their business growth. She went on to say they are proud that they have put at least 75 businesses through that program; with 40 percent revenue growth on average, and 93 percent of them have made at least one or more jobs through that program. She stated one of their clients are here being recognized as the small business award of Florida; and she thanked the Board for their recognition.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM I.C., RESOLUTION, RE: CONGRATULATING SHERRY ACANFORA-RUCHOMAKI FOR WINNING THE 2016 STATE OF FLORIDA SMALL BUSINESS PERSON OF THE YEAR AWARD**

Commissioner Infantini read aloud, and the Board adopted Resolution No. 16-082, congratulating Sherry Acanfora-Ruohomaki for winning the 2016 State of Florida Small Business Person of the Year Award.

Sherry Acanfora-Ruohomaki stated Canine Campus is a very large facility, it is a little over 21,000 square feet indoors, and another 35,000 outside; they are fully air conditioned; they have the largest training facility in Florida that is all air conditioned and fully matted indoors; and there

May 26, 2016

is nothing like it in this area. She added they have a specially designed dog pool, a little car chasing course, and as of this weekend, they will have special K-9 grass, specifically made for digs for outside; they are luxury, they are cage free, and treat the dogs as if they are children, they are just four legged and furry. She went on to say they run their daycare like a child daycare, they are family members to them.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.A.1., FINAL PLAT APPROVAL, RE: AMENDMENT NO. 1 TO ADELAIDE SUBDIVISION - THE VIERA COMPANY**

The Board granted final plat approval, and authorized the Chirman to sign the final plat for Amendment No. 1 to Adelaide Subdivision - The Viera Company.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.A.2., FINAL PLAT AND CONTRACT APPROVAL, RE: LAKE ANDREW DRIVE SOUTH EXTENTION NO.1 - PHASE 2 - THE VIERA COMPANY**

The Board granted final plat approval, and authorized the Chairman to sign the final plat and contract for Lake Andrew Drive South Extension No. 1 - Phase 2 - The Viera Company.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.A.3., QUIT CLAIM DEED TO JOHN B HAMILTON, IV, RE: PARCEL OF LAND LOCATED BETWEEN THE HAMILTON PROPERTY AND THE RETENTION POND TO THE NORTH**

The Board approved a Quit Claim Deed for a parcel of land between the Hamilton property and the retention pond to the north; and authorized the Chairman to execute the Quit Claim Deed.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.A.4., INTERLOCAL AGREEMENT WITH SCHOOL BOARD, RE: PERTAINING TO TROPICAL ELEMENTARY SCHOOL ACCESS IMPROVEMENTS**

The Board approved an Interlocal Agreement with the School Board pertaining to the Tropical Elementary School Access Improvements; authorized the Chairman to execute the Interlocal Agreement; and approved any necessary budget change requests.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.B.1., RESOLUTIONS AND LEASE AGREEMENTS WITH PROGRESSIVE ACTION SOCIETY, INC., TITUSVILLE AREA MODEL RAILROAD CLUB, INC., AND SHINING STARS LEARNING CENTER, RE: USAGE OF BUILDING SPACE AT THE GIBSON COMPLEX AND FIELD**

Stockton Whitten, County Manager, stated this Item requires a five-day internet notice; it is at four days now; and staff would like to request conditional approval for ratification when the Board returns in July.

The Board adopted Resolution Nos. 16-083, 16-084, and 16-085, and executed Lease Agreements with Progressive Action Society, Inc., Titusville Area Model Railroad Club, Inc., and Shining Stars Learning Center for usage of building space at the Gibson Complex and Field.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Curt Smith, Vice Chairman/Commissioner District 4  
**SECONDER:** Robin Fisher, Commissioner District 1  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.B.2., INTERLOCAL AGREEMENTS WITH CITY OF TITUSVILLE, RE: PARTICIPATION IN THE CONSTRUCTION OF A SPLASH PARK FOR SAND POINT PARK AND PERMISSION TO CONSTRUCT A BMX TRACK IN MARINA POINT PARK**

The Board approved Interlocal Agreements with City of Titusville for participation in the construction of a Splash Park for Sand Point Park; granted permission to construct a BMX Track in Marina Point Park; and authorized the Chairman to execute the Interlocal Agreements and all necessary budgetary documents related to the Agreements.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.B.3., AMENDMENT TO INTERLOCAL AGREEMENT WITH CITY OF INDIAN HARBOUR BEACH, RE: CONVEYANCE OF OARS AND PADDLES PARK**

The Board approved payment of \$34,946 from the South Area Parks Operating budget to the City of Indian Harbour Beach for repairs to a seawall, restroom facility, and boat house; authorized the Chairman to execute the Amendment, deleting Section 7, Feasibility Period, from the Interlocal Agreement; and approved all budgetary documents related to the Agreement.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.C.1., INTERLOCAL AGREEMENT WITH TOWN OF GRANT - VALKARIA, LOCAL AGENCY PROGRAM (LAP) AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), AND RESOLUTION, RE: VALKARIA ROAD SIDEWALK FROM GRANT - VALKARIA PARK TO LEGHORN ROAD PROJECT FPN 438023-1-58/68-01; AND PERMISSION TO ADVERTISE, AWARD THE BID TO LOWEST RESPONSIVE BIDDER, AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE CONTRACT FOR THE CONSTRUCTION OF VALKARIA ROAD SIDEWALK**

The Board adopted Resolution No. 16-086; executed Interlocal Agreement with Town of Grant-Valkaria; executed LAP Agreement with FDOT for Valkaria Road Sidewalk from Grant-Valkaria Park to Leghorn road Project FPN 438023-1-58/68-01; authorized permission to advertise for bidders, award the bid to the lowest responsive bidder, and authorized the Chairman to execute the contract with the qualified bidder contingent upon review and approval of the contract by the County Attorney's Office and Risk Management; and approved any necessary Budget Change Requests associated with this request.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Andy Anderson, Commissioner District 5  
**SECONDER:** Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:** Fisher, Barfield, Infantini, Smith, Anderson

May 26, 2016

**ITEM II.C.2., APPROVAL, RE: PERMISSION TO TERMINATE CURRENT ON - LINE BENEFITS ENROLLMENT SYSTEM VENDOR CONTRACT WITH FBMC BENEFITS MANAGEMENT IF CURRENT PROBLEMS ARE NOT RECTIFIED; AND NEGOTIATE CONTRACT WITH SECOND PLACE VENDOR, CBIZ**

The Board granted permission to terminate the current County's Group Health Insurance Program automated enrollment system vendor contract with FBMC Benefits Management, exercising Section 5.8, Termination of Agreement provisions of their contract, if current problems are not rectified by May 26, 2016; directed the Human Resources Director, the County Manager, or a designee to negotiate with the second place vendor, CBIZ; and authorized the Human Resources Director to execute the agreement if the FBMC contract is cancelled.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.1., APPROVAL, RE: BUDGET CHANGE REQUESTS**

The Board approved Budget Change Requests, as submitted.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.2., ACKNOWLEDGE RECEIPT, RE: FY 2017 PROPOSED BUDGET FOR MAYFAIR COMMUNITY DEVELOPMENT DISTRICT**

The Board acknowledged receipt of the FY 2017 Proposed Budget for Mayfair Community Development District.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.3., REVIEW AND APPROVAL, RE: BCC-21, BUDGET AND FINANCIAL POLICY**

The Board retained Board Policy BCC-21, Budget and Financial.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Andy Anderson, Commissioner District 5  
**SECONDER:**   Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:**         Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.4., APPROVAL OF PARTIAL SETTLEMENT AGREEMENT, RE: WILLIAMSON V. BREVARD COUNTY 6:15-CV-1098-ORL-28-DAB**

The Board approved the Median Partial Settlement Agreement in the case of Williamson v. Brevard County 6:15-cv-1098-Orl-28-DAB.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Andy Anderson, Commissioner District 5  
**SECONDER:**   Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:**         Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.5., APPOINTMENTS/REAPPOINTMENTS, RE: BREVARD WORKFORCE DEVELOPMENT BOARD OF DIRECTORS DBA CAREERSOURCE BREVARD**

The Board appointed/reappointed, **Susan Glasgow, Nancy Heller, Traci Klinkbeil, Terry Schrupf, Patricia Stratton, and Ronald Taibl, and Venetta Valdengo** to the Brevard Workforce Development Board, with terms expiring June 30, 2019.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Andy Anderson, Commissioner District 5  
**SECONDER:**   Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:**         Fisher, Barfield, Infantini, Smith, Anderson

**ITEM II.D.6., ACCEPTANCE, RE: CONDITIONAL GIFT IN THE AMOUNT OF \$50,000 FROM MATTHEW DEVELOPMENT, LLC**

Commissioner Smith stated as many people may or may not know, Wawa opened their first store in Brevard County a week ago at the corner of Wickham Road and Pineda; that was developed by Matthew Development, LLC; and they took him aside a year ago and said if things worked out with this development, they would show their appreciation to the County at large, and the Board specifically, for all the hard work the Board has done in bringing new businesses to the County, and for the extension of the Impact Fee Moratorium from one year to two years. He added they have given the Board a voluntary Impact Fee of \$50,000; it is their hope that other developers and builders would consider doing the same in appreciation for the businesses that come in here, the businesses that the Board's actions have brought here; and the fact that the Board gave them an extra year of Impact Moratorium. He noted they are really hoping that other builders and developers will take note and do the same.

Commissioner Infantini stated they opened another one off of U.S. 192 and Minton Road.

May 26, 2016

The Board approved the acceptance of \$50,000, a gift from Matthew Development, LLC; and authorized the necessary budget change request actions to allocate dollars for road maintenance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

### ITEM III., PUBLIC COMMENTS

Camille Tate stated she is speaking on behalf of the Melbourne/Space Coast Chapter of the National Federation of the Blind of Florida; their main concern is Space Coast Area Transit and funding for transportation. She added the mission of the group is to make transportation more available to those who are disabled, visually impaired, completely blind like herself, or people who have other disabilities that impede them from using the fixed route system; and they are asking for more funds to allow more drivers and more busses to make the system more adequate. She noted that would make the lives of the disabled as rich as those who have sight, whether they drive or use public transportation; she stated she does not normally use the fixed route system, but she does have a relative in town, and they decided to show her Melbourne; they went to the bus stop outside of her apartment complex, which she cannot find on her own, and they cannot find the bus. She went on to say they stood outside for an hour, it was 88 or 90 degrees yesterday, and there was no benches or shelter; and by the time they got on the bus they were sweaty. She noted at their next destination they had to transfer to another bus and still there was no shelter or benches; those are some of the issues that she had not realized with the fixed route system; and she feels that there needs to be more funds to make it easier for those who are disabled to use both para-transit and the fixed route system.

Commissioner Smith stated the Commissioners have looked at this situation with the bus stops; there are over 800 bus stops in the County; there are only 60 shelters; and the Board does not have the \$2.5 or \$3 million it would cost to buy these shelters at retail cost. He added the Board has come up with an idea that it may be able to pull off; it is going to reach out to the business community to see if they would be willing to buy shelters and put them up; the Sheriff's Department has volunteered their workforce, and Commissioner Fisher has volunteered to purchase the first two; and if that happens, there will start to be bus shelters all around the County.

Ms. Tate stated the businesses should really be stepping up to the plate, because the bus brings customers to their businesses, too; and that will be great.

Chairman Barfield stated they can put him down for a shelter, too.

Fred McMillian stated his thanks to Ms. Tate for her comments. He added there needs to be more para-transit services in the County, Jim Liesenfelt, Transit Director, and his staff goes above and beyond their duty to help the people who are disabled, the people that cannot use the fixed route service, but the problem he has seen are the boundary lines. He noted they run into an issue when going from north to south or vice versa, and sitting in the middle of the County, and sometimes one cannot go from Point A to Point B without having to take a fixed route bus. He noted he would like to ask the Board to find some way in the budget to assist Space Coast Area Transit to be prepared for the future; All Aboard Florida is coming,



May 26, 2016

and it is coming through Brevard County, and there will need to be something in place when it comes to allowing the people that ride the train to get to the train; and they are having a problem in Orange County with Sunrail, they are using Uber, in Seminole County to encourage people to use Sunrail. He went on to say the Board needs to look at those issues and compare them to the future of Brevard County; he would hope that Brevard County will not be left behind; he has been here for five years and come to this podium many times about transportation; the future is at the back door right now; and the tourist industry for this County is going to need public transportation, not just All Aboard Florida, but public transportation for everybody, the disabled, the hearing impaired, and whoever else that needs it. He stated the Board needs to do something to attract people to use the system; it will be difficult, but it can be done if the Board starts now.

Sara Ann Conkling thanked the Board for its support on public transportation, and in particular, Commissioner Smith, for picking up the ball and trying to run hard with it; she stated she is present today because when she met Freddie McMillian, he told her it costs him \$150 to get to the airport, because there is no bus transportation to get a disabled person from Brevard County to Orlando Airport; and he asked her for her help. She added as long as she is standing and has a mouth, she will continue to try and help; she is asking the Board today for Freddie, Camille, and her other friends and people that contact her regularly with these kinds of issues to please find some money in this years budget for increased fixed route and para-transit funding. She requested the Board to dig deep, to ask County Management to dig deep, to find whatever it can; she is asking for at least \$400,000, that is a drop in the bucket, but it is a significant drop; and she would also like the Board to reconsider the one cent gas tax for public transit. She added she is aware the Board needs money for roads, she is in favor of that as well, but that one cent for public transportation will take care of the significant issues that the County has; and it will not leave these precious people out in the sun for an hour, and even with the shelter, they would still be there for an hour. She asked the Board for help with that; and she thanked it for its support.

Commissioner Infantini stated she knows Ms. Conkling has been back many times, and the Board appreciates her coming; and she inquired what \$10 million would do. She understood the Board is contemplating putting up a new stadium in Titusville; the Board is thinking of using \$10 million toward that; and when weighing which one would be the better value to the County.

Ms. Conkling stated she is biased; the County currently gives \$1.7 million to Public Transportation, so \$10 million would quadruple, or quintuple that, it would be a significant improvement, and would make transportation on par with any major metropolitan area. She advised that would be five times what they have now; there would be no more one hour wait times, there would not even be half hour wait times, there would be enough para-transit service that if Mr. McMillian needed to go to the airport, they could probably help him get there. She noted that would be a huge amount of money; she believes the one penny gas tax ends up being a \$3 or \$4 million impact, once the State and Federal match is added; that would also be a huge increase; and however the Board does it, she is happy.

Chairman Barfield stated that the stadium in Titusville has not come before the Board yet. Commissioner Infantini responded she knows, she was reading it in the paper; she was just asking for the Board's input; and the Board will be discussing prioritization, and she was just asking for the public's input as to what they think is more important, a new stadium in

May 26, 2016

Titusville, or more transit availability, so that it would have the connectivity that is needed to get people from one place to the next without the hour wait.

Ms. Conkling stated she is very sensitive; at the last meeting, the Board heard from two people who needed more public transportation to get a job; she hates saying to any disabled person in this County that they cannot get a job in this County because there is not a bus to get them there to the job; and that takes away dignity, self-worth, and a lot of things that human beings want for their fellow citizens to have.

**ITEM IV., PUBLIC HEARINGS, RE: PLANNING AND ZONING RECOMMENDATIONS OF MAY 9, 2016; PSJ RECOMMENDATIONS OF MAY 11, 2016; AND NORTH MERRITT ISLAND RECOMMENDATIONS OF MAY 12, 2016**

Chairman Barfield called for a public hearing to consider Planning and Zoning Board recommendations of May 9, 2016, Port St. John Special District Board recommendations of May 11, 2016, and North Merritt Island recommendations of May 12, 2016.

**ITEM IV.B.1., (16PZ00028) - IAN BAUMGARDNER - REQUESTS A SMALL SCALE PLAN AMENDMENT (16S.03) TO CHANGE THE FUTURE LAND USE FROM AGRICULTURAL TO RESIDENTIAL 1, AND A CHANGE OF CLASSIFICATION FROM GU TO RR-1, ON 1.23 ACRES, LOCATED ON THE SOUTH SIDE OF HARRISON RD. APPROX. 0.31 MILE EAST OF N. JOHNSON AVE.**

Cynthia Fox, Planning and Zoning Manager, stated this is a request to rezone from GU to RR-1; it is the applicants desire to construct one house; and the Planning and Zoning Board (PZ) and Local Planning Agency (LPA) both recommended approval for both the zoning and the Small Scale.

There being no further comments, the Board approved request of Ian Baumgardner to change classification from GU to RR-1 on 1.23 acres, located on the south side of Harrison Road, east of North Johnson Avenue; and adopted Ordinance No. 16-10, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the Seventh Small Scale Plan Amendment of 2016, 16S.03, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled The Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

May 26, 2016

**ITEM IV.B.2., (16PZ00029) - A.N.A. REAL PROPERTY DEVELOPMENT, LLC - (JOHN HALEY) - REQUESTS A CHANGE OF CLASSIFICATION FROM BU-1 AND RU-2-15 TO RU-1-7 ON 0.93 ACRES +/-, LOCATED ON THE EAST SIDE OF N. U.S. HWY 1, APPROX. 188 FT. NORTH OF ELM DR. (4225 N. U.S. HWY 1, MELBOURNE)**

Cynthia Fox, Planning and Zoning Manager, stated this Item is by A.N.A Real Property Development, LLC requests to change a classification from BU-1 to R-U-2-15 to RU-1-7, Planning and Zoning (PnZ) recommended approval with a Binding Development Plan to limit the development to two lots; she believes that is what the applicant is requesting.

There being no further comments or objections, the Board approved A.N.A. Real Property Development, LLC's request of a change of classification from BU-1 and RU-2-15 to RU-1/7 on 0.93 acre ±, located on the east side of North U.S. Highway 1, north of Elm Drive, with a Binding Development Plan limiting to two lots.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM IV.B.3., (16PZ00025) - CARMINE FERRARO, TRUSTEE - REQUESTS A SMALL SCALE PLAN AMENDMENT (16S.02) TO CHANGE THE FUTURE LAND USE FROM NC CC, AND A CHANGE OF CLASSIFICATION FROM BU-1-A TO BU-1, ON 1.59 ACRES +/-, LOCATED ON THE SOUTH SIDE OF FAY BLVD., APPROX. 200 FT. EAST OF ADAMS PLACE. (4735 FAY BLVD., COCOA)**

Cynthia Fox, Planning and Zoning Manager, stated this Item was tabled at the Port St. John meeting on July 13, and it needs to be tabled until the August 4, 2016, Zoning meeting.

There being no further comments or objections, the Board tabled request for a Small Scale Plan Amendment (16S.02) to change the Future Land Use from NC to CC, and a change of classification from BU-1-A to BU-1, on 1.59 acres +/-, located on the south side of Fay Boulevard approximately 200 feet east of Adams Place.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

May 26, 2016

**ITEM IV.B.4., (16PZ00032) - HARVEY'S INDIAN RIVER GROVES, INC. - (KEN FILMER/TITAN PROPERTIES) - REQUESTS A SMALL SCALE PLAN AMENDMENT (16S.04) TO CHANGE THE FUTURE LAND USE FROM RESIDENTIAL 2 AND PLNIP TO ALL RESIDENTIAL 2 ON 1.57 ACRES; AND A CHANGE OF CLASSIFICATION FROM SEU AND PIP WITH BDP TO EU-2 WITH AMENDED BDP, ON 40 ACRES, LOCATED ON THE EAST SIDE OF N. COURTENAY PKWY., APPROX. 0.47 MILE NORTH OF SMITH RD. (TAX PARCEL 265 = 3490 N COURTENAY PKWY; TAX PARCEL 250 = NO ASSIGNED ADDRESS)**

Cynthia Fox, Planning and Zoning Manager, stated the Applicant requested that this Item be tabled until the August 4, 2016, Zoning Meeting; they are asking for more time to examine the Planning and Zoning Recommendation.

Kim Rezanka stated she is representing the purchaser of Harvey's Groves property, which is Titan Properties; at the Local Planning Agency (LPA) meeting on Monday, they were denied the 80 units they requested, but the LPA did recommend 56 units, which was approved unanimously; however, it was somewhat unexpected, and the owner and purchaser need to go back and talk. She added there were issues raised regarding the traffic patterns coming in and out of that driveway because it is next to Calvary Church, and there is no median cut, so they wanted more time to talk with Calvary Church to see if they could get a joint access; they are requesting a continuance on this matter until August 4, 2016.

There being no further comments or objections, the Board tabled request for a Small Scale Plan Amendment (16S.04) to change the Future Land Use from Residential 2 and PLNIP to all Residential 2 on 1.57 acres; and a change of classification from SEU and PIP with Binding Development Plan (BDP) to EU-2 with amended BDP, on 40 acres, located on the east side of N. Courtenay Parkway, approximately 0.47 mile north of Smith Road.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andy Anderson, Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Fisher, Barfield, Infantini, Smith, Anderson

**ITEM IV.C., RESOLUTION, RE: THIRD QUARTER SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2015-2016**

Tom Rosenberg, Budget Office Director, stated this Item is brought up approximately this time each year, it is the approval of the supplemental budget for the Fiscal Year 2015-2016, it is requested that the Board approve a supplemental budget for the third quarter of Fiscal Year 2015-2016; and authorize the Chairman to sign the resolution and approve the budget changes in such actions that are necessary to implement the adopted changes; the reason for the supplemental budget each year is after an audit is done of the bank records of the County, each January, staff then recognizes the additional revenues that may not have been budgeted for each fund during the course of setting the budget for the next Fiscal Year. He added they set the budget in the April or May time frame for the budget that starts in October; and each department does their best estimate of how much cash they believe they will carry forward into the next year. He advised per Florida Statute, Chapter 129, this is recognition of those revenues; this year, the net increase is approximately \$15 million, or about 1.4 percent of the budget; and of that \$15 million, about \$13 million goes into reserves. He went on to say they are not budgeted to be spent on any particular item in Fiscal Year 2015-2016; the Agenda Item itself has the more significant items that are being increased, for example Internal Service Funds are

May 26, 2016

being increased by \$4.9 million, a little more than one-third of the overall change due to increase in the balance forward for the Human Resources Employee Benefits Fund, and Risk Management Fund, the General Fund is increasing by \$3.1 million, primarily related to increase in generate government balance forward, a result of underestimated carry forward from unexpended general government operating expenses and department transfers, and the Transportation Trust Fund is going to increase about \$3 million primarily due as an increase in balance forwards from Public Works, a fifth and sixth cent constitutional gas tax fund, the District 2 MSTU fund, and the District 4 MSTU fund.

Commissioner Fisher stated he answered his question when he said this was an increase, people think this is new money, but it is not actually new money; some of it is carry-over from projects that were committed to, but did not use the funding, and some other things.

Commissioner Infantini stated this Agenda Item also includes an attachment that the Board would be discussing whether or not it would be funding the not-for-profit organizations again next year; this was supposed to be on the Agenda at the beginning of the month, so that the not-for-profit organizations could properly budget, and provide for their funding needs this upcoming budget year, should the Board decide it is not going to be funding them again; and she wanted to make sure they had that ample time. She added in prior years, the Board would get to September and say it could not cut them now because they would not have sufficient time to determine where they would get the extra funds. She went on to say the second item is to do a prioritization going forward, because if the Board is going to approve a \$15 million increase to the budget, or however it is sliced, the Board needs to start prioritizing its spending; there are people that come to each of the budget meetings telling the Board they need more money for public transportation; she inquired if that would be a priority of the Board, or if it would be one of the things it holds down lower; and she stated she thinks those types of questions are relevant to these individuals so they do not keep coming back to each meeting waiting and hoping that the Board will do something.

Chairman Barfield stated on the CBO funding, he has a note that the Board would do that after VI.E.1., that was the Board can go to V.C., and do that.

Commissioner Infantini stated she placed it on hers; that is part of Stockton Whitten, County Manager's Item, which she thought would be combined with the budget, but it did not get done that way; she thinks it is relevant to have that discussion.

Chairman Barfield stated they will have that discussion on VI.E.1. Commissioner Infantini inquired if the Board was in agreement that it will not discuss it now, even though it is on the Agenda.

Chairman Barfield stated he is just talking about the CBO. Commissioner Infantini stated if the entire Board was in agreement that it will not be discussing it although it is part of the attachment.

Chairman Barfield stated it will be discussed. Commissioner Infantini stated she would like to know whether or not the Board discussing it now, not later.

Commissioner Fisher stated his motion is that the Board approve the third quarter supplemental budget for Fiscal Year 2015-2016, as presented by the County Manager's Office.

Commissioner Infantini stated there are two additional Items to be included in that supplemental budget. Commissioner Fisher stated he does not want to include those, he would just like to do the Agenda Item by the County Manager.

May 26, 2016

Commissioner Infantini stated she would like to discuss prioritization of spending; she understands that oftentimes, it is a contentious item, but at some point, the Board has to discuss what is most important. She added when she read in the newspaper today that Commissioner Fisher was negotiating with a team to build another stadium when the Board just leased out its current stadium, gave the people \$10 million to make improvements, and there are individuals coming to the meetings asking for extra money for transportation, and not to raise the property taxes; and she believes those people are deserving of a response. She believed the Board owes it to those people to say what is more important; unemployment has dropped from 12 percent when they first got into office to roughly five percent now; and she is asking how much more time the Board would like to spend creating more jobs and how many new projects need funding in the name of job creation.

Chairman Barfield stated the Board is voting on the approval of third quarter supplemental budget, Fiscal Year 2015-2016.

Commissioner Infantini stated there is an attachment to that budget item, so once it is approved, that budget item is over.

Commissioner Anderson stated these are items that were already budgeted in the 2015-2016 discussions, this has nothing to do with the Fiscal Year 2016-2017 budget.

Commissioner Fisher called the question.

Commissioner Infantini inquired when the Board would be discussing the prioritization of how it will be spending the taxpayer dollars.

Chairman Barfield stated the best time to do that would be when the Board is discussing the budget cuts and recommendations for Fiscal Year 2016-2017.

Commissioner Fisher stated he is glad she has some interest this year, because she has never made a cut, nor has she ever voted on the budget, so all the funding the transportation got up to this point, if it was not for the Commissioners that voted for the budget, they would have no transportation at all based on her vote; and maybe she will vote now that she is interested.

Commissioner Infantini stated she is consistent, it is not because she is running for office, she has consistently fought against this budget every year, and the reason she does that is because the Board makes choices, the Board offers \$8 million to a billionaire, the fourth richest man in the world, got offered \$8 million to move a business here; the Board's \$8 million is pennies to him; it is not relevant; and she never approves the budget because she never approves the excess of spending that takes place at these meetings. She asked why would she approve a budget that is filled with excesses.

Commissioner Fisher stated if the budget does not get approved, then the County has no funding and no dollars to operate this County; and that is how the process works, so whether she likes it or not, when she votes no to it, that says she is not going to fund anything. He added this is not Washington D.C., the Board has to be responsible, and being responsible is finding a compromise in the budget that the community and Commissioners can live with to make sure this County can continue to operate. He advised a vote of no means that she does not turn the lights on, she does not come to work, nobody has a job, nobody's trash gets picked up, no roads get paved, and all those things; the other Commissioners are trying to avoid that, so he would like the public to understand that a vote of no on a budget means that it does not operate or run the County.

May 26, 2016

Commissioner Infantini stated that is a false statement; if a budget is not approved, the Board reverts to the prior year's budget; and the lights will still be on, they just will not be able to be on twice as long as they are currently.

The Board adopted Resolution No. 16-087, approving the third quarter supplemental budget for Fiscal Year 2015-2016.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Andy Anderson, Commissioner District 5
<b>AYES:</b>	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
<b>NAYS:</b>	Trudie Infantini

**ITEM V.A., BINDING DEVELOPMENT PLAN, RE: RALPH AND CYNTHIA PERRONE**

Robin DiFabio, Planning and Development Director, stated this Binding Development Plan (BDP) proposal was tabled from the meeting of May 17, 2016; there was concern that there was a provision that the board members had recalled being represented on the record as far as providing additional buffering of some single family residences to the northeast of the subject property; and the BDP has been amended to clarify that that buffering is being included as part of the BDP.

The Board executed Binding Development Plan with Ralph and Cynthia Perrone, for property located on the northeast corner of N. Courtenay Parkway, and Skyline Boulevard.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Robin Fisher, Trudie Infantini, Curt Smith, Andy Anderson
<b>NAYS:</b>	Jim Barfield

**ITEM V.B., AGREEMENT WITH FIRM OF GARNER, BIST, WIENER, ET AL (DAVID S. DEE, ESQUIRE), RE: LEGAL SERVICES TO BE PROVIDED ON BEHALF OF BREVARD COUNTY WITH REGARD TO ENVIRONMENTAL LAW ISSUES RELATED TO THE PERMITTING OF THE US 192 PROPOSED LANDFILL**

Eden Bentley, Deputy County Attorney, stated this is a request for the Chairman to execute a Letter of Agreement for Legal Services for Environmental Permitting for the US 192 proposed landfill.

The Board executed Agreement with the Firm of Garner, Bist, Weiner, et al (David S. Dee, Esquire) for legal services to be provided on behalf of Brevard County with regard to environmental law issues related to the permitting of the US 192 proposed landfill.

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Robin Fisher, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Robin Fisher, Jim Barfield, Curt Smith
<b>NAYS:</b>	Trudie Infantini, Andy Anderson

**ITEM VI.E.1., DISCUSSION, RE: FISCAL YEAR 2016/2017 BUDGET DEVELOPMENT**

Stockton Whitten, County Manager, stated this Item is a request for the Board to discuss and provide policy direction regarding the development of the County Manager's Fiscal Year 2016-2017 budget proposal; as the Board is aware, Florida Statute, Chapter 129, Board and Financial Policies require the Board to tentatively ascertain the proposed Fiscal Policies and provide and present those to the County Manager in the form of direction with regards to development with regards to the development of the upcoming fiscal year budget. He added that is what this Item is; the Board has talked about several items during the course of the calendar year and the fiscal year and he has enumerated those on the Agenda Report; one of those is the addition of a Veteran's Services Officer, Commissioner Smith's proposed budget changes, and the exploration of the expansion of Transit Operations if additional tax revenues are available; and then to review the cost of constructing a sound barrier around the Sheriff's Gun Range. He went on to say staff is just now receiving the estimated tax values from the Property Appraiser's Office; that is still a work in progress, as of today, the new construction taxable value is approximately 48 percent of last year's new construction taxable value; Tom Rosenberg, Budget Director, screamed and he cried, so there is a long summer ahead, this budget can never get out of control because it has a Charter Cap that is set to a Consumer Price Index (CPI); and Mr. Rosenberg will take the Board through the presentation that it has seen many times before. He added in that presentation, he will give the Board the CPI projection, it is not at one percent yet, it will not get to one percent; and staff is here again seeking direction from the Board. He went on to say there is a lot of misinformation that has gone out to the public with regards to the Board's ability to fund road projects, Lagoon projects, and as staff has always said, the Board does not have broad discretion within one billion dollars; they do not have one billion dollars of recurring revenues; staff will talk about how the Board gets from the billion dollars to the \$210 million figure, in which the Board sets its priorities on; and if it is the Board's desire, with no objections, Mr. Rosenberg will take the Board through the presentation that is outlined in the Agenda Report.

Tom Rosenberg, Budget Director, stated the Board has seen this presentation before, it is worth going through this again to understand how the Board gets from the billion dollar budget that everyone is aware of, back to the \$211 million that the Board has for the General Fund; and he will walk the Board through this. He added this is based on the adopted budget, no amendments subsequent, this is still the adopted budget from October 1, 2015, of \$1,035,192,411; the operating revenue, those revenues that are used for day to day operations is approximately \$603 million of the \$1,035,192,411, balance forward, much of what was talked about a while ago, that is money in the bank that is brought forth into the new year; it is old money, and it is money that was already in the bank accounts. He explained financing of \$18 million represents new financing for projects, and then there are inter-fund transfers at roughly \$41 million; as he has stated, the Board starts with the \$1,035,192,411, and what they are really talking about is the new money that is available for operations; as any business functions, the less that is taken out of the prior year's cash, the more successful they will be, but eventually one will run out of prior year cash. He went on to say the start with the \$1,035,192,411, there is \$372 million that is brought forward



May 26, 2016

from the prior year, there is \$40 million of transfers, and those are transfers as such that they are an increase to revenue, and an increase to expense, it inflates the budget, but there is no additional money; it is what government accounting requires; and the financing is specific for some capital investment, and that is not an operating feature, it is strictly for Capital Funds, for Capital Investment. He advised that leaves about \$603.6 million of operating revenue; the largest individual source of that operating revenue is the special revenue funds; those are the funds that are self-supporting type funds, charges for services, being the primary source of revenue; property taxes from the general government property taxes are \$128 million; and there are some major revenues that include Florida Power and Light (FPL), half-cent sales tax, communications tax and service tax, etcetera. He added the enterprise funds are the type of funds that are self-sustaining, those are at about \$101 million; so as the Board gets the general idea, through this color of money, the pink funds are generally restricted to the special revenue groups, the grey funds are restricted to enterprise funds, internal service funds are the departments that provide a service to other departments, and he presented some Government Accounting Standards Board definitions. He stated special revenues account for report proceeds for revenue sources that are restricted to expenditures for specific purposes thereby limiting their availability; debt service funds are only for principal and interest payments; capital project funds, those resources are restricted to capital outlay; enterprise funds are business type or proprietary funds, so their revenues are to make them self-sustaining; and the internal service funds are those proprietary fund types used for an activity that provides services to other departments, such as the Information Technology Department, or Human Resources. He went on to say from a dollar perspective, of that \$600 million, \$210 million is the special revenue, Public Works is \$52 million, and for all intents and purposes, the funds presented in the presentation highlighted in different colors, are restricted to those fund groups; even the General Fund is somewhat restricted, of the \$25 million, Parks and Recreation, Central Services, etcetera takes that up. He pointed out the Board's generating revenue is available for the Board's discretion is \$186.7 million, that is all that is left of the new money that is readily available after all of the essentially restricted funds. He advised \$186 million would not support the Board's operation for one year; the source of those monies is by ad valorem taxes, which is by far the largest piece of the general government operating revenue, which is approximately \$128 million, the FPL Franchise Fees are another \$9 million, and Communication Service Tax, and a few other sources make up the new money; it is insufficient to support the Board's operations. He mentioned to be able to fund the Board's operations, it does have to use some of the balance forward to the tune of \$17 million; there are also transfers in, which are primarily excess fees from the Charter Officers; and that brings the Board to right about \$211 million that represents the discretionary availability in the general government. He went on to say out of that \$211 million, almost \$104 million goes to the Charter Officers for their operation, the largest number in that is about \$92 million goes to the Sheriff; the Board has mandated obligations from the State and Federal Government, primarily from the State for \$23 million and change; there are reserves, best practice states it should maintain somewhere in the neighborhood of 10 percent of operating revenues as reserves, and the Board is at around seven percent, but it needs some level of reserves. He noted the outside agencies, which include the Community Based Organizations total about \$660,000; by Statute the Board has to provide funding for the Courts, Public Defender, State Attorney, and Law Library, which comes to about \$2.6 million; and then there are the Board's General Fund supported departments, Comp and Benefits is \$31 million, their operating capital is \$30 million, and about \$5 million goes to debt service; and this is the adopted 2015-2016 budget. He pointed out the distribution to Charter Officers, Courts, and Mandates is nearly \$130 million of the \$210 million, Departments receive \$61 million, there is almost \$14 million in Reserves.

Mr. Whitten stated as staff talks about the money that is available for the Board's broadest discretionary disposition; staff thought it was best, the Board has seen this checkbook example three times now to show what its obligations are; what the Board begins the year with; just as the Board is familiar with the checkbook register; and as Mr. Rosenberg has discussed, staff uses a compliment of balances forward to fund operations. He pointed out there are the operating revenues and those are new dollars into the budget each year, approximately \$187 million, and then the transfers in for beginning balance of \$211 million; then there are mandates, which the Board is obligated to pay per State Statute, or per the Florida Constitution. He advised the first mandate, and they are numbered as the number one checks, Medicaid is a mandated requirement per Florida Statute. He went on to say that is about \$7 million; second are the commissions the Board is required to pay for the Property Appraiser Services, Schools, and Cities, in the collection of that County-wide property tax, the Board is required to pay a fee for service on behalf of the Schools and Cities to the Property Appraiser, and that is about \$5.3 million. He explained the Board is required to pay the Tax Collector for the schools, not the Cities and that is approximately \$4.7 million; and the Board can see just as a result of the three mandates that they just went over, it goes from \$211 million down to \$194 million. He advised the fourth mandate are courts and the law library, and that is approximately \$2.6 million; pre-disposition of juveniles is \$1.7 million; and again all of these are statutory requirements or a requirement of the Florida State Constitution. He went on to say this goes all the way to the Baker Act, which takes up \$1.7 million; as a result of just a few mandates, the Board has gone from \$211 million to \$188 million.

Commissioner Smith inquired what the loss of three to one State Match on the Baker Act section meant. Mr. Whitten responded if the Board did not pay that; and the directors are here to respond to questions.

Ian Golden, Housing and Human Services Director, stated the way the Baker Act mandate works is that the State puts up 75 percent of the funds, and the County is required to put up 25 percent; so if the Board did not put up its 25 percent, the State would not put up its 75 percent; and that is why the Board would lose that money.

Chairman Barfield inquired if the predisposition of juveniles is the same thing that Legislation was passed on for the Department of Juvenile Justice (DJJ); and if there is any indication of what that will be. Mr. Golden stated the indication that staff has is that the estimate that was put forth from his department and Shannon Wilson, Deputy County Attorney, is what came from the Florida Association of Counties; and he believes that is what is moving forward through the State. He advised that language made it a 50/50 split and also eliminated any credits and debits from previous years. He added it was about \$420,000 or \$450,000 from previous year's savings. Chairman Barfield inquired if this number is what it will probably be.

Mr. Whitten stated that is the current payment, so that number is probably not going to be next year's number, but staff will know when it gets there. Chairman Barfield inquired if based on what the new law is, will that project things the same or would it be more or less. Mr. Whitten responded that is a positive to the County, so it is a savings off of its payment. He went on to say the Board would have to pay less because the split is reduced to a 50/50 split, and inquired what it is right now.

May 26, 2016

Ian Golden, Housing and Human Services Director stated it is 57/43, the Board pays 57 percent and the State is paying 43 percent.

Mr. Whitten stated the Board is required to pay the Medical Examiner's Office, that is approximately \$1.4 million; the Comprehensive Plan function is just shy of \$1 million; and all the other expenditures that are small, such as East Central Florida Regional Planning Council (ECFRPL), Child Protection, Indigent Burials, Value Adjustment Board (VAB), Health Care Act, Inmate Medical, and Legal Aid, those amount to \$486,846; and four pages of mandates, not including the Charter Officers, and the Board is already down to \$185 million after paying for Mandates. He went on to say the Mandates are approximately \$25 to \$26 million before the Board gets to local services, or non-mandated local services; and moving on to the Charter Officers, the Board starts out with \$185 million. He advised the Constitution requires counties to operate jails, that is done through the Sheriff's Office, and the Sheriff performs that service at approximately \$41 million; the balance quickly drops to \$144 million, the Sheriff's County-wide Law Enforcement function is approximately the same as the jail function in terms of cost and that is \$40.6 million, reducing the balance to \$103 million.

Commissioner Infantini inquired if all of the Sheriff's functions come out of the General Fund. Mr. Whitten replied, yes.

Commissioner Infantini stated when things are done out of the Community Redevelopment Agency (CRA), and the North Brevard Economic Development Zone (NBEDZ), like the \$10 million that is proposed for a new stadium, that also comes out of the General Fund; and when money is taken out of the General Fund for a stadium, then there is not money there to pay some of these mandated items, and she wanted to make sure everyone understood.

Mr. Whitten stated the next item on the presentation is the Sheriff's function for the Courts; he is required to provide that per the Florida State Constitution, that is approximately \$6.3 million, netting the remaining balance of \$97.1 million; and the next function is for Animal Services, there is no statutory mandate for the Board to provide animal shelter operations. He added staff is listing Animal Services under the Charter Office, but there is no statutory mandate to provide part of this function; the amount for that is \$3.8 million; and from that \$211 million, the Board is down to \$93.2 million. He went on to say going down the list of Charter Officers, these are statutory requirements, they are separately elected offices, the Supervisor of Elections is approximately \$5.3 million, the Tax Collector is approximately \$2.5 million, Property Appraiser is approximately \$2.1 million; and the Clerk to the Board, which is primarily County Finance and the Minutes function is approximately \$2 million. He went on to say that is not the Clerk of Court functions, that is simply County Finance and the Clerk minutes function; and as the Board can see, before any of the other departments are addressed, primarily those departments under the County Manager, the Board is already down to \$81.4 million. He noted when talking about other obligations, Mr. Rosenberg has said the reserves, the projection is that it is 10 percent of the operating revenues, and as the Board can see, it is not quite there yet, it is at \$13.7 million. He went on to say the mid-year supplement certainly helps the reserves from that perspective, but coastal county cash flow requirements show it is not quite where it needs to be in terms of best practices. He added Debt Obligations are approximately \$5.3 million, CRA TIF payments are \$3.9 million; and referencing back to the \$211 million, the Board can see it is already at \$58.4 million. He stated he would take credit for this broad category for Public Safety, Infrastructure, and Veteran's Services; Fire Rescue/Emergency Medical Services is \$7.7 million, Public Works/Road and Bridge is \$5.8 million, and that is just the General Fund component of it,

not the Road and Bridge MSTU, or any other Local Option Gas Tax, or Constitutional Gas Tax; Ocean Rescue is \$1.5 million, School Crossing Guards are approximately \$600,000, Emergency Management and Emergency Operations is approximately \$600,000, and then Veteran's Services, which the Board has given him some direction to look at additional funding, is a little under \$300,000. He went on to say prior to addressing any of the Board of County Commissioners (BOCC) other departments, the budget is down to a little under \$42 million, which is four percent of the total budget that remains for other General Fund programs and services; to give the Board the broad category of those, it contains Parks and Recreation at \$12.3 million, and the break up by service district is as follows: North Area is \$3.5, Central Area is \$4.2, and South Area is \$4.4; and Central Services, which consists of Facilities, Asset Management, and Purchasing is \$8.8 million. He added next is General Government, which is the Board's Cost Allocation Plans, Auditing Services, Federal and State Lobbyists, and Investment Advisory Services is just under \$2.5 million; the Board's Compensation and Benefits, which is the annual sick leave pay-outs, and unemployment compensation is a little over \$1 million; and other expenses which are Property Tax Notices, Printing and Binding, and Advertisements, which is an extensive bill required when items are advertised to come before the Board, and that is approximately \$1.3 million. He noted Housing and Human Services is approximately \$2.5 million, which is broken up into two categories; the first one is Community Resources, and that takes care of Neighborhood Strategy Planning, the Commission on Aging, Together in Partnership, Brevard Homeless Coalition, and the Community Action Board, that totals \$1.6 million; and the last part is Community Impact, that takes care of Security and Safety of Residents, such as, Felony Probation, Juvenile Assessment Center and Specialty Courts, and Assistance to Low Income Families, which consists of Home Energy Assistance, Family Self-sufficiency, and Emergency Services, that equals \$928,009. He went on to explain the other discretionary General Fund Allocations are Information Technology at \$2.2 million, Transit Services at \$1.7 million, Commissioners Salaries at \$1.6 million, County Attorney's Office at \$1.5 million, Grants to the Economic Development Commission \$1.4 million, County Manager's Office is just over \$1 million, and UF/Extension Services at \$811,828, Human Resources at \$646,823, Budget Office at \$592,337, Community Based Organizations at \$510,200, Natural Resources at \$355,337, Planning and Development at \$345,205, Space Coast Government Television (SCGTV) at \$260,055, and Brevard Cultural Alliance at \$150,000. He pointed out that is the disposition of the \$211 million by department, mandate, and Charter Officers; he thinks it is important that Mr. Rosenberg talk about the Charter limitations, Brevard County is the only county out of the 67 counties in the State that has Charter limitations such as the one that the Board has; and it would be beneficial for Mr. Rosenberg to talk about that limitation.

Mr. Rosenberg stated he believes most of the Commissioners are aware of the Charter, Section 2.9.3.1, Limitations on Growth in Ad Valorem Tax Revenues; paraphrasing what it says, it is based on the budgeted ad valorem revenue of the prior year, the Board cannot set a millage rate that the increase in ad valorem taxes is greater than the lesser of three percent of the change in the Consumer Price Index (CPI); so, for example, if the Board had \$100 million of General Fund budgeted ad valorem revenue last year, it could only go up to \$103 million, maximum; but the CPI per the Census Bureau, has been much lower than three percent recently. He added looking at the past two years and comparing them, the CPI for all urban consumers, which is what statute requires, in 2015, for the full year, the CPI was 237.017 for 2014; it was 236.736, or a change of .281, which is a percentage change of .12 percent. He went on to explain that is the Board's limitation on ad valorem growth for each of the 25 taxing authorities that come under the Board of County Commissioners of Brevard County, except for those that are referendum; so the vast

May 26, 2016

majority are limited, and that includes the General Fund, so as staff sets millages, for the Fiscal Year 2016-2017 budget, they start with the premises of if this is the maximum increase to revenue, and they know what the property value is, and they received the preliminary values today, or the estimated values today. He went on to say new construction was considerably less than anticipated, it was less than half of last year; they start with that revenue limitation, it is divided by the property value, and that is the maximum millage that the Board can set; and there is discussion about moving millages between one taxing authority and another, but this Charter Limitation limits how high the General Fund can be based on the revenue; it can only be .12 percent greater than it was last year, there was no other money the Board could move from one taxing authority up there, this is the limitation. He added they estimated an eight percent increase in new construction, it was \$396 million of new construction in Fiscal Year 2015-2016, they know the economy is rebounding, they estimated it would go to \$430 million; and if he remembers this morning's number, it is at \$196 million. He noted this is dramatic, they did not realize it until today, this is now considerably over stated; that revenue cap of \$137 million; one of the points in the Limitations is that does not include new construction; the Board does get the benefit of new construction, because those properties did not exist on the tax rolls in the prior year; with that being less than half of what staff anticipated, these numbers on the worksheet are going to change, and they are going to go down. He stated this is the impact of the Charter Limitation; so County-wide revenue for the 2015-2016 Fiscal Year was budgeted at \$135.1 million, the Charter Limitations state that staff could have gone to \$137.2 million, with what staff saw this morning, they are probably looking at \$1.1 million less than that, which will probably only go to \$136 million. He added it is probably about a \$1 million increase to support all additional requirements in Fiscal Year 2016-2017, that have been talked about at this meeting and in other departments; there is considerably less money than was originally thought; staff was somewhat optimistic that the Board's new construction might be higher than the numbers on the slide, but it is not; and that is the Charter Impact. He reiterated that Brevard County is the only county out of 67 that has this Charter Limitation.

Commissioner Anderson stated he would like Mr. Rosenberg would tell the public that once again, so they understand it. He noted an increase in Assessed Values, and specifically when those houses were in foreclosure, sold at a much higher price, to a new owner, those new assessed values upon transfer of the property, the Board does not get the benefit like other jurisdictions within the same County.

Mr. Rosenberg clarified because of the Charter Limitation, which is a limitation on revenue, the Board's revenue is fixed; the increased property value, whether it be through the example Commissioner Anderson gave, or just the normal appreciation of home values, all it can do is depress the millage rate, the Board cannot get more than \$137, or probably \$136 million. He added they know the property value estimate is slightly over \$1 billion; and when dividing that \$137 million by a growing number, with that limitation, the pure math states that is the Board's revenue limitation, the property value is going to go up, the cannot increase the revenue, therefore the millage goes down. He went on to say they saw in some other presentations that staff has made, most other counties are able to take all of their appreciation, they keep the millage flat, they get increased property values, and by default with a flat millage, they get a much larger increase. He advised they get their percentage increase of property value flowing into revenue and the Board cannot do that here.

Mr. Whitten stated the budget always has a ceiling that no other budget has in the State; it is maintained under that ceiling; he believed the Property Appraiser was still working on the construction permits and the estimates there; and he is hopeful that that number will get

May 26, 2016

better. He added he is not optimistic that it will be at the level of last year, but he is hopeful that it will get better between the estimates that have been received to date and the preliminaries that the Board will get prior to July 1. He stated that was the presentation, and the Board has, as a part of this, Commissioner Smith's proposed budget changes.

Commissioner Fisher stated there are a couple other things to note that were not said in the presentation; there is a cap that some say might be illegal; and Brevard is the only county out of 67 that have it. He added there is no public service tax that most other charter counties have; there are no impact fees for the past five years; there is not the same amount of gas tax as surrounding counties; and there is a lower ad valorem tax than the other counties. He stated when taking all of those things into consideration, as he has said before, there is a revenue issue; and there is no where a person can prove in any watch dog reports or whatever that the County spends more per mile on roads, more per person on citizens, or whatever category, there is not one that says Brevard County is wasteful. He advised he did notice in Commissioner Smith's presentation there were two very similar numbers, the Animal Services and the CRA payments in millions; from a CRA payment standpoint, if he is going to look at return on investment, for example in the north end of the County, the investment, which has been basically two payments is about \$6 million; and it has created about \$698 million in return of new money coming into the marketplace. He noted it is a pretty good investment. He stated on Animal Services, he is not sure what the return on it is; he is not sure the Board wants to say it wants to get rid of, but he it is interesting those numbers are similar; and he knows there are other services out there that could take Animal Services.

Commissioner Infantini stated she has never actually seen the proof of numbers such as the \$698 million thrown out that was created in North Brevard, because if all of that was created in the last few years, and Mr. Whitten just said the new construction was less than half of what it was last year; she inquired how did Commissioner Fisher get the \$698 million; and if this is stuff that is promised to come in the future, because she has not seen that new construction go up.

Mr. Whitten advised the Board as Mr. Rosenberg said, the new construction last year was a little under \$400 million; the estimate today was a little under \$200 million; the Property Appraiser said they are going through a conversion, they believe that the number will change; and he does not know how close the County will get back to the \$400 million number. He went on to say again, all of these figures are as of January 1, 2016 to fund next fiscal year; there is activity out there, there is new construction; and it is a matter of when it will hit the tax rolls.

Commissioner Infantini stated the \$300 million and the \$200 million adds up to \$500 million in new construction Countywide, yet Commissioner Fisher is saying that in the last two years he has generated \$700 million in just North Brevard County; and she thinks there may be a gap somewhere and all of that revenue has not been created just yet. She went on to say maybe it is jobs or companies that plan on coming that have not gotten here yet, because it has not hit the property tax rolls yet as Mr. Whitten has explained.

Commissioner Fisher stated most things when an investment is made; it takes time to get a return on them.

Commissioner Infantini stated all of that money, because it is new construction in the North Brevard Economic Development Zone, will not go into the General Fund because 90

May 26, 2016

percent of the tax collected in the NBEDZ will stay in the NBEDZ; and even though it is generating \$600 million in new building, the tax dollars will not go into the General Fund.

Commissioner Anderson stated it is a complicated calculation; fortunately for Mr. Whitten, for the first time in his life, in the City of Palm Bay there was \$300 million in new value calculated for permits issued in commercial projects that are under construction or soon to be under construction; and they will not see that in the City of Palm Bay for maybe 24 months.

Mr. Whitten reminded the Board by saying when it is saying value, it is utilizing market value; it is market, assessed, minus exemptions, which gets it to the taxable value; it may very well be \$600 million, but it nets a taxable value of a certain amount; and the Board needs to remember when throwing these figures around it is market, assessed, minus exemption, equals taxable value.

Commissioner Anderson pointed out the assessments are much lower than the value assigned at the time the permit is issued.

Commissioner Fisher stated there is no public service tax, no impact fees, no extra gas tax, the ad valorem tax is lower than anyone else, there is a cap on the Charter, and there are serious issues; the County cannot cut itself to greatness; and he tried it for the first six years, and it does not work.

Chairman Barfield stated the issue he sees is it is also cumulative, and the cumulative effects is what is bothering the County; one of the things he really does not understand is back when the Charter was done using the Consumer Price Index (CPI); CPI is basically a market basket; it really does not apply when using that for revenue for a County or any industrial business; and prices of concrete, and asphalt go up, health insurance goes up, Workers Compensation Insurance, and even liability insurance goes up tremendously, which is compounded over the years. He went on to add meanwhile the County sticks to what the CPI is, which is not applicable to what is spent and what the cost of business is for the County; and that is one of the worst problems the County has. He stated having a cap is not good, but when also having it tied to the wrong index it makes it even worse.

Commissioner Anderson stated Frank Abbate, Assistant County Manager, probably knows better than anyone the new Department of Labor rule that looks like it will go into effect; he thinks it is \$47,000, which will impact the County.

Mr. Abbate noted there is a provision that the Department of Labor that will be effective December 1st for Fiscal Year 2016-2017, which will expand significantly for the Board the employees who will no longer be exempt from overtime, they will need to be included in overtime; and that is based on the salary and a certain threshold that has to be met. He stated a person has to be making over a certain amount of money before he or she could even be considered exempt; that amount of money has not changed for a number of years; it was in the area of \$26,000; and it will go to \$47,000 a year. He went on to say the impacts of the Board is of the employees it has that are currently exempt, about 240 will now become overtime eligible, meaning there will be certain levels of supervision; it does not matter if he or she is a supervisor and previously have been exempt from overtime, because the starting salaries will be under \$47,000; and he reiterated there are 240 of them that will fall into that category that if they do any work over, he or she will be required to receive overtime. He pointed out they have discussed this with directors and they are

familiar with this rule change that will be effective; and the departmental budgets will have to be adjusted accordingly to accommodate that.

Mr. Whitten stated the whole point of staff's presentation, and probably the third or fourth time the Board has seen the check book example, is to really drive home the point that it does not have a billion dollars of new money coming in each year; it does not have broad discretion over that billion dollar budget; the Board cannot take five percent of a billion dollars and reprogram that into roads, for example; its discretionary funding is about \$211 million; and even that is not the proper way to say it because the Board again has to strip out the \$25 million in mandates, and \$130 million for the Charter functions. He stated of the \$211 million, \$155 million actually goes to either Charter Officers or mandates; and it is then left with that number of the Board's discretionary funding. He went on to say on this Item is Commissioner Smith's proposed budget changes; he can go through those if Commissioner Smith would like him to; they do have staff responses; the Board has that in its package; and staff is obviously available to provide the Board any detail it needs regarding their responses.

Chairman Barfield stated the Board can go through the list; there is a point of order because on the CRAs there is a Resolution that was passed on January 26, 2016, that requires a vote by the Board to put it on the Agenda. He read as follows, "Until otherwise directed by a majority vote of the County Commission, the County Manager is hereby directed not to place any item on the County Commission Agenda which addresses the funding, defunding, or dissolution of CRAs or other tax increment funded entity or the discontinuation of economic development incentives, including cash grants and ad valorem tax exemptions." He pointed out this is a result of the numerous times this issue has come up over a period of time with the same issues the same people being called up to the podium, which is a void to repeating over and over again with the same result.

The Board did not approve placing an item on the Agenda which addresses the funding, defunding, or dissolution of CRAs or other tax increment funding entities or the discontinuation of economic development incentives, including case grants and ad valorem tax exemptions.

<b>RESULT:</b>	<b>DEFEATED [2 TO 3]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Trudie Infantini, Curt Smith
<b>NAYS:</b>	Robin Fisher, Jim Barfield, Andy Anderson

Commissioner Infantini stated for the public, that means the Board is limited to what it can discuss, so all of the items she brought up previously prior to the silencing of the Board, it cannot discuss anymore; the Board cannot discuss not funding the North Brevard Economic Development Zone (NBEDZ), the \$10 million that the Board is talking about putting into a new stadium, the \$8 million for the billionaire, the \$6 million for the new mall in North Brevard, and the Board is not allowed to discuss not funding things like that; and when the public's taxes go up, he or she will know why.

Chairman Barfield pointed out the reason it is not coming up is because the Board has gone through this so many times, which ended with the same voting results, and there is no reason to keep doing that.



May 26, 2016

Mr. Whitten stated Number 2 on the list is County Parks that could be turned over to cities, specifically Lori Wilson, Lipscomb Street Community, Cherie Down, Cuyler, and Palm Bay Regional Park/Aquatic Center/Senior.

Jack Masson, Parks and Recreation Director, stated staff is in discussions referencing Lori Wilson Park; there has been no decision made on that Park yet; the Palm Bay Regional Park, the Board has already approved that the City of Palm Bay for the conveyance of the three facilities; and that is in effect currently. He went on to say Cherie Down Park, the City of Cape Canaveral has asked that staff cease negotiations at this time; the City of Melbourne and staff is currently in discussions on the legal side with their legal department reference conveyance; there is a big stream of ownership that will take a while with Lipscomb Street Community Park; but staff is currently moving forward with that.

Mr. Whitten stated the Board approved Oars and Paddles; staff has done a good job in turning over parks to cities; and that is primarily so the County can establish some distance between the expenditures and the revenues within the department. He stated he understands this is to see what the Board could get for roads, but there is not a whole lot with regards to the listing there.

Commissioner Smith inquired if staff is saying with Lori Wilson Park that the County is in negotiations with the City of Cocoa Beach. Mr. Masson replied staff is in ongoing conversation with the City of Cocoa Beach and the District Commission Office. Commissioner Smith inquired if that were to occur, the Board would saving \$163,000 roughly on a recurring basis year to year. Mr. Masson replied currently the operating budget at those park expenditures is \$160,000.

Chairman Barfield stated the issued he has seen so far is yes, the cities want to take over a park, but they do not want to put the money into it, or with Lori Wilson Park, they would probably charge for parking, which is contrary to what the County does to make it available to the public. He stated it sounds good to be able to cut money there, but the County would still be paying it until the city took full ownership.

Commissioner Smith stated the County went through the same thing with the City of Palm Bay. Mr. Masson stated the County is paying the City of Palm Bay over a five-year period; the County has made the first payment; and there are four years left on the contract. Commissioner Smith inquired if at that point it time it becomes the City of Palm Bay's responsibility. Mr. Masson responded that payment is a percentage of the total operating expense for the park. Commissioner Smith inquired if the Board would be doing the same thing for Lori Wilson Park to negotiate some kind of deal where the County will continue to pay for four or five years. Mr. Masson replied he does not know if staff is at that level; he is optimistic that Lipscomb Street Community Park will happen; the County is currently paying the City of Melbourne approximately \$80,600; and staff is currently in negotiations with the City of Melbourne and discussions on the staff level.

Commissioner Fisher inquired on the Lipscomb Street Community Park, is staff saying the County would not pay them any money and they would take the park and operate it. Mr. Masson noted that would be his recommendation. Commissioner Fisher inquired if the City of Melbourne is willing to accept that. Mr. Masson responded he cannot state that.

May 26, 2016

Commissioner Smith stated what he is looking to do is the recurring expenses of \$163,000 and/or \$319,000 at some point in time they will go away; and eventually that would be money not going out but would be staying in the County.

Commissioner Fisher stated the reason that particular park jumped out of him is that is an under privileged area; the City of Palm Bay sees a revenue stream for them with some of the things they are doing there; and they can eventually offset that. He stated he is not sure that the revenue stream would ever be there for Lipscomb Park or the City of Melbourne would ever take on \$80,000.

Commissioner Anderson stated with other communities just to absorb the costs may be a hardship; in the City of Palm Bay they are going to put in a campground, which will offset the costs; and he does not know if every park has the opportunity to get new revenue streams like the regional park does. Mr. Masson pointed out it is a park by park basis.

Commissioner Smith stated his whole purpose is to explore the County's options; the Board knows it needs to come up with funds for roads; and he spoke with two different asphalt plants, and they say they have not seen asphalt this cheap in 20 years, so each day the County is not paving it is costing the taxpayer's money.

Chairman Barfield inquired how the Board can make sure if it does identify cuts that they are specifically set aside, or reallocations, for a specific cause like for roads.

Mr. Whitten replied that is the budgeting function; if there is a savings in one program or service, that transfer will be reduced and another will be increased; and he reiterated that is just budgeting. He stated this is a proposal of joint dispatch with fire and local governments; and staff will talk to the Board in regards to fire and the Emergency Operations Center (EOC). He went on to add Chief Mark Schollmeyer can respond to his concerns with joint dispatch.

Chief Schollmeyer, Fire Rescue Director, advised the Board currently Brevard County Fire Rescue (BCFR) has a dispatch center in the EOC; they dispatch for not only Brevard County Fire Rescue and Emergency Medical Services, but they dispatch for the Cities of Cape Canaveral, Palm Bay, and Rockledge; staff's concern with consolidated dispatch and losing functional control of dispatch has affected most of the Automatic Aid Agreements within the County are based upon the County dispatching for a city; the County has co-habitation agreements with the City of Palm Bay, City of Rockledge, and the City of Cape Canaveral, all of which are dispatched for in return for lease of space in their fire stations; and if the County was not the ones dispatching for these municipalities, they would actually lose the space and have to pay for space in their fire stations. He went on to say the other issue staff has is whoever dispatches for the County they have different CAD systems that is used, and if the dispatch center was lost, the County would have to go to whatever CAD vendor they would be using, which means the County would have to get additional CAD licensing for 65-70 mobile data terminals, plus annual recurring maintenance costs.

Commissioner Smith inquired how much would that cost. Chief Schollmeyer replied a lot, he will get the Board those numbers; and those CAD licensing agreements are very expensive.

Kimberly Prosser, Emergency Operations Director, stated there is currently not enough space in the EOC to locate additional dispatchers; in fact, there is not a facility anywhere in

May 26, 2016

the County that there is currently a public safety entry point where this co-location or consolidation could take place; and if the joint dispatch center was to be located elsewhere other than the EOC, it would require additional expenditures to Emergency Management, including relocation of radio consoles and backup radios, T-One Fiber connectivity to the radio system, reconfiguration of recorders, and reconfiguration of the radio system. She went on to add they would need to relocate the 9-1-1 radio equipment and those servers, add/or expand dedicated telephone circuits, they would need to upgrade electrical system, the generator, and UPS to support that power load, and they would need to reconfigure the 9-1-1 phone system and that network; and for the Emergency Operations section they would need to relocate the National Alert and Warning System, Emergency Management network equipment, and the satellite dish for the County warning plan.

Commissioner Smith stated unless the Board comes up with an EOC building, then it is not feasible, or the cost would be prohibitive.

Mr. Whitten responded this is an evolving discussion because it has to happen concurrent with funding for a new EOC; if the County is ever blessed with funding for a new EOC this discussion matures; but with all their concerns it has to kind of occur in step with funding for a new EOC.

Commissioner Fisher pointed out the cities all have to be on board with this to achieve the savings.

Chief Schollmeyer stated when talking about consolidating dispatch systems, a lot of municipalities are afraid of losing that functional control; the County is probably one of the busiest users of that system; and everyone would need to be on the same page.

Commissioner Infantini stated she would like to welcome and thank Commissioner Smith for coming up with all of these suggestions; every year she has brought budget suggestions; and every year she receives objections to her suggestions. She went on to say she would like to propose something different, she would like to make a challenge to staff directors, to give each director a bonus of 25 percent of everything he or she can save or cut out of the budget; she thinks the best way to find budget savings is to go to the budget directors; and none of the Board's research has been fruitful.

Motion by Commissioner Infantini to give anyone a 25 percent return on the recurring dollars he or she saves every year. Motion dies for lack of a second.

Commissioner Smith stated he likes the spirit of that but he would like to look into it a little bit more.

Mr. Whitten stated the County has great staff, and they all consider themselves professionals, and to not give the Board the facts would be irresponsible; it is not staff saying no, they tried to give thoughtful, intelligent information regarding the proposals; in 2009 when the County was in budget crisis, there were three Countywide workshops where staff could give their best cost cutting ideas; and not only were the workshops held, it was also done through Survey Monkey so if a person did not want to have their identity known, it could be submitted anonymously. He added the Board continued to have the Employee Innovations Program where any employee can submit an idea for cost savings, and they will receive a percentage of those cost savings; if a person washes their hands in a County building, he or she will use cold water; they no longer have night time janitorial service,

May 26, 2016

because it is cheaper to have it in the day time; and he will not say the service is better, but that is one of the cost cutting measures. He went on to say they are in a very big way into Lean Six Sigma; there are some efficiency that can be gained; and he encouraged the Board to read up on what Lean Six Sigma is. He pointed out the information is located on the County's website; they are looking at the hiring process, the development application process, homeowner construction process, site construction permitting, CAP registration process, streamlining the Library financial processes, emergency shelter worker program, community supervision process improvement, Human Resources Compensation refund processing improvement, and a number of other initiatives; and they are constantly in the process of continuous improvement. He noted staff struggles with the responses because they want to be factual and do not want to be tagged as just a staff that is here to say no; they have over time in a very thoughtful way, looked at how the expenses can be reduced; and staff continues to do that. He stated what the Board has before it are the real facts of the matter; it is not an attempt to stonewall the recommendations; but it is simply staff's best professional response to the Board.

Commissioner Smith stated that is what he is looking for and the Board has to start somewhere; if staff can tell him what the stumbling blocks are, maybe he can help get over those stumbling blocks; and until he knows what they are, he cannot work towards that. He went on to say he has received nothing but cooperation from staff since he started as a Commissioner.

Commissioner Fisher stated Commissioner Infantini is exactly right that in seven years she has not found the cuts, but Mr. Whitten did not have a choice; what Mr. Whitten is not saying is the revenue went down \$30 million; when the revenue went down, all of a sudden things needed to be cut; and when the revenue goes down by that amount, there were serious cuts and decisions that had to be made.

Frank Abbate, Assistant County Manager, stated the Voice Over IP's has been accomplished, so the County has very significant savings over a five-year period; just over the current costs, it is projected to be \$1.7 million over a six-year period; and that is just from what the current costs are. He went on to say what is important to note is that is significantly more than that over what the County was paying three to five years ago because other costs have been reduced during that period; staff is grateful to the Board to having approved this a couple of weeks ago; and it is important to indicate that there are a number of staff members who are very involved in this in making the recommendation that they were able to go forward to the Board and get the 5:0 vote on it to move forward. He advised the Board those individuals are Jeff McKnight, Information Technology, Dennis Neterer, Fire Rescue, Kimberly Prosser, Emergency Management, and Jay Shifflette, Information Technology; he was impressed with preparations and the types of questions they did in going to the Request for Proposals (RFP) process, because it was during a difficult period in which the IT Director was lost; and he is grateful for those individuals.

Commissioner Infantini stated she has one correction; she did make one recommendation that was followed and that was in 2009.

Mr. Abbate pointed out a recommendation on the consumer driven health plans were accomplished by staff; and staff has done a number of different things in different areas to create those efficiencies.

May 26, 2016

Commissioner Smith commended staff for working hard on this overlay and coming up with very good numbers that will save the County a great deal of money.

Mr. Whitten stated the fifth recommendation was a four-day work week, and Ms. Camarata is going to discuss that.

Teresa Camarata, Central Services Director, stated going to a four 10-hour day would result in a very negligible savings; the County would be going from having the buildings operating 10 hours a day, they are currently operating 7:30 a.m. to 5:30 p.m.; and there would probably only be about a four percent savings. She added 30 percent of the General Fund buildings are 24/7 operations of the Sheriff; it would reduce the electric bill maybe \$50,000; and when the County went to day time janitorial service, it saved \$400,000.

Mr. Abbate noted one reason why there is not the type of savings, for example, the Board used the comparison with Eastern Florida and how much they saved, one reason why those savings would not been seen here is because this Board has already moved forward on the energy performance contracts, and when that was done, when there are no people in the County facilities, the lights are off, and the air conditioning goes to the ambient temperature.

Chairman Barfield inquired how much the County has saved with the energy performance contract. Ms. Camarata replied they do not have the measurement and verification report; with some facilities it looks like the County has saved around 10 percent; and in others it looks like the County has saved between 40 and 50 percent, and it really varies.

Mr. Whitten advised the Board the savings pay for the debt, and after the debt is retired, that is when the County really sees the savings. He went on to say the libraries are doing extremely well.

Ms. Camarata stated in some of the County buildings the old air conditioner units have not been replaced; some of these building have the original air handlers; and the County is not seeing the savings it is seeing with the buildings that have new air conditioners.

Commissioner Anderson stated in some functions four 10-hour days may work; and some areas are not customer-service driven. He inquired if staff has screened the property on Malabar Road because there a lot of interested buyers, it is the 12 acres; and he thinks there were emails a couple of months ago. Ms. Camarata replied she does not think that has been resolved yet, but she will follow up on it. Commissioner Anderson stated he does not care if the County gets some money, but he knows there are several people who want to develop it. Mr. Whitten stated staff will look for that.

Mr. Whitten inquired if there is anything that needs to be highlighted regarding that property; he stated he thinks someone has approached Ms. Camarata about the Department of Corrections (DOC) property; staff will look at that, it is complicated, it is across from the Jail; the Sheriff is using the small portion of that; but he thinks Ms. Camarata has had some overtures with regards to that property. He went on to say if Commissioner Infantini wants to put something back on the table, staff is happy to do that.

Commissioner Infantini stated she wants to put the stadium back on the table, that is \$18 million, and goes right back into the General Fund; the County lost the \$18 million, but it keeps discussing the 114 acres; and it baffles her why.

May 26, 2016

Commissioner Anderson inquired if that would go back to the General Fund. Mr. Whitten advised the Board it never came from the General Fund.

Commissioner Infantini noted the stadium absolutely would go back to the General Fund.

Commissioner Anderson stated it was paid for by Tourist Development Funds; and he is sure the hoteliers would be thrilled with that marketing money.

Commissioner Infantini stated it does not go back to the TDC.

Commissioner Anderson inquired if Commissioner Infantini could show him State law where the County can keep it, or get a legal opinion.

Commissioner Infantini replied affirmatively, she would gladly do that.

Commissioner Fisher stated he is so glad the County had that stadium; he was in a meeting with USSSA last week; Commissioner Smith and Mr. Whitten can vouch for this; and the County can become the amateur sports capital of the world. He went on to add they own their tournaments, they are the sanctioned body for all of the tournaments, and it was interesting to him that they have not even taken possession of that yet, but they have bought three residential lots in Viera, seven condominiums, and going to move 40 people here; and he told them the other they is they had a fear they do not have the hotel capacity to handle what they are bringing to the County. He stated it may have been one of the best moves the Board has made in years; and if the stadium was not the County's, it would not get to be the amateur capital of the world, and have kids and people coming in here.

Commissioner Smith stated they are talking about bringing in over 200 teams a week, and each team has 15 to 20 kids and parents; that is a lot of room nights; and it is a lot of money coming into the County because those people are going to eat, going to the beach, the movies, and being entertained.

Commissioner Anderson stated there is no business that will buy a stadium straight out because there is no revenue generated just from the stadium; the revenue generated just from the stadium just from surrounding businesses and hotels, so the stadium would actually be only worth the land value; and whoever will fit on that would likely tear it down and build something out.

Mr. Whitten stated the training complex is owned by The Viera Company, so the number is not all the County's property. He stated he is assuming, based on the discussion, the Board is fine with its previous direction regarding Number 6; and if the Board wants, staff can move on to Item V.C, Approval, Re: Community Based Organization (CBO) Funding Program, which is also Number 7, the Community Based Organization (CBO) funding.

Commissioner Fisher stated for the record, the 114 acres made the most sense to sell, but the Board told residents it is about quality of life; and he is willing to stick to his commitment he made to the citizens.

**ITEM V.C., APPROVAL, RE: COMMUNITY BASED ORGANIZATION (CBO) FUNDING PROGRAM**

Ian Golden, Housing and Human Services Director, stated the CBO funding is about \$510,000 that is put out through an RFP process to multiple non-profits throughout the County; those dollars then go and turn around and serve approximately 17,000 residents a year; and cutting funds would obviously eliminate the services that are purchased for those residents. He went on to add those dollars do draw down about \$1.2 million in leverage funds from different State and Federal Agencies for things like Meals on Wheels, transportation for Alzheimer's patients, and so forth; there are ripple effects to cutting some of that funding, for example, one of them is transportation for the Brevard Alzheimer's Association; it is an ADA transportation; and they actually provide the service in lieu of Space Coast Area Transit (SCAT) having to do it. He pointed out if that funding was ceased, SCAT would end up providing that transportation service; he stated one of the benefits of having Alzheimer's do it is they are drawing down about a three to one for about \$44,000 or so the County gives them in CBO funds, they leverage about \$150,000 in additional funds; and now he does not think SCAT has the capacity right now to take on that service, and that is one example of the ripple effect. He advised the Board the Agenda Item V.C. is brought before the Board because staff is seeking direction, as Commissioner Infantini has stated previously, typically they are already out on the street with an RFP; the longer the County waits, it has impact on the other agencies in how they do their planning; it has impacts on the advisory board as well as staff impact; and the Item is to approve the CBO process itself, which was direction from the Board staff received, to go back over the process; staff did that and sat with the Community Action Board, which reviews the RFP and makes recommendations for changes to it, and for funding based on the applications received; and they had a public meeting where agencies were involved, and provided comments. He noted what happened is the CAB is happy with the process, so what they did is they recommended the County retain the process as it is, and it is outlined in general for the Board; they do not want to have presentations; they feel like the applications need to stand on their own; and looking at the fact that several specific issues had to do with not approaching board members, either CAB or Board members during the process. He stated they did have a couple of small changes having to do with the date and time to be updated; and as part of the Agenda Item staff is asking that the committed amount of funds are there so staff can move forward with the process.

Commissioner Smith inquired if staff is saying that Aging Matters can leverage from the \$90,000 the County awards them roughly \$1 million. Mr. Golden replied affirmatively. Commissioner Smith inquired how many applicants they had last year. Mr. Golden responded approximately 17 or 18 applicants. Commissioner Smith inquired if out of the 17 or 18 applicants, staff awarded 14. Mr. Golden replied affirmatively. Commissioner Smith stated Aging Matters was the biggest recipient; and if staff were to eliminate Aging Matters and chose someone else, they would have to try to get more funding from someplace else. Mr. Golden replied affirmatively because it is a competitive process; however, some of the questions in the RFP do have to do with how much leveraging is brought in; and they actually get additional points based on leveraging.

Chairman Barfield stated he ran a spreadsheet he called Return on Investment for Aging Matters; just for the Meals on Wheels nutrition program, 1,735 seniors will participate in 2016, 195,731 meals, the County puts \$60,000 up, and United Way almost matches it at \$55,000; the Federal match is \$1.36 million; and the total is \$1.151 million, which is a 1,820 percent return on investment. He stated the other big one is the Senior Assistance Program where the County puts up \$30,000, the United Way puts up \$16,000, and the Federal match is \$422,000; and that is a \$468,000 total with a 1,463 percent return. He pointed out the fact that they require the match of at least 25 percent in the criteria to him is what really makes it; the at risk children organizations, if the children are not kept out of prison at an early age, the estimate are it will

May 26, 2016

cost the government \$1 million for that person down the road; and he looks at this as pay now or pay later.

Commissioner Smith inquired how much Aging Matters collects absent what the County gives them. Mr. Golden replied he does not have their operating budget in front of him. Commissioner Smith inquired if they would still get that \$1 million from the Federal and State sources, because if they are collecting say \$600,000 from other sources, could it still get them the leveraging aspect.

Chairman Barfield advised they have other programs as well like care giver support; that is \$9,000 and they get a grant from United Way for that; and at that point, they take it for a Federal Grant of \$213,000, and turn that to \$237,000. He went on to say they also have Community Care for the Elderly, which gets \$105,000 just from donations; they get a grant from United Way for \$25,000; and they get the State grant for \$1.17 million, turning it into \$1.3 million.

Commissioner Smith stated he does not want to come across as being hard-hearted, because anyone who knows him knows that is not the case, but what the Board is doing is telling the public they should support X, Y, Z charities; he supports charities of his choice; and for government to tell him what he should support, that is his hang up. He stated he does not have anything against Aging Matters or anyone who receives these funds; but he does not think the County should be in the business of deciding winners and losers in the area of charities.

Motion by Commissioner Smith, seconded by Commissioner Infantini, to eliminate the Community Based Organization Funding Program in its entirety.

Commissioner Infantini stated she has the donor list from the Field of Dreams; there are all kinds of organizations on there; there is also governmental entities; as a dear friend has told her numerous times, it is against the law to tax the public and turn around and give the money away to charity; and she does not have the right to give away people's money. She noted she loves all of the non-profits, but it is not fair the County gets to pick the winners and losers, and it is not right. She went on to say that Betsy Farmer has worked tirelessly; she does not receive money from the County, but she works the system to see how she can get State Legislators to help her with tax credits and things like that; and she can no longer in clear conscience to tax the public so she can feel good about the organizations the County gives money to.

Commissioner Smith stated the \$500,000 does a lot of good, but it does a lot of good for a very narrow portion of the population; if the Board takes the \$500,000 and put it towards roads, it benefits the whole population; that will not buy a lot of roads; and he reiterated it will benefit everyone.

Commissioner Fisher stated whether the Board spends money in Brevard County or send it to the State as taxpayer money, all of it is the citizens money; he appreciates Commissioner Smith's position; the Board previously cut these agencies; and he thinks it should be increased by \$500,000. He added there are seniors in desperate need; and he would argue to fund all of the charities.

Chairman Barfield stated one of the things he did not bring up about Aging Matters is when there is a hurricane, the County has to have a list of where the shut in people are; he is pretty sure they are the organization who provides that information; and he inquired if that is correct. Mr. Golden replied he is pretty sure that is where that information comes from.

Commissioner Smith stated Meals on Wheels is a great program.



Chairman Barfield called for a vote on the motion. The motion to eliminate all Community Based Organization funding in its entirety was defeated.

<b>RESULT:</b>	<b>DEFEATED [2 TO 3]</b>
<b>MOVER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>SECONDER:</b>	Trudie Infantini, Commissioner District 3
<b>AYES:</b>	Trudie Infantini, Curt Smith
<b>NAYS:</b>	Robin Fisher, Jim Barfield, Andy Anderson

Ian Golden, Housing and Human Services Director stated Community Based Organization Funding (CBO) is about \$510,000 that is put out by a Request for Proposals (RFP) Process to multiple non-profits across the County; those dollars then go and serve approximately 17,000 residents per year; and cutting the funds would eliminate the services that are purchased for those residents. He added those dollars do draw down about \$1.2 million in leverage funds from different State and Federal agencies; that is for things like Meals on Wheels, Transportation for Alzheimer's Patients and so on; there would be ripple effects if funding was cut, because the Transportation for the Alzheimer's is required by the American's with Disabilities Act (ADA); and they actually provide the service in lieu of Space Coast Area Transit (SCAT) having to do it. He advised if that funding was ceased, SCAT would then have to provide that transportation service; one of the benefits of having Alzheimer's do it, is that they are drawing down about a 3:1 ratio, for about \$44,000 or so that the County gives in CBO funds, they leverage about \$150,000 additional funds; he does not know that right now SCAT has the capacity to take on that service; and that is just one example of the ripple effects and the other impacts upon other departments. He explained, the Agenda Item V.C., is brought before the Board because staff is seeking some direction, and as Commissioner Infantini has stated previously, typically, staff is already out on the street with an RFP; the longer they wait, it does have an impact on other agencies on how they plan; and it has impact on the Advisory Board as well as staff impact the further it goes out. He went on to say the Agenda Item is actually to approve the CBO process itself, which was some direction from the Board that staff had received to go back over the process; they did that, they sat with the Community Action Board (CAB) which reviews the RFP, makes recommendations for changes to it, and makes the recommended changes to it, and makes the recommendations for funding based on the applications they get in; and there was a public meeting where other agencies were involved to provide comments. He mentioned what happened was CAB was very happy with the process; so what they did was recommended that the process be maintained as is; and staff has outlined it in general for the Board to look over. He noted the outline states that the CAB does not want to have presentations, they feel the applications need to stand on their own; and looking at the fact that several specific issues having to do with not approaching Board members, either CAB, or Commissioners during the process. He informed the Board they wanted to eliminate the training for the agencies, technical assistance, and they did have a couple of small changes having to do with when it is to be dated and submitted; and there were a few changes made to the application. He pointed out they updated the mileage reimbursement agencies are able to receive to make it in line with County Policy; they added staff contact information to the qualifying criteria section; as part of this Item, staff is asking that the commitment of funds are there; and that is so they can move forward with the process, and not find out once the agencies and CAB volunteers have put the effort into submitting applications to find out the funding is not going to be there.

Commissioner Smith inquired that Aging Matters can leverage, from the \$90,000 that is awarded to them, they can leverage that from State and Federal sources, at roughly \$1 million; and he stated he was curious to how many applicants there were last year.

May 26, 2016

Mr. Golden responded there were approximately 17 or 18 applicants. Commissioner Smith inquired out of those 17 or 18 applicants, staff awarded 14 with funds. He added Aging Matters was the biggest recipient, they had \$65,000, and then the other was \$25,000. Mr. Golden responded \$60,000 and \$30,000.

Commissioner Smith inquired if staff were to eliminate them and chose somebody else, would they then have to try to get more funding from someplace else, or live without the \$60,000 or \$90,000 that the Board awarded.

Mr. Golden stated yes, it is a competitive process, however, some questions in the RFP, as well as the score is tied to the leverage they bring in; so they actually get some additional points based on leveraging; and there is significant leveraging does have some impact on the score. He added it is ultimately based on the scores that each CAB member scored each individual application. He went on to say they tend to give bonus points for things like leveraging; it allows them to continuously rise; and he believed Aging Matters has been funded for the 15 years that he has been with the County.

Chairman Barfield stated he ran a spreadsheet just to look at the return on investment for Aging Matters; just on the Meals on Wheels, the nutrition program, 1,734 seniors will participate in 2016; and that is 195,731 meals. He added the County puts in \$60,000 up, United Way almost matches it at \$55,000; the Federal match is \$1.36 million; and the total amount is \$1.151 million which is 1,820 percent return on investment. He noted another one that is big is the senior citizens program where the County puts up \$30,000, United Way puts up \$16,000, and the Federal match is \$422,000; and that is a \$468,000 total, with a 1,463 percent return on investment. He advised the fact that they require the max of at least 25 percent in their criteria that is what makes a difference; and looking at some of the others, like at risk children. He explained if those kids are not kept out of Juvenile Detention at an early age, the estimates are that it will cost the Government \$1 million down the road; in jail, court etcetera. He went on to say he looks at it as the Board will pay now or pay later.

Commissioner Smith stated that is a good argument; but his hang up is he does not know how much Aging Matters collects absent what the Board gives it.

Mr. Golden stated he does not have their operating budget in front of him.

Commissioner Smith stated he is just curious; and inquired if they would still get that \$1 million from the State and Federal agencies if the Board did not give them funds; and if they are collecting \$600,000 from other sources, is that still not going to get them the leveraging aspect to get the big bucks.

Chairman Barfield stated they have other programs, too, like caregiver support; that is a contributions in time; and they get a grant from the United Way for that and at that point they take a Federal grant of \$213,000, and turn that to \$237,000. He advised they also have community care for the elderly 23123

The Board approved the Community Based Organization (CBO) Funding Program, with the changes recommended by staff.

**RESULT:**           **ADOPTED [3 TO 2]**  
**MOVER:**           Andy Anderson, Commissioner District 5  
**SECONDER:**       Robin Fisher, Commissioner District 1  
**AYES:**             Robin Fisher, Jim Barfield, Andy Anderson  
**NAYS:**             Trudie Infantini, Curt Smith

Mr. Whitten stated on Item 8, Eric Garvey, Tourism Development Director, has given the Board a way home so to speak on the \$50,000 funding shift; he is suggesting that funding for the next three years come out of Tourist Development Tax Reserves; and then to flip over to Cultural Events Funding that 4th year. He noted that is a viable alternative for that; and he also cautioned the Board on the restricted use of the Tourist Development Tax revenue.

The Board approved transferring Brevard Cultural Alliance Tourism funding to the Tourist Development Council in the amount of \$50,000, restricted to road maintenance.

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Trudie Infantini, Commissioner District 3  
**SECONDER:**       Curt Smith, Vice Chairman/Commissioner District 4  
**AYES:**             Fisher, Barfield, Infantini, Smith, Anderson

Mr. Whitten stated the last Item on Commissioner Smith's list is to eliminate vacant positions over 90 days old funded out of the General Fund if they are vacant without a purpose. He reminded the Board that Public Works General Fund transfer has increased by over \$300,000 over the last two Fiscal Years, so progress is being made. He stated the positions are primarily in the Public Works Department, so there is not much to be gained there. He stated they will as staff take a look at the time it takes them to fill the vacancies, process that out, and come back to the Board with something that says if positions are not filled by a certain number of days, they cannot fill them without the Board's approval.

Gerard Visco, Human Resources Director, stated this is one of the Lean Sigma Six projects that staff has identified as a need to move the ball forward with this and get some better turn around on new hires.

Mr. Whitten stated there is an optimum time staff can identify that if there is a real need they can fill the position in that period of time. He stated Number 10 is the contracting of life guards and/or the elimination of year-round life guards.

Chief Schollmeyer stated the year-round lifeguards were the result of Board action in 2008 in response to a series of drownings in Brevard County Beaches in 2007; the drownings, mostly from rip currents, caused negative press around the Country, and as a result, the County did fund full-time seasonal lifeguards and full-time lifeguards during business hours to enhance lifeguard services; and he does have the Brevard County Ordinance referencing lifeguard stations. He stated unless the County does it, it will have to find someone to do it.

Commissioner Anderson inquired how many lifeguard stations are in unincorporated areas percentage wise. Chief Schollmeyer replied roughly 50 percent. Commissioner Anderson suggested phasing out all city locations and let the cities determine if beach safety and tourism

May 26, 2016

is important to them; and the County can take care of the unincorporated, which gets the County halfway there.

Commissioner Smith noted it works for him.

Chief Schollmeyer pointed out some of the cities do contribute partially for those towers, Cocoa Beach is one of them, and they contribute 50 percent of the cost. Commissioner Anderson stated if they are willing to contribute 100 percent he is there.

Chairman Barfield has an issue with this as he is still looking at the 10 drownings; and he just wonders if the Board is willing to take that risk.

Commissioner Anderson stated the other alternative is he cannot justify having lifeguards in parkas in February sitting on the beach when no one is swimming; and it could only be done during the peak seasons and no other time.

Commissioner Smith stated maybe the cities could think outside the box a little bit; where he is from in New Jersey, probably 30 years ago, they started selling beach patches to people who use the beaches; and that paid for the machines to clean the beaches and lifeguards.

Commissioner Anderson noted the City of Indian Shores makes a lot of money off of meters that go to their general fund, and the County gets nothing from that. He stated the lifeguards benefit the tourist industry more than anyone else, however, the Legislature has refused to allow TDC money to be spent on lifeguards; and he inquired who pays for the lifeguards in Volusia County. Chief Schollmeyer replied Volusia County.

Commissioner Fisher stated in all fairness to the cities, to get them in the room and have the conversation; and ask them if there is a way to help the County with the lifeguards.

Chairman Barfield stated he saw something come across today where TDC money can be used for the Capital Improvement side of it like towers and things like that; it would be nice to evaluate that and see where it goes.

Commissioner Anderson stated if that can be used to reduce the County's burden, it can offset some of the money for roads.

The Board directed staff to work with the cities to increase funding for lifeguards.

Commissioner Infantini stated the tourists use the beaches in the winter; and they are the ones who are not familiar with the waves.

Mr. Whitten stated Number 11 was proceeds from any future leases would go into the road maintenance fund; and if there are any opportunities to generate new unrestricted revenues, they would go to road maintenance. He stated Number 12 is the reinstatement of the Transportation Impact Fees; the Board should have received Robin DiFabio, Planning and Development Director's, memorandum a week ago; the issue there with sunseting that earlier may be an impairment of whatever that contractor issue is; and that moratorium is sunsetted if the Board does not do anything at the end of the calendar year.

Chairman Barfield inquired if the Board can vote to let it sunset at the end of the year.

Commissioner Smith stated he thinks it would be good for the Board to let the builders and developers know it is going to in fact let it sunset, and the impact fees will take effect on January 1, 2017.

May 26, 2016

Mr. Whitten stated he thinks that affirmative action will allow staff to set whatever the rate schedule is going to be, because there is a new study and the rates have to be set off of that study. Ms. DiFabio noted the Board should be considering the new rate study and make a decision regarding how they are going to accept the study and how they want to set the rates based upon the analysis produced by the consultant; and staff will be bringing that back to the Board probably no later than early in the Fall in order to get that set up and in place.

Commissioner Anderson inquired what the deadline is for that; he stated he is not going to vote on this; he does not want to impose his will on his replacement where that should be; and he will vote no on the sunset provision and let the next Board determine if that is a priority for it.

Ms. DiFabio stated the Board should be made aware that if there is a decision to increase the rates, there is a 90-day period after notice of adoption of an ordinance to increase the rates, it takes 90 days for it to take effect.

Chairman Barfield stated he was in office two weeks and the Board voted on impact fees; and with the experience that is now on this Board, he would rather have it make a decision on it instead of waiting on three new County Commissioners on the Board.

Commissioner Fisher stated the Board probably wants to be clear of how exactly this will work; for example, if a person brings plans into a County Office on November 1st, and they have 20 days to turn them around; and all of a sudden that person gets hit with the impact fees. He stated he does not mind having the conversation, and he knows when the Board put them in place there was a rule, but he has gotten calls from people who asked if the Board was going to reinstate impact fees; he told the people who inquired yes to speed their project up; and he has also received calls from people saying they could not get a particular permit.

Commissioner Anderson stated like the Board did before, if a person has their application submitted he or she is good.

Commissioner Smith stated he would like to speak with staff about that; from his personal experience having gone through that in New Jersey, if a person submitted a permit, he or she was grandfathered in.

Ms. DiFabio stated now the Ordinance staff is operating under states a person has to have a permit issued by December 31, 2016, and he or she has to have at least a temporary Certificate of Occupancy (CO).

Commissioner Anderson noted the past action was to make sure a person had their permit in and he or she was good to go. He went on to say he remembers there was a deal that as long as a person had an application in, he or she would be granted in the case of the sunset; and he specifically remembers that. He pointed out it may have been an administrative thing and not in the Ordinance, but the Board allowed that to happen.

Ms. DiFabio stated staff would be looking for direction from the Board in that regard, because right now the Ordinance is clear regarding permit issuance and CO issuance.

Mr. Whitten advised the Board it would have to bring something back to change, because the Ordinance right now says permit and CO's.

Commissioner Anderson stated or the Board can extend the sunset to give the new Board a little bit more time.

May 26, 2016

Commissioner Fisher stated or the Board can consider if a person made application before sunsetting.

Ms. DiFabio stated it has been staff's practice prior to a sunset of several months in advance to make it permanently on the web page and in the offices notice that a particular item is going to be expiring, and that a person is best served to plan ahead and get their permits in now; the issue with just having something submitted is the Board would be surprised of the caliber of the submittal where it is just clearly an intent to say a person wants to reserve their right, and the information provided is insufficient to be able to issue a permit; and staff does not want to stimulate people to just come in with a piece of paper with a hand drawing.

Commissioner Fisher inquired if a person has to pay a permit fee. Ms. DiFabio replied no, staff does not collect the fees until the time the permit is issued; staff does its work up front waiting for the payment at the end when the permit is issued. Commissioner Fisher stated he would just like to look at it before the Board says exactly what it is going to do.

Mr. Whitten stated staff is addressing the backlog on the permitting; the Lean Six Sigma recommendations are supposed to be in by June; and he thinks there is an intelligent conversation of when the appropriate time is to sunset the impact fees. He stated the County has a volume of permits it has not had in years; and ultimately the staff resources may not be there to meet the volume. He went on to say he thinks the developers would be willing to pay a little bit more on the fee schedule if they can get their product out the door quicker.

Commissioner Infantini stated so the Board is going to give a fast pass to people who can afford to pay for it to get their permits through faster, and the people who cannot afford to do it cannot get a fast pass. She stated she is not in favor of giving people a fast pass if he or she has the ability to pay; it puts people at a disadvantage who do not have the financial resources to not pay; she thinks it is understaffed in the permit department because some of the rules have been changed; and perhaps the County is not paying certain fields the appropriate amount to make them competitive with the outside market. She noted there may need to be salary adjustments that need to be made within the realm of the permitting department. She stated if a person has made an application for a permit, she does not want them to lose out and be assessed the impact fees; and she agrees with Commissioner Anderson that the next Board should deal with how it wants to deal with the revenue problems.

Mr. Whitten stated to be clear, his concept is not a fast pass, it is the entire fee schedule to be increased to allow them to get more staff and get the product out quicker for everyone, not a special fee for certain people to get out quicker.

Commissioner Fisher stated the Board may want to talk about if a person pays the fee for a permit before the sunset, he or she is serious about it; and he thinks that conversation should be had by the Board.

Commissioner Infantini stated she agrees the fee should be paid at the front end, and she thinks perhaps the fee schedule should be adjusted; she is not in favor of the impact fees; but the permit fee schedule should change to keep up with the times so that department is self-sufficient.

Commissioner Smith stated he agrees the Board should get staff recommendations, the Board can move forward with that, and there have been several ideas discussed today; he would encourage Commissioners Infantini and Anderson to reconsider, because it was this Board that imposed the two-year extension to the moratorium; and he thinks it should be this Board that brings it to a close. He stated he thinks the Board should get staff input, and the Board can decide how it wants to proceed.

May 26, 2016

Mr. Whitten stated the other items on this particular agenda are the expansion of transit operations, again if additional tax revenues are available; John Denninghoff, Public Works Director, is here to talk to the Board; and he sees people from West Cocoa on the sound barrier.

\*The Board recessed at 7:22 p.m. and reconvened at 7:39 p.m.

Mr. Denninghoff stated Mr. Whitten asked him to take a look at the possibility of noise barriers to be installed at the Sheriff's Gun Range; there are a couple of options of how that can be done; one would be located very close to the gun range; and the other would be to put it up close to the houses, which are some distance to the north from the gun range. He went on to say a typical noise wall would be at least 14 feet tall; they can be as high as 25 feet tall; the cost goes up based on a per square foot of the surface area of the wall; and if the Board decided on a 14 foot wall, the cost on that located up next to the houses, about a quarter of a mile long, would be about \$41 per square foot, plus the engineering design fee, and he would strong recommend the Board get a noise model done because it wants to find out if the wall is going to work. He noted all told the cost on that would run approximately \$850,000 if it was near the houses at 14 feet tall; if the study said it needs to be 25 feet tall, it will cost another 60 to 70 percent above that, which is over \$1.3 million; if it is up close to the gun range, the costs go up a bit; he does not know what the effectiveness would be; and at 14 feet tall it would run about \$350,000, plus the cost of the model, and if it was 25 feet tall, it would be approximately \$500,000. He pointed out this is in addition to the study; the study is going to be approximately \$70,000 to \$100,000 depending on what all the Board wants it to cover; he would advise the Board that sound walls and barrier walls on I-95, which he is familiar with, the walls typically run from 14 to 18 feet high, and they only benefit houses 350 feet of the wall; once the house is beyond that, the benefits of the wall diminish dramatically; the reason is sound wraps around the wall and creates a sound shadow behind the wall; and the houses that inside that shadow area are protected, but the houses beyond it, the sound comes over the wall, comes back down to the ground, and then impacts those homes. He stated he would be surprised if the County could get a sound wall by the gun range for much less than \$400,000 at the minimum height of 14 feet, and next to the houses it could be as much as \$1.3 million for a 25 foot tall wall.

Commissioner Anderson inquired if the sound walls on I-95 not just about sound but debris and dust. Mr. Denninghoff replied there are three major benefits to the walls as he sees it; the stated purpose of the walls is sound reduction; they have benefits associated with safety for confinement of vehicles that cannot get into people's yards; and the third thing is it provides a mechanism that reduces the ease with which debris can get onto and off of the road.

Chairman Barfield inquired what about a dirt berm, earth and material. Mr. Denninghoff replied it does have beneficial effects as well as a wall; it is not as dramatic because of the shape of the berm; the gun range right now has a berm there but there is also a wall on top of it; and many times there will be sound walls on top of a berm. He pointed out it is less costly than a wall but it takes up more space; and it would not be feasible to do it by the neighborhood because there are major drainage outfalls there next to the extension of Pluckebaum Road, and there is not much room in the back yard areas. Chairman Barfield stated it is not a single issue, many people have dealt with this around the country; and there has to be other means to control this.

Commissioner Fisher inquired if the County is going to spend that much money, could a shell be built with a butler building around it.

Leatris Brothers stated she is here about the gun range; they have a sound wall off of I-95 because all of the noise; they started at 8:00 a.m. at the gun range this morning; and there is a lot of excessive noise. She inquired why the Sheriff cannot move the gun range to another

May 26, 2016

place. She stated different deputies have spoken to them, but they do have property somewhere that it can be moved.

Commissioner Fisher stated the Sheriff told him a new gun range is \$15 to \$20 million.

Douglas Brothers stated he was in the backyard Sunday, across I-95 they shoot over there sometimes, and he can hear them just as good through that wall; and he does not think a sound wall will take care of it unless it is made of some other kind of material.

**ITEM VI.F.1., CITIZEN REQUEST BY PAM LASALLE, RE: CHARTER AMENDMENT PROPOSAL TO ESTABLISH ETHICS REGULATION BY CREATING AN ETHICS COMMISSION, TO CREATE A CODE OF ETHICS, AND ESTABLISHING AN INDEPENDENT INSPECTOR GENERAL OFFICE**

Pam LaSalle stated she would like for the Board to consider putting on the ballot Ethics Regulation that would include an Ethics Commission to create a Code of Ethics and an Inspector General Office; the reason she would like this is it would eliminate fraud, waste, and mismanagement; and build confidence in the government. She added she has heard a lot from the Board saying there is not enough revenue and we there is too much spending; and she thinks there is a lack of credibility. The Board may be looking at its packets; she tried to include a sample; and she has been reading about this a lot for several months. She went on to say it was hard for her to select, but she tried to get a concise example of how this is working in other Florida counties. She explained Duval, Broward, Palm Beach, and Dade, Dade is not a charter government but the others are, and she would like for the Inspector General to have authority over all sources of where the money goes, all departments, all offices, all constitutional offices, everywhere; and one of the advantages to having this, is the Board would have contract oversight. She noted an Inspector General has the authority to participate in contracts from the beginning to fulfillment; that would be resolving a lot of the issues as far as trust goes; and it facilitates whistle blowers to be able to come in and report things like, for example, the schools when they were selling parts out of the school. She pointed out other employees had to know that was going on, and a whistle blower would give them protection to come in and reveal that information without worrying about retaliation; and people will not say anything if they think they are going to lose their job over it. She indicated, an Inspector General is not just a job opening that anyone can apply for, it has stringent requirements and it is an appointed position. She advised it is non-patrician, generally the terms are for four years. She stated she believed she saw one county that does it for three, but generally it is a four-year term, subject to reappointment; everyone may be happy with the performance and placement so the Board may end up having an Inspector General longer than four years; and they have a team of professionals under them that have very specific skills. She added they vary anywhere from information technology to criminal and contract negotiations, any number of things; she would say there are some specialized areas like medical examiner that they contact out for usually, because they do not have a doctor on staff; and she submitted this idea to the Charter Review Committee on February 25th. She went on to say there were 12 members present; it had a unanimous vote to be considered, and it died from that point forward. She informed the Board the attorney did look over verbiage on how the Charter Amendment would be, but it never went anywhere; and she had no standing, so she could not make any demands. She added she just put it forward as an idea; there are a lot of problems this County has faced that she, and others have heard in this room, discussions on the Community Development Agencies (CRAs), the Economic Development Commission (EDC), the Waste Management Contract, BlueWare, the school software, the \$8 million for basically no ware, golf course management, animal services management, there are any number of things that an Inspector General could have been called into to investigate and resolve; and the past the Board has considered it. She indicated she knew Commissioner Anderson was positive about it in 2013; Commissioner Infantini was



May 26, 2016

concerned it needed to be independent; and they can be independent, they are independent from the Board. She added she would like it because it is going to give the citizens better government; it is going to make people trust their government more; and the Board could do this with a positive cash flow like other counties have done, it might make more money than the office is costing. She noted she does not know who would be against it; and she would like it to be considered and put it on the ballot so citizens can vote on it and have the choice.

Commissioner Infantini thanked Ms. LaSalle for putting this together; she stated this was a very detailed package; and she put together about 400 pages of just different examples of what the Board could look at for the types of reports, the different things in the County budgets, from Palm Beach County, anyway, just a whole gambit of things.

Ms. LaSalle stated her thanks, but it is a small sample of what is out there; and there is a wealth of information.

Commissioner Smith inquired how many counties in Florida, there are 67 that have Inspector Generals.

Ms. LaSalle responded out of the ones she listed, she believed Collier County has it; she thinks Lake County is working on it; and she tried to focus on charter counties because she wanted to try to make it apples to apples, but no, she cannot tell him how many counties total. She added she knows the other thing before the Charter Review was a comptroller for along the same lines, and there is only one county in all of Florida that has a comptroller. She explained that to her is more of a CFO position; Palm Beach, when they got their Inspector General, their Clerk of Courts then became a comptroller, too; and it is not like there cannot be both. She pointed out one other point for relevant finances, it is the Ethics Commission, she would like to point that out because it is kind of a small detail, Broward County sunset their Ethics Commission; and in Palm Beach County they are making about \$6 million a year and they are spending about two and one-half million on the Inspector General office, and one-half a million on the Ethics Commission. She went on to explain Broward County took in and sunset their Ethics Commission, but they also took in part of the accounting functions of the county and moved it in with Broward, and it only costing \$2 million a year; and looking at population sizes, she is thinking that this County would cost about a million. She pointed out that is what Duval County is costing and they are just getting up to speed; and they are spending \$800,000 on the Inspector General and \$200,000 on the Ethics Commission.

Frank Clifford stated he would just supplement a few things that Ms. LaSalle stated; he has been studying this even a little bit before she started; and they have really been looking for something that is truly, truly independent. He noted there are a few counties that do have an Inspector General but the Inspector General works for the Clerk of Courts, so it is truly not an independent office; the other important thing is not only auditing finance, there is such things as performance audits; and what is done is a process is set for everything that has to be done in each of the so called charter offices, and then when it comes time when the employees have to follow that, each of the Charter Officers will not have an auditor anymore. He noted they certainly would have a bookkeeper/accountant to try to track inflows and outflows of money, that is important; the other thing, too, it seems to him, is that right now the Clerk of Courts constitutionally is vested with broad latitude for audit; and that would have to be removed and consolidated into the Inspector General. He went on to say the whole idea is to give fidelity to the process; this would include at least extensive county wants, anywhere the money goes the Inspector General can go; if a redevelopment authority is giving real estate tax breaks based upon projected employment, the citizens would want to have some way of verifying what is going on right now may be perfectly honest and upright, maybe 100 percent, but the citizens do not know that until it can be put under the microscope of examination of the process; and how many jobs are being created. He inquired if there is smoke and mirrors going on of what

May 26, 2016

constitutes the job here in Brevard County as opposed to the company's headquarters back in another state that oversees the work here in Brevard County; and the residents do not intend that to be part of redevelopment job. He added they want the job fiscally right here; this all may be considered right now, but the residents do not know, and they need that kind of verification from an independent entity.

Ron Bobay stated he just wanted to make a few comments that are favorable towards the potential of an Inspector General; the scope of work would have a lot to do with the cost of the program, because he has heard a pretty wide range of things that do not necessarily fit within what he would consider needing to come under that particular umbrella; but his concerns have more to do with consistency, not only with the Board of County Commissioners, but with the Constitutional Officers. He remarked that each of the Commissioners, including the Constitutional Officers, had to do a comprehensive financial audit; he does not know whether it comes from the Federal requirements or whether they are State, but the Board is consistently doing that. He added where he sees the difference is that it has created an Audit Committee and apparently it has volunteers from the professional sector that give some direction as to internal audits; and these are looking for risk factors where the Board has maybe some potential for risk in helping it to come up with policies and procedures to kind of deal with those; and the Constitutional Officers, he is not sure have the same process. He went on to say since they are independent, they do not necessarily have the same consistency; if something like this were implemented, he thinks that the two functions of the Clerk of the Courts, one being taking minutes for the Board, as well as the control over the finance piece that is with the Clerk, should be residing with the County; and he has never personally quite understood why with the staff that the Board has that it could not take its own minutes; and he also does not understand why it can approve a budget and it can issue purchase orders but cannot pay the bill. He pointed out that is apparently what happens in the process unless he does not understand it correctly; If an Inspector General were actually created, it would seem to him they would need budget money for doing the actual studies where they would contract with external groups for the various kinds of studies they may need to do. He stated the Board obviously set up a budget for its own Audit Committee, so obviously if it is going to expand the scope, and he would suggest something like a half of a percent or a percent against all the budgets that would actually provide that pool of money in some consistent fashions for those audits; and Ms. LaSalle mentioned that the Charter Review Committee did have this suggestion. He advised it was one of the few things that he saw that there was interest at the Charter Review Commission that just completed their work even though they did not act on it; and he knows that the League of Women Voters of the Space Coast has looked at this particular position even though they have not taken a position about it, they have continued to study the feasibility of the benefits of it. He noted he does not personally see it as a response to widespread fraud or waste management, but he thinks it provides an opportunity for risk factors in terms of the policies and procedures that are currently followed; and he knows in previous Charter Review Commissions they have talked some about how to do some efficiency studies. He added they were going forward in his mind in good faith to try to do the best they can with the resources they have, but there may be opportunities for them to look at improving the way of doing business; and an Inspector General, in a position dedicated to that, might be able to do that. He stated he thinks the consistency for all the Constitutional Officers, as well as the Board, obviously it has its own Audit Committee and it does internal audits; and he thinks that the same should apply to the Constitutional Officers. He added this kind of position could do it; in terms of the Ethics, it is a good place to lodge it, but he thinks the Board can also do its own ordinances relative to ethics, and some of that might minimize the costs.

Carol Hamilton stated the proposal that Ms. LaSalle has proposed she believed that every one would benefit from; the taxpayers would see that they are getting maximum from their tax dollars; and she believes it would increase efficiency in the County government, it would take criticism off the Board; and place responsibility on the Inspector General's Office. She explained

May 26, 2016

people like or do not like some of the things that the Board proposes, and they blame the Board for it; this would take that off its shoulders. She went on to say some taxpayers are criticizing paved walkways in Wickham Park instead of using that money to fix some of the bad roads, so that would take that responsibility off the Board; and she would just ask that the Board please consider Ms. LaSalle's lead and push for a County Charter Amendment; and she would like to just mention one other thing too, regarding the stadium, she thinks it is great that the Board found a solution to the empty stadium, but please keep in mind about the local residents and the quality of life that they might be losing as a result of this. She went on to say Wickham Road is completely bogged down now; she lives in Suntree off Wickham, and has for 16 years; and she remembers when it was cow country out there. She explained it used to take her five minutes to get to I-95 and the roundabout was not there yet; it now takes her almost 30 minutes to get there; and she has friends who live in Satellite Beach. She added they recently met at Perkins for dinner, they were caught in the traffic, and her friends asked her how she stands living there. She noted she would never live here in this area; and to keep the residents quality of life in mind as the Board goes forward with this endeavor.

Commissioner Smith pointed out that an Inspector General would tell her as a citizen that would ask the question regarding the pedway in Wickham Park that it is not a general funds building that pedway comes from Parks and Recreation Department and the Park Bonds; and as far as Wickham Road, they all drive it, they all hate it; and it is a permanent problem.

Ms. Hamilton stated they are not getting any satisfaction from The Viera Company that is for sure; and they are turning their nose up at the residents of Suntree.

Commissioner Fisher stated the County Attorney's Office is also responsible to make sure the Board spends the money legally, and also Scott Ellis, Clerk of Court. He added the Clerk seems to be interested in making sure the Board spends money legally; he does not have any problems people telling it whether it is spending money legally or not believe it or not; and he has been in this job for seven and one-half years, people will accuse the Board of anything. He noted an Inspector General is not going to stop the citizens from accusing the Board; they will, and there is all kinds of avenues too, if somebody is doing something wrong, there is a Sheriff.

Ms. Hamilton stated no one is accusing the Board of doing anything wrong, it is just that it would take some of the responsibility off its shoulders and do some investigating.

Commissioner Fisher replied the Board gets accused a lot of doing something wrong; she has not, but it does, it is about every other day.

Commissioner Anderson stated an Inspector General could be accused of being part of the good ole boy network, if he or she did not do what the residents wanted.

Ms. Hamilton stated he or she will be completely independent; and the Board would have to make sure of that.

Commissioner Anderson stated nobody is completely independent; everyone has friends unless they are anti-social and lock themselves in the house every night.

Ms. LaSalle she stated she just wanted to add that Palm Beach County funds their Inspector General through a quarter of a percent of fee on contracts; that is how they solicit funding; and the Board thinks that will add to the contract costs so it will pass on to the county. She explained the Inspector General will get a more efficient contract; she disagrees with the Wickham situation of what the Board was just saying, but if an Inspector General involved in the contract could have dates set and have performance levels that they have to meet. She advised the other departments that have oversight, they are not really independent; the Board controls their

May 26, 2016

pay; and with an Inspector General being totally independent, and they are, is going to have the authority to go in and look anywhere that this County spends money and not have to answer to anyone other than their own professional level of performance.

Commissioner Anderson inquired who appoints an Inspector General. Ms. LaSalle responded if this gets passed, there will be a Commission set up; that could be temporary or not, and normally it is like the State Attorney, the Public Defender, a Judge, that sort of arrangement, and then they make a selection. She added Human Resources will collect packets; she knows when Palm Beach County got theirs they had 65 applicants, but in the Board's packet it will see that the Inspector General has a lot of specific requirements, and at some point, and as far as the good ole boys, at some point they have to have faith that something is going to work; and what they have now has not been working.

Commissioner Anderson stated his point of the comment is that one of the reasons he will never go back into politics is because there are no good ole boys, that is a misnomer.

Ms. LaSalle stated cronies, whatever he wants to call it. Commissioner Anderson stated it is not cronies, it is they make decisions based on research and what the people he represents want, and so that is why, if he wanted to be an Inspector General, he is a lawyer, he knows the Sheriff, the Judge, and the State Attorney, he would just go lobby them and make sure he gets the job; and there is still the good ole boy system. He advised he knows that happens in South Florida, because he believed one of their Inspector General's got indicted at some point.

Ms. LaSalle stated not that she has found; and not in Palm Beach and Broward, but they are fairly new.

Commissioner Anderson stated in South Florida somewhere he believed one was indicted, or their comptroller; they were part of a crony group that was doing bad things.

Ms. LaSalle stated nothing is going to really fix government except transparency and citizen participation; an Inspector General is a tool for the employees and volunteers and it involves citizens, so they have someone to speak with.

Commissioner Anderson added he has a lot of respect for Ms. LaSalle; he just thinks there is a lot of false negatives that are put out there, especially in a campaign season, and he would challenge anybody, there are a lot of blatant lies just so people can get elected to certain things and he is not talking about Commissioner Infantini, to be clear.

Commissioner Infantini pointed out she has not made any comments on this, and she is not making any campaign pledges on this.

Commissioner Anderson stated he did not want Commissioner Infantini to take that wrong, that is not what he meant; that is what gets him; and everything is directed by some false narrative because somebody does not like a CRA.

Ms. LaSalle stated they do not know that is it; they do not know, and an Inspector General has the authority and is independent and can go in; she cannot go in; and she does not know who could go in.

Commissioner Anderson pointed out anybody can go to a CRA board anytime they want.

Ms. LaSalle responded she cannot go up to the EDC or the CRA and say she would like to see all their books.

May 26, 2016

Commissioner Anderson stated if they do not show her books, to let him know because they have violated the Sunshine Law.

Commissioner Fisher advised they all file a report; and all of it is online.

Ms. LaSalle stated she would like to have a professional look them over she does not want to do it; she is not an Inspector General; and as a citizen, she would like for the citizens to have an opportunity to take a vote. She advised she is not asking for the Board to install it, she is asking to give them a chance to vote on it.

Commissioner Fisher stated everybody is always telling him they want less government, and then everyone always comes back for more government.

Commissioner Anderson noted when he brought this up in 2013 he got accused by the same people and the same group that wants it now of creating a bigger bureaucracy, bigger government; and he inquired where the Board would get the money. He advised he is not voting for it; this has nothing to do with Ms. LaSalle, he has a bad taste in his mouth from what happened in 2013, and there is a group of people that all of a sudden talk about flip flopping, and flip their whole attitude on this; and if they were right then, he is sticking with the decision they made then.

Commissioner Fisher explained he believes they can probably put it on the ballot, it would probably get voted in and it would be a new expense and it would be a new cost for the Board who is fighting for dollars every day; but he can also say if it is put on the ballot, and this is only one of 67 counties, that has had a charter cap amendment, and guess what it is doing to this County, it is killing it. He added the only County that got it but it got voted in because it sounded like a good ideal; it was a horrible idea, and the person that brought it up to the Board, she actually represented Indian River County and they pulled it off; and it did not happen with Indian River County.

Chairman Barfield stated this whole thing with an Inspector General and the examples that Ms. La Salle gave, Palm Beach County, Broward County, Dade County, Duval County, each one, the reason they got the Inspector General is because they had people going to jail for stuff they did; those are reasons, that is fraud; there is a lot for why it happened; and the other thing is, there are a lot of other laws, other means, of addressing. He went on to say he does not know where fraud, waste, and management is here, he has not seen it, but there is a whistle blower, Florida Statute, already in place; and in fact, he thinks one of these documents, maybe it was Broward County, even referenced that document to comply with that. He added the other thing is with some of these other counties, actually all of them, they also have responsibility over cities, and does not know if the Board could get the cities to come onboard with that; and there are Ethics policies in Florida, but the most important thing is if someone thinks there is fraud, waste, and abuse, they need to go to the District Attorney, and have them investigate it. He noted he does not think the Board needs multiple layers of management for this.

Commissioner Anderson the State Attorney has a special unit just for these things already set up; that is how the former Clerk of Court got busted.

Commissioner Fisher stated the problem with the former Clerk issue was, and he is not going to say he is guilty until they prove it, but what he will say, in the Clerk's Office today, the Clerk can sign a \$20 million contract without bringing it to anybody; and these Constitutional Officers do not have the same level of going through like the Board does. He added he does not believe Scott Ellis, Clerk of Court would do that, but it could happen; Mr. Needleman made that decision on that contract without, using the same process the Board has of advertising, going out for Request for Proposals, and bringing it before the Board, and the Board making a decision on it.

May 26, 2016

Commissioner Infantini stated he could not sign the contract that he signed; Mr. Whitten can sign the contract just as well; it is not lawful, but it can be done; and she could sign away someone's rights to their house. She added she could do it, but it is not lawful; that is why he got arrested; and he did it, and it was not a lawful act.

Commissioner Fisher stated he did not bring it in front of the Board.

Commissioner Infantini pointed out Mr. Whitten does not have to bring something in front of the Board to sign it.

Commissioner Fisher argued that he does.

Commissioner Infantini reiterated the act Mr. Needelman did was unlawful; one can do anything one wants, but it does not mean they have the legal authority to do it; and one has the physical capacity to do it, and Mr. Needelman exerted his physical capacity of picking up the pen and signing the contract.

Chairman Barfield stated he broke the law.

Commissioner Infantini argued he did not have legal capacity.

Chairman Barfield reiterated he broke the law.

Commissioner Infantini pointed out this is entirely different.

Commissioner Fisher stated the law does not say that he has to bring the contract before anybody; and the law says the Board does.

Commissioner Infantini stated depending upon what the terms are, because of the terms, he violated his authority as the Clerk of Courts to sign that contract; he had no legal authority to sign that one; and that is why he is in trouble.

Commissioner Anderson stated no, they are supposed to go out for a Request for Proposals (RFP) like everybody else and have a selection committee.

Commissioner Infantini indicated right, but he also cannot fudge paying up front like that, he could not do all that; it was not lawful; and he is mixing apples and oranges there thinking that the Clerk has this all omniscient power.

Commissioner Fisher inquired what the process is if Mr. Whitten has a \$20 million contract.

Commissioner Infantini stated Mr. Needelman violated his own process.

Commissioner Fisher stated the question was directed to Mr. Whitten.

Commissioner Infantini reiterated he violated his own process.

Commissioner Fisher inquired what the is process, because he did not know he could sign a \$20 million contract if he wanted to.

Mr. Whitten advised everything over \$100,000 has to come before the Board; the purchasing policy requires justification of OEM's or sole source, but normally it requires bids, or RFP's.

May 26, 2016

Commissioner Fisher inquired of the Constitutional Officers have to do that.

Mr. Whitten pointed out he can only speak for the Board.

Commissioner Anderson stated there is a procurement legislation that they are supposed to follow; and now, they can manipulate the system, and he does not know what happened.

Commissioner Infantini stated anybody can manipulate the system; the Board could manipulate the system; and he did something unlawful and that is why he got arrested.

Commissioner Anderson stated he thinks the second part of that, that is why, Commissioner Infantini, they strengthened the Ethics legislation this past legislation, because it has happened in other places, and that is why they put these additional provisions in there.

Chairman Barfield stated the bottom line is anybody who wants to break the law, who wants to do something illegal, they can, and they will do it; they are either going to follow the rules and processes, or not; if they are going to break the law and do something underhanded, they will; and he inquired if the Board could move on to the next item.

Commissioner Infantini stated she would like to, she will go out and continue looking into this because she does not know that it is a dead deal, because she does think it has a decent amount of merit; but at the same time, she also does not know how it would be funded, because she does not necessarily want to go out and charge an extra fee to get something funded; and she does not know that it necessarily is going to survive for lack of funding in part.

**ITEM VI.F.2., CITIZEN REQUEST BY JOAN DAVIS, RE: RESOLUTION TO BAN FLORIDA BLACK BEAR HUNTING IN BREVARD COUNTY**

Joan Davis thanked Stockton Whitten, County Manager, and his office for allowing this item be on the agenda. She stated that Katrina Shadix has been involved with the three other counties and thirteen cities that have passed resolutions banning black bear hunting; she knows the legality of it and has copies of the Volusia County resolution that recently passed. She inquired if she could let Katrina Shadix speak first and then her to follow.

Chairman Barfield stated that the Board has a copies of the Resolution from Volusia County; he has a number of comment cards on the subject, and will call them up too.

Shannon Wright stated she has no doubt that one of the most difficult controversial wildlife management challenges in Florida today is dealing with the growing black bear population; many Floridians care deeply about the well-being of the black bears; and Florida Wildlife Conservation Commission (FWC) is committed to ensuring that black bear populations continue to thrive. She went on to say the community must face the fact that thriving black bear populations translate into very real and serious conflicts with people; successfully dealing with the human-bear conflicts depend heavily on strong partnerships between local governments and FWC; and many counties in the state of Florida have stepped up to minimize conflict between people and bears by supporting efforts to secure garbage around residential areas and businesses. She noted that FWC is grateful for all the counties that recognize the importance of cooperation and the need to use all feasible measures to assure the public's safety, while maintaining a healthy bear population; addressing garbage and removing conflict bears are certainly important and necessary actions; however, they do not sufficiently address the growing bear populations; and there are more bears being produced each year which is creating a continual movement of bears from core habitat into marginal habitat in residential areas. She stated this movement is one of the main reasons so many bears are killed crossing highways; over the last five years there have been an average of 240 bears killed each year, crossing

May 26, 2016

highways. She continued the only feasible and effective means for slowing the population growth is regulated hunting, without hunting to compliment other management measures, bear populations will continue to grow; high numbers of bears will continue to be killed on highways; and the conflict between people and bears will continue to increase. She added that current scientific population estimates across bear management units indicate the statewide population is at 4,350 adult bears with approximately 1,000 bears added to the population each year; because of births and survival that exceeds deaths; the population has grown more than 60 percent since 2002; and it is inevitable that bear populations grow and become more crowded. She noted bears are increasingly being pushed out of their core habitats into cities and neighborhoods; more bears living among people means more human - bear conflicts, more vehicle accidents, and putting people and property at risk; Floridians are fortunate to live in a state where iconic wildlife species like black bears are held in such regard; it is FWC's core mission to manage these iconic species and all other species of fish and wildlife for their long term well-being; and it is also FWC's mission to make certain the needs of wildlife are well balanced with the needs of people. She added to achieve this mission FWC has always recognized the importance of working in partnerships with those who have a stake of interest in finding the right balance, especially at local government levels where officials are living and working so close with the issues and shared constituents. She asked the Board to consider working together in a partnership to discuss options and solutions to resolve these issues, before approving a Resolution.

Commissioner Anderson stated one of his reservations was voting on something without any scientific backing and that FWC is not easy on hunters concerning fees; and they are their own worst enemy because the population exploded beyond FWC's expectations; the competition for habitat between all these black bears has led to a traditionally non aggressive species to become more aggressive and there has been some recent encounters that humans were injured and that really is something rarely seen in Black Bear habitats because they solitary animals. He inquired if the decision to do the scientific study was driven by FWC's need to protect the species from competition for habitat, traffic fatalities of bears, and the species becoming more aggressive; and how much time and resources was spent on coming up with the determination to issue permits for black bear hunting.

Shannon Wright commented that FWC has been working on the study since 2002 and that was the last bear study up until the last one was released.

Commissioner Anderson thanked Ms. Wright for being there, explaining that people get emotional about hunting and do not understand the negative consequences to the deer population when they over populate and live and die a horrible death. He stated he may support this resolution; however, he is not doing it until he has had a sit down with FWC and they explain all the data sets that have been collected since 2002 so he can actually understand the issue.

Commissioner Smith questioned if Ms. Wright had the information on how many people were killed in the bear related traffic accidents.

Ms. Wright replied that she did not have that information.

Commissioners Smith commented that he has seen what a boar can do to the front end of a car and cannot imagine what a bear would do to the front end of a car; and that he was just curious.

Katrina Shadix addressed the population study from 2002 and stated those numbers were not submitted before the hunt, they ordered the hunt before the study was done; the population numbers were just released two months ago so that is one reason she is against the hunt; and the hunt was preempted, FWC should have waited. She indicated there have been zero deaths



May 26, 2016

with vehicle/bear collisions; she is from a family of hunters; she grew up eating venison; she fully supports hunting, just not trophy killing; and she offered thanks to the Board for letting her speak and stated that she is a second generation Floridian and lifetime Seminole County resident and that she is here to support Brevard County resident Joan Davis and her own brother and father who are Brevard County residents as well. She noted that she is in support of passing the resolution opposing the FWC sanctioned bear hunt; some may argue that there are too many bears and that the population needs to be decreased to reduce bear and human interactions, commonly and incorrectly labeled as conflicts; and she expressed that 20 percent of the bears were killed in 2015 and the State would need to enact a five year moratorium on the bear hunt to allow the bear population to increase at a two percent yearly rate to return to the number that FWC felt justified for a seasonal killing of the bears. She continued to say that some may argue the selling of bear hunting licenses produces revenue for the State; however she believes that with overtime pay for the FWC officers to monitor the hunt as well as legal fees for the law suit against the FWC for an ill-advised and poorly regulated hunt, has caused the taxpayers more money than it made. She stated the bear hunt is bad for Florida's economy; there is a petition circulating around the world with tens of thousands of signatures from potential tourists pledging to boycott Florida vacations until the bear hunt is called off permanently; and that tourism is Florida's main source of income, as it is in Brevard County. She added that people come here to see rocket launches from National Aeronautics and Space Administration (NASA) and visit the pristine beaches, in which she has had an annual pass for a decade. She continued that she has a pie chart that can be passed around and it shows the breakdown of the outdoor participation use in Florida by recreational categories based on categories of hunting, fishing, and wildlife; hunting consists of only 4.3 percent, while wildlife viewing consists of nearly 57 percent; her educated guess is that in Brevard County wildlife viewing is closer to 75 percent of outdoor activities; and the pie chart also reflects that FWC funds are distributed at 37.9 percent to hunting and only 7.5 percent to wildlife viewing. She indicated the bottom line is the bear hunt has hurt Florida's economy and if another hunt is allowed Florida's ethics and morals will be further scrutinized for allowing people the opportunity to kill a 42 pound cub or a nursing mother bear, both of which occurred during last year's bear hunt; in an election year candidates want and should procure legislation reflecting the voice of the majority and with over 78 percent of voting Floridians against the hunt, the majority clearly and emphatically want resolutions passed opposing the hunt; county and city officials around the State have been listening to the voice of the majority by passing resolutions opposing the bear hunts which includes Biscayne Park, Palmetto Bay, South Miami, Pinecrest, Coco Bay, Clermont, Deltona, Safety Harbor, Eustis, Miami-Dade County, Volusia County; and just this past week Volusia and Seminole County. She stated that elected officials have represented over 4 million Floridians by passing these resolutions; that the FWC meets next month to discuss how many bears they will allow people to kill in October; and that bears that live in the forest are not bothering anyone, just like the ones at the Merritt Island Wildlife Refuge. She mentioned that according to FWC the number of Florida black bear attacks on humans, since the State stopped selling permits to harvest saw palmetto berries, is zero; and that there are no logical, economical, nor scientific reasons to conduct another hunt; and the people have spoken and want non-lethal solutions to human and bear interactions. She respectfully requested that the Board pass the Resolution tonight to oppose the FWC bear hunt and commented that it won't cost the budget a cent.

Commissioner Fisher stated that he has a neighbor whose daughter moved to Oviedo and she lives in a neighborhood where bears are a serious problem. He stressed that she went out for a run one morning and could not get back into her garage due to a bear that had taken over her trash can; and he inquired if Oviedo has an ordinance.

Ms. Shadix replied that Seminole County has passed trash ordinances; however, as a matter of enforcing them, people need to be more aware of the bears; and to adhere to the ordinances to take in and put out trash during the specified hours. She commented that Seminole County is

May 26, 2016

getting bear proof trash cans and working on educating the public, because it is the humans fault for these interactions; the public is tearing down all National forests, they are being bulldozed and burned and that is not known to the public, so these bears started coming out of the forest when their home was being destroyed to the west of the I-4 corridor. She stated it is not the bear population growth, it is the human population growing and encroaching on their habitat and destroying that forest and taking their food; the people are killing them at all different angles and a hunt is not the answer; and no one wants it, only 5 percent of Floridians want the hunt.

Commissioner Fisher commented that their community has bears being aggressive and that he had stated he would shoot it next time.

Ms. Shadix stated she is surprised to hear that because they have not been any human bear conflicts since they stopped selling the saw palmetto berry permits; there have been some inactions with bears in Lake Mary, but not in Oviedo.

Commissioner Fisher stated he may have mistaken and it may have been Lake Mary that he was talking about.

Ms. Shadix stated that it was several years ago and that is why Seminole County started enacting the bear friendly trash ordinances so that people would be trained not to attract the bears. She provided that she lives in the Black Hammock area and has panthers and bears that visit her; the animals are not aggressive; and she keeps her dog inside so it does not hurt the bears, as they are very timid and shy. She noted that when she hears about aggressive bears, she thinks it is a little sensationalized and helps to justify a hunt.

Commissioner Fisher and Chairman Barfield thanked Ms. Shadix for her comments.

Emily Nice asked if she could provide the Board with a handout and stated that she tries to find the good in anything and everything. She stated she was a bear hunt monitor in last year in Mims and wanted to share her experience that changed her profoundly, along with many other bear hunt monitors, whom she has come to know. She reported that she had immediately written down the details from that day because it all felt wrong; in the early afternoon of the hunt as she approached the entrance to the Salt lake Wildlife Management Area, she had pristine vistas surrounding her everywhere, picture number 1; she was curious how the designated zones protected wildlife and looked forward to learning more about the activities and the people there; and she worked hard all of her life and looked forward to enjoying some of Florida's nature. She continued to state the signage included logos for hiking, bicycling, horseback riding and bird watching, and as an undaunted optimist she thought her duties as a monitor would simply include counting the bears from hunters; a few of her friends are hunters and she knows them well, they have described their methods which promote a quick kill and the animal is always used for food; and these hunters are respectful of wildlife. She commented that the type of hunters who came out that day were not like any other hunters she has known. She stated there were four bears checked in that day; she saw the paws of bear number 1 hanging out of a truck as it exited the station while she was arriving. She added that bear #2 was brought in by a man who was irritated because he said he had to drive a long way from where he killed his female bear, and became more angry as he showed the bear, repeatedly explaining that it would not give up and die, why could it not be easier, it made him so mad, it worked so hard resisting after it had been shot, and it fought it so hard; he seemed to want sympathy from her and the biologist while the bear lay there dead and had undoubtedly suffered terribly; and the biologist weighed the bear in at 321 pounds and the hunter actually leaped in the air with what looked like total ecstasy and no wonder he had such a hard time. She stated all that distain for the bear had turned to angst toward the biologist as the hunter told him to be careful and not mess up the coat because he wanted a nice rug. She noted that the other female monitor was

May 26, 2016

ready to take photos; however, the man became panicked and adamant that his identity remain anonymous; here was a man so proud and yet so embarrassed and that she had never heard of a person who expected a living, breathing animal to lay down and be kind to the killer who just shot it; and his mentality seemed very bizarre. She talked about bear #3 which was brought in a Styrofoam cooler and this hunter too had the same jubilation over the thrill of the kill, he had gutted the bear in the woods and left the remains there for the bear family to see and smell; the FWC officer was ecstatic for him, asking about the details of the kill, and they joyfully talked about going on a hunt together; the officer told him he would make a great FWC officer stating they loved people like him; and the officer gave him instructions to apply for a job with FWC. Ms. Nice stated she had wondered if the relocation of bears, in the area of the guts, would survive the journey to relocate to another habitat, whether they could find food along the way, and how it must feel to be uprooted after seeing, hearing, and smelling the unforgettable terror. She mentioned bear number four was brought in just before closing time; the two hunters opened the back latch of their truck and immediately hovered over the bear, she recalls sitting quite far away for safety reasons and did not say a thing; and the biologist stated it was a lactating female, while the two hunters hovered over it with their arms out wide so that Ms. Nice could not see the bear's milk drip. She stated she thought about the abandoned cubs that would never drink it as the bear was hoisted on the scale. She continued to say that this FWC bear hunt brought out and gave a license to a certain breed of human beings in which she has never seen, one that apparently enjoys private, reckless torture. She added that the local lands should be enjoyed by everyone and she shared this experience because she no longer looks for the good first, she is now cautious about people and places and believes that the local laws should reflect the majority of Florida citizens who oppose this hunt. She asked the Board to consider joining with other municipalities in opposing the bear hunt in Brevard County.

Megan Sorbo commented that she was there to speak on behalf of the Florida Black Bears and that the fate of the bears is a statewide issue. She stated that she is a concerned Floridian; in October 2015 the FWC authorized the first bear hunt in Florida in over twenty years; and where 305 bears were killed in two days. She went on that this does not mean the hunt was a success in any way; the most sickening part was that there were 3778 hunting licenses sold and only 320 bears killed; and she questioned how anyone could consider that fair to the bears. She added that currently bears only occupy 18 percent of the historic range in seven isolated population areas throughout the State; and she inquired if the board could imagine having the size of their homes reduced by over 80 percent and then have people come in to the now small home to hunt them, while doing nothing wrong because that is what is happening to the bears. She stated the current population of Florida is about 20 million people which means that over 19 million Floridians do not hunt; and there are many voices of people who desire pure conservation, with no selfish or bias motifs to exploit wildlife. She commented that the FWC recently completed an updated bear population estimate for the state using DNA collected in fur samples. She continued that the undisputed fact remains that the majority of Floridians do not want the bears to be hunted and asked the Board to adopt the resolution against bear hunting in Brevard County; a resolution against bear hunting will help citizen's voices to be heard a little louder, where they were ignored last year; and that the bears have already lost over 80 percent of their habitat and have done nothing to deserve being killed.

Susan Holcombe stated that the bear population estimate that FWC released was done with a certain methodology, where they set up baited areas with barbed wire, took samples of the hair for DNA testing, and used those numbers in a combination with an undisclosed math equation to come up with 4,300 bears for 2015; that does not take into the account the number bears killed during the hunt; also the estimated 200 car accidents that kills bears annually, which 60 percent of those happen in Central Florida; and Central Florida had the smallest population increase at 19 percent where most of that comes from the Ocala area, where most people presume there is a large bear population. She added the FWC says that Ocala's bear population is established and the other bears are on the move. She commented that getting

May 26, 2016

back to Brevard, there are very few bear encounters with human bear interactions and certainly none with an aggressive nature, which becomes a question of when they become aggressive, it is in neighborhood areas where they are getting into bird feeders, cat food, and dog food; and everyone letting their cats roam around and then complain about the panthers, bobcats, and coyotes killing them, when the cats are supposed to be inside in the first place, there are ordinances for that and if an animal is cared about, it should be inside. She continued that Brevard County does not really have a bear problem here, so she does not see a big issue with a resolution for no bear hunting in Brevard County. She added that the citizens are against bear hunting, which goes along with the vast majority of Florida voters, the Boards constituents; and that would show that the Board is truly representing that constituency. She requested the Board put some thought into signing this Resolution, as Brevard County is not the first and certainly will not be the last to pass such a resolution, because people are hearing the voices of the voters. She stated that on FWC's website that it takes eight years, a full generation cycle, to get a true count of the population; now that they have done one, it should be eight years before they do another one.

Ms. Davis stated that she believes that many others, including wildlife experts that Florida's black bears are imperil and need protection. She requested that the Board join the other four counties and thirteen cities in Florida that have passed resolutions opposing and banning black bear hunting in their counties and cities; Volusia County recently passed a resolution banning bear hunting in their county; and there is a dedicated grass roots effort across Florida to end the killing of Florida's black bears, similar to the efforts of the ground swell in banning fracking. She added the number is in the thousands and continues to grow; it is a phenomenal effort and makes her proud to see so many people care about the Florida wildlife. She continued that Florida's population is increasing at an astonishing rate; many people moving to Florida are not familiar with black bears and do not know that these bears are by nature shy, but highly intelligent; they are not aggressive unless someone appears threatening to a mother bear with cubs; and unfortunately what we have in some areas of the state is not a major bear problem, but a people generated trash problem. She went on to say there are practical non-lethal solutions to solving this problem, such as bear proof trash cans; the good news is the proven success rate of using bear proof trash cans, 95 percent documented success in most cases; educating people about black bear behavior is also highly effective; unfortunately there has been inadequate implementation of these non-lethal measures. She continued that some may wonder why the non-lethal measures were not implemented before resorting to last year's October bear hunt when 305 bears were reported killed in two days; the short answer is because FWC wanted a bear hunt and called for one at the June 2015 meeting in Sarasota. She noted that It was standing room only during that meeting with opposing voices in attendance; it should also be noted that FWC conducted their own poll last year asking people whether they approved or disapproved of having a bear hunt and of those people who responded, 78 percent were opposed to it; however FWC went forward with the October hunt anyways. She stated that the seven commissioners who sit on the FWC are not elected, but appointed by the governor to serve five year terms; and the current FWC consists of two ranchers with very large land holdings, a large utility company executive, a wealthy attorney, a president and owner of a large development contractor company, a developer land owner with extensive land holdings and owner of a large multi-million dollar commercial agriculture business, a commercial real estate developer, and an owner of luxury hotels and businesses, who is also an attorney. She went on that none of them have a scientific background, none of them are biologists, and none have credentials or expertise in wildlife management; six of the seven are licensed active hunters; and she questioned if these are the kind of people, Floridians want making critical decisions about how Florida's wildlife should be managed or how Florida's largest iconic mammal, the black bear should be managed. She remarked that the FWC is poised to announce a decision about a 2016 statewide black bear hunt at their June 22, 2016 meeting in Apalachicola; the citizens are determined to send a powerful message in opposition to another bear hunt before that meeting and the citizens believe in the doctrine of public trust,

May 26, 2016

and that the will of the majority of Floridians has been violated. She stated that she respectfully and strongly urges the Board to pass a ban on black bear hunting in Brevard County.

Commissioner Anderson asked if the FWC was instructed to find out if there should be a hunt or if it was a study that determined a bear hunt was needed; and when presented to the Board, was it from a study or did the Commission state they wanted a black bear hunt.

Ms. Wright replied that was not correct; it was spawned from the first bear maul in Seminole County; over a three-year period, Seminole had three bear attacks and the panhandle had two attacks; between the bears losing their fear of humans, becoming food habituated, garbage is a huge problem; and FWC has been working very hard with the counties to write and adopt ordinances to implement bear resistant cans; and FWC had to come up with something to address the issue. She stated that FWC provided some options to the FWC Commissioners to discuss; they are seven independent individuals; and one of those Commissioners did go back, after she was placed on the Commission, and received her degree in Biology, so there is someone who has a scientific background.

Commissioner Anderson stated he is not ready to vote on this until he receives more data on bears hunts or bear hunting; never in all the years of fishing and hunting did he know of FWC taking positions on species management whether fish or mammals based on some silly political stance; and if the Board chooses to go forward, he will vote in opposition until he can satisfy his questions.

Commissioner Fisher inquired if the resolution is passed what would that really mean.

Eden Bentley, Deputy County Attorney, stated that it is a statement and does not have any real legal merit.

Commissioner Fisher commented that it is like most of the Board's resolutions, just a suggestion; so the FWC does not have to abide by a resolution; and if the FWC decides to do a bear hunt in Brevard County or any other county that has passed a resolution, they have the authority to do so.

Ms. Wright replied yes that is correct.

Commissioner Fisher inquired if a resolution was passed and if citizens of Brevard County felt threatened by a bear and decided to defend themselves would there be any legal ramifications.

Ms. Bentley replied no.

Commissioner Fisher explained that it is a nice suggestion to sign the resolution; however, FWC is going to do what is best for the state of Florida.

Ms. Wright answered that is correct and asked the Board to give FWC the opportunity to work with them, present the facts, and all the information requested before considering a resolution.

Commissioner Infantini stated she would like to adopt the resolution, since it has no legal weight, to send a message to the citizens of Brevard County that the Board prefers not to have a hunt; however, FWC could come before the Board and present the facts to have the ban lifted. She went on to state that there was a ban on red snapper fishing that caused a trickle-down effect; and that Laura Lee Thompson pleaded with the board to help bring back red snapper fishing; and that people cannot just go out and shoot an alligator even with the abundance of them in South Florida.

May 26, 2016

Commissioner Anderson stated that there are permits for that.

Commissioner Infantini stated that there are permits for that. She made a motion to approve the ban as it is written by Volusia County and to substitute Brevard County for Volusia County; knowing that it does not have weight on FWC. She requested that if FWC felt the need for a hunt, to please come back before the Board. She thanked Ms. Wright and the citizens for coming.

Commissioner Smith stated he would like to work with the FWC to hear all the facts; however, he disagreed with Commissioner Anderson's statement about the FWC not addressing issues due to politics; and that he believes the manatee issue is purely political. He seconded Commissioner Infantini's motion because he thinks it does make a statement to the citizens.

Commissioner Fisher stated he is not for or against the resolution; he does not know enough about it; would like to see some facts from the FWC; and he inquired to bring it back to the meeting in July. He commented that if the Board was going to pass it, to pass it; however he just does not know enough.

Chairman Barfield stated he knows the facts, but would like more information.

Commissioner Fished inquired if the issue can be brought back before the Board at a later date.

Commissioner Smith stated he is not opposed to that and he would also like to find out more information.

Commissioner Infantini questioned if there would be another bear hunt before August.

Ms. Wright stated the issue will be addressed at FWC's commission meeting in June.

Commissioner Infantini replied that this does have weight.

Commissioner Anderson Called the Question.

The Board acknowledged request by Joan Davis, and took no action on request for resolution to ban Florida Black Bear Hunting in Brevard County.

Chairman Barfield stated that more information is needed.

Commissioner Fisher clarified that it was not in the resolution to review at a later date, however, he would motion for the Item to come back before the Board at a later date and inquired how long it would take for FWC to collect the data.

Ms. Wright stated she could meet with the Board next week, that FWC is standing, willing, and ready.

Commissioner Smith stated if the Board agrees, it can be brought back at a later date.

Chairman Barfield commented that wants more scientific data.

Commissioner Fisher stated all the Board has is the resolution.

Commissioner Anderson commented that he has never looked at their data; the Board had a budget to go over, so it had more pressing matters than researching bear hunting; and he

May 26, 2016

needed to research things that were good for Brevard County right now, and this does not impact Brevard County citizens.

Commissioner Fisher stated he is not a hunter.

Commissioner Anderson commented that he does not know what he is voting on, so he prefers to wait. He stated that he is a hunter and gets really nervous passing laws opposing hunts; once it starts down one road with one hunt, next time it will be with the deer, and then it will be the coyotes.

Commissioner Infantini stated she did not think it would be on the deer.

Commissioner Anderson commented that she would surprised at how many people are anti-deer hunting; and what he does not want is every month trying to get the Board to pass an anti-fish, anti-hunt, and anti-golf resolution.

Commissioner Infantini makes a motion to have a meeting in two weeks to go back and cover this.

Motion by Commissioner Infantini died as none of the Board members will be available at that time.

<b>RESULT:</b>	<b>DEFEATED [2 TO 3]</b>
<b>MOVER:</b>	Trudie Infantini, Commissioner District 3
<b>SECONDER:</b>	Curt Smith, Vice Chairman/Commissioner District 4
<b>AYES:</b>	Trudie Infantini, Curt Smith
<b>NAYS:</b>	Robin Fisher, Jim Barfield, Andy Anderson

#### **ITEM VII., PUBLIC COMMENTS**

Dave Pasley stated he wanted to commend Commissioner Smith for bringing forward some budget issues that need to be looked into; given the effort that has been put forth with the Budget Review Committee and the short stand that was provided by the Board for their findings; and a lot of things that Commissioner Smith came up with, the Budget Review Committee also came up with. He commented that the Budget Review Committee did not get to sit in front of the Board and go through it, like they did today, and expressed his appreciation to Board for that. He added that Commissioner Anderson brought up some comments during the period of time the Board was going through the Budget Review; there were a number of things in the budget that needed to be looked at; and he wants his 25 percent. He added that during the Budget Review Committee there were all kinds of good ideas and he did not get his 25 percent or a paycheck; and he is sure that Stockton Whitten, County Manager, has monies set aside to pay him for that. He comments that voting for CRA's and economic development when there are three commission members sitting in on or advising CRAs and Economic Development; there are only two people here that do not have an oar in the water; and it seems that the Board members should really be recusing themselves from the vote, with some of these issues.

Commissioner Anderson stated that they can not recuse themselves from the vote by State law, unless he or she financially benefit from the vote; and he does not.

Mr. Pasley stated that he is a member of the shooting range that is right beside the Palm Bay range and that they receive calls all the time about making noise out there in the middle night; they have 100 acres out there and have been in business since 1961; people move

May 26, 2016

around out there and make noise; however there are no automatic weapons. He went on that as much as he enjoys black bears, deer, and not the coyote so much, that sits in his back yard and with all the emotional stuff with manatees from a few years back, right now one cannot find a blade of sea grass out there that the manatees are not pulling up; there are more manatees than people know what to do with; and he feels that FWC has done a good job, and asked that the Board pay attention to what they have to say.

Upon consensus of the Board, the meeting adjourned at 10:06 p.m.

ATTEST:

\_\_\_\_\_  
JIM BARFIELD, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
SCOTT ELLIS, CLERK