

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, February 22, 2022

9:00 AM

Regular

Commission Chambers

A. CALL TO ORDER 9:00 AM

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

C. PLEDGE OF ALLEGIANCE: Commissioner Bryan Lober, District 2

Commissioner Lober led the assembly in the Pledge to Allegiance.

D. MINUTES FOR APPROVAL: December 7, 2021 Regular; December 21, 2021 Regular; January 25, 2022 Regular

The Board approved the December 7, 2021, December 21, 2021, and January 25, 2022 Regular meeting minutes.

Result: Approved

Mover: Rita Pritchett

Second: Bryan Lober

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

E. RESOLUTIONS, AWARDS AND PRESENTATIONS

E.1. Resolution recognizing March 2022 as Hemophilia and Bleeding Disorders Awareness Month

Chair Zonka read aloud a resolution recognizing March 2022 as Hemophilia and Bleeding Disorders Awareness Month.

The Board Adopted Resolution No. 22-013, proclaiming the month of March 2022 as Hemophilia and Bleeding Disorders Awareness Month.

Samantha Navarro expressed her appreciation to the Board for the Resolution. She went on to say she was actually the 2021 National Advocate of the Year for the National Hemophilia Association; her son was diagnosed with Von Willebrand disease at age six; and the medication costs one-half a million upwards to a million dollars a year. She introduced to the Board, Veronica, who has von Von Willebrand disease like her son Tyler; and she stated due to the Board recognizing this every year, the Brevard County Public School System has agreed to pass the first proclamation for Bleeding Disorder and Awareness Month in the history of the Nation. She stated Brevard is leading by example; she is happy it is a tight knit community that continues to encourage awareness of so many things here; the bleeding disorder community took on the blood distribution companies with the Ricky Ray Law back at the height of the Aids crisis; and due to that law, all of the blood products in the United States and around the world are tested for illnesses that could kill the bleeding disorder community, and the public as well, if he or she were to get a transfusion. She thanked the Board for its continued support; and she stated she looked forward to continuing to work with Brevard County.

Result: Adopted

Mover: Rita Pritchett

Second: Kristine Zonka

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

E.3. Resolution Recognizing Chief Mark Schollmeyer

Commissioner Pritchett read aloud a resolution recognizing Chief Mark Schollmeyer for his 33 years of dedicated services to Brevard County.

The Board Adopted Resolution No. 22-014, recognizing Chief Mark Schollmeyer for his 33 years of dedicated service to Brevard County.

Chief Mark Schollmeyer, Fire Rescue Director, expressed his appreciation to the Board for the kind words. He advised on February 20, 2022, he completed his 33rd year with Brevard County Fire Rescue; it has been a long and exciting journey from his humble beginnings here; it all started with being a volunteer fire fighter with the Merritt Island Volunteer Department; and after his first 24-hour shift, he was hooked. He went on by saying he rode every time he got the chance until he got hired by the Brevard County Fire Rescue a little over a year and one-half later, February 20, 1989; throughout his career he served as almost every rank from recruit, firefighter, Emergency Medical Technician (EMT), Lieutenant, Lieutenant EMT, District Chief, and Assistant Chief; over the years he had the opportunity to serve the various communities and fire houses throughout the County; the experiences and educational opportunities that have been offered to him over the years has helped him grow into the person he is today; and the memories he has made and the friendships forged during these years with Brevard County Fire Rescue will be with him forever. He stated he is grateful for the hundreds of personnel doing great things to make the County a safer place; and they do have the best department in East Central Florida. He pointed out his last seven years as Fire Chief have been both challenging and rewarding, he would not have traded it for the world. He stated a wise Deputy Chief once said, "There has never been a popular or well-liked fire chief in a fiscally-challenged fire department;" there is much truth to that statement; it has been a challenge in his career, until recently, with the added fire assessment and their seven-year plan; like he said for years, the Fire Chief's job would be really easy if it was not for people, politics, and money; he was kidding; all that aside, it has been a memorable career; and the fire service has evolved over the past 33 years, and the department has adapted over time to meet these changes, some for better and some for worse. He added the key is they are moving forward and making progress; and they have endured large storm events, significant wildfires, and some of the worst human tragedies over-the-years, yet they stayed the course and got the job done. He noted the key to their success is the resilience, directly related to their talented workforce. He stated he will now say farewell, hang up his hats, and the radio that has been on for 24-hours a day for the past seven years; he gave appreciation to his family, especially his wife, who has been by his side; for all of her hard-work and support, she has been officially titled the free assistant to the Fire Chief; she has been his biggest support system, and his reason to get up at 5:00 a.m. to do what he does every single day; and with that being said, he will be retiring March 1, 2022. He advised it has been an honor and privilege to serve the community and lead the department of talented professionals who are dedicated to protecting property and lives in Brevard County each and every day. He pointed out seven years ago two individuals gave him the opportunity to lead the department that he grew up in, and that was Frank Abbate, County Manager, and Stockton Whitten, former County Manager; and he owes them for the opportunity to serve as the Fire Chief for the last seven years.

Commissioner Lober stated as Chief Schollmeyer was probably aware, there were two resolutions, one recognizing him and another honoring him, which was his; he was diplomatic for once, which is hard for him to do, and he said it was fine to put his on the Consent Agenda. He noted this resolution was a little more formal and his was light-hearted; and expressed his appreciation to Chief Schollmeyer's family and wife as there was probably many times they would have rather had the Chief home. He went on to say since he has been a Commissioner,

he has had so many good interactions with him over good and bad events; he has nothing but good to say; he expressed his congratulations to Chief Schollmeyer; and he advised him if he gets bored and wants to volunteer, he would be glad to have him hang out at the office, he will find something for him to do, and he will feed him if that is what it takes.

Chief Schollmeyer stated a funny thing happened today, he cleaned out his office and his truck, and he literally has a computer, coffee maker, and two shirts; he was nervous this morning for some reason, he put on his shirt, walked out to the parking lot, he realized that he had no badge on his shirt; and the badge he is wearing is not even his.

Chair Zonka expressed her thanks for Chief Schollmeyer's service; she stated people do not see the extra things he does; and it was an awesome experience to walk into that Honor Flight, where people are taken to their war memorials, and to see him on that level as a volunteer person to help those veterans.

Result: Adopted

Mover: Rita Pritchett

Secunder: Bryan Lober

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

F. ITEMS REMOVED FROM CONSENT AGENDA

Commissioner Lober stated he received an email yesterday from another elected official who serves on the Port Authority; he does not know if it was a mistake of the applicant or the application process, but apparently there was a second applicant who wanted to be considered that somehow fell through the cracks, whether it be due to their fault or someone else's fault, he really does not know; seeing how this is an alternate spot, he would like to give the League of Cities the opportunity to see whether or not they want to consider this other person; he has no issue approving it how it is; but there was concern expressed to him yesterday.

Virginia Barker, Natural Resources Management Director, advised there were actually six applications received, as explained in the Agenda Item; the vacancy was advertised; all six applications were submitted to the League of Cities; they reviewed those six; and they made their selection. She went on to say all six applications are in the Agenda Packet.

Chair Zonka asked if he was considered.

Ms. Barker advised he was.

The Board acknowledged the appointment of Eric Mannes to the Real Estate Alternate seat on the Save Our Indian River Lagoon Oversight Committee.

Result: Approved

Mover: Bryan Lober

Secunder: John Tobia

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

F.2. Final Plat and Contract Approval, Re: Viera Town Center IV, (District 4)

Developer: The Viera Company

The Board granted final plat approval; and authorized the Chair to sign the final plat and Contract for Viera Town Center, IV, Developer: The Viera Company, subject to minor changes,

if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

Result: Approved

Mover: Rita Pritchett

Seconded: Bryan Lober

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

**F.4. Adopt Resolution to Accept Maintenance of Future Road and Infrastructure Improvements for Tkacs Street: Waelti Drive Warehouses
Developer: KMM-FL LLC**

The Board adopted Resolution No. 22-015, accepting maintenance of future road and infrastructure improvements for Tkacs Street: Waelti Drive Warehouses, Developer: MM-FL, LLC; and authorized the Chair to sign the Resolution acknowledging that the County will own and maintain all future roadway and associated infrastructure improvements for the project, upon satisfactory completion and acceptance.

Result: Adopted

Mover: Rita Pritchett

Seconded: Bryan Lober

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

F.5. Approval, Re: Dedication of Sidewalk Easement from AD Endeavors, Inc. for Donofrio Auto Repair

The Board approved and accepted the Sidewalk Easements from AD Endeavors, Inc. for Donofrio Auto Repair.

Result: Approved

Mover: Rita Pritchett

Seconded: Bryan Lober

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

F.6. Approval, Re: Dedication of Permanent Road Right of Way, Drainage, Sidewalk, and Utility Easement for Brubaker Building from Paint Street, LLC

The Board approved and accepted the Permanent Road Right-of-Way, Drainage, Sidewalk, and Utility Easement for Brubaker Building from Paint Street, LLC.

Result: Approved

Mover: Rita Pritchett

Seconded: Bryan Lober

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

F.7. Approval, Re: Dedication of Sidewalk Easements for Pineda Boulevard West Extension / Segment "E" from The Viera Company and A. Duda & Sons, Inc.

The Board approved and accepted the Sidewalk Easements for Pineda Boulevard West Extension/Segment "E" from The Viera Company and A. Duda & Sons, Inc.

Result: Approved
Mover: Rita Pritchett
Seconder: Bryan Lober
Ayes: Tobia, Smith, Zonka, Pritchett, and Lober

F.8. Approval, Re: Donation of Four Drainage and Grading Easements for the Aurora Road Sidewalk Project, Phase 1

The Board approved and accepted four Drainage and Grading Easements; and instructed staff to record the easements in the public records for the Aurora Road Sidewalk Project, Phase 1.

Result: Approved
Mover: Rita Pritchett
Seconder: Bryan Lober
Ayes: Tobia, Smith, Zonka, Pritchett, and Lober

F.9. Approval, Re: Dedication of Quit-Claim Deed for Right of Way from IFP Development, LLC for the Plat of Island Forest Preserve

The Board approved and accepted dedication of Quit-Claim Deed for Right-of-Way from IFP Development, LLC for the Plat of Island Forest Preserve.

Result: Approved
Mover: Rita Pritchett
Seconder: Bryan Lober
Ayes: Tobia, Smith, Zonka, Pritchett, and Lober

F.10. Approval to Purchase Seven (7) Mack Anthem 64T Semi-Truck Tractors and Four (4) Keith 48-Foot Walking Floor Trailers Included in the Fiscal Year 2022-2023 Budget Utilizing the January 2022 Bid Results for Purchase of the Same Equipment

The Board authorized the Solid Waste Management Department to purchase seven Mack Anthem 64T Semi-Truck Tractors, as included in the proposed Fiscal Year 2022-2023 budget, utilizing bids received January 20, 2022, for the same equipment; authorized the purchase of four Keith 48-Foot Walking Floor Trailers, as included in the proposed Fiscal Year 2022-2023 budget, utilizing bids received January 20, 2022, for the same equipment; and authorized the County Manager to approve any Budget Change Requests that may arise from this purchase.

Result: Approved
Mover: Rita Pritchett
Seconder: Bryan Lober
Ayes: Tobia, Smith, Zonka, Pritchett, and Lober

F.11. Accept and Permission for County Manager to Execute Florida Department of Environmental Protection (FDEP) Grant Agreement Associated with the South Beaches Wastewater Treatment Plant 2 MGD Conversion to Advanced Wastewater Treatment (AWT)

The Board accepted the Florida Department of Environmental Protection (FDEP) grant for conversion of the 2 MGD Plat at the South Beaches Wastewater Treatment Facility to AWT;

delegated authority to the County Manager to execute contracts and reimbursement requests for the grant; and authorized any associated Budget Change Requests.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

F.12. Approval, Re: Budget Change Requests

The Board reviewed and approved the Budget Change Requests as submitted.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

F.13. Approval to Change the Tentative Budget Hearing Date

The Board approved modifying the 2022 Board Meeting Schedule to change the date of the Tentative Budget Hearing from September 8, 2022, at 5:30 p.m. to September 6, 2022, at 5:30 p.m.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

F.14. Appointment(s) / Reappointment(s)

The Board appointed/reappointed **Sharon B. Bowen** to the Port St. John Public Library Advisory Board, with term expiring December 31, 2023.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

F.15. Annual Investment Performance Report Year Ended September 30, 2021

The Board accepted the Brevard County Annual Investment Performance Report for the Year-Ended September 30, 2021.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

F.16. Resolution Recognizing Steven Darling

The Board adopted Resolution No. 22-016, recognizing Steven Darling, Central Services Director; and wishing him much success in his future endeavors.

Result: Adopted
Mover: Rita Pritchett
Secunder: Bryan Lober
Ayes: Tobia, Smith, Zonka, Pritchett, and Lober

F.17 Resolution, Re: Recognizing Mark Schollmeyer

The Board adopted Resolution No. 22-017, honoring Chief Mark Schollmeyer for his decades of service and his commitment to improving both the department and the community.

Result: Adopted
Mover: Rita Pritchett
Secunder: Bryan Lober
Ayes: Tobia, Smith, Zonka, Pritchett, and Lober

G. PUBLIC COMMENTS

Nathan Slusher stated he is present today because he wants to follow up on the last meeting; he brought forward a public notice presented in Hometown News Brevard; and he requested that Brevard County send a request to the Florida Department of Environmental Protection (FDEP) for a public hearing for Brevard County residents. He went on to say he has received information from two Commissioners' offices; he is very thankful for the responses he has gotten; he does not feel the public has been satisfied with any information they have seen come from the FDEP or the offices; and again, he is here to follow up to see if they can get that request for the citizens of Brevard County.

Commissioner Lober asked since he still had time left if Mr. Slusher could reiterate it a little bit.

Mr. Slusher replied yes, on February 4th he received a SpaceX permit that was posted by the DEP or SpaceX, he is not sure who posted it in the Hometown News Brevard newspaper; and the public notice stated that SpaceX is requesting the right to dump .003 million gallons a day of non-treated wastewater into the Indian River Lagoon through Oyster Prong, which sits just north of SR 405 on Merritt Island; he did receive a map with the plan that shows the water flowing from the proposed SpaceX Hangar X, and it just shows arrows going into the Lagoon, there is not much information that came from the map they received; at this point, he would like to see if they could get that public meeting so they can get clarification; there may be filtration in the ponds or in the canals it goes through, he is not sure; and that is what they are looking for.

Commissioner Pritchett pointed out she has been working with Virginia Barker, Natural Resources Management Director, and she said she will have this ready before the March 5th deadline; she went back and forth with Ms. Barker yesterday; the newspaper contacted her as well; and they just need a little time, and they will have more data to be able to move forward with the public meeting.

Mr. Slusher noted the next Commission meeting is after the March 5th deadline.

Commissioner Pritchett stated she is not sure that it would be that hard to call them and request them to do it as well, so she asked if Mr. Slusher would give them a little more time; Ms. Barker has been working on this; and Ms. Barker sent her a text advising that she would have it before the deadline, so they would be able to move forward.

Daniel McDow, West Melbourne City Council Member, stated this is interesting timing as he is here about the Indian River Lagoon as well; a couple of weeks ago Commissioner Smith had mentioned they had almost a \$2 billion budget, no one gives feedback about the dollars spent; and he wants to be here today to say thank you, and that it is important the Board is approving dollars that are well-spent in its cities. He went on to add he is a little out of sequence because he was planning to get in front of the Citizens Oversight Committee to give them the thank you as well; they have a project in West Melbourne, a retention pond that had been sourced financially through three sources, including the Indian River Lagoon; and he was just here today to tell the Board that it had Approved a little under \$200,000 for that project that was in excess of \$1 million. He pointed out it addressed two environmental concern issues for the City of West Melbourne, both addressing the flooding, or reducing flooding risks in some of the older neighborhoods, but the second part of that are the discharges into the Indian River Lagoon; if he has the numbers correctly, that will annually reduce it by 1,317 pounds of nitrogen, 400 pounds of phosphorus, and another almost 40,000 pounds of suspended solids; and he expressed his appreciation to the Board for approving that. He noted they are going to have a ribbon cutting for this retention pond, and the City will be getting an invite to the Board for that.

Sandra Sullivan stated she has a concern about transparency; she has a concern with regard to records that are not on agendas; more specifically, more recently, with public records; she has public records outstanding going back a few months now; she has talked to various County people; but more recently, last week, there was a budget meeting, and she would like to read what was stated. She stated this is District 1, and she read aloud: "My concern is I know we are going to come together as a Commission to take a vote, but I think Ms. Barker is really getting a lot of push on something, and I think this needs to come before the County Commission before she has to start responding to some of these things (records requests) that they are calling action items, and she has done a great job, and the emails are beating her up a bit, and I don't like them." Ms. Sullivan stated she received an email regarding her concern with this statement, and she read aloud: "No one said what you are stating;" she stated this was from District 1. Ms. Sullivan asked the Board for a legal opinion from its Attorney whether State Law for the public records was violated when this statement to her indicates the intent to delay records until after a vote; she stated that would be first and foremost; secondly, she has done records requests on a number of things lately; one is where one of the directors send out an email for a change of vendor; she inquired on why there was a change of vendor, at whose authorization; and that remains unfulfilled as a records request. She went on to say she did numerous records requests on that issue with a change of vendor without going to Request for Proposals (RFP), per County Policy, of any opportunity over \$15,000, it goes out to bid; she was given some misinformation, which she corrected via public records she found elsewhere; and it remains unresolved. She noted she also did another records request where what she got back for records was incomplete, and she found records by going to another entity to get the records she was seeking, so that raises a question; and thirdly, regarding the Save the Indian River Lagoon and digging into those records; she has some serious concerns about the lack of fiscal risk, reporting on where the money is going; and to not get these records and to have a pushback to not fulfill the records prior to today, where a vote will be taken on the Lagoon Plan, is exceedingly concerning to her from a transparency to the public.

Commissioner Pritchett stated she saw some information getting passed around so she went ahead and got transcripts; Ms. Sullivan that she appreciates everything she brings to the Commission; as a matter of fact, most of the things she sends around, most of the Board receives; the comment at that time, and she has it verbatim here, is when the Board had the discussion, the request of the Commission, is that it got information, because there was a loop of information going around that it did not have, and he or she was in the dark; the request was

that Virginia Barker, Natural Resources Management Director, would not be having to do anything outside of her typical parameters; the question came up about public records; and the statement she said was she was not saying public records, she was talking specifically about action items until the Board got to the Tuesday meeting. She pointed out there has been a lot of taking something with a little bit of truth and making it into something different; she does not fault Ms. Sullivan for that because she is always at all of the meetings; when the Board gets to conversation later perhaps, she does not know, but she had great concern the Board was not getting information that Ms. Sullivan might have been from other people reading emails, which got her interested, because she was sending the Commissioners information; and she did not know where the mail trails came from. She stated, again, Ms. Sullivan's statement was that she wanted to know the legality of the Board doing something to stop public records, that was never the intent or the spirit of that meeting; and the Commissioners said that over and over specifically at that meeting, so she just wanted to get that straight, and that is all she has to say.

Commissioner Lober stated he is not going to opine or give a specific example or hypothetical, but if he has a question pertaining to the Sunshine Law, generally what he will do is pull up the Sunshine Manual; a person can go to Google or any other search engine and can type 'Sunshine Manual', it will probably be the first or second result; and for something like this just sitting here he typed in 'unjustified delay', and there is a whole section on it. He noted when the Board is talking about action items, and he does not want to repeat much of what Commissioner Pritchett said, but if the action items are not public records requests, he does not know if that is something that would necessarily in any way apply; if they are public records requests, perhaps it is a different story; but he can appreciate, with respect to what Commissioner Pritchett mentioned, as far as things being perhaps misperceived or taken differently than intended, it is a problem; and it is not necessarily with this, or just with this, but in general where there is some truth to something, it is taken and becomes something of urban legend or myth. He stated as far as the Board looking into whether or not another Commissioner violated Sunshine Law, his question would be to what end, and if it is found that happened, what to do, because there are other entities that can investigate this that have much greater authority to do something whether this is something that any of the other Commissioners have done; he does not know if this entity is even the best entity to look into something like that; he appreciates there may be concerns with respect to public records; and if staff has ever gotten the impression of any of the Board Members wanting any records delayed, he would like to dispel that; he is not trying to delay the production of anything; there are certain justifiable delays; but he thinks apart from very few justifiable delays that are justified by law, he does not know of any instance in which staff has, at least to his knowledge, intentionally delayed for the purpose of obstructing. He went on to say he is not saying it has not happened, because there may be some instance in which he is not aware of, but he has not seen something where he can say conclusively that staff has essentially attempted to obstruct public records law by delaying to the point that something is no longer relevant or just to delay for the sake of delaying.

I.1. Proposed Tow Rate Resolution

Commissioner Tobia expressed his appreciation to Commissioner Smith for bringing the Board's attention to this; he stated had Commissioner Smith not gone through that work, he would not have been aware of this; he has two handouts that have not changed since they were put in the Agenda Packets; however, there is one small change, and he will explain that in a minute, from what was proposed at the last Board meeting; and one thing he needed cleared up is an issue that had arisen. He explained the first talk Commissioner Smith had mentioned enforcement on some unscrupulous tow truck companies; his office drafted a memorandum

and he is more than willing to have any changes whatsoever; as mentioned previously, the State Attorney and the Sheriff know this is something the Brevard County constituents are dealing with, to bring this to their attention that this is something important to the Board; and secondly, dealing with the rates. He stated during a Board Reports he mentioned bringing up a proposed resolution; the resolution mirrors the County towing rates that is delineated in the spreadsheet; this does the same things that were mentioned; and it also incorporates the great ideas that were laid out by the District 1 Commissioner making sure that Brevard County had the lowest fees. He noted he will not go over it in detail as it has been discussed, but this would incorporate these two factors; number one, to get rid of the unique fees in Brevard County that only Brevard, Seminole, Volusia, Orange, and Polk Counties do not have, as well as making sure that Brevard County is the lowest; in full disclosure, this does decrease some fees, it also increases some fees; the decreases are more substantial than the increases, but nonetheless, he thinks it brings the County quite a bit more inline. He advised the question he had, based on the discussion, was due to the fact that there were a couple of fees that Brevard County had, and only one of the other counties had, so looking at that on the County towing rate, Class A, Extra Manpower, the Board will notice that currently the County charges \$51.35; however, Seminole, Volusia, and Orange Counties does not charge anything, but Polk County does charge \$55.00. He went on by saying Commissioner Pritchett mentioned her compromise was for Brevard County to be the lowest, so the lowest will be zero; he did not know if that was the intent, as he had not done this analysis at that point, so he would proffer four options; one, to make Brevard County truly the lowest at zero; two, combine the average of the four counties, which would be \$13.75; option three would be to leave it where the County is, which is \$51.35; and option four, which is the one that does charge, which is \$55.00. He pointed out he wishes he could have reached out, but with Sunshine, obviously that is not an option; the same is extra manpower, in Class B, C, and D; but other than that, the resolution incorporates exactly what was discussed, again, deleting all of the unique fees, and bringing Brevard County in line with the other counties, making sure Brevard County is the lowest; he noticed at the bottom the separate charges, which were not included on the first one; there are a number of those, seven to be exact; and some are pretty substantial. He stated for instance, Air Bags down at the bottom; for some strange reason he does not know what that means; Brevard County charges \$399.44; Seminole County, Volusia County, Orange County, and Polk County charge zero; and in the Orange County Ordinance it goes as far as to say, and he quoted, "No additional charges shall be made for special equipment or services." He stated in fact, some other counties find these fees so nefarious, not only do they not include them, they say they will not even deal with them; he thinks those certainly need to be stricken in the resolution; the three things he will be looking for is direction, when it comes to the options making Brevard County the lowest, the average, leaving it where the County is, or increasing it to the County that does charge for it; number two, to see if any Board Member had any changes or was still interested in going forward with the memorandum to the State Attorney and the Sheriff; and number three, approving the resolution with the County towing rates as suggested at the last meeting with the great ideas incorporated from District 1. He stated those are the three points he would like to discuss.

Commissioner Lober stated he has no concern whatsoever; he just read through Commissioner Tobia's memorandum that was distributed today; it is simple and short enough that he has had a chance to look at it; if Commissioner Tobia wants to have that signed by the Chair and have it go out to the State Attorney and Sheriff, he has no objection to that; and he would be happy to second the motion and support it. He went on to say as to the tow rates, he would really rather wait until March 8th when Commissioner Smith is back as this was, essentially, his baby; he is not prepared today to adjust the rates; he would like Commissioner Smith to be here in person so he can participate a little more meaningfully in the discussion; and he reiterated that if

Commissioner Tobia wants to make a motion regarding the memorandum, he is happy to support that today.

Commissioner Smith stated he agrees with Commissioner Lober; he would have the time at that meeting to look at the proposals; and he would like the opportunity to fill folks in on the meetings that he has had by then. He advised he has a meeting with the Sheriff next week to get his input; and he can bring it to the Board the first meeting in March.

Commissioner Tobia noted this was all at the last meeting, but he understands the telephone issues that Commissioner Smith may be having, which he respects; and since he was the individual who brought this forward, he would be more than willing to, with the Chair's indulgence, table it to that meeting; he would like to deal with two issues; the first is the memorandum, just to take that off of the table; the second one is to get Commissioner Pritchett's suggestions on what her intent is; and he is fine with any of the four, for the extra manpower, so he can fill in the blank when he brings back the proposal on the March 8, 2022.

Commissioner Pritchett advised she likes what Commissioner Tobia brought forth; she would like to hear what the other Commissioners have; but she thinks his compromise is actually good to raise them in some places and eliminate them in others; she thinks it will bring more money to the tow truck drivers without trying to figure out how to get the extra manpower or extra hours; and she reiterated she thinks this is a good suggestion. She thanked Commissioner Tobia for waiting for Commissioner Smith to be present, because she is interested in hearing his thoughts on it as well.

Commissioner Tobia asked if Commissioner Pritchett noticed there were some question marks on the extra manpower.

Commissioner Pritchett replied yes.

Commissioner Tobia advised he is not asking for a vote on this right now, he is just asking what the intent was; the other ones were easy enough to figure out, as she asked that Brevard County be the lowest; but like he mentioned previously, for the extra manpower, some counties do not charge anything and one county charges something; and he inquired if Commissioner Pritchett would like the Board to match the zero, match the \$55.00, or average, as he just wants to bring something back to the Board that does not have question marks.

Commissioner Pritchett stated it would look consistent to do the zero; she does not see anything outlandish that would cause it not to be a zero at this point; and she would like to get the input from the other Commissioners.

Sandra Sullivan stated what she learned after the last meeting on this topic is that this resolution was written by a lobbyist that represents himself as Kendall Towing, as well as Tron Towing, one of his clients; it concerns her when a resolution is sent to a Commissioner, and the resolution, as written by the lobbyist, is presented here at a meeting, when obviously he is representing himself and his clients and not the County's interest; and she sees some concern with the lobbyist here that gives her some heartburn. She continued to say the way people operate is free market, that is what is valued in America; other counties actually send out for bid for their towing; she would like to suggest as another option to consider sending this out to a Request for Proposals (RFP) with whatever line items the Board decides, and to see what it gets back as free market bids from the towing companies that want to bid on that; and then go through a formal selection process with that to make it free market so the County gets the best

value, the best market-driven prices instead of the lobbyist driving the prices, and negotiating with the Board.

Commissioner Tobia asked Commissioner Smith if he had gotten the opportunity to look at the memorandum, as he wants to get one thing off of the table, or if he would rather wait until the March 8, 2022, meeting.

Commissioner Smith responded he would rather wait.

The Board discussed the proposed tow rate resolution; and tabled it to the March 8, 2022, Regular Board meeting.

Result: Tabled

Mover: Bryan Lober

Secunder: John Tobia

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

I.2. Advisory Board Consolidation (Parks)

Commissioner Tobia stated at the last meeting in February he brought up the idea of consolidating or eliminating any non-mandatory advisory boards; as previously stated, advisory boards are brought up under a different context; at the January 25th meeting, based on comments made at the time, it appears the Board was receptive; and he advised he had a spreadsheet to distribute to the Board. He went on to say these are advisory boards with the sole purpose of advising this Board on matters pertaining to parks; this could be, and should be, central to the Board, all districts will be represented, and they can bring all issues to the central board; and nothing noticeably detrimental occurs if these boards are dissolved into one. He pointed out the intent of this is taking the four boards, Cocoa West, Merritt Island/Beaches, North Brevard, Parks and Recreation South, and folding them into the Parks and Recreation Advisory Board; the County Attorney's Office has done the necessary and diligent research on how consolidation can be achieved; a resolution that created these boards can be rescinded; and a resolution creating the new "Brevard County Parks and Recreation Board" can be drafted. He noted Brevard Commission on Parks and Recreation, since this board, for instance, can have the current Resolution 95-287 rescinded but may not formally withdraw from participation until the end of the year; and this is the work the County Attorney's Office did to make sure it was all legit. He went on by saying all of the resolutions drafted to dissolve the four boards to create the Central Brevard one, would come back to the Commission for a vote; and as a result, he would ask the Board to approve a proposal that would carry out this desired action. He noted there are ways this can be handled; it was mentioned previously that essential meeting place could be Viera for convenience of participation; of course, there can be virtual participation, or there could be a revolving meeting; quarterly meetings can be done, one in each of one of the four areas. He reiterated he wants to make sure participation is available; his goal is to have costs reduced, so this could save a little over \$10,000 annually, as well as creating opportunities for staff to offer better goods and services to the community; this is open for discussion, again, this has not changed since the last time; but he will have a motion at the end that would do just as discussed, eliminating the four at the end of the year, and then creating another one folding the others into it.

Commissioner Pritchett thanked Commissioner Tobia; and she stated she knows his end goal is to cut costs and she advised that she has a proposal regarding the West Cocoa Committee and the North Brevard Committee; it is a long district with a lot of parks; the North Brevard Parks and Recreation meet 12 times a year; and they are there every month. She went on to add these guys come in serious; they check the parks and take a lot of the load off of staff; and

they come back with actions items of what needs to be fixed. She noted she would propose to cut them to four meetings like Cocoa, therefore, the costs would be cut by two-thirds; and she thinks it would be a significant savings, which is what he is looking for, and it might achieve the same thing. She went on to say she does not know about Merritt Island, she is not sure if they could merge into the North Brevard either and try to get some things done; she does know the North Brevard Parks and Recreation are really doing a great job up there and taking time off of staff by going out and taking a look at these parks and doing some work; and she asked if Commissioner Tobia would be willing to compromise by cutting the 12 meetings a years from the North Brevard, and to just meet four times a year.

Commissioner Lober stated he would cap all of those four boards to meetings four times a year without getting Board approval; he thinks that is a good move; it will make some significant cuts in the boards mentioned and some smaller cuts elsewhere. He went on by saying he is fine leaving it at that or, alternatively, if the Board wants to consolidate them; he is fine with meeting in Viera or alternate between Viera and Kiwanis, he is fine with that as well; he likes the sentiment that Commissioner Tobia is going for here; and he is supportive whether the Board takes a little step or a big step.

Commissioner Tobia stated Cocoa West, if the Board chose Viera, would have an 11-minute ride, Merritt Island would have a 24-minute ride, North Brevard would have a 28-minute ride, and Parks and Recreation South would have a 15-minute ride. He stated a couple of times a year he does not think it is too much to ask folks; he would not have a problem if the Parks and Recreation board that was created met every month, because the Commission would see a substantial savings in staff time not having to drive to these locations; he did not dig too deep into these, but it is weird how some of these have a cost four or five times the amount of others; he does not know what the rationale of this was; and this was a costs of 2018. He pointed out the goal was not to reduce the number of 69 boards, it was to decrease the amount of dollars on that. He noted he did not think to ask staff if the number of meetings were cut to four if the Board would see a proportional savings or would they ask three times as much of staff at every meeting; and he really does not know what the answer would be on that one.

Commissioner Pritchett advised she does attend the North Brevard Parks and Recreation meetings because they are a very dedicated group; they typically do not have staff do action items; and they typically come in with needs so staff would not necessarily have to come out to see if a fence has fallen down or if there are holes in a playground. She explained she believes it would be more efficient to cut it down to quarterly meetings; she thinks it would come up with the same amount of action items with things that need to be done; but she thinks the main costs on that was that the board was meeting after staff's hours; and some staff members have to be there after hours. She noted it is a very low-key meeting; there are usually only a few staff members there; and so this is staff time, and she thinks it would greatly cut it. She suggested maybe they could meet during regular office hours, and that would cut that amount down to almost zero. She reiterated regarding the North Brevard boards, if the meetings are cut from 16 to eight, the costs will be cut in half.

Commissioner Smith stated he understands the motivation to cut costs, and he agrees with that; he thinks that these boards could meet fewer times within the course of the year and still do what the Board is asking them to do.

Chair Zonka stated she was going to throw a wrench into it a little more, she is going to suggest, and it would still not get quite to where Commissioner Tobia is, but she thought the Board sort of at least touched on the idea of doing like a north and south; she realizes the south may not have quite as many as the north; but at least that would still give the board the

consolidation of those north boards, and not make people have to travel quite as far. She noted she wants citizen participation, she just wants to make sure people are not driving from the south County to the north County, because the odds of them going to that meeting in a rotation schedule would probably be slim.

Commissioner Tobia asked if Chair Zonka would give him a couple of weeks to bring back a proposal that incorporates a north and a south with Commissioner Pritchett's suggestion of capping the number of meetings and making them during business hours so there is no additional cost, and bringing something back to the Board at that time.

Chair Zonka suggested that the south County meetings could be held in Viera, and that would save some time because it is not a far ride, but maybe the most north part of the County may not be quite as convenient and they could meet somewhere in north County.

Commissioner Pritchett stated to let her check it out; it is so far in demographics, even the personalities of their parks; and she asked to let her do some surveying and to see what she can get.

Commissioner Tobia advised he will bring back a proposal, he will leave the exact location of the north meetings blank, and he will wait for Commissioner Pritchett's suggestion as to where the best and most convenient location for a potential north one would be; this would also save the Board from creating a new advisory board as well; and he stated he believes that sounded like a very good compromise.

Commissioner Lober explained that from his perspective, and he has been pretty amenable he thinks as far as this item is concerned thus far, but he would just ask if it is something pertaining to District 2, that they either meet in District 2 or in District 4; he thinks District 4 is a good default or fallback simply because staff costs are lower if they are here, and they can get back to work sooner, they do not have to take as long off work, as it is central; and if they are meeting four times a year potentially, they can drive to Viera, he does not think that is unreasonable. He advised if Commissioner Pritchett can live with her folks driving to Viera, he can live with his driving to Viera.

Commissioner Pritchett pointed out it is a long drive to Viera.

Commissioner Lober stated in that case maybe to leave Commissioner Pritchett's North Brevard one up there.

Commissioner Pritchett noted she has two North Brevard boards. She added while Commissioner Tobia comes back with that, she can get a little bit of time to survey to see how difficult it is going to be to get all of them together.

Commissioner Lober reiterated the obvious thing is to cut it to four times a year period.

Chair Zonka stated she thinks that will be a significant savings.

Commissioner Lober stated he is good with that, and he may oppose something else, but at least he will certainly be good with that.

The Board discussed consolidation of Parks and Recreation Advisory Boards, but took no action.

I.3. Advisory Board Consolidation (Libraries)

Commissioner Tobia stated as discussed, there has been one small change regarding the Libraries; in Commissioner Pritchett's District, Titusville Public Library Advisory Board is a little unique as it was created out of State Statute; that was an error on his part; that one should have been included in the mandatory ones; and he is going to pass out a spread sheet to the Board that has that revision, and it will not change most of the recommendations. He went on to say there are currently 14 library boards within Brevard County; seven which are County run, including a Brevard County Library System Advisory Board; and it is proposed that the Board dissolve the six smaller boards into one already existing, the Brevard County Library System Advisory Board, which could also meet centrally for convenience purposes. He stated this would be initiated by a motion directing staff to draft documents rescinding the resolution establishing these other County boards; the document would come back to the Board for formal vote; the other seven of the 14 library boards, are city advisory boards, but the County still sends staff, and he still does not have a great reason as to why; the city boards, City of Melbourne and Melbourne Beach also have County Resolutions that would have to be rescinded; and a motion would be needed to direct staff to draft documents to rescind these as well. He added all of the four remaining city boards it was determined by the County Attorney's Office after extensive research that nothing is legally binding requiring the County to actually participate; therefore, the Board can stop sending staff and thus expending funds on these boards, the City of Cape Canaveral, City of Cocoa Beach, City of Palm Bay, and City of Satellite Beach. He stated again, they can continue, County staff would just not be attending. He noted the Titusville Public Library, this is the revision made, although a city board is one that the Board will not be seeking to withdraw from, after a review, a special act of Florida Legislature created this. He advised he wants to talk about some of these city boards; it makes logical sense for the County to withdraw from some of these; an example, they are not seeing where Melbourne board meets at all; on top of the number eight through 13, it is not even known who sits on the board; and the County does not know whether there are vacancies or anything of that nature. He pointed out these boards can continue, however, would not require staff to attend these meetings. He stated this is not a great savings, but at least it takes some boards off of the table; these range anywhere from \$2,100 for the City of Palm Bay Advisory Board to as little as \$192 for the Melbourne Beach Public Library Advisory Board. He went on to say as for the County board, its purpose is to advise this board; per the Library Director, they do not deal with any operations, and any information they advise on becomes centralized anyway; for sending County staff, time and resources on multiple County boards can be streamlined; and having the same purpose as a singular board is far more efficient to continue that way. He stated nothing negative will happen, at least that he is aware of, if these boards are actually dissolved. He explained to the Board his motion will be to pull out numbers eight through 13, and then combine the ones at the top; he will go over them in more detail should anyone have any questions before he makes the motion; but he wants to hear any suggestions or if the Board would like to move forward with the consolidation of some of these boards, as well as pulling out from some of these city boards. He reiterated the Board would not be dissolving them, it would just be deciding not to send staff and letting the cities deal with the administration of these.

Commissioner Lober stated first as to consolidating these, whatever the Board chooses to consolidate, if anything, he would suggest them either meeting in Viera, or given that Library staff is being discussed, to meet at the Central Reference Library, either of those would make sense; from a staff perspective, he would rather keep them off of the road and by extension, doing what they are being paid to do; he does have questions as to eight to 13, though in terms of what staff believes is being accomplished by having participation by County employees; frankly, looking at number nine which is in his District, the cost was \$450, but they met nine

times; and it seems like it is something that, given the number of meetings, it is a relatively low cost. He noted maybe if it something worthwhile, the Board can continue to have them to the meetings, but less frequently; but he really does not know to what degree they have been participating in those rows eight through 13. He asked if staff could give the Board a general idea as to what the County's involvement has been with the individual cities.

Wendi Bost, Library Services Director, explained to the Board staff does attend these city board meetings, and they do share information about the libraries, things that are happening at the libraries; and they do get feedback from the various cities regarding ideas they might have or ways that they would like to see things change, or programs they are interested in.

Commissioner Lober stated he is all for consolidating two through seven, provided they meet in Viera or at the Central Reference Library, but as to eight through 13, being that the cost is relatively low in the scheme of things, if citizens really do have the ability to essentially petition their government for redress or lobby the County to do different things in an area that is convenient for them, he is not really comfortable getting rid of eight through 13, because he thinks it makes government more accessible to folks. He reiterated yes, there is a cost, but the cost is relatively low in the scheme of things.

Commissioner Tobia advised the County is not infringing on anyone's rights to redress government; these are city libraries; they are funded through other revenue sources generally; and those folks certainly have the ability to speak with their local elected officials, and have the ability to speak with the Board as well. He noted this would just stop, quite frankly, wasting staff's time to go to facilities that the County has absolutely no authority to impact one way or the other; again, the County does not know the number of vacancies or who sits on those boards; and all he is saying is that the City of Palm Bay, City of Melbourne, or City of Cocoa Beach are more than willing to continue, and the Board strongly encourages that, but it will not be at County accounting expense. He stated if they decide they want to send a resolution or letter to the County at every meeting, he is sure staff will be more than willing to take those suggestions. He went on to say in 2021 there were 24 meetings, and the City of Melbourne Beach did not even meet. He pointed out those are the lowest hanging fruit; he certainly does not want to look a gift horse in the mouth because he would strongly support getting rid of two through seven, or consolidating them into the one that is currently there; but he thinks it is a lot easier to stop County participation in eight through 13. He stated he certainly wants to hear where the Board is, and if that is the consent of the Board, he will be very happy; and that would be a savings of four or five thousand dollars a year and cutting the boards down by five or six.

Commissioner Lober stated he understands where Commissioner Tobia is coming from, and he does have a valid point. He suggested that the 24 meetings to allow constituents of the County to reach not only their city, but their County as well; nothing obligates him to go to council meetings in his own district, but he still goes to a number of them; he just thinks it is better for his constituents to be able to address their city elected officials, and potentially either for them to address or if the city has questions to have him physically available to give whatever input he has; he does not know that it is wasteful to be doing that on his part or on staff's part in the case of these library boards; frankly, he was not aware the Board has ever compelled staff to go there; and if they thought it was a waste of their time, they simply would not go. He pointed out he does not know what the will of the rest of the Board is, but he feels pretty strongly as to eight through 13 in terms of wanting to continue participation.

Commissioner Pritchett inquired if it would be possible for eight through 13 to still be meeting under their cities; if they did that they could still have the meetings; even with the ones up top,

what she is thinking, because the County has 31 people who serve on the purple section that Commissioner Tobia distributed to the Board; and that would be a lot to hold one big public meeting. She suggested maybe for the meetings with County staff they could still meet, get together, have conversations, and then just have one big board meeting where they would send a representative, maybe quarterly, out of both of these groups; so there would be group purple and group green at the County, however the Board did that, and there could be one consolidated meeting where they could bring ideas for their other libraries. She went on by saying she was thinking with the Mims/Scottsmoor group, she has been to that a couple of times; they are aggressive with figuring out their children's programs; they get down in the weeds of what they want to do in upcoming months and through the time period; she thinks their getting together and having conversations is very profitable; but she thinks by taking all these and let them send a representative from each group, one or two; and then there could be one consolidated meeting under the County, under the Sunshine criteria, at that time. She noted the meetings could be cut back and consolidated. She stated these boards can still meet under the city if they wanted to and make their decisions, and then there could be one big County meeting where they send representatives to do the overall part of those libraries.

Commissioner Tobia pointed out Commissioner Pritchett's compromise was so good on the first one, he does not see why it could not be used on this one as well, creating one that met in the north and creating one that met in the south; maybe having a subcommittee of all of the city libraries that fit underneath the Brevard County Library System Advisory Board, the same way the Tourist Development Council (TDC) has subcommittees that meet; but he would be more than willing to incorporate those suggestions into a new plan by the next Commission meeting that would have some geographic participation, not only the cities, but County ones as well. He went on to say he thinks it certainly gets the County closer to the goal he stated of having less boards, but more importantly, less money expended as well, giving everyone the opportunity to participate in the furtherance of these public libraries.

Commissioner Lober advised his concern is essentially the same as he had with the prior item as far as the locations; by splitting the County in two, he has folks from the edge of Cape Canaveral all the way down to Rockledge where he lives, and to say the north and south are the two areas, if there are folks from Mims or Valkaria, he or she is driving a heck of a distance for a volunteer board. He asked if the Board wants to do something like that to keep something for the central area, either in Viera, or in this case, since it is a library issue, over at the Central Reference Library. He reiterated either of those areas are far closer and will, in all likelihood, allow for folks to continue to participate who probably are not going to be inclined to drive either to Mims or down to Malabar.

The Board discussed Advisory Board consolidation for Libraries; and tabled the discussion to the March 8, 2022, Regular Board meeting.

*The Board recessed at 10:17 a.m. and reconvened at 10:25 a.m.

Result: Tabled

Mover: John Tobia

Secunder: Rita Pritchett

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

J.1. Adoption of the Save Our Indian River Lagoon Project Plan 2022 Update as Recommended by the Save Our Indian River Lagoon Citizens Oversight Committee

Chair Zonka stated there are a bunch of speaker cards for this Item; staff will introduce the Item; and if the Board is agreeable, it will listen to the public comment cards first and then to bring it back to the Board.

Virginia Barker, Natural Resources Management Director, stated this is adoption of the Annual Update of the Save Our Indian River Lagoon Project Plan as recommended by six out of seven of the voting members on Save Our Indian River Lagoon Citizen Oversight Committee; in terms of fiscal impact with what is going on with the economy, they re-projected the 10-year revenues for the half cent sales tax, and increased the fiscal impact by \$53 million; \$6 million of that is dollars that were already collected in 2021, above and beyond what was previously projected; and the remaining \$47 million is projections for the future. She went on by saying what the Committee recommended that is in the Board's packet was to take that \$6 million that is already collected and allocate that to new projects; approximately \$4.2 million of that \$6 million is going to more wastewater projects, either septic to sewer or wastewater treatment plant upgrades; and \$1 million is going to public educational engagement and outreach. She added this is a variation on the previous contract for oyster gardening that the Board, two years ago, had asked the Committee to consider incorporating into the Lagoon Plan; it was previously paid for out of stormwater fees, and this would take the program and extend it out for the five-year remaining life of the half-cent sales tax; and it would also expand that program from not just oysters but also whatever restoration projects that are going on in the Lagoon that volunteers could be engaged in, whether that be clams, living shorelines, seagrass, mangroves, or any of those restoration-type projects. She advised the Board that there is another \$300,000 going towards stormwater treatments, approximately \$300,000 going towards vegetation harvesting, \$300,000 going for environmental dredging of muck, and the remaining \$47 million, based on future inflation, being put into contingency, because they know that as materials cost more, they collect more, construction costs will also go up, and the idea is to have those Reserves ready to be able deliver the projects that are in the Plan. She stated the requested action includes adoption of the Plan if that is the will of the Board, associated Budget Change Requests, continued signature authority for the Chair or authorized representative to enter into contracts to implement those projects, continued authority for her as director to execute up to two no-cost time extensions up to six months each, as previously authorized by the Board, permission to advertise formal solicitation of bids and proposals to get these projects implemented, and authorization to submit grant applications to leverage the half-cent sales tax dollars with whatever grant opportunities out there for these sorts of projects. She went on to say she wanted to highlight one other thing from the Agenda Summary, which is there were a lot of updates in the 2022 Plan, and they updated the current status of seagrass losses and seagrass restoration efforts in the Lagoon, including a Resilient Florida grant, which has been secured by the County, which will allow the County to plant one and a half acres of seagrass to test different planting methods and planting densities to find the most economical and effective approach for large scale restoration in the Lagoon, and development of the seagrass restoration toolkit for all of the agencies, stakeholders, non-profit groups that are out there looking to plant seagrass in the Lagoon to help start that restoration process. She noted that restoration is limited by where in the Lagoon the water quality is sufficient to be able to actually support seagrasses. She pointed out she would like to quickly go to the slides. She stated they have completed 56 projects; the stars on the map show the location of those projects distributed from Mims to Micco, mainland, at the beaches, and Merritt Island in the Indian River and Banana River Lagoon; there are also 63 individual septic lateral repairs that have been funded to private homeowners, 34 septic to sewer connections for people that live nearby,

sewer lines that did not have to wait for a sewer extension project, and 53 septic upgrades for people to replace their old conventional septic with a new, advanced septic system; and additionally, there are 24 more projects that are contracted for construction, with construction underway, 39 more projects that are contracted in in design, and there are 15 more projects that the contracts are in development right now. She went on to state in terms of progress, they have reduced the annual loading of nitrogen to the Lagoon by nearly a hundred thousand pounds per year; the graph was provided by the St. John's River Water Management District; each of the pies is for a different segment of the Lagoon; from left to right, the Mosquito Lagoon, the Banana River Lagoon, the Northern Indian River Lagoon, which is from the northern limits of the Indian River down to the 192 Causeway in Melbourne, and then the Central Indian River Lagoon is from the 192 Causeway, south through Indian River County; and the scale on these pie charts is how much needs to be reduced, the top row is nitrogen, the bottom row is phosphorous, and how much is needed to reduce each of those nutrients to hit the load reduction targets for seagrass to recover. She explained the green portion of those pie charts show how much of that load reduction has been achieved so far; progress is being made; but obviously there is a long way to go. She stated they are halfway through the half-cent sales tax and still need years to implement the projects and programs proposed in the Plan. She went on by saying what that means for seagrass is they do not have the water quality that these standards have predicted will be needed for seagrass to be able to recover and survive; these standards were development by the Water Management District; they were reviewed and Adopted by the Florida Department of Environmental Protection; and then they were reviewed and Approved by the U.S. Environmental Protection Agency. She pointed out to work on seagrass restoration, specific areas of the Lagoon have to be looked at which are cleaner than others, where the water is cleaner long enough for seagrass to see sunlight and grow long enough to store enough energy in the rhizomes that it can suffer through the bloom season, and then to bounce back the following year; an effort is being made currently to identify what areas of the Lagoon are cleanest and shallowest, and most likely to be able to support seagrass the soonest; and those are the areas where the pilot project would be attempted, and to point other people to those areas as well for their restoration work. She advised the Board that in the 2022 proposed plan, there are 31 project additions; she talked about the bottom of the list, the Oyster Gardening Program, which is revamped to include whatever sort of public participation and restoration might be going on at the time over the next five years; but there are also 13 septic to sewer conversion projects, eight stormwater projects, four vegetation harvesting projects, a couple of oyster bars, one wastewater treatment plant upgrade, one small environmental dredging project in Melbourne, and one planted shoreline project; and that brings the total of all projects in the Plan to 337. She noted the pie charts are part of the Board packet; they show what the distribution of funding was by project type in the original 2016 Plan versus what is proposed in the 2022 plan. She stated on the left hand pie chart, the large gray area, that was 66 percent going towards muck removal addressing the legacy load in the Lagoon, and several years back, the Board asked the Committee to consider reducing the amount of funding spent on that to put more into addressing the sources of pollution, especially human sewage; and the yellow and orange wedges of the pie, on the right hand side, are all different types of wastewater-related project, with the largest piece, the yellow, being septic to sewer conversions. She noted that is her part of the presentation. She went on by advising the Board that the consultant, Tetra Tech, who developed the original Plan and has been working with collecting their recommendations, the Committee, throughout the years and implementing that into plan updates is present at the meeting; Marcie Frick is a Senior Water Resources Engineer in Tetra Tech's Water Resources Group; and she has 19 years of experience. She added Ms. Frick spent most of her career working on restoration plans throughout the State of Florida, including implementation of the Comprehensive Everglades Restoration Plan; as a contractor for the State of Florida, she developed their Basin Management Action Plans for many locations around the State of Florida, including Basin Management Action Plans for the

North Indian River Lagoon, the Central Indian River Lagoon, and the Banana River Lagoon; and she was very familiar with Brevard County issues, with the water quality challenges, the types of projects that were feasible here, what sort of credit the agencies would be willing to grant the County for these sorts of projects. She added all of the stakeholders who had been working with the State developing those Basin Management Plans was familiar with her and her work, which made development of that initial Plan in 2016, when the County had six weeks to produce a plan, it made it possible for that to happen, and in the timeframe that the County had; Ms. Frick has also worked on the Indian River Lagoon National Estuary Program, the latest rendition of the Comprehensive Conservation and Management Plan; she has developed Martin County's Water Quality Needs Assessment, St. Lucie County's Water Quality Assessment, and Indian River County's Lagoon Management Plan; her slideshow has been added to the Board's packet; it goes through all of the changes in the 2022 plan update; and she is available to either go through that slideshow or answer any questions the Board might have.

Chair Zonka inquired what the Board's desire was, or if any Commissioner had any questions.

Commissioner Lober replied he would comment after public comments when it is available.

Dr. John Windsor expressed his appreciation to the Board for letting him speak and for its ongoing commitment to the Indian River Lagoon restoration. He stated forty years ago he started studying Indian River Lagoon issues; he recommends adoption of the 2022 SOIRL project plan update; he is one of 14 Save Our Indian River Lagoon Citizen Oversight Committee (SOIRL COC) members whose expertise includes science, finance, tourism, education, real estate, technology, and Lagoon advocacy; and over the last year the COC has continued to meet nearly monthly. He went on to say most COC members continue to be present at all meetings; they heard progress reports and results from funded projects; and Natural Resources Management staff arranged presentations from technical experts on many topics important to COC members and the public. He went on to say during the last year, some of the topics addressed include low impact development, septic upgrades, mechanical harvesting of aquatic vegetation, resiliency opportunities, human fish health investigations, climate-ready estuaries, drift macro algae in the Lagoon, floating wetlands for stormwater treatment, the annual audit report, wastewater treatment asset management, package plant to sewer conversions, shovel ready seagrass restoration, Manatee habitat enhancement, aeration of canals along the Lagoon, sand capping of muck deposits, and improving circulation in the Indian River Lagoon. He advised at each meeting, comment was solicited for any project-planned changes that the COC voted on; and an open public comment period was near the end of each meeting. He pointed out some of the comments were outside the scope of the COC, and he thinks the Board is familiar with that kind of thing; on one occasion, individual COC members reached out to assist the citizen after the meeting; their meetings have been well-organized and productive, primarily due to the Natural Resources Management staff; and staff has always been available to answer his questions or provide him data in a very timely manner. He expressed his thanks to staff publicly for his or her outstanding work. He stated after considering new projects this year, the plan before the Board has been carefully reviewed and recommended by the SOIRLCOC; he supports the adoption of the SOIRL project plan; and he expressed his thanks to the Board again for its continued support of the Indian River Lagoon restoration.

Rick Heffelfinger advised he is here to speak about this Item, but not because he knows anything about the Indian River Lagoon Restoration Program. He stated he assumes the Commissioners are doing a wonderful job; based on the previous comments, he would say the Board is looking at a lot of different projects. He went on to state his concern is, and he does

not know if the Commissioners read the paper, but there have been some opinion pieces that there are issues about people raising questions and getting shut down; and when they try to find information through public records requests, they come up with a huge bill for hours. He noted he does not have all of the specifics, but he has experienced the same thing; he made public records requests, and he was told the documents that were passed out to the Board during meetings did not exist; and he did not get copies, and some of his money was refunded. He stated he does not know how the County does public records, he thought it all went through the County Attorney; but something is wrong as it is hard to get information. He pointed out to be told a person's questions are not valid or he or she does not get the information, sounds wrong. He stated he thinks it was about seagrass; and he asked if the presentation on the screen gets linked to the meeting.

Ms. Barker replied it is part of the video; that particular pie chart is in the Agenda Summary; but one of the other slides were not part of the Agenda Package.

Mr. Heffelfinger stated Telstar or whatever, he did not see that PowerPoint linked; and he asked if that is something staff usually does or does not do.

Ms. Barker advised this was information that came up and seemed timely after she had submitted the Agenda Packet two week ago; but she is happy to provide that information to him.

Mr. Heffelfinger stated that he guesses that goes towards transparency; if a person does not attend all of these meetings and watch all of the videos, if he or she has questions and someone shuts them down, he does not know what to do. He went on to state a person has to do a public records request, and he has had trouble with them. He pointed out he thinks the quote was \$1,000 for 12 hours is what this lady wrote it in her opinion part; she is being quoted rates for a directors salary; he asked how hard is it to pull email; and he pointed out a person goes into their email, searches for seagrass, and dumps it out. He stated maybe he misunderstood; maybe it was more than an email request; but that seems insane; that looks like the County is throwing a financial block at somebody getting information; and if she could not get the information the other way, she had no choice but to do that. He inquired if the Board was voting on it today. He stated the lady did not get her information; she was not able to make a case; he guesses she thinks something dealing with the seagrass is not right; and the Board is going to vote, approve it, and try to change it later. He reiterated she is being shut down; that is something the Board needs to look at, what the process is, and how much it really costs. He asked it is staff, but does a supervisor need to pull the records. He reiterated that seems insane.

Commissioner Pritchett stated Chair Zonka brought up at the workshop that she thought some of the County's public records requests are getting outlandish; she thinks the Board made some changes a while ago; and maybe it needs to go back and look at it again as far as staff time. She pointed out with her office, when things are requested, if they are in email, they just send them out; and it would be something to consider to look at. She thanked Mr. Heffelfinger for brining that up. She stated what people read is not always what is going on; the Commissioners have to show up and get all of this information so he or she can make a good decision moving forward. She noted she would not mind re-looking at public records costs if it is something that can be done as far as making the process simpler; and her goal is to get information out to the community.

Chair Zonka asked Ms. Barker if she would mind addressing the accusation made in an opinion piece, and if she would mind addressing where that thousand dollar cost came from.

Ms. Barker replied that particular request was for every email to or from her that contained the word seagrass; and the County Attorney did pull those records, and there were 7,022 pages. She stated per the County Policy on public records requests it says, all emails shall be viewed by the records custodian and the appropriate County staff member to ensure no exempt and/or confidential information is contained therein; and the time that was quoted was the time for her to review the 7,022 pages to ensure that no exempt or confidential information was contained therein.

Chair Zonka inquired if the reason why Ms. Barker had to review them was because she was either part of the email or she was the originator.

Ms. Barker responded affirmatively; and she stated they were her emails.

Chair Zonka asked if it was not Ms. Barker's choice, and if it was per Policy.

Ms. Barker replied that is correct.

Chair Zonka advised she asked the same question; and obviously when someone makes such an outlandish accusation, she wants those questions answered.

Commissioner Lober stated he has a couple of thoughts with respect to this. He went on to say he does not know that there is a very diplomatic way to phrase this, so he is going to just say it; from his impression, there is a concern he has; he would not have been concerned were the only item brought to his attention solely the invoice for public records, but what preceded that caused him to consider that there may be more of an issue going on there than might otherwise be the case; and what he is referring to in particular is one of the folks that requested the records from Natural Resources was first told that the records were or may have been covered by Sunshine Law, and Sunshine Law precluded the release to those individuals who serve on the Citizens Oversight Committee. He added he is not the County Attorney, but he knows enough when it comes to public record law to know that is absolute nonsense. He advised he had the person reach out to him to see if he would intercede on their behalf to avoid them having to sue the County in order to get the records; he sent the County Attorney Abby Jorandby an email at that point in time; he advised Attorney Jorandby he did not know why she was told this, but he does not believe that is the case at all, he thinks she is entitled to the records; and there is no basis in Sunshine to deny her the records. He added Attorney Jorandby thankfully shared the same opinion that he had that the person reaching out to him was entitled to the records and Sunshine was essentially a red herring there. He pointed out that in and of itself means one of two things, either there is a lack of knowledge when it comes to what Sunshine Law precludes on the part of at least one department director, or alternatively, which is worse, information is intentionally being kept from being disseminated to folks who are entitled to it; he cannot make a judgment call objectively on that; and he has his subjective opinion and it is what it is. He stated what he will say is that where information is essentially held at the gates is an objective statement unreasonably or unlawfully to then to have a thousand dollar quote generated; it causes him concern; Ms. Barker just mentioned, and he is going to look at the wording because he was jotting it down as she was speaking, out of the Policy to have the appropriate County staff member ensure there is no exempt or confidential information contained therein; and if she does not understand that Sunshine is a non-issue, there is already, in his mind, a lack of foundation to say that she is the appropriate person to determine whether or not that information is confidential or exempt because she clearly has had issues with respect to understanding what needs to be kept versus what needs to be produced. He advised he has gotten a slew of public records requests in his office; some of them Kika Golan, his administrative assistant, handles, some of them he handles, it

depends, but his policy is the lowest, compensated employee who is capable of fulfilling the public records request is the one that handles it; he had requests for communication with law enforcement officers; some of that information contained therein is absolutely exempt from disclosure; and it is not that he does not want to produce it, he is legally prohibited from producing it. He noted Ms. Golan is great, but she does not know the exemptions as well as he does; and he does not know that she knows the content as well as he does to be able to go through without spending an inordinate amount of time to determine what should or should not be produced. He stated he is not a conspiracy theorist; it may very well be that there are some reasons he is not aware of why Ms. Barker is the only County employee in that department who is able to fulfill the request; but he does not know why that would be the case. He went on to state he does not know why there is not someone who is paid \$15 or \$20 an hour who could not go through the same information; if there is a reason to think that every single one of those emails contained exempt, or a number of them contained exempt and confidential information; that may be a legitimate thing, but he has not seen it; and he thinks it smacks when considering the Sunshine refusal at first. He reiterated that it smacks of there being at least an argument to be made that it looks bad and something is trying to be kept; he is not saying that is the case; but he is saying the image and the way that it appears does not look good.

Commissioner Pritchett stated in the beginning, when she and Commissioner Lober got on the Board, something happened and all of his personal information got out; she thinks at that time adjustments were made to make sure everything got redacted that would harm anybody else, and there would not be any unforeseen consequences. She went on by saying whenever she receives public records requests, she typically gets them from the Clerk's Office or a member of the County; if she receives any, she usually sends it to them, just to let them handle it; they have access to everything she has, her computers, everything; and everything is easily obtained. She explained the appropriate thing, if someone wants this, is to maybe contact the Clerk or somebody or send it to that department so the correct department can do it, because she knows the Commissioners get a little busy trying to accomplish things; and some of these things are actually asking for a report, which takes some time to compile. She reiterated its almost always safer to send it through the County, through departments that have the ability and responsibility to make sure nobody gets harmed with it again; none of the Board Members have tried to withhold information from the community; he or she is all about communication; she understands some people are frustrated; but they are frustrated because communication has been very poor in a lot of areas, and she does not think it is necessarily staff, she thinks everybody's trying to work a project which is part of the issue. She pointed out she does not believe for a minute that Ms. Barker does not get information out in a timely manner; she has so much to manage; and she has one of the very high dollar responsibilities in the County as far as the Lagoon, along with the COC that comes together to make recommendations. She advised she watches those board meetings, she has no life; it is interesting to hear all of the minds that come together, all of the personalities, and the way they work together. She stated this is a hot topic; people do not agree on the outcome, and that is where the problem comes in, because he or she does not get what they want; she thinks taking everybody down a rabbit trail to get off focus of what the Board is trying to accomplish happens many times; and it is human nature. She went on by saying this came up at the budget meeting; she thinks it was important that all of the Commission had that information; and four Commissioners were not privy to information requests going around. She advised the Commissioners have as much data stuck in their heads as they can get; if she realizes the Commission is not getting the information, the Board Members have to have it, it is very important to have it. She reiterated she watched the COC meeting; she expressed her thanks to Laurilee Thompson for bringing up District 1's project relating helping with the seagrass; and she stated she did not hear the COC board actually having a whole lot of conflict with what was presented. She advised she read Ms. Hammerling's newspaper article, so she wanted to see what the conflict was, because

she did not hear that; and she advised her she could come up later, maybe there was a different time she mentioned that. She pointed out she has not heard anything in conflict to what is being brought, and the Board will have a conversation in a minute, and everyone will see what comes up. She stated the Commissioners are under Sunshine, he or she cannot communicate, so she does not know what is in individual Commissioners heads right now; and at public meetings is where the Board can bring up things and work through them. She advised the Board that Ms. Barker's integrity is not in question with her; the things she does are not in question; and she is amazed at what Ms. Barker gets done. She went on to say she actually went through one of these emails someone asked Ms. Barkers about, and she wants to give the rest of the Board these time periods; Ms. Barker was given a question by a constituent at 9:32 am, and she gave an answer at 12:28 pm; she had another email come in at 1:41 pm, and she answered at 2:51 pm; and again the same night Ms. Barker followed up at 6:43 pm. She noted the next email question came in February 8. She stated she has not seen Ms. Barker trying to block information on those emails; she researched it to find out what was going on; she does not like moving off emotions or everyone's opinions; she tries to gather as much information as possible; and everything she has found, she just has not seen that happening. She noted she has not found anything inappropriate as far as trying to withhold information for constituents; some of the requests may take longer to get together; but she recommended the Commissioners send it to the County Department's to handle and to get the information out as quickly as possible.

Chair Zonka explained she tries not to interrupt public comments with a lot of these comments, but Commissioner Lober was the one that increased those public records rates because he was just getting inundated; what she is saying is that he brought that to the Board to talk about, because he was getting public record abuse, she means the amount of requests; and some of Commissioner Lober's public records costs have been high as well. She stated if a person has 12,000 emails to go through, not only is she going to want to make sure that whoever's requesting it gets the correct information, she wants to make sure nothing is private that just inadvertently gets mentioned because of that release, the issue with IT in the beginning. She went on to say for her, she wants to see what is going out; half of the time the Board does not even know when a public records request is being made until after the fact; there was an issue, a big issue for the Board and some of staff; and she would want to see something of that magnitude, and for good reason, because things get completely blown out of proportion. She went on to say people take opportunities, they make accusations; it makes for good print, but it is not the whole truth, and barely part of the truth; and that is what she takes issue with.

Commissioner Lober stated as far as the business and the public records requests in his office, the bottom line is the request that released exempt, statutorily exempted information pertaining to him; no one in his office had the opportunity to review it; and it was sent without them even knowing the request had come in. He went on to state had his staff, who have hourly wages far less than his, had the ability to review it, that would have been fine; what is being talked about here is not only did the department have the opportunity to review it, it went to the highest paid staff member in the department; and it is not apples to apples to say the reason that led to change in the public records structure here is somehow analogous to this.

Chair Zonka advised the request was of Ms. Barker's records; she understandably would get that request; she has seen some of Commissioner Lober's public record requests costs before, and they were directly related to what his wage was; and she is saying she would be careful of holding everyone to the same standard that he applies, because she does not think he lets his staff go through stuff without charging his rates.

Commissioner Lober stated he absolutely does.

Chair Zonka noted maybe now, but that is not how it was.

Commissioner Lober stated if Chair Zonka can find one instance in which she has an issue to bring it up, set an agenda item, and it can be gone over.

Chair Zonka stated okay.

Commissioner Lober pointed out to please do it, he thinks that is absolutely fallacious.

Chair Zonka stated she will have Nadia Foll, County Attorney's Office, pull those calls.

Commissioner Lober advised that is fine, and it is great to make an accusation with no specifics so that there is nothing to rebut, that is nonsense.

Chair Zonka stated it will be on the next meeting.

Vinnie Taranto stated as chairman, one of his tasks is to assist the oversight committee to present the plan to the Board for its consideration, and they have done that; he wants to make himself available for any questions; due to the previous public comment he would have to say there was nobody shut down at the last meeting; and as chairman, his task is to make sure they have an orderly meeting, and he takes it personal to make sure that everybody on the committee feels that they have been heard. He reiterated nobody was shut down. He expressed his appreciation to the Board; and he stated if a Commissioner has any questions, he will make himself available.

Sandra Sullivan stated she wants to say she has records which are not fulfilled on this issue; as it stands right now; she reviewed the video from the Budget meeting during the break and did confirm that following District 1's comments, the contents of the action items, which she never used in her emails, was referred to as records requests, and a conversation ensued; and she would still like that to be looked at. She went on to say pertaining to the last oversight meeting, there were three committee members who brought up concerns that the purpose of the Citizen Oversight Committee (COC) is to advise the County and to provide oversight, and three issues were brought up; one brought up pesticides that got redirected by Tetra Tech and by the director; the second comment was brought up about the pesticides in the impoundment area, which is on the plan; and that then went on to another comment about biocides, copper being a biocide. She pointed out at no time did the director ask to the concerns brought up by the COC, if he or she wants to see a change in the plan; and there is a process to modifying these. She explained the issue she has with the plan, and why she is asking the Board not to approve it today, is the Florida Department of Environmental Protection (FDEP) knew, as of 2011, that more than nutrient loading was causing the seagrass to die off; last year Marine Resource Council data sent to the Board found that even in areas of good nutrient levels, the seagrass still was dying suggesting another factor; and the plan has not been adjusted beyond nutrient loading in Section 3. She stated there were 177 dead Manatees as of February 11, 2022; 70 percent of those Manatees are in Brevard County; when there is a massive die-off of species in the Lagoon that rely on seagrass, it is telling people other species as well in the Lagoon are dying; and there are more species in this Lagoon than any other Lagoon in North America. She went on by saying it is very important to protect; she would say 80 percent of the seagrass in the Lagoon has been lost; the Lagoon Plan is not working, that is evident right now; and the Board needs to re-assess what could be causing it and look at the scientific literature. She noted this is not an issue limited to Brevard County, it is across the world; there is a lot of research as copper is mixed with herbicides, and there is a lot of runoff of copper to the Lagoon, as well as other contaminants that cause the decline of seagrass.

Stel Bailey, Executive Director for Fight for Zero, National PFAS Contamination Coalition Leader, and liaison for Academy of Sciences, stated Fight for Zero has been doing testing across the County on Polyfluoroalkyl Substances (PFAS); they just had their University of Florida presentation last week; and a lot of people have been readily available to answer their questions on this Plan. She went on to state she is probably one of the biggest critics of the half-cent tax, but at the same time she has been boots on the ground; she has been seeing Manatees; and she has been seeing the water quality decline. She added she knows the money is needed; she knows this project needs to be implemented; and she knows continuing down this scientifically-proven path of this plan is necessary. She noted there are amazing organizations like Organization for Reinforcement Contingencies with Animals (ORCA) that are doing the studies; her group is doing the studies; and taxpayer money does not need to be wasted. She reiterated she is boots on the ground. She stated the biggest failure she thinks she sees in the Plan is the education aspect; people are getting so much misinformation, they are not educated, and there are so many creative ways to educate on a County level. She pointed out she was able to help with a \$500 million cleanup with the 2022 National Defense Authorization Act (NDAA), \$168 million prior to that, \$10 billion towards the infrastructure, 29 more PFAS on the Fifth Unregulated Contaminant Monitoring Rule (UCMR5), and she was able to go to the table with the Environmental Protection Agency (EPA), Department of Defense (DOD), Agency for Toxic Substance and Disease Registry (ATSDR), and the Center for Disease Control (CDC) on these issues. She went on by adding it is being cleaned up; there is money going towards it; no more money needs to be wasted; and the taxpayers want the County to fix it, do the studies, and get the answers and the data to the Board.

Lew Kontnik representing the Brevard Indian River Lagoon Coalition and the recently formed Indian River Lagoon Roundtable, stated he followed the SOIRL plan, the COC, and the Commissioner's actions closely over the past several years; he believes that everyone understands that the Lagoon is in trouble, and all want to see it brought back; and he also believes that the Lagoon's problems are complex, and, through science, that they continue to learn more about them and the best solutions that they have moving forward. He went on to state that is why he thanks Brevard voters who Approved the SOIRL program, the Commissioners that support it, the community for its ongoing comments into the SOIRL program, and the SOIRL staff and COC who have worked tirelessly to organize and operate the plan, looking deeply into the information to make adjustments to incorporate the new understandings. He added from his point of view, the SOIRL program is working; currently there are 80 projects that have been completed or are under construction with another 115 projects that are contracted and/or in design; the Plan has reduced total nitrogen into the Lagoon by some 100,000 pounds per year, and the 2022 plan adds 18 new projects, requests, bringing the total to 337 restoring projects; all of the efforts, as complex as the SOIRL plan, face issues and questions; and that is just life. He stated staff and the COC have proven they can honestly and publicly dig into these questions. He asked the Board to let the legitimate issues be examined by the existing process, to approve the plan, to help the Lagoon, and to move forward.

Courtney Barker stated she is on the COC, and she has been a part of the COC since the beginning of the plan, so she is one of the founding members of the COC. She went on to say she is here today to ask for the Board's support of the plan; they did keep the list of projects this year, similar to the direction the Board gave them previously about shifting to the wastewater treatment and the septic to sewer projects; and she thinks that is clearly represented in the plan. She mentioned she wants to give kudos to the Natural Resources department staff and Virginia Barker for all of their work; they are an amazing staff; and they work very hard. She noted in addition to having to fill public records requests and answering all

of these questions, they are managing hundreds of projects, including bids, contracts, visiting sites, site inspections, and it is a lot of work dealing with all of those contractors. She stated so staff does this all day long in addition to having to answering questions from the public and filling all of the public records requests; it takes time to fill those requests. She went on by saying she would like to comment on the meeting; a lot of times, unfortunately, some people perceive that if other people do not agree with them that the committee members are not listening; that is not the case; the committee gives all of the members a chance to speak, ask their questions, and get the answers at the meetings; that is clearly what happened at the meeting; and she thinks if the Board goes back and watches the meeting, he or she will clearly see clearly what happened. She thanked the Board for its support and the support it has given the Lagoon in the past.

Philip Harris stated he is from Pennsylvania, he moved here seven years ago; shortly after, like the next year, the half-cent sales tax was passed in Brevard to help Save Our Indian River Lagoon Project, and he was thrilled. He noted he could not believe it, he thought that was really wonderful and it has been wonderful to see multiple groups, private and public, government and grassroots, working together with vision and financing that will benefit the lives of future generations of species that live in, or near, the Indian River Lagoon. He stated he hopes SOIRL will continue in its present form and will not lose sight of the objective of the project, nor the general goodwill that is generated from Brevard County and all of Florida.

Craig Wallace stated he represents the Brevard Indian River Lagoon Coalition. He went on to state one of the Coalition's goals is to make sure they get as much information from staff and the COC regarding this plan, and to communicate that out to the public so they can get as best picture as they can, because the public is not going to sit in every COC meeting. He added one of the issues he sees, and he brought up from the beginning, public education is not even visible on the expenditures; that is one thing they, as a Coalition, is trying to provide a little bit more translation of what is going on from, not the technical talk, but the general impact, the things that are important to improving the Lagoon; they spend time to talk to just about everybody; they do not have a lot of scientists in their Coalition; but they do reach out to the scientists in the community and try to get as much information as possible. He advised they believe in a science-backed plan, and that is what they have seen from the beginning that everything the COC does is based on science; the plan has changed over the years; and they think it is because of the science and things that have been brought to the attention of the COC and Natural Resources Department. He pointed out the Coalition thinks the plan is a good one, and they definitely support it.

Laurilee Thompson, representing tourism on the COC and the commercial fishing industry, stated tourism and commercial fishing are probably the two biggest issues impacted by the death of the Lagoon; her family, four generations, had made a living off of the Lagoon's waters; they cannot do it anymore; they cannot serve Indian River Lagoon seafood in her restaurant; and it hurts her. She went on by saying it breaks her heart to see the dead Manatees. She noted the Board has a real good group on the COC; they spend a lot of time vetting the new money and how to spend it; every day that is delayed, the Lagoon goes backwards; and things will cost more in the future. She stated she hopes the Board will approve what is in front of it today, and if it wants to make changes to give it to the Committee to consider; by looking at the chart the Board can see how it has been rearranged; there had been a lot of money for muck dredging; she still believes muck dredging is critically important; but the COC is flexible. She pointed out if the Board delays the project today, then it just slows everything down and stalls the process; and she asked the Board to consider passing what is in front of it today, and to give the COC guidance of what it would like to see in the future.

Susan Hodggers stated she wants to clarify first that she is on the COC as a real estate member. She went on to state at the Budget Review Committee meeting last week, a few of the Commissioners had recommended that the appointees go back to their Commissioner, but she was voted by all five of the Commissioners; there were three people that applied; and she is not any person's appointee. She stated part of the Citizen Oversight Committee, as an appointee, it is her task for oversight, accountability, and transparency. She added some of the questions that she discovered when she was blocked by the public records for the seagrass, she was told it was Sunshine and she could not have it, so she started doing more public records requests; she asked Ms. Barker for a spreadsheet of the projects with the contractors; and she said she had never had to do that before. She noted she can send an email to all of the Commissioners with her email that was forwarded to her. She received an email from Ms. Barker at 8:41 p.m. last night from a public records request that she did nine days ago, as Commissioner Pritchett said outside the terms of her parameters. She asked why Ms. Barker sent her an email last night with information, not charging her, at literally the eleventh hour. She pointed out when she asked for just seagrass and pesticides, she was not asking about transferring seagrass; if the Board goes back and watches the last meeting, that was what it was; she was obstructed by that, by saying the Sunshine rule, and then going back to the County Attorney who said it is not Sunshine; and then she received an invoice of an outlandish rate, so to her it is concerning that there are some people who are possibly covering up and hiding something. She stated some people are saying the Citizens Oversight Committee has a definite agenda, or outlandish accusations; Brevard County has misused funds by governmental officials; there was no audit done in 2020; the Board told taxpayers there would be an annual audit; and as elected officials, the Board is elected to serve people, the Board is not above the people.

Commissioner Pritchett stated she understands Ms. Hodggers is frustrated, and she is sure a lot of this has to do with frustration; Ms. Hodggers said there was an agenda, it probably was because she was trying to get things figured out and get her information; she wants all of the Board Members to get the information; and not all the Commissioners had it before. She went on to add she wanted all of the Commissioners to receive those emails, whether good or bad it does not matter to her, she just wants the information out; she was not accusing Ms. Hodggers of anything evil; and as a matter of fact, she did not even say her name. She reiterated she just wanted all of the Commissioners to have that information. She asked Ms. Hodggers if she wanted a different outcome as far as seagrass.

Ms. Hodggers stated Representative Randy Fine had written an op-ed on seagrass; then Tom Weinberg's wife had written one, so she mentioned about seagrass and the effects of pesticide, and the questions was redirected by Marci Frick of Tetra Tech to talk about planting seagrass, which she did not say; and she asked the Board to go back and watch the January COC meeting.

Commissioner Pritchett advised she was watching the meeting where they voted; the Board has to vote on this, and she wants to make a really good decision; and she asked Ms. Hodggers from what is being done right now, in her opinion, what would she request that was done different, and what she is basing it on. She pointed out this is just for the Board to have the information now so it makes a good decision today.

Ms. Hodggers replied right now, her decision is not to approve it because she is concerned that she could not even get spreadsheet information until 8:41 p.m. last night, and they could not tell her the specific projects and vendors of projects; one of the elected officials took her out on a boat Sunday and showed her some of the dredging that was being done in Cocoa Beach, which as impressive; and there is good being done.

Commissioner Pritchett inquired what Ms. Hodgers would like to see different in the plan right now.

Ms. Hodgers responded transparency and accountability.

Commissioner Pritchett reiterated she understands Ms. Hodgers frustration.

Ms. Hodgers asked to be able to finish what she is saying. She stated she asked for Tetra Tech and closed waters, and the Clerk of Courts was able to whip something out from Information Technology (IT), and sent her the information within a few days; she sent her request to Ms. Barker nine days ago; and Ms. Barker responded to her by saying she could not have it due to Sunshine.

Commissioner Pritchett stated she does not want to go through the public records request now; she will go back to that in a bit; she asked if Ms. Hodgers was Queen for a Day what she wants to tweak and make different for the Board to approve; and she further asked what specifically is Ms. Hodgers in disagreement with right now.

Ms. Hodgers advised to go back and look at all of the projects and to talk about specific contractors.

Commissioner Pritchett stated Ms. Hodgers has been on the COC; the Board is going to vote here and she wants her input.

Ms. Hodgers explained she is asking the Board not to approve the plan

Commissioner Pritchett pointed out that is not helping her; she is not getting answers.

Chair Zonka asked if Ms. Hodgers did not want to answer any more questions.

Commissioner Lober advised Commissioner Pritchett that maybe, and he was paraphrasing assuming something, but maybe Ms. Hodgers does not necessarily have an answer to that because the information was not made available to her until less than 12 hours ago; and he does not know if he would have answered either.

Commissioner Pritchett noted Ms. Hodgers did not want to pass the plan because of the seagrass, and she wanted her to explain that to the Board now; Ms. Hodgers is on the COC, and they have got that information from presentations; she does not want to miss anything today; if Ms. Hodgers put out a newspaper article, everybody is allowed to say stuff; and if she has information right now, it is the time to give it to the Board; and that was her request, but that is fine.

Commissioner Lober stated he has some things he wants to get across here, and to bear with him, because he was just jotting this down as it was gone through. He went on to say Ms. Barker and he believes it was Lew Kontnik had mentioned that 100,000 pounds a year was being removed, in the form of organics, as a result of the SOIRL Project; and he asked if that is right.

Ms. Barker responded affirmatively by nodding her head, as well as Mr. Kontnik.

Commissioner Lober stated he sees Ms. Barker and Mr. Kontnik nodding so he will stick with that metric. He advised he wants to discuss one sewage spill in 2020 moving into the beginning of 2021 in Titusville; he does not want to pick on District 1, but they had a utility leak that put

out 7.2 million gallons of raw sewage. He asked where that ended up. He went on to say pure, freshwater, and he knows this because he has had fish tanks for almost as long as he has been alive, weighs 8.4 pounds; saltwater is heavier, brackish water is heavier than freshwater as well; if there is anything in the water, it increases the weight; and this is a 7.2 million gallon affluent leak of raw sewage, so it is certainly more than 8.4 pounds per gallon because freshwater with nothing in it is 8.4. He added recognizing that there is no way that raw sewage weighs less than pure water, sticking with eight and one-half pounds per gallon; taking a calculator and multiplying 7.2 million gallons by eight and a half pounds per gallon, the answer is 59 and a half million pounds of raw sewage; and he asked the Board to guess where that went. He reiterated 59 and a half million pounds of literally crap and other stuff. He went on by saying he is sure there were pharmaceuticals and probably bacteria, viruses, because again, this is untreated, it is what goes down the toilet and drain; again, he is focusing just on the organics because that is the metric that was discussed; assuming less than two percent, one and three quarter percent of raw sewage is organic, that is over a million pounds of organics at one and three-quarter percent of the overall being organics; and it may be 10 times that, but he is being very conservative both in the weight and in the percentage of organics. He stated as Ms. Barker and Mr. Kontnik mentioned, the plan is removing 100,000 pounds of organics per year; if that is representative of other years prior and future, that million pounds of organics over the 10-year lifespan of the SOIRL tax, and the roughly half a billion dollars, if one spill could have been prevented, it would have been worth more than the 80 projects; he thinks Mr. Kontnik said, that were completed or under construction, with another 115 coming, it would have been worth more than all of those, because they would have gotten the goal of removing organics to that degree, or a greater degree, if one spill would have been prevented. He pointed out the Commission is dealing with it, there are experts coming from everywhere, and if that one thing could have been prevented, it would have been more valuable than all of this nonsense put together. He stated putting it in perspective; wisely, in his opinion, three years ago the Board, at least a majority of the Board, directed the COC to cut the crap, forgive the pun, and address more as far as the sources of pollution are concerned; that is a step in the right direction; however, since that time the Board has not really made any meaningful additional steps in that direction. He noted he voted for it not because he thought three years ago it was wonderful, but because he thought there was good faith effort on the other side of things to work with the Board, but that essentially is stagnated. He stated as to why, and he is speculating, from what he has seen and from what he is looking at in the direction he is looking at today, there are certain individuals that the COC has kowtowed to, who, to their credit, have figured out how to lobby very effectively, have their particular grant recipient of choice, get a disproportionate share of the grant funding; some of the same individuals who try to argue that they feel utilities should be paid for by the folks who have the utilities. He advised the Board he did not know Sandra Sullivan was going to hand out a copy of the ballot language the voters Approved in 2016; it does not talk about giving municipalities their wedge of the pie; it talks about resolving the problem; it does not say anything about making sure the City of Satellite Beach or any other city gets a particular share, it talks about resolving the problem; and his District is confined to the Central part of the County. He added if none of the money went to his District because it is a Return on Investment (ROI) standpoint, spending it all preventing the 7.2 million gallon leak in Titusville, then do not give anything to his folks, because that is what the voters wanted to do, not to give any particular little municipality that happens to be excellent in lobbying, and one particular municipality, seems to involve itself in everything from redistricting to SOIRL, and that is not what the voters wanted. He noted by looking at the language, there is nothing that talks about that, they want a problem resolved; and what needs to be done is to knock this crap off, once and for all, and do it purely based on ROI. He asked why anything is being done that is not ROI based. He advised the building his office is in is from 1963; it has asbestos in the walls; he is not moaning about it, but he is pointing out there is infrastructure there that is as old as that under the ground; and this stuff is older than he is. He asked what

happens after 40 years; he stated it does not last indefinitely; and there is a reason it is a life expectancy. He explained a person lives to be 100 years old, but that is not common. He added he is not going to vote for it today; over and above what he just mentioned, the County has been getting costs back whether it be utilities, Natural Resources, Public Works, including Road and Bridge, that have been a double digit percent higher than what was anticipated; and this is not him, he mentioned to talk to staff members and directors of departments. He explained all of these things are coming back substantially higher than the County banked on; these things are getting more and more expensive and he does not know why 18 projects are being added when no one knows what the true costs of the existing projects will be; any additional money that can be brought over than what was anticipated needs to be put in Reserves, even discounting everything he just said as far as why the Board should not be doing things the way it is, because he does not know that it is going to have the funding to pay for all of it; and he reiterated he is not voting for this. He stated the Board was going the right way before, but it is not at this point; he respects other Commissioners votes; but this is not the way forward.

Commissioner Tobia stated he would like to amend the upcoming motion by authorizing staff to apply the increased cost share formula for the 2022 plan to early adopters of advanced septic system; there were three folks who went ahead and did this; it was recently updated to \$1,200; three people got it at \$700 instead of the \$1,200; and the difference for those three people, the impact on the plan, would be \$17,305. He advised he ran this by Ms. Barker, as well as a couple of the members of COC, and he did not hear any pushback. He noted he wanted to give folks the heads-up on that.

Commissioner Pritchett advised some of the areas of the County are really old, some of them as old as she is; there are problems with these pipes; it is going to take a long time and a lot of money to get underground and to fix a lot of these things; and this is not a quick process. She thought Commissioner Tobia had a good idea, he has ran it by staff and the COC, and she guesses they are comfortable with it. She noted it sounds like something she will support. She stated it is important the Commissioners get information; it is about getting information and moving forward; and if it gets hung up, it is a very big problem. She stated she can give Commissioner Tobia this information, he was the only Commissioner not at the meeting; she wants to state very clearly, and she hopes the newspaper prints it, that there was not one mention of trying to hold up public records requests, not one. She added the request was that Ms. Barker would focus on this meeting today, which was two days after that meeting, to make sure the Board got enough information to make good decisions. She stated she learned long ago that when a person does not agree with somebody, all of a sudden he or she ends up with rabbit trails, and good decisions will not be made by following all kinds of tracks. She pointed out she will never apologize for guarding that, of making sure the Board has good information to make good decisions; she is concerned the Board has been accused of rubberstamping things; she does not know how many times the Commissioners frustrate the fire out of staff by sending stuff back; and Commissioner Lober is really guilty of this. She explained the last time Commissioner Lober sent the plan back and the Board changed the whole plan. She stated it is the farthest thing from the truth, accusations go out, and it is so easy to just say stuff; people think if they say it four times and write it once, it becomes the truth; and it is just not true. She noted five little facts can be put together and it does not paint the truth; her goal is to find and seek the truth; she has a community to represent; and she wants to make good decisions. She advised eventually the truth will come out, people will know the truth, because she is really concerned about that. She recommended to the public if he or she ever has trouble with these things, to contact the Commissioners and give them the information; and that is the best way of making sure the best public process happens at the end of the day.

Chair Zonka stated if Ms. Hodggers or anybody else was not getting information, do not just reach out to one Commissioner; there were several emails back and forth with District 2; the rest of the Board cannot even address the problem should there be a problem that exists; and when a person sits on a board for an entire year, he or she could have requested that information long before a couple of weeks before the plan comes to the Commission. She pointed out to Ms. Barker she assumes with every project comes before that board; every vendor is known, and if it is all fully disclosed; and she asked Ms. Barker if that is correct.

Ms. Barker replied all projects come before the Board; the vendor contracts go through the procurement policy, whether it is an open bid for lowest price or whether it is a Request for Qualifications (RFQ) for the most qualified firm; the County has two databases, one database where all the expenses, all the budget, and the expenses happen; and there is a completely separate database that is the contracts management system where all of the contracts and the vendor information exists.

Chair Zonka inquired if Ms. Barker was asked to create a spreadsheet.

Ms. Barker advised she was asked to create a spreadsheet that would require pulling in formation from two different databases.

Chair Zonka asked if that was a request from one board member, not the entire board.

Ms. Barker responded affirmatively.

Chair Zonka asked if nine days on a public records request is acceptable.

Attorney Jorandby replied there is no mandatory deadline for records, they do it as reasonable.

Chair Zonka stated a lot of these issues could have been addressed, and perhaps even this, op-ed, that again, told partial truths, and probably was blown up a lot worse than it needed to be; just let the Commissioners know if a person feels like he or she is being obstructed or not getting information; the rubberstamping thing kind of irked her because the Board has refused the Plan; it has been sent back to the COC much to their frustration; but that is the reason why the Plan has been modified so much. She reiterated the Board has rejected the plan plenty of times when it has not agreed with it; and again, it makes for good print, but it is not always truth.

Commissioner Smith stated he lives on and plays in and on the Indian River Lagoon; he is emotionally invested like everybody else is. He went on to say Ms. Barker, former Commissioner Barfield, and he spent many hours traveling down County back in 2016, speaking to groups on pros and cons of the Indian River Lagoon tax; and primarily they were told them what the facts were and left it up to them; they were not pushing the plan as much as trying to get the facts out; he realized early on that emotion was very high for most folks on their list of reasons to support or not support, that has not changed; but the Board has the COC making suggestions, offering solutions, passing it on to the County Manager, Frank Abbate, to weigh in on the pros and cons, and he forwards it to the Board. He pointed out there has been a lot of oversight, not just from the Citizens Oversight Committee, but the scientists themselves, the Board, and the Commissioners themselves. He advised he is proud of where the County has gotten since 2016. He asked is it perfect; and he noted probably not, but he thinks there is an awful lot to be proud of.

Commissioner Lober stated to give a quick analogy, when he first got on the Board there were some concerns on one of the Community Reinvestment Act (CRA's) spending and he agreed with those concerns; he sat in a meeting where they literally asked a beautification grant recipient as they were walking out of the door after discussion were over if he or she put an American Disabilities Act (ADA) accessible entryway there; and they replied they just needed to fill out an eight and one-half by 11 sheet of paper and they get an extra \$1,000. He went on to say there is no ROI for that. He pointed out he understands it might be the right thing to do in the sense of having these people put on equal footing and not wanting to penalize them for jumping into it a little bit other than others, but the concern he has is the ROI because it is already done; it is not that the Board is going to get more folks on advanced septic because it thinks essentially makes these folks whole even if that may be otherwise the right thing to do; and he just thinks that the Commissioners have a greater obligation to chipping away more at the problem than to making people happy. He noted he does not know what would have been accomplished had Ms. Hodgers emailed everyone else, although certainly she is welcome to do that; the one downside is potentially running into a Sunshine issue as interesting as that may be given the history of this particular item; but when she emailed him, it got fixed almost immediately. He added he wrote her back, sent Attorney Jorandby an email, and it was done within 12 hours, a day at the most. He stated if the Board wants to get copies of everything he receives, it does not matter to him, but in this case, it would not have accomplished anything. He went on to say to talk about Ms. Hodgers requests that may have required either extraordinary work or spending time regenerating a record where a record does not exist, that is well and good, but the most important part is being glossed over, at least in his opinion as to the whole crux of Ms. Hodgers argument; the director graduated from Duke, not an idiot, far from an idiot, wrongly telling the COC appointee that Sunshine Law either did or may preclude production of the requested records; he is not going to say she did it maliciously or intentionally, it does not matter what he thinks, but that was not correct; and his intention to get involved was to avoid the County being sued because Ms. Hodgers was told the County was not lawfully entitled to tell her. He reiterated not the Commissioners sitting here, he means its Duke graduate department director who has been with the County long enough that, frankly, she should know better. He added he looked through some public records requests he had, and he does not know that anyone, other than Ms. Hodgers, had ever been told that Sunshine may preclude the production; he does not have any record that it happened before; maybe it has, but he has not been able to find one; and he agrees there may be aspects of Ms. Hodgers request where a nine-day turnaround is totally reasonable, but that is where he is at.

Attorney Jorandby clarified by saying how her office got involved was through a records request to Ms. Barker; Ms. Barker had a question about Sunshine; there was some confusion there; and she got pulled in when there was that question as to whether those emails that were requested by Ms. Hodgers could actually be turned over due to Sunshine. She went on to say she clarified that, but there was some confusion and she cleared that up with Ms. Barker; she does not think there was an attempt to block those records going out, it is just once she got involved and that question could be cleared up, then the public records request was worked on, which was a request for a lot of records; and her office generates that bill.

Chair Zonka stated that would be her second question; when creating the spreadsheet, a public record is created; and she asked if that is correct.

Attorney Jorandby replied that is correct; she instructs the department's they are not to create new records, and only provide records they have; and if the department does not have the record, the response is, there are no records responsive to that request.

Commissioner Pritchett stated she does not mind if people send Commissioner Lober emails or ask him questions; her point was it might have been a little bit more expedient for the other Commissioners to get those as well; seagrass was the agenda; the other Commissioners did not have concerns; and there was no way for he or she to know. She added only one Commissioner knew, but there needs to be three votes to pass this through; and she thinks there is a communication issue, and if people have concerns, he or she can reach out and at least let all of the Commissioners know.

Commissioner Lober stated that is fair.

Commissioner Pritchett advised then it does not seem like there is a conspiracy thing going on; she never uses those terms on purpose because she just realized the Commissioners did not have information, because in all fairness, other people had it except the people who vote on it; and that not a good thing. She stated she does not know how much Ms. Hodggers was able to watch the meeting again, or if she heard secondhand stuff, because that is what she is thinking; and it is a frustrating article she wrote. She went on to say when she is working through this she tries not to get a lot of emotional things in it; she is trying to pull out information; it was a little difficult today; and she understands Ms. Hodggers is still frustrated, but she was sincerely trying to find out if there was some reason the Board needed to put a halt on this today. She noted as far as the public records, it has to be worked through and figured out; the Board needs to find out what to do moving forward, the best path to get information to people; she thinks the Board got a little sidetracked. She added a person can lie about her to other people, but it is really hard to lie about her to her, because she is always there; she is always trying to get the truth and seek after truth; and hopefully she comes off as a grown up by the time it is done.

The Board adopted the Save Our Indian River Lagoon (SOIRL) Project Plan 2022 Update, as recommended by the SOIRL COC on January 21, 2022; authorized staff to apply the increased cost share from \$700 per pound to \$1,200 per pound, to the three early adopters of the advanced septic systems, for a total cost of \$17,305; authorized associated Budget Change Requests; Approved continued signature authority to the Chair, or authorized representative, in accordance with the threshold limits provided for in Brevard County policies and administrative orders, to execute agreements, task orders, change orders, contract renewals, amendments, and other contract-related documents, subject to review and approval by Risk Management, County Attorney, and Purchasing Services, as appropriate, to provide cost share from the SOIRL Trust Fund for projects and programs Approved in the Project Plan; Approved continued authority for the Natural Resources Management Director to execute up to two no-cost time extensions up to six months each; granted permission to advertise formal solicitation of bids and proposals, and to award to the qualified bidder having the lowest, responsible, and best response for tangible items, capital improvement projects, and/or equipment, when required and subject to available funding; and authorized the County Manager, or his designee, to submit grant applications for leveraging cost share for projects and programs Approved in the SOIRL Project Plan.

Result: Adopted

Mover: Curt Smith

Secunder: John Tobia

Ayes: Tobia, Smith, Zonka, and Pritchett

Nay: Lober

Commissioner Tobia stated Ordinance 2016-15, Section 17, Paragraph B reads, "Appointees must have a field of expertise." He advised the Board has an appointee that has an inactive

license; inactive is not working or inoperative, according to Florida Department of Business & Professional Regulation (DBPR) on 02-21-22, Section 2213 addresses the removal; and that is done by a simple majority. He stated he wanted to make a motion to remove an appointee and immediately advertise for replacement due to an inactive license as of yesterday.

Commissioner Lober asked for a little more information. He stated he is looking at the Agenda; it is early in the week yet; but either the order has changed or there is something he is not seeing. He pointed out the next things he sees is Item J.2., Federal Legislative Lobbying Services.

Commissioner Tobia advised he can address the meeting that this was brought up, but that one failed; and he thinks he tried it twice. He stated this just came to his attention, again, the DBPR search was on 02-21-22; and if there is new information, so be it.

Commissioner Lober asked if this is with Save Our Indian River Lagoon (SOIRL).

Commissioner Tobia replied that is correct, as delineated in Ordinance 2016-15.

Chair Zonka inquired if Commissioner Tobia could tell them where to find that.

Commissioner Tobia responded Section 17, Paragraph B, details the appointment process.

Commissioner Lober noted he is just pulling up the DBPR information now.

Commissioner Tobia stated he was sorry, Commissioner Lober is looking for the licensing information; that can be pulled up under licensing details; and the license number is SL3217990. He pointed out he only has one copy, but the Commissioners are welcome to look at his copy.

Commissioner Pritchett inquired if Commissioner Tobia is saying someone is on a board that is not qualified to be on a board.

Commissioner Tobia advised not necessarily, he just thinks there may be individuals who better represent that as they have active licenses; since that Ordinance does not specifically deal with the removal, after consulting with the County Attorney's Office, Abigail Jorandby, County Attorney, she mentioned that removal would best be handled in Section 2213; it is done through a simple majority and according to Attorney Jorandby, there needs to be three votes to remove someone; and that is in the motion to remove and advertise for a replacement for someone that could better represent that field of expertise.

Commissioner Lober explained he is just looking at this based on that license number that was provided; he sees there is a status and an expiration; the status says current and the expiration says inactive, but it shows 09-30-22 as the expiration, so it does not look like it is expired, it does look like it is current; and he is not sure what inactive means. He went on by saying he is happy to consider this, but he would like to do a little more recon on his end before voting to pull someone off an advisory board; if Commissioner Tobia is amenable to adding this to the March 8, 2022, meeting as with the other items, he does not mind it being on consent; and if there is an issue he will pull it.

Commissioner Tobia stated according to terms and status used by Division of Real Estate, revised 07-07-21, it defines current/inactive as, "This means a license has met all renewal

requirements but is not actively participating in real estate services.” He pointed out he also has a copy of that and will provide it to the Board if needed.

Commissioner Lober stated this is one of those things that the Board has talked about in the past avoiding motions on items not on the Agenda; he asked if there is a meeting for this group between now and when the Board comes back on March 8, 2022, or if not, he does not understand why the Board needs to just shotgun it through now; and he reiterated he may support it on the March 8, 2022, meeting but he just needs more than glancing at an eight and one-half by 11 sheet in the middle of a meeting to figure out whether to remove someone.

Commissioner Pritchett inquired if he is talking about Susan Hammerling-Hodgers.

Commissioner Tobia replied he was trying to refrain from using names.

Commissioner Pritchett stated she gets it, because she sees where Ms. Hammerling-Hodgers is the real estate appointee in her article; she knows Ms. Hammerling-Hodgers works as a physician’s assistant, she is not saying where, but they have a good business; and she asked if when she was appointed that she was working real estate.

Chair Zonka advised that is why she did not support the appointment itself.

Commissioner Pritchett noted she needs to figure this out, because this was definitely a place the County had open for a real estate appointee; and she inquired if that is correct.

Commissioner Tobia responded affirmatively. He went on to say he should have made copies for the other Board Members, and he apologizes, but DBPR as of yesterday at 3:13 p.m., listed the status as current, inactive according to myfloridalicense.com; and this means the licensee has met renewal requirements but is not actively participating in real estate services. He added he is not dealing with the content whether a Commissioner agrees or disagrees with what was said, whether he or she agrees with disparaging hard-working staff members, he is not arguing that; he does take offense on disparaging Duke that is a fine university, as Richard Nixon graduated law school there; but for the reasons stated the motion stands, and he does not know if there will be a second, to remove the real estate appointee and advertise for a replacement; and hopefully someone who has an active license and is engaged in real estate services.

Commissioner Smith advised the Board he is in agreement with Commissioner Lober on this; he would really like to look into this a little bit more, and to bring it up at the next meeting.

Chair Zonka asked Attorney Jorandby in her legal opinion, if someone is not actively working in the real estate field, would they qualify for that spot.

Attorney Jorandby responded she would have to speak with staff in how they evaluate those applications as far as whether they have to have an active real estate license or not. She noted that under Chapter 2, the Commission has the wherewithal to remove with or without cause an individual from an advisory board; but as far as what they are looking for as a real estate agent, she would have to look into that a little bit more.

Chair Zonka stated she thinks what the intent of it is they have to be in real estate.

Attorney Jorandby advised she would imagine that is what they are looking for when they receive the applications, but she has not been involved in that process.

Ms. Barker stated she does not have the enabling Ordinance in front of her, but she believes it was real estate expertise, she does not recall it specifying an active license, but the idea was that the different categories of people would be actively engaged with whatever that expertise was so that they would be conveying information and ideas back and forth between that community and the oversight committee.

Chair Zonka stated for her it is easy, she thinks they had two applications for that position.

Ms. Barker advised she believes Ms. Hammerling-Hodgers said she was one of three, but she has not looked that up recently.

Chair Zonka advised she thinks there was a really qualified applicant, she thinks it was Ron Becker; and she inquired if that sounded familiar.

Ms. Barker replied yes, and there was also the non-voting alternate seat at that time, Dennis Basile, who has been a leader in various realtor organizations, but he has since resigned, that is why there was a vacancy, Item F.1., on today's Agenda; and there were five applicants from that search that were just sent to the League of Cities.

Commissioner Pritchett explained to Commissioner Tobia that she would like to vote and support this today, but it is at risk of looking like the Board is having a knee-jerk reaction to someone questioning it about public records; she asked if he would mind bringing it back for discussion in March; if there is somebody that is supposed to fill a certain position on a board, that is a problem; and the Commissioners needs to get that information and look at it. She noted if Commissioner Tobia brings it back in March, and there are no changes or more information, she will vote with him to do it, just so the right people are on this board, because it is an important oversight board; it has nothing to do with personalities or opinions; everyone is allowed to say what they want; and Commissioner Tobia has her attention on this. She reiterated she is with Commissioners Lober and Smith to bring it back at the very first meeting and vote on it at that time.

Commissioner Tobia stated clearly this Board is not there; and there needs to be a majority in order to do that, so he will not put the Chair in a tough position.

Chair Zonka agreed with Commissioner Tobia that there is not a majority.

Commissioner Pritchett asked if Commissioner Tobia will table this until the next meeting.

Chair Zonka reiterated she did not support the appointment to begin with, because she knew Ms. Hammerling-Hodgers did not work in real estate.

Commissioner Tobia stated she was his number one selection on that so Chair Zonka is correct and he is incorrect.

Commissioner Pritchett inquired again if Commissioner Tobia will bring it back in March.

Commissioner Tobia stated he is looking at that Agenda and he has changes to towing, parks, and libraries on that meeting; he would rather take action instead of letting this fester again; this has nothing to do with an op-ed; and he did not even discuss it. He went on by saying he has those other three items coming up that are pretty heavy, and he does not want to burden his staff with that.

Commissioner Lober stated this is really directed mostly at Commissioner Pritchett; he just wants to highlight that he thinks she hit the nail on the head as far as optics are concerned; and this is going to look retaliatory if the Board does it today. He stated if it takes place in the future, it is a different matter. He went on to state *Florida TODAY* for a variety of reasons have proven they are not trustworthy; he agrees that they cannot cover things fairly; given that there was mistaken information provided to Ms. Hodgers, it tends to lend to credibility to folks who are going to say it is retaliatory; he does not like it; and he thinks that is a bad way to go about it. Commissioner Pritchett advised she does not want to hurt the public trust; and she asked Commissioner Tobia if he was fine with her bringing this to the next meeting.

Commissioner Tobia responded she has his support, and he greatly appreciates it.

Commissioner Pritchett stated if there is someone on the board that is not appropriate, the Commissioners can talk about it at the meeting; he or she will have time to gather data; that way it is not retaliatory; and she is just trying to do what is best for the community. She noted when these things come to the Board's attention, it is something it should do; and she reiterated she will bring this to the next meeting.

Commissioner Tobia pulled his motion.

Commissioner Lober stated Commissioner Tobia mentioned he had a whole slew of items on March 8th meeting; maybe this could be put on the March 3rd zoning meeting; and if the rest of the Board is okay with that, he does not have a problem with it.

Commissioner Pritchett asked if it will be hard for the Board to gather data; and she stated basically it is Board discussion.

Commissioner Lober stated it is up to the rest of the Board whether it is on the 3rd of March or on the 8th of March.

Commissioner Pritchett stated the public can comment, but the Board is actually trying to determine if Ms. Hammerling-Hodgers is allowed to be on the board at that point; and she asked if it is just administrative.

Commissioner Lober replied in his opinion it is; and he asked if the Board is okay with it going on March 3rd zoning meeting.

Commissioner Pritchett pointed out she does not think it will be tough; and she inquired if there are any meetings before then that would cause harm.

Ms. Barker stated the next meeting is the third Friday in March.

Commissioner Pritchett stated she is fine with that.

Commissioner Lober noted it sounds good.

Commissioner Pritchett asked her staff member, Carol Mascellino, to write it down; and stated her office will get that ready.

J.2. Federal Legislative Lobbyist Services

Kathy Wall, Central Services Director, explained to the Board that this is a request for staff direction relating to the Federal Lobbyist Services; staff is recommending either to authorize the

development and advertisement of a Request for Proposal (RFP) for Federal Legislative Lobbyist Services, with the approval of Ian Golden, Housing and Human Services Director, Terry Jordan, Transit Services Director, Amanda Elmore, Natural Resources Deputy Director, and a County Commissioner, as Commissioner Tobia sat on that committee last time, or to make the determination that Federal Legislative Lobbyist Services are no longer needed; and this Contract expires in May of this year.

Commissioner Lober advised he is going to put his attorney hat on for this one; to a degree, the County gets what it pays for; he says that because a lot of things should go out for bid or should go out to solicit multiple proposals; and this is one of those that is a service not a good. He stated the Board has had lobbying services in the past where the lobbyists have been far more responsive to the County's needs and communications than the current lobbyist; he does not think it is a good idea to renew it; the question is does the Board want to have a lobbyist at all, and if so, he would take a lot of weight in staff's relaying to the Board who they have good experiences with, who has been the biggest value for them; and then that can be incorporated in a way that is compliant with all of the procurement rules. He went on to state he thinks just to put it out and to go with the low bidder is a mistake; it could be a kid right out of law school opening Joe's Lobbying Services Inc. in Tallahassee, and they are not going to do anything for the Board, and in this case Washington, DC.

Rick Heffelfinger asked if the Board hires a lobbyist that goes to Washington, DC and snoops around to find opportunities for the County to get some money, grant money and stuff like that. He stated the Board needs that to find out what the feds are doing and what opportunities there may be, he thinks that is a good idea; and he asked if Ian Golden and Terry Jordan works for the County now.

Commissioner Lober advised they both do.

Mr. Heffelfinger stated the Agenda says select a negotiation committee; and he asked what that has to do with lobbying.

Commissioner Lober replied it is to select the lobbyist.

Mr. Heffelfinger stated okay, that clears that up. He went on to say that last conversation the Board had about targeting that lady was despicable; it looks like if the County has a troublemaker, and Commissioner Tobia just pulled up the records; if the Board is going to go and talk about who is qualified, it better look at everybody; the Board does not just pull them up when they are a troublemaker; and he reiterated the Board better review them all because that really stinks. He stated he agrees, it is like got a troublemaker, find a technicality, and throw them out. He noted that was really nice and that is all he has to say.

Commissioner Smith stated he would like to make a motion to approve Item J.2.

Commissioner Lober pointed out he does not know if it can just be Approved, he thinks there are options laid out; it depends on the direction of the Board in terms of does it renew the existing one, which he would not support, and if the Board wants to put together a committee; if Commissioner Tobia wants to do it, or he can do it, whatever the Board wants; but he does not think it should go back to them, certainly without having staff look at it and provide some input.

Commissioner Smith advised he will speak slowly; he has seen several different lobbyists; and there are good ones, and there are some that are not good. He went on by saying he trusts this

group, Mr. Golden, Ms. Jordan, and Ms. Elmore, and one of the Commissioners to come up with someone.

Commissioner Lober asked the Board if he and Commissioner Tobia should rock, paper, scissors to choose between them.

Chair Zonka noted she would like Commissioner Tobia to do it again if he is willing.

Commissioner Tobia stated he is pretty familiar with lobbying services in Tallahassee; in all honesty, his knowledge of the lobbying services that transpire in Washington, DC is zero; he is more than willing to sit on the committee; the County has Becker and Poliakoff, which are lobbyists in Tallahassee, but they also have a Washington, DC contingency; and he is not all that familiar with them. He went on to say he would hope it would be opened up again, and maybe put some parameters in there; he reiterated he would be more than willing to sit on that; but to please understand that his level of knowledge in Washington, DC, lobbying is non-existent.

The Board authorized the development and advertisement of a Request for Proposal for the Federal Legislative Lobbyist Services; Approved appointment of the Selection and Negotiation Committee consisting of Ian Golden, Housing and Human Services Director, Amanda Elmore, Natural Resources Deputy Director, Terry Jordan, Transit Services Director, and Commissioner John Tobia; authorized the Chair to execute any and all resulting contracts, contract amendments, contract renewals, and any necessary contract extensions, upon review and approval by the County Attorney's Office, Risk Management, and purchasing Services; and authorized the County Manager to approve any necessary Budget Change Requests.

Result: Approved

Mover: Bryan Lober

Seconder: Rita Pritchett

Ayes: Tobia, Zonka, Pritchett, and Lober

Absent: Smith

J.3. Consideration of Amendments to the Citizen Budget Review Committee Resolution

Jill Hayes, Budget Office Director, stated this is a request from the Citizen Budget Review Committee (CBRC) to consider amendments to their existing Resolution; and attached to the Agenda Request are the recommended changes to that Resolution.

Peter Fusscas stated the Citizen Budget Review Committee works for the County Commissioners; their mission is to help the Board turn problems into opportunities in partnership with County leadership and staff; the amendment before the Commission was supported unanimously by the Citizen Budget Review Committee; the more people who understand government accounting, the better for the people and for government's transparency, oversight, and accountability; and the more eyes on the County Budget, the better for transparency, oversight, and accountability. He went on by saying to get a quorum, however, is sometimes difficult; last year two of their members were either ill or in the middle of a transfer and out of the County frequently; meetings were cancelled for a lack of a quorum; and time was lost. He added the amendment before the Board should have been before it last year not this year; alternates under this amendment would be able to fill in for regular members to establish a quorum and who because they are a member of the committee, they can cast, when the time arises, informed votes; it takes a year or much longer for some to understand

the financial documents of Brevard County; and that is why alternates, he thinks, is a very good idea. He stated in case of a vacancy, alternates can be considered as the replacement and can be productive in not having to take the time to learn the budget, the issues, the history, the budget process, so understanding the budget will go a long way towards maximizing their communications with the people in the community that the Commissioners work for, and the Committee works for the Commissioners. He noted the Citizen Budget Review Committee has had a very positive and constructive relationship with Frank Abbate, County Manager, Jill Hayes, Budget Office Director, and the leadership in the County; they work together to provide the Board with some alternatives, insights, different things they could try, they could consider, and they can create better opportunities out of existing problems; and that is their total existence. He thanked the Board for its support or lack thereof.

Commissioner Lober stated he appreciated Mr. Fusscus and his diligence with respect to this; if the Board adopts it the way it is written, it would be Adopted the 422nd day of February; and he knows there are such things as leap years, but he does not think any February has 422 days. He went on to say as to Item 6 where it reads, "As designated by the County Manager, the CBRC shall have the assistance of such County staff as necessary to perform its assigned duties" his concern is it is kind of the opposite of what a majority of the Commission, at least from his perspective, had expressed with respect to Citizen Oversight Committee (COC) members having the assistance of staff; if the Commission is going to tell them they have to submit public records requests and that staff should not go above and beyond in any capacity, this is essentially saying the opposite of what was being said by the Commission with respect to that; and the Board may want to strike number 6. He added he is not going to support it with that because he thinks it is inconsistent with how the Board treats other advisory groups, not because he necessarily thinks it is a good idea.

Commissioner Tobia stated this is probably preferable, because he appreciates Mr. Fusscus' time on this one, but it is probably better to go with the Budget Director, so he has a litany of questions dealing with the proposed resolution; and to be fair, he did not catch the 422nd day. He asked Ms. Hayes if Section 3 of the resolution removes the voting privileges of the County Manager who probably, other than Ms. Hayes, has the highest level of knowledge of the current \$1.6 billion budget.

Ms. Hayes responded affirmatively.

Commissioner Tobia stated Section 1 of the resolution states there should be six members of the Citizen Budget Review Committee, contrary to what was just said to the Board; and he asked Ms. Hayes if she thinks the intent was 10.

Ms. Hayes replied she believes that was the intent.

Commissioner Tobia inquired as the resolution is written there are only six.

Ms. Hayes responded in the affirmative.

Commissioner Tobia pointed out the main purpose of the advisory board is to advise the Board; and he asked if, in the past five years, the CRBC presented any formal recommendations to the Board.

Ms. Hayes replied no.

Commissioner Tobia stated Section 4 states the CRBC shall have the primary goal of the priorities and concerns of the citizens at large; and he asked if Ms. Hayes knows how the Citizen Budget Review Committee will receive these priorities at large.

Ms. Hayes responded no.

Commissioner Tobia stated the resolution states the Board of County Commissioners believes citizens who possess a broad range of expertise and experience and "are representative of the entire community." He inquired of the five voting members, six being Mr. Abbate, if all of the members are male.

Ms. Hayes responded affirmatively.

Commissioner Tobia asked if all of the members are Caucasian.

Ms. Hayes replied yes.

Commissioner Tobia stated when calculating the annual cost of this board, which according to the County Manager's Office, was \$2,648 in 2018; and he inquired does this include the cost of staff from Public Works, Human Resources, and County Finance that also had to attend these meetings.

Ms. Hayes responded no.

Commissioner Tobia asked when CRBC asked for the advertised budget versus the final budget variance of explanation, if staff time was included in the annual cost.

Ms. Hayes replied no.

Commissioner Tobia advised over the past five years the County has spent more than \$10,000 on this board and received no work product; by doing away with this board, the Commission is not limiting, in his opinion, the citizens or any other citizens from giving their input; and he asked if the board was disbanded would the individuals still have the opportunity to discuss, and their input and concerns, at the annual budget workshop.

Ms. Hayes responded affirmatively.

Commissioner Tobia inquired if these individuals still have the opportunity to meet with Commissioners and discuss their concerns and input.

Ms. Hayes responded yes.

Commissioner Tobia inquired if these individuals would still have the opportunity to come to regular Board meetings, every two weeks, and discuss their concerns.

Ms. Hayes replied in the affirmative.

Commissioner Tobia stated Mr. Fusscus says this board works for the Commission; he disagrees with two-thirds of that; one, they do not work, there is no product, zero product; and two, it is not for the Board, it says the priority concerns of the citizens at large; and if this is not a target of government waste, he does not know what is. He went on to state if the CRBC actually cared about waste they would disband immediately themselves. He expressed his

appreciation again for the time that was put out; but he pointed out as was explained, they do not represent the Commission, they do not look like the rest of Brevard County at large, and they do not provide the Board with any type of discernible data. He stated he does not think it is a good measure of taxpayer money, so he will be making a motion to immediately disband this wasteful organization after the other Commissioners comment on this.

Commissioner Pritchett stated she had not had any recommendations from them either, but Mr. Fusscus has been very vocal and helped the Board with many things; and she expressed her appreciation to Mr. Fusscus for all of his work. She went on to say it is good to have citizens overseeing budgets, but she does not think this is working either; she thinks throwing five more people into the mix probably is not going to help a lot either; she asked Ms. Hayes about the cost to have this board; and she gave her the up and the down part of it. She added the average time it takes for this committee per hour is \$950; if it is continued, she thinks the number of hours staff puts into it could be limited to maybe 10 hours per year so they can do studying on their own and then come in and ask questions; and it does take a lot to understand this budget, it is not something understood overnight, and a lot of attention needs to be put into it. She added it does take a lot of commitment of people serving on this board to even try to get the personality of it to bring good recommendations for it. She stated she struggles because she really likes Mr. Fusscus so much and all of the things he has brought; but Commissioner Tobia is not off on what he is saying either.

Commissioner Lober stated he believes his prior appointment up until a couple of months ago was Eileen Davis; he has not personally verified but he does not think she is a Caucasian male; and she could check the religious minority box as well. He went on to say the person he put on to take her place is Steve Burdett, who came over from the Comptroller's Office; he had been essentially the head honcho over in the office that audits the Board's expenses and issues checks to all of the County employees; he agrees it would be nice to have a little bit more diversity on there; but he thinks there are some quality people on there to begin with. He stated as far as there being lack of a work product, that is a good point; he has had several members of the Citizen Budget Review Committee approach him throughout the time he has been in office with ideas; some he has agreed with, and some he has disagreed with; some pertain to the amount of Reserves the County has and cash flow and the ability to spend now, borrowing against the Reserves to lock in a lower prices for Road & Bridge projects; it is an interesting idea; and he has talked to staff about it. He added it has made him more knowledgeable. He stated the Agenda Item he brought up a year ago at this point, or maybe longer, for saving tax dollars and sharing, as an incentive, some portion of the amount saved; that was something that was spurred by Ms. Davis based on her service on this particular committee; he has had Agenda Items that have come up as a result of this committee; he is not going to say they have all been successful; but even how he handles Road and Bridge building, he has had discussions within the District with staff that would have never occurred but for this committee. He went on by saying if there is some desire to ensure that the committee is operating within reasonable parameters, that is one thing; but he is not looking to disband it; and he think it has a value, a very good value.

Commissioner Pritchett stated she does want to make one comment, if the Board keeps the committee, she thinks the hours need to be limited until the Board starts seeing a product come. She advised on number four, she thinks the primary goal needs to be assisting the County Commissioners in reviewing and bringing recommendations, otherwise by putting in the part that they want to add in, it would be adding another layer of government of trying to decipher these things that it is the Board's job to do. She reiterated if the Board does this she would like to strike, and it is going to sound bad, the parties and concerned citizens at large, because that is what the Commissioners do, just so there are not two layers of trying to

interpret those concerns moving forward; if the Commission does that and keeping it as them assisting the Board and trying to review the budget, that would be more appropriate she thinks; but again, she thinks the time that staff puts towards the Board should be limited; and until there is a product that starts coming from the board, the Commission needs to be aware of the costs like it is doing with the other boards right now.

Chair Zonka stated she is going to throw a wrench in it like she did earlier; she likes the Budget Review Committee; she wishes they did more, and she wishes they asked tougher questions; she knows Mr. Fusscus has personally reached out to her with his suggestions, he has had some great ones; but as far as diversity of the board, they would have to reach out and encourage diversity without forcing it, because she does not want to check a box just because the Commission is trying to change the makeup of the board. She pointed out she does not mind seeing a reinvented board, but she does not like the idea of shutting it down. She asked Mr. Fusscus if he would like to speak.

Mr. Fusscus stated in terms of product, they have developed 10 or 11 solid recommendations; they did this a year and a half ago; and they have been working on these recommendations since then. He went on to state at just about every meeting they have had, as Chairman of the Budget Review Committee, he has asked his members to take these recommendations to the Commissioners; the last time he made a presentation to the Board he had five minutes to do a recommendation; and then for the next hour it was rebutted by the County staff, so he said he would never get in that position where he had absolutely no time to explain the basis of those recommendations. He noted it was the individual member's responsibility to brief the County Commissioners; he did it with his County Commissioner; Commissioner Lober was briefed by Eileen Davis; as Chairman he is the first of equals; and he cannot tell them what to do. He pointed out it saves the Board time in a setting like this; he asked if the Board wants five people to spend 20 minutes explaining what their job was, or at their leisure, they can brief the Board; and they can brief anybody else they want to. He advised his laissez-faire management style he thinks is suitable. He stated he understands where Ms. Hayes comes from, she has a real burden of putting budgets together at the same time as she has to babysit the Citizen Budget Review Committee, instruct them, and gather information; the government is the only record keeper; and their access to establish transparency and accountability is their access to those records, so they have no alternative but to ask questions, that is what transparency in government and the Freedom of Information Act is all about so that the people have access to the County's record keeping. He noted that is what the Budget Review Committee is about. He stated notwithstanding the charm and diplomacy of Commissioner Tobia; he appreciates his understanding; but he would have appreciated if he had called him if he had a problem with him.

Chair Zonka asked Mr. Fusscus direct his comments to the Chair.

Mr. Fusscus replied okay. He expressed his thanks to the Board.

Commissioner Pritchett stated she thinks what might have helped is if the Citizen Budget Review Committee revamps this and come to a consensus, and maybe he can come and present the recommendations to the Commissioners, or he could come talk to each Commissioner, because she does not think she had a conversation. She reiterated maybe the members can come to that and he as the Chairman can come to each Commission office and talk to he or she about it; she stated some of the Commission does not get the information; not that they do not work hard; but that would help her a lot if he would not mind. She went on to say maybe he could make a specific appearance here; he did it once for the Board in a budget

meeting; they listened to the recommendations; and she thinks that may help a little with communication.

Commissioner Tobia asked Mr. Fusscus if he believes in term limits.

Mr. Fusscus replied it depends on how term limits are defined.

Commissioner Tobia pointed out that is a term of service in which a person begins and ends.

Mr. Fusscus responded yes, he believes in it.

Commissioner Tobia advised the Board set up limits for advisory boards for eight years; and he asked, seeing as he believes in term limits, when he started serving on this board.

Mr. Fusscus replied he did not recall.

Commissioner Tobia noted he does, it was 2009, that is 12 or 13 years; and he asked if Mr. Fusscus can explain the inconsistency of believing in term limits but deciding to disregard them.

Mr. Fusscus stated Commissioner Tobia's definition of term limits is much different than his; for example, Commissioner Tobia spent eight years in the legislature as an elected official; he is going to spend eight years here as a County Commissioner; and that is 16 years as a public official. He asked if Commissioner Tobia thought that was enough of a term limit.

Commissioner Tobia responded that a term limit is clearly for one position.

Mr. Fusscus stated that is Commissioner Tobia's definition.

Commissioner Tobia stated he understands where Mr. Fusscus is going with this, the answer is there is an inconsistency; he asked Mr. Fusscus to help him as this is written extremely poorly; he further asked if it was Mr. Fusscus' intent was to have 10 or six members of this board.

Mr. Fusscus replied the operating basis for the Citizen Budget Review Committee is Roberts Rules; Roberts Rules says an ex-officio member can attend all meetings and vote on all issues unless it is established in the bylaws that they are not a voting member; and there is no reason for the County Manager to be a voting member.

Commissioner Tobia stated he is asking for a number, six or 10, he does not need a dissertation; the resolution is asking for six, but he thinks Mr. Fusscus is asking for 10; and if other folks are voting for it, he wants it to be what Mr. Fusscus is asking it to be. He went on to say Mr. Fusscus said this is a work product of a year; he is overseeing a potentially \$1.6 billion budget; but he has trouble with the numbers six and 10.

Mr. Fusscus pointed out that draft was produced in December of this year by the committee and the County Attorney.

Chair Zonka stated at this point, it is probably going in circles and not getting anywhere; personally, she likes the idea of oversight; but she would just like to see something a little bit more done. She suggested maybe not as many meetings, that might be helpful; but she stated Mr. Fusscus is going to have to bring her something she can support. She went on to say Commissioner Tobia brings up a good point, this is nothing personal and as a person, he is probably one of the finest people she knows, but if this board is not producing a product or not

coming to the individual Commissioner, then all that is being done is wasting staff time, because the public does have access to all of these records.

Mr. Fusscus stated he would be happy to brief the Board Members individually if the Board would like.

Chair Zonka stated she is not going to support this the way it stands.

Frank Abbate, County Manager, stated he wants to raise a couple of issues that Mr. Fusscus raised; the ex-officio is not what was being talked about; since he has been County Manager, he has attended the meetings, but he has not participated or tried to vote in any way, shape, or form; he thinks Commissioner Tobia was talking about the alternate, as to whether or not there was a sixth alternate or there would be five alternates; and it was not about the ex-officio unless he misunderstood. He went on to say Mr. Fusscus spoke to having five minutes for presentation and one hour for staff rebuttal; that was not during the last five years; and he wanted to be clear.

Mr. Fusscus stated that is absolutely correct; and Mr. Abbate's leadership has been a breath of fresh air.

The Board discussed amendments to the Citizen Budget Review Committee Resolution, but took no action.

*The Board recessed at 12:40 p.m. and reconvened at 12:50 p.m.

J.4. District 2 Proposed Motion

Commissioner Lober stated he does not want to spend too much time because he knows it is kind of getting late in the day. He went on to say reading what is already in the summary explanation and background, the one addendum that he will put on there is he did speak with County legal, and County Attorney Abigail Jorandby, asked to give her a little bit more flexibility with respect to this. He would make a motion to approve this, with the one modification of also allowing Attorney Jorandby, at her discretion, to amend an existing contract instead of entering into a new contract, if that is something she deems it to be a better option; and in accordance with that, authorize the Chair to sign an amendment if it ends up being an amendment and not a new contract outright. He advised if someone wants more information, he will be happy to give it to him or her.

Commissioner Pritchett asked if County is going to write a check out to it, sign it, and send it out.

Commissioner Lober replied that is his understanding.

Commissioner Pritchett stated perfect.

Commissioner Tobia stated he knows the Board certainly gave this discretion to Commissioner Lober when it came to CARES Funds; he thinks it was said as long as it met parameters, was

legal, the Board would support it; in full disclosure, he does not have any resources left; and he does not think Chair Zonka has resources left, but that is as far as he knows on this one.

Commissioner Pritchett pointed out hers are gone as well, and so are Commissioner Smith's.

Commissioner Tobia stated this motion is not aimed at anyone, but the motion is the Board must be provided with an allocation plan for all remaining CARES Funds Act by March 22, 2022, at the regular Commission meeting or the remaining balance shall be moved into the Public Safety Fund; and this issue needs to be taken off the table.

Commissioner Lober advised that is fine; if Commissioner Tobia wants to make a motion, he will second it; but alternatively, he can just bring back a plan instead of going through all of the formality.

Commissioner Tobia inquired for when.

Commissioner Lober replied by March 22nd; he will play back the audio to pull exactly what Commissioner Tobia said; and he has no issue doing that.

Commissioner Tobia stated he fully trusts him; the allocation plan though would assume that those funds are fully-expended 30 days after that plan is presented; as long as it is legal, his word is there and he will vote for Commissioner Lober's plan; and stretching this out for this length is causing issues, as he is aware of things that have been in the paper.

Commissioner Lober stated he agrees with everything except the 30 days after, and he is happy to get into detail as to why that is a problem; even Brevard County Fire Rescue has some funds that he has allocated to programs they are running that are ongoing and will probably not be fully-expended within 30 days; if the Board wants a plan, he can get a plan easily within a month's time; that is not a problem; and they are already divided largely into pots that he has a spreadsheet for. He added he just needs to update the numbers in order to make sure it is current; he could probably do it in less than 30 days including the allocations that have taken place, even doing things like training for BCFR personnel; it cannot be completed within the 30 days; and he is happy to address which items he thinks would take longer than 30 days to expend.

Chair Zonka stated in reality those allocations can be made to those respective departments; and the funds do not have to be expended, but the allocation could be made to that department, so there would be no hold up to that 30 days.

Commissioner Lober pointed out the problem is that it is still going to exist in the County's budget.

Chair Zonka remarked that Commissioner Lober will have expended it from his portion of the CARES Fund.

Commissioner Pritchett stated it is encumbered at that point, so it is like held in a different area.

Commissioner Lober stated he would have to defer to the County Manager or Budget Office Director on whether or not it is technically encumbered; and he does not think until it is obligated, it is encumbered.

Chair Zonka stated she thinks once it has been allocated to the department, it is out of his hands; and that was Commissioner Tobia's concern.

Commissioner Tobia advised yes, obligated.

Commissioner Lober stated they may have a different legal definition.

Commissioner Pritchett explained the accounting thing is when it is already put towards one thing and it is held in that thing; there is a legal obligation on it which encumbers it; but either way, it does not matter to her. She went on to say if Commissioner Lober brings forth the plan, and it is allocated at that time and reserved just for that, it is out of his hands at that point and goes into the County's hands; they will have it under budgets, under allocations, and what can or cannot be spent; if he brings the plan, the Board can just move forward with that; and it will be set forth where all of the funds are going at that point even though the funds are not put in other people's hands.

Commissioner Lober advised he will bring back a plan, break it down, and if there is some discussion to be had as to whether something meets the Board's definition of allocated, it can be hashed out, or maybe he can talk to the Budget Office Director beforehand; he is not sure that it is technically deligated when it is transferred, essentially from his authority, or the authority that was obligated to him by the Board, to a particular department; and he does not know that he would use the term obligated, because he thinks that is actually not the meaning of the word.

Commissioner Pritchett pointed out she thinks it needs to be.

Rick Heffelfinger stated when he talked about the public records requests earlier, one of his public records requests that was denied, included documentation on the CARES topic; and as far as he is concerned, the whole thing smells. He asked if this is the \$5 million slush fund; he stated he thinks someone called it a slush fund; he thinks it was the Clerk of Courts at that time; this is the money that was allocated to each of the Commissioners, and he or she burned it up; and he asked if Commissioner Smith still had money left.

Commissioner Pritchett noted it is allocated.

Mr. Heffelfinger stated Commissioner Smith's is gone; he guesses he can do a public records request; and the Board said it had a spreadsheet that shows how much each Commissioner has left or that can be disclosed now.

Commissioner Lober advised he just said he had to put the numbers together to plug in to the sheet, and he is going to guess off-the-cuff to particular numbers, because if he is off by a penny he will get excoriated for it.

Mr. Heffelfinger stated he will ask for the Board's guidance here; and he inquired if he is going to do a public records request for Commissioner Lober's spreadsheet, should he give it to him, type it into the computer, or go through legal.

Commissioner Lober explained if Mr. Heffelfinger wants to email him and copy legal, he can get it to him; and if he wants the existing spreadsheet, with the understanding full well the numbers are not as of five minutes ago, but as of a few weeks ago. He went on to say he can give that to Mr. Heffelfinger in short-order, it is not going to be a month turnaround, and that would be within a day he would presume.

Mr. Heffelfinger asked what if he wants to see where all the funds were expended prior to this plan to break it down.

Commissioner Lober advised the best resource for that would be the Comptroller's Office, so it would be under the Clerk; and they have the cost centers and funds that are associated with every expenditure, so he can determine funding sources based on that.

Mr. Heffelfinger asked if the money currently in the fund is earning interest, is it invested, or is it statistically sitting somewhere.

Commissioner Lober replied that he does not know; he imagines there is interest; but he will have to defer to the Budget Office Director as far as short-terms.

Jill Hayes, Budget Office Director, stated it is in its own separate fund, within the General Fund group, so the interest earnings in that fund have become part of the General Fund overall.

Mr. Heffelfinger stated so holding on to that is actually making the County some money; he can see why the Board might want to hold onto it longer; and it is an investment.

Commissioner Lober pointed out it is making the General Fund money, it is not benefiting anyone in particular.

Mr. Heffelfinger noted he will make some requests to get some information, because this one has been burning his butt ever since it happened.

Commissioner Lober stated he thinks he has articulated the one change, or two changes essentially, to allow the Chair to sign and allow the County Attorney to draft an amendment instead of a brand new contract, should she determine that is the way to go; and otherwise, he will move to approve it as listed with those two changes.

Commissioner Tobia advised he trusts Commissioner Lober on this one; his understanding is it is obligated; he may have a different understanding on that; he may want to meet with Ms. Hayes on that one; but certainly he will be bringing it up in 30 days that the funds are obligated at that point.

Chair Zonka stated she would prefer it be part of the motion so it is very clear; and he would not be bound by that that if it is not made part of the motion.

Attorney Jorandby advised the Board it is not part of the motion, it is something obviously Commissioner Lober is voluntarily doing.

Commissioner Tobia stated he said it on the record that as long as it is legal he will support the expenditure of those funds; and he would prefer those be two different motions. He went on to say he would rather them be bifurcated; he will support this one as it stands; and if someone would like to make another motion that in 30 days the funds are obligated, he will support that as well.

Chair Zonka asked the Board if there is a second on Commissioner Lober's motion to expend these funds for this purpose.

Commissioner Tobia seconded the motion.

The Board authorized creating a new expenditure for District 2 allocation of CARES Act funding from existing Approved categories in which utilization has proven to be below that which was budgeted and anticipated, and does not seek to expand the overall amount allocated to District

2, for replacement of air conditioning at the H.S. Williams House, Lawndale Museum, Rockledge, it is anticipated that the non-profit will pay approximately \$6,000 towards the anticipated \$21,000 total cost for the air conditioning replacement, and CARES Act funding will pay the other \$15,000; authorized staff to execute any necessary Budget Change Requests; authorized the County Attorney's office the flexibility to amend an existing Contract, or draft a new contract, with the non-profit to ensure that any equipment and/or fixtures installed in relation to this proposal not be removed and remain with the property, and that all applicable rules and regulations are followed; and authorized the Chair to sign the Contract amendment if it ends up being an amendment.

Result: Approved

Mover: Bryan Lober

Seconder: John Tobia

Ayes: Tobia, Zonka, Pritchett, and Lober

Absent: Smith

Commissioner Lober reiterated he will have no problem bringing back the plan with or without a motion; and that is the only concern he has is that he and Commissioner Tobia have the same understanding as to what it means to be obligated.

Chair Zonka asked Attorney Jorandby what the legal definition of obligated is; and what she would prefer that language to be.

Attorney Jorandby replied she is looking online as it was being discussed, and it looks like the obligation of funds is defined as a legal liability to disperse the funds immediately or at a later date as a result of a series of actions. She went on to say she would have to look into it more as they are accounting terms, and she is not as familiar with them as much as she should be; there is a term of art to that; she does not have the answer right now; she thinks the intent is to have them marked; and she asked if the words the Board wants to use is obligated, allocated, or encumbered.

Commissioner Pritchett responded to use encumbered.

Attorney Jorandby stated she can look at that as well.

Commissioner Pritchett stated encumbered is restricted, and the action is to find anywhere else to place those except for the designated area is difficult to do; and if the Board applies these funds into a certain project that is where they have to go.

Frank Abbate, County Manager, explained if the Board does this as part of the plan, it tells staff where those resources will be allocated and for what purpose, then the timeline will be fine; once the plan allocates the resources for a specific purpose, staff will take it from there to fulfill that purpose; and the timeline may be extended, but all of those funds will be used for that particular purpose.

Chair Zonka asked Commissioner Tobia if he just wants those to be allocated.

Commissioner Tobia replied correct, obligated.

Commissioner Lober advised to use the term allocated, and it will be supported; and he thinks it gets done what the Board wants.

Ms. Hayes noted the language used initially in the motion was expended, which means the funds will be spent, an actual expenditure; she thinks for the Budget Office it is allocated for a specific purpose; there are categories where there is up to a certain amount that can be spent; and she thinks the Board is asking for allocation of those specific dollar amounts.

The Board approved the request that a specific allocation Plan for all remaining CARES Act dollars be provided to the Board by the March 22, 2022, Regular Board of County Commissioner meeting, or the remaining unallocated CARES Act funds shall be moved to the Public Safety Fund.

Result: Approved

Mover: John Tobia

Secunder: Bryan Lober

Ayes: Tobia, Zonka, Pritchett, and Lober

Absent: Smith

J.5. Board Policy BCC-47 - Purchasing Cards for County Commissioners

Commissioner Pritchett stated she worked with the County Attorney; she realized from the communication problems the Commission is having with its Purchasing Cards, and understanding it had some things happen that had typically happened since the Board has been operating, that the Commissioners probably have to put some parameters on the Board for a Board Policy. She went on by saying the Board Members have all received the Policy; what this Policy will do is that the Purchasing cards will be used primarily for day-to-day expenses for the Commission Offices to purchase necessary items to operate; third party purchases or purchases whereby a third party is the recipient are prohibited; and if the Commissioners were doing this type of things, it would be turned into the County, check written, signed by the Chair of the Board, and so the appropriate paper trails were gone through. She explained Purchasing Cards will not be used for any expenses that provide any personal benefit to a Commissioner; if he or she is getting reimbursement from mileage, it needs to go through the Clerk's Office; and the Commissioner does not do it on his or her own. She went on to add every purchase the Board members do on his or her Purchasing Cards will go to the Billfolder so the entire Board can see the purchases; therefore, the Commissioners are helping to have good public trust and the spirit of transparency; and the path the Board has been using here is probably not the best path and she is uncomfortable with it as an accountant. She remarked she would like to get these things in order as far as what makes more sense with some of the paper trails. She advised the Board she does not think the Board should be using its Purchasing Cards to buy computers and these types of things, it needs to run it through the Information Technology (IT) Department; personnel items should go through the Payroll Department as far as employee benefits which is set up for it; IT should do computers, setting up servers to ensure they are in compliance for Federal and State laws; and rearranging facilities needs to go through Facilities Department as they know how to get the best cost. She pointed out the Board should start limiting these cards. She stated what the Commission does is more than likely appropriate, she just does not think it has been the best way which the Commissioners have been charging on them; she is talking about the mess Commissioner Lober is dealing with right now; and she thinks if this was done in the beginning, there would not be a lot of this conversation going on.

Motion by Commissioner Pritchett to approve Board Policy BCC-47, Purchasing Cards for County Commissioners; Approved, in addition to the guidance set forth in AO-41, the following shall apply to Purchase Cards issued to County Commissioners:

- Purchasing Cards shall be used primarily for day-to-day expenses for Commissioner Offices and for the purchase of items necessary to operate the Commission Offices;
- Third party purchases or purchases whereby a third party is the recipient are prohibited;
- Purchase Cards shall not be used for the expenses that provide a personal benefit to the Commissioner; and
- Brevard County Purchasing Card Monthly Reconciliation Reports for Commission Offices shall be included in the Brevard County Board of County Commissioners Agenda in the Billfolder.

Commissioner Lober stated before he gets into the specifics there is one fatal flaw with the draft where Commissioner Pritchett has a term that is very ambiguous that could mean different things to different people; before he gets into that he wants to say, this article was first crafted by *Florida TODAY* where they say there was something about a Commissioner under fire; he asked them what that meant, he was under fire; and so, there was an anonymous email, that is under fire, and that is what that means. He went on by saying he could make something up and say Commissioner Pritchett had 20 prostitutes at her house, *Florida TODAY* could run an article and say Commissioner Pritchett under fire.

Chair Zonka asked why it has to get weird.

Commissioner Lober replied it is a fact.

Commissioner Pritchett stated the Board is going down a bit of a rabbit trail; she does not think Commissioner Lober did anything wrong; but she thinks apples to oranges are being compared here.

Commissioner Lober pointed out the newspaper does nothing to verify it and then they print it.

Commissioner Pritchett stated she does not care about the newspaper, she just wants to get something appropriate.

Commissioner Lober advised what Commissioner Pritchett put up there is not that; she talked about third parties, and just as terms have meanings, this term has a meaning; he asked Abigail Jorandby, County Attorney, and Jill Hayes, Budget Office Director, what a third party means as they walked out of the Budget meeting; and neither one of them could give him an answer because it might mean one thing to one person and one thing to another. He went on to say technically the only person who is entitled to use that, if Commissioner Pritchett wants to be strict about it, is the card holder, and they cannot buy anything for his or her office; and if there is something she wants to buy for her office to use, unless she is the specific one using it, if her receptionist or legislative assistant is using it, that is a third party, they are not her.

Commissioner Pritchett inquired if Commissioner Lober has an office manager who would be buying for his office.

Commissioner Lober noted everyone would have to get purchase cards in the office so everyone can buy his or her own stuff instead of having one person buy for the office.

Commissioner Pritchett noted it belongs to the County at that time, inside the office.

Commissioner Lober explained that is not what Commissioner Pritchett said in her draft, though, because she says third party; he would suggest after that, she would define what that actually means; and he would say a third party is anyone who is not an employee of the Board

of County Commissioners so she does not run into that problem. He went on by saying that addresses that issue, which he thinks is a fatal flaw in that anyone could argue something does or does not fit within that particular definition, because otherwise he or she is just asking to have abuse or alleged abuse, because no one knows what that means; beyond that, he thinks there is something else to keep in mind, with respect to the third party; purchase orders have a staff cost in form of the time that has to be dedicated to actually craft them; and he asked if there is a \$30 expense that can be put on a Purchase card, that is otherwise authorized, except for this item that Commissioner Pritchett put up, does she want him to have staff spend more in processing a purchase order than the cost of what the purchase order is for.

Commissioner Pritchett inquired if Commissioner Lober can tell her what type of thing, as she does not have those things.

Commissioner Lober replied this is quite literally anything based on how it is written. He stated there are two changes he would suggest, and with two changes, he thinks it is far better; first, after the third party line, he would insert another line and define what that means; he would define it, because he thinks it is safe and clean, and easy to figure out; a third-party is anyone who is not an employee of Brevard County Board of County Commissioners; and that resolves that issue. He added as to the other, he would say no third party expenses, unless the expenses are funded by stimulus dollars, the vendor does not accept purchase orders, and the expense is otherwise authorized.

Commissioner Pritchett advised she does not know about that part, but as to the third party, what could be done is say anyone outside of the Commission staff office; and she thinks that is cleaner.

Commissioner Lober stated it has to be defined some way; and if Commissioner Pritchett wants to define it that way, it is fine.

Chair Zonka asked if third party purchases are stuff like Amazon.

Commissioner Pritchett explained it would be like her going to Lowe's to buy something for the Humane Society, that is a third party purchase; to clean the language up, it can say anybody outside of the Commission Offices, this is for Commissioners; and in house is not a third party.

Commissioner Lober stated yes, as long as it is defined, it does not matter; there just needs to be a definition.

Commissioner Pritchett asked if that can be fixed.

Attorney Jorandby advised she can fix it.

Commissioner Lober noted his office bought pens, paper, and toner on Amazon.

Commissioner Pritchett pointed out that is allowed, it is specifically for his office.

Commissioner Lober stated as far as the other is concerned, if Commissioner Pritchett may have staff spending more money handling the purchase orders than she does for the actual cost of the good or service that is procured; and that is the only thing he will caution her about, if she does not make any sort of adjustment to that.

Commissioner Pritchett stated if Commissioner Lober has something that he feels is going to

put undue burden on him or staff, he will have to talk to her and let her know, because in the past this is what she has operated by.

Commissioner Lober stated he is just bringing that to her attention the fact that it could be a problem.

Commissioner Tobia stated he needs a point of clarification; he asked if Commissioner Pritchett can explain the billfolder; and he stated she mentioned transparency but if it is on the Agenda this offers transparency.

Commissioner Pritchett pointed out the Purchasing Cards go in there.

Commissioner Tobia stated but it will be on Consent Agenda.

Commissioner Pritchett stated yes.

Commissioner Tobia advised he thinks it is a great idea, not only for the Commission, but for the public to scrutinize his or her purchases.

Chair Zonka stated she does not know if the Board wants to go through these purchases or explain them, but she has an issue; there are hundreds of purchases on this card; she knows the Board thinks *Florida TODAY* stinks; but the Board talked for an hour and a half about the opinion of somebody who clearly had an agenda. She noted there are hundreds of Purchasing Card purchases on here that she wants accountability for; she does not know if Commissioner Lober wants to address this; but she is clearly not calling him on the phone, so that is why she is asking him at this meeting.

Commissioner Lober stated that is fine, he will give her an explanation.

Commissioner Pritchett asked if she can throw out an idea first; she is an accountant and he is a lawyer; because Commissioner Lober has been using the Purchasing Card, the Commission does not know where these costs were allocated to; and it is unknown who has custody of them right now. She went on by saying she would ask that over the next four weeks or so that he sits down with County Finance or someone and have them be allocated to the right places, and to categorize them like other CARES things. She noted she can look at Parrish and find out exactly how much was given to them; and this cannot be done off of this because they are so messed around with the purchases.

Commissioner Lober inquired what messed around means.

Commissioner Pritchett replied computer parts and things like that; before she can ask him an intelligent question, she kind of needs him to categorize them like County Finance would have done had he turned them in to be paid, so that the Board knows where they are going; she is sorry, but he is going to have to sit down and do that; and Commissioner Lober is the only one who has it in his head to know where these things go.

Commissioner Lober stated sure.

Commissioner Pritchett stated she thinks this is going to take a little bit of time, so maybe in the next four weeks or so he can get that for the Board so he does not have to go through every line item right now.

Commissioner Lober noted he is happy to go through everything listed by *Florida TODAY* because they have gone through page by page to look at the most egregious.

Commissioner Pritchett explained she does not care about *Florida TODAY* at all; she would just like for Commissioner Lober to do this so the Board has good accounting records; and as he mentioned before, to make sure that everything is inventoried through County staff that the Commissioners have.

Commissioner Lober pointed out it is already done.

Commissioner Pritchett asked if everything in his office had been inventoried, and have they been there and inventoried.

Commissioner Lober commented everything that meets the Administrative Order is requiring inventoried has been inventoried.

Commissioner Pritchett inquired if everything in his office, like chairs have County tags on them.

Commissioner Lober responded everything that meets the requirements under the Administrative Order, even though it does not apply to him as a Commissioner, it has been inventoried; but he does not inventory sheets of paper or pens.

Commissioner Pritchett stated no, but computers and IT security systems; and she does not know if it was Commissioner Lober's or if he bought it for someone else.

Commissioner Lober asked literally.

Commissioner Pritchett noted she cannot make an informed decision right now because she does not have enough data, and that is her problem.

Chair Zonka stated she thinks how to solve that problem is to do an audit on this; to have the Comptroller do an audit; and to have all of this equipment accounted for, even the non-profits that Commissioner Lober says he donated these dozens of network and audio editing and surveillance equipment to.

Commissioner Lober inquired if Chair Zonka is going to put words in his mouth.

Chair Zonka advised she is reading his list, it says surveillance camera.

Commissioner Lober stated no, she is putting words in his mouth.

Chair Zonka pointed out she thinks he referred to that in his six-page memo that he sent the Commissioners.

Commissioner Pritchett explained she thinks it would help clear Commissioner Lober if the Board does this and just gets it done.

Chair Zonka stated if there is nothing nefarious, then he has nothing to worry about it.

Commissioner Lober stated he did not say not to do it, but he is saying Chair Zonka is putting words in his mouth that he never said.

Chair Zonka advised Commissioner Lober that she is reading his six-page memorandum that he sent out.

Commissioner Lober stated to read it, do not paraphrase; and if she is going to make accusations, to make them specific enough that he can rebut them.

*Chair Zonka passed the gavel to Commissioner Pritchett.

Chair Zonka advised she is going to make a motion to ask the Comptroller to do a complete audit, and inventory of the items.

Commissioner Lober asked what about all the Purchase Card spending.

Chair Zonka advised that is fine; she is most concerned about the CARES funding money, because it was allocated for a purpose; she wants to make sure this equipment is accounted for; she wants to make sure the equipment, for the non-profits or whoever, wherever this equipment exists, is accounted for and that there are receipts for it; and include the dates the recipients received the equipment.

Commissioner Pritchett seconded the motion; and she pointed out she believes it will help to get this behind the Commission.

Chair Zonka stated she thinks it clears everyone's name.

Commissioner Lober inquired if that includes the Purchase Card expenses for all Commission Offices over that timeframe.

Chair Zonka replied sure, if Commissioner Lober would like it.

Commissioner Pritchett stated she does not mind either; she thinks it is just for the CARES things.

Chair Zonka stated she has never bought office equipment, computers, networking and audio.

Commissioner Lober advised she never asked for authorization from the Board to do it, he did.

Commissioner Pritchett commented she remembers when former Clerk of Courts Scott Ellis came before the Board there was that big argument; at that time she asked that the Board not do this on Purchasing Cards; and she thinks he was not listening to her and that is why there is this big mess that has to get straightened out.

Chair Zonka stated it makes all of the Commission look bad, even though it was not Commissioner Lober's intention; and she wants to know where all this stuff is.

Joseph Cholewa stated recently Commissioner Lober proposed a reduction in the Commissioners' pay to be more in line with the median household income of Brevard County residents because he wants to save taxpayers' dollars; that reduction would have been about \$1,400 a year; and then someone did a public records request and brought these items to light. He went on to say right now, he thinks it was all the way back to March 2020, that brought back

about \$54,000 in spending; and that 70 percent of that, \$39,000, was Commissioner Lober's, and that is 20 times higher than Commissioner Pritchett's. He added Commissioner Lober also stated that, most of that was all technology and computer related equipment; he is curious where that equipment is and what it is being used for; and he also stated at that time that being an elected official, or being elected, should not equate to winning a lottery ticket. He pointed out this looks like it is not the Commissioners' salary that is the winning lottery ticket, but maybe that Purchasing Card. He noted he did not know the Board was going to request an audit, but he thinks it is important; as a constituent of District 2, he believes it is important to find out, or get a detailed explanation of where the items are and what they are being used for; and he thinks Commissioner Lober made the comment that it was inequitable and elitist to be paid a fixed salary. He concluded by saying the only thing he finds equitable is the spending on these Purchasing Cards; it is extremely and highly questionable; and he hopes the Board gets answers.

Commissioner Lober advised it is telling that Mr. Cholewa has conveniently elected to spread misinformation and insinuate things about him; and that he has wasted government resources today, public resources, for his political benefit. He went on to add there was a rebuttal already published by Space Coast Daily addressing what was supposed to have been the best examples of lavish, extravagant spending, but Mr. Cholewa did not reference that because that is not convenient for his campaign; it is interesting that Mr. Smith, who is in the front-most row, who is also running for the same position, has not elected to spread misinformation; and instead, he is campaigning on his own merits. He noted Mr. Cholewa never once requested any information from him about anything, but he comes up here and insinuates, and there were no questions, so he can sit down unless someone else has a question for him.

Chair Zonka stated she would like to prioritize this one, and this is at the forefront of the latest controversy and the largest Purchase Card amounts that have been purchased.

Commissioner Lober asked if it is everyone's Purchasing Card purchases in that timeframe.

Commissioner Tobia replied affirmatively.

Commissioner Pritchett advised that Attorney Jorandby wants to know if the Commission has a timeline.

Chair Zonka responded affirmatively; and she stated from 2019 through today.

Commissioner Lober asked instead of when he started in office if it could start when Chair Zonka started in office and include all of it.

Chair Zonka advised she does not have a Purchasing Card, but that is fine.

Commissioner Pritchett noted she does not either.

Commissioner Lober stated to do that then.

Commissioner Tobia stated he would ask that the results be brought back to the Board and put on the Agenda, so everything is done in public.

Commissioner Lober stated he agreed.

Chair Zonka noted including everyone in the Commission Offices that have a Purchase Card.

Kathy Prothman, Finance Director, asked if the audit is for just the Commissioners Purchasing Cards.

Chair Zonka replied the Commission Offices from 2016.

Ms. Prothman stated from 2016 to the present; she has already had that conversation with the Clerk of Courts; and she is committed to doing that.

Chair Zonka asked if she knew how long it will take the Clerk's office.

Ms. Prothman replied she does not know that.

Chair Zonka asked if County staff could be available to assist with the inventory if the Clerk's Office needs it.

Frank Abbate, County Manager, stated staff will be happy to work with them; and whatever support the Clerk asks for, staff will be able to help.

Chair Zonka stated she wants to take it out of the County, like the audit part, because she does not want there to be a conflict or discomfort.

Commissioner Tobia asked if it can be from the day the Commissioners were elected in 2016, because most of 2016 could be gotten rid of, as most of the Board was not here.

Chair Zonka advised November first.

Ms. Prothman repeated November 2016.

Chair Zonka stated the first days the Commissioners were elected in 2016; and to start it as soon as possible.

The Board approved a request for the Comptroller to do a complete audit on all Purchase Card spending for each Commission Office from November 2016 to present, prioritizing Commissioner Lober's Office, with it having the largest Purchase Card amount; and approved placing the results on a future Agenda.

*Commissioner Pritchett passed the gavel back to Chair Zonka.

Motion by Commissioner Pritchett to approve Board Policy BCC-47, Purchasing Cards for County Commissioners; Approved, in addition to the guidance set forth in AO-41, the following shall apply to Purchase Cards issued to County Commissioners:

- Purchasing Cards shall be used primarily for day-to-day expenses for Commissioner Offices and for the purchase of items necessary to operate the Commission Offices;
- Third-party purchases or purchases, whereby a third-party is the recipient, are prohibited, the term third-party means anyone not an employee of the County Commission office;
- Purchase Cards shall not be used for the expenses that provide a personal benefit to the Commissioner; and
- Brevard County Purchasing Card Monthly Reconciliation Reports for Commission Offices shall be included in the Brevard County Board of County Commissioners Agenda in the Billfolder.

Result: Approved

Mover: Kristine Zonka

Secunder: Rita Pritchett

Ayes: Tobia, Zonka, Pritchett, and Lober

Absent: Smith

K. PUBLIC COMMENTS

Robert Klimkowski stated he is present to speak on public records and public records requests; last year, May 11, 2021, at the Melbourne/Tillman Water Canal meeting, there were two of the members talking before the meeting what he thought would be a Sunshine violation; and it was Frank Abbate, County Manager, and Commissioner Tobia. He went on to say it was about the Consumer Price Index (CPI) being 1.23 percent, and Mr. Abbate knew that Commissioner Tobia would be approving that; going back and forth he found it was not a Sunshine violation, but his public records request took three months to fill; and it was three months from the date that he made the public records request until he received a cost associated with that. He pointed out the cost associated with that was above \$200; as a person making about \$17,000 a year, he could not afford that; and he was not paying \$200 for public records. He stated he believes the person before him, Ms. Hodgers, was quoted at \$985 with a 15-minute absorption of the fee, which does not really make much of a difference, so basically \$1,000 for these public records; and he reiterated he would not be able to pay that. He stated as a Citizens Oversight Committee (COC) member, appointed as a real estate member to the board, to then be charged \$1,000 for her records does not seem right to him; and also the fact the Commission would remove her from the board does not seem right to him. He went on to state there is institutional knowledge; he is a Registered Behavior Technician (RBT); he may be inactive in what he does, but as he progresses in his field he may become a Board Certified Behavior Analyst (BCBA) or have institutional knowledge in his field; and he just did a Google search, and Ms. Hodgers is a Graduate Real Estate Institute (GREI) recipient, and she has institutional knowledge in her field. He noted just because she is not a practicing realtor, she does have institutional knowledge in her field, so he does not see the correlation there to remove her from the board, less than a week after she publishes an article; and it seems that was retaliatory. He stated regarding Commissioner Lober's Purchasing Cards, it seems he was just asking permission; he believes he had the lowest budget last year, less than \$300,000, and that the highest budget was Commissioner Pritchett. He went on to add it seems with the Purchasing Card purchase, a Commissioner could ask permission and then just get cited for it, but just by going around and purchase whatever the Commissioner wants, he or she could do that, it would not be public record; and then there has to be an audit. He pointed out he is a little confused on the process.

Commissioner Pritchett stated she thinks Mr. Klimkowski is mixing a little data together; Commissioner Lober does have the lowest office staff as far as cost; but some of that is because some offices pay rent, and that is why there is a cap on it.

Mr. Klimkowski noted he remembers Commissioner Pritchett paid fringe benefits because one of her office members were leaving.

Commissioner Pritchett advised it was a pay out, and she is trying to be a little better with that; she wanted to state that in case the newspaper did not think she had the highest budget.

Dontavious Smith stated the Commissioners do a wonderful job; regardless of how he or she votes, bickers, and what goes on, this is a hard job to have; and he does not think anyone understands the role of public administrators. He went on to say he is a graduate of Florida

A&M University in 2008; regarding that, he has a comment towards Commissioner Lober's comments, as well as to the salaries of Commissioners; he does not care who runs or who gets elected, this job entails a lot of ingenuity, energy, education, things some may not understand as far as politics, economics, law, science, budgets, reporting, analysis, and some things some Commissioners never experience; and to have a median income as a legislative body, as a governing body, is kind of insulting to the profession, to students who are going to school for public administration, economics, business administration, and those of the like. He added as Chair Zonka said at the meetings where salaries were discussed, if people want a Labron James or a Tom Brady, they cannot be attracted with a median household income to do a legislative body job; and it is insulting to the job and to the constituents because now the integrity and character is being watered down of those who may run. He pointed out it brings two results, either it is keeping the rich in power or rich and wealthy in power or the opportunity is not being given to those who are not available to have the funds to run or the available funds to live and to run. He stated the Board's initiative to lower the tax rate for property taxes for constituents is a wonderful idea, but that is when the ideas of new forms of revenue and things that can bring money to the County does not necessarily provide taxed properties for increase for constituents. He advised he thinks the Board needs to either maintain or increase the Commissioners' salaries.

Chair Zonka pointed out it is asking someone to either give up their profession or there will be a bunch of rich retired people running; and she does not think that is a good representation of the average citizen. She added it is not a money maker, because most of the Commissioners could make more money in the private sector, but she does not think the constituents will attract the people they want to attract if there is a pittance for a salary.

Joseph Cholewa stated he does not know why Commissioner Lober makes this about politics, it is strictly about transparency and the perception of the constituents that he is supposed to serve; he thinks that anybody that looks at the list of items that he has purchased, it has nothing to do with politics, it has to do with spending; certain statements were made regarding income equality, and then he made those purchases, it just seems a little odd to him; and pointing that out, he does not believe is an issue. He went on by saying as elected officials, he or she should be looking for ways to improve other people's lives, 100 percent transparency, especially with money; that was simply his purpose of why he was here; and if anyone has any questions about what he said, he would be happy to answer them, as he just wants transparency like everybody else.

Commissioner Lober asked prior to entering into the District 2 Commission race, has Mr. Cholewa ever set foot in this room before.

Mr. Cholewa replied he had not.

Commissioner Lober inquired if Mr. Cholewa had ever offered public comment here prior to entering the race since he said it is not about politics.

Mr. Cholewa responded he began his political advocacy for the children in the school district.

Commissioner Lober asked if that is a no.

Chair Zonka noted this is not for an item, it is getting really personal; and in all fairness, Mr. Cholewa did not come up and even say he was running for office, Commissioner Lober offered that up.

Commissioner Lober asked since Mr. Cholewa talked about spending and one Commission District having a multiple to the others, did he actually look at the funding sources for that spending to determine which was the highest and which was the lowest.

Mr. Cholewa advised he did not look at the overall, he simply looked at the Purchasing Cards, and analyzed what was being purchased; and he is curious why Commissioner Lober needs \$500 in nuts, bolts, washers, and screws.

Commissioner Lober said he could have asked him.

Mr. Cholewa asked what it is for.

Commissioner Lober asked if Mr. Cholewa read the Space Coast Daily article that addressed supposedly the most egregious ones, or did he not bother with that.

Mr. Cholewa pointed out why he would read a newspaper article when Commissioner Lober is responsible for answering these questions.

Commissioner Lober advised he would have to ask them in order for him to answer.

Mr. Cholewa stated the Clerk is going to do an audit and that will bring accountability for everything.

L.1. Report, Re: Frank Abbate, County Manager

Frank Abbate, County Manager, stated Virginia Barker, Natural Resources Management Director, has information on that SpaceX issue; she just got it; and she wanted to be able to share it.

Virginia Barker, Natural Resources Management Director, stated staff can respond with either comments or a request for a public meeting; she can do that as staff; but today will be the last chance if the Board wants it to come from it.

Chair Zonka asked if Ms. Barker thinks it will have a better response by coming from the Board.

Ms. Barker replied especially if it is about holding a public meeting.

The Board granted approval to request a public meeting with Florida Department of Environmental Protection (FDEP) for the development plans of SpaceX Wastewater Treatment Facility that would discharge non-processed wastewater in Oyster prong, a water body within the Indian River Lagoon.

Result: Approved

Mover: Rita Pritchett

Second: Bryan Lober

Ayes: Tobia, Zonka, Pritchett, and Lober

Absent: Smith

L.3. Report, Re: Rita Pritchett, Commissioner District 1

Commissioner Pritchett advised she has one request; she does not have a report; she thinks that all of the discussions the Board had to go through to get to this point, she does not think it

is fair the ending information regarding Virginia Barker, Natural Resources Management Director; and she requested if staff and John Denninghoff, Assistant County Manager, would fill the Board in on some of this, because it was alluded to that Ms. Barker was not trying to get information out. She pointed out it is just not fair; she wants to clear this up a little bit.

Mr. Denninghoff stated between the dates of about January 26th to February 16th, there were 17 emails from one individual and 15 emails from another individual, who were making a variety of requests, some of them were actually public records requests or stated as being public records requests; approximately 22 of those were actually public records requests; there was another nine requests for reports that were not a matter of public record; and they were asking for a report to be prepared. He went on to say there were numerous questions and other statements that were embedded into the emails; in several cases, requests were made by the director of the department to clarify the questions; in some cases, the questions were restated in exactly the same format that they were; and in other cases, they were rephrased, sometimes clarifying, and sometimes actually asking for more public records on top of that. He added those were happening in pretty rapid fire, in many cases they were happening throughout the day, on weekends, and in one case on a holiday, and some of them quite late. He noted without creating a new record, many of those reports could not be produced because they were not a public record, and in many cases there were questions being asked why the records were not being kept in that format. He stated in one case, one of the emails was over 20 pages long with numerous requests embedded within it, so it had to be gone through very carefully just to find what the actual requests were; and that is what was having to be dealt with.

Commissioner Pritchett stated the vote on the Save Our Indian River Lagoon (SOIRL) plan was on January 21st; right after that is when all of these email requests started coming in; right after that, they decided to do a personal email campaign on Ms. Barker suggesting she was not doing something right; what she believed happened is they were shut down 6:1; and this then became personal. She advised the Board went down a rabbit trail having Ms. Barker trying to defend what she did on a personal level. She stated she had a great concern that Ms. Barker's time was getting tied up and not being able to get the Board information; she thinks the public records requests were trying to be responded to as quickly as possible; and when staff is being asked to prepare a spreadsheet from data, it takes hours. She noted some of these things take time to put together, but when the motivation is because of being mad because the vote did not get counted 6:1, it speaks volumes. She stated she thinks Ms. Barker has taken the bad end of this; she works so hard and she is really good at what she does; the Commission does not always agree with her and makes her go back and do other things; but she has always handled it like a trooper and a professional.

Chair Zonka stated when the Board clearly does not agree with the plan, it is sent back; the plan has been rejected before; the Commission has given Ms. Barker a pretty tough time about it; and it is not asking Ms. Barker to rubber stamp it ever; this Board will never rubber stamp it as it sits; and it definitely has good oversight and she thinks there are a number of people on there that want to do the right thing.

L.5. Report, Re: John Tobia, Commissioner District 3

Commissioner Tobia expressed his personal thanks to Virginia Barker, Natural Resources Management Director, on this one; the cost at \$900 may seem exorbitant; the basic math can be done and there were over 7,000 pages; that is about 4,000 minutes; and she was going to have to go through a page in less than a minute, and that is darned diligent. He went on to add if a person is going to do a public records request, he or she should probably make it very specific. He advised he wants to make a request to the public to feel free to attack any of the

five Commissioners, but it is beyond the pale to attack staff; staff is working as hard as they can; there was an article in the paper about all of the vacancies out there; these folks do not have to be here; and the County lost a great staff member who went to work at SpaceX, folks are being lost. He pointed out it is like him attacking families; these folks are trying to do their level best; if the Board had any indication that anyone was doing anything maliciously, it would be handled immediately; but there is no evidence, even slightly, indicating any of that. He reiterated to please direct the stuff at the elected folks, not the folks who did not sign up for any of this; it is completely unfair to folks who are working their level best who have opportunities to go other places.

L.7. Report, Re: Kristine Zonka, Commissioner District 5, Chair

Chair Zonka stated before people believe all the hype to ask the questions; although it is exciting and a person kind of makes themselves relevant when making accusations, to make sure they are true; it is not Virginia Barker, Natural Resources Management Director, who would be in trouble, it is Frank Abbate, County Manager; and she does not think Mr. Abbate would having people working for him who do not do the right thing. She pointed out if a person is that concerned and not just looking for some attention by writing an op-ed, to contact his or her Commissioner; this constituent has her cell phone number and has contacted her about things that were unimportant at times; and again, if it is really about the issue, to call her, she is more than happy to address it. She noted the op-ed was about trying to get the Board to not approve the Plan.

Upon consensus of the Board, the meeting adjourned at 1:40 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

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