

Brevard County Board of County Commissioners

2725 Judge Fran Jamieson Way
Viera, FL 32940



Minutes

Tuesday, March 8, 2022

5:00 PM

Regular

Commission Chambers

A. CALL TO ORDER 5:04 PM

Present: Commissioner District 1 Rita Pritchett, Commissioner District 2 Bryan Lober, Commissioner District 3 John Tobia, Commissioner District 4 Curt Smith, and Commissioner District 5 Kristine Zonka

C. PLEDGE OF ALLEGIANCE

Commissioner Curt Smith led the assembly in the Pledge of Allegiance.

F. ITEMS REMOVED FROM CONSENT AGENDA

Chair Zonka asked the Board if there are any Items to be pulled for discussion from the Consent Agenda.

Commissioner Lober stated he would like to pull Item F.14., Approval of Revisions to BCC-67 in Order to Address Updates to Chapter 2 of the Brevard County Code of Ordinances and to Clarify Requirements for Financial Disclosure Reports from Advisory Board Members, for discussion.

Commissioner Pritchett advised she would like to pull Items F.16, Purchase Card Records D3, F.18., BOW Cocoa Properties, LLC Proposal, F.19. Bill Folder - District 2 Commission Office, F.20., District 1 Purchase Card Records, and F.21., District 5 Purchase Card Records, for discussion.

Chair Zonka noted there is a resolution; and she asked the Board if it could take the resolution first.

E.1. Resolution, Re: Acknowledging Women in Construction 2022

Commissioner Smith read aloud, and the Board adopted Resolution No. 22-018, acknowledging Women in Construction 2022.

Kate Howick, Danella Engineering and Construction, stated joining her is Julie Hood, CEMEX, and they represent the local chapter of the National Association of Women in Construction (NAWIK); while women make up over half of the workforce in the United States, they only account for 11 percent of the total population within their industry; NAWIK provides them with a platform to collaborate with like-minded professionals across-the-trades, continue to advocate for women within the industry, and encourages the next generation of young women in construction to seek out opportunities; NAWIK hosts over 100 chapters and upwards of 4,000 members across the United States, they are all celebrating Women in Construction week 2022 in many different ways; and they are truly honored on a day intended to celebrate women across-the-globe that the Brevard County Commission has taken a moment to recognize the women who work locally to build a better Brevard County. She thanked Commissioner Smith and his exceptional staff for sponsoring their organization with this Resolution; and she pointed out his support is instrumental in their continued growth and outreach efforts within the communities that they serve.

Result: Adopted

Mover: Curt Smith

Seconded: Bryan Lober

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

F. ITEMS REMOVED FROM CONSENT AGENDA (CONTINUED)

Chair Zonka stated she has F.14., F.16., F.19., F.20., and F.21., to be pulled from the Consent Agenda.

Commissioner Tobia asked that Items F.17., Appointments(s)/Reappointment(s), and F.18., BOW Cocoa properties, LLC Proposal, be pulled and added to that list.

Chair Zonka advised she has to recuse herself from Item F.13., Resolution Approving the Issuance by Brevard County Health Facilities Authority of Hospital Revenue Bonds (Health First Obligated Group), in One or More Series in an Aggregate Principal Amount Not Exceeding \$750,000,000, and it is not pulled; and she asked that the Board to note that she will not be voting on F.13.; and she will sign the required form for that. She stated she would like to pull Item F.15., Appointment of Patrick M. Votaire, Jr. as the Brevard County Fire Rescue Department Director, because she thinks it is important.

F.1. Final Plat Approval, Re: Rymar Greens at Indian River Preserve Developer: Indian River Preserve Estates, Corp. and D.R. Horton, Inc.

The Board granted final plat approval for Rymar Greens at Indian River Preserve (Developer: Indian River Estates, Corp. and D.R. Horton, Inc.), subject to minor engineering changes as applicable, and approval of this project does not relieve the developer from obtaining all other necessary jurisdictional permits.

Result: Approved

Mover: Rita Pritchett

Secunder: John Tobia

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

F.2. Approval, Re: Sanitary Sewer Easement from Das Family, LLC for the Viera Ace Hardware

The Board approved and accepted Sanitary Sewer Easement from Das Family, LLC for the Viera Ace Hardware.

Result: Approved

Mover: Rita Pritchett

Secunder: John Tobia

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

F.3. Resolution and Release Performance Bond, Re: Savannah Landing Subdivision, Developer: Surrey Homes, LLC

The Board adopted Resolution No. 22-019, releasing the Contract and Surety Performance Bond dated February 23, 2021, for Savannah Landing Subdivision.

Result: Adopted

Mover: Rita Pritchett

Secunder: John Tobia

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

F.4. Approval, Re: Resolution and Perpetual Easement in Favor of Florida Department of Transportation (FDOT) for the Noise Wall on State Highway System 528 Parallel to Furman Road

The Board adopted Resolution No. 22-020; and executed Perpetual Easement for FDOT for the noise wall on State Highway 528 parallel to Furman Road.

Result: Adopted

Mover: Rita Pritchett

Seconded: John Tobia

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

F.5. Approval, Re: Resolution and First Amendment to Exchange Agreement Between Brevard County and Space Coast Town Centre I, L.L.C. (S.C.T.C.)

The Board adopted Resolution No. 22-021, authorizing execution of the First Amendment to Exchange Agreement with Space Coast Town Centre I, LLC, for property located on the east side of St. Johns Heritage Parkway, West Melbourne; and authorized the Chair to execute any and all documents required to effectuate this First Amendment to Exchange Agreement, including, but not limited to, the signing of any necessary closing documents, and obtain the applications and documents required by the agencies that will be issuing the necessary permits.

Result: Adopted

Mover: Rita Pritchett

Seconded: John Tobia

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

F.6. Approval, Re: Resolution and Off System Right of Way Acquisition Agreement Between State of Florida, Department of Transportation, Brevard County and the City of West Melbourne for the Ellis Road Widening Project

The Board adopted Resolution No. 22-022, authorizing the execution of Off System Right-of-Way Acquisition Agreement between FDOT, Brevard County, and City of West Melbourne for Ellis Road Widening Project; approved and authorized the Chair to execute any necessary contract-related documents and resolutions for the Ellis Road Widening Project contingent upon review by the County Attorney's Office, Risk Management, and Purchasing Services; and approved any necessary Budget Change Requests associated with this request.

Result: Adopted

Mover: Rita Pritchett

Seconded: John Tobia

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

F.7. Permission to Accept, Re: Florida Airports Council Internship Grant Funds

The Board granted permission and authorized staff to accept grant funds delegated to Valkaria Airport through Florida Airports Council; authorized the Chair, County Manager, or Valkaria Airport Manager to execute the application and other documents on behalf of the County in this regard; and approved all necessary financial/budget adjustments.

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

F.8. Permission to Advertise, Re: Competitive Solicitation for American Rescue Plan Act of 2021 (ARPA) Emergency Rental Assistance (ERA2) Funds

The Board granted permission to advertise and award(s) of a competitive solicitation for qualified contractor(s) to provide rental assistance to eligible households per U.S. Department of Treasury and County guidelines; authorized the County Manager, or his designee, to execute all resulting contracts, amendments, and modifications (including contract extension), upon review and approval of 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: Rita Pritchett
Secunder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Zonka

F.9. Authorization for Competitive Solicitation, Re: Lease of Spessard Holland North Beach Park for Concession Services

The Board authorized the development, advertisement, and award of a competitive solicitation seeking responses from qualified contractors to provide concessionaire services for the operation of concession services at Spessard Holland North Beach Park; authorized the Chair to execute the resulting contract upon County Attorney, Risk Management, and Purchasing Services approval; and authorized the Parks and Recreation Director to execute renewals and amendments upon County Attorney, Risk Management, and Purchasing Services approval.

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

F.10. Authorization for Competitive Solicitation, Re: Lease of a Portion of Space Coast Communities Sports Complex for Asphalt Kart Racing

The Board authorized the development, advertisement, and award of competitive solicitation seeking responses from qualified contractors to provide operation of asphalt kart racing at Space Coast Communities Sports Complex; authorized the Chair to execute the resulting contract upon County Attorney, Risk Management, and Purchasing Services approval; and authorized the Parks and Recreation Director to execute renewals and amendments upon County Attorney, Risk Management, and Purchasing Services approval.

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

F.11. Allocation, Re: American Rescue Plan Act of 2021 (ARPA) Revenue Replacement Funds to the Florida Coast to Coast Parrish Park Trailhead

The Board acknowledged Commission District 1's identified use of \$737,000 of American Rescue Plan Act of 2021 (ARPA) Revenue Replacement Funds be allocated towards the construction of the Florida Coast to Coast Parrish Park Trailhead in Titusville.

Result: Approved

Mover: Rita Pritchett

Seconder: John Tobia

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

F.12. Board Authorization, Re: Purchase One Sutphen SPH 100' Aerial Ladder Truck in the Current Fiscal Year

The Board approved purchase of a Sutphen SPH 100' Aerial Platform Ladder Truck in the current Fiscal Year, currently \$1,000,000 is budgeted for the purchase of a ladder truck; authorized the transfer of \$460,643 from approved ARPA revenue replacement funds to the current Fiscal Year and be utilized for the purchase of this capital agreement; and approved delegation to the County Manager to approval all necessary Budget Change Requests (BCRs) or other administrative actions required to transfer funds and complete the purchase with coordination through Risk Management, County Attorney, and Central Services Offices.

Result: Approved

Mover: Rita Pritchett

Seconder: John Tobia

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

F.13. Resolution, Re: Approving the Issuance by Brevard County Health Facilities Authority of Hospital Revenue Bonds (Health First Obligated Group), in One or More Series in an Aggregate Principal Amount Not Exceeding \$750,000,000

The Board adopted Resolution No. 22-023, approving issuance by Brevard County Health Facilities Authority of Hospital Revenue bonds (Health First Obligated Group), in one or more series to fund new capital projects and to refund outstanding bonds.

Result: Approved

Mover: Rita Pritchett

Seconder: John Tobia

Ayes: Pritchett, Lober, Tobia, Smith

Abstained: Zonka

F.22. Purchase Order Records, Re: District 3

The Board acknowledged receipt of Purchase Order receipts and documents for all purchases made from District 3 Commissioner Office since 2016.

Result: Approved

Mover: Rita Pritchett

Seconder: John Tobia

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

F.14. Revisions to BCC-67, Re: Pertaining to Advisory Bodies

Commissioner Lober stated he has one real concern with respect to this; looking at the second page of the BCC Policy, the red lined copy, at the very bottom of that second page it talks about under Item D, sub one, which advisory board members have to submit financial disclosures; he is not comfortable removing the disclosure requirements from boards; he has no problem adding boards if that is the desire of this Board to require disclosures from those additional boards; but he is simply not comfortable with that. He noted he will make a recommendation to approve this Item, but the one modification being instead of striking out Item D, sub one, any appointed member of an advisory body with land, planning, zoning, or natural resource responsibilities, he would like to keep that in; he would say where the strikethrough ends, including the Planning and Zoning Board, Board of Adjustment, Merritt Island Redevelopment Agency, and North Brevard Economic Development Zone; but he otherwise is comfortable with it.

Nathan Slusher stated if the Chair will allow him, he would like to ask legal a question for clarification.

Chair Zonka replied if legal is comfortable answering it, she does not have a problem with that.

Mr. Slusher inquired when he looks at District 1 and District 3, the same subsections as Commissioner Lober referred to, if this were to pass as the clear copy shows, would that excuse any member sitting on an advisory body, minus the four listed, from filling out financial disclosures if they receive money from the County, or is there another law that puts that check in place.

Abigail Jorandby, County Attorney, responded the intent was to clarify what boards are currently filing these forms; if the clean copy is adopted, it would be recognizing what the County is currently doing, requiring the Planning and Zoning Board, Board of Adjustment, Merritt Island Redevelopment Agency, and North Brevard Economic Development Zone to actually files these forms, the four bodies that are currently doing it; they were just seeking clarification, because as it is right now, it is any advisory body with land, planning, zoning, or natural resources responsibilities; that was not very clear as to which advisory boards the Board was seeking to have filing these disclosures; and she reiterated the Board wanted clarity, and right now the four that are doing it are these four boards. She went on to say this would just be implementing and clarifying what the Board is actually doing right now.

Mr. Slusher asked that if any member of any board is advising the Commission to send money, and if they own a company, or if they work for a company that is receiving money on any of the 90 boards, he thinks they should be filling out a financial disclosure; that is his opinion; and he does not believe anyone sitting on an advisory board should be getting the money without filling that out.

Commissioner Lober stated he understands what the County Attorney is saying as far as the boards that are currently doing it, but the fact is, if the Board has a requirement and it is changed the way it was suggested, as written in the Agenda Item, it is removing the requirement; that is what it functions to do; the Board talks about accountability and public trust; but this is a bad move. He advised his motion stands, hopefully he will get a second, and it will pass.

Chair Zonka asked if it changes like Commissioner Lober suggested.

Attorney Jorandby responded it would potentially change it; right now the four boards that are filing it are these four boards; it is based off of Florida Statute 112.3145; that Statute clearly says what boards have to have a disclosure of financial interests, the form they are required to fill out; and it does provide that a local government board can include additional boards other than what are statutorily required; but it is just not clear what boards are doing it. She went on to say in this instance, it appears that was the intent by this Board; it is just not clear what boards are doing it; right now, what they are trying to do is get clarification; these are the boards that are filing the forms as the County's practice right now; and they just wanted to clarify which boards, out of all the boards the County has, that are filing these forms.

Chair Zonka asked if Commissioner Lober has concern that some of the boards are not filing but should be.

Commissioner Lober replied he does not want to do anything that even stands to potentially remove a layer of added transparency; the County has something like 80 boards; he does not know this would not necessarily rope in additional boards beyond those four boards that are named; but it makes him very uncomfortable striking language that is more inclusive in respect to requiring disclosures from more individuals that are serving on there; and he has no problem with the four being listed if the Board wants to put that stricken through language and say including, but not necessarily limited to, the Planning and Zoning Board and the other boards, he will support it. He noted he is not comfortable voting to remove that because that may serve to remove an obligation that was intended by the folks that drafted this when that language was first put in place.

Chair Zonka advised she does not know of any other boards, beyond that list, that are doing it; she would not know that any would be excluded; and she does not want to make it more ambiguous.

Commissioner Pritchett inquired if the other boards are required to do it now.

Attorney Jorandby replied that is the clarity they are seeking from a staff level; it just says any advisory body with land, planning, zoning, or natural resources responsibilities, so currently the four are doing it; they have some type of sovereign authority that has been granted to them to make final decisions; the Board of Adjustment grants the variances; the Board has given its sovereign to them; and that is why when staff saw this language, they wanted to seek some clarity from the Board as to what advisory boards out of all of them really fall into that category.

Commissioner Pritchett asked if someone does have a conflict of interest, say they work for a business, would they have to disclose that.

Attorney Jorandby responded correct, they should be disclosing those conflicts and filing a form 8B.

Commissioner Lober pointed out that is kind of the concern; by listening to the operative language saying should be, it does not mean they will be doing it if they do not belong to one of the specified advisory boards; the way that it is listed currently, it is more encompassing; if the Board is not comfortable or what he has suggested is too ambiguous, he would just ask it to perhaps instead of voting to approve it, to table it for a meeting; he will bring back some proposed language that is more specific; but it is a real concern to him. He reiterated to give it one more meeting; he will put it on the Agenda for the subsequent meeting he thinks that is on March 22, 2022; and he will include better language with specificity with respect to this Item. Commissioner Lober withdrew his motion, and instead moved to table it to the March 22, 2022, Board meeting.

Commissioner Pritchett stated if she agrees to that, she would like Commissioner Lober to bring forth the board he thinks could be a conflict, because like the Parks and Recreation boards, it does not make sense to her; there are some she thinks is a little bit of overkill; and if he brought that back, it would help her.

The Board tabled consideration of revised BCC-67 Policy in order to address updates to Chapter 2 of the Brevard County Code of Ordinances, and to clarify requirements for financial disclosure reports from advisory board members, to the March 22, 2022, Board meeting.

Result: Tabled

Mover: Bryan Lober

Seconder: Rita Pritchett

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

F.15. Appointment, Re: Patrick M. Voltaire, Jr. as the Brevard County Fire Rescue Department Director

Chair Zonka advised the Board could not just approve this Item under Consent Agenda; and she asked Assistant Chief Voltaire how excited is he to run this department.

Patrick M. Voltaire, Jr., Assistant Fire Chief, Brevard County Fire Rescue, noted he is very excited.

Chair Zonka stated she wanted to say congratulations; she is sorry, because she can see how red his face is; and she does not want to embarrass him.

Assistant Chief Voltaire stated he may as well get used to it.

Chair Zonka pointed out it should be very telling by the amount of people who came to this meeting tonight to suffer through just the beginning of one of the Board meetings to celebrate him; she reiterated her congratulations to him; and she thanked him for stepping up. She went on to add she knows he has support behind him and good leadership in both the guys and young women that work for him; and she is very excited.

Commissioner Smith stated God speed and congratulations.

Commissioner Lober stated he wants to say what he conveyed to Assistant Chief Voltaire earlier, to savor these next few days because they are probably the last that he and the union are going to be on great terms; he may have a little goodwill period he understands from the folks that have been here for a lot longer than he has; but to enjoy them.

Commissioner Pritchett expressed her appreciation to Assistant Chief Voltaire for all he does and to his team; it is nice to see people who are excited to have him as well; it speaks volumes about his leadership; she is looking forward to seeing what he brings to the table; and she hopes in another year he is still excited.

Fire Chief Voltaire expressed his appreciation to the Board, the County Manager, and Matthew Wallace, Public Safety Director, for allowing him to lead such a great group of men and women who serve the community daily; he is thankful, humbled, and honored to work with the Board; and he looks forward to the future.

Chair Zonka stated she did not mean to embarrass him, and she apologizes for that.

Fire Chief Voltaire stated it is all right, and it will not be the last time.

The Board confirmed the appointment of Patrick M. Voltaire, Jr. as the County's Fire Chief and Director of Brevard County Fire Rescue.

Result: Approved

Mover: Bryan Lober

Second: Curt Smith

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

F.16. Purchase Card Records, Re: District 3

Commissioner Pritchett advised she wants to do Items F.16., F.19., F.20., and F.21. together.

Chair Zonka stated she does not know if anyone else on the Board wants to talk about these items; and Commissioner Pritchett wants to suggest doing Items F.16., F.18, F.19., F.20., and F.21. together if the Board is amicable to that.

Commissioner Tobia stated he is sorry, he had these items separate; and he is maybe different on some of these.

Commissioner Pritchett stated she was thinking the Board can do Items F.17. and F.18. first, and then she would do Item F.16., and then F.19., F.20, and F.21.

Chair Isnardi stated she does not think Item F.17. was pulled.

Commissioner Tobia stated he thought Item F.17. was pulled.

Chair Zonka asked if the Board would like to talk about F.17 first as it was unrelated.

F.17. Appointment(s) / Reappointment(s)

Commissioner Tobia stated this is concerning an appointment of an individual who has been in this, according to our website, since 2005; that would be a term limit times two; he has not asked the Commissioner, because of obviously the Sunshine; this position has been advertised, as suggested by another Commissioner in getting in contact with Don Walker, SCGTV/Communications Director, to make sure due diligence was done; and that was his concern was the length of service of more than 16 years at this point.

Commissioner Smith advised he did advertise this; he did have a very qualified person; he weighed the two; this person has been at this position for a long time; but he has brought an awful lot of talent, background, and institutional knowledge with him; and he is highly respected by the other people on the board. He went on to say he voted for this back whenever and there was the 5:0 vote when Commissioner Tobia brought this up a year or two ago; the reason he voted for it at that time was because the Board included a waiver; the way he looked at it, the waiver gave the appointing Commissioner the ability to appoint someone based on talent as opposed to length of service; and that is what he is doing, he is reappointing this guy. He pointed out if the Board turns him down, he has someone that is worthwhile to replace him; but he thinks it would be a big mistake.

Commissioner Tobia stated he appreciates the rationale; his question was simple; and he asked if Commissioner Smith advertised this with Mr. Walker.

Commissioner Smith replied yes, he believes he spoke to Mr. Walker, or his staff spoke to him.

Commissioner Tobia asked if he may ask Mr. Walker a question. He asked if this was advertised on the County website at large.

Mr. Walker replied he knows there was a discussion at a recent Commission meeting, but he does not believe there was any follow-up where he was asked to post anything, so he has not put anything out.

Commissioner Tobia stated as this was not advertised at large as was suggested by another Commissioner, he cannot support it at this time.

Commissioner Smith noted if he dropped the ball on that he apologizes; but he knows his staff did.

Commissioner Lober advised he is not going to drag Commissioner Smith through the dirt on this; he would have preferred that he advertised it; he appreciates where Commissioner Tobia is coming from; but nonetheless he is still going to support it; it is two conflicting goals, one deferring to the Commissioner in whose District the appointment belongs where the issue happens to fall; and that to him that is more important than the term limit goal with respect to the advisory board. He reiterated he is going to support it.

Chair Zonka stated she has to be consistent; she appreciates where Commissioner Smith is coming from; she thinks term limits are important at least where efforts are made is one thing; but if that was not advertised, she cannot support it, because she understands how hard the Board tries to advertise for positions to replace people; only when the Board has been advertised can it come back to the Board; and she will not be able to support it.

Commissioner Smith stated that is why there are five people up here who represent different opinions and different thoughts.

Commissioner Tobia stated it may be an oversight, it happens; Commissioner Smith he imagines has a lot going on; and he asked does it need three or four votes on this one.

Attorney Jorandby replied three.

Commissioner Tobia stated if Commissioner Smith has three votes fine, if not, he will be more than willing to table it until it was advertised; it sounds like if he has three votes, he may want to go ahead; but he is just saying if it was advertised and he got no viable candidates at that point, he would be more than willing to support it.

Commissioner Smith stated he has mixed feelings; he appreciates where the other Board Members are coming from; and if he dropped the ball, the ball is dropped.

The Board appointed/reappointed R. J. Durham to the Contractor's Licensing Board, with term expiring December 31, 2023.

Result: Approved

Mover: Curt Smith

Secunder: Rita Pritchett

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

F.18. Resolution and Stipulated Settlement Agreement, Re: BOW Cocoa Properties, LLC Proposal

Commissioner Tobia advised he is going to vote no on this Item; the primary issue he has with this is the potential for flooding that may arise sometime in the future; and that is his no vote.

The Board adopted Resolution No. 22-024; authorized the Chair to execute Stipulated Settlement Agreement; authorized the Chair to execute Satisfaction and Release of Code Enforcement Liens; approved forwarding notice of approval to Special Magistrate Stewart Capps, along with copy of Settlement Agreement; approved resolution as an attachment to Settlement Agreement for recording; and authorized the recording of Special Magistrate Order, regarding proposal of BOW Cocoa Properties, LLC.

Result: Adopted

Mover: Rita Pritchett

Secunder: Curt Smith

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

F.16. Purchase Card Records, Re: District 3 (Continued)

Commissioner Pritchett stated she would like to mention on these Purchase Cards, she guesses the Board is going to do one at a time; she expressed her appreciation to Commissioner Tobia for putting these on the Agenda; and she stated moving forward these will be moved into the Bill Folder.

Commissioner Tobia stated he appreciates the recognition on this, but it was Commissioner Pritchett's great idea, and he was the first one to get it put on the Agenda; he thanked Commissioner Pritchett for bringing more Sunshine to this process; and this avoids all public records requests, people will have the answers for free.

Chair Zonka stated her thanks to Commissioner Tobia for putting the entire thing on the Agenda, her staff was not happy, but they were able to locate theirs and make it part of the record.

The Board acknowledged receipt of Purchase Card records from District 3 Commission Office.

Result: Approved

Mover: Rita Pritchett

Secunder: Kristine Zonka

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

F.19. Purchase Card Records, Re: District 2

Commissioner Pritchett thanked Commissioner Lober for bringing these things forward quickly; she stated she knows some changes were made since Commissioner Lober has made some changes, which is no big deal; she does have some questions; but she will leave it to Commissioner Lober's discretion if he wants to answer them now or when the Board starts doing more stuff. She asked what the 3-D print jobs are.

Commissioner Lober responded they are mounts for cameras for a non-profit.

Commissioner Pritchett inquired which non-profit.

Commissioner Lober replied he would prefer to do that off-line if there is some way to do that.

Commissioner Pritchett advised there are no worries.

Commissioner Lober stated the concern is that it is surveillance equipment; the Comptroller knows; and even the Florida TODAY knows as he had the same conversation with them; he told them they could call and verify it, but not print it; and to call no attention to it.

Commissioner Pritchett stated she has no problem; but another one that got her attention was nuts, washers, screws, and bolts.

Commissioner Lober asked if they use Bazon-Cox for the sub work for the coax installs; he stated regardless, if the Board buys the equipment, it does not get marked up, and they can do the install; there is an antenna going up at the Merritt Island Service Complex; and that is to essentially help mount that.

Commissioner Pritchett stated another one that was kind of interesting, it looks like Commissioner Lober is doing some plumbing, PVC fittings.

Commissioner Lober advised they have issues in the service annex; there are two in his portion of it; there is a hot water heater that leaks pretty badly; they have an issue with a dishwasher that is probably as old as he is, so it is related to that; and he thinks some of them may have also been used, with respect to a remodel, when some folks moved in upstairs when the walls were open.

Commissioner Pritchett stated so he is kind of buying parts and he is having someone come in to fix it.

Commissioner Lober pointed out the thing is if they get Facilities to install it, they just charge for the time; and if an outside contractor does it, they mark up the parts and they charge for time; and to the extent that they can avoid the markup, he rather avoid it.

Commissioner Pritchett stated she knows Commissioner Lober cannot answer this, but there are surveillance cameras.

Commissioner Lober noted they are for the same non-profit; he asked if he can direct Commissioner Pritchett to speak with the gentleman who is in the white shirt which can tell her which non-profit that is, or if it is a Sunshine issue.

County Attorney Abigail Jorandsby noted obviously Commissioner Pritchett can take that opportunity to speak to that individual.

Commissioner Pritchett stated she has just had people asking, and she is okay with that. She asked if Commissioner Lober is up to it, and again if he does not have information, it is no big deal, but where is the chair.

Commissioner Lober replied they shipped it to Viera; he thought it was either Central Services or Natural Resources; but he does remember it went to Viera.

Commissioner Pritchett asked why it was done. Commissioner Pritchett inquired if someone asked for the chair.

Commissioner Lober stated when he had the money that was approved for staff tangible goods, he had essentially put out the word if someone needed something that is not in their budget, to tell him what it is, and if it reasonable and the funds are available, he will get it.

Commissioner Pritchett asked if somebody kind of said they needed a chair so he just ordered one.

Commissioner Lober responded he does not remember if they reached out to him or if it was him reaching out to them to see what they needed; but the general word was essentially if they need something, reach out to him and let him know; and that was from 2019 or 2020.

Commissioner Pritchett asked if he just ordered it and sent it.

Commissioner Lober advised he had a couple of questions about it, he looked at it, and it had been shipped to the Government Center in Viera.

Commissioner Pritchett stated Commissioner Lober has all of these computer pieces and such; and she inquired how many computers he ended up building by the time he was done.

Commissioner Lober replied that are in his office or had gone to non-profits.

Commissioner Pritchett stated just on this; and she asked how many computers it made.

Commissioner Lober responded he can tell the Board what he has in his office, and anything above that would be with a non-profit or another government office.

Commissioner Pritchett asked if he built 10 computers.

Commissioner Lober replied four.

Commissioner Pritchett asked why Commissioner Lober sent nuts and bolts to Virginia.

Commissioner Lober asked to Virginia.

Commissioner Pritchett replied to Natural Resources.

Commissioner Lober responded they screwed up; he stated he thinks Virginia Barker, Natural Resources Management Director, had ordered from the same vendor; they just screwed up and sent them to her; and those were from probably a year ago, and if he remembers correctly it was to be used for the Welcome to Merritt Island sign.

Commissioner Pritchett stated this was interesting too, out of country transaction fees.

Commissioner Lober replied he would have to see the individual one.

Commissioner Pritchett stated another million dollar question is the green screen.

Commissioner Lober advised to use with Webex, Zoom, Microsoft Teams, and all that.

Commissioner Pritchett asked about audio editing.

Commissioner Lober responded that was front page on Florida TODAY and as he told them, it is interesting because on the same document that listed that, it was also listed that it was refunded in full two years ago.

Commissioner Pritchett stated she thought that is what he used to make those fast clips in here.

Commissioner Lober pointed out they found an open source one; he was using a personal license for something; it suggested to him he should get a commercial license, because he was using it to do the fast clips in here; and then he found a free alternative, an open source alternative, to let him do the same thing.

Commissioner Pritchett asked if the enrich online was for Fritz VanVolkenburgh's Continuing Professional Education (CPE).

Commissioner Lober asked which one, he has to look.

Commissioner Pritchett stated on June 1, 2020, it was on Mr. VanVolkenburgh's card.

Commissioner Lober replied it looks like those are for himself, there are three of them; there is Challenging and Defending Quasi-Judicial Local Government Decisions, Public Records Law in the Age of Social Media, and Sunshine Law, Public Records, and Ethics.

Commissioner Pritchett inquired if none of that was continuing education.

Commissioner Lober responded he thinks they were CPE's.

Commissioner Pritchett stated she does CPE's as well and she thinks that could be a taxable fringe benefit, so that is why she wanted to bring it to his attention.

Commissioner Tobia stated at the March 3, 2022, Board meeting, he mentioned the requested action was approval, and he was looking for, in order for the affirmative acknowledgement of receipt as he put his one, he checked it two hours ago, and it still says approval; he would not be comfortable asking anyone on the Board to approve his spending; and if the required action could be changed to acknowledgement of receipt, it will have his approval.

Chair Zonka stated a lot of the information may come true in the audit, she is assuming a lot of the old stuff; but she has never run into the problem where facilities has asked her to purchase items so she can buy them at cost; where if they needed something done in their office, they go through the County, through Facilities; and she is curious why Commissioner Lober would buying it directly.

Commissioner Lober advised that is not what he said; he was talking about outside contractors not Facilities.

Chair Zonka asked so he is using outside contractors instead of County contractors.

Commissioner Lober asked as is the Policy and as every department does; and he advised that is correct.

Chair Zonka asked what he was having done, if he does not mind her asking, in his office.

Commissioner Lober inquired at what time; and he stated she is talking about four calendar years of transactions.

Chair Zonka stated to talk about the most recent where he ordered like drywall, anchors, and screws; and it is January 17, 2022, washers, locknuts, and screws, \$197.30.

Commissioner Lober stated he believes that is with the coax install that he mentioned that they were using the outside contractor for.

Chair Zonka noted McMaster car washers, lock nuts, and screws.

Commissioner Lober advised that is correct; he believes that is what it was; they also installed a bunch of Purell dispensers in the service annex; and some of them could have been used for that as well.

Chair Zonka stated so the surveillance cameras Commissioner Lober bought.

Commissioner Lober advised there were 10 of them.

Chair Zonka stated the two recent ones, it says Ubiquiti, were for \$960.

Commissioner Lober stated no, that is not correct.

Chair Zonka pointed out that is what it says on his reconciliation report, she is just reading from that.

Commissioner Lober asked Chair Zonka to show him. He stated on this \$120, he apologizes; and she is correct, \$960.86; but sixty something was refunded.

Chair Zonka asked if \$900 for two surveillance cameras were for the same non-profit.

Commissioner Lober replied all to the same non-profit; they only had one that had a surveillance camera need.

Chair Zonka inquired if the PVC fittings was for plumbing in his office.

Commissioner Lober asked the ones that were refunded or the ones that are on there still.

Chair Zonka responded Aqua-Draulics for \$548.33.

Commissioner Lober noted he thinks that was answered in Commissioner Pritchett's questions.

Chair Zonka asked for plumbing for the hot water tank.

Commissioner Lober advised there was an issue with the hot water tank leaking and there was also an issue with the dishwasher just not working at all; and he believes some of the fittings may have also been used in the wall, although he would have to check on that.

Chair Zonka inquired if he replaced his dishwasher.

Commissioner Lober responded no, they wanted to remove it and cap it.

Chair Zonka asked if this computer equipment is for his office.

Commissioner Lober inquired which computer equipment.

Chair Zonka replied there is a flat screen display mount, it looks like a monitor possibly on November 27, 2021, a flat screen display mount.

Commissioner Lober asked what the amount of the transaction is.

Chair Zonka responded \$332.49.

Commissioner Lober advised no, it went to the non-profit that had the surveillance equipment, the same one.

Chair Zonka inquired did they just get this stuff or is it stuff they have been getting for a couple of years.

Commissioner Lober asked a couple of years.

Chair Zonka stated because she noticed there is a lot of computer stuff.

Commissioner Lober asked if Chair Zonka can hang on; and if she is talking about from 2021 or 2022; and he stated she is confusing him.

Chair Zonka responded November 27, 2021.

Commissioner Lober advised he believes it is the same non-profit, he can double-check, but that is his belief at this point.

Chair Zonka asked about the data storage drive on December 21, 2021, for \$129.98; and is that for the non-profit.

Commissioner Lober asked Chair Zonka to remind him.

Chair Zonka reiterated data storage drive for \$129.98 on December 21, 2021.

Commissioner Lober stated he does not believe that one went to that specific non-profit; he will have to look; it was either another government non-profit or to his office depending on what it was; and he will have to look it up as there are 300 to 400 transactions.

Chair Zonka pointed out not on this most recent one, this was what Commissioner Lober put in the Bill Folder for this.

Commissioner Lober asked to give him the date again.

Chair Zonka replied December 21, 2021, was the purchase for Amazon, data storage solid state drive.

Commissioner Lober noted he will have to look, it is a hundred twenty some transaction, he does not really recall; and he is happy to look and tell Chair Zonka at the next meeting.

Chair Zonka advised this is what Commissioner Lober submitted, she is not making it up.

Commissioner Lober stated that is fine, he just wants to make sure he tells her the right thing.

Chair Zonka asked about the December 3, 2021, purchase from Netgear for a mobile Wi-Fi router for \$636.64, and was that for the non-profit.

Commissioner Lober advised no, it was for his office.

Chair Zonka inquired if it is for his office in Merritt Island.

Commissioner Lober replied affirmatively, and to use a part of the office; they have had issues

with the internet over there; and it also enables people to telework. He inquired if the Board is going to get into the \$200,000 that Chair Zonka spent in rent over the eight years.

Chair Zonka noted this is what a deflector does; she is just asking about his transactions of the Bill Folder.

Commissioner Lober explained she is asking him about a hundred and some transactions out of a \$5 million pool.

Chair Zonka advised no, she is asking for \$39,000 of transactions that came to light over the last two years; this is what Commissioner Lober submitted as a Billfolder; this is part of this Agenda Item; and she is not even going back into what some of the other purchases were.

Commissioner Lober inquired if that is why Chair Zonka had her spouse put things that are absolutely incorrect about inventory tracking on Facebook, or did he do that on his own volition.

Chair Zonka reiterated this is what a deflector does.

Commissioner Lober pointed out better to deflect than to lie; he also wrote about his genitals on a prior occasion; and he asked if that is appropriate as well.

Chair Zonka noted there is it; for the record she will say it was the previous County Manager who found her office to rent as central in her District; it was not something she picked, chose, or found; they needed the space; and that is why it is located in that space.

Commissioner Lober stated a true politician answer.

Chair Zonka stated it is the real answer.

Commissioner Lober advised two hundred grand, two hundred grand.

Commissioner Smith asked the Board Members to be civil.

Commissioner Pritchett stated the Commission has to get Facilities in to where he or she can do their jobs; she had to rent another place before she found another one; she reiterated it is what he or she has to do to do their jobs; she thinks Commissioner Lober hit below the belt; and she agrees with Chair Zonka on this, that this is not necessary. She went on to add there are things on here, and Commissioner Lober did this to himself; he did things out of what is typically done; she thinks he may have found a little loophole with it; with his profession, it is kind of what he does she guesses; and this is not really personal, it is trying to get the business back inline.

Chair Zonka stated that was sort of her line of questioning so he would have a public forum to answer; it was not an acquisition; it was not a why did he buy this, or he is a bad person for doing this; and it was simply her going through the transactions so he could make his voice heard.

Commissioner Lober inquired why is it her spouse put on Facebook that there is less inventory tracking using a Purchase Card rather than any other purchase methods when it is absolutely false.

Chair Zonka explained she cannot speak for what her husband puts on social media.

Commissioner Lober pointed out that is convenient.

Chair Zonka advised that is a question that possibly Commissioner Lober can ask him; her only guess is that with a Purchase Card if a person stays under the spending limit, he or she does not have to inventory it with the County; and it is not required.

Commissioner Lober remarked they do not, but they have anyway.

Chair Zonka stated to read his own six-page memorandum; he said he was acting within the law; and then he has nothing to worry about.

Commissioner Lober opined right, unless someone takes something out of context or twists things, yes.

Commissioner Tobia stated he would accept this as acknowledgement of receipt, not as the approval, just merely the acknowledgement of receipt; and again, exactly what he asked for in Item F.16.

Chair Zonka advised she will acknowledge receipt of this; and she definitely does not accept it based on the response just from asking some easy questions.

The Board acknowledged receipt of purchase card record from District 2 Commission Office.

Result: Approved

Mover: John Tobia

Secunder: Rita Pritchett

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

F.20. Purchase Card Records, Re: District 1

Commissioner Pritchett expressed her appreciation to her office for submitting these Purchase Orders. She went on to say she wants to tell a little story, when she started as a Commissioner, the Board made her so nervous, and they also had Marcia Newell; and they brought in three rolls of toilet paper every month because she did not want to use the Purchase Card.

The Board acknowledged receipt of Purchase Card records from District 1 Commission Office.

Result: Approved

Mover: Rita Pritchett

Secunder: Curt Smith

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

F.21. Purchase Card Records, Re: District 5

Commissioner Pritchett expressed her appreciation to Chair Zonka and her staff for submitting this so everyone could see the Board's information.

Chair Zonka advised her office had an employee who had a card for she would say eight weeks, it took them until yesterday to kind of get her information, because it was not submitted until a new employee came in and submitted it; she gave a copy to the Board and to the Clerk, so anyone who wants to see it can; she wants to make it part of the record; and she could not submit it to the Agenda because the Agenda was closed.

Commissioner Lober asked if Chair Zonka directed her staff member who had the card to purchase those items, or did they do that on their own volition.

Chair Zonka advised she did not direct them actually.

Commissioner Lober noted they just went on a spending spree without Chair Zonka's approval.

Chair Zonka replied they did not go on a spending spree, she did not question it.

Commissioner Lober pointed out it is a simple question.

Chair Zonka stated she said no, she did not have to ask them because it looks like everything that they purchased, which was again a subscription for one month to Culligan Water.

Commissioner Lober stated a convenience item.

Chair Zonka continued by saying printing and name tags; and those were items that were well within the purchasing of their authority.

Commissioner Lober asked if the Administrative Orders disallow the purchase of convenience purchases on the Purchase Cards, like Culligan Water, he does not know.

Frank Abbate, County Manager, replied he does not have that in front of him for that specific item, so he cannot tell Commissioner Lober off of the top of his head.

Commissioner Pritchett advised they get Culligan Water in her office, and a few items like that, that they have to have for offices; whatever Carol Mascellino, Legislative Aide, purchases she does not see what she picks up; if she signs at the end of it, and there would be something crazy on there, they would have a strong conversation and probably pay for it themselves; staff is pretty good in knowing what items are in the constraints of what they buy and do not buy; and that is a typical process for them.

Chair Zonka stated she believes Culligan is on the Purchase Order so they do not have to worry about that now; they have a lot of meetings; and it is safer and easier not to give people the tap water.

The Board acknowledged receipt of Purchase Card records from District 5 Commission Office.

Result: Approved

Mover: Rita Pritchett

Secunder: Curt Smith

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

F.17. Appointment(s)/Reappointment(s), Re: Citizen Advisory Boards (Continued)

Abigail Jorandby, County Attorney, stated she would like to revisit Item F.17. regarding reappointments; she actually stands corrected as she misspoke; for the waiver of the term limits, it does require a super majority vote; and she apologized to the Board, and stands corrected

Commissioner Pritchett made the motion to rescind the motion. Commissioner Smith seconded the motion.

Commissioner Smith stated Commissioner Tobia gave him a note to rescind Item F.17., because it does require a super majority vote.

The Board approved rescinding the motion to appoint/reappoint R. J. Durham to the Contractor's Licensing Board, with term expiring December 31, 2023.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

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

Commissioner Tobia stated to be clear, if this is advertised by Don Walker, Communications/SCGTV Director, and it comes back with no other candidates, he will change his vote, and thus Commissioner Smith will have his four votes.

Commissioner Smith advised his staff texted him and said they advertised it on Facebook, but they will do it through Mr. Walker.

The Board tabled consideration of appointment/reappointment of R. J. Durham to the Contractor's Licensing Board, to the March 22, 2022, Board meeting.

Result: Tabled

Mover: Curt Smith

Second: Bryan Lober

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

F.21. Purchase Card Records, Re: District 5 (Continued)

Frank Abbate, County Manager, stated he was caught a little off guard regarding that Administrative Order, but he does have it; in response to Commissioner Lober's question, in the Administrative Order AO-41, it does speak to the issue; any purchase must be for public purchase, but specifically on bottled water, there is a provision that there are restricted use on the purchases of water requiring the County Manager's approval; and that is 6F under that particular item, Prohibited Use of Purchasing Cards. He pointed out that particular item, this Administrative Order refers to all of the staff who works for him, and none of the Commissioners obviously work for him as he works for the Board; therefore, this would not be applied to the County Commissioners unless the County Commission decided to make it apply to themselves or provided staff direction; that goes for things, if the Board recalls, it did something along that line with the Administrative Order that dealt with travel a while back; and he hopes that provides the clarification Commissioner Lober was looking for.

Commissioner Lober asked not to hammer the point home too much, but to make sure he understands, that would not be permitted for an employee to do under the County Manager's umbrella.

Mr. Abbate stated under the restricted uses, it would require the County Manager's approval.

G. PUBLIC COMMENTS

Kristina Jackson stated she is talking about CARES Act money, and the ship has sailed. She went on to say regarding what the Board was saying, she would prefer the Board use Culligan than bottled water just for the environment; it is not good to have bottled water, and then have those plastic bottles floating everywhere, not being recycled; she worked as a public school teacher; they always had a maintenance department that did work; and she thought as a government thing they did a work order saying something needed to be done. She stated it

surprised her the County did not have that as a routine it does, go through a maintenance department, because that is why there is a maintenance department; she is writing regarding the spending of the CARES Act money, and the lack of public input; she is in Commissioner Lober's District; she emailed him April 21, 2021, asking about the closed YMCA on Clearlake; and she asked him what repairs are needed and what would be needed to reopen the YMCA. She added she was not sure if CARES Act money could be used, but the pandemic was one cause of its closing; the neighborhood really needs this facility; there is a Travis Park there, and they use their pool for their summer program and when they have kids for spring break; the facility does not need a lot of work, but does need someone to spend some time finding out the exact needs and possible solutions; and she knows a Facebook group is forming to try to help that area. She stated her response was, given her prior, unprovoked, and inaccurate ad hominem comments pertaining to Commissioner Lober, it is particularly interesting that she yet again reached out to this office to request an illegal action; and no they will not use CARES funds in an illegal manner as she has suggested. She pointed out she is frustrated because she does not understand how her requesting this to help District 2 was an illegal manner; and she was told if it was not to her liking, she was welcome to attend public comment to complain or she could sue. She advised they might not like to be told the truth, but both message requests and illegal action be taken.

Commissioner Lober stated obviously there were some missing prior communications that were referenced but certainly not included there; he cannot remember if that was from 2020 or 2021 that she mentioned; in any event, he had spoken with Lorraine Koss, Cocoa City Council Member; he has spoken to officials at Florida Eastern State College about that specific issue; and frankly, any of the meetings that, that particular City Councilwoman has had since that time, and he has been to every single one of them, and that issue was addressed on more than one occasion; and his vague recollection going back six months or a year, there were requests that were illegal, including cancelling public comment on an Agenda, where the individual speaking on the item did not want the public to have input. He added in respect to Facilities, the County absolutely has a Facilities Department; the issue with the Facilities Department is they cannot do absolutely everything; hence, that is the reason Information Technology (IT) subs certain things out; the other concern with Facilities, is that they charge per unit time to work, so if there is a picture needing mounted, rather than paying Facilities to mount it, just mount it and do not spend the money; it is a lot less complicated than it sounds; and if there is something that requires a license, such as electrical, great, have Facilities do it. He stated he put in a request to IT regarding a coax; and if they have folks they use to sub it out, to let the folks the County has already negotiated contracts with, sub it out at the hourly rates that have been negotiated.

Commissioner Pritchett asked Commissioner Lober that when he subbed it out, did he get people to volunteer to do it in his office.

Commissioner Lober replied it is not done yet, it is still ongoing; the folks have come out from the sub, it just has not been done yet.

Commissioner Pritchett asked that will run through County for payment later, because that is what the Board talked about, not subcontracting it from the offices.

Commissioner Lober advised the request was done through IT; IT said they have a sub that does it; and whatever the procedure is for paying that sub, he would assume it is going to go the same exact way.

Commissioner Pritchett stated perfect, so County staff has all of that when they go to make payment for that.

Commissioner Lober noted he does not plan on involving himself in the specifics, however they want to do it; if they want to do a Purchase Order for it, or however they want to do it; and he has not asked or gotten involved in that.

Commissioner Pritchett stated she was picturing Commissioner Lober up there with his wrenches and stuff.

Commissioner Lober advised no hardly, not on the roof, he is not doing that.

Ron Jurgutis stated he is here because of the discussion regarding the Budget Finance Committee of a prior meeting; he feels like seniors are being disenfranchised in this community; they are a working force that is very important; he stated he is holding up a document that was received on the cost of this Committee work; he asked why the County is wasting money on colors on the copies for printing; and he advised they do not need that. He went on to say the reason he brings that up because how a person and other people who worked on this Committee that are trying to save money or review it; now the County is buying Culligan Water, which is a distraction right now; he thought the bigger things should be looked at here; he asked instead of buying Culligan Water or Zephyrhills Water, why is there not a clean water act for clean water here in this community where people can walk up to the spigot and drink it; and he noted maybe it is cost effective, he does not know. He went on by saying when this individual turns senior, he hopes he experiences this; additionally, he asked when talking about five years of no reports, where is the responsibility of the Commission to show up at these meeting, whoever is responsible; where are the Commissioners who should be inputting and saying he or she has not received a report in a year or two; he stated maybe the Commission should go talk to these people and give he or she some insight; and he is going to stay strong on this issue. He pointed out all of these committees are important; he asked if people on the list he held up get overtime or is that a function of their salary; and that is a big question that needs to be answered.

Dontavious Smith stated he believes he came in on February 22, 2022, and commended the Board on being public administrators and salaries being increased, but after today, the Commission is not demonstrating being public administrators; the Board Members are displaying being politicians; and the Commission is part of the same party, so it makes it more disgraceful. He added as a citizen and constituent of Commissioner Lober, he believes it was very inappropriate to talk to Chair Zonka, and any Commissioner on that level; it was a disgrace to sit there and listen to that as a constituent and as a public administrator from Florida A&M University; he told the Board it had a hard job, and he commended it on the job it does on the committees, the meetings, the budgets, and all of the constituents he or she has to deal with; he does not know what issues the Board has with Florida TODAY, but it is not good; and it is not good on the citizens of Brevard County. He advised he has friends in Gonda, Africa, who know certain things in life he is pursuing; when he is posting on things he is pursuing, they ask him if they are being represented this way; this is in another Continent that sees this through Florida TODAY and other social media outlets that are displaying these meetings publicly; so, as a constituent, as a black man constituent, this is disgraceful for him and for Brevard County citizens to even hear a Commissioner to talk to a Chair and be on the Board that he was voted onto; and the constituents voted him in and it is not being displayed very well. He explained he knows his District's term is ending this year, and whoever gets this position is well deserved, because it is definitely not a representation of who they are.

Janice Scott stated she wants to bring to the Board's attention hopefully early in the budget cycle that somebody start taking it seriously about doing things for other taxing authorities; that has been one of her greatest pet peeves; she has spoken about it for about 25 years; she does speak on a beach advisory committee; and she notices on this committee, they are also fixing

up recreation equipment at schools. She went on by saying when mentioning the words kids, everyone is for the kids, she appreciates what the schools are doing and everything, but by law, they have taxing authorities just as the County does; her bill shows their ad valorem taxes last year were 6.05, and the sales tax is .05, a half of a percent; she really thinks in honesty to the public, honesty and taxation, the Board should stop doing this, passing taxes, saying the County has the money; let the schools handle their own budgets; to push it back there and let the school board increase its millage, and the County to quit doing things for them; and they do it in Cocoa Beach, and she has not added it up all of the schools the County provides the playground equipment for. She pointed out since Commissioner Tobia is on a roll of saying the County money for the boards, she thought she would bring that to his attention, specifically, the Board would save a lot more money that way. She stated she does not know if it is a State authority or why churches are exempt from taxes; she thinks Thomas Jefferson said, it was the footprint of the house of worship; when these big churches now are coming and buying 20 acres, they put a footprint of half an acre, and the rest of it is all taken off the tax roll; she asked why the Board is sitting still for this; and she stated it did not have a big tax impact back in the day, but it has a huge tax impact particularly with the rapid growth in Brevard County. She added she would just like the Board to take a look at it; she knows it is controversial, people do not like to look at it if it is for the churches and the schools; people believe whatever they believe and that is great; but she thinks the Board should quit letting them invest in land.

Commissioner Lober stated with some of the municipalities the Board has contractual arrangements, interlocals, where they pay the County to perform the service on their parks; and he is just curious if maybe Mary Ellen Donner may comment on whether this is true with Brevard Public Schools (BPS).

Mary Ellen Donner, Parks and Recreation Director, asked Commissioner Lober to repeat the question.

Commissioner Lober advised he knows with Cocoa and Rockledge the Board has interlocals whereby Parks and Recreation at the County level services some of the city-owned properties; and he asked with BPS in particular, if the same is true where someone may see a County Parks and Recreation employee, and/or vehicle, at a BPS location, and does the County have an interlocal with BPS where they ask the County to service some of their parks.

Ms. Donner replied there is a Joint Use Agreement between Brevard County and the School District; in that Joint Use Agreement, the County has use of certain facilities after hours, that is where a lot of the County's recreation partners actually provide programs; they do have an agreement; and there are instances where they do, in fact, jointly improve facilities.

Commissioner Lober asked in some cases even if the BPS owns the park, does the County have use of it when school is not in session.

Ms. Donner responded affirmatively.

I.1. Resolution and Memorandum, Re: Tow Rate

Commissioner Tobia stated he apologized to the constituent who complained about two colors, and this one has five or six; and he would hate to see him after he saw this many colors. Commissioner Pritchett advised for the older people, these colors help out a lot. Commissioner Tobia pointed out on the February 22, 2022, Board meeting, he proposed to the Board to incorporate the suggestions of District 1 and the position he had on District 3; the compromise proposed was to make Brevard County's rates the lowest in neighboring counties; the ones looked at were Seminole, Volusia, Orange, and Polk Counties; to delete any unique

fees; and this resulted in lowering of some fees, however, several in each category also went up. He added Commissioner Smith was appearing by telephone, and the request that the Board tabled the vote both on the memorandum and the resolution so that District 4 had time to complete and bring forward another proposal; to be clear, there have been no changes on the resolution; this is the cumulative changes of all of the stuff that presented, not only at the meeting by his office, but also the ones that came from District 4; that is the revised proposal that was not included on the last one; and obviously, he did not have it. He stated the updated spreadsheet only includes that new column; the substance of the memorandum has not changed one word; he has copies if anyone needs that; and he would just go back ask for a motion to update the fees, as well as, the Chair to sign the memorandum so it can be sent to both Brevard County Sheriff Wayne Ivey and the 18th Judicial Circuit State Attorney Phil Archer.

Commissioner Lober stated he is just curious here, he is not saying Commissioner Tobia is incorrect, but he has at least one tow truck driver contact his office and say some of the rates for adjacent counties are not correct he asked if Commissioner Tobia knows that they are right; he stated he is not trying to allege that they are not; but he is just wanting to make sure that he is confident that they are the correct rates.

Commissioner Tobia replied this was polled and run through the County Attorney's Office; he knows someone did mention that apparently on a news report; and, however, he does have all of the ordinances from the neighboring counties.

Commissioner Lober noted if Commissioner Tobia tells him he has reviewed them that is fine.

Commissioner Tobia stated not only him but the County Attorney's Office as well; Commissioner Lober is welcome to ask the County Attorney as well; these were complicated; but, however, a lot of time went into matching these up.

Commissioner Smith advised he has passed out copies of Commissioner Tobia's resolution, and these are the numbers his staff derived, primarily Adrienne Schmadeke, Chief of Staff; as the Board knows, the County has an agreement, a resolution he guesses, in place since 2008 that would have accounted for a three percent increase to the towing rates or Consumer Price Index (CPI), whichever was less; she went through each one of these; and in green, these numbers are what they would be had they have gotten those increases each and every year. He went on to say he wants to bring to the Board's attention Section 9, where it says the tower is not required to open after hours, weekends, or holidays; that is a State Statute that they are required; as he said on the telephone, he was going to meet with the Sheriff; he did last week; Doug Waller represented the Sheriff; and they showed him what they had done, and he was very interested. He stated he talked with Abigail Jorandby, County Attorney, and what he aimed to do was come up with a whole new ordinance, because an ordinance would be law; resolutions get passed, and two or three years down-the-road they get lost; if it an ordinance, even the public can reach out; they can find out what their rights are under the law; and Mr. Waller liked the idea of an ordinance, and he would like a workshop, which he is going to put together, with what he is doing to put together with the other municipalities, the cities and such, so the whole County municipalities will be working on the same ordinance. He went on by saying Mr. Waller has talked to some of them and he believes they would be willing to go along with this; he would like the opportunity to move forward with this, work with the Sheriff and the other municipalities, and come up with an ordinance; as far as the rates are concerned, the County can incorporate whatever ideas that the Board agrees with on Commissioner Tobia's rates; it can be discussed by the Board; the Commission can discuss that; and Commissioner Tobia's resolution can be made part of ordinance so it carries the weight of law and will be used throughout the County. He pointed out this will not happen overnight as it is very complicated;

that would be his request that the Board move forward with this and take care of the people, because he is really concerned with how the County's constituents are treated, especially with the non-consensual tows; he has seen a video where a gentleman went to pick up his car, got in an argument with the tow yard, and they actually took a cinder block and busted out his windows; the citizens need to be protected; and he thinks an ordinance would do that. He asked for the Board's consent to move forward, and have Mr. Waller conduct a workshop with the other municipalities, and to come up with some ideas to bring back to the Board so this can be done.

Sandra Sullivan stated she did a search; she asked to consider the idea of competitive bidding; on one they did a towing rotation system based on geographic location; the proposed change established a competitive bidding process, and they had mobile app as well as part of this; and it was a way for someone to look up where his or her vehicle was. She stated it sits uncomfortably to have a lobbyist who represents his own towing company, Kendall Towing, and his client come in and put forth fees; that is how this conversation began; it would be great to consider having the competitive bidding process brought into how the Board worked this out, that is a consideration; and definitely resolving the re-settings so that the same people get called and that goes down the list whatever companies are chosen.

Chair Zonka asked what lobbyist has a towing company.

Ms. Sullivan replied it was reported in *Florida TODAY* and it was that Kendall Moore owns that.

Chair Zonka pointed out he does not own that, unless there is information she does not know about. She stated she was just curious because she wondered what she was missing.

Ms. Sullivan advised there was an article when this first came up that he represented Tron Towing and Kendall Towing; that is where she referenced that; and then she looked up the lobbyist forum and lookup, and she saw where he had Tron Towing.

John Hammers stated his car was the actual one that had cinder blocks thrown through it; it was Kendall Towing.

Chair Zonka advised but not the lobbyist.

Mr. Hammers replied not the lobbyist, no; he advised he started to wonder if he had an interest, but he knows for a fact he does not; this resolution came about due to complaints about tow companies not following the law, not doing what they are supposed to do; it has become a major focus of this resolution to raise the rates for the tow companies; and Kendall Towing does not actually exist as a corporation, it is administratively dissolved in mid-2021. He went on to say he would like to bring the focus onto protecting constituents and tourists coming here to visit Brevard County; before the County discusses raising the rates, there should be some oversight and enforcement; there are a lot of Statutes in the ordinance already in place; and if no one is there to enforce them, it does not really make a difference. He noted he emailed the Board a rather large document that is chronicled Kendall Towing's dealings with the public over the past 15 years; they do not have a good reputation; a lot of people have been taken advantage of; they have no fear because they know no one is going to enforce the laws; as a matter of fact, if the Board saw his video, the City of Melbourne Police is there trespassing him so Kendall Towing can stay in business; and he does not know what to say other than the Board saw the video. He stated he can bring other information to light, but this is a little industry that is often overlooked; people think that these guys are just doing their jobs; but in reality, how can anyone sit there and defend Kendall Towing throwing bricks through the window of his car.

Commissioner Pritchett advised she did watch the video; it was very disturbing; it was an abuse; and it got her attention.

Mr. Hammers noted he would not like to see the Board move forward with this motion until something better can be put together.

Commissioner Pritchett pointed out this is an isolated situation, but it was very disturbing.

Mr. Hammers advised the Board has access to the County Attorney; there is more than enough probable cause to bring some type of investigation against Kendall Towing; but he will leave the Board to it.

Garrett Paquette, Florida President for the Sunshine State Towing Association, stated he is present to speak for the towers; he can only apologize for what has happened to the man in the back, because that is not clearly what towers do; many times people see them on the side of the road; the move over law needs to be enforced; and they could have many conversations. He went on to state Commissioner Smith has a wonderful idea regarding an ordinance, because an ordinance gives control; an ordinance gives the County control over rates, and what goes on within the towers in the County; he is glad to sit in on any conversation that needs to be had; he promises he can bring the towers together and he will keep the peace between them, because he represents them; and to have a workshop to look at these rates, because he understands the rates being looked at have not received an increase since 2008. He stated everyone knows what is happening to pockets with the cost of fuel; since 2008, there has been a 65 percent increase in insurance, just liability insurance alone; he knows this because he is also a tower; he is a tower in Lake County; and their ordinance works well. He added what they have done, just as an example, is they have non-consensual towing private property and non-consensual towing public property, meaning that anything that is a police tow or blocking the roadway that has a different rate, because that is a reimbursed expense by the insurance company; however, an illegally parked vehicle is a non-reimbursable expense; a person cannot get their money back if he or she park someplace wrong; in that case, those rates should be different; in the county he came from, he worked with the county attorney and had a public forum; and they talked about dividing those into two. He pointed out the non-consensual tow on private property is a lesser fee, because they look to get reimbursed for those accident tows; as towers, they have a right under rotation to refuse that private tow; they do have to show up, a 30-minute response time; and they are also dealing with the customer after-the-fact. He noted he is glad to represent the towers and glad to get them together; he will make the drive; and he thinks an ordinance is certainly a good investment for Brevard County to hopefully monitor what goes on.

Chair Zonka asked if Mr. Paquette has a card.

Mr. Paquette replied he left them in his other truck.

Commissioner Tobia advised his office did some research looking at Seminole, Volusia, Orange, and Polk Counties; there is no CPI adjustment in any of those counties, some going back as long as 2009; and he asked if Mr. Paquette is aware of that.

Mr. Paquette responded as he recounts the CPI does not account for any energy differentiations, so that is why it is not there.

Commissioner Tobia pointed out they do not have it; and Brevard County is not dissimilar from those other counties.

Mr. Paquette stated that is absolutely correct.

Commissioner Tobia stated there are certain fees that are unique to Brevard County, he has a whole list of them; and he asked why Brevard County would have an extra manpower class b fee of \$85.60 with the initial proposal, Commissioner Smith bumped that up to \$118, he guesses the new one's down to \$109; he stated Seminole, Volusia, Orange, and Polk Counties do not have that; and he asked why that fee is charged, and he understands it is Brevard County doing it.

Mr. Paquette replied he will simply say that whoever put those fees in understood what it cost to operate a business, because when an all-inclusive rate is put in, such as \$150 to tow a car and it is all-inclusive; he asked does that include winching it out of a ditch, inclement weather, and putting dollies underneath it; but if a flat rate tow is put in, the towers are no longer making any money; and without making any money, they cannot sustain the business. He pointed out when looking at rates for 2008 and not looking at increases, the County's budget has gone up immensely since 2008, and he hopes the Board will be able to make it to where the towers can make it profitable.

Commissioner Tobia stated he appreciates the answer, he is just not following him; Brevard County has a fee, and Mr. Paquette is concerned about the folks in Brevard County making money; in all the counties he looked at, again, Seminole, Volusia, Orange and Polk Counties, they do not have a fee; and he asked how those folks can be making money and Brevard County not.

Mr. Paquette responded he can tell Commissioner Tobia those rates are up for review just as this is, because he has talked to many of the towers in those counties, and the same thing is going on right now, especially with the rising costs of doing business; those rates are in the process, everyone is doing what these people in Brevard County are doing, they are trying to get more money and stay profitable; and in those counties the towers are getting together and reaching out to their Commission's trying to do the exact things that are going on here. Commissioner Tobia advised Seminole County, for instance, changed theirs in 2021.

Mr. Paquette advised they did and they went with a multiplier; they had a rate increase several years ago, and they did a one-third multiplier on that; and that is how they came up with the rates that they are at now.

Commissioner Tobia inquired if Mr. Paquette is comfortable with the rates that were passed in Seminole County in 2021.

Mr. Paquette responded he does not know what it cost to run a business in Seminole County, so he has no idea; he does not know what their tax rate is for commercial property, no more than he knows what Brevard County's tax rate is; and it would have to be discussed because everyone has different operating procedures.

Commissioner Tobia asked if Mr. Paquette offered a minute ago to offer his expertise with the towers.

Mr. Paquette replied absolutely.

Commissioner Tobia inquired if he just said he had no idea what the tax rates are in Brevard County.

Mr. Paquette noted what Commissioner Tobia needs to understand is this was brought up in a State meeting approximately five days ago in regards to him coming in as the new president,

he was sworn in as the new president in January, and attempting to assist these towers, if nothing more than be a mediator; it is hard to get towers in one room and keep them where they get along; if that is his goal here, it is his goal; and he does not know if that answers his question or not.

Commissioner Tobia stated he greatly does appreciate it; he understands Mr. Paquette's job as a lobbyist for the towing industry.

Mr. Paquette advised he is not a lobbyist.

Commissioner Tobia stated as the President of the Towing Association; hopefully Brevard's will be a consumer, so they may be on separate ends of these things.

Mr. Paquette stated he understands.

Commissioner Tobia stated he understands how Mr. Paquette would like to see these drastic rate increases as been put forward here; however, what was discussed and was discussed many meetings ago, was to match Brevard County's with the neighboring ones; as well as limit any of the fees that are unique in Brevard County; that has been there and the documentation has been there; he is more than welcome to grab a copy of this; and if he wants to look at neighboring counties tax rates, he implores him to do that.

Paul Noll stated he has sat down with Commissioner Smith and have discussed this at length; this has been an ongoing thing they have tried to get past and resolved for years; only within the last couple of months had it actually taken flight; the problems they have is the misinformation of how this industry actually works; and he has listened to many conversations and watched many of the meetings. He went on to state what it boils down to, there are so many moving parts of this; it could not possibly be discussed in three minutes; there are a bunch of people here as owners of companies; prices keep going up; bad things can happen; and there are a bunch of towing companies that do not run their businesses on the up-and-up. He stated obviously, the people who are here are not those people; a lot of them try to work together, but fees cannot stay where they are at from 2008 with prices continuing to go up; a tow truck that cost him \$60,000 in 2008, and to buy that truck today, a person is looking at over \$120,000; and the cost of fuel has gone up .70 cents to a dollar in the past couple of days. He pointed out that certainly hurts; what no one is talking about is it does not affect his company as the bottom line, because he is a mom and pop, one-man operation; but there are owners here tonight with a million dollars' worth of equipment, and he cannot imagine what they are going through; his insurance and costs keep going up; he has been in the industry for 23 years; and no one talks about the part of cars that get abandoned that they do not make any money on that they end up eating. He stated a lot of times they lose money; his fear is if the Board does not get the fees up, some big companies may end up going under or just refuse to do the work; the bad apples are the exception to the rule; it does happen, that happens in every industry; something has got to give; and they cannot keep working at a loss, and a lot of them are.

Antron Cotman advised he is the owner of Tron's Auto Towing; he has owned it since he was 17 years old, now he is 48; that tells the Board how long he has been in the business; he is one of those who own a million dollars' worth of equipment; and he is suffering, because of lacking fees having the proper adjustments over this time period. He went on to say he is also stuck with not only cars, but the load out of trucks that he is having to pay for; he never got a dime for having employees working 16 hours on the side of the road so people can wake up in the morning and go to work on a clear highway versus why are the cars backed up; he has considered closing his business due to losing money every year; his employees want more pay; and he asked the way the rates are being proposed, are they supposed to eat from a can and

live in the truck. He asked the Board to consider having that workshop so everyone can be on the same page and understand each other before going forward with any rates or changes.

Donald Frantz stated he owns Brevard Towing, which is located in Merritt Island; he has been in business for approximately seven years; he is proud to work with these gentlemen; everyone here he can attest to being fine, honorable citizens that are trying to pay the bills and feed their families; that is what they are trying to do; and there are some rogue tow truck companies out there, but for the people who are here today, they are not them. He added they are trying to run businesses; it is ironic there was a new Chief today, because they work with the fire departments; they are considered first responders; when they get there, they are friends with a lot of the firemen and deputy sheriff's; and they work right next to them. He asked the Board to move forward with some clarity and some common sense; he thinks there needs to be a workshop, as it is a good idea; he has talked to Commissioners Tobia and Lober at length; he has not talked with Commissioner Smith because he heard he was working on something to bring forward in reference to a workshop; two of the counties, per Commissioner Tobia's comments, are working on their rates as well; the current Resolution has worked for the towers since 2008; and it is an in general resolution. He went on to say why he says it is a general resolution is a lot of it is they get paid as time on scene; it is a good direction to go in; in reference to those fees, he gets there sometimes and he needs extra manpower; if a vehicle goes into the woods, he needs someone there to help him get the vehicle out of the woods; and there are reasons why those fees are there, because of situations that happen where extra manpower is needed, extra time on scene, or an extra scuba diver to go down and hook to the vehicle as it is in the water. He pointed out there is no way to isolate one specific tow for one price, it is not going to work; and there is a difference between consensual and non-consensual.

Carl Chase, owner of C&L Towing, stated he was here in 2008 and helped to fight for the Resolution they have now; one of the things they were told in 2008 was that it would come up for a vote every year in front of the Board, it would be voted on, and it would either decide CPI or three percent; he was always under the impression it was coming up; there was some slow time after 2008, they were not getting much business; and he was told since then, it has never been voted on. He asked why the Board did not bring this up annually. He stated to Commissioner Tobia's points regarding other counties, he spoke to a buddy of his who has a pretty large company in Volusia County, and what he explained to him is they have a set thing, \$125; a truck is sent out for a truck for \$125; if the motor blew or something happened, he cannot call for a new oil drive, but he does have to call a second truck out; and then the price is \$250 because it is charged by the truck. He added when saying to compare to other counties, it needs to be looked at what is going on, not just look at the numbers; as towers on the rotation for Brevard County, they were not notified by the County this resolution was being reviewed, and the tow truck drivers were not asked to come in before it even came before the Board; and there could have been a workshop. He stated Commissioner Pritchett asked him to get her numbers, but he did not have time to get numbers in five days; the tow truck drivers want to be involved in the workshop; as an attorney, if the attorney uses a paralegal, he or she pays that paralegal; if he uses additional people on an accident scene, he has to bill for them; there is probably \$20,000 worth of equipment on a heavy duty truck that is all consumable; and as they are used it, it goes away. He went on to add the wench cables are a safety feature, and they have to be replaced; the tow straps and recovery straps, all the stuff that goes along with the business, it has to be replaced; he bought a truck probably July of last year, it was \$105,000; and six months ago, that same truck is \$142,000. He noted he made a remark to Commissioner Pritchett that what is going to happen is the County is going to wind up having to buy some tow trucks, because it is going to end up putting the tow truck drivers out of business; they are professionals and they want to make money; then the County is going to have to buy the trucks; and it is going to have to fight back and forth about what got spent.

Commissioner Lober stated he thinks at this point with what he has heard from both sides of the equation, and what he has heard from Commissioners Smith and Tobia, he is not ready to vote to do anything tonight; he is with Commissioner Smith in needing to dig into this some more; he thinks some things being proposed may be quite reasonable; but he does not want to do this impulsively and he needs a little time to digest what the Board has heard this evening. He went on to state whatever is put up tonight, he will not support.

Commissioner Smith stated he wants to summarize here, the ordinance they are proposing would tighten up the regulations for the towers; it would be in line with Florida Highway Patrol (FHP) restrictions and requirements; the Board would also be examining State Statutes, because it has been discovered that some of the things the County requires are not in the State Statutes; and whatever the Board proposes as this ordinance is a State Statute, that it can legally be done, move forward with it, and protect the tow truck drivers as well as the constituents. He noted the site these cars are towed to for the purpose of redemption of vehicles, if a tow truck company is open seven days a week, they have to let people have the car within an hour of requesting it; they cannot say to come back on Monday because it is a weekend, and to add more fees. He reiterated he is proposing to work with Brevard County Sheriff's Office (BCSO), FHP, County staff, and some representatives from the towing industry, and involving municipalities as well to create a plan for Countywide towing oversight; this would be important because it would require current insurance, proof of insurance, background checks, licensing, business taxes, proper equipment, annual record inspections, and all things that are not really being done now; this would tighten up those things; and he thinks everyone will walk away maybe not happy, but understanding they worked together to put this together. He pointed out it would provide for disciplinary action for non-compliance if a wrecker operator violated provisions of the wrecker rules; it would increase transparency for those consumers; as Ms. Sullivan said, there would be ways for people to access how they can find their car; someone walks out of a movie theatre and their car is gone, he or she wants to know where it is; and there would be protections for these people and for the towing companies, because as the tow truck drivers have pointed out, they are reputable people, business people, and they have to worry about their bottom line. He added as a business person, their bottom line is only as solid as long as they are pleasing their customers; one of the things he really liked the idea of, and the Sheriff does as well, is putting these programs out to bid to the towing companies; that would provide some funds for the BCSO and municipalities to cover their costs to make sure they are following all of these restrictions and all of the compliance issues; he is asking the Board for its blessing to go forward with this; and to put these workshops together and come back with something that the Board can work with and would be comprehensive.

Motion by Commissioner Smith to direct staff to work with Brevard County Sheriff's Office (BCSO), Florida Highway Patrol (FHP), municipalities, and representatives of the towing industry to come up with a comprehensive ordinance on towing regulations to bring back to the Board.

Commissioner Pritchett seconded the motion, for discussion. She stated she thinks a workshop is a great idea; as the Board does this, it can get more competitive costs by doing bids, and Commissioner Smith covered a lot of categories; there is a maximum that the insurance companies will pay; and there are already some things in place that are interesting. She went on to say she is thankful to the folks who came up and spoke about consensual and non-consensual towing, which is a big deal on her heart; it is like if a person accidentally parks somewhere he or she should not, they did not know, and a thousand dollars later he or she gets their car; that gives her great heartburn considering that; it sounds like the tow truck companies are already compassionate to that; and she appreciates that.

Commissioner Tobia stated he thinks the Board is getting oversight and fees mixed up; his changes have nothing to do with oversight; he is not necessarily against oversight; he is

concerned, and he appreciates Commissioner Smith's concern for the towers; but he is concerned with the citizens. He went on to say Commissioner Smith's first proposal had proposals and it got a second, that is what scared him; fees double in many cases; he appreciates how hard the towers work; the new fee here goes up to \$1,250 an hour; and that is a new fee not located in Seminole, Volusia, Orange, or Polk Counties. He pointed out again, he does not care for oversight from the perspective of the resolution he put forth two weeks ago, where it was asked to be tabled; Commissioner Pritchett had come up with a great idea that the County match the lowest and do away with all of the unique fees that is incorporated in the resolution; he has no idea where this oversight is going to go; he does not know if it means more regulation, more manpower, but he is open to any of that stuff; and what he is not open to is a whole slew of new fees. He went on by saying he has 21 new fees here that Commissioner Smith brought forward, everything from \$30 to \$2,500; this is not good for taxpayers; he pulled up towers in Brevard County and he came up with more than 20 of them; the tow truck companies are surviving in Volusia, Seminole, Orange, and Polk Counties; he is looking out for the consumer; and the first thing needed is to not accept these exorbitant new fees, this is fees not oversight. He noted he is not against any of the oversight; he thinks that was a wonderful catch on Commissioner Smith's part; if the resolution or ordinance is in contradiction to State Statute, he thinks that needs to be fixed; however, he would like to take the fee aspect, as it has not changed from the last one; and he bought in with Commissioner Pritchett's idea that the County is competitive with other counties that have been updated as recently as last year. He stated he would like to see the compromise that increases certain base rates; it does do away with all these crazy new fees, to make sure they are not there; some counties actually point out that extra fees are specifically not allowed; Volusia County says that specifically; and the proposed ordinance would add more than 20 of them. He stated he understands the towing association has a strong lobby, which he appreciates; but what he is asking, and what he asked last time, he would like to see the charges that are unique in Brevard County, in other words, those other counties do not have them, are gone away; and to look at the fees the County does have and make sure Brevard County is the lowest of any of them. He pointed out the spreadsheet that was handed out four weeks ago and then two weeks ago, District 3 did the work to compare these, the County Attorney's Office was very helpful; he is not against the oversight; he just wants to be very clear these are two different things, fees are one thing and oversight is another; he thinks Commissioner Smith's looking at the fees was a great idea; but, however, sticking it to the consumers as many of these fees do, he does not think it is in the right direction. He stated he wants to compromise that was clearly discussed four weeks ago and then two weeks ago where the fees are unique are done away with, and the Board matches the lowest of the four counties for it is in the ballpark; at this point, Brevard County is many times higher than the other neighboring counties are right now.

Commissioner Smith asked his fellow Commissioner to his left to pay attention to the rates he has proposed tonight; they do not have anything to do with this, or very little; when the ordinance is put together, fees can be discussed at that time; Commissioner Tobia will have his input as well as the other Commissioners; this will be a comprehensive change; the numbers are in comparison to what they were in 2008; and they have gone to the trouble of increasing them according to the agreement that was made back in 2008. He went on to say if any of the Commissioners disagree with that or any of these numbers, it can be discussed at the time when the new ordinance is proposed.

Commissioner Pritchett stated she does not necessarily agree with some of Commissioner Tobia's points; when the gentleman said he did not have time to get numbers together, she thinks it will work out in a workshop, which she is hoping will happen, is the dollar amount for the average tow of these categories and compare it with other counties; that is going to be important to her; the County should be getting a profit, but she does not know anybody knows what the profit margin is right now; and that is what she will be looking at coming out of a

workshop. She went on to say his oversight is off the charts good; she likes that; she is in for the workshop and seeing what comes out of it; she does not disagree with some of Commissioner Tobia's numbers, she just does not have any data of how much the tows cost for each of these categories; and she knows that will come out of the workshop as they know she wants it now.

Commissioner Lober stated what he is getting from this is Commissioners Smith, Pritchett, and he is not prepared to vote on this, this evening; and he thinks the Board is going in circles at this point.

Commissioner Tobia suggested Commissioner Smith look at the handout, it mirrors exactly to the penny of the resolution he just handed out.

Commissioner Smith advised there is no \$1,250 Commissioner Tobia was talking about.

Commissioner Tobia pointed out the charges Commissioner Smith handed out says rotator 50 ton per hour \$1,250.

Commissioner Smith noted that rotator did not exist when the original ordinance was created in 2008; this is the kind of information that could be gone through when they have the workshop.

Commissioner Tobia advised it did exist in 2021 when Seminole County updated theirs and decided not to update theirs.

Commissioner Smith stated if the Board decides not to do it, then it will not.

Commissioner Tobia explained he is not going to win this, and the taxpayers are going to lose this one.

Commissioner Smith stated he does not think a taxpayer is going to pay for a rotator, they are for semi-trucks.

Commissioner Tobia stated they are owned by taxpayers.

Commissioner Smith pointed out they are owned by businesses.

Chair Zonka stated this will be seen again after some discussion, working with the tow truck drivers, the Sheriff, and legal to make sure that not only consumers are protected but that the rates are fair; she does not know there will be a workshop; and it may just be the Commissioners meeting with them.

Commissioner Smith stated what has been worked out so far, and it is subject to change, but it would consist of the different municipalities, BCSO, FHP, and Commissioners; and input will definitely be taken from the tow truck drivers.

The Board directed staff to work with the Brevard County Sheriff's Office (BCSO), Florida Highway Patrol (FHP), municipalities, and representatives of the towing industry to come up with a comprehensive ordinance on towing regulations to bring back to the Board.

Result: Approved

Mover: Curt Smith

Secunder: Rita Pritchett

Ayes: Pritchett, Lober, Smith, and Zonka

Nay: Tobia

I.2. Advisory Board Consolidation, Re: Parks and Recreation

Commissioner Tobia stated at the February 22, 2022, meeting he proposed dissolving four existing Parks and Recreation Boards into a single, new centrally located Brevard County Parks and Recreation Advisory Board; however, based on Board discussion that ensued regarding the compromise by District 1; he modified the proposal and a course of action to better address all concerns; the new proposal is to keep the North Brevard Commission and to combine the South and Central boards into one; and he has a map that was included in the packet and passed out. He went on by saying his office created this; as the Board can see, none of the members would have to drive more than 12 miles from where they are currently located; the North Brevard Commission currently meets in the North Brevard Government Center in Titusville; there would be no change there; and the newly dubbed Central/South Brevard, which consolidates Cocoa West, the Merritt Island, as well as the south area would meet at the government center in Viera. He pointed out additionally, the parameters will be set to maximize efficiency and transparency without limiting constituent input; these will include a limit of four meetings per year; all meetings to be held at county government facilities; meetings will be held during normal business hours; an annual report will be required by each board and be required to publish in a regular meeting agenda; and there will be a limit on staff time and expenditures, limiting staff time to be billed at \$50 an hour, the annual CPI, limiting a cap for \$3,000 for staff costs per year. He added staff time shall be included but not limited to attending meetings, research, communications, and other tasks done on behalf of/or in relation to a request made by a member of the advisory board; a sunset provision will be included so that every four years this board would have to evaluate the on-going need and value of the advisory committee, and determine whether to extend its existence; this cost savings would be approximately \$6,000 annually without limiting any constituent access or input; and he will make a motion that will generate the necessary work product, which would come back to the Board for a final vote. He advised what he is asking on this motion is to send it to the County Attorney's Office should the Board be okay with these parameters for the County Attorney to provide the Board further work product, making that happen; that is the ask; and he is open to any questions.

Commissioner Lober seconded the motion.

Janice Scott stated she serves on the Central Committee; by looking at the map, the Board is asking an awful lot she thinks in this proposal; first of all, Brevard County is 75 miles long; maybe what goes on for District 1, Commissioner Pritchett likes that, that will be great for them; but she asked if the Board has any idea what is going on at the boat ramps and the beaches these days; and she is not talking about Spring Break. She went on to add there should be a review; she does not know how many citizens the Board is hearing from that uses those facilities, but if a person uses some of those boat ramps in those parks, a person can hardly get in there; Kelly West Park is chock a block there; and they go into that park and the overflow goes over to the soccer field with those trailers. She stated she thinks the Board is going to be restricting the people who serve on those boards, the volunteers, because for them coming from Cocoa Beach they go to Kiwanis Island now, and the staff that goes there come from Cocoa; they are right there, and the Board wants them to travel 26, 30 miles to come over to Viera to a meeting; she hopes the Board takes a good look at how it is going to diminish its citizen volunteer pool to people who do not work, who can come here in the daytime, because if a millennial wants to serve on one of these boards during the day, she does not know; and she asked if their employer would allow it.

Commissioner Lober stated with respect to that, he does have some concerns with the next item but not so much with this; the real concern for him is balancing saving money with still keeping public input open; he thinks part of what go into the equation for him is looking at the number of meetings; if the Board is asking folks to drive further but less often, it is something a little more livable; coupled with reducing the frequency of the meetings, which would also save additional funds, if the Board does this it seems to make some degree of sense on this item; and he thinks the next item may need a little bit of tweaking, but that is where he is at with this one.

Commissioner Pritchett advised she is going to support this; she just has one question if Commissioner Tobia will think through it, because she talked to the West Cocoa board and they are willing to meet during the daytime to cut the cost to almost zero, which is an option; she will either support this, or if Commissioner Tobia is open to that thought, because she thinks that will probably get rid of most of the costs for that; they have been meeting in the evenings so there is extra staff costs; and that will kind of take care of that situation with those costs.

Commissioner Tobia stated he did not quite understand that; and he asked was she not interested in dissolving the Cocoa West into these Central and South.

Commissioner Pritchett replied no, that can still be done if Commissioner Tobia thinks that is a better option, she just wants to point out to him that the ones at the West Cocoa board that they would move to a daytime meeting as well, so that might get the costs down as an option.

Commissioner Tobia stated he chose Viera as a central; however, his goal was to cut costs as much as possible in this one and maintain constituent access; he would be more than willing to change the Central and South to the Cocoa one; his goal is to take down the four down to two; and he thought Viera was better situated in that triangle. He went on to say if Commissioner Pritchett wants to have it at the Cocoa West, he does not care, because it is a government facility; thus, there is no cost; and his goal is to cut the number of meetings and the costs, whether it meets in Viera or Cocoa West, he honestly does not care.

Commissioner Lober pointed out he would rather see it meet in Cocoa West, so if there is an inclination from Commissioner Pritchett and Commissioner Tobia is okay with it, he thinks it is better, certainly for a lot of his constituents.

Commissioner Pritchett stated that will make that area a little happier; and she expressed her appreciation to Commissioner Tobia for bringing it forward.

Commissioner Smith stated to maybe try this for six months, revisit it, and see if people still come to the meetings at these different locations; in other words, if the Board finds out people are not coming to the meetings, then it negates the purpose of having a group anyway if they are not showing up; and that would be his suggestion if the Board moves forward with this.

Commissioner Lober asked if Commissioner Smith wants staff bring it back to the Board in six months for it to revisit, or how he wants to do ensure that happens, because he does not mind the method he is suggesting, he wants to make sure it actually happens.

Commissioner Smith noted that would probably work.

Chair Zonka stated asking people who live in the south area of Palm Bay to drive to West Cocoa for meetings is probably not a fair option if Commissioner Tobia is trying to make it more central; she would possibly allow the board to decide where they want to hold their meetings as

long as it is in an inexpensive and public place; that is probably the best option; as a board they can come together and decide; and maybe they can trade off. She reiterated she would leave it up to the boards to decide where the meetings are held, keep it in Viera to start, and then have them go from there and take board input.

Commissioner Tobia stated that is a great idea, it solves the issues of having them in those rotating locations; he has no problem if the south one does rotate as long as it is at a government facility.

The Board authorized and directed staff to draft documents providing for the consolidation of the Cocoa West Recreation Complex Advisory Committee, District 2 Merritt Island/Beaches Recreation Advisory Board, and Parks and Recreation South Area Advisory Board, into the Central/South Commission on Parks and Recreation; limited County staff's participation to a maximum of four meetings per year, or to a maximum of four meetings per year, or quarterly, for the Central/South Commission on Parks and Recreation, with all meetings for the Central/South Commission on Parks and Recreation to be held at a government location, in a government facility, either where Cocoa West currently meetings, Viera, or where the District 2 Merritt Island one meets, rotating; the Commissions will be required to annually submit a report of recommendations to be published in regular meeting agendas; a clause will be included citing the County's rules for advisory boards member term limits; staff time will be billed at \$50 per hour with an indexed annual Consumer Price Index (CPI), staff time billed during a single year shall not exceed \$3,000; staff time includes, but is not limited to, attendance at meetings, research, communication, and any other tasks done on behalf of, or in relation to, a request made by members of the board; a sunset provision will be included so that the board will be dissolved after four years unless further action is taken by the Board of County Commissioners; and staff shall provide the Board with a report after six months on attendance and participation of the new boards.

Result: Approved

Mover: John Tobia

Secunder: Curt Smith

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

I.3. Advisory Board Consolidation and Withdrawal, Re: Libraries

Commissioner Tobia stated this is libraries; he has a great staff who did a similar map for everyone here; again, at the February 22, 2022, meeting he laid out a plan that would consolidate the County library boards into one board, the Brevard County Library System Advisory Board; based on Board discussion, it was apparent modifications need to be made to move the process; and his office created a map that depicts the locations and distances. He went on to say as the Board can see, none of the members would be required to travel more than 19 miles to where the meetings are originally located; North Brevard Public Library Board will meet at the Port St. John Library Board, 6500 Carol Avenue, Port St. John, which is centrally located between all three boards; the South Central Florida Advisory Board will meet at the West Melbourne Library, 755 Wingate Boulevard, West Melbourne, which is also centrally located for all three boards being dissolved; and the County library advisory boards can continue to have floating meetings at different library locations, or even can meet centrally at the Viera Government Center. He added parameters will be set to maximize efficiencies and transparency without limiting constituent input; those are exactly as discussed in the previous one, meetings, reports, staff time; to be clear this motion will potentially reduce the 14 library boards initially listed down to four; the cost savings will be approximately \$5,000 annually without limiting any constituents access or input; and it will generate the necessary work products which will come back to the Board for a final vote once completed.

Commissioner Smith stated he would like the Board to require the six-month on these boards as well; his concern is, especially with the increased cost of gas, people are not going to want to drive 19 miles one way, because most cars only get 18 to 20 miles to the gallon; and he would like to know in six months if there have been any people lost who come to these meetings.

Commissioner Lober stated he has no problem consolidating the boards listed; he was wondering if anyone has reached out to municipalities where the County is now essentially talking about pulling out to see if they may be willing to pay for that; that is the only part of this he has heartburn with; and the rest of it makes perfect sense.

Commissioner Pritchett stated she talked with the Library Services Director about having friends groups to attend these meetings; like at the Mims/Scottsmeer Library they are still getting together and planning their events; and for the Sunshine board, a representative from that will be up there, so it will not be one board traveling, it will be one consolidated board.

Commissioner Lober noted if this is going to be revisited in six months, the Board can make any changes at that point.

Chair Zonka asked if the Library Services Director had any concerns.

Wendi Bost, Library Services Director, advised she just has not spoken to the cities per se.

Chair Zonka asked Ms. Bost to advise the Commissioners via email if she gets any feedback or negative comments so it can be addressed if need be.

The Board authorized and directed staff to draft documents providing for the consolidation of the Mims/Scottsmeer Public Library Advisory Board, Port St. John Public Library Advisory Board, Catherine Schweinsberg Rood Central Library Advisory board, into the North Brevard Public Library Advisory board; authorized and directed staff to draft documents providing for the consolidation of the Suntree/Viera Public Library Advisory board, West Melbourne Public Library board, and South Mainland public Library board, into the Central-South Brevard Library System Advisory Board; all three remaining County Library Board, North Brevard Public Library Advisory, Central and South Brevard Library System Advisory, and the already existing Brevard County Library System Advisory board, will meet a maximum of four times per year, quarterly, with all meetings for the Central/South Board to be held at the Viera Government Center during normal business hours; they shall be required annually to submit a written report of recommendations to be published in a regular meeting agenda with a clause to be included citing the County's rules of advisory boards member term limits; staff time will be billed at \$50 per hour with an indexed annual Consumer price Index (CPI), staff time billed during a single year shall not exceed \$3,000; staff time includes, but is not limited to, attendance at meetings, research, communication, and any other tasks done on behalf of, or in relation to, a request made by members of the board; a sunset provision will be included so the boards will be dissolved after four years unless further action is taken by the Board of County Commissioners; withdraw from and cease County participation in the following City boards: City of Cape Canaveral Library Board, City of Cocoa Beach Library Board, City of Palm Bay Library Board, City of Melbourne Library Board, and Satellite Beach Library board; authorized staff to draft documents amending or rescinding Resolution No. 10-141, for the Melbourne Beach Library Board, so that the County can either consolidate or dissolve the board; and staff shall provide the Board with a report after six months on attendance and participation of the new boards.

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

J.1. Legislative Intent and Permission to Advertise, Re: Amendments to Chapter 62, Article X, Division 4, entitled Wetland Protection

Amanda Elmore, Natural Resources Management Deputy Director, stated this is legislative intent and permission to advertise amendments to Chapter 62, Article X, Division 4, entitled Wetland Protection; the Board has a couple of options for consideration; Option 1a is the either/or option, where if wetlands are high functioning or landscape level they will be coming to the Board for public interest determination; and right now the Board is having about one of year of those. She went on to say Option 1b they would have to meet both criteria to come before the Board for a public interest determination; that would probably lower the amount of public interest determinations the Board is seeing; and staff is happy to explore either, both, or other direction.

Commissioner Lober stated as the Board remembers this is something he brought up and asked to be brought back by staff; he appreciates staff's efforts to do that; they have given the Board a couple of good options; he has his inclination very strongly for one of them; but at this point, because it costs nothing more, and the Board has to have it come back to it anyway, he would ask for staff to have them advertise it broadly enough that both options are kept open so when it comes back, the Board can discuss it and determine what it is it wants to do.

Sandra Sullivan stated over the years she has come before the Board and spoken about wetlands; and she has a passion for it having to move here from South Florida and seeing the filling in of the wetlands and the impact down there. She read aloud as follows: The landscape wetlands are defined as wetlands either are five acres or larger or located in a landscape level polygon and the Corp of Engineers determines if the wetland is hydrologically connected to the St. Johns or the Lagoon. She pointed out wetlands are really important to clean up the water; since the County is trying to clean up the Lagoon, the preservation of wetlands are important; in the map that was in the packet, she wants to mention by looking up the scientific literature and search for resiliency plus wetlands it shows where wetlands are the key, the most important, in terms of protecting against impacts of hurricanes; after Hurricane Irma, a lot of the wetlands were three feet under water for a considerable period of time; and what she observed living in South Florida is the filling in of the wetlands, and the water has to go somewhere. She noted canals where she lives is now much higher; actually people are selling and moving because of flooding issues; this room has been packed at other times with people in areas where wetlands are being filled in on properties that never flooded for 30 years were then flooding; she discouraged the County to, with the increase of development pressure coming, develop wetlands to really define in really specific details what is a public interest of filling in wetlands because of the long-term ramifications; and the damage cannot be undone in South Florida, and she would hate to see Brevard County go down that same road that they went.

The Board granted legislative intent and permission to advertise amendments to Chapter 62, Article X, Division 4, entitled Wetland Protection.

Result: Approved
Mover: Bryan Lober
Secunder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Zonka

J.2. Consideration and Approval, Re: Revised Board Policy, BCC-25, Procurement

Commissioner Pritchett stated it is the same parameters as far as Purchase Orders so it has the same framework use for offices, no third-party transactions, and Billfolder; she knows the Commissioners have had the chance to read it; and when the Board is ready, she would like to make a motion to approve.

Commissioner Tobia stated it great to have a CPA on the Board; she has found a way to put more Sunshine into the system; he is strongly going to support this; he encourages Commissioner Pritchett to keep going forward with these ideas; they are not only good for the Board but good for the public; but he was first and he snuck this onto the Agenda on F.22.; and he thanked her for getting his staff going on getting all this stuff together.

The Board considered and approved the revised Board Policy BCC-25, Procurement.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

J.4. Proposed Allocation of Available Funds, Re: District 2

Commissioner Lober stated he can go in depth about this and discuss as much as need be, but he thinks it has been established a number of different times the deference aspect with respect to funds or items that pertain to one District exclusively; he would move to approve this; but if someone wants to discuss it, he is happy to do that.

Jim Barfield stated his comments are in reference to Line Item #3 of the proposed independent audit; first off, he opposes putting that audit as part of, is a taxpayer will be paying that, he does not think it ought to be in this Item; based on the Florida Constitution Article 5, Section 16, the Clerk of Courts is the auditor and custodian of all County funds; taxes already pay for the Clerk's office to perform these functions; and basically it is the Clerk's job. He went on by stating since taxes should not fund this, the District 2 wants to make sure this audit is done, then he is welcome to pay for it out of his own personal funds; the District 2 Commissioner has issued veiled character attacks on the Chair and the Clerk of Courts; one reason cited for an additional audit is the Chair is friends with the Clerk, so the audit will not be impartial; and quite frankly, this statement disgusts him. He added clearly this is an attack on the characters of the Chair and the Clerk; he knows these people, he may not always agree with them, but he knows their character; they are professional and have high integrity; and they are dedicated to doing what is right for the community. He stated what needs to be understood, when talking about friendships, is friendships are built on mutual respect and character, not on decisiveness or illegal favors or any nefarious activities, real friends trust and support each other to do the right thing; he asked the Board to remove that item from this; this does not need to be part of this; and there is already going to be an audit. He thanked the Board for its service.

Commissioner Lober stated when there is an appearance of impropriety based on folks either being friends or enemies, when it has gone to the level where a person has folks who have not spoken for months who are being audited by those to whom he or she has not spoken, when there are folks who have officiated the weddings of individuals who they are auditing when they have gone on girls outings and boys outings, it is not to say that they will not do a fair audit, it is to say it causes trust, transparency issues, and accountability issues with the public; if they want to do their audit, they can do their audit; the bottom line is these are General Fund dollars

in time; it is an objective fact he has spent the least of everyone up here out of the General Fund; and he has gone substantially under the General Fund allocations that, frankly, if he did this out of other General Fund dollars based on his numerous underage's, it would not be an issue. He went on to say the County has long since had the deference Policy and it has been very blatantly stated; he cannot tell the Board the order of the 10 commandments, but he knows one of the 10 commandments is thou shall not lie; and everyone has moved to allocate, or at least a majority of the Board of County Commissioners, as requested by the other Commissioners, and to do so now, would essentially amount to making his or her word worthless. He pointed out having an auditor who says it is their job to audit, it is a judge's job to adjudicate and to move cases on their docket from point A to conclusion; but when there are a slew of different issues that have been brought up, when there is a photograph of one of the litigants in front of the judge with their cheeks smashed against the other one's cheek where one's hair is touching the other, they will get off that case; when they are officiating their wedding, they are going to get off of that case; they do not know the names of the kids of the litigants, they do not go to outings together, and they do not do anything of that sort; and it is not a question in terms of anyone's integrity, the question in terms of what it looks like to the public and having the ability to trust what the end product is. He stated the other concern is there is no auditor on staff in that office at this point and time, there is not one; the answer is he is an attorney; he is an attorney; guess what, they did not have auditing classes in law school; he is no more of an auditor than an engineer is an auditor; and the bottom line is this is money that was delegated to District 2 to allocate. He noted he believes his constituents deserve to have transparency and accountability, have someone who is actually a professional auditor; again, there are no professional auditors, there are no full-time auditors on staff at the Clerk's Office; an attorney is not an auditor at all; an impartial third party is needed who cannot call any of the Commissioners friends or enemies to make sure all of the applicable policies, procedures, rules, laws were followed that have never had a meal with any of the Commissioners, that do not have that degree of a relationship; it may be great in some Podunk little town that everyone knows each other in; but the bottom line is there needs to be a level of formality with something like this. He added he is not at this time precluding the comptroller from doing whatever she wants to do, but this is separate and apart from that; again, it is using the dollars that the Board has set aside for District 2 to allocate with the express understanding that District 2 would be able to allocate it; and unless someone wants to violate one of the 10 commandments, he suggests the Board do what it said it would do from the outset, unless there are going to be rules for thee and not for him.

Commissioner Pritchett stated she wants to bring up some information; she has worked with Commissioner Lober long enough and she gets him; she knows when he feels like he is being put in the corner, some things happen; she is going to grace those things; and she has to agree with Commissioner Barfield's accession as far as the character of these two women. She went on by saying they have great character; there are times the Commissioners do not agree; she and Chair Zonka got into quite a few fights the first year; it is still each individual Commissioner working for the good of the County; and she does think Commissioner Lober putting out the marriage license is really below the belt, and she did not appreciate that one. She added audits are to give reasonable assurance that the financial statements are fairly presented; there is Governmental Accounting Standards Board (GASB) that has other layers that the Commissioners have to account for certain functions and certain things the Board wants to do as a government; they have to make sure that everything is done correctly, that all of the money is handed out fairly, and the Commissioners follow what the elected Board set forth with Statutes; there has to be controls in place, accounting 101; and if there are no internal controls, that is the first thing to get pinged on with anything that is done. She added these are the things that the Clerk is more than capable of doing; her thought is, if she comes back with no problem, there is just no problem, and all will just move on; if there is, there will be a discussion at that time; she is thinking they will come back with no problems; and she thinks

the problem right now is the way this was done. She advised when this Commission voted through this, it was under the mind was the Commissioners were just going to do these things, put it through County staff, the Board was going to see them, and it just would have been pretty clear at that time; she went back and looked at that conversation, and that is really what she thought the Commission was doing; she asked if Commissioner Lober broke the law with it, probably not; she stated it just puts him in a place of unseen consequences; and that is what the Board is dealing with right now a bit. She stated as far as the audit, she thinks it is something that needs to be done, because she told Commissioner Lober the last time the Board met that she could not even make an intelligent question or decision as nothing was in categories, she did not know who it went to, and her big concern now is she does not know who has custody of these items; Commissioner Lober ordered the items, and the buck stops with him; he is going to have to find out where they are and at least give the Board categories and where they are; that was talked about last week, and he was going to get with County Finance; and she does not know what is going on with that. She pointed out legally it is probably fine, but it is an absolute accounting nightmare right now; she is interested in seeing what comes back to the Board so it can locate these item, know what went to what entity and what are CARES funds; she thinks the Commissioners had a \$380,000 cap on the budget for the offices; she asked the question, and Commissioner Lober has like \$41,000 of a leeway there; she requested the things he wants to do in his office to move it over to that budget; and to take it out of the CARES funds as she thinks that is a more appropriate use of it. She stated she thinks he has plenty of money to do that; she thinks that is the appropriate place to allocate those items to; as far as improvements to his annex, he can just call County Facilities and have those things done; it does not have to be part of the CARES budget or anything; just to call and ask them to do things, and they will do them; and she has had that done in her offices in the past. She noted those are actually okay costs for him to do, she just thinks the way he is trying to get them done is causing a lot of confusion; she is going to ask he is doing this, and again, the Board asked that he get these items allocated; he did not like the word encumber; she really does want by the time he is done, things to be put in the place they are; and they have restrictions on them, and it is the only place they can be spent. She reiterated as far as doing things for his office, he has a big budget to spend it within that, get his receipts, and he is within his \$380,000 cap; she looked at it today for him, just so he would know, there is plenty there; she thinks a lot of this will get fixed; again, her concern is she does not know where custody is; he is going to have to find that chair; and he ordered it, and it is kind of on him. She advised she appreciates he is trying to work with this and get it done, so she is hoping to get this done as quickly and as painless as possible; but she is not going to support an external audit at this time.

Commissioner Lober stated Commissioner Pritchett said to call Facilities and have them do it, but it still has to be paid from somewhere; the bottom line is what Commissioner Pritchett is saying is totally inconsistent with what she said from the outset with respect to bring it back and the Board will approve it.

Commissioner Pritchett advised if he would have brought it back at that time, it would have been fine; and she thinks his process here has not been a clean process.

Commissioner Lober noted it is very clean.

Commissioner Pritchett pointed out he did it on the P-Card.

Commissioner Lober stated the Board is talking about this particular motion; and he asked what is unclear.

Commissioner Pritchett replied it has made such a mess of this right now; if he wants to do the staff education training, she is good; infrastructure projects, she is good; he can still do the improvements to his Merritt Island office, she is fine with that as well; and he just does not have to use CARES funds for it.

Commissioner Lober noted it is not CARES funds it is General Fund dollars; and he asked if Commissioner Pritchett realizes that.

Commissioner Pritchett advised yes, but then do it under the other one and do not mix it up with this; he has community scrutiny right now coming at him; she is trying to help him; if he gets this in order, people will not be concerned with it looking like if the CARES funds are put in a different direction; and he has got the funds.

Commissioner Lober inquired if that is Commissioner Pritchett's only concern.

Commissioner Pritchett responded no, her concern is that this gets put in an appropriate place, in appropriate accounts like it should have been before; she is not trying to jump on him; she knows this is a tough thing for him to go through; but this is an absolute accounting mess right now.

Commissioner Lober stated this is not.

Commissioner Pritchett advised it is to do CARES funds for improvements to Merritt Island Complex; and she asked who is going to coordinate that.

Commissioner Lober advised it is General Fund dollars.

Commissioner Pritchett stated to have Facilities come do it.

Commissioner Lober pointed out it has got to go through somewhere and it has got to be paid; it literally says on the item that it is coordinated through Facilities and/or Central Services; and it is pretty clear.

Commissioner Pritchett advised she still says he can do it, she just does not think it should be CARES funds.

Commissioner Lober asked if it is okay to have one Commissioner spend \$200,000 of General Fund dollars on rent, but he cannot spend a thousand out of General Fund dollars to improve a building.

Commissioner Pritchett asked Commissioner Lober to please go fix his building, it does not need to be CARES funds.

Commissioner Lober stated so the Board is going to pretend that is its own thing even though he has spent far less than every single person sitting up her out of the General Fund and that is the actual source of the money.

Commissioner Pritchett explained she is just telling him it is going to be a whole lot cleaner.

Commissioner Lober stated he wants to see where Commissioner Tobia and Commissioner Smith are before he comes up with solutions to things that does not need to be resolved; he has always deferred to the Commissioners in things that pertain to his or her District; but frankly, if that is a one-way street, it dies.

Commissioner Tobia stated he is going to try to keep this as diplomatic as possible; he does not see that any of these expenditures are necessarily time sensitive; it might be best to wait for the audit to come back; he can go over reasons why; but basically, should the audit come back clean as Commissioner Pritchett suggests, and he has no reason to doubt that, then he does not think Commissioner Lober or the people of his District would like to see a \$32,000 audit or even a \$20,000 audit. He went on to say it is best to take a step back; this is his fault, he is the one who requested for Commissioner Lober to bring this forward; he appreciates him following that; but he would certainly like to take that back. He went on to say the issue he had here was provision six; when he served in the Florida House and they received a communications budget, it was expressly prohibited, rightly so, at certain times; those certain times were ones that were in proximity to an election, and he does not think any intent was there at all; but this allows for \$5,000 of printing and mailing costs. He advised he does not think there was any intent, but he can imagine Commissioner Lober's opponents probably thinking the County would be using dollars, whether they are CARES funds or General Funds, sending mail out from an office discussing infrastructure updates or road maintenance; he does not want to put Commissioner Lober through that scrutiny, or any more scrutiny; he thinks it is best to put a pause on this until the Board gets some sort of resolution; the same way in all honesty, and again, under investigation and an auditing are two different things; but for individuals who were under investigation, the Board said it was not excluding a person from this government assistance, they were just want to get some sort of resolution. He noted to be clear he cannot vote for the printing costs and the mailing costs; he cannot vote for the audit, because it may be redundant; in fact, he is hearing from other people on the Board, it is redundant; he thinks it may be better just to hold off; and he thinks he read in the paper the Board may receive this by the end of the month. He stated he does not know if the Board can mobilize any of this stuff sooner than that, but that is his two cents; it looks like the improvement to the Merritt Island Service Complex annex, he has got no concerns with that and would strongly support it; the same with staff education and infrastructure projects; all of that stuff sounds good; but again, holding off a month, and none of this stuff is time sensitive, it is probably the wise way to go on that.

Commissioner Lober stated back in September or October of last year, the Board had adopted Policy under BCC-43, and it is listed at the bottom of this Agenda Item, which states each District Office has discretion and approval over the line items within their budget; he asked if the Commissioners want to just make that evaporate now that it is convenient to that; he stated then have someone's buddy do an audit, or can he spend his office budget toward having an audit; and he asked if that is not okay either. He noted the Board just does not want him to get a fair shake; and he asked if that is not okay.

Commissioner Pritchett advised if Commissioner Lober wants to use his office budget for it, that is something he is allowed to do, but he will be auditing himself.

Commissioner Lober pointed out he is going to have RSM do it; he is going to pay RSM out of his office budget.

Commissioner Pritchett stated she thinks he has about \$41,000.

Commissioner Lober advised he moves to authorize himself to use his office budget or a portion thereof to pay for an independent by RSM that complies with the items that are included on the Agenda Report.

Chair Zonka stated there is already a motion for this item.

Commissioner Lober withdrew the first motion. He stated his new motion is to authorize himself to use out of his office's 380 or there about thousand dollar budget, a portion thereof, to have an independent audit by RSM.

Commissioner Pritchett seconded the motion; and she pointed out it is in his budget. She went on to say that is what is going on, so the other audit is being done; and it is his decision to use his budget how he wants, everybody knows about it.

Commissioner Smith stated he thinks Commissioner Lober is looking for support; the entire Board is to blame because he or she allowed this to get started; it allowed Commissioner Lober to do something quickly and use the money quickly; the purpose of that money was to help the community and the County get back on its feet; and a year later, it has not been spent. He noted Commissioner Lober is using the reason that it is converted to just County funds as opposed to being CARES funds; that may be technically, but all of this from the perspective of the people that call him in his office and individually, generally saying it does not smell good; he thinks the entire Commission did it to Commissioner Lober and each other; and it cannot be walked back, so where does it go from here. He stated Commissioner Pritchett said the Board should allow Commissioner Lober to spend that money for a separate audit, he does not agree; there is already an audit in place; and if the participants are questioned regarding their honesty and character, Commissioner Lober will have that opportunity if it does come back negatively on him.

Commissioner Lober noted it does not matter to him whether it is positive or negative.

Commissioner Smith stated he is just saying it can all be put to rest if it says no laws were broken, then he is good; if he is not happy with the audit, he will have to face the fact he has to get an independent auditor if he is not happy with what the Clerk says; he gets Commissioner Lober is concerned about it as it is talking about his character, people are talking about his character; but just do not jump to the gun that everyone is pointing fingers at him that he is some kind of a guilty person.

Commissioner Tobia advised RSM has a contract with the County the Board votes on; it averages approximately \$360,000 a year; the last one, three years ago, was over \$1 million; and he asked how Commissioner Lober would handle that perceived bias of them being completely impartial if their contract comes up next year or the year after and they stand to make potentially \$1 million off of a contract.

Commissioner Lober replied sure, it goes to a Request for Proposals (RFP); he stated he does not have anything to do with that; and staff selects it as they did in 2019.

Commissioner Tobia stated he understands it goes to RFP; he asked how Commissioner Lober would handle that; he stated if it comes back negative, understanding the Clerk has not even come back with any results and the Board has issues with the way it is done; and he asked what happens if RSM comes back with a negative.

Commissioner Lober pointed out then that is his own doing.

Commissioner Tobia inquired if that would have any impact on Commissioner Lober voting to approve or not approve their next contract.

Commissioner Lober advised as long as they have an accurate report, he is not going to have any involvement in terms of denying or changing a vote based on that.

Commissioner Tobia asked why Commissioner Lober would have an issue with the Clerk if she comes back with an accurate audit.

Commissioner Lober inquired if Commissioner Tobia really wants him to go through all of that, he can do it.

Chair Zonka stated the Board has the six-page memorandum that went out where Commissioner Lober thought it was Mr. Burns that had done the public records request where he clearly states, if anyone has questions regarding the legality of any of the County expense, he encouraged that individual to contact the Comptroller whose job it is to audit expenses prior to issuing checks and payment for those expenses, unless there is some grant and elaborate conspiracy in which the duly elected Comptroller is involved, there is no reason she cannot handle questions which fall within the explicit purview of her office. She went on to say whether or not she is friends with the Clerk, she is also friends with former Commissioner Jim Barfield who she saw at an event Saturday and she knows they took a selfie that night and there are pictures of them as well; the evening that keeps being talked about, the selfie that someone took from their Facebook was an event that multiple women were invited to including the Supervisor of Elections, Property Appraiser, who had a graduation, Lisa Cullen was invited as well, who was out of town; multiple people were invited, but she and the Clerk are being crucified because they went to Painting with a Twist; she will never say she is not the Clerk's friend, she is her friend, but she is the elected Comptroller, and is accountable to everybody that she is elected by; and she works with an auditing team. She went on by saying to suggest that this Board, including Commissioner Lober who voted for the audit, to suggest that the Clerk is somehow unethical because she is her friend, she does not have a vendetta against Commissioner Lober; she does not know why this is even an issue until he asked for the Clerk to be removed and she saw that email; she is friends with a lot of people; and to say that she would somehow do something unethical because she has a vendetta or there is a conspiracy, she did not make those purchases on Commissioner Lober's P-Card. She stated if the purchases are all on the up and up and he can account for all his stuff then he has nothing to worry about with the audit; she has no control over that; she thinks in having a County contracted special auditor she is not going to support that out of his budget or any budget; because these items are in question, it just reflects poorly on the whole Board; and it is the entire Board who get crucified for this. She advised she is not going to support this the way it stands, because honestly she does not trust where these funds are going to go at this point; and she suggested until the audit is complete, if there is questions on the audit she is happy to revisit, but she does not want to use the County's contracted auditor that is paid for by the County. She noted she gets criticized because her office has rent; the former County Manager found the property that is central to the District, because the Sheriff needed the location where she had her small office; three Commissioners up here have to pay rent for their facilities because there is no more government facilities to house their offices; and she just wanted that on the record.

Commissioner Pritchett stated sometimes people can get so deep into certain things that a person throws out that no one wins a battle; she thinks this needs to be focused on again, to get the personal stuff out of it, and try to remember her grandchildren are watching and she is hoping the Board is putting forth a good effort that they are thinking he or she are grownups; she has the numbers, Commissioner Lober has \$44,688 in his budget that he can still spend, not to go over his cap; and she agrees with Commissioner Tobia, it is not something the Board has to vote on. She went on to say Commissioner Lober does have the ability to do that, no problem at all; she is not telling him any of the stuff he cannot do, she is thinking of a different route to do them; she is over the mudslinging; and she asked the Board to just get back on track as she is done.

Commissioner Lober stated he has a 94 almost 95 year old grandmother in the hospital right now, and he is really on a short fuse as well; he does not appreciate the games or double standards, or rules for thee and not for him as people have seen this evening; and as far as the auditing team, he guesses anyone can be called an auditor, and put some people together and be called an auditing team.

Commissioner Pritchett pointed out if nothing else she is going to table this for a week because this has gotten too emotional; she has learned when a person loses their emotions, they lose, and no one is going to win here; she wants to calm things down and get the best thing going here; she does not want to get pulled into this drama; and she wants to get this fixed and move forward.

Commissioner Lober stated as far as voting for the comptroller to do the audit, yes, he did, and that was a mistake; he does not have a crystal ball, and he did not know the information that was going to be sent to him that articulated the level of the friendship and the fact the marriage was officiated by an individual who is performing the audit of one of the individuals being audited; to suggest there is an individual who has gone months without speaking to him, regardless of whose decision it was his or hers, that, that is an appropriate individual to do audits, he does not know; he is asking for another audit, a second audit over and above the first; and if he had something to hide, that would be a moronic thing to do. He went on to add he is saying to do two audits, not one; God forbid he get a fair shake by someone who is not a cronie or a buddy; and that is so despicable. He asked Frank Abbate, County Manager, if he can spend the money out of his office's budget to get the audit.

Mr. Abbate replied the Board approved a Policy that said a Commissioner can spend any part of the \$380,000 for a variety of items, including compensation, benefits, travel, office supplies, telephones, membership, capital outlay, and other costs, so if he determines it is under an administrative cost, then that is within what that directive provides for under the Board's Policy.

Commissioner Lober advised he is going to table the rest of the item; he thinks Commissioner Pritchett brought up a valid point with respect to doing things on high emotion; and he is going to revisit this at the next meeting. He withdrew his previous motion.

The Board considered the proposed allocation of available funds by District 2, but took no action.

K. PUBLIC COMMENTS

Sandra Sullivan stated she wants to revisit an item on a previous meeting on the Budget Review Committee, the effectiveness of that committee, and she encourages transparency and accountability with that board; in one of the reports they gave to the Board, they recommended 600 retirees be removed from County healthcare insurance; it saved those former employees money; and it saved \$3.5 million in one year alone, and \$70 million over 20 years. She went on to say she thinks that board has been very effective. She stated pertaining to audit controls, just as an audit would flag a company that allowed their accounts payable staff who prints checks to sign checks, so too is it inappropriate to have a person directing a program from its direction to ranking grants to selecting consulting companies; she has been digging into records with significant concerns of conflicts of interest that she has pertaining to Save Our Indian River Lagoon (SOIRL); she will also send out an email dated March 29, 2021, from Duane De Freese to the Natural Resources Management Director in where he talks about this article causing great concern and many questions about the issue of glyphosate and other herbicides used for aquatic weed control are not being adequately addressed; with the amount of glyphosate and other herbicides that are being applied in Florida residential properties and

stormwater ponds and stormwater conveyances along the IRL tributary shorelines, it is no surprise they see bioaccumulation; he says unfortunately there is a lack of data on glyphosate and the IRL; and he says three research papers that keep him up at night are Impacts to Seagrass, Impacts to Microalgae Cyanobacteria Growth, and Persistence in Seawater. She added part of what came up in that meeting, the last SOIRL meeting, and why she came to a couple of meetings asking for some redirection on the SOIRL plan was because of research and that this plan only addresses nutrient loading and no other pollutants. She noted other members of the Citizens Oversight Committee (COC) brought up issues, three members actually, that were not addressed were either redirected or just passive resistant ignored, and hence the question why and why they are digging into this.

Robert Klimkowski stated he is going to piggyback off of Ms. Sullivan; the 2020 Brevard County audit for the SOIRL needs to be done; the Brevard County Fire Rescue (BCFR) audit, per the legal minutes of April 20, 2021, there was a motion and it was adopted for a BCFR audit for this cycle that needs to be completed; and RSM audit of CARES funds for P-Card purchases. He went on to say he did see where some of the Commissioners did put their P-Card purchases in this meeting Agenda package; if he or she is putting their own items on there, do they have to put them all on there; and he thinks that there needs to be an audit of all of the P-Card purchases through RSM would be warranted. He went on by saying he does not think a Comptroller audit of Commissioner Lober's P-Card purchases is valid because at what level does that rise; so say like if a judge has a conflict of interest with somebody, if they officiated a wedding, or if they were close friends, is it that their wife is going to be a conflict of interest, or at what point does it rise as a conflict; and he would like to know that.

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

Commissioner Tobia stated while the Board is revisiting non-mandatory advisory boards, he would like to discuss a few other items and suggestions; his goal was to create some uniformity throughout these boards; apparently there is a new advisory board website that is being developed; in fact, quite a few steps have been taken for transparency information; and staff has done a great job. He went on by saying his goal is to make it as uniform as possible; this will look at such issues as attendance, amounts, locations of meetings, production of a work product, cap of expenditures, and even what was brought up today by Commissioner Lober, financial disclosures that he thinks can be itemized or increased; and he will be coming back with guidelines so hopefully staff has more tools to work with some sort of uniform Policy when setting up that website for the public. He added secondly, he knows he was absent during the budget workshop; he understands raises for staff were mentioned, although apparently not voted on, working with a three percent or \$1 an hour increase; the way the County measures Consumer Price Index (CPI), that is 4.7 percent; he would certainly like to look at that; and he passed out more information of the State yesterday in conference on a pay raise for State employees of that pass 5.38 percent. He stated the County is short on staff; he realizes this means extra dollars; he made a commitment not to vote for a tax increase or bust the cap; he would like to look at the alternatives so at least the County can match the State or CPI; and frankly, Brevard County will be competing with these folks. He advised he will give the Board suggestions, because it is unfair to ask for more money and not make suggestions of where it needs to cut; but he wants the Board to be aware three percent is not a pay increase when CPI is 50 percent higher than that; the State is almost doubling what the County is looking at; it is something to be aware of; and he asked the Board to be aware of those alternative numbers. He pointed out the County has a great staff and wants to keep them.

The Board recessed for an Executive Session for Paul Bross, as successor interest to (Eric and Amanda Obloy, Bambino Land Trust dated 6-19-19) v. Brevard County, Florida, Case Number 05-2019-CA-035542-XXXX-XX.

Upon motion and vote, the Board adjourned at 8:27 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

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

DRAFT