

July 5, 2022

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, July 5, 2022

5:00 PM

Special Meeting

Commission Chambers

A. CALL TO ORDER 5:00 PM

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

J. Discussion of the County Attorney Position

Commissioner Tobia stated he has three goals; first the County Attorney has some family health issues that he thinks the Board can help with; he thinks the Board needs to successfully navigate an interim period that is coming up and make plans for a successor; he has broken it down into three different parts; and he is going to have some motions which he passed out so the Board can follow along. He went on to say Attorney Jorandby has gone above and beyond and she continues to do so despite having pressing family medical issues; she selflessly planned on providing a 60-day notice; he personally spoke with her and she had indicated if the Board agreed not to require said 60-day notice in her contract she would be able to assist her family much sooner; and he read the motion.

Commissioner Smith stated this is all a surprise to him; he asked what the Board has an alternative when Attorney Jorandby walks out the door because there is a lot of business coming to the table.

Commissioner Pritchett and Chair Zonka advised they think that is in motion number two.

Commissioner Smith asked if Christine Schverak, Assistant County Attorney, is going to stay for whatever time is necessary.

Christine Schverak responded affirmatively.

Commissioner Smith advised then he is good with it.

The Board accepted Abigail Jorandby's voluntary resignation, effective upon the conclusion of this special meeting of the Board, as authorized by Section 3, paragraph D, of her employment contract, hereby relinquishing her from the duties and obligations of the position, discontinuing the benefits granted to her of the position, and allowing for payout of her accrued annual and sick leave as provided for under Section 6 of her contract.

Result: Approved

Mover: John Tobia

Second: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

E.1. Resolution recognizing Abigail Jorandby

Commissioner Tobia read aloud and the Board adopted Resolution No. 22-056, thanking Abigail Jorandby for her service to Brevard County.

Result: Adopted

Mover: John Tobia

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

J. Discussion of the County Attorney Position (Continued)

Commissioner Tobia stated the Board needs to successfully navigate through this interim period; the first person he called was Eden Bentley; he advised he would love to have her back but should she come back he would lose all respect for her; she of course immediately wished the Board the best but had travel plans; next was Scott Knox but he is too busy trying to bilk taxpayers out of millions of dollars so he came off the list; the qualifications this Board is looking for is obviously someone with a Doctor of Jurisprudence Degree (JD) and a member of the Florida Bar in good standing, who is familiar with Brevard County government and the pending litigation of Malabar Scrub Jays and the Rinaldi case; and the County is lucky enough to have that with Attorney Christine Schverak. He went on to say she was an honorable retiree as a Lieutenant Colonel in the United States Army after 22 years; as impressive as that, she also has a law degree from the University of Florida, a member in good standing of the Florida Bar since 2002, admitted to the Supreme Court of the United States and the U.S. Court of Appeals for the Armed Forces; it is pretty good when the back-up has a pedigree this great, Brevard County is fortunate to have to her; and he advised he has a motion.

The Board approved designating Christine Schverak as the Interim County Attorney with the authorities, obligations, and compensation granted in the most recent contract for the position, until such time as the formal appointing of an individual to the position can be performed.

Result: Approved

Mover: John Tobia

Second: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

Commissioner Smith and Chair Zonka expressed their gratitude for Ms. Schverak taking on the role as the Interim County Attorney.

Commissioner Tobia continued on by saying in the past 18 months the Board went through a fully advertised and competitive job search and interviewed another highly-capable and intelligent candidate, Morris Richardson, who finished in a very close second; his current contract is the City Attorney for West Melbourne; it expires August 31, 2022; in his own opinion, he feels Mr. Richardson would be the best candidate for a seamless transition, as well as to run that office for the long term; and he has a motion due to the Board's previous vetting and its recent determination that he was a highly qualified individual to serve.

Chair Zonka stated the first thing she did was call Mr. Richardson to see if he would even be interested, trying to be respectful of his current position with the City of West Melbourne; he said he just needed some time to consider it; she thinks he is trying to be thoughtful of his current place of employment; she would be very excited to have Mr. Richardson, he was her first choice initially when this came through; and that is not a dig on Attorney Jorandby, it is just she knows his work history in this County and his work history with West Melbourne, so she thinks he would be an excellent candidate and the County would be lucky to have him, and she would be happy to be part of that negotiating team.

The Board discussed and approved the Board's previous vetting and recent determination that Morris Richardson was highly qualified to serve as County Attorney; approved appointing a Negotiation Committee comprised of Jerry Visco, Human Resources Director, Jill Hayes, Budget Office Director, and Commission Chair Kristine Zonka, for the Committee to approach and offer the position of County Attorney to Mr. Richardson and if agreeable, negotiate with Mr.

Richardson a contract to serve as County Attorney; and should Mr. Richardson not accept, or negotiations not reach an acceptable conclusion, authorized for Mr. Visco to advertise the position through whatever necessary means to procure a qualified candidate for the Board's review and consideration.

Result: Approved

Mover: John Tobia

Seconded: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

Commissioner Tobia stated this is a request of not only Chair Zonka, but the rest of the Negotiation Committee team, he hopes that the County would offer him a fair and market-driven contract; the County had a great deal with Attorney Jorandby, as she was working under market rates, and he thinks that the Board should offer the new candidate a market rate, and all the executives, which includes two, the County Attorney and County Manager, should be paid at market rates; and he has not discussed this with the County Manager, this is more important than with just the current County Manager, he is not going to be there forever and when this Board or a future Board make a determination, it will be much more palatable to offer somebody a nominal increase; and to put this into perspective to pay market rate for the County Attorney and the County Manager combined would be less than what the Port is paying the Captain. He added that is not a dig to Commission-elect Vanvolkenburg, and he congratulated him on his election; and he noted he just thinks it would be sound to have equitable market pay for both County executives.

Commissioner Pritchett joked that is why she thinks it would be a good idea to have Frank Abbate, County Manager do both jobs.

K. PUBLIC COMMENTS

Catherine Vecchio stated this is her first time speaking with the Board; she thanked Cathy Lively for answering all of her emails and questions; after last night's fourth of July celebrations it pushed her to come forward and talk to the Board; in all of the Commission Districts, there is something that happens annually, there is a migratory bird called the Least Tern that visits and nests in every single District; currently there is a ground colony set up in Satellite Beach; and what she had to endure last night to protect that colony, she really is not looking forward to having to do that in the future. She mentioned what she is looking for from the Board is guidance and direction on how the community can prepare for next year; she was recommended by Mike McCrary to speak to Environmentally Endangered Lands (EELs) properties; they have Satellite Beach which is a very forward-thinking community doing some due diligence on a piece of property on the shoreline, but she thinks there is a bigger picture here; she even spoke with the Tourism Development Council (TDC) beach committee, but her interpretation of what the beach committee was and what it really is, is two different things; and she thought it was there to help with preservation and restoration of beach, but it is beach re-nourishment, but there is also a grant program within that that allows for anything to help within the Lagoon and to remove the nitrogen load. She stated she feels like what is needed is something to give back to the Indian River Lagoon (IRL), what has been lost through tourism and as tourism continues to grow, these little guys continue to come back, and they will continue to come back; she brought brochures and pictures that they use to do their outreach; they have a very active group of seasoned volunteers that hit the beach every day and on the weekends; they were out there on the fourth of July educating people; what they are finding is it is a lack of understanding; there are the manatees, the sea turtles, and these little guys, the Least Tern, and also the black skimmer; and they set up their nests now on rooftops. She advised back in the day the rooftops were gravel, so they found over time, every time a

technician walked on the roof the membrane was broken, so the roofs leaked, so now they are switching to a different rooftop and now the birds do not have anywhere to nest; and she looks forward to getting the Board all in one place or some way she could get some direction and how to prepare for next year's migration season that would be helpful.

Commissioner Smith advised Ms. Vecchio to reach out to each of the Board Members individually; and he is sure they would love to hear what she has to say and give her the time that is necessary.

Ms. Vecchio was thankful for that information.

Commissioner Smith stated he is reading between the lines, but what Ms. Vecchio was indicating is that the fourth of July fireworks probably disrupted the birds and the other animals, as well as the domesticated ones.

Ms. Vecchio responded affirmatively. She advised the Board that she is a shore-bird monitor for the Florida Shore-bird Alliance and she has been doing it for a few years; she is also the current president of the Space Coast Chapter of Master Naturalists; they are doing all they can to help protect and educate; last evening's occurrence and what happened, Satellite Beach was very responsive; once the calls were made, FWC was redirecting it's calls, but residents were still going on the beach shooting fireworks off; and it is sea turtle nesting season, and that everyone knows. She continued by saying she thinks it is time they get the same protections and they do under the migratory species act and they are State protected; last evening she tried to talk to the residents and she was laughed at; someone in Satellite Beach said to her if she is not going to do it, then who is; she noted she is not going to give up, but everyone is a player in this and everyone has to help come up some alternative for them; and nesting season will be over at the end of September when they head back to South America and come back in March. She commented she calls the rooftop of the Eau Gallie Winn Dixie as the Atlanta International Airport because they come in by the thousands, swirl around, and then they disperse; she does not know where they go, they do not have the technology of the radar chips put in them yet, but they do have banding on some of them, but she is not seeing any in the colonies that she has been serving; it is an amazing sight; right now they are starting to prepare to stage to return; it is too early and the biologist from this region is concerned because of the loss of habitat and interference; and it is what they do naturally, there is nothing she can do. She stated she was asked if she attracted them to that site in Satellite Beach; she did not attract them, they found it because they knew it was suitable for them; it was the largest colony at one point in the State, but now there is another, larger one, so Satellite Beach can't claim that anymore; and she would appreciate the opportunity to talk to the Board Members.

Dontavious Smith stated while he was vacationing out of the Country and sitting in his bungalow, he was really concerned about Brevard County citizens; when he was in Cartagena, Columbia he sent an email to all District Commissioners and the Charter Review Committee, proposing to end homelessness and the affordable housing issue in Brevard County; with that being said he knows Commissioner Tobia got a lot of heck for attending the religious freedom group that was wanting a sit down to have a discussion about the affordable housing and impoverished issues in Brevard County, but no one had a plan, no one had an approach; but he had one, so he will refer to the email that he sent to the Board. He continued on to say on May 16, 2022, at 9:25 A.M. Cartagena, Columbia time, and he read, "Good day Commissioners, hope all is well. Again, this is Dontavious "da maya" Smith and this morning I'm reaching out to those of you on the Brevard County Board of Commissioners and the Charter Review Committee to propose a strategic plan to end homelessness and the affordable housing crisis we're in. I've been working on this proposal throughout the duration of my vacation in Rio De Janeiro, Brazil, and Cartagena, Columbia. After receiving a plethora of phone calls and emails from citizens asking me as a potential County Commissioner for District

2, what are my ideas and approaches to this serious issue, I felt it was my duty to come up with a plan that our underprivileged citizens can prosper from, but most importantly, as a participant living below the poverty line in Brevard County since graduating from Florida Agricultural and Mechanical University in 2008 and running for Mayor of Cocoa twice, I understand the frustration and the disappointments our citizens are showing. Though I don't have the resources, manpower, nor the budget to allocate funds towards a project of this magnitude, Brevard County does. I sincerely pray that you understand the possibility that this proposal program cannot only have our citizens in Brevard but have citizens in the United States adapt to. Thank you for your time and I look forward to hearing from you soon." He noted he has not heard from anybody and if it is because he is a Commissioner-candidate, that is cool, but this is a proposal to get homeless poverty, impoverished citizens out of poverty.

Sandra Sullivan stated she hopes everyone had a wonderful fourth of July weekend; she wants to talk about the whole attorney thing and watching the May 5, meeting; it concerns her greatly at that meeting, Commissioner Zonka asked what is a supermajority when the Board has a vacancy; and the attorney's legal opinion as stated on public record was, "The one provision I'm thinking of is the Charter Cap and it says supermajority of the Board. I think a reasonable interpretation is to start with the definition of what the Board is, it's a five-member Board, even with a vacancy. At that point it does not change that it is a composition of five members, so supermajority would still be four." She mentioned the conversation went on from there and Commissioner Pritchett suggested contacting outside counsel; the County Attorney advised the Commissioners that they would have legal immunity from the consequences of their decisions if they follow the advice coming from the County Attorney, but taking guidance from outside counsel could complicate matters; she finds it interesting, given a few months ago that Commissioner Zonka had reminded the attorney while on the dais that she is there at the will of the Commission; and she has seen previous occasions in the four years that certain people have been given direction to resign or be fired, or whatever, and that is a concern; and she is going to express on public record her concern and she will be watching to see what takes place with the new attorney that comes on board whether a different legal opinion will be issued. She went on to say that a statement was also made that if the Commission does not follow the legal counsel that a citizen could take this to the courts and overturn the referendum, because what is really being talked about is the charter cap and the intention to put to referendum to raise property taxes above the three percent cap and to do away with that cap; she finds it very offensive that at least five times she has spoken on public record, that impact fees that pay for the share of infrastructure has not been updated in 15 to 20 years; and that is really the crux of the matter because what she sees is the lobbyists and developer contributions to the political campaigns that ends up responding with elected officials who do not do what is right for the people of Brevard and update impact fees and then are in turn going to burden the people with the cost of the infrastructure that is needed for all this growth.

Chair Zonka stated she usually does not respond to some of the nonsense that comes from Ms. Sullivan's remarks but she was as surprised as anyone to hear that Attorney Jorandby was leaving; she would never ask anyone to resign because she did not like their opinion or whatever; she was the one who suggested that Attorney Jorandby get an Attorney General's opinion on that; it did not have anything to do with the charter cap, it actually had to do more with if this Board had initiatives that it wanted to place on the ballot, would it require four votes and she could not find anything herself so she had asked for that information; she was actually pretty disappointed in not just the manner that the Board found out that Attorney Jorandby was leaving by email; and she was even more disappointed that the Board was not even offered the courtesy of a phone call, so that to her was a surprise. She reiterated she would never ask someone to resign and if she thought they were incompetent or she thought someone should leave she would say so publicly; and she advised that is all the commentary she will have about that.

Commissioner Pritchett stated she thinks it is offensive when people are running for office come to the podium and do all the grand-standing; nobody has any idea what the Board members have to do up there to try to interpret all this stuff and get through it; she has a little bit of a problem with that; Attorney Jorandby has done a great job and she can tell people it is not easy dealing with four personalities, but she has done it very well; and anybody in that position is going to have to deal with it and that person will have to figure things out because the Board Members all have different ideas and it is that person's job by the end of it, to come back and guide the Board through the things it wants to do. She commented she appreciates all of Attorney Jorandby's work on that, but to kind of leave that open end looking like the Board did something is just disgusting; and she just wanted to say that, and now she is done.

L.4. John Tobia, Commissioner District 3

Commissioner Tobia expressed his appreciation to Chair Zonka for scheduling the special meeting and to staff and Board Members for their attendance.

L.6. Kristine Zonka, Commissioner District 5, Chair

Chair Zonka stated she would like to congratulate Commissioner-elect Fritz VanVolkenburgh who was elected to the Port Commission; and she commented the Board hates to see him leave but she wishes him well.

Upon consensus of the Board, the meeting adjourned at 5:31 P.M.

ATTEST:

RACHEL M. SADOFF, CLERK

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