

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, December 22, 2020**

**9:00 AM**

**Regular**

**Commission Chambers**

**A. CALL TO ORDER 9:00 A.M.**

**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

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE**

Commissioner Tobia led the assembly in the pledge of allegiance.

**D. MINUTES FOR APPROVAL: September 15, 2020 Regular; September 22, 2020 Final Budget Hearing; October 1, 2020 Zoning; November 17, 2020 Org. Mtg.**

The Board approved the minutes for September 15, 2020 Regular, September 22, 2020 Final Budget Hearing, October 1, 2020 Zoning, and November 17, 2020 Organizational Meeting.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Kristine Zonka

**E. RESOLUTIONS, AWARDS AND PRESENTATIONS**

**E.1. Resolution Honoring Jeff Thompson**

Commissioner Tobia read aloud, and the Board adopted Resolution No. 2020-159 Honoring Jeff Thompson.

Jeff Thompson, Library Services Director, stated he is glad that was not opposed; he thanked the Board for voting for the Resolution; he is thankful to lead the organization of the Brevard County Library, they were around 50 years before he was born, and when he turned 50 he had the opportunity to help guide the organization for the past eight years; and it has been a great privilege. He added something taught to him by his friend Tom McGill, the best part of the library goes home at night, which is the people, which goes for his County colleagues as well; the big revelation for him is was how wonderful the dedicated professionals that operate this County, from the custodians all the way to the County Managers and the County Commissioners; it has been a real privilege to see the dedication, hard work, and real caring that his colleagues possess; he wished the citizens in Brevard had the opportunity to see what a great job these people do; that has been his privilege and he is really grateful to have had it; he looks forward to becoming a civilian and supporting the library as a civilian; he leaves the County with his one guiding light, which is niceness is nice; he thanked the Board; and he hopes everyone has a merry Christmas and he is deeply honored and very grateful to have had this opportunity.

Chair Pritchett stated that was really classy of Commissioner Tobia to remember to do that.

**Result:** Adopted

**Mover:** John Tobia

**Second:** Bryan Lober

## **F. CONSENT AGENDA**

Chair Pritchett stated she had comment cards for F.11. so she will pull that one.

Commissioner Tobia asked to pull F.3.

The Board approved all Consent Items minus F.3. and F.11.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Kristine Zonka

### **F.1. Final Plat and Contract Approval, Re: Bromley Drive Extension (20FM00008)**

**Developer: The Viera Company**

The Board granted final plat approval; and authorized the Chair to execute the final plat and Contract with The Viera Company for Bromley Drive Extension, subject to minor engineering changes, as applicable, and project does not relieve the developer from obtaining all other necessary jurisdictional permits.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Kristine Zonka

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

### **F.2. Final Plat and Contract Approval, Re: Stonecrest at Addison Village - Phase 4 (20FM00007)**

**Developer: The Viera Company**

The Board granted final plat approval; and authorized the Chair to execute the final plat and Contract with The Viera Company for Stonecrest at Addison Village, (20MF00007) subject to minor engineering changes, as applicable, and project does not relieve the developer from obtaining all other necessary jurisdictional permits

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Kristine Zonka

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

### **F.4. Waiver of Subdivision Perimeter Buffer, Re: Island Forest Preserve (20WV00021)**

**Developer: IFP Merritt Island, LLC.**

The Board approved a waiver to Section 62-2883(d) of the subdivision requirements to allow stormwater retention within the required 15' perimeter buffer tract along a portion of the eastern property line from East Crisafulli Road extending north to southernmost residential lot, and does not relive the developer from obtaining all other necessary jurisdictional permits.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Kristine Zonka

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

**F.5. Approval of Resolution and Lease Agreement, Re: Office Space for Congressman Bill Posey, 8th District**

The Board adopted Resolution No. 20-161, allowing the non-competitive Lease of County property at the Brevard County Government Center Viera to Congressman Posey, 8th District; and authorized the Chair to execute the Lease Agreement.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Kristine Zonka

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

**F.6. Approval, Re: Agreements Between the Brevard County Board of County Commissioners, the City of Titusville, and Community of Hope, Inc.**

The Board authorized the County Manager, or his designee, to execute an Agreement with Community of Hope, Inc.; authorized execution of an Interlocal Cooperation Agreement (ILA) with the City of Titusville; authorized execution of any future amendments or modifications upon approval by the County Attorney and Risk Management; and authorized any necessary Budget Change Request.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Kristine Zonka

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

**F.9. Acknowledge Receipt of the FY 2020-2021 Parrish Medical Center Revenue and Expense Budget and Millage Resolution**

The Board acknowledged receipt of the FY 2020-2021 Revenue and Expense Budget and Millage Resolution for Parrish Medical Center.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Kristine Zonka

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

**F.10. Approval of Budget Change Requests**

The Board approved the Budget Change Request.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Kristine Zonka

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

**F.12. Appointment(s) / Reappointment(s)**

Upon recommendation of Commissioner John Tobia, The Board acknowledged reappointment of Lynn Herndon to the Art in Public Places Advisory Committee.

**Result:** Approved

**Mover:** Bryan Lober

**Secunder:** Kristine Zonka

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

## **ITEMS TO BE PULLED FROM CONSENT**

### **F.3. Workgroup for Innovative Solar Energy Resources (WISER) - Request for Additional Meeting Time**

Commissioner Tobia stated this proposal would increase the Advisory Board's budget by approximately 300 percent; initially the Board asked for it to come in at a lower amount, which they did, and came back for quite a bit more; these are extremely budgetary uncertain times; as Chair Pritchett stated, it is time to sharpen its pencils; and more importantly, the cost represents staff time at a time when staff is incredibly over-worked and at times limited due to COVID-19 related matters in addition to the normal duties they perform. He added the additional 12-hour meeting is time that could be used for a whole bunch of other activities, so he would have a motion to deny the request for additional 12 hours of meeting time at a cost of \$2,295.

Commissioner Lober stated he wanted to ask staff what the practical difference would be if the Item is approved versus not approved.

Amanda Elmore, Planning and Development Staff Liaison, stated the Workgroup for Innovative Solar Energy Resources (WISER) is getting very close to a draft product for the Board but they would have to rush it; they have absorbed and filtered through the vast amount of information to come up with a draft product; their next meeting is in January and they plan to go through that at that time; and she does not know how long it will take them to refine it. She stated they would have to speed up the rest of the process and they felt they wanted to take their time to make it a little better; and that is why they voted to ask for more time.

Commissioner Lober stated he would withdraw his second.

Chair Pritchett asked for another second, and none heard; and she stated the motion failed for the lack of a seconder.

Commissioner Lober made a motion to approve.

Commissioner Zonka seconded.

The Board of County Commissioners approved additional meeting time (up to 12 hours) allowing WISER to complete analysis, Board recommendation report, and action plan.

**Result:** Approved

**Mover:** Bryan Lober

**Secunder:** Kristine Zonka

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

**Nay:** Tobia

### **F.11. Request for Authorization for the Chair to Execute a Legal Representation Agreement, and any Amendments or Supporting Documentation, with Clifford Repperger, Esq., of White Bird, Attorneys at Law, for the Limited Representation by Clifford Repperger, Esq. of Brevard County at an Administrative Hearing on Vest Rights Requested by Air Liquide Large Industries US, LP.**

Eden Bentley, County Attorney, stated there is a vested rights claim coming forward and in that situation, the staff of the County Attorney's Office cannot represent the staff and the Board pursuant to the Florida Bar guidelines and the Attorney General; and outside counsel is being sought to represent the Planning Department during the vested rights proceedings.

Commissioner Lober stated this is in his District and he supports it; and he did not know if any folks speaking are inclined to oppose it; but if all of the speakers support it, 12 minutes could be saved.

All speakers indicated to waive.

The Board of County Commissioners, in regular session on December 22, 2020, authorized execution of the Legal Representation Agreement and any amendments or supporting documentation, with Clifford Repperger, Esq., of White Bird, Attorneys at Law, for the limited representation of Brevard County at an administrative hearing on vested rights requested by Air Liquide Large Industries US, LP.

**Result:** Approved

**Mover:** Bryan Lober

**Seconder:** Kristine Zonka

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

### **J.3. Approval of Selection Policy for Invocation Speakers; Rescission of Resolution 2015-101**

Commissioner Smith stated just as an introductory, he has been on this Commission since 2014 and there was a back and forth regarding invocations; the Board has gotten to a point that it is now ready to move forward; the Board will be able to initiate invocations going forward and can do so legally and withstand legal challenges; and today is the day it is going to take a vote on that and finally get it going.

Commissioner Lober stated he wanted to be clear that he likes, in spirit, what Commissioner Smith is trying to do and wishes he could support it; if Commissioner Smith were inclined to select an individual Chaplin, he does not believe he would be opposed to anything of that sort; his concern with it is not the legitimate speakers coming to represent whatever their particular beliefs are, but the possibility there would be folks that come that totally abuse this and game it; he does not want someone to make a mockery of the invocation, or if someone would come and lecture about a Commissioner, deputy, or other individual that is destined to burn in hell for the entire duration they are permitted to speak; and he thinks there are folks malicious enough in the community that would be so inclined and make the Board regret passing this. He wishes it could have folks that have particular beliefs and legitimately do that, but he does not see how to limit folks from abusing the policy to embarrass folks or just to be practical jokers, so to speak; and he wishes he could support it, but his inclination is not to.

Commissioner Smith appreciates Commissioner Lober's concerns and he thinks those things have been addressed; and he will let Eden Bentley, County Attorney, address those concerns.

Attorney Bentley stated it is a very open system; they would need to come in and hold out as a religious organization; they would need to be in the yellow pages or on the list provided in the policy, or meet the criteria of a 501(c)3 entity pursuant to Internal Revenue Service (IRS) rules; she stated there might be entities not typically considered by the common folks in Brevard County to be religious organizations; she believes there are a number of organizations that have been declared to be religious in other areas that are not common in Brevard County; and the Board could see unusual and unique, possibly fringe organizations. She added this is the

policy approved by the City of Lakeland, which was challenged and went to the 11th Circuit and the procedure was approved; and that is why this route was chosen because it is a template approved by the Federal courts.

Commissioner Smith stated in addition, it also prohibits anyone from trying to convey their own personal feelings to try to get people to convert to their particular ideas; the speakers cannot proselytize; and most of the concerns of Commissioner Lober have already been addressed.

Commissioner Lober stated he wanted to make sure he is on the same page; if he misunderstood, he is willing to adjust his vote; he is not sure there would be anything that would prohibit the flying spaghetti monster church from getting on the list; and he asked if there was anything that would prevent folks from coming up, telling the Board what they want to do, without trying to proselytize the Board.

Attorney Bentley replied if they hold out as a religious congregation and have an established presence in the community, yes, they could get on the list.

Commissioner Lober inquired if they are not trying to proselytize, but they talk about the sins of a particular Commissioner or Commissioners, or alleged sins, and that is the entirety of the invocation, is that something they can come up and do.

Attorney Bentley replied they are supposed to be solemnizing the proceeding, not proselytizing or seeking to convert.

Commissioner Lober remarked he is not asking about proselytizing or conversion, he is asking if in their subjective opinion, that is solemnizing the proceedings; and he asked could they come up and say why each of the Commissioners and deputies in the room are evil and destined for hell.

Attorney Bentley replied she did not think that would be solemnizing the proceedings, however, they cannot review the invocations before they are provided.

Commissioner Lober remarked then there is no mechanism to prevent that if this passed.

Attorney Bentley replied no there is not.

Chair Pritchett stated anybody could do that during public comment anyway; she has been fined a few times from public comments, as well as Commissioner Zonka and Commissioner Tobia; and as a matter of fact all of them have been called out, except for Commissioner Smith.

Carol Wheatley stated in the matter of invocation, when someone stands before this Commission to invoke something, it means to call forth; what she likes to see is wisdom, right decisions, and understanding, which is what she has seen demonstrated by this Commission already; to have someone come up and invoke that is not a bad thing; she asked if there are going to be some squirrely people, absolutely, they always get squirrely people, no matter what group it is; she lives in a multi-cultural neighborhood and she is blessed with that; and she has Muslim, Jewish, Hindu, and Christian neighbors and it is an amazing neighborhood. She added the one thing they all have in common is they are all Americans and they all voted; some voted for the Commissioners; she wanted to remind them that as Americans who vote, they have the right to free speech; when someone take exception to what someone may or may not say and prevent them from speaking in a public forum, that is not freedom of speech; she would like to encourage the Board to allow the invocation on the basis of freedom of speech; and with that, she blessed the Commission, and she stated God Bless America.

Pastor Ron Meyr wanted to encourage the Board to vote in favor of this resolution; he thinks it is a very good beginning of any meeting to be reminded there are higher values and principles at stake here; he thinks it does that no matter which meeting or what type of meeting; and he encouraged the Board to vote in favor of this resolution.

Sheriff Wayne Ivey stated he also encourages the Board to pass this; he said that when he and Commissioner Smith first talked about it, he was very excited for a number of reasons; one, to see this come back to Brevard County, and also his agency has a Chaplin core headed by Chaplin Roger Alexander; non-denominational Chaplains are a huge part of the community and his agency; if the Commission so deems this to be approved, he would love to volunteer his Chaplin to be the first to come back and do the invocation here; he knows Chaplin Alexander would do a great job; and he and the Command Team is there to support the initiative.

Rabbi Sanford Olshansky stated he is a professor in the history department at the University of Central Florida; he has given an invocation before this Commission many times; he has also listened to many Christian invocations in public setting and decided, based on the content of the prayer, whether he could say Amen, but he has never had a problem with listening; the first amendment to the U.S. Constitution says that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; it is clear to him from this wording, the founders wanted to guarantee freedom of religion, but some modern Americans are pursuing freedom from religion in any all public settings; and people here today want to impose absence of religion on everyone, thereby depriving everyone of their constitutional right to freedom of religions expression. He respectfully urged the County Commission to reject this attempt to deny the rights of Christians, Jews, and other religious believers to hear a prayer at the start of the meeting, which he believes occur in God's presence.

Kristy Stuart, Executive Director of Love Inc., stated Love in the name of Christ brings churches together to help people in need in a hand-up way; and she read aloud First Timothy 2:1-2 "Then I urge supplications, prayers, intercessions, and thanksgivings be made for all people, for kings and all who are in high positions that we may lead a peaceful and quiet life, godly and dignified in every way." She stated the Board has been called into this position of authority by God; and her group is praying for the Board as Christians anyway, so they would love the opportunity to be here in person to bless the Board as God gives them wisdom to lead Brevard County forward in His name.

Michelle Macioszek stated she would just like to add her plea that the Board would consider this; she thinks it would be helpful and she knows as a teacher in Brevard County, a lot of the children have moments of silence during the day so they can recompose and get themselves together; and she thinks this is a good way to help focus the Board's thoughts and energy to lead the County.

Edward Markowski stated he was present to speak regarding invocation speaker selection policies; first, he wanted to say that the U.S. Senate and House of Representatives open every session with an invocation; the Florida House and Senate also follow that protocol; he thinks they both set a great example and precedent to follow in Brevard County; and an invocation is a very important moment in any organization or event. He added in this case, it helps the County Commissioners to focus, unite, and be in one accord as it gets ready to discuss the very important public business in Brevard County; it sets the tone for the Agenda that follows; a moment of silence does not provide such an opportunity; an invocation sets the mood toward a higher purpose, it reminds people of their higher calling; the outcome of all sporting events, because of an invocation or unifying message that takes place just before the team hits the

field, the same will be true here; and the outcome of meetings will be better if they are opened with an invocation. He urges the Board to approve, without delay, the five page Brevard County Commission draft policy template form titled Selection of Invocation Speakers, and that it rescinds Resolution 2015-101.

Reverend Paul Rosbur stated he is present to support this amendment so the Board can get back to what it is really supposed to be doing; many of the Pastors in this County have been a little lax because they have not been called upon recently to come and give an invocation and to recognize they have the ability to come and serve the Lord in this way; he is definitely for doing the invocation because he believes our Pastors need to be involved in the County Commission; and they need to see the Board, they need to know who the Board is and the Board needs to know who they are, if for no other reason than just to see their faces and have the relationship built between the County Commission and the religious organizations in the County is critical. He went on to ask how many of the Commissioners had a Pastor visit them in their office to talk about a particular issue; if they do not know who the Commissioners are, they are probably not going to come talk with a Commissioner; at the same time, if they get to come and see these Agendas and speak with them, this will be an opportunity for them to have that relationship with the government, the governing body in the community, and also participate in the community on a larger basis; he has made himself available to the Commissioners the last time he was here; and if a Commissioner needs anything, they are free to call on him. He stated he is here to support this and here to help; whatever the need, he is available to them; and he wants to support the amendment and support each of the Commissioners.

Evie Ostrander stated she is from the Mission Church in Palm Bay and part of the ministerial staff there; it is an honor to speak to the Board; she thinks the greatest honor is to look at them in the face; she sees them on television, but they are better in person; she prays for the Board all the time; her church has about eight prayer meetings a week and she wanted the Board to know it is prayed for and it is what drew her here as a mom, grandmother, church member, and member of the community; and she is a praying person and praying for the Board is part of the love of the people who are citizens here. She stated it expresses love for the Board as the public servant and she recognizes that it has a sacrifice by being a public servant, their duty, and their faithfulness; some of the Board has tenure and have come back year after year, probably because people have seen that they are a faithful public servant; she wants the Board to know that prayer is important; in Palm Bay there was an upheaval about prayer about two mayors ago and they thought that things were in jeopardy in that way in a public forum, but it did not last long and that was over-turned; and they were able to freely pray in public forums again. She stated her prayer for the Board is that would be the case; her father-in-law, who is a former police chief in Melbourne Beach, made crosses for each of them; he would be so honored if the Sheriff would also have one; he is 92 and spent his time putting his hands over and over this wood to send his love; the Bible says love never fails and her prayer is that there will be enough love here to understand that this is a freedom that should be had in America to be able to open a public forum in prayer; and the Board is loved.

Commissioner Tobia addressed Commissioner Smith, stating during the Williamson case, which led to a judgment of hundreds of thousands of dollars was being argued, he stated in the Orlando Sentinel "The invocation is for worshipping the God that created us." He stated this statement was specifically cited in the District Court judgment against Brevard County along with Commissioner Smith's clarification in his deposition that he was referring to the one true God, the God of the bible; before he votes to approve this Policy, he wants to confirm this statement would no longer be accurate under this Policy and those of other faiths would be welcome to give an invocation; and he asked Commissioner Smith if that is correct.

Commissioner Smith thanked Commissioner Tobia for the question; he stated he thinks he was speaking from his heart, but as the Board has already discussed, and he thinks they all accept the fact that the Lord reaches out to each one person in His own way; and everyone has to follow his or her own motivations and his or her own Godliness that they reach out to.

Commissioner Tobia stated he wants to support this and he is just looking for a yes here.

Commissioner Smith replied yes, how is that for succinct; he wanted to thank all the folks that have come out today to support this and taking their time to speak on behalf of this; and he thinks it is very important that the Commission does it.

Commissioner Lober stated he is probably going to go down in flames for this, and that is fine; he thinks the Board has to vote with their conscience and how it thinks is right at the end of the day; he is not looking to criticize anyone for their votes; he mentioned as the Board has heard about getting back to doing invocations, he wanted to be abundantly clear that what the Board was doing previously was found unconstitutional; and he asked Eden Bentley, County Attorney, if that was correct.

Attorney Bentley replied that is correct.

Commissioner Lober stated if this is supported, the Board is not going back to the old way of doing things; and he asked Attorney Bentley if that was a fair statement.

Attorney Bentley replied that is true and, in fact, the requested action includes the rescission of Resolution 2015-101, which was the prior procedure.

Commissioner Lober stated the Board has heard from some folks that seemed implicit in some of the argument that what it is doing is a denial of freedom of speech, freedom of religion, or first amendment challenge of some sort; he asked Attorney Bentley if it is not an objective fact constitutional for the Board to continue doing things the way it is being done now.

Attorney Bentley replied according to the Policy that is proposed, the Federal court found this procedure appropriate.

Commissioner Lober apologized for asking the same question again; and he asked Attorney Bentley if what the Board is doing now with respect to the Invocation Policy...

Attorney Bentley interjected and asked if Commissioner Lober meant the moment of silence.

Commissioner Lober replied yes.

Attorney Bentley remarked that is constitutional as well.

Commissioner Lober inquired if there is no first amendment concern that will necessitate that the Board does anything at this point in time, unless it chooses to do so.

Attorney Bentley replied correct.

Commissioner Lober stated he would just be blunt; the people that came out and spoke today, he has no quarrel with them; he thinks they are all decent human beings and they are not the ones he is worried about; what concerns him is, of those that came up, no one spoke about those that may game the system and abuse the system, as those are the folks he is concerned

about; and he does not make religion a part of what he does on the Board, it forms a basic for his ethics and morals, but that is about all. He stated what he prays is that his concerns prove to be unfounded and the Board does not come to regret it down the road; with that said, he hopes it goes well and hopes he is wrong being concerned about it; but he has a risk tolerance concern.

Commissioner Zonka stated she is happy to support this because she thinks it is all-inclusive and this is a diverse community; if the Board was worried about what people said when coming up to the microphone, there would be no public comment, which is unconstitutional; anyone at any time could go to the microphone and say what they want, so that is not a factor in her decision; she thinks as long as the law is being upheld, she is okay with it; and she knows how passionate Commissioner Smith is about getting invocation back, regardless of his religions leanings, which do not matter to her. She added she thinks she stated this before a couple of years ago when the Board was in court over the other issue; there was a person that read things from the Hopi Indians; there were other types of invocations, even by council members at the time when she was at the City of Palm Bay; there was never an issue with people saying anything abusive or provocative, but even so, it is their right; and she does not think it will be a problem, and is happy to support it.

Chair Pritchett stated she supports it as well, as the Board has not had this for a while now; it might have been simpler to allow people to come and speak but the logic was that there is public comment and people are able to come and say what they like as well; she is going to support this; she wanted the Board members to know that she prays for them diligently every morning on the way up here; and she prays for everyone that comes in here and no matter what, she always prays for everybody who walks into the room to be blessed, to be well, to be healthy, and safe. She added that no one can stop what people are going to believe or not believe, but she thinks Commissioner Smith has hit it on the head; and it is an important thing to him and it is probably important in people's hearts to know there is someone greater that helps keep people be a little more responsible, and helps them do a little better at the end of the day.

Commissioner Smith stated he wanted to say thank you again; it is a free country and that is the purpose of having judges sit there and make decisions and "We the people," follow those decisions based on the constitution; if the constitution says people have this right, then people have it; and if the Board has to trim the edges and make it fit whatever parameters the judges say needs to be done, then that is what it is going to do.

Attorney Bentley asked if that included the rescission of 2015-101.

Commissioner Smith replied yes.

The Board adopted Resolution No. 20-161, rescinding Resolution No. 2015-101 and all prior actions of the Board as to invocation procedures; and approved Board Policy for the selection of invocation speakers before Board meetings.

**Result:** Adopted

**Mover:** Curt Smith

**Secunder:** Kristine Zonka

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

**Nay:** Lober

**I.1. Board Direction, Re: USSSA Contract Including Lodging Room Rental Nights Formula; Aligning Calendar Dates for Payments and Expenses; and Clarification on Approval Procedures for Capital Improvements and Maintenance Items. (Super Majority Vote Required)**

Peter Cranis, Tourism Development Director, stated this was a request from the Board last year to come back with a formula work between staff and United States Specialty Sports Association, Inc. (USSSA) to better measure room night counts; the County team included himself, Jim Liesenfelt, Assistant County Manager, and Eden Bentley, County Attorney, and they worked with USSSA and think they came up with something that will help moving forward; it helps simplify the process and has auditable data points which he thinks is important; and there are also a couple other measures in the amendment which include clarification on timing of payments and also better description for what constitutes a capital project.

Commissioner Lober stated he had a few concerns about portions of this; he does not oppose the entirety of what is being proposed but there are two particular portions that he finds problematic; one he thinks can be easily cured and the other may be more of a problem; for the easy one, as far as the capital improvements, he thinks that a \$25,000 limit before needing to seek approval from the County is probably an appropriate limit and it is more appropriate than what is in place now; and his only reservation is the County does not have specified in what is proposed, an aggregate cap, so it can have an unlimited number of \$24,000, \$20,000, \$15,000 capital improvements that can be unilaterally performed and approved by the one party, USSSA. He stated he thinks if an aggregate cap is put in place, it would alleviate that concern; he does not want to set the cap so low that USSSA has to come to the Board every year without fail and every time they want to replace a nut or bolt, it is an issue; he thinks setting at \$350,000 aggregate cap for capital improvements would be good on an annual basis would alleviate a lot of his concerns; the bigger concern is the formula; and he has spoken with Kendall Moore, attorney for USSSA, who has done an excellent job advocating for his client. He added that Mr. Moore's arguments come from a fairness perspective as he has taken them; the concern is that both parties involved in the contract, the County and USSSA, now have different folks at the helm of each organization, but that does not mean that the contracts are somehow now no longer valid or need to be adjusted; the fact is, it was an arm's-length transaction that took place back when the stadium lease was originally approved; it was something where both sides were represented by counsel, and everyone had the opportunity to do due diligence; and the fact is, if they agreed to a contract which obligated them to support a certain number of verifiable room nights. He went on to say if they are not verified, due to no fault of the County's, they simply are not meeting it; he is not arguing that every room night being generated is being captured; he is arguing it does not matter from a contractual standpoint simply because they are obligated to adhere to the terms of the contract, the County is obligated to adhere to the terms of the contract and if the situation were reversed, and the County was over-capturing room nights or coming up with more room nights than might be fair or appropriate, they would never agree to come back and renegotiate it because it is simply unfair; and his fiduciary duty to the County is really opposed to making the change that is proposed with the formula. He advised he fully grants that there is a staff cost that is expended on an annual basis in verifying room nights; if the formula was changed so it that that it were 20-40 thousand in USSSA's favor over the status-quo, that might not be the end of the world because the County is expending staff costs verifying these things, but if it implemented the formula in this proposal over the prior two years, not only would it eliminate roughly \$100,000 in penalties, but also be required to eat their taxes; he understands that Coronavirus may have made the current year odd compared to what ordinarily would be generated, but he does not have anything else to compare it to; and when he looks at this he does not have a reason to believe, moving forward, this will do anything, as far as the end result, the sum of the equation

will be to its detriment and not to its benefit. He stated if, in the future, there is an agreement where the denominator in that equation is adjusted such that there is a wash or where there is slightly an advantage on account of the County expending money on staff hours, he would be okay with that, but this is so one-sided, it changes the formula portion of what is proposed, and he just cannot support it; it will hurt the County and it is not something that it is obligated to do; and he does not think fairness and an arms-length transaction with an entity represented by counsel is an adequate basis to say that it needs to be readjusted or renegotiated.

Chair Pritchett asked Commissioner Lober what he thought would be a better denominator.

Commissioner Lober stated he had spoken with Mr. Liesenfelt, Mr. Cranis, and Frank Abbate, County Manager, and he did not want to put this in stone, because he does not know if they verified it yet, but he believes the number being talked about was around 2.1, perhaps; and he asked if that was right.

Mr. Liesenfelt stated the question that Commissioner Lober asked is what the denominator would be if it would match the current room number; and the math formula would be somewhere around 2.1.

Commissioner Lober stated even if it is slightly in their favor, because the County expends staff hours anyway, he would still be okay with it; but it cannot be to its detriment.

Chair Pritchett asked Mr. Cranis if he could tell her why the County went to 1.7 because she knows there was a .5 differential there because it was considered that a parent may come because they are younger children.

Mr. Cranis replied correct; he stated the data point that he has confirmed from a couple of different sources is that there are on average 2.2 people that stay in each room; that includes the participant or the coach but also potentially a parent; at one point there was a discussion that maybe it is one parent per room, but after looking at different events and speaking with hotel managers, it was clear that there is not one parent per room, there were a lot of rooms that have two or three players in them without a parent; and he was trying to find the best number that he could. He stated if looking at whether it is 1.2 versus 2.2, he sort of landed in the middle at 1.7; without doing further research and studies, there was really no data point that he could get to that was perfect; and that is the best that he could come up with.

Chair Pritchett stated she knew if there is a certain age group of kids, they have to have an adult in the room but 18 or 19 years old kids will not have an adult; and she asked Mr. Cranis if he took that into consideration with the different age groups of children.

Mr. Cranis replied sure; and he stated there are also a lot of adult events, so that was the other thing he had to factor in; he knows it is not one parent per room but it is somewhere between zero and one; and that is how it ended up with .5.

Chair Pritchett asked what the significance would be if it were changed to 2.1 instead of 1.7 and how does that differentiate what is being done to try to figure out room nights.

Mr. Cranis replied that formula would not change the end numbers; he stated if 2.1 is used as the denominator, it would end up being, pretty much, right where it is today; and he does not think it would do much and would not think that USSSA would have any interest in that.

Chair Pritchett asked why it started this path.

Mr. Cranis replied there was a belief that it was not capturing 100 percent of the rooms; he advised he can, pretty much, confirm that from the County side there are three factors; one, is not every participant fills out a housing form; it is also known there are people that come and stay longer than the events for a vacation; and from the staff side, they cannot get 100 percent verification because the vacation rental owners will not share data with them, as the hotels will; and unfortunately, it is not a perfect process.

Commissioner Zonka stated the problem with calculating room nights is a long-standing problem; she asked Mr. Cranis if Tourism Development had been in place and had the Commission foreseen this problem, would it have written that type of contract; and it has been made almost impossible to capture all the nights the way it is set up now, even with a full time staff.

Mr. Cranis replied yes; and he stated in a perfect world it would have had a formula or done on a percentage of analysis and maybe analyze up to 10 percent as opposed to trying to get to 100 percent which it knew it could never get to.

Commissioner Zonka asked Mr. Cranis if he is comfortable with this formula, that the County is protected, and he is able to adequately audit.

Mr. Cranis replied yes; he mentioned there are two points in this that are really important; the number of participants can be audited as well as how far they travelled, because in the formula, the people have to be greater an 75 miles away because that is an assumption that they are not driving back and forth for the event, but staying here; the other auditable factor is staff can look at the actual events themselves and how many days they take, and that gives the basis of the formula; and the only variable is how many people per room and he feels 1.7 is a fair number.

Commissioner Zonka asked if he looked at other agencies and this is how they calculated it.

Mr. Cranis replied unfortunately, there were no other agencies that do exactly this; he stated a lot of them use estimates or just the number of participants; they do not actually go to the number of room nights, but only look at the number of players; and this probably takes it a step further than any other agency he has seen.

Commissioner Zonka asked if the County is double-protected in his opinion.

Mr. Cranis replied he believes so.

Commissioner Smith stated he wanted to touch on his perspective; back in 2014 when he took office, he knew the Nationals were going to leave; he was really concerned that the County was staring at a potential white elephant in that stadium because they knew that Major League Baseball teams were not standing in line to come here and if they were not, who else could use the stadium; it could be an asset, but if somebody could not be found to be in the stadium and use it and generate income for the County, then it is a white elephant, just a big expense sitting there; and he knew one of the former Commissioners back in 2014 would always say to sell it. He went on to say the fact is, if the stadium did not have tenants, then it was not worth anything more than scrap metal; he does not know what one could get for scrap metal if it was taken down, but it would not be a whole lot; USSSA is a terrific tenant; their being here has a tremendous economic benefit, particularly to District 4 because he can say the restaurateurs and even Publix just boom when a tournament is in town; and overall, it is a big asset to the

County as well because these people that come here do not just stay in motels around the stadium but stay on the beaches and Palm Bay as well. He stated they bring in an awful lot of

people and economic benefit to the community; when they were making their pitch to the Board way back when, the room night guarantee was not even asked of them; USSSA was so confident in what they could do and what they had done at Disney, that they were the ones that provided the numbers of 75,000 and after three years 100,000; the Board went along with it because it figured they knew what they were talking about, it looked good, and it gave some clawback, so to speak; but now to hold them to these numbers, which he thinks the Board is doing, he does not think it should be viewed as a punishment either because they are bringing a tremendous economic benefit to this community. He added the USSSA is bringing all these folks in and one thing the County had not taken into consideration was the inability to count because it did not think about VRBO, Home Away, and Airbnb; it was just considering the hotels and motels that are easy to verify; when they stay in community houses where individuals own these houses, it is very difficult to get those numbers; and he thinks with all the back and forth and all the compromises made on both sides, the Board is at a place now where it can move forward and not penalize these folks for doing what they are doing because, through no fault of their own, from the outside it looks like the County is trying to punish them because they are failing to meet these numbers. He added that he thinks it can move forward knowing that there is a great tenant in that place; they will be there for a long, long time and bring economic benefit to this County for a long, long, time; and he is fully in support of it.

Commissioner Tobia asked Mr. Cranis if the Tourism Development Council (TDC) had an opportunity to look at this formula.

Mr. Cranis replied yes, they did.

Commissioner Tobia asked Mr. Cranis if he could tell him how they voted on it.

Mr. Cranis replied they voted 7:0 with one abstention and one absent.

Commissioner Tobia stated to Commissioner Lober he would invite him to vote for this one as he has used this exact argument against him that the TDC unanimously did this; Commissioner Lober has an appointee on this one and therefore, he does not know what the argument is but he has used that against him on a few occasions; he wanted to chide Commissioner Smith for saying VRBO and Airbnb, and to be clear, it is not expanding that; he made a promise he would not mention that for quite some time, so that Commissioner Smith, not him; and while he is not thrilled with this amendment, he has come to the conclusion it is probably in the best interest of the taxpayers because the contract that the Board previously approved with USSSA is unworkable. He added the amount of staff time that goes into this is just not possible and given the data points provided to him, it seems like a fair compromise; on a corollary, this item has brought up a tangible issue that has come up several times before and he thinks it is the opportunity to inform the Board; currently, the Brevard County Ordinance subsection 2-244A states that "upon a supermajority vote whether the Board of County Commission best interest..." this is a super majority vote and it is unlike other supermajority votes the Board takes, which he thinks are put statutorily there for good reason; and when it sells property below market value or when entering into a lease at a below-market rate, he thinks it is probably incumbent on the Board to have a supermajority. He stated it is not the case here; this is something that the County did to themselves; he will be bringing it up at the next meeting but obviously, this will not help Mr. Moore at this point; he does not think it should have a supermajority vote on this, but he thinks it would pass either way; and he asked staff about the historical perspective and it did not seem there was anything good. He remarked he thinks he has been the most harsh when it comes to USSSA but he thinks staff did a very good job given the circumstance they had on this; and he will be supporting it.

Commissioner Lober mentioned the Board has heard a little about how many parents per room; there is an argument both ways with that; he thinks the fact is there are chaperones that bring a

slew of kids; he does not think that question matters; when he talked to Kendall Moore, one of the things he mentioned, which he agrees with, is the fact that 100 percent of the rooms are not being verified, as Mr. Cranis said, he knew 100 percent could not be confirmed; and as Mr. Moore said, it is neither the County's fault or USSSA's fault. He stated if a call is made to verify rooms and they do not pick up, or if there is no response to letters, nothing can be done; he heard from Commissioner Zonka that the County is doubly protected; and he asked Mr. Cranis if the parties knew that they were obligating to verifiable room nights when this Contract was entered into, although he knew he was not there for this.

Mr. Cranis replied he believed so; he advised the question in the Contract that is really difficult to answer, is what is verifiable, what constitutes that; there was no definition to it; and he thinks they knew what they were getting into but does not think they knew the true understanding of the mechanism of verifying a room night.

Commissioner Lober stated in any event, whether they volunteered because they were so confident, as Commissioner Smith suggested, that they could take this additional burden over what was asked of them; the fact is, that is what they agreed to at the end of the day; he asked Mr. Cranis in terms of how protected the County is, if it were to apply this for the prior two years, would the County lose roughly \$50,000 per year in penalties.

Mr. Cranis replied right.

Commissioner Lober stated it would also be required to eat their taxes; and he asked Mr. Cranis if he knew what their taxes amount to.

Mr. Cranis replied the agreement calls for the fact the County would not have to pay any real estate taxes looking backwards.

Commissioner Lober stated if this were applied, he understands it would never pass if it were not a concession on their part; but he asked Mr. Cranis, if it were applied, what the taxes would have been.

Mr. Cranis replied about \$45,000 per year.

Commissioner Lober stated for the prior two years, ballpark, if this had been in place, losing roughly \$100,000 per year in the form of having to eat taxes it would otherwise would not have to, and losing penalties it otherwise would be getting; and he asked Mr. Cranis if that was correct.

Mr. Cranis replied yes.

Commissioner Lober stated moving forward, unless a massive change is anticipated, the County is potentially looking at continuation; and he asked Mr. Cranis if he saw a reason that the trend that would have applied, had it applied retroactively, if it would not continue in the future; if this is supported, it would not be eliminating a very likely outcome of having roughly \$50,000 in penalties and avoiding roughly \$50,000 in real estate tax.

Mr. Cranis replied it is hard to know looking forward; now the numbers jump from \$75,000 to \$100,000, so even with the formula, he thinks they may have a challenge hitting those numbers, so the County may still get some penalties out of that; but as far as the real estate tax component, he replied yes sir.

Mr. Liesenfelt stated he wanted to make a clarification; the tax reimbursement is a percentage of what they are above their target; if USSSA goes above 75,000 room nights, they are not reimbursed on all the taxes; and if they go above 10 percent, they get 10 percent.

Commissioner Lober stated he appreciated that, it makes it a little better; that was not what he was anticipating; and it does cushion the downside; as far as splitting the baby, whether it looks at \$60,000 or \$100,000 a year, anything in that ballpark is still taxpayer money at the end of the day; as someone that pays into the millage, he does not see a reason to split the baby with his taxpayer dollars that are going into the millage that is being talked about, loosening requirements and making more favorable to one party and one party only; and the question amounts to would it rather do something, understanding it is more fair to USSSA, and is it still willing to do that knowing it is almost certain to cost taxpayer dollars that it does not have an obligation to give away or alleviate that burden. He advised he does not think so; he will have to give Commissioner Tobia a fist bump for the TDC argument; he would have rubbed that in his own face too, so good going on that; he thinks this is the only time in two years that he has disagreed with his TDC appointee on anything; and he happens to disagree with her on this one and disagree with what seems to be the supermajority of the Board. He urged folks before they vote, just to consider the financial net impact, not the number of parents per room, because he does not think that is the right question; he thinks the right question is, at the end of the day, does it have to do this, and the answer is no; the end result is it is going to cost taxpayer dollars; it is not a choice of making this modification or having the stadium go empty; if the Board does not go forward, the parties will continue to have to perform as agreed to in the current Contract; but it is not as if they are going to vacate it, the County loses money, and the stadium crumbles to dust. He added the Board needs to vote what is appropriate; and in his mind, the benefits really do not come anywhere near the detriments.

Chair Pritchett stated she really appreciated this Commission as they all have strong different opinions and bring a lot to the table; by the time it is done, they all stay pretty good with each other; and she just wanted to say that before she disagrees. She added it was a high-risk having that stadium empty, and then there is the Cocoa Expo; it has been a real problem trying to get a ball team here so she appreciates the USSSA took the risk and came in; and the maintenance alone on this just sitting empty would have cost a lot of money, so that helped too. She mentioned there is no argument that this has been an incredible economic driver as far as tourism taxes; even during COVID-19, that place is packed with kids playing ball; she thinks it really help Brevard County a lot; if she was to name her three favorite things for tourism in the County, she would say the beaches, space, and USSSA bringing the sports in; and she wishes it was in her District. She opined she thinks they are so good for tourism; the Board asked for a new driver because of all the discussions it had and since it passed 7:0; and she is definitely going to support this as well.

Commissioner Zonka stated just to be clear, the Board was having a hard time coming up with that interpretation in the Contract and how to verify room nights, and asked if that was correct; it is not USSSA asking for something, it is the Board trying to clarify how to come up with the numbers; and she asked if that was correct.

Mr. Cranis replied correct.

Commissioner Zonka remarked because it was an impossibility for County staff to just man the auditing, which was a nightmare.

Mr. Cranis replied yes; and he stated it spent several hundred hours of staff time.

Commissioner Zonka stated that cost is not recoverable, so by doing effective spot auditing, the County will be able to save money in that realm; and she asked if that was correct.

Mr. Cranis replied yes.

Commissioner Zonka remarked this would not only make our job easier, but may make USSSA's job easier keeping track of the room nights; but she asked if they are still bound by the obligation of the Contract, room nights, et cetera.

Mr. Cranis replied yes.

Commissioner Zonka asked if the real estate taxes are something that were agreed upon in the original Contract.

Mr. Cranis replied yes.

Commissioner Zonka stated she hated going around in circles on this but she did not want misinformation out there.

Commissioner Smith agreed with Commissioner Zonka that it is going around in circles; he advised he probably did not need to say what he is about to say, because he thinks it has the votes; in the interest of trying to make it a 5:0 vote, he asked Commissioner Lober, since he has thrown out all the negatives on how much it costs the taxpayer, what it is going to cost the taxpayer if they leave; he can say USSSA is not happy, and if they are looking, then five years down the road, they are gone; he asked what is that going to cost the taxpayer; and he hopes he can get the Board's vote.

Commissioner Lober stated, with respect to this, he thinks the Board may still want to consider having the aggregate cap on capital improvements, even if it is happy with the formula, as he thinks it would protect the County; he agrees with Commissioner Zonka that it is near impossible to verify all the room nights, but the impossibility comes with a set cost, which is the cost for the man hours; he acknowledged on the front-end it would save money and reduce staff costs, which is why he said at the beginning of the argument before it was pointed out; he is willing to adjust the formula in any way slightly to the benefit of USSSA because the County has the staff costs, but he never heard the staff costs rose anywhere near the level of lost penalties; and it will have to offset those. He continued to say even if it said the potential real estate tax implication is nothing, just offsetting the lost penalties takes \$50,000 per year to make up for it; and he knows he is on the losing end on this but it may want to consider the aggregate cap in the vote.

Kendall Moore, attorney for USSSA, stated the Board was about to vote, so he would have been smart to sit and be quiet, but he wanted to answer Commissioner Lober's questions; Commissioner Lober brought up two issues; first, trying to place an aggregate cap and their suggestion, after discussing last night, is that they do not think the County would want to put a cap on dollars that are going to be used for maintenance and upgrades to a facility the County owns; the reserve and replacement fund is for the purpose of spending dollars on that capital facility; he thinks it would be counter-productive not only to them trying to make it better, but to the County, seeing that it owns it and they do not; and the second thing relative to

Commissioner Lober's request that is before the Board today, is that they have spent an inordinate number of hours on both sides relative to the issue and want to be very clear, they are looking for something that accurately counts and verifies the room nights. He added that at no time have they sought relief from the 75,000 and 100,000 room night requirements that are in the original Contract; that is the commitment that was made and they are standing by it, and if they fall short, it provides for a penalty; if they happen to go over, there is an incremental component of the real estate tax that it would have to pay; he stated no change in penalty and

no change in the original requirements from the original Contract; and he wanted to simply make sure that every room night that is created and verified, that it is given credit for.

Commissioner Lober stated he appreciates his argument that there is no reason to cap the improvements and were USSSA not credited for spending the money, he would agree with him; he stated to spend as much money as he want fixing the County's facility; if he would like and wants to put more money into the Moore Justice Center or to the Government Center here, he is happy to put a motion up to authorize staff to take a check from this client or any other client if they want to do it out of the goodness of their hearts; the reason the capital improvement individually is set at \$25,000, in his estimation, is because there is a recognition that it is appropriate for the County to have the level of involvement to approve or decline expenses over that level; and namely, it does not want things to be of an escalated cost or things to be sole-sourced that would normally go out to bid. He added that is why there is a cap; and he asked Mr. Moore if his understanding differs as far as the \$25,000 per improvement cap.

Mr. Moore replied as the agreement sits today, the cap is \$250,000.

Commissioner Lober asked why it was being lowered then.

Mr. Moore replied the TDC has had two audits recently and at the request of staff, it was thought to be more appropriate to put it in line with what Mr. Cranis has the ability to approve under normal TDC protocol; when this was created, and as it sits today, USSSA can spend up to \$250,000 without Board approval; USSSA thought \$25,000 is a much more appropriate number in that regard and have no problem with the per instance issue; looking at section four of the amendment, it talks about specific things such as air conditioning and roof repairs; and when talking about significant things like that on an asset worth tens of millions of dollars, to set a cap at \$350,000 per annum can put it in jeopardy. He added the funds are pulled from the Asset Renewal and Replacement Fund (ARR) fund, which the County contributes \$250,000, and so does USSSA, per the contract; and the funds are coming from the fund set aside for that purpose.

Commissioner Lober asked whether it was \$250,000 or \$25,000, why have a cap at all; if it is the goodness of Mr. Moore's client's heart to improve the facility for everyone, why not say it can spend \$10 million without getting approval.

Mr. Moore replied that would up to the County; and he stated it is at \$250,000 today, which they are reducing to one-tenth, which they thought was pretty responsible.

Commissioner Lober asked if USSSA had a requirement to put capital improvements out to bid.

Mr. Moore replied it is a structured environment, so below a certain threshold, there is no requirement; between \$5,000 and \$25,000, they have to collect three bids; and for anything over \$25,000, there needs to be three bids and staff approval prior to spending the money.

Commissioner Lober asked, without an aggregate cap, if things are kept under the threshold required for bidding, what prevents there from being dozens or hundreds of individual small expenses that are aggregated together, where they are all sole-sourced.

Mr. Moore replied the ultimate cap that actually exists, and maybe staff may have a different opinion, would be the amount actually in the ARR fund; ultimately, the dollars that are currently in that fund, \$250,000 from each of the two entities, puts a cap, as it certainly cannot go beyond the amount that exists in there; they believe the fund itself, with the limited number of dollars that exist, provides for an appropriate aggregate cap; and they agreed to moving the number from \$250,000 to \$25,000 per transaction.

Commissioner Lober asked Mr. Cranis if he agreed with that statement as far as the amount in the fund forming an aggregate cap.

Mr. Cranis replied he thinks that is a true statement; he stated if there was \$1 million in the fund and a request for \$2 million came in, there would not be enough dollars to fund that project; and it does, sort of, serve as a cap in itself.

Commissioner Lober stated it could be a much higher cap than \$350,000, depending on what is in the fund at any given time.

Mr. Cranis replied correct; and he advised his biggest thought and concern about the ARR fund is that to replace the astro-turf on all the fields in eight years is going to cost somewhere in the neighborhood of \$8 to \$10 million; there will not be enough money in that fund to do that; and that in itself sort of creates a cap for it.

Commissioner Lober asked Mr. Moore if it was correct that his client is not asking for relief from room night obligation.

Mr. Moore replied that is correct.

Commissioner Lober stated that USSSA is asking to adopt a new formula that, in near certainty, will result in more room nights being attributed to USSSA.

Mr. Moore remarked it would result in near certainty of rooms being created, counted, and verified; the fundamental belief is they think the numbers Commissioner Lober is referring to in the past, the room nights did exist and were not counted; in 2018 there were 98 youth events, not counting the adult events, and out of the 98, 93 of those events took place where the age of the participant was under driving age; if someone driving by the facility had seen a car there on any of the 93 events, he can guarantee that there was not an individual driving one of those cars that was a participant that would be counted; and the concern has historically been that USSSA knows every single participant and the staff pressed us tremendously. He went on to say he heard Mr. Cranis and Mr. Liesenfelt say that things will be included in the formula that can certainly be proven and certainly audited; the data they know is the participants, not if the participants brought a family member, so when they realized they could not count that, they followed staff's direction finding things there were certainty to; and they know the number of participants that exist.

Commissioner Lober stated he appreciated the background and he is not trying to make a room night argument; he is looking at the actual numbers at the end of the day, the net impact; and he asked Mr. Moore if, to his understanding, what he is asking of the Board today has the same impact as keeping the existing formula but reducing the room night requirement, does it not.

Mr. Moore replied he whole-heartedly disagrees.

Commissioner Lober asked how it is different.

Mr. Moore replied USSSA is asking that any room night created be counted; and the presumption for them is there are room nights that are not being counted and they know in the formula there was a very specific number of gives that they are giving up as a part of this particular process; and he mentioned two for consideration; the TDC did a recent survey when the Commission approved Junior Olympics and Amateur Athletic Union (AAU), and when the individuals were surveyed the results came back and said 24 percent of them said that they

stayed longer than the actual event; and there is no mechanism in the formula if someone decides to extend by one day for whatever reason, for them to get credit for that whatsoever. He further stated there are a number of those, but they believe in appropriateness for getting to a formula that counts and verifies; and that is what they are asking for, not relief.

Commissioner Lober stated he did not think that is responsive to what he is asking; he is asking the net impact at the end of the day, which Mr. Moore disagreed to; what they are asking the Board to do by adjusting the formula, which will almost certainly result in more room nights attributed to the client; and he asked if Mr. Moore was arguing that that does not have the same impact as reducing the room night requirement under the existing formula.

Mr. Moore replied absolutely not; if they created the rooms, they are just asking that they are counted and verified; he stated the Board is asking them to assume the rooms were not created; they feel very strongly, from the beginning of this contract till today, that there are rooms being created and they see no reason to depart from the required number, 75,000 to 100,000; and they certainly, fundamentally, believe they are not asking for the requirements to be reduced.

Commissioner Smith asked if he can Call the Question.

Chair Pritchett stated she does not think Commissioner Lober is going to change his mind and she does not think there is anything that will change it.

Commissioner Lober stated he is done with the questioning and he will summarize; mathematically, he can say that John does not have a beard, but the fact is he has a beard; it is what it is, the result is the same; by altering the formula it will result in a benefit to the client and a detriment to the County; and if the formula is kept the same and it reduced the room night obligation, that is the same as what is proposed in that penalties would be reduced or disappear, and the potential of eating real estate tax. He stated if everyone is okay with it, then by all means, vote for it and support it; he thinks the Board needs to understand that is the same net effect as what it is doing; it is essentially doing the same thing and causing to be put in place the same numbers at the end of the day as would be the case if everything was kept identical, that was agreed to by all, and relieve the room night obligation; and that is his concern and he has given it his best shot.

Chair Pritchett stated the Board appreciates his passionate opinion.

Commissioner Zonka remarked that statement is not exactly what this Commission is doing; she thinks it is trying to clarify for both the County and USSSA, and she believes that is not just fair but responsible; there has to be a way to count these room nights and the County has come up with a way it is comfortable with and a way to verify it; it serves USSSA and it serves the County and it is the responsible thing to do; she does not believe for a second it is losing on anything; she does not think there is anything wrong with what it has come up with; and the County is comfortable with it, so she is comfortable with it.

The Board reviewed and provided direction on the 3rd Amendment to the USSSA Contract as follows:

- Approved using a formula to calculate lodging room rental nights (room nights) replacing the current method of validating every reservation by contacting hotels and vacation rentals listed on housing forms.
- Approved adjustment of the dates that capital improvements and maintenance expenses are analyzed and the Asset Renewal and Replacement (ARR) Fund payment from the current dates to align with the April 1 – March 31 room night's analysis year.

- Clarified the approval process for capital improvements and maintenance expenditures and definition of qualifying expenses.
- Agreed to retroactively apply the formula to the 2018-2019 room night year, but with a financial impact to the Tourism Development Tax.

**Result:** Approved

**Mover:** Kristine Zonka

**Secunder:** Curt Smith

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

**Nay:** Lober

## **G. PUBLIC COMMENTS**

Michael Bramson, President of the Brevard County Firefighter Union, stated he was present to speak on the status of what is going on through new events going towards public safety; he stated the biggest stress going on for firefighters today is basically what is being asked of them; the weekend of December 12 and 13, 2020, Brevard County asked 32 firefighters, Emergency Medical Technicians (EMT), paramedics, and dispatchers to remain at work, calling it mandatory overtime; this past weekend, on December 19 and 20, 2020, 16 firefighters, EMTs, paramedics, and dispatchers were told to remain at work; and this morning he discovered there was only one. He added these are not an indication of changes to what is going on in Brevard County, these are fantastic and noble efforts to cancel leave, move time around, split shifts so they can see their kids until noon, and also is a great effort by senior staff management, fire chiefs, and staff to make sure there are things in place to allow the firefighters a little bit of a break; the new stress coming is about the vaccine; it is put on their shoulders as public safety, not just the firefighters, but the front line workers, hospitals, and sheriffs; that came out pretty quick without a lot of documentation towards how that affects them and how that changes the staffing; what he has come to say is something unique; and the efforts for this holiday season have been fantastic to allow the firefighters a breath of fresh air. He stated it should be noted that, from the union's point of view, the efforts are not survivable as they move into 2021 with the increase and unknown result of the vaccine, how COVID-19 will affect us, and what the seasonal changes are; right around the corner, as below-average temperatures suggest, is wild land season; and that is another thing they have to do, a lot of interface and new growth. He mentioned the land behind the stadium lights off every year; and he wanted to bring to everyone's attention that the firefighters and public safety are willing and able and doing a great job of what is asked of them and with as much sacrifice as can be done during the holiday season.

Pamela Castellana stated she was present to address or ask to consider the way it spends the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding; she would like to thank Commissioner Lober for making a choice out of his slush fund to donate to the funeral expenses for Mrs. Toro, and help make that possible; she stated her colleague, Stacy Patel, has sent the Board a list of 222 people struggling, more than 30 from each District, 62 percent behind on their rent or mortgage, 36 are evicted or anticipate eviction, 19 are homeless, 16 are living in a hotel, and 21 found less expensive housing; this is a direct result of the COVID-19 pandemic; she remarked that during comments supporting invocation, she heard Christian speakers defend invocation; Christ gave very few direct commands, including feeding the hungry, and clothing the poor; and not only is it a direct imperative, it is a moral and economic one. She stated her business has been cut, not due to limits in her activity, but due to COVID-19, her customers do not have any money; and if the Board does not put money directly in the hands of the people that need it, then all the money it is giving to businesses is not going to do any good, because if they do not have customers with money to spend, the Board will have to go on supporting the businesses forever and ever. She continued to say the money needs to go directly into the hands of the people that need it the most, the homeless,

the hungry, and those on the verge of eviction; there is a moratorium on evictions and foreclosures now, but when it is lifted, those people are going to expect payment and the people living in the circumstances will not have the \$5,000 or more they are behind; she knows the Board is not hoping people lose their homes so the value will be recalculated when they are repurchased; and she hopes it would consider reaching out and giving some of the CARES Act funding to the people that need it the most, the citizens of Brevard County.

Sandra Sullivan stated she is present to request the County to consider whether the City of Satellite Beach has breached the restrictive uses of Hightower and Pelican Park agreements and deed restrictions; first, there is the approval of The Vue development including the skyway into and onto the Hightower Park Preserve; the restricted use says the property shall be used solely as a public beach park and related public uses; this does not include use by a commercial entity, hotel, or sky bridge into the park; and the developer is now selling off a section of the property to another developer with a skyway promoted as an asset to the property on the listing. She added the City of Satellite Beach has approved the parking management plan to proceed to get Request for Proposal (RFP) and ordinance, unlike Collier County with an Interlocal Agreement with Naples City for both City and County resident to have parking permits; and by contrast, City of Satellite Beach Manager's own words "The proposal that the committee is submitting today, its City residents would not be charged because they already pay for park maintenance in their taxes. Residents would come and get a permit without having to pay anything out of their pockets." She stated meanwhile, County residents also pay for maintenance on County parks, while the community has a large number of Veterans and retirees on fixed incomes; a family like hers with a teen and two other adult cars, would pay an additional \$150 annually to access these former County parks, purchased with County funds, and maintained for years by the County; she suggests this may be a violation of the covenants of the County, as the covenant stipulates no differential be charged to the public, uniform use, or fees; and since the City residents themselves are not paying for new parking permits in their taxes, she asked if this would be a differential if County residents pay and City residents do not. She added the agreement with the County was to make the park available to all County residents and visitors with no differential in fees; it states failure of the City to comply with this provision shall be considered a material default under this agreement and the property shall revert back to the County, subject to terms of the same; and she would ask the County to consider County constituents in considering this request.

Commissioner Lober stated he looked briefly at the proposal from the City and it does trouble him, the differentiation between City residents and others; basically saying they are going to reimburse themselves for the cost; that seems to be a round-about way of saying it will not charge them; he is concerned about it as well in how it may impact negotiations with Cocoa Beach and Cocoa for Cherie Down and Lori Wilson Parks; he needs to determine where the precedential value will fall; if he ends up supporting anything along the lines of what is proposed with Satellite Beach, the only reason he would support it is if Commissioner Smith is comfortable since it is in his District, because he generally will support, with rare exception, the policies that apply just to one District, if they do not affect the others; but he does not know it is restricted in his District, both in how it impacts other negotiations and also, as a District 2 resident, does he want to go there when he has to pay while their residents can go for free. He stated he does not know that he will support it for that reason; he does not think that is necessarily fair; he has had conversations with staff about it and they share his concern, namely, that is a round-about way of saying we are treating everyone identically but really not; he thinks it is a very valid concern; and he is not inclined with Cocoa or Cocoa Beach to agree with anything like that when he negotiates, as it is not in the realm of what he is willing to do.

Commissioner Smith stated he did not have a lot to say on the subject but he shares the concerns and he has also spoken with staff; and he said to tune-in in the future.

Dina Reider-Hicks, Public Affairs Manager with Waste Management, stated she had a brief service update for residents; she wanted to share this in the larger public forum; there is going to be a service day change for many North County residents for recycling, yard waste, and bulky waste service; the service day change begins Monday, February 1, 2021; and not all North County residents will be impacted by the change, but those who are will receive a postcard and sticker that is hand-delivered to their front door. She provided examples by showing the post card and sticker and she stated it will have a lot of pertinent information about the service day change; the postcards and stickers will begin to be delivered on January 4, 2021 and they are all expected to be delivered by January 15, 2021; this change is done to provide more efficient service to the residents for recycling, yard waste, and bulky waste; Central and South Brevard County will not be effected and their garbage service days will not change; and if residents have questions they may call 321-636-6894. She added, just as a reminder, there will be no collection service this Friday for Christmas, but Friday, January 1, 2021, is a regular work day for Waste Management and there will be service; and she wished all a very happy and safe holiday season, and she thanked the Board for the trust and confidence that is placed with Waste Management.

## **H. PUBLIC HEARINGS**

### **H.1. Public Hearing and Approval: Amendment to Article III, Section 90-66, Section 90-68, Section 90-69, Section 90-70, and Section 90-71, Brevard County Code of Ordinances**

Ian Golden, Housing and Human Services Director, stated this is a request for final approval of a change to the Affordable Housing Advisory Committee Ordinance; it was brought to the Board at the end of October for legislative intent and permission to advertise, which has happened, so this is changing Ordinance to be in line with changes at the State level and the statute; that happened this past legislative session, which was adding an elected official to that committee; at the same time, staff is also doing corrections of clerical errors, revising some definitions, adding term limits to make them in-line with other committees, and providing an effective date and amended language in-line with that statute; and the opportunity was also taken to make one final change as there is a portion of the Ordinance that actually outlined specific affordability period of 15 years for these projects, which sometimes is in conflict with the Local Action Plan, Local Housing Assistance Plan, and the Action Plan through Housing and Urban Development (HUD). He mentioned the language in the Ordinance was changed to be reflective of whatever is in those two documents at the current time as what the Ordinance is supporting.

The Board solicited public input; and adopted Ordinance No. 20-25, amending Article III, Chapter 90, Section 90-66, Section 90-68, Section 90-69, Section 90-70, and Section 90-71 of Brevard County Code of Ordinances.

**Result:** Adopted

**Mover:** Bryan Lober

**Seconder:** Curt Smith

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

### **H.2. Petition to Vacate, Re: Public Utility & Drainage Easement - 2820 Shepard Drive - "Silver Pines Estates No. 2" Plat Book 14, Page 103 - Rockledge - Shalanda Henderson**

Marc Bernath, Public Works Director, stated this is a petition to vacate a public utility drainage easement at 2820 Shepard Drive in Silver Pines; request is to vacate a one-foot portion of a 5-foot wide public and utility drainage easement; and all pertinent County agencies and public utility companies have been notified and there are no objections at this time.

The Board adopted Resolution No. 20-162, vacating a portion of a public utility and drainage easement in "Silver Pines Estates No. 2" Subdivision, Rockledge, lying in Section 17, Township 25 South, Range 36 East as petitioned by Shalanda Henderson.

**Result:** Approved

**Mover:** Bryan Lober

**Seconder:** John Tobia

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

**H.3. Petition to Vacate, Re: Public Utility Easement - 443 Seagull Drive - "Barefoot Bay Unit Two Part Thirteen" Plat Book 23, Page 29 - Barefoot Bay - Howard T. and Mary-Anne Jo LaBarca**

Marc Bernath, Public Works Director, stated this is a petition to vacate a public utility easement at 443 Seagull Drive, Barefoot Bay, to vacate a portion of a six-foot wide public utility easement along the front line of the house; and all pertinent County agencies and public utility companies have been notified and there are no objections at this time.

The Board adopted Resolution No. 20-163, vacating a portion of a public utility easement in "Barefoot Bay Unit Two, Part Thirteen" Subdivision, Barefoot Bay, lying in Section 10, Township 30 South, Range 38 East, as petitioned by Howard T. and Mary-Anne Jo LaBarca.

**Result:** Approved

**Mover:** John Tobia

**Seconder:** Bryan Lober

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

**H.4. Ordinance to Consider an Economic Development Ad Valorem Exemption for Roswell U.S., LLC d/b/a Roswell Marine (Roswell)**

Kathy Wall, Assistant to the County Manager, stated this is an Ordinance to consider and economic development Ad Valorem Tax Exemption for Roswell U.S., LLC, doing business as Roswell Marine; this is for eight years at 80 percent and estimated to be \$4,200 per year for the eight year period; and they are going to add 21 positions and the average wage will be \$53,714.

Commissioner Lober stated he met with this company's attorney a while back and they had given him a push-back when he asked for information to help him discover what their supply chain was to determine whether it is realistic that these folks would be moving to China; since that time, he emailed them, they had a meeting that was continued, he emailed back on December 15, and on December 16, he sent the attorney an email saying as far as the ownership of Roswell Global, it was mentioned that "majority of the parent company shareholders are Canadian citizens", and he asked if any of the shareholders live in Brevard County; he has asked this question from the beginning, whether anyone with substantial interest lives in the County; on December 17, he got a reply that a small number of shareholders, including the Chief Executive Officer (CEO), live in Brevard County, and the majority do not; and he replied back that he has not received an answer to the initial question as to how many shareholders with a substantial interest in the company live in Brevard. He added that this is necessary to evaluate the supply chain, and he asked to be provided with a

list of those in Brevard, and if more than a dozen, a list of those with interest exceeding \$100,000 in value is sufficient; he wrote that he cannot evaluate the application without this information; he received a response claiming the information was confidential business information and as a private company cannot disclose without assurance that it remains confidential; he keeps asking for the information because if they have folks with substantial ownership in this who own their entirety or majority of the supply chain, the chance they are going to move is slim to none; and the problem is they will not provide the information he needs to do due diligence on this. He stated there was no cited basis for the confidentiality, it seemed as if they did not wish to tell him; he does not know whether it is that the shareholders do own a large portion of the supply chain in Brevard, and as a result would never support moving operations to China; and this is something he wanted to support but based on the information he needs to perform what he considers appropriate due diligence, he cannot do that.

Commissioner Zonka stated she will keep it short because she does not want to get into the circle discussion again; she spoke with the Economic Development Commission of Florida's Space Coast (EDC) and some of the concerns were discussed, because she cannot communicate with Commissioner Lober; she stated typically, with most projects the Board does not get into specifics as far as ownership goes, other than the information they are required to disclose; this is a tax abatement of \$4,200 per year, which is they do not comply, they will not get the abatement; and there are clawback provision that protect the County. She continued to say at 21 jobs and \$55,000 per year, if every company that came to the Board was denied because someone from Brevard County did not have ownership in it, then it would not be doing business, especially with some of the larger employers; and she will support it.

Commissioner Lober stated it sounded like Commissioner Zonka did not understand his concern; she mentioned if the Board evaluated companies and only approved those with ownership interest in Brevard County, then it would be in a different position; he has never suggested that, or intimated that ever; what he was saying was if the folks that own that company own all of the supplying companies that they get the hardware and parts from, and are all in Brevard County, the chance they will pick up and leave is non-existent; and he agreed the County is protected, as if they do not deliver, they will not get the tax abatement. He stated his question is not that, his question is whether it needs to give the tax abatement at all if there is no chance they will move and the jobs are here anyway.

Commissioner Zonka remarked that could not be predicted anyway; tax abatement was voted on by the taxpayers; if the Board was going to say to every company it wants to know their complete supply chain, why does it not just ask them to sign a contract committing to never leave Brevard County for 25 years; she remarked that is about as ridiculous as what may or may not be; and she did not want to go back and forth so she asked to Call the Question.

Commissioner Lober remarked that is not what was asked and it sounds like she is going back and forth; but he has the microphone still.

Commissioner Zonka replied that is great and he has the microphone the whole meeting and it goes on and on and on and never stops.

Commissioner Lober stated if she wants to go along, to get along, she is welcome to do that; but he thinks he has a job to do.

Chair Pritchett stated she is going to pause this out; it is a passionate Commission meeting today; and she is going to Call the Question.

The Board adopted Ordinance No. 20-26, granting Economic Development Ad Valorem Exemption for Roswell U.S., LLC d/b/a Roswell Marine (Roswell) for eight years at 80 percent of the Tangible Personal Property value added by the Company to the County's tax roll.

**Result:** Adopted

**Mover:** Curt Smith

**Seconded:** Kristine Zonka

**Ayes:** Pritchett, Smith, and Zonka

**Nay:** Lober, and Tobia

## **J. NEW BUSINESS**

### **J.1. Board Direction RE: Expiring CARES Act Funding Impact on Cleaning Services**

Frank Abbate, County Manager, stated as the Board may know, the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding was extended by congress and he anticipates it will be signed by the President, so that will change it slightly from where it was to what was submitted with this, since now it is going to be one additional year added from the December 30 date that was applicable; and this is about cleaning services and sanitation at all the courthouses, however, he had a dialogue about this with the Sheriff and he is prepared to make an offer and speak on the Item.

Sheriff Wayne Ivey stated he saw an opportunity to save the County some CARES Act funding; he provided the Board with a copy of the services; he stated it is about \$30,000 monthly to do a deep clean, COVID-19 cleaning; it is spelled out in the document the services that are provided; he believes that that service can be provided with inmate labor and save that \$30,000 monthly as a result; he has had a conversation with Facilities and they and the County Manager are in support of it; he also spoke with the Chief Judge who then met with all of the judges, and they all support it; and he would offer inmate labor to do this deep cleaning in the same aspect that it has been done.

Commissioner Lober stated he wanted to make sure there is not any penalty, sanctions, or negative treatment of any inmate that chooses not to do this; and he asked if that was correct.

Sheriff Ivey replied absolutely not.

Commissioner Lober remarked he just wanted to make sure, as that is what he understood to be the case.

Commissioner Tobia stated he needed to clarify, on the Item it has a fiscal impact of \$300,000 over six months; when the \$30,000 is subtracted for six months, that is \$180,000; and he asked where the remaining \$120,000 would come from.

Mr. Abbate replied that would have been coming from the Public Safety Fund, however, that is a not-to-exceed number; Facilities is working on purchasing the tents to lower that cost as well; the \$180,000 savings would remain in the Public Safety Fund that the Board has approved and created; that is also subject to future Board consideration if the Board so chose, because there is a change in CARES Act funding that has extended it for a year; and the County is moving forward with the continuation of the Public Safety Fund as the Board created unless the Board should change that on its own initiative.

The Board directed staff to extend essential cleaning services for the period of January 1, 2021, through June 30, 2021 for continuation of COVID-19; authorized using inmate labor for cleaning services, offered by Brevard County Sheriff's Office; and authorized the County Manager to sign any necessary paperwork to effectuate the changes.

**Result:** Approved

**Mover:** Bryan Lober

**Seconded:** Curt Smith

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

The Board recessed at 10:58 a.m. and reconvened at 11:10 a.m.

## **J.2. Brevard County 2021 Legislative Program**

Frank Abbate, County Manager, stated the legislative delegation is meeting on January 7, 2021; this Item has all the Items that staff has put together for the Board's consideration and what would move forward; on the top of the list is something for the Emergency Operations Center (EOC) requesting matching funding from the State; and he has spoken to the Sheriff about that particular Item, and he knows he wants to make some comments on that.

Sheriff Wayne Ivey stated he is fully-committed to help seek funding for the EOC in full-capacity; he will be working with the State legislators and the Governor to demonstrate how valuable the EOC is to Brevard County, how it is the second busiest EOC in the Country, and the reason for that; he will also be working with private partnerships, creating public and private partnerships, to see if they can further that along too; he is committed to working with the County Manager and staff to make sure they have that, and they all see the absolute need for it; and the need can be seen with the volume of launches, the potential for hurricanes, and the results of the pandemic.

Commissioner Tobia stated he appreciated the work that staff did on this, however, in all honesty, he imagines the delegation, with the hundreds of requests it will get, the odds of them going through four or five pages of wants and desires is highly unlikely; there are some things that are troubling here, that if it had been gone through, would have been seen; there is a request to loosen e-verify requirements, which he thinks the Board unanimously decided was the correct way to go; for those reasons, he is not against the funding for the EOC, but he would like to see it pared-down; and the delegation will have three minutes, he thinks, and to task someone to go through this in three minutes is next to impossible. He stated he chose some good ones that are near and dear to his heart for suggestions, should the Sheriff agree, great, if not, he would like to hear his suggestions, but he is not comfortable supporting something that is soft on people who are not legally able to work here; his suggestions are for supporting the restoration of rights for 18 to 20 year old Brevardians to keep and bear arms, support legislation to deregulate liquor sales by grocery stores including Brevard County businesses, support legislation to insure undocumented aliens do not get the benefits of in-state tuition at Florida colleges and universities located in Brevard, and support regulations that would allow public notices to be online instead of the newspaper which would save taxpayers in Brevard tens of thousands of dollars; he thinks most of those will be championed by the delegation and would like the Board's support; but he cannot support the package as presented.

Chair Pritchett stated she did not disagree with those items either.

Sheriff Ivey asked Chair Pritchett if he needed to stay up since his only involvement is seeking funding for the EOC in the legislative delegation.

Chair Pritchett replied that is fine as long as he is comfortable with it; and she asked Commissioner Tobia if he was good with the EOC in that list as well.

Commissioner Tobia replied absolutely, these are just suggestions he has; and there are other good ones in here, he just cannot vote for anything that would do away with e-verify.

Chair Pritchett remarked she is fine leaving that off, herself, and she thinks his list is also a good list.

Commissioner Tobia stated he did not want to add to the list, as it is three pages.

Chair Pritchett stated he is right; these are not expensive items and probably would not be as hard to champion because it will not require a lot of money; and she asked if that was right.

Commissioner Tobia replied nothing here on his list of suggestions would cost any money, in fact, a few of them would see a reduction in expenses.

Commissioner Zonka stated she would be fine with those items because she had the public notice thing on her agenda too.

Commissioner Lober stated he motioned to approve as indicated and discussed by Commissioner Tobia.

Commissioner Tobia remarked to be clear, just those four items plus the funding for the EOC.

Chair Pritchett asked if the Board wanted to leave on the Lagoon as well.

Commissioner Lober replied he would prefer to leave it.

Chair Pritchett stated there is the agri-tourism amendment but it is getting lengthy in the amount.

Commissioner Lober remarked he would like to see that adjusted if there is room; and he would be happy to keep it on one sheet of paper.

Commissioner Smith asked if it would not be easier to cross off the ones it is not supporting.

Chair Pritchett stated it is getting rid of the e-verify one, and asked if there were any others that are wanted off the list.

Commissioner Tobia stated it just took a long document and made it even longer.

Chair Pritchett replied he just had such good ideas.

Commissioner Tobia remarked that very rarely happens number one, and number two, a couple of these will be run by Brevard delegations; it just does not have the time in that three-minute span to make a strong argument for each and every one of these; and that is why he thought having four or five that did not cost a great deal of money would be more effective.

Chair Pritchett stated she had an idea that maybe it can let Commissioner Tobia represent on this one; and he could time it, put his ideas in, and make sure the EOC is in and whatever he has time for.

Commissioner Zonka stated of course, the Lagoon is always a priority but she believes it is already the delegations priority, so they are very motivated to send money back for Lagoon projects; she definitely wants to keep the EOC; she thinks to leave the infrastructure priority, as there is only one for the Ellis Road, A1A, and St. John Heritage Parkway; and she would like to keep the affordable housing on there.

Commissioner Tobia stated unfortunately, affordable housing is a trust fund that will be needed to help with the shortfall of what is expected, anywhere from three to five billion dollars; the delegation generally sweep these trust funds when time are good, when times are bad, it is all but a surety that is going to happen; he does not want to work outside the box; he will make any ask and does not mind doing it, but he does not want any discretion; and he wants to make sure the Board is happy with the items he wrote down. He wrote down the Lagoon, the EOC, public notice; undocumented in-state, deregulation of liquor stores, liquor sales at grocery stores, restoration of rights for 18 to 20 year old Brevard citizens to keep and bear arms, and the infrastructure one.

Commissioner Lober stated he does not have a problem with Commissioner Tobia focusing on those he prefers to focus on but thinks if there are additional items in the documentation to ask for consideration, he does not think it hurts anything; even for the affordable housing, if he does not have time to focus on it, he would still like to see it in there even if it is on the back-end; given it has the interaction once a year, he does not think it is asking too much to glance over a list of four pages; and it is not text-dense.

Commissioner Smith stated the other side of the coin is, the Board members all have access to the legislative folks and can pick up the phone at any time and call them 10 times a day if there is a particular issue it is concerned about; and for him, it is a formality, as they used to sit up here and listen to what the Board had to say, but the Board has more influence if it picks up the phone.

Commissioner Lober stated he is not going to continue his trend on this, as he plans on voting for whatever is determined on this one; and he thinks this is one where the Board could all reach out.

Chair Pritchett asked Commissioner Tobia if he was comfortable.

Commissioner Tobia replied yes.

Commissioner Lober withdrew his motion.

The Board identified the following Brevard County Initiatives for the January 7, 2021 Legislative Delegation Meeting:

- Brevard County Emergency Operations Center (EOC): Support matching State funds that leverage available County and private resources needed to finalize and complete construction of a new EOC. Brevard County's EOC is the second most frequently activated EOC in the nation. The EOC supports public and private space flights that benefit the United States government, the Department of Defense, the State of Florida, Kennedy Space Center, NASA, Port Canaveral, and private businesses and commerce.
- Brevard County Infrastructure: Support funding for the Space Coast Transportation Planning Organization's (TPO) highest priority projects - Ellis Road Widening, A1A corridor improvements, and the St. Johns Heritage Parkway (SJHP).
- Indian River Lagoon and St. Johns River: Support State cost-share for Water Projects that reduce pollution sources, remove legacy loading, restore critical ecosystem functions, and provide sound, applied research for the Indian River Lagoon, St. John's River Upper Basin,

and Lake Washington; support legislation to reduce the risk of pollution from biosolids land applications; support algae bloom and emerging contaminant monitoring and remediation; and support funding to redesign the Highway 528 widening over the Banana River to increase the road elevation and allow for causeway removal.

- Support the restoration of rights for 18-20 year old Brevardians to keep and bear arms.
- Support legislation to deregulate liquor sales by grocery stores including Brevard County businesses.
- Support legislation to ensure undocumented aliens do not get the benefits of in-state tuition at Florida colleges and universities located in Brevard.
- Support regulations that would allow public notices to be posted online instead of the newspaper, which would save taxpayers in Brevard County tens of thousands of dollars; and appointed Commissioner John Tobia to present the County's legislative priorities to the delegation.

**Result:** Approved

**Mover:** Curt Smith

**Seconded:** Kristine Zonka

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

## **J.5. District 2 Proposed Motion**

### **11:00 a.m. Time Certain**

Frank Abbate, County Manager, stated these are two motions brought forth by the District 2 and District 3 Commissioners that the County Attorney's Office had been involved with as well as the County Manager's Office; they are relative to the delegation of authority that the Board granted a few months ago relative to the \$5 million Coronavirus Aid, Relief, and Economic Security (CARES) Act funding allocated to each District Commissioner; there has been input received from the Clerk's Office relative to their feelings on this issue and whether or not they would make any payments pursuant to the delegations that were granted; these motions both try to address some of the Clerk's concerns and, in one case, all the Clerk's concerns, in different ways; that gives you a broad overview of what is involved here; and the County Attorney can add anything to any additional perspective, legally, that they have relative to what these two motions would provide for when the Board seeks to move forward and consider one or either of them, or any other action the Board may want to direct.

Stacy Patel stated she emailed the Commissioners two weeks ago about 222 local residents who shared the results of COVID-19 on their families, in hopes the Commissioners could help them; they were provided contact information, household financial details, and they were organized by District to make it easier for staff to reach out to them; short personal statements were also provided; one wrote that her and her husband had been receiving unemployment since April and each receives \$125 per week, both unemployed, greatly impacted by COVID-19, and behind on all the utility bills, and putting a huge strain on their marriage, they decided to split-up after 19 years of marriage, claiming it is just too much and the most stressful thing they have ever been through; another wrote it has torn their family apart, they never had to go without anything before COVID-19 happened, spending nights awake wondering how to get food for her kids, wondering if they would ever get another place to stay, and how many nights they could sleep on a friend's floor before being asked to leave, and it is devastating for her family; and some shared they skipped meals so their kids could eat. She added 62 percent are behind on rent or mortgage; 79 percent are behind on utilities; 42 percent are food insecure; and in total, the aggregate economic impact on their households of over \$1.5 million. She has not received a reply from the Commissioners to date and none have reached out to these families to learn about their situations, nor to offer any assistance, to her knowledge; this Commission was entrusted with over \$105 million with CARES Act funding to address the needs of COVID-19; Orange and Volusia counties allocated nearly \$100 million in aggregate,

almost 30 percent of the CARES Act funding, to provide direct aid to impacted individuals; and Brevard County allocated somewhere between \$4.4 and \$6.6 million out of \$105 million, meanwhile this body allocated \$5 million to each of their Districts. She asked a simple question, if each District has \$5 million in CARES Act funds and there is over \$12 million left over to put into a Public Safety Fund, might the Board be willing to spend the funds to meet the needs of residents in each District that are facing hunger, homelessness, debt, eviction, foreclosure, and illness due to the impacts of COVID-19; she provided 222 names as a starting place or it could start with recent evictions, as even with the Center for Disease Control (CDC) moratorium, there have been 189 evictions in the last 30 days, which is 12.5 percent more than the same 30 days last year; she knows the Board can work quickly if it decides to, as it allocated \$5 million to each very quickly; and she stated to please be proactive in using these funds as intended to address the impacts of COVID-19 on those they were elected to represent.

Sanjay Patel stated he was present to ask to commit more CARES Act funding to help local residents in need; within each of the Districts, there are constituents that are hanging on by a thread, struggling to pay rent or mortgage, some near to having the water or electricity shut off, right before Christmas; most disheartening of all is that many families are unable to put food on the table and wonder where their next meal will come from; here on the Spacecoast, living among the backdrop of rockets that launch to the stars and back down, there are far too many stories of struggling and suffering from the pandemic to sit by and let that be okay; and shame on them all because the reality is that all of this can be relieved in a matter of hours, today. He added the Commissioners have the power to put funds into the hands of families that desperately need that help right now and that was the intent of those CARES dollars; as the Board knows, he ran for County Commission this past year in large part because he did not believe that the Commission was doing enough to help all the residents; that never came to pass, but he still stands by that original assessment; and he is not really sure what is holding it back right now. He stated to Commissioner Tobia that he could allocate \$5 million to Countywide individual assistance and be Santa Claus, if he wanted to; if he were able to pay off the months of overdue utility bills, keeping moms and dads sick to their stomachs waiting for the shut-off to come any day, he knows that is what he would be doing, if he were on the Board; it is known that the CARES Act funds must be allocated by the end of the year; he is imploring the Board to please help all these families before the end of the year; and he asked if it decides to help, and he so hopes that it does, to please make that process simple and fast.

Commissioner Lober stated he would comment briefly on the comments, and then move forward to the Agenda Item J.5.; as far as the emailed list of folks broken down by District, he is not going to get into the position of hand-picking individuals based on a list put together by the immediate past chair of any political party, including his own; he agrees hunger, homelessness, and unemployment caused by COVID-19 are truly important; that is why, looking at the chart he put forward in the Agenda Item, there is a higher percentage than was used out of the overall, dedicated or permitted to be used, for those particular purposes; and up to 10 percent of what he has here can go toward any of those issues. He stated in terms of how things have gone, this past week he had a phone conference with Clerk Scott Ellis, Clerk-elect Rachel Sadoff, Kathy Prothman from County Finance, Tyler Winik with the Clerk's Office, and other folks involved in that, and yesterday evening after work, he met with Clerk-elect Rachel Sadoff, Jason Arthur, the future Chief Deputy, Steve Burdett, County Finance, and Tyler Winik from the Clerk's Office; the bottom-line is that if the Board passes what he has proposed, Ms. Sadoff, and those that are in the office who would be responsible for making decisions as to whether or not to cut a check, will cut checks for all of these programs; also, he mentioned to Commissioner Smith if he wanted to do a motion, he would be happy to send him the word document to change for his needs, and the Clerk will cut the check; this is sufficient specificity, based on the meetings he has had, for them to cut the checks without having to go through a legal argument as to whether the delegation is lawful or unlawful; and he does not think the

Board needs to do this but it will absolutely help avoid a lawsuit. He added that this has been vetted and they are comfortable with it, he is comfortable with it, and he has not heard any concern by County staff; the way it was phrased to him by County staff is that this approves, for the Clerk's purposes, what it is already authorized to do; he thinks this is a fight that it does not need to have, taxpayers funding a lawsuit on both sides of the issue, when it can simply get around this; he told Commissioner Smith to do it this way in order to get this to go through, so that the Clerk cuts checks for Health First, United States Specialty Sports Association, Inc. (USSSA), the zoo, and the small business program; but if done another way, it runs the potential of not passing muster and back here, checks are delayed, and it is all avoidable.

Rachel Sadoff, Clerk of Court Elect, stated the Clerk's Office wants the whole Board to vote on its Items; the Items it votes on, the Clerk will not have an issue, but Items not voted on, the Clerk will have an issue; and her feeling is, and she thinks Clerk Ellis feels the same way, if the Board cannot vote together on the Items that should receive the checks, why is it asking the Clerk to cut the checks that it cannot even vote on.

Chair Pritchett stated Commissioner Lober put in a list and she thinks Commissioner Smith might have a list today as well; this should give the Clerk some comfort and they will keep working out details moving forward; and she asked if Ms. Sadoff is comfortable with Commissioner Lober's motion.

Ms. Sadoff replied yes; and stated she met with Commissioner Lober twice, and last night was to go over it again because of the changes that are happening with the CARES Act funding, to make sure everyone was on the same page and that the motion would read that the Board would vote on the Items.

Chair Pritchett replied wonderful; and she asked if Commissioner Smith had a list ready.

Commissioner Smith replied yes and no; he stated he has allocated \$2.5 million and the other \$2.5 he has allocated, but not to specifics; for the first \$2.5 million, \$1.5 million would go to Health First, \$500,000 to the zoo, and \$500,000 to USSSA; and the other \$2.5 million will be used for the Small Business Fund.

Mr. Abbate stated the Commissioners previously approved the small business program, and allocated an additional \$1.5 million when the request was made, bringing it up to \$11.5 million; applications continued to be accepted through December 18; at the close of December 18, staff is now able to evaluate how many additional applications we have in the queue and they are beyond the money currently allocated which was \$11.163 million for about 1,971 businesses; there are about 208 pending businesses that would equate to another \$1.976 million; and he believes that beyond the money currently allocated, the Board would need to allocate another \$1.976 million to be able to fund the small businesses that have applied through December 18 cutoff for the program. He stated that is for the small businesses up to \$10,000 which he would ask the Board to do, if it so chooses, and it would be taken from available CARES Act funding and put into the Small Business Program; he believes Commissioner Smith would like to go beyond that by allocating \$2.5 million to the Small Business Fund; Commissioner Smith requested businesses that had already qualified for the Board approved Program, apply by December 18, 2020, if they wanted to be considered for additional funding; and there are 160 businesses that have contacted the County and indicated they wanted to be included in the additional Countywide Program.

Chair Pritchett asked Commissioner Smith if he wanted to put \$2.5 million into the Small Business Program; and Commissioner Lober is putting \$1.25 into the Small Business Program; and she stated she thinks they have a list.

Commissioner Smith replied yes; he advised he just does not have the exact amounts because there is now time after January 1 to do that; he received the list of the 160 businesses and staff will go through them individually; he decided on a formula for how to come up with a percentage to give rather than giving a lump sum to each of the businesses; because some of the businesses lost \$1 million or more and others lost \$30,000 or \$40,000; and in his mind it is not fair to give every business \$10,000 because it is helpful, but it is more helpful that a percentage is used so that businesses that lost more will get more.

Chair Pritchett stated she thinks Commissioner Lober is doing the same thing, using a boundary; and she reminded the Board that this is for COVID-19 related losses and low-risk guidelines.

Commissioner Lober stated the low-risk has already been addressed; a lot of the Small Business Program has never been evaluated by Tetra Tech, it has always been done by staff, so it was address in prior motions; if it is coming out of CARES Act funds, it goes through Tetra tech, but if it is post-CARES Act funds, namely payroll reimbursement, it does not have to go through the process; and he wants to be clear to make sure the Board is all on the same page. He stated to Commissioner Smith he thinks he can make it easier; and he asked Chair Pritchett for some leeway, as he thinks he can get this worked out.

Chair Pritchett replied okay.

Commissioner Lober asked Commissioner Smith if he wanted \$1.5 million for Health First, \$500,000 for the zoo, and \$500,000 for United States Specialty Sports Association, Inc. (USSSA), and \$2.5 million for the Small Business Program.

Commissioner Smith replied correct.

Commissioner Lober stated he or Commissioner Smith could make a motion and the other second it, assuming there is at least one more on board, and go with his motion as put on the Agenda, but pretend there is a second spreadsheet, specifically for District 4 purposes, and under the initial allocation and the maximum authorized, it will specify the same number; so for Health First, it will be initial allocation of \$1.5 million, max authorized \$1.5 million, for Brevard Zoo it will be initial allocation of \$500,000, max authorized \$500,000, for USSSA it will be initial allocation of \$500,000, max authorized \$500,000, and then Small Business Program will be initial allocation of \$2.5 million, max authorized \$2.5 million; and with that, in his understanding, the Clerk will not have an issue.

Commissioner Zonka interjected that she cannot vote on anything with Health First; she wanted that very clear, as she knows Commissioner Lober is trying to set up the vote to include that; she cannot vote on it if that is the case, no matter who makes the motion; she wanted the Board to be aware of that; and she will have to abstain even if it is the entire thing, for that one reason alone.

Scott Ellis, Brevard County Clerk of the Court, mentioned it could be broken up, which would work out pretty easy; he is not sure about what Commissioner Smith means when he talks about "we"; and he asked who is the "we" that is vetting the small businesses.

Mr. Abbate replied it is the County staff that is vetting it; staff needs to get from Commissioner Smith what the percentage allocation or how he would move forward on that since he has indicated it would not be a maximum of \$10,000 and wants to do it on a percentage basis, based on what it is that staff determines on what was submitted, was the eligible amount; and

the applications would be from the applications that were previously submitted under the Board approved Small Business Program that covered the period of March through June 2020, which is the timeframe of the expenses that were submitted and the County accepted information for.

Commissioner Smith stated basically he depended on staff; and he asked the business community to reach out to the County Manager's Office and they provided all the information that the County Manager's Office required and, from that, there were approximately 160 businesses that fit those qualifications.

Mr. Ellis remarked that the \$2.5 million will move from the District 4 pot to the Small Business pot.

Mr. Abbate replied yes, but it still has to address the \$1.9 million for the original ask; and he will ask the Board to do that after.

Mr. Ellis reiterated that the \$2.5 will be brought over to Small Business and then the Board will vote again on the new parameters, because the current parameters are \$10,000 limit; he understands what it wishes to do; but then the Board will vote to change the parameters.

Mr. Abbate remarked Commissioner Smith would give the parameters and it can be brought back, if he is good with it; and that would set the parameters that would be Board approved.

Chair Pritchett asked Commissioner Smith if he had an "up to" amount so it can do an "up to" amount and know it has to be within that range.

Mr. Ellis stated right now, that money goes from this pot to that pot, and that pot has certain rules on how it is to be spent; then the Board would vote to change those rules because it wishes to go above the \$10,000 and the businesses and the staff need to know what the new formula would be; and he stated he understands it could be an "up to" amount, it could be a percent of loss, or a stop loss up to a certain point; and it is up to the staff to go through, because they will probably have more money requested than is left available.

Chair Pritchett asked Commissioner Smith if he could just bring in the new parameters.

Commissioner Smith replied that was his intent, because he did not want someone that lost \$5 million to know they got the same amount as somebody with a loss of \$12,000; and he wants to put some kind of percentage so it is more fairly done.

Mr. Ellis remarked he understood what he wants to do; a percent and a max.

Commissioner Smith stated he does not have that yet.

Mr. Ellis stated that is okay, but staff will need that; and when it is decided, because that money is going into that program with those rules, and the Board will change the rules for the program so staff has direction on how to give it out; it will come back as a vote as to how to change the rules; and when that is done, then these businesses do not need to come back to the Board again because it is the same way the program has been running all year.

Chair Pritchett stated that should be pretty easy for us.

Mr. Ellis replied it should be.

Commissioner Smith stated he saw Eden Bentley, County Attorney, shaking her head and asked her what that was in reference to.

Attorney Bentley replied she had a discussion on the phone earlier and there was concern about the programs having parameters; she wanted to make sure that the list that he is talking about, attached to District 2, has programs and specific items; and she asked if he is intending to cut checks for the programs as they are described on this list.

Mr. Ellis replied those are going specifically to those entities and being voted on as going to those specific entities, just like the money that went to the zoo, and the Society for Prevention to Cruelty to Animals (SPCA), it is a specific vote by the Board on each one of those items; but with Commissioner Smith's money, it will not be a specific vote on each business, but go to staff to delegate once there are new rules.

Attorney Bentley asked if it is a program on the list, if he is okay with that right now.

Mr. Ellis replied yes, because there is a specific vote of the Board for each of those items; Board members may agree or disagree; but when it is voted on, it is valid.

Commissioner Tobia stated he is getting to the same place as Attorney Bentley was; on Commissioner Lober's one, there is reimbursement for tuition for firefighters or something of that nature; there are no parameters for which that is done; if the Board were to go ahead and vote for the motion as written, it would be delegating the authority as a program, not yet created; he asked if the Clerk would be okay with allowing a Commissioner to come up with any criteria they may want; what Commissioner Smith was saying was a little different, as he was using the current parameters and asking for a single change from the \$10,000 to a percentage; to his understanding, that would come back to the Board; and he would support that, as it is his money, but the way that motion is written, it would not come back to the Board.

Mr. Ellis replied actually, the shoe is on the other foot; the Board is going to vote on it, he does not get a vote; he stated at the Clerk's Office, he does tuition reimbursement for employees, and this is like the tuition reimbursement plan; and if Commissioner Tobia votes for it, he will understand, and there is no end date.

Commissioner Tobia stated Mr. Ellis is the one cutting the check, so if the Board votes for the motion as-is, it would be giving authority to a single Commissioner to come up with whatever rubric for handing out the money.

Mr. Ellis replied no; and he stated once the Board votes on that program, it heads over to staff to handle that program.

Commissioner Zonka remarked to manage the parameters.

Mr. Ellis replied yes; it is no different than tuition reimbursement for employees, which he is sure the County does; and it has parameters.

Commissioner Tobia stated he did not disagree; Commissioner Lober's motion was quite long and full of legalese which is why he changed his; and he asked Commissioner Lober if that is the way he envisioned it, that if the Board were to vote for his motion, everything that would require a rubric to be set up, as many of them were, would he be okay with the County Manager setting it up.

Commissioner Lober responded the point of contention that was the last sticking point in discussion with the Clerk, and his understanding from the meeting last night, is that he does not need line item specificity on every recipient; he thinks that Mr. Ellis is concerned in what differentiates, at least in his position, what he is doing with the Small Business Assistance Program, or with the Tuition Reimbursement Program, from what Commissioner Smith may be

doing with his Small Business Program; what he is doing is setting classes and categories where he is not individually hand-picking within that; if he said everyone in the geographic area, or every restaurant, for instance, would have up to another \$3,000 available, as long as it falls within the amount allocated, it is okay to do that; but not if he said this one gets \$10,000 and this one gets \$30,000, as that is how he took it.

Commissioner Tobia asked Mr. Ellis, since he signs the checks, if he would be okay with...

Mr. Ellis interjected and stated right now, the Board does not even know who has applied for firefighter reimbursement, or can tell which employees are going to apply for tuition reimbursement.

Commissioner Tobia stated Ms. Sadoff stated she was okay with it the way it is now, and Commissioner Lober is saying something completely different.

Attorney Bentley stated she thinks there may be some confusion; there are some existing programs with parameters, but she thinks there are proposed new programs that may not have the clear parameters that he is looking for; and she thinks that is the difference in the conversation.

Mr. Ellis remarked that, surely, the County would put the parameters on that.

Attorney Bentley stated if he would cut the checks with the staff creating the parameters, or the individual Commissioners establishing the parameters; and that is what she is trying to clarify.

Mr. Ellis stated the Commissioners cannot set the parameters, staff would set the parameters; and he stated nothing personal, but all Commissioners come and go.

Mr. Abbate shared an example by saying for instance, for the Tuition Reimbursement Program, the Countywide program that the County administers, the parameters of that Program are approved by the Board, meaning the specific amount over what period of time; if he is understanding it correctly, and he believes the way Commissioner Lober is suggesting, is that he would tell staff what he wants those parameters to be and then staff would just implement it to the applicants; the staff would not be setting the parameters, the Commissioner would be; and he asked Commissioner Lober if that was correct.

Commissioner Lober replied that is his understanding; and he is just not involved in the actual vetting process.

Mr. Ellis stated he did not understand why staff would not set the parameters for that; and it was nothing personal but they deal with the Fire Department every day.

Mr. Abbate stated it would be brought back to the Board for approval by staff, normally.

Mr. Ellis stated as a Board, when a Fire Fighter is hired, the County could offer reimbursement for what is spent on fire school; he does not know that the County does that, but it could; if it did, it could have a limit up-to; there has to be some kind of parameter set; he just does not know how the Commissioners could set the final parameter; and he could not set a final parameter, as he does not know what all the different fire schools cost.

Commissioner Lober replied with staff input.

Ms. Sadoff stated she believed that was what was discussed; and she stated it was discussed that it would be given to staff and then brought back to the Board after decisions were made.

Commissioner Lober replied not after this.

Commissioner Tobia asked where that is located in the motion that the Clerk stated they would be okay with; and he stated it is not in the motion.

Mr. Ellis stated it is better off to come back to the Board, because when people apply for it, they need to know what the parameters are.

Chair Pritchett interjected and stated she thinks she could make this easy, as there are only three items here that are not laid out; and she asked Commissioner Lober if he was doing the same as Commissioner Smith for the Small Business Program.

Commissioner Lober replied no, he was not doing what Commissioner Smith is doing; and he is not getting involved in differentiating from one business to another.

Chair Pritchett asked him what he was doing.

Commissioner Lober replied what he is planning on doing is either limiting it geographically, or by business type, and then raising the cap from \$10,000 to something above that.

Chair Pritchett stated when he is ready for that, to just bring it up and the Board will okay it.

Commissioner Lober replied he did not see the need to do that; his understanding is that the motion, as it was printed before, was sufficiently specific; that is what they have spent hours discussing the past week; but now he is hearing otherwise.

Chair Pritchett stated it will pass, but Mr. Ellis...

Mr. Ellis interjected and asked Commissioner Lober if he was using \$1.25 million for small businesses.

Commissioner Lober replied yes.

Mr. Ellis mentioned it would not identify individual businesses in his motion.

Commissioner Lober replied no.

Mr. Ellis mentioned it is not going into the pot with the County.

Commissioner Lober replied correct.

Mr. Ellis asked where it is going to go.

Commissioner Lober replied in a sense, it does go into the pot with the County because the County's existing pot determines who has already been reimbursed up to that \$10,000, so in a sense yes, in a sense, no; over and above that, if he says these particular industries have been hard hit, and may need more than \$10,000, keep the exact same parameters to the degree that it is feasible with what has been in place, he would say, okay, there is enough money to take these 200 or 400 businesses, and increase them beyond the \$10,000, presuming they have qualified expenses exceeding that; and go ahead and programmatically do that with every one that fits the criteria.

Mr. Ellis explained if he had one pot of money with one set of rules, and another pot of money with a second set of rules, the Board will vote on each set of rules for each pot of money.

Multiple disagreements heard.

Chair Pritchett stated the Board could just do that; she will approve it; she told Commissioner Lober to get the parameters and throw them in.

Commissioner Lober stated he would vote no on his own motion if that is the way it has to go.

Chair Pritchett remarked it would take care of everything and get the money where he wants it to go.

Ms. Sadoff stated she thinks the question is how would staff know, and this would provide the staff to know where the money would go; and she thinks it is a better streamline, and that would provide that; and there would not be any questions.

Commissioner Lober stated this is what they spent hours discussing that he would not need line item specificity, and now it appear that he does need line item specificity.

Mr. Ellis remarked that is not correct.

Ms. Sadoff agreed.

Mr. Ellis stated he needs a rule for spending that money that is approved by the Board.

Chair Pritchett stated everything that is COVID-19 related that is reimbursable for small businesses; and that could be the rule for that.

Commissioner Lober stated this is making it even tougher.

Mr. Ellis stated County staff has to handle that; staff is going to process those applications; and they need to know what the rules are to process those applications.

Commissioner Lober remarked that staff would be working with the Board to do that.

Mr. Ellis replied the staff is not supposed to be doing that, they are supposed to be processing that with the rules set by the Board; if staff is working with the individual Commissioners, then they are right back where it started from; he stated to Commissioner Lober if he wanted a different pot of money with a different set of rules and the Board approves it, fine; he stated Commissioner Smith has a different pot of money with a different set of rules and the Board approves it, fine; then staff takes over from that point, processes the applications, just like they have all year long with all the other money; but now it does not have the \$10,000 limit.

Chair Pritchett asked Commissioner Lober if he had an idea already of what the parameters are going to be for that.

Commissioner Lober replied yes, but he thinks he has flexed more than he wanted to on this; he stated to Ms. Sadoff she will be in office on January 1, 2021, and he is not trying to put a wedge between her and Mr. Ellis, but he thought they were in a good place with this and apparently they are not; either the Clerk is going to cut the checks or they are not; and at this point, he is not going to support bringing it back yet again.

Chair Pritchett asked Commissioner Lober if he would just tell the Board what his parameters will be.

Commissioner Lober stated he thinks that is allowing the tail to wag the dog in this case; he does not think any of this is necessary; the fact is, he did this to try to preserve the relationship with the Clerk's Office and avoid litigation; now it is do everything the Clerk says or choke on it; and he stated fine, they will see him in court, as Mr. Ellis has said to the Board.

Mr. Ellis responded he never said the Board could do it that way.

Commissioner Tobia stated he thinks there is a middle ground on this; he is looking out for a couple of things; he does not know who's interpretation is correct but there is a way around this so it does not have to be found out; he appreciates the way Commissioner Lober is trying to get Commissioner Smith on-board with this, but if the Board would look at his motion, he thinks it solves it, because there is an additional layer to remember, which is staff time that goes into any of this; and it is extremely important some sort of deadline is created on this. He advised he thinks his motion for any Commissioner to bring back whatever criteria they want, is closer to what Ms. Sadoff was stating; he mentioned to Commissioner Smith he did not agree, as he voted the opposite way, but the Board thought it was correct for each Commissioner to spend \$5 million, and he respects the decision of the Board; however he wants to distribute the money, he will have his absolute support, with the exception of Health First because he has an ethics opinion that allows him to abstain from that; what is important, and what Ms. Sadoff was getting to, is that his criteria for the \$2.5 million is different from the pre-existing one because he wants to go over the \$10,000; and that is fine, bring it back to the Board, he does not care what it is. He stated if Commissioner Smith thinks it is fair, he will support it, and the same goes for Commissioner Lober; the Board puts staff in a horrible position when a Commissioner, singularly, goes and asks for the money to be spent in a certain way; he thinks that is what the Clerk's Office is looking for; he is unilaterally saying he disagrees but he gives his support at 100 percent; the only thing he asks on top of that is an ask for staff, by putting deadlines on the money; it is not a pot of money that should be held for months and months; and he is not saying it would hold this to an election but, theoretically, it could hold this to a time right before election. He added that is why as soon as he was given the \$5 million, he got rid of that hot potato really quickly; he did not like the implications, but he does respect those that voted; his motion would ask the parameters be brought back to the Board for January 12, 2021, the next meeting, and then give 30 days, and he is willing to go up to 60 days, to disperse that money; it would be out of the Board's hands, everything done in the public, and each of the parameters are not up to staff, but up to the Board; and he mentioned to Commissioner Smith he would vote for whatever parameters he puts on the Small Business Program, and the same for Commissioner Lober. He stated he did not care if there are geographic parameters, as long as they are legal, he will have his support; for staff's sake, there just has to be a deadline on these funds; if the Board would go through his motion, it contemplates that and asks to be brought back for the Board on January 12, 2021, and all expenses to be reimbursed or incurred by February 15, 2021; he hopes to get the Board's support on that; he stated he is willing to vote for items that do not require parameters to be set up, today, to take the pressure off of staff; and he just wants it to be done in the sunshine. He thinks his motion solves most of the stuff and certainly keeps the Board out of this potential litigation, which would cost countless dollars that the County does not have the ability to spend at this juncture; and he asks for the Board's support of his motion.

Commissioner Lober asked Ms. Sadoff for a better understanding of where she is at, because the request for checks will be when she is in office, not Mr. Ellis; and he asked if she was

satisfied with the level of specificity when the motions states other feeding, housing, or non-profit, or does she expect that to come back to the Board.

Ms. Sadoff asked if it is going in today's motion.

Commissioner Lober replied it is in today's motion.

Ms. Sadoff inquired whether County staff would have his criteria, because she does not know what that is, and whatever the allocation would be, and then staff would tell the Clerk's Office what needs to go and what checks to cut.

Commissioner Lober replied staff has to work with the Board to figure out the criteria; and that is why he put that in here to obviate having to come back here, otherwise there is no reason to put it in there at all.

Mr. Ellis asked who is "us".

Ms. Sadoff stated she thinks they thought when the word "us" was used, it referred to the Board; she stated maybe she is wrong because County staff will talk to our staff and then we will know what checks to cut; she understood it to be like John Doe will receive \$1, Jane Doe will receive \$3, and the Clerk's office will cut those checks; and that is how she understood it.

Commissioner Lober stated he is not understanding and he apologized; he needs clarity because it will change what the motion is, very substantially; where he has in the last row on the spreadsheet, prior to the totaling, other feeding, housing, or unemployment non-profit, if this is approved today, with that being authorized up to \$395,000, and Mr. Abbate or Jill Hayes, Budget Office Director, reaches out to Finance to say they need \$40,000 to the food pantry and \$80,000 to the food bank, he asked if they would cut the check.

Mr. Ellis replied staff would vet the applications.

Commissioner Lober stated he is asking Ms. Sadoff because she will be the one cutting the checks.

Mr. Ellis state she is not the Clerk yet.

Commissioner Lober stated she will be when the request comes through.

Mr. Ellis stated they are not there yet and that has been a part of the problem here for two months; he has told him multiple times how this can be done; and if Commissioner Lober wants to pick specific businesses himself, the Board must vote on those specific businesses.

Commissioner Lober stated that is his opinion.

Mr. Ellis stated he is an engineer, not a lawyer, so he does not have five opinions on one plus one equals two; if Commissioner Lober wants to identify specific businesses, the Board must vote; if he goes with the same type of parameter, here is \$400,000 for housing, food, whatever, that \$400,000 goes into a pot and the staff takes the applications for that and they vet those applications, just like it has been done with the \$10,000 per business cap; once the Board voted on that, staff ran with those applications; and that is the way it should work.

Commissioner Lober asked when he states other County facility acrylic barriers, would it need to specify which facilities; and he does not understand where the arbitrary line is being drawn.

Mr. Ellis stated he understands because Commissioner Lober wants to make it as complex as possible.

Commissioner Lober stated the question is actually for Ms. Sadoff since the request will be submitted under her administration.

Ms. Sadoff interjected she thinks Shannon Wilson, Assistant County Attorney, is trying to say something.

Attorney Wilson stated if staff is dealing with feeding, housing, et cetera, and there is an up-to amount, set by the Board, of \$400,000, and asked does the Clerk still want a formula for staff to apply that \$400,000.

Ms. Sadoff both replied no, staff decides that.

Mr. Ellis reiterated a Commissioner cannot pick individual businesses without a Board vote for the individual businesses; and it can use CARES Act money for facilities all it wants, as CARES Act funds have been extended for another year.

Commissioner Lober inquired if as long as they are not selecting individual businesses, he is okay with it; and he thought that is where he thought they were at first.

Chair Pritchett stated it is the individual businesses that is giving him the hitch.

Mr. Ellis replied yes, because otherwise, if she went to District 1, she could pick her favorite 16.

Ms. Sadoff stated she did not think that was what Commissioner Lober was doing; she thought the businesses would apply; and that is the conversation they had.

Attorney Bentley stated those parameters that Ms. Sadoff and Mr. Ellis are describing are not in some of the programs that are listed here; and there are overall amounts, but not a procedure set out for staff to administer that.

Commissioner Lober asked Ms. Sadoff if she was okay with that, because he thought this was sufficiently specific but also broad enough to have some flexibility without having to come back to the Board continually.

Mr. Ellis stated the Board has given money to food banks all year; and it does not come back each time it does that and vote because there is a specific amount of money it decided on.

Ms. Sadoff stated that is what she understood Commissioner Lober was going to do, is allocate a certain amount up to, and that would be voted on.

Mr. Ellis stated the food banks will not end on January 1, 2021, because the Coronavirus has not gone away, so the Board will keep allocating money for the food banks; and it already has the criteria to hand that out.

Commissioner Lober asked if he did not mind if the Board has staff technically making the call here, since Commissioner Smith and him are the ones putting forth the items; he asked if he had an issue them speaking with staff and telling them what the priorities are, within the confines of what the motion lays out; and he stated he is trying to work with him.

Ms. Sadoff stated she thought that was what the Board is doing, because how would staff know; he is setting the parameters and if the parameter is not being met, staff would tell him so; and she asked if that was correct.

Commissioner Lober replied he thinks so; his motion is different than Commissioner Smith's motion; and he is happy to work with him to figure a way to approve it.

Chair Pritchett stated she wanted to take a break to digest some of this; and she asked if he would consider this other motion.

Commissioner Lober stated he looked at it and thinks there are problems with it.

Commissioner Zonka stated she thinks where it is getting gray is the clarity on parameters; she thinks Commissioner Lober wants to be able to create whatever program he wants as long as the County staff administers it; but if he creates a program that states every business that begins with B gets \$10,000, she asked if that would need to come back to the Board, because he does not want to bring the parameters back to the Board; and she thinks that is the confusion.

Mr. Ellis stated if there are new parameters, the Board needs to vote on them.

Commissioner Zonka stated if they are new parameters, they need to be voted on; and if they are modified from what the County has existing in place...

Mr. Ellis interjected the Board has been giving money to food banks all year, so there must be some pattern to doing that.

Commissioner Zonka stated she thinks what he is saying is, if there is not a program in place, that the County is not already administering, he wants Commissioner Lober to bring back his parameters if it is different from what is in place.

Mr. Ellis stated if it is specific, that is fine, because the Board will vote on something specific.

Commissioner Zonka remarked this is why the Board should not be doing this; and this is why it should not be creating 18 new programs and hand-picking people to get money.

Mr. Ellis stated he understands the whole thing, but that ship sailed months ago.

Commissioner Zonka stated she gets it; she does not believe a Commissioner should spend money however they feel like, just because they got a slush fund; and she does not agree with that.

Mr. Ellis stated if the Board votes on it, then it is legal.

Commissioner Zonka remarked obviously, for very clear reasons, not just what is occurring today, but what occurred over the last several weeks.

Mr. Ellis replied he understood.

Commissioner Zonka stated she did not this is what the intent was for these funds and she thinks they are going down a rat hole; she mentioned Commissioner Tobia put this on the Agenda and Attorney Bentley will verify, she was having her work on pretty much the same thing but she could not tell her; she had almost the same exact thing that Commissioner Tobia put on the Agenda, so she is where he is; and she thinks this is a train wreck. She added the

motion has independent pharmacy vaccine freezers, for example, and there is not a program in place to vet that; it is a known fact that CVS, Walgreens, and Hospitals are the only authorized facilities to either administer or get the vaccines out, so she does know what that means; she does not want the County staff to try to decide if someone qualifies, because she cannot imagine what a nightmare that would be for County staff; just the Small Business Program alone, she asked what the staff was and she was told 50 employees in six months; that is what it cost the County; and she does not want to see that ate up in administrative costs. She asked Mr. Abbate if this was an ideal way of handling the CARES Act money; and she stated she would not ask him to answer that, but asked if it would be clearer for staff if the Board has specific things brought back to the Board and instructions were clearer, so they knew how to administer the funds.

Mr. Abbate replied staff tries to obtain parameters for anything they are doing; he stated staff would bring it back to the Board, just like has been done with the issues on the food banks, et cetera; and staff came back to the Board on each of those items to get the Board approval.

Commissioner Zonka stated as the motion sits, that would not happen, as this motion sort-of bypasses that.

Mr. Abbate remarked that is why he wants to make sure he was consistent with what Commissioner Lober was asking for, because under his motion, they would not do that, staff would just go to Commissioner Lober for that.

Mr. Ellis stated there is a solution to cut the Gordian knot, as CARES Act funding is extended a year; and all this money could be swept back into the CARES Act funds.

Commissioner Zonka stated that is what Commissioner Tobia was looking to do and, sort of, where she was headed; she is okay with Commissioner Smith's motion because it is very clear; but obviously she cannot vote on one of them.

Ian Golden, Housing and Human Services Director, stated he wanted to clarify that the County has never given money directly to the food bank; the programs brought back to the Board were a contract for it to buy food directly and provide it to the food banks for distribution; there was actually a contract that was approved by the Board for that; there was also approval of a contract for the Children's Hunger Project for the weekend meals; and when it brought the idea for the farmers market to the Board, it approved that process. He added with the Rent Mortgage Security Utility Deposit Program, staff brought a policy for the Board's approval; and all that the County has done has been brought back for the Board's approval.

Mr. Ellis remarked that all those policies are in place.

Mr. Golden replied correct.

Mr. Ellis stated all this is not going away tomorrow, meaning the Coronavirus.

Mr. Golden replied correct; and he thinks that is why the funds were extended for a year.

Mr. Ellis responded yes, which means all the programs can be extended further up to a year.

Mr. Golden replied if the dollars are there; the County expended all the dollars under the programs, but the new stimulus approved includes another \$25 billion for rental assistance; and there are additional dollars that are coming down for those type of programs.

Mr. Ellis replied right; and he stated this \$400,000 going to Mr. Golden's office would then be distributed per the current programs.

Mr. Golden responded if that is the Board's direction.

Chair Pritchett stated to Commissioner Lober that the Board is trying to get \$5 million in an area he wants to spend it; she supports what he has picked out, but he needs three votes; she thinks that it should approve his list and Commissioner Smith's list and she does not think it will take that much effort to take a few of them and figure out what parameters he wants, because there has to be consistency in government when handing out money; he would then come back with that because her motion says the Board approves both lists; and this would make the Clerk's Office very comfortable. She added then she would approve his parameters when he comes back with it, because she thinks that will help as far as sunshine; she knows he already has those parameters done, as he is a smart guy; he just needs to do a little more work by January 12, 2021, and come back with the parameters; and the Board will put it through and the Clerk will know how to distribute the funds.

Commissioner Lober stated he would like to make a motion; the first part of the motion, seeing as the Clerk's Office has retained Carter Anderson, from Tampa, for \$320 an hour to put together the 13-page legal opinion on delegation, he would like to have staff authorize to retain counsel for up to \$200 per hour to put together an opinion of the legality of the delegation; he would like to set a cap on that at \$10,000 without having to come back to the Board; staff can determine which attorney it is they are comfortable using; he has already spoken to Mr. Abbate and Attorney Bentley; and that is his motion at the moment.

Chair Pritchett Called the Question and a second was not made; she asked Commissioner Lober if he would like to come back to that in a few minutes; she wants to stay on track; and she would really love for him and Commissioner Smith to just get their lists approved so they could do what they felt needed to be done in their Districts.

Commissioner Lober remarked he did not know what that is, as he did not know what the Clerk would cut checks on.

Chair Pritchett stated on his list, all he had to do was the ones that do not have parameters by January 12, 2021; and he needs to add the parameters similar to Commissioner Smith's list.

Commissioner Lober responded he did not know which ones the Clerk does not think are sufficiently specific.

Chair Pritchett stated by the next meeting to get it done and she gives him her word that she will approve it; she thinks it will make everyone comfortable; she stated if they went to court, win or lose, it still costs so much staff time, and would cost so much money; and it is this easy to do, knowing he already has the votes.

Commissioner Lober stated he understands that but there is a different problem; the problem is the issue of delegation is going to be an indefinite issue; and right now, there is the Clerk's \$320 per hour, 13-page opinion, out of Tampa.

Chair Pritchett stated right now he could do this and be done with it and could have the end result.

Commissioner Lober remarked if the Clerk could say which items are not sufficiently specific, he may be able to do that; but he does not have any clear direction from them.

Mr. Ellis asked how many attorneys the County had on staff.

Commissioner Lober replied plenty.

Mr. Ellis stated the Clerk has one, not plenty; and this delegation issue has not come up in the last 30 years.

Commissioner Lober asked Mr. Ellis which items he was concerned were not sufficiently specific.

Chair Pritchett remarked small business.

Commissioner Lober asked what else, as he did not want to prove something and find out it is not enough.

Mr. Ellis stated since it is changing the parameters for small business, he needs what Commissioner Smith wants changed and what Commissioner Lober wants changed; and Mr. Golden has what he needs for the food, so put the \$400,000 more in there to keep it going for a few more months.

Commissioner Lober asked if the only one on his list, that the Clerk may or may not cut checks for, the Small Business Program.

Mr. Ellis stated it just needs the parameter and staff needs to vet it.

Commissioner Lober asked if that was a yes.

Mr. Ellis stated he would be very specific; it needs a parameter, staff needs to vet it, and District 2 does not need to vet those expenses.

Commissioner Lober asked if that was the only item or are there other items on the list not specific enough.

Mr. Ellis stated he liked to argue, but...

Commissioner Lober stated he is just asking a question; and asked are they okay or not.

Mr. Ellis stated everything here is listed; and staff will figure what they are going to do for the firefighter tuition.

Commissioner Lober remarked that is a yes; and that is the only item Mr. Ellis has a concern about.

Mr. Ellis stated that has not been seen yet; and somebody has to know how much the limit is going to be.

Commissioner Tobia stated it is going around in circles, and on top of that, if staff vets it, staff is going to bring it back; honestly, on a program above \$100,000, they are going to bring it back to the Board as they have with every other project; he just wants it to be clear, it will come back here; he does not want any pressure from a particular Commissioner on staff that it does not have to come back; and it has to set some parameters. He added it has no tuition reimbursement when it comes to leadership training for fire rescue; there is not a pre-existing one for vaccine incentives, so that would have to come back; lots of these would need new parameters; he has pretty-much unilaterally said if it has parameters he would not be opposed;

and he stated the only problem he has is that Chair Pritchett's sends a date to bring that back, but it does not set a date, from his perspective, that it needs to be incurred by. He stated also, probably just an oversight, the Commission Office retains the rights and thus can change the allocations at a later date; he would like to see them locked-in at a certain point so the Board does not have to go through this exercise over and over again; his motion says bring it back by January 12, 2021, the Board will vote, and spends it within 30 days and he is willing to do 60 days if it takes longer; but the Board needs to get through this at some point.

Chair Pritchett stated she did not mind putting a time limit as well, as she thinks 30 days is very short.

Commissioner Tobia asked if she wanted to say 60 days.

Chair Pritchett replied maybe even 90 days.

Commissioner Tobia stated he would buy 90 days.

Commissioner Smith stated he thinks the Board has all said what it wants to say; it is bouncing around the same issue; and he asked Commissioner Lober if he had made a motion.

Commissioner Lober stated he will move to approve J.5.; he wanted to make sure that if Mr. Ellis needs specificity, it is given to him, and he not change his mind in the parking lot that it is not sufficient enough; and he invited him to say which program he does not think is sufficient enough, to say it now and he will give the specificity.

Chair Pritchett asked if a five-minute break was needed.

Mr. Ellis replied no; he stated he had an employee luncheon that started at 12:00; and he has already said to bring the parameters back for staff to make the decision.

Commissioner Lober asked for which program.

Chair Pritchett replied small business.

Commissioner Lober stated small business, take every business that qualifies in District 2...

Mr. Ellis exclaimed to Commissioner Lober that he was used to dealing with engineers who do the math and get an answer; he is not used to dealing with a bunch of damn lawyers that want to sit here and just argue; and he keeps asking the same question over and over and over again.

Commissioner Lober stated because of not answering his question.

Mr. Ellis stated he has said it several times; the Board sets the parameter; Commissioner Smith has a parameter on what he wants to spend, and Commissioner Lober has his parameters; bring it back to the Board; the Board votes yes; and that money goes into that pot with those parameters.

Commissioner Lober stated the only one determining the sufficiency of parameters for purpose of cutting the check, is the Clerk's Office; and the Board is satisfied with the parameters.

Chair Pritchett stated she is going to have a time out and give Commissioner Smith an opportunity, or take a break here.

Commissioner Smith stated he just wanted to move this forward; and if Commissioner Lober makes a motion, he gets a second or he does not.

Commissioner Lober remarked he did not know if there is a point doing it if the Clerk is not going to cut the checks; and that is the problem.

Chair Pritchett stated to Commissioner Lober she thinks if the Board goes ahead and does this one, and makes Commissioner Tobia happy with a timeline on it.

Commissioner Lober stated he is not going to support anything at this point; but he thinks it can get to a point if Ms. Sadoff or Mr. Ellis will tell the Board which ones they are concerned about.

Chair Pritchett stated if the Board does not get something today...

Mr. Ellis exclaimed he told Commissioner Lober multiple times, and he does not like the answer; and it is like a small child that does not like the answer so they do not hear it.

The Board recessed at 3:25 p.m. and reconvened at 3:33 p.m.

Ms. Sadoff stated she is going to ask Tyler Winik, Clerk's Administration, to speak since he has the iPad.

Commissioner Lober stated he thinks it is figured out, God willing.

Ms. Sadoff stated she thinks; she would like to step out and talk to Clerk Ellis; and she introduced Tyler Winik who has the iPad with him; and she thinks they have the parameters worked out.

Mr. Winik stated the items that he thinks are not a problem in the District 2 list are the Children's Hunger Project, Ready for Life, Public Defender, County staff reimbursement for tangible goods, and other County Facility acrylic barriers are all good; that would be the County reimbursing itself for whatever they have and he does not think those need specific parameters; and the ones that they are asking for parameters on would be small business assist grant, fire rescue incentives, vaccine incentives, other feeding/housing, indigent burial, and the independent vaccine pharmacy freezers.

Chair Pritchett asked Commissioner Lober to go ahead and describe his parameters on those items.

Commissioner Lober stated he thinks these are sufficiently specific enough, to his understanding; the small business grant would be limited to businesses in District 2 that have already achieved the \$10,000 reimbursement of qualifying expenses, that have qualifying expenses exceeding \$10,000; for those businesses, he would take that delta of already vetted, since the work has already been done anyway, qualifying expenses, and it will be divided out by a number between the initial allocation and the maximum authorized, and cut all of them checks, up to the lower of either their qualifying expenses exceeding \$10,000, to cover the difference, or up to the amount that the result of that equation provides; for Fire/Rescue, he thinks the concern is that the staff does it on their own, everything is good; and he is fine with staff making the decisions organizationally between Mr. Abbate, Matt Wallace, Public Safety Office Director, and Fire Chief Mark Schollmeyer, Fire Rescue. He added for the vaccine incentive, the basic crux of it is, until the County achieves some progress, and he will let staff define what that is, in terms of getting through some of the priority groups, if the Firefighters and First Responders covered by this, as discussed in prior meetings, so it would be any Fire

Rescue, First Responder, Countywide, that is in a City with which the County has an Auto-Aid Agreement, it would also include all of the volunteer Fire Departments, any of these folks, as well as all of the Brevard County Fire Rescue first responders, including Ocean Rescue, Emergency Medical Technician (EMT), Paramedic, and regular Firefighter, if they receive one dose of a two-dose series of the COVID-19 vaccine, they get \$75 per dose, irrespective of insurance coverage, and when they get the second dose, they get another \$75. He went on to say if it gets to a point in the future where progress has still not been made through those priority groups, and he leaves that to staff to determine the cut-off, they would get \$100 for a single administration of the vaccine, period; and if they have gotten the 2-dose series and they want to get the one-dose as well from a different manufacturer, that is it, they will go one way or the other, and do not get to mix and match; it is a maximum of \$150 or \$100, depending on which way they go. He mentioned the indigent burial and asked Mr. Golden if it was \$5,500 or \$5,800.

Mr. Golden replied it was \$5,500 up to \$8,250 for Veterans.

Commissioner Lober stated he thinks it was a 50 percent delta for the Veterans, so \$5,500 for individuals, where COVID-19 or Coronavirus is listed anywhere on the death certificate, Countywide, as a contributing cause, a primary cause, or secondary cause; he stated \$5,500 per burial nothing with cremations, and then if it is a Veteran, they get to qualify for an additional 50 percent; and that will be used until the program runs out of funding. He added for vaccine freezers, Maria Stahl, Department of Health, had stated her office maintains a list of the independent pharmacies that apply through Florida Shots to provide the vaccine, and they will not have the Pfizer vaccine any time soon, but they plan to have the Moderna and other subsequent ones; a lot of the pharmacies are applying and must indicated they have or are willing to purchase a vaccine freezer; he is not looking to cover the cost of an ultra-cold freezer, those are \$7,000 or \$8,000, but the regular vaccine freezers are around \$1,800; any local independent pharmacy, Countywide, not a CVS, Walgreens, Publix, et cetera, that is on Ms. Stahl's list of approximately two dozen local pharmacies that will be eligible to spend up to \$2,000 on a freezer and would be reimbursed in full, and would be responsible for any overage; and if they want to purchase an ultra-cold freezer, the County would cover \$2,000. He stated for other feeding, housing, and employment non-profit, would be limited to \$50,000 each; he is including any non-profit or not-for-profit that does work feeding, housing, or employment, and will not be required to be a 501(c)3; and he asked Mr. Winik if that was what they discussed, as he did not want to leave anything out.

Mr. Winik stated he thinks that gives the parameters needed.

Commissioner Lober stated he is happy to do that; and if the Board wants to combine with a motion to pass this with the items verbally explained, as well as for Commissioner Smith to spend \$1.5 million on Health First, \$500,000 on the zoo, and \$500,000 on USSSA, with the understanding that he will support whatever he wants to do when he comes back with the \$2.5 million for small business.

Chair Pritchett stated she thinks that was her motion.

Commissioner Lober remarked it covers a lot of it.

Chair Pritchett stated the Board has to figure out how to creatively do this.

Mr. Winik mentioned that it may want to separate out the Health First.

Chair Pritchett stated she will let Commissioner Zonka speak first and then have two motions so Commissioner Zonka can vote on one.

Commissioner Zonka stated she appreciated that; she would like to separate these out because she supports some of these things; she does not know if Commissioner Lober is amicable to that; she is a little uncomfortable with him supporting small business in District 2 only, seeing as this is Countywide COVID-19 funding; she does not agree that he is concentrating on his own District, as she thinks all Districts are suffering, so she will not vote for that if that parameter remains; and she does not know if he is comfortable separating some of these out.

Commissioner Lober stated he will break out Health First, but if she is going to vote against it, he is happy to separate it out or leave Health First in, but if she is going to vote against it...

Commissioner Zonka interjected that he is well aware that she cannot vote on anything Health First and Commissioner Tobia is going to abstain; and as far as the Christmas list of people getting money...

Commissioner Lober asked who she thinks should not get it; and who he should cut out.

Commissioner Zonka replied she is not saying they should not get it; she does not want staff administering 12 new Programs; she asked if the County has the employees that can commit this time, staff, and budgeting to manage, because she imagines there is a lot of legalese and applications involved with all these things; and she asked what does that look like for staff.

Mr. Abbate replied she would not hear him say he will not do it, as he will do what the Board tells him; it will take staff time and it depends how much time, as he needs clarification; he just wants to understand something on the Small Business Program; and he asked if the District 2 program, whatever the Board approves, is going to be occurring after implementing the District 4 program, or is it going to be contemporaneous, because obviously, the way he heard it, for the \$10,000 he is going to have a program on a percentage basis and then do District 2 after that, or is it being done at the same time; and that is very confusing for staff.

Commissioner Zonka stated she was going to make mention and asked if Commissioner Smith was doing Countywide on his business program; she does not want to be voting in blocks of things, as she is not comfortable with this; this is why the \$5 million per Commission Office was never a good idea; she stated Commissioner Smith's motion is clear with three or four agencies; he will have to carve-out Health First, but she will be happy to support what she can of what he has because it is very clear on what he wants to do; and she knows he will be bringing it back.

Chair Pritchett stated she thinks the Board is coming to a place right now; and she stated to go ahead and vote to approve Commissioner Smith's items one at a time and then make an overall motion.

Commissioner Lober remarked he would rather do them contemporaneous, that way there is no surprise for anyone.

Chair Pritchett stated Commissioner Zonka cannot vote on one of the items.

Commissioner Zonka stated she does not think he cares.

Chair Pritchett stated she sees what Commissioner Zonka is saying.

Commissioner Zonka stated he is counting votes; and he is probably glad she cannot vote on it.

Commissioner Lober replied he does not have an opinion one way or the other.

Commissioner Zonka stated it is fine if he makes the motion, as it does not mean she has to vote for it.

Chair Pritchett stated she does not want to lose the ability for something that might not get the votes, though.

Commissioner Tobia stated he thinks it is a good idea to vote on Commissioner Smith's items individually, then his issues are taken off the table.

Chair Pritchett remarked except for the history of this, some have problems with Health First, and they should get the funding; and she does not want to do that to Health First.

Commissioner Zonka mentioned Chair Pritchett's vote would still pass; and it would be 2:1 if she and Commissioner Tobia do not vote.

Commissioner Tobia stated assuming Chair Pritchett votes for it and Commissioner Smith votes for it, Health First gets \$1.5 million.

Commissioner Lober stated he can make this real easy; if the Board votes on his and pushes it through, he stated as an attorney, a commissioner, as someone who lives here, he is going to support Health First if his gets pushed through.

Chair Pritchett stated okay.

Commissioner Lober stated if the Board supports his motion and it passes, as an absolute fact, he will pass Commissioner Smith's.

Chair Pritchett stated to start on Commissioner Lober's motion first then; the Board will vote to approve his items; and she asked him to read through them individually and get the votes.

Commissioner Tobia stated he just wanted to be clear on the motion and the parameters that were set up; he wants to be clear those parameters are not going to change from the motion, and no switching from the programs or adding programs.

Chair Pritchett remarked they would be brought back.

Commissioner Lober replied no; the only potential question, because there is some ambiguity, with an eight percent range he believes, based on how much it costs for staff time to administer some of these, exactly what is left in the pot; that is why there is an initial allocation and a maximum authorized; and the initial allocation is basically what is expected and the maximum authorized is the absolute maximum that would be approved without having to come back to the Board.

Commissioner Tobia stated that solves number one, no additions.

Commissioner Lober stated nothing will go past the maximum authorized, no new programs.

Commissioner Tobia stated as Commissioner Zonka brought up, this is an incredible amount of staff time; if this is the way that Commissioner Lober sees it, the Board needs a ball park and a built-in percentage for administration; this is a time that staff would be doing other things; and he has no idea whether that is 10 percent of the allotted funds, but that needs to be...

Commissioner Lober interjected that it is already contemplated.

Commissioner Tobia asked what percent.

Commissioner Lober replied some of them are at eight percent, which is a safe bet, but for the indigent burial, the administration costs are coming out of the \$160,000.

Commissioner Tobia asked if that was his eight percent or if it came from staff.

Commissioner Lober replied from staff; he stated when he spoke with Mr. Golden about Hummingbird, Children's Hunger Project, and Ready for Life, they thought it would be less than that but that was a safe amount; and that is why he changed the spreadsheet, because he neglected to include that in the first draft, as to those three programs.

Commissioner Tobia stated to be clear, and he does not know who would administer the small business, but eight percent...

Commissioner Lober interjected it may not be that high; and he stated that with small business...

Commissioner Tobia interjected this is staff doing it; and he stated his office is not doing it, staff is.

Commissioner Lober replied no, they are not doing anything.

Commissioner Tobia stated staff is doing this.

Commissioner Lober stated he thinks there is a disconnect; they are not vetting anyone; these are folks that have already been vetted and are already in the spreadsheet, and in the program; all they are doing is sorting it programmatically, so they are not looking at individual applications on this like they did in the beginning.

Commissioner Zonka remarked Mr. Abbate is saying no.

Mr. Abbate remarked no; staff has vetted, just so everyone understands, applications were received; they then vetted it up to the \$10,000; now staff has to go back and relook at everything that they may have submitted above \$10,000 to determine what was qualified; it will not be as hard of a process, but it is different; and they will do it.

Commissioner Lober advised he did not realize that.

Commissioner Tobia stated he knew he would do it, but he was concerned if eight or 10 percent, and he did not know the answer.

Mr. Abbate replied yes; he advised, to give the Board an idea, when County talked to the Chamber of Commerce, they were willing to do it for \$400,000, but they were not willing to do it; staff did it over the six-month period and the cost was less than \$200,000; and he is confident at eight or 10 percent, staff will get it done.

Commissioner Lober stated whatever the cost is, just take it out of the program; and that is the bottom line.

Commissioner Tobia mentioned a third and final thing; Chair Pritchett had mentioned this and he agrees; and he offered 30 days and she bumped it to 90 days, which would put it on or before April 15, 2021.

Chair Pritchett stated that she spoke with Mr. Abbate during the break and he said that can have a little potential problem, especially for doing reimbursements; she asked if it would be alright with him to add to the motion that it comes back on January 12, 2021, to discuss deadlines; it might be 60 or 90 days but the Board can discuss the deadlines it wants to set at the January 12, 2021 meeting; and he brought up there could be ideas it needs to bring into it.

Commissioner Tobia stated he is just concerned about staff, but if the County Manager is on board with that...

Chair Pritchett remarked Mr. Abbate is the one who told her that.

Mr. Abbate stated his one issue was with tuition reimbursement; and that program would last significantly beyond 60 or 90 days.

Chair Pritchett asked if he wanted it encumbered by then.

Commissioner Tobia remarked incurred; and he advised it can all be done with the exception of tuition reimbursement on or before April 15, 2021.

Chair Pritchett asked the Board what its thoughts were on that; she stated she was thinking that it might be good to have these things allocated and then make sure they are either under contract or something by that time period; it may not be able to be distributed, but maybe the contract could be done; and that is why she said encumbered, that they could already be allocated in that area.

Commissioner Lober asked if she was talking about combining them in this motion, though.

Chair Pritchett replied no; she stated she would rather come back January 12, 2021, when the Board will have a little more time to think about a good time period; the goal is to get the money into the community as fast as it can, so she likes the deadline; she does not want to hold out on this and agrees with that, but trying to figure out the wording is what she would like to come back with; and she asked if he was okay with that.

Commissioner Tobia asked, to be clear, if the Board was working off Commissioner Lober's motion, with all of the parameters that he just set forth, or her motion.

Chair Pritchett replied she likes hers and he already set forth the parameters so he does not have to do anything with that; she was going to bring up his concern with the time period though, as she thought was very appropriate; maybe it can be discussed at the January 12, 2021, meeting; and she stated she is ready to approve this if anyone would like to make that motion.

Commissioner Lober stated he was going to do it based on his motion; and he does not mind incorporating, after the fact, items from her motion to the extent that they are different.

Chair Pritchett asked what is different about; and to help her with it.

Commissioner Lober stated doing it her way does not allow him the flexibility of waiting to see how other things come back cost-wise and then re-allocating up to the amount maximum-authorized, into the other programs without creating new programs.

Chair Pritchett remarked to make that number three; and she asked what was that.

Commissioner Lober stated for him to sit and go through it, he will miss something.

Chair Pritchett stated Commissioner Lober is a lawyer and this is just a whole lot simpler.

Commissioner Lober remarked that the Clerk's Office has already reviewed the District 2 motion; that is the other thing; and he does not know if they have seen this.

Chair Pritchett stated his was in there but Commissioner Smith's has been left out; and they need to be together.

Commissioner Lober asked what she thought was in her motion that is not in his motion.

Chair Pritchett stated she does not know there is not anything, other than she put in District 2 and 4 with the lists of allocations.

Commissioner Lober remarked why did they not do this...

Chair Pritchett replied she is ready if he wants to start making a motion.

Commissioner Lober stated to Commissioner Smith, if this passes, he will turn right around and approve his Health First, Zoo, and USSSA; and if he cannot give the specificity on the business grants today, that is fine, he will approve it when it comes back as long as they tell him it is not unlawful, he will vote for it.

Chair Pritchett remarked okay.

Commissioner Lober stated if can be done today, he would vote for it today; what he would like to do is pass his now, as it is written, and as he explained; and then it can address the \$1.5 million to Health First and the others for District 4 to the extent he is ready.

Chair Pritchett stated she is going to vote yes on all of Commissioner Lober's items; and she asked if the Board wanted to do it singularly.

Commissioner Lober replied he moves to approve all of his together as indicated on the spreadsheet, and as further described verbally during this meeting.

Commissioner Smith stated he did not have a problem with that; he does take issue with the implication that if he does not vote with Commissioner Lober, then he will not vote with him; and he asked if that was correct.

Commissioner Lober replied that is 100 percent correct.

Chair Pritchett stated in all fairness, that was done to her in the Workshop.

Commissioner Smith stated he wanted to get this on the record that he appreciates his honesty, but he will be just as honest, as he already has two votes, which is all he needs; and whether he does or does not vote for him, what he just said has no effect on him.

Commissioner Lober stated okay and that is fair.

Chair Pritchett asked Commissioner Smith if he was going to second that.

Commissioner Smith replied no.

Chair Pritchett asked if he was not going to second it.

Commissioner Smith asked if she wanted him to second it.

Chair Pritchett stated the Board will have to go through the list singly if it does not do it all together.

Commissioner Smith remarked okay, he will second it.

Commissioner Tobia stated just to be clear, this is a motion for the District 2 proposed motion, all of that stuff, with the addition to the parameters that he just set up.

Chair Pritchett replied it is approving his spreadsheet right now, and the motion that accompanies it; and she stated to Commissioner Lober that he is going to read the motion because, if that is the motion being done, she definitely wants to add on Commissioner Tobia's number four.

Commissioner Lober remarked he does not know if he has Commissioner Tobia's number four.

Chair Pritchett asked if this is just for District 2 as well.

Commissioner Tobia read aloud "The Board's prior approval of payment to an entity or individual using CARES Act funds shall constitute approval of payment of COVID-19 related costs or expenses from the Commission's allocated funds;" and he stated that is not one of the ones that he really cared about.

Commissioner Lober asked if the Clerk is okay with that; he does not care about adding it, if the Board is okay with it; but he does not want a problem after the fact.

Commissioner Tobia remarked there needs to be dates added to this.

Chair Pritchett asked if it is doing just District 2 right now, because that is what it looks like to her.

Commissioner Lober replied yes, and then it can do District 4; and he asked Commissioner Tobia if he wanted it in there or not.

Commissioner Tobia replied he is okay with...

Commissioner Lober stated it would leave it out since he does not have a strong preference.

Commissioner Tobia stated it is signing a contract without a date; that is one of the tenants of a contract, the date; and there is literally no date here.

Chair Pritchett stated she wanted to throw in her the January 12, 2021, meeting; and they will be discussing time periods for all of these fundings.

Commissioner Lober replied okay; and he stated his general direction is for staff to execute as quickly as reasonably possible, otherwise, it will stick to the written motion and the spreadsheet attached to it.

Commissioner Zonka stated she did not want to pick a fight, but he has indigent burial in here;

and she asked if his office is donating money to a GoFundMe of CARES Act money because she received knowledge of that.

Commissioner Lober replied yes, \$750; and he advised there was someone who died, along with their mother the same day, of COVID-19.

Commissioner Zonka asked if that is coming out of his CARES Act money, because it is not on this list.

Commissioner Lober replied he has already discussed it with Mr. Golden, who said administratively, he can take it out of the \$160,000.

Commissioner Zonka asked Mr. Golden if that was accurate; she mentioned she knows there is not a policy for that and it has not approved that; and she knows a purchasing card was used to make that donation to a non-vetted, and not 501(c)3; GoFundMe does not have a process to vet that stuff; and she is not saying it is not legit, but this is exactly one of those situations she was trying to avoid.

Commissioner Lober remarked correct; and he advised he could go through it at length if she would like.

Mr. Golden stated he is working on a policy; he has the framework for it, including an application as part of that policy; then he was planning on vetting it through the County Attorney's Office; and then probably bringing that back to the Board for approval.

Commissioner Zonka asked in order to make sure it is clean, is this something that the Clerk's Office would want to be voted on, and does this need to be added to this list.

Mr. Ellis stated a purchase card cannot be used for GoFundMe.

Commissioner Zonka remarked that is why she is asking, because she wants to make sure that it is included in this.

Mr. Ellis stated if the bill has not come back yet, that they look at every month, it will probably kick-out.

Commissioner Lober asked if the \$750 could be subtracted from the \$160,000 and treated as a separate line item; that is the motion; but it cannot be done because the Ellis School of Law says it is unconstitutional.

Mr. Ellis stated the purchase card is going to kick-out; and he does not think he will find one person on the Board that thinks a purchase card can be used on GoFundMe.

Chair Pritchett stated she is a little uncomfortable with it.

Mr. Ellis remarked he is a lot uncomfortable with it; it will kick out; and at that point, the \$750 is going to have to be reimbursed to the purchase card from somewhere.

Commissioner Lober stated someone who died from COVID-19, whose mother also died from COVID-19 the same day, who could not afford to be buried; and he asked if Mr. Ellis did not think that is a reasonable thing to do, given that it has already delegated authority.

Mr. Ellis replied he is going to tell Commissioner Lober something right now, because he has had it; he had an employee luncheon at 12:00 p.m. and he has had enough of his crap here for

two hours, alright; there are a lot of sympathetic people out here, as the Patel's came up her to list a couple hundred people that need help; Commissioner Lober is not giving money to individuals to help, out of the County fund, it is voted on as a Board to do it; it is not his job to pick and choose, using his County money, who he gives it to; he cannot use a purchase card on a GoFundMe; and if an employee did that, they would be disciplined, if not fired.

Commissioner Lober remarked if the Board had the authority delegated by the Board, he just thinks it is not okay, because he thinks it is not okay, but he cannot cite a specific rule or law; and he asked if that is the issue.

Mr. Ellis replied no; he stated the issue is, quite truthfully, Commissioner Lober is just being a jerk today, and that is okay, as he has dealt with jerks for 30 years; and he cannot use a purchase card on a GoFundMe.

Commissioner Lober asked what specific exception is there; and to tell him.

Mr. Ellis stated the County Attorney's Office is right here; and he asked them what they thought about that.

Commissioner Lober stated he does not get to ask her questions because she does not work for the Clerk; and just like he asked her to put a memo together.

Mr. Ellis stated he has given him the answer, yet it goes back to the same childish behavior; and he gives him an answer, he does not like it, he gives him the same answer, and he does not like it.

Commissioner Lober remarked that Mr. Ellis did not answer.

Mr. Ellis stated a purchase card cannot be used for a charity donation; yes, the Board went through this many years ago with Commissioner Pritchard who was using the office budget to pay to go to charity dinners; the Board voted 5:0 that he could, but the Clerk said no, and it does not pay for that; and he cannot use County money on a purchase card to make a charitable donation.

Chair Pritchett stated she wanted it noted that he said Pritchard, not Pritchett.

Mr. Ellis replied yes, he knows; but he reiterated the purchase card cannot be used for that purpose.

Commissioner Lober exclaimed because he said so.

Mr. Ellis exclaimed Commissioner Lober said so; and his attorney is right here.

Commissioner Lober asked Mr. Ellis for a citation, as he is the one making the claim.

Mr. Ellis exclaimed God damn, he is tired of his bullshit; he stated he is not in court being cross-examined; the County Attorney is sitting right here; there are three attorneys; and he asked them to tell him if it is legal to take a purchasing card...

Commissioner Lober interjected they do not work for the Clerk; and it does not work that way.

Mr. Ellis stated the problem is, he does not want the answer.

Chair Pritchett exclaimed time-out.

Mr. Ellis asked Chair Pritchett if she understands that, and he guarantees that, the policies do not allow an employee to use a purchase card to make a charitable donation.

Chair Pritchett stated to Commissioner Lober that she has to tell him that she is a little uncomfortable with that, herself, because she does a lot of charity work too.

Commissioner Lober replied sure.

Chair Pritchett stated she is a little bit uncomfortable with this; she does not know how it sits legally; she thinks that might be a topic for a strong discussion here in a little while; she wants to get through this; and she asked how does that get it through this right now.

Mr. Ellis replied it is not designed to get them through it; and that issue is designed to send this off to another day in court.

Chair Pritchett asked if that can be delved off to a later issue.

Mr. Ellis replied he did not bring the issue up; he is just telling her that a charitable donation cannot be made with a County purchase card; and he has three people here that can answer that but they are not allow to say it because there is a Commissioner that thinks he is the Supreme Court himself; and he tells people what to do.

Commissioner Lober stated he thinks public comment is over.

Mr. Ellis stated to Commissioner Lober that he does not tell people what to do.

Chair Pritchett exclaimed she is going to call a break in about two seconds; it has to get back on this topic; she is uncomfortable with some stuff here; it will have to deal with that in a little while; right now, she wants to get back to the CARES Act items and get through this; she asked Attorney Bentley and Attorney Wilson, as far as the item that Commissioner Zonka just brought up, how it handles this right now, and can it still approve the motion and go back and deal with that later; and how does it get through this.

Attorney Bentley replied for the \$160,000 on burials, it can go ahead and address and the purchase card can be addressed later.

Chair Pritchett replied okay; and it will get back on the motion.

Commissioner Lober stated that is fine.

Chair Pritchett asked Commissioner Lober if his motion would be to make a motion for his list.

Commissioner Lober stated his motion is to approve the motion as written and the accompanying spreadsheet, as was further detailed, during the course of this meeting. Chair Pritchett replied wonderful; and asked if he would mind adding on that it will discuss time periods for everything, for all of this.

Commissioner Lober replied if he needs to add it, he can add it; but he thinks it is cleanest just to keep it...

Chair Pritchett interjected if he would.

Commissioner Lober asked if the Clerk was okay with that, because he did not want problems with the checks being cut.

Chair Pritchett stated that Commissioner Smith's second hangs in; and she Called the Question.

The Board authorized expenditures out of the \$5 million delegated to the District 2 Commissioner Allocation Fund for the following allocations:

- Brevard County Fire Rescue (BCFR) Hazard Pay initial allocation of \$900,000 with a maximum of \$900,000,
- Emergency Operations Center (EOC) Capital Funding initial allocation \$500,000 with a maximum of \$500,000,
- Small Business Assistance Grant Program Expansion initial allocation \$1,250,000 with a maximum of \$2,750,000 limited to only businesses in District 2 that have already achieved the \$10,000 reimbursement of qualifying expenses that have qualifying expenses exceeding \$10,000 by taking that delta of already vetted approved expenses or qualifying expenses and dividing them out by a number between the initial allocation and the maximum authorized up to the lesser of either their qualifying expenses exceeding \$10,000 to cover the difference, or up to the amount the equation provides,
- Brevard County Fire Rescue (BCFR) Incentives initial allocation of \$460,000 with a maximum of \$517,500 with Frank Abbate, Matthew Wallace, and Chief Schollmeyer making the decision on the amounts for reimbursement of tuition, Leadership Training Program, Scholarship Program, and Officer Development,
- Vaccine Incentive initial allocation \$165,000 with a maximum of \$185,625 for any Countywide Fire Rescue, First Responder, Sheriff's Patrol and Corrections, even those within a city with which the County has an Auto-Aid Agreement, including all Volunteer Fire Departments, Cape Canaveral and Merritt Island, Ocean Rescue, EMT Paramedics, and regular Fire Fighters to be reimbursed \$100 for a single dose vaccine, or \$75 per dose for the two-dose vaccine until such time as staff determines to be the cut-off date.
- Indigent Burial services initial allocation \$160,000 with a maximum of \$160,000, and a limit of \$5,500 for indigent individuals and Veterans can qualify for a 50 percent delta or \$8,250 where Coronavirus or COVID is listed anywhere on the death certificate,
- Independent Pharmacy Vaccine Freezers initial allocation \$60,000 with a maximum of \$75,000 for independent pharmacies who apply through Florida Shots to provide the vaccine and in the course of applying, each pharmacy has to indicate if they already have a freezer, are willing to purchase one, or have purchased one and are eligible for up to \$2,000 reimbursement per independent pharmacy.
- Hummingbird Pantry Forklift and Pallet Jack initial allocation of \$40,000 with a maximum of \$43,200.
- Children's Hunger Project initial allocation \$40,000 with a maximum of \$43,200
- Ready for Life Housing and Employment Related initial allocation \$25,000 with a maximum of \$27,000,
- Public Defender Plexi/Acrylic Barriers, Interview Room initial allocation \$14,704 with a maximum of \$16,000
- County Staff Tangible Goods Reimbursement initial allocation \$7,500 with a maximum of \$15,000,
- Other County Facilities Plexi/Acrylic Barriers with a maximum of \$175,000,
- Other feeding, housing, or employment nonprofit 501(c) with a maximum of \$395,000, limited to \$50,000 a piece without further approval from the Board;

authorized staff to draft and execute grant agreements for any expenses in which such agreements appear, in staff's opinion, appropriate (e.g. to obligate a funding recipient to purchase a vaccine freezer for which the recipient was paid in advance); authorized any necessary budget change requests to accomplish this; and directed staff to bring back for discussion, time frames for allocating the funds to the January 12, 2021, Board of County Commissioners Meeting.

**Result:** Approved  
**Mover:** Bryan Lober  
**Secunder:** Curt Smith  
**Ayes:** Pritchett, Lober, and Smith  
**Nay:** Tobia, and Zonka

Chair Pritchett stated to go ahead with Commissioner Smith's items; she asked if he had a Motion he wanted to make; and she let him know that she is going to approve the items he brought up.

Commissioner Smith asked if she wanted them individual.

Commissioner Zonka replied please.

Commissioner Smith stated for his first \$2.5 million of his \$5 million, he is ready to allocate at this point, the first \$1.5 million to Health First; and he made a motion to do that.

Commissioner Tobia stated he did not have it in front of him, but per the ethics opinion, he may abstain from this due to a family conflict.

Chair Pritchett remarked oh, your brother.

Commissioner Zonka stated that his brother, by the way, is an amazing OB/GYN; and she has to abstain due to an ethics opinion and she will sign the appropriate paperwork.

**Result:** Approved  
**Mover:** Curt Smith  
**Secunder:** Bryan Lober  
**Ayes:** Pritchett, Lober, and Smith  
**Abstain:** Tobia, and Zonka

Commissioner Smith stated out of the second pot of money, \$500,000 would be allocated to USSSA.

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

Commissioner Smith stated his third item would be \$500,000 to the Brevard Zoo.

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

Commissioner Smith stated the remaining \$2.5 million would be distributed to small businesses that have applied, and been vetted as of December 18, 2020, by County staff; total amounts to be determined in short order; he will not put a future date because it has already talked about January 12, 2021; but he is going to do it as quickly as it can, at this point.

Commissioner Tobia asked if these are the parameters that were stated previously.

Commissioner Smith replied yes; they have already been processed through the County; the date was December 18, 2020, to submit their applications; that has all been done; and he and his staff just have to go through them and make the determination as to what the percentages are going to be, as to how much to give to each one.

Chair Pritchett asked if he will come back with the percentages to the Board later.

Commissioner Smith replied yes.

Commissioner Tobia asked if these are the ones that have already received up to \$10,000; and he is going to come back.

Commissioner Smith replied yes.

Chair Pritchett stated he will come back with other parameters for the Board.

Mr. Abbate stated it needs to address the issue of the additional 208 outstanding pending applications and whether the Board would like to add the approximately \$1.97 million to that existing fund.

Chair Pritchett asked if he wants that in this motion or if it can do that in a moment.

Mr. Abbate replied a second motion is fine; and it does not matter.

Chair Pritchett stated she thinks it might have covered his items; and she asked Attorney Bentley if it has to do any other part of the motion to make sure that Commissioner Smith's items are carried out.

Attorney Bentley stated she thinks all are included now.

The Board authorized the following expenditures from the \$5 million of Cares Act Funding delegated to the District 4 Commissioner: \$1.5 million to Health First, \$500,000 to the Brevard Zoo, \$500,000 to USSSA; and \$2.5 million to small businesses that have applied and have been vetted as of December 18 by County staff, and have already received \$10,000 in CARES Act funding, with the total percentage for each business to be determined by District 4 Commissioner and his staff.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Bryan Lober

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

Chair Pritchett stated Commissioner Smith is good with coming back January 12, 2021, to discuss the time periods as well; and she asked Mr. Abbate what else he needed to be done.

Mr. Abbate replied he needed the motion adding \$1.97 million to the Small Business Program.

Commissioner Tobia asked where exactly is that \$1.97 million.

Chair Pritchett replied she thinks they had extra money that was being moved around; and she asked Mr. Abbate if that was correct.

Mr. Abbate remarked that would come out of the monies that were otherwise to be allocated into the Public Safety Fund.

Commissioner Tobia asked if that was the \$12 plus million, before the \$5 million and the \$5 million.

Mr. Abbate stated right; and there is somewhere in the area of \$24 million in that particular fund.

Commissioner Tobia stated just to be clear, even though it already voted on it, he guessed that is money that is going to private businesses instead of Fire and Police.

Chair Pritchett asked Mr. Abbate if he was still going to have some adjustment here when he gets all the monies spent, that there is probably going to be some money left over; and she asked if this is going to be moved into the Public Safety Fund as well.

Mr. Abbate replied unless the Board provides different direction, because as he mentioned, the CARES Act funds have been extended for a year; and he did not know that until today.

Chair Pritchett stated oh, the vote went in today.

Mr. Abbate replied yes.

Chair Pritchett stated the Board might have a little more time to do a little more maneuvering of those, with Board approval, Mr. Ellis, and finish allocating, because she knows some of those funds will be left over.

Mr. Abbate mentioned the funds are all allocated to the Public Safety Fund unless the Board wants something else to happen.

Commissioner Tobia stated he is confused, as the money is allocated; and he asked if that is correct, the \$12 plus million, plus \$5 million from Commissioner Zonka, and \$5 million from himself; by the motion, the Board just voted to take some of that money that would have otherwise gone to Fire and Police and gave it to businesses that did not apply in a timely manner; and he asked, to be clear, if that was the decision the Board just made.

Chair Pritchett replied yes.

Commissioner Lober stated he wanted to be clear as well, and his understanding is that could have used for vehicle fleet maintenance within Fire or Facility maintenance, so that could have been paint on a wall, not necessarily something out of someone's paycheck; and he asked Mr. Abbate if that was correct.

Mr. Abbate replied yes; and he advised as the Board may recall, when it was approved, that there was broad public purpose in the motion that approved that.

Commissioner Tobia stated that was his intent that it would not necessarily go to pay, that it would go to capital costs instead of pay.

Commissioner Lober stated he wanted to make sure folks understand that it is not pulling it out of pockets of First Responders.

Chair Pritchett stated she is feeling glad now that that is over; she mentioned she heard a couple of comments here; she mentioned Item J.4. is next; when the Board is putting money into the small businesses or even Parrish Hospital; Parrish Hospital has 1,000 employees, and that is 1,000 families that rely on the small businesses; and the Board is helping to keep from creating more people on unemployment, therefore, not being able to pay their bills and feed

their families. She added this is a horrible time and she is thankful that this is a Board that looks at the whole thing; it is easy to be an armchair quarterback, but she wants to thank the Board for spending the hours studying this out and trying to figure out how to allocate it so there is as small amount of crisis as it is going to have with this economic instability that it is getting ready to face; she thinks the Board is wonderful and she just wanted to tell them she appreciates them so much; they may not agree up here, but there are some feisty conversations, so she is always thankful by the time it gets to a place; even if she gets voted down, she is thankful for the conversation and where it lands because she believes in their hearts they are always doing the very best for the community; and she wanted to tell each of them she appreciates them.

The Board authorized an additional \$1,970,000 to be allocated to the Small Business Program to cover the additional 208 outstanding applications.

**Result:** Approved

**Mover:** Bryan Lober

**Secunder:** Curt Smith

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

**Nay:** Tobia

#### **J.6. CARES Act - Commissioners Allocations**

**11:00 a.m. Time Certain**

This Item was merged into Item J.5.

#### **J.4. Policy Restricting Board Members from Negotiating with Unions During Formal Negotiations**

Commissioner Tobia stated this did not touch the policy that he discussed previously, dealing with negotiations between the Commission Offices and the union that did not pass; at the December 3, 2020, meeting Chair Pritchett indicated she would reconsider her position, so he is bringing it back up; and he can go into detail, but he prefers, for time sake, just to say it is the exact same policy as discussed previously.

Chair Pritchett stated she did not know why she did not second it if he brought it up last time; someone told her she did not do it; and she agrees with him on this, as she does not like negotiating off-line anyway.

Commissioner Lober stated he did not have a problem applying the same standard to Commissioners that is applied to those folks in the Fire Union covered by the same requirement, with respect to prohibiting direct negotiation or bargaining between any such covered individual, but he does not know that it had any issue that has involved negotiating or bargaining that would necessitate this; he is concerned any time it is looking at limiting free speech, it does it to accomplish a particular goal; and there is a particular action that may cover negotiating or bargaining he would like to hear what it was, or might have been, so he can determine why this is necessary to put in place, as he generally frowns upon restricting free speech.

Commissioner Tobia asked Chair Pritchett if she wanted him to go there; he stated he can, but it probably not in the best interest of the County to go there now, but he can; and if there is a third vote here, he thinks Attorney Bentley would rather it not.

Chair Pritchett stated maybe if he made a motion, it could see if there is a second and maybe just...

Commissioner Tobia made a motion to approve the policy as written.

Commissioner Zonka stated she has an issue and she understands why it is in this policy, but health and safety, she does not have a problem with; she has never negotiated with any union, but health and safety, if she had a guy that believes his work environment is not safe; obviously she does not have the ability or the power to negotiate and she would not try to negotiate with the union, but if there is a safety issue for one the employees, whether they are union or not, she wants to know about it; she is not comfortable with health and safety in there; and wages and grievances are the things they need to negotiate, but health and safety, may be something simple, it may not be complex.

Commissioner Smith stated health and safety would not be considered negotiation.

Commissioner Zonka remarked it is in the list.

Commissioner Tobia stated it is clearly part of collective bargaining; if it is part of collective bargaining, it is not talking about my shoe does not fit; and it is not talking about individual but about systemic items.

Commissioner Zonka stated she had an example, if someone in the Fire Department comes to her and says they are being put in a situation, not because of the County's doing, but because of something going on with another municipality doing something, or not doing something, and talking about it with her, it has nothing to with their contract; but if she is able to help facilitate a conversation with either the County staff or the City staff to say this is a concern, it is not part of their bargaining; she asked if he knew what she was saying; and she does not want somebody not to come to her if she can help.

Commissioner Tobia stated he is not a labor attorney, and he understands she is trying to tackle it from a practical perspective, but this is a legal matter and her concern, and that of collective bargaining, are completely different; remember the union signed away the right to do this anyway; they signed away, by the collective bargaining agreement, their right to do this; and if it is not a concern to them, he does not understand why it would be a concern to her.

Commissioner Zonka remarked she is not concerned, but she is concerned enough to not be comfortable with health and safety; she is telling him if that is in there, she will not support it; she is okay with the rest of it, just not health and safety; he can tell her she is not using logic, but she believes she is; she asked him if somebody jumps off a bridge, will he do the same thing, because they did and they did not die; and she thinks it does not make sense why she should be okay with this.

Commissioner Tobia stated this is why there are attorneys; and it is a part of collective bargaining.

Commissioner Zonka replied but it is interpretation of the health and safety item on here.

Chair Pritchett stated she thinks if somebody is in danger, they should always be able to come to the Board and rat anybody out at any time.

Commissioner Zonka remarked whether they say it or not, it is irrelevant.

Chair Pritchett stated if the Board negotiates, it gives this and this, and she is not doing that; she thinks that is what Commissioner Tobia put this together as, negotiation tools; but she

thinks what Commissioner Zonka is talking about is that anybody, any time, should know they can come to the Board if they have something they think is going to hurt them; and someone could pick up the phone and ask the County Manager.

Commissioner Tobia asked Jerry Visco, Human Resources Director, if that individual instance would be part of the collective bargaining agreement if they believe they were in imminent danger; he thinks that would be okay, as he thinks they are separate; but he is the Human Resources Director.

Mr. Visco responded by saying there are two separate issues; a component of collective bargaining would be working conditions that effect health and safety, but a safety violation is not part of the collective bargaining agreement, as it would be something that could be handled outside collective bargaining.

Commissioner Zonka asked if there was a municipality putting the County guys in danger, that is nothing they are going to bargain with him about.

Mr. Visco replied that is correct.

Commissioner Zonka remarked then she is fine with it; although it is not spelled out here, since he said it and is telling her he is okay with it; and it is a public meeting, so she is okay with it.

The Board approved the Collective Bargaining Policy to ensure good faith negotiations between Brevard County and public employees pursuant to Florida Statutes Section 447.201, et. seq. and, where applicable, articles set forth in the County's Collective Bargaining Agreements.

**Result:** Approved

**Mover:** John Tobia

**Secunder:** Curt Smith

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

**Nay:** Lober

## **K. PUBLIC COMMENTS**

Michael Bramson, Brevard County Firefighters Union President, stated since this has already passed, he wanted to throw out some concerns about what actually may or may not have occurred; he is sorry the Clerk has already left; he is not sure that negotiations in the terms of bargaining back and forth, and Frank Abbate, County Manager, could clear this up, is a little bit different in explaining what is protected speech, in terms and conditions of employment; terms and conditions of employment is considered a bargaining agreement, but violation of the terms and conditions is always something that is give in the State of Florida to the Union's rights to speak and that gives them the ability to speak without negotiating on behalf of the terms and conditions and/or maybe wages as far as the stance of the wages to the Commissioners, to the County Manager, or basically anyone in a public forum as we are now; and he has concerns about the intent of what this is. He added since it has passed, he is going to be as frank as possible; if the intent is to police the Commissioners on what they do on a daily basis, he has no say; that is what the Board does, it has lawyers and teams, and what it needs to make Brevard safe for the citizens in Brevard and for the visitors too; if this is an attempt to intimidate and/or censor the Union in its very ambitious goal to better Brevard County and to insure that the safety of the citizens is in place, that is unfortunate; there are a lot of things that cannot happen, and a lot of places, and quite frankly, he is not a permanent fixture here; and this is in place, as said earlier by the Clerk of Court, if this moves forward and is something that is in place forever and they cannot do anything if they are in negotiations, and they are constantly in negotiations. He stated they always have openers, and always have things that happen where

they have to talk back and forth, and it is nauseating how much time they spend negotiating; he thinks that will inhibit the ability to create great relationships with future leadership in the County and the Union; there is a level of what can be said and done, and he has to sit in his corner and do nothing; but whoever replaces him and whatever happens in the next couple of months, he thinks that is a shame. He continued to say he also wants to make sure, for the record, that they are so close, months if not weeks away, from a fantastic agreement and moving forward in Brevard County and this Union leadership will do absolutely nothing that will put anything that is put on the table for the public safety of Brevard County in jeopardy, 100 percent, at least intentionally; and he is not a lawyer, he is a firefighter, so he cannot say what he can and cannot do; but he has a lawyer on retainer.

Robert Burns stated this weekend he witnessed a horrific accident that involved a minor in Palm Bay and after looking at the conditions where it occurred, at Palm Bay Road and Hollywood Boulevard, which is a very large intersection with 10 or 11 eastbound lanes, and this happened at night, and he was not aware of how dark that intersection is; he does not know that this would have prevented this from happening, but there are no street lights at that intersection; he addressed it with the City Manager for Palm Bay because that fall within their jurisdiction, but he did not know if this is a Countywide issue; and he cannot imagine an intersection of that size, with crosswalks, not lit at all. He added that instead of emailing individually, he would come up and ask that the County take a look at unincorporated areas to see if there is that issue anywhere else that may prevent another child from being injured the way that child was injured.

## **L. BOARD REPORTS**

### **L.1. Frank Abbate, County Manager**

Frank Abbate stated he did not have a report but wanted to remind the Board there is an executive session following this meeting.

### **L.5. John Tobia, Commissioner District 3**

Commissioner Tobia stated he had one thank you, one rant, one ask of Commissioners, and two asks of staff.

Chair Pritchett asked if he could skip the rant.

Commissioner Tobia stated it sounds like a whole Christmas list; the first thank you was actually a failure of his last year that was to limit resolutions to 12; he said that bombed, but he did keep a log and Chair Pritchett only had five, Commissioner Lober had seven, Commissioner Smith had 5, Commissioner Zonka had six, and including the one he did today, he had five; he thanked the Board very much for going through the procedures of putting them on consent, as he is sure staff probably appreciates that; and that is quite a deal less time, as the meetings are long without it. He stated now for his rant, he spoke to Ian Golden, Housing and Human Services Director, and he used basically what President Obama's wife said, when they go low, I go high, but he is not like that; he read an article published in Florida TODAY on December 18, 2020, which said Brevard gave less CARES Act money to individuals than surrounding counties; he wanted to point out that Mr. Reins was not very complimentary, which is understandable for a man that, according to public documents, makes over \$170,000; and when a person runs a charity and has to justify that, it is very understandable why he said that. He mentioned his second, and this ticked him off more than Mr. Reins, was Jennifer Sugarman, President of Cocoa Beach Chamber of Commerce, contended that "Even more money could have been allocated for these programs if more people knew about the programs to begin with;" he thought that to be very ironic because, if you read further down, it stated that the Cocoa Beach Chamber of Commerce's primary function is to support and provide information

to local businesses; she basically was pointing out her own damn failure; in fact, he would go a step further and say that the Board offered money to the local Chambers of Commerce to do this, and they flat-out turned it down; and staff came through, big-time, and did an excellent job administering these funds. He stated it is extremely disheartening that it would have folks on the outside say disparaging remarks about the hard work and effort that staff did to carry-out their own functions, and yet provide the help needed; he is very disappointed about that, but more importantly, he wants to say staff did a great job on that; his ask of staff relates to the redistricting coming up, and if people would look at the pictures on the side wall, they might see something interesting; regarding the committee, he thinks diversity is extremely important and it is not reflected on the wall of representatives who sat behind this rostrum; and Brevard County's non-white population is more than 25 percent, and his hope as it goes through redistricting, not only the members on the committees, but hopefully the Districts that are drawn could reflect some of the wonderful diversity that Brevard County has. He announced that he is making a challenge to everyone up here, but he cannot do it alone; this is something that has to be done as a group; his next ask is for staff and he will pass this out, Chairman Fine led an effort to audit the City of Melbourne, including their downtown Community Redevelopment Agency (CRA); this audit has almost concluded and there are findings down there; the CRA uses tax dollars, so the findings are very relevant to the Board; and this is an interesting dynamic, because they are below the line, so they were created prior to the charter, and it has limited ability to effect change. He asked staff if anything has risen to give it the ability to take corrective action, as this is a percentage of County tax dollars that may be, or have been, misspent; he has the preliminary audit findings for everyone here; he had a final ask for staff: Commissioner Lober instituted an incentive for members of Fire Rescue to receive the COVID-19 vaccine and, while he appreciates his reason for that, it raises a larger question of how the County, as an employer of individuals who interact with high-risk residents every day, could better prioritize public health; he would move to direct staff to bring back options to consider regarding requirements that such employees be vaccinated against COVID-19 to insure the County itself is not responsible for spreading the disease; a vaccination is a condition of employment and the only reason he is starting there is because they are on the front lines and the only group the County has incentivized; and he would like to ask the County Attorney's Office to provide the Board the ability or the options that it has for enforcing that.

Chair Pritchett asked if he wanted any action on those today.

Commissioner Tobia asked if she was okay with receiving options.

Chair Pritchett stated options would be good with her.

Commissioner Tobia stated all he is asking for are options because he does not know what those options are.

Chair Pritchett replied okay, it can get more information and then it can be discussed.

Commissioner Tobia remarked on the CRA as well as the vaccinations.

Commissioner Lober stated he may have misheard, but he thought he heard mandatory vaccination, not incentivization toward vaccination; and he asked if he misheard him.

Commissioner Tobia responded as a condition of employment.

Commissioner Lober stated he is not against putting options together, but there is no way he would vote to mandatorily put vaccines in place for County workers; and he does not mind

looking to incentivize to do it, but does not feel comfortable with them having to get stuck with something they did not sign up to do to work with us, anticipating they would have to get stuck with.

Commissioner Tobia remarked he thought he would like it since he was the one dealing with mask mandates; and he figured vaccination was the logical next step.

Commissioner Lober responded that drawing blood from someone is far different from having them do something to protect others that does not require their bodily integrity to be violated.

Commissioner Tobia stated understand that it is not drawing blood, but injecting into blood.

Commissioner Lober asked if he did not think they have any blood come out when getting pierced.

Chair Pritchett asked if the Board could come back to this when it has more data; and she is ready for Commissioner Lober's Board report.

#### **L.4. Bryan Lober, Commissioner District 2**

Commissioner Lober stated he did want to talk about something but he was unsure whether he should bring it up; he is irritated to hear the words slush fund and slap to the face being thrown around by one particular Commissioner; it was used with the hazard pay to the firefighters, that was apparently a slap to the face; and when finding out why he did not dedicate \$5 million to them, because he wanted to feed hungry kids, and wanted to help foster kids, that have aged out and cannot get employed due to COVID-19, have housing instead of sleeping under a causeway; the Commissioner did not take it as a slap to the face; but it is nice to have that politicized. He added for the business with the burial costs, of course he wanted to cut a check for the folks instead of putting it on a purchase Card, but the fact is the Board delegated the authority to spend \$5 million; a \$700-plus expenditure, where he had already verified that both the individuals who died, who incidentally is not even a constituent of his, and he thought it was the decent thing to do, given the allocation and he was putting in place a burial program to cover that Countywide, which otherwise, would have picked up; but he could not get to that point in discussions with Mr. Golden, to get it implemented. He is looking at a \$5,500 baseline and \$8,250 for Veterans, and to put \$750 towards a family where the mother and daughter both dropped dead the same day and family could not afford to put them both in the ground; for that to be perverted and politicized into something negative, is just disgusting; if it should have been handled in a different way, he apologizes, as he did what he thought he had to do; he thought he had the authority to do it and he still does; if he did that incorrectly, he is happy to make it right; but to try to wield that and bludgeon him with it is disgusting; and he will leave it at that.

Chair Pritchett stated to just think through that process; it would have been like she put money toward Parrish Hospital, but she would not have put it on the purchase card; he just needs to rethink that process because she thinks there is a fine line there, and he needs to figure out how to do it differently; and she knows his heart is good, but he needs to think about the unwanted circumstances.

Commissioner Lober remarked if he wrote a check it is okay, but putting it on the purchase card, where a check is cut to pay, is not.

Chair Pritchett remarked the Commissioners have control over their own cards, not over the checks that are cut, as they have to go through the process; for her to do that with Parrish, she

would have been told she needed to run that through; and she stated not that his heart was not right, but he needs to think through the unwanted consequences if the whole Board started to do that.

Commissioner Lober remarked he failed to realize how politicized it would become.

**L.6. Curt Smith, Commissioner District 4**

Commissioner Smith stated he just wanted to wish everyone a Merry Christmas and a Happy New Year; and he hopes it is a lot better than 2020.

**L.7. Kristine Zonka, Commissioner District 5, Vice Chair**

Commissioner Zonka stated she needed to respond; she did not have an issue with the burial cost, why would she, nor was she trying to politicize it; what she had issue with was the fact that Commissioner Lober used his staff purchase card to pay for something that the Board did not approve; she was one of the first ones begging for millions to get into people's hands who are suffering and hungry; she will not argue who is the better humanitarian or what process it should take, she just wants to make sure it is legal, and that the Clerk is okay with how it spends these dollars, and make sure it is okay with the audit from the government; and it is not a matter of what it was used for, it is a matter of how it was done. She added that she wanted to thank her chief of staff, Danielle Stern, for the Elves for Elders Program, where it adopts wards of the State, an often forgotten population, usually an aging population; not only the County staff, but the Fire Department also comes through every year; there are so many products and things for these folks that it usually supplies them throughout the year; and she wanted to thank staff that steps up every year, and Ms. Stern for her enormous efforts to make sure the program is a success. She stated she wants to wish a Merry Christmas to all and to stay safe out there.

**L.3. Rita Pritchett, Commissioner District 1, Chair**

Chair Pritchett stated she is glad the Board is saying Merry Christmas to everybody, because it has been one H, E, double hockey sticks, of a year to get through; she thinks that next year will be better but there were some intense issues to get through; she thanked the Board so much for coming in with the information and the way it works through these things; she stated it is nice to work with grown-ups; and she wanted to say that to the Board first of all. She stated she wants to wish the Board a Merry Christmas; she has gotten pretty attached to them, even though they do not vote with her, they are always in her heart; the same for County staff and she cannot thank them enough for all they do; they are just wonderful people that do a good job taking care of the community; and she wished her staff a Merry Christmas and that she loved them all dearly. She added that Marcia Newell of her staff is semi-retiring, she wanted to retire all the way, but she talked her into sticking around a little longer, for one or two days a week; she stated she has been the best and has so much knowledge, and the County is blessed to have her; she wished all a Merry Christmas; it will be a great new year coming; and she hopes all have a wonderful new year and God Bless.

Upon consensus of the Board, the meeting adjourned at 1:36 p.m.

ATTEST:

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RACHEL SADOFF, CLERK

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RITA PRITCHETT, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA