

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

1:00 PM

The Board of County Commissioners of Brevard County, Florida, met in special session on February 21, 2017 at 1:02 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Rita Pritchett	Vice Chairwoman/Commissioner District 1	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Chairman/Commissioner District 4	Present	
Kristine Isnardi	Commissioner District 5	Present	

**ITEM I., STAFF PRESENTATION**

Chairman Smith thanked everyone for coming to the Ethics Workshop; and he introduced Stockton Whitten, County Manager.

Stockton Whitten, County Manager, stated this is the first of three Workshops that the Board has scheduled; Ethics, Budget, and CRA's in April, and the Agenda for the Workshop is a brief staff presentation on the Ethics Policies and Procedures of the Board, with regards primarily to staff; the Board had a Workshop back in 2013, and a lot of good things came out of that Workshop; and he would like to educate the new Board and refresh the public's memory with regard to what recommendations were ultimately proposed and accepted by the Board. He introduced Jerry Visco, Human Resources Director; he stated he will take 15-20 minutes to go over his presentation, then the Board can get into its proposals regarding Ethics. He added that sets up the staff presentation, and any cards the Board may have is for public comment, then they will turn it back to the Board.

Jerry Visco, Human Resources Director, stated he appreciates the opportunity to come before the Board to provide an overview that staff provided to the Board in 2013; at that time, the conversation on Ethics Reform was focused on improving the awareness of Ethics issues, with the operations staff, under the jurisdiction of the County Manager; however, the information in that presentation provided a very good overview of what was going on in the State at that time relating to Ethics in the Public Sector. He explained staff felt the information would be helpful to the Board with today's conversations; several years ago, the County Manager approached Human Resources about the training staff was providing to their employees in the area of Ethics and what staff might be able to do organizationally to enhance that training. He added at the time, Human Resources and the County Attorney's Office were co-facilitating a single three-hour workshop that they called Ethics, Public Records, and Florida Sunshine Laws; as a result of those discussions, that training was modified into two separate training workshops; and expanded the Ethics Workshop portion into its own three-hour interactive training session for all employees. He highlighted as part of the updated Ethics Program, staff had presented various ethical scenarios and asked participants for their perspectives on whether those patterns described behavior that they considered ethical, questionable, or unethical; and during the workshop, staff immediately aggregated those responses electronically, and they shared them on a percentage basis with the participants to facilitate a group discussion on how they respond

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to each scenario. He went on to say the feedback staff has received and continues to receive in this level of training has been phenomenal, and very, very positive; staff gets good responses from the group, excellent discussion; the after training reports, the feedback staff gets is all top marks; and they are very pleased with how that has been received. He explained the reason staff decided to enhance the Ethics Guidance Training and that program are similar to the reasons the Board is having this Workshop today; while as an organization, it has not faced many of the other Florida Governments have faced, staff would like to make sure they take the appropriate active initiatives as an organization to minimize the potential of ethics violations occurring in the future; secondly, staff sees this as an opportunity to increase awareness and sensitivity the Board and staff will have, related to a myriad of ethical issues that can arise in a normal course of business, that could be faced in the course of anyone's career. He went on to say, third, this provides the opportunity to focus on efforts to increase organizational transparency through the sharing and communication of ethics related information; and last, during a time where the public's trust in government, nationwide, is at historic lows, staff would like to improve the public's perception of County Government and County employees, by setting the highest reasonable expectations related to ethical conduct in this organization. He mentioned, as a reminder, at the State level, the Legislature has passed ethics reform required of all constitutional officers to complete a four-hour ethics training program annually; that Legislations also required the Ethics Commission to adopt rules establishing a minimum course contact for all of those that required ethics training. He added Brevard County's program mirrors exactly what the State ethics commission requires, in that training; the ethics reform continued to be an issue addressed in several Legislative sessions, illustrating that there is an ongoing emphasis and importance that law makers in Tallahassee continue to place on this issue; there have been numerous ethic failures in both the private and public sectors, highlighting the importance of having a strong ethics program; Florida public sector ethics lapses are well known, it was reported in the *Tampa Tribune* in May of 2012, a study by the Watchdog group Integrity Florida, stated that Florida leads the nation in government corruption; the study highlighted that Florida had 781 public officials convicted of Federal Corruption Offenses from 2000-2010; and despite the attention given to the public sector, since that report was first published, they continue to see lapses in ethics in the public sector. He stated in 2013, Sarasota County Government had issues with a credit card abuse scandal, where multiple employees were terminated and the County was required to hire, at \$100,000 a year, Florida Department of Law Enforcement (FDLE) Agent to become their ethics and compliance officer to deal with systemic problems that Sarasota was dealing with; in October 2014, the Mayor of Deerfield Beach was accused by the Broward County Office of the Inspector General, again Broward County was required to put an Inspector General in place because of their past transgressions; they released five counts of misuse of a position, including interference with Code Enforcement Officers and interference with the Purchasing Director; some of these may just be allegations, but staff emphasizes this quite often in its training, it is the appearance of impropriety, it is the perception that is created by the accusation that damages are already done; and staff's job is to try to get in front of these problems, and give employees the tools to avoid falling into those situations where it appears that they have created ethics issues for themselves. He added even in 2015, the Delray Beach City Manager described wrongdoing by his city employees as a systemic failure in the city government when they uncovered that city employees were rewarding city contracts to the employees owned businesses, which is a major ethics violation; despite the emphasis that continued to be placed on those issues, the transgressions continue to be seen; which is why the Board needs to stay vigilant and aggressive in its response to provide the kind of ethics training and awareness that it thinks is important. He pointed out the rules and regulations and ethics policies are coming from Florida Code of Ethics, Statute 112.311-112.326, is where the State Law resides; Brevard County Code, Section 82-15, also applies to the Board dealing with various prohibited activities by County officials and employees; Brevard County's Conflict of Interest Policy, BCC-03, is also applicable, it generally defines conflicts of interest, it covers conflicts related top employment, financial interests, and the solicitation and acceptance of gifts; the Board's Merit Policy and

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Procedure IV, general conditions of employment also applies when dealing with outside employment, employment of relatives, use of County property, conflict of interest, political activities of employees, public relations and release of information; and, finally, the County's Code of Ethics in Business and Conduct Booklet, the Employee Handbook, provides an overview of all of these areas, and is provided to all employees at new hire. He went on to say this organization is focused on ethics training initiatives, begins right up front with New Hire Orientation; employees are introduced to, and provided a copy of the County's Code of Ethics Business Conduct Employee Handbook; next, as part of the Employee Development Program, staff has made a three hour interactive ethics training a mandatory class, this is the class he mentioned to the Board earlier, and it is required training for all employees; and staff has included an additional three hour ethics session, as part of the Executive Leadership Institute Training, and they have also incorporated several ethics questions as part of the employee engagement surveys, so staff can benchmark how they are perceived by employees, in regards to how they do over time as an organization, compared to those national survey results. He added staff is implementing an online refresher training for all employees, this is a product that has been in the works for several months now, and he just received a final version from the software vendor this morning; staff is previewing it now, and he hopes it can be put online as part of the Target Training Solutions Program; it will be a 30-minute interactive online ethics training program to provide annual refresher training, so everyone does not need to run through multiple three hour classes year after year; and staff is very excited to offer that as a training course. He added that covers what staff has done organizationally, and he drew the Board's attention to a report from the Leroy Collins Institute at Florida State University, that was published on November 2012; the report was titled "Tough Choices: Florida Counties Bridge the Policy Gap"; this report outlines what other counties have done in the areas dealing with ethics policy, ethics enforcement, lobbying, campaign finance, and procurement; and the data from this report is based on the survey of counties conducted in the Fall of 2012, Brevard County was among the 45 counties, out of Florida's 67 counties, that responded to the surveys and Brevard County's information is included in the report's analysis. He explained the data reported in the survey has not been updated by the Florida State Office since this was done; staff has gone back online a few times and looked; and this is one of a series of ethics reports that Leroy Collins is doing. He added the recent report that they had produced outlines campaign finance reform, also under the banner of ethics; the data he showed the Board is the best data staff has regarding surveying the counties and where they were at that point in time. He pointed out 12 counties in this report, report of having an ethics code that contains local regulations that were in addition to the State's requirements, they were writing codes that were more aggressive than the State code, local governments are not allowed to utilize ethics policies that are weaker than Part III of Chapter 112, Florida Statutes, but they can adopt provisions that are tougher than State Law; and the additional requirements of the 12 counties having local ethics codes generally deal with more stringent practices for voting conflicts, gifts, and financial disclosures. He added the next question addressed in the survey asked, "Had your county adopted an ordinance regarding voting conflicts for elected officials", Figure II of the report points out that five counties responded affirmatively, with Miami-Dade having the most comprehensive county level voting conflicts policy; individuals covered by this policy cannot enter into any contract or transact any business with limited exceptions in which he or she, or a member of his or her family, has a financial interest, either direct or indirect, with the County or any person or agency acting for the County. He went on to say Figure III shows the Board the counties of Miami-Dade, Palm Beach, and Duvall, have established their own local ethics enforcement agencies, with added responsibilities beyond the Florida Commission on Ethics; five counties Broward, Miami-Dade, Palm Beach, Pinellas, and St. Johns have also put into place independent Inspector Generals, as internal government watch dogs to investigate wasteful spending, and public corruption; and 21 counties responded to the survey indicating they have a designated point person for ethics issues. He stated the responses provided stated that county attorneys are most frequently utilized points of contact for ethics issues full time ethics officers are on staff in Duvall, Sarasota, and Miami-Dade counties; Brevard County has, since this report, also

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designated the County Attorney as its point person on ethics, as a result of the 2013 presentation's recommendations. He added 60 percent of counties surveyed offered ethics training to elected officials, in the 2013 Workshop for the previous Board, Brevard County would be added to that list of authorities providing ethics training to the Board. He explained the third most cited local government policy topic in the survey response was restrictions on lobbyist's gifts to county officials; more than half of the responding counties, including Brevard, under the Board's Conflict of Interest Policy, have some restrictions. He added 10 counties out of the 45 counties that responded to the survey required lobbyist registrations; at the time of the survey, Leon County required lobbyists to report their compensation; and local campaign finance regulations in only three counties at the time, Broward, Miami-Dade, and Sarasota. He noted the final frequently cited policy component at the county level, according to the survey, were local ordinances regulating procurement practices; and 56 percent of county governments have adopted procurement practices that go beyond State Law; the cone of silence policies that limit communications between perspective governmental contract bidders and local governments were mentioned frequently in the survey. He advised Brevard County has a Board approved cone of silence statement, it is included on all of the bid packages; at the close of the 2013 presentation, several recommendations were made to the Board and approved for implementation by staff. He stated Brevard County Policy BCC-03, policy statement was updated and approved by the Board in January 2014, to be the single document that would identify and reference all of the County's ethics provisions in that one document; that update in BCC-03, also formally designated the County Attorney's Office to act as the designated ethics officer, advising and counseling the Board members and staff on ethics issues. He added the Board directed staff to continue to provide continued ethics training to all staff, with refresher requirements; and since the 2013 Board Workshop, Human Resources has provided between 10 and 12 ethics classes per year; and in 2017, there are 12 already scheduled, and he did one as recently as yesterday afternoon. He went on to say staff has conducted annual ethics training in addition to those classes for employees for senior staff, in an effort to provide a significant portion of the four hours of ethics training required for elected officials to the County Manager's staff; and the County Manager's staff was not included in the Tallahassee policy, but the County Manager directed that staff expand that to include senior staff; and the last such program was held August 20, 2016, at an expanded Director's meeting where there were over 70 managers participating in the ethics refresher program, and staff previewed, at that time, the online refresher course that he spoke about earlier. He advised staff is expected to have the final version of that training, with any luck, online and available on the street, by March 2017; he added that brings the Board up-to-date regarding the ethics programs currently in place at the operational staff level; and public employees ethics has been, and continues to be, an area that garners a significant amount of Human Resources attention and training time as Brevard County strives to be proactive in an effort to minimize the potential for ethics violations to occur throughout the organization.

#### **ITEM I.A., PUBLIC COMMENT**

Chairman Smith stated the Board will now go into Public Comment, and he has several cards.

Reverend Johnny B. Dennis stated he is present to speak on unprofessional conduct, which he calls unethical; on January 23, 2017, he had a meeting with Commissioner Pritchett; it has been a month, he has not received a phone call, no texts, no emails, or anything; and when his elected official becomes entrenched and they start acting power hungry, they call that corruption. He advised he lives in a democratic community, although he did not vote for a Republican, an elected official should be non-partisan in his community, and all communities; and if the Board has any questions he is here.

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Commissioner Pritchett stated he is welcome to call the office and make another appointment; and they would be glad to set that up. Reverend Dennis inquired why she changed her phone number; and that was not forwarded to him either. Commissioner Pritchett stated it is online, her assistant Marcia or Steven is in the audience, and they would be happy to give it to him.

Pastor Tom Unrath stated his congregation is in Cocoa, at the corner of US1 and Michigan Avenue, he believes he is in Commissioner Barfield's District; he lives in Commissioner Smith's District; what he has read and heard about regarding this ethics discussion it seems it is mostly about finances, and the way things get spent, or that kind of thing; and certainly that is a big concern. He advised during his time as a Chaplain in the Air Force, he worked his way up to a point where he was a custodian of some pretty substantial fund projects, and he is well aware of the ethics, but really more the legalities of handling funds. He added when he thinks of ethics, he thinks more generally of doing the right thing; and he would suggest to the Board, as public officials, as elected government officials, do the right thing and that is to take care of people, the people that elected it. He noted the best thing is to take care of those that are least able to take care of themselves; it seems in the public eye, at least the way things get discussed oftentimes, that the ethics issues that come out are those issues that have the larger wallets are looking to have an even fatter wallet; and that there is some assistance at that happening. He stated in all of his dealings with the Board, he has never had any sense that that has been the case; he would ask the Board to consider that whatever funds that are collected, that they are used to find way to help those that need it most.

Anita Unrath stated it has been almost two years now since she attended her first County Commission Meeting; she has enjoyed being educated on what is going on in the County, and becoming more involved; and she enjoys working on behalf of the County on some projects. She added in her almost two years, she has been very impressed with the openness of the County Commissioner's doors, when she has called, she has gotten an appointment, and she has been able to talk to them; and even people in the other Districts, not just Commissioner Smith in her District, and she appreciates that. She noted she has never seen any unethical behavior; she does not believe in public shaming, she does not like the idea of if one of the five elected commissioners now does something wrong, that it is going to be on a public agenda; and everyone makes mistakes. She explained the Bible says, "All has sinned and fallen short of the glory of God." She noted she has listened to people support the idea of an Inspector General, and she wondered why; she stated Brevard County is not huge like Miami/Dade County or Pinellas County; and she thinks Brevard County government runs very well. She expressed her appreciation to all of the people in the various departments who she has spoken with; staff has always been helpful, kind, and passionate about their work; and she would like to tell whoever may be watching on television this afternoon, that Brevard County government does work very well, and it sounds like what it is doing for Ethics training is wonderful. She went on to say she is a retired school teacher, they had to go through training as well; in order to have less government, she does not understand how making more rules is going to help anything run better, because she is impressed with Brevard County and how it is run; and she expressed her appreciation to the Board for its service.

Richard Charbonneau stated two meetings ago Chairman Smith said that the Board does not need ethics because it has policies; and he looked up the difference between laws and policies, and he will read it to the Board: "Policies outline what a government is going to do and what it can achieve for society as a whole. Policies also mean what the government does not intend to do. Policies are only documents and not the law. There are policies that lead to new laws. Laws are set standards, principles, and procedures that must be followed by society. Laws are mainly made for implementing justice in society. While laws are frame for bringing justice to society, a policy is frame for achieving certain goals. Laws are administered through courts. Laws are enforceable and policies are not. A law is an improper format as it is a system of rules and guidelines of more of a formality. A policy is just informal and is just a statement or a

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document of what is intended to be done in the future." He went on to say his summary of this is that if everybody were an honest person, there would not need to be any locks on any doors; and unfortunately, some people are not honest, so there are locks on doors. He stated if everyone had common sense, a person would drive 65 to 70 miles an hour up Interstate 95, but there is one percent of the people who would drive 95 up Interstate 95, so that is why there are laws; to say that having laws is expanding upon the government, then fine, do away with all laws and have anarchy; it is silliness not to have laws; laws protect people from maybe the one or two percent of people who do not follow the laws; and that is why there are laws. He pointed out Commissioner Tobia wants to have Ethics that have enforcement bite; right now there are Policies; and as far as he knows, the County's Policies are not enforceable by anyone, so there could be as many Policies as it wants. He noted a couple of years ago Commissioner Bolin Lewis went on a trip to China and spent about \$20,000; it was hidden for several months; Commissioner Infantini kept on asking for it and did not get it; and he does not know if it was \$20,000 or not, but it is a lot of money. He stated if it was \$140,000, it is not enforceable.

Kim Rezanka provided the Board with a handout. She stated she is an Attorney with the Law Firm of Cantwell and Goldman; she had been appointed to the Statewide Commission on Ethics by Governor Rick Scott in December 2015; she read about this workshop; and she decided it would be a good opportunity to talk about the Commission on Ethics. She went on to add she provided materials to the County Manager, two different booklets and two different handouts, just in case it needs to be used; she uses the red handbook all of the time. She stated the Commission on Ethics is a nine-member commission with a staff of approximately 25 employees located in Tallahassee that serves as a guardian of the standards of conduct for officers and employees of Florida and its public critical subdivisions; it functions as an independent commission responsible for investigating public reports of complaints of breach of public trust by officers and employees; it investigates foreign complaints, assigns penalties, and maintains Financial Disclosure Systems of almost 39,000 reporting officials and employees; and it also administers the Executive Branch Lobbying Registration System, which has a \$3.6 million budget. She advised the Board this past year it reviewed 220 complaints, and 132 were investigated; it provides for penalties; the Commission, under Section 112.317, including disqualification from being on the ballot, impeachment, removal from office, suspension from office, suspension from employment without pay, demotion, forfeiture of salary up to 12 months, and civil penalties up to \$10,000 per violation, plus restitution; since 1975 there have been a slew of penalties issued by the Commission; and she has a full report that she will provide to the County Attorney as the County's point person just for reference. She noted they meet eight times a year at the Fourth District Court of Appeals; they have public and private agendas; on Friday public agendas are televised; press releases are issued the following Wednesday that talk about what was done at the Commission on Ethics and when probable cause was found; and the website also provides information on training, training links, and training opportunities. She pointed out the Commission staff will also come and train in person; it has a very interesting history; it was one of the first Commission on Ethics that was ever established; and the Code of Ethics is found in Chapter 112. She stated it is intended that the public officials conduct themselves independently and impartially, not using their office for private gain, other than compensation provided by law; and even if Brevard County creates its own Commission on Ethics, the Statewide Commission on Ethics will still have jurisdiction, which could result in double hearings and double penalties. She stated she provided a copy of the 2016 Annual Report; she only had eight copies as it was quite a large report; it is available on the Commission on Ethics website, as is more information on the Commission on Ethics; and there are also legislative recommendations in that, which is part of the Commission on Ethics's responsibility. She went on to say obviously if this Board has something the Legislature can consider, she can assist with that if that will be helpful.

Jim Stone stated he is a Depression baby so he views the world different than most people, which are folks who lived their whole life without big government. He went on to say he is totally

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impressed with everyone he meets in the field, and he has nothing but praise for them, no matter whether they are on the road or other working environments; his problem with the County is management from the Board, how they allow the County Manager to do what he does without what he has ever seen as any true incentives for achievement other than keeping certain organizations in the County happy; his experience with the County has been nothing but negative; it has cost him his life savings; and he is not happy about it. He added he presented a year and a half ago a big paper showing why he was unhappy, and he has not seen any evidence that anyone in the County read it; he took a copy to the *Florida TODAY Newspaper*, and after a week he asked for it back as they were not going to do anything with it either; it is conservative in approach and not liberal so the newspaper does not want it; and his emphasis is the Board needs to come up with some incentives that truly look at what goes on in each department and make those incentives real so people have something to achieve. He stated in the space business, the highest paid technicians, the incentive was the money; if they performed poorly, they took risks; and if they accepted unacceptable work they never made that higher salary. He stated they had checks and balances in those systems as they had eyes, ears, and good communication, and he does not see that here. He advised the Board he went in for a development when his citrus grove floundered after Ronald Reagan eliminated all controls on citrus imports and the market went to Hell in a handbasket; the only option he had for his land was to develop it; his first final review he went in very enthusiastic; and he was hoping to still make his 10 percent profit margin on that land. He noted he had to go back and redo the engineering, surveys, and all the fees required; he thought the second review would do it, but he was wrong; the third review it did not happen; and when they came out for the final inspection, they told him they were taking eight lots out of his development because of an easement there. He pointed out he is probably the only individual in the County who has his sidewalk bond in escrow, because he was told he had to put in sidewalks, at 4,000 feet, that is \$40,000 minimum; and there goes an entire lot that was his profit. He stated if anyone in the County wants to talk to him about this, they have his telephone number.

Pam LaSalle stated she wishes she would have been allowed to go through Snow White where every bird was singing and everything went well, but that was not her experience; her experience is she went up through management, down through the Commissioners, and came to the conclusion that independent oversight is needed; and she is the one over a year ago who started moving for an Inspector General in this County. She went on to say every county in the State that has an IG, they more than have them paid for by the work product that they create; she is not a lobbyist and will never be a lobbyist; and she has to wonder who comes before the Board trying to keep the taxpayers from having ordinances which can be enforced what motivation they may have. She noted she pursued an ethics issue with the Ethics Commission and stopped dead cold in her tracks when she read the form that needs to be filled out; the form that needs to be filled out, even if it is out of a person's control, even if a person has a strong complaint, even if they agree with the person and pursue it, if they lose it, and it is out of a person's hand when it gets to them, if they lose it or it is dismissed, that person that the complaint is filed against has the possibility to come and have the person who made the complaint pay for attorney's fees. She pointed out she is sure a person, a politician possibly, has motivation to hire the best private attorney possible; and she would think a lot of people who bother to read the form would stop dead in their tracks and not pursue that. She stated ethics would create sound choices for officials; it would make it a defined way for accountability; and she just does not see any down side to making it concrete rules for the taxpayers to know where they stand with the Board.

Melissa Martin stated she wants to ducktail onto a couple of comments spoken both in the fact that her personal experiences have been very good and positive with County staff and County Management in addressing issues and following through with things; and she expressed her appreciation in general. She added she supports Ms. LaSalle in some of the things she says regarding a definite need to shore up certain procedural mandates. She stated the tricky thing

about ethics is there is not only two parts in it, the standards and the processes, but it is also a graduated issue; a person is not going to be jailed for pilfering printer paper for personal use; but the Board is also going to have to take some things seriously if someone steers a contract their buddy's way. She stated it is complex and it deserves a complex structure; and from the public's point of view, it would be nice if they could have some sort of website to provide not only in layman's terms an overview of what is Ethics and how the County manages it, but also an interactive way of contacting someone to explore the issue, not necessarily to jump into reporting or complaining, but asking if something is legal. She noted she is a process girl, she did a similar job as Scott Knox, County Attorney, in her previous life, only she had one boss, not five; and a lot of the necessary processes that went into a successful ethics program was not only the training but also maintaining an eye to the necessary transparency it takes to even see where there might be problems, to have an investigative process and follow through. She stated that may be where the public sees it not happening right now, she does not know; the follow up should be in some sort of reasonable and fair result both in what processes do to the alleged offender and also on behalf of the public; and it should be noted how a complaint is processed somehow in some fashion. She reiterated she would like some sort of website that is comprehensible to the layman that can provide a go to and follow through for all matters.

Barbara Gorin inquired what is so wrong with enforcing ethics and strengthening ethics; why would there be a question from anybody in the room to strengthening ethics in Brevard County; and she stated she would appreciate honest answers from every Board Member on why he or she does not want to go forward with what has been proposed.

Camille Tate stated she was at the meeting when Commissioner Tobia introduced the Ethics reforms, and one of the things she wants to state is she was particularly interested in the one about the use of electronic devices; she was at a meeting last year where one of the Commissioners was on his telephone and he was looking up the property taxes of people who were commenting against exceeding the tax cap in the Charter; and while she thinks that was inappropriate, an inappropriate use of his electronic device, she personally does not see an issue if a Commissioner is using their device. She pointed out maybe someone is speaking and he or she may be doing some quick fact checking; she thinks the issue should be what the actual use of the electronic device is and how it should be used if a Commissioner is on the dais doing the public's business; and that is the most important part.

Arlene Naulty stated they are particularly interested in Ethics, and the impression she received from the Board meeting is that the Board has particular documents which it must draw what is or is not appropriate; and she is addressing her comments to that. She went on to say the Board has Ordinances and other documents; she inquired when something comes up or it is studying an issue, how many pieces of paper does the Board have to go through that may have conflicting statements; she suggested that the Board work with the County Attorney and County Manager to define what it wants to set forth, and to revise the Ordinance; and she would like to see a more congenial meeting of the minds. She pointed out she was disturbed with the interaction and comments that were made at the last meeting; it would be more appropriate if the Board had some of those discussions off of the floor; obviously, the Board Members are not going to agree on everything; but there is an area of respect she would like to see each Commissioner extend to each other.

## **ITEM II., BOARD ETHICS PROPOSALS**

Stockton Whitten, County Manager, stated there were several proposals submitted by various Commissioners under this particular topic; he does not know if the Chairman wants the Commissioner to present their particular items; and it would probably be better if the individual Commissioners presented what he or she has presented under this particular item.

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Chairman Smith stated the first one he has is a proposal from Commissioner Barfield; and he asked Commissioner Barfield to present that to the Board.

Commissioner Barfield stated he knows there is talk, and there is one Commissioner who elected to move his office outside of his District; he knows how important it is to be close to a Commissioner's constituency; the Board's vision, core values, accountability, openness, and honesty are all important; and when a person has people in the community, it is nice to have them close. He went on to say it is an ethical concern because it comes down to communicating with the constituents; he threw this in for discussion, that the Board require each Commissioner have his or her office within their District; and he thinks it is very important.

Commissioner Tobia stated there is no doubt it is his Commission District that is housed in Viera; and he would like to ask Commissioner Barfield a few questions relating to this proposal. He inquired if the Board is aware that when the Viera Complex was designed and built in approximately 1990 that it was intended as a tax savings method that all five County Commission District offices were to be located on the second floor in Building C.

Commissioner Barfield responded he was aware of that.

Commissioner Tobia inquired if he knew there was no similar provision at the State, or to his knowledge at the Federal level, pertaining to a similar law or Statute to what Commissioner Barfield has proposed.

Commissioner Barfield replied he does not think it applies, but no.

Commissioner Tobia inquired if he is aware of a process of redistricting that happens every 10 years.

Commissioner Barfield responded affirmatively.

Commissioner Tobia stated the next redistricting will happen in four to five years; he has no idea how that will go due to population shifts and all that good stuff; and he inquired if Commissioner Barfield is aware it could potentially be thousands of dollars once the lines are moved.

Commissioner Barfield pointed out most of the Commission offices have stayed in the same spot, at least in his District, for at least 20 years.

Commissioner Tobia advised that would be factually incorrect; there are five Commissioners now; two have moved their offices and his office is the third that moved; and that is actually three of the five Districts have changed.

Commissioner Barfield noted it is the question of either does a Commissioner want to be a long way from his or her constituency and be in a County building or does he or she want to be close to their constituents. He went on to add there is redistricting every 10 years; the citizens have a right to be closer to Commissioner Tobia to be able to talk; it is not geared at only Commissioner Tobia; and then comes a point that it should be policy that each Commissioner should be as close as he or she can to the constituents.

Commissioner Tobia stated his intent was the office the previous Commissioner had was a standalone office; they looked at several expenses such as maintenance, power, and Information Technology expenses that he moved to Viera because there was existing space; and it was a tax savings to the taxpayers of the County. He went on to say his intent would be to look at surplus and potentially take this property where the District 3 office was previously, it is overlooking the water, to auction the property off; and would get the resources from the sale

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of the property and also the tax resources from increased property taxes. He stated his intent was purely a tax-saving mechanism; he promised his constituents that he was here to save dollars; and he thought the first place to do that would be to have an office to have zero rent. He noted he prides Commissioner Barfield on his office; he is in a government building; and those expenses are not bourn by him. He inquired if the potential of hundreds of thousands of dollars for the sale of the property worth putting in a policy.

Commissioner Barfield stated the property is located next to a city park; if he is correct, it is government property next to it so the city would get next rights to it, which means it would not be on the tax rolls; and he asked Mr. Whitten to step in.

Mr. Whitten stated one of the problems with that site is the County owns the building but it does not own the parking lot; the parking lot is owned by the Florida Department of Transportation (FDOT) with a lease to the County; and the potential problem with a sale to anyone will be there is a building that does not have parking associated with the ownership of the building.

Commissioner Tobia noted the person moving in there may not want that existing structure; and he inquired if there would be a permitting issue if a person was interested in the land that he or she could potentially put a parking structure in that space.

Mr. Whitten replied he could not answer that question, it is in the City of Melbourne, and it would be Melbourne Codes.

Chairman Smith stated Commissioner Tobia is priding himself on saving dollars from moving to another property to Viera, but the County is still paying dollars to keep that property; and the other point he would like to make is if another Commissioner comes in, in the future, if he or she wants to move back into the District and the County no longer has that property, a property will need to be located to possibly buy. He stated he does not see that there are savings. He inquired if Commissioner Tobia has done this to save money, and is he chastising his fellow Commissioners who have chosen to move out of government buildings into separate offices so they can better represent their constituents.

Commissioner Tobia responded first of all, he is not priding himself on this, he made a campaign promise, and he believes when he runs for office, the reflection on how well he does is keeping promises; the IT expenses and power expenses, to his knowledge, would not be incurred; he has not gotten that far as he is stuck on ethics stuff that he has had a number of hurdles with, as well as Community Redevelopment Agency (CRA) stuff; and he has not been as proactive as Commissioner Barfield to look at the sale of public land. He went on to add as far as chastising his fellow Commissioners that is a decision that they made; and if this better serves their constituents, far be it for him to make that. He pointed out with other County Commissioners in the past, staff had to travel great distances to Commission offices to hold meetings; and as the Board is aware of, one of the advantages of being in Viera is to be able to go up a couple of floors and meet with staff instead of having them drive a great distance when they can be doing the people's business instead of traveling back and forth.

Chairman Smith stated fortunately he is in this building because it is in his District; the other side of the coin is Commissioner Tobia is inconvenienced by being in the building, but his constituents are inconvenienced because they have to travel 12 or 15 miles to get to him.

Commissioner Tobia stated in full disclosure, he has received one complaint; and he inquired if Chairman Smith has received complaints.

Chairman Smith replied he just had one yesterday who complained; he lives in Melbourne Beach and he went to Commissioner Tobia's office; but he was not there because his office is

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not there anymore. He went on to say Commissioner Tobia is big on open government, but part of open government is representing and being available to constituents; if a Commissioner moves their office 12 miles away, it is not so open; and he understands Commissioner Tobia has a lock on the door so people cannot come and go as they please.

Commissioner Tobia inquired a lock on what door.

Chairman Smith replied a lock on his office door.

Commissioner Tobia stated to the best of his knowledge they do not lock the door.

Chairman Smith stated he had people try to open Commissioner Tobia's door and the door was locked.

Commissioner Barfield stated about staff coming all the way to his office, technology is great, they have been using video conferencing since he has been a Commissioner; it makes it easier because a person does not have to travel; and he is sure others use it as well.

Commissioner Tobia inquired if technology also works with constituents picking up a telephone and calling Commissioner Barfield's office.

Commissioner Barfield noted either the telephone or email, but a lot of people want to meet him face-to-face.

Commissioner Isnardi stated she sees both sides; her motivation was different; each Commissioner is tasked with representing his or her District; she took heat for the small expense of moving her office from a government building to make it more convenient for residents to come and see her; but she understood that going in, so she will take the heat for that because it is important. She went on to say at the same time she is accountable to her constituents; if Commissioner Tobia moves his office here, a constituent in his District could just as easily say that is smart business; and she has heard the same thing that the courthouse was designed to house the Commissioners there. She added the City of Palm Bay did that when they utilized a big expansion and everyone got mad at them for building the City Hall annex was to move of those departments to one central location; and it did inconvenience people in the north end of the City that had to go for their building permits to the southern part of Palm Bay. She stated the Districts are horrifically drawn; she understands the dynamics and politics behind redistricting; she remembers the bit of a nightmare the Board went through last time; but to each their own. She noted she cannot criticize because some people could find fault in what she did as well; while someone would praise her for the decision she made, others would say they cannot believe she had to pay rent; but meanwhile most of the traffic that comes to her office right now are people going to the Department of Motor Vehicles or people looking to get background checks; and a person can imagine the walk in traffic they get that interrupts her staff and their time as well. She stated there are pros and cons to both; she understands both arguments; but she is not going to tell Commissioner Tobia where he has to move as it is not her place. She pointed out Commissioner Tobia knows his District and who he is representing, and he has to make that decision for himself.

Commissioner Tobia stated the reason he asked the question is he wants the Board to be aware of the fact if it goes in this direction, and this is put in an ordinance, he will follow it; but he wants an understanding of the dominos that will fall. He stated he is not arguing against the proposal, he is laying out the necessary facts that would put question marks on it; but if this is the discretion of the Board, he will gladly abide by it. He reiterated he is not against this, his point was savings; if the Board thinks the transparency supersedes that, he would be the fifth vote on that.

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Commissioner Isnardi stated she has had residents criticize the fact the County has that office on the water.

Chairman Smith stated no matter what is said or what the Board does, and the people who do not like a particular Commissioner personally, they will take exception to it. He went on to say when he heard Commissioner Tobia was moving, he thought it was odd because he would not be in his District, and the other two Commissioners were keen on being more accessible; but if Commissioner Tobia wants to irritate his constituents, that is his call. He explained his opinion is Commissioner Tobia is not serving his constituents, and he is so vocal on openness in government; and if he wants to serve his constituents, and his focus is that, why did he make himself more difficult to access.

Commissioner Tobia advised the Board he ran as a fiscal conservative, as Chairman Smith did; he has not had the luxury of being on the Board for two years; he made promises when he ran for office; and he has not gotten to everything yet.

Chairman Smith inquired how much Commissioner Tobia is saving by moving to the Government Center as opposed to being in that building.

Commissioner Tobia replied the motivation is the County maintains that building, the landscaping is wonderful there; he has not been able to deal with public lands yet; but he has not gotten to that point of taking things off of the public roll.

Chairman Smith stated as diligent as Commissioner Tobia is at research, he would have assessed there is a dollar value of his being here rather than there.

Commissioner Tobia stated he has asked that question of the Property Appraiser and County staff multiple times what the value is of that, he is sure they tried to estimate that, but they have not; and the best response he received is to get an appraiser to do it.

Chairman Smith stated so what Commissioner Tobia is telling him is it just seemed like a good idea, so impulsively he moved into the County building.

Commissioner Tobia pointed out if that sells for \$1 and someone builds something in there, then that is a \$1 savings on rent, plus the increased tax value the County would get from that place.

Chairman Smith inquired if the building were sold, everything is an 'if'; he stated what Commissioner Tobia is telling him is he is a fiscal conservative, and that it is important to save money; and he stated if the property is sold and Commissioner Tobia does not get re-elected, they will need another building.

Commissioner Tobia stated he cannot go out and say he has three votes to sell a piece of property; he reiterated he asked staff and the Property Appraiser; and he cannot tell the Board what the property will get at auction.

Chairman Smith stated he will not advocate selling the building, because if Commissioner Tobia is gone someone else will go in there or they will have to find another place at a greater expense; and if a facility will need to be replaced to put the Commissioner, it will be more money.

Commissioner Tobia stated there are other public buildings where space can be appropriated.

Chairman Smith inquired why he did not move there instead of here.

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Commissioner Tobia replied he made some phone calls, and from the municipalities, there was going to be some free space but it would have taken a little bit of time, and they wanted to hit the ground running; there was space available here; and they jumped right on that. He stated he will move; he just wants the understanding that everything he did he got the okay for everything that took place; but if this does go through, there will be costs incurred, potential moving if there is redistricting; and if that is the preference of the Board, he is fine with that.

Chairman Smith stated the building was dedicated to put all of the Commissioners here, but it was discovered early on that the Commissioners should be in their District.

Commissioner Tobia inquired where Commissioner Smith got that information.

Chairman Smith replied he got that from people who have been in the County for a long time; he inquired how it just happened; he stated someone had to make the decision because the Commissioners are all in their Districts; and a person cannot deny that the decision was made somewhere along the line, so just because he cannot produce the paperwork does not mean it did not happen. He went on to add every Commissioner for the last 25 years has been in their District; there is a reason for that; and that is so the constituents would have access to their Commissioner. He noted if that is not important to Commissioner Tobia, it is not important to him.

Commissioner Pritchett stated she wants to give an overview of why she is thinking what she is thinking when the Board votes on this; she does not agree with everything each Commissioner does; she does respect each one of the Commissioners; and she believes the Commissioners have been voted in to do their very best. She stated she is trying to determine what is legal or what is not legal, what is moral or immoral, and what is right and what is wrong; there are some things that are preference; she does not want to micromanage the Board; and it is going to have to make the decisions that is best for its constituents. She stated each Commissioner is going to have to search themselves in what they are doing and leading forward with; she could not pull this off in her District; her community has gotten used to having complete access to the Commission office; she thinks Commissioner Tobia has found a way to manage his own District; and she is going to have to have confidence that Commissioner Tobia has that part down. She stated she will not vote in favor of this, because she does not want to micromanage the other Commissioners; she reiterated the Commissioners are trying to do the best for their constituents; and she hopes as the Board moves forward, it tries to find out what is ethical and not ethical. She stated if a person makes an error in his or her financials they should not be called unethical, she thinks it should be clerical and fix it; there are problems out there even with the State of Florida when it puts ethics on the County that are not fair; and the Commissioners are doing their very best. She added she thinks if the Commissioners work together with that in mind, they will get a lot of places further down the road. She pointed out she is not going to vote on this to go forward; and she would like it if the Board does not make too many laws and regulations.

Commissioner Barfield stated he got what he wanted accomplished.

Commissioner Tobia stated if the Board wants to move forward with this, he is fine with it.

Commissioner Barfield stated he is fine with it; and if that is what Commissioner Tobia wants to do, he is fine with it.

Chairman Smith stated Commissioner Pritchett has a travel policy she would like to discuss.

Commissioner Pritchett stated she went through some of the ethics things the Board discussed the other evening, and she pulled items that she thought needed to be worked on; she feels the

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Board has to do a lot of travel around the State, but if it has to travel out of State, it will be more costly; she threw this in part of the policy so that if one of the Board Members is going to travel out of State it would require a majority vote to do so; and then there would be more transparency on those types of items.

Commissioner Isnardi stated she got excited when she saw this as she is a creature of old habit, and she always thought the Board brought the items to a workshop as it is a moving, working product; and the next time she will be sure to give the Board some information beforehand; this is something she introduced at the City of Palm Bay; they actually used to have all of their travel on the agenda; it gave staff a bit of a headache because everyone had to justify their travel; but when economic times are rough, he or she should have to justify their travel. She went on to say they were paying for trips to Australia, Toronto, and Chile; they no longer have that on the agenda by the way; and she would have to agree that any travel out of State, or even add a dollar threshold along with that as a person could travel to the West Coast and spend a lot for a hotel room, which would be her input in that.

Commissioner Barfield stated the Board has to stay within the federal rates or whatever they are.

Mr. Whitten clarified by saying when the Board develops the budget and approves it each year, there is a travel listing for each department, including the Board; the Policy as of now is if the travel is approved within the approval of the budget, it does not have to come back to the Board unless it exceeds 20 percent of the projected or approved amount; if it is \$100 travel, and it turns out to be \$121, it comes back to the Board; and this simply clarifies if a Commissioner is going to travel out of State, it comes to the Board if it is not previously approved in the budget, because the second part says travel guidelines outlined in AO21 also apply to the Board, and that is where it gets the per diem. He reiterated each year all of the travel for the County is approved within the budget, and if it exceeds 20 percent of those projected amounts, it comes back to the Board via the Billfolder. He stated this properly clarifies that the Board has the same travel rules as regular County employees.

Commissioner Isnardi stated she appreciates that, but her take on this is transparency, so although it is in the budget, and the staff is doing their job by including it as part of the budget approval process, it often gets lost on where and what the Board is doing, and if the Board's goal is to have that transparency. She added she does think it should come back to the public forum; she is guilty of being in a city where a long time travel was abused; and she is not saying that is what is happening here.

Chairman Smith inquired if travel is public record; what Commissioner Isnardi is suggesting; and if one of the Board Members take a trip, how would she govern what is acceptable to spend.

Commissioner Isnardi replied that is why the Board is having the discussion; and she stated if it goes over a certain amount, there needs to be Board approval, because the idea is transparency.

Chairman Smith inquired what the threshold is, and who is going to decide what the threshold is.

Commissioner Isnardi responded the Board is; she stated the Commissioners can ask for each other's input.

Chairman Smith inquired on each and every trip.

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Commissioner Isnardi replied as a Policy maybe anything over 'X' amount of dollars for one trip if the County is going to pay for it, but if someone personally pays for it, that is different.

Commissioner Pritchett stated what if the Board decides that anything over \$500 for one project, it would have to come back to the Board.

Commissioner Isnardi stated the Board would be better able to decide if that is something taxpayers should be paying for.

Chairman Smith suggested to the Board to use recent trips to get an idea of what it normally costs.

Commissioner Isnardi stated anything over \$500 could be used, but at least the Board could decide as a body whether it is a worthwhile benefit to the taxpayer that a particular Commissioner goes to an event. She went on to say she has attended conferences where it was no benefit to the taxpayers, it was more social.

Commissioner Barfield stated when Commissioners go to Washington, DC, to meet with legislators, it is very expensive; he does not know the answer to this; he likes this, it is a good check and balance; and he just does not know how to accomplish this.

Chairman Smith stated if a Commissioner contacts the County Manager's Office requesting what the average cost is for the last three years to go to Washington, DC, or the last three years for trips to Colorado Springs, Colorado, as they are places he or she typically goes. He noted it would behoove the Board if it used recent travel expenses, look at them, and decide what is reasonable.

Commissioner Isnardi advised she just wanted to add the caveat of dollars to the travel Policy.

Commissioner Barfield stated with the Florida Association of Counties, he can drive back and forth every day.

Commissioner Pritchett stated the Board could discuss that and vote it through with a majority if it thinks it is a good trip at that point.

Commissioner Tobia expressed his appreciation to Commissioner Pritchett for bringing this to the Board; this was one of his proposals; he had a super majority in there, she said majority; he thinks that is a reasonable compromise to this; but he wants to tell the Board why this is important. He went on to add one of his fellow County Commissioners held up a bunch of policies; it is important the Board puts stuff in an ordinance as opposed to policies; policies are useless; and he will give the Board an example. He explained Brevard County Policy BCC-92, approved December 21, 2010, so it is still in place according to the County Attorney; one of the Commissioners just said he went on a bunch of trips last year; and he checked the Agenda to see if anything came before, and he could not find anything. He read a portion of the Policy, "Travel for elected officials shall be approved by the Board prior to the date of travel. However, Board Members may travel without prior approval, and the travel is immediately acquired to support the Commission Legislative package in Tallahassee or Space Initiative in DC." He pointed out those are the only two exceptions; he stated in other words, if a Commissioner traveled outside of DC or Tallahassee, and did not, and they did not come to the Commission, they are in direct violation of a Policy that Brevard County has in place; but as what was just said, policies do not have any enforcement or penalties; and to bring this forward and putting it into an ordinance, it would prevent these types of violations that Commissioners have admitted in the past couple of minutes.

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Chairman Smith inquired if policies have consequences.

Scott Knox, County Attorney, replied generally speaking a policy is a statement of the Board as to what it would like to see, it is sort of a guideline more than it is an ordinance; and an ordinance has a legal effect, which is enforceable by courts, injunctions, or the State Attorney in the case of something that requires a fine, not so with the policies.

Chairman Smith noted Commissioner Tobia brought up an interesting point; when he was asked to travel, he was doing so on behalf of the County; no one in the County told him he was violating any policy by going; and this is the first time he has heard of that.

Commissioner Tobia stated the Board has nine attorneys at its disposal.

Chairman Smith stated he does not ask the County Attorney if he is breaking a policy by coming to work and going to lunch five minutes early either, and there may be a policy for that; he does not ask people if everything he does and says covered by a policy; and he does not want to live that way. He pointed out he is not paranoid.

Commissioner Tobia stated he is not paranoid.

Chairman Smith stated he sure acts like he is paranoid.

Commissioner Pritchett inquired as a County Commission, if he or she violates policy maliciously, can someone turn a Commissioner in for an ethics problem with the State of Florida.

Attorney Knox replied not for violating a policy.

Commissioner Pritchett inquired if the Board would be under any kind of legalities unless it makes it an ordinance.

Attorney Knox responded affirmatively. He stated policies can be waived and are frequently waived; for example, there are Board Operating Procedures which is a Resolution, which is six pages long and it says all of the things the Board is supposed to do at a Board meeting and what it cannot do; and he reiterated it is waived all of the time.

Commissioner Pritchett stated she does not think it would be the intent of anyone up here to try to break policy or ordinances, but she guesses the Board is trying to make future guidelines.

Commissioner Barfield inquired if the Board approved the travel in the budget, is it not approved.

Mr. Whitten advised the Board that is the process; if the Board flips to the budget pages it will not only see travel, there will be the trips and the number of travelers, and there is an estimate of the cost of the trip; staff does that for Capital Outlay for Capital Improvements; the AO and the Budget Policy says if it is approved, it is approved travel for the year; and if it goes over 20 percent, it comes back to the Board. He went on to say he would fail that test as well, but the guide has always been AO21, and it lacks clarification of how the Board is going to function under AO21; he thought this was a discussion of out of State travel; and the Board has blended both in County and out of County travel with the out of State travel. He pointed out he is a little confused as to where the Board is going; the thresholds will be difficult, because the Board has assignments to go to East Central Florida Regional Planning Council, Florida Association of Counties, and the thresholds will be different; and if it is out of County in the Panhandle, he or she is not coming back in the same day. He noted he does not think there is a one size fits all

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to fit into this policy that was proposed for out of State travel; and he needs clarification of where the focus is, out of State, out of County, or is it both.

Commissioner Isnardi stated she would say it is out of State and out of County, but the dollar threshold does not have to be so low that it would be hit by going to an Eastern Central Florida Regional Planning Council meeting in Orlando; she would not suggest the Board go that low, just a reasonable amount; and it does not have to complicate things as it can be quite simple.

Commissioner Tobia inquired if the Board can start with the proposal that was made; he thought it was ingenious; he thinks the more egregious ones that the constituents may have issues with is not if a Commissioner goes to Florida Association of Counties meetings in Alachua County; and if he or she goes to Hawaii, that is the stuff the public should have awareness of. He went on to say if a Commissioner leaves the State of Florida, it should come up; and he inquired if that proposal can be dealt with as is, and then come back at some point and deal with the in State travel later.

Commissioner Isnardi stated she does envision a Commissioner going to Tallahassee for a week, which could easily go over \$500 in expenses.

Attorney Knox advised the Board it says approval by the Board; he thinks what Mr. Whitten is trying to say is when the Board does its budget and it approves a travel allowance, if a Commissioner spends less than that, it is approved as far as the budget is concerned; but if the Board wants to specifically approve every trip, that is a different thing.

Commissioner Isnardi stated the Board can approve a dollar amount for the budget and not commit those dollars; the management would have the option of committing those dollars based on a guesstimate of trips without actually committing those dollars, because even if it is in the budget, there may be a Commissioner who decides not to go, or maybe an extra Commissioner goes, to a given event; and a dollar amount could be approved that is an average of what the Board usually spends, so it would be approving up to that dollar amount.

Commissioner Tobia stated it could say approval by the Board in a regular County Commission meeting.

Attorney Knox pointed out if the Board wants specific trips approved it would need to make more specific language.

Chairman Smith stated last year when he attended the Space Symposium, and he did not drink, the Commissioner stayed at a Best Western and he thinks it was \$150 a night; it was not fancy but it was clean; it was about 15 miles away from the Broadmoor; the Broadmoor was where the Symposium was held, but the Commissioners did not stay there; but the point is, there was a real fancy place that was only \$5 more a night, because the Commissioners did not want to stir up a hornets nest because it was called a resort. He noted having this will eliminate that because it will have a dollar amount; and he likes it.

Commissioner Barfield stated even if a Commissioner pays his or her own way, he or she is still representing the County.

Commissioner Isnardi stated that would probably be more appropriate as a policy as opposed to an ordinance; the Board could make it a policy that the Commissioners just report travel even if it was on their dime; and that is her opinion.

Commissioner Barfield stated there needs to be some way to recognize that.

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Mr. Whitten inquired if the Board is moving the current language.

Commissioner Tobia stated the language with the direction that it has to come before the Board at a regularly scheduled meeting; he would be in support of that; and he inquired if there are three votes.

Commissioner Pritchett stated she believes the Board is in agreement that it wants to abide by this anyway.

Mr. Whitten stated out of State travel by members of the Board of County Commissioners must be approved in advance by a majority of County Commissioners at a regular and or special meeting of the Board of County Commissioners regardless of whether or not the Board has approved the travel during the development of the fiscal year budget.

Chairman Smith stated he would change that to provide that it is within the budget that has been set aside.

Commissioner Pritchett stated she agrees. She stated she thinks the Board's out of State travel needs to be approved as it is funded by the County.

Mr. Whitten stated he will bring something back to the Board, and will work with Attorney Knox on the travel language.

Chairman Smith stated the next item is Commissioner Pritchett's as well, lobbyist registration.

Commissioner Pritchett stated the Board had the discussion that one evening and it ended up getting denied, so she did bring back something; she actually took Commissioner Tobia's ordinance he brought through and she did some work on it; and she got it into an ordinance that she is very comfortable with. She went on to add it is as simple as if their primary purpose is lobbying, she talked to Mr. Whitten about this and the County about costs, and they could submit a form, get registered with the County, they are put on the County webpage that any citizen can look and see who the primary lobbyists are, they add who they represent so there is transparency moving along, and it is that simple; they have a time period to register; and if they do not, there is a fine they will have to pay every time they violate it. She noted she thought it was a good start until the Board figures out what the State of Florida is going to do; it covers the transparency issue discussed the other night; but it is still very simple.

Commissioner Tobia stated Commissioner Pritchett defined what a lobbyist is, but the Board spent a lot of time talking about what a lobbyist was not; that was not included in this ordinance; and he inquired if Commissioner Pritchett would rather not have that. He pointed out he is good either way, it was just something the Board, as well as a couple of speakers, brought forward and incorporated in that definition. He stated after his ordinance did not make it through, the Florida House has taken this up as an issue; on the 14th of this month, they passed, PCB03 and PCB04, which is Ethics Reform for local offices; there are a list of seven or eight things; but one of them was a database of the exact same things that was in his forum except it was a surgical database; and to make it even better, PCB03 created a trust fund to be able to manage the database so the counties would not be responsible for funding that. He added it was unanimously supported; the Florida Association of Counties and Florida Association of Cities both stood up and spoke in favor of it; and he has no idea if it will make it through the process, but it is something to be aware of that may be coming down from Tallahassee. He noted if the Board does go through with this, it may have to transition over to something a little more user friendly for its constituents.

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Commissioner Pritchett stated she has only been able to identify two people she knows who are lobbyists; she thought it would be simple for starting out; it may have to be changed if there is more complexity to it; but this is simple, no cost, and no time. She pointed out the reason why she removed what a lobbyist was not, is because Commissioner Isnardi put 'primary purpose' in there, and she started wrapping her head around that definition; it made sense to her; and it was a very simple piece of paper.

Commissioner Barfield stated he likes it, it is simple.

Chairman Smith stated he is a Republican, less rules, less paper, and to make it simple.

## **ITEM II.A., PUBLIC COMMENT**

Kim Rezanka stated as the Board knows, she often appeared before it at the Planning and Zoning Board and Board of Adjustment, and she has for about 15 years; she has no problem registering as a lobbyist; but she is not clear of the definition; and that is only because there are two definitions in the red book that she deals with every six weeks. She went on to state Section 112.3148, page 40, has a definition of lobbyist, and it says, "Any natural person who for compensation seeks to influence the governmental decision making of a reporting individual or procurement employer or his or her agency, or seeks to encourage the passage, defeat, or modification of any proposal or recommendation of reporting agency." She stated in 112.3215, page 71, it has a definition of lobbies, and it says, "Seeking on behalf of another person to influence and agency with respect to a decision of the agency in the area of policy of procurement in the attempt to gain the good will of the agency official or employee." She noted she kind of thinks that is what she does with the Board, although she thinks she is educating, but it could fall under this; if the definition is influencing public officials, and especially members of a legislative body on legislation; generally she is appearing in quasi-judicial mode so she is not really in legislation; but it is confusing to her when this would apply because she does come before the Board with legislation sometimes, but she is not what she considers a lobbyist. She stated she is an attorney; she might be before the Board five or six times a year; and she may only represent that client for three or four months. She stated if she has to fill out one of these forms every time she is coming before the Board, she is not sure that is its intent. She stated her only problem is if this applies to her; she has no problem registering if it does; but she needs to understand if she applies.

Commissioner Pritchett stated when she put this together Ms. Rezanka was not in the category of what she put together, because she thinks of her as legal.

Ms. Rezanka advised the Board it may want to have a provision for withdrawal, because sometimes lobbyist's change; if she were to put in one of these forms because she is lobbying, and she no longer represents that person, she would want to be able to withdraw; and those are her concerns.

Chairman Smith inquired if Ms. Rezanka would come up with a definition of a lobbyist.

Ms. Rezanka replied she thinks the Board does not want to be inconsistent with State law as it causes more confusion; if the Board's intent is for someone who lobbies for Waste Management to lobby, that is clear; and she is just not clear if she is lobbying or not.

Commissioner Pritchett inquired if the County Attorney could help with this.

Scott Knox, County Attorney, stated lawyers do lobby, so the Board has to be careful about that; if an attorney is meeting with individual Commissioners, they are usually lobbying, they are not

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engaged in public domain presentations; and he thinks they had an exclusion for appearing before the Board in the last version of this ordinance that came out. He noted the Board can go back to something like that, or just take what Ms. Rezanka said.

Commissioner Isnardi stated when someone is hired for their primary purpose of having a discussion with a Commissioner on behalf of a client, such as Walmart, they were hired by Walmart as the primary function to lobby, that defines them as a lobbyist in her opinion.

Attorney Knox stated maybe the wording the Board needs to put in the ordinance is 'individual Commissioners' as opposed to appearing before the entire Board.

Pam LaSalle stated she is not a lawyer, but she did look up the ordinances of Palm Beach and Broward Counties on lobbying; and they had a lot of detail. She went on to say she understands the Board does not like long documents, but there are about six pages regarding the lobbyists; there are so many issues; and she inquired if the Board is going to pass what is proposed today or is it going to be worked and get better. She stated she does not want to hurt anyone's feelings, but this document is not very elegant, as a lot is not covered; and other than having more research done, she could not cover in five minutes reading all of this to the Board. She noted what is actually going to be put down for the registration, it left out what other counties consider relevant, such as the name of official lobby, the name of all persons in the meeting, the date and time of the meeting, location of the meeting, mode of communication, and specific subject matter; regarding the chart that has the citizen on top and the Board is the employees, as a boss she would say she is not satisfied with the work product and the Board needs to start over; and discussing who is a lobbyist, there is a lot that should be put in the document about who is not a lobbyist. She pointed out as a citizen who goes to a lot of meetings, she has concerns about people being lobbied that the Board depends on for recommendations, and she does not think that is covered in the ordinance. She stated she would be happy to leave this with staff, but the County Attorney could have looked up what other counties have already put in place. She inquired if the Board wants copies of what she has.

Attorney Knox stated he believes they already have that.

Ms. LaSalle inquired if staff just did not put it in what they wrote.

Attorney Knox replied staff was not trying to complicate things; they were trying to make it simpler.

Ms. LaSalle stated there is so much left that is not clear; if things are left out, it leaves a lot of gray areas that people are concerned about.

The Board directed staff to take the Board's comments, to tweak out what was said, and put together something to bring back to the Board.

Commissioner Tobia stated this will direct the Board to begin the discussion to advertise; it will give weeks to take suggestions to make the document better; it has to start somewhere; he is happy the discussion was began; and this is just a first draft.

## **ITEM II. BOARD ETHICS PROPOSALS (CONTINUED)**

Chairman Smith stated the next proposal is Commissioner Tobia's ethics violation proposal.

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Commissioner Tobia stated it was mentioned that ethics violations do not happen in Brevard County, and he is very certain they do; he had an ethics violation that made probable cause in the Florida House when he listed a loan on a 2008 Toyota Prius; and he forgot to list the asset of the Prius. He went on to say he did it for three years, he forgot to do it, but Florida House Rule 18 Section E said that when that violation does occur, he was fined \$500, which he quickly paid; it was an honest mistake; but it was published in the minutes. He noted for full disclosure it makes sense if this does come to fruition, the public should have access in the meeting minutes instead of having to search the various data bases wherever they occur in Tallahassee; and that is all that this Agenda Item says. He pointed out as soon as the violation becomes public record, then it must go on the Agenda.

Commissioner Isnardi inquired if that is for people who were found in violation, it is just not for people who file complaints, it is for a violation that has been found credible.

Commissioner Tobia replied affirmatively, as soon as it becomes public record. He stated he is not saying the newspaper will not find it and publish it, but he thinks the Board should provide that as a level of transparency.

Commissioner Pritchett stated it bothers her that an error can be made like happened with Commissioner Tobia, which is not intentional or illegal, and it should be differentiated; it should be noted as a clerical error instead of trying to mislead the public; and that is the concern she has is if a Commissioner does something like that, it sounds like a person did something terrible, and they did not. She added she filled her form out recently and she tried to make the best decision she could of what was the fair market of her home, and it is just difficult; she thinks maybe the Board Members should go through classes on how to fill these things out, because she is a Certified Public Accountant, and it threw her for a loop; and if a person makes an honest error, she does not know how fair it is to paint someone as not being honorable in the community. She noted she is sorry that happened to Commissioner Tobia, and in her head, it does not seem fair to her.

Commissioner Tobia stated at that time his net worth was \$5,000, he was fined \$500, and this was the largest fine ever set out by the Ethics Commission, because it was 10 percent of his net worth. He stated it is hard to prove intent; it was clear on the back of the form he needed to list the asset that was tied to the liability; and he could not argue with that. He stated as soon as the House published it literally on the floor, he wrote his \$500 check and handed it over; but it is something that is hard to prove intent.

Commissioner Pritchett inquired if it was written that Commissioner Tobia just forgot to write his car down on the paper.

Commissioner Tobia replied he listed the liability, not the asset.

Commissioner Isnardi stated even if the press crucified Commissioner Tobia, the only thing she could fault him with is driving the Prius; and she would be more embarrassed about that.

Commissioner Barfield stated if this is going to be put out there, a Board Member should have some opportunity when this is discussed to have an explanation or rebuttal to it regarding what it was about.

Commissioner Tobia stated that is why if it were an Agenda Item, he or she would have that opportunity; it is not a necessity; he is sure the newspaper picks up on it no matter what; but it puts the Board out ahead of this stuff; and he sees this as something that would benefit the Board. He pointed out he will go with the majority of the Board.

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Chairman Smith stated if Commissioner Tobia thinks that leaving a Prius off of his paperwork is important, that is fine, but he does not think it is.

Commissioner Barfield stated the Board needs to be told anyway, and he would tell the Board.

Commissioner Isnardi stated during campaigns, people file ethics complaints, and people have been drug through the mud that should not have been. She noted they should be founded and proven types of complaints.

Chairman Smith stated if there is a major complaint, everyone is going to know about it anyway. He stated the next item is Commissioner Tobia's lobbying ordinance.

Commissioner Tobia stated he asked whether or not to file agenda reports on all of this stuff, so he broke apart the various ordinances he had into single subjects so he could find that maybe the Board did not like one of the proposals, and one sank the whole thing; he did not issue an agenda report on this; and he apologized to the Board. He stated the first one was, Ms. LaSalle talked about it, and that was the lobbyist record of contact; that is the database Fort Lauderdale was willing to sell the Board for \$10,000 that would disclosure any meeting between a registered lobbyist and a County Commissioner, the type of contact, what it was about, and when it occurred; and any citizen could go on the website and see who the lobbyist was and what they met with the elected official on. He stated the State of Florida has not done this at the State level, but has not done it at the County level, and a bill has not popped up on it.

Commissioner Pritchett stated she would not mind if maybe at the end of the month the Commissioners post their calendar on their webpage so people can see the meetings he or she had, which would be a start.

Commissioner Tobia stated he thinks that is great for transparency; the Board has multiple meetings a month; say he was anti-All Aboard Florida (AAB), three lobbyists with AAB meet in his office; and then all citizens would be on the telephone with him because he or she knows there is a big meeting following. He stated it just does not provide as quick access to that information, and unfortunately it would become noticed after-the-fact.

Chairman Smith stated if he is a member of the public and he sees there is an issue coming up on the Agenda for All Aboard Florida, he will not wait to see if a lobbyist has been to see any Commissioner, he would call all of the Board Members and state his opinion on the matter; he thinks there can be too many regulations; and if a person wants to see if a Commissioner has met with a lobbyist, he or she can look at their calendars.

Commissioner Barfield stated he thinks it makes it too complicated; and he would like it to be brought back at a later time. He stated he would like to put it on the lobbyist.

Commissioner Tobia stated with the Fort Lauderdale webpage, the lobbyist is the one who is required to fill out the information; it would provide a level of transparency in order to provide the constituents for a little bit of money.

Commissioner Pritchett stated once the Board sees how many lobbyists it has, that discussion can be had at a later time.

#### **ITEM II.A. PUBLIC COMMENT (CONTINUED)**

Jim Stone stated he has not heard one word about how the Board conducts ethics among itself, or how it will develop ethics throughout Brevard County government; he was royally shafted by

one of the County departments; one of his advisors who he spent a lot of money on, the engineer, was so mad at the County that he quit as an engineer of a Florida city as he was fed up; four development reviews, with the same people around the table, and every time they came in they had implemented what staff asked for the time before; and he inquired if the Board does that to the State boys who come to town. He stated he does not like getting screwed, and he will tell the Board time and time again until he sees something done in the County. He went on to state when they started designing for the Apollo Space Program, they opened the door to everyone; they were hiring over 4,000 people a month; and they were told if they did not do their job they were out. He pointed out that program was very successful. He noted he has not heard one word today of what the Board is going to do about ethics in the County from department to department; one of the County department heads totally ignored a checked box that was on the development page that said he wanted a small area development, which meant three homes; when they went to the first meeting he received hundreds of comments about the inadequacy of the drawings; and the Department head said they made a mistake and put it out for total review of all of the departments. He stated he could find no recourse; his advisors said he may as well go along with it, because if he does not, he will never get it approved; if he had been smart he would have just dumped the land right then and there for any price he could get; and he would not have engrained in himself the bitter dislike he has for Brevard County government. He stated his dislike grew as he sat in the back of the room listening to the adults sit there and talk about if he or she should move out of one office to another; that does not scratch the surface of what the County did to people by putting the County government in Viera; and that would have never happened under the era of Joe Wickham. He stated he would love to see someone do an investigation of what the net worth of Commissioners was when they went into office, and now what is their net worth and how did they derive that money; and it would be an interesting study. He noted he is not happy with the Board, and the more he listened to the childish stuff going on, the Board should have someone on staff that has more intelligence to put together some story that makes sense.

## **ITEM II.B., BOARD DISCUSSION**

Commissioner Tobia stated he would like to talk about the lobbyist financial disclosure; some of these are white hat lobbyists who are making just shekles in order to lobby, and others that are being paid by large corporations and making kings ransoms; not only does the State of Florida do it, but Miami-Dade County and Orange County does it; his initial proposal had one page; it could be put on the website for no cost the exact same way as a registration would be; and he would like to throw that out to see if it sticks. He went on to say it would be a one-page disclosure with a range that they make, similar to Miami-Dade and Orange Counties, and the State of Florida does.

Commissioner Isnardi stated a compromise of that could be either something as simple as them filing a financial disclosure that they do file with the State, and file a certified copy of that with their application, or a link to the application that advises where they have filed financial disclosure.

Commissioner Tobia inquired what happens if a person lobbies in Brevard County but does not lobby in Tallahassee; he stated he or she would not have a presence up there; and they would not be subject to any Statutes in place. He pointed out his suggestion is a one-page form.

Commissioner Pritchett stated maybe that is something that can be brought back to the Board with another one; and what she brought in was Commissioner Tobia's ordinance that she just amended to the point of what she could handle making sense with.

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Commissioner Tobia stated it is Commissioner Pritchett's now, she has taken that hot potato; she has run that through much more successfully than he.

Commissioner Pritchett stated it was Commissioner Tobia's suggestion, and it got her thinking about it; she is still learning this job and the definition of a lobbyist; if Commissioner Tobia would not mind, she would like to have that discussion again a little bit down-the-road; and it would help her out a lot.

Commissioner Tobia stated he would be willing to table that to see how many people register as the Board moves forward.

Chairman Smith inquired what difference it makes if a lobbyist makes \$20,000 or \$1,000; and why is it the Board's business to know how much he or she makes.

Commissioner Tobia inquired if Chairman Smith thinks a full disclosure, the intensity in which a lobbyist receives compensation, has anything to do with the amount of time, effort, or campaign contributions that may go into an election one way or the other.

Chairman Smith inquired if campaign contributions are limited; and he stated if someone says XYZ lobbyist makes \$20,000 and ABC lobbyist only makes \$1,000, both can only give him \$1,000 donation.

Commissioner Barfield stated there is a big difference between the State levels of lobbying, they have much bigger issues, because they are looking at issues that affect the whole State; and sometimes he thinks the Board is trying to overkill stuff like this as in the County it is at a much smaller scale. He suggested as the Board looks at this to take that into consideration.

Commissioner Tobia stated his next issue is the revolving door, which is the lobbying extension for two to six years; the Florida House of Representatives came up with six years in House Joint Resolution 7001 in which members of the legislature would not be able to lobby the legislature from two to now six years; he thinks that is a wise provision to put on the Board as Commissioners; but not only that, but to add the second part of revolving door of coming back and getting a County job. He pointed out that is probably the more egregious of the thing; it has happened in the past where former County Commissioners have tried to gain employment with the County that they would have advantages that other folks would not; and that is why he brought it up previously. He noted he does not know if this was the idea that initially sunk the proposal, because he had three proposals previously; and he inquired what the discretion of the Board is.

Commissioner Pritchett inquired if the State of Florida passed that to be six years.

Commissioner Tobia responded no, it was a House Joint Resolution; what that means is if it makes it through the House, it will go on the ballot; and the voters will make that determination. He added it is in the House Rules, but it would put it in the State Constitution; it is not subject to local government; but it would set a precedent that if a person cannot do it in Tallahassee, he or she should not do it in the County.

Commissioner Pritchett stated she did not mind this too much, but she was waiting to see what happened at the State level.

Commissioner Isnardi stated she thinks a person needs to be careful when talking about family members; full disclosure is her brother works for the County; and he would probably prefer to lay low so she will not mention his name. She went on to say her brother was here long ago.

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Commissioner Tobia pointed out it will only apply to Commissioners.

Commissioner Barfield stated this came up a couple of years ago; if a County Commissioner retires and he or she wants to mow lawns for Parks and Recreation, they cannot do that; and he inquired if this would apply to Charter Officers.

Commissioner Tobia stated he was very specific this deals with Commissioners; he does not think it is egregious to go back and work with the County as a life guard; and a level could be set. He noted he would support that provision that within reason to move this forward.

Commissioner Barfield stated he thinks it is something that needs to come back to the Board at a later date.

Chairman Smith stated he thinks it is something to consider going forward; he has a problem with someone who would use the leadership position, leave, and come back and expect he or she would automatically be considered for a job because they were a Commissioner; and that does not pass the smell test.

Commissioner Tobia stated it happened in another State institution in Brevard County; someone was an executive, a board of trustee member, who resigned a commission to get a more lucrative position in the institution; he asked if staff can be directed to come back with something, and changes can be discussed as they come forward.

Commissioner Isnardi stated she is sure in the future if there was an odd circumstance, the issue may be appealed to the Board anyway; she hesitates to get too detailed with it.

Commissioner Tobia stated he brought up cell phone usage; Commissioner Pritchett wisely said there are fifteen other different electronic means that they could get this type of messaging; it was not the intent to limit a person from using a cell phone; and the Commissioner would only be responsible for the disclosure of stuff pertaining directly to Board business. He stated he wants to make sure a lobbyist is not texting a Commissioner asking he or she to vote a certain way; his may have been too restrictive; it was only a first go; and this provides the Board another opportunity. He advised there should be disclosure if one of those things did happen, it should become public record.

Commissioner Pritchett stated she agrees with that, but her other caution would be she would like her staff to be able to send her information if they need to; and not that they would be a conduit for lobbyists, but instead of walking up to her with a piece of paper, the Board needs to be ethical.

Commissioner Tobia stated the wording could say if a registered lobbyist has texted a Commissioner, he or she would have to disclose that information.

Commissioner Pritchett stated she could agree to that as that is common sense ethics.

Commissioner Tobia stated he thinks it is rude to sit there looking up information while there are speakers arguing a point, but he does not think it should be a violation, that is something that Commissioner would have to address with his or her constituents.

Commissioner Isnardi stated a perfect example is she emailed her husband asking him to pick up her son from school; it is just communication saying she is still at a meeting; and as a mom she is still responsible for that sort of stuff. She noted she tries to never have any discussion during a meeting, she would ask people to come to the office instead of texting.

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Commissioner Barfield stated he has never received a text from a lobbyist during a meeting; if he did, he may text back and say to never communicate with him that way again; and it would not have to be a rule as he would not do it. He stated he just keeps his telephone in his pocket.

Chairman Smith stated when he was not Chairman and the meetings would get boring, he would look at his Facebook; people looking for boogiemen are probably thinking he was texting; but people looking for boogiemen are probably not going to trust anyone.

Commissioner Tobia inquired if the Board should move forward with this.

Commissioner Barfield stated it is overkill; if someone is going to text him, he has no problem disclosing it.

Chairman Smith stated there could be someone sitting on the Board someday as crooked as a country mile and would entertain a lobbyist texting them.

Commissioner Tobia stated knowing the workshop was coming up he did not put these on the Agenda; these are the three dealing with elections; he heard a lot of this while he was running for Commissioner; and he wanted to bring them before the Board. He went on to say the first is a gift ban; Florida law requires disclosure if the Board receives anything up to \$100; Brevard County has a Policy; but he found out the Policy is not the best direction to go; and his proposal for an ordinance would say a complete gift ban from those folks registered as lobbyists who are seeking influence from the Board. He inquired what the Board's input would be regarding a complete ban from those folks in and ordinance not in policy.

Chairman Smith advised he has never had breakfast or lunch with a lobbyist.

Commissioner Barfield stated he just worries at Christmas time as someone will drop cookies off and he does not know where they came from.

Commissioner Tobia stated he hopes if someone drops random cookies at the Commissioners doorsteps that he or she does not eat them.

Chairman Smith stated the ones he receives are in a nice tin and wrapped in plastic.

Commissioner Pritchett stated she does not have a problem with that as she does not do it anyway; and she got into that habit when she was on the Titusville City Council where no one buys her lunch, or they reciprocate back and forth if it is a continual thing.

Chairman Smith inquired if Commissioner Tobia is saying to exclude any gift or a cup of coffee for infinity.

Commissioner Tobia pointed out technically a Commissioner is not allowed to take anything over \$100.

Commissioner Pritchett inquired what if the Board just discloses everything; that way if a person has a can of cookies dropped off, that could be disclosed.

Commissioner Tobia stated there are probably not going to be that many lobbyists out there that do that; it is much easier to say the Commissioners do not take anything from a lobbyist; and this will say not to take anything.

Chairman Smith stated to instruct staff to put something together so the Board can vote on it at the next meeting.

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Commissioner Tobia explained to the Board that Cocoa Beach, and Alachua and Leon Counties have done this, the Florida Legislature has increased the limit to \$1,000 for contributions; that amount is out of most people's ability to give; and his thought was to look at lowering that amount, whether it be back down to \$500 or \$250. He noted the Board can create ordinances that are stricter than State Policies; and he is open to thoughts on this idea.

Commissioner Barfield inquired how that would be monitored and enforced at the County level.

Commissioner Tobia replied the State would not enforce it, it would be the responsibility of the County to enforce it; and when staff is directed to do something about it, there would be a list of penalties if folks were to receive that amount.

Commissioner Barfield inquired if the Charter Officers would be affected and they would still have \$1,000.

Commissioner Tobia replied affirmatively; he stated he would rather see everyone in the State only be able to get \$500.

Commissioner Isnardi stated she is fine with that, but when the County is doing something different than the State is doing, with campaigns not only does everyone see if a lobbyist donates but if four people from the same home donates \$250, they will make sure the limit is met; and it is more making a statement than having an impact.

Commissioner Tobia stated he has a list of three and there is a much longer list.

Commissioner Isnardi stated during Commissioner Tobia's argument at a Board meeting he was saying just because other municipalities are doing it, Brevard County should not do it.

Commissioner Tobia responded it works both ways.

Commissioner Isnardi noted she thinks Commissioner Tobia's intentions are good, but she just wants to be careful that the Board is so inconsistent where there is someone who does not know running for office for the first time and he or she gets nailed for taking \$1,000 from their brother.

Commissioner Barfield stated it needs to be consistent across the County, and the Charter Officers do not abide by that.

Commissioner Tobia stated he has lived under this one as a member of the Legislature, and he thought it was one of the best rules they had up there, and that is to say the Commissioners cannot receive campaign contributions during budgeting; the folks that are wanting to influence the most would save those resources for when the decisions were being made on how to fund A, B, or C; and the Legislature approved during session when dealing with the budget, an elected official cannot accept campaign contributions. He stated staff can set a date from when the budget lands on the Commissioners desk until it is voted on, that the Board does not want the perception that he or she is accepting campaign contributions during that period; and it is something that may give the perception that there was more ethics or transparency in the process.

Chairman Smith stated he has no problem with that.

Commissioner Isnardi pointed out it gives an unfair advantage for a Commissioner who is running for office again; she appreciates Commissioner Tobia's efforts; but she thinks the State Legislature, because they allocate money for grants or projects, cannot accept campaign

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contributions, because there are lobbyists in their ear frequently; and the Commissioners allocate funding for departments, which is not the same situation. She went on to add it could hurt someone who is running for office.

Commissioner Barfield stated this is during the summer time, a Commissioner is going through the primary, and then to the general election, which is all in that timeframe.

Chairman Smith inquired if Commissioner Tobia is living under this restriction where he cannot receive contributions during the budget process, what if he started a pack called Friends of John Tobia, could he receive funds for him and the Commissioner would not be in violation.

Attorney Knox replied if the pack is receiving money, and they have not turned it over three-month period, he thinks it would be okay. He noted that may or may not help someone who is running for re-election, not being able to use the money.

Commissioner Isnardi stated just as an idea, because obviously this took this many hours, she would suggest that rather than having a Commission on Ethics, that the Board have a committee that handles ethics, sort of like a recommendation board; they do not have to meet regularly; but even if they meet semi-annually, there could be a board with each Commissioner having an appointee, to suggest any ideas or thoughts.

Commissioner Barfield inquired if this is just for the Board or all ethics within the County.

Commissioner Isnardi responded affirmatively; she stated as long as it is not muddied up and the roles are not changed, they are just an advisory board; and she read quite a bit about other municipalities doing that.

Attorney Knox advised that is a good idea, and if the ethics issues become a real problem and enforcement needs to be involved, it can originate from that committee as well instead of bringing it to the County Manager.

Commissioner Isnardi stated she wants to ensure it does not become an administrative type of function, and it just be an advisory board of citizens that offers input and suggestions.

Attorney Knox stated the advisory board could do something similar to what the Board did today, and to come up with ideas and recommendations.

Commissioner Isnardi stated there are a lot of options out there, and she can work with the County Attorney on it.

#### **ITEM IV.B., REPORT, RE: SCOTT KNOX, COUNTY ATTORNEY**

Scott Knox, County Attorney, stated since the Board had an executive session today, his office crafted a resolution to show the Board involving the fee issue regarding the appraisals for Calhoun, Dreggors and Associates, Inc.; basically it sets forth the fees the County has paid to other appraisers and engineers in the past; and it states what the Board thought is the reasonable fee.

The Board adopted Resolution No. 16-026, regarding appraisal fees and claims made for the Barnes Boulevard Widening project, specifically addressing Tradewinds Plaza, LLC and Meadowbrook, LLC.

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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristine Isnardi, Commissioner District 5
<b>SECONDER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

Upon consensus of the Board, the meeting adjourned at 4:05 p.m.

ATTEST:

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

\_\_\_\_\_  
CURT SMITH, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA