

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on January 23, 2018 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

INVOCATION

Chair Pritchett called for a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Tobia led the assembly in the Pledge of Allegiance.

MINUTES APPROVAL

The Board approved the December 5, 2017 Regular meeting minutes and the December 7, 2017 Zoning meeting minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.A., PRESENTATION, RE: CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Commissioner Barfield stated about a year ago, the Legislation placed the Brevard County Board of County Commissioners on the seat of the Central Florida Expressway Authority; he was the one selected to represent the Brevard County Commission; he thought it would be important to invite Laura Kelley, Director of the Central Florida Expressway Authority, to give a briefing to the public and the Board about what it is all about, what the future holds for Brevard County, and why it is very important; and for him it has been enlightening to learn how growth will happen from Orlando towards Brevard and back.

Laura Kelley stated she is excited to be in Brevard County; she plays here a lot; she is really excited to begin working in Brevard County as well; and she sincerely appreciates Commissioner Barfield's service to the Central Florida Expressway Authority Board, as he is an immense and important part of the Agency, and she really appreciates his service. She introduced the Board Coordinator and her Chief of Staff. She went on to say she has a video

January 23, 2018

that gives some background about what Central Florida Expressway Authority is all about. She continued to say as the video stated, they now serve five different counties, Lake, Seminole, Orange, Osceola, and this past year, Brevard; they are really excited about servicing this regional area because there is so much demand and growth in Central Florida; as the graph shows, it is no surprise that Brevard County is serving on their board; eight percent of their customers live in Brevard County; that means the Board of County Commissioner's constituents are also the Central Florida Expressway Authority's customers; and just this past year they worked and developed a 20/40 master plan that identified up to \$12.2 billion worth of potential projects over the next 30 years. She went on to say, unlike other toll agencies throughout Florida, they are also tasked with working with their transit partners, so as they grow, expand the system, and look at new corridors, they are also looking at ways to accommodate transit along the way; this is a map of the 20/40 master Plan, the potential corridors that were studied, and it shows that most of the growth and activity is in the southeast region; this supports the connectivity between Orange, Osceola, and Brevard Counties; the highlighted region is growing so much and it is evident in all the studies being done, they have studies underway for the entire beltway for Osceola County, but they also have actively underway for corridor I and corridor H which is the result of the East Central Florida Corridor Task Force; in addition to the task force projects that they brought forward, they also looked at an extension of State Road 408 all the way out to I-95; and the next phase of the 408 extension is from where it stops today all the way out to 520. She noted that project is going to be moved to the next phase of development in March, which will go to the board. She mentioned the I and the H corridor study will be completed around December 2018; the Beachline is the very first time they looked at accommodating transit in a corridor; now the Beachline accommodates not one but two potential modes of transit along its roadways; and that, she believes, is just smart for future planning and as the graph shows the transit corridors will be moved to the south of the Beachline, throughout the whole corridor. She stated they are now in the midst of completing the Innovation Way Interchange; driving the Beachline today, there is a huge interchange being completed; it will be open March 9; this is the first example of an interchange that is accommodating transit; there is a bridging so that if the transit is built in the future it can be built on the surface of the ground instead of being elevated; and that minimizes costs for the transit. She continued they are excited about this road being open; they have a \$1.6 billion work plan going on right now; a good portion of that is going toward the 408/I-4 interchange, which is \$230 million; they are also completing Wekiva Parkway, which will be open to traffic on March 31; they are extremely excited about that because it opens up a whole new transportation option to the people who live in the northeast portion of the region; she reiterated she is excited to be working with the Board; she is extremely grateful for Commissioner Barfield's service to the agency; and she looks forward to working with the Board for many years in the future. She stated she would be glad to answer any questions.

ITEM II.A.1., REPLACEMENT INTERLOCAL AGREEMENT (ILA), RE: DISTRIBUTION OF POLLUTION-REDUCTION CREDITS RECEIVED FOR PROJECTS FUNDED BY THE SAVE OUR INDIAN RIVER LAGOON SURTAX

The Board executed the replacement Interlocal Agreement providing for equitable distribution of pollution-reduction regulatory credits for projects funded with the proceeds of the Save Our Indian River Lagoon local infrastructure surtax.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.2., WARRANTY DEED FROM CONCEPT DEVELOPMENT, INC. IN FAVOR OF BREVARD COUNTY, RE: ADDITIONAL ROAD RIGHT-OF-WAY FOR PROPERTY LOCATED IN SECTION 37, TOWNSHIP 20G SOUTH, RANGE 34 EAST

The Board accepted Warranty Deed from Concept Development, Inc., for additional road right-of-way in Section 37, Township 20G South, Range 34 East.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.B.1., PERMISSION TO SOLICIT AND AWARD COMPETITIVE BIDS AND AUTHORIZE THE CHAIR TO EXECUTE CONTRACT, RE: PARAMEDIC TRAINING OF UP TO 40 EMPLOYEES

The Board authorized Purchasing Services to solicit and award competitive bids to the lowest responsive bidder for paramedic training; authorized the Chair to execute contract, subject to approval by the County Attorney's Office and Risk Management; and authorized any budgetary changes.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.B.2., APPROVAL, RE: EXECUTION OF SATISFACTION OF MORTGAGES FOR HOUSING AND HUMAN SERVICES DEPARTMENT PROJECTS

The Board authorized the County Manager or designee to execute Satisfaction of Mortgages for clients and vendors assisted through the Department's programs upon approval of the County Attorney's Office.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

January 23, 2018

ITEM II.B.3., APPROVAL, RE: ULUMAY WILDLIFE SANCTUARY-ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM LAND TRANSFER TO EEL NATURE SANCTUARY NETWORK

The Board approved designating the Ulumay Wildlife Sanctuary and other identified parcels within the impoundment, as part of the EEL Nature Sanctuary Network; and authorized staff to initiate procedures for asset transfer of land to EEL Program.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.C.2., AUTHORIZE HUMAN RESOURCES TO PURSUE, RE: SENIOR MANAGEMENT SERVICE CLASS DESIGNATIONS FOR THE MOSQUITO CONTROL DEPARTMENT DIRECTOR, SCGTV/COMMUNICATIONS OFFICE DIRECTOR, AND AIRPORT MANAGER POSITIONS

The Board authorized Human Resources Director to pursue the FRS SMSC Designations for the Mosquito Control Department Director, the SCGTV/Communications Office Director, and the Airport Manager positions.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.1., APPROVAL, RE: ADVERTISING OF DELINQUENT PROPERTY TAXES

The Board approved the *Florida TODAY* advertising of delinquent property taxes for years 2018, 2019, and 2020.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.2., APPROVAL, RE: REVISED PRECINCT BOUNDARIES DUE TO ANNEXATIONS BY THE CITIES OF MELBOURNE AND WEST MELBOURNE

The Board approved the revised precinct boundaries due to annexations by the Cities of Melbourne and West Melbourne.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.3., APPOINTMENT/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **George Grachis, Lois Katzin, Jennifer Allgood, Leann Chaney, and Dr. Rochelle Kenyon** to the Suntree/Viera Public Library Advisory Board, with terms expiring December 31, 2018; **George Mikitarian** to the Health Facilities Authority, with term expiring December 31, 2021; **Mark Wadsworth** and **Chad Connor** as alternates, **Ronnie McClellan, and Scott Langston** to the Planning and Zoning Board, with term expiring December 31, 2018; **Francis Clifford**, as alternate, and **George Bovell** to the Zoning Board of Adjustment, with terms expiring December 31, 2018; **George Bovell** and **Eric Hoppenbrouwer** to the Transportation Planning Organization Citizens Advisory Committee, with terms expiring December 31, 2018; **George Geletko** to the Public Golf Advisory Board, with term expiring December 31, 2018; **Bridget "Buck" Geiger** to Art in Public Places Advisory Committee, with term expiring December 31, 2018; **Patsy "Pat" Shearer, and Ed Newell** to the Central Brevard Library & Reference Center Advisory Board, with terms expiring December 31, 2019; **Peter Fuscas** to the Citizens Budget Review Committee, with term expiring December 31, 2018; **Kerry Gardner, David Foley, and R. J. Durham** to the Contractors' Licensing Board, with term expiring December 31, 2018; **R. J. Durham** to the Building and Construction Advisory Committee, with term expiring December 31, 2018; **Ed Witt** to the Community Action Board, with term expiring December 31, 2018; **Peter Fuscas** to the Economic Development Commission of the Space Coast, term expiring December 31, 2018; **Bo Platt** and **Linda Behret** to the Environmentally Endangered Lands Procedures Committee, with terms expiring December 31, 2018; **Suzanne Valencia** to the EEL Program Recreation and Education Advisory Committee, with term expiring December 31, 2018; **Thomas Patrick "Pat" O'Neill** to the Emergency Medical Services Review Committee, with term expiring December 31, 2018; **Molly Tice** to the Employee Benefits Advisory Committee, with term expiring December 31, 2018; **Margaret Goudelock** and **Dan Reiter** to the Historical Commission, with terms expiring December 31, 2018; **Bob DiBella** to the Investment Committee, with term expiring December 31, 2018; **Barbara Davis** to the Library Board, with term expiring December 31, 2018; **John Reisert** and **John Stone** to the Marine Advisory Council, with terms expiring December 31, 2018; **John Stone** to the Onsite Sewage Disposal Variance Board, with term expiring December 31, 2018; **Marcia Booth, Roger Gangitano, and Bill Klein** to the Parks and Recreation South Service Sector Advisory Board, with terms expiring December 31, 2018; and **Bonnie Venable** to the Personnel Council, with terms expiring December 31, 2018.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.C.1., PERMISSION TO REJECT BIDS RECEIVED IN RESPONSE TO BID #B-7-17-82, RE: SYKES CREEK REGIONAL WWFT HEADWORKS IMPROVEMENTS

Frank Abbate, County Manager, stated he would like to pull Item II.C.1. for the purposes of discussion and to give the Board some additional information.

January 23, 2018

Jim Helmer, Utility Services Director, stated this Item is a project that was originally put into the CIP in September of 2016 and approved by the Board at that time; they have since designed the project and put it out to bid; the bidding started in June, prior to all of the hurricanes and storms that have come through; since that time, part of the project, the pumping systems at the Sykes Creek Plant, and although it is a \$5 million project, \$600,000 - \$700,000 relates to the pumps that are in dire need of replacement, what has happened in the last few weeks is it has been discovered he cannot get parts for the pumps any longer so this has turned into an emergency; they need the opportunity to move forward with bidding for the pump replacements only; and in addition to that, the storms resulted in them going back and doing a reprioritization of the CIP. He went on to say I&I has become a big issue; they have other things that are very important, so the remainder of the project would be bid out again at a later date; and they would have the opportunity with this action to move forward with the pump replacements at the Sykes Creek Plant.

Joel Saslo stated he is there representing Carr and Collier, Incorporated, he is the Operations Manager; the bid date was back in July and they were the apparent low bidder; on August 23 there was a meeting to vet their qualifications and he feels they were misrepresented by some County staff; subsequent to that, they had another meeting, in which they protested the bid because the County was going to give it to another contractor; and the bids were all competitive, they were at \$5,024,000 and the other bidders were at \$5,064,000, and \$5,087,000. He continued they are more than qualified to do this job; the email he just received on Thursday notified him that the County Commission was going to meet to reject the bids; at the end of that letter there was a statement from the Purchasing Manager stating they were more than welcome to bid on the next two projects as they split them up; he commented they are already low on the project and they could have already been working on things; and what he is asking is that the Board not reject the bids.

Joe Rail stated he represents Carr and Collier and is one of the owners; throughout this entire process of this bid going in and trying to get the award on this bid, he had his eyes opened to some really interesting things that he did not know; there are certain laws that the County goes by to allow certain individuals to bid and his company actually met the qualifications for the bid; and there was a gentleman by the name of Mr. Hepling that seemed to have run the meeting, or advised the Council. He continued the corporation has been in business since 2005; they had a simple name change from Villages Construction to Carr and Collier; the reason was the Villages did not want them confused with the Senior Citizens Daycare; Mr. Hepling stated they were actually a very complex corporation, which they are not; they still have the original bank account, that is how simple this corporation is; Mr. Hepling's statements led others on the board to believe there was something underlying that was a problem; and the lady that vets them financially said there was nothing good or bad to look at, that they were a comfortable company with all its finances in line. He went on to say Mr. Hepling took it upon himself to state that there were some questionable things, but there is not, they are very simple; they are the small guy and they feel like what is happening to them is the big guy who is the next bidder and someone the County is very comfortable with, so it is willing to just go that direction and kick them out; he reiterated they are not a big corporation nor a complex corporation; they are a family owned business made up of two brothers in Christ; one of the owners was an owner of Prime Construction who had done a ton of work in Brevard County; and he stated they enjoy working for the County. He added they have done work for the County before; the question came up about the simple name change back at the beginning of the year; one of the advisors to the board knew all of that; he does not understand how this has fallen in the Board's lap to vote to get rid of them as a contractor when they are a vetted contractor with the County; they have been pre-qualified with the County; and for them to pull this back from them, it would not be devastating, they will survive, but what they do not want to happen is for everything to be handed to the big contractor for no good reason. He stated they are currently under a protest for this thing; even if the Board does vote to re-bid this, it cannot really be re-bid while it is under

January 23, 2018

protest; they are not willing to remove their protest because they are in a position to where this should come their way; and had it come their way, there would not be this emergency that everybody has invented from Hurricane Irma, it would already be three-quarters of the way finished, if not finished by now. He went on to say he would implore the Board to please look into this situation before it votes, or as it votes think about what is really going on here; there is a lot of back covering going on; that was pointed out in many of the meetings and many of the emails that have been sent back and forth; it has been very well outlined; and for whatever reason, this is the latest attempt to try to get this thing to go away because there is a lot of dirtiness going on.

Leslie Rothering, Purchasing Manager, stated she would like to make some corrections to a couple of items that were stated; Purchasing has not received a protest at this point; the requests they have received are public records requests based on the qualification committee that was held; at the pre-qualification committee meeting, which is required to award any of the bid projects, were Natural Resources Management Director Virginia Barker, Solid Waste Director Euripedes Rodriguez, and Utility Services Director Jim Helmer who are on that committee; as far as the review of the bid documents and the pre-qualification package, that was done by three of the Board's Directors who do these projects on a regular basis; and at that meeting there were some issues with the notice and the company had the ability to attend to provide their side of the qualifications. She noted they had scheduled a second meeting for the company to come in and talk to the committee; the attorney was at that meeting and it started to get into a protest hearing which was not the forum for that; additional documents were requested so it was tabled at that meeting to provide the documents to the company and let them review; and then the pre-qualification meeting would be rescheduled to determine an apparent low bidder and if they were qualified. She continued, at this point there is no protest; they are still in the evaluation of the apparent low bidder; the public records have all been provided; and there is a situation with the pumping systems. She mentioned they still have not qualified a bidder for this project; to do that they still need to go through a pre-qualification process; and if there is a protest, they need to go through that process as well.

Commissioner Isnardi stated she is interested in what Mr. Rail has to add.

Mr. Rail stated the interesting thing about what he just heard is that there was an original meeting and he noted that they were advised by County staff not to attend that meeting; so the second meeting, which the County does not ordinarily do, they only had that because they knew they had their butts in a wringer and it looked really bad; at that point, they filed a protest and the protest is pending; all along everything has been delayed; he has never seen anything like this; they called and asked for the emails and discussions which the public is allowed to have, and it goes on for months until they receive the responses for these things; it is unfathomable what he has seen here; and he has never seen this in any municipality or any government in which he has been involved with. He continued he has been doing this for a long time, and his people have been doing this for a whole lot longer than he has; it is delay after delay; what Ms. Rothering was just saying is there was a second meeting and they did go to that meeting; at that meeting the Council chose not to vote, not to vet them at that point, and continued it to another meeting; he asked for the information he wanted to have and is allowed to have as the public; the County sets up the rules for bidding on a project and the qualifications; and he insisted his company met all of those things. He went on to say that is why the County chose not to vote on it at that second meeting; when it was furthered to have a third meeting, what actually took place was he started asking for more information; as he started asking for more information, there was a push to jam it into the following Monday meeting before he even received the information he had asked for and the County knew he had not received the information; it was several months later before he even received the County's dialogue back and forth on this with the other contractor that it was trying to vet; he was able to get it from Jones Edmonds who is the engineer on the project; and there are some bullet points in there that are really

January 23, 2018

questionable. He commented this thing stinks to high heaven. He added he is not saying it was those particular three people who were in that meeting that chose to further the meeting because they seemed as bewildered as he was about it; and he felt as though he was slandered at that meeting. He continued some of the statements that were made at the meeting were just unfathomable, crazy, and so far out there just to try to redirect the focus of the board at the first meeting, that he was not supposed to attend, to get them to use the other contractor; there is a protest pending; here he is months later and he does not have an answer on his protest; and then to walk into this meeting this morning and find out there is no protest, this is the craziness he is talking about.

Chair Pritchett inquired if the Board went ahead with the bid, could it expedite this and make it the first part of the project.

Ms. Rothering stated if the County moves forward with the bid, it still has to determine who is the qualified low bidder, which has not been determined yet because the meetings have been postponed; the delays have been in the public records requests, there were several, specific to the format in which they needed to be provided; in addition, the records requests involved records from the engineering firm, so there is time involved with that; if the County moves forward it would still go through the pre-qualification of the apparent low bidder, based on their qualifications that have already been submitted; and the committee would reconvene and determine if they are qualified. She went on to say at that point whether the applicant is deemed qualified or not, then the protest would be received, if the committee then found them still disqualified, based on their qualifications.

Chair Pritchett asked if the Board went forward with the bid, if the County would still have to go out for another bid on this project. She stated she is a little confused how this is going to be more expedient for the County; and she inquired if the Board had any comments.

Commissioner Isnardi stated she agrees the County is just moving that project ahead of the game; she is not pointing fingers, but this is what people hate about government, it should never take this long; if it is taking too long, she questions why, especially if it is something that needs to be done quickly; and she stated she does not understand why the County would have to completely get rid of a current project or bid for a current project, if it has already gone through all of these steps. She continued the County has possibly qualified bidders for this project; and all these meetings, the waiting, and the forums are confusing to her.

Ms. Rothering stated as far as the process goes, the County can move forward with the bids it has received; it can move forward with pre-qualifying and going through the steps, reconvening the committee, reviewing the bids, and re-evaluating the qualification documents from the apparent low bidder; however, if the committee determines they are not qualified, then it goes to the next bidder; if that process follows like it is supposed to, then they go to the second and make the award, then yes that would be expedited; however, if there is a protest, the County has to wait for that process.

Commissioner Barfield stated he is more concerned about his constituents, 45,000 people; these pumps are at a critical stage and the Board has had briefings on that; his real concern is getting those pumps replaced; its obsolete, there are no parts, and if one is lost, the backup may or may not survive; and if that is lost, there is a potential of sewage backing up in people's houses.

Mr. Helmer stated that is correct.

Commissioner Barfield went on to say at this point he hears what Mr. Rail is saying and is concerned about that, but his number one priority right now is making sure the County gets

January 23, 2018

these pumps replaced; it is a \$5 million job and this is a \$600,000 part of it; he wants that pulled out and completed; the County can reject bids or not reject bids but he reiterated his priority is making sure those pumps are operational; if the Board does reject this, it is going to be re-bid without the pumps in it; he works in government contracting a lot and procurements, and he stays out of it at this level because it is not the Board's responsibility to evaluate proposals; and what he would recommend right now is for the Board to reject these bids. He added these companies have an opportunity to re-bid minus the pumps, because to him the pumps are a priority.

Commissioner Smith stated he would like to support what Commissioner Barfield just said; the County is in an emergency situation, and he trusts the Director's and County staff to give him this valuable information; he really does not know what went on, but some of what Mr. Rail has said causes him some concern, but the County is in a critical position with these pumps, so they really need to be taken care of; and he suggested the Board accept the fact that the pumps have to be replaced and then it can put the remainder of the project up for bid again.

Mr. Rail interrupted stating he is qualified and that the County invited him to bid, if they in fact re-bid this; he is going to bid this thing; the problem is they have messed around with this thing for so long, these pumps could have been changed out so long ago that the constituents would have never known what was going on with their toilets or any backflow issues; and they would have already had this finished if they had not been delayed like they were.

Commissioner Smith stated Mr. Rail's point has been made, but the Board cannot go back and change anything.

Mr. Rail stated it can do the right thing now.

Commissioner Smith agreed with Mr. Rail; he stated the Board can move forward with that; it can look at what Mr. Rail has suggested; it can inquire from staff about the accusations and concerns and move forward from that; this will be put out for re-bid; and Mr. Rail will have the ability to re-bid and hopefully he will be qualified, or he can raise his objections at that time. He went on to say that buys the County some time, because it is going to have these pumps fixed; since he has been on this Board, one of his positions is for the County to be business-friendly in its staff decisions, when dealing with business people; he thinks that is extremely important because when it is business-friendly it sends out the message that the County welcomes business and new businesses, and that it treats everyone fairly; and he recommended the Board follow Commissioner Barfield's suggestion.

Shannon Wilson, Deputy County Attorney, stated there are some inaccuracies on the record that she would like to correct because her office was involved in some of the public records requests; at different times when the attorney, on behalf of Carr and Collier, made records requests, the County Attorney's Office responded to them timely; he asked for quite a bit of records and at one point he refused to take possession of the records because he did not want to take possession of those records until he had responses from A&E on the project as well; her office had records available for him to review and he refused to even review or accept them at that point in time and that was his choice; and they were trying to move forward with the pre-qualification meetings and they kept insisting that they needed additional documentation before they went forward. She added in some cases he asked for additional records so the delay was not all on the County's side; they were trying to accommodate him and give him everything he wanted; he may not be aware of all the back and forth that went on between his attorney and her office in handling the requests for records; and she wanted to make that clear for the record.

Chair Pritchett asked Ms. Wilson if she is asking Mr. Rail a question.

January 23, 2018

Ms. Wilson stated she is simply responding to some of the statements that have been made; at one point his attorney thanked them for providing the records and he was actually talking about filing some kind of a lawsuit against A&E because of the time it took them to put the records together; then when they had the records together he did not want them in that format, he wanted them in native format, which is his right, but they had to convey that and it took additional time; there was a lot that went on here; and this does not necessarily lay at the feet of County staff, they were doing the best they could.

Commissioner Tobia asked if the Board could hear from the County Attorney on this.

Scott Knox, County Attorney, stated he thinks they have the tail wagging the dog; the situation is such that there are these types of allegations being made, which are common these days, and he is sure the County Manager is going to look into it, find out what actually happened, and resolve it, if there is actually a problem; but the problem right now is the County has an emergency to deal with; it has a change in the project because of that emergency and it just cannot go forward on the other project as it was originally proposed; and he opined that the Board not worry about the rest of it, to let the County Manager figure out if there is a problem with the process being used and that the Board just do what it has to do.

Chair Pritchett inquired if it is possible to allow these bids to go through and just pull out the \$600,000.

Attorney Knox stated it sounds to him like it has to be re-bid.

Commissioner Smith stated he would like to make the motion to accept the proposal to move forward with the emergency repair of the pumps and to remove the \$600,000 from the bid and put it out for re-bid.

Commissioner Barfield stated basically it is to reject all bids and put out for bid for the pumps project.

Commissioner Tobia stated he is in support of Commissioner Barfield's idea; he inquired if the County were to pull out the \$600,000 if that is integral in the entire \$5 million project; and he asked if there are any savings in doing these projects together, or if the County can pull out the \$600,000 altogether.

Mr. Helmer stated they would have to put it back out to bid again and it would depend on how the bids come out on the rest of the project; and once that goes out to bid again, they do not have any idea what they will get until the bids come back in, so it could be different.

Commissioner Tobia inquired if this will require digging that will need to be re-dug again or if there is anything that will need to be redone because of these pipes.

Mr. Helmer stated he does not think so, he believes it is mutually exclusive.

The Board authorized Leslie Rothering, Central Services Assistant Director, to reject all bids submitted for Bid #B-7-17-82 for the Sykes Creek Regional WWTF Headworks Improvements; authorized staff to solicit bids based on limited, revised plans and specifications; approved awarding to the lowest responsive bidder; authorized the Chair to execute the associated contract(s); and authorized any budget change requests as needed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM III., PUBLIC COMMENTS

Matt Collins stated he has been a Brevard resident for 17 years; he is in attendance to make the Board aware of some drainage issues that affect his neighborhood and to ask for the Board's help in finding a solution; there are about 40 homes in the neighborhood and they have suffered from repeated damage due to poor drainage issues and are at high risk of future issues; his house was first flooded during Hurricane Faye in 2008, with rain estimated at 20 plus inches; he had about eight inches of water inside his entire house; and his house was again flooded during Hurricane Irma at approximately eight or nine inches with only a small amount of rainfall at 10 inches. He continued they have also experienced many near misses such as on September 13, 2016, a week or so before Hurricane Matthew; the rainfall was about three and a half inches and it was within a couple inches of his house being flooded; again on September 2, 2017, a week before Hurricane Irma there was about four and a half inches of rain and his house was again within inches of being flooded; since he was flooded in 2008 and the many near misses, he had reached out to the Public Works Department at both the City and County level asking for help and changes, but to avail; no corrective action has been taken; and more recently after engaging in City Council of West Melbourne, he is getting some movement on their side and he believes they will be reaching out to the County to work with them for a solution. He went on to say he will not get into the specifics, but he sent the Commissioners a letter this week outlining his concerns as well as some slides trying to get through the details of it; the main issue with the County is the ownership of the Evans Canal and the culvert that goes into the one entry and exit into his neighborhood that is at high risk; it is undersized, it is old, and it is already eroding and at risk of washing out much like some of the other roads right there off of Green Creek, that the County is aware of; secondly, the way the water is routed there near the Oaks Theater, all of that water goes towards his neighborhood instead of towards Crane Creek, in front of that culvert just making the problem worse; and he is just asking the County to look into those details and see what it can do to help.

Commissioner Isnardi stated she has received his letter; she does not know if he has been copied on some of the emails, but staff is working with the City of Melbourne; she knows West Melbourne has a surveyor out there looking at how they can pull that water and get it into the County system sooner; and she just wanted him to know they are on top of it, he has lots of eyes and people looking to help.

Charles Tovey thanked Commissioner Smith and staff for accepting his phone calls and the grief that he has expressed over the conditions that are occurring; he stated Commissioner Barfield and Commissioner Smith get above average marks for their performance in the community for the past four years; he does not agree with them on everything, but they did a good job at their fields, especially with their experience and the community does not hold them to the things that these lifetime politicians should be held to because they know better; if someone does not believe in God, then he or she should believe in good orderly direction; for him, he has nothing to lose but dirt; if what he believes in does not come true, then he goes to dirt like everybody else; but, if it does come true, that is his right on religion, and he does not have time for that right now. He continued the Women's Program in Volusia County for inmates that they just opened for women to save \$10 on each uniform, he thinks the County should utilize its inmates for more positive and productive programs other than just sitting in there,

doing nothing, and thinking; he stated his rights, and it all started with the Federal Emergency Management Association (FEMA) trailer and then it went to the biggest oak tree that was excavated from his neighbor, then it went to repeat violence, and he does not even know the woman, this is a politician; he goes to court and the judge says, "ma'am you cannot do that" but she does it anyways; not only her, but the Brevard County Sheriff's Department, and the rest of them; and then it progressed to where he is at today. He went on to say he is thinking that jurisdiction is something forever, permanent jurisdiction; that is where he is at today and he reiterated it all started from a FEMA trailer; it progressed and progressed and progressed; and he stated again the judge said ma'am you cannot do that, and they did it anyways. He added this is about the Community Redevelopment Agency (CRA) laws and everything else; it is all in a little corridor of corruption; and he thanked everybody and wished them all a Happy New Year. He mentioned he has comments about the relief on the sewage and drainage.

ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE TWO PUBLIC UTILITY AND DRAINAGE EASEMENTS AND ONE PUBLIC UTILITY EASEMENT - ALAMANDA COURT - RIO LINDO - INDIALANTIC - CLEMENT DILORENTO

Chair Pritchett called public hearing on a petition to vacate two public utility and drainage easements and one public utility easement by in Alamanda Court, and Rio Lindo, Indialantic, by Clement DiLorento.

Andrew Holmes, Public Works Director, stated this is a petition to vacate portions of two public utility and drainage easements and one public utility easement; the purpose is to enable the land owner and petitioner to re-divide the land into two building lots; and there are no objections to the request.

There being no comments or objections, the Board adopted Resolution No. 18-006, vacating two public utility and drainage easements and one public utility easement on Alamanda Court in Rio Lindo, Indialantic, as petitioned by Clement DiLorento.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Vice Chair/Commissioner District 5
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.B., ORDINANCE, RE: AMENDMENTS TO SECTION 102-122(A) OF THE CODE OF ORDINANCES OF BREVARD COUNTY RELATING TO PLEDGING TOURIST DEVELOPMENT TAX REVENUES FOR REPAYMENT OF REVENUE BONDS

Chair Pritchett called for public hearing on an ordinance amending Section 102-122(A) of the Code of Ordinances of Brevard County relating to pledging tourist development tax revenues for repayment of revenue bonds.

Scott Knox, County Attorney, stated this is an amendment to the Tourist Development Ordinance, which is designed to correct a scrivener's error that occurred back in 1994.

There being no further comments or objections, the Board approved and adopted Ordinance No. 18-01, amending Section 102-122(a) of the Code of Ordinances of Brevard County, Florida, relating to pledging tourist development tax revenues for repayment of revenue bonds; providing for the correction of a scrivener's error; providing for the amendment of Section 102-122(a) to

January 23, 2018

conform with the revised code numbering of the tourist development budget plan; providing for the conformity of section 102-122(a) with the statutorily allowed purposes for which tourist development tax revenues may be pledged to secure and liquidate revenue bonds as set forth in Section 25.0104(5)(d), Florida Statutes; providing for inclusion in the Code: providing for severability; and providing for an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.D., RESOLUTION, RE: AMENDING EMS RATE RESOLUTION NO. 09-65, REFLECTING PROPOSED INCREASE TO EMS USER FEES

Chair Pritchett called for public to amend the EMS rate resolution to reflect the proposed increase to EMS user fees.

Chief Mark Schollmeyer, Fire Rescue Director, stated this item is to amend the current rate Resolution to reflect the EMS user fees that the Board approved at the last meeting, January 9, 2018.

Don Hughes, Fire Chief of Satellite Beach, stated his comments are reflective of the City of Satellite Beach, City of Titusville, Melbourne, and Palm Bay as of this morning; they understand the need for government to fund their Emergency Medical Services (EMS) system; a couple things that happened on the Fire Chief's Association side is that they are a little taken aback on the rate increase because four years ago the Brevard County Commission unilaterally got rid of the First Responder Program, which gave municipal partners an offset of their costs for delivery of service, and when that was gone they asked for a \$50 rate increase to fund the first responders program; and they were told that could be done, but at the end of the day it would not really raise the funds, because it would be greater than what the Medicare allowable rate is and therefore, would probably not work. He continued this increase is supposedly going to raise \$1 million, but he believes those rates are substantially larger than what the current Medicare allowable is; with that said, the municipalities are standing here waiting to be part of the solution; they are waiting to be sitting at the table; they are waiting to see if they as a system can look to see how to deliver Fire EMS not just to the constituents of their city but from a system-wide stand point; and he noted he just wanted to speak on behalf of those he mentioned earlier about this.

Commissioner Smith stated he had Mr. Hughes in his office yesterday and he expressed his concerns; one thing that he said that really caused him some interest was that rates would be higher than Medicare allowable; and he inquired about that statement.

Mr. Abbate stated that was discussed at the last meeting; the ambulance rates were given to the Board and the Board approved; that increase in rates brings them back to the average of the 52 jurisdictions that were included in that Item; it was made clear to the Board that 70 percent of the transports that occur would not be affected by the rate increase because Medicare has a cap on what is allowable; they explained that to the Board and the different levels of transport that occurred and that they were already charging that rate; therefore, there would not be additional income for that. He noted that is why with the rate increase the actual net effect of the revenue increase is only 6.3 percent over that nine-year period. He continued the rest of the monies are coming from insurance companies who are paying the full ambulance fee rate and a

January 23, 2018

very small portion of it is one percent coming from the private pay customers; he believes they are billed at a 16 percent rate, but that it is only collected at one percent; and he reiterated that he believes it was all shared with the Board during the last meeting when they discussed the rates.

Chief Schollmeyer stated that is correct; they also discussed the Medicare allowable versus what they charge is a write-off every year.

Commissioner Isnardi stated often times in the media things get a little distorted so she wanted people to know this is not going to cost the poor people on Medicare or Medicaid extra money to take transport; it will not be hurting the fixed income people that are Medicaid or Medicare recipients; and she just wanted that stated for the record because they will not be charged for anything over what the allowable, billable amount is.

Chair Pritchett commented she knows it costs a lot more than allowable to collect from the insurance companies so it is a cost to the County every time they pick up.

There being no further comments or objections, the Board adopted Resolution No. 18-06, adjusting user fees; and approved annual adjustment to user fee rates based on the Consumer Price Index (CPI).

RESULT:	ADOPTED [4 TO 1]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

ITEM IV.C., ORDINANCE, RE: AMENDMENTS TO CHAPTER 14, ARTICLE II, ANIMAL CONTROL, BREVARD COUNTY CODE OF ORDINANCES

Chair Pritchett called for a public hearing for amendments to Chapter 14, Article II, Animal Control, Brevard County Code of Ordinances.

Wayne Ivey, Brevard County Sheriff, stated he has with him today his Manager of Animal Services, Joe Hellebrand, Chief of not only the jail and Court Services, but also Animal Services, Chief Mike DeMorat, and Dr. Sarah Boyd, Animal Services lead veterinarian at the shelter; he started by personally thanking Matt and Alex for their help in drafting this ordinance, stating they were awesome with all the changes and everything that took place; he also expressed his appreciation to everyone in attendance whether they are there in support or they are there in disagreement with the ordinance because if nothing else everyone agrees that they are all there for the best interest of the animals; and he wanted it to be known that the citizens have weighed in on this. He presented a PowerPoint addressing the success his office has had so far, the purpose and need for updating the current Ordinances, and some of the changes that were made after hearing from the citizens and business leaders. He stated in October 2014, the Board of County Commissioners asked the Sheriff's Office to take over Animal Services; it has been an amazing 39 month journey; it has been awesome for Brevard County Sheriff's Office (BCSO) to be a part of the transformation that has taken place; the Animal Services team includes care center staff, animal enforcement officers, administrative personnel, incredible volunteers who without them they could not do what they do, rescue partners, and of course this incredible community; and BCSO has been very blessed to have great support throughout the entire community. He continued when they assumed responsibility they made a strong

January 23, 2018

commitment to make Brevard County a more humane community, to raise the standard of care in the Animal Care Center, to reunite as many lost and stray pets with their owners as possible, and to save as many pets as possible through adoption, fosters, innovative programs, relationships with their rescue partners, and by educating, igniting, and empowering the community to become a no kill community; the success of an Animal Welfare Organization is measured by how many animals are saved, what is classically referred to as the live release rate; prior to BCSO taking over, the live release rate was 55 percent over a five-year average; and in April of 2015, he stood before this same Diocese and the Commission and announced that they plan to become a no kill community in two years. He noted as a point of reference, to be classified as no kill, an agency must complete one calendar or fiscal year with an average live release rate of 90 percent or higher. He went on to say it was a goal few people thought was possible, in fact, he often refers back to an article that was written by Matt Reed, who at the time was with *Florida TODAY*, and it said, "No kill is impossible;" no kill is not impossible, in fact they have demonstrated that; in 2013, 4,869 animals were euthanized in Brevard County under the former bay system; that is an average of 13 animals per day that were being euthanized; in 2014, with BCSO at the helm for only three months, that number was cut almost in half to 2,109 animals; and in 2015, they again cut it in half dropping it to 1,219. He added in 2016 there was another significant cut reducing the number to 317, last year in 2017; the number was reduced even farther to 160, creating a 92 percent reduction in a three-year period. He stated the table shows the live release rate for the fiscal years 2014 through 2018 with a continual upward trend; to see it on a monthly basis, it shows how they started getting there and how they progressed to where they are today, with a live release rate of 95.79 percent; that is a pretty drastic improvement in saving animals lives, considering they went from 55 percent to 95.7 percent; in the past several months, County staff met, and Alex and Scott worked with them to update and amend various sections of Chapter 14, Article II, Animal Control, Brevard County Code of Ordinances; and the amendments take into account changes made at the State level and incorporated best management practices to better address issues related to animal control. He mentioned the changes seek to promote a safe, healthy, and humane community for the citizens and animals of Brevard County; and additionally, the changes will supply the tools and resources necessary for the County to handle the animal control-related issues covered within Chapter 14, Article II, more effectively and more efficiently. He stated two weeks ago a draft of this ordinance was released and it created quite a stir, and while it was intended to inflame, it actually did them a favor; it actually got a conversation going and got people talking about what the ordinance was going to involve and got them engaged; the draft that was released is kind of like being an ice sculpture, when one creates an ice sculpture he or she starts with a big block of ice and chips away at what is not needed, to be left with a very nice product; that is what happened here, they had a draft that was adopted from another county, and working again with the County Attorney's Office, they were able to chip away to what was really needed and what the community could support; some distinct differences between the proposed ordinance and the original Ordinance are people thought that they were going to increase fees from \$10 to \$25, but that was never the intent, that was one of the things they were going to chip away; and they had discussed raising the fees from \$10 to \$12 dollars for altered pets, and from \$16 to \$18 for unaltered pets, however, after conversation with the community and some of the leaders they decided to leave the current licensing fee as it is, at \$10 and \$16. He continued on to say apparently there is nothing in the ordinance that allows for the Spay and Neuter Trust Fund, and the money from that trust fund goes back into the community for programs such as spay and neuter, for education, and everything else, and it is to be used exclusively in those capacities and the current ordinance does not have anything of that nature; currently there is no established criteria for a public education program; this new ordinance puts that into place and the team is already working on the public education component to make sure that they are able to work in all capacities, especially in the avenues of education and awareness; currently there are no tethering guidelines but the new ordinance addresses the tethering guidelines which makes it a much more safe and humane aspect; if one is currently tethering a dog with a cork-screw type mechanism, he or she will now have to transition to an overhead tether which is

safer for the pet, and more secure; and it also requires that there be sufficient water, sufficient food, and cover for an animal left on an outside tether. He stated Dangerous Dog protocols are extremely antiquated in the current ordinance and the new ordinance creates current industry standards and brings them up to speed; currently there is a three-member Dangerous Dog Council and the proposed ordinance creates a magistrate to hear aggressive and dangerous dog cases; the current Ordinance has no restrictions on feeding outdoor animals, the proposed ordinance creates requirements as well as an education component that goes with that; the proposed ordinance creates free training programs for community cat care-givers; it also creates tools to address dogs that fatally attack another animal even one time, and that is not currently in the ordinance; and the proposed ordinance creates tools to combat dog fighting, creates service charges on citations for training of animal enforcement officers, creates ability to set court appearances for special circumstances in abuse cases, and it also gives deeper authority to confiscate mistreated animals. He went on to say some of the concerns that were raised include if the stray hold is changing from five days to three days, it is not; that was a mandate from the time he looked at the block of ice, he knew he did not want it in there; part of the ordinance speaks to veterinarians complying with State Statute 828.30, which is that they furnish the County with copies of their rabies certificates; that part is in there and is addressed, it was actually addressed by the State Statute in the rabies prevention and control in Florida in 2014; when they were asked why they would do that, his answer is because it is mandated by State Statute and the ordinance only mirrors the State Statute; another question was why the stray fee going up; and he commented, the boarding fee is \$6 and the recommended change is adjusted to \$10, far below any boarding facility. He added in 2017 this fee impacted a total of 96 citizens for a total amount of \$2,617; another question was, does anything in the proposed ordinance have to do with animal dealers, hobby breeders, or occasional sellers; again, in the big block of ice, that was in there, but it was never the intent to leave it in there, in fact, it was one of the things he knew they were pulling out, and so there is nothing in the ordinance that addresses that in any capacity; he has gone through the proposed ordinance that was advertised; and he is asking the Board to make some changes in that ordinance. He continued he is requesting the deletion of the proposed Section 14-77 which specifically allows the County to apply for grants and to solicit sponsors and donations; originally it was in the ordinance but after hearing from some of their rescue partners that Section will be deleted; he is requesting a modification of proposed Section 14.72 to remove outdoor feeding requirements for dogs and to provide further guidance on the feeding and care of community cats after having conversations with the citizens and with the Commissioners; and additional recommendations are that Section 14.52(g) be amended and that the corresponding Sections 14.72(i) and 14.7(j) be removed in order to eliminate the requirement that veterinarians remit animal registration tags and to solely provide for the remittance of rabies certificates by veterinarians to Animal Services, as is required by State Statute. He noted in the initial proposed ordinance they had a mandate that the veterinarians would sell licenses; their ultimate goal is to increase compliance; right now, using the models available, they estimate that there are roughly 272,000 pets in Brevard County, and of those, only 24 percent of the pet owners are in compliance; and of that 24 percent, 58 percent of those licenses were sold by 36 veterinarians who voluntarily serve or sell licenses. He mentioned their goal was to increase compliance using the veterinarians as partners in making it one stop shopping for the citizens; after the feedback from the veterinarians, it was decided they needed to go a different direction and remove that mandate; and he asked for Attachment A to be amended to show a \$10 fee for an altered pet registration and \$16 for an unaltered pet registration, reflecting no increase to current fees. He stated perhaps Matt and Alex can help with this; and he requested that the Board authorize staff to amend the proposed ordinance to provide for the new modifications that he spoke of. He went on to say in closing, this team is extremely passionate about achieving their goal of saving homeless pets in the community as they recognize and hold very close to their hearts that taking care of animals in the community is not only their job but quite frankly it was a gift from God to them and they love it; they love everything they get the opportunity to do and every time a pet's life is saved they know they have forever changed the landscape; and they are

January 23, 2018

extremely proud of that. He noted on October 1, 2016, he proudly held a press conference to announce that Animal Services had achieved no kill status only 18 months after BCISO announced that goal, two years to the day after taking over Animal Services. He mentioned although they proudly recognize the significance of this achievement, they also realize that achieving a 90 percent or higher live release rate and recognition as no kill community is not a designation or one-time designate rather it is a continued journey that together with community partners they will maintain; it is extremely important to him and quite frankly it important to his wife, and so he will follow that lead; and as he has said before it takes a community to protect a community and without question it definitely takes a community to protect the pets and the animals. He stated he will entertain any questions.

Chair Pritchett stated she just wanted to thank him for taking over Animal Services; she had an opportunity to tour it and what interested her was him knowing all the dogs' names and their histories; and she thinks he is a champion for protecting the animals. She continued there was a lot of bad information going around and she thinks the Sheriff's presentation may have cleared up a lot of it; she has 12 cards, in case anybody is interested in the amount of people who are coming up to speak; and she mentioned if the Sheriff had answered one's questions, maybe they would be good with it now.

Commissioner Smith stated he wanted to thank the Sheriff and his staff for all the long hours that they spent putting this together, all the communication that went back and forth, listening to the community, to the veterinarians, and the Commissioners; a lot of hard work went into this and a lot of thought processes; and he thanked him for the success in making this a no kill community, because it is a big deal to him and to an awful lot of people.

Commissioner Isnardi stated she knows the Sheriff is a busy man, obviously, and she is not sure how much more Chief DeMorat can possibly be responsible for but he has been amazing; he is on the Public Safety Coordinating Council, and she appreciates all of his efforts and his knowledge; she thanked him for spending time in her office and listening not just to some of the concerns that were rolling in by email, but some of her own concerns; and she asked if they would mind perhaps sticking around and possibly addressing any of the questions or comments.

Debbie Rich stated first she would like to just reiterate that no kill is not a number, it is not killing any animal that can be treated or rehabilitated; there are many, saving up to 100 percent in this Nation; the County is doing well but they are still killing some for some crazy ideas; she supports Return to Field when it is done properly, meaning any sick cats are treated before going out, and kittens are put up for adoption at the shelter, not thrown out; she also has some concerns about the proposed changes; Section 14.44(F)(2), and 14.45(F)(2) allows for the immediate killing of animals deemed feral or un-socialized with no holding period of any kind; normally, it takes three days to calm an animal when thrown into the shelter environment with the strange sounds and smells; Enrichment Programs should be implemented for all animals in the shelter which are used at other successful shelters; and it allows, the current written version, for immediate killing of animals with contagious disease. She continued contagious disease is not defined in the document, it could mean anything from cats and kittens with highly curable upper respiratory infection, ringworm, scabies, conjunctivitis, diarrhea, or dogs with kennel cough, which are all treatable; humans would not be killed for ringworm, which is the same as athlete's foot, so it should not be a death sentence for animals; Animal Services no longer has the high numbers of animals coming into the shelter; there is only have one shelter now, and at most times there is no overcrowding which provides space and staff time to care for the animals in the shelter; there are now two vets which they did not have under the County; and another of her concerns is the positive traceable identification through a currently registered microchip in Section 14-4(F)(3). She went on to say there are many concerns with relying on microchips; there are currently five universal scanners, none of which have 100 percent sensitivity; scanning should be done in a slow, up-close, methodical manner, not just swipe the insertion site which is

January 23, 2018

normally the shoulder area; chips migrate around the animal after insertion, and sometimes they come out of the insertion site; and for every five pound increase in body weight on an animal, the odds of missing a chip increases by about six percent. She stated sensitivity changes based on the orientation of the scanner and the chip, so if scanning incorrectly it may be missed; sensitivity improves with multiple scans; and about 21 percent of shelters only scan one time, and 52 percent of shelters only use one brand of scanner. She mentioned multiple types of universal scanners are recommended; there are also reports of chips causing cancer in pets and because of this many owners refuse to get them; 52 percent of dogs with chips make it home, 48 percent do not; national statistics state 39 percent of cats with chips make it home, 61 percent do not; scanners fail and should be tested periodically; and those that have chips may not be registered even though it is a free service, she has found animals online, and the change of owner increases the chances of outdated information.

Pam LaSalle stated she had requested that a Florida Health Department Veterinarian be in attendance and she does not think there is one in attendance; the reason she asked specifically for a veterinarian is because she had received a letter generated by Commissioner Smith's office a couple years ago from an epidemiologist who she believes has no understanding of Toxoplasmosis based on the letter provided; she thinks Animal Services is a great thing, but she thinks their primary purpose is protection of human health; the reason for ordinances is to control animals to ensure the safety of the public; and she whole-heartedly supports any homes that can be found for these animals, but dumping them back out into the community is not a viable solution when considered in regards to public health. She presented the Rabies Prevention Control published by the *Florida HEALTH*; she stated in the cover letter they state, "The concept of managing free-roaming/feral domestic cats is not tenable on public health grounds because of the persistent threat posed to communities from injury and disease. Allowing cats to roam free is not in the best interest of the community's health and deliberate release or abandonment of feral or domestic cats is not sanctioned under Florida's Conservation and Cruelty Laws;" there are many diseases, rabies is just on them; she is sure everyone heard about the little boy in Orlando who died from contacting rabies through a bat; bats are one of the threats, but cats are huge; and this also came from *Florida HEALTH*, Rabid Cats and Dogs in Florida. She stated look at those charts, it is almost 3:1, un-owned cats contract rabies versus owned cats; it is not just rabies it is also hookworms; up to 75 percent of feral cats in Florida have hookworms; Miami Beach had to restore and replace approximately 25 blocks of beach in 2011 due to hookworm infestation from feral cats; and in 2013, Target Zero, who is the consultant the Sheriff is using, tried to come into Brevard but the Board voted it down. She continued she thinks that the policies that the community is living under are not for their best interests; probably the single biggest problem she has with the ordinance is Section 14-72, and it is not clear to her whether his comments were that it is deleted now or not, but 14-72 in the original version it states, all managed community cat colonies, groups must be maintained on private property of the caregiver or with permission on private property of another land owner, including County, State and Federal public property, and she thinks it is very important to leave in there; she wants it in there because she thinks it is very necessary to protect property rights; the definition of animal shelter includes a person who rescues, shelters, or provides a foster home or facility, any of which places animals for adoption whether for a fee, or a donation, or free of charge; she thinks Animal Services needs to maintain control over what is defined as an animal shelter and as an individual; she objects to the classification of community cats, she thinks they should be classified as feral; and she thinks they should be defined as either a domestic animal or a feral animal, this is not a commune. She commented she finds it offensive that qualified community cats are exempt from the licensing, stray, and at large provisions of this article, and may be exempt from other provisions directed towards owned animals; the people who manage them need to be held accountable for those animals; she does not think they should be allowed out into the community; and she just does not see how anyone can totally disregard the Florida Health Department recommendation, that they are

January 23, 2018

not tenable from a public health grounds, because that is the purpose of animal control ordinances.

Dr. Denise Van Cleef stated she sent the Board a letter yesterday about requesting that this ordinance be tabled because she believes the public comment has been restricted; she chairs the Dangerous Dog Commission for the County Commission and has for the past 14 years; she views that she is expressing today are her own; because of the Sunshine Law, she has not discussed this with the other members; in regards to the changes of the provisions for the dangerous dog board, she is concerned, and wishes that there was a vehicle for public comment on the changes; what is going to happen is they are going to take what the dangerous dog board had, which was one veterinarian, one alternate veterinarian, one dog behavioral trainer, one kennel worker, and one alternate kennel worker, all of whom are experienced with behaviors of dogs, and replace that with a special magistrate; the dangerous dog board determine why the dog bit either the person or the animal in their meetings; and this is being changed for one attorney who has no experience in dog behavioral medicine and she is not sure who that is going to work. She added she would like this to be open to public comment and have other people debate whether that is an appropriate way to address the dangerous dog law.

Commissioner Smith inquired what section that is.

Dr. Van Cleef stated 14.49, Paragraph D., the Board shall appoint a Special Magistrate to conduct dangerous dog classification hearings; as Sheriff Ivey mentioned this ordinance was released about two weeks ago, but it was leaked, it was not released by the Sheriff's Office so the public really has not had input; the Board has received a flurry of letters and calls, but it has not had the advantage of having everyone being able to comment on it in a timely fashion; she wants to state that Statute 828.30, Rabies Vaccination of Dogs, Cats, and Ferrets is mainly concerned with public health safety and states that any person who has been bitten, scratched, or otherwise exposed to a zoonotic disease shall be provided with any information contained in a rabies vaccine certificate but only with respect to the particular animal biting, scratching, or otherwise causing exposure; she believes the Statute addresses the public safety concerns of zoonotic diseases of rabies; rabies certificates are mandated under this Statute to be submitted to Animal Control agencies but she believes that intent is that if a person is exposed then the rabies vaccination status of the animal is immediately recoverable by the animal control agency; and it is not the intent of this Statute, as per Sheriff Ivey, for compliance of registration tags. She continued she knows the ordinance has been changed but she has not seen the ordinance changes and again the public needs to be able to provide input, and advise the Board on what changes may or may not need to be changed; and there are other things, but times is limited.

Commissioner Smith stated he does have a question regarding Section 14-49(D); reading here that the hearing process shall afford the owner an opportunity for a hearing prior to making a final determination regarding the classification or penalty, and then it goes into quite a lot of detail about the owner filing written requests, and the hearing shall be held no sooner than five days and no longer than 21 days, Special Magistrate shall bring the hearing to order, the animal control authority will have 20 minutes to present its case, and then the owner will have their opportunity, he inquired what more she would like written into this Policy that would make her feel more comfortable.

Dr. Van Cleef stated the dangerous dog board would allow for 10 minutes of rebuttal afterwards so that if something is mentioned then somebody else can rebut it; the board was able to ask questions to try to determine what the dog was doing, for example, they had a case where a young girl knocked on someone's door and was lawfully on their front porch, the daughter of the owner opened the door, the dog came out and bit the little girl, and that is what they were presented with; with further questioning, they had realized the little girl was frightened of the dog, she screamed and she grabbed at the girl who answered the door, that fell under the dog

January 23, 2018

protecting her owner from an assault, and they deemed the dog not dangerous; she is not sure if a Special Magistrate or an attorney who does not understand dog behavior is going to be able to pull those specific instances out and determine whether a dog is truly dangerous or not based on its behavior; to make it equivalent there is going to have to be expert witnesses and that has been discussed, but she is not sure of how that will work and how it is going to be fair to both sides; and she stated she is not against it and not for it, she just thinks there needs to be more discussion.

David Grant stated he is very proud to live in Brevard; he has been here since 2009; he think it is terrific what the Sheriff's Department has done; he currently volunteers for the Sheriff's Department but his comments are more outside of that environment; he just thinks Brevard is a great place and that the animals are well taken care of here, being a no kill County is terrific; he loves volunteering at the shelter; he works with the Spay and Neuter Program with Dr. Boyd; and the veterinarians there are compassionate, they take very good care of the animals. He added by the way, kittens are placed for adoption if they are under four months, they are not just thrown out to the wild after spay and neuter; and he thinks what is being done by the shelter deserves accolades all over the place. He stated it is great what Sheriff Ivey has done; he mentioned he is not real familiar with the proposed ordinance but everything that has been done by the Sheriff has been a great step in the right direction; and nothing is perfect in this world, but it is certainly a good start.

Cindy Wasden, President of Lucky Dog Animal Rescue in Palm Bay, stated one concern she has is the no hold time for the ferals being the dogs or the cats; some animals appear to be feral for whatever reason, they may have been lost for a period of time, or they have been traumatized by the events while they were lost, but sometimes they are not; sometimes people are looking for them and have no idea; some are on vacation when their dogs or cats are lost and by the time they get back, their animals have already been euthanized because their considered to be feral; some of the elderly do not have chips in their animals or they do not know the proper channels to try to locate their animals; and to euthanize them considering them feral and with no hold time, does not leave these people any opportunity to reclaim their animals. She continued some animals are considered feral while they have just gotten away from their owners; there is a big issue now with animals being stolen either for fighting or to resell; a lot of those animals are taken from one county and jumped to another county whenever they realize that the animal is of no use to them, so some of those owners may not know to look in Brevard County if their dog was stolen from Sumter; again they are traumatized and they appear to be feral; the issue was already addressed with the microchips; there are several different kinds of scanners and they may not be compatible, and therefore the owners are not able to have enough time to locate their animals; and she just feels it is a big disservice to euthanize without any hold time.

Jeff Godwin stated he is a Veterinarian and the chair for the Governmental Affairs Committee for the Brevard County Veterinary Medical Association; they had a meeting last Thursday night and voted unanimously to oppose the proposed changes based specifically on Section 14-52 paragraphs G, H, and I; they expressed their concerns with Sheriff Ivey and appreciated his flexibility in understanding their position; he heard him say today that he was going to remove paragraphs H and I, and amend paragraph G, so that instead of requiring veterinarians to sell licenses, it would require them to turn over rabies vaccine certificates as in State Law; however, the copy that he received this morning still had paragraph G, H, and I in it. He inquired if he can be assured based on his verbal statement.

Chair Pritchett commented yes, it has been removed.

January 23, 2018

Mr. Godwin commented he is not sure why the proposal in the County ordinance has veterinarians turn over the rabies vaccine certificates since that is in State Law and stated his preference would be just to delete that paragraph as well to keep it simple.

Theresa Clifton, Executive Director of the Central Brevard Humane Society, stated she has worked for the Humane Society for 14 years now and she has chaired a Feral Cat Commission that the County Commissioners put out in 2004, it was quite an interesting endeavor; she has watched people struggle over the years; she is a fifth generation Brevard County resident and animal issues have always been treasured at best; she had some opposition to what was sent to her originally; and she has spoken with the Sheriff about her concerns and he has relented on many of those, seeing the differences of what is, what works, and what does not work. She added she would like to commend the Sheriff and his team for being willing to be a target, because no matter who runs the County shelters, they have always been a target and it is difficult at best; for anyone who has not ever run an animal shelter, they no idea what the Sheriff is dealing with when it comes to things like zoonotical diseases; yes, ringworm is treatable but if the facility cannot isolate it, it will spread; ringworm comes off of a hair follicle; Parvo is also treatable but in a shelter environment the risks of the majority outweighs the one; and if a rescue can take them in or a foster that is willing to help them then that is lucky. She went on to say her my point of all of this is that she am very grateful that the Sheriff and his team have taken the time to do all of this; she enjoys seeing the community come out in care of this, because the numbers have gone down; in 2003, there were over 15,000 animals that were humanely euthanized or killed' she is really happy to see that the County can brag about these things now; the Humane Society is not for or against cats being outside, they just want them all to be spayed or neutered that is why they have opened their little cats Spayed and Neutered Wellness Facility; it does work but unfortunately it takes education from the community, something that the Sheriff is proposing on education, is very vital because to have a cat and not be able to keep it, do not just place it with someone else's outside cat community because that it is not really the answer; and she personally is opposed to having cats outside because they deserve a better life and she thinks that being outside is not the better life. She mentioned she cannot be opposed to him putting them back out when she does not have a better answer; if anyone has a better answer she asked that they bring it forward, otherwise, the only other answer is to kill them in the shelter; and obviously this community did not like that because it was opposed years ago. She stated the Sheriff has worked very diligently for the last year or two trying to resolve that issue; the Humane Society has taken in almost 60 to 70 percent of the animals in the shelter every year; they could refuse them and send them to the County because they receive zero tax dollars; she has to raise \$2 million a year to run the facility, but that is what donors, private citizens, and grants are for, and it is her choice to help the County as much as she can by taking in almost 900 stray animals a year out of the 1,800 they get; and they enjoy the partnership. She went on to say she is very grateful that he at least, with all the other things he has to take care of, he is trying to do something for the benefit of the animals; she really does appreciate everyone's time on this as well, because this piece of legislation has so many wonderful parts to it that she would hate to see the baby thrown out with the bathwater, particularly with tethering, for the spay and neutering, and the Trust Fund; and she thinks this is really an awesome thing.

Glenn Beckett stated he believes all his questions have been; he represents Grant Animal Clinic and is half-owner of it; and he thanked Sheriff Ivey and the Animal Service for not only listening but acting on behalf of the veterinarians.

D. Drinnon stated he is a longtime resident at Hillsdale Drive in Cocoa; he wrote this letter a while ago to the Commission, and asked to read it aloud; and he read, "Dear Commission, It was a serious mistake in the year 2014 on the part of this Commission when it put the Animal Control function under the Sheriff Department and discontinued euthanasia as a solution to the County's stray cat problem, and attempting to control the problem with a trap, neuter and return

January 23, 2018

to the neighborhood scheme. The problem has mushroomed since then and it is growing. The Sheriff has assumed a conflict of interest and on the one hand being asked to defend private property rights, and with the other hand dump stray cats in neighborhoods against the wishes of the property owners. The scheme is obviously unworkable, even if a significant number of strays were so treated, because for each one treated there are hundreds of others that will not be, thus guaranteeing continuation and worsening of the problem. The scheme is a token, superficial, appeasement of a few animal rights advocates whose hearts might seem to be in the right place, but whose minds are at a distance from reality, and whose voice and influence is far out of proportion to the rest of the citizens involved. The scheme includes the feeding of stray cats and arbitrarily selected neighborhoods at feral colonies at taxpayer expense, against the wishes of the property owners involved and even against their knowledge. Now this is unconscionable misuse of taxes especially when considering the large number of homeless, hungry humans in the County. A virtual rabies epidemic is rumored here, mostly attributable to stray cats. This was emphasized last week when a local motorist sitting in her vehicle was attacked by a rabid cat. Rabies is just one of the diseases from this source, some of which are transmissible to humans. There is a toxoplasmosis epidemic among the dolphin population in the local Lagoon attributable to runoff from stray cats. In addition, feline leukemia, FIV an immune system virus, Parvo, worms, distemper, fleas, etc., along with the disagreeable odors and noises they create. House pets can no longer be let outdoors because of the probability of being infected. Each one of these creatures is responsible for killing large numbers of birds and other wildlife and since their naturally nocturnal most people don't realize the seriousness of the problem. It is time for this Commission to recognize and admit its error and reverse the action it wrongly took in discontinuing euthanization and moving the problem to the Sheriff Department and in no way further exacerbates the problem by favorably considering this most recent proposition before it."

Eileen Baglivio stated she had a whole big, helium filled speech prepared but the Sheriff has made her aware of the changes that are much needed; when people talk about the animals, a lot of people get really upset; she applauded how he tried to alleviate a lot of the public's concerns; her concern is about the no-hold on the bringing in of the cats; and she really hopes that could possibly be put hold for further discussions. She mentioned this has been great; it is her first time there; she thinks it is a great system; and she stated the secret is out about Brevard County, a lot of people are heading here, so let us try to make this the best, especially with extended family.

Lynn Miraglia stated the public actually has not seen the proposed ordinance at this point, the Board has it but the public has never seen it; she would like to know that the County intends to have a public hearing or to take input from the public based on whatever the new proposed ordinance has written in it; she knows people were going to write letters this weekend and she told them to hold off because she had heard there was going to be a different one; she looked Monday, and it was not there so people who had input did not send it because she told them not to until they saw the new one, but the new one was not available; and she is hoping the Board will still consider having public input on the new proposed ordinance. She continued in 2008, she started the BrevardLostPets.com website to help pets get reunited in the County and as a result of speaking to numerous owners of pets that end up in the shelter, she has learned that many of the citizens live check to check, and some of them cannot afford to reclaim their pets at the current fees, they have actually had to forfeit them; she asked that none of the fees change for a sterilized pet; if a sterilized pet comes in and the owner wants to reclaim their pet, asked that the current fees be applied; also that the impoundment fees be waived because it is moving to \$70 which, right now it is only \$35, so it is quite a hit; for an intact pet, she would like it to be considered that when the owners are trying to reclaim their pet that they are given an option; they can either pay the fees and get their pet back, or they can pay an adoption fee and have that pet spayed or neutered at the shelter, which is what would happen to the pet anyway if it was kept and the owner could not reclaim it; and the benefits of that is that the pet would not be competing with other animals at the shelter, who do need a new home, this pet already has a

January 23, 2018

home and it can go out quickly. She went on to say the other thing is that if that pet should get out again, it will not be contributing to any unwanted litters; her other concern has to do with microchips, which were discussed but studies have shown no microchip is 100 percent detectable and she can send the link to those studies; if a pet comes in and they have no microchip, the shelter will insert a microchip without the owner's permission; this is being done before the owner is notified or anything; and she would like the owner to have an option on whether a microchip is put in their pet, because there might be a microchip in their pet already, it is just not detected, and not everybody can afford to add another \$20 to the reclaim fee, which is being charged even though they did not ask for the chip. She stated in Section 14-44(H), the Impoundment of Animals, it talks about immediately euthanizing a pet that meets a certain criteria such as if that pet is not wearing an ID or does not have a registered microchip; a microchip is not 100 percent detectable; and no one should be killing an animal that is under stress, is owned, or is registered just because the chip does not show up.

Eva Nagemihaly thanked Sheriff Ivey and everyone in his staff, and everyone that helps him for the great results they have in the County; she stated it is not perfect but this world is not perfect; to those people that want to say euthanizing is a very permanent solution, it is not humane, period; each individual District has people that are feeding animals or helping animals and not asking for any pay; she helps friends who need help for their animals; and she helps the animals that come directly, but asked people to please not drop any more animals at her house. She noted the animals need help and she will continue to do it. She went on to say, thanks to *Florida TODAY* for printing this, because she did not know this was even going on; she does read the paper daily to keep up on local news and to know it is going on, so if she needs to say something she will be here; she was happy to find out about this so she came running down here today, cancelled other things, because this is important; and the Board needs to know that everybody does care, a few are just not knowledgeable enough. She stated she wished that somehow the public could be educated to know that a clipped ear on a cat means they have had their rabies shots, they are being taken care of, someone out there cares for them; and she stated make sure that the few who do not understand are not the ones that gain the loudest voice because they have solutions, but remember this is a humane society.

Barry Inman, Epidemiologist for the Brevard County Health Department, stated the nurses who work with the Animal Control Program have given accolades about Sheriff Ivey; since BCSO took over the Program, it has improved dramatically; and they say working with them has been extremely smooth and has been very efficient. He noted he has been studying this Toxoplasmosis for many years; his first introduction to it, after he graduated from Florida, was with the HIV Aids patients; first off many people get exposed to toxo because of cats; the number one way people get exposed to it is eating raw beef; and in the other parts of the world, they do a lot of that and get exposed to it, but most people do not get sick, they become A-symptomatic, because the immune system will control it. He noted the problem comes in with Toxoplasmosis if someone were to lose their immune system which happens sometimes with HIV Aids patients; even with HIV Aids patients now, it is not seen very much because the medications have improved dramatically with them; he looks back 10 years, for Toxoplasmosis among the community here, and they did not have one single human case; it is extremely rare but people are exposed to it; because the public generally have a healthy immune system, they do very well; and cats get exposed to it most of the times from catching rodents, digging in the dirt, or maybe eating raw beef or meat on some occasions. He continued once cats acquire it they are only communicable for about 10 to 20 days; the incubation is anywhere from a week to about a month; he does not expect it to be a problem; there is not a rabies outbreak in this County; and the immunization rates are very good.

John LaSalle stated he would like to start off by requesting that the Board table the acceptance of this until more input can come in; the people in front of him were eloquent and brought up all kinds of thing that he had not considered; it was nice to hear that a whole lot of things that the

January 23, 2018

public are objecting to have been taken out by the Sheriff or by the attorneys; it is a thankless job; and he used to be a volunteer at the shelter and he knows you just cannot please everybody. He continued to say the report of no Toxoplasmosis is incorrect; *Florida TODAY* reported last year a landscaper died of Toxoplasmosis; of course a landscaper is involved with digging around the dirt and that is where all the toxo is, it is in the dirt and it is in the flower beds; two days ago it was reported the young actor that acted as Captain James T. Kirk's son died of Toxoplasmosis; and it does affect humans. He noted the Sheriff and other people wrote this thing and have agreed to all the changes; he thinks there needs to be a hearing separate or a Workshop so all the other people that did not know this was coming, can get their two cents in; there are a whole bunch of things that have been taken out, that the public is objecting to; the one that has not been taken out, that really bothers him personally is taking care of feral cats, feeding them; but take feral cats and call them community cats and waive them from everything, where no one is responsible, no one owns them, and if they cause any damage there is no one to speak to about it, because they are feral; and he thinks they are out of control in this County. He stated in 2014 or thereabouts, before the Sheriff took over, they had 500 registered feral cat colonies, several hundred thousand in the whole County, who knows where they are now; when asking how many feral cat colonies and how many feral cats are out there, there is no answer and no number; but to extrapolate from 2014 to now probably a few hundred thousand and it is going to be several more hundred thousand; they are out there; they are at Sam's in Cocoa, they are at the Park and Ride across from the shelter; they are at Canova Park; and he does not know where all of them are, but there a lot of them. He noted he has to read this because it was handed to him, "Rabies may be shared before their symptoms, so cats that go right back out could be rabid. It takes 28 days for the first vaccination to be in effect. Manufacturers require one year vaccine, then three year vaccine, and it's hard to keep track of when you see a clipped ear cat, you know they been through the system, you know they've been neutered, excellent. You know they've been given a shot. They're only effective for a year. If they don't get captured again and get more vaccines then they're out there possibly rabies carriers;" and where people are feeding the cats, almost always there will be a raccoon or two or three that chase the cats away; when they finish eating, the cats come back; it happens over and over again; therefore, he would like to see this tabled to have more public input, because a lot of people did not even know this was coming. He noted it changes so much; maybe he is objecting to nothing; the people that spoke in front of him had excellent points; and he would like to see something done.

Sheriff Ivey reiterated how much he appreciates the members of the community that came today to support or disagree with the ordinance; everybody hopefully is passionate about saving the animals; and that is what makes the community what it is. He stated they tried to keep track of some of the concerns; one of the concerns was the ordinance saying that, "We shall immediately euthanize animals that are sick or anything of that nature;" they do not do that as the numbers presented earlier would show the goal is to save as many animals as possible and not euthanize; back to that block of ice he spoke of earlier, littered throughout that block of ice was the word shall, that has been replaced with the word may, which gives the veterinarian and the team the abilities to evaluate each and every animal that comes in; for the record, the draft was not leaked out, it was done through a public records request and the County Attorney handled it exactly as they should by putting it out; and it was not cut down from the block of ice at that time. He went on to say they scan each and every animal that comes in; they use the absolute best scanners that money can buy; they test the scanners each and every day to make sure they are functioning properly; they do not return sick, injured, or geriatric cats or kittens to the field, they have to be over three pounds and actually they have created a partnership with out of state partners that actually take most of the kittens; there are actually volunteers from the team who transport them; and they fund those through the Pet Posse, which is their not-for-profit that they started to help all of the other local rescues. He mentioned their live release rate for dogs is one of the highest in the country; it is actually over 99 percent when excluded just to dogs; study after study and agency after agency are doing return to field; and he inquired about the date of the letter that one speaker read.

January 23, 2018

Chair Pritchett stated it was dated January 22, 2018.

Sheriff Ivey stated he thought he said it was before that, because they did not start their return to field program until 2016; he thinks the number in 2016 was just over 500 that were return to field; and in 2017, it was 663 that were returned to field. He continued the Dangerous Dog Council is going to a magistrate system, following the best practice and industry standards throughout the Country; they did their research on that and actually it is what is used here in Brevard County for Code Enforcement; the Magistrate is familiar with the Rules of Law; it gives everybody the chance to come in, speak, and to be heard in an orderly and law driven fashion; and he thinks that is absolutely the reason that it is part of the best practice scenario. He went on to say one of the citizens spoke about how they would like to see an education component on the feral cats, especially with the ear tip; that is a great point and they have already started putting together the education component as the ordinance will require; they are actually going to start educating at a very young age, in elementary school, so that they create a generational change; and one of those components will be what a feral cat and an ear tip stands for, and what it means. He noted thinks that addresses the overwhelming majority of them. He stated only other one that he would like to address is in attachment A; someone had spoken about some changes in fees going to \$70; the only two fees that are changing from what the current ordinance is are the registration fee for a duplicate tag which goes from \$2 to \$6, and the board per day goes from \$6 to \$10; and other than that everything else is staying exactly the same as it is in the ordinance.

Commissioner Isnardi stated she will reserve some of her personal opinions regarding community cats, public safety, and health; she understands and appreciates a lot of the changes made because the Sheriff did address many of the concerns in the community; and she thanked Sheriff Ivey because many have said Animal Services is so much better since he took over. She added it was an absolute disaster before, but she will not go into all the flaws of the past.

Sheriff Ivey commented that is direct credit to the team, and the volunteers; he is surrounded by great people and is smart enough to stay out of their way; and they deserve all that credit.

Commissioner Isnardi thanked him for what they are doing. She stated she is on the other end of it as far as the complaints that she get regarding a lot of these now called community cats, feral cats, on people's private property, at Canova Beach, and at places where the public should have the freedom to roam without worrying about either stepping in excrement, having to deal with a lot of cats, having to deal with repairing their vehicles, or dealing with urination in their flower beds; she could go into whether or not a cat sprays after it is fixed or not, but being a rescue cat person herself, she knows they do, especially depending on the age of being spayed or neutered; and she inquired how they are going to move forward, because really feral colonies, and that is what they are, are designed to eliminate or to shrink the numbers. She added she knows people dump their animals and people do not spay or neuter.

Sheriff Ivey stated their goal, and he thinks he speaks for everybody here and certainly probably everybody in the community, is to see a very humane decline in the number of feral cats, free roaming, or community cats; the ultimate goal is to see that decline; it is not going to happen overnight, it did not get broken overnight, and it is not going to get fixed over night; they have a very conscious effort that they are focused on; it is really a multi-tiered aspect; education and awareness is really the key to stopping it long term; they believe that, in fact industry standards show it, that the spay and neuter aspect helps not only control and stabilize the population, but it also works to control the demeanor of the cats that are out there so they are not doing the things they were doing before they were picked up; the education component, the aspect of compliance, and feeding is a big issue; and he thinks the Department of Health could probably speak to that. He went on say there is an appropriate time to feed; feeding at night actually

January 23, 2018

invites wildlife to intertwine with the cats; and that is where some of the rabies concerns come from. He stated they are working with those people that their heart and their passion is to help these animals; they are working with them so they know how to feed them, use the appropriate mechanisms, not to litter, and to pick up all the remnants of it; the goal is to see a significant decline in that aspect; and that is not only a goal for the citizens, but a goal for the animals as well.

Commissioner Isnardi stated she understands being in the position the Sheriff is in, being an animal lover and rescuer herself, there has to be that balance between what truly is humane for the animal; she has done her research on it several years ago when her husband was an actual expert witness in a couple of cases when he worked for Animal Services; she actually took a great interest in it; she never understood the logic behind releasing a domesticated animal into the wild; no one wants to do anything to harm the animals, but she thinks that is the most inhumane thing that can be done; and she thinks it is terrible that people think this it is okay because where she lives animals get dumped off all the time. She inquired if there are other communities that have made these programs work.

Dr. Sarah Boyd responded affirmatively. She stated she has a couple studies; Alachua County is the one that most will be familiar with because it is in Florida; in two years with their Return to Field Program for ferals and friendlies, they have found a 66 percent reduction in their feral cat or community cat population; in San Jose, California, over the course of four years, they have seen over a 70 percent reduction in their community cat or feral cat population with their Return to Field Program; Dr. Julie Levy has done studies out of the University of Florida to show that; some of these cats are sickly and they come to the shelter, they are treated, and the ones that are found at the address that they are fed, they are healthy, fat, and sassy being fed by multiple people in the neighborhood, and they are only returned back to exactly the same address; they do not return them to the wild; and they only return them if they are healthy. She mentioned their ultimate goal is to stabilize and decrease the population; she has seen it happen in her own neighborhood; she has seen it happen in other counties around the country; and Brevard County is a progressive County, for having this program.

Commissioner Isnardi asked if it is realistic once those numbers get lower say in a certain area, where they are populated, to try to move them towards rescues.

Dr. Boyd replied yes, absolutely; once they can stabilize the numbers and the cat intake, the cat population goes down and the intake goes down; then instead of quantity, they have quality time with the animals; therefore, they give quality care that is needed because they are not dealing with a huge quantity that is out of control. She noted they already are at the shelter; the animals receive quality medicine now, versus having to worry about hundreds and hundreds of cats that would otherwise be euthanized.

Commissioner Isnardi asked as far as the magistrate goes, is it going to operate like most magistrate hearings to where people will be able to plead their case and discuss the conditions of the case.

Sheriff Ivey replied, absolutely.

Commissioner Isnardi stated it is obvious to the non-professionals that an animal will protect its owner; she inquired if they would need to bring an expert, or a behaviorist, or if someone is going to deem the dog dangerous or give them the fines; she likes that there is that impartial, non-emotional magistrate in the room who understands the law and the rights of the person that is injured, and otherwise; and that is what got her talking to BCSO about this animal ordinance.

January 23, 2018

Sheriff Ivey stated that is the exact model of it; it lays a great foundation for the Rules of Law, for being able to submit evidence; and it is someone that is engaged in that process and understands it.

Chair Pritchett mentioned the Sheriff certainly did his homework on this and put a lot of work into it. She stated she knows down-the-road he will make some changes; and she inquired if it has been 20 years since this Ordinance has changed.

Sheriff Ivey stated it has been roughly 20 years.

Commissioner Smith stated he has heard an awful lot of emotional input today; this is a very emotional topic, not nearly so much as it was before the Sheriff took over; the point has been made several times that this is not perfect; perhaps it can be improved upon; there were several good ideas that he heard today; and he inquired if perhaps maybe in the next year or so they can pursue the idea of maybe having a panel that the magistrate would work with and maybe have each of the Commissioners nominate one citizen to a Citizen's Advisory Committee, to have that part of the equation addressed. He commented he has heard it said many times that the Sheriff resisted doing this job at the beginning because he could not bear the thought of putting one innocent animal down; he can shoot people but does not want to do that to an animal.

Sheriff Ivey stated he could not stand before God and tell him he killed an innocent creature.

Commissioner Isnardi stated she just wants to make sure by putting this ordinance in place, and she knows this came up years back when they originally put it in place, but she wants to make sure that nothing that the Board is doing is interfering with State Law that allows domestic animals to be at large.

Scott Knox, County Attorney, stated he does not think so, he does believe they carefully considered all that.

There being no further comments or objections, the Board held a public hearing and adopted Ordinance No. 18-02, amending the Brevard County Code of Ordinances, Chapter 14, Article II, Animal Control; updating Section 14-36 Definitions; updating Section 14-37 Penalty; updating Section 14-38 Alternative Remedies; updating Section 14-39 Authority and Purpose; updating Section 14-40 Jurisdiction; updating Section 14-41 Administration; updating Section 14-42 Enforcement and Penalties; updating Section 14-43 Resisting, Interfering with Officer; updating Section 14-44 Impoundment of Animals; Updating Sec 14-45 Disposition of Impounded Animals; updating Section 14-46 Unauthorized Removal from Custody; updating Section 14-47 Disposal of Dead Animals; updating Section 14-48 Quarantine of Animals; Creating Section 14-48.5 Aggressive Dog Classification Procedures, Requirements, Owner Responsibilities, and Penalties; updating Section 14-49 Classification of Dogs as Dangerous; updating Section 14-50 to deal with an attack or bite by dangerous dog or severe bite by any dog; updating Sec 14-51 Failure to Surrender Animal or Carcass; updating Section 14-52 Relating to Rabies Vaccinations and Animal Registration Tags; updating Sec 14-53 Prohibiting Cruel and Inhumane Treatment of Animals; creating Section 14-54 to relate to taking custody of mistreated animals; updating Section 14-55 Responsibility for Animals; updating Section 14-56 Animals at Large; updating Section 14-57 Creation of Nuisance; updating Section 14-58 Prohibiting Physical Injury or Property Damage Caused by Animal; updating Section 14-59 Prohibiting the Defecation or Urination on Public or Private Property; updating Section 14-60 Animal Access to Public Parks and Beaches; updating Section 14-61 Service Animals; updating Section 14-62 Transporting in Open Bed of Vehicle; updating Section 14-63 Confinement of Females in Estrus (heat); reserving Section 14-64; updating Section 14-65 Abandonment of Animals; updating Section 14-66 Mandatory Neutering of Cats and Dogs; creating Section 14-67 Restraint by

January 23, 2018

Tethering; creating Section 14-68 Dog Fighting and Other Animal Fighting; creating Section 14-69 Controlling Poisonous Substances; reserving Section 14-70; reserving Section 14-71; creating Section 14-72 Community Cat Initiative; creating Section 14-73 Spay and Neuter Trust Fund; creating Section 14-74 Education Program; creating Section 14-75 Animal Adoption and Pet Placement Partnership Program; creating Section 14-76 Sterilization Programs; reserving Section 14-77; creating Section 14-78 Establishment of Fees; reserving Sections 14-79 - 14-85; providing for severability; providing for conflicting provisions; providing for an area encompassed; providing for inclusion into the Code of Ordinances; and providing for an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

The Board adjourned at 11:27 a.m. and reconvened at 11:36 a.m.

ITEM VI.D.1., BOARD DIRECTION, RE: RETAINING A LAW FIRM TO JOIN THE MULTI-DISTRICT FEDERAL LITIGATION AS A PLAINTIFF FILING ITS OWN COMPLAINT FOR DAMAGES AND COSTS AGAINST VARIOUS PHARMACEUTICAL MANUFACTURING, ETC. COMPANIES INVOLVED IN CREATING THE CURRENT OPIOID CRISIS

Scott Knox, County Attorney, stated this Item involves a request by several law firms to determine the County's interest in participating in litigation against opioid manufacturers, distributors, and others associated with that problem that the County is experiencing; they have been contacted by several firms and have talked to several firms; they thought they would bring them before the Board to present their case for why they think the Board should participate in this and why they are the best qualified to that; and they have been arranged in alphabetical order so that there is no preference shown. He added he thinks they should have five minutes each to state their case and why they think it is important for the Board to participate.

Krista Baisch, Cruegar Dickinson/Simmons Hanley, stated her firm is a small firm in Milwaukee, Wisconsin that does high-stakes litigation nationwide; Wisconsin's counties reached out to them last spring asking if they had heard about the opioid litigation that was going on and that counties were pursuing and what they thought about it; they knew they had done cases like this in the past and asked for their opinion; when they started digging in to figure out what this was all about, they very quickly learned through their own due diligence that there were three groups of firms that were pursuing this on a national level; they started to investigate whether this was something the counties in Wisconsin should do and if so which of the national firm should they pair up with; those firms were based out of a Motley/Rice Group whose partner Linda Singer filed the first cases of this kind in 2014 in California and Illinois; there is a group based out of West Virginia that is led now by Paul Farrell, who filed their first cases in 2017 against distributors in West Virginia; and then her co-counsel Paul Hanley of Simmons Hanley, who is based out of New York although his firm is based out of Alton, Illinois. She continued he filed his first case of this type in August 2016 for Suffolk County, New York; they received some landscape of what these cases look like, and had to decide if Wisconsin is going to do this who were they going to work with; they did more research and found that although the epidemic is now impacting the nation to the extent that 60,000 people are dying every year, this and the information that is underlying this lawsuit stems from way back into the 90's when her co-counsel Paul Hanley filed the first suit of its kind against Purdue Pharma; through that lawsuit he discovered there was extreme conduct by the manufacturing defendants in the marketing

January 23, 2018

department where they lied about the effectiveness of opioids and the use of opioids for long term use; they decided based on their due diligence that it was in their best interest for Wisconsin counties to pair up with the Simmons Hanley team; they entered into that arrangement late last spring, early summer; and since then they have retained 62 Wisconsin counties that are all working with Simmons Hanley team and pursuing opioid litigation on behalf of the counties. She noted in addition to that they are working with almost all of the Iowa counties, counties in Indiana, Minnesota, Illinois, Missouri, Louisiana, New York and Pennsylvania. She went on to say there are almost 330 counties right now that are pursuing this in Multi-District Litigation (MDL) that is based in the northern district of Ohio; that is important to Brevard County because that litigation is being headed up by Judge Polster; he has already organized that litigation into the three co-leads that she has already referenced, Paul Hanley her co-counsel, Joe Rice of Motley Rice, and Paul Farrell who started the distributors cases in West Virginia; in addition to those three co-leads there is an Executive Committee of 16 attorneys; her partner, Erin Dickinson, is one of the members of the Executive Committee; they will be meeting in about 10 minutes today which is why she could not appear to present with the Board this morning; and that litigation is moving quickly in the Federal Court and they believe these cases belong in Federal Court unless there is a defendants presence in the state. She continued key defendants, they believe, are the four main manufacturers who are Purdue Pharma, Cephalon, Johnson & Johnson, Endo Pharmaceuticals, and their related entities; there are also cases against the three distributors, Amerisource Bergen, Cardinal Health, and McKesson Corporation; their team has sued the distributors for the first time today; there is a variety of reasons for that and she can discuss that today or in the future in a more private session; and they think this is a very important initiative for every county to consider. She went on to say they think that a state like Florida where they do not see any of the main defendants having a principle location, that the case should be in Federal Court; they think that is good for all the counties because Judge Polster has made it clear that he wants these cases to resolve and he wants them resolved in 2018; she has included the transcript from his last hearing to the packet materials she has provided; also there is a detailed list of their experience; they currently represent about 200 counties nationwide, over 100 of which are in the MDL in Federal Court; the other ones are organized in many MDLs in states like Illinois, New York, and Pennsylvania; and she is able to answer any questions.

Hunter Shkolnik, Napoli Shkolnik Attorneys at Law, stated about two years ago his firm started looking at this from the family and the overdose victims side of this equation; at the time, they were contacted by approximately 2,000 families across the country; they are a firm that specializes in mass tort litigation, pharmaceuticals in particular; they have been leaders in some of the biggest cases in the country; they were sole lead counsel in cases such as the 9-11 litigation, the Phen Phen litigation, and the like; people tend to come to them when there is this type of mass problem; they looked at the case and spent nearly a year and half trying to figure out how to help the families; and they found out for the most part they were precluded from lawsuits. He noted out of 2,000 cases they saw only two possible cases that could be brought because of criminal conduct on the part of the person who actually overdoses if it is being bought illegally on the street because arguably it stops the causation change. He continued at that point they kept seeing the same trend; the police and Emergency Medical Services (EMS) going to people's homes, utilizing Narcan, people being taken to the hospitals, and being taken to local jails over and over again; costs were spiking; they quickly went to people they knew in their County and started figuring out their losses, such as the police departments and hospitals; at that time, they had identified tens of millions of dollars in losses to the citizens; they were obtained by Nassar County, the county right next to Suffolk County; his firm and Paul Hanley became lead counsel in New York representing all of the counties of the state; and it is the only litigation in the Country where discovery is going forward. He added last week the local state judge said they were going to get discovery from every distributor and manufacturer, there are over 80 that have been named; they are one of the few firms that have commenced litigation almost two years ago naming the manufacturers, the distributors, and the key opinion raters,

January 23, 2018

who are the people who were paid millions of dollars by the companies to advance this inappropriate message; there are four key opinion raters that were paid in excess of four, five, and six million dollars to put out the message that the new opioids are not addictive; and that is where they traced the problem to. He went on to say at that point in time, they started meeting with counties and cities across the country; what they bring to Brevard is a different message, although he is on the Plaintiffs Executive Committee (PEC) of the MDL, his firm does not believe that is the place for all cases; they have gotten exceptional results from a Judge in New York; and they have done the same thing here. He stated they filed for the first county in the State of Florida, Osceola County; because of their approach that they want to be in state court and stay in state court, and if they try to remove them, they can come back so the citizens of Brevard have an opportunity to hear this case with more defendants that have not been talked about, which are the pharmacists and the doctors that have been found guilty and are spending time in jail for flooding the communities, because they want the jurors to hear from them how they got the pills and distributed hundreds of thousands or millions of pills in the community; by naming them and speaking to them, which they are doing, they are finding out that these distributors were facilitating this, the manufacturers knew about it, and they were the ones going to the doctor's offices in panel trucks at 2:00 a.m. and handing off boxes of pills; from their standpoint, they think this case should be filed in Brevard County, the citizens of the community should be hearing the case; he respects Judge Polster as he has been his lead counsel on two major MDL's in the past and he is the only one who asked for him in the MDL, but he thinks they should not put all their eggs in one basket; and he believes certain cases belong in state courts and Florida is one of the states that deserve attention by the jurors of this County.

Philip Federico stated he is the lead of the group of six law firms; he is not going to spend a lot of time, unless the Board has questions, talking about the case because it has heard a fair amount about it; the one thing he would like to emphasize is that it is very important for this County to get involved; to a certain extent he thinks this opioid litigation is a little bit of a race; the epidemic is real and everybody knows about it; counties have lost hundreds of millions of dollars, which they are entitled to recoup; the reason he says it is a little bit of a race is because naturally there will be competition that will occur; big pharmaceuticals would like all of this wrapped up so they can continue business; and all anyone needs to do is look back at tobacco litigation to see what happens. He noted back with the tobacco litigation the states got paid, but the counties did not; and his advice would be it is important, there is found money that the County is entitled to, and to move quickly because it is not good to be in the middle or at the end of this line. He mentioned he is one of the founding partners of Schochor, Federico & Staton, P.A., in Baltimore and he has been practicing law for 35 years; his history is in medical malpractice and that is how he received his exposure to the opioid crisis; he noticed in the late 90's to early 2000's that there were families from all neighborhoods with opioid addictions or overdoses whose loved ones were interested in suing the doctors; many times the doctor was at fault, but as this started to evolve and they saw more cases, the doctors were saying they were told these drugs were okay for prescribing for chronic pain, and that they were misled by those marketing and manufacturing the pills; and every time it became readily apparent that there was a true epidemic. He went on to say his firm is working with Peter Weinberger who is liaison counsel in the MDL and he is based in Cleveland, Ohio; Mr. Weinberger has been before Judge Polster in many cases in an MDL setting before in a leadership position and that is why he is working as a liaison counsel to communicate between the Judge and the Executive Committee; he believes it is a very important role for him; and he thinks the reason he was selected was because of his long standing history with Judge Polster. He stated on their team they also have Pires and Cooley from Washington D.C.; Diane Cooley was involved in tobacco litigation with John Cole who was one of the two leading members of the steering committee in the tobacco litigation; there is a real similarity here between the opioid litigation and tobacco; one of the things he brings to the table with his group of six firms that may differentiate them from the others is a heavy local presence; in that regard the Romano Law Firm, John Romano, is a senior trial lawyer who has been president of the FAJ whose son Eric works with him, their firm

January 23, 2018

are trial lawyers and that is what is needed in this case because the biggest thing the defendant fears is a jury verdict; once there is one verdict, there could be many; John and Eric have sued Ativa, Johnson, all the pharmaceuticals, they have done mass tort work, and they are prepared to pursue this case; and they also have in their group Fonvielle, Lewis, Messer and McConnaughay, specifically David Fonvielle and Jim Messer; the reason he thinks they are involved and it is important is because they were in Florida and worked on the Florida Dream Team during the tobacco litigation. He mentioned they know how to function because part of this case is not just big pharma or them against the other side, they have to be able to work amongst themselves once this case is resolved, if it is resolved by way of settlement, to take care of Brevard County. He went on to say people talk about representing all these counties, but he thinks the Board's fiduciary obligation, their accountability, and their responsibility to Brevard relates to taking care of Brevard County; that is why he feels having a local presence, three out of the six firms are local, is exceedingly important; Doug Beam, his son Riley, and Jessica Travis are right here in Brevard County; Doug has been in this County since he started practicing law and he is a trial lawyer who knows the ins and outs of this County; client communication is important, and having someone here 24/7 is an important component; and he stated he thinks their team really checks all the boxes in terms of who this County should have represent it in this case. He stated on page 36 is their fee structure; it is self-explanatory; and he stated he would be happy to answer any questions.

Attorney Knox stated the previous speaker was talking about state court versus federal court; he inquired what the advantage is in his opinion.

Mr. Federico stated the advantage to being in state court from his perspective is if he is trying a case for this County, he wants to be in front of a jury of people from this County, and a judge from this County deciding the case; this is a good County and he would do everything he could to keep the case in this County; however, if it is removed, the County needs protection in the MDL not only from the other side but there are a lot of municipalities who are going to be competing for part of the pie. He noted maybe the benefit of the MDL is an earlier resolution, maybe they spend less money, but he thinks it is nice to have both options.

Christian Nader stated he is a partner with Wagstaff and Cartmell; they are based in Kansas City; his partner Tom Cartmell is trying a case in federal court right now in Boston which is a pharmaceutical case or he would have been here to address the Board today; his partner firm, Steve Charpentier Law Firm and Steve Maher and the Maher Law Firm are both local law firms as well; they have worked with them numerous times in the past; while his firm comes from an area in the middle of the country that many people term flyover, they do go all over the country prosecuting cases just like this; the Board is not going to find any of the firms that have presented up to this point who do not have a vast amount of experience and he is not going to say how they came into this litigation because it is the same story for all of them; and he added they found people who were in danger based upon the crisis and they represented them. He continued they do not just have a Medical Malpractice background, they represent numerous hospital systems, and doctors within Kansas City; they are a little unique in that regard because most firms that do what they do, call themselves either plaintiff's firms or defense firms, there is really not a lot of crossover; their particular firm defended a case in Kansas City three weeks ago on behalf of a defendant; he is chair of the discovery committee of the Zolfran litigation that is centered in Boston and an MDL, so they do not put themselves in that box; it gives them a vast array of people whom they can discuss things with in regards to these types of case, along with experts they can use, and people they can intone with in a different way than some of the other law firms; they are all very good law firms presenting here today, but his firm brings a different flavor to it; and another aspect is the fact that the county needs a firm that is going to try cases. He went on to say what defendants in cases like this fear are juries; there are people who are actually going to stand up in front of a judge and jury of their peers and tell them what is going on in the case; if they are not driven to that point, there will not be a resolution, and they

January 23, 2018

will not end the litigation; his colleagues, Mr. Charpentier and Mr. Maher, have successfully represented this very County in the past in a hotel tax bed litigation issue; they resolved it quickly and successfully because they are local; he acknowledges his firm is not local but they are in that room in Ohio, along with all the firms that are here today; and it is extremely important to be in that room and having discussions. He noted the combination of being in that room and being willing to try the case, confront the defendant, and move forward is an incredibly important thing to bring this to a resolution on behalf of this County. He stated as far as reasons why he thinks this County should pursue it is because he found that Brevard County had the eighth most opioid related deaths in the State of Florida; that is a significant issue for the Board, the County, and its constituents; it is something the Board should want addressed on a national level and a state level; the reason this County might have some of those damages that are going to come from what this Board decides to do is because the constituents and the people who vote for the Board members, and that it represents, they are going to be paying for Medicaid expenses, which is a damage ascertained based upon this; there is more Medicaid, there is more healthcare costs to be paid on behalf of the County; one of his constituent's father was the chair of the dream team on behalf of state Medicaid related to the backup; and they had an \$11 billion recovery on behalf of the State. He noted state is important to consider because as have been seen in litigations like tobacco, a lot of times these litigations are brought on behalf of the state and brought at that level; there are recoveries made there, but often times the monies are not trickling back down to the counties so the counties can do the kinds of programs that are necessary; they can look into the additional law enforcement costs that they are forced to pay as a result of this epidemic; and they can look at the fact that there are babies born, as it was stated on the *Today Show* this morning, every four minutes in this country right now there is an opioid addicted baby born. He continued there are medical costs being paid out on behalf of the constituents of this County and other counties around Florida and people all over the country; they believe they bring something different to the equation than these other firms; they believe at the end of this litigation they can represent this County as best if not better than any other firm out there; and he stated if anyone has any questions he would be happy to answer them.

Chair Pritchett stated each and every one of you gave great presentations; and she thanked them all for coming.

Attorney Knox stated heard the Attorney General was not getting involved, but then in the last few days he has heard differently; and he inquired how Mr. Nader would protect the counties if the State becomes involved.

Mr. Nader stated the counties have their own cause of action; they are absolutely able to bring their own lawsuit independently because when looking at a legal issue like this, it is damages that are ascertainable by the entity; in the case of Brevard County, there are going to be damages that are not recoverable depending on what the State is going to be suing for; it will have damages that are actually incurred by this County; and it will include in some ways, Medicaid, additional law enforcement costs such as raids, and the cost of having to keep Narcan around because often First Responders are having to show up on the scene to deal with someone who is overdosing; and even though these expenses do not sound significant, when they are all tallied up, he believes it will be very significant for this County.

Commissioner Smith stated he is intrigued by what he has heard today; there is an awful lot to digest; and he suggested the Attorney's Office proceed with an attorney group to represent the County on a contingency basis.

Attorney Knox stated unless someone stands up and says something different, he thinks all of these firms will take it on a contingency basis; he thinks they will all consume the costs for the

January 23, 2018

litigation; therefore, it would be completely free to the County because they are all on an equal playing field as far as that goes.

Chair Pritchett asked Attorney Knox what he is requesting from the Board.

Attorney Knox stated he thinks Commissioner Smith is making a motion that the County Attorney's Office takes part in the selection, and he would like the County Manager to be involved in that process as well.

Commissioner Smith stated he could amend the motion to include the County Manager.

Commissioner Tobia stated he understands the structure of a contingency basis; and he inquired if what the County Attorney said about there being no cost is correct, or if there will be a time when the County will have to do a tabulating of potential losses, if they were to move forward with that.

Attorney Knox responded he will let some of the speakers talk to the issues to what actually goes into the County's participation in developing the damage claim, which is what he thinks they will probably be looking at; as far as out of pocket costs, the County will not suffer any of that; in terms of time, they may have to provide documents that these folks would have to look at, they may have to consult with various employees, the Sheriff's Department, and/or the Health Department, whatever it is that the County needs to provide to them; therefore, there will be time involved from the County's point of view.

Commissioner Isnardi stated she thinks the Commission was tasked with the selection; while she appreciates Commissioner Smith punting this to the County Attorney and County Manager, she thinks it is okay to listen to their opinion, but she believes the Board should select the firm; she appreciates the time the attorneys had to speak, but if the Board is not comfortable with making a decision, maybe it could take time to review the materials handed out or she is open to talking more about it now; however, she reiterated she thinks the Board was tasked with making the selection and she feels it needs to do that.

Commissioner Barfield stated he is very happy that the County is bringing this forward; there is an opioid crisis and it is devastating to this community and all communities; he personally knows of two incidences of overdose deaths because of opioids, from great families; it crosses all different ranges; it is so easy for manufacturers to issue opioids for anything; he thinks the County needs to proceed with litigation for this at the local level because the County is directly involved; he does not want the State or MDLs doing anything, because the counties are the ones who have to pay the price; and he recommended the Board go ahead with litigation, but he believes this needs to go through the Request for Proposal (RFP) process, so they can present to the Board how they would do this instead of just a five minute presentation. He noted that would give the Board the opportunity to look at each one, and determine which one is best for this County.

Commissioner Smith stated he would go along with that; he thinks it is important for the County to pursue this; and he does not have any objections made by the other Commissioners.

Chair Pritchett stated she agrees with Commissioner Isnardi that the Board should be the one to make the choice; she thinks a little more information is needed; and she inquired how much time the Board has.

Attorney Knox stated he thinks from everything he has gathered from all the firms is, the quicker the County gets into this the better off it will be, depending on how they proceed; his

January 23, 2018

recommendation would be that staff get the RFP out quickly and receive responses within 30 days; and the Board should make its decision by the end of February.

Commissioner Barfield asked County Manager Frank Abbate how quickly staff could get an RFP out.

Mr. Abbate stated he imagines the County Attorney's Office could have it out in a week.

Commissioner Isnardi stated as part of that she would like it clear what the fees will be or if they will receive a percentage of the award and what that will be because that would be a huge factor in costs.

The Board approved proceeding with litigation regarding a lawsuit to join the multi-district litigation currently pending in federal court against various pharmaceutical, manufacturing, etc. companies involved in the distribution of opioids; directed you and the County Manager to issue an Request for Proposals (RFP) to solicit qualified counsel, receive a response back within 30 days, and make the selection by sometime in early February; approved determining the cost of fees upfront; and directed the County Attorney's Office to bring it back to the Board for the ultimate decision.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

Shannon Wilson asked for clarification if the RFP is open to everyone.

Chair Pritchett responded affirmatively. She commented she knows there is an opioid crisis, but she has heard Heroin is becoming the big street drug.

Mr. Shkolnik stated back in the 60s and 70s Heroin was the gateway drug to the opioid crisis back then; this has flipped around because the companies knew once someone is addicted to prescription drugs they would not be able to keep getting it legally; then it gets too expensive, so they can get a \$10 packet of either black tar heroin or the Chinese fentanyl; the addicts are used to taking pills, but when they switch to the black tar or fentanyl they think they are taking a little, but it is too much and they end up in cardiac arrest and die; and that is the natural progression as the prescriptions drop.

ITEM VI.B.1., APPOINTMENT, RE: ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM SELECTION AND MANAGEMENT COMMITTEE (SMC)

Mary Ellen Donner, Parks and Recreation Director, stated the requested action for this Item is to appoint a qualified candidate as a replacement citizen volunteer to the EELS Selection and Management Committee; there are two options before the Board; it can either select from one of the most recent lists of qualified applicants or it can direct her to prepare public advertisement as a call for qualified citizen volunteers; should the Board select option one, there are two former qualified applicants for consideration; and one is Tammy Foster who scored previously 122 points and the other is Brooke Wheeler who scored 106 in previous rankings.

Chair Pritchett stated they are both highly qualified and she thinks Ms. Foster looks like a very good fit.

January 23, 2018

Commissioner Isnardi inquired if they were both still interested.

Ms. Donner replied they are.

The Board appointed qualified candidate, Tammy Foster as a citizen volunteer to the EEL Selection and Management Committee replacing Sue Hann.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Vice Chair/Commissioner District 5
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VI.F.1., RESOLUTION, RE: REPEAL OF LOCAL PREFERENCE POLICY

Commissioner Tobia stated he would like this tabled until February 6, 2018.

The Board tabled consideration of resolution to appeal Local Preference Policy to the February 6, 2018, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VIII.A., BOARD REPORTS, RE: FRANK ABBATE, COUNTY MANAGER

Frank Abbate, County Manager, stated at the last meeting while discussing golf courses, the Board had asked to schedule a Workshop on golf within 30 days; it was also discussed that a decision be made in 60 days; there is a Board Workshop scheduled for February 15; and that Workshop is going to be on the Budget and Homestead Exemption. He continued he is looking for direction as to when the Board would like to hold the golf Workshop; March 15, is another Workshop date, and he can either move the February Workshop, use the March Workshop date, or select a different date, but he just needs to know in what time frame the Board would like him to do that.

Chair Pritchett stated she would hope the County Manager and the County Attorney would continue to work to find a solution; she thinks that might alleviate the need for a Workshop for the golf courses; and she would hope they would be reaching out to the Commissioners as well.

Mr. Abbate stated there is a meeting scheduled and they will be speaking with the Savannah's homeowners association (HOA) in conjunction with the District 2 Commission Office; he has spoken with a representative from Golf Brevard and he believes they will be reaching out to the Commissioners; he and the County Attorney discussed it, consistent with what staff sent out to the Board, while it was not specific Board direction, and what they did was share everything that was discerned from the prior meeting; while it is not specific Board direction, it was a core of information that gives him and the County Attorney the opportunity to do their best moving that forward; and he stated if that is the Board's direction they would be happy to continue the dialogue and negotiations.

January 23, 2018

Chair Pritchett stated she is very comfortable with that.

Commissioner Tobia stated he would gladly go with the majority of the Board on this; he thought February 15, was going to be the Workshop on Golf and the Budget one was pushed to the one after; he cannot imagine how difficult it is and would like to be involved in that meeting with District and the golf association, but sunshine precludes him from attending that; he inquired if Mr. Abbate thought it would be more productive, so they do not end up in the same situation they were in at the last meeting, if they set up as a group, target guidelines because he saw the list and it was very clear that there were certain expectations that certain Board members had and others were mutually exclusive; and he would recommend that Workshop, but if the majority of the Board disagrees then he will go along with that, because the one for the Budget is very important as well.

Chair Pritchett stated she is fine with that as well; she felt as though she was the one really pushing for the Workshop, so she was going to give the Board an out if it felt it was under control; and she would agree either way.

Commissioner Tobia stated he would rather see a Workshop with golf on February 15.

Commissioner Isnardi stated she is agreeable to whatever the Board wants to do; she is just wondering if this golf thing is going in circles; everyone has expressed themselves probably a dozen times over during these meetings; the same people come out to discuss; the only thing she sees different is Golf Brevard; the Savannahs Homeowners really want the County to pay for the golf course; and perhaps they will or will not be willing to step up and pay higher HOA fees. She noted she is okay with the Workshop, she just does not want to be wasting anyone's time and that it is a productive meeting.

Mr. Abbate stated staff went back and listened to the tape and there was not a Board motion to change the Budget Workshop from February 15, that is why he brought it up today; if the Board moves forward and would like to have the Workshop on February 15, staff will continue to try to work with both groups; he would hope that both groups would be able to come back to that Workshop and provide the Board with some insight of where things are going and that would help the Board provide direction to staff to come back 30 days later; and if the Board chose to do that, he would suggest that be the way to proceed. He noted it would not be staff coming back and doing a repeat of the presentation that they already heard a couple of weeks ago.

Scott Knox, County Attorney, added he thinks that he and Mr. Abbate have come up with a proposal that the Savannahs may like, so they may come back and be good with it.

Commissioner Barfield stated after that meeting, what he gathered from the contacts with his office, there is a lot more activity trying to find a solution; it has to be a financial solution and everyone knows that; it has to be a complete financial resolution that shows that it can move forward and not be a liability to the County; he stated he believes it is working that way; and he is fine with having the Workshop or adding it to another meeting, he is with the pleasure of the Board.

Commissioner Smith stated he does not know if a Workshop is needed; the big hang up is what to do with the Savannahs; in that last meeting he commented that if the Savannahs really wanted to make this work then, they can provide the solution; they have very low HOA fees and if they raise those fees they could easily come up with \$140,000 a year to pay for a loan; the County could do the loan for them; and they could pay the County back. He continued if that is the direction that is going to be taken then he does not think a Workshop is needed.

Attorney Knox stated he thinks they have something scheduled next week.

January 23, 2018

Commissioner Smith asked if Commissioner Barfield was going to be there. He stated if they pursue that angle and come back to the Board with whatever answers, then he thinks the Board can proceed from there.

Mr. Abbate asked for a motion so he knows what the Workshop is about on February 15, so staff can be properly prepared.

The Board approved the topics for discussion at the February 15, 2018, Workshop to be Budget and Homestead Exemption.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VIII.B., BOARD REPORTS, RE: SCOTT KNOX, COUNTY ATTORNEY

Scott Knox, County Attorney, stated sometime last month the Board authorized validation on the Blue Origin matter; one of the things that they did in conjunction with that authorization was prepare an agreement which was approved by the Board between the North Brevard Economic Development District and the County Commission to provide the repayment of the bonds; the bond counsel took a look at the agreement and wanted to make a couple of changes, which are minor changes but he is bringing it back to the Board to approve the changed version of that agreement; and the changed version of that agreement is going to go back to the Zone board on February 9, 2018. He went on to say the change they wanted to make was changing the word in paragraph 3 of the agreement that was presented to the Board on December 19, 2017, as the County agrees to incur a loan to fund the payment for the reimbursement grant to the company which loan shall be payable from a covenant of the County to budget; they want to change the word loan to indebtedness which is not a major change; and the other thing they wanted to do was to annually budget, as opposed to just budget

The Board executed Amendment to Interlocal Agreement between North Brevard Economic Development District and Brevard County relating to the payment of debt service on financing of Blue Origin Grant Agreement, amending as follows:

- Changing words in Paragraph 3 from ‘loan’ to ‘indebtedness’, and ‘budget’ to ‘annually budget’, to read, “The COUNTY agrees to incur a indebtedness to fund the payment of the reimbursement grant to the Company which indebtedness shall be payable from a covenant of the COUNTY to annually budget and appropriate sufficient legally available non-ad valorem revenues. The DISTRICT agrees to annually budget and appropriate legally available revenues sufficient to pay the annual debt service on such indebtedness, in a principal amount not to exceed the \$8,000,000 Blue Origin economic development grant, the final maturity date for such indebtedness to be no later than ten years from the date of issuance. The DISTRICT shall provide such revenues to the COUNTY at such times and in such amount to allow the COUNTY to timely make the required payments for the indebtedness.”

January 23, 2018

RESULT:	ADOPTED [4 TO 1]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

ITEM VIII.D., BOARD REPORTS, RE: JOHN TOBIA, DISTRICT 3 COMMISSIONER

Commissioner Tobia stated on January 18, he received a phone call at his office by an Eddy Pauley requesting that he attend a fund raiser for Congressman Bill Posey; if the Board is not aware, Mr. Pauley is a County paid federal lobbyist; while Mr. Pauley's actions may not be illegal, he thinks they are in poor taste; he does not think a lobbyist who receives County funds should be calling County officials at their offices requesting attendance at fund raising events; and while he greatly respects Congressman Posey and the work that he does for Brevard County, he hopes that any contract that is done in the future that the Board would prohibit any type of campaigning by contracted lobbyists made to any County Commissioner Office.

Commissioner Smith asked what if they call on their cell phone and not at the office.

Commissioner Tobia stated his cell phone is 100 percent paid for out of his wallet, not the County's; then he thinks that would be fine; and had Mr. Pauley called his cell phone he would not be having this discussion.

Upon consensus of the Board, the meeting adjourned at 12:28 p.m.

ATTEST:

SCOTT ELLIS, CLERK

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