

August 4, 2020

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, August 4, 2020

5:00 PM

Regular

Commission Chambers

- A. **CALL TO ORDER 5:00 PM**
- B. **MOMENT OF SILENCE**
- C. **PLEDGE OF ALLEGIANCE**
- D. **MINUTES FOR APPROVAL**

This agenda item was approved.

Result: Approved

Mover: Kristine Isnardi

Second: Bryan Lober

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

E. **RESOLUTIONS, AWARDS AND PRESENTATIONS**

Chair Lober stated there were a couple of Items that he would like to continue; he apologized for the first one, as he was not able to work it up for today's meeting on account of the hurricane and some other things that came up last week; he would like to continue I.2. and F.16.; he does not know if anyone has an objection, if so, the Board could just address them piecemeal and do them one at a time; and if not, he would ask for a motion to continue I.2. and F.16.

Commissioner Smith asked Chair Lober why I.2. needed to be continued.

Chair Lober replied he was hoping to touch base with Robin Peterson who was the individual that reached out to his office over the issue; he stated he does not know if it has been his schedule or Mr. Peterson's schedule as he has called him a couple times and Mr. Peterson has called him a couple of times, but with the hurricane that came around last week and being at the Emergency Operations Center (EOC) multiple times and having some other obligations, it just did not happen and he would like to give him another opportunity; and if he does not show up next time, he is happy to put this on consent and it will be what it will be.

Commissioner Smith stated he has not seen or heard anything that would cause him to vote against it, but as a courtesy to Chair Lober, he will be glad to wait.

Chair Lober stated if he does not hear from Mr. Peterson, or cannot touch base with him, he is not going to object to it this coming time.

Frank Abbate, County Manager, stated the lease expires August 18, 2020.

Commissioner Smith stated it needs to be done.

Chair Lober requested Commissioner Tobia withdraw his motion and make it as to F.16.

Commissioner Tobia stated to amend his motion to hold off on F.16.; and mentioned it could hold off till the Zoning meeting on August 6, 2020, and take it up at that point, giving him two additional days.

Chair Lober replied that would be wonderful, if he does not mind and that will give Mr. Peterson at least some opportunity to reach out; and if he may interpret the motion as such to continued Item I.2. to this Thursday, August 6, and Item F.16. to August 25, 2020.

F.16. 2021 Group Health Plan Design Changes

The Board tabled the Group Health Insurance program for CY2021 as recommended by the Office of Human Resources/Employee Benefits and the County's Employee Benefits Insurance Advisory committee (EBIAC) to the August 25, 2020, Board meeting.

Result: Tabled

Mover: John Tobia

Secunder: Bryan Lober

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

I.2. Approval, Re: Renewal of Lease with the Wickham Park Senior Center Association, Incorporated

The Board tabled consideration of the renewal of lease with the Wickham Park Senior Center Association, Inc. to the August 6, 2020, Board meeting.

Result: Tabled

Mover: John Tobia

Secunder: Bryan Lober

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

E.1. Presentation, Re: ACT! for America's Inaccurate Classification as a "Hate Group" by the Southern Poverty Law Center

Chair Lober stated there was a presentation from Roger Gangitano, and there are some cards on it as well; and he will set the clock at 10 minutes.

Roger Gangitano thanked the Board for allowing him the time to address some concerns; the Southern Poverty Law Center (SPLC) was founded in 1971 as a small civil rights law firm; it grew internationally as a hate-monitoring organization identifying discriminatory acts and activities associated with hate; in the earliest days of the SPLC, the Alabama-based civil rights law firm did target truly racist and hateful groups, most famously the United Klans of America (KKK), which the SPLC devastated in a successful lawsuit in 1984; and over time, to keep the money flowing in, the SPLC began expanding its list of hate groups to include not just the shrinking numbers of the vile KKK and Neo-Nazi groups, but groups that were merely controversial and even harmless. He further stated pro-life and pro-family religious groups were targeted by the beginning of the 1990's; following the 9/11 attacks in the country, national security organizations concerned with Islamic terrorism were targeted; immigration policy groups and religious freedom organizations all fell into the SPLC sights, at the same time those issues became increasingly a focus for conservatives; the SPLC is now a complex marketing scheme that has made them likely the wealthiest civil rights organization in the country posting nearly a half a billion dollars in assets including more than \$120 million in offshore accounts; and in March 2019, the SPLC co-founder Morris Dees and its president resigned amidst numerous complaints of sexual harassment, gender discrimination, and racism within the organization. He further stated the SPLC was also forced to pay in 2019, a \$3.4 million settlement and issue a formal apology for falsely labeling a British Muslim, Maajid Nawaz, an anti-Muslim extremist; it was forced to apologize for posting an extremist file on Dr. Ben Carson, quotes he made opposing same-sex marriage was cited as the reason for including him with KKK members, skinheads, and other white supremacists; it calls Dr. Charles Murray, the F. A. Hayek Emeritus Chair in cultural studies at the American Enterprise Institute, a white nationalist; it has branded Ayaan Hirsi Ali, who fled terrible oppression in Somalia and even

now faces Jihadist threats on her life, as an anti-Muslim extremist; and it should be obvious to anyone that the SPLC is not the credible organization it once was, but it is not just the targeting and branding of conservative-minded groups and individuals of its political opponents that is problematic, it is their efforts that actually fuel the hatred they profess to stand against, and the results are dangerous. He went on to say the Family Research Council is a non-profit research and educational organization dedicated to advancing a family-centered philosophy of public life; in addition to providing policy research and analysis for the legislative, executive, and judicial branches of the federal government, Family Research Council seeks to inform the news media, the academic community, business leaders, and the general public about family issues that affect the nation from a biblical world view; they are an organization focused on religious values and falsely labeled a hate group by the SPLC due to their religious views and beliefs; on August 15, 2012, a gunman opened fire on a security guard at the Washington, D.C. headquarters of this conservative Christian organization; and the assailant was overpowered at the scene, held for authorities, and later acknowledged an FBI testimony that he had selected that office precisely because the SPLC had labeled the Family Research Council as a hate group. He continued by saying in October 2019, President Trump spoke at the Family Research Council's value voter summit and in May of this year, Family Research Council thanked President Trump for identifying houses of worship as "essential places that provide essential services"; he asked if the President would speak at an event hosted by a true hate group; on Friday, July 9, 2020, at the Brevard County Commissioner meeting, Commissioner Tobia said there was only one group in Florida listed on SPLC hate group list, but did not mention the name; there is only one group on the SPLC hate group list who Commissioner Tobia said should not get any CARES Act funding, that is his group, ACT Space Coast; and on July 17, 2020, a Florida TODAY forum was conducted with candidates for Brevard County Commission District 3 attending, Commissioner John Tobia, the incumbent candidate and Mayor Kathy Meehan, both Republicans, and the Democrat candidate Sanjay Patel, and in Commissioner Tobia's opening remarks, he said that certain charities and groups should not receive Federal CARES Act funding such as those listed as hate groups by the SPLC. He further stated Commissioner Tobia mentioned the number of groups as examples that should not receive such funding, specifically the North American Man Boy Love Association, a national association advocating acceptance of physical relationships between men and young boys, the Westboro Baptist Church, best known for its strong stance against homosexuality, same-sex marriage, and the gay rights movement, Westboro Baptist Church also condoned tragedies like the mass shooting at the elementary school in Newton, Connecticut in 2012 and the 9/11 attacks on America in 2001, another group he named was the Nation of Islam, whose leader Louis Farrakhan, has openly attacked Jews and defended Hitler, other groups he said were more nefarious and not as obvious, such as the Shark Hunters, a Neo-Nazi group who believe Hitler did not die in Germany, but instead escaped to Argentina, and provides information and tours of World War II relics, and a search of this group indicates it is a little more than a single individual who likes sunken U-boats. He stated Commissioner Tobia went on to say there was actually an SPLC hate group registered here in Viera, and when asked if he could provide the name of that group, he said ACT; it should be noted, ACT Space Coast is not a charity, not a 501 corporation, nor are they a business, and they are not eligible, nor do they seek any government funding of any kind; they are simply a self-funded group of patriotic citizens that gather together to discuss topics of mutual interest; they promote America's national security by defending their democratic values against the assault of radical Islam and other threats to their way of life, both foreign and domestic; they defend the Constitution and encourage the support and security of Israel; they are not anti-Muslim, and this is clarified at every meeting visually and verbally, in their PowerPoint meeting introduction, which he believes he handed a copy of a print out of the screen which states, and he quoted "We do not disparage any Muslims free exercise of his or her faith or imply a fear of, or animosity towards, Muslims or Islam in general. Please refrain from making comments to the contrary at our meetings.

However, we do not accept the concept of Islamic superiority or the inclusion of Sharia into our laws or society”; and he has, for more than a decade, been the proud president of the ACT Space Coast group and they have not changed their view on the subject of Islam since inception, about 12 years ago. He went on to say, regarding the subject of Islam, they oppose only Islamists who seek to replace the constitutional laws; they oppose Islamic terrorists, not Muslims; they have hosted Muslim speakers, and they were received and treated with respect and without animosity; they have always been and will remain a small group of local concerned citizens who discuss national security related topics, such as education, bills and legislation in support of American and Judeo-Christian values, and other issues; and they are permitted to use the ACT for America name and logo only with permission and only if the views they present are consistent with the national organization views since its inception more than 12 years ago; and ACT Space Coast nor he has ever violated that trust. He further stated he was not going to bother to read a short list of names of their invited speakers, but they have had Muslim speakers, representatives of the Ahmadiyya Muslim community, Dr. Zuhdi Jasser, and the list goes on and on; he has also recommended a Muslim, Sayyed Asad Bashir, to the School Board of Brevard County back in 2014, who participated in the committee that worked with the School Board to correct Islamic bias in the textbooks being used in the school district; this resulted in the adoption of a corrective supplement for teachers to use after confirming the bias content in that textbook, and two ACT Space Coast members were also a part of that committee; in conclusion, the SPLC organization is no longer a credible source to make evaluations on the subject of hate, nor has it ever cited any effort on its part or his, to foster hate; neither him or ACT Space Coast is deserving of being categorized with groups supportive of pedophilia, Nazis, or hateful agendas of any kind and has never been contacted by the SPLC or given an opportunity to refute the listing; and Commissioner Tobia has never, according to their records, attended one of their meetings, hence it is understandable that he does not know anything about their group or their efforts. He went on to say it was not his intention to disparage Commissioner Tobia for the above, rather he is there only to set the record straight to maintain their good name and reputation; he thanked the Board for the time to address this subject; and he respectfully welcomed its questions and comments.

Commissioner Tobia stated he appreciated Mr. Gangitano’s time coming there and he had nothing against his organization; it was on the list, and his point was not to single out his organization, it was that his organization, and the reason why it was mentioned, does not deserve the CARES Act funds; but if Mr. Gangitano would have listened to the rest, as a conservative, he does not think any organization, whether it be ACT, a hate group, or a small business, deserves the money that is being borrowed from China. He stated he is sorry that his group was singled out, it was his bad, as his intent was to try to get the Board to see that the \$10 million was better sent to Washington, D.C. in a conservative fashion, instead of willy-nilly handing it out to businesses and individuals; Mr. Gangitano came in the middle, and he supports his free speech, whatever that would be, and he meant no disparaging remarks, as he was just trying to give an example, and it was the first one that came up; and he said to please accept his apology.

Mr. Gangitano stated the issue is that Commissioner Tobia is citing and singling his group out but they are not qualified for any of that money, as they are not a charity, not a business, not a 501, they are simply a group of people that get together for a meeting, like a bowling team; a bowling team is more structured and organized than they are; and he does not think it was right to single them out like that and classify them with such hateful people.

Commissioner Tobia stated he agrees with him and does not think anyone deserves that money, whether his organization, or a bowling organization; as a conservative, that is \$10 million that is borrowed on a \$26 trillion debt that is being handed out to businesses willy-nilly;

he does not believe that one's tax status or charity organization, or any qualifications that entitle people to money that will be on the backs of our grandchildren and great-grandchildren; he again apologized as his intent was to get a majority of the Board to be with him on returning the money to the Treasury, but they did not agree; and he is sorry Mr. Gangitano was in the middle of that and characterized with some of those organizations. He continued to say he had looked at hate organizations according to a list that he was somewhat familiar with and did not argue the legitimacy of that list; and thanked him for coming and educating the Board as to what they are doing.

Mr. Gangitano stated he hoped Commissioner would say some kind words about his group.

Chair Lober interjected and said he could not have the back and forth and thanked him for his time; he stated when he had spoken with Mr. Gangitano when he reached out and asked if he could address the Commission, he thought given the circumstances, he told him he could have a few minutes to do that; he did not know what was required to be added to the SPLC's list of hate groups, so he emailed their deputy legal director and another one of their attorneys, and a day or two after, received a reply to thank him for contacting them, and his email was forwarded to someone in the organization who leads the work to counter hate and extremism; what he asked them was, with specificity, if they could give him the particular criteria used to determine an organization in the hate group list and also if there was any opportunity to rebut any allegations before being included on that list; and he gave them the background so they knew what he was asking and what he was asking for; and he has not gotten a reply after over a week. He further stated he is not saying they do not have valid reasons for including particular groups on their list, but he just truly does not know; when Mr. Gangitano reached out to him, he had for some time asked him to attend one of his group meetings and he figured he would go; he sat in for most of one meeting, and does not think he ever went back for a second meeting, but not because it was hateful, and he never heard anything that ever rose to the level of hatred; he is not saying that every meeting is run that way, but based on that meeting and based on him reaching out to him, he figured he would give Mr. Gangitano the benefit of the doubt, as he would hate to run an organization and then be labeled as a hate group, if it were not the case; and he is not vouching for his organization as he does not know it well enough to do that, but he felt a bit of sympathy since he reached out, and his limited knowledge of what they do.

Joe Oblack stated he has been a member of ACT for 11 years and he had a couple of comments; ACT for America has never, and will never, tolerate any bias, discrimination, or violence against anyone based on their religion, gender, race, or political persuasion; freedom to practice one's religion in peace is afforded to each and every one by the United States Constitution and it will be defended rigorously; anyone who traffics in prejudice or advocates violence in any way, towards anyone, does not speak on behalf of ACT for America; and should the organization find out that such beliefs have been propagated by one of their members, anyone claiming to be associated with ACT for America will be terminated and any relationship with such a person, group, or entity, disavow them. He added they would never be members of a violent, discriminating group.

Lee Boyland stated he has also been a member of ACT for 11 years; he is familiar with Brigitte Gabriel, and has had lunch and dinner with her, and he can testify that she is not an Islamophobe; he will verify what has been said by Mr. Gangitano and Mr. Oblack; the Southern Poverty Law Center, while it started out with a noble cause, degenerated rapidly into an intimidation organization for the far left, as if one says anything they do not like, the SPLC will put them on their hate list and then a situation such as this will occur; and if someone sees the list, thinks it is truthful, and makes comments. He further stated there have been a number of

lawsuits against SPLC for liable; they picked on Brigitte Gabriel, the founder of ACT, because she made a statement that practicing Muslims who believe in the teaching of the Quran, cannot be loyal citizens; what she clarified in this statement, was fundamental Muslims who take every little word of the Quran literally and her statement is correct in that it is not all Muslims, that is just what they call the radicals or the Islamists; the President of Turkey, Recep Erdogan, made a statement about five or six years ago when he was the Prime Minister, and he quoted "Islam is Islam, there is no modifiers. Democracy is the train we ride to achieve our ultimate objective, which makes Islam the dominant religion throughout the world." He stated she has a really good basis for making the statement she made; and he could also quote several verses from the Quran, which he will not as he does not have time. He also mentioned he was a member of the textbook review committee on Islam, which was a very good committee and he thinks they did some good things.

Tom Robbins stated he has been associated with ACT for America for about 12 or 14 years; the organization ACT for America stands for American Congress for Truth and is a very constitutional supportive organization, founded by Brigitte Gabriel; people have probably seen her on national news a lot and she has made local appearances; she is a legal immigrant from Lebanon and she knows all about Islam as she had to survive growing up the violent aspect of Islam; and she immigrated to America and, when 9/11 happened, she said it has come to America, because she grew up under a lot of persecution and almost death from violent Islamic idealism in Lebanon. He went on to say she is more of a patriotic American, he thinks, than most natural-born Americans; she started the organization as an educational organization, not a radical or hate group, but just to educate Americans that love our country and constitution, on the dangers of radical Islam, the violent type of Islam; radical Islam does have an agenda, as stated in the Quran, the Surah, the Hadith, and all of their holy books, that they want to take over the world with their religion; and all his organization does, is just try to educate patriotic Americans about the danger of some other ideology coming in and subverting the U.S. Constitution, and our ways of life; and he has never heard anything hateful in this organization. He further stated there are one or two million members of ACT for America and he has never heard anyone say anything hateful about Islam; the group educates people about what is going on with Sharia Law trying to creep in; and in several states the American Laws for American Courts Resolution was passed, which bans a foreign law from taking root in the U.S.

Alice Kritz stated she has been a member for 11 years and has learned so much about the Muslim religion, not only because of ACT but because of her own study; she understands why Commissioner Tobia could make a mistake by calling it a 501 and going by the SPLC, because if you Google it, it does kind of lead one to call it a hate group, but their chapter is not a hate group; it is an educational, anti-radical Islamic group, meaning that is what is talked about mostly and the people in these so-called religions, and how they are behaving in other parts of the world, and trying to change people's ways of living to the Muslim faith; if a person values the American way of life, the constitution, Christianity, and family values that this county was built on, then they should join them and she wishes some of Board would take the time to come as Chair Lober did once, and see what is talked about; and it is educational and they have had a lot of Muslims speak, and she has gotten to know a few Muslims that live in the area, who have taught her things. She further stated many of their members are retired military who have first-hand knowledge of what radical Islam has done to other countries and they do not want it to happen in America; it is not at all anti-Muslim, as there are many peaceful Muslim, and they know that, and those peaceful Muslims do not often talk about the fact that they are really upset about the leadership in their former religion; the SPLC as well as the Center for American Progress have names that kind of sound good, but they are really progressively left groups and they try to paint them as an anti-Muslim group of haters and that is so far from the truth; and they are a great group of people and if anyone wants to give her a name and email address,

she will be glad to send an invitation to the next meeting and they could learn the truth about the radical Muslims that live among us; and fortunately, here in Brevard, they are kind of shielded from a lot of the rioting and the wackos that are in the big cities, but unfortunately, the Country is at risk and radicalism is part of the equation. She went on to say learn about it, and come join them at the next meeting.

F. ITEMS TO BE PULLED FROM CONSENT AGENDA

Chair Lober stated it would move on to Consent; Item F.16. has already been addressed, and he would like to pull F.14.; and he understands Commissioner Tobia wants to pull F.17.

Commissioner Tobia stated that is correct; and he would also like to vote no on Items F.5., F.6., F.7., and F.8. with no comment.

Chair Lober asked for a motion to pass F.1. through F.4., F.9. through F.13., and F.15.

Chair Lober asked for a separate motion for Items F.5., F.6., F.7., and F.8.

F.1. Final Plat and Contract Approval, Re: Lake Andrew Drive - Segment E and Pineda Boulevard Segment I Phase 1 - Developer: The Viera Company

The Board executed and granted final plat approval of the Final Plat contract for Lake Andrew Drive - Segment E and Pineda Boulevard Segment I Phase 1 - The Viera Company.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

F.2. Sunset Review: BCC-38 Delinquent Utility Accounts

The Board executed and approved the retention of Policy BCC-38, Utilities Delinquent Accounts.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

F.3. Approval, Re: Sub-Recipient Agreement with the Florida Housing Finance Corporation for Coronavirus Relief Funds

The Board authorized the County Manager or designee to execute the CRF Agreement with the FHFC; authorized the County Manager or designee to execute any amendments or modifications to the Agreement upon approval of Risk Management and the County Attorney's Office; authorized the County Manager or designee to execute future Agreements, amendments, and/or modifications for additional allocations of CRF (if applicable); and authorized the County Manager to approve all necessary budget change requests.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

F.4. Approval, Re: One-year Extension to The Library Corporation's Agreement

The Board executed and approved a one-year extension to TLC's current Agreement; and authorized the County Manager to execute necessary budget change requests.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

F.5. Approval, Re: FY 2020-2021 Sport Events Grant Program Guidelines and Funding Recommendations for the First of Two Grant Cycles of Listed FY 2020-2021 Sport Events Grant Applications

The Board approved the Tourist Development Council FY 2020-2021 Sports Grant Program Guidelines; and approved funding of the following FY 2020-2021 Sports Grant Applications, as well as make the necessary legislative findings:

- \$17,970 is awarded to Beach and Boards Festival
- \$12,471 is awarded to Florida Marathon Weekend
- \$12,277.50 is awarded to softball Magazine's Spring Training
- \$10,604.10 is awarded to the Cocoa Beach Half Marathon
- \$8,014 is awarded to the Phoenix Cup Soccer Tournament
- \$11,913 is awarded to the Cape Canaveral Lighthouse Half Marathon
- \$15,628 is awarded to the Cancun Challenge/Space Coast Challenge Division I Basketball Tournament
- \$5,742.75 is awarded to Softball Magazine's Senior Softball Camp
- \$5,271 is awarded to the Moon Golf Invitational
- \$3,507 is awarded to the Florida Flag Football State Championship
- \$5,217.75 is awarded to the American Cancer Society Gateway 2 Space 5k/10k Race
- \$5,121 is awarded to ChiroGames
- \$3,307 is awarded to Florida Flag Football Adult Tournament
- \$3,014 is awarded to Florida Flag Football National Qualifier

The Board has also granted request that of the legislative findings that Tourist Development Tax funds are authorized for each grant pursuant to Section 125.0104(5)(a)3., Florida Statutes, and Section 102-119(3)a, (5)a, and (6)a. of the Brevard County Code of Ordinances as each grant supports an activity or event which has as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists from outside Brevard County; granted Peter Cranis, Tourist Development Director, authority to negotiate and sign all necessary grant agreements and related documents to support the grants upon Risk Management and County Attorney approval; and authorized the County Manager to execute necessary budget change requests.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

Ayes: Pritchett, Lober, Smith, and Isnardi

Nay: Tobia

F.6. Approval, Re: Funding Recommendations for the FY 2020-2021 Cultural Support Grants Program

The Board approved funding for the FY 2020-2021 Cultural Support Grant Program; authorized Peter Cranis, Tourist Development Director, to negotiate and sign all necessary grant agreements and related documents upon County Attorney and Risk Management approval; and authorized the County Manager to execute necessary budget change requests to support the grants.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

Ayes: Pritchett, Lober, Smith, and Isnardi

Nay: Tobia

F.7. Approval, Re: Reduction to the Previously Awarded Amounts of the 2019-20 Cultural Support Grant Program

The Board , approved the Tourist Development Council's recommendation to reduce funding for the FY 2019-2020 Cultural Grant awards by 18 percent as listed in Attachment "A".

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

Ayes: Pritchett, Lober, Smith, and Isnardi

Nay: Tobia

F.8. Approval, Re: One-Year Contract with the Brevard Cultural Alliance for Fiscal Year 2020-21

The Board executed and approved a one-year contract with the BCA, with the terms of the Contract starting on October 1, 2020, and run for one (1) year upon County Attorney and Risk Management approval; authorized the County Manager to execute necessary budget change requests; and approved the legislative finding that Tourist Development Tax funds are authorized to be expended for the BCA's services because it has as one of its main purposes, the attraction of tourists as evidenced by the promotion of cultural events and activities to tourists, as authorized by section 125.0104, Florida Statutes.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

Ayes: Pritchett, Lober, Smith, and Isnardi

Nay: Tobia

F.9. Approval of a Memorandum of Agreement with the Florida Division of Emergency Management for the Custody and Use of a 350kW Mobile Generator

The Board executed and approved a Memorandum of Agreement with the Florida Division of Emergency Management for the custody and use of a 350kW mobile generator; and authorized the County Manager or designee to submit and execute any additional changes, documents, or budget actions, as well as any amendments to the Memorandum of Agreement, subject to approval by the County Attorney's Office and Risk Management.

Result: Approved
Mover: Rita Pritchett
Seconders: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.10. Resolution Establishing Fees for Services Provided to Agencies and the Public from the Medical Examiner's Office

The Board adopted Resolution No. 2020-079, increasing the suite rental fee to \$275 per hour, \$68.75 for each additional 15-minute segment (partial hour), and cremation approval rate of \$30 each.

Result: Approved
Mover: Rita Pritchett
Seconders: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.11. Authorization to Sign Agreements with Approved Schools for Dori Slosberg Driver Education Safety Funds

The Board authorized the County Manager or his designee to sign and execute Agreements with the school entities that have been approved by a Selection and Allocation Committee for specified Dori Slosberg Driver Education Safety Act funds.

Result: Approved
Mover: Rita Pritchett
Seconders: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.12. Approval of High Bid for Public Sale of a Surplus Property and Authorization for Chair to Execute All Necessary Documents

The Board approved the sale of a surplus parcel of property pursuant to Florida Statute 125.35(1)(a); authorized the acceptance of the high bid in the amount of \$6,500 received from Joel D. Ipjian; and authorized the Chair to execute all necessary documents.

Result: Approved
Mover: Rita Pritchett
Seconders: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.13. Approval: Removal of Stolen Asset from the Official Record

The Board approved removal of CARRY ALL 2017 CA500 GAS CLUB CAR, Property Record #3451356000 from North Parks and Recreation Maintenance inventory.

Result: Approved
Mover: Rita Pritchett
Seconders: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.15. Permission to Issue Open Purchase Orders (FY2020/2021) to Approved Vendors of Record (VOR)

The Board , approved the use of State Contract, cooperative contracts, and other agency contracts as VOR's on the attached list; approved the use of the attached vendors determined to be the sole source for the products or services indicated; approved the issuance of blanket purchase orders and authorized the Chair to execute contracts and all contract-related documents to those vendors, with any exceeding \$100,000 subject to review and approval by the County Attorney's Office, Risk Management, and Purchasing Services approval; and approved competitive action in the event of unforeseen changes to the approved vendors and/or the cooperative purchasing programs.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

F.14. Permission to Issue Annual Supply Bids, Proposals, and Requests for Qualifications (FY 2020/2021) and/or Negotiate Competitive Agreements

Chair Lober stated he would address F.14. and thinks he made this comment last year, and understands it is in the middle of a lease for the copiers, but looking at that, there is over half a million dollars that is on an annual basis for copiers and from his experience, pretty much any organization that has the money to be able to lay out the upfront capital to buy them, generally does better off in the long haul just buying the machines; whether it is Xerox, Konica, Minolta, or whatever brand, he would encourage staff to price that out before the lease runs out, with enough time to make a change down the road; and he asked for a motion to approve F.14. with a note to look at purchasing those machines prior to the expiration of the current lease.

The Board granted Purchasing Services approval to perform the following actions regarding the attached list of commodities and services for Fiscal Year 2020/2021: Solicit competitive bids, quotes, and/or negotiate competitive agreements and award to lowest responsive, responsible and most qualified vendor; solicit competitive proposals and Requests for Qualifications, establish selection and negotiation committees approved by the County Manager (or designee), and award contracts and/or open purchase orders with the highest ranked proposer(s); exercise renewal options upon evaluation of supplier performance and recommendation from user departments/offices, establishing that continuance of the contract is favorable prior to renewal of the agreement; and authorize the Chair to execute all contracts and contract related documents that exceed \$100,000 in total aggregate value, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

F.17. Resolution, Re: Referendum Election November 3, 2020, to Amend the Barefoot Bay Recreation District Charter

Commissioner Tobia stated F.17. is dealing with a taxing exclusively in County Commission District 3 and he should have added it to the list of tabling Items but for a few reasons, he has not spoken to anyone, no one has reached out to his office, and this does have some implications, so he would ask for a motion to table this to the next meeting.

Chair Lober asked if he had a preference in terms of when, as he thought Thursday would be a little soon.

Commissioner Tobia replied he thought there was a September 1st meeting.

The Clerk stated there was a September 3rd meeting.

Chair Lober stated he was sorry, there is a speaker.

Cliff Repperger, Melbourne, stated he is an attorney with the law firm of WhiteBird, and they serve as general counsel to Barefoot Bay Recreation District; the Item before the Board, has a timing issue where it cannot be tabled as there is a deadline that has to be met; the Supervisor of Elections deadline is August 17 to get the ballot language to them; he is asking that it not be tabled and it be approved; and all they are asking the Commission to do is to approve a resolution calling for a referendum election that is going to be submitted to the registered electors of Barefoot Bay to allow the voters of Barefoot Bay to vote on whether they will approve a spending initiative in the Charter, modifying the Charter spending cap limitation from \$25,000 to \$50,000. He further stated all the resolution is doing is placing that item on the ballot so that the voters can actually vote on that initiative; and that is all they are asking for tonight.

Chair Lober inquired as to what other alternatives there are for getting it on the ballot if this does not go through.

Mr. Repperger replied without getting into a huge debate about it, he thinks that the District might be able to call for the special referendum election itself, however, because this involves a Charter change, and the Charter initially adopted is a County Ordinance; Ordinance No. 84-05 is the Barefoot Bay Charter as it has been amended; and he comes with respect to the Commission asking the Commission to call for the referendum election because the Commission will pass the ordinance that will make the change if it is approved at the referendum election.

Chair Lober stated if they were to gather signatures, they could achieve the same process, but it would be more difficult for them.

Mr. Repperger replied that he did not think they have to even obtain signatures, he thinks they could actually pass their own resolution calling for a referendum election if they wanted to.

Chair Lober inquired if the entire District is in District 3.

Mr. Repperger replied yes.

Chair Lober asked how this Item got added, and if Mr. Repperger did not know, he would ask staff, because under department and office, it has his name and obviously he respects and appreciates the fact that he represents the District, but asked if this was something that was added at the behest of one of the Commissioners or how it actually got added.

Mr. Repperger replied the Board of Trustees of the Recreation District approved for them to ask for this to be placed on an Agenda Item; and he contacted staff and asked them to please put it on the Agenda.

Chair Lober stated he needs to ask staff because his understanding is that it modified, maybe six months or a year ago, how citizen agenda requests are to be added to the Commission meetings and he is not upset with this particular one, but he wants to make sure that policies are being followed; and he asked if this was something that was done as a citizen's Agenda request or was it added for some other reason.

Frank Abbate, County Manager responded typically, as staff did at the prior meeting when the School Board asked for the referendum to be placed on the ballot, it was seen as a ministerial task; when this was submitted, staff thought it was a similar statutory requirement, in fact, as has been discussed tonight, after it was placed on the Agenda, staff realized that it was a County Ordinance, therefore it is not just a ministerial task and the Board would have the discretion to do it; and that is why it was placed on the Agenda.

Chair Lober stated to Commissioner Tobia, in short, it is entirely in his District and if he wants to continue it, vote for it, or vote against it, he would support it, as it is his constituents to make happy or make angry.

Commissioner Tobia stated he understands there are some timing issues, but those timing issues have been there for quite some time; everyone knew when the election was coming up; at any time Mr. Repperger or anyone on the Board could have reached out to his office and he would have been more than willing to sit down and listen to their concerns; he had a number of questions of how to define real property and he knows there potentially will be another item up for referendum on Barefoot Bay's ballot; he is concerned on how those would interact with one another; these are the many questions that as an attorney, and as the representative of Barefoot Bay, his skills would have been helpful with a phone call as he has an office and would have been more than willing to discuss any and all of those issues; at this point, he is not comfortable voting in the affirmative; and he asked his fellow Commissioners, as this is 100 percent in District 3, that this be held off and he would be more than willing to bring it up next month, and it can be on the ballot in two years.

Chair Lober asked Commissioner Tobia when he would like to continue it out to.

Commissioner Tobia replied September 3rd.

Chair Lober stated he would second that and Called the Question.

The Board tabled the resolution for referendum election November 3, 2020, to amend the Barefoot Bay Recreation District Charter to the September 3, 2020, Board meeting.

Result: Tabled

Mover: John Tobia

Secunder: Bryan Lober

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

F.18. Appointment(s) / Reappointment(s)

Chair Lober asked if F.18 was dealt with and asked for a motion to approve F.18.

On the recommendation of Commissioner Rita Pritchett, the Board acknowledged appointment of Nathan Smith to the Employee Benefits and Insurance Advisory Committee replacing Marcia Newell.

Result: Approved

Mover: John Tobia

Seconder: Bryan Lober

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

G. PUBLIC COMMENTS

Charles Tovey stated he put on his card about pirates and the other thing was the Lagoon; because of the hurricane and derelict vessels and the problem it creates in the Lagoon as he has had to watch his boat and protect all his stuff and by doing that, he has noticed a group of individuals who stay back during most of the hurricanes and while everybody else is gone, they stalk the vessels that are most valuable or most vulnerable; one person stands on shore and watches out with a cell phone and there is at least one boat or several boats in the lagoon, and they rob, pillage, steal, and leave the boat to drown; the people with the derelict vessel crew comes in and takes them out; and he was wondering if there could be extra lookout during the hurricanes for the people that are attacking these vessels. He continued to say he does a lot more than what he told the Board about making the lagoon flow better in different manners and he does dune line erosion as well and some of the plants he planted are there and they survived, stabilized, and doing well; then whichever group comes along that has the dune line erosion replacement package, they pull his plants up and plant their plants and a year later, the erosion is the same as before and their plants are dead or gone; he asked why they took his plants out as they are beneficial; he would like to volunteer on other things with the Lagoon or dune line erosion, et cetera; he mentioned the Commissioner in south Florida that got arrested for posing as a deputy sheriff at a homeowner's meeting, and a mayor who stole a deceased handicap placard and used it on her car so she could park closer; and the point of the matter is that there are bad people in all things. He further stated he appreciates the Board's best interest for County Government and the world as a whole, and expressed his thanks and hopes it is safe and sound.

Ralph Livingston stated he hopes he can finish up in three minutes; he is present to address the administrative screening policy concerning coaching and volunteering; he is not asking for a change for himself, he is asking for those who do not know how to ask or are afraid to ask; he is not asking for a hand out, just a hand up, so that they in turn can help others; not knowing him makes it easy to deny him; and during the course of his life, he has made many good choices, unfortunately, he has not always made the best decisions which has resulted in an extensive criminal record, however, those crimes do not define him. He continued to say his failures and mistakes have taught him valuable lessons; he was born in Rockledge and lived on Long Island, New York until the age of 14; he attended Edgewood and Kennedy Middle School and a graduated of Cocoa High School, class of 83, where he played football, was on the track team, and attended Brevard Community College from May 1984 till May of 1986; while in college, he was voted president of the minority student union and vice-president of the student campus council; and his first experience with coaching and volunteering was in September of 1994 at Jefferson Elementary School in Plainfield, New Jersey. He went on to say he began as a cafeteria monitor, assistant basketball coach, then shortly became a mentor, head basketball coach, and president of the Parent Teacher Association (PTA); from 2006 to 2008, he volunteered at Woody Simpson Park Preschool in Merritt Island and he helped with serving lunches, cleaning, and reading books to the children; in 2013, he was head basketball coach at Emma Jewel Charter Academy; from 2014 to 2016, he was a head basketball coach at Cocoa YMCA; in 2017 he was head coach for Pop Warner football program and in October 2019, he was approved to volunteer for Brevard Public Schools; and during 2019-2020 he volunteered at Rockledge Christian School serving as a cafeteria monitor, reading books to students, physical education assistant, and he organized and scheduled a free-throw contest for all grade levels. He further stated he is currently helping raise six grandchildren, five boys and one girl, ages six

to eleven; the five boys are members of the Merritt Island Pop Warner football teams; his hobbies are playing chess, scrabble, and writing inspirational songs and poems; he has never had any criminal charges for violence, drugs, or sexual misconduct, and has completed and fulfilled all monetary and court-ordered obligations placed upon him by the courts for his past criminal history; he is now a registered voter; to help him pursue his journey as a coach and volunteer, he has been helped by people such as Principal Deidra Walker, Judge Charles Roberts, former Principal and 30-year city councilman Richard Blake, retired police officer Lieutenant Nathaniel Hook Sr., former Mayor Michael Blake, School Board member Cheryl McDougal, police commander Andrew Walters, Principal Thomas Cole, Principal Rick Speichner, and many others; in conclusion, he believes volunteering makes a difference in all lives who participate and he enjoys working with others helping to strengthen and encourage the youth in a positive manner and giving back to the community; and he humbly and respectfully ask that a change be made to administrative orders screening policy to allow people who have changed their lives after a period of time, to coach and volunteer.

Chair Lober stated he would just put out there, for anyone who wants to bite, he is still happy to look at changing that if anyone changes their mind, as he is still in the same position he was before; the individuals that Mr. Livingston mentioned, he thinks, would take a lot to get them behind someone; and if anyone changes their mind, he would be there to support it.

Kevin Panik stated he is present on the four-year anniversary, going into year five, of the County's routine mowing over roadside litter; it is not really a happy anniversary, but it is an anniversary the same; it was left off last year with the action to study the problem, which was a resounding no, but the litter was continued to be mowed over; last year there was a quote "You are the only one with a problem, Mr. Panik"; and so the same specific technical content, 66 phone calls, all he is asking is that staff make 66 phone calls to find out best practice. He continued to say try understanding the problem by seeing if anywhere in the State of Florida, someone is not mowing over litter; then compile that data and put it on the County website so all the citizens can see what was found in the search for best practice as it meets all the principles of project management; he pre-filled Brevard's survey card that it does mow over litter, so that is not 67 counties, just 66; the first action was completed as the County continued mowing over the roadside litter, but all it would take would be one Commissioner; and in closing, he would like to make one item a procedural point that he would like brought to light, as all can see, this item was not listed on today's official Agenda. He went on to say over the past four years, he has independently succeeded in introducing this same item to the official County Agenda; in his effort to do so again this year, on June 16, he emailed all the previously required documentation to the County Manager's office and one week before tonight's meeting, he was emailed the process change that now, only Commissioner-approved items can appear on the official Agenda; and without personally engaging a Commissioner, this item now falls under the Public Comments classification losing public visibility, eliminating awareness, and limiting participation.

Frank Abbate, County Manager, stated one point of clarification, Mr. Panik was also told that at the end of Public Comment, if the Board chose, by vote, under the Board's changed policy, that the Board could vote to put it on a future Agenda; and he was told that in an email that he submitted to him.

Chair Lober stated Mr. Panik mentioned he did not hear back until the week before the meeting; and he asked if he recalled when the request was made, whether it was made two months ago, or two weeks ago.

Mr. Abbate replied no; he stated the Agenda item would not come up when it was initially submitted a short time before that; the one staff person who processed it and put it on there;

until it actually appeared in draft, that staff started looking at the Agenda items, they would not have seen it; staff did not pick it up when it was initially submitted; and an email was sent to him explaining that and apologizing for the oversight.

Commissioner Pritchett mentioned that was changed a long time ago, and it is not a recent thing that happened.

Chair Lober stated he thinks he even referenced that a couple of Items ago, and he thinks it was six months or a year ago.

Sandra Sullivan stated she is present to request the County Commissioners to have the County Attorney review legal agreements for the Hightower Beach Preserve which is formerly known as the Oceanside Wildlife and Habitat Preserve, that the County was co-applicant on; she has documents to share and read aloud "The annual survey since 1989, the University of Central Florida Biologists has documented that this project is a sea turtle nesting for the Federal and State Endangered Atlantic Green Sea Turtle with the highest density north of Archie Carr National Wildlife Refuge and State and Federal threatened Atlantic Loggerhead"; she mentioned it is a very important beach; in 1998, the State, the County, and the City of Satellite Beach entered into an agreement with the Florida Communities Trust (FCT) under the Florida Forever Fund to create a preserve to protect these Federally protected species; it was created as a dark and undisturbed beach, created to not have lights and density on the beach; and the Preserve Agreement protects Hightower with height limitations and land-use on adjacent properties. She added the Agreement was implemented with a management plan and corresponding amendments to the Comprehensive Plan in 1988 and 1989, including banning density increases, predominantly single-family housing, with a specified height of 25 feet, two stories, and on the west side of A1A. She continued to say the management Agreement stresses limiting human activity; the issue is an 85-foot hotel with an intensity rating of 1.3 and the Comprehensive Plan with the City allows one; the three 85-foot condos that will impact the Preserve with lights, intensity use, significant stormwater into the outfall on the Preserve, and the County has an outfall study that looked at removing that outfall; additionally, the adjacent lands where the former Patrick Air Force Base housing, which has covenants requiring the Florida Fish and Wildlife Conservation Commission (FWC) and United States Fish and Wildlife Service (USFWS) consult regarding endangered species; and both the phase one and sale covenants identify lighting can harm sea turtle nesting specifically. She continued to say the big picture is the seagrasses in the lagoon have decreased from 50 to 70 percent, which is their food; PV disease is 60 percent higher in the lagoon and this opt to preserve has the highest density of the inshore reef between Patrick Air Force Base and Hightower, which is why it has such high nesting and also where the green juveniles grew up; and she is asking to honor her request for the County Commissioners to approve the County Attorney to review these documents.

Chair Lober stated this is one that kind of troubles him as he knows she is coming from the right place, and she is concerned rightfully and understandably so, about the issue, but he does not know if he is comfortable with asking the County Attorney to be the one to review the documents, but he knows she has a number of attorneys in her office; he would feel more comfortable having someone else review it, maybe even Natural Resources, as Commissioner Pritchett just mentioned, up to maybe an hour to two hours, something reasonable, whatever the Commission thinks; his concern is whatever is done, even if he does not want to set a precedent, it may be setting a precedent by doing this; he likes investigating this issue as he thinks it is an important one, but there may be issues that he does not want to expend County resources on in the future, that really do not benefit the County as a whole; he is struggling with exactly how much help it should extend from the County side so that when something comes

up in the future that may not be as worthy of a cause, that it is not in a position where it now has to explain why it was done for one and not the other; and he thinks this is important enough that it needs to do something.

Ms. Sullivan asked to comment; and she stated the County was co-applicant on the Preserve Agreement which is the reason she is requesting the County Attorney to review.

Chair Lober stated that made sense; and to the degree that it might also pose an issue with a conflict with the County looking at the County from a legal perspective, maybe the best bet is for Natural Resources take a look at that and whatever they would produce, to be run through the County Attorney to see if they have the opinion that anything is erroneous; and he asked Attorney Bentley what she thought.

Eden Bentley, County Attorney, responded that came up last year when the development was being reviewed by the City of Satellite Beach; the question of these grants and agreements came up and Parks and Recreation contacted the State; the agreement that is being talked about, where the County is a co-applicant, is Pelican Beach Park, not Hightower Beach, and that is from the State of Florida reviewing these grants; and she stated they could look at it again, but that is the information that was received last year.

Ms. Sullivan stated Hightower is owned by the County and the County co-signed the agreement for the 1998 property, the one Attorney Bentley is talking about is from 1999; and there are two separate Florida Communities Trust (FCT) grants.

Chair Lober stated if Mr. Abbate was comfortable, he did not need to have a motion, unless he would like one, if Natural Resources could take a look at it and spend up to an hour on it and pass the findings on to Legal, just to point out any obvious errors in what has been done.

Mr. Abbate asked if he is looking at a report back to the Board.

Chair Lober replied if they determine that it is something that should come back to the Board, he would be happy to hear it, but if it is something where essentially it is status quo that Natural Resources reports, then he does not know that it is something that needs to come back as it really depends on what they find; he asked Commissioner Pritchett is she thinks an hour is reasonable; and he mentioned that whoever has already handled it from Natural Resources could have a hand in it.

Mr. Abbate stated if that is the Board's direction, he would be happy to have them spend an hour on it and give a brief report back to the Board on their finding.

Peter Carnesale stated the Indian River Colony Club (IRCC) needs a right-hand turn lane off of eastbound Viera Boulevard onto Independence Ave into their back gate entrance; it is only a matter of time, not if, a rear-end collision occurs; pedestrian, bicyclists, and golf carts traveling on the sidewalk are not visible from the road until someone is on top of the right-hand turn and they do not stop for cars, leaving the residents with the fear of hitting someone if they do not slow down; as an example, his wife came to a complete stop on Viera Boulevard because there were three bicycles in the path preventing her from making a right-hand turn, and that gives him fear that someone coming along behind them, and they are not paying attention, there will be a rear-end collision; this happens over and over again; and the short entryway before the gate is another reason that the cars making the turn have to slow down below 10 miles an hour and sometimes stop on Viera Boulevard before making that turn into IRCC. He went on to say another issue is IRCC Heron's Landing and Faith Viera Lutheran Church could use a traffic

light on the corner where Heron's Landing and IRCC exit onto Viera Boulevard; there is a parallel road, Thrasher Drive, from Faith Viera Lutheran Church in Heron's Landing, leading to the Heron's Landing exit, that would make it usable for the church as well as Heron's Landing itself; that is why he includes all three in his request; basically, there is probably not enough traffic to pass the normal traffic guidelines, however, because of the heavy traffic coming in and out of those three entities, especially the church on a Sunday, and especially the others at on-hours; the on-hours coming from IRCC are not the normal on-hours since it is a retired community, therefore it is not rush-hour on-hours as much as the on-hours being weekend hours; and surveys are never done on the weekend, they are done on rush-hours, and he understands why, but it does not apply in this particular case.

Chair Lober stated he hesitates to step on any Commissioner's toes for an issue that is solely in their district, as he really tries not to do that; he respects the fact that Mr. Carnesale has come before the Board again and again; he is wondering if there is not some potential solution that has not been explored yet; he is thinking, for instance, there are folks that make requests all the time to have speed humps put in on their streets, some streets are marginal, some streets certainly meet the criteria, and some do not; for some of them that have been marginal or just under the criteria, there is a compelling case; for instance, there may be a compelling case, there may be a bunch of kids on the street, more so than typical; he knows in the past, staff did not necessarily love this, but it is something he has done, instead of saying yes or no, it was a yes with an asterisk or a maybe, and the maybe is the County is not obligated to do it; typically the County eats all of the costs or they do not do it at all; one of the things that he proposes to folks on speed humps, and he is not saying that it would work with a traffic signal, but maybe having one or more of the local communities with the church and the IRCC get together and offer to subsidize the cost to some extent because if it is something that is not as expensive for the County, he is not saying they will or will not; and whatever Commissioner Smith decides to do is what he will support, since it is in his District, and it may give him a better chance at success if a percentage of it can be offset. He added he does not know if that has been explored, but if not, maybe it could be looked at.

Mr. Carnesale stated the sharing process has not been explored; however, going back to a meeting with Commissioner Smith, which he is sure he remembers, because it caused all kinds of acclamations in terms of who he represented in the beginning.

Chair Lober apologized for cutting him off but he has to be equitable to everyone with the time; he mentioned he may want to look at that; and he is sorry to put more on his plate, but sometimes doing something a little differently may help him achieve his goal or at least get a portion of what he is looking for.

Mr. Carnesale stated if they went back in time, it could be found that he actually asked for this to be incorporated into the widening of Viera Boulevard which, at that point, it would have been paid for entirely by the Federal government; and the fact that it did not happen is why he is at the position he is in now.

Chair Lober remarked that he hears him and all he can say is, the Board takes things as they come to it; and if there is a way to make it work, he is certainly empathetic for the concern he has.

Commissioner Smith stated he gives Mr. Carnesale high marks for persistence and, as he has alluded, he is not turning a deaf ear; he does not know if his fellow Commissioners think that he just sits there and does nothing for his constituents; he thinks that is not true; he has met with Mr. Carnesale and the Homeowner's Association (HOA) there, and it was made very clear to

him that Mr. Carnesale does not speak for them as he is not on the HOA board; this is a battle he has chosen to fight himself; he has spoken with John Denninghoff, Assistant County Manager, and with The Viera Company who spent the money on the road, not the Federal government; it does not qualify; it is something Mr. Carnesale wants, and apparently, no one else does; it just does not qualify and he wishes he could help him; he empathizes with his desires and concerns but, as he said, no accident has happened there, people are responsible; and until there is a traffic study that includes what is necessary to include a turn lane, it is not going to happen.

Chair Lober expressed his thanks to Mr. Carnesale for coming and stated there may be something else that has not occurred to anyone at this point that would make it more likely.

Mr. Carnesale stated he did not mean to imply that Commissioner Smith had not taken the time.

Commissioner Smith stated he understood, but he had a fellow Commissioner that wanted to jump in and solve the problem.

Mr. Carnesale stated Commissioner Smith sat down with him to go over it; he spoke with the manager of IRCC; and they do not have a HOA, but they have a board of directors.

Commissioner Tobia thanked Mr. Carnesale; he stated what sympathetic ears he may get, he lost a couple of meetings ago when he threatened to sue, as he said that someone was going to get into an accident and he would sue; and it is on the record.

Mr. Carnesale replied that he did not say that, he stated that there would probably be a suit from whoever had the accident; and he would have no basis for a suit.

Commissioner Tobia stated he and Commissioner Smith may disagree a lot but there is one thing about him, as he found when he was running for office that he is one of the most accessible Commissioners out there; he never heard one complaint about anyone having trouble getting in touch with him and speaking with him directly or on the phone in an immediate fashion; in fact, he has modeled his office on the constituent services that he has had; he follows him on this one completely, utterly, and totally; and Mr. Carnesale is welcome to show up, but he would have to get a number of Commissioners to follow him down this path. He further stated there is some good television on Tuesday night and if he is going to keep coming down this way, he will be following Commissioner Smith on this one; and to count his votes as he will not be changing on this one.

Chair Lober stated regardless of him trying to help come up with some solution that may or may not work, he can say this is one of those issues that falls squarely in one district and if at the end of the day, Commissioner Smith says he wants to do it, he will support it, and if he does not, he will support it, in terms of supporting his decision; his thought is if there may be something that has not been explored yet, he may want to think about changing some aspect of what he is asking for; even if it is not perfect, maybe he can get a little closer than where he is; and he does not know if some other option may be available, but it is something to think about.

Mr. Carnesale stated he would talk to the HOA in Heron's Island and talk to the church; and maybe he will be able to get some input from them as well.

Anthony Blunt, Vice-president for Rockledge Youth Football, and the minister of the Church of Christ at Lake Nona, stated he worked in banking for the last 12 years, coached for six years, served on the board for the past four years, and two years as the vice-president; he is a man of faith and anyone familiar with Paul, may be familiar with his statement that we ought to always have prayers accompanied with thanksgiving; he wants to express his thanks and appreciation to the Brevard County Parks and Recreation, as recently he was soliciting sponsorships for helping to replace their goal posts, as one was destroyed by a hurricane last year; they cannot play without having a goal post; the league made some accommodations to them because it was due to a hurricane, but they had to get them replaced in order to continue to host games at the home field; the County saw them soliciting for those donations and without them even reaching out, volunteered to replace those goal post for them; and they are very thankful and appreciative for the County stepping up and helping them replace those goal posts. He continued to say he wanted to come and express his thanksgiving on behalf of Rockledge Youth Football, the president, and all of the volunteers and the youth; they serve over 250 kids there annually; he also came to ask, as Mr. Livingston did earlier, that the Board reconsider the guidelines for the volunteers; it was ironic, as he did not expect Mr. Livingston to be there, he was surprised, and even more surprised to hear him speaking; he has known Mr. Livingston from his professional career since 2014 as a branch manager where he met him through interaction; and he knows him to be a very great guy in the community. He further stated he knows guys that fall in the same category that are not able to help the youth; he was arrested as a freshman in college for possession of marijuana and has worked as a juvenile council in the Department of Juvenile Justice (DJJ) facilities; he remembers applying for that position and initially decided that he would not apply as he felt they would not hire him; he had a mentor at the time who told him not to tell himself no, but to let them tell him no and for him to explain why he felt like he deserved that position; and in that request to accept that position, he took a pay cut to work with the youth because he felt like he had something to offer them, and to keep them from making the same bad decisions that he made. He went on to say he did not feel that they were mistakes, as there were some strategic things that he did to make the decisions that he made; he does not make excuses or teach his kids to do that either; he does not believe that the coaches and volunteers, like Mr. Livingston, do that either; he believes they have some very valuable things to give to the kids; when they are put into a box and say that if they have had a misdemeanor in the last five years or a felony in ten years, they cannot volunteer, and that takes away some great coaches from the kids; he asks that they be considered as a person and be allowed to come out and help our kids because they are off the streets when they are with the kids; and they give them things that those kids can learn from; and he asked the Board to reconsider.

Chair Lober stated he had some shout-outs as well with respect to Parks and Recreation; he met with Alex Goins, City of Cocoa Councilman, and Matt Fuhrer, City of Cocoa Interim City Manager, on some issues they had over in one of the Parks; they were great to work with and Parks and Recreation was great to work with; and it is good to have a decent relationship with the cities out here.

Marcelle Adkins stated she came for a couple of reasons; she saw that there was going to be a resolution discussion about open carry but she will not be able to be there because of a conflict, so she wanted to address that now; she has only spoken to Commissioner Tobia before, as he is her Commissioner; she is a republican candidate for House District 53 in the upcoming election and she looks forward to serving the south Brevard area in the Florida House of Representatives; she looks forward to working with all of the Board, but has already worked with Commissioners Isnardi and Tobia's staff solving problems and looks forward to doing that with all the Board in the future as well; and she has not had a chance to meet the others but she looks forward to doing so. She went on to say she looks forward to hearing what is said about the open carry law as all of the gun rights issues are major issues in her campaign; if it

becomes something controversial for the Board, she wants it to realize that this is National Shooting Sports month; she encouraged the Board to maybe do a resolution on that as it is something that is established by the National Shooting Sports Foundation, which has been in the national news lately; she thinks as a society, all want to encourage shooting sports; the Board should know and maybe consider that 4H in Brevard County does an outstanding black powder program; in fact, she called a friend whose children are superstars in the 4H program; she mentioned these are the kinds of things she would love to see resolutions on as she wants to encourage shooting sports and training, especially if it is encouraging open carry; and she looks forward to hearing what it has to say.

The Board authorized Virginia Barker, Natural Resources Director, to spend up to one hour reviewing the documents for Hightower Beach Park that protects the height limitation uses and the land uses on the adjacent properties, by banning density increases and limiting human activity; and authorized for a report to come back to the Board of the findings.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

H. PUBLIC HEARINGS

H.1. Ordinance Repealing Prohibition on Alcohol in County Parks and Recreational Facilities Except in District 2

Chair Lober called for a public hearing to consider Ordinance repealing prohibition on alcohol in County Parks and Recreation facilities except in District 2.

Commissioner Pritchett stated she wanted to piggy-back on what Chair Lober did and also exempt District 1; the reason for that is she thinks the purpose of this was for parking lots next to beaches and she does not have any beaches, and what she has in her area as far as Parks, people can already do it with permitting; she likes what is going on for District 1; and she would like to exempt her District.

Chair Lober remarked that her motion is to approve this, excepting Districts 1 and 2.

Commissioner Tobia asked Attorney Bentley if that causes any problems with noticing if it is restricted even more.

Eden Bentley, County Attorney, replied no; and she stated the ad is broad enough to handle this amendment.

Chair Lober stated he had faith in Commissioner Pritchett, she has got it under wraps.

Commissioner Tobia stated he just did not want it to get called back.

There being no further comments heard, the Board adopted Ordinance No. 20-10, repealing prohibition on alcohol in County Parks and Recreational Facilities except in Districts 1 and 2.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

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

I. UNFINISHED BUSINESS

I.1. Approval Re: Request Approval of Keep Brevard Beautiful (KBB) Contracts for Litter & Recycling Education as a Result of an RFP Process, Lease of Property and Resolution and Approval for the Chair to Sign the Same

Bryan Bobbitt, Executive Director of Keep Brevard Beautiful (KBB), stated he wanted to thank the Board for the opportunity to be present and to hopefully conclude the Request for Proposal (RFP) process; he found out this morning that another group was coming in to talk about mowing over litter, he is being proactive as he has been in discussions with the County and DBI Services, which is one of the State contractors, to do some of the other areas; and they are actually working, hopefully with the help of this contract and it gets approved, to be able to coordinate some of their volunteer teams out there, to get ahead of some of the mowers if possible; he thanked everyone for him to be able to be present; and with school about to start in a few days and with their lease about to expire in September, they are looking forward to continuing what they do in the community, and they welcome all others that plan to comment, to work with them to help eliminate some of the lawnmower issues.

Commissioner Isnardi stated she appreciated the KBB group and she has seen it more than ever because she has been spending a little bit more time on the beaches in that area; they do a fantastic job and one can see how hard their people work; she is just very impressed with the amount of work that they put in; she knows it is just one thing of the many things that they do, but she is pretty impressed; and they are friendly and it is just great to see.

Mr. Bobbitt agreed they have an outstanding staff and volunteers; they love to be a part of the community; and thanked Commissioner Isnardi for her kind words.

Elizabeth Baker stated anything KBB is doing is a wonderful effort and she completely supports them; she thinks she messed up and should have been in the Public Comments because her interest actually started because of the mowing over garbage in Brevard County; people cannot see it when driving down the road, they have to be walking and right on top of it; the County mowers and the Florida Department of Transportation (DOT) mowers run over things all the time, and when one lives in a County that has three rivers and an ocean, unlimited wetlands, streams, and creeks everywhere, people are speeding up the process by which plastics and other materials become micro-plastics which get into the waterways and leaches everything up; the County is spending all this money and the citizens voted to tax themselves to clean up the lagoon; and the fact of the matter is, if the dredging continues, that is great, but until people stop putting stuff in the water, it is not going to get clean, and that is just science. She went on to say that she really, really hopes that the Board can take a deeper look at not only that practice, but actually at the contracts themselves, on why it says in mowing contracts that no litter shall be run over at all; it is all supposed to be picked up before mowing over it, yet the mowers still do; what is happening is taxpayers are paying for litter and mowing, and not getting the litter picked up as it should be, as it gets mowed over and then the County pays KBB to go out and do it again; the taxpayers are really paying twice for the same service and it is kind of incredible that in many years of the mowing contracts, they are still written pretty much exactly the same way they were 50 years ago; and she thinks it is time that the Board really takes a step back, because the litter issue has so many layers to it. She further stated she became so involved in it that she actually ended up starting a small business where she goes and picks up litter on commercial properties, mostly in Section-8 communities; it has been a real eye-opener as it is not the homeless or the poor people doing it, it is everyone, all are to blame, and people

have to work together; she is not blaming the mowers for every bit of it, but it is part of it, as there are so many layers; she kind of spear-headed the initial meeting between Tony Sasso, the former KBB director, and FDOT to get that put together so they could have those contracts for State Road 520 and State Road 528, which was a good move; and she thinks the Board needs to look at those contracts and see how they can be changed.

Terry LaPlante thanked the Board for the opportunity to speak on the litter issue; she stated litter is thrown out along the roads, often being mowed over, blowing into the storm drains, clogging up the baffle boxes, and ending up in the Indian River Lagoon; the mowed-over litter creates micro-plastics, which is frequently consumed by wildlife, sea life, and birds, often leading to their death, thus negatively impacting the food chain supporting people; and the State legislator has preempted the ability to ban single-use plastics and styrofoam, allowing industry to pass on the cost of cleaning up these waste products to Brevard citizens who also pay a tax to protect and restore the lagoon. She continued to say she urges the Board to take action and work with KBB to require litter to be picked up before it is mowed and it clogs the storm drains; a review of the County Contract reveals that litter pickup is included in the contracts for the County Libraries, County Parks, and other County buildings and it seems the County lacks a clear policy about removing litter before mowing it over when it comes to roads maintained in-house; neighboring communities like Indian River County, Palm Beach County, Broward County, Volusia County, and Flagler County clearly state on their website that picking up litter is part of maintaining their roads; Martin County has added it to their future budget, but this is not the case for Brevard; and personally, she supports an ordinance against littering and would like to see no littering signs everywhere with warnings about fines. She further stated she has seen no signs reminding people not to litter in Brevard; there are speed limit signs, reminding people of the traffic laws, but some people choose to speed anyway, and some of them are caught and pay a fine; while she thinks an ordinance against littering and no littering signs would reduce the escalating amount of litter, Brevard will, for the foreseeable future, need to support litter pickup programs to reduce the amount of litter entering into the waterways and storm water systems; she supports KBB and the many programs they have to address the litter issue and she hopes their contract is renewed; and she urges the County to work with KBB to pick up the litter before it is mowed to reduce the amount of litter that is going into the storm water systems and waterways.

Commissioner Smith stated he would like to make mention to his fellow Commissioners that, as the representative on the Indian River Lagoon Council, it has been increasingly expressed to him about the concern for the litter that winds up in the baffle boxes and storm drains; if it is mowed over, the pieces get smaller, which get past the storm drain and then gets into the Indian River; it is known that Brevard is spending a half-cent sales tax, and will be in the hundreds of millions by the time it is done, so it would be much easier to help keep the Indian River clean if it was picked up; he would like to propose extending an offer to KBB and asking them to include picking up litter on the roads as well as in parks and things like that; and he knows the County does it on some roads.

Mr. Bobbit replied they do work in the parks and in private neighborhoods but those are all volunteer-based programs, like adopt-a-road, shoreline, park, trail, or islands; as far as roadside litter, they have a separate contract with the Tourist Development Council (TDC) to handle the causeways; he thinks those were awarded last year around this time; they go out to each causeway once a week, weather permitting, and they try to clean up S.R. 528, S.R. 520, A. Max Brewer Memorial Parkway, U.S. Highway 192, Eau Gallie Causeway, and a separate one in Palm Bay; those are the main ones that have paid staff that have a truck and a mule that is taken out to clean everything; they report it back to the TDC on a monthly basis; and as far as focusing on other County roads or anything like that, the term it takes a village has been

heard, and that is why he is there today, for this contract, as it helps fund their adoption teams and things like that, to empower the community to help clean up. He went on to say they want to work with anybody, like the people with the mowing issues, or anyone that contacts their office; and they are open to working with anyone with ideas to make the community better.

Commissioner Smith stated that is where he is going with this; KBB is nothing, if not masters, at getting people to volunteer; he thinks most people have pride in the places where they live, whether it be a Homeowners Association (HOA), or a small neighborhood; his thought is, and he does not know how successful it would be, if KBB put the word out that it was interested in having groups be responsible for their own neighborhood; he did something of that nature with the jet ski club that he belongs to by adopting different boat ramps and parks, and had monthly clean ups; and it was something they enjoyed and took pride in because they knew they were making a difference. He further stated maybe KBB could reach out to local homeowner groups along the same lines, that is where he is going with this; he thinks that it would be a big task, obviously, but he thinks it is something that KBB could start and it would grow; it would be a volunteer basis because people take self-pride in the places that they live; he would like to propose that to KBB and see what they can come up with; and he talked with Mel Scott, former Assistant County Manager, about it and he thought it was a great idea.

Mr. Bobbitt agreed and he thought it would be a wonderful idea; it is also another source of volunteers for them; it could be someone that is a part of an HOA, that was not aware of what they do, and they joined in for an HOA clean up, decided it was fun, and they took it to the next level, such as adopting a street or boat ramp; and he thinks it is a great idea and they would work with anyone with a good idea.

Commissioner Pritchett stated she liked the ideas and remembers growing up when there was a campaign of Give a Hoot Don't Pollute! She added there was education about it and children learned not to throw things out the window; she thinks maybe some marketing campaigns would be good to make people aware of it; she would not have a problem with putting out signs letting people know it is illegal to litter; she thinks maybe it should be enforced a few times to make people quit; and she is appalled at what she has seen thrown out of windows. She went on to say the goal is to stop the litter, because it is a nasty job to go behind and pick up people's mess; she thinks if that is done it will help KBB out with what they are doing; and she does not mind hitting it at the source either.

Mr. Bobbitt stated KBB is an affiliate of Keep America Beautiful; one of the things that is pushed at the national conference is behavioral change; obviously, there are people that want to go clean up but it would be better to get it at the source; they have a campaign in mind that they want to roll out which is pick it up, pack it out, take it home, and recycle it; that works perfect for the causeways because people take everything in but they are not taking it out with them, so signage or something along those lines, if approved by the County, he thinks would make a big improvement; and enforcement of litter is huge. He further stated he has spoken with several law enforcement officers, including the wonderful Sheriff, and enforcement is hard; people can go to their car, and if addressed by an officer, they say they were going to go back and get that after taking the first load to the car; and it is hard to enforce but with the County support, they would love it.

Commissioner Smith stated along with what Commissioner Pritchett mentioned, someone just mentioned to him today, that if there were signs at the storm drains that said something simply like only rain in the drain, it would go a long way to educate people; he thinks a lot of people just do not even think about trash when throwing something out the window, as it is someone else's problem, and they just want it out of their car; it boggles him to see people do that; the

same thing happens on the spoil island that KBB cleans up; they pack up their boats with cans, beer, and snacks, and when they are done, they leave it all behind for someone else to clean up; and he stated if someone brings it, take it. He went on to say when KBB does the waterway cleanup, he remembers one time they found a shopping cart; it is crazy the things that are found; and it is a big job, but he thinks KBB is a master at getting people to volunteer and they can do it.

Commissioner Isnardi stated if KBB needed help getting out that information, there is pretty good outreach at her office, with social media; if KBB is looking for volunteers, links, and images to help them get their volunteer base, just let her know; she thinks that might be helpful as most of the Board has a Commission web page to help push out that information; and she mentioned they could even do a contest or something.

Mr. Bobbitt stated normally they have the summer series, which is one of their largest events, where there are five events and if someone attends all five, they are in the drawing to win a kayak or a four-pack of Disney passes; unfortunately, with COVID-19, it was not safe to do it this year; and they may do a one-day event, because any type of contest gets volunteers motivated.

Commissioner Isnardi mentioned featuring a picture of them as the hero of the week, maybe as a cleanup hero or something.

Chair Lober asked if he was the only one that had the urge to pick up the litter when it is thrown out and throw it right back in their car; and he stated he has not done it, but he really wanted to.

Mr. Bobbit replied that is something that they have to stress to staff sometimes because they are out in the 90 something degree heat and they are picking up the nastiest stuff imaginable and someone will come and just throw something at their feet; the volunteers say thanks, pick it up, and put it in their bags; and it is amazing what is happening out there.

Chair Lober stated on the waterway discussion, the interesting thing is, he has got kind of a physically unique perspective on it, as most of the spots that are good to dive are also good to fish, so he is on the bottom and the things people throw overboard are incredible; he has found tools, beer cans, other beverage containers, and it seems too much to ask for someone to take what they brought with them and bring it back to land to dispose of it; he does not understand it at all and he does not know if it is upbringing or lack thereof, or what the story is; and what he is concerned about is what never degrades or takes very long to degrade. He went on to say he has seen bottles and cans with coral growing on it because it has been there so long; it is cool to see the coral growing on an old bottle, but it is sad as well; it is tough, but he thinks the Board is all on the same page with respect to it; obviously there are nutrient issues in the lagoon and the plastic issues are another issue over and above the nutrient issue; he does not know what the answer is but he thinks encouraging people not to dump stuff that ends up in the lagoon, whether from mowing or directly thrown into the waterway, whatever can be done on that front; and he thinks KBB will have the Commission's support on it.

Mr. Bobbitt advised he will take it back to his staff and see what it comes up with; and then bring it back to the Commission, and see where it goes from there.

Chair Lober asked if there was a motion to approve I.1., the approval of the KBB contracts for litter and recycling education.

The Board adopted Resolution No. 20-080, authorizing the Lease of County property located at 1620 Adamson Road, Cocoa; executed and approved the Litter Prevention and Recycling Education Contract; and executed and approved the Lease Contract for KBB as a result of an RFP process.

Result: Approved

Mover: Kristine Isnardi

Secunder: Rita Pritchett

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

I.3. County Attorney Recruitment

Jerry Visco, Human Resources Director, stated the Commissioners have received as part of the Agenda package, a Board report prepared by Human Resources, outlining a proposal for the recruiting of the next County Attorney; he has compiled a lot of feedback from the Board as to what would like to be seen in that recruiting and it has been incorporated in the class description; what he needs are several decisions so that he can move forward with the recruiting effort; and as seen in the report, there are about eight decision points that he needs some direction on from the Board. He went on to say with regard to the salary, he would like to see it advertised, as it could be advertised as a specific salary with a range, or simply advertise it as salary commensurate with experience; the candidates can be evaluated at that time; and if he is given that direction, he can incorporate that in the advertisement and move forward.

Chair Lober apologized that he has some strong opinions on this item; for those that have had a chance to look at the Agenda packet, there are a couple spots where it talks about five years minimum experience; he does not know about other attorneys, but when he had five years of experience practicing law, he had no business being a County Attorney, especially in a big County like Brevard; and he thinks it needs to be looking to at least double that, maybe 10 years minimum.

Mr. Visco remarked the consensus he received from the Board was a 10 to 15 year experience and that is how it would be advertised.

Chair Lober stated if someone is stellar and has 10 years of experience, God Bless them, but if they are a typical 10-year attorney, or maybe even say 15 years is preferred, 10-year minimum, because whoever is sorting through applications of folks with five, six, or seven years of experience, there is just no reason; and when that is figured out, salary can be figured out a little better because the County is not going to pay a five-year attorney what they would pay a 15-year attorney.

Commissioner Pritchett stated maybe just cut to the chase on it since the Board has studied through it; just going through the data, she thinks Human Resources (HR) is going to have to adjust the pay but since the high number was put out, there might be trouble with it anyways; she thinks two months is adequate; whatever the Board is thinking, to work with Eden Bentley, County Attorney, for the transition, unless she will agree to stay; she thinks if someone cannot pick it up in two months, then HR picked the wrong person; and she thinks that would be good for a piggy-back. She went on to say that HR had asked about a Commissioner sitting in on it, and she does not like that; she did not like it when it was done for the County Manager either; she thinks all five of them need to be equally putting in input as the Manager and the Attorney work directly for the Board, so that has to be something the Board is continually putting in equal information on; and that is her overview on that.

Chair Lober stated he had a couple thoughts with respect to a two-month overlap; he thinks given the nature of what the Board has been dealing with; he thinks everyone is privy to what he is privy to; he does not know that it is enough and he is not comfortable with that; and in having spoken with Attorney Bentley about the transition, it was discussed having a lengthy transition and having her stay on either as a County Attorney emeritus or with another job title; and she could stay as long as needed to conclude Deferred Retirement Option Program (DROP).

Commissioner Pritchett stated she probably would not want to even hire anyone until that two-month back up from when Attorney Bentley is dropping out; she thinks HR is probably going to find a lot of good attorneys that work for cities and other governments; and she thinks it is not going to be too difficult because when HR starts putting out the Request for Proposal (RFP) it starts getting some input back.

Chair Lober stated the Board has a good-sized legal department, and he thinks Attorney Bentley could be used as an asset for an extended transition; he thinks the County could save a few bucks on paying two salaries at the same time for longer than need be; the problem is when looking at the value of litigation that the County deals with; and he thinks it would be short-changing itself by saving a few bucks and not ensuring it has the most rock-solid plan that is remotely reasonable.

Commissioner Pritchett stated her thought on that is when someone gets a job and there is someone else that has been doing the same position, it is going to get uncomfortable; she thinks there may be different thoughts on this; she thinks if a good person is hired, they will pick up some notes with Attorney Bentley and be ready to run with it, with their own abilities; Frank Abbate, County Manager, did the same thing when he got hired; and that is her vote on it, however the Board votes on it.

Chair Lober stated whoever gets the job is going to make whatever time they are given work to the best of their ability.

Commissioner Pritchett stated she did ask them what was a good amount of time and she got a consensus of two months.

Commissioner Tobia stated Mr. Visco did a great job and likes how he laid it out with the decision points one through eight; he says that because the discussion has gone from a decision point that was made previously, for experience, which was settled upon; he does not know what order to go in, but he would advocate that it is handled systematically the way Mr. Visco set it up; what he is concerned about is the minimum qualifications as some of the stuff is very difficult, he imagines, for the selection committee; he does not want to, nor does he think that any of the Board should, sit on the selection committee, but that is number five or six; he thinks there should be clear objectives; and for negotiation skills, he does not know how to ask Mr. Visco to determine that based on an application, if someone has good negotiating skills. He added he thinks it is very important that the Board comes up with some measurable minimums, like a good standing with the Florida Bar, that can be verified; he would advocate 10 years of experience, as he would think if one can sit on the Florida Supreme Court, they probably could be a good attorney for Brevard County; he thinks that is good; he would like to go in order for the good of Mr. Visco as he has to look at this; and if the Board wants to rehash the minimum qualifications, he is more than willing to do that, but he wanted to point out the good job Mr. Visco did with these decision points.

Chair Lober stated that made sense and asked if anyone had an issue with setting a dead minimum at 10 years.

Commissioner Isnardi responded she kind of does; she stated if someone had seven and equal experience in County or municipal government, she thinks having it carved in stone, would be five, preferably ten; maybe that way it makes it a solid great attorney that has worked as a paralegal for ten years before they were an attorney; she is not saying that is going to happen but she remembers when it went out, using a recruiter, it looked for County management; she asked Mr. Abbate initially if he would consider the position, long before he agreed to even consider the position; the pool of what was left was garbage, not the applicants, but what was being asked for, did not leave a lot of choices; she fears it may end up in that slot; if there are choices, clearly the 10-year attorney is going to be looked at more favorably than the five-year possibly, if all is equal otherwise with the resume; and she thinks it closes a door that may not need to be closed.

Chair Lober stated if it is advertised early enough and not waiting until two months before, and then finding that putting out 10 years is just too onerous of a requirement, and he does not know that it will be, the Board would have ample time to back it down to less years, or whatever is appropriate; if it is opened up early enough and not enough quality applicants are found, folks that can technically and barely check each box, he would not have a problem extending it then; but he thinks if the Board has the pick of the litter and has ample time to do so, it could pick the best of the best.

Commissioner Isnardi stated the Board would be able to tell that from the applicant pool; if someone has got six-years of experience versus 13; and she thinks it is closing a door that does not need to be closed early, rather than going back and saying it will lessen the standard.

Mr. Visco stated he thinks there is some latitude there; the way it is in the memo is 10 to 15 years of experience in the practice of local government law or equivalent government experience; and traditionally what can be done is stack those to get to 10 or 15.

Chair Lober stated that is fair too.

Commissioner Pritchett stated she agrees with that and if it gets applicants with six years and ten years, then pick the 10-year; and she agrees it does not hurt to leave it open right now to get all the applicants, not just disqualify, but it would be looking for the most experience.

Commissioner Tobia stated since Commissioner Isnardi brought it up, he looked at the qualifications for a County Judge in the State of Florida and it is five years; he knows Chair Lober respects the County Judges and their experience there at a minimum of five years; and the Supreme Court and Circuit Court is 10 years, but for the County he would have no problem lowering it to five years if it made it more comfortable.

Commissioner Isnardi stated it would make her more comfortable.

Commissioner Tobia remarked he is sure Chair Lober would respect that.

Chair Lober stated he respects all judges that follow the law.

Commissioner Smith stated some good points have been made; suppose an applicant is a superstar with seven years, and asked if it would disqualify that person; suppose someone owns a major league baseball team, and they want a really, really good manager, there has been an awful lot of really good managers that never had any experience except in the minor leagues; he proposed how about it uses the broad sense and stated something like

comprehensive legal experience is a necessity, which leaves it open; if there is someone that has confidence in themselves with only five or six years of experience, they will not be scared away; and Mr. Visco will be the final judge as to whether they bring the qualities that are being looked for.

Commissioner Isnardi remarked she would say, at minimum, five years, at least, then it will not scare away the six or seven-year and the Board gets a chance to look at them; if it uses the five, even if it is 10 to 15 equivalent, which she knows the intention is pure, she may look at that as a seven-year attorney, but she would not apply because she would not have a chance, because she does not have 10 years of experience; and she thinks it needs to keep that door open.

Chair Lober stated if one looks at some of the folks that apply for various legal positions, they may be surprised at how limited their experience and qualifications happen to be.

Commissioner Isnardi remarked it would get that right off the bat and eliminate them themselves if they are the board that is going to decide.

Chair Lober remarked he is just worried that it may be inundated if it says five years or any number of years that is lower than what it intends to hire, but if that is what the Board wants to do, then that is what the Board will do.

Commissioner Smith stated Mr. Visco has big shoulders and has confidence that he will weed through them.

Mr. Visco replied that was a decision point later down the road.

Mr. Abbate stated this is only for the purpose of setting a minimum standard and what is really being said is it is going to eliminate the candidates that do not have that; if the Board goes to five-year, the group that is going to screen the applicants is going to have the opportunity to eliminate people; if it sets a minimum of 10 years, they will not look at those applications that do not meet the minimum qualifications that are advertised; and that is the only point he would make and they are happy to do it as the Board directs.

Chair Lober inquired how about make it seven years with 10 to 15 years preferred; and he would support that but thinks five is horrifying to him that someone could be a County Attorney in an office like this with five years of experience.

Commissioner Isnardi remarked it may not keep an application.

Chair Lober remarked he did not know; and he asked Mr. Visco if it would be thrown out if he was not thrilled, as he did not want to put words in his mouth.

Mr. Visco responded as it gets a little further into the decision process, if the Board gives the selection committee that authority, it would be something they could evaluate; and that is another decision point that must be reached.

Commissioner Isnardi stated she would like to stick with five.

Commissioner Smith stated he would say five because if somebody applies with five or seven and the selection team says they do not fit, it does not matter what the number is; it does not want to exclude anybody that could be a rock star which is his personal feeling; and if there is

someone with 10 or 12 years of experience that has been a County Attorney before, or maybe even eight years of experience, that may be the person.

Commissioner Isnardi stated that was the fear with the County, that it would get people that just want to retire here; they are going to say they want somebody who had 20 or more years of experience and they just want somebody that is going to retire to Florida; and she does not want those applicants.

Commissioner Smith remarked that is where the selection committee comes in, as they will make the determinations and sort through all of that.

Chair Lober remarked it sounded like there is a consensus on it, so it is five years.

Mr. Visco stated it is five years and moving on from there; the salary consideration as decision point one; the salary is negotiable commensurate with experience, giving the most latitude, or it can start setting up some numbers; and it is the Board's preference.

Chair Lober replied he is thinking salary commensurate with experience but when one opens up the application, it indicates minimum acceptable salary.

Mr. Visco stated it touched on applicant screening; the selection committee can deliver to the Board 100 percent of the applicants that are received and the Board can make the decision who it wants to continue the conversation with; and it can allow the selection committee to screen the applicants and deliver to the Board a short list.

Chair Lober replied to screen them; and he asked if there were any other ideas on that.

Commissioner Isnardi inquired how short would the short list be.

Mr. Visco replied that is another decision point.

Chair Lober suggested no more than a dozen; and he stated, after a short discussion, 10 to 15 unless the selection committee felt compelled to do otherwise.

Mr. Visco stated they would see what the pool looks like, there might be only six or seven.

Commissioner Pritchett asked Mr. Visco what his recommendation would be.

Mr. Visco replied it is a lot of work for the Board to wade through; he stated the Board will wade through individual interviews or group interviews; the more the merrier is not the way to go; and the committee should restrict the number so the Board has some ability to function.

Commissioner Pritchett asked if the Board could see the top 15 and she stated the Board could recommend an amount out of that.

Mr. Visco replied absolutely.

Commissioner Pritchett stated the Board could see the top 15; and the committee could recommend five or six.

Commissioner Isnardi remarked if the Board wanted to see additional ones.

Commissioner Smith advised the committee could give the Board 10 or 15 and then it picks five or six out of that.

Mr. Visco stated he could give the committee a broad list to rank; the Board could decide if it wants to work off the ranked list or throw someone else in that was not included in the ranking; and he talked about the selection committee, but he recommended the County Manager, the County Attorney, and the HR Director question whether there would be a Board member on the selection committee.

Chair Lober replied he could tell them one thought that he has in respect to that; he stated he knows that Commissioner Pritchett was used as the Certified Public Accountant (CPA) on different things that require or that are looking at CPA's; obviously, what he is looking for in an attorney is not necessarily someone with the best smile, but someone that is going to get the job done; and if someone wants him to be on the committee, he would be happy to do it as he sees an advantage in that; obviously the Board has its own preferences which are not necessarily the same as staff; he knows staff, as a general rule with many things, is rather conservative and takes a conservative route with things, which is not necessarily wrong, but is the way staff is wired, perhaps out of necessity or the fact the environment promotes that; and he thinks his ability to evaluate an attorney is probably superior to someone who is not an attorney, just as Commissioner Pritchett's ability to evaluate a CPA would be far superior to his.

Commissioner Pritchett stated she thinks he would; she thinks when it comes back and they are given analysis of this, he will have a lot of weight with her when discussing it; when they were searching for the County Manager, this was brought up and she was kind of opinionated as to all of the Board having an equal vote when talking about it, and even did the analysis; that is the only thing as far as bringing the candidates for it, but in all fairness, when that is done, he will have a lot more weight when it has that discussion, just as Commissioner Isnardi has a lot more weight with her when talking about COVID-19; and that will work for her but she still is not comfortable with one of them being on the committee.

Commissioner Isnardi asked Mr. Visco if he was an attorney.

Mr. Visco replied yes.

Commissioner Isnardi asked Mr. Abbate if he was an attorney.

Mr. Abbate replied she knows that he is.

Commissioner Tobia stated they have some attorneys; he thinks the Board, in all honesty, is going to lean on Chair Lober the same way that they have leaned on Commissioner Pritchett, and Chair Lober might as well flex his muscles when the TV and microphones are in front of him; and he knows he will be leaning heavily on Chair Lober's expertise when picking a new County Attorney, although this could be solved if Attorney Bentley just agreed to stay.

Chair Lober remarked that he did not know that DROP worked that way.

Commissioner Tobia remarked that she just has to sit out for a couple months and come back.

Chair Lober stated there was a consensus and he would not put Commissioner Isnardi on the spot.

Commissioner Isnardi replied she is good either way.

Mr. Visco stated it was discussed maybe having the selection committee bring to the Board a list of as many as 10 to 15, with a ranking of the top candidates; when he had discussions earlier, the consensus he was reading was that the Board wanted a short list of two to three but no more than six candidates to bring down; and he asked if it was still good with the 10 to 15 in a ranked list, he was good with that too and they could move on to the next point.

Chair Lober stated maybe 10 to 15 but if he thought there were six or so that are truly superior, make a note of it.

Commissioner Smith opined 10 to 15 is way too many and way too unwieldy; he stated the committee has spent the time looking at the list and it can evaluate these people, as they will be talking to them, etcetera; and he thinks five or six would be plenty.

Commissioner Pritchett stated she thought five also but would not mind seeing the five before also.

Commissioner Isnardi replied that was exactly what she was going to say; she does not have a problem if five or six are ranked but she wants to see what was close, only because if say three of those do not have a good dynamic, they look better on paper, or better with staff than with the Board; and it would get down to only two or three possibilities.

Chair Lober stated to make sure he is on the same page, five or six but let the Commissioners individually know who the next five or six would be.

Commissioner Isnardi advised putting them on the list so the Board can at least view it and say it wants to know more about an applicant, or reach out to them to see if they are worthy to put back in the top five.

Mr. Abbate stated to give the committee the flexibility to look and its goal should be to give the Board three to five names that the committee thinks are the top names, and then the committee would give it between 10 and 15, depending on the pool as to how close they are, but a minimum of 10; the Board would get at least the top three and the top ten and then maybe a bit more than that, if the top five or six are close; if the committee cannot really discern it, it may get the top three but give 15 names because they are all pretty close; giving the committee that little bit of flexibility, the committee will come back with that; and he thinks the Board would be comfortable with that.

Commissioner Isnardi stated she thought the top three is a little tight for her; and she would like to see a minimum of four to five, then the list.

Mr. Abbate remarked the reason he says that is, with the list of the top 10 to 15, the Board would be able to add the next couple if it wants to interview that much, rather than the committee giving it that, but it could be given in the top five if that is what she wants.

Commissioner Isnardi stated it is a pretty important position and she would like to see the faces of four or five highly qualified individuals to make a decision, rather than narrow it down to three and then have to say this resume looks good, and can they meet this person.

Mr. Abbate stated that was fine.

Commissioner Pritchett asked if they could be ranked one through five for the Board and then the committees top three would be in there too, but have the whole 10.

Mr. Abbate stated they would give the top five, rank them, and then give at least a minimum of 10.

Commissioner Tobia asked Mr. Visco if he was setting up a rubric for this report.

Mr. Visco replied yes.

Commissioner Tobia stated ok, there will be a generic scoring, whether ranking experience or education.

Mr. Visco replied he would go through the process that is used for all new hires and create a hiring matrix, scoring, and the whole nine yards; and that will be made available to the Board to show the committee's evaluation.

Commissioner Tobia stated as long as the University of Alabama College of Law gets a very low rating, he is ok with it.

Mr. Visco replied he could arrange that.

Chair Lober stated he had one other thought and apologized for interjecting; to try to get a feel for what the Commission is looking for, because that is part of what he was hoping to accomplish if he would have served on the evaluation committee; what he started alluding to as far as folks having a conservative view that are government attorneys or work for the government, is that the County has had a lot of legal situations come up where, frankly, he does not know that being ultra-conservative and risk averse would have been to its benefit; he wants to make sure it gets someone, not that is a maniac and is going to push everything to the wall, but also not the other extreme where they make all attempts to placate everyone at all times, and willing to pay out all claims because they are so liability averse that they cannot fathom the chance of something going to trial; when he looks at the County and its resources, obviously it is not the Federal government, or L3Harris, and it may not be the 800 pound gorilla, but it is at least a 600 pound gorilla; and he would like someone that can come in and understand the fact that when the situation calls for it, they need to have a spine. He went on to say he does not know where others are on that, but he thinks when looking at applicants, if there is someone, for instance, that is practiced in a field of law where it would be expected to see trials, if they are settling everything and they cannot say they have ever done anything but second chair to trial, to him that name would need to be tossed; maybe he will look into the camera for the folks that are considering applying, as he will never support them, so they would need to get at least three of the others on the Board; and if they do not have some trial experience, if the area of law in which they practice suggests that it is something that is appropriate.

Mr. Visco stated all considerations that obviously get flushed out in the interview process, which leads him to his next decision point, that is the type of interview that the Board would like to conduct; and he asked if it would prefer to have individual interviews with the candidates, or would it rather do it in a forum, and present the candidates to the Board for it to have a crack at them.

Commissioner Pritchett replied both.

Chair Lober stated he agreed with that and it makes a lot of sense; and he asked what the Board's thoughts are.

Commissioner Tobia stated he agreed, especially with the Sunshine Law; they will have to meet with the Board individually; and if they are really concerned about the job, he does not think it is too much to ask the finalists to meet with the Board on an individual basis.

Mr. Visco stated the finalist selection process is something they can talk about after the interviews, selecting the preferred candidates, and having them ranked; then they can begin negotiations with the preferred candidates to see who it can come to terms with; establishing a negotiation team is something they can have a conversation with at a post interview, when it is ready to move forward; and it really comes down to the transition plan, as in how much overlap does it want to have with the incumbent and the successor, because that will really dictate to him when to start this process.

Chair Lober stated it would scare the hell out of him to not have at least a one-half of a year, given everything that is going on; he does not know if may be he is getting different emails than the others, but he has people threatening to sue him all the time here; he says he means the government, meaning Brevard County; there have been plenty of folks sue Brevard, and he would just be very skittish having less than that, frankly, if it had a year he would feel better about it; and he thinks more than that would be excessive, but does not think it should have less than six months and he feels very strongly about that.

Commissioner Isnardi stated she thinks there is somewhere in the middle, as she thinks two months is a little light and a year is far too long; she does not know how uncomfortable it gets with somebody coming in and sitting with the County Attorney, and having asked them to step back and have somebody come in; she does not know how anyone would be comfortable with that for too long; and she asked Attorney Bentley if she felt comfortable talking about it.

Attorney Bentley stated she thought a two-month overlap would be a nice luxury for the incoming person; she hopes to have the existing staff fully able to support, help, and guide the new person coming in; she wants to accommodate the Board and make it comfortable in the transition as she serves it, so she was asked when she took the job if she would stay till the end of DROP and she is committed to honor that commitment; and she will do what she needs to do to make the transition work, and she will work with the Board.

Chair Lober asked Attorney Bentley is she would anticipated having a problem if she had a longer transition.

Attorney Bentley replied she thought six months would be a long time; in two months someone could be brought in and the first month they could watch; the second month they could do, and she could be there as a safety net; and she does not know exactly how the Board would work out the terms of such a contract.

Commissioner Smith stated he thinks two months would be fine; the Board has the institutional knowledge of the rest of the legal staff; if someone comes with six to 12 years of experience, and they may have already been a county or city attorney, they will know what they are doing, and they will pick up on things pretty quickly; with the institutional knowledge they will have working with Attorney Bentley for two months, and the rest of the staff to lean on if a question comes up; and there are the two legal eagles here, Mr. Abbate and Mr. Visco, so he thinks anyone coming in with two months will have more than enough support to represent the County quite well.

Chair Lober stated he respected it but begged to differ.

Commissioner Tobia stated there was something he wanted to touch on which was that the County Charter is specific that it has one County Attorney, and he cannot support anything that would take that title from Attorney Bentley until October 31, 2021; he thinks that anyone that came in, whether it be two months or six months, and is eager to get a title that quickly, is someone he really does not want to be the County Attorney; and he just wanted it very clear that he would not support any way that does not keep Attorney Bentley as the County Attorney until such day that she retires.

Chair Lober stated he does not know that he has seen someone being hired on as, for instance, a city attorney or county attorney that does not quickly assume that title; the times he has seen the existing city or county attorney stay on, they generally stay on as whatever they were called emeritus or something that is substantially identical to that, to be available as a resource; when he has seen it, it has worked; he is not saying that it will always work in every circumstance and situation; and if he is hearing correctly, it does not sound like Commissioner Tobia wants to have a set-up where it had Attorney Bentley as anything other than the County Attorney while she is receiving a Brevard County paycheck.

Commissioner Tobia responded no; he stated because upon her retirement, if the Board needs her back the way that it does, he would have no problem using her skills after that point; when she is a full-time employee here, he hopes and expects that she will be the one and only as the Charter ensues; and if anyone comes in and they are hired and are not happy with the title of assistant or deputy for a couple of months, he would probably not be all that comfortable with having them in that position.

Chair Lober asked Mr. Visco if that is how it is done elsewhere because he has never seen that where someone was hired to take the helm but given a junior title when brought on board; he reiterated he has never seen that, and he thinks that may dissuade people that are applying for an alpha position that would not be able to be in that position for some time.

Commissioner Tobia replied the President of the United States is an example of where someone else is hired and then there is something called the lame duck period in which they do not have the powers of the Presidency; and if it is good enough for the Presidency, it is probably okay for the County Attorney.

Chair Lober stated he truly does not understand the analogy.

Commissioner Tobia stated the President is hired through an election and he or she does not immediately assume that office; and in other words, there is a transition period between hiring someone and when they assume the full power of said office.

Chair Lober remarked they are never working as the number two in the office, they simply just have a period of time before they start.

Commissioner Tobia stated they receive benefits, secret service protection, and full briefings.

Chair Lober stated ok, if that is what folks want to do; the Board is worried about cutting out quality applicants that have less than 10 years, or someone with five years; and if folks do not care that it may not be how it is done anywhere else, and it is going to be a peculiarity.

Mr. Abbate stated he can only make the analogy to the directors, the County has never taken a position where it had a director and succession planning by bringing in someone else and

making them Director, and having the other person step down; it has done it the other way where they have had them as the assistant director, et cetera, and learn the position for a period of time and then assume the director position when that director left; it is trying to do that and more, trying to give some period of time; the other alternative the County does, which the Board does not want to do here, is to have an interim until the other person can step-up and that obviously is not something it wants to do here; all he can do is give the analogy of how it is done; they have been doing it with the directors and trying to provide someone the opportunity that is thought to be the good candidate, and be the next candidate in line when it is brought up; and they did that with a few directors, but have not had that experience with the County Attorney obviously.

Chair Lober stated he would never accuse Mr. Abbate of dodging the question, but he asked if he was aware of any cities or counties that have a city or county attorney that had hired someone on board.

Commissioner Pritchett stated when she was on the Titusville City Council they had Richard Broome come in and work for a while, when Dwight Severs was there; when they were ready, Mr. Broome became the attorney; and that is what they did.

Chair Lober asked if he worked under the preceding city attorney.

Commissioner Pritchett replied yes, and she stated he was on staff full-time.

Chair Lober remarked if it has happened somewhere, it has happened somewhere; and he thanked her for the update because he did not know that was something that has ever happened.

Commissioner Pritchett stated Mr. Broome took over the position when they were ready.

Chair Lober stated he would let that one go then.

Commissioner Tobia asked Chair Lober if it would be more advantageous if they were to receive the full salary those two months, and it was just merely a title.

Chair Lober replied yes; he stated that is part of it because he thinks the County will potentially lose people that do not want to be paid a junior wage; if Commissioner Tobia is okay with that, he is alright with it, and he is sorry he misunderstood.

Mr. Visco stated he would be advertising for a County Attorney, not a deputy, and he would expect that they could pay them accordingly.

Chair Lober stated he just did not want to lose a quality applicant that says they do not want to deal with this joke of a game, and get paid substantially less to be in a subservient position for a period of time.

Commissioner Tobia remarked especially if it goes for the 60 days; he stated he does not think the overlap is going to make that big of a difference; and he certainly would support them to be paid the full negotiated wage until such time they take over.

Chair Lober responded that made more sense, and that is fair.

Mr. Visco stated he is hearing a 60 day or two-month transition period, which begs the question of when he should begin advertising; his process to advertise is to let those advertisements soak for a while in all the medias he will use; and the selection committee would take anywhere from three to four months if the committee gets through it the first time.

Mr. Abbate stated he thinks it would have to start early in 2021 to give them extra time in case they do not get the pool of applicants the Board wants; if looking at 10 or more applicants for the Board to look at, staff is going to want to give a little bit of extra time; and he would venture to say if the Board would be good with it early in the spring of 2021 to make sure the advertisement has gone out already.

Chair Lober asked the Board what it thought.

Commissioner Isnardi stated that is fine.

Mr. Visco inquired if that was January or spring.

Mr. Abbate stated spring so it is more like March or April.

Chair Lober stated it sounded like a plan.

Mr. Visco stated that was all he had for the Board and he recapped that the Board would like to see five years of experience but staff will have the language that it was looking for equivalent government experience and it will let the selection committee evaluate that level of experience as it makes those recommendations.

Chair Lober stated when the Commission said five years, he did not know if anyone was contemplating stacking a couple years of legal experience with three years of government experience; and if that is the case, he is just going to bite his lip.

Mr. Abbate stated there will be a five year minimum; and he thinks he has it all written down.

Chair Lober asked if everyone was on-board with an absolute dead minimum requiring five years of actually being licensed to practice law.

Commissioner Tobia stated five years in good standing with the Florida Bar.

Chair Lober stated the impression he was starting to get was that the legal experience could be stacked with government experience, so if someone has been an attorney for a week, but has had four years and 51 weeks of government experience, they would be qualified.

Commissioner Isnardi remarked they would never make it past the selection committee.

Chair Lober stated he understood they would not make it through the selection committee, but he just did not want the committee bogged down by someone, or many someones, that have no business applying for the position.

The Board recessed at 7:23 p.m. and reconvened at 7:33 p.m.

J. NEW BUSINESS

J.1. Direction from the Board of County Commissioners Regarding the Enforcement of Brevard County Code Section 110-68 as it Relates to Leaking Sanitary Laterals and the Responsibility of Private Property Owners to Complete the Repair of the Same

Chair Lober stated he would save Edward Fontanin, Utility Services Director, a bit of time as he thinks everyone has had a chance to review this; he just wanted to bounce his thought by folks to see if they are in the same spot because this is largely going to impact Merritt Island and a big piece of District 2, not to say exclusively by any means, but it certainly does have an impact to the Board; as to the numbered entries on the Agenda Report, he would suggest, where it talks about up to \$1,000 per day fine, his understanding is the minimum fine is \$10 per day; what he is thinking is the Board would recommend to the Special Magistrate a \$75 per day fine, if the subject property itself is connected to a portion of a utility which could spill directly or indirectly into the Lagoon or into any body of groundwater; and his thought of it being \$75 a day is enough to get pretty much anyone's attention, and if it is really a property that is hurting the environment, that is what should be focused on, otherwise the minimum recommendation of \$10 or \$25 per day. He continued by saying that along with that he would like the Board to look at expanding the pilot area where the Save Our Indian River Lagoon (SOIRL) funds are available to fix leaking laterals from where it is in the limited portion of beachside to the entire County; he believes that Natural Resources Management is okay with this as he spoke to Virginia Barker, Natural Resources Management Director; the amount of funding would remain totally unchanged at \$840,000 that is available to fix leaking laterals so it would not change any allocation, it would simply broaden the area to include the entire County, obviously the portions of the County where the utility system is; that is what he would suggest; and he does not know if folks think that is crazy or wonderful.

Commissioner Tobia stated he thought Chair Lober was going in a different direction as he actually put down \$50 to \$100 as he thought \$10 was far too kind; these are folks that have ignored, and ignored, and ignored and he does not know that it should treat anyone that has ignored it whether their proximity to the lagoon; obviously there is a greater impact but they have still disregarded the letters that were sent; and he has no problem with the \$75, but he wants everyone to be subject to that \$75 fine if it were to go that way.

Chair Lober stated he agreed with the first portion of what Commissioner Tobia was talking about in the sense that he believes the money has been available to those folks that would disproportionately, if not exclusively, fall in the \$75 fine criteria that he set out, not the \$10; and he asked Mr. Fontanin if his understanding matched that.

Frank Abbate, County Attorney, stated after the Board had the discussion the last time, the Department of Natural Resources Management has not tried to expend any of those monies, so it did not go back because the Board had a discussion of whether or not how to do it and they were not very comfortable with what the Board wanted; they still have that \$840,000; staff has not gone back out to those people and asked them; and they got the initial letter and the follow-up contact that happened early on, then the Board had the discussion, but Natural Resources has not pursued it, so the funds are still available as they have not done anything.

Commissioner Tobia stated he thinks it has given these folks ample time by sending them letter after letter; when looking at less resources, obviously, in SOIRL, he thinks at this point only 12 percent of people have taken it; he does not know that giving them extra time is going to be something that is necessary as they have done the carrot and it is now time to bring in the stick, in fact, he would go a step further and go with option three; he would say that after a

certain period of time, maybe 60 days if they had not paid the fine, then go the injunction route; and it would not be the first choice because there would be filing fees associated with that. He went on to say option two scared him a little bit, by jumping on people's property as he did not want to put staff or anyone in that position; and he asked Chair Lober, as an attorney, what his thoughts were on the hybrid approach.

Chair Lober responded it is a way to go about it; he advised he thinks \$75 a day at a minimum for the group he is talking about, potentially for an expanded group, if that is what the Board wants to do; he is talking about a four-digit sum over the span of a month which is going to get almost anyone's attention; he agrees with Commissioner Tobia that the folks that have had the money available, he has far less empathy for; he does not mind if it makes Commissioner Tobia more comfortable to have perfect overlap, presuming staff has some logistical ability to do it, to say okay, for those folks that were offered SOIRL funds to accomplish this; it will fine them at a higher rate than it will fine other folks; and it can do that as he does not think there is anything that prohibits it. He asked if that was correct

Attorney Bentley replied that could be done.

Chair Lober stated he is fine doing that too, but he is worried otherwise that it may end up penalizing folks that were not given the opportunity and were not told that this is something they need to fix; and the same way that it would with folks that have had the carrot offered to them.

Commissioner Tobia stated the folks that have received the letter at this point, should the 88 percent of those that have not yet complied, he thinks there is still talk, whether or not that money is still available to those folks; he would make an argument that it should use that money elsewhere if they have not expended it at this point; and those folks would be at a \$75 per day rate and then as the program is expanded, Chair Lober's argument is they are further away from the lagoon and did not have the ability to draw a 100 percent match, those folks would be \$10 per day.

Chair Lober replied \$10 or \$25, if that turns out to be the minimum.

Commissioner Tobia stated he would fully support that.

Mr. Fontanin stated he just wanted to make sure he understood the dynamics; as part of the SOIRL plan, there is a Smoke Testing Program that is intended to be advertised in December or January; this Program will encompass the Barefoot Bay area, the Beaches of the remaining portion that has not been done yet as part of the smoke testing, Melbourne Beach, Indialantic, the remainder of Satellite Beach, and he believes they are also doing large areas of Merritt Island; the intent as they institute this Program, is that they are on a consensus of how the enforcement should be done; and if it is \$75 per day, they are given notice and have a 30-day period, and in an appropriate amount of time, they would institute that fine.

Chair Lober stated he did not have a problem thinking about it for a few seconds, with Commissioner Tobia's suggestion that the folks that have been offered the money, taking it back, because, obviously, if the carrot did not work, it should not keep the carrot while pummeling them with the stick; he thinks they have earned the stick, so let them live with it; he is with him on that; and it can do what he suggested and add that as well, as another portion of it.

Commissioner Tobia remarked to give other people the opportunity.

Chair Lober remarked someone that may be more appreciative of it, and he agreed.

Commissioner Isnardi stated while she appreciated that Chair Lober and Commissioner Tobia are kind of negotiating without any input from the three of them, she would just like to say whether or not a person should have taken the opportunity and taken those monies, obviously everyone here would agree that they should have; and she asked Mr. Fontanin if they were they under the threat of fine.

Mr. Fontanin replied no.

Commissioner Isnardi went on to say that is her concern, because the smoke testing is new and the goal is to fix the laterals; she does not want to give them six months to get it fixed but she wants them to understand that the money is available; if they do not get it fixed, these are the potential consequences; she believes Mr. Fontanin was just beginning to speak on that, about the 30 days; if the goal is to fix the problem, and she always felt this way with code enforcement, as much as the fines accumulate and it is an aggravation for staff, the goal is to stop the leaking, and to stop the leaching; if that is the intent and there is \$800,000 waiting to fix those laterals, she would much rather see them fixed than to fine someone who will probably have to get an injunction, and the laterals still are not going to be fixed for another year or more; and they will just sit in their house and let the Board lien their property. She added she thinks it is pointless and silly if it has an opportunity, at least one more time, to give them the consequence.

Mr. Fontanin stated it is not just the area, he knows there is a lot of focus on the Satellite Beach area that was smoke tested, but it is really talking about the areas that are going to be smoke tested and what is going to be the method with that.

Commissioner Smith stated when he heard that people had not taken advantage of getting the leaking laterals that pollute their nearby waterway fixed, he was stunned; these people live on that water and it is not a free-flowing water so if they are polluting it, it is staying in their little canal; he is not a benevolent as Chair Lober although he understands and fully appreciates what he is saying; it is better to get them fixed than to be spiteful, but it is beyond him that people have the attitude that as long as it flushes, they do not care if it is leaking, and it is not their problem; he was going to throw out an idea, for the people that had the opportunity to get it done for free, maybe if they are slapped on the wrist and told that time has passed and they will only be offered half, and if they do not take advantage of half, then fines will be instituted; and he never thought he would say it, but Commissioner Tobia is nicer than he is, as he was going to suggest a \$125 fine.

Commissioner Pritchett stated the smoke test was done to figure something out and she does not think if they would have known the County was going to come along and slap them down later they would have agreed to it; she is just going to keep them out of certain areas because she does not want her constituents mad at her right now, if it has not been figured out; Chair Lober made a good point, it is leaking into the Lagoon, there are septic tanks leaking into the Lagoon and the County is not even checking them; this is an absolute mess and probably a worse problem; she thinks the Board has been floppy on this so she recommends that a letter is sent out reminding them what was found and that the County is going to come on their property, with their permission, and fix it using the SOIRL funds, or they can do it themselves and turn it in for reimbursement; if they do not let the County on their property, then the fines will be assessed, as they are there to fix the problem, and they need to be onboard; and she thinks that will give them time to figure out what they are doing, whether turning in receipts or letting the County do it. She further stated she has no problems with SOIRL funds fixing this because it is spending all that money to convert septic systems and this is just fair for people paying the taxes; and that is what she would recommend for Chair Lober's area as it gives them a little bit of time, since it has been flopping on it.

Chair Lober stated he understands where she is coming from, but has concerns with the County going onto the property to fix it; he thinks the way the SOIRL program was structured was they would receive up to the cap with whatever expenses they submitted from their licensed plumber to handle it; he is much more comfortable from a liability perspective, letting them pick whoever they want, as he knows there are some plumbers that are better than others, but for the County to be in the business of saying we should use this, that puts it in a spot where he does not think it needs to go; let them use whoever it is that they are comfortable using; he is more on the side of Commissioner Smith and Commissioner Tobia on this one; and it is not one where he thinks he should do what his constituents would be the happiest with, he has to do what is right. He added these are folks that have been told unambiguously that they are responsible for polluting the area that they live in; they have cared so little for their neighbors and the environment that even with money made available to them, they could have accomplished a fix at no cost, but did not care enough to do that; and he asked if the County was offering to do reimbursements.

Mr. Fontanin remarked the logistics with SOIRL, because now it is getting into how SOIRL was funded, they wanted to do a Request for Proposal (RFP) with plumbers and then it was found out that dynamic would not work, and he thinks it was leaning back toward reimbursement.

Chair Lober stated he understood where Commissioner Pritchett is coming from but the fact is they have a set-up, where in his opinion, just like with the CARES Act, where he does not think there is any entitlement to CARES Act funding by individual businesses; he would support them getting it under certain circumstances, but he does not think they are entitled to it; as with the SOIRL funds, he does not think they are entitled to be reimbursed for something that they do not have any right to; the fact is, there are certain expenses that come along with owning a home and this is one that not only impacts them, but impacts everyone around them; it is part of the cost of home ownership, just as if the roof fails, it has to be fixed, if the lateral is leaking, it has to be fixed; and he does not know too many folks that would have a problem going to a bank and showing a letter from the government stating they will be reimbursed almost instantaneously, and asking for a loan, because it would be paid back quickly. He went on to say he does not know that he has too much empathy for someone who says they could not pay for it, knowing that there is a program in place and could show proof to a lender; and he would stick with the \$75 per day if their property is connect to a portion of the utility which could spill into the Lagoon.

Mr. Fontanin remarked he is hearing this conversation and linking the Ordinance; he is seeing a link with SOIRL; and the one thing he wanted to point out is that not all of Brevard County is in the Indian River Lagoon basin, an example is Port St. John, if one is on the west side of US1, they are on the St. Johns River basin, if one is in Suntree or Viera, they are in the St. Johns River basin; and he only brings this up because the SOIRL Plan was created for the Indian River Lagoon basin so if there is money programmed under the Indian River Lagoon basin, for example, he lives in Viera, and if his lateral leaks, he would not be eligible for that money.

Chair Lober stated part of the language that he used when he introduced this was that would apply the higher fee if they were leaking directly or indirectly into the lagoon, or alternatively, into any body of groundwater; and he thinks that would cover it as far as enforcement on those particular instances too.

Mr. Fontanin stated that would cover everything.

Commissioner Tobia asked Mr. Fontanin to run through the timeline of this, as he remembers the City Manager of Satellite Beach coming before the Board and talking about this program, the smoke program, and volunteering Satellite Beach for it; and he asked if the Board can be told what month the smoke testing was done.

Mr. Fontanin inquired if he meant the previous or the proposed.

Commissioner Tobia replied the 88 percent of folks that have ignored.

Mr. Fontanin responded it was prior to his arrival with the County, in 2017, but he is not sure what time of the year it was.

Commissioner Tobia inquired if Satellite Beach is an area that was eligible for SOIRL matching.

Mr. Fontanin replied yes; and he stated it was in 2018 that the final report came in, so the funding was available at that time.

Commissioner Tobia stated the problem was identified in 2017, a funding source was identified in 2018; and he asked if a letter is sent out to the homeowner.

Mr. Fontanin replied it was coordinated through the staff and financial resource, he stated a letter was sent out to notify them of their issue, the fact that there was funding available, and to please contact them; and he believes there were two rounds of those letters for due diligence.

Commissioner Tobia stated to put it into perspective, an issue was identified roughly three years ago, a funding source two years ago, and two letters, that 88 percent of the people have ignored; he thinks at this point, giving them another 30 days is not going to mean a hill of beans; he likes Chair Lober's approach that if it is SOIRL related, these folks would not even need to go to a bank, as they would have the ability to draw from those funds, and thus should be subject to \$75 or \$125, he does not care, but it should be more than \$10; the folks that do not have access to that and two or three thousand dollars, may be cost prohibitive, but certainly a lot more than free; and he thinks Chair Lober's approach of \$10 per day is certainly extremely reasonable when it comes to that. He went on to say he would even provide the leeway for folks once they had signed contracts, obviously there is time for permitting and if all these folks run out to get plumbers at one time, there is a limited amount of equipment, and he would not want someone to get penalized because their contractor could not show up for several days.

Mr. Fontanin stated they could get a waiver.

Commissioner Tobia remarked he thinks he would; he stated he would want to provide him with that discretion for people that had seen the error of their ways and move forward; but the 88 percent of folks who have known there is a problem and been given the tools to be fully reimbursed, he does not think they deserve it from day one, in fact, he would start the fine today if he could.

Commissioner Isnardi stated she does not think it can start fining people without any warning; it would have to give them some sort of legal warning; that is what her next question is going to be because it is obvious this is going to pass; she is not against it, but she thinks the focus is less on getting those laterals fixed and more on fining because the Board is angry that people did not take advantage of the program; it is ok to be angry with those people for not caring about the lagoon, their neighbors, tourism, their future, or the waterways, but at the same time, if the goal is to fix the laterals, everything should be done to get them to fix the lateral that is leaking and then at least give them 30 days, which would have to be done anyways; maybe

something could be done for that person that cannot afford it, because not everyone has that in their account; and maybe they could work with the plumber or somewhere that the County would guarantee payment once the work has been completed. She went on to say maybe reimbursement or payment could be worked out directly with the private plumber or contractor; and if the County could say the money is available, this person qualifies, and payment will be made upon completion; and they would not get paid until the job was finished.

Chair Lober remarked it would need a cap specified.

Mr. Fontanin stated just so he understands it, there would be two criteria, a daily fine if they are in a SOIRL eligible area.

Chair Lober stated he would make it easier for him; there would be recommendations to the Special Magistrate with a \$75 per day fine if the subject property is connected to any portion of the utility which could spill directly or indirectly into either the Lagoon or any body of ground water, otherwise a \$10 per day fine; he did like what Commissioner Smith suggested about cutting the amount available by 50 percent, as a middle ground to the folks that have already had it extended, which is 50 percent more than they are entitled to; he asked that the motion includes an expansion of the pilot area without touching the \$840,000 that has been allocated to accomplish the leaking lateral fixes, to the entire County, any portion of the County that is on its utility; he spoke with Ms. Barker, and she did not seem to have any opposition to it; and the funding would remain the same, so it would not cost the County any more, and the 50 percent that is taken from the folks that were previously advised it was available to them, will enable it to offer that to more residents as well.

Mr. Abbate stated that funding would have to be only for properties that it is spilling into the Indian River Lagoon.

Chair Lober confirmed that would be the requested motion if that works.

Commissioner Smith remarked it worked for him, as long as the other Commissioners agree.

Commissioner Tobia stated he thinks 50 percent is overly generous; and he asked if a time cap could be put on that, and give them 30 days.

Commissioner Smith remarked that is a great idea.

Chair Lober asked if it should be 30 days or 45 days.

Commissioner Tobia replied he did not care.

Chair Lober advised to give it 45 days; he stated for those that were offered the entire freight, having been paid by the County, they would have the entire amount offered to them up to the predetermined cap.

Commissioner Pritchett stated if the Board were to go back, because it has not done this yet, and send notice of the due date and fine amount, using the SOIRL funds, it would have her vote on it now, because they have to get noticed before assessing a fine; she thinks it just has not been aggressive, and people may have gotten lazy about it; she does not think people really want stuff leaking into the Lagoon but she knows it is bad; and the Board just talked about how bad people are throwing the garbage out window too, probably the same people.

Commissioner Isnardi stated she thinks it is getting too muddy, trying to penalize them by taking half of the money, this is trying to get them to fix the problem; by saying it was taking half the money, if they were already leery about taking it to begin with or they did not have the money to begin with, now it is going to punish them more by making them pay more; she asked if that was going to get the lateral fixed; she thinks that decreases the chances it might get fixed, whether it be financial reasons or because of mistrust, she thinks it is silly; and she thinks it is just mad because they did not do it. She went on to say it could argue about it, it is fine, and she is glad it has the votes, but she is not going to support it because now it has added that and now there is sweeping Countywide coverage, which sounds good, but she is not comfortable in this moment.

Commissioner Smith stated it was going to expand the program now; and he asked if that was correct.

Mr. Fontanin replied yes; he stated the objective, just to give some background, in the last month or so there has been a House Bill and a Senate Bill that have passed in Tallahassee; Senate bill 712 was sponsored by Senator Mayfield and House Bill 1091 was Representative Fine's; Senate Bill 712 is putting more emphasis on government and utilities to come up with programs and policies, which this discussion is about a policy and how it is addressing how to minimize illicit discharge; the Governor has been very strict about the environment and this is some of his initiative; House Bill 1091 is about the 50 percent surcharge and penalty; and whatever used to be allocated for fines, has now gone up and there is a formula associated with it. He added there are other drivers associated and it is trying to get solidified.

Commissioner Smith stated if it were going to make the funds available to the rest of the County, he thinks it should tie a string to that as well, because it may find that the rest of the County acts just like the people in these districts that have just said well, tomorrow is another day and they will get around to it; if it notifies the new people that funds are available and there is 45 or 90 days to take advantage of it, he thinks that would make him feel better because then it is giving them an incentive, and will not get thrown in a drawer and forgotten about; and it wants them to do it, it is giving an incentive to do it, and they have 90 days to do it.

Commissioner Isnardi stated she was not done when she was talking and a question was asked; she thinks as far as Countywide it is just SOIRL related and the goal is to get the laterals fixed; she thinks everyone wants that, but punishing people who already were hesitant to take the money may not get it where it wants to be, which is a healthier lagoon; she is all for it and she thinks it is wonderful, and luckily it is still collecting enough money to do this; she is a champion of trying to expand the sewer capacity, because she did not want discharges in the Lagoon; and she just wanted to make sure it is done right, not disincentivizing people to do it, as she wants more people to get their laterals fixed.

Attorney Bentley stated the way it is set up with Code Enforcement is very simple to give them the notice of violation where appropriate and to give information about the SOIRL program again; and she said here is the stick and here is the carrot.

Chair Lober stated as far as Commissioner Smith's suggestion to potential condition the extension of the offer to pay for new areas or new homes that had not previously been offered, to tack a 45 or 60 day time limit on it, he is fine with it; and to pick the days he wanted, but he would not want to do a month as he does not know that is enough.

Commissioner Smith stated he would do 90 days, which gives them plenty of time, it is reasonable, and it gives them time to secure their financing and get the work done.

Chair Lober responded okay and as far as the portion that has already had the offer extended to them, where it is going to make half available; he stated he knows Commissioner Tobia talked about a 45-day tie to that; and he asked if he wanted to maintain that for the 88 percent that have not done anything, despite having had the opportunity.

Commissioner Smith stated he is with Commissioner Isnardi; he thinks that the purpose is to get it done; and he would give 90 days as well.

Chair Lober stated the motion would then be to make recommendations to the Special Magistrate of a \$75 per day fine if the subject property is connected to a portion of the utility which could spill directly or indirectly into the Lagoon or alternatively, into any body of ground water, otherwise \$10 per day; he also contemplated in the motion expanding the pilot area for the SOIRL funds that have been made available to fix leaking laterals to the entire County, any portion where the County has its utility, where they are entitled to apply based on it potentially going into the lagoon; as mentioned by Mr. Abbate, the amount of funding for that program would remain unchanged at \$840,000 for the folks that have been previously extended the offer to have SOIRL pick up the entirety of their cost for the fix of a leaking lateral; it is effective immediately cutting the amount available in half and they will have 90 days to make use of that, at which point the half is then off the table; for any new areas that are offered the cost to fix the leaking laterals, they will have 90 days from the date that they are offered that to make use of it; and he asked if it should say from date of mailing and asked Commissioner Smith if that would work. He added when it is talking about three months, he thinks that is reasonable.

Commissioner Smith stated he did not know; and he asked what the rest of the Commission thought.

Commissioner Pritchett replied it has never done this before and she would send out the notices saying everyone has 90 days, even the bad ones would have 90 days to get their favor back with the Commission; she stated let them go ahead and consider part of the SOIRL funds too; if it does that and does not cut it in half, it will have her vote; the thing is with the lateral lines, they volunteered for the smoke test, but nobody else is going to volunteer for the smoke test now because people will not even inspect their septic; and it is Chair Lober's District. She further stated there are septic tanks and it cannot make them get inspected, they are leaking, and this problem is all throughout the County; she agrees with Commissioner Isnardi that the thing is to get them to do it; and it needs to let them know it means business this time, and they have 90 days or the County will step in.

Commissioner Isnardi stated Commissioner Pritchett took the words out of her mouth; the goal is to get the laterals fixed; she will consider voting for it because she likes the 90 days as she thinks it is reasonable; if people need to borrow money, or work it out with the County that it pays the plumber once the work is finished and inspected; and she thinks that is a safe number and wants them to at least be eligible for the full amount.

Chair Lober stated as to Commissioner Pritchett's comment, he has a septic tank and did not have the option to connect to sewer; if someone, like maybe the City of Rockledge, wants to pay to have his septic tank inspected, he would let them; and if they would offer to do it at their cost, he would let them.

Commissioner Pritchett stated this was a big problem that it has been talking about for years and the State of Florida blocked it, so it cannot even go and check which ones are leaking; it has done some things with SOIRL with this, but the areas she is still looking at are the areas with tanks along the Lagoon, which have the biggest problems; it is kind of a no-brainer to her;

she mentioned again, it was Chair Lober's District but if it were to do this without letting them know it is serious, his phone will ring off the hook; and she knows it is serious and they need to be told to fix it.

Chair Lober stated he thinks getting serious is taking Commissioner Tobia's approach of saying it is just gone period and he does not think that is necessarily wrong either, but Commissioner Smith's approach is a little more appealing; he respects where everyone is with it, he just happens to be with Commissioner Smith on this particular issue; he thinks he has stated what the requested motion is from Commissioner Smith; if it makes Commissioner Isnardi a little happier, even if it will not get her vote, it could even have included with that motion that staff will make reasonable efforts to guarantee payments up to specified limits, with licensed plumbers, if that is necessary for certain individuals, so that County would pay their licensed plumber as opposed to reimbursing them; and then they would not have any concerns about where to borrow the money from because it will be guaranteed up to that cap.

Commissioner Isnardi stated she thinks someone should Call the Question because it is going in circles; and she asked Commissioner Smith if he was going to budge on the issue of half, as she wants to be clear before the question is called.

Commissioner Smith replied yes, he thinks so; and he is trying to put himself in their shoes.

Commissioner Isnardi stated he did not have to justify.

Commissioner Smith stated he wanted to explain where he was coming from; if he were in their shoes and got a notice like that, he would kick himself in the butt, but it would be his fault; and half is better than nothing, so get it done and it will pay the half.

Commissioner Isnardi stated she thinks it will have the three votes, but not sure if more than that.

Chair Lober advised Commissioner Smith that if he was alright with that, he did think it was a good idea, even if it does not bring her on board, to ask staff, to the extent that they reasonably can, to look at guaranteeing payment up to the specified limits for licensed plumbers, along with the motion as previously stated.

Commissioner Smith remarked as long as staff does not think that is going to be a nightmare.

Mr. Fontanin stated when the program was started, it was going to be taking into account of basically tracking and hopefully if it does this, as this program is expanded, it has a module to help streamline a lot of that, so staff would be comfortable with it.

Chair Lober stated that is the motion then, and he will second it.

The Board approved directing the Special Magistrate to give \$75 a day fine, if the subject property is connected to a portion of Brevard County utility that could spill directly or indirectly into the Indian River Lagoon or into any body of groundwater; authorized expanding the pilot area for the Save Our Indian River Lagoon (SOIRL) fund available to fix leaking laterals to the entire County, or to any portion where a Brevard County utility is located for potential spilling; authorized for the amount of funding to remain for the individuals that have previously been extended to have SOIRL; authorized for the SOIRL mailed grant eligibility notices extended are effective immediately by the amount available to be cut in half, but will have 90 days from the

mailing date to make use of those funds; and authorized staff to provide a direct payment to the plumber once the work is repaired and inspected for reimbursement for private property owners to make repairs to leaking sanitary laterals pursuant to Brevard County Code Section 110-68.

Result: Approved

Mover: Curt Smith

Seconded: Bryan Lober

Ayes: Lober, Tobia, and Smith

Nay: Pritchett, and Isnardi

J.2. Delegation of Authority for Hurricane Season

The Board approved to allow the Vice Chair of the Board to have authority to declare a Local State of Emergency for any tropical cyclone event or similar emergency during the 2020 season after obtaining input from the Emergency Management Director and the Policy Group; authorized the County Manager, or his designee, to sign extensions to any Local State of Emergency; and approved to allow the current Vice Chair to have the authority to order Emergency Protective Actions, including implementing any restrictions necessary to protect life and property as a direct result of storm impacts after obtaining input from the Emergency Management Director and the Policy Group, including but not limited to, issuing Evacuation Orders (areas included, timing, effective date, and termination) and making decisions on Shelter Operations (which shelters to open and timing), and if the Vice Chair is not available, this authority would then be delegated to the County Manager.

Result: Approved

Mover: Kristine Isnardi

Seconded: Bryan Lober

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

J.3. 2020 - 2021 Indian River Lagoon Water Quality Improvement Projects Grant Program

Anthony Gubler, Natural Resources Management, stated Item J.3. is an opportunity at a \$25 million in grant revenue with a short deadline; and he is asking for signing authority for the County Manager and needs the Board approval.

The Board authorized the County Manager, or his designee, to sign grant funding requests submitted by Brevard County to the St. Johns River Water Management District for Indian River Lagoon Water Quality Improvements Projects; authorized the County Manager, or his designee, to execute resultant grant contracts subject to the approval of the County Attorney's Office and Risk Management, waiving the local venue preference for disputes; authorized the County Manager, or his designee, to execute future contract amendments subject to the approval of the County Attorney's Office and Risk Management; and approved associated Budget Change Requests.

Result: Approved

Mover: Rita Pritchett

Seconded: Bryan Lober

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

J.4. Resolution Supporting Expansion of Lawful Statewide Open Carry of Firearms

Chair Lober stated there was one comment card for the Item but before he spoke, he wanted to distribute all positive and negative emails that he saw with respect to this Item; he did notice some themes in terms of some of the negatives and wanted to address some of the apparent misperceptions; one of the claims that seemed to repeat a little was that civilians are not as good a shot as police, and even if that were true he does not know that it is relevant, but he has not seen any evidence from anyone that has argued that to suggest that it is or to document that it is; and there are a couple of deputies there who can correct him, but when he looked on Florida Department of Law Enforcement's (FDLE) site earlier, he read "All certified law enforcement officers are required to qualify once every two years with their firearm. This 40-round qualification course must be conducted by a commission certified firearms instructor." He went on to say he understands the bulk of the shooting is within seven yards of a stationary paper target, and he is not saying that the average law enforcement officer does not go out more often, but by that same logic, he does not think the average concealed carry permit holder necessarily sits at home and does not go to the range to the same extent that any other individual might; he can say he has shot some four-digit number of handgun rounds downrange just in this year and he has a concealed carry permit; and he does not know that he is not a better shot than a lot of law enforcement officers, in fact, the last time he shot in a competition that had law enforcement officers, he shot better than they did; not to say that they are bad shots, not to say that he is atypical because he shoots more than most, but he does not know that it is a good distinction; and he has not seen any evidence to suggest that concealed carry permit holders are either better or worse, in terms of their accuracy, than law enforcement officers, and he would suggest a great many concealed carry permit holders shoot a lot more than 40 rounds every couple of years. He stated that one of the claims was kind of comical and unrealistic is that civilians will spray bullets all over the place; as he understands it, all civilian-owned automatic weapons at this point, have to have been constructed and registered with the Department of Alcohol Tobacco and Firearms (ATF) prior to the cut-off date which passed back in the 1980's, and as a consequence of that it is prohibitively expensive, around \$20,000, for a civilian to buy an automatic weapon because they have to have been made and registered prior to that cut-off date; they already require regulation with the ATF; another claim, and he used their language, more nut-jobs will acquire firearms; and the fact is this resolution does not seek in any way to expand the pool of potential firearm owners, or seek to expand the locations in which firearms can be lawfully carried. He stated the proposal only seeks an expansion in the manner in which law-abiding citizens may legally carry firearms; these are firearms that they are already lawfully entitled to carry where they are already lawfully entitled to carry them, so it does not change who is eligible to buy a firearm in any way, shape, or form; another claim was that tourism would be hurt by open carry and it is another claim that is not based on evidence, which may be problematic; it is based on no evidence that he has seen, as he has not seen anyone even attempt to offer something to support the arguments that tourism would decline following a Statewide adoption of open carry; the vast majority of all states support some form of open carry and he has seen nothing to suggest that their tourism industry has declines as a result of supporting it, as he thinks New York has at least some form of open carry authorized and he does not think that anyone would say that is not a major tourism destination; and with that said he stated to go ahead and address the speaker card and then it will see where it goes.

Fred Rotz stated he has been a resident of Indialantic for over 40 years, owns firearms, and has a concealed weapon permit; he wished to comment on the proposed resolution; he strongly objects to enabling open carry but does not object to a properly vetted citizen carrying a concealed weapon, but there is a big practical difference between open carry and concealed carry; open carry is often a means of intimidation as you see someone wearing a weapon on their hip, the first reaction is they may use that; and this tends to escalate any confrontation from maybe a verbal exchange to a potentially deadly one. He went on to say there is an argument that if someone has an open carry, they could get to their gun quicker if they had to,

and he wonders how many instances there are where that one or two seconds required to access a properly concealed weapon would make a difference; the biggest difference it will make is when someone sees a gun, they will react; Chair Lober talked about seven yards away they are shooting, and he believes that is the police criteria for when one has to react, but most confrontations between people are not seven yards, but maybe seven feet; if a person has a gun on their hip and there is someone they pissed-off for some reason, they can probably get to them before they can get to their gun and if they are bigger and stronger, they will get the gun too; and there is an argument made and he is basing this on reading Florida TODAY's summary of Chair Lober's comments, that the best remedy for a bad guy with a gun is a good guy with a gun. He stated this resolution does nothing to enhance that because it is already talking about people who have to have a concealed weapon permit; it is not getting any more good guys, it is just saying these good people can carry them openly; he does not care to walk down the street and come up to someone to find they have a gun on their hip as he does not know why they have a gun on their hip; he thinks a lot of tourists would think they are in the wild west and wonder who would start shooting first; and he emphasized again that he was not against guns but was against open carry as he thinks it is provocative, unnecessary, and unproductive.

Chair Lober asked Mr. Rotz, in reference to the potential for escalation, given that the vast majority of states allow at least some form of open carry, with or without a permit or a license, if he had any data to support that there is a greater level of escalation in those states than in states that do not allow open carry.

Mr. Rotz replied he did not but might be able to get some; he stated he goes hiking in the West every year and typically goes alone; the last time he was in Glacier National Park, he ran into two nice couple, all four of them were packing guns, and he thought what the heck is going on; he stated Congress, in its infinite wisdom, had decided that the National parks now had to allow people to carry guns if that was the State law, prior to that one could transport a gun through a National park but could not open carry; as a hiker out in the back country, he thought it was ridiculous, as a gun was not going to stop a bear, just piss it off a lot more; and secondly, he does not really care to see a gun toted by someone he does not know out there. He went on to say if someone lives in Wyoming on a ranch, they may have a gun for a good reason, but he does not see any great reason for shooting deadly snakes or bears.

Chair Lober stated in terms of one of the arguments that has come up a couple times, it is true that the County is not enabling anyone to carry a gun in any place that they otherwise would not be able to carry it, but the fact is, the type of gun that is carried relates to what one wears; printing, where one shows the outline of the gun, is not illegal in this State, and that is wonderful, but the fact is, he still does not want to print; if he is carrying concealed, he does not want everyone to see the outline of a gun because they may think since the gun is hidden, there must be a reason that it is hidden; one could say that is as provocative or more provocative than carrying it out in the open where one has nothing to hide; and he spent some time in Virginia, and at the time, they had legal open carry, and it was not an issue. He further stated he went to restaurants, shopping, and outdoors and no one seemed to have an issue with a firearm on his side; this is something that gives people more options; if someone is upset by firearms, there is nothing it can do to change their perception that firearms are evil tools that lead to death; he knows the Sheriff has said a good guy with a gun is a great way to combat a bad guy with a gun; and he thinks it has addressed the fact that the arguments against this are largely anecdotal, pure speculation, and pure supposition. He added it is time for Brevard to join the vast majority of states, over 90 percent, in the Country that allow open carry; and in the states where people open carry, there is not an issue.

Commissioner Tobia stated Chair Lober is contemplating this resolution would be sent to the Brevard Delegation; and he asked if that were true.

Chair Lober replied yes.

Commissioner Tobia asked if he looked at the open carry bill that was filed this year in the Legislature; and he asked if he saw who the sponsor of the Bill was.

Chair Lober responded to tell him.

Commissioner Tobia replied Anthony Sabatini, which is ironic as he is the individual, of course, that is suing the municipalities and counties for mask mandates; he voted for this when he was in the Legislature and this is something that comes up again and again; he will support this, and take this, as there is always a companion bill to this and he wants to see how far it is willing to go on this one, because there is Carry on Campus, so usually these are heard in conjunction with each other; and he asked if Chair Lober is willing to add Carry on Campus onto this.

Chair Lober stated if Commissioner Tobia wanted to introduce a separate resolution on that.

Commissioner Tobia remarked he did not want to, but he was just curious.

Chair Lober stated he would look at it, but it would depend on the particulars that are included; and he is not opposed to it though.

Commissioner Tobia stated on a more serious note, while open carry, he understands, is an issue as people have rights to carry in the State of Florida, concealed or open carry; he thinks it is ironic there are a few states that are open carry that have pending legislation to make it concealed carry; he mentioned there is a group of about 700,000 people, aged 18-20 that no longer have the rights to have concealed weapons; he asked if Chair Lober would add in his resolution to give those law-abiding citizens, who are eligible to serve in the military, that right; he thinks that is a larger issue, and he does not have any problem with open carry, but if they are going to send letters to their delegation; and he asked if Chair Lober thought open carry is larger than taking the rights away from those law-abiding 18-20 year olds to purchase certain types of firearms.

Chair Lober replied he needed more background on the certain types of firearms, because he has some vague familiarity with what he is talking about but not at the level of Commissioner Tobia.

Commissioner Tobia stated it was the Marjory Stoneman Douglas Bill.

Chair Lober stated he was not in favor of that at all.

Commissioner Tobia stated that took rights away from 18-20 year olds, many of the students that he teaches.

Chair Lober stated it took his bump-stock away.

Commissioner Tobia suggested that it adds a clause requesting the Brevard Delegation institute legislation that would allow citizens who have reached an age of majority, with clean records, to lawfully purchase certain firearms, the ones that they had the rights to purchase before the Marjory Stoneman Douglas Bill.

Chair Lober stated presuming it does not negate this resolution otherwise passing by costing votes, he would be fine with it.

Commissioner Tobia stated he just did not want to have to do another gun resolution, in all honesty, so he thought if it was doing one already.

Chair Lober stated as long as there is at least three, he is happy with that.

Commissioner Tobia stated to be clear, he will support it either way, but did not want to diminish the 18-20 year olds.

Commissioner Smith stated this is probably going to be one of those emotional issues that people are going to be on one side or the other; he has had this conversation with an awful lot of liberals; most liberals have the idea that if a gun is lying on a table, it is going to kill everyone at the table as that is their fear, and the Board knows better; one thing he wanted to clarify about states that have open carry, like New Jersey and New York, they have open carry but no one has a permit because they make it so onerous to get a gun permit; and New Jersey, he thinks they charge \$800, do a background check, and if a person does not pass the background check, they do not get the \$800 back. He went on to say they really go out of their way to discourage people from having a permit; he used to live there and has friends and relatives still there, and he can say they get pretty crazy there; one man died and he had a collection of antique firearms, one being a flintlock pistol, which was very old; the firing pin was broken, so the son put it in the glove box and was taking it to a gunsmith to be repaired; and he was pulled over by the police for some reason, and the officer asked him if he had any weapons. He continued to say he replied that he had an old flintlock in the glove box, and the officer told him to go to the back of the car and put his hands on the trunk; the officer took the gun, handcuffed the man, and arrested him for illegally possessing a firearm; it was 200 year old gun that would not fire and he was sentenced to jail time; the other case was a prison guard from Pennsylvania drove across the bridge, he lived in New Jersey, and went through a stop sign; he still had his gun on him and the officer arrested him on the spot; and Governor Christie commuted both of these sentences but the point is, they are open carry, but not lenient. He added he did not know about the other states, he knows there are a lot that have open carry, and he knows New York and New Jersey do not encourage it.

Commissioner Pritchett stated she agrees with Commission Tobia that every 18-20 year old adult should have complete adult rights; and if they can go to war, they should be treated like every other adult with all of the rights.

Commissioner Tobia inquired as to alcohol.

Commissioner Pritchett replied yes; she stated she thinks it is fair, if they can be sent over to risk their life for the nation, they should be allowed to make adult decisions and mistakes; she is with Commissioner Tobia on that; she believes that every person that is able to carry a gun should get a concealed weapon permit and carry them; she thinks it is a wise thing to protect one's self; and she struggles a bit with open carry and is not sure if it is because she is a female or maybe she is just not used to seeing it. She went on to say she knows in her district there were a couple of instances where someone had an assault rifle, and nothing could be done about it, and they were trying to provoke emotional responses; someone walked up and did the fishing thing and was trying to provoke something by flashing his weapon; she believes in guns, people should carry them, but she is struggling with how comfortable she is going to be as a mom and a grandmother with open carry; and she is just being honest as to where she is at.

Chair Lober stated when he was in Virginia on vacation, no one looked cross, although he did not have a rocket-launcher, just a nine millimeter; when that is the law of the land, it is nothing

for people to see it; and if someone was frightened, they would be in the extreme minority as people are used to it.

Commissioner Pritchett stated she definitely agrees with the last part that they should be permitted to do that part too.

Chair Lober stated his thought is, without tying it to some permit or license, he does not think the Legislature is going to go for it.

Commissioner Pritchett stated that if it were to permit all guns, that would be smart too; but she is just telling her struggle with it.

Commissioner Isnardi stated she supports it and she is really glad that Commissioner Tobia thought to add the Marjory Stoneman Douglas Bill because that should have been reversed a long time ago and Legislature promised to fix it and never did; she knows it is important and wants to hand-deliver it if necessary, and maybe the Legislature will listen; and this is an easy one for her.

Chair Lober stated as far as the Marjory Stoneman Douglas Bill, he liked certain portions of it and viewed it like a lot of the proposed constitutional revisions, where it was bundled and he did not like anything included in the bundle, he would be against the whole thing; for the same reason, there were portions of it that he did not think were tolerable; for him, frankly, he did not need a bump stock, but he was entitled to one, owned one, and bought it legally with nothing prohibiting him from owning it; to pass legislation that says if one keeps in their possession something that was legally purchased, whether it was morally subjective or not, and tell him that if he does not get rid of it, sell it, or dispose of it, it would be a criminal act, is just insane to him; and there was no mechanism to grandfather-in people that had them. He mentioned he would have had an issue with that because to take away something that is a right, simply because someone does not think that it is needed, is problematic to him; he has huge issues with what was done although with good intent by the folks that supported it; to him it is like bundling anything, as if one really opposes a certain portion of it, fundamentally, the whole thing cannot be supported; and he asked if there was a motion to approve with the changes Commissioner Tobia suggested and he is happy to incorporate.

Commissioner Tobia stated he would make the motion, but to be clear, the only reason he added that in was he thought it would sink the resolution because he did not want to be the only person that sponsored more than one resolution that had gone down.

Chair Lober asked if in that motion, if he could get a little flexibility to make sure that he can wordsmith it in there without it having to come back before the Commission again.

Commissioner Tobia stated as long as he sends a copy to Representative Anthony Sabatini.

Chair Lober advised that was fine; and he seconded the motion.

Commissioner Pritchett asked to preface that as she thought it would hit the newspaper; she stated she does believe that people should carry guns and get their permits to carry them; and she is just struggling with the open carry portion.

The Board adopted Resolution No. 20-081, to promptly introduce Legislation to permit lawful open carry of firearms by, at a minimum, all those law-abiding concealed carry permit holders

licensed through the Florida Department of Agriculture and Consumer Services, to respectfully request that the Legislative Delegation timely introduce Legislation to reverse those portions of the Marjory Stoneman Douglas High School Public Safety Act, which prohibits law-abiding 18, 19, and 20-year olds from purchasing those firearms they were previously entitled to purchase.

Result: Adopted

Mover: John Tobia

Second: Bryan Lober

Ayes: Lober, Tobia, Smith, and Isnardi

Nay: Pritchett

L. BOARD REPORTS

L.1. Frank Abbate, County Manager, Re: Board Report

Frank Abbate stated his first item is requesting to cancel the Board Workshop on August 20, and he needs a motion to do that.

The Board approved the cancellation of the August 20, 2020, Workshop.

Result: Approved

Mover: Kristine Isnardi

Second: Bryan Lober

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

He stated his second item is from the Tourism Development Office and they need a modification for the Junior Olympics; what happened was they changed the venue and did not use the Viera High School, so things changed in terms of what the Board had previously approved, and the contract was coming to the Chair for signature; he is asking for the Board to approve the Tourism Development Office to enter into a contract with Amateur Athletic Union (AAU) to fund expenses and fees for the Junior Olympics to be held in Brevard County in the amount of \$50,000, which was previously a higher amount.

Mr. Abbate stated he would be bringing additional items to the Board but in light of how long the meeting has gone, he will hold off on that until the Thursday night meeting; and he will update the Board on things relative to the CARES Act program.

The Board approved the modification of Contract with AAU for the 2020 Junior Olympic Games Contract for not using the Viera High School; and authorized for the Tourism Development Office to enter into a Contract with the AAU to fund the expenses and the fees for the 2020 Junior Olympics Games to be held in Brevard County in the amount of \$50,000.

Result: Approved

Mover: Kristine Isnardi

Second: Bryan Lober

Ayes: Pritchett, Lober, Smith, and Isnardi

Nay: Tobia

Upon consensus of the Board, the meeting adjourned at 8:42 p.m.

August 4, 2020

ATTEST:

SCOTT ELLIS, CLERK

BRYAN ANDREW LOBER, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA