

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, April 5, 2022**

**5:00 PM**

**Regular**

**Commission Chambers**

**A. CALL TO ORDER 5:00 PM**

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

**C. PLEDGE OF ALLEGIANCE**

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

**E.1. Resolution recognizing April 2022 as Child Abuse Prevention Month - District 1**

Commissioners Pritchett read aloud, and the Board adopted Resolution No. 2022-031, recognizing April 2022 as Child Abuse Prevention Month.

Representative of Children's Advocacy Center of Brevard, stated every year they come here; they are a conglomerate of all the Child Abuse Prevention Agencies in Brevard County; they have been working tirelessly to ensure the children remain safe, and that is what the pinwheel represents a happy, healthy child; and that is the reason people will see these all over Brevard County as they are driving around, just to remind them they all play a role in Child Abuse Prevention.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Curt Smith

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

**E.2. Recognition of Virginia Barker, Natural Resources Management Director, as Brevard's Best under the County's Excellence in Action Program.**

Commissioner Pritchett stated it is a privilege to have on staff Virginia Barker, Natural Resources Management Director; they are excited to get to honor her with an award that they have; and she asked Frank Abbate, County Manager, if he will explained what kind of award this is.

Mr. Abbate explained the County has an Excellence in Action Program, and as part of that Program, they have a variety of recognitions that are available; the highest level of recognition is called Brevard's Best award; it comes from anyone from a Director level or above who can nominate someone for that; in this case, Commissioner Pritchett made a recommendation for recognizing Ms. Barker, as one of Brevard's Best under their Excellence in Action Program; and the criteria that applies for that includes consistently producing a quality product, or service, listening, expressing ideas effectively, providing feedback, achieving objectives beyond what is required, being enthusiastic, self-motivated, respecting other employees, recognizing and promoting development, and supporting the missions and goals of the County. He added what was specifically stated by Commissioner Pritchett in requesting this recommendation was Ms. Barker has scrupulously managed a \$283 million, plus budget to date, successfully trained new staff in Natural Resources Management Department, that is contributed to positive results by improving the health of the Indian River Lagoon; they are aware of her tireless efforts and the great responsibility placed on their shoulders; Ms. Barker is always professional and works well with the Board of County Commissioners, so they are bringing this recommendation forward and seeking the Board's approval; and they are very happy to recognized Ms. Barker for what she has done for the County and for all the citizens of Brevard.

Commissioner Pritchett stated for last few years, all the things that she had maneuver through, especially with elected officials, and she had probably taken as many hits as elected officials;

she has been very focused on what she is doing, she is strong in what she does, and she allows the Board to have opinions and voices by letting everybody help participate with this; and she thinks she holds her office very honorably and she does appreciate everything she has done, especially the last year or so with all of the things that she had to really push through; because this is not an easy assignment; and she thanked Ms. Barker for that.

Commissioner Smith stated he would like to say Ms. Barker has been wonderful to work with for the last seven years; they put in a lot of time going to meetings back in 2016, when the ballot initiative was coming up for the half cent sales tax; and he does not know how they could have ever got anybody that cares more, and does more, than she.

Chair Zonka stated she wants to personally thank her; in the beginning it was hard, when they not always agreed, but she appreciates not just her knowledge that she was able to share with her, but her willingness to listen; she appreciates what she had to endure in the last six to eight months; she thinks no County employees should have to endure that because unlike the rest of them, she really cannot defend herself and it is up to the Board to do that; she asked to keep the Board informed moving forward and not let what people say or do hurt her, because it hurts the Board as a County, and nothing she thinks bothered her more than to see that happened; she felt helpless for her and Chair Zonka does not think it was deserved, because she thinks Ms. Barker has worked very hard to get where she is; and she was worked very hard every day for this County, and she appreciate Ms. Barker for everything that she does.

Virginia Barker, Natural Resource Management Director, thanked the Board and stated she wants to accept the award on behalf of the Natural Resources Management Department; they take direction from a wonderful Board, the Board gives them policy direction, they explain it, and they help them to implement it; she thanked the County Manager and both of the Assistant County Managers, the County Manager's staff, and all the Directors, for the support that she has had; she just passed her 25-year mark, it is really incredible; and of course she thanks her family who continues to put up with her crazy hours. She added the Natural Resources Management staff are just completely mission driven and they are about implementing the Board's Policy to balance the environment, economic, and social factors of this fantastic place that they live in; they have a wonderfully engaged community including business leaders, real estate, Non-governmental organizations, the Citizen Oversight Committee, the Boating and Waterways Program, Beach Maintenance Advisory Committee (BMAC), the District 2 Dredging Committee, and all sorts of numerous working groups all working together, coming together in partnership and collaboration to ensure quality of life in Brevard County, they have an extraordinary team and an amazing office culture that allows them to accomplish great things and to lead by example; and she has some random examples of that starting with adoption of the State's first Turtle-Friendly Lighting Ordinance, Developing Turtle-Friendly Beach Nourishment Design, everything from sand quality to sand slope, incorporation of a dune, planting that dune with sea oats, those were not done, and that is something that they worked with the agencies and the researchers to figure out what a turtle friendly beach would look like and get those changes to standard State and Federal permits changed, and those are now incorporated into standard design elements for Federal Projects in the State of Florida. She mentioned they have worked with numerous agencies like Port Canaveral and the Air Force Base on their beach projects with all the municipalities, along the shoreline, building trust with the community, and growing respect that allows them to accomplish many things; the Underground Storage Tank program or petroleum cleanup are so good and so efficient, that the State contracted with them to implement their programs in four other counties; they cover five counties protecting the State's groundwater; the permitting section continues to keep up with unprecedented rates of building permits and provide timely reviews to the development community; they were asked to assist in helping to design the Viera wetlands so it would be an

amenity and the Utility Director may not appreciate how successful they were, but that has brought in 200,000 annual visitors a year because of the way that project was designed; they developed the Monofilament Recovery and Recycling program, those bins are seen at beaches and boat ramps; and that program has gone nationwide. She added she has seen them in parks across the Country, it is really spectacular to see things like that grow; the Stormwater program, in 1992 was pioneered by the idea of a baffle box that was the staff's idea to add baffles to a regular sediment box and improve the reduction of sediment flows, and that is one of the most standard best management practices in Florida and around the Country now; the first project was actually in District 5 on Riverside Drive at the corner of Bahama and it cost \$7,800; more recently, they partnered with Melbourne on installation of the largest baffle box east of the Mississippi at Cliff Creek; they has also worked with local governments and State and Federal governments on the Total Maximum Daily Loads and the Basin Management Action Plans collaborating with stakeholders to better understand what the diet needs to be to get their Lagoon back to health, and working with the Florida Stormwater Association on how to do that; they piloted vegetation harvesting by looking at what Patrick Space Force Base was doing and then working with Melbourne-Tillman to get harvesters; and then the County acquired its first harvester and now the Lagoon program is awarding grants to other stakeholders to expand their harvesting programs that not only reduce the nutrients getting to the Lagoon and maintain flood reduction, but also reduces reliance on herbicide use in those waterways. She stated for the Save Our Indian River Lagoon (SOIRL) program it has completed 57 projects to date, there was one that should have been online this week, they were not able to get confirmation from Palm Bay today whether they flipped the switch or not on their major wastewater treatment plant upgrade; they have 14 projects in construction and those projects are removing 100,000 pounds of nitrogen per year, that would have otherwise been reaching the Lagoon; through the Board's action on moratorium and other adjacent counties, there are no biosolids being placed in the Indian River Lagoon watershed anymore; when the hurricane in 2017 created sewer overflows, she quickly worked with the Utility department to try to understand why the system was overflowing; they did a pilot project and that led to a current contract that is getting started at the end of this month, to smoke test the lines at 40,000 homes in Brevard County to find leaks and repair those leaks; and the Board had adopted ways that they can enforce that those repairs actually happen. She continued to say they have an ongoing groundwater study that is measuring the sources of pollution and measuring the success of their solutions, that demonstrated that their concerns about reclaimed water were correct; that reclaimed water is was now included in Senate Bill 712 by the Legislature last year for the Clean Waterways Act; all of those wastewater treatment plants are having to upgrade to advanced wastewater that discharged, if they are discharging to impaired water bodies; they also had to adopt asset management plans, maintenance plans, so that they can reduce sewage overflows; she has had the opportunity to serve on the Statewide Stormwater Technical Advisory Committee to try to improve the Statewide stormwater rules not just for Brevard, but throughout Florida and the Onsite Sewage Treatment and Disposal System (OSTDS), Technical Advisory Group, they need more nitrogen-reducing septic options in the State of Florida; and they need to figure out how to get those technologies in, how to get them approved, how to get them permitted, how to get them implemented, and that is what this technical working group has been working with Florida Department of Protection (DEP) and the Department of Health. She stated they had also tested some innovative technologies to help the State with streamlining those technical reviews; with muck removal, not only are they removing solids before they rot and create more problems in the Lagoon, but they found a way to scrub the dissolved nutrients out of the return water before it goes back to the Lagoon; they are scrubbing that water to the advanced wastewater treatment standards; they just found out that they are receiving a million dollar pilot grant to harvest algae from the Lagoon from a technology that has been successful in Lake Jesup; and now they are going to test it in the marine estuarine waters. She stated she wants to thank the Board for the opportunity to be the

Natural Resources Management Director and to lead this amazing SOIRL program; it has been a great honor and it continues to be a great honor to hear citizens stories about how they connect with the Lagoon and why it is so important to them and their families, and their connection to this incredible place that they know as Brevard; that was illustrated to her when they cranked up this oyster gardening program several years back and the first training they had signed up about 25 volunteers, but 76 showed up and it has just been like that ever since, and they had over 1,500 participants in that program including elected officers which is just an amazing amount of community support for what they are trying to do; they are making progress, they are following the data, they are sharpening the saw, they are developing new technology, and they are adapting as they learn more; and great days and great things lie ahead of them.

Commissioner Smith stated Ms. Barker was speaking about all the accomplishments, and one of the accomplishments she mentioned was the monofilament line, he really had no idea that was originated in Brevard County; and he has seen those things while on his jet ski trips in Virginia, North Carolina, Tennessee, and New Jersey, they are everywhere, it is amazing, and way to go.

The Board recognized Virginia Barker, Natural Resources Management Director, as one of Brevard's best under the County's Excellence in Action Program.

**E.3. Resolution proclaiming the week of April 10 - 16, 2022 as National Public Safety Telecommunicators Week - District 5**

Chair Zonka read aloud, and the Board adopted Resolution No. 22-032, proclaiming the Week of April 10–16, 2022, as National Public Safety Telecommunicators Week.

Chair Zonka stated she will let Sheriff Ivey introduce his team, after reading the Resolution.

Sheriff Wayne Ivey stated many of them that are standing with him are the people who are being recognized; the people who are being honored and rightfully, so are the Telecommunicators that are truly the first line of defense for their citizens; they are the ones that the citizens are talking to when they call in; and in working with them they feel every call they get, they are working it from both ends by trying to help the citizens and also helping the patrol deputies, and the police officers as they respond to these calls; what the Board sees standing is just a small group of Telecommunicators for all of their law enforcement and Fire Rescue operations within the County; to say that these people are heroes is really an understatement, they are perhaps the people who holds them all together the best; they are the glue that is making these calls work, it is saving lives and they do not get the credit they truly deserve, they work long hours and they are dealing with every emotion when they are on that phone; at times he thinks they feel helpless because they cannot be there on scene to actually get their hands in and help, but they do not realize what they actually do and that is they save lives each and every day; and they love them, they are proud of them, and they owe them a great debt of gratitude.

John Lau, Titusville Police Chief, stated without a doubt they are their lifeline the firefighters, the deputies, and the police officers throughout the entire County at times only has the voice in the microphone, and they are truly their lifeline; he would love to see in the years to come for them to become part of the public safety umbrella, because the Post-Traumatic Stress Disorder (PTSD) does not just affect the folks that are in field; when they answer a 9-1-1 call and unfortunately hear someone take their own life, they cannot unhear those things; and they are going to be pushing with the State to have them recognized as public safety under the umbrella of Police and Fire.

Sheriff Ivey stated the only other thing that he would add is having many years ago working patrol, having somebody on the other end of that radio that understands them; he thinks if he asked everybody standing in the back of the room, all of those in uniform that their Telecommunicators can hear stress in their voice; they can tell when they are not their normal selves on that radio and it helps them dispatch additional units to them, so they are part of them; they are just an amazing group; and he thanked the entire Commission for recognizing them and for recognizing this as Telecommunicators Week in the community because they are really something else.

Chair Zonka acknowledged them for coming, she knows they are busy and she is glad they thought it was important to come because she could not do what they do; when people thank her for what she does for her job, she responds, no, because she thinks they have it so much worse, and has to deal with so many different emotions; and she appreciates all of them.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Rita Pritchett

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

#### **F. ITEMS TO BE PULLED FROM CONSENT AGENDA**

Chair Zonka stated she has speaker cards for Item F.5., Approve, Re: Revisions to BCC-67 in Order to Address Updates to Chapter 2 of the Brevard County Code of Ordinances and to Clarify Requirements for Financial Disclosure Reports for Advisory Board Members; and she will pull the Item from the Consent Agenda.

Commissioner Tobia stated he would like to vote no, without comment on Item F.3., Approval, for FY2022-2023 Sports Event Grant Program Funding, Guidelines, Application, and Committee Score Sheet.

##### **F.1. Final Plat and Contract Approval, Re: Avalonia Subdivision - Phase 3, (District 4) Developer: The Viera Company**

The Board granted the final plat approval; and authorized the Chair to sign the final plat and Contract for Avalonia Subdivision – Phase 3, Developer: The Viera Company, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Curt Smith

##### **F.2. Final Plat Approval, Re: Aripeka at Viera - Phase 2 Developer: The Viera Company District 4**

The Board granted the final plat approval; and authorized the Chair to sign the final plat for Aripeka at Viera – Phase 2, Developer: The Viera Company, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Curt Smith

**F.3. Approval. Re: FY2022-2023 Sports Event Grant Program Funding, Guidelines, Application and Committee Score Sheet.**

The Board approved the Tourist Development Council FY2022-2023 Sports Events Grant Program Funding, Guidelines, Application, and Committee Score Sheet; approved funding for the grant cycles for the FY2022-2023 Sports and Events Grant Program applications which shall come before the Board for final funding approval as the grant application cycle commences; granted legislative finding 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, because each grant supports an activity or even 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; and authorized Peter Cranis, Tourist Development Office Director, to negotiate and sign all the necessary grant agreements and related documents upon County Attorney Office, Risk Management, and Purchasing Services approval.

**Result:** APPROVED

**Mover:** John Tobia

**Seconders:** Curt Smith

**F.4. Employee Benefits Consulting Service Contract**

The Board accepted the recommendation of the Employee Benefits Insurance Advisory Committee to retain RobinsonBush, Inc. as the Board's employee benefits consultant; and authorized Jerry Visco, Human Resources Director, to execute a multi-year contract for consulting services with RobinsonBush, Inc.

**Result:** APPROVED

**Mover:** John Tobia

**Seconders:** Curt Smith

**F.6. Approval of the Revised Board of County Commissioner's 2022 Meeting Schedule**

The Board approved the proposed revision to the Board of County Commissioner's 2022 meeting schedule, changing the meeting date of the Melbourne-Tillman Water Control District meeting from August 11, 2022 to August 9, 2022.

**Result:** APPROVED

**Mover:** John Tobia

**Seconders:** Curt Smith

**F.7. Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**Result:** APPROVED

**Mover:** John Tobia

**Seconders:** Curt Smith

**F.8. Space Coast TPO Intergovernmental Coordination and Review (ICAR) Agreement**

The Board executed and approved the SCTPO ICAR Agreement.

**Result:** APPROVED

**Mover:** John Tobia

**Seconders:** Curt Smith

**F.9. Appointment(s) / Reappointment(s)**

The Board acknowledged appointment/reappointment of Sharon Spikes to the Cocoa West Community Center Advisory Committee, with term expiring December 31, 2023.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Curt Smith

### **Consent Item Pulled**

- F.5. It is requested that the Board approve revisions to BCC-67 in order to address updates to Chapter 2 of the Brevard County Code of Ordinances and to clarify requirements for financial disclosure reports from advisory board members.**

**This item was previously tabled at the March 8, 2022 Board Meeting.**

Abigail Jorandby, County Attorney, stated this Item was previously tabled from the March 8, 2022, Board meeting, this is a request for the Board to make revisions to Brevard County Commissioners (BCC) 67 regarding Advisory Bodies; the revisions are shown in the Agenda Packet including revisions to sections to remove language that is currently now in Chapter 2, which has been adopted from before; they are also requesting to identify the Advisory Boards that the Board of County Commissioners will require financial disclosures; currently they have four boards that are filing financial disclosures which are Planning and Zoning Board, Board of Adjustment, the Merritt Island Redevelopment Agency, and the North Brevard Economic Development Zone.

Robert Klimkowski stated he is talking about Chapter 2 today BCC-67, Chapter 2 d.1., any appointed member of an Advisory Board with Land, Planning, Zoning, or Natural Resources responsibilities has been removed from that section, but number two says any members of Advisory board whose total budget appropriations or authorized expenditures constitutes one percent of the budget of the Board of County Commissioners or \$100,000 whichever is less, and whose power, jurisdiction, or authority are solely advisory in nature; he asked if Citizen Oversight Committee (COC) for Save Our Indian River Lagoon (SOIRL) is being removed in number one; and if it would number two still be a requirement for the financial disclosures, because he does not understand what number one is removing, or which COC it is.

Chair Zonka advised she does not know if he is waiting for an answer right now, but they will probably discuss as a Board, because they has not made any decisions on this Item yet it is just a proposed language.

Mr. Klimkowski thanked Chair Zonka for that; he stated for the COC he was wondering about the language of COC and policies per district; with advisory bodies he was told, because he is a candidate he cannot be put on a citizen advisory committee per District 4's policy; he did follow up with the County Attorney and they said there was no written policy other than the email he received stating that, although for the prior eight months he was told that he could be put on the Transportation Planning Organization board; and suddenly he was told with e-mail correspondence that he could not be, so he did follow up with County Attorney last week, and he is going to email correspondence to figure out more there.

Chair Zonka advised it was probably just the Commissioner's policy.

Sandra Sullivan provided the Board with a handout; she stated the handout is from an internal audit recommending conflicts of interest forms, as it relates to this; transparency and accountability is a core function of good government; Brevard Commission should be

strengthening financial disclosures; and she asked if they are ambiguous about whether there is an intent to remove the SOIRL COC financial disclosures. She stated she recommends, based on the document that the Board sees in front of them that it would recommend BCC-67 to consider adding conflicts of interest to Advisory Boards that are addressing more than a \$100,000 worth of funds; the requirement of financial disclosure of the COC is important; 66 percent of the voters approved the SOIRL program only because of the assurance of oversight in annual audits; the SOIRL advisory was tasked with responsibility and accountability of spending over one-half of a billion dollars; a SOIRL disclosure form can highlight potential conflicts of interest as well; and the Board received a letter from 19 stakeholders in 2020 with concerns of conflicts of interest, in which she brought this issue to the Board last month. She went on to say their recommendations included removing all COC members with conflicts of interest; her records requested from the Supervisor of Elections only found three COC members with financial disclosures, which were done in response to those members serving on other advisory boards; the County failed to fulfill BCC-67 requirement to collect financial disclosures for the SOIRL COC instead of addressing this problem; she asked if the Board is now attempting to remove SOIRL from the requirement of financial disclosures; she stated they do not know; the RSM internal audit follow-up report identified high-risk assessment with conflicts of interest on the Tourism Development Committee (TDC); RSM recommended the TDC adopt and implement a formal transparent conflict of interest policy which would include standing committees and subcommittees; this policy should be approved by Board of County Commissioners (BoCC); strengthening the Board's policy of financial disclosures and conflict of interest forms should be done on all boards, in her opinion, this includes the Director of Natural Resources Management who did not disclose her husband as a professor of Florida Institute of Technology (FIT) Ocean Engineering and Marine Sciences and is applying for State and Federal grants that bring tens of millions of dollars to that entity; and she respectfully requests that the Board vote to add conflicts of interest forms and strengthen financial disclosure on advisory committees.

Ronald Jurgutis stated he is concerned with five and it is interesting that these two previous people who discussed this, there should have been a time stop for no response for the first speaker, and no response from the County Commission; that is unfair, the clock should have stopped; if this Item was tabled at the last meeting, which he believes he was told that there is going to be discussion over it tonight; and he inquired what the policies have been in the past for all these boards. He stated it just does not make sense at this point; he asked what is going on there; he advised they need to bring this out for discussion, they should have started earlier before citizens make comments because they are no longer going to be able to make comments on what the Board is going to decide; once the Board has decided, they are going to have to go through citizens comments; this does not make sense, he means for them to work together on this to make it happen in this community; he knows it is tough being up there, he knows certain things, but make it easy on themselves and on all of them; the Board is elected by everyone here who is present or non-present, try making this a community; this is wrong; and the first gentleman had silence from the Board, he knows the Board has got to think this through, but stop the clock or does he have to press a button at the podium to stop the clock. He remarked he is upset as a taxpayer and he does not want hidden stuff; he stated if they have to bring out disclosure for all these boards that make decisions, bring it out, and the conflict of interest; and there is nothing to hide here, there should not be anything to hide.

Commissioner Pritchett stated she wanted to mention that this is almost like a housekeeping thing that has been brought by Attorney Jorandby; the COC does not have to do financial disclosure, so it is not like anything is being taken away and it is not anything different than what they are doing; the difference in this board, is that it is an oversight board and it does not make decisions; they has a lot of boards that are specific to that; the boards that has to make

decisions and are over making financial decisions without coming back to this Board they have to do these whether or not they do a disclosure, the ones they do just kind of says where they work and what kind of businesses they own; it is up to the Board if they want to talk about it; she is not really sure that this is going to have a lot to do with this Board, because everything they do with giving them recommendations, and the Board votes on eventually after anyways; she is interested to hear what other Commissioner thoughts are on this; but the words that go out on this makes it sounds like something sinister is happening, it is really not, it is just a housekeeping thing that is already been something that is very clear of what they do, and it just kind of states clearly of what they are doing moving forward so there is good understanding of what boards have to get these forms.

Commissioner Smith mentioned that this is public comment, this is not public back and forth; if people think that coming up here and they start a conversation with the Commission that is not what this period is for, this period is for public to give their thoughts and opinions to Commission which the Board can work with going forward; and it is not a time for them to give and to take to set the record clear.

Chair Zonka added they usually try to hear from the public to get their input before they bring it to discussion, while the public may not have a chance to comment twice after hearing what people's thoughts are; she thought the first gentleman had some good points to make and obviously brings more questions before this Item is actually discussed; as far as the back and forth goes, she has had complaints from people who have spoken in the past that they do not want to argue with the Commissioner and eat up their time; that is also an argument and the reason why the Board tries not to engage is because they are taking their three minutes when they start to have a conversation; oftentimes they wait till the end so they make sure the public gets their time; those are her thoughts at least on those comments that were made; as far as this Item goes, she thinks Commissioner Pritchett brought up a good point that this not removing disclosures these disclosures were not a requirement; this is actually making it a requirement for the Planning and Zoning Board, the Board of Adjustment, Merritt Island Redevelopment Agency (MIRA), and for the North Brevard Economic Development Zone (NBEDZ); if the Commission wants to add more boards to that, that is fine but it was very vague before on which boards would require the financial disclosure form; and she asked Commissioner Pritchett if she work on this with Attorney Jorandby.

Commissioner Pritchett replied no.

Chair Zonka asked Attorney Jorandby, why Item eight was removed.

Attorney Jorandby replied Item eight is now currently in their Chapter two so they have adopted since they first had this BCC policy; they actually adopted Chapter two in a uniform Advisory board Code Section, so this language is already housed there; and it is just housekeeping.

Chair Zonka inquired if this actively is being done, because they have board members that do not even come to half the meetings and she inquired who decides on what is considered an excused absence, is that just someone calling in and saying they are not going to be there or it is the board voting on whether or not they decide that it is excused which she does not think is the case; but she just gets a little upset when they have people who want to be a part of a board and they have members not going to meetings, and that could be better attended by somebody who actually wants to put in the time and show up. She stated that is sort of her gripe with this and she does not know how this Board addresses that; she does not know if the Board has ideas on that; they have important boards and they have people who would like to participate; they have members that cannot show up to half the meetings; she does not know

how the Board addresses that; and she is looking for the ideas.

Commissioner Smith stated well one thing that they could do is have the chair of the boards reach out to the Commissioners who appointed that person and then the Commissioner can touch base with that person, and ask them if they want to be on this board, if not then they will find somebody to replace them.

Chair Zonka mentioned maybe a board report of attendance maybe to the Board and that way it is not left up to that awkward conversation because she does not want to cause any sunshine issues either, if it is obviously somebody that they have either voted on, or somebody that they have brought to the Board, or the Board had voted and ranked on; but she just wants to be careful.

Commissioner Smith stated he would go to Attorney Jorandby for that.

Chair Zonka inquired if there are 12 meetings a year and someone does not attend six out of 12, if the Board is aware of that what their authority is at that point.

Attorney Jorandby replied what she has seen in the past are local governments that has adopted provisions in their ordinances that actually call out what are excused absences, perhaps going to the hospital, jury duty, or some emergency; she stated at that point in time an individual has to identify why they were absent and that would be considered excused, anything else would be unexcused; and then the Board would have a range of absences that are permissible if they are unexcused and then if not then they can bring that back to the Board for determination.

Chair Zonka asked who polices that.

Frank Abbate, County Manager, responded it would have to be the chair of the board, they are really the ones who are going to be able to determine; each board does have a staff liaison, but the staff liaison is just serving to support the board; the decision as to whether something is an excused absence or not, he believes would belong to the chair of the board so they would have to seek from them whether someone whose absence is excused or unexcused; and then if the Board wants it can have the liaisons, which he does not believe they have been tracking excused or unexcused absences, and going to the chair to determine that. He inquired if that is something Chair Zonka wants, they could.

Chair Zonka stated she knows they have had issues in the past with quorum because they have not had enough board members showing up, so excused or not anybody can say they have a family emergency; if they are not going to half of the meetings she does not see how they are servicing the board or representing well; she does not know; and she asked if the Board has the authority at that point to remove members who does not attend half of their meetings or if they find the absences to be in excess.

Attorney Jorandby asked to have just a moment to see Chapter two, because she does not have that right in front of her.

Chair Zonka advised she does not like the idea of putting that on the chair of the board either.

Commissioner Pritchett stated she had someone on the Planning and Zoning Board and she had not realized that he would miss so many meetings; she thinks Commissioner Tobia brought it up; she researched it and she thinks if she would have known, she would have been able to

do something different; and they do have a communication issue here on these important boards.

Chair Zonka remarked she thinks Commissioner Tobia had an appointment that went to one meeting and never went back for a Planning and Zoning appointment, so she mean that is the stuff that she just wants...

Commissioner Pritchett remarked those are important.

Chair Zonka stated it is not Commissioner Tobia's fault clearly, but she is just pointing out that it happens, and they do not find out about it until later.

Commissioner Tobia stated he has J.1., Uniformity of Non-Mandatory Advisory Board Policy coming up that will hopefully create some uniformity amongst all the boards; part of that he listed on as an attendance policy; that is one of the issues that clearly needs to be dealt with; as Chair Zonka mentioned it is not just one of his unfortunately, he had a couple members, but when they have this many boards its difficult; he is very grateful for the Board to cut the number that they have had, but they need to have some uniform policy; he does not want to leave it on the chair of a board or even the liaison, he thinks that ultimately comes to this Board with their policy; he is open to suggestions; this was just to get it started; but if they miss half the meetings, that should, as far as he is concerned immediately constitute their withdrawal from that board. He stated he thinks that Chair Zonka would make the action and rest of the Commission should make that automatic, but that is just part of this overarching advisory board uniformity policy so they do not have to deal with them on any individual basis.

Chair Zonka agreed.

Mr. Abbate responded they may have to modify the Ordinance because the Ordinance specifically discusses unexcused or excused absences and that was the only point he was making a distinction between excused and unexcused, in terms of it having to be either the chair or liaison to determine if an absence was excused or unexcused; and if the Board wants to move away from that distinction then they would just have to modify the Ordinance.

Commissioner Pritchett inquired if can they do that on J.1.

Mr. Abbate responded J.1. would be the policy, but that is also going to have to address the Ordinance; subsequent to that, staff can work with the County Attorney's office to bring back a proposed modified ordinance that would be consistent with whatever the Board determines on the policy side of it.

Commissioner Pritchett inquired if Chair Zonka is okay that they put this through and then address that other question she had.

Chair Zonka replied sure.

Commissioner Tobia stated that is the idea with J.1., that this is the beginning that they come with some uniform policy and at the next meeting, once they have all agreed on some sort of attendance policy and location; which he has six or seven; then they can move forward with permission to advertise and then an ordinance change, that they all have this in one place; he did not want to jump the gun at this point and he knows the staff has been working extremely hard, and if he did not get Board approval on this he certainly did not want either his staff or the County Attorney's staff to go through with a whole, huge ordinance change if he did not have

the support; this is just for discussion and if they can agree on some sort of overarching policy, then they would have that in writing for their next meeting, hopefully to move forward; and this is all just a discussion period, but ultimately he would hope it would end in ordinance so the responsibility of removing these type of people would not fall on anyone other than the elected officials.

Chair Zonka inquired if the Board has current conflict of interest or is it just a declaration for the TDC.

Attorney Jorandby replied for a conflict of interest that is the actually State law so it comes down from the State, as far as determining their conflicts of whether they have a special benefit or loss if they vote on a particular item; and that is the Form 8B that has to be filed by any advisory board member.

Chair Zonka stated that is what she thought.

The Board approved the revised Policy BCC-67, Advisory Bodies to address updates to Chapter 2 of the Brevard County Code of Ordinances and clarified requirements for Financial Disclosure Reports from Advisory Board Members.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Curt Smith

## **G. PUBLIC COMMENTS**

Rick Heffelfinger stated he is little confused; he asked if the Board just passed J.5., the change to BCC-67; and he asked if the Board answers any questions, because he is confused.

Chair Zonka responded yes.

Mr. Heffelfinger stated the Board said that they do not do question an answer and he submitted a question concerning whether that Item would impact and remove people; he is not sure he actually got the answer, it talked about worried members and whether they are going to attend and that is kind of talking about stuff that they are not really worried about; they are worried that it looks like the Board is blocking the ability to find out about the people that are making major decisions; it is all about the Save Our Indian River Lagoon (SOIRL) and is where this whole thing started; somebody started asking questions, people have been digging, and this stuff can be seen online; and then the Board is very ambiguous about the answer. He mentioned he asked the attorney in an email; that is a written request; it is not a document request; he had a question and he sent it; but they still do not answer. He asked if he has to do a records request, for a records request, or does he need an attorney; he is starting to think he needs an attorney or maybe the State ethics, because of how this really looks; Commissioner Pritchett talked about the appearance of it trying; it is not sinister; but it sure sounds sinister. He added not long ago the Board tried to remove somebody from the Citizens Oversight Committee (COC) because she was asking questions that they did not like and they were going to summarily dismiss her in a motion that came up completely out of order; he asked if that looks sinister and if that looks like they are hiding something; he stated it sure does and he does not know what the Board is talking about, they cannot even get people to sit on these boards; he asked if half of these boards have minutes; he stated he knows COC have minutes and he thought sunshine required minutes; he does not know; he does not see any minutes for those people; and they are worried about boards that do not give them reports. He remarked the Board is trying to thin down the herd, it does not want to spend \$5,000 on copies, but it has a

board that is making almost half a billion; he asked if that was that the number for SOIRL, they are making major decisions and putting input into that; he stated the Board is not worried that they may have conflicts of interest or their hearts lie somewhere else; it is huge amount of money that is tempting and yet, the Board will say they are just only worried that people show up, they do not care what they have to say or what agenda they may have, and they have thrown that term around; he asked if the people that have complained have an agenda; yes, they do, they are taxpayers, and they want to know where their money is going; he means they got a failing grade, the water clarity is great, but seagrass is dead, and they will solve that problem when they kill all the manatees; and maybe that is the answer, then they can get rid of the SOIRL one-half cent tax.

Chair Zonka inquired what Mr. Heffelfinger's question is, so the Board can get him an answer when they are done with public comment.

Mr. Heffelfinger responded his question is if that person has a requirement to disclose conflict of interest forms and do they have a requirement to disclose financial disclosure; he stated they are controlling a whole lot of money there and he asked those questions specifically about the Director and the COC; and he asked four questions, but he did not get a response in writing.

Thomas Neidert stated he is representing Brevard County Fire Fighters Local 2969; he worked for Brevard County as a Fire Fighter Paramedic for 25 years now and he has 30 years of experience in the fire service; his current position in Brevard County Fire Rescue is a District Chief of Special Operations; he has been in this capacity for over three years; Special Operations handles major gas leaks, hazardous materials incidents, technical rescues, train incidents, and many other major catastrophes within Brevard County; he was invited by Commissioner Smith to go on a trip with other Brevard County leaders to ride the Brightline train and meet with Brightline executives; this trip was at no cost to Brevard County, as he paid for it out of his own pocket to gather insight on the risk involved with this new high-speed railway; this trip was very informative, it gave him a baseline of what to expect once they begin their official training; they learned how this training will affect the County, residents, and visitors; he rode along with commanders from Brevard County Sheriff's Office, local Brevard County leaders, and multiple chamber of commerce leaders within the County; and he gathered a lot of useful information that will assist them in planning stages of bringing Brightline into Brevard County. He added there are some key points gathered from this meeting, the train consists of two locomotives, one in the front, and one in the rear; it does not have a caboose, it has four cars, and each of the locomotives carry 2,400 gallons of biodiesel; the train has common speeds of 79, 110, and 125 miles per hour, depending on population density; the expected speed through Brevard County is 79 miles per hour; this means a railroad stop and a crossing will be shorter than waiting at a stoplight; each train is equipped with an Automated External Defibrillator (AED) and staff members are Cardiopulmonary Resuscitation (CPR) certified; and he thanked Commissioner Smith for arranging this trip and it will let them better serve their fellow residents for Brevard County as they make this crucial step in advancing the future of Brevard.

Janice Scott stated she wants to follow up on the comments about financial disclosure and conflicts of interest, she thinks that is the most important item in government, especially today; whoever serving on the boards, especially the numbers of the SOIRL budget, that is number one in the County right now; every person who purchases anything in the County has a vested interest in making sure that it goes where they want it to go; and if they are collecting too much money and do not have anything to do with it now, suspend the collection for a while. She added when she was present the last time, she mentioned the parks, Truth-in-taxation; she is really opposed that one taxing authority should not be doing things for another taxing authority

and specifically, it has to do with the parks and doing the properties for the Brevard Public School Board; and she thinks Chair Zonka mentioned the interlocal agreements. She went on to say the things with these many schools are they lock down now; the public does not get to use those properties; just to review about why for the Central Parks, it is at over a \$10,000,000 budget, 5,000 acres are of park lands, and she hopes that Commissioner Tobia would be looking into some of this as well; those 5,000 acres does not include the EELs properties, if they believe kids in the neighborhoods are using these schools that the County's maintaining the parks; no, they are not; she also understands that the schools are thinking of increasing the millage, all the more reason that there should be just some Truth-in-taxation about this; what are they paying for the schools through the County General Fund; the City of Rockledge has four properties, the City of Cocoa has nine properties that the County is managing in Cocoa; the Brevard Public School Board owns over 40 acres of property that the County is paying to maintain; and she really would like for the Board to take a look at this somehow, someway, ask for a report, and make sure that the taxes are separated out and allocated in the proper bucket.

Ronald Jurgutis stated he does not have to add comment to the F. section, Consent Agenda because people brought it out further that spoke here, however, he is disappointed, and he believes the last time it was addressed was a very long time, as far as all these boards; he understands certain things happened over time and there were possibly more pressing issues at the time, but there should be a policy for the boards; he will agree with Commissioner Tobia, that this needs to be looked at more often than not; but, however, he has a problem with the amount of money that is being spent for the Lagoon. He added he is very disappointed at how the Board ruled for F.5., what the item is; he is not going to pontificate as he was accused of or tell them what to do, but certainly there has got to be a better methodology to have a look at oversight, for the whole Lagoon issue; he will commend Virginia Barker, Natural Resource Management Director, for attempting to do the best, however, the Board needs to get with a program and assist with making it happen, and listen to the taxpayers; they elected them, they work for the taxpayers; he does not care if they term out or what not, but when it comes to this, there needs to be transparency; they spent all this money and he can hear the excuse from the public workers that he or she is a voter, too; the Board is affecting tax dollars and he wants it done the right way, the best way possible, if at all possible, he wants consternation at night, and he is philosophizing right now; and he ran some businesses and he did not sleep for 24 to 48 hours, seven to eight weeks he would work 12 hours a day, just to make sure that it was attempted to be done the right way, and he expects that from all of them.

Sandra Sullivan stated she is very disturbed by F.5., and she read aloud "It says, any appointed member of an advisory body with land, planning, zoning, or natural resources responsibilities."; the last time she checked SOIRL Citizen Oversight Committee (COC) is an advisory body that is under Natural Resources; the optics of giving the Director of Natural Resources an excellent award for contributing to positive results of the health of the Indian River Lagoon, given the continued decline of Lagoon seagrass now at 96 percent gone; the source of life in the Lagoon and missing the 2022 audit greatly diminishes public trust, especially with the concerns of conflicts of interest on the COC that was supposed to be providing spending oversight; she will call this award gaslighting propaganda, like they would see in a communist country; and this is on top of a Commissioner ignorantly suggesting to call Federally protected species, a Commissioner that sits on a State IRL Council, a special district, and he should know better and gave better alternatives. She added Commissioner Smith said in an interview the cause of seagrass decline is pollution, is correct; so why is pollution not in their SOIRL Plan; the optics are terrible with an F minus minus failing grade on the Lagoon, 1,101 dead manatees last year, and countless other species are dying in the Lagoon; the Lagoon is the worst in Brevard County and she showed the Marine Resources Council (MRC) report card; and other places are much better, because they address pollution, they have herbicide bans, and what was done

in Brevard was they increased the herbicide budget by two-and-a-half-fold in October. She went on to say they are the only one with a tax, they are spending the most amount of money, but they have the failing Lagoon; the only area that has a worse Lagoon than Brevard is Port St. Lucie, they at least have the excuse of Lake Okeechobee discharging to their water; the reason for the failing grade is pollution, it is missing from the Plan; she pointed out Tetra Tech oversees the IRL council, that plan requires planning pollution in the local plans which includes Brevard's plan; Tetra Tech is doing both their comprehensive plan that is to Environmental Protection Agency (EPA) which is part of that language; and it is a huge question why it is not in the Plan given that it is dictating to be in their Plan.

Teonna Vazquez stated she came to talk to the Board because there is a problem, she is homeless, she lives at a hotel on U.S. 192, she is by herself, she can think of at least four other families there, and they cannot ever find any help; there is no help in Brevard; she has always had her own home, she has always had her own house, the last one she was in since 2019 she just left not even six months ago, and it has been battle after battle just trying to find somewhere to live; it is getting to the point where it is depressing, it is sad, she never really understood the problem until now, and she sees it every day; she has called Salvation Army's, she has called everyone, all of them have along with the other girls who are there at the hotel; they have whole families; and they cannot get any help anywhere. She added she is not sure really what to say and she is not really sure what to do anymore; she knows there has to be something that Brevard can do for the people that live in Brevard; they work, she works, she makes \$15.00 per hour, her husband owns his own business, he does lawns, he has 40 that he does by himself, and they cannot find a house and it is ridiculous; this is getting crazy; she does not know what to say; but it is getting to be a lot. She mentioned there are so many of them that are to the point where they are almost on the streets; she has used up her entire savings just on hotel rooms, and her entire taxes just on rooms; they do not qualify for Food Stamps because they work and they make too much money, so they have to worry about hotels and food every day; they are not the only ones; there are just so many; and her child's bus stop has three other kids, it is right in front of a hotel, and it is just getting to be too much and they need help.

Commissioner Smith asked where her daughter goes to school.

Ms. Vazquez replied Christa McAuliffe in Palm Bay.

Commissioner Smith inquired where is Adrienne Schmadeke, Chief of Staff.

Chair Zonka replied in the back.

Commissioner Smith advised she is his Chief of Staff and Ms. Vazquez can talk to her, and maybe they can help her.

Ms. Vazquez's friend interjected by saying she has called the County.

Ms. Vazquez mentioned she did call today, and yesterday; and the last thing she was told from that situation is they do help with homeless, but only if they have COVID and that makes no sense.

Commissioner Smith advised to let them have a shot; and Ms. Schmadeke will reach out to her.

Commissioner Pritchett stated part of the problem is Ms. Vazquez is really in a catch because she has some income coming in and she is not sick; Brevard has a crisis right now of

affordable housing, even what they think is affordable out there, the rent is so high, it is just terrible; from what she does in her other job, she totally understands and she has her heart; she is hoping the Board can figure something out soon; and she thanked her for having the courage to come up and say so.

Chair Zonka thanked Ms. Vazquez; and she stated she did great.

Elizabeth Baker stated her uncles were actually the original owners of what is now Coconuts in Cocoa Beach, it used to be the Thirsty Turtle back in the 60s; her father's best friend was the owner of Alma's Italian restaurant, she does not know if they remember that, but Timmy was a wonderful man; even though she grew up in Ohio, this has been home to her since she was a little girl; she remembers the waters being crystal clear; she remembers seeing seahorses, turtles, crabs, and horseshoe crabs, just every kind of sea life going on in those rivers forever and ever; and she has been a part of volunteering, documenting this situation. She stated she volunteers with Fight for Zero; she spent a lot of time doing that and she has been documenting the situation with the manatees for quite a while now; it has been really hard to watch; it is upsetting to hear a County Commissioner suggest that they would call these animals, it is very upsetting, it is part of why she is present, but it is not because of those manatees it is because of the people; the people in this community are fantastic, they want to help, they want to pay extra taxes so they can fix this Lagoon, and 32 years after this being designated as an National Estuary of significance, they have an F minus minus; and she does not know how they get a second minus. She added she had failed a lot of things in her life and she has never had two minuses after an F; it is absolutely disturbing that those comments were made and she is sorry, she does not mean to be singling him out, but it was Commissioner Smith's comment; it is disturbing because he does sit on a Board that helps to make decisions and that information is misleading; well, the problem is not the manatees, the manatees are at the top of the food chain, this problem started a long long time ago, and they have got to be addressing the sources of pollution; she is glad to see that they are dredging; she is glad to see that they are doing things like upgrading water treatment plants, that is fantastic; but until they stop putting stuff in the water, it is really not going to get better. She stated she does not know how to convey that; she realized that she is not a scientist, as she has been told by this very same Board, but it does not take a scientist to know that if they put stuff in the water it messes up the water, so she does not know where to go with this; she has talked to her Commissioners, she has been active in the community, she has done all of the things that she as a citizen can do, she voted for that half cent tax, and now, a lot of people are questioning where is that money going; and she is wondering if that is such a good idea even though she knows they need it.

**H.1. Petition to Vacate, Re: Public Utility Easement- 719 Periwinkle Circle - "Barefoot Bay Mobile Home Subdivision Unit Two Part Ten" Plat Book 22, Pages 105 - Barefoot Bay - Charlotte A. Jillson - District 3**

Chair Zonka called for the public hearing for a public utility easement at 719 Periwinkle Circle, Barefoot Bay Mobile Home Subdivision, Unit Two, Part Ten Plat Book 22, Pages 105, Barefoot Bay as petitioned by Charlotte A. Jillson.

Marc Bernath, Public Works Director, stated H.1. is a petition to vacate public utility easement at 719 Periwinkle Circle, Barefoot Bay Mobile Home Subdivision, Unit Two requesting the Board to conduct a public hearing and sign the resolution approving vacating part of a public utility easement; the petitioner is requesting vacating one-foot portion of a six-foot wide public utility easement; and there are no issues.

There being no objections heard, the Board adopted Resolution No. 22-033, vacating a portion of a public utility easement in plat "Barefoot Bay Mobile Home Subdivision, Unit Two, Part Ten",

Barefoot Bay, as petitioned by Charlotte A. Jillson.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Curt Smith

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

## **H.2. Approval of Third Quarter Supplemental Budget for Fiscal Year 2021-2022**

Chair Zonka called for the public hearing for approval of third quarter supplemental budget for Fiscal Year 2021-2022.

Jill Hayes, Budget Office Director, stated this Item requests approval of the third quarter budget supplement and this mid-year budget supplement gives departments and funds the opportunity to adjust their projected balance forwards, that were developed months before the closeout of the Fiscal Year; and attached to the Agenda is a copy of all the budget amendments, as well as the advertisement that was published in the Florida TODAY.

There being no objections heard, the Board executed and adopted Resolution No. 22-034, approving the Supplemental Budget for the Third Quarter of Fiscal Year 2021-2022; and approved the Budget Change Requests to implement the necessary adopted changes.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

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

## **J.1. Uniformity of Non-Mandatory Advisory Board Policy**

Commissioner Tobia stated as previously said what he is going to ask for is sentiment of the Board dealing with Sunshine, he has not, nor would he ever reach out and ask for Board opinion; so this is to bring some uniformity to the advisory boards, at least as many as they can because they are extremely diverse; he wants to begin by saying not only this Board for indulging him, on this quest, but more importantly the staff does a fabulous job on all of this stuff; the fact that they are so complicated, they are so diverse, the reporting is different, and he does not think many of them get credit for the work that they do because the Board does not require much of it to come back to the Board; his goal is to create some uniformity so they are able to look at which function is the best and maybe use some of the best practices on the ones that maybe are not doing as well as others; this stuff is very complicated and is all over the place; staff and the County Attorney's Office got into the hard work of amending or creating a new ordinance; he wants to see where the Board is on a whole bunch of issues; and they have already touched on one of them which would be attendance, that one is included on one of the seven that he had listed. He pointed out this would not include boards which are otherwise required by Florida Statute or Federal Law or the partnership boards, not exclusively comprised of County appointments, so together in partnership, which consists of other members representing 16 agencies; they do not really have singular jurisdiction over these; the Commission on Aging consists of 15 different agencies, as well as the Indian River Lagoon Council which has five counties; he pointed out the staff for doing a wonderful job done on this stuff and he thinks in the long haul this may make things easier for staff, and certainly it will be easier for them to make policy decisions; the items that he has listed there are ideas that not only came out of his office, but he has been listening to other members of the Board and the public; he has outlined them and he will go into a little bit of detail; but he wants to see where everyone was before he put this all in an ordinance. He added the first one came from District

1, a limit of the meetings to quarterly; there may be a few that may not fit into that and those have been pointed out; he thinks that is probably for funding for a cost sake and is probably a good one; all meetings are to be held at County government facilities, which is another good idea that came out of District 1, all meetings be held during normal business hours to keep staff time down, an annual written report for each board, and he has a sample that was included in the packet; it is just one page and he thinks this would not take any extra time out of staff but it would create some uniformity and they would be able to see what was going on if a board did not reach out to the Board directly; this may actually be a time saving mechanism; and this could be put on consent once a year, including the meeting dates, accomplishments, recommendations, or things that they can do better as a board, as well as goals they may have for the upcoming year. He stated this is just a sample and it certainly can be changed; from his prospective, the more important one would be the limit on staff time and expenditures; this mirrors what they did for some of the parks boards; this included an hourly cost, as well as a Consumer Price Index (CPI) cap; staff time to be included with not only attending the meetings but the research and the communications that they do, and more importantly that all staff time requests must be made through the chair of the board; that is something extremely important, he does not like when staff is pulled in multiple directions by a board; and he thinks a point person that being the chair of the Advisory board probably has the best idea of what is going on, as well as an attendance policy that was just brought up today. He mentioned having a sunset provision, he is not advocating doing away with any of these things, but he thinks that needs to be reviewed; the efficacy of these boards has any period of four years, six years, or 10 years but right now they are indefinite, and he would like to see the Board or future Boards make determinations if that is the right way to go; this would require an absolute ton of time because these are boards under different policies and ordinances and different jurisdictions, and he wanted to see where the Board was on any of this stuff; if the Commission is in general agreeance, he would like to work with staff, as well as the County Attorney's Office to bring something back that they can look at, and maybe put forward permission to advertise next; normally they have that as a first step for permission advertise, he is taking a step before that to see if they are interested in doing this so they could put it down in writing for the next meeting for permission advertise, and then go through the whole process; he wanted to see where everyone is; he will go over meeting frequency, meeting times, meeting location, a one-page annual report to the Board, staff time request, attendance policy, and a sunset provision; he wants to make this as uniform as possible; that is just the jumping off point; and he included a handout, as well as to the boards that he was looking at, the number of meetings they had, the potential annual costs, and to see where the Board is on this one.

Janice Scott stated she wants to ask Commissioner Tobia when he does this draft again, she hopes that he will not restrict all these volunteer advisory committees to daytime hours for the convenience of the staff; she thinks the County employees could get comp time, the people that are hourly could maybe get time and a half, like if its a quarterly board, because they do not want these boards all turn into people who do not have a job; and people who have a job and work, young millennials with families they are not going to come at two o'clock in the afternoon.

Sandra Sullivan stated she is looking through the Save Our Indian River Lagoon (SOIRL) audit concerns; she has looked into and got records regarding the Audit Committee and in the annual direction in the contract, it specifies the direction that they give RSM; there is a couple of these boards that are non-mandatory that she believe are very important to transparency and accountability the Audit Committee, the Citizen Budget Review Committee, Investment Committee, Employee Benefits Advisory Committee, and the ones to deal with monies; she has been attending some of the Committees meetings; for example, the Citizen Budget Review Committee has very interesting information coming out, and she would not like to see these

important boards sunset because she thinks they are important to accountability and transparency to the public on how monies are being spent and having feedback; she knows the board chair of the Citizen Budget Review made one recommendation and in one year that saved the County over a period of time about \$70,000,000; the other recommendation she would make as the Board looks to create some policy, is for the Planning and Zoning board; there recently were alternates put on it, because of not having a quorum; and she would recommend them having an alternate that is being trained and it often takes time for them to get the experience that they need to contribute positively. She mentioned they do agree that they come up with annual recommendations, and in the records requests she did for the audit committee, the direction for RSM for the SOIRL was the same year after year, with the same three sentences. She added that needs to be improved and addressed, for the Board to look to these boards, for things and for measurable, deliverables.

Commissioner Pritchett stated if these are boards that are non-mandatory, the Board could do away with all the boards and just make all the decisions themselves, but that would be sad because they would not get citizen participation; what she likes about some of these boards is they get together and they hash things out, they are just regular people who live in the community; the Board gets to read the minutes or tune in and watch it, and if they have to vote on some of these items it gives the Board a little cheat sheet of knowing what some of the discussions were before it gets to the Board; it is a good tool for the Board to gain more information so that they have the best information to make decisions; she thanked Commissioner Tobia for bringing them forward and as they are going through these boards, they can make some of these decisions; she thinks meet frequency is probably something they need to look at, now some of them are meeting a lot, but the question is do they need to again; and she has a hard time filling with some of these boards places, and she cannot get anybody on the Art in Public Places Committee. She continued to say she would be interested in knowing when they have openings on the boards for if those are hard ones to fill, because they might not be so necessary to make a formal board, but if people want to get together they can get together and meet and have discussions; some of these boards they have to continue to meet 12 times like Board of Adjustments, some of those that make very strong decisions and give the Board good information, and actually make pretty important decisions; she is open to all of these ideas; she does not know how she would sunset them; and she asked if Commissioner Tobia would want them to come up every four years and the Commission make a decision whether the boards continue. She stated she thinks the annual report is genius, that helps a lot with their communication; she thinks the locations are good and Commissioner Tobia gave her credit for that; keep the meeting times as much as they can during the day as Ms. Scott said, that could be a little bit of an issue for other people, but if they cannot meet during the day maybe they just cut the meetings back to quarterly; she thanked Commissioner Tobia for bringing this, she really thinks it is a good thing that he is working on these, and she appreciate it; and she bets Commissioner Tobia is a little surprised, that they are in agreement with this. She stated Advisory boards are just regular people that come together, they do not make financial decisions, they hash things out, the Board listens to the information, and it makes the decisions; therefore, it is not always important that they are doing those financial disclosures because they are going to find a lot of people that do not want to give that much information out when they are coming in to just have discussions; people who make financial decisions, that do not come to this Board and it cannot look at those things, because it is required by law they have to do those things; she just wanted to state that because she has heard that more than once; any Director who is working on these things has to do financial disclosures so there is nothing that is not being considered as far as protecting, especially of them having to be responsible for this and knowing that nobody is doing anything that they are going to have to go back and figure out; conflict of interest has to be done anyways; she just wanted to state that while they are present and she had an opportunity; but she is interested on

how he is going to manage the sunset provision.

Commissioner Smith stated this is a lot to consider and he likes some of Commissioner Tobia's ideas, and some he thinks are not necessary; he really needs to dive into it a little bit more; but he thinks it is an interesting conversation to be had.

Commissioner Tobia stated it is a work product that certainly can be improved upon but it is a heavy lift, that not only it would come out of his office, but it would require a great deal of work by various liaisons for these boards, as well as County Attorney's Office; this certainly is not a perfect work product, but that is why he brought it here; he does not expect the sunset to come back every four years, but if they issued one page saying why they need to continue, that would meet his criteria, but they could all certainly put that in the document; the issue is they have a number of boards and thankfully they have gotten rid of some that have not met for years and years, and if they had that in there, they would not have given the Board a report, and it probably would have done away with some of the ones that it currently has done away with; he really thinks there are some good suggestions that have been made, he probably thinks there is an even better way of doing this; he is going to go ahead and bring together a work product for the Commission, he does not know if he will be able to accomplish that within the next two weeks, but certainly by the meeting after that on those; and he asked if they have other bright ideas or ways to handle things like attendance, and meeting times, to certainly bring those forward. He stated he is not married to any of these numbers, if the Board decides that six is better than four, he is more than willing to go with that number; they have some of these meeting double that are not necessary and Commissioner Pritchett mentioned one that meets 12 times a year, but she is having trouble finding folks to fill those positions; they obviously have some problems, but he appreciate the direction; he looks forward to more input; and he will bring something back to the Board so they can make a consideration before they move forward with an ordinance.

Chair Zonka inquired if the sunset provision eliminates the Board; and she stated she is not saying she is against it, but if people are on a board and they care about the board, they probably would let the board know they want to keep it.

Commissioner Tobia responded he was just concerned with some boards that had not met for years and years; he stated if they had some requirement put in one paragraph why the board needed to go; he is more than willing to pull that idea, if Chair Zonka wants to that pulled out, he is more than willing to pull out the sunset provision; there are far more boards that are better for the public, certainly better for the Board; and he just thinks that when government creates a program and it does not put any sunset on it, it will continue as they have a number of these boards that have not met for eight, 10, 12 years.

Chair Zonka stated she gets it, but there is a few that she sees value in.

Commissioner Tobia stated if she wants to pull it out he have no problem doing so.

Chair Zonka stated maybe just a requirement that the Board review it every four years and that way it comes back to whatever future County Commission.

Commissioner Smith stated along that same line they could just simply say that X amount of time the Board has to reaffirm their purpose and what they are doing, and what they should continue; and then the Board of County Commissioners will make the decision at that time.

Chair Zonka stated she likes his list of provisions in there and she thinks they need a little bit of

tightening up on that; and she is interested in seeing what Commissioner Tobia brings back.

The Board discussed applying a unified policy for all non-mandatory advisory boards that are not required by Florida Statute or Federal Law or are a partnership board not exclusively comprised of Brevard County appointments, but took no action.

## **J.2. Non-Mandatory Advisory Board Discussion**

Commissioner Tobia stated this is only homework and he wants to thank the boards for all their help putting this stuff together, and he thanked the Board; the purpose of this Item is just to get a sense of where the Board stands regarding certain non-mandatory Advisory boards; the homework worksheet that he has handed out is to save the Board as well as the public's time, all he is looking at is the remaining non-mandatory boards to see if the Board has any ideas on whether or not it needs to look forward to doing away, or just potentially talking about doing away with any of these boards; if the Board does not believe that they need to keep these boards, he asked them in the recommended section to just bring it back to the next meeting that he or she thinks that certain boards need to continue, and he will respect that; if there are two Commissioners who believe they need to be kept, he clearly would not have the votes, and he does not ever need to bring these up again; he is extremely thankful not only to the staff contacts, but also this Board; they have done away with 10 and one-half boards and he only has two more that he will be discussing at the next meeting for Emergency Managed Service Review Committee and the Emergency Managed Service Advisory Committee; but short of that, if the Board decides it would like to keep all of these, he does not plan to ever bring it up again. He advised all he is asking is to save the Board's time; if the Board returns this to him, it would be a public record; he has 'a' or 'b' down there, if the Board would like to keep them just put 'a', and if others return all 'a' then he will not mention it again. He reiterated and thanked the staff for all their hard work and he thanked the rest of the Board for allowing him to consolidate some boards, as well as doing away with some boards; he has not done away with all of them but they have done away with double digits and he thinks that is quite an accomplishment; he greatly appreciates everyone's work on that; and all he is asking is for the Board to bring this back and they will go from there.

Janice Scott asked if the Board of Adjustment is a statutory requirement that the County has; and she asked how is that non-mandatory. She stated that Board does not have to answer that right now, but she had not heard any comment nor did she read in the parts that she could read about County employees serving on these boards; she thinks that is a really important thing and she thinks that is sort of a fly in the ointment today about some of the public comments that have been made, especially having to do with financial disclosure and conflict of interest; and she really hopes that will be looked at as well.

Chair Zonka stated she thinks Ms. Scott is thinking of the Value Adjustment Board, as far as what is statutorily required; and she inquired if that is the one that is statutorily required.

Abigail Jorandby, County Attorney, replied the Value Adjustment Board is different than the Board of Adjustment.

Commissioner Tobia thanked everyone for taking the time and he included the staff contact, and the Board can reach out and discuss individually with those folks, their opinions on it; if he gets back that two Commissioners would like to keep these, he is not going to bring it up again, and they can move on to other things; and he is just trying to save time rather than bringing each one up individually and wasting staff's time any more than it has already been wasted.

Chair Zonka inquired if the intention is for him to come back with a master list.

Commissioner Tobia responded he just hopes that she and the rest of the Board would bring that sheet back to the Board at the next meeting again for it to totally be in sunshine; he will tally it; there is only four of them now; and if he sees that there is a strong sentiment to keep it all, then he will say there is strong sentiment, and it will be dead at that point with the exception of the two that he was going to bring up today but he decided to go in this direction first.

The Board discussed and received homework for April 19, 2022, Board meeting for Non-Mandatory Advisory boards, but took no action.

### **J.3. Revision to AO-47, The Coordination of Public Records Requests**

Commissioner Pritchett stated she has the AO-47, and she had the County Attorney send it out to the Board again; she has a couple of things that she was thinking about tweaking; this is just going to be a discussion and she thought there were some things they might need to look at; one thing that has been concerning her over the past few meetings is she realized that what Commission Offices charge for public records can be like what she consider extremely high or some of them just send them all out at one time; and she mentioned looking at page four, she is thinking if the Board could come together with some consensus of what would be a maximum that a Commissioner would charge for public records. She inquired if one of the high numbers was \$50 per hour.

Abigail Jorandby, County Attorney, replied that is correct.

Commissioner Pritchett went on to say she thinks it is a little high for herself, anything she can throw out for free, if she can she will just do it with request; she thinks the Board needs to consider something that is a little bit more appropriate; she had thrown out to Attorney Jorandby, maybe they could take a consolidation of all of their staff and then use that, and she actually thinks they need to stick to something that is a little more towards their time and benefits; she does not think they should base it on that, she thinks they should find a lower limit; she does not think anybody would complain about that and she was thinking maybe they would do a maximum of \$30 per hour for the Board, so they do not have those high numbers out there; and she thinks that would be a little bit more appropriate for the public. She stated she knows her office and the rest of the Board does the same thing if there is something real simple; she tries to do everything electronically because it is already in the County system and if anyone asks for anything it is usually pretty easy by just sending the email record straight across; and they are typically trying to do that as best as they can. She mentioned it is election season, and the public records are greatly increasing; it is no big deal, but everybody should get to ask for the public records and get those; she gave the Board a little tally sheet for February and she had 234 public records which is higher than in March at 264; anybody can request public records; but the staff time that is needed for the Legal Department now is really getting expensive. She stated Nadia Foll, Legal Office Administrator, has to devote all her time for public records; she asked how many individuals are asking for more than one public record in a month and it came back with 20 in February and 23 in March, she thought that was not too much; and she asked what the numbers are of them. She continued to say almost everybody in a month will ask for two or three public records and that is just not much of a question for her; there was two on there that in February one person had asked for 20 and another person asked for 16, and the following month it was 41 and 24; and when they start looking at these public records and they are all really on the same theme, she does not know if they took a large chunk of a public record, and just chop them up into like 40 pieces because they give the first 15 minutes free for public records. She stated she is thinking if someone is asking for a really big public record and they are divided up, they probably should use it as a consolidated public record; not that they cannot do it, but the staff time on this is getting really expensive, and she

thinks it would help cover these costs; they are allowed to charge or not charge and they do not, typically, but she thinks if they have a large consolidated amount that they need to look at that a little bit differently just so that they are able to cover these costs, because it is going to get expensive and everybody is going to have to pay for these; and it is really substance over form for this is kind of what is happening. She mentioned she wanted to throw out those ideas to the Board; this is an AO, the manager can do all this on his own, but she does not want him taking the hit on this because it is not that they are trying to get information to the community, they are trying to make it appropriate with cost when people are asking for 41 public records and 23 of them are on Save Our Indian River Lagoon (SOIRL) emails which is really a consolidated one; they probably should get the first 15 minute free on that then they should have to pay those other costs; another item happening is someone is asking for a large number of public records, staff is spending the time on that, and they are not being picked up and paid for; they are asking for more and she thinks all the other entities she had asked like other governments, people have to pay for one before being allowed to put in another one, and this just kind of stops a little bit of the abuse of it and it still allows people to get public records and it helps the legal staff not to keep hiring extra lawyers to try to take care of this; this is what she worked on with the Board and that is her first attempt at giving the Board all the information; and she is looking forward to the conversation, she gave them some things, and she did not mention people's names on purpose.

Chair Zonka stated that is interesting.

Commissioner Smith stated he likes it.

Chair Zonka stated she thinks it will actually save people some money in the long run if it is cheaper; and she asked who is charging \$50 an hour.

Attorney Jorandby replied that it was a prior Commissioner's rate, in District 2.

Chair Zonka stated she knows it was set up; and she asked if it was looked into by the Board and verified, but that was not the case.

Attorney Jorandby responded yes it was; and she stated she believes it was \$50 something an hour, but she can double check if she wants the exact amount.

Chair Zonka replied no, she is fine with that; but she stated she thinks that is outrageous.

Commissioner Pritchett stated she is learning that they kind of need to set a policy on things when they catch them.

Chair Zonka stated right, no one should be charging \$50 an hour for public records; she thinks it probably needs to be uniform regardless if it is from their office, Commissioner Pritchett's office or from staff's office she thinks it should be...

Commissioner Smith stated he is agree.

Chair Zonka stated as cheap as possible but she knows that they have been hit a lot more lately with requests; she asked if there is something maybe the Board could look into; and she stated she thinks she asked Attorney Jorandby about if the Board could hire somebody that can manage that because if they are taking away a lot of staff time, she worries about getting things done.

Ms. Jorandby replied yes, she has actually moved Ms. Foll to that position full time; and she stated at this point they are working to start doing better coordination in that area, and Ms. Foll can dedicate all her time to it.

Rick Heffelfinger stated he is shocked; he asked his Commissioner on Friday if there were any thoughts so he could churn on this and maybe help out, but no response was received, he got nothing, they have Legistar, and he asked what they use Legistar for, because they pay for it as taxpayers; he stated they can share information; Commissioner Tobia puts wonderful reports up there, he does the analysis, and other Commissioners just come to the meetings; that crap has been up there since Friday, when the Agenda came out; ask if they read any of that, because they are supposed to come to these meetings and talk about stuff; they could have solved his little issue today; he does not know if they do not read it; he asked for information in an email, he sent to his Commissioner saying he would like to grind this stuff, he is interested and he got nothing, not even a response; he did get a clean copy of AO-47 because he could not find it on the web and he thanked staff for its rapid response; and he asked if they are not going to share that with him, and if he has to do a public records request. He stated it is going to take more than 15 minutes and he does not understand, they worry about transparency; he asked his Commissioner for that, he does not know what else to do; he asked if anyone knows what their own policy says about the cost, the cheapest cost possible; he stated he does not know what they pay staff; but he asked how hard is it for somebody to run over to the file cabinet and grab something or drop an electronic file, and Email it. He mentioned the last time he did one of these which he brought up earlier, but was told that it was going to cost \$41; this is not going to stop him, he thinks he knows what game they are playing; he sent the check, got back the PowerPoint that was showed during a meeting, and he got a memo that was sent by Commissioner Lober that he already asked to be part of the record, they charged him for that; then he was told they could not find any of the others that were documents that were passed around by Commissioners at these meetings, but he was told that they did not exist; and he tried three times, that is by Ms. Foll, and she was already their public records coordinator. He asked if they are going to hire somebody, who would spend five to 15 minutes on it; he stated it is ridiculous, they are swimming in staff, as far as he knows; look who goes to the SOIRL meetings, there is a lot of staff; he understands why their costs are high and why not hire a flunky at \$15 an hour, that is good living wage these days; they are charging for public record requests at \$30, \$50, \$200 for the Attorney if she has to put in five hours; and this stuff is a product, he paid for it, and they all paid for it.

Commissioner Pritchett stated she wants to jump in and tell Mr. Heffelfinger that what is in her head is not public record; until she decides what she is going to do, she is not going to call him and get in a discussion with him about what is going on in her head; this is a discussion here, nobody has talked about it, it is being done for the first time in public, nobody knows what is going on, and they are doing it in front of the public; there is not a better forum than hearing what is in her head first with the four Commissioners hearing it at the same time; so there was no public record, she had her staff send that to him, and tell him it was going to be discussed; that is all she had, other than if she is going to make stuff up; but she is not running what is in her head through with him until she has determined what is the best thing to do in a discussion, she is not getting in a conversation with him, and this is really ridiculous.

Sandra Sullivan stated it was said on public record that the Attorney sent out the document that they all have in front of them, but it was not loaded up to Legistar to where they could see it; she did a public records request for AO-47 that Board are discussing today, that the people cannot see that are in the audience; transparency and accountability is the core function of good government; Brevard Commission should be strengthening, not weakening transparency; if the Board has nothing to hide then they hide nothing; transparency is government's obligation

to share information with citizens that is needed to hold officials accountable for the conduct of the people's business, despite Sunshine Law and much pro-transparency rhetoric information requests are being ignored, given the bureaucratic slow role, and discouraged by inflated price tags for staff time; it is thus profoundly disappointing to see this Commission discussing action with AO-47 to make records requests even more difficult and more expensive to obtain, what is the Board hiding; and the people of Brevard demand that Brevard County has a duty to affirmatively disclose certain information, in a timely manner to share information requested appropriate so that constituents may hold their elected officials accountable. She added instead of increasing the costs on records requests and making it more difficult to get more transparency, the people request that, the Board strengthen public records, with exemptions for nonprofits, media, and Committee members; she believes the County has violated State Statute and Sunshine Law now on several occasions; one, omitting records with public records requests which she obtained from other sources, which has happened now three times; the most recent example is with the key word (EBIAC) Employee Benefits Insurance Advisory Committee; she asked what is the Board hiding; she stated number two, is rolling document, she has some records requests that are just ignored or remain unfulfilled; and she asked what is the Board hiding. She went on to say number three, highest cost director instead of lowest paid staff for public records requests invoices; she had some records at \$95 an hour for simple requests that Information Technology (IT) and public records could fulfill; she asked what is the Board hiding; number four, recently District 1 Commissioner expressed intent at the County Budget meeting to obstruct providing records until after the Commission voted on the Save Our Indian River Lagoon 2022 Plan; she reiterated what are they hiding; and she advised the unintended consequence of the January 22, 2020, changes to AO-47 is now records get reviewed by department and that department can remove their records that they do not want the public to see.

Ronald Jurgutis stated holy cannoli, he did not expect to hear all that, he finds it interesting, and maybe he does not understand the rules for F.5.; they were told to make comments on this before anything was discussed and it was tabled, but yet on this Item the Commission discussed things and then citizens got to put in some input; he asked what is going on here; he stated he understands that somebody is going to be in charge of document requests, but the taxpayers, realistically should not pay anything for this, but there is something going on here that needs to be adjusted; they have to pay through their millage rate somehow or in the budget to receive these documents for free; but he does not see an analysis of what the costs are every year over a year for document requests, and he thinks that needs to be looked at carefully. He stated he knows the silly season is approaching that is when documents may get further scrutiny amongst all, but citizens should have a chance to see this, it is like the County has an attorney that helps them out, but when he wants something or has to do something, he pays the taxes, everyone pay their taxes, he has to hire an attorney; now when they think about it they are elected officials, the people elected the Board, if the people feel wronged they have to hire an attorney; and he is going to propose right now in the budget that citizens should have citizens representation through an attorney to get these documents that represents the citizens as citizens council, if they do not want to get this straightened out with the document requests.

Commissioner Tobia stated he thinks this was done very well and he thinks 99 percent of people, in fact, most of the people who spoke will greatly benefit from this change; unfortunately, he is not embarrassed of the vote he made, but it probably was not a good one to increase the public record requests; he knows it came from another Commissioner who is not present anymore; he did not know they were charging that amount, he knows that certainly has never even gotten close coming out of his office; it is something that he and the rest of the Board probably should have looked over to make sure that abuse was not happening; he apologized to anyone that was hit with that, this was the first time he is hearing of it; and he

thinks they are doing a very good job by the 99.9 percent of people who put in a public request or two. He added there are some folks that quite clearly this will not be beneficial to, but there is the problem when they have staff members that are getting documents for one person, they are not helping the other 600 plus thousand people out there, and these are very instrumental people in government; he thinks that this will help out 99 percent of the people that file public record requests and 99.999 percent of people in Brevard County; ironically, when he looks at the what was handed out by their office, he looked at the changes that were made to by a former Commissioner; to infringe upon that one individual who he sees filed two public record requests in February, none in March, and now he sees other individuals are asking 10 times that amount which is absolutely ridiculous; and he honestly believes that they have done something that he wished he would have come up with those many ideas. He went on to say he thinks this will be a clear directive to staff and he also likes the idea that the Board does not place any of the blame on the County Manager and the County Attorney, he thinks it belongs on the shoulders of the Board; he wants to be very clear, he would go further with this if they legally could because he do not like seeing some people taking advantage of the system, and it is absolutely insane getting up here and saying what are you hiding, what are you hiding, over, and over again; the last time when they got a suggestion it was for Kendall Towing being run by Kendall Moore; he was so stupid that he actually looked to see if that was true and it is just they have the same name, there is no association, none whatsoever, and he would like to say even a broken clock is right twice a day; he thinks they are not at twice a day, but are twice in the history; he feels bad for staff and he will say good for District 1, for not saying this, but he will say it, it is a public record, and the amount by Sandra Sullivan is ridiculous; and the fact that if she is really interested in this stuff pay for it and pick it up. He stated Susan Hodger's is more than welcome to this stuff, but to please pick up the stuff before continuing on with this stuff; these folks are making public records at which they are more than welcome to; he asked not to impede on staff that is working really hard for the benefit of the County and if they are going to make the request, follow through and pick it up; the wild conspiracy theories, actually have some proof of it because there is absolutely no proof, zero proof, tell them where someone directly benefited, and yes, the Board will take it into consideration, but he thinks they all think that is extremely serious and that it is indicative that they have an audit right now going on with all their offices; they are more than willing to look at this stuff when it is required and when there is a seat of truth; but getting up here and saying what are they hiding, what are they hiding does not benefit her and makes her look like a conspiracy theorist when coming with absolutely no constructive ideas or anything that they are hiding. He continued to say he does not know what the end result is, he honestly does not know what the end result is other than wasting folks time; if that is what she is trying to do, she is actually winning and succeeding when it comes to that; he thinks that this has done a pretty good job of stopping the abuse because that is what it is, it is absolute abuse; and she sits there and laughs, it is not abuse on the Board, but it is abuse on the rest of the taxpayers that are heaving to put aside the important County business to deal with an issue that she is not even following through to pay for what she is asking. He added to either bring the conspiracy theories forward and point out what they actually need to fix, because if she brings forward some good ideas he is more than willing to look in into them; again, he thinks the example has been set when there is an audit going on in all of their Offices, and he sat down for more than a couple hours and answered as many questions as were asked, as did his staff; but if more are required, he is more than willing to do that. He stated the Board has absolutely nothing to hide: those two individuals and the Florida TODAY had more than ten times the largest news source in Brevard County combined; it is a little bit ridiculous; he appreciates the effort, he like the moxie, but it is coming at the detriment of the rest of the County; if they really do care about this stuff, he hopes they do; and he asked for them to cut out the antics and actually try to effectuate some sort of change because he thinks all of them up there want that. He advised this is absolute utter and total abuse what is going on; he would appreciate that they would not have to do this, but for the rest

of the 99 percent out there, they are going to get lower costs when asking for requests; and he thinks that is a good thing.

Chair Zonka stated she thinks that was well stated; and she asked if this is going to come back. She stated she is glad they took the uncomfortable task of addressing the abuses and that the former Commissioner was brought up, and that is sort of why he was charging apparently \$50 an hour before he left; with easy records her office has always given them up without any cost or trouble, they just forward emails along, whatever if that is what is asked for; but the nature of some of these requests are for personnel files, weird things, or they are so vague that staff has to spend time trying to decipher if this is a request because there are 15 things, along with some built-in accusations. She went on to say unfortunately, there is a tremendous responsibility on the Board to protect and exempt information before it is accidentally released; they do not set the rules the State does, as far as that goes they would put the whole damn government online if they could; believe her, it would make her life a lot easier, but when staff is asked to spend hours and hours of time going through these records, it is not her or him that suffers in that department, it is the rest of the taxpayers because they are not doing work for them; she would be upset for those people who abuse it, when they are talking between two people and they have 65 public records requests, and it is not that she needs the email between John and Sally for the past 12 months that is a five minute ask; but it is two paragraphs of what exactly do they need because they want to make sure that they follow through with the request. She continued to say and for the average person that wants a Commissioner's email for the last two years, three years or wants to look at some communication between individuals, they are going to save a boatload of money; she thinks that this is actually a really great thing for the average person and not the person who gets up there and makes all sorts of accusations; if it is said over and over again it does not make it to true; if anyone in the audience or anybody who gets up at this podium and wastes three minutes of their time making faceless accusations, please by God file an ethics complaint because if everybody that worked for the County and everybody on this Board was so corrupt then none of them should be there, so please file an ethics complaint, they will investigate it, they have a whole team of investigators, with actual backgrounds that do this stuff, and they can look into it; and that is what she would recommend a person to do, because she knows, she would not want to serve with a bunch of corrupt individuals, and she would not want a bunch of corrupt individuals working for this County. She stated if a person suspects something, please by God set it up for an investigation; she thinks they have wasted so much damn time on this, it is frustrating to her; she looks forward to the rest of the population and the average folk who just wants some good information to saving money, that is what she looks forward to; and she thanked Commissioner Pritchett for bringing this back.

Commissioner Pritchett mentioned the whole intent of this is to get as much information to the public as best as they can for the largest amount of public and that is why she thinks if they get a lower cost on what they are doing in their offices, she thinks will be a real benefit, because with one of the requests that came back she could not believe the amount of money the guy was looking at, and trying to get information from one of them so she thinks that is a good thing; she noted they are taking a large amount of public comments, just say she did it and it is even more than one-fifth of the public comments; if they are looking at someone in her office, they are making a \$1,000 a week that is a \$1,000 a month of the taxpayer funds going for a lot of questions, but they are going to have to start covering some of these costs because it is not free getting information and having them do all their research for them; that is really what it is basically coming down to, is getting County staff to kind of put together their research, and not that they cannot have it but everybody has got to pay for it, the people's times; the ones for Florida TODAY, they are awesome, they do not get that many, and when they call with

questions it is easy to give them all answers; if a person has questions, call his or her Commissioner to see if they can help to get some of the answers before they go to County staff; and Mr. Heffelfinger did call, she responded as quick as she could, she did not have the information he wanted, and she was not ready today to make it public, and that is...

Mr. Heffelfinger outburst from the audience they got a copy of it today.

Commissioner Pritchett remarked do not talk back; she passed it out and the Clerk will have it as they move forward, but this is a discussion today; they are not voting, she wanted everybody to hear everything that they are discussing today for the first time together, and that is a good thing; she thinks Commissioner Tobia really narrowed it in trying to get 234 individuals wanting public records, they should be able to get them theirs without someone getting one-fifth of everybody's monthly time out of it; not that they cannot but if they have to hire more staff someone needs to pay for it and she does not think it should be every taxpayer; she thinks it has been abused; if they want it and they pay for it, she is all happy for that, and that is a good thing; she thanked everyone and she asked them to spend some time thinking about it; and she is glad they are doing this so they are not putting the pressure on staff, she thinks it is a good thing to look at, and she thanked the rest of the Board for listening.

Chair Zonka asked if it is November yet.

Commissioner Pritchett replied it is just mean season.

The Board discussed revisions of AO-47, the Coordination of Public Records Requests; but took no action.

## **K. PUBLIC COMMENTS**

Dr. W. Wanda Jones stated she is a Marine Mammal Biologist and she conducted a study on marine mammal feeding preferences, she received her Master's in Doctor of Philosophy (PhD) at the University of Florida, and she has conducted scientific research looking at manatees feeding preferences and other marine mammals while working for the U.S Fish and Wildlife Service and National Oceanic and Atmospheric Administration (NOAA)'s National Marine Fisheries Service; manatees and seagrasses have co-evolved together for millions of years, and have a co-dependent relationship; the Indian River Lagoon (IRL) had a resident population estimated by an expert to be approximately 1,100, approximately 700 plus manatees died last year, and this year are still dying of starvation; she would like to address misinformation publicly stated by Commissioner Smith on March 22 and he stated too many manatees are eating a small amount of seagrass; first, there is virtually no seagrass in the IRL according to experts and her own personal observations; and scientific studies have concluded that a seagrass medal size of less than one hectare can sustain intense seasonal grazing by manatees. She added a collaborative study between them, United States General Services (USGS), Kennedy Space Center (KSC) and NOAA showed that manatee grazing can help maintain more diverse, mixed species, seagrass meadows, also no matter whether manatees graze the top of the grass or pull the whole plant out which is based on Commissioner Smith's comment that unlike cows, manatees pull up the whole entire seagrass plant, therefore the plant cannot grow back; implies that the seagrass will no longer grow; no matter whether manatees graze just the top of the grass or pull up the whole plant and studies have concluded that seagrass meadows benefit; studies have shown that whether manatees eat the top of the grass or pull up the whole plant, is the result of the substrate in which the seagrass is growing, not the manatee, but weak substrate results in the entire plant being pulled up; and strong substrate allows the manatee to graze just the upper portion of the grass leaving the roots of the substrate. She stated periods of intense grazing can modify the relative species composition without

completely destroying the seagrass meadow; despite the repeated annual grazing pressure of hundreds of manatees feeding at one of the study sites where manatees were observed for years, the seagrass was never removed to a degree such that it would not recover, and this site was a highly favored site by manatees according to the researchers; the bottom line is that the manatees help seagrass grow, they have a co-dependent relationship because the two species have evolved together for millions of years, and they are not a problem to seagrass and actually appear to be a necessary component needed to help seagrass species remain healthy; she has large photos of a manatee, DeSoto, that starved to death, a face of immense suffering several hours before he died; if manatees could scream, she sincerely believes this manatee would have been screaming in agony; she had never seen a manatee contort its face, its lips, and its mouth in this manner; humans had the opportunity to witness the agonizing suffering of a starving manatee who had not eaten in several months; and there were hundreds that suffered the same agony and they died alone, with nobody to witness it. She stated DeSoto and none of the other manatees had to die if the Fish and Wildlife Commission (FWC) biologist...

Ms. Jones asked if she can finished her thoughts, she only has less than 1 minutes.

Chair Zonka stated she has 30 seconds to wrap it up quick.

Ms. Jones continued to say if the FWC biologists have been allowed to feed the manatees hydrilla and water hyacinth instead of lettuce this past winter, fewer manatees would have died; hydrilla and water hyacinth are much healthier than lettuce, lettuce is primarily water, no nutrients, and no fat; the IRL is too brackish for hydrilla and water hyacinth to propagate, but in fact, it already grows in freshwater creeks that drain into the Lagoon all the time, because they cannot grow in brackish water; hyacinth and hydrilla have never grown in the IRL; manatees love it and would eat any that they encountered anyway; and please support any efforts that the FWC makes or desires to make to feed the resident manatees that live here throughout the year hydrilla and water hyacinth for this year to come, until the IRL is no longer a sewage dump, and only after the sewage is halted will seagrass be able to be replanted and thrive.

The Board recessed at 7:26 pm and reconvened at 7:35 pm.

Katrina Shadix, Executive Director of Bear Warriors United, stated she is a third generation Floridian and she has been visiting a Play Linda Beach since the early 70's, when it still had a little snack bar; she has also been hiking and exploring the Merritt Island Wildlife Refuge for decades and she has been recreating on the Indian River Lagoon (IRL) for so long, that she remember the crystal clear water and the expansive, massive meadows of emerald green sea grass as far as she could see; but now that is all gone, the IRL is a dead zone, a collapsed ecosystem that can no longer sustain life or generate ecotourism dallers; she quoted from a bio article on Commissioner Smith, "Referring to the Delaware River in New Jersey, this is where I developed my deep love of nature and for being in and on the water of the river I loved."; if a person reads about the Delaware River, it has been polluted for a couple of decades, and hopefully he did not bring down here that polluted mindset from New Jersey; and how it is native...

Commissioner Smith stated he did not bring DuPont with him.

Ms. Shadix remarked that is good to know; she continued with some quotes from the last meeting; she warned Commissioner Smith that she is going to pick on him for what he said; first, he said, "Nobody is addressing that they have too many manatees eating such small amounts of seagrass."; she stated that is right, because they do not have too many manatees;

the last count in 2017 was they had 7,520 manatees compared to 22 million people; comparing those numbers, it is clear to see that they have too many people and not too many manatees; the next thing he said is "They are eating themselves out of house and home."; and she advised that is actually incorrect, what is correct, is they have polluted them out of house and home, the main source of pollution in the IRL is human associated sewage, which never could have happened without the Brevard County Commission taking developer donations, then voting to approve up-zoning sprawl development requests for those same developers which permitted the developers to commit countless crimes against nature, involving massive deforestation, the filling in of the wetlands, and the catastrophic degradation of their waters hence the pollution and ecosystem collapse of Brevard County's part of the Indian River Lagoon. She continued with the next thing he recommended was calling manatees to be like deer and bear because there were more than the habitat can support; they cannot destroy habitat and then claim there are too many for that habitat to support; culling happens when prime habitat is remained the same, while the population has increased; and the opposite has happened, habitat has been decimated and the population has decreased dramatically, that a Federal designated unusual mortality event was declared last year, and is still happening to the point that they are witnessing a local extinction event in real time.

Katie Delaney stated she have never attended a County Commission meeting, it was her first time...

Chair Zonka replied sorry.

Ms. Delaney continued to say she has been going to School Board meetings for the past year, she has been to every School Board meeting and School Board workshop since March of last year; she is present to ask the Board, but she does not know if it has authority to look into their finances because they need a forensic audit of the finances of Brevard Public School (BPS); it was just announced that they have a debt consolidation loan of \$512 million, that money, to be fair, is from 2008 until now; that is \$512 million of their tax dollars that is debt; that is not counting its yearly budget that they are getting every year; and now they are asking for a millage and it is on their agenda today, for next BPS meeting. She mentioned they have already mismanaged hundreds of millions of tax dollars and they have shown that they are not to be trusted with one cent of their dollars anymore; and they cannot pay their teachers, bus drivers, the schools are falling apart, and she wants to know where all the money is going. She added they are getting hundreds of millions of dollars every year and she is not seeing where that money is going; kids cannot read, kids cannot do math, 50 percent across-the-board of their students in BPS are below grade level in Math, and she is present as a last-ditch effort; she has contacted Legislature, Governor Ron Desantis, and every government official she can think of expect for the Board of County Commissioners; and she is practically begging for a forensic audit. She stated they need to know where their money is going, especially before they raise property taxes; and if anybody has any questions about any of that please feel free to ask, if the Board is not aware of that stuff.

Stel Bailey stated simplifying over a solution to the complex water quality issues by blaming manatees for decades of horrible policies, lack of environmental protection and enforcement, sewage spills, chemical saturated lawns, growth with septic tanks, and humans negatively impacting the ecosystem is exceptionally harmful to clean water efforts; in the last 14 months she has witnessed the manatees lack of survival in the Indian River Lagoon and significant loss of their habitat, evidence of the beginning of extinction; agencies claim to be rescuing the manatees, but nearly on a daily basis she sees a recovery mission of them collecting the bodies that were initially piled on an island in the Lagoon and now being tied to docks across Brevard County, cranked into trailers, and stacked at a landfill; a dozen out of nearly 1,500

manatees had been rescued on the east coast; instead of being forthright with their communities, the agencies put on a pathetic lettuce show wasting taxpayers money on public relations; and human interference has caused manatees to be malnourished, sick, and suffering lengthy, painful deaths. She stated thermal pollution from the Port St. John power plant changes oxygen levels in the water, they have been testing throughout the year, and it can cause suffocation to plants and feed harmful algae; the Cape Canaveral power plant has \$4.7 million worth of heating equipment and the plant is a refuge for manatees during the winter; this makes manatees dependent on industrial plants and disrupts their natural migration patterns; the Clean Water Act passed in 1972 brought restrictions on thermal pollution, but officials cut a deal with Florida Power and Light (FPL) allowing their plant to keep pushing out hot water to reduce cold related mortality in manatees; the industry was able to get good Public Relation (PR) and save billions of dollars this way, they also lobby to allow the cost to be passed on to customers through their bills; and the expense of pollution is significantly impacting the communities ultimately paying for the cleanup of waterways and to protect aquatic species. She continued to say 32 years ago the Environmental Protection Agency (EPA) designated the IRL as an estuary of national significance in 1990 to protect and restore their water; the decline of the seagrass has been well documented since the 1940s and it is algae blooms that killed the seagrass in the first place; an ignorant response to this problem is wanting to hunt the manatees rather than asking why they altered their habitat and why the Lagoon was not protected for the past three decades impacting seagrass, fisheries, shorebirds, and more; roughly half of the native species that once lived in the Lagoon are gone; as a board member of the National Estuary Program, she asked Commissioner Smith to send a letter to the government, and asking them to revisit the requirements for thermal pollution and assess it its impacts on their ecosystem; she also asked the Commission to meet with Fight for Zero to discuss numerous ways they can educate communities on the balance of their ecosystem, water quality, and how to reduce the impacts of the pollution; and community participation is the most powerful tool for environmental conservation.

Commissioner Smith stated as long as they are all going in same direction.

Ms. Bailey stated exactly, and that is why she is willing to meet with each one of the Commissioners if they want to talk about education because community engagement is something that she specializes in.

CJ Saturday stated on January 22, 2020, the Brevard County Sheriff proudly accepted a Resolution recognizing the United State (US) Constitution as a cornerstone of government; and Chair Zonka agreed. She added on January 31, 2020, Brevard County Commissioners took an oath to unprecedented vote to uphold the US Constitution; Commissioner Tobia did a wonderful speech about how they are hypocrites; if they are going to ban panhandling then politicians need to be banned, along with charity and organizations, because it is protected speech; and either they are for the Constitution or they are not.

Robert Klimkowski stated he wants to talk about citizen advisory committee appointments again, with his candidate status making him ineligible for District 4 appointee to their Transportation Planning Organization (TPO) Advisory board; Section 5.6, public participation inclusion per Brevard County Home Rule Charter; this brings it back to the locality; all citizens and taxpayers are entitled to have access to their elected officials to present their grievances to the County Government and to participate in County Government in an effort to guide the future of the community; when making appointments of the individual citizens who desire participate in government to any decision, making regulatory Advisory board committee, including the Charter Review Commission; the Board of County Commissioners shall make appointments based on competence, expertise, or merit of the prospective appointee when appointments to

all of the County's boards and committees are taken as a whole, the appointments should include citizens from all segments of society in Brevard County reflecting differing viewpoints, gender, life experiences, professions, races, and ethnic backgrounds of Brevard County society; in an effort to provide balance with a regard to race, gender, or ethnic background; and he asked why his candidacy makes him ineligible for a citizen advisory committee per the Home Rule Charter that has nowhere holds no bearing. He opined it is actually great that he wanted to run just like each and every one of them wanted to run for where they are sitting at now and he finds that to be an honor to serve Brevard County, if elected for Brevard County Commission District 4; he did not want to make his candidacy known, but it seems like he has to because he cannot be appointed to a board after he was told he would be appointed to one after about six months of following up with the Legislative Aides; he has email correspondence saying he talked to Commissioner Smith, to see if he can get on a board; he sat right there, shook his hand and talked to him, and he said he is a candidate and he believes that everybody from an architect to an engineer, from a landscaper to a builder should have a right on those boards because he might be a landscaper, but he wanted to be on the TPO to talk about how that might impact somebody, or the architect, or the builder; and just because he is not a professional or not having a doctorate does not mean he cannot sit on a board and help the County in the direction as a citizen, he believes makes them all-inclusive, and not just the doctors and not just the professionals that makes it an exclusive. He mentioned there being a lady in back who said she is having a rough time right now; he asked how she is supposed to access public records because if they are impoverished making \$14,000 a year and what if they have a public request record for \$200 like, he did; he was only asking for the Melbourne-Tillman water canal from a certain date to a certain date; it was done in two weeks but it came back three months later with a \$250 charge; that was his first records request and he could not pay for it, and actually, Mr. Hefflefinger offered to pay for it for him when they were sitting at Panera, and in front of Mr. Abbate; and it just so happens that two hours later he got the records request back.

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

Frank Abbate, County Manager, stated he has one item and staff has been speaking with the County Attorney, and it relates to the District 2 Commission office and the staff; until such time as the Governor appoints a District 2 Commissioner or there is an election for District 2 Commissioner, and that Commissioner is sworn in, there are a variety of options that are available to the Board regarding the continued operation of the District 2 Commission office; they are looking for Board direction on how to proceed; he can outline very briefly what some options are for Board; first, would be that the Board would maintain oversight and management of the District 2 office and then District 2 staff could just provide the Board with updates on as appropriate, or the Board could ask staff questions on what is going on; second, would be that the oversight and management of the District 2 office would occur through the County Manager and he would then bring during his report any issues to the Board's attention, that the Board may want or that he needed any direction on; third, would be that the oversight would be maintained by the Board and then day-to-day management and oversight would be by himself as the County Manager, and the Board would appoint someone from the District 2 office staff as the appointing authority to make the decisions for the office, and then he would sign that person's time card; and fourth, would be if the Board wants to do any combination of that or something else, they are just looking for Board direction on how to proceed since it is a rather unusual situation with that staff.

Commissioner Pritchett asked for Robert (Fritz) VanVolkenburgh to come up for a couple of questions; she stated this is tough and she wants to open with the Board does miss Bryan Lober, he had some circumstances that came up to where he was not able to serve anymore, and she just wishes him well and that she hopes he and his family are able to heal with the

recent death in his family; and she hopes he is doing alright and doing well. She stated this is difficult to figure out, she is hoping the Board has some ideas because they now have a whole section of the County that does not have representation of a Commissioner; this is difficult to figure out and how to navigate this, but she does know at the end of the day the four of them are going to be responsible for this as well; she is interested in hearing what the other Board members ideas are; Frank Abbate, County Manager, came out with some good recommendations, but she feels like Mr. VanVolkenburgh is a critical person from knowing that District up there; she wanted to open with that and to hear what they are thinking; and she has concern trying to figure out that budget with some things that they are trying to figure through, so the budget constraints are the utmost part of her head right now. She mentioned wanting to throw out an idea right now that she likes the thought of having Mr. VanVolkenburgh directly report to them, like any County staff, with things going on in District 2, for the Board to have information; she does not know if there will be someone appointed by the Governor; she has heard so many people tell her that there is probably never going to be an appointment, it is going to end up going to election; she thinks they keep Mr. VanVolkenburgh and they just let him do the liaison and maybe just let the rest of the office do something different; she wants to hear from rest of the Board and see what he needs; but that is just something she has been kicking around with trying how to figure out this budget they have to absorb as well.

Chair Zonka stated they obviously do not talk, because she called Mr. VanVolkenburgh this afternoon and she did not want to put him on the spot publicly to see what his comfort level was; he of course graciously and very thoughtfully said yes, he would help, he would remain at the District 2 office; ultimately this is kind of a unique situation, they never expected nor have anticipated; she wants District 2 to have representation, sadly they will not have a vote or a voice unless the Governor appoints; looking at the budget it has his salary and staff, and she passed that out to the Board; she asked him that for this afternoon and it was not on the Agenda, because there was no agenda item for this, but she asked Mr. VanVolkenburgh the salaries and the positions of his office staff; and he has another full-time employee and another part-time employee. She asked for him to speak freely on this, he does not have to say an employee choice because she thinks between him and a part-time employee, they can get the job of the District 2 office done. She advised the reason why she asked is because they are not working for a Commissioner, so they would not be tasked with the day-to-day of needing to do this, that, and the other; and he is sort of just oversight and making sure their constituents in District 2 are taken care of which is kind of her primary focus right now.

Robert (Fritz) VanVolkenburgh, Chief of Staff of District 2, replied he thinks things have slowed down and he thinks that he could work with that for sure; he stated maybe what they could do if they chose to go into that direction, if things become a little difficult and he cannot manage that, he would come back to the Board to let it know; but he thinks things will slow down without having a Commissioner in the office.

Chair Zonka stated she did not want to talk to his employees because he is their direct supervisor, but she guesses he can only guesstimate if the part-timer would agree to stay on, that is kind of where she is leaning at least for the District 2 office now; if they have more needs, he can certainly let them know; but she wants to make sure that those calls are answered, that there is somebody full-time in the District 2 office so if someone calls someone is there to answer and help them out.

Mr. VanVolkenburgh stated absolutely.

Commissioner Tobia stated he thinks of the four options presented, option three provides the most flexible approach and will serve the constituents of District 2 the best; the previous

Commissioner said over and over again District 2 is unique and there is no doubt District 2 is very unique; he has worked with Mr. VanVolkenburgh before and he is nothing but straightforward, honest, and he thinks that the folks of District 2 would be very lucky to have someone who quite frankly has dealt with them on a daily basis while his time is there; he agrees that with the lack of extra work that would go in with research and all that stuff for a Commissioner, maybe they would not need that extra staff; he thinks giving Mr. VanVolkenburgh that part-time is probably a wise way to go, he does not think, however, though they need to; but he thinks option three when it comes to the functioning of District 2 is probably the best. He mentioned he does not want to have Mr. VanVolkenburgh needing a packet of pens and having to come to the Board for that, he thinks the County Manager who he has great faith in can oversee the day-to-day, and he does not think that they need to worry about any large amounts of resources; until they get everything figured out they do not know whether or not there is extra money left over, but he does not want to hamper that office on the nickel and diming and having him to wait those two weeks; and he thinks that is something that is going to be extra work for the County Manager's Office, but he thinks it probably will serve the folks of District 2. He added the policy in his office is if there is an issue with District 2 or any other District, he speaks with the Commissioner first, and then comes to the Board secondarily; it is difficult to say that now, but he thinks if they designate Mr. VanVolkenburgh as the point person there that he has a better handle on that unique District than what the Board does; but he thinks it is very important that they recognize him as managing that office until such time that the Governor makes a decision to put someone there. He advised he fully supports option three which is that hybrid between Board for larger decisions and the day-to-day basis the County Manager; sincerely, not that he wants it, but he appreciates Mr. VanVolkenburgh in the penalty box, so especially when it comes to zoning issues, he thinks he would have insightful input and certainly knowing a lot more about the water issues that face District 2; he would feel a lot more comfortable with knowing the input that they get at the meetings with him up there; and so that is why he is with option three.

Chair Zonka asked Commissioner Tobia if he is okay with him having a part-time employee, so if he ever needs to take a day off, he can actually take a day off.

Commissioner Tobia replied he thinks it is far too much to have him by himself there answering the phones, doing the liaison between the constituents, and it is way too much to ask of one person; he certainly would not expect that even though he has got a lot of letters that follow his name; he has the knowledge of that District, so he thinks an extra person there, the part-time person there; and he may want a little bit more, but he thinks that is the one that makes financial sense until they get all the finances figured out in that office.

Commissioner Pritchett asked Mr. VanVolkenburgh as he is gathering information for the meetings, as far as zoning items and stuff, that he would not mind giving them all a call, and briefing them on the items coming up just as any staff member would so the Board is doing the best for their District; she knows he will be at the briefings as well but if he would just make sure they have all the information needed to make sure that they do not mess up District 2.

Commissioner Smith stated he would like to reserve judgement, because this is a very fluid situation that none of them are familiar with; he thinks out-of-the-box what they are talking about works, but it would behoove the Board to revisit this maybe in 30 days or six weeks to see how he is doing, get his feedback, and go from there; and that way if they need to revisit this they have already laid the groundwork to do that.

Chair Zonka advised she does not know what that means revisit, she is just trying to help him today.

Commissioner Smith stated he knows that, but he is just saying if they reach out to him in three or four weeks and do this again, maybe the Board can get some information from him that is very pertinent; and the Board may change course and give him a full-time employee or cut the part-time employee, the Board does not know.

Chair Zonka stated she differs from Commissioner Smith, her thoughts are that she wants that office to have some stability; she thinks Mr. VanVolkenburgh deserves the stability as well and if he has further needs than the part-time employees, he is going to be the first person that picks up the phone and calls them; Mr. VanVolkenburgh may be a quiet guy, but he is not shy; she would want at least a little bit of security for not just District 2 residents to feel more comfortable knowing that there is somebody stable in that office and if they need to make change the Governor could appoint somebody next week, the Board just does not know; based on the history, she does not see that happening and that is why she wanted to have some concrete things in place now so that office has some stability, because a lot has happened in that Office, over the last 30-60 days; and she would like to know that Mr. VanVolkenburgh is going to stick around for the long haul.

Commissioner Smith stated he does not doubt that he will, he is just saying that this gives the Board opportunity to just revisit it in six weeks if the Board wants to revisit this; he does not want Mr. VanVolkenburgh to feel bad or look bad that the Board is saying report to the Board; and if they tell him up front that they want some feedback then it is just part of the routine that they have already set it up, that is his point.

Commissioner Pritchett stated she is really expecting a phone call in a week from him to keep her caught up on what he has; she just needs time to study their issues as well; and at that time, if something is not right, he can just fuss away at her, and then call them and fuss at them, too, and then they will figure it out for him.

Mr. VanVolkenburgh replied he will do.

Chair Zonka asked if he is comfortable if the Board moves forward with that plan.

Mr. VanVolkenburgh replied yes.

Commissioner Smith stated he is good, whatever rest of the Board wants to do, and he just threw that out there.

Chair Zonka inquired if they need to do a motion to...

Abigail Jorandby, County Attorney replied she recommends a motion to direct putting that in process, yes.

Commissioner Tobia stated he would like to make a motion for option three, the hybridization of the management between the Board and the County Manager's Office, and to give direction that Mr. VanVolkenburgh be granted the ability to have the part-time staff that was previously discussed.

The Board approved and directed oversight for the District 2 Commission office to be maintained by the Board; approved and directed the day-to-day management and oversight to be maintained by Frank Abbate, County Manager; authorized Fritz VanVolkenburgh as appointing authority to make decisions for the District 2 office; authorized having a part-time

employee; and authorized Mr. Abbate to sign the timecard.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

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

L.2. Abigail Jorandby, County Attorney, Re: Report

Abigail Jorandby, County Attorney, stated she has a brief update, since their last meeting the County has received correspondence and a copy of a resolution from the Town of Malabar; this is regarding the Malabar Scrub Sanctuary, they are requesting the initiation of conflict resolution proceedings; as the Board may recall it actually adopted a Resolution in February, which actually bypassed that procedure; at this time she is just seeking Board direction if for some reason they would like to participate in the pre-dispute resolution instead; they prepared a complaint to file in court, so that would take them outside in that process; and she just wanted to see if there was any direction from this Board.

Chair Zonka stated everybody looks at the Commissioner in the District.

Commissioner Tobia stated he thinks the Board was pretty clear; he appreciate them passing that, but that could have happened ages ago; he hopes the Board would continue with the direction that it went on weeks ago; he would like to get this resolved; he thinks the Board were pretty clear in what direction they were interested in going in; the Town decided to go in another which they certainly had that ability to; but now it is putting this in someone else's hand and that would be the court system.

L.6. Curt Smith, Commissioner District 4, Re: Report

Commissioner Smith stated he would like to highlight his journey to Miami via Brightline; he has some professional pictures to show the Board; now he has some individual pictures to show the Board; the picture on the left is the inside of the train and they made a point to tell that these designs for these trains came from interviewing architects that built small homes, travel trailers, and recreational vehicles because they wanted to be able to pack as much into that small space as they could; they really succeeded, it has very comfortable leather seats, at every seat there is a 110 volt outlet, and a couple of Universal Serial Bus (USB) ports; they did a wonderful job on the bathrooms, all the doors are touchless, and when people approach them the doors open, and when people go into the bathroom they not have to turn on the water, just put hands under the faucet, it is t-shaped so when they are done washing move hands to the side, and the air comes out and dries hands; it is pretty amazing, people do not have to touch anything; and they put a lot of thought into these type of things. He mentioned Brightline saying that Amtrak is so impressed that they are ordering their trains to copy them; he rode Amtrak back in November and he was pretty impressed, and Brightline just blows them away; the card that everybody is holding up is a pledge card saying stay off the tracks which is something that they want to impose and bring to people's attention, that these trains are going to be traveling at 79 to 125 miles per hour; if a person is used to seeing a train one-half a mile away and are going to try and beat the train, they are probably not going to beat it because it is traveling three or four times what they are used to; it is important for people to be aware of this; he knows that they are in much better shape there than they were down south, because when they were on the train down south there was an awful lot of crossings they do not have the hardened crossovers that Brevard has; they have one arm crossovers; and people can drive around, it is scary. He advised the people can thank former Commissioners and the last Commission, because they negotiated those and did not have to pay for them; the next picture is a gathering, they were addressed by the Chief Executive Officer and President of Brightline,

he is on the right hand side, this is showing a fraction of the people that were there, there were about 40 that attended this; they had Chamber Commerce people, business people, some staff, they had firefighters and law enforcement, and it was very beneficial for everybody, he thinks it opened their eyes especially law enforcement people and firefighters because they were able to go into these trains and talk to their law enforcement and their firefighters to give them an idea of what is there, what can happen if they have a crash; it was a very informative day; the guy on the right is their Chief of Law Enforcement; the next picture is the group picture of everybody that attended, it was a very interesting, and an informational day; and he wished he could have taken the rest of the Board, but they have Sunshine Law.

Chair Zonka remarked yes, they would of had to public notice it.

Upon consensus of the Board, the meeting was adjourned at 8:12 P.M.

ATTEST:

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RACHEL M. SADOFF, CLERK

COMMISSIONERS

FLORIDA

\_\_\_\_\_  
RITA PRITCHETT, CHAIR  
BOARD OF COUNTY

BREVARD COUNTY,