

# CHARTER REVIEW COMMISSION MEETING

Thursday, April 21, 2022

3:00 p.m.

Brevard County Government Center

2725 Judge Fran Jamieson Way, 1st Floor  
Viera, Florida 32940

## A. Call to Order

Mike Haridopolos: All right I would like to call to order the Brevard County Charter Review Commission meeting to start up. If you will all please rise for the Pledge of Allegiance.

## B. Pledge of Allegiance

Mike Haridopolos: And Mr. Nye why don't you lead us in that, thank you.

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation, under God indivisible with Liberty and Justice for all.

Mike Haridopolos: All right Melissa if you could please call the roll, that would be great.

## C. Roll Call:

Melissa Brandt:

Robin Fisher (District I) - Present  
Kendall Moore (District I)-  
Marcia Newell (District I)- Present  
Mike Haridopolos (District II)- Present  
Marie Rogerson (District II)- Present  
Blaise Trettis (District II)- Present  
Bob White (District III)- Present  
Matt Nye (District III)- Present  
Gabriel Jacobs-Kierstein (District III)- Present  
Tom Jenkins (District IV)- Present  
Cole Oliver (District IV)- Present  
Sue Schmitt (District IV)- Present  
Jordin Chandler (District V)- Present  
Vic Luebker (District V)- Present  
Dave Neuman (District V)-

Commissioner Moore and Commissioner Neuman present after roll call.

Staff Members Present- Melissa Brandt, Jim Liesenfelt, Assistant County Manager, Attorney Paul Gougelman

Melissa Brandt: -We have a quorum.

Mike Haridopolos: Thank you very much

#### **D. Approval of Minutes from March 24, 2022 Meeting**

Mike Haridopolos: First, let's get into the approval of minutes. Do I see an objection to approving the minutes? Seeing no objection, we will mark those as being accepted. What I would like to do if we could, I know the pressing proposal before us today is item G which is unfinished business. If we could just make a couple of minutes to go through the reports, and before we get to proposals today, we will get into the unfinished business which is found in item G. Of course, we are going to take up the motion to change from ten (10) in rule seventeen to go to eight (8). We also have a motion to delete rule sixteen from the rules of procedure as well. So, we will take those up before we go down to section F which is under proposals to hear the Charter Cap, et all that follows. So, first thing I would like to do is that we have got some reports from staff as far as what is going on. We have had a little bit of an issue as far as public hearings are concerned. That was brought to my attention today. So, why don't I turn it over to the staff first and we will kind of go through a few of those issues, and anyone that has any questions for the staff before we progress, just please let us know. Jim, do you want to go ahead?

#### **E. Reports:**

1. Chairman
2. CRC Staff Person

Jim Liesenfelt: All right, thank you Mr. Chair. Members of the Commission, as we were going through checking a couple of other items with our legal ads, we have discovered that in the newspaper, the two previous meetings were not advertised as a public hearing. We spoke with Paul, and Paul's suggestion is, or recommendation is those were not official public hearings. We had put them on the agenda's, we had public speaking, but they were not advertised, that was our mistake. So, today's meeting is advertised as a public hearing through the legal notices. So are kind of leaving it up to your guy's decision on the Charter in so many words says that you have to have three public hearings, ten days apart before you transmit any recommendations onto the board. So, based off of that, today would be your first public hearing. Official public hearing

Mike Haridopolos: All right, questions for the staff on that issue?

Tom Jenkins: I do

Mike Haridopolos: Tom?

Tom Jenkins: If I go by what prior Charter Review Commission's have done and what I read in the Charter, it says that you require three public hearings only for those items being recommended for submittal to the voters. If it doesn't get through this Charter Review Commission, it doesn't require three public hearings. So, in the past what we have done we have heard, discussed, and voted on any of the amendments, then we called three public hearings at the end of the process to determine whether they would go forward or not.

Mike Haridopolos: Okay, other comments? Oh, okay Vic go.

Vic Luebker: So, Mr. Liesenfelt for us to go forward from here, would this be the first meeting for everything now? Would it be basically a clock reset?

Jim Liesenfelt: Well that would be up to the Commission to decide, but this is the first properly advertised public hearing that we have. All right, I also think I would like to defer to the Chair since he's got vast parliamentary experience in this area, so I would like to hear his thoughts.

Mike Haridopolos: Sure, let me hear everyone else's first and I will definitely give you my thoughts, I promise. (laughter). I don't mind giving my opinion. Other opinions before we, Blaise?

Blaise Trettis: Even though there has been public hearings really in reality, I think the public should be heard before our votes on, if the suggestion is that we vote and then have public hearings, that does not seem correct to me. I think we should just start from scratch.

Tom Jenkins: Can I respond?

Mike Haridopolos: Tom, of course.

Tom Jenkins: I don't think anyone is suggesting the public would not have an opportunity to provide as much input as they choose to provide, it simply says, if you read the Charter, the Charter says those items being recommended for submittal to the ballot shall have three public hearings. That is what the Charter says.

Mike Haridopolos: Ms. Rogerson

Marie Rogerson: I would second what Blaise said. To me, I agree by the letter of the law it is totally correct, but if it were me, if I were a member of the public having seen how we all feel, and the discussion process, and then to have the public input would bother me. So, I would prefer that we have it as we go.

Mike Haridopolos: Other questions or comments?

Bob White: Just one, Mr. Chairman. I am inclined to agree. Correct me if I am wrong, to Mr. Jenkins. If we debate it and discuss it to the point where we are ready to make the recommendation, and then we have three public hearings, isn't that going to prolong the process? Isn't that going to add a considerable length of time to the whole process?

Tom Jenkins: Well I am really just repeating what the Charter says. And again, I am not saying that the public cannot speak at every meeting, the public

Bob White: Right

Tom Jenkins: the public can speak on each and every item, but the public does not know what we are going to vote for. Once we decide what does and does not go on the ballot, then they have the opportunity to come and speak specifically on those items that are going forward. Not the ones that are not going forward.

Bob White: So, it would prolong the proceedings?

Tom Jenkins: It could.

Bob White: Yeah, okay

Mike Haridopolos: Other comments?

Vic Luebker: Can I follow up on that? So, we can still, the public would still have three bites at the apple?

Mike Haridopolos: Of course, in every scenario, but I would say this if you are asking my opinion: We are going to be here, anyway right? And so, in an abundance of caution why don't we just count this as meeting number one. I think we all know how we are going to vote on most of these items anyway. The bigger question might be do we need eight votes or ten? Maybe that is the bigger question for today, let alone in the future. But I think in an abundance of caution, we have enough scheduled meetings. I don't think we will see an avalanche of new proposals. So, in worst case scenario, I think we are up to number nine? I think for number of proposals, I think a few of them might be clunkers anyway that might not get the support right off the bat. That said, I think we are going to be here, and what I think we might want to do today is make sure everyone knows the rules. That means do you need eight votes or ten? We will decide that today. And then there is another adjustment in the rules. And then there will be two more public meetings, and I would imagine, so two meetings from now we will have that first vote on just about all of these items if we want to. I would like to stay away from as Commissioner Moore talked about the vote-a-rama, so maybe we decide how we want to break that up. I think we will also see as we go through each of these proposals at each of the next two meetings following this one, which have viability. I think some of these based on the comments that were made from our last meeting, some of them might not have that threshold, whether it be eight or ten. So, if it is okay with the members of the Commission, I think we are kind of in agreement here that we wait, in an abundance of caution, we wait for those votes to take place two meetings from now, so that the full public hearing could be had, and I think as we are getting closer to the end, just like in an election, people kind of are paying more attention. So, I am sure by next meeting we will have this room filled, and everyone can have their say. But it is nice to see some familiar faces here too. So, if that is okay with everyone. So, for a motion Mr. Nye?

Matt Nye: I move that we re-set the clock to make this the first meeting in terms of public hearing.

Mike Haridopolos: Without objection, show that adopted. Thanks so much for everyone working on that proposal, I am glad you caught that now and not later.

Jim Liesenfelt: Sorry for that.

Mike Haridopolos: Also, as a public announcement, May 12<sup>th</sup> is the last day. If you want to get a proposal in, that is our next meeting, that is the last day you can get a new proposal in order to meet this time crunch that we are putting on there. The good news is that you are not that far behind the people who are in line already. So, any other comments? All right, let's move to the next issue. I am sorry, Jim?

Jim Liesenfelt: I am sorry Mr. Chair, I do have one more, I am asking if I can get a little clarification. Last meeting, the Commission asked for the cost of an election district versus whole. I spoke to the Supervisor of the Election office, and if I could just get a little more detail on what you all are looking at. It was explained that you all could have a referendum which could be a mail in, or by vote, so I didn't have the full information to have everything for the Supervisor. I didn't want to take a supposition, so I was at least asking bring it back. If you still want the cost of an election, exactly kind of what you are looking for, and that would help us to get you the right number.

Mike Haridopolos: I know a lot of people have a vested interest in a very important issue. Questions for the staff as far as what direction you would like to follow as far as giving that information to the Supervisor of Elections, so they can give us a clear idea of how much that election would cost. Anybody have any specific question or direction that you would like to give, or kind of discuss this.

Blaise Trettis: Yes, my direction would be that it is a regular in person election. That cost.

Mike Haridopolos: And then to clarify further, by district and county wide correct?

Blaise Trettis: Both

Jim Liesenfelt: Thank you

Mike Haridopolos: Anyone object to that? I think that is a very smart proposal. I think people are going to want a typical election, and so we will break it down by the district, and I think given the interest in this, a lot of people talked about exclusively for school board. This could at some point be other positions. But I guess you are going to have to break it down, one by school board, and then the five members, and then also County wide. Any other clarifications on that issue? All right Okay CRC staff also has the issue on the cost of the three- member attorney review panel.

a. Three Panel Review Costs

Jim Liesenfelt: Yes, Mr. Chair you all asked for what the cost was from the last time. 2016 the Commission did not have any recommendations to pass onto the board, so there was not three panel. So, we went back to 2010 and the information

is in there. The charges went from \$165 per hour to \$ 225 and then we put the invoices behind so you could see the various time that the three various attorney's spent on the items. There were four items that they were reviewing at the time.

Mike Haridopolos: Okay, any questions on that item about the cost? Okay seeing none, let's go to the second section, the history of the three- member panel.

b. Three Panel Review History

Jim Liesenfelt: And that, we were asked on how that came about, that memo is in there. What you have is the two resolutions by the Board of County Commissioners. I don't know how to put it best, it was done in between Charter Review Commissions. The County Commissioners can put items up to vote for the Charter and that is what happened on both of those. One was done for when citizens submit petitions, and then there was another one when Charter Review submits petitions. So that is how the attorney panel came into being.

Mike Haridopolos: Okay, any questions on that? Blaise, do you have any questions on that?

Blaise Trettis: No Sir.

Mike Haridopolos: Okay, that information is there for your reading pleasure, and again as we move forward, feel free to comment on that in future meetings. All right next, let's get into kind of the more legal issues on the time for recall. If you want to get in there Mr. Gougelman.

3. CRC Attorney

a. Time for Recall

Paul Gougelman: Sure Mr. Chairman, I am not going to be labor this, you all have my memo. Commissioner Oliver had asked for what the timeline is for recall elections. I have tried to lay that out as best I can by following the Statute. Unfortunately, the Supervisor of Elections Office wouldn't even help because since Ms. Scott has been our Supervisor of Elections, she advises that they have never had a recall election, so which is interesting. I will be happy to answer any questions on that.

Mike Haridopolos: Other questions? Blaise.

Blaise Trettis: Another comment. By my math, if you add up all the days, it is between a hundred ninety- five and two hundred twenty- five days. Short answer is two hundred twenty- five plus days, my math is one ninety -five to two twenty- five, and the thirty- day difference is because of the election within thirty to sixty days at the end.

Mike Haridopolos: Mr. Gougelman do you see it the same way?

Paul Gougelman: Sure.

Mike Haridopolos: Okay

b. Can the County Commissioners re-word a proposal by the CRC

Paul Gougelman: The next memo is whether or not the County Commission can re-word a proposal by the Charter Review Commission. The answer that I find is that I don't believe that they can. I lay out what the reasoning for that is based on, not only the wording of the Charter, but how these proposals, after they leave here, they have to go to the three- member attorney review panel, and then they go to the Commission, the County Commission with the idea of being placed on the ballot.

Mike Haridopolos: Blaise.

Blaise Trettis: You know my concern is this: with my proposals, as with bills in the legislature and Constitutional Amendments, additional words are underlined, deleted words are stricken through. So, that is what my proposals are, I think that is correct. My concern is that many of these proposals are really not in proposal form like that. They are ideas I would say, which are general ideas. And if any one of those generally worded proposals were to be passed by this Commission, then someone is going to have to come up with the language that goes before the voters, and I will just say that I would not vote for any proposal that is a general idea for that reason. It needs to be precise. When bills go to the legislature, they are just as I said. Same when voters get to vote on Constitutional Amendment, just as I said. Underlines and deletions to the existing wording, so I want to point that out, and that is my recommendation to the board would be to do the same. If there is a proposal that adds to, changes the Charter, that if it is not in the form of underline for additions and stricken through for deletions, that is a good reason to vote against it.

Paul Gougelman: Mr. Chairman, I would absolutely concur with that. In doing research on some of these questions in the past, I found that underlining and strike through, which is pretty standard for this type of thing, have not been used in the past for whatever reason, and as a result it is somewhat unclear what language is being changed, how it is being changed, what the context of it is. I think it is important. It is part of figuring out if anybody needs to interpret at a later time, what's been done, that is how you figure out at a later time what the legislative intent is. I concur with Mr. Trettis. I think he is right on, and I think the other question that he started to broach, is the wording on the ballot question. In the past, I don't know how this has been done by this County, but somebody needs to construct that ballot language. There are fairly specific rules, that are statutory rules for how you construct that ballot language, but there is still an art to it, if you will.

Mike Haridopolos: Blaise?

Blaise Trettis: Are you talking, Mr. Gougelman about the summary language?

Paul Gougelman: The ballot summary, yes.

Blaise Trettis: All I can say is I guess I will file amendments, since there is now more time to these proposals, on mine that will include summary ballot language. Which I don't see why this Commission should not be able to vote on it. The concern with this Commission voting on it identically how it is going to show up on the ballot, is if you don't do that you are letting someone else write it, then it is well that is not what we voted for, so I think that is why it is of utmost importance.

Paul Gougelman: The ballot language question is something that applies to things such as constitutional, state constitutional amendments, and there have been a number of cases where proposals have been submitted to amend the state constitution, and based on the ballot language, the Florida Supreme Court has basically invalidated, invalidated those issues because as the Court says, misleading to the voters. So, there is definitely an art to drafting those ballot questions, and of course they cannot be over seventy-five words by Statute.

Mike Haridopolos: Mr. Trettis?

Blaise Trettis: I would like to point out in reading, I think it was in Mr. Gougelman's memorandum on the three- attorney panel, I believe that attached was the ballot language, and it was interesting that three attorneys were not mentioned. In my recollection it said an independent review panel, but it didn't tell the voters it would be a three-attorney panel which I thought was terribly wrong.

Mike Haridopolos: Other comments? Mr. White.

Bob White: Well, that was going to be my question. Was going to be who exactly is going to do that for us. In Tallahassee we have bill drafting for both chambers to take care of that issue. In my knowledge we don't have an office of bill drafting, so I am wondering who exactly is going to be tasked with that responsibility?

Mike Haridopolos: Well, I think I would probably refer to Mr. Gougelman and his team, and of course we would review that in subsequent meetings and vote in essence to make sure that is the language we want and have us work together in the committee process just like we would in the legislature to get that language we are all comfortable with, seventy-five words or less. I think Mr. Trettis' point is well taken, where in our State you underline and delete and it's clear to the voter in the legislature, let alone people across the state of what's been changed. Unfortunately, Washington doesn't do that, but that is another story.

Paul Gougelman: Right

Mike Haridopolos: I know Congressman Posey is actually working on that. But with that said, I think it is a no brainer, and I think that we have more time now in a final vote in these measures, that as you get a sense of which ones will make it to the ballot that be thinking about the ballot language. And maybe we can even devote more time at future meetings to make sure that our intent is clear.

Bob White: Okay

Mike Haridopolos: I think that would be helpful for everyone that should make the ballot.

Paul Gougelman: Then Mr. Chairman if we can move on, I am on three C, who can contest the finding

Mike Haridopolos: One second, I think, Ms. Schmitt do you have a question?

Sue Schmitt: Yes, I had a question for Mr. Gougelman.

Paul Gougelman: I am sorry.

Sue Schmitt: As far as, what you responded to the question and that was a far as re-wording from the Commission. It is my understanding according to the Charter, that no matter what the County Commission gets, it can't re-word it, but what they can do is not determine, or decide to send it on. Is that correct?

Paul Gougelman: The short answer is somewhat equivocating, yes. And the reason is, is because the concept of not being able to re-word and at the same time being able to keep something off of the ballot, if it is determined to be unconstitutional, or inconsistent with Florida law. That comes from an opinion of the Brevard Circuit Court back in the year 2000. And in that particular case, it wasn't a recommendation from the Charter Review Commission, it was actually a referendum that had been submitted to the County. The County Commissioners were looking at re-wording it, trying to clarify it, and anyway the case went to the Circuit Court and they said no, you can't re-word it. However, if it is determined to be unconstitutional under the Florida Constitution, or inconsistent with Florida law, you can elect not to put it on the ballot and if you follow that concept, it probably holds true for recommendations that come from the Charter Review Commission. And I will tell you that is where we get to the issue of the three-attorney review panel and as Mr. Trettis has noted, it is a panel that seemingly has a lot of power.

Mike Haridopolos: Okay so we are on that item you brought up that three C, who may contest the finding of the three-man panel, please go ahead.

c. Who may contest 3 Panel Attorney Finding

Paul Gougelman: Yea, and the short answer to it is obviously the County Commission could contest it. It is likely that the Charter Review Commission would be able to contest it, except for a couple of problems: Number one is, when this group was set up it has a limited duration, and it also has to have funding to go ahead for undertaking any sort of law suit. That could throw some road blocks in the way. With regard to individuals such as somebody that has actually proposed a proposal here, not a member of the Commission, but member of the public, that person may have standing which is in other words, the right to go forward with a law suit. Whether or not a court would say whether or not that is sufficient, I think is somewhat open to question, but you could make a good argument for that. And then, last but not least, if it is some general member of the public, again to have standing, a general member of the public couldn't just go out and file a law suit.

They would probably have to have what is known as a special injury, which means that they are affected to a much higher degree, or a much different way than the public at large. So, confusing, but I hope it answers your question.

Mike Haridopolos: So, let me get into that for a second. Obviously, the group that would have standing would be the County Commission?

Paul Gougelman: Yes

Mike Haridopolos: and so, if one of our County Commissioners chose to challenge that three- member panel then they would have standing, and of course a budget - dollars to make that request. Would that be an option?

Paul Gougelman: It is an option, there is also another approach to that they can follow if they elect to, and this gets into the politics of decision making, and that is of course the County Commission has the ability to propose its own amendment, and so you could actually have a CRC proposal, followed by a County Commission proposal, and I haven't researched it, but under some rule of law that I seem to recall from some years ago, if the County Commissions proposal comes second in time that would be the one that would probably prevail in the event of any inconsistency.

Mike Haridopolos: And on that same notion, that when the County Commission proposes one of these Charter Amendments, do they have a three- member attorney panel overlooking them?

Paul Gougelman: Yes.

Mike Haridopolos: Okay. Mr. Trettis do you have a question?

Blaise Trettis: Well a comment and then a question. Is it true Mr. Gougelman that even though by the Charter wording our work ends at the vote for proposals, the contract that Brevard County has signed for us, for you to do your work does not have that limitation so therefore there is a very strong argument that we could use your services to make that challenge.

Paul Gougelman: Theoretically, but again it would have to be funded and as anything in the legislative arena, he who has the gold makes the rules.

Mike Haridopolos: Or, you could do it pro-bono. (laughter)

Paul Gougelman: Thank you, next item. (laughter)

Mike Haridopolos: Got it, got it. Okay. The last part is control of School Board agenda items.

#### d. Control of School Board Agenda Items

Paul Gougelman: Yes, this was a question by Commissioner Neuman. I tried to summarize some of the Statutes that are pretty specific on how school boards are supposed to operate, and my conclusion is that we probably couldn't get into that kind of minutia.

Mike Haridopolos: We have completed all of the reports. Are there any other questions for staff before we get into section G dealing with unfinished business?

Vic Luebker: Mr. Chair, I do.

Mike Haridopolos: Okay, go ahead.

Vic Luebker: This is actually a question for Paul. Going forward it is kind of a homework assignment if you will. Since we are on a deadline for any new potential proposals. Can I ask you to look into the Charter section 5.2 as it relates to recall? And then specifically what it references members that can be recalled in section 4.2. There is a lot of information flowing around out there right now and

Paul Gougelman: I can give you all a summary on that. I can write you all a memo on that, kind of summarizes so everybody knows what we are talking about. Otherwise it is going to sound kind of like Greek. Where you are running into a problem is that somewhere along the line around 1998 or 2000 or whatever, we had another one of these amendments go through that didn't have the strike through and underscore, and wasn't complete. And as a result, I think it was section 4.2 of the Charter, should have gotten changed, but it didn't. It didn't get change. So, it was an erroneous reference. But I will be happy to write that to you.

Vic Luebker: So, you are saying that the disconnect is that what 5.2 is saying that those individuals identified in 4.2. For those of you that don't know, we are talking about our Constitutional officers are subject to recall or not.

Paul Gougelman: It means County Commissioners is what it means. If you research it all the way back in time, it means the County Commissioners are subject, but to recall. But, somewhere along the line when they were amending sections, the number, it got messed up.

Vic Luebker: So, to clarify that, a proposal would clarify that, or add them to a potential list of individuals subject to recall?

Paul Gougelman: Clarifying it, might be the best approach. There is one other thing, if I can back track Mr. Chairman. I had forgotten. When we were talking about who can challenge the Charter or can the County Commission re-write a proposal? I think it is important to note, that in the Charter, with regard to the three-member attorney review panel, it talks about if the panel says something is constitutional or consistent with general law then it is supposed to go on the ballot. But what the Charter does not say, is if that panel rules that it is not constitutional, or not consistent with general law, what happens. That is one thing in the Charter that is completely unclear. If you have a chance, go back and look at my memo again. One of those two memos is where it points out that that could be somewhat problematic. Again, we have had time to amend this Charter several times, not this body but Charter Review Commissions of the past. Now what is happening is we are just now starting to have a little word collision.

Vic Luebker: Are you okay with maybe a May 2<sup>nd</sup> deadline with this, so that maybe I know how to move forward with this?

Paul Gougelman: Sure, yes.

Vic Luebker: Thank you, I appreciate that.

Tom Jenkins: Mr. Chairman, I recall somebody, maybe the legislature, I don't remember who, pass something in the last year or two that said the Sheriff, Supervisor of Elections etc. were constitutional officers in Charter counties. That is not in here is it?

Paul Gougelman: Mr. Chairman, that was adopted, I think by the voters in 2018 and there has been over the years, with these Charters, a number of stake holders and a number of people who have interest in these Charters, sometimes competing with what a Charter Commission may write in the Charter. The people that are the most affected by this are your so-called Constitutional Officers, the Property Appraiser, the Supervisor of Elections, Clerk of the Court, and Tax Collector. The reason why they are most affected is because some Charters have either decided to try to eliminate their position. For example, in the Broward County Charter, the position of Tax Collector as an elected office was done away with, and the person now is called the Revenue Collector who is appointed by the County Administrator, and it is not even an elected office. In other cases, there have been some Charters that have decided to move the responsibilities around from one constitutional officer to another constitutional officer probably under the idea of making things more efficient, but Constitutional Officers many times in this State, take that personally as far as being able to perform their job properly and therefore they have a strong lobby in that regard. I will tell you that when the original Charter here was drafted, the then Property Appraiser was very active and very vocal about what should or should not be in the Charter. That is just the way it is, it is the nature of how things are set up.

Tom Jenkins: Mr. Chairman, I also think one of the intentions of that being adopted deals with the budgets of the constitutional officers. They are now protected by State regulations and State process as opposed to any kind of local process. I think that was one of the biggest things they were looking for was to be independent of the County Commission to the extent they could be.

Vic Luebker: Mr. Chair, I want to be clear on this too. Paul, so you understand my thinking. I am strictly looking at this from the perspective of State Statute for recall with regards to malfeasance, not showing up at doing your job, a felony. As a Brevard County Constitutional Officer, would you be subject to the same rules based on what I said about 5.2 relevant to 4.2. So as far as funding and all that Tom, I totally agree that is State level. I am talking about the process of recall related to how malfeasance and those things work. How that sausage is made.

Paul Gougelman: We will try to get something to you perhaps in the next week or so.

Vic Luebker: All right, thank you.

Mike Haridopolos: Thank you, other comments? All right let's move over to section G, unfinished business and we are going to look at one proposal at a time. The question on the table for us is the first one by Mr. Trettis which is the motion to change from ten (10) in rule seventeen Charter Amendments, to eight (8). Before we get into voting, I think we are on debate at this point, and for those people that would like to debate at this point, just raise your hand and we will go through there before we, I am not going to ask for the Aye's and Nay's, I am going to ask for a roll call vote just so you are all aware of it. So, why don't we start in debate, whoever would like to get started, whoever would like to speak, go ahead.

Tom Jenkins: I have a question.

Mike Haridopolos: Sure, go ahead.

Tom Jenkins: I received an email, I suspect everyone else did from a gentleman named Dale Davis, I believe it was. Did everybody else get that email? And in that email, he was saying that Robert's Rules of Order suggests that it takes a two-thirds vote to amend operating rules and I just wanted to ask Mr. Gougelman if that

Paul Gougelman: I think that is correct, that is pretty much the standard. Roberts Rules of Order would say two-thirds. However, your rules specifically, which supersede Roberts, your rules specifically say that you can amend it with the affirmative vote of eight members. So, you have a different standard, and in my view that is probably legal.

Mike Haridopolos: I think in effect of that Mr. Jenkins, whoever this vote goes Mr. Jenkins, it will probably decide which goes. I mean you can make a motion right now to say I want to make it nine or eleven or twelve to see if you can get eight votes, right? So, we will go from there. In debate, anyone? Okay. Mr. Trettis, in debate.

Blaise Trettis: I will just repeat what I said last time briefly which is Brevard County would be in the minority to require this Supermajority out of the nineteen Charter Counties in Florida, I counted four that have a two-thirds vote requirement to pass recommendations over, we are in the minority. Also, the point is if only eight is a quorum, and you could have a quorum of eight and not possibly pass any proposal because there wouldn't be the required ten to pass any proposal. The third thing I think is that majority should rule, and also this is just to get the proposal to the voter, and the voters have the ultimate decision. So, for those reasons I submit that rule seventeen should be changed from ten (10) to eight (8) votes required to pass a Charter proposal.

Mike Haridopolos: Okay, and before we get there, I think we have a Mr. Stan Johnston here who would like to come testify. Mr. Johnston we will give you a couple of minutes to present.

Cole Oliver: Mr. Chair, I am going to jump in as well.

Mike Haridopolos: Yea, I am going to keep the thing going after this. Go ahead Sir, please.

Stan Johnston: My name is Stan Johnston, I live in Titusville, 860 Poinsettia Avenue. I am a registered professional engineer. I came today and I heard that the meetings were not announced, it is out of the Sunshine, and I don't stand how in the world you could be starting with G when there is F and so forth. When you violate the Sunshine Law, all those meetings that you had, all those three meetings that you had are null and void. You can check with Mr. Gougelman on that. They are null and void, so why in the world are you starting with G? When you should be doing the other agenda items. So, it appears to me that you are out of order. And what I want, I am giving Mr. Gougelman, this is my name address and phone number. I want a letter from your attorney. I want a letter saying those previous meetings you had, all the business you did was out of law. It was out of the Sunshine. I want you to understand this, when you are out of the Sunshine, you are illegal. All of those meetings that you had were illegal. They are null and void and everything has to be re-done. Now, I am going to ask you to ask him to confirm that. If he doesn't you are in trouble. You are probably going to get sued, so stand up and respond please.

Mike Haridopolos: Thank you Mr. Johnston, appreciate that. With that in mind, I think you might have missed an earlier discussion, we basically agree with ya, and this is meeting number one for all of the proposals and hey, you win, congratulations!

Stan Johnston: Thank you

Mike Haridopolos: Yes, thank you

Stan Johnston: You are not going in order though.

Mike Haridopolos: Okay, well that is the right of the Chair. All right so, Mr. Luebker

Vic Luebker: I am going to play the devil's advocate here. We had a reason why we had the rules discussion very early on in this process. I am not a fan of changing the rules mid-stream because of public perception and how that works, so from my perspective if you did this, and you could probably tell me better, but if you did this in Tallahassee mid-way through the legislative process, I think you would see a lot of people screaming bloody murder about maybe, I am not saying we are doing that here, vote counting and all that. I am trying to line stuff up. I think the rule is the rule and what we agreed to is what we agreed to, and that is where I am at.

Mike Haridopolos: Other people

Kendall Moore: Mr. Chairman I was just going to, you know (inaudible) for the sake of it, I wasn't happy that we changed it from ten to eight, if we went back and started over again on everything, I wouldn't be very upset.

Mike Haridopolos: Okay, great.

Blaise Trettis: Mr. Chairman, just a comment. Any other opportunities to speak on it. I don't think we have a card on that. All right, I am before Mr. Trettis closes, I think

everyone heard my comments from before. We are talking about in essence the Constitution of the County. There are some issues that I really want to get passed and I would love to see eight. And there are ones that I don't want to see passed, and I would love to have the ten. So, I am just going to go from my own history and as I think I mentioned to Mr. Moore last time. I think a minimum of nine. If I have a choice between eight and ten, I am going to pick ten because I think this is a very serious document and kind of be aware of what you pass because you might be in the right team this year, and the wrong team four years from now. So, I would like to keep it at ten, and the proposals we like, I will have strong support sending out to the public. The ones that maybe have eight or nine votes will be a little different, but I am going to stick with the ten, because as Mr. Luebker said, had we kind of seen this change coming along, it would be different. I believe we are a Republic, not just a simple Democracy. I like the idea when we set kind of guidelines when we started this process, regardless of the last concerns that were brought up. I think ten is a good number. I know for the first one on the agenda I am going to vote yes. I will telegraph my vote on the Charter Cap issue. I might win or lose but I want to be consistent with what I did in my past life, and I think the sixty percent threshold is a minimum in my book. And whoever you all choose to vote, I will of course back that standing whether it be eight or ten.

Bob White: Mr. Chairman.

Mike Haridopolos: Mr. White

Bob White: Yea, I was going to stay quiet and let the vote be taken, but I am just going to say that I think a majority is enough because we are passing it onto the public, and they are the ultimate decider, not us. So, and the idea that the public is going to be swayed one way or the other, because ten of us voted for us versus eight of us voting for it, I don't think that holds any water. I don't think they are going to even know that was the case quite frankly. So, I am all in favor of them saying okay this is coming to me from the Charter Review Commission, and they have debated it. That is all, I think they really care about, when they see it on the ballot in front of them. So, I am all for getting as many of these proposals to the public as possible, and as far as I am concerned eight is great.

Mike Haridopolos: Okay, thanks Bob. Mr. Jenkins.

Tom Jenkins: Are you open to motions?

Mike Haridopolos: Of course.

Tom Jenkins: I move that we leave the Charter language as it is.

Sue Schmitt: I will second that.

Kendall Moore: Just as a point of order, I see Blaise about to come out of his seat down there. (laughter). I think there is actually, uh everybody is really clear where I am on this, but I think there is a motion actually on the table that was tabled from the prior meeting so there is a living motion from Mr. Trettis. Mr. Trettis, you know I disagree with you, but procedurally on this one, you are right.

Mike Haridopolos: That is why I said, regardless of how you vote today, it is going to be a ten or eight. It is going to be a jump ball. The vote is going to be the same, I think. Whether you go either direction. That said, anybody else besides the sponsor of the idea, you will go last Mr. Trettis, don't worry. Anyone else? Robin

Robin Fisher: I am at ten so

Mike Haridopolos: Mr. Trettis you are welcome to close on your idea.

Blaise Trettis: Thank you. Regarding the argument that it is an attempt of change of rules while we are in progress, my recollection is that the vote by this commission on rules, or amendments to rules was either the first or second meeting. And there has been, there was really no time to consider, at that point in time, you know the impact of these matters, and we hadn't looked at the Charter in depth to see what needs to be changed and what doesn't need to be changed, so you know it was way too early on in the process to use that as a strike against making any change later. Either the first or second vote. And secondly regarding the importance of the Charter, yea it is important, but it is also important to remember that serious problems with the Charter shouldn't have such a high hurdle to pass to be changed. What I am referring to unparticular is Article Eight, School Board of Brevard County. Florida Statutes do not provide any Charter Review Commission authority to insert the creation of single residential districts into a County Charter. By State law it can only happen by two ways: A vote of the School Board that goes to the public in a vote, or by a petition of the people that goes to a vote. So, what we have in Article Eight, I submit is an unlawful Article Eight, School Board District in the Charter. And it shouldn't take ten votes to remove what I submit is an unlawful part of the Charter. And for that reason, you shouldn't have such a high burden of ten votes. That's all, thank you.

Sue Schmitt: Mr. Chairman?

Mike Haridopolos: Ms. Schmitt.

Sue Schmitt: I would recommend that we have a roll call vote please.

Mike Haridopolos: Yea, and let me just make sure everyone understands too. I think Blaise, or Mr. Trettis brought up a good point. If the County Commission saw a serious flaw within the Charter they have the ability to place it on the ballot as well, is that correct Mr. Gougelman?

Paul Gougelman: They can always sponsor their own amendment without even going through the CRC.

Mike Haridopolos: Okay, thank you. All right what we are going to do is a roll call vote, and all those in favor of Mr. Trettis's to go from ten to eight, vote yes. All of those who are opposed to it, vote no.

Sue Schmitt: You are going to go by name, by district?

Mike Haridopolos: I don't care the order, I am just saying make sure if you are for Mr. Trettis's idea of going from ten to eight, vote yes. If you are against the idea of going from

ten to eight, you vote no. We will just go with whatever order you have, I guess whatever you have in front of you, I don't care.

Roll Call Vote- Blaise Trettis: Motion to change "ten (10)" in Rule 17. Charter Amendments to "eight (8)".

Roll Call Vote:

Melissa Brandt:

Robin Fisher (District I) - No  
Kendall Moore (District I)- No  
Marcia Newell (District I)- No  
Mike Haridopolos (District II)- No  
Marie Rogerson (District II)- No  
Blaise Trettis (District II)- Yes  
Bob White (District III)- Yes  
Matt Nye (District III)- Yes  
Gabriel Jacobs-Kierstein (District III)- No  
Tom Jenkins (District IV)- No  
Cole Oliver (District IV)- No  
Sue Schmitt (District IV)- No  
Jordin Chandler (District V)- No  
Vic Luebker (District V)- No  
Dave Neuman (District V)- Yes

Mike Haridopolos: I have it at 11-4. All right by your vote, we are going to leave it at ten and not move to eight. All right the next motion is also by Mr. Trettis it is motion to delete from Rule sixteen of the Rules of Procedure:

Motion to delete from Rule 16 of the Rules of Procedure Brevard County Charter Review Commission the words with the following strike through:

"Rule 16. Rule Amendments: These rules and policies shall be the by-laws of the Commission and may be amended by an affirmative vote of eight (8) of the members of the Commission ~~with at least one member appointed by each Commissioner present.~~"

Mike Haridopolos: Mr. Trettis did you want to proceed with this or not?

Blaise Trettis: Yes Sir.

Mike Haridopolos: Okay, go ahead

Blaise Trettis: The motion is made because there shouldn't be a residence requirement for passage of votes. As a matter of fact, I think at that first or second meeting when the Rules of Procedure were changed, we voted to eliminate residence requirements by district in the rules. But this was left in, probably an oversight. And for the second reason is that, it really makes no sense to require the presence of a Commissioner from each district. That would mean for district one for example, we need someone there who votes

no. Only one person from district one is here and they let's say they vote no. No votes don't matter. Only yes votes can pass a matter. So, no votes don't matter. So, logically it makes no sense to require that a district have a person there to vote no. If they decide to vote no. So, logically it makes no sense, and we have already eliminated the residence requirements in other parts of the procedural rules where they existed, so this is just consistent with what we have already done. That's all, thank you.

Mike Haridopolos: Thank you. Questions for the sponsor? Debate on the issue? Mr. Luebker.

Vic Luebker: So, would you, if you did this motion would you change it from eight to ten based on the previous vote? So, it would take ten from where ever among us?

Blaise Trettis: I am not changing that.

Vic Luebker: How would that work?

Blaise Trettis: It is eight now, I am not changing that from eight to ten.

Vic Luebker: For a quorum, but for a vote, or am I misunderstanding?

Blaise Trettis: It only takes eight votes to change the procedural rules, and that remains under my motion.

Mike Haridopolos: Then clarify then how you do it that way Mr. Trettis? Because we just had the vote on the ten. You are talking about the final vote, correct?

Blaise Trettis: No, these are for the rules and policies that rule sixteen applies to. It was changed from ten to eight at our first or second meeting, that passed. My motion from ten to eight passed, so that is what we have now, and now I only seek to eliminate this residence requirement for the reasons I have already said.

Mike Haridopolos: And the reason I am asking you is I think we know where the vote totals are, it was eleven to four votes, and I would be open, not sure about the other members, to eliminate that idea. I like the idea that we are one County. I think you might even find support here from folks you don't have to have a yes vote from all five of the quote Commission appointees. So, maybe you want to amend that and say in the final passage or what have you don't have to have each appointee from each of the five to move forward. You understand what I am saying?

Blaise Trettis: That is what my motion does, exactly what it does.

Mike Haridopolos: But you are saying right now, you are dealing with the internal rules, I am talking about the final vote. When the final vote. Is there any requirement that everyone of the persons from the five districts vote yes in the final vote Mr. Gougelman?

Paul Gougelman: No

Mike Haridopolos: So, do you really want this rule, since we are kind of on the way or not?

Blaise Trettis: I want my motion to be voted on.

Mike Haridopolos: Okay, sure all right. Any other questions?

Kendall Moore: Mr. Chairman, I think I brought this up before when we were talking about the prior issue, yes, we are one County but there is a significant amount of geographic diversity where issues that exist in Titusville may not exist in Palm Bay, and any given amendment to this Charter, may not equally impact every geographic area of this County. I would argue to you it is not split by three, it is split by six: North, Central, South, Mainland, Beachside, Barrier Island. All very distinctively different in a variety of ways, and I think that what this intends to do is to make sure that someone from that geographic area was here and present. I lodged my concern when we changed it previously, and have the same concern here, and I would vote no on this motion.

Mike Haridopolos: All right, others? Mr. Neuman.

Dave Neuman: Just some clarifying questions, I guess I will ask Mr. Gougelman just so I want to make sure that I am tracking, I guess properly, and for the folks at home too because it seems very minutia. So, my understanding of rule sixteen is that you need to have one Commissioner from each district to vote on a rule's change? That is what he is referring to correct?

Paul Gougelman: I think so, yes

Dave Neuman: Okay so when it comes to an amendment, do we need one Commissioner from each district?

Paul Gougelman: This relates only to amending these rules okay? Now if you are talking about a Charter Amendment, you do not need to have one member from each district.

Dave Neuman: Okay

Paul Gougelman: to vote in favor of that. This is strictly related to amending the rules.

Dave Neuman: Okay, so for my understanding if this is just the rules and we have just gone over that, do we like, I just want to make sure I am asking my question correctly. So, in regards to an amendment just for the sake of discussion, do you need to have one member from each district to pass this board for that?

Paul Gougelman: For a rule amendment?

Dave Neuman: No, for one of the...proposal on the Charter Cap or something like that?

Paul Gougelman: Oh, no.

Dave Neuman: Okay, so this is just for rules so which from my understanding I think we are past our rules discussions for the most part.

Mike Haridopolos: I would just say this, I think you are asking good questions. I think from Mr. Moore's point, I respectfully take a different stand. I think when you talk about the rules, I want to be consistent as far as whether it be that sixty percent or two thirds majority, just like if Delaware is not in agreement with all fifty states. I am okay with this rule request from Mr. Trettis, but again it is the will of the Commission, whatever is best in your perspective. Other debate? All right, why don't we go ahead and do a roll call on

this to avoid the aye's and nays. Mr. Fisher? Mr. Burns did you want to come speak on this?

Robert Burns: Thank you, Mr. Chair. I wanted to get this in before we go to the proposals. I agree with Mr. Trettis with the bill, or the proposals should be in the final format whether it's strike thru or underline, but he made the comment that the proposals are coming forward in a summary manner. Well the reason for that, as someone who has submitted a proposal from the public, there is only one form on the Charter Review website for submitting a proposal. There is no instruction, there is just a blank form. What it asked for on that form is summary explanation and background, and that is all that it asks for. So, the reason you are getting the summary presented is because that is what the form calls for. If it had requested ballot language, I think some people are more than capable of presenting that, but it doesn't ask for that, so I think as a member of the public, we would assume that once we bring forth the summary and the idea, it is either going to be workshopped through this Commission, or through some other mechanism to come up with the ballot language. So, it was a little alarming that we wouldn't vote on something for approval if it is not in that ballot language when it has never been requested for proposals.

Mike Haridopolos: I think that is a good point Mr. Burns, and I am not sure if you heard the earlier discussion, but those proposals that have legs, I think we are going to work as a group to get the language correctly in the seventy-five words or less etc., format and make sure that yourself, or others that are sponsors are in agreement with that language, or at least made aware of the potential changes that the group wanted to make. It is one person to propose it, but in the end, we get to dispose it if we wanted to. So, I think without question we will use our expertise, whether its our legal team or others to make sure the language is in accordance with what we think the Constitution and the legality necessary to get it on the ballot and get the voters an aye or nay vote.

Robert Burns: Thank you, appreciate it.

Mike Haridopolos: Thank you.

Bob White: Mr. Chairman, I am over here.

Mike Haridopolos: Mr. White?

Bob White: If I may, and I am sure this will come as no surprise to my fellow Commission members, but I am a little confused. I would like to kind of clarify this. What we are about to vote on has nothing to do with what we are sending to the public?

Mike Haridopolos: Correct.

Bob White: This is only how we operate as a group.

Mike Haridopolos: That is correct.

Bob White: And presently, it seems that if there is not someone, a member of the Commission that has been appointed by all five of the Commissioners here present then

we cannot amend the rules under the language that I am seeing here, right? We can't even take a vote because there is not one of us from all five of the district's present?

Mike Haridopolos: Yes, I think you said that correctly.

Bob White: Okay, that's all I needed to know.

Mike Haridopolos; I think what is on the floor right now is Mr. Trettis proposal on the rules, not the, what we are going to send to the public is: There's five different districts, each district has three appointees. If in all five districts if you don't get at least one affirmative vote, that rule cannot be changed. So, as I mentioned to you, I support Mr. Trettis's idea, even though there are differences in our County, that on a rule change, you do not need at least one vote from all five Commissions is all I am saying. Okay, further debate on that? Why don't we do a roll call. If you agree with Mr. Trettis's idea that you do not need all five County Commission appointees, one of them for a rule change vote yes, if you don't vote no and if you could please call the roll.

Melissa Brandt:

Robin Fisher (District I) - No  
Kendall Moore (District I)- No  
Marcia Newell (District I)- No  
Mike Haridopolos (District II)- Yes  
Marie Rogerson (District II)- Yes  
Blaise Trettis (District II)- Yes  
Bob White (District III)- Yes  
Matt Nye (District III)- Yes  
Gabriel Jacobs-Kierstein (District III)- Yes  
Tom Jenkins (District IV)- No  
Cole Oliver (District IV)- Yes  
Sue Schmitt (District IV)- No  
Jordin Chandler (District V)- No  
Vic Luebker (District V)- Yes  
Dave Neuman (District V)- Yes

Mike Haridopolos: I have got a nine to six vote.

Paul Gougelman: Yes

Melissa Brandt: Yes

Mike Haridopolos: So, the rules have been changed. Congratulations Mr. Trettis.

Mike Haridopolos: Okay, on the final item on G before we get back to the proposal, we are on future meeting schedule. It is under G3 in your packet. I just want to make sure that everyone is aware of the dates that are in play as we look to conclude in August of this year, and as clear to the public, and as everyone recognizes now that if you want a proposal, make sure you have submitted it to our staff before the 12<sup>th</sup> of May so that we

can put it on the agenda, and give you that opportunity to have three public hearings. Also, if you were not hear earlier, the situation is that in an abundance of caution, we are in our first public meeting, not our third. So, we will not have a vote on some of these proposals for a few meetings from now. Again, we have plenty of time to do that, I am glad everyone agreed with that motion. So, our agenda is now set, again if you have any concerns about that, please let the staff know. Everyone has been very good about responding to potential meetings, but hopefully with these meetings being announced early, and publicly etc. that we are all in good standing. So, I just wanted to make sure that everyone was well aware of that meeting schedule, and if you cannot make it, please let the staff know, with that in mind. Any other questions on the schedule? Okay, let's head back to section F under proposals. We have the Charter Cap which is now public hearing number one. That is by Mr. Trettis. I think everyone is well aware of this. Are there any questions for Mr. Trettis on number one before we take public comment? Okay let's hear from Mr. Johnston. If you are still here, you are welcome to comment on the Charter Cap. We are going to set this at three minutes for anyone who wants to speak from the public today. That can be extended of course if there are questions for the presenter. Mr. Johnson, welcome back.

Stan Johnston: Stan Johnston 860 Poinsett Ave, Professional Engineer City of Titusville. I am surprised, because normally what happens is when you have an agenda item, you go over the agenda item, then you have those that are in favor, those that are opposed, and so forth. So, I am going to stop right here and sit down because I am surprised, as it appears to me that this is not the general order of doing business. Thank you.

Mike Haridopolos: Thank you. Next, we have Sandra Sullivan talking about agenda item number one. Welcome back, Ms. Sullivan.

Sandra Sullivan: Good afternoon, Sandra Sullivan, South Patrick Shores. I am not in favor of taking away the Charter Cap. We are going into perhaps a highly inflationary time period. We are getting increases on different aspects of the County. We just got a compounded twenty two percent increase on our garbage disposal this week. So, related to this, when I look at the finances of the County, there is a lot they could do to address expenses. For example, we haven't had an impact fee revision or study for fifteen, or even more than fifteen years depending on the item. So, until the County is more responsive in their planning, I am not in favor of giving them a way out with all of the other increases we are seeing. A perfect example of that, on the garbage disposal this week is they knew about this as an issue for three years, they waited until May to start building the facility. It won't be done until 2026, and so in October they approved having to transport trash and then nine months after that they asked how are we going to pay for this, and let's do a study on how we are going to pay for this. Well, how they are going to pay for it, is that we are paying for the transporting of that trash to the facilities until 2026 with a 22 percent compounded rate increase on our fees. So, if we take away the Charter Cap, we are not encouraging the County to do due diligence in finding ways to be fiscally responsible. We are conservatives, we want fiscal conservative government. This was put into place, you know the voters wanted this protection. I do realize there are not a lot

of counties with this, as being one argument for doing away with it. But, we see this intense pressure, we know with growth comes a lot more expenses. The cost associated with growth should be accounted for by impact fees. We do not have impact fees being evaluated, being adjusted for a study for over fifteen years, and in 2016 they had a study on the transportation aspect and they rejected it. They were told it was going to cost more, so those costs kicked the can down the road, and guess who ends up paying for it? The people. Instead of the growth being fairly distributed between the developers and the people. Thank you.

Mike Haridopolos: Thank you.

Vic Luebker: Mr. Chair, can I make something clear?

Mike Haridopolos: Sure

Vic Luebker: Unless I am totally wrong, this is not about removing the Charter Cap correct?

Blaise Trettis: That is correct.

Vic Luebker: Okay, thank you just so the public is not confused.

Blaise Trettis: Mr. Chair can I comment on that?

Mike Haridopolos: Of course.

Blaise Trettis: Yea, this is definitely not a proposal to eliminate the Charter Cap. It is the opposite, quite the exact opposite. It is to add language to the Charter to have the Charter Cap enforced. It has not been for many years now. When the County Commission votes to exceed the Charter Cap, they have made that increase above the Charter Cap amount, three percent or the CPI whichever is lower. They have made that part of the baseline budget, so the Charter Cap although it exists in theory, it does not exist in reality because of the way the County Commission has done its budget. So, this uses language from a lawsuit started by Scott Ellis, Clerk of Court, assumed by Rachel Sadoff, Clerk of Court. Takes the language from the County Attorney which said: This is the language that would be needed to enforce the Charter Cap. So, it is right from the lawsuit. I want to make it real clear that this proposal is to enforce the Charter Cap which has not been enforced up to this point. Thank you.

Mike Haridopolos: Mr. Jenkins.

Tom Jenkins: Mr. Liesenfelt, can you tell us how many times the County Commission has declared an emergency on the budget?

Jim Liesenfelt: Twice for critical needs.

Tom Jenkins: Twice in how many years?

Jim Liesenfelt: Since it has been implemented.

Tom Jenkins: Twenty years, probably.

Mike Haridopolos: Other questions, comments?

Bob White: Wasn't the most recent

Mike Haridopolos: Mr. White, go ahead.

Bob White: Yea I was just going to say wasn't the most recent time when Sheriff Ivey came and asked for an increase in his budget that exceeded the cap? That was only a couple of years ago as I recall. And I don't think they have gone back to enforcing the Cap as it was prior to the Ivey increase, for lack of better terminology.

Jim Liesenfelt: I don't know all of the details, it was two or three years ago the last time they voted for a critical need.

Mike Haridopolos: Mr. Trettis:

Blaise Trettis: It was actually only 2008 that the Charter Cap was voted into office, it hasn't been twenty years so three times I think it has been violated in what, thirteen or fourteen years, so it is violated pretty frequently and what does it matter if it is once? Once is too many. The Charter says that there is a Charter Cap, so I don't see how one or three is okay. Thank you.

Mike Haridopolos: Ms. Schmitt.

Sue Schmitt: The only thing I differ on is that it was done twice, and that Mr. Trettis said that it was violated. It was allowed in the Charter if four members of the Commission voted to go past that. That is not a violation of the Charter. If you want to change your word that is fine.

Blaise Trettis: Mr. Chair.

Mike Haridopolos: Mr. Trettis.

Blaise Trettis: I am not arguing that there wasn't a supermajority to exceed the cap. What happens next is that exceedance of the cap becomes the baseline budget for the next year. That is where the violation comes in. I am not arguing that there has never been a supermajority. The violation comes in that the Charter Cap it can only be for one year based on the wording of the Charter. But the way that the County has been

budgeting is a baseline which becomes a permanent part of the budget which exceeds the Charter Cap.

Sue Schmitt: I know what you are saying however the courts also ruled a different way.

Robin Fisher: Mr. Chairman, I just want to remind everybody out there, that we are also the only County that has a Charter Cap and I think that is totally unfair for Brevard.

Blaise Trettis: Mr. Chair.

Gabriel Jacobs-Kierstein: I have a question for Mr. Gougelman. Are we pretty clear on what is a critical need? Is that definition or that threshold pretty flushed out?

Mike Haridopolos: Mr. Gougelman.

Paul Gougelman: Off of the top of my head, I don't know the answer to that. I suspect it is what the Commission makes of it. The County Commission.

Mike Haridopolos: Mr. Liesenfelt, is that pretty much in line. With what the Commission decides? There is no governmental definition correct?

Jim Liesenfelt: I don't really have the answer for that Sir.

Mike Haridopolos: Okay, let's add that to the list of fun things to do for the next time. Mr. Trettis.

Blaise Trettis: I would like to point out that the lawsuit was not won or lost, it was dismissed on procedural grounds. That was appealed. The dismissal was reversed which means the lawsuit is back in circuit court. So, there hasn't been any answer by the Courts on this.

Mike Haridopolos: Thanks for that information. Other issues. Okay, let me just add one more thing here just for procedure because we are getting into public hearings. Again, this is hearing number one. And as we are all looking at our calendars rights now, it would eligible, this item would be eligible to be voted upon on the 23<sup>rd</sup> of June. So here is the options we have. We can have the vote that day after all the public hearings are done, or we can wait until the 7<sup>th</sup> of July to have the vote on one or more of these items. Again, so just keep that in mind and just let my train of thought go further. I take good point to Mr. Moore's argument or point that we don't want to have a vote a rama. And theoretically we could have a vote a rama that day, and eight of these nine proposals, right because this is day one for all of them. I would prefer that we break it up at a minimum because my guess is of these nine, maybe four or five will actually make it to the end. Do we want to have that vote a rama, or do you want to kind of line it up now so the public is aware that we are going to break it up so it is done in a smarter way? The second thing I want to ask, going back it has kind of triggered my mind is, we have talked a lot about this three- attorney panel. I think there are some legitimate concerns about

that, for a variety of reasons. If we voted on an item, let's say June 23, when does it go to that three judge/attorney panel? The reason I ask that is let's say we lose there, if we are still scheduled to have meetings does that mean that we still have standing? And we could get away from asking you to do pro-bono work? (laughter) I am being serious. I want to know that we are still in session, so to speak, and if these three attorneys say that don't like what we have done, we could still get a bite at the apple, so that the work you are trying to get done here can be done. Is that, are we still in session like we use as a legislative term, or are we, once we have voted on it we are out of the mix?

Paul Gougelman: Well I think that once you have finished with a particular item, and send it on to the three- member panel, I think you are done with it. So, let's say at a meeting in June, you decided to go ahead and approve something, I suppose you could always take a look at assuming you haven't sent the proposal onto the panel.

Mike Haridopolos: I am just thinking out loud. I want our work to be done. I don't want these three people annihilate it. And if we do make a mistake and they point out something we didn't see, I would like the ability to make that amendment. This goes to an overall argument that I think Mr. Trettis had a proposal before us that might change a little bit. I don't consider a change to be meaning that you have to go back to the start. I consider like you would in the legislative process. In the first committee it starts as one thing, and it gets amended. It doesn't mean you have to go back to the beginning. So, again, let me go through this thought process. If there is something that the three-attorney panel doesn't like, is it your belief that we can go back and amend that? Or do I need to create a new vehicle that I could amend later?

Paul Gougelman: I don't think anybody has ever considered that for two reasons. Number one, it just hasn't occurred. But number two is, if you look at the Charter, as I was pointing out earlier, if the three-member panel says oh, this is inconsistent with the State Constitution, the Charter does not say what happens to it. That is something that has been omitted from that provision. It only talks about if it is approved by the panel, then it goes onto the ballot. But, if it is denied, it is unclear under this Charter.

Mike Haridopolos: There is some lawyers in here. I am not one, I just like to play one. Is there anyone here who, okay I am going to ask Mr. Jenkins in a second, but does everyone understand my train of thought here? But please Mr. Jenkins, and then I will go to Mr. Moore after that.

Tom Jenkins: I am just going to ask a question of Mr. Gougelman. My recollection is that the Charter says that the County Commission will provide this body with sufficient funding to do their duties. Is that correct?

Paul Gougelman: Yes

Tom Jenkins: Sufficient funding could include your opportunity to hire an attorney to represent you, and as I mentioned once before, one of the attorney's that we had interviewed mentioned that he was representing an Orange County Charter Review Commission who challenged the County Commission, and I think he said they won. So, I think there are some avenues, but I also wanted to remind you that the three-panel attorney is looking at two things: Constitutionality, and it is a single subject, not a multiple subject.

Paul Gougelman: Constitutionality, consistency with general law, and single subject.

Mike Haridopolos: And, with that in mind, at least the ones we are talking about, in your opinion are any one of these eight or now nine before us violate any one of those in your opinion?

Paul Gougelman: Perhaps.

Mike Haridopolos: I think that is something that we want to take under consideration, because again we are not here for our health. We are, we want to make sure our time is worthwhile. Mr. Moore.

Kendall Moore: Mr. Chairman, I agree. Although I have said to Mr. Trettis that I disagree with doing away with the panel, I don't believe the panel is the ultimate stop-gap. I think if I recollect, Mr. Gougelman they actually respond with a memo relative to their opinion and if they had a concern on the three issues that they were looking at, and we were still impaneled, I would hope it would provide for us the opportunity to cure what may be there, presumably if it has passed this body with a ten- vote requirement. That we would have the opportunity to cure. I think that is where Mr. Haridopolos is going asking how, by what mechanism would we use to do that after hearing from those people.

Paul Gougelman: Yea, my point is, is the Charter leaves that wide open, it doesn't tell if the panel finds something say inconsistent with general law. What happens? And the Charter is silent on that. It only talks about if the panel finds that the proposal meets the requirements, so I think that was just something that for whatever reason left out, and so the question is then what happens?

Mike Haridopolos: I think to that point, I don't want to get in a lawsuit Mr. Jenkins, but it is nice to know we have some money to do that. I think what we have done in the past, again I am just going by my past history, when the Courts have ruled against us, and we are still in session, we will go out and read the ruling. If we happen to agree with it, and say it is unconstitutional we will make that adjustment. Of course, there is a lot of definition about what is constitutional or not depending on which Judge you pick, but with that said: We know we will be here until the 4<sup>th</sup> of August, potentially. And if we have a vote on the 23<sup>rd</sup> of June, I think we will get a few more bites of the apple short of a lawsuit, and if we need a lawsuit, we still have some time to do that. So, as long as we are in session, to your point, we have resources to hire a lawyer, and as long as we are in session, I think we have the right, again correct me if I am wrong. If we get a memo back saying this is wrong, or we think this is inconsistent and we happen to agree with them,

we could come in and adjust the ballot language, whatever it is, have a vote if ten Commissioners say aye, then they will look at it again, trust me. At least we would have a second bite. I would like to do it that way, because our time is valuable. Mr. Nye?

Matt Nye: So, now you have the wheels turning for me. I am wondering should we add a couple of meetings, another one in June and perhaps another one in May since we essentially reset the clock today? Is that something

Mike Haridopolos: Well, I think it is a good point. The only thing I would bring up is the first vote to take place on the 23<sup>rd</sup> of June, right? That is what I am looking at. We would have three meetings after that with potentially no work to do because I think some of these proposals are done. I would say in my opinion, I am not going to say which ones, but I think maybe three or four might make it, or at least have potential for it. I think some are just going to vanquish itself. But, I would like to have as many votes on credible issues by the 23<sup>rd</sup> of June, and that will give us those three additional dates. Do we still have, what's our last date that we can actually do it, is this literally the last day, on August 4<sup>th</sup>?

Jim Liesenfelt: The Supervisor needs the language I believe it is August 22<sup>nd</sup>, and the last board meeting before that is August 16<sup>th</sup>.

Mike Haridopolos: Okay, so I would ask is this: To Mr. Nye's point, if we think we need more meetings we have the right to add meetings down the line depending on what happens the 23<sup>rd</sup> of June?

Jim Liesenfelt: Yes sir.

Mike Haridopolos: And maybe by our rules, we can say only proposals that were handed in by May 12<sup>th</sup>, so that we don't just get a whole new ration of them. Is that okay with everyone?

Matt Nye: That was my concern. You were mentioning staggering them like saying we were going to vote on these on June 23<sup>rd</sup>, then on so that is why I was thinking we might need one or two more.

Mike Haridopolos: Good point. Good Point. Okay, so if everyone is comfortable

Jim Liesenfelt: I am sorry Mr. Chair, but I just want to remind the Commission if you are adding more meetings for discussion of agendas, the Charter says 10 days apart for those three meetings.

Mike Haridopolos: No question. But I am looking at the 23<sup>rd</sup> of June, right and let's say on or before July 7<sup>th</sup> we have heard back in the negative on one of our proposals, we could say theoretically put a meeting on the 19<sup>th</sup> and 20<sup>th</sup> of July if we wanted. We can be that flexible. It's ten days- notice.

Jim Liesenfelt: The Charter talks about three meetings of intervals of not less than ten days.

Mike Haridopolos: Okay, so we could have one, let's fight that animal when it gets there. Everyone sees what we are trying to do I just want to be clear.

Sue Schmitt: Mr. Chairman, I think at looking when the final date is for proposals, you would have to go to that first meeting in July for three hearings.

Mike Haridopolos: Well, I am looking at today is number one. May 12<sup>th</sup> is meeting number two, and to your point, anything new that comes down the pike, yea.

Sue Schmitt: yes, and if it came to the board for the May 12<sup>th</sup> deadline, then you would have to go to July 7<sup>th</sup>.

Mike Haridopolos: I agree. But we have also warned, if you bring them in late good luck. But to your point, we would still have one meeting at the end that is still kind of open to suggestions. So, again just keep it in mind. I think that we can adjust times, we just need to be very conscious of the ten- day rule, and so forth. So, with that in mind, I just wanted to put that out there. So, the question that comes up after that long deliberation is: Would you all like to vote on the first four measures on the 23<sup>rd</sup> of June after Public Hearings, or would you like to have your first vote on July 7<sup>th</sup> with some time to think about it?

Blaise Trettis: Mr. Chair, the 23<sup>rd</sup> I prefer as July 7<sup>th</sup> is a big vacation week right after July 4<sup>th</sup>.

Mike Haridopolos: I would really like to vote on the 23<sup>rd</sup> because by then we are really at meeting number five or six. I would prefer a vote on our first four items on the June 23<sup>rd</sup> and maybe even potentially more with more proposals. I am belaboring the point here, are we allowed to, even though we are not having a final vote on this, Mr. Liesenfelt, if there's some proposals after we start discussing it that we think are dead, who would, in our old world a Senator or Representative would basically be saying I am pulling my bill. Do we have a right, in essence to have a vote before three public meetings and say hey does anyone want to get rid of this idea because I don't think it has legs, and vote it down so it is not even in the wish, or do we even have to have it have the slow death of three public meetings?

Tom Jenkins: The Charter says it only has to have three public hearings if you are recommending it to go on the ballot. If it is not going on the ballot, you don't require three public hearings.

Mike Haridopolos: Okay, I like that idea. Mr. Fisher.

Robin Fisher: The only thing that you might want to consider is a tentative meeting on May 22<sup>nd</sup>, I think if you did that, if you had a bunch of proposals in May that come before the 12<sup>th</sup>, you do that on the 22<sup>nd</sup>, and that you have that other hearing in there that you do by the 22<sup>nd</sup> of July.

Marie Rogerson: I would agree. Add another in in May or have one in June. Have another one built in if we are concerned.

Robin Fisher: You know, it depends on what you get between now and the 12<sup>th</sup>. You might be okay, you know what I am saying?

Mike Haridopolos: I agree, so good point.

Robin Fisher: So, May 22<sup>nd</sup> would be a tentative meeting date.

Jim Liesenfelt: Sorry Mr. Chair, 22<sup>nd</sup> is a Sunday, happy to come in but

Robin Fisher: 23<sup>rd</sup>, maybe the 23<sup>rd</sup>.

Mike Haridopolos: I am still in town then. Why don't we figure out what happens, and if we need to on the 12<sup>th</sup> we can call for another meeting.

Gabriel Jacobs-Kierstein. Mr. Chair I have a question for Mr. Gougelman or Mr. Liesenfelt. Is there a timeframe that this three- panel attorney committee has to get back to us? In other words, could they drag their feet, or do they have only 7-10 days which gives us a better idea of what we need to schedule on how we can proactively make this efficient.

Paul Gougelman: No, I don't believe there is a prescribed review time.

Mike Haridopolos: That is a great question, I like that. Can we make a proactive request to the County Commission that any proposal that is passed, and literally like ask them tomorrow to say that they will agree to do an "x" number of day review? Can we put that on the County Commission agenda item? Can we say we must have the proposal or memo back within "x" number of days?

Sue Schmitt: inaudible

Jim Liesenfelt: I would have to double check the RFP language, but I believe so.

Mike Haridopolos: Okay good, I would like to do that.

Tom Jenkins: Well, if you adopt some on the 23<sup>rd</sup> you can automatically shoot those and start the process.

Mike Haridopolos: We just want to make sure we get a response in x amount of days. So, lets find out that answer, and obviously there is a bunch of County Commission meetings before the 23<sup>rd</sup> of June. Okay, now we are done with all of that. Go ahead.

Sue Schmitt: The County Commission is not in session for the month of June. Just so you are aware.

Tom Jenkins: He just gave them the dates, so.

Jim Liesenfelt: She is correct, the County Commission meets on May 17<sup>th</sup>, there is a zoning meeting the 26<sup>th</sup> or 27<sup>th</sup>, I would have to look it up, and then the next board meeting is the first Tuesday after 4<sup>th</sup> of July whatever date that is. June 23<sup>rd</sup> would be your meeting sir. July 12<sup>th</sup>, no July 19<sup>th</sup> I have.

Mike Haridopolos: One last question on procedural Mr. Liesenfelt. They have to have the proposal in by the 12<sup>th</sup> of May? Or the 2<sup>nd</sup> of May?

Jim Liesenfelt: That is by the 12<sup>th</sup> of May, what that extra note there is that if anybody actually wants it on the meeting that takes place on the 12<sup>th</sup> of May, we need it by the 2<sup>nd</sup>. You have a deadline and kind of a meeting together.

Mike Haridopolos: Again, why don't we make the final day of submission the 2<sup>nd</sup> of May so we don't have that ambiguity? Does anyone object to that? That we make the final day to submit the 2<sup>nd</sup> of May?

Sue Schmitt: I think it has to follow the Charter doesn't it?

Jim Liesenfelt: Mr. Gougelman knows better, but the Charter doesn't have any restrictions or requirements on when proposals have to be submitted.

Paul Gougelman: No there is no requirement in the Charter.

Mike Haridopolos: So, we just say the last day you can turn it in is May 2<sup>nd</sup> and then we don't have that ambiguity time of the 3<sup>rd</sup> through the 12<sup>th</sup> right?

Paul Gougelman: Yes

Mike Haridopolos: Does everyone understand what we are talking about? Okay so let's make the final submission day instead of the 12<sup>th</sup> of May, let's make it the 2<sup>nd</sup> of May. So, if they are not on that agenda on May 12<sup>th</sup>, better luck in six years, right? So, let's do that. Is everyone in agreement with that? All right, without objection. That is done. Okay, so now we are back on proposal number two. I think we have completed debate on proposal number one for the day.

## **Proposal 2- Recall School Board Member.**

Mike Haridopolos: The recall of school board members, public hearing number two. We have a bunch of appearance cards. But that recall issue is by Mr. Trettis. Mr. Trettis do you want to introduce that real briefly and then we will take up the public comment?

Blaise Trettis: Yes, there has also been submitted, a revised proposal from the original proposal. In the revision what it does it just provides for recall of school board members whether there is a residential school board district vote for school board member or whether it is district wide, meaning County wide because either could happen. So, that is the revision to it, but the proposal tracks the Statute which provides for a recall election of County Commissioners and City Council, the Florida Statute, it tracks that very closely. It has the same number of petitions required, the same percentages as State law, the same time limit, it's the same time frames. Really, it tracks the State Statute very, very closely. The only major difference between the proposal and the State law is that State law provides like six different grounds for recall, and my grounds are only two: malfeasance, and then the second one is not more than three votes by the school board member with their vote recorded yes or no with a transcript or as close as you can get to a transcript of the motion that was made. What it does provide, it really provides for the recall of school board members based on their policy decisions, based on what they decide. And, I think that what the reason it has become necessary of years of late is because of the School Board's decision on mandatory face mask wearing in schools, and its transgender policy, which is on a one- page form on the Brevard County website, which provides that teachers and all school personnel must call kids K-12 grades by the name they say they want to be called by, by the pronouns that they want to be called by. It also requires that

teachers and other personnel not inform parents that their child comes to school and assumes a different identity. If a boy wears a girl's clothes and wants to go by Susan, then the school teacher cannot tell the parents, it has to remain confidential. Which violates the Parental Rights in Education Bill just signed by the Florida Legislature which is a big reason why there might be a recall. Remember it requires the School Board allows boys to use girls bathrooms, locker rooms and showers. Same thing for girls uses boys, boys use girls, they have to allow that. And, it also has information on its guidance on its website which has information that would help kids transition from "transition" end quote to the other sex. So, that is another reason why I think this recall election proposal is needed. Those are the two main reasons, and that is it. Thank you.

Mike Haridopolos: Okay thank you. Ms. Schmitt for a question?

Sue Schmitt: Just so the public knows that you withdrew your first proposal, you put that in the memo, and then you came out with the new revised. I think that way people won't be confused on what is being presented.

Blaise Trettis: Right, that fairly sums it up.

Mike Haridopolos: The proposal regardless this is hearing number one. We know what the proposal is, and as we have mentioned before, we are looking at this process where if you make an amendment it doesn't mean you have to go back to the start, you are just it gets amended as we hear more comments from the public, let alone fellow Commissioners. All right, thank you Ms. Schmitt great question. All right we have Gene Trent here to testify. Mr. Trent, welcome. And everybody is going to be given the opportunity of three minutes to present and then of course whatever time necessary to answer questions from the Commissioners. Mr. Trent, welcome.

Gene Trent: Thank you. Gene Trent, resident of Cocoa Beach. I am here to speak, I will be brief. I am a candidate for School Board District 2, and as a potential future School Board Member, I am in favor of any type of recall of an elected official. I believe if I was in the hands of voters to put me in that office, if I lose their confidence, I should be able to go back into their hands and be recalled. So, I would be for that, I just wanted to let you know.

Mike Haridopolos: Thank you Mr. Trent.

Gene Trent: Sure.

Mike Haridopolos: All right next we have Sara Mirsky. Thank you so much for joining us today,

Sara Mirsky: Thank you. Let me get my notes here. Good Afternoon Chairman Haridopolos and the County Commission Charter Review. My name is Sara Mirsky. I am a wife, mother to two children in BPS, registered voter, tax payer and constituent in District 2 for School Board and District 4 for County Commission. Thank you for your time and for volunteering to be on this County Review Board. Today I am speaking in favor of all school board members to be recalled. I do believe that all elected officials in Brevard County should be able to be recalled. But I know today we are addressing the ability to

add school board members to the County Charter to be able to be recalled. This is a bi-partisan issue. Let me repeat. This is a bi-partisan issue. I am originally from Chicago, and unfortunately, I am no stranger to elected officials on both sides of the aisle going to prison for crimes they committed mainly against the tax payers and voters. Speaker of the House, Republican, Dennis Hastert went to jail for crimes. Governor, Rod Blagojevich went to jail for selling President Obama's Senate seat, amongst many Alderman's going to jail for frauding the voters and tax payers. When I moved from Chicago to Seminole County, our Republican Tax Assessor, Joel Greenberg went to jail and was recently sentenced for defrauding the tax payers. The voters of Brevard deserve the right to be able to recall school board members, especially when they are clearly violating the law. Thank you.

Mike Haridopolos: Thanks Ms. Mirsky. Stan Johnston. Welcome back Mr. Johnston.

Stan Johnston: Stan Johnston. I am for this also. I am pleased to be here before such honorable people in our community serving our County Commissioner and County Manager and so forth. I used to work for Mr. Jenkins, so when I am here, I did something a few years ago, and that's why I am here with a little bit of experience, I had a little bit of trouble with the City of Titusville. It came to the point where I even sued them. I sued them for breaking Sunshine Law, and well they lost. They lost and paid my attorney fees, court costs and so forth. So, you are in the same situation, and I don't see that you are making progress on this problem that you have announced. Although you say this is hearing one and so forth like that, but all these decisions you have made in these other meetings, they are, I don't know what is going to happen, like for example, you have these minutes, all these minutes they are all illegal, and they should be dealt with. And, Mr. Gougelman or whatever the name is, it just seems like you are missing the point, and you should be addressing this issue as if it is genuine. You have broken the law, and you need to make amends, in other words as far as these other meetings. I just see that you brushed me off.

Tom Jenkins: Stan, let me clarify for you, and this is my understanding. The earlier meetings were advertised, they were announced. They were just not advertised as a public hearing. So, the meetings were legal, the public hearings are starting today.

Stan Johnston: Okay, thank you for that clarification. I appreciate that very much.

Mike Haridopolos: So, you are agreeing with us now? Are we okay then?

Stan Johnston: Well, I don't know.

Mike Haridopolos: I gave you the win on the first one, yea give us the win on the second one.

Stan Johnston: All I can say is that I am not an expert at this, I am really not an expert. I mean I have my attorney to handle this thing and you guys are smart, and I want to say there is a lot I don't know, so. Thank you very much, God Bless You.

Mike Haridopolos: We appreciate you bringing up that point

Jim Liesenfelt: Mr. Chair, Mr. Jenkins is correct. Every meeting has been advertised. The last two meetings you held, April 7<sup>th</sup>, excuse me March 24<sup>th</sup> and February 17<sup>th</sup> you wished those to be public hearings but we didn't do that, but every meeting has been advertised, and every meeting has been notified.

Mike Haridopolos: Thank you. Thank you, Mr. Jenkins for that clarification. Carol, and if you could pronounce your last name perfectly that would be great.

Carol Vyhonsky: Hello, my name is Carol Vyhonsky. I am one of the original folks who spoke with you back in January and brought this issue to your attention. I just want to thank you all for spending so much time and effort researching this, and listening to all of us, and now it seems like you are going to have an extra meeting to hear from all of us again. (laughter)

Mike Haridopolos: Two more.

Carol Vyhonsky: Two more, Yea, I am just going to go back to what I said in January and that is the bottom line: why should school board members have complete immunity from recall in our County? Section 5.2 of the Charter allows for recall of "certain county officers". Now I am hearing that it only applies to County Commissioners possibly even though it says that officers listed in Section 4.2 are also subject to recall. It seemed pretty clear to me when I read it that would include the Sheriff, the Property Appraiser, the Clerk of Courts, the Supervisor of Elections and the Tax Collector because they are all listed in Section 4.2, but now I am kind of confused as to whether that is true or not. But the bottom line is right now there is no path forward in our Charter to even be able to attempt a recall of a school board member that may be committing malfeasance or some other act of misconduct, and this is what we would like to see changed. Thank you very much.

Mike Haridopolos: Thank you Ms. Vyhonsky, great to see you. All right, Kerry. Welcome back, thank you for taking the time to visit with us.

Kerry Takacs: My name is Kerry Takacs. Good afternoon, I am here to speak in favor of adding the recall of the school board members to the County Charter. It is incredible that people with so much power over our schools cannot be held responsible when they stop representing their constituents that voted for them. Over the past year, we have lost thousands of students at Brevard Public Schools to homeschooling and charter schools, a trend that continues to soar. While the School Board remediated renaming a school for an Astronaut without even asking him first, we have Title I schools, like Endeavour where ceilings leak rainwater into buckets around students while they try to receive and education. This past week Ralph Williams Elementary had no air conditioning. Students were experiencing heat exhaustion as their parents were called to retrieve them. Again, not receiving the excellence our school board has claimed to provide them. These are the issues that should be of the utmost importance. Parents and bus drivers attend meetings and are largely ignored by the school board. They are met with eye rolls and contempt. Sometimes attendees cannot even get into the building to have their public comment heard. The voice of the people goes unheard with little respect, as the board continuously tries to cut public comment time. Brevard county families have no recourse

other than to take their children elsewhere for an education without an avenue to remove inadequate board members.

Thank you for your time.

Mike Haridopolos: Thank you very much. All right, next we have Katie Delaney. Welcome back.

Katie Delaney: Thank you. So, I have been at every meeting. You guys know where I stand, and I hope that you hear us when we speak to you. This isn't about one person, it is about us as parents being able to hold our school board members accountable for the education of our children, and for the safety and well being of them. And, like other people have mentioned, you know our buildings are falling apart, our education system it's a mess. And, our kids are failing, they don't know how to read, they don't know how to do math. We have lost this year, ten thousand students, that's ninety million dollars. And now the school board wants to raise our property taxes because they say they have no money to give our teachers raises. Well, maybe if they didn't break public trust, they wouldn't be missing ninety million dollars. So, I please ask you, this is not about one person, it is about the future generations. We need to be able to hold our school board members accountable. Thank you.

Mike Haridopolos: Thank you so much. Liz Mikitarian. Take your time. Welcome back.

Liz Mikitarian: Thank you. I am Liz Mikitarian, I am also from Titusville. There is a lot of different people from Titusville, I will just say that. Good afternoon, I appreciate the opportunity to speak with you once again about an incredibly important issue to me and to others in the County, and that is the issue of truth. At the last meeting I made public comment to actually assist you in avoiding public perception. I was then challenged by one of your members, that I was not providing evidence. So, I felt the need to come back today to provide a little bit of evidence. I could expose the very deep connections of some of you members on this panel to Moms for Liberty and all of the speakers you just heard from, who are all members. And, I will proceed, who are prompting this push for change. But I won't because I was treated with respect, I think you even gave me some additional time and I appreciated that. What I didn't appreciate I guess was being put on the spot when my intention was to just come and let you know that people were talking. So, I would like to provide Ms. Rogerson and the rest of you some facts. Representative Randy Fine leads a very public dialogue about jailing one school board member. Representative Fine is deeply involved with Moms for Liberty. He threatens that harm will be done to our school district. Fact, two members of Moms for Liberty came before you to initiate this action. The official sponsor of this action, Mr. Trettis has made very concerning remarks about his opinion about issues, and that is how he is planning on moving forward. Opinions, you know what they say about those. So, after standing at this mic as a citizen with that gentle tip, I wanted to provide just some of the reason why the perception is actually the reality. Ms. Rogerson is a high ranking official of Moms for Liberty, the very group pushing you to make this recall happen. Ms. Rogerson ran the unsuccessful school board campaign of the defeated school board member who founded Moms for Liberty shortly after that defeat. That defeat was by the current school board member who this campaign seems aimed at. I disagree with the speakers that say no,

this isn't about a person. And, again I think I stated publicly the last time, I would be fully in support of instituting this, but not in this untruthful manner. So, these perceptions move us to an alarming truth, that there are connections here that are of great concern for your constituents. You will rule on this, but please know that your actions are officially seen as being prompted by a clear retaliation effort against the school board members. Retaliatory leadership is not democracy. Don't be complicit in these very transparent actions. And a final tip: don't ever try to discredit an educator, especially those of us who are retired, because we do our homework. Thank you.

Mike Haridopolos: Thanks Mrs. Mikitarian. All right

Marie Rogerson: Mr. Chair, am I allowed to make a statement?

Mike Haridopolos: Ms. Rogerson for a comment.

Marie Rogerson: Just so everyone is aware, I am the Executive Director of Programs at Moms for Liberty, unashamed, and to clarify for several of the members that have spoken today, I do not know the membership status of the people who put forward this proposal for recall, when they made the proposal for recall, but I believe they would appreciate it being noted that they are not current members of Moms for Liberty. So, for their sake, I would like to clarify that. And, I would also like to clarify that I did not run Tina Descovich's last unsuccessful campaign as I was running for office myself at that time. So.

Mike Haridopolos: Okay, thank you for clarifying that. Thank you very much Ms. Rogerson. Okay, Nick, is he, he left. Okay that concludes the public comments for item number two by Mr. Trettis. Okay, we have some more. We have Mr. Robert Burns. We are still on number two.

Robert Burns: Thank you Mr. Chair, Robert Burns, Viera. I spoke on this before, but since this is our first hearing, I guess I wanted to reiterate the points I made before. One thing I think is very important in our government is consistency. And, inconsistency is the reason we are having this issue now because we have some inconsistency in our Constitution about which elected officials can and cannot be recalled. Every speaker that has gotten up here and spoken has said the same thing, that they think that elected officials should be able to be held accountable by the voters. And, I agree with that one hundred percent. I think that every elected official should be able to be recalled. But, I think what we are doing with this proposal is creating the same problem that we are trying to address, and that we are focusing not on one person, but one office. So, if that person that you have a disagreement with, or that you think should be recalled and runs for another office, say Tax Collector, now we have to wait another ten years before we have another Charter Review to say Charter Review, I mean tax people should be able to be recalled. You know, I think the proposal should be anyone who is subject to being in an elected position, that should be able to be recalled. The County should have the authority to recall that individual for any office, because every person that has come up here has stated the same thing. That they think voters should be able to hold them accountable. That should not apply to just one office, that should apply to all elected offices. That is all.

Mike Haridopolos: Thank you very much. Any questions? I see there are three additional cards from people that have already testified. We have already had testimony. I think Ms. Rogerson responded with articulation where I think we are ready to move forward. We are still on proposal number two. There has been a lot of discussion about should everyone be subject to recall. That is something obviously we have two more public hearings. Think about that as a group. If you think there are other positions that you would like to see included in that, of course we can have that debate. Let's also clarify that what by Florida law cannot be recalled. Let's make sure we do not even get into that so we don't get it thrown out right at the beginning, so I think that is in mind. So, without any other issue we are going to issue number three which is Full Time Commissioner public hearing number one and that is by Mrs. Sandra Sullivan, I believe if you are still here Ms. Sullivan. Please, come on up.

### **Proposal 3- Full Time Commissioner**

Sandra Sullivan: So, I just want to say just for clarity it is not that the Commissioner is full time, it's just that the Commissioner not have another full- time commitment. So, there is a difference. It is not saying the Commissioner has to be full time, it is that the Commissioner doesn't have another full- time commitment. So, I just wanted to reiterate we discussed this before, but the heading might be a little bit not clear. Thank you.

Mike Haridopolos: Thank you.

Vic Luebker: Mr. Chair. If I may, having worked in a Commission office for five years, and having a boss that worked full time as a Nurse Practitioner amongst other things, and the hours that I know she put in and her office puts in. I don't know of any Commissioner that doesn't go above and beyond, and working extra or having a full- time job, I don't think that has any bearing whatsoever on their abilities. I will defer to our past distinguished Commissioners if they want to weigh in about the hard work that they have done, and their staffs do. But, for me this is one of those low hanging fruit ones, where if there is no objection, I would like to make the motion to drop it right now.

Robin Fisher: Second.

Mike Haridopolos: All right, any other discussion on that? It has been seconded for a motion. Any other debate before we vote on that motion?

Tom Jenkins: I would just add that it is pretty hard to define what is full time. You could be an entrepreneur and own five businesses, and is that full time or not? So, I don't know how you define full time.

Mike Haridopolos: Any other comments? All right so we are going to do the aye's and nay's here. We don't need a roll call. All of those in favor of the motion to dismiss this item from our consideration say aye- all those opposed say nay.

**Luebker/Fisher – APPROVED, dismissal of proposal # 3-Full Time Commissioner from consideration, as presented by Sandra Sullivan. The vote was unanimous, 14-0.**

### **Proposal 4- Revise Citizen Process**

Mike Haridopolos: All right then by your vote, we are going to remove that proposal from consideration. Okay we are now on proposal number four. That is also by Mrs. Sullivan, and Mrs. Sullivan if you wouldn't mind coming up again please and presenting that for us, that would be great.

Sandra Sullivan: So, Sandra Sullivan, I guess we are hearing number one. So the idea is that what is currently laid out the way it works is it is not defined where you go to do that annual process which is if you go ask a Commissioner office, you might not get an answer, or you might have to go to another Commission office to get an answer, and you eventually find out that there is an obscure website that you can go to that is once a year you can submit a proposal. But, that is in December and people are busy with their kids and Christmas and holidays you know all of that, kids getting out early. One of the things I suggested was some clarity on the item of revising the citizen process. Maybe opening up that form to where it is available not just one month a year, but maybe an entire year and in a place where you can look for it. So, it is just that the process isn't there and there isn't a process to get something on an agenda item. I used the example in the other meeting where I was trying to get a formerly used Defense sight for my community and I wanted to get the item on the agenda. I couldn't get an item on an agenda. So, there should, I am just asking for a little more clarity on citizen review process to get an item on an agenda, or to put a proposal to the County that is written by the people. Thank you.

Mike Haridopolos: Thank you so much. Other questions?

Vic Luebker: Mr. Chair, again I am going to go back to my past experience, actually you can go to any Commission office and do a citizen's agenda request item. So, that process is not to say 365, 24/7, but whenever a Commission office is open, you can do a citizen's agenda request. So, unless again, my distinguished other Commissioners object, I am going to make a motion that we drop this.

Mike Haridopolos: Mr. Nye.

Matt Nye: So, but the Commissioner could decline, right?

Vic Luebker: Absolutely.

Matt Nye: Okay, so okay that answers my question.

Mike Haridopolos: Okay, other comments? So, this is a motion?

Vic Luebker: Yes, I make a motion we drop this going forward.

Mike Haridopolos: Mr. White?

Bob White: Yea, I was kind of puzzled by this. It almost sounded like the proposer of the amendment was saying that there is this obscure process by which even if you have been turned down by every single one of the Commissioner's, that there is still an opportunity for you to be able to get something on the agenda, just as a citizen, even though you have been turned down by all five of the Commissioners, is that what we are referring to?

Matt Nye: We did it in 2010.

Bob White: Some way to make that process more reasonable and more open and more available?

Vic Luebker: I would refer to Tom on that.

Tom Jenkins: You can get on any County Commission agenda every week. They have public comments. If you can't persuade three of the five Commissioner's that your subject is worthy of investigation, then it doesn't go anywhere. But you have ample opportunity to present. What the Charter did a few years ago was to create a formal process, it is really more for show than it is for reality because you can come in any week at a County Commission meeting and make your presentation.

Vic Luebker: Mr. Jenkins, clarify this if you will for me. Not only can you do a public comment card, but you can actually fill out a card for every agenda item right? So, you could be heard multiple times through out a meeting, so there is plenty of opportunity to be heard.

Sue Schmitt: That is correct. You can speak to every item on there even if it is on the consent agenda, it can be pulled if you have asked for it, filled out a card, and you can also comment on your one public comment. I mean, I am not going to pick on you, I don't mean it that way, but the last meeting I believe you spoke to four different issues. Three issues, and one public comment, I believe.

Sandra Sullivan: Yes, so for the three and half years I have been speaking regularly at Commission meetings, but that doesn't mean that there isn't items that you want to put on an agenda and request, so I will give you an example: There was a budget meeting for the County Commissioners, there was a group of people that wanted to put on the ballot the EELS program because it is going to sunset, and if it doesn't go on the referendum this year, it will sunset and there will not be funding for maintenance of those lands. They put forward that, and especially the Commissioners said because we are not in favor of funding any conservation lands, we are only in favor of maintaining it. And so, it didn't move forward with anything. So, the way that this process works, the part that is obscure is the way that the Charter is written right now, there is no place in there that tells you where you go to submit this proposal, and the way it works right now is only once a year for the month of December you can submit a proposal. But if a group of citizens want to submit a proposal, say for example to initiate some ballot language to put EELS on the ballot language at this referendum, they can't, there is no mechanism to do that. So, this is about enabling the citizen process without having to go out and collect, I don't know maybe seventy thousand petition signatures to put something on the referendum. It is just a formal process to submit something to the County Commission, to be considered by the Commission with the public. But if a Commissioner doesn't want to put it on the agenda, you can't put it on the agenda. One person can go up and they can speak in public comment, but it's not putting it as an agenda item where there is action taken on it.

Mike Haridopolos: Mr. Nye.

Matt Nye: Yes, so I was on that Charter Review Commission that this proposal came out of, the original proposal. And the entire point was not to be able to have the public be able to comment, it was to force the Commissioners to be able to vote up or down on a specific suggestion. And so, this notion that you can go and try to get on the agenda or make public comments, as Ms. Sullivan said, you can speak until you are blue in the face, and not get anywhere. And so, this was to give people an outlet where if they had a genuine suggestion, and even if it was from the Commissioners standpoint, off the reservation, the Commissioners would be forced to vote on it up or down. And, I was absolutely one hundred percent in support of that, and I think given how this has played out given whatever it has been, twelve years, I would be in favor of increasing the frequency, the window to maybe twice a year or once a quarter. There is a happy medium there, but I do agree that it seems like it has not been utilized, or at least most people don't even know about it. And once a year, if you miss it, now you are off for a whole other year. So, I would be open to increasing the frequency of the window. I don't know if you want, from just a logistics stand point, you know once a month or something like that seems too much. But, once a year seems too long, based on what has happened so far, so thank you.

Mike Haridopolos: Any other questions?

Gabriel Jacobs-Kierstein: Quick question for Ms. Sullivan. I think one of the issues we have hear is you talk about putting in some petition signatures or requiring those so it is just not wide open either. You know, we don't want flood gates for just anybody to just come in and put things on and burden the Commission with things that are just not really pertinent. However, we do want it to be open, right for those that have proposals and for the Commission to review those. How many petition signatures would you want? Can you clarify some of that information for us?

Sandra Sullivan: I was going to defer to this Commission to your experience with what would be reasonable just to have something voted on.

Gabriel Jacobs Kierstein: Is there any other measures that you suggest to kind of weed out some of the less formal requests?

Sandra Sullivan: I don't know I will choose a number, one thousand. Adjust it accordingly if you think that is too few just to simply put something on a Commission meeting so that they can take a vote on it. It is not, it's just a step in the process but

Gabriel Jacobs-Kierstein: Okay, thank you.

Mike Haridopolos: Mr. Trettis.

Blaise Trettis: I think this is a good example of why there should be precise language with underlined language that you want added to the Charter, which I don't think you want any deletions here, you just want an addition, you know but it is hard to take a vote or even discuss what you are talking about when it is in such a general concept and the idea is so vague, really. So, I suggest if you really want to get some traction on your proposal, you put it in exactly the language that you think it should appear in the Charter so we actually have something to discuss, rather than these vague concepts.

Sandra Sullivan: So, on that form, it didn't work that way, so that is why I didn't do that, but I can certainly take the feedback and come up with some language. I kind of thought that you guys did that.

Mike Haridopolos: Mr. Fisher.

Robin Fisher: In the eight years that I served as Commissioner there is numerous residents that would come and give me an opinion on what we ought to do and shouldn't do, and if it was worthy we discussed it and brought it forth to the other Commissioners. If it can't get through five different Commissioners, you know and typically if an issue is very important the person presenting will go to all five of the Commissioners and present their case. And, I think our Commission has been open. They might not agree with you, but they have been open to listen to your suggestion. And, if you can't through the five Commissioners, I don't think we need to be superseding trying to get it on the ballot some other way.

Sandra Sullivan: If that is the feeling of the entire Commission, maybe you need to remove the Citizen Process from the Charter all together if that is your position Sir.

Robin Fisher: I would be okay with that too. Last time they came forward and most of the issues that came before us and I remember that the County was already doing them.

Mike Haridopolos: Okay, we have a motion on the table.

Vic Luebker: If I can get a comment in. Mr. Trettis made a very good point. I think that if this was specific in language, and something comes forward before the deadline that is then we have something to talk about. But right now, I think my motion stands.

Mike Haridopolos: All right we have a motion on the table. Any other debate on this before we, Mr. Trettis?

Blaise Trettis: I just want to point out, I will vote to table it, or vote it down because it is in vague language

Robin Fisher (inaudible)

Blaise Trettis: This is a debate

Robin Fisher: I seconded.

Vic Luebker: Yes, Mr. Fisher seconded.

Bob White: It is still a debate.

Blaise Trettis: So

Robin Fisher: So, you can't make another motion.

Blaise Trettis: I did not make another motion, I am just arguing. So, I will vote in favor of knocking it down at this point, I guess without prejudice at this point. Terminology I am used

to in court which just means you can bring it back with specific language. That is all. Thank you.

Mike Haridopolos: All of those in favor of taking this, or in favor of Mr. Luebker's motion to remove this from consideration say aye, all those opposed say nay.

**Luebker/Fisher – APPROVED, dismissal of proposal # 4-Revise Citizen Process remove from consideration, as presented by Sandra Sullivan. The vote was 13-1 with Mr. Nye opposing the motion.**

Mike Haridopolos: And by our vote it is approved and so we are going to strike number four, The Citizen Process from the

Bob White: Mr. Chairman, just for clarification for Ms. Sullivan's sake before we move on. Nothing that we have just done would prevent her from coming back and submitting something in a format that Mr. Trettis was suggesting, by the deadline to see if she can't get some (inaudible)

Mike Haridopolos: Yea, and that new deadline is May 2<sup>nd</sup>, that is correct.

Bob White: Okay

Unknown: I totally agree with that, and appreciate the clarification.

Stan Johnston: Are you going to recognize my point of order?

Mike Haridopolos: You are not on the committee.

Stan Johnston: I know

Mike Haridopolos: Okay, thank you.

Stan Johnston: But the thing is I have speaking cards, but you are not recognizing them.

Mike Haridopolos: Okay, Mr. Johnston you are recognized on item number three.

Stan Johnston: And number four.

Mike Haridopolos: You want to speak on one or both?

Stan Johnston: I had speaking cards on both of them.

Mike Haridopolos: Okay. Come on up. Speak on number three first and then number four.

Stan Johnston: You are correct, I do not have the right to call a point of order. But the thing is, is Mr. Haridopolos is that you should be going to the Robert's Rules of Order. The thing is that when I had a speaking card on F-3, you went ahead and had a vote without allowing me to speak. That is not with Robert's Rules of Order.

Mike Haridopolos: Well, I will tell you what, here is what we are going to do. We are going to hear you on point three, and we are going to hear you on point four and then we are going to vote again. Is that okay with you?

Stan Johnston: Yes sir.

Mike Haridopolos: So, finish on three.

Stan Johnston: Okay on number three, I pass.

Mike Haridopolos: Thank you. Without objection we will have another vote on number three. All those in favor of Mr. Luebker's motion say Aye. All those opposed say Nay.

**Luebker/Fisher – APPROVED, dismissal of proposal # 3-Full Time Commissioner from consideration, as presented by Sandra Sullivan. The vote was 15-0 with Mr. By your vote, # 3 is removed from consideration.**

Mike Haridopolos: Now we are on number four. Mr. Johnston you are recognized.

Stan Johnston: Okay, thank you Mr. Haridopolos for recognizing my speaker card, and thank you again for going for another vote. On item number four, I pass. Thank you.

Mike Haridopolos: All right we are going to have another vote on number four. All those in favor of the motion say Aye, all those opposed say Nay. (The vote was 13-1 with Mr. Nye voting Nay and clarifying that he got the proposals out of order and his vote was Aye on the last vote).

**Luebker/Fisher – APPROVED, dismissal of proposal #4-Revise citizen process removed from consideration, as presented by Sandra Sullivan. The vote was 14-1 as Mr. Nye said his earlier Nay vote on Proposal #3 was for this proposal he had them out of order.**

Mike Haridopolos: Thank you, and by your vote, # 4 is removed. Ms. Sullivan, I think people see the credibility here of your idea. If you can work with staff or what have you, I think that would be the best condition to go forward. Okay, let me make sure Mr. Johnston is, I missed this for number six, okay you are on number six.

### **Proposal 5- Repeal of Three Attorney Review Panel**

Okay, we are now on number five which is to repeal the three-attorney panel. Mr. Trettis you're on that one as well.

Blaise Trettis: I am.

Mike Haridopolos: Okay, you are recognized.

Blaise Trettis: This proposal would repeal from all words mentioned in the Charter the three-attorney panel that reviews all Charter proposals. And we have already heard the history of it, but the reason, some of the reasons for it is first of all, we are the only Charter County

in Florida that has this three-attorney review panel. I think it is rather undemocratic to have a group of three lawyers who are paid by the County Commission, have the ability to strike the work that we have done and prevent our proposals from going to the people for a vote. I sort of argued this at the last meeting I think. Where we have the ability to hire additional lawyers if we wanted to hire additional lawyers for opinions on whether a proposal is consistent with Florida law, if it's consistent with the Constitution. Additional lawyers in addition to Mr. Gougelman who has already opined on this proposal, no excuse me that was on recall. But like on the recall we could hire lawyers in addition to Mr. Gougelman. But it is also a conflict of interest because, for example my Charter Cap. I am pretty sure that four out of the five County Commissioners are against my proposal, and for that same County Commission who is against the proposal to be able to hire lawyers who would pass judgement on it, and would have the ability to basically end it, at that point I think it is a serious conflict of interest. There also it could be subject to abuse because the County Commission could decide that the word shall means may. There is case law which says that. That was in Mr. Gougelman's opinion. Also, there is the fallibility of attorney's opinions. On the recall proposal, I think Mr. Gougelman opined that he didn't think it was consistent with Florida law, however when I asked if that were litigated in a circuit court or appellate court could those judges find for the opposite that it is consistent, his answer was yes. So, these attorney's opinions are so fallible and so subjective anyway, it is another reason why it is unnecessary, and those are some of the reasons for the proposal. Thank you.

Mike Haridopolos: Thank you. Any questions for the presenter? Okay we don't have any appearance cards. The only thing I would add on that is we have already had the discussion today about what happens if, right? The three attorneys don't go our way. Would you be open to amending it, so there is some type of appeals process as opposed to, because one thing we don't want to see happen is we act, there is either a clear violation, or in other words do you want some type of appeals process, or do you just want complete elimination, and maybe there is a vote and it passes and then later people challenge that idea and then we lose in the courts. What is your pleasure?

Blaise Trettis: My pleasure is not to amend, again we are the only County in Florida that has this. I think it's bad all the way around. And, also the timeframe. We are already talking about how will there be time to do anything at the end of the Commission's term, and it is too tight. I think now to try to build in an appeals process, so for those reasons no.

Mike Haridopolos: Okay.

Gabriel Jacobs-Kierstein: You know I don't know if this is out of turn or wait until the end for this, but Mr. Gougelman brought up earlier that there needs to be some clarity on the issue if the three -person panel stays. If this doesn't pass, and we do have the three-attorney panel, how does it come back to us, if it comes back to us at all. Do we have that option? So, I wanted to see if anyone wants to volunteer so we don't have multiple different proposals coming in, and is that what you meant by that Mr. Gougelman? Was that an insulation that it needs to be in the form of a proposal?

Paul Gougelman: It does if you plan to keep this provision.

Gabriel Jacobs-Kierstein: Okay.

Paul Gougelman: I think Mr. Trettis is taking the position that no, the provision needs to be ditched.

Gabriel Jacobs-Kierstein: Okay.

Mike Haridopolos: And that is why I brought up the issue, I wanted to see if we as a group wanted to have an appeals process, a quick one so to speak, or at least a clear line of order in which we can get around concerns they might have. But again, it is Mr. Trettis's idea, however he wants to proceed, unless someone but again we have three meetings in this, so if again we can think about this some more. This is an idea which obviously has credibility, so I don't think we need to take a vote today. There is no public comment cards, at least on this point as far as I know on number five correct? At least it is in front of me, so this is still live, if you want to come up with that suggestion, and if we want to go through an appeals process, or if that is the will of the Commissioners. We have two more hearings in which to hear these ideas. I just wanted to bring that up because we have already kind of created our own process at this point in case we don't get our way. It wouldn't be bad if we formalized this since we do have concerns about it, but it is Mr. Trettis's idea, and I don't want to trample all over it. But I do want to come up with a way which we don't have this ambiguity in the future. Great point, thanks.

Gabriel Jacobs-Kierstein: Thank you Mr. Chair.

Mike Haridopolos: Mr. Fisher.

Robin Fisher: One question, Mr. Jenkins might remember this, but some reason I believe that things have passed through this committee and its been challenged before, and it didn't hit the three attorney's and its been challenged before and it was ruled unconstitutional. Am I right on that or?

Tom Jenkins: Yea so one in particular comes to mind, but I suspect there has been more than one.

Mike Haridopolos: Perfect, and we will obviously this idea is still under consideration, and we will have two more hearings on it. If you all want to come up with a process we can, if we don't we just roll the dice as we talked about before, no problem.

## **Proposal 6- Right to Clean Water**

Mike Haridopolos: All right, number six we have the right to clean public water. Public Hearing number one, and Michael Myjak I think you are here, oh there you are, okay sir. have a bunch of appearance cards on that. Welcome back.

Michael Myjak: Thank you. Starting over huh?

Mike Haridopolos: Yes sir.

Michael Myjak: Okay. Esteemed team members of the Brevard Charter Review Commission. I am Michael Myjak and I represent myself and my colleagues on the Indian River Lagoon Roundtable. We are a non-partisan, non-affiliated grass roots organization

that explores environmental issues having significant adverse effects on the Indian River Lagoon Estuary. Today we are here to propose the Right to Clean Water Charter Amendment out of a shared desire and need to save the Indian River Lagoon, the Saint Johns River and several natural wonders which in years past have seen much demise. Our Florida State Constitution charges that citizens in Chartered Counties and Municipalities with the responsibility to protect our citizens, our businesses, our visitors and our economy from legalized harm. But what about our waters? Who is protecting our waters from legalized harm? Today we have no fundamental right to clean water. We have a Clean Water Act, but no infeasible, fundamental Right. And we won't unless we declare it in our Charter. Just like in our Bill of Rights, we are amending our US Constitution, amending our Charter is amending our Charter for the right to clean water. By many measures, we are in a better place than we were in 2008. Our hotel industry is growing every year, the Space industry is taking off again, to (inaudible) Outer Space, and nevertheless, there is economic harm, or lack of a healthy environment right here on planet Earth. And rest assured that restoring a dying Estuary is no more daunting a task than conquering outer space. And yet, whole industries are now depressed in Brevard County because of the State's failure to maintain healthy waterways, wetlands and habitats. Remember our vibrant shell fish industry? That was last millennium. The last time I remember shell fish out here was in 1996, and then we had a heat wave, and then no more shell fish, no more clams. We used to have red fish and tarpon. We used to have tournaments annual tournaments. The Eau Gallie Fishery was world renowned. Where is that today? Economic harm. Clearly, we the people recognize that our Lagoon is dying, in 2016 we started taxing ourselves a half cent sales tax to help clean up the mess that the State has left us with. The Department of Environmental Protection and the Saint Johns River Water Management District are the permitting agencies that are responsible for our waters, which are no longer clean. We lost our last Class 1 water just two weeks ago. Blue Cypress Lake which had been spread with bio solids from Miami got an algae bloom and drops it to Class 2. So, there are no more clean water in Florida. I ask you: after taxing ourselves a half cent sales tax and a price tag of over a half a billion dollars in the last five years, is there a form of more egregious harm that we have granted ourselves to try to fix because of a problem granted by our State. Declaring the Right to Clean Water in Brevard County gives the County Commission a foot hold to take the DEP and the Saint Johns to task to clean up our waterways for the benefit of our economy, our visitors and our citizens.

Mike Haridopolos: Thank you sir, are there questions? Thank you so much for presenting today. We have a few folks with appearance cards. Bill DeBusk. Welcome sir.

Bill DeBusk: Good afternoon, thank you all for being up here and serving. As members of this board, well my name is Bill DeBusk, I am from West Melbourne. As members of this board, you represent the citizens of this County, and your job essentially as I see it is to recommend things that the Brevard County citizens will likely approve. So that is what I think your basic job is. In November of 2020, Orange County Florida approved the Right to Clean Water Charter Amendment by an eighty nine percent voter approval, clearly approved. Brevard County, 2016 sixty two percent of the voters approved a half cent sales tax to save this Indian River Lagoon. These examples show undisputed evidence

that Florida citizens, and the citizens of Brevard County want the Right to Clean Water. Florida citizens from all political spectrums agree that clean water and healthy ecosystems are vital to their own personal welfare and the economy. The State government and the current regulatory system have failed. They have failed to protect the basic rights of people, as well as the natural world. The proof of how ineffective this current system is, simply look at the Indian River Lagoon. You know all the stuff. It's got F--, it's got muck, it has got dead manatees. Hopefully some, or most of you were around long enough to see the Indian River before it was destroyed by pollution. If so, you definitely know that the current environmental system has not worked. Clearly the citizens of this County know that the government and environmental protections have failed us. They have proof, and they will certainly vote for the Right to Clean Water because they know it is vitally important. You all have the privilege to represent the citizens of Brevard County, and to elevate these amendments, and make recommendations that these amendments, to make recommendations of these amendments that support the interest of the citizens. So, you are fundamentally obligated to approve the Right to Clean Water because this is beyond a doubt something beyond a doubt that the citizens of Brevard County want. Thank you.

Mike Haridopolos: Thank you for your time sir. All right, Lew Kontnik. Thank you, sir and welcome.

Lew Kontnik: Lew Kontnik, I live here in Brevard and I support the inclusion of the right to clean and healthy water in our Charter. Here is an example of how it might be used. You probably all remember back in the Spring of 2018 we started to hear that Blue Cypress Lake was experiencing an algae bloom. The blue-green algae grew and grew until we had a serious health situation on the Class 1 head waters of the Saint John River, the source of our drinking water in Lake Washington. TC Palm and other media were covering the problem and even tracing it directly to the excessive dumping of partially treated human waste, bio-solids they call it, on Presley Ranch. It took months for DEP to investigate and finally act in its July 12<sup>th</sup> letter halting, at least temporarily the dumping. DEP reported that micro-system levels in the lake were four thousand seven hundred parts per billion. More than forty- seven thousand percent more than the toxic level of ten parts per billion. Their action was good, but very late, and after much damage was done. Dumping some of the five thousand dry tons per year, five thousand tons dry tons per year of dry poop began in 2012 after the legislature prohibited this dumping in South Florida. The Indian River County disposed of their waste in landfills, but the legislature prompted the dumping of South Florida's poop in Indian River. H& H liquid storage disposal was paid more than a million dollars in 2017 to dump five thousand two hundred and seventy- seven tons on the Presley Ranch adjacent to the Lagoon. Observers had reported that the water was pooling in this dumped material months before the algae bloom began. We knew our very drinking water was being contaminated but there was no path to address the growing issue. What Mike just said, legalized harm was underway. With standing to seek equitable relief under this provision, the observers of pooling water or others seeing the endless stream of trucks full of poo headed to the ranch could have raised this issue, and could have protected the drinking water before it became toxic. It's worth doing.

Mike Haridopolos: Thank you for your time sir. Any questions? Thank you very much.

Bob White: Was that the last speaker on this issue?

Mike Haridopolos: No, we have about six more.

Bob White: I'll wait until they are all through.

Mike Haridopolos: All right, thank you. Laura Lee Thompson.

Laurilee Thompson: Thanks for all the hours you guys are sitting up here doing all this work. This is the first time I have been to the Charter meetings, so I appreciate what you are doing. I didn't realize it was this involved, so many of you. So good. So, I am Laruilee Thompson, I live at 3555 Irwin Ave. in Mims. In my lifetime, I have watched the Indian River Lagoon go from its status as one of our Nation's most commercially productive estuaries that supported hundreds of fishing families, to a lifeless water body that's best known now for the starvation deaths of more than six hundred of Florida's iconic manatees. Its commercial fishing industry has evaporated. Once known as the red fish capital of the world, numerous annual fishing tournaments were held generating millions of dollars for our hotel and restaurant industries as well as our bait and tackle shops, and a lot of other small businesses. The Indian River Lagoon was a popular subject for television's celebrity fishing guides and tourism travel logs. Today many of our recreational guides have relocated to Texas and Louisiana where they can easily find fish for their clients. Nearly forty years ago, my parents started a seafood restaurant in Titusville that had a menu based primarily on local seafood products that were harvested from the Indian River. Today we serve nothing from its once prolific waters. The condition of the river is a threat to multi millions of dollars of real estate, a two billion dollar a year tourism industry, the County's ability to attract new businesses and our own health. The river cannot speak for itself. I am asking you to please give the citizens of our County the opportunity to decide if they will give the river a voice. Thank you.

Mike Haridopolos: Thank you Ms. Thompson. No questions. Maureen Rupe. Welcome.

Maureen Rupe: Hi. I know how you all feel. (laughter) But this is non-partisan. Did any of you see the marine council report card? Total health score of the Lagoon failed. habitat health score failed. The State's money train is not adequate. The FDEP department does not require testing of sewage spills, storm water run-off, waste water pollution, herbicides, pesticides. The (inaudible) is collapsing. Marine animals are in dire-straits. We have manatees dying by the thousand. The State, County, and Cities still do not know why the sea grass is dying, and all the technology we have, Avian flu is prevalent on Kennedy Space Center and other parts of Brevard. Clean water is crucial to every animal on Earth, including us. I cannot, but all of the times I have stood at these dais, and other places on issues and requests, I cannot believe we are here begging for clean, unpolluted water. Please vote to send this to ballot and let the people decide. This is a non-partisan issue, and I think politics is not a factor because nothing can be politically right, if it is morally wrong. Thank you.

Mike Haridopolos: Thank you, Ms. Rupe. Next, we have Stan Johnston. Mr. Johnston, welcome back.

Stan Johnston: I am just going to say ditto to what has been said. So, thank you very much.

Mike Haridopolos: Thank you sir. Next, we have Sandra Sullivan. Welcome back.

Sandra Sullivan. Good afternoon, so I agree that this is a non-partisan issue. MRC recently found our Lagoon in Brevard County to be an F- - down from an F++, worse than the Lagoon. I think universally everybody agrees pollution is causing the Lagoon to decline. It is very concerning that the Lagoon plan does not include pollution. The NEP and IRL Council in the research I have done, requires our local Lagoon plan to have pollution in it. It also goes so far as to specify what pollution is required to be in there, including PPHOS, organic pesticides, glycephate and some pharmaceutical chemicals. As some of the previous speakers said, we have bio sites coming up from South Florida, where some of the places it is coming from is in Miami where they have a very high PPHOS concentration in their bio-solids, and that is coming up here into our waters. In addition, we are dredging the muck out of Grand Canal which is over the clean up target for both copper and arsenic. And we are taking it, and shipping it out to Plat Ranch, and we are putting it on the flood plain just South of our drinking water source. We have had two algae blooms this year on Lake Washington. It is not normal to have that in the Winter time. Arsenic is a phosphorus food for algae. So, is it a coincidence that they are putting arsenic out on the flood plains? Oh, by the way it is a class A carcinogen. From the bio-solids as well, just before Covid hit, we had one hundred sixty some odd cases of Hepatitis A. These pathogens and diseases that is in bio-solids that is going into our water sources. You hear about the flesh-eating bacteria. This is a health and safety issue as much as it is an environmental issue, and it is also an economic issue, because the Lagoon is worth more than a billion dollars in economic stimulus across the Lagoon. So, I am in favor of the Right to Clean Water, and I hope you will consider and put this language on the Charter as a bipartisan interest item. Thank you.

Mike Haridopolos: Thank you Ms. Sullivan. Okay that concludes the cards on Proposal number six. Mr. White, I think you had some comments you would like to make.

Bob White: Thank you Mr. Chairman. I, while I am extraordinarily sympathetic to this cause, I am a native Floridian, I can remember very well what it was like to grow up in Florida when there was only like five million of us, right? I am serious, I mean the degradation that has been done to our lakes, our rivers, our streams, our drinking water sources, it is clearly out of control. You know, I, many of you know, not enough that I ran for Governor, and I stood in the Everglades and I said we need to take the dedicated revenue source that is currently committed to purchasing additional millions and millions of properties in the State of Florida, when already government owns thirty percent of the State in some form or fashion, federal, state or local. Over a third is already owned for environmental, for protecting the environmentally sensitive lands. We ought to take one hundred percent of that resource, that tax source, and we ought to convert it to cleaning up our waters. And, of course that fell on deaf ears, as I fully expected that it would at the time. So, I am absolutely, as I said extrardentary sympathetic to this issue. I don't have though, any idea whatsoever, for the attorney's in the room what declaring it a Right, what the legality would be of that or the legal ramifications would be, so while I am

extraordinarily sympathetic, I keep using that term, I am concerned about the legal ramifications of it, and would really appreciate some input on that, maybe attorney Gougelman can research that. Maybe you already have, I missed a big part of it last meeting because I had to be out of town. So, maybe I missed something in that regard. But, I would really like to have some input on that element of this issue before we conclude anything.

Mike Haridopolos: Sure, thank you Mr. White. Other comments? Mr. Chandler.

Jordin Chandler: Yes sir Mr. Chair. Thank you to Mr. Myjak and everyone who came out to speak relative to this particular item. I was actually going to propose something very similar to this considering having seen what Orange County passed, their Charter Commission passed, and the voters passed in November of 2020 protecting their waterways from pollution. I did actually speak to Mr. Myjak on the phone, and told him that I did have some concerns relative maybe to this particular item. But, after doing some more due diligence I no longer have those concerns. But that concern stemmed from Senate Bill 712 that was signed into law in June of 2020 which is the Clean Waterways Act which potentially could have prohibited local governments from having grounds to sue. So, but I think the fundamental argument of Mr. Myjak's proposal is outlined in his third paragraph in his Executive Summary to us, and if you don't mind me reading that: it says that "the problem isn't a lack of strong environmental laws in Florida, nor is it due to a string of illegal pollution. The problem "set" is a systemic and more like death by a thousand paper cuts which is comprehensively difficult and expensive to remedy for large water bodies such as the Indian River Lagoon, much less to fully restore.

To make sense of our hundreds-of-millions of taxpayer dollar investment, we must be able to establish a stopgap – a "do no (more) harm" mandate, and allow individuals, businesses and nonprofits to engage in the litigation to arrive at a better system" So with that Mr. Myjak, thank you for bringing this item forward, and definitely looking forward to having some constructive dialogue as we move forward

Mike Haridopolos: Mr. Jenkins.

Tom Jenkins: I would also like to get from staff what have the outcomes been over in Orange County since they have implemented their Charter Amendment.

Mike Haridopolos: Okay, that would be helpful, thank you. Mr. Nye.

Matt Nye: So, I actually have a, I have similar concerns as to what has been expressed by Mr. White in terms of the ramifications of this, but I am intrigued by the fact that we are trying to hold the governmental agencies responsible. And, I have a hypothetical for the petitioner, Mr. Myjak. If I am reading this correctly, if it could be shown that a particular policy in regards to a particular species of animal is actually a cause of harm to the Lagoon, this would give Brevard County action against the Federal entity that is driving that policy? Is that, what I mean, yea, okay, cool. Thanks.

Mike Haridopolos: Other comments? All right, we have concluded our comments on number six, the Right to Clean Water. Hearing number two will be at our next meeting.

**Proposal 7- Repeal Article 8 and Section 8.1 of the Brevard County Charter**

Mike Haridopolos: All right, next we have Mr. Trettis?

Blaise Trettis: Thank you, this would completely delete all words in Article Eight School Board of Brevard County, election of school board members which makes elections by residents area. If you look at the Florida Statute, there is two ways that elections can be, first of all, the Statute you start off with district wide elections. That is the presumption that school board elections are district wide, meaning every elector, every voter gets to vote in every school board race. And the only way by Florida Statute that can be changed two ways by a vote of the School Board to go to single member residential area elections and that vote places it on the ballot, the voters approve it and it becomes by residents area, School Board elections. The second one is by petition, the same way. Enough petitions are obtained, single member districts by residents area goes to the ballot and is voted on. There is no provision for Charter Amendment to provide for this, and this I think is a pretty clear example of the State of Florida preempting the counties from trying to establish residents area school board elections by Charter Amendment because both cannot exist at the same time. It will lead to inconsistent conflicting results. Here is a hypothetical for Brevard County. My proposal is already submitted, it would repeal Article Eight. Then I file another proposal which specifically says, and this is just a hypothetical: Another proposal that says we are going to change this Charter to have district wide elections. And then the School Board next week votes to put on the ballot single member residents areas elections. Let's say all three proposals pass. Logically inconsistent, but voters can do what they want. So, what that would result in, is the electors saying we are going to have both in the Charter district wide elections, and because of the School Board proposal we are going to have single member districts. So, what is the Supervisor of Elections supposed to do on the ballot? Is it going to be single member, or is it going to be district wide because you have two conflicting parts of, two conflicting votes. And I think it is a pretty clear example from that hypothetical of why this cannot co-exist with State law. It's preempted by State law, it's not consistent with State law, and you know it also puts existing school board races subject to challenge unfortunately, but you know I think the change needs to be made, simply because it was wrongly done in whatever year this was done, it is somewhere in here, 1998. So, for those reasons, I have made this proposal. Thank you.

Mike Haridopolos: Thank you. We have a couple of cards. Katie Delaney. Welcome back.

Katie Delaney: Thank you. I will keep it short. I am in support of this. Thank you.

Mike Haridopolos: Thank you. We have Sara Mirsky. Do you agree? Okay.

Sara Mirsky: Thank you so much for your time again. I come from Seminole County and that is a County where you elect school board members County wide and you can recall school board members county wide. Just a couple of comments coming from one area with one school board, and coming to a different area with another school board is what is really interesting is the two differences that I have seen is when you can elect each school board member county wide, there is more cooperation amongst the board, and less politics. This current school board, there is way too many political divides on this current school board and they really need to function to work together, so that is why I am

in agreement with us as the County as a whole being able to elect each school board member in different districts and also to be able to recall them. Thank you.

Mike Haridopolos: Thank you so much. All right any other comments on proposal number seven?

Tom Jenkins: Mr. Chairman? Mr. Gougelman, do you believe that if someone were to challenge the current Charter language about single member districts for school board that there is a probability that it would be overturned for not being permissible?

Paul Gougelman: I think more likely than not; the court would rule that it has not been properly set up through our Charter.

Tom Jenkins: Also, could you find out what goes on in Seminole County? How they have recall?

Paul Gougelman: I don't know that they do, but I will check it.

Mike Haridopolos: Mr. Trettis.

Blaise Trettis: I have looked at the counties that have recall, and Seminole was not one of them. It probably has district wide elections, but it didn't have recall. It was Sarasota County had recall, Jacksonville, and I think Columbia had recall, but it was not Seminole.

Tom Jenkins: Can we get the information on how do they do it?

Blaise Trettis: You know on the recall it is interesting because it is so open ended, they can have a recall election, in like sixty days, it didn't track the Florida Statute at all like mine does for County Commissioners. It is completely wide open. There are no grounds listed, its just they have the right to do it. And that is the way it is.

Mike Haridopolos: If we could get the official list, that would be great.

Paul Gougelman: Perhaps a more interesting question would be in any of those counties has there been a recall of a school board member?

Mike Haridopolos: Let's find that out, that would be great.

Marie Rogerson: While we are asking for information, I understand there is legal ways to go about this, I am curious as to how many counties in the State of Florida have single member districts versus county wide elections for their school board?

Mike Haridopolos: Any other questions? All right that completes proposal number seven. We do not have any appearance cards besides those speakers so we will take that up during the next agenda meeting.

### **Proposal 8 Vacancies and Suspensions**

Mike Haridopolos: Next we have Mr. Burns for vacancies and suspensions section 2.7. Mr. Burns welcome.

Robert Burns: Thank you Mr. Chair. I will try to keep this brief because I think the proposal speaks for itself mostly, but a little bit of background. Last year about July we

had a resignation in the City of Palm Bay for City Council man, Jeff Bailey unexpectedly resigned which left a vacancy for that City Council. The Palm Bay City Charter allows for the Council to determine by an ordinance how to fill their vacancies. That is the language in there. I think they are trying to change their Charter now after the events that took place in July. At that time, the City Council that was there decided to change the ordinance from a special election because of the timeframe that was remaining for councilman Baileys term was less than a year. They decided they wanted to appoint someone to that seat as opposed to having a special election. And the Charter gave them the ability to do that. However, it was met with much resistance within the community, much resistance from members of the Republican Party, it met a lot of bi-partisan resistance for that matter, and as I put into the proposal, Mayor Medina was quoted on television and during the meeting saying that he felt like the process of appointing someone to the Council as opposed to a special election, was un-American and un-Patriotic. That sentiment was echoed by a lot of our leaders, both elected leaders and party leaders. One of the President of the Space Coast Young Republicans, for example also spoke and echoed those same things. He took it a step further and said if there was to be a special election the public deserves the opportunity to hear who is running for those seats. They need to be able to get to know their candidates. One thing that I stated before on the other measure is consistency. I think that we have to have consistency in our government. We have to have consistency in our legislature. So, the hundreds of people that showed up to the Palm Bay City Council to protest that appointment process, have been completely silent as to the process that is hear before us at the County Commission today. We have a resignation of a County Commissioner which has left a seat. The difference is that this Charter says specifically that there will be an appointment. I don't know if those individuals who spoke said that their premise of appointments being unpatriotic, you know un-American would apply now in this instance. But I was also one of those people that spoke out against appointing to the City Council because I feel like the people should have representation that they have chosen. Unlike the City of Palm Bay, the City of Palm Bay members are elected at large, so if someone resigns or whatever may have you, the citizens of Palm Bay still have representation because they have all chosen who they have picked on that seat. County Commission, that is not the case. It is a single member district. So, right now, in the second District, you have no representation, and most of, much of the second District is unincorporated. So, they do not even have representation at al municipality level. So, their first level of representative government would be the State Representative in their District. I would submit that most of the citizens don't even know they don't have a County Commissioner in District two right now because there is no letter that went out to all the residents. So, what do we have, we have an opportunity to appoint someone. Well the Governor, I support the Governor but he doesn't live here, he doesn't know about the Brevard County residents. The people here need to have that same voice to pick who is going to represent them. And, so we go from a democratic, transparent process of our elections, which we all try to hard to protect. To now a non-transparent process where someone is being picked, and it might be someone who lost an election. It might be someone who the voters said that they didn't want. So, at that same time you have the, and you know I am not trying to pick on anyone, but the member that stated he was against

appointments, is seeing an appointment for that same position now, for a different position now. So, we go from unpatriotic and unamerican to now I want it. I am looking for consistency. So, I think the way that we handle it, is let the voters have their voice. One year is more than enough time to have a special election, we just did it in Palm Bay. One of the arguments against it was the cost, there were arguments that the cost has already been paid you know through the sacrifices of our Armed Forces, you know the many different ways that it has already been paid, so the cost is minimal. The cost is paid, I would submit the cost was about two hundred and thirty thousand dollars for Palm Bay to have their special election city wide, which is about one hundred and eighteen thousand people, which is about how big a district would be for a County Commission seat. Or you could say it would be two hundred office chairs. I don't know, that was a bad joke. (laughter) But my point is, the appointments take away from the important democratic process of choosing who we want. And, I think that the people who have been presented are probably would be great in the position, but the point is, our opinion doesn't matter in this case. It only matters who the Governor decides to put there. The other point is, if he decides to put someone there. So, he can go as long as he wants to and not appoint anyone. So, how is that fair to the members of that district to have someone they have chosen someone to represent them, that person has quit the position, and now they have no representation, and they have no way to make sure that they do have representation unless the Governor decides that they do. So, I feel like that is against the whole principle of a democracy, and that is why I submitted my proposal.

Mike Haridopolos: Thank you Mr. Burns. Questions? Seeing no questions, any other motions? Okay.

### **Proposal 9- Term Limits**

Mike Haridopolos: With that, we will go to proposal number nine. Was that timely filed? We are at number zero, right? You want to introduce that really quick and just let people know what you are doing, and then decide if you want to keep on doing it?

Robin Fisher: I am not asking to get rid of terms. A lot of the emails kind of indicated that I was trying to get rid of terms, but that is not my goal at all, even though I could argue that some of the Constitutional Officers don't have term limits. But, I remember being elected in 08 and what I remember about that is that typically it takes a County Commissioner about a year to eighteen months to really understand what the job is about. I jotted down some things that after first being elected I realized that I was now in charge of the budget office, I was now in charge of central services, I was now in charge of communication, had to deal with County attorney's and the County attorney worked for the Board of County Commissioner. You had the County Manager that you were responsible for, you had emergency management, you had fire rescue, you had housing and human services, you had human resources, you had information technology, all of a sudden you were running libraries, people wanted to privatize that, and what did that mean? You had district re-development agency, you had mosquito control, natural resources, management park and recreation, planning department, you had re-development, public safety, public works, solid waste, tourism, responsible for all of that. Transit services, utility services, Valkaria, you had also to deal with the Constitutional

Officers and handle their budget, and then you had all kinds of special districts. If you think that you can learn that real quick, it's hard. And you wake up and you are two or three years into your term trying to figure out what this job is all about. And then during that process you start building your network, goods friends and benefit, you know trying to get that network and relationships going where you know how to move things forward and get things done for your constituents. Most times at the end of four years what I found is if you get up for re-election and you start a term, most Commissioners start with a new staff because most of the other staff is gone. So, you don't really have any experience in that office. So, I just think that it makes some sense, having served in that spot that it could make some sense to allow a Commissioner to serve three terms and have discussion about it.

Mike Haridopolos: Well, thank you Mr. Fisher. We are going to take that item up next week, or next meeting excuse me. So, we are down to seven proposals at this point. There might be an adjustment on one of the ones we removed today. We still have a couple of items, we have new business.

### **New Business**

Mike Haridopolos: Mr. Trettis you have a motion for Mr. Gougelman now I believe in New Business.

Blaise Trettis: It is in writing in the agenda. Motion for attorney Paul Gougelman to seek Attorney General Opinion from Florida Attorney General Ashley Moody on whether proposal to Amend Brevard County Charter to add recall of school board members is violative of Article VIII, sec 1(g) of the Florida Constitution which provides that "counties operating under County Charters shall have all powers of local self- government not inconsistent with general law, or with special law approved by vote of the electors."

Mike Haridopolos: All right do we have a second for that motion?

Gabriel Jacobs-Kierstein: Second.

Mike Haridopolos: Okay it has been seconded. Mr. Gougelman you are commissioned to work on that my friend.

Paul Gougelman: Mr. Chairman I would like to collaborate if I can with Mr. Trettis. I think his motion is well taken

Mike Haridopolos: Okay, without objection.

Blaise Trettis: Yes.

Mike Haridopolos: All right we are on the final section which is public comment. We have a few cards. Mr. Johnston, I believe has left the building.

Vic Luebker: Can you make sure of that Mr. Chair?

Mike Haridopolos: Ms. Sullivan I don't believe is here either, I think she has left as well. Ms. Mirsky, do you have a comment you would like to make? Yield back time, okay. Ms.

Delaney? Okay great. We have reached the end of our agenda items, is there any other items that want to be brought up. Ms. Rogerson?

Marie Rogerson: Just to give everyone on the Commission a heads up, I have submitted and I will be working with Melissa to get it in proper format and get it out to everybody, about a proposal to change the majority that is required by the voters to pass a Charter Amendment to a supermajority. If we have to live by it, I think consistency is important as has been stated, so my proposal will come forth next time.

Mike Haridopolos: Will that be two thirds, or three fifths?

Marie Rogerson: Sixty percent.

Mike Haridopolos: Okay, thank you. Mr. Trettis

Blaise Trettis: You know, I think a good point was made today about the website not informing people, particularly about how their proposal might have a chance at better succeeding, and I think it would be a good idea if the County website were to say something to the effect that it is recommended that proposals be in the language that they would appear on the ballot, and also the language that would be added to the Charter would be underlined, any words in the Charter deleted, stricken through just because people have made a point that without that, they don't know what to do, and were sort of the opinion that was important. So, I would make a motion that would be added to the language on the website.

Mike Haridopolos: Do I have a second on that.

Matt Nye: I will second that.

Mike Haridopolos: Any objections to that being added? Mr. Jenkins?

Tom Jenkins: Not everybody has got that skill set, it should be optional.

Blaise Trettis: Yea, I said recommended. I mean I am not saying it is mandatory, but the language reads recommended that this be done.

Mike Haridopolos: Okay, without objection, we will show that done. Mr. Luebker do you have a question?

Vic Luebker: Just real quick. Since we changed the timeline a little bit Paul, I think that may impact the legal opinion I need from you on 5.2 related to 4.2 because I am going to be on the record, I am a very strong proponent of recall for everybody, and if the language doesn't say that those officers are subject to recall, then I am going to bring that forward.

Mike Haridopolos: Mr. White.

Bob White: Yea, I just want to say generally Mr. Chairman, I know this aint your first rodeo, and you have faced plenty of hostility throughout your career, but I thought you did a really good job today. I think you handled it remarkably fair, and you handled the controversy very well, so thank you

Mike Haridopolos: Thank you, very generous. Thank you

Gabriel Jacobs-Kierstein; Just one thing, since everybody volunteered and threw up their hands to take on that proposal, no really all kidding aside, just FYI I am going to work on something short and sweet that in the off- chance Mr. Trettis's proposal doesn't pass, the three -panel attorney group will actually have to revert back to us to allow us an opportunity to cure it within a certain amount of time. So, I will work on that language if nobody has an objection, I would like to consult with Mr. Gougelman on that.

Mike Haridopolos: I will second that. Without objection we will get that done as well. Other for the good of the order? Well I appreciate the kind words Mr. White and others, and I appreciate the decorum everyone showed. This can get stressful, and I think everyone showed a professional attitude, and as we go through the next couple of months together it will get hot and heavy, it is nice to have such a cool collected group where we are all working together. We will look forward to reading those proposals.

Adjournment:

Mike Haridopolos: without objection, Mr. Fisher moves we rise.

6:07 pm meeting adjourned.

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