CHARTER REVIEW COMMISSION MEETING

Thursday, May 12, 2022

5:00 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 Charter Review Commission.

B. Pledge of Allegiance

Mike Haridopolos: If we would all rise for the Pledge of Allegiance. Mr. Fisher will you please lead us. 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.

C. Roll Call:

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

Melissa Brandt:

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

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

Mike Haridopolos: All right we have a quorum.

D. Approval of Minutes from March 24, 2022 Meeting

Mike Haridopolos: We have the minutes before us. With that, is there any concerns about the minutes? Without any objection, Mr. Fisher moves that, and I second it. Show it is adopted. We will now move to reports.

E. Reports:

1. Chairman Haridopolos: Why don't we go to the staff first and see if there is any information from them. Anything that you would like to share with us?

2. CRC Staff Person

Jim Liesenfelt: No, we have no additional information for you at this meeting, but there will be some information at the next meeting for you.

Mike Haridopolos: Okay great. And Mr. Gougelman why don't you share a little bit of information, I know there is some issues with the Attorney General. Let's get into that please.

3. CRC Attorney

Paul Gougelman: Thank you Mr. Chairman. Electronically what we sent to you all earlier was a copy of the proposed letter to the Attorney General's Office seeking an opinion. It kind of gives the other side of the story with the question with regard to School Board recall. They will also be getting a copy as they requested of the memo that came here that gives the other side of the story, so to speak so they can see both angles on it. I want to report to you all that what I received, I decided to go ahead and call the Attorney General's Office and talk to the Division of Legal Opinions, one of their staff attorney's up there to basically let them know that this letter was coming. That unlike a City Council or Charter, or rather a County Commission we don't have an unlimited term here and we were hopeful that they would be able to get to the opinion in a timely way and so that we could get an answer back. The first thing that happened was that the individual I talked with, he started asking questions like well, do you think you are really legally able to ask this question? Are you able to ask any question at all? Don't you think the County Commission should send this request up there? I told this individual, I said no, I think we are legally entitled under the State Statute to do this, in fact the Attorney General's office some years ago in the case of the Broward County Charter Review Commission, gave them a formal opinion on an issue that they posed. "oh well, we will have to look at this further". The next thing I know is I got a call from the County Attorney, Abby Jorandby and she says, I just wanted to give you a heads up that I received a call from the AG's Office and they were asking what is this Charter Review Commission, and who is this Paul Gougelman, and what are they asking, and what is going on? Then they posed the question to Ms. Jorandby, Well I am not sure this is even a question under the Florida Constitution or Florida Statute. And

of course, the question was phrased by Mr. Trettis, and it clearly uses the term Article 8 right in the Constitution, so the point I wanted to tell you is, that I want to make here is that for whatever reason back in the 1970's, the AG's office, would issue 200 or 300 formal opinions per year, and what has happened in last twenty or so years, it just isn't this Attorney General, but the AGO is only issuing like 15 opinions a year or whatever. There seems to be kind of a movement, not to accept these opinions where they can, where they have some question about it. We have done our best, I think Mr. Trettis is satisfied with the form of the letter, it was his motion, and I just wanted to report back to you. In any event, that is going out to the AG's Office, Federal Express, today.

Mike Haridopolos: Thank you, are there questions? Blaise

Blaise Trettis: I would like to commend Mr. Gougelman on what I think is a very finely researched and written request.

Mike Haridopolos: Ms. Schmitt?

Sue Schmitt: I believe at the last County Commission meeting, the Commissioners had a question on a particular issue that they had asked the County Attorney to talk to the Attorney General, and she came back at the last Commission meeting explaining that the Attorney General has said they were not going to deal with any Charter issues and other items. So, it wasn't just Mr. Gougelman, it was also as far as the County Commission was concerned at this point.

Mike Haridopolos: Okay. I see your point. We will send that letter up and see where it goes. Maybe I might reach out to the Attorney General as well and just make sure it is all clear. Other items for the council? All right, as we get ready to go through proposals we have, I think everyone has seen their email box be quite busy. We now have twenty- four. The power of the deadline has been realized here. And one of the things we did in the last meetings here is that you saw that numbers three and four were both removed from consideration. So, what I would like to do today is, obviously this would be either public hearing number one or two depending on the item. I would proactively do much like we do in the legislature and the Congress, and saying if we don't have a majority of the people willing to consider. This is not to obligate you to vote yes or no, but if you don't want to give further consideration to something, I would like to remove that because we only have so much time. So, the proposal I would kind of like to move forward with is that a simple majority is, would vote to remove something from consideration. So, in our case today a majority would be I guess six? With eleven people? So, if six people say no to a proposal, proactively, that would be removed from consideration. We will do that after each one of these measures. Obviously, these folks who are sponsors of it have the opportunity to make public comments, or their advocates, and then after each one of these items we will vote to move forward or not. So, if six people vote to remove it from consideration, it will no longer be under consideration. Is everyone okay with that, or would you like to discuss it further? Okay I will take that as we are going to go with that plan of action, and so what we have right now in front of us is of course is Charter Cap, public hearing number two, and Mr. Trettis you have put that forward for us and if you want to introduce that once again? I think we have some, we do not have any appearance

cards on it today, but please introduce it and if people have questions, we can move forward from there.

F. Proposals:

Proposal 1- Charter Cap- Public Hearing 2

Blaise Trettis: Thank you Mr. Chair. I have explained it I think twice, so I will waive an explanation. If any Commissioner has any questions for me, I will be glad to try to answer them, but it has been explained twice.

Mike Haridopolos: Okay great. Are there any questions for the sponsor? There are no appearance cards before me, would anyone in the audience like to speak on it? With that, Mr. Trettis obviously wants it to move forward. Is there any objection to putting this to a third public hearing? So, there is no objection, so it will be moved forward to public hearing number three.

Proposal 2 – Recall of School Board Member Public Hearing 2

Mike Haridopolos: All right so proposal number two is recall of school board member, hearing number two. And, this is also sponsored by Mr. Trettis, Mr. Trettis you are welcome to introduce.

Blaise Trettis: Thank you. This is a recall proposal for the school board members. There is one County Charter in Florida which provides for recall of school boards, that is Duval County. This proposal applies to different types of elections whether it is partisan or non-partisan. We have non-partisan school board elections now. Whether it is District wide, i.e., county wide or by resident's area. So, it applies to any of those situations. It tracks the Florida Statute on recall of County Commissioners and City Council, with some exceptions. It does away with some of the reasons under the Statute and in its place puts three votes, up to three votes by the school board. With the petition having a recital of the motion, and how the school board member who is sought to be recalled voted on those motions. It is substantively different, it basically allows the electors to recall, or at least to attempt to recall school board members because of their policy decisions. I believe it is necessary for some recent policy decisions of the school board. One thing that I additionally wanted to point out because I thing this has been explained a couple of times as well, but there is only one additional thing I would like to add. That is regarding the cost. I am quite sure that elections are very expensive, however this process takes, this recall process takes from 195-225 days. So, for example if this recall proposal were to pass, become part of the Charter, if it were in effect now, for example hypothetically. April 1st of this year it would have been 218 days approximately before the November 8th election. Which means if a group who wants to recall, or try to recall a school board member times it correctly, then it would not cost Brevard County any additional money because if the proposal becomes part of the November ballot. So, that hasn't been pointed out before. I think that would be a really important reasons for people who are interested in trying to recall a school board member to time it as such, because that would be a very important reason, perhaps for someone to sign a petition, or not to sign a

petition if it is going to cost hundreds of thousands of dollars if it is not time like this. So, that point hasn't been made, but I know that Commissioners of the past have expressed how much it would cost. I would submit that that would eliminate the cost addition. That is the only comments I have. Thank you.

Mike Haridopolos: Thank you, are there questions? Ms. Schmitt for a question, sure.

Sue Schmitt: In your proposal on page two of seven, for the grounds for recall, would you consider amending that to state what the Statute is concerning counties and municipalities? Especially since Mr. Gougelman has given this group, this board, information concerning recall, and fact even section 8 and 8.1.

Blaise Trettis: I wouldn't consider it, changing it, if you are referring to the three votes of the school board members, up to three votes on particular motions, I think that is really the most important part of it here. Talking about adding reasons to track the Statutes. I would not be willing to do that. Because those other reasons are very vague, such as misfeasance, negligence or neglect of duty, drunkenness

Sue Schmitt: Yes, and it continues, but it is set up by State Statute what those reasons are.

Blaise Trettis: Right.

Sue Schmitt: And that, in fact is in our Charter right now that if there is recall for say the County Commission, it sets out that it has to be by general law, and general law sets out what those reasons are. Versus this, you could a school board, any school board, whatever, whoever its is could make a decision to vote for changing the carpets in a school, and somebody could be recalled because it is a policy change. I prefer to go by Florida law, and that is why I was asking if you would amend that.

Blaise Trettis: No, I wouldn't because I have also looked at some of the appellate decisions for recall statutes for County Commissioners. It all gets tied up in litigation, sometimes. It is often successful litigation because misfeasance is very vague and general and the appellate court will strike it down and same things for drunkenness and all these other really archaic reasons. So, I really think this is the most important part of it really, is that it allows the electorate to recall a school board member because of the decisions it made, and as I have said before I don't think it can wait up to four years to make these changes when the health and welfare of children are impacted so much by school board member decisions.

Mike Haridopolos: Other questions? All right seeing no other questions, we do have a few comments before we finish up the conversation on it. We have Matthew Woodside from Merritt Island. We will allocate each speaker for three minutes, and if there are questions from the Commissioners, we will of course keep that conversation going. Welcome Mr. Woodside.

Matthew Woodside: Can I have time start over, I wasn't ready to speak. Sorry. Good evening my name is Matthew Woodside and I have been an educator with Brevard Public Schools for the last 15 years. I came today to shed light on some specific policies in our

district, and how those policies are manifesting in our public schools. What some don't know is that our School Board has enacted policies to allow students to access restrooms and locker rooms of the opposite sex, when they choose. As an educator on the inside, I am here to tell this committee and anyone else who will listen that students are taking advantage of policies across our district daily. At my school boys and girls have used the opposite sexes restroom on a daily basis all year long. I have witnessed it with my own eyes. My administration has confirmed they are aware and they say that they are just following policy. When I initially voiced my concern, and vowed to never let it happen on my watch, I was given this official notice on BPS letterhead stating that I would face disciplinary action if I prevented students from using restrooms and locker rooms of the opposite sex. I brought copies for everyone on the commission and for the official record. Many teachers across the district are allowing these policies to manifest on their campus, not yet willing to speak up publicly because of the threat against their employment. But many speak to me privately about issues taking place on the campus because of my public stance against these policies. Recently a teacher in our district reached out to me to tell me of an incident of deep concern which I spoke at our last board meeting on this past Tuesday. This male PE teacher on duty felt compelled by our policies to allow female student identifying as a male into his male locker room to change her clothes, with the other male students. She entered, took her shirt off, and as the male students and male PE teacher witnessed, this female student was wearing no undergarments under her shirt. This female student was naked from the waist up in front of her male classmates and male PE teacher. Our board has enacted policies that are forcing teachers to be in the presence of nude minors of the opposite sex and we have exposed our students to the same. Under the threat of losing our jobs. This is considered criminal in any other context, and yet it is happening in Brevard County. And regardless of what anyone else says, including Mrs. Belford and her colleagues, our board is under no legal obligation to let this happen. Restroom use is based on a court case currently being appealed in federal court that will most likely be overturned. And, regarding our locker rooms, our county repeatedly said they are just following federal law, but they are not. There is no federal laws requiring schools to allow transgender students to use locker rooms of their choosing. St. John's County sites this fact in their guidance on these issues. I brought copies of that as well. I would love to go into more details on these issues, including how this all started with Ms. Belford in 2016. Details in areas across the county, on my campus including one where the boys on a campus were just girls for a day so they could go into the girls restroom with girls inside, girls screaming. A terrible situation. One just happened at Titusville High School. But, the stories are coming out more and more. I just wanted to at least let everyone know that this is happening in your county and it is expressly because of a few decisions of a few board members, not any State of Federal law. Thank you.

Sue Schmitt: What school are you at.

Mathew Woodside: I am at Andrew Jackson up in Titusville.

Sue Schmitt: Thank you.

Mike Haridopolos: Mr. Nye for a question.

Matt Nye: Sir thank you for bringing that information. Is there any tracking going on so there, you are being prohibited from, like is there any tracking going on so there is data to show how frequently?

Matthew Woodside: No, there is not because, and I think there is not because they are operating in the dark because the less parents know, the better. 29.02 The less parents know the better, they are starting to know, and starting to raise a fuss. What I proposed at the last school board meeting previous to this one was a new policy, much like our Covid policy which required parents to be notified the day a kid tested positive for Covid. They sent out a school wide email, letting them know somebody in your school (anonymous) tested positive. Yet when we have these scenarios happen, there is communication to parents. Parents have no idea. These kids in that locker room, their parents had no idea, they gave no permission, and they still wouldn't know unless kids went home and told their parents. And so, there is no tracking because there is no initiative on that part by our school board.

Mike Haridopolos: Another question, Ms. Rogerson.

Marie Rogerson: Sorry, just a follow up question. Is it also the policy of BPS that if you were to speak to one of their parents you could not inform them?

Matthew Woodside. So, I am trying to get to the bottom of that. In fact, I have called legal and I am looking for the answer to that because, separate situation, pronoun name situation. We had a teacher in our district who wanted to notify the parent because the kid wanted to go by a different pronoun and name. The teacher told the kid, let me make sure, I have got to have your parent's permission that way I am not lying to your parent when I refer to you when we have conversations and it was circle back from guidance counselor to assistant principal. He emailed them back: do not email that parent, do not make that contact. And so, if we are not allowed to talk about pronouns, one could assume something more abrasive that this would be frowned on as well.

Mike Haridopolos: Mr. Trettis for a question.

Blaise Trettis: Thank you Mr. Woodside for having the courage to say what you are saying and what is going on in our school system and the schools. I wanted to ask you, have you seen instances where kids are not really transgender, they are really just taking advantage of the situation because they know they will suffer no penalties, and they know they can get away with whatever they want to do?

` Matthew Woodside: At my school, not so much that, I will be honest. A lot of it is there is a lot of confusion, a lot of kids are struggling with who they are, a lot of identity crisis, not just in these kids, but in every kid in middle school. So, but I have heard from trusted teachers across our district who used to teach at my school that this has happened at her school. The bathroom is right next to her classroom and there were boys going into that restroom, identifying as a girl for the day, knowing that it was a joke with girls inside, she was hearing girls scream from her classroom. She said there was nothing we could do, the dean told her there was nothing we can do. And so, luckily for them they held a county meeting, some parents showed up and they came up with a third option where

kids will have a private bathroom to use instead of going into the other bathroom. The problem with that is, that is exactly what Adams versus St. Johns County was about, right? The girl was given the third- party bathroom and that was not enough, she wanted to use the boys bathroom. State sided with Adams, and now that is the court case that our Brevard County is leaning on, but that is in federal appeals court right now so…

Blaise Trettis: I am looking at the transgender policy which is a one- page policy by the Brevard Public School Board, and it has number eight which is called Action Pride. It says " All faculty, staff, and students are afforded the same rights and protections under district, state and federal policy. It is imperative that other school students, parents and staff feel safe, included and empowered on our school campuses and at school board related events and functions." So, is this policy to your belief, does it apply to teachers, so that if a man said that he identified as a woman that he could go into a children's bathroom at a Brevard Public School?

Matthew Woodside: I would challenge somebody to say that it doesn't because how could it not? And so that is the point, it hasn't happened yet, but this is what we warned against in 2016 when they changed the policy language. They changed our anti-harassment language from harassment to discrimination, and they added the qualifier based on gender identity. And, many of us went before the board many times and warned them. This will result in bathroom and locker room use. This has happened before, right? Outside groups have come in and used this for the conduit for this to happen. And Mrs. Belford who was on the board at the time along with a couple of her colleagues, Mr. Ziegler, and I forget the other individual. They basically kind of condescended laughed at us. Told us we were misguided, uneducated about the purpose and the limitations. The purpose was to provide safety for all of our kids, and the limitations were that it would never result in locker room, bathroom use, never. And, they were wrong on both counts, as we have seen, you are endangering all of our kids and it is exactly resulting in locker room and bathroom use. And when I say no to it, I have had many conversations with my administration, and I have told them: You are going to have to fire me, and if that is the case, so be it. Because over my dead body, see I am the one, see here is the problem, and I am sorry I get a little heated about this. I am the one that has to open the door for these kids. I am the one who has to say here you go for a girl to go into a restroom or locker room with fifty middle school boys, or vice versa. We had the scenario at my school, and luckily the parents weren't on board. Because if they were, that boy could have went into that girls locker room with fifty girls, dropping his pants, just like this scenario. I am going to tell you this, I am going to tell everyone in this room, this might sound harsh, look at me. That is not loving. Sometimes the most loving thing we can do is to say no. And when it is not for the good of these kids, let's stop being politically expedient, let's stop being cowards and call things what it is. I am sorry I get a little heated.

Mike Haridopolos: I have a couple of questions for you. Usually when there is, I would imagine you are not the only teacher who has concerns about this, and the ambiguity of the law and the application of the law. Usually a teacher's union would step in and make comments to support their fellow teachers. Have you spoken with the union about this?

Matthew Woodside: No, I am not part of the union. So, I don't really

Mike Haridopolos: Have the taken any interest in this?

Matthew Woodside: Nope, nobody has. That is the problem. The, not one school board member has reached out to me, not one union member has reached out to me, my administration is not talked to me. Hopefully parents are going to start waking up, but no, I have had nobody reach out. I have spoken on this, been interviewed by NBC, Kate Snow, I have been trying to let people know this is happening.

Mike Haridopolos: And the second part of it is when you, I guess the school board is leaning on this Adams decision you are saying?

Matthew Woodside: Yes sir.

Mike Haridopolos: And their fear is that these people, whatever want to go in these different bathrooms would sue the school district if you did not follow that. That is what they are falling back on?

Matthew Woodside: From what I understand, yes they are saying we are just following our, they weren't forced into this position but they opened the door with the language change so, but like I said, that court case is, and I am not a legal scholar, but from what I understand our court cases that are in federal appeals court, they stay the decision, the decision is stayed while they are in appeals court, and if that is the case then that ruling doesn't even apply. So, and again that is for you legal experts, and so.

Mike Haridopolos: And again, I guess one last one would be again you are implying it, I don't follow this as closely obviously than you do, but you are implying that the school board members support this Adams decision? Is that?

Matthew Woodside: Yes.

Mike Haridopolos: And, has there been, I mean we all live under the Sunshine, even this group. Has there, who would be lobbying the school board on behalf to keep this policy that seems to be very controversial?

Matthew Woodside: Its, its, culture, I mean right? I think part of the fear is that as we have seen is that anyone who comes out against this is seen as a bigot and a villain, and I understand that a lot of people in this room may look at me like that but I apologize that you are misguided. I am not a bigot or a villain, I don't hate these kids, it is precisely because I love them that I am speaking. And I included those transgender kids, so.

Mike Haridopolos: Mr. Nye for a question.

Matt Nye: Yeah, you mentioned they opened the door with the policy from several years ago under prior school board members. Is it possible to just unwind that by changing the verbiage or has that horse already left the barn so to speak?

Matthew Woodside: I don't know about all of that, but I do know that when Saint John's County has explicitly enumerated their policies, and like I said, locker room, under Florida law, under locker rooms it says, "there is no specific federal or Florida state law that

requires schools to allow transgender students access to the locker room according to their transgender identity." and then they have their best practices saying, we don't allow it. So, a document like this could be formed allowing changes like this.

Mike Haridopolos: One last question, go ahead Mr. Trettis

Blaise Trettis: You are correct, the Adams decision, there is no mandate ever been issued. It is not final. There was oral argument in the 11th Circuit Court of Appeals on February 22nd. So, there is no federal decision, which requires this policy, the Brevard Public Schools. The ironic thing is that this policy of the Brevard Public Schools is actually inviting lawsuits. There is a lawsuit pending in federal court in Tallahassee for the reason that a child's parent was not told about that child trying to transgender/ transition while at school, and the plaintiff is suing because the school did not inform the parent of these facts. And this is exactly the confidential identity action 7 in the transgender policy of Brevard Public Schools which you ran into which prevents you of notifying a parent of a child who says they are transgender and wants to use different bathrooms of the different sex. So, they are misguided in that, and I just wanted to point that out.

Mike Haridopolos: Well thank you Mr. Woodside for coming in appreciate your time, sir. Thank you. Next, we have Pamela from Melbourne. Castellano. welcome back.

Pamela Castellano: Sorry? Thank you. I didn't know if you missed me much last month. So, here I am again as this is the final reading for this proposal,

Mike Haridopolos: We have a couple of more so, we have one more

Pamela Castellano: Oh, good, thank you, I thought this was the third. I apologize. Misunderstood. I don't (inaudible) Making the school board elected officials available for recall. I want to make sure, if you missed my e-mails and all my comments, that I do not oppose that general idea. All elected officials should be held to the same standards, including the Public Defender, who is not. The hypocrisy of this proposal is mind boggling and it is an emotional topic, I get that. Mr. Trettis is adding one office to this policy, but not his own. Furthermore, he would make five elected officials in our entire state eligible for recall because of their policies. That is what an election is for. Not a recall election. Finally, his very reasoning is flawed. You keep referring to policies by the school board. The guidelines are not a policy. They weren't voted on by any members of our school board. They were guidelines put in place to allow teachers and staff and administrators guidance on how to follow federal anti- discrimination law. Those guidelines were put in place with four of the current school board members serving on the school board when put in place. They were the board when the measures were put in place. Matt Susin, Katy Campbell, Misty Belford and Cheryl McDougal. They were on the board at the time those guidelines were put in place. As was now former school board member Tina Dusckovitch. They are not a policy, so they don't even back up your argument that you should be able to recall a school board member based on policy. They were guidelines, not policy. They weren't voted on. If you aren't happy with federal law, perhaps you should elect better federal representation. This is federal anti-discrimination law. Our state constitution grants every natural person, not every adult over 18 -- every natural person has the right to be let alone and free from government intrusion into the person's

private life, except as other- wise provided within. That is why teachers are not allowed to betray their students' privacy say by telling their parents. I don't know if I like it, I don't know if you like it. But that is our Florida State Constitution, and that is where this lies. Surprised I am having to say all this again. We are currently in several title 9 lawsuits with our current guidelines in place. I can't imagine what we'll be dealing with without them in place. The teachers and staff were begging for guidelines because each school was handling this on an individual basis, just like the current uproar about books in libraries. That each school should not have to be dealing with themselves. ,They wanted a county wide policy these guidelines were created so every school in our county had official guideline they could follow to provide for federal anti- discrimination law. Any questions?

Mike Haridopolos: Are there questions? Mr. Trettis for a question.

Blaise Trettis: I want to first comment on your reference to public defender not being subject to recall. Public Defenders, and State Attorneys are state constitutional officers. Under article 5 of the State Constitution. The County Charter could not do anything about a recall of a state constitutional officer, just like the County Charter couldn't try to remove a State Legislator or the Governor okay? So that is why the State Attorney or Public Defenders can't be affected by recall proposal in the County Charter. But just for the sake of argument, I would suggest you and others who would like to try to recall state attorneys and public defenders amend the constitution to do that, because I think it is actually very important that the voters have that ability because, for example, in California, where there is the ability to recall district attorneys, both the state attorney, the district attorney in San Francisco and Los Angeles are now up for recall because their George Soros funded liberal democrat district attorneys have ruined those cities by not enforcing the law. And those voters have the ability to recall. So, I would encourage you to get the Florida Constitution changed so that district attorney's and public defenders can be recalled. Second thing I wanted to mention to you, is that although the transgender policy at Brevard Public School system may not have been voted on, it may not have been voted on, it is certainly -- as an existing school board member, is certainly capable right now, next week at a school board meeting, of making a motion to repeal this transgender policy. And that's how this recall provision can be used, by getting a school board member to make that motion, a transcript will be had of it and they will have to vote on it and go on record. So, I agree with you, that no school board member has had the guts to recall this transgender policy. Finally, I'd like to point out that you keep citing federal anti-discriminatory law. Federal laws are in the United States Code, like Florida statutes, sections So I would like you to tell me what United States Code section requires Brevard Public Schools to order teachers to not inform parents that their child is trying to transition their gender while at school. What United States Code says that?

Pamela Castellano: Actually, I didn't say that was in United States Code. I said that is in our Florida State Constitution where it says every natural person has the right to be left alone and free from governmental intrusion into the person's private life except as otherwise provided.

Blaise Trettis: You repeatedly said federal anti- discriminatory statutes.

Pamela Castellano: Yes, that's a different

Blaise Trettis: I want you to cite the law. Since you say it is the law, cite the law to me.

Pamela Castellano: I am not going to cite the law to you, Mr. Trettis, I can't do that.

Blaise Trettis: Because there is no law. The previous speaker was correct.

Pamela Castellano: There is a law. The anti -discrimination law from 1972 absolutely exists. You wonder why I get into an argument with this guy. You are going to let him bully me when I try to answer.

Blaise Trettis: you cut me off every time.

Mike Haridopolos: You both are having let's take it down a notch and let the question finish. I always give the opportunity to answer.

Pamela Castellano: I can't cite the law.

Blaise Trettis: Because it is not the law. The previous speaker was correct, it is not in federal statutes. That's all.

Mike Haridopolos: Any other questions?

Pamela Castellano: My inability to cite federal law doesn't mean it doesn't exist. I also can't cite the law that tells me I can't speed on the highway, but I know it exists.

Mike Haridopolos: my only 2 cents would be is we have one more meeting and if you can find it out that'd be great. If not, so be it

Pamela Castellano: It still doesn't change the idea that your whole premise for wanting to recall school members is based on fallacy. You're saying -- and you want five people in our entire state to be recallable based on policy. That's retribution politics at its worst. You won't have school board members making decisions that is in the best interest of your students. You will have school board members making decisions on what is going to keep them in office. That is -- I don't understand why you think five people in our entire state should be held to a different standard than any other recallable office. Do put them on the recall list. Absolutely. I do not have a problem with that. I'd love to be able the one that lied on the first day of school from the dais in the school board meeting, but you can't make it based on a different standard than any other in our State, I mean you can-- you can do whatever the heck you want. I just want my opinion to be put on public record that it is a bad idea.

Mike Haridopolos: thank you Ms. Castellano. All right next we have Katy Delaney Welcome back. Ms. Delaney.

Katie Delaney: Wow. As we all know, this is an extremely emotional topic. I deal with a lot of teenagers from all across the county for what I do for work, and what I can tell you is that kids are not feeling safe at school. They're not. And there has to be some kind of compromise. And the reason why I am for being able to recall school board member on policy is because when policies affect everybody -- when did women stop mattering? When did girls' safety stop mattering? The fact that a boy wearing boy clothes, can go into a girl's restroom and they cannot be questioned -- that's wrong. Our girls deserve to

feel safe in school and our boys do, too. I'm not saying boys don't matter. Our boys do, too. And you know what, the transgender kids deserve to feel safe at school, too. But there has to be a compromise, but what we are seeing right now in the schools, there is no compromise. I regularly get called a liar by the school board on tv, and after the school board meeting I go up to them and show them my facts and they -- they never apologize. They never make it right to the public. But I don't care about that. That doesn't matter. It's -- these people -- there is no way to hold these people accountable and when they're making policies that affect our children and their safety and their mental health, I am for being able to recall somebody because of an unsafe policy, especially when these people -- they don't want to listen to us. We have to beg them for time to speak. Katy Campbell basically told us the other day that we should be thankful for our three minutes. And that's how they all feel. They all feel that way. They feel that we are an annoyance. But these are our kids and we are not going anywhere. We are not going anywhere. We are not going to stop, so thank you.

Mike Haridopolos: Any questions for Ms. Delaney? Thank you very much for coming in today. There are no other appearance cards on this proposal number two. The only question I have -- I know we had mentioned in the last meeting about potential costs for a recall. Have we received anything from Lori Scott's office?

Jim Liesenfelt: No, I am working on that. You'll have it at your next meeting

Mike Haridopolos: Okay, great. The only other issue that came up, we are going to handling number 18. I know Vic is not here today. He has the proposal dealing with recall, where I think it would apply to everyone. He cites the example that's been done in Colombia, Duval, and Sarasota, I think that is from our notes as well. Mr. Trettis, did you have an opinion on number 18? Do you want to keep them separate or fold them together? What's kind of your take This is your amendment and you can do as you wish. I just wanted to bring that to our attention so we could have a thoughtful discussion about it.

Blaise Trettis: I think Mr. Luebker's should be folded into my proposal because mine has strike throughs and underlines, really. It is the same proposal, but it is easier to read, really.

Mike Haridopolos: And what is your thought on what would apply to all?

Blaise Trettis: It applies to all county constitutional officers now. It was just a clerical scrivener's error in 2010. Whenever it was. So, I'm of the opinion that there's always been a recall of Brevard County constitutional offices, and that clerical error doesn't eliminate it, but now that it's been brought to our attention that there was a clerical error, certainly didn't eliminate it. But now that it has been brought to our attention that there is a clerical error, then the proposal is to correct it. That is all it is.

Mike Haridopolos: Okay, any other questions on this? All right, is there any opposition to moving forward on this item for number three? >> (off mic)

Kendall Moore: You have created a new opportunity for us to lodge opposition today based upon the procedure that we have all agreed to. I actually sympathize with the

teacher who came forward and may even agree with some of the policy positions. You used the word "policy." Mr. Nye used the word "policy. " and I think if there are policy issues they need to be taken up with that political body just as we would with any other. That is number one. Number two, we have a mechanism to deal with individuals whose opinion you don't agree with their political position. It is called an election. It already exists. Four, I agree with two of the issues that were raised by Sue earlier out of her concern. And last but not least, our attorney Mr. Gougelman raised some questions as to whether or not we have the ability to regulate in this area. So, even though I may agree with some of the policy positions stated, amending the Charter through the utilization of this purpose is one that I do not agree with. I don't know Mr. Chairman what you have established as the policy or procedure today, whether it is a motion for that consideration that this be removed or however you see fit.

Mike Haridopolos: Well I just see it, one that we have a discussion, and at the end have if the majority of members present choose not to go forward, we need majority. If six people say, you know what, I don't want this to move forward, it is no longer under consideration. That is how I see it. Anyone not agree with how I interpreted it?

Kendall Moore: Happy to see if there are five others that may see it that way.

Mike Haridopolos: And second thing I would just point out I wanted to ask to Mr. Trettis is, you mentioned it in your opening comments about when this election would take place. It would be no cost if it were during a general election. Clearly if there is a special election county wide it would be pretty expensive. District wide it would be pretty expensive. Are you open to the idea of if a recall could shorten someone's term, meaning if they are in a four-year seat for example, that they'd be up for election again at the two-year mark?

Blaise Trettis: (off mic). I understand it's very expensive and I think it actually just might make recall proposals, petitions more likely to succeed because of that change. I'd be amenable to that.

Mike Haridopolos: And the reason I am bringing it because I talk to a lot of people in the community and the sense is one of the consistent measures we are hearing from everyone is elections decide policy, right? And so, if there is a concern about one or multiple members, whether on the school board or other positions, this maybe our version of recall in Brevard County could be that you have to face the voters in the next general election, even if your term isn't up that is something, it is just a thought. This could be more controversial Mr. Moore as you brought up, second on the legality of it. So, if this is such an emotional issue, which is clearly is. Do we create our version of recall that they are up for election early, as opposed to having a recall, who knows what the result might be, then we would have to have another election on top of that to elect the next person? We are -- I'm sorry. That's if we do move forward, that's something I'd like us to think about. But with that said, are there six votes to stop this discussion today? Is anyone in support of Mr. Moore's proposal to stop this discussion today? Mr. Oliver.

Cole Oliver: I'd recommend – I would echo a lot of the comments that Ms. Schmitt made. If this proposal could be revised to include the school board members to be subject to

recall for the same reasons the state statute sets forth, which has a large body of case law that has been put out there's been out there defining what the terms are, I think I could get behind that but just for a policy decision, I also echo the other comments that have been made. I think that is what elections are for. You know, on the policy side, it sounds like the issue that has been brought up by most of the speakers isn't even a policy that would subject anyone to recall at this stage. So, I am a little concerned this is looking for -- presenting a solution to a problem that's not even available to be solved in this manner. I would support, as it is drafted now, Mr. Moore's proposal.

Mike Haridopolos: So again, we are dealing -- kind of a legislative matter, anything can be amended, even if the sponsor doesn't like it with a majority vote. So, this is why we are having this discussion. We could continue and bring all the elements into our third reading for next time, or we can continue debate today. Whatever the board would like to do. Any other thoughts?

Gabriel Jacobs Kierstein: I just wanted to mention that I concur with that as well. Short and sweet. That particular -- I agree that recall is a good idea, and that the majority of this particular proposal is on point, but that issue of being able to insert politics to pull somebody out or to not agree with somebody's policy is problematic for me as well.

Mike Haridopolos: Okay. Yes, sir. Mr. Chandler.

Jordin Chandler: I would like to say I also agree with the same sentiments as Ms. Schmitt, Mr. Moore, Mr. Oliver and Mr. Gabriel.

Robin Fisher: I would agree with them and also. on your suggestion, I have a concern. If it is not legal, according to Mr. Gougelman then changing it to two years when you didn't have a right to change it at all anyways wouldn't be legal too, anyways. Anyway, I agree with Mr. Moore.

Mike Haridopolos: Okay. Well Mr. Trettis then my suggestion then is that there are probably the votes to remove this if we don't adjust to what Ms. Schmitt's good suggestion it is proven case law and language you'd like to insert in this to move forward. But it's your proposal, so please let me know what you'd like to do.

Blaise Trettis: I'd be glad to, I think it is a good idea to amends the proposal to provide an election during a regularly scheduled election to avoid the cost part. And I although I think it is sort of, although I really don't agree with it, but I'll be glad to add all the reasons the state law provides, but not willing to remove the policy votes. Because when you look at the state statute, it's misfeasance, malfeasance. There's not misfeasance that's breaking the law. Malfeasance is not breaking the law, but doing something in an illegal or improper way. And then there's all the drunkenness and neglect of duty, which is not ever going to happen. So, I think it is somewhat toothless state statute. I'd be willing to amend it in those two ways, but not remove the three vote that is in the proposal now.

Mike Haridopolos: Okay, other comments.

Sue Schmitt>> (off mic). >>

Mike Haridopolos; I mean, I would make the motion on this if I was in position of Ms. Schmitt, I think you have the votes to -- even though Mr. Trettis doesn't like it, I think you have the votes to put your -- insert your language and take Mr. Trettis' out and you'd have the votes to move forward. I think that would be -- >>

Kendall Moore: (off mic) Mr. Chairman, I would love to have the procedure you outlined which was in the event there were six votes in that particular instance that proposal ultimately dies, I mean certainly it could be reconsidered if Mr. Trettis was open to that particular change. I think he said he's not willing to do so.

Mike Haridopolos: I agree with you, Mr. Moore, I'm just trying to talk it out so we understand what we are voting for or not. Really, it is in your hands Ms. Schmitt. If you want to amend it, or just have an up or down vote, it is your call.

Sue Schmitt: Well, first let's amend it. I mean, I believe that because the Florida law is very specific in saying that counties and municipalities and also then speaks to the issue of school boards, which it does say -- and even Mr. Gougelman's information that he has given us has made that very clear, that there is things we can't do according to school boards. I do believe that section that refers to the recall should be amended to be under Florida general law. I want to make it real clear. I happen to have four children. They are not in school anymore, thank God. But I have happened to agree with a lot of things that have been said and I appreciate a teacher that is willing to come forward. But I also believe that we have an obligation to go by the law. And that's why I asked for this to be changed.

Mike Haridopolos: Okay, so the motion on the table before Mr. Moore's vote would be to strike the Mr. Trettis' language and insert "current law".

Sue Schmitt: general law. Florida general law.

Mike Haridopolos: Okay, all in favor of that -- >>

Blaise Trettis: I have a discussion on that. If this is Robert's Rules of Order which applies here. It is my proposal I thought, it is my proposal so I thought I had to agree to amending it. I said I'm not so it either lives or dies on a vote. Goes on or can be voted down, but it is my proposal. I don't believe that under Robert's Rules of Order, this body can change my proposal without my agreement.

Kendall Moore: Mr. Chairman, I think there was a pending motion. I was more than open to your ability to help Mr. Trettis to get there and for the sake of consensus, I would agree with Ms. Schmitt's proposal, even though it was different than what I proposed. If this body votes in the direction that she sees fit, I'd be happy to join that, although not wholeheartedly agreeing. Not sure I agree with Mr. Trettis' whole Roberts Rules perspective because the second motion would never be alive or created in the first place. I think you offered a lifeline that may not be taken.

Mike Haridopolos: Mr. Trettis, I think they are correct. This is a legislature even it is your bill. We can amend your bill as we see fit under these rules that we are operating on at this point, if you don't amend this proposal, I would guess there's probably the votes to

remove this from the order. So, it's your decision. If you want to let it -- the proposal dies, that is your decision, but I think you understand where the votes are at. Your decision.

Blaise Trettis: I think this is Robert's Rules of Order. I don't think it can be amended by the body. I think I have to agree to it. I don't agree with removing the three vote -- you have to three votes of the school board members. I would like to also point out that I think it's been incorrectly characterized that Mr. Gougelman says this is not according to law if you took the time to read the letter to Attorney General or request for Attorney General opinion, you'd find the opposite. The argument was it does comply with the constitution and Florida law. I wanted to make that argument. But no, I'm not willing to change the proposal or remove the up to three votes of the school board member as a reason for recall.

Mike Haridopolos: Okay.

Sue Schmitt: I will withdrawal my motion.

Mike Haridopolos: All right, Mr. Nye

Matt Nye: (off mic)

Mike Haridopolos: All right, So there are no amendments to this proposal; So, there is a motion for Mr. Moore. Is there a second for this to be introduced? Mr. Moore's proposal to strike this from consideration.

Robin Fisher: Second.

Mike Haridopolos: Okay, Mr. Fisher seconds that. We'll have a vote. Those in favor of Mr. Moore's proposal to eliminate this from consideration say yea. All those opposed say nay. Why don't we go to a vote, so why don't we call the roll? All those that support Mr. Moore's motion vote yes. All those in opposition to Mr. Moore's motion vote no. Roll Call (see attached voting record)

I believe it's 6-5, yes? By your vote, this proposal has been removed. Okay,

Paul Gougelman: I think this might obviate the need for the attorney general opinion.

Mike Haridopolos: then that's good. I appreciate that.

Paul Gougelman: We would seek your guidance on that.

Mike Haridopolos: We'll talk about it after. We are not going to take up number three. That's been removed, number four has already been removed. Repeal the three- attorney panel, that is hearing number two, also by Mr. Trettis. Mr. Trettis you're recognized on your idea.

Proposal 5- Repeal the Three Attorney Review Panel- Public Hearing 2

Blaise Trettis: This would remove the three-attorney review panel of proposals that are passed for -- by this commission. And there is no other county charter that has such a proposal, I think there is conflicts of interest in this lawyer panel. I also don't think it could possibly be done in a timeline that is available left because if we voted approval even as

early as this meeting, the County would have to hire three lawyers and get their decisions pretty quickly. I forget when the supervise or of elections needed these proposals back, but I think it was said in August, and I don't think there is enough time for it. And I also think it is rather undemocratic for a three -attorney panel to be able to defeat proposals that come out of all the work of this commission. It also has the wrong language in the charter as far as the review that these attorneys are supposed to do. It says if it is consistent, attorneys say if it is consistent with state and general law in the constitution, the actual language in the constitution is if it's not inconsistent -- there is a difference between those. It has the wrong standard. It also doesn't require these attorneys to express what level of confidence they have in their opinion, like by a greater weight of the legal authorities, or by clear and convincing weight of the legal authorities. It is completely subjective how they decide. For those reasons, I have made this proposal to strike it from the charter.

Mike Haridopolos: Okay, thank you. Any other concerns about it? Is everyone comfortable moving this proposal forward? I'll take that as a yes So, we will move to the next item, that is item six.

Proposal 6 – Right to Clean Water- Public Hearing 2

Mike Haridopolos: Mr. Myjak and his Right to clean water. It is public hearing number two. We have a few appearance cards on that matter. Mr. Myjak, I believe you are, there you are, welcome back, sir.

Michael Myjak: Thank you, good to be here. Michael Myjak, Alpine Lane. I am here to support the right to clean water. We made our case last time. I'm here to try to answer questions that I may have and possibly that our legal team may have, which is why I requested and perhaps at the next meeting we could have a zoom conference call and bring in our legal team to answer any specifics you may have with regards to clean water, but that was really what I wanted to ask.

Mike Haridopolos: Thank you, sir. Questions? Mr. Trettis for a question.

Blaise Trettis: I'd like to commend you for the work you have done. Your intentions are good. Your materials are very well researched and I know you have a lot of support and everyone wants clean water, no one is against that. I would point out, though, that -- I give you credit for being forthright in your materials because you point out there is a state law that contradicts directly your proposal. That was passed in 2020. That Chapter 2020-150 laws of Florida where section 403.412-Environmental Protection Act, paragraph 9-a, this was added as language: "A local government regulation, ordinance, code, rule comprehensive plan charter, or any other provision of law may not recognize or grant any legal rights to any plant, animal, a body of water or any other part of natural environment that is not a person or political subdivision that is defined in 1.018 or grant such a person or political subdivision any specific rights relating to the natural environment not otherwise authorized in general law or specifically granted in the state constitution". You point this out and I applaud you for that, but to me this is a direct preemption by the state legislature. I did a little researched on it and it looks to me that this law actually passed in response to the Orange county charter which created a right to clean water so the

legislature saw this and specifically passed law to prevent your proposal from becoming a part of a county charter. Do you agree with this?

Michael Myjak: No, I do not agree with it. I think we are bypassing the state preemption. In this case we have a right to declare, what universal rights we wish to have. In this case we are declaring the right of clean water, just as we'd declare the right of free speech or right to carry guns or any of the other rights in the bill of rights. This approach is what is outlined in our state constitution for us to modify our charter. We the people get to say water has a right and if we make that right, then we can declare that and live by it. That is what gives us the toehold to hold the state accountable for the damages they have done with their permitting authorities.

Mike Haridopolos: Mr. Trettis for a question.

Blaise Trettis: I was wondering if Mr. Gougelman has had a chance to look at this and maybe he could offer his opinion if he has.

Paul Gougelman: Actually, I have not. I have it under review right now. A question was raised at the last meeting. I think Mr. White raised that. We put our effort into trying to get the attorney general request done. So, hopefully by the next meeting, we will have a response to you on that.

Mike Haridopolos: Other questions on that for Mr. Myjak. Mr. Oliver.

Cole Oliver: I have a question on that in Section 5.71 it states that attorney's fees and costs of litigation shall be awarded to the prevailing plaintiffs. Would you be willing to change that to prevailing parties? I know that is kind of a weird situation here because the plaintiff is a river or tree or whatever and probably doesn't have the ability to pay back the other side if they win and proves to not be meritorious.

Michael Myjak: I think the point of that is to lay the cost of the remedy on behalf of the polluter. And if the polluter is not found to be polluting, then the cost would be borne by the person or people who brought the suit. The idea is to give us the same standing as a corporation would have in court, and so we talk about everybody having the right to sue, but the point of the matter is it's only those that have just cause that will make it through this process and it won't cost the county anything.

Cole Oliver: Right, but this is specifically funding the plaintiff's attorneys, fees and costs, not the remedy of fixing the pollution. That was my question.

Michael Myjak: That is beyond my scope and that is for you guys to decide how you want this to happen. We brought forward to you the idea of clean water and ways to implement it so you could decide what goes forward in Brevard County.

Mike Haridopolos: Any other questions. We appreciate you coming in. We'll go through the list, thanks again Mr. Myjak. Jim Deroucher from Deland, Florida. Welcome to Brevard County.

Jim Deroucher: Thank you, so I am from Deland, Florida, but I was formerly a 33-year resident in Cocoa beach and a business owner. I had two businesses in Brevard County

for many, many years. I'm here as the Florida rights of nature network representative. I'm the east central regional director for the organization. And anyway, using Brevard's home rule charter to benefit the greatest number of citizens, I urge you to use the right of clean water forward, and vote to put it to the county commission for placement on the 2022 ballot. The people of Brevard have a right to determine their destiny and the quality of their waterways and human ecosystems. We all know the condition of the Indian River Lagoon and other waterways in Brevard county, and the citizens have spoken loud and clear and willing to pay for it. What is important to them and their families. This one small change would have beneficial effects on peoples' life, health, prosperity and future. It would have potential to recreate lost jobs and prevent further collapse of a natural estuary. The citizens of Orange county are the only Floridians who have standing in a court of law, and a fundamental right to defend future damage to their waters. In a bipartisan landslide, 89% of the voters approve this amendment in 2020 But a 100% of the residents will benefit from the charter amendment that was passed there. As a participant in the 2020 campaign, I am here to discuss any and all of your concerns, and if I can't answer it, I will get the answer from some of our professionals. The Orange county right to clean water charter amendment passed on November 3, 2020. And took immediate effect. In the last 18 months since the inception of that new law, it is produced only one lawsuit total. That case is ongoing. The other effect this amendment has likely achieved is like a holstered gun on a county sheriff. It may have prevented the most egregious damages to the Orange county waters because it kept things from happening. I can start a corporation with my cell phone right here in 15 minutes I can start a corporation. But a corporation doesn't breathe air, doesn't have a heart, but the corporation can bring a lawsuit and have unlimited free speech. We are just asking for a similar opportunity for the people to defend nature, which we all depend on. We all know our lakes, rivers, estuaries, are in critical collapse due to unenforced state regulations and permits which allow and legalize pollution. This is a simple, no cost solution for the lagoon.

Mike Haridopolos: Any other questions? Mr. Fisher for a question.

Robin Fisher: I have a question. I don't understand the law and I don't understand the plaintiff and defendant and all that you attorneys do, but help me understand something. The -- I have a greater appreciation for the river than I ever have because I just recently moved on it and I enjoy it greatly. But if this was passed and let’s say, give you example, the city of Titusville had a sewage spill, a pipe busted and sewer went into the river, what does this law allow you to do?

Jim Deroucher: Okay. And they did have that. They had 7. 2 million- gallon spill.

Robin Fisher: They used to dump in the river years ago, too so I understand.

Jim Deroucher: Absolutely in a case like this, I am not a lawyer so I’m just going to tell you my opinion, but I have been with this for several years. I think is that a citizen would have the right to sue the city of Titusville to correct the problem and pay for the remediation of the pollution. They would not make any money out of it. But if they did

need to call in an expert to document it, those expert fees could be awarded by a judge. That is the part that he was talking about a minute ago, the gentleman over here.

Robin Fisher: Wouldn't the EPA make Titusville clean it up anyway?

Jim Deroucher: Probably not. It happened

Robin Fisher: I have seen Titusville be fined for it, it could happen to any other city. I don't want to just pick on Titusville. I have seen the municipality have to take on the responsibility of cleaning that up and mediating for it and all those things. And so, I'm trying to figure out what this does over what the city was going to do anyway.

Jim Deroucher: Well, I don't think this -- the city didn't clean up the ponds. You know, that stuff is still in the bottom of the ponds. They sucked out some of it, but didn't take it all, and a lot of it went into the lagoon. And I don't think they did anything other than they may have gotten a small fine.

Robin Fisher: So, what would you like to see happen above a fine and them cleaning it up? >>

Jim Deroucher: I would like to see it cleaned up. I'd like to see them do something to mitigate the damage that was done. 7 million gallons of pure sewage can cause a tremendous damage.

Robin Fisher: To my knowledge, I think they cleaned it up, at least that is what their officials are saying. This is my concern. As a county commissioner, I can remember trying to increase utility fees to replace these ageing sewer lines that were throughout our county.

Jim Deroucher: Yes, sir, I remember you doing that.

Robin Fisher: And took heat for it because it was a form of another tax increase, is what they told me. And when I was making that decision I was making it because I knew at some point there was going to be failure in the system. And this bill -- and I'm trying to make sure I understand it, but if people aren't willing to tax themselves to replace sewer lines, they are going to fail at some point in time, but yet they want to have the ability to come sue the municipality because they had the breakage. That seems unfair to me. So, I am trying to figure out how to get around that scenario because if it is just about suing, I think we all want clean water. I want clean water, like the rest of us. But I also want people to take responsibility for replacing their infrastructure as it ages and as it goes down the road, and can't -- we got to have it so elected officials come in saying I am never going to increase your taxes if I get in office. That was never me, but you got issues with infrastructure in this county that's old and I just see -- and then you're going to turn around and sue the municipality for not fixing infrastructure, and having the failure, but you weren't willing to tax yourself to repair it. That's my issue with this. And I -- if you can get me over that, that'd be great. That is where I am at today, I am not supportive of it because until people are willing to pay their taxes and fees to replace the things that are ageing, then I have a hard time with it.

Jim Deroucher: Well, if you think about it this way, if the city of Titusville has to pay for the clean- up then the people of Titusville are actually paying that, Right?

Robin Fisher: Well yeah.

Jim Deroucher: In an essence. So, then they would have to be willing to do that because Robin Fisher: Then that's going to cost me money. The city -- those residents in Titusville are going to end up having -- pay me now, pay me later. You can make that argument. To have to be sued to do it, that is not right. Do it on the front end to me.

Jim Deroucher: I don't disagree with you. I think if we did things right we wouldn't need the regulations even at the state level, but this will help to promote that. It's the holstered gun thing. If you know you're going to get fined and have to go to court, then you're going to be more inclined to do the right thing and spend the money ahead of time to correct a potential problem.

Robin Fisher: okay.

Jim Deroucher: that is the way I see it.

Mike Haridopolos: Any other questions? I have a quick question. Who funds this organization?

Jim Deroucher: We are all volunteers.

Mike Haridopolos: But you're talking to a lawyer. Is the lawyer volunteer, too?

Jim Deroucher: yeah, we have five volunteer lawyers.

Mike Haridopolos: As I am trying to understand, the bottom-line, is you want to have the power to sue in court, and have standing

Jim Deroucher: No, not us sue. No. We won't have anything to do with it. It will be the citizen in Brevard county or citizen in Volusia County if they have it. In Orange county. We are not involved in that.

Mike Haridopolos: And this organization takes the belief that whatever funds are given out, there would never be any legal fees?

Jim Deroucher: We would never collect any.

Mike Haridopolos: who's we?

Jim Deroucher: FRAN- Florida Rights of Nature Network.

Mike Haridopolos: And who is that?

Jim Deroucher: a group of grassroots volunteers who came together in 2019.

Mike Haridopolos: who funds them?

Jim Deroucher: We fund ourselves.

Mike Haridopolos: This is the world I live in. And the only thing -- I appreciate the back and forth, obviously we will have to vote on this at some point -- what I see, more often than not, like when they pass -- when their constitutional amendments pass, that cost money. What we have seen on the state side has been a cost shift or spend shift where taking money out of roads or something else in order to pay for a thing if people – I am willing to raise taxes that is your point as well, right? That tax increase might never have happened because -- I appreciate your bringing these good points and expertise. Thank so much.

Jim Deroucher: Could I answer Mr. Trettis' question about the senate bill 712 and preemption. We don't think that preemption is constitutional. Our lawyers don't think it is. When that comes up in a court of law, which eventually it will, we think it will be struck down. It was added at the last minute and it was one paragraph and 111-page document, senate bill 712 and it was just slipped in there. I think because we are working on this Orange county thing. And -- we don't think it is constitutional. And it's been changed. We are working around that anyway because we are not granting a right of the river, okay? We are granting a right of citizens of Brevard county to have clean water. Very different thing. We're not granting rights of nature. I'd like to have rights of nature. I think a river should have rights. I do. Because we depend on that river. I mean, I used the eat out lagoon. Lived on it for many years.

Mike Haridopolos: yes, sir.

Jim Deroucher: it's sad now.

Blaise Trettis: A question on that. So, does your take on this that what I just read, we passed in 2021, that is a state law and you recognize it is a state law, and it's enforceable because it is law, but you believe eventually a court will strike it down?

Jim Deroucher: yeah, it was 2020.

Blaise Trettis: So, if what you ask us to do is to pass this proposal, you are asking us to pass proposal which violates state law.

Jim Deroucher: No, the proposal we presented to you is very, very different than what they are talking about. The statement granting a right to a river or animal or some kind of natural system. What we are talking about is granting the rights of people to clean water and a healthy eco-system. Very different.

Blaise Trettis: It reads that not a person or political subdivision or grant such person or political subdivision any specific rights relating to the natural environment. So, it applies to people. It doesn't only apply to the rights of a body of water. It gives a person the abilities to sue businesses that pollute. Your proposal does that. This statute prevents that. Don't you agree?

Jim Deroucher: There is a grey area there. I think that is the highlight of the unconstitutional part of that bill.

Blaise Trettis: Well part of the constitution is a county charter cannot be inconsistent with state general law. That is part of the constitution. This is 100% inconsistent it. I have no other questions.

Mike Haridopolos: Mr. Nye.

Matt Nye: I want to go on record that appeared before commissioner Fisher back in the day about the tax increases and say I think the way you characterized it was maybe oversimplified and also wanted to remind the commissioner -- former commissioner that we do have a lagoon tax, so the residents of Brevard county do have some concern about the environment.

Jim Deroucher: They certainly do. that was amazing passing that. and this would be the extra tool they need for soil to get this over the edge and bring the lagoon back.

Mike Haridopolos: Who are they suing in Orange county? You mentioned one company.

Jim Deroucher: it is a developer that wants to drain 115 acres, I believe, of wetlands and affect two streams and two lakes. And so, it's a development -- he wants to put in commercial -- homes, commercial, apartments, all kinds of stuff. 1900 acres he wants to develop and it is -- you know, it's mostly wetlands. A lot of it is.

Mike Haridopolos: And that lawsuit is holding up any development from taking place?

Jim Deroucher: Certainly, is right now. Until the judge makes a ruling.

Mike Haridopolos: Thanks for the good information. Thank you, sir. >>

Jim Deroucher: Sure, thank you very much.

Matt Nye: Can I make a motion now?

Mike Haridopolos: I want to -- I want to make sure everyone gets to the testimony and then we can go to motions. I want to make sure all the information is brought forward before we make any decisions. That okay with you? Warren Edwards from Viera. Welcome, Mr. Edwards.

Dr. Warren Edwards: Actually, Doctor Edwards. I'm Doctor Warren Edwards, a dentist in Viera here. I'm passionate about water in a lot of ways. I'm a biological dentist and trained as naturopath and I have done work on toxicity which affects the human body and the toxicity that exists all around us, and I'm also an avid water person. I own a sailboat and I have sailed every body of water from Ponce Inlet to Stewart on my little boat from here and there. And I'm a kayaker and bicycler along the river. There is no worse smell along the river when it is funky. We all live here. I see things happening that development is going strong and it's just taxes the whole system. I think that the importance of clean water can't be understated for us from a health standpoint, as well as health of the animals, and the planta, you know, so things like the removal of glyphosate, a ban on it -- which some counties and cities have been doing -- stopping, using that as an herbicide for our weeds, our aquatic weeds is poisoning us. It is poisoning the whole eco-system. So, that is one thing. I support the right to clean water. I'm not here to debate it from legal standpoint. And I'd be happy to answer any questions.

Mike Haridopolos; thank you, Doctor Edwards. Any questions? Seeing none, thanks for taking the time to visit with us. We have Bill Debusk from West Melbourne.

Bill Debusk: Hello, I am Bill Debusk from West Melbourne. I would like to talk about the right to clean water. That's what's going on right now. That is what is going on. We're letting that happen. Nutrients from bio solids being dumped are flowing into our drinking water source. Lake Washington, various sources of contaminates are flowing into the lagoon where we fish and swim and boat. The Florida air and water pollution control act under that act the state has issued over 23,000 pollution permits over the last 50 years, but these permits in some cases should have never been allowed because of the damage they do to our waterway. You may assume the citizens and organizations have the right today stop toxins from being dumped into our water, but we don't. We do not, as long as that company or industry or business is acting in accordance with the permit they were provided. Even if they are dumping waste water or bio-solids, if it is within the permit they cannot be sued in anyway. There is overwhelming proof that pollution permits are being issued without enough information, without the information that they are harming our environment beyond what they think they are. One of the most current examples is dumping a bio solid around cypress lake. Dumping of bio solids there resulted in algae plume, huge fish kill off. And today the same nutrients from that lake have flowed up the Saint Johns river into lake Washington and now we have this ever- occurring plumes of blue algae it is toxic blue algae bloom that is are very dangerous to humans. There are legal permits that allow that bi-solid to be dumped. It is allowed, it is legal. It is not right because it is causing Melbourne drinking water to have toxins from blue algae in it essentially. So, January of this year, Brevard county health department issued a warning for lake Washington and that warning said, "do not drink, swim, wade, use personal water craft, water, ski, boat in the waters where there is a visible bloom". " they know it is harmful to humans. That came from dumping via permit. It should have never been allowed. The right to clean water would allow a legal path to stop activities that irresponsibly degrade our waterways, infringe on the right of citizens in our county. Citizens must have the right to step in and stop polluters from destroying our waterways. We must be empowered to stop these kinds of things. Our citizens must have the right to clean water.

Mike Haridopolos: Okay, well thank you Mr. Debusk. Are there any questions? One thing I'd ask is -- only because you brought the example, I am curious to your answer. You mentioned a company got approval to put a certain thing into the water.

Jim Debusk. Yes, to dump bio solids.

Mike Haridopolos: Do you think we would we have the right, us figuratively to sue if what they did was legal?

Bill Debusk: Yes, absolutely, because they were issued a permit doesn't make it the right.

Mike Haridopolos: But it is -- I understand your point, but there are different eyes beholding that right. But if a company asked the government, is this legal or not, and the government says it's legal, you're allowed to do this, you still think they could be sued for that?

Bill Debusk: I think someone needs to take a look at it because it is -- like I tried to paint the picture that even because it is legal, and they got the permit from the Florida Department of Environmental Protection -- maybe they're underfunded. I don't know how they issue these permits and allow this to happen. It impacted our drinking water. It literally impacted the drinking water of Melbourne and we have no way to step in. And everybody says well if DEP says it is okay, it is legal, I guess they can do it. Bp said it was okay, but in the end, it is probably not okay.

Mike Haridopolos: would you sue the government or would you sue the company that got the okay from the government?

Bill Debusk: Whoever gave –

Mike Haridopolos: I'm just trying to understand what you're trying to get

Bill Debusk: I am not a lawyer, but I would search out for the -- whoever gave the permit Mike Haridopolos: So, the individual government worker you want to sue?

Bill Debusk: the entity. Brevard county commissioners.

Mike Haridopolos: So, if the county gets sued, taxpayers have to pay the penalty? Is that what you are saying?

Bill Debusk: I'm not concerned about the penalty. I'm trying to find a way to stop it from occurring.

Mike Haridopolos: I am just trying to follow the logic. I hear you.

Bill Debusk: But if it is happening -- if some guy has throwing sewage in your water, like, hey, stop that. He's standing on his land doing it. I'm drinking the water. How do I stop that guy from doing that? I know down south -- the reason why it was dumped up here is because they stopped the dumping in south Florida because they saw that it was impeding the health of their water so they said okay, I can't dump down there, I will dump up here so they do it in Brevard county. So, I think we need a way to stop that type of pollution. Just an example. Good question.

Mike Haridopolos: Thank you sir, m just I am trying to understand, like you are. Laura lee Thompson from Mims. Welcome back.

Laurilee Thompson: I appreciate the opportunity to come back. I spent a magical morning this morning at -- looking at his sea grass growing operation. I'm happy the report we are forming a group up of five individual entities that are going to do serious work on trying to grow sea grass to put back into the lagoon. On my way home, I rode up A1A because I had a couple hours to kill. I hadn't done that in several decades. As I came north, I was shocked at how little public access to the beach there is south of Brevard county. Once I got to Brevard county we have all kinds of beach access and we have all kind of access to the river and that's thanks to our past leadership in the county. And I want to address the taxing issue. I think Brevard county voters have proven time and time again they are willing to tax themselves to clean up the environment. And it's really too bad that Commissioner Fisher was not able to get that infrastructure tax in place, but he was voted

out by other county commissioners. So, we haven't had the leadership on our county commission to try to address these issues. So, in the case of blue-green algae and bio solid dumping, the lawsuit would be against Florida DEP itself to get them to stop issuing these kinds of permits that are damaging Florida's water bodies all over the state. You know, we are worried about Brevard county. None of us are lawyers. We can't really answer your questions. Michael's original request that started this off was to ask your permission to include our lawyers at the next charter meeting so that they can address your questions because we just we are not lawyers.

Mike Haridopolos: I would just say this. whatever questions we might have we'd be happy to entertain their answers. If the lawyers want to come, that would be fine. I wouldn't make it big spectacle. It will happen tonight or the next meeting, whatever questions the commissioners may have it would be great to have an expert to walk into more detail.

Laurilee Thompson: since we don't know what your questions are, they may waste their three minutes talking about something that is not going to answer your questions. >>

Mike Haridopolos: I think there's been a bunch of questions already asked in this meeting and the previous meeting, so I would take those under consideration. I think the biggest concern a lot of people have is about -- has been about who ultimately pays the cost. I mean, as you know, I think one of the things I'm hearing -- just reverberations up here are if the government loses a case whether it be DEP or someone else, someone is going to have to pay for it and there will either be a new tax or fee or money spent on education or health care or roads maneuvered to this column to cover this lawsuit. We call it the water balloon. You squeeze in one area, and so forth. I don't think there will be any objection from us to have your lawyers here and as long as they are willing to ask and answer questions that would be fine.

Laurilee Thompson: And if they can't come in person, could they do it by zoom? Is it possible? Could that be set up? >> (off mic).

Laurilee Thompson: I agree.

Mike Haridopolos: then -- again, we have been really consistent with this. This must be our sixth or seventh meeting and if it was allowed to be zoomed in, then every proposal might say they want to have the ability have a zoom situation and we might be here for months, so I have to be careful of that, too. And they already are making many buy pizzas tonight, so I don't want to be taxed. Any other comments. I answered your question any other comments?

Laurilee Thompson: I do want to comment on the Titusville sewer spill. City of Titusville, the only lawsuit that would happen would be from a concerned citizen. All we wanted this to do when they had the water drawn down in the ponds was to de-muck the ponds and take the raw sewage that was sitting on the bottom of those ponds out before they allowed to fill the ponds back up with water, and they refused to do it. >>

Robin Fisher: Let me ask you something. They refused to do it? What were they required to do by the government agency?

Laurilee Thompson: They did get a lot of requirements from DEP and the angst is that we feel that some of the dates in DEP's report that said that the source spills stopped on December 19 or 23rd are wrong. So, we have heartburn over that. They did get multiple page document of things they have to do to correct the situation, but eye sore that still exists when you drive up us1 and look at the ponds when they have green, dying duck weeds all over them because they are so full of nutrients, that is what is rubbing everybody. >>

Robin Fisher: And this is my problem. I remember whatever storm it was and you could see a lot of exposed sewer lines on Riverside drive. And everyone knows those lines need replaced. But, the city has to take the initiative to replace those lines and people have to be willing to tax their selves to that.

Laurilee Thompson: But how do you know that people aren't willing, they voted time and time again to tax themselves. Brevard County is the only County out of a County Region in the Indian River Lagoon National Estuary Program, we are the only one that voted to tax ourselves to clean up the River. And if the elected officials don't even have the courage to propose a tax increase, a small five or ten dollars a household just to rake up some money to do these infrastructure changes, you will never know. It gets right from that dais right there. Like, no, I have said I wasn't going to raise taxes if I got elected and I am not raising your taxes, even though poop is going in the lagoon.

Robin Fisher: But being in this dais I have also seen the audience when an issue comes up an it is not always let's tax myself. It is a lot of time is I pay enough taxes and it is high enough and I am not going to pay anymore and you need to cut here and cut here

Laurilee Thompson: You're hearing from the minority that doesn't want to pay taxes, but there are a lot of us that would pay more to get this infrastructure fixed and we are doing it already with the half penny sales tax.

Robin Fisher: I was a big supporter of the half cent sales tax (off mic)

Cole Oliver: I have the greatest respect for Laurilee. The fight she puts up for the lagoon and community. The county is lucky to have her doing what she does for us. In respect to your question on how can your attorneys can be prepared to address the concerns we have in the three minutes, I wanted to go ahead to put my concerns out here with the proposal as drafted now.

Laurilee Thompson: are you writing this down please?

Cole Oliver: First is, I think it needs to be clear whom can be the target of these suits? Is it governmental entities only, private individuals? If a private individual comes in, get a permit from the county or state or whomever, and they go about their activity thinking they are in compliance with the law, they are hit with lawsuit. That is a concern to me because they have no idea, no or ability to prepare for that. So, I'd like clarity on that. And then probably this is more of a question for our attorney and yours as well, do we have the

authority to put in a law that can supersede FDEP . My concerns with the bio-solids, my understanding is that is being applied through FDEP permit.

Laurilee Thompson: It is.

Cole Oliver: So, do we even have the authority to tell FDEP your permit is not authorized in Brevard County, you can't apply it here. I don't know the answer to it, I think it is a valid question to be had. So, that is one of the things I would like to have some more information on. And then again, my concerns on the unintended consequences of the fee shifting provisions -- I spent time in the federal court system. We were overwhelmed with ADA lawsuits and fair labor wage lawsuits and usually the parties of those lawsuits were really getting very deminimus funds, and at the end of the day they were all driven by the attorney's fees and costs. And that ended up driving litigation and these attorneys bringing these relatively minor suits in but spending hundreds of hours litigating them. That is not a question for your attorneys, that is just a concern I have with the language as drafted and it is a "shall" instead of a "may. " you know, if it was a "may be able to recover costs," and under egregious circumstances, I could probably get behind it, but as of now, I have real concerns with it. That said, I'm in support of hearing more on this next hearing. I don't know what the rest of the eleven here tonight will say, but again thank you for what you do for this county and this lagoon. Please keep it up.

Laurilee Thompson: Thank you Mr. Oliver.

Mike Haridopolos: Mr. Nye for a question.

Matt Nye: So, I had mentioned this last time, and now maybe since we are talking about having your attorney's come they can walk understanding is this would give the individual standing to challenge in the situation where it appears to be pollution or damage to the environment, and I specifically asked last time, could it be an agency where they are treating wild life in a particular fashion that is contrary to nature. If you could show the cause and effect of a way a species is being treated and it is damaging to the environment, you are saying this would give somebody standing to challenge the government agency, right? that is managing the species. So, it could be Florida wildlife or the Federal, um I used to do their phone systems for heaven sakes, but you get my point. What I'm trying to walk through is, like? And who would be the arbiter? Because you say this species is being damaged in this fashion, and it is causing damage to the lagoon. Who is the arbiter. You are asking the agency in this similar concept to what you are describing you are asking the agency that is managing that particular species or whatever to, I'm just are you tracking with me it an all or…

Laurilee Thompson: I am not quite sure. I mean, this has to deal with water, so I'm not sure where you're going with the wildlife angle, Mr. Nye.

Matt Nye: I hope your attorneys come, I guess and I will try to more coherently ask my question.

Laurilee Thompson: I'm not sure -- I mean, with the wildlife you have the endangered species act and you can deal with EPA and -- so I'm not sure

Matt Nye: That's what I'm after. If you could show a causal relationship between the fact that a particular species is being treated in a fashion by a government agency that is directly resulting in damage to whatever body of water, this would give -- that would open up the ability for a citizen or group to challenge that federal agency or the state agency over the -- that is what I'm after.

Laurilee Thompson: The treatment of the animal

Matt Nye: Is that consistent with what you're proposing?

Laurilee Thompson: I suppose so.

Matt Nye: Same thing like the chairman here, I'm trying to wrap my head around it all.

Mike Haridopolos: Well, thank you. Ms. Thompson, it was great to see you. I am sorry, Ms. Schmitt for a question. (off mic).

Sue Schmitt: I just wanted to say, I have some of the same concerns that Mr. Oliver has and I mean, I love Laurilee. She has the best food in North Brevard. I know I will hear from other restaurants on that. I really have some very big concerns as far as you who can sue, and to explain from maybe your attorneys where you're looking at that, because seems to me in reading what we have so far that it is very loose and the taxpayers are going to pay big time and I think that's something we have to look at.

Laurilee Thompson: Okay. I may be out of line but it is my impression that this is a template that you guys can massage and work with. Our goal is that it is obvious that the b map and other pollution regulations that the state agencies have in place are not adequate to protect our water. The water continues to degrade. And our fisheries are gone, our sea grass is gone. There is a lot of lakes and rivers that it is unsafe for people to recreate in. It is a threat to Florida's tourism industry. And we're powerless to do anything. Therein lies our frustration and hopefully we can work something out. I mean, if you don't like the way it is worded now, maybe you can figure out a better way to word it to achieve the goal of the people being -- having some kind of way to force the state agencies to do a better job of controlling the pollution.

Sue Schmitt: Have you ever tried to force a state agency to do a better job?

Laurilee Thompson: I do it all the time.

Mike Haridopolos: Thank you again Ms. Thompson, it is great to see you. All right we have Kristen, I think it says Lortie.

Kristen Lortie: Good evening, Kristen Lortie, Cocoa resident. Surprise speaker tonight. I didn't realize I was going to talk. I was listening to the discussion. I'm very interested in it. I watched the last meeting and I found it very interesting, and I am finding myself having some opinions on this issue. And answering some of questions that are coming up. And what I'm seeing is that one, I would really like to make pollution unpopular in Brevard county. What this measure does, and Mr. Deroucher was very helpful for me. It seems to bring the power back to the citizens because we have all these -- we have these agencies that may not be doing the job that we need them to do in focusing our efforts of

on Brevard county, but it is bringing activity back to the citizens. If the citizens are initiating action waiting action, they are the ones initiating action, they are not going to do that for a really willy nilly, I don't think. You're going to get a lawyer, figure it out, take the action. In this country things are decided in the courts by action, and we don't have enough action being taken by our state agencies. So, whether it's the state agency is the one that is sued, the polluter that is sued or the taxpayer that pays because I would like to speak for a moment about Mr. Fisher and the payment of this and taxpayers don't want taxes. I'm taxpayer. I don't want unreasonable taxes. And I see a lot of things where I live, where I feel that the taxation is unreasonable, and I am actually going to find out what it is I am petitioning against. Let's take the Titusville and sewage and lack of paying for that infrastructure. If the discussion is brought into the court and it is determined that Titusville needs to do x, y, z, as the taxpayer, whether it happens in Titusville or Cocoa where I live, I will feel better about it because both sides got to talk, they hashed it out. Somebody is polluting. Somebody needs to stop polluting. Somebody needs to pay for that. If my taxes have to go up to pay for that, I am willing to do that. I see this as a positive. I really like it is not getting litigated regularly. This is something that's come up once, and that holstered in the -- the sheriff and the holster of our agencies are hesitant. They don't want to bring these measures up. Our commissioners don't want to bring these measures up. But, if you have this extra option that citizens have to bring it forward, I think it should be considered. I'll be very discouraged if you vote not to move this forward. I think it is a reasonable proposal and I think it will work its way through and the gray areas about the legal, they'll be cleared up in time. I don't think we should say, well, because the state believes this, at the local level we'll let that make our decision for us. Thank you for listening to my comment.

Mike Haridopolos: Thank you Ms. Lortie. Any questions? That concludes the public cards I have in front of me. Is there some discussion on the issue whether to continue to move forward or not? Mr. Trettis.

Blaise Trettis: I'll just reiterate that the Florida legislature in 2020 this was specifically addressed the situation response to what Orange county was doing and I already read the law that was passed in 2020 and it prevents a person or political subdivision from suing in court to enforce rights of water, a body of water – I'll just read it again "a local government regulation, ordinance, codes, rule, comprehensive plan, charter or any other provision of law may not recognize or grant any legal right to a plant, animal, body of water or any other part of natural environment that is not a person or political subdivision as defined in section 1018 or grant such a person or political subdivision them any rights relating to natural environment not otherwise authorized in general law or granted in state constitution." So, this specifically says a person shall not have any right to sue in court other than what is allowed by general law, state law or state constitution. I did research and I found the article from Florida Phoenix. A publication on what happens in government. "associated industries of Florida, a coalition of lobbyists endorsed the measure, saying it addresses water quality and protects Florida businesses from lawsuits by defining people can't sue on behalf of inanimate objects, like rivers, lakes, streams, et cetera. That latter provision shields businesses from being sued over rights of nature, a movement attempting to assign legal rights to natural resources such as waterways. " so,

it's clear to me that this law was specifically passed to prevent a charter government in the county charter from giving a person a right to sue businesses and government and that is exactly what this proposal does. It's preempted by state law. It is clear. It is just the law. We can't as a commission say let's see what happens. First of all, it would violate our duty to not only pass proposals which are not inconsistent with state law and the constitutions. It is not a matter of personal preference. I think everyone here wants clean water, but I am not willing to, I don't want to move forward on the proposal that violates specifically state law which was passed specifically to prevent a charter commission like this from passing a proposal like this. So, for those reasons I would make a motion that the Commission withdraw proposal 8, Right to Clean Water for further consideration.

Mike Haridopolos: Okay, other comments on this? There is a motion on the floor, but obviously we are going to have debate on that motion. So, is there comments about this motion?

Sue Schmitt: He said proposal 8.

Mike Haridopolos: He meant 6

Blaise Trettis: I meant proposal 6.

Mike Haridopolos: Comments anyone? Mr. Fisher.

Robin Fisher: My comment is, I am okay moving it to the next meeting, but I think we ought to ask our attorney to look at what Blaise brings up and they need to have their attorney here to answer the legal questions we have concerning it.

Mike Haridopolos: Sure, we can do that other comments. Only thing I would say -- I mean, I really have major concerns. I think everybody else brought up the proposals of why, but there is a place call the legislature and I lived there for a long time and whether it be net ban or cruise boats and they are dumping things in our water. When people were concerned, they acted. Same thing happened in Brevard county. Half a billion dollars will be spent to attempt to clean up waterways. I find it interesting that when people don't like how democracy is working and they want to go to the courts to get around democracy, but on the other end they want democracy because it is not working for them in the courts. So, I just think this is best of intentions. I know we need ten votes to pass along to the commission. One, I want to hear the arguments. I'll let it pass for this week. I'll vote to keep it alive for this week because I think their lawyer has maybe some good points we are missing, but as Mr. Fisher and Ms. Schmitt and Mr. Trettis and Mr. Oliver brought up, there is a lot of vagueness to this, and the last thing I want to do is move something that's not completely clear. And so, I highly recommend your lawyer be here next time because there is a lot of unintended potential here. When you talk about making it easier for lawsuits, I think a lot of concerns could be highlighted. The clenching reason for my opinion on this is Mr. Oliver lives in this world very much. With the water management districts. He has expertise in this. When he is not clear on what's kind of moving down the pike, you're going to see me back his opinion very much so. Mr. Trettis

Blaise Trettis: I am a rules guy. Roberts rules of Order provides that a motion, if it is not seconded, is defeated. If there is not a second, then – I am wondering, is there a second?

Mike Haridopolos: Is there a second? We'll let this go to next time. I think we made the message clear. I would put a lot more clarity because if you are asking us to do it, Ms. Thompson for us and others to do it for you, we are not going to be able to do it. You guys are the experts and this is well beyond our field and the theory of unintended consequences is smack in the face here. Duplicity on the I want democracy sometimes, I want the courts sometimes is also causing me a lot of heart burn. I do want, Mr. Gougelman -- you'll look at Mr. Trettis' concerns -- even though some people might think it will be struck down later, this is the law of today and I am going to live by it. I can't tell a police officer hey -- I am not going to go there. Okay with that, number six is moving forward.

Proposal 7 -Repeal Article 8 and Section 8.1-Public Hearing 2

Number seven, repeal by Mr. Trettis, Repeal Article 8 and Section 8.1. Mr. Trettis, you're recognized.

Blaise Trettis: Thank you. The proposal is to repeal from the charter Brevard Public Schools and specifically elections by single member residents area and districts. Florida statutes provide districts by two methods. One is if the Florida school board passes a resolution to place single member districts on the ballot and the voters approve for it, if that happens, then there are single member residence area elections for school board members. The other way is by petition drive. School board elections by Florida statute are district wide. County wide in which every voter gets to vote in every school board race unless those other two -- one of the other two options takes place which is a school board resolution and the voters pass it for a single member residence area or petition. So, there is no provision for charter amendment to create single member residence area school board elections, and I submit that the legislature has preempted this whole fields of single member district. As I said at the last meeting, it can be illustrated by the fact that we'll end up with different results if this were to remain in the charter. If this were to pass and the -- and then another charter hypothetically the way you can amend it, another proposal made hypothetically to go to single -- county wide elections and then school board were to pass resolution to go to single member elections, and all were to pass, then we'd have the voters voting for both single member districts and county wide district elections conflicting. And for those reasons, it was just an error that happened when the earlier charter commission put it in the charter and my proposal would repeal that error. That is all. Thank you.

Mike Haridopolos: Thank you Mr. Trettis, are there other questions? I have one appearance card. Pamela Castellano. She left. No other appearance cards. Do I have any objection to moving this forward to our third meeting? Seeing no objection, we are moving on to number eight.

Proposal 8 Vacancies and Suspensions-Public Hearing 2

Mike Haridopolos: That is by Mr. Burns, dealing with vacancies and suspensions. Mr. Burns, you're recognized.

Robert Burns: I will be brief. Other than what I have already spoke about before, I think I want to emphasize the necessity of this proposal, although it won't affect our current situation, I think we are two months in since we lost a seat figurative and literally, and we still have no idea of if and when the seat will be filled by appointment by Governor DeSantis. I don't think that is fair to our voters that have no representation at this time. One part of the proposal that I have not spoken on, but it is in the proposal is in the instance there is not enough time to have a special election for logistical purposes, that we do have an appointment, but the appointment is by the Board of County Commissioners, much like they appoint many members to any other county board. That way, we still have a transparent process, that way people know who has applied for the position, anyone can apply for the position. There can be some kind of debate and discussion about it. It could be as opposed to what we have right now is a non-transparent issue with no communication of if/when or ever this seat will be filled. The other part I wanted to emphasize is, if we didn't have the time for a special election, then we would have it filled by appointment. The appointment would be by the Board of County Commissioners, not by the Governor.

Mike Haridopolos: Okay great. Any questions for Mr. Burns? Does this mean you want this to move forward or not? Anybody have an opinion? All right, so we will move that forward to its next reading. I also have been informed, it looks like a Marcus Hochman wanted to speak on the last proposal. I am sorry sir, you were in the wrong pile. Come on in. And you want to speak on Mr. Trettis repeal Article 8 Section 8.1?

Back to Proposal 7- Repeal Article 8 Section 8.1 of the Charter- Public Hearing 2

Marcus Hochman: It will be really short. By the way, I like how the process goes here. It is very good. To me, this is how a government should look like. Great job community members, and everybody here. First of all, I like the idea of five board members representing their residency area. They would represent their communities because they are invested in their community directly. Now the question I have, and I have looked at this a few times, and I am not quite understanding this part in this proposal. I do not understand why the mask and LGBTQ has to do with this proposal. Because no matter if you have five single residency districts, or at large bids, it will still determine these policies based on state and federal laws to determine what the laws will be. So, I just wanted some clarification on that because when I was reading it there was an LGBTQ guideline, when I was reading on the website as part of proposal 7, and I was confused on that. So, I just wanted some clarification because I didn't understand.

Mike Haridopolos: Sure.

Blaise Trettis: I think I can try to answer that.

Mark Hochman: Thank you.

Blaise Trettis: You are welcome. If this proposal passes, and the school board between now and whenever something is required to get on the ballot, I don't know what that date is by the Supervisor of Elections, but if the school board does not pass a resolution to

have single member elections by residence are put on the ballot, then the elections will be district wide, county wide meaning you will be able to vote, I would be able to vote in every school board election in Brevard County. I personally favor that. And that is the only point I was making because it allows a person to vote in every race. So, if there is a school board member you would particularly like out of office, you will be able to vote for him, that was my point. The proposal itself doesn't make that happen because the school board could pass a resolution for single member elections by residence area, but they haven't yet, and if they don't and this passes that would be the result.

Marcus Hochman. So, the LGBTQ guidelines has nothing to do with that, that is what I want to make sure

Blaise Trettis: No school board member to my knowledge has tried anything to try to repeal the transgender policy of Brevard Public Schools. To me it would be a reason to vote them out of office because they haven't done that. I would have the opportunity to do that in every school board race in Brevard County.

Marcus Hochman: Any kind of policy? that was my point. any kind of policy.

Blaise Trettis: It could be any type of policy that somebody disagreed with any reason, correct.

Marcus Hochman: I wanted clarification on it before I disagree or agree, that's all.

Mike Haridopolos: any further comments, or are you good. Okay.

Sue Schmitt: You know, we keep talking about single member district and the school board and Mr. Gougelman had said section 8 and 8.1 are not legal in the charter based on court cases in Florida law. And I was wondering if it wouldn't be prudent since Blaise brought up the fact that if they haven't put it or on these school board agenda, to put on the referendum, if it wouldn't be prudent for us to have Mr. Gougelman to contact the school board if they are willing to place on the ballot the single member districts since it seems to be such a question, and whatever their comment is that would be it, and then we could deal with it.

Marie Rogerson: They discussed that at their meeting on Tuesday. They are looking into it. They asked their attorney to look into that,

Sue Schmitt: That's good. I think it would be worthwhile for Mr. Gougelman to get with their attorney or get with their Superintendent to find out what they propose to do.

Blaise Trettis: I would be opposed to asking Mr. Gougelman to do that. It is going way beyond the scope of the Charter Review Commission. What it does is "let's get involved in school board races because we apparently or someone apparently prefers single member districts by residence area. Which is the read I am getting from that input. Advise the school board to do this, and I am against that. That would be like taking opinions on do we want county wide or statewide. We shouldn't be doing that. Plus, they already know about it, they are looking at it. These are public meetings. So, I'd be opposed to the commission attorney getting involved in that manner.

Marc Hochman: can I go sit down? (laughter)

Mike Haridopolos: you're excused.

Kendall Moore: I would love for Mr. Hochman to stay for a second. I don't have a question for him, really a comment on what he raised. And Mr. Trettis, I didn't have a problem with the merit of all the legal issues that you raised in your memo. But Mr. Hochman proposed a question about the final few paragraphs, section five. And we are back to the policy again. Your concerns, you said specifically transgender, critical race theory, et al raised the policy related issues that drive you to want to change the Charter to deal with policy related issues. I just think it is the improper place, the improper protocol to do so. I will make the same motion Mr. Chairman that I made earlier that this particular proposal be removed from the list.

Blaise Trettis: Doesn't there have to be a motion Mr. Chair?

Kendall Moore: (cross talk) If I improperly stated his question, I apologize.

Mike Haridopolos: Get this man a slice of pizza. So, let me make sure we all know what we are kind of dealing with. Mr. Moore you basically want to see if we remove this whole idea? Number 7, right?

Kendall Moore: That is correct.

Mike Haridopolos: And on the basis you don't want to have the option? Give me the basis again so I understand

Kendall Moore: I don't know if I am necessarily required to provide a basis for the procedural motion, but Mr. Hochman raises a very valid point. The memo itself provided a number of technical issues that I think were proper and appropriate. Section five provides that Mr. Trettis's rationale is policy specific, that he is concerned with policies emanating from a political body and I think I was specific -- transgender, critical race theory and the like. I think there are numerous ways to address those amending the county's charter for the sake of a political purpose for political policy people which he included in his memo I think is an inappropriate reason and rationale to amend this charter. If there are not five other supporters, I'm happy to go the way the body goes, but wanted to raise that issue.

Mike Haridopolos: That is helpful.

Blaise Trettis: I will strike that from my proposal. I will strike it.

Kendall Moore: I am back to your Robert's Rules of Order: striking that doesn't change the motion. Your rationale and what you say -- that is what you put on the record. Your rationale for the proposal. -- illegal.

Mike Haridopolos: let's, so Ms. Schmitt, you second that? So, we are on debate. Because we do want to debate this before we vote on it. That is part of the Roberts Orders as well. Is there a comment because we are now debating whether to keep this as one of the proposals? Is there a debate besides Mr. Trettis? I'll let him go last because – I will let Mr. Moore go last. Any other comments on this issue? The only thing I had a question about is -- maybe I have too many proposals in front of me, but I thought it was

going to be we are proposing that it be a county wide vote for all school board members an what you have said is it would be as a fallback if the school board does not proactivity say they want to do it by district. Is that correct? Mr. Trettis?

Blaise Trettis: Yes, that is correct.

Mike Haridopolos: The only thing I would say is the way I would want to see it where I would want to vote on it is to give the citizens a choice. Either county wide or district wide. All this other stuff is perflious to me. The question is on the floor. Mr. Trettis if no one else wants to talk you're more than welcome to defend your position and we will vote whether to keep this proposal alive.

Blaise Trettis: This commentary and my proposal about the transgender policy is really extraneous. I'll be glad to strike it if I could. I guess there is objection to me doing that. Go ahead, get rid of it. That is not the reason for this proposal. The reason for the proposal is that it violates state law. And it is going to result, if it remains in the Charter it is going to result in contested school board elections. Because the looser is going to say, wait a minute, I was in a single member district election by residence area, which was illegally created by the county charter. That is why supervisor of elections did it that way for single member residence area. It is illegal. I should have had the opportunity for all the electors in Brevard county to vote for me. And the courts, I submit are going to rule in the favor of the loosing candidate. That is the reason for the proposal. Everything else is extraneous. About LGBTQ, go ahead strike it, get rid of it. That is not the reason for the proposal. And you don't agree with that, Mr. Moore. You said you agree with the legal analysis. If you want to strike it, you're saying I want to leave in the charter what you say unlawful. That is what you're saying. That is really what your proposal is. There is no more time to submit another proposal, so it is pretty serious. I take your proposal as that. I want to leave it in the charter knowing it was unlawfully done. That is all.

Mike Haridopolos: Mr. Moore.

Kendall Moore: Mr. Chairman, I will close by saying this. My statement is what it is, and Mr. Trettis can characterize it however he sees fit. I just lodged my specific objection and this body can decide whether they intend for it to remain on the list or not.

Mike Haridopolos: Thank you. let's call the roll. If you support Mr. Moore's push to remove this as a proposal, vote yes. If you do not support Mr. Moore's proposal vote no. If you please call the roll. >> (calling roll). >> (Voting Records attached to minutes) we are going to continue to have discussions on this issue. We are done now with number seven and we have already done number eight.

Proposal 9 Term of Office Public Hearing 1

Mike Haridopolos: We are now moving to number nine. And then -- proposal for Mr. Fisher on term of office. You're welcome to introduce this, Mr. Fisher.

Robin Fisher: I think I stated what last time -- to build the relationships you need to build to be effective at a job and I know that term limits are something voters have voted in. I respect that. I am not asking to get rid of term limits. I know we don't have term limits on

sheriff, clerk, property appraiser, tax collector, supervisor, election, school board members, U.S senate, US congress. You can go on and on. So, all my proposal is asking to do is for a county commissioner to not get rid of term limits, but give voters a chance to decide if they'd rather be three terms instead of two terms.

Mike Haridopolos: All right, we'll go into appearance cards and then debate at that point. Nick Tomboulides.

Nick Tomboulides: Thank you Mr. Chairman. I am getting Deja vu with this proposal because it was just a few years ago I was in the Jacksonville chambers listening the two politicians make the same arguments, that Jacksonville's eight- year voter approved term limits should be approached with a 12-year politician friendly term limit. I remember driving home that day thinking to myself, why are these two commissioners so adamant about getting rid of term limits? Why do they care so much about getting those extra four years in office? I was genuinely bewildered. I didn't have an answer. I got my answer seven months later when those two anti-term limit commissioners were indicted by the FBI in a criminal corruption conspiracy. They had been stealing millions of dollars from the city of Jacksonville and the reason they wanted the make term limits disappear, are reason they were so adamant about it is they never wanted that gravy train to stop. And so, for me, this was a cautionary tale that there is no good reason why any elected official, whether the President of the United States or local county commissioner needs more than eight years in office to get the job done. There may be self- serving reasons. There may be self- dealing reasons, but no legitimate reason why the commissioner can't act yes, sir to allow for a new voice, a new perspective to emerge every eight years. New voices, new ideas, that is not the essence of term limits. It is the essence of a republic. That is the essence of America. You know, we live in one of the wealthiest and most well-educated places in America. We have a population of 600,000 people and the underlying implication of this proposal is that in a county that wealthy, that educated, there are only five who are qualified to lead us as county commissioners? You know, we have such a vibrant population, diverse population. I'm absolutely confident that we can find a new generation of leaders to step up every eight years just as we have been able to do -- god bless you -- just like we have been able to do for the last 20 years. I forwarded the polling the all of you. The proposal is very unpopular. 82% of Brevard county residents oppose this proposal by a 2-1 margin. Bless you again. Believe that this is being done for the betterment of politicians, not the betterment of citizens in our county. And so, I would just suggest to you, let's kill this cancer of longer-term limits before it can metastasize. Eight is great and we need to shelve 12. Thank you.

Mike Haridopolos: Any questions. Next, we have Katy Delaney.

Katy Delaney: I am in agreement with the last speaker. I'm all for term limits. If it's good enough for the President of the United States, it should be good enough for the county commission. Thank you, respectfully.

Mike Haridopolos: any questions? There is no other appearance cards. Any comment?

Matt Nye: I would like to remove this from the docket.

Mike Haridopolos: All right do we have a second?

Blaise Trettis: Second.

Mike Haridopolos: let's debate this before we have a vote, whether to remove or not.Mr. Trettis in debate.

Blaise Trettis: I have two comments – I think the way this was worded would result in -- I believe there are two county commissioners now who are in the middle of their second term and I believe the way this is worded would result in those two having opportunity to serve five terms of office because charter amendments are not retroactive. They are prospective. So, it would not apply to their first term of office already served and wouldn't apply to a current term because a term of office is four years, not two years. So, it wouldn't apply to term of office they are in so they'd have three consecutive terms after their current term resulting in five terms. That is, I believe, what the result from the wording of this, you could word it definitely, but that is not the main reason I'm voting against it although it is an important one. More importantly, I think this should come -- a proposal like this needs to come from a county commissioner in office. They have the ability to get on the charter amendment to the ballot simply by their vote. They don't need to go through a year of meetings like we are doing. If a county commissioner believes it should be three terms and not two, then they need to make the proposal, not an appointee from county commissioner who is in office now. I think it I a matter of accountability in that regard. So, for those two reasons, I will vote to shelve it.

Mike Haridopolos: others in debate? Mr. Chandler.

Jordin Chandler: I will just say that I struggle with this particular proposal, number one being a young man, I don't necessarily agree with career politicians, but other than that, I think if an individual wants to serve more time in public office, would run for another office. I struggle with the proposal itself. Definitely do understand, Mr. Fisher, but just can't support it.

Mike Haridopolos: Others in debate.?

Blaise Trettis: I forgot one comment.

Mike Haridopolos: I think we know where you stand. Others in debate? Mr. Fisher, you are recognized.

Robin Fisher: I think that actually some people think it is automatic if you win your first term, you're going the win your second term and win your third and fourth term. We know it doesn't work that way. There are people that's serve one term or two terms and I am asking to give the opportunity if they are doing a good job and if voters want them to serve a third term, voters should make the decision. There is no guarantee that just because you -- there is three terms on county commission, you get the serve all of them. We have seen one recently where that didn't happen. It is always up to the voter. They are going to get voted on every four years. I'd like to see it move forward.

Mike Haridopolos: Thank you. A motion is on the table with no other debate. Why don't we call the roll on this, if you agree with Mr. Nye on his motion to remove this from

consideration, vote yes. If you do not support Mr. Nye's motion to remove it, vote no. Please call the roll. (roll call). >> you want to vote no. >>) roll call). (See voting record) By your vote we are no longer considering number nine.

Proposal 10- 7.3.3 Supermajority for passage of Charter Amendments- Public Hearing 1

Mike Haridopolos: Ms. Rogerson, you are introduced to speak on Proposal 10.

Marie Rogerson: Thank you kindly. So, we have had a vibrant discussion about our own rules about what bars should be set when we make changes to the charter. And I think we had a solid consensus that there needed to be good reason to change the charter. As it stands, our county charter only requires simple majority to change the charter on the ballot and to bring it all into consistency, my proposal changes that to 60%. It mirrors Florida state statute. It is the wording from the state statute. It strikes nine words from our current charter and makes it 60%. There is a little in the Florida statute that tells us when the charter amendments become effective if it is not specified in the charter amendments.

Mike Haridopolos: Thank you. Other questions? There are no appearance cards. Any questions? Mr. Trettis.

Blaise Trettis: I have a suggestion. It is just that I agree with your proposal, and I believe Mr. Gougelman can confirm what I say, but charter amendments are effective the day they are approved by the voters and I think if it just ended at measure and deleted it shall be effective -- all these effective dates are very confusing people would be going to this and looking to me it is completely unnecessary. I would make that suggestion

Marie Rogerson: I couldn't find in the charter where it specified when the amendment -- when charter amendments become effective, so this was just literally, and I agree with you, the wording is confusing. It is the state statute. I stole it from there. >> (indiscernible)

Blaise Trettis: have effective dates, if that is what you're following. Then I understand. It is confusing and could be stricken, I suggest.

Marie Rogerson: It was the state statute talking about when amendments to our Florida constitution become effective. So, it is the way we do that at the state level.

Mike Haridopolos: We'll work on that. I think this is obviously going to move forward. Thank you for being consistent with our last vote too. I am a strong supporter of this, based on my history as well. Other comments on this proposal number 10. We'll look at that language. If you want to make adjustments, we can't work with Mr. Trettis unless it is public, but if we can work that through we'll try to find it where it is abundantly clear that in the future it would take 60% instead of 50 plus 1. Without objection, let's show that proposal moving forward.

Proposal 11- Change Name of Brevard County- Public Hearing 1

We have now number 11. Think that is Taye Smith. I believe I saw an email saying he would not be here for these proposals. And the requested action is to change the name

of Brevard County. There are no appearance cards for that. Does anyone have an opinion on this?

Sue Schmitt: I move that we get rid of this.

Marie Rogerson: Second.

Mike Haridopolos: We have a second. Does anyone want to debate on the issue?

Blaise Trettis: I would like to state something for the record. That is, I dispute Mr. Smith's actual statement that is part of the proposal that Theodore W of Brevard was a confederate comptroller. I looked, you can find things instantly now. That he was Florida Comptroller from 1855- 1860, and in 1854 and that was before the confederate, so he was not a confederate comptroller. And the only other thing I would like to put on the record is that he mentions that he was the Father of Brigadier General, Theodore of Brevard, and that is true. And Theodore of Brevard was, he went to Brigadier General with the Confederate Army, but I don't think that his son should be part of a criticism of the father. I think the saying usually is, the sins of the father be cast upon the son, but this is the opposite. Although, I just want to get that for the record thank you.

Mike Haridopolos: All right, there was a motion and it was seconded by everyone? okay. By your vote, we are going to remove that consideration.

Proposal 12 -Amend Article 2 Legislative Branch- Public Hearing 1

We have number 12, Mr. Smith is also not here on this measure and this is to amend article 2, legislative branch to include an elected at large mayor of Brevard with increase of salary for commissioner, blah, blah, blah. Other -- do we have any comments on this measure since no one is here to have a card on it?

Sue Schmitt: I move that we remove this.

Mike Haridopolos: Ms. Schmitt moves that we move this consideration.

Matt Nye: Second.

Mike Haridopolos: Do we have any debate on this issue? do we have cards for this one? Seeing no debate, all those -- well, lack of action will show that -- all those who want to strike it from consideration say yea. Aye. All opposed say nay the proposal number 11 is now no longer under, 12 is no longer under consideration.

Proposal 13- Amend Article 3 Executive Branch- Public Hearing 1

Mike Haridopolos: Number 13, also by Mr. Smith, amend article 3, executive branch to define an elected at large mayor of Brevard County and county manager, given the fact I believe it is tied to the previous, Ms. Schmitt moves to remove this from consideration?

Sue Schmitt: Sure.

Mike Haridopolos: Without objection, Mr. Nye seconds that. All those in agreement of removing this say yea. Without objection, show that removed number 13.

Proposal 14- Section 5.2 Recall Public Hearing 1

Mike Haridopolos: Number 14, we are getting back to recall here. Amend this section to allow any elected official under chartered pursuant to section 4. 2 to be recalled.

Sue Schmitt: I am going to move that we remove it.

Mike Haridopolos: Do we have a second on that?

Blaise Trettis: Second.

Mike Haridopolos: Mr. Trettis, seconds that motion. Anybody want to speak in favor of Mr. Smith's idea? Seeing none, all those who approve removing it from consideration say yea. >> (off mic). There's a card for 14. Katie Delaney, I am sorry. Okay. All those who approve of removing it, say yea. Okay, so number -- all -- you're a nay. By your vote, that is removed from consideration.

Proposal 15- Section 7.4 Charter Review Public Hearing 1

Mike Haridopolos: Number 15 – Every four years. I know my opinions as well. we're going to be consistent with this. Ms. Schmitt is going to –

Sue Schmitt: I move to remove it.

Mike Haridopolos: Sure of course.

Gabriel Jacobs-Kierstein: I I had a quick comment. I think this is a good idea and here is why. Things moving a lot faster since 1997 and I looked back and saw that in 2010, there were 54 proposals. We're here on 24, some of which have merit and some are easy to discard. This is a situation where you always have the option to change back to six, if this become irrelevant. But in the process, you are also having an opportunity for the public to make proposals and have more access to amending the charter and in addition to that, you are having more forum to debate that, both with the colleagues up here, the fellow commissioners and also the people who join us in the audience. While none of us want to be here for four hours a night, routinely, I wholeheartedly agree with that. I do think that every four- year idea has enough merit to go forward. Whether or not we approve it as a group or not is a different story. The only counter argument that I can see is the cost. I am not good at math, I am a lawyer, but 33% roughly is the amount it would cost extra to have there every four years instead of six. I think that is minimal compared to its too it's benefits. So, for those reasons, I think this should move forward and hopefully somebody will have some different perspective on it. That is, it.

Mike Haridopolos: Sure, any comments on that? We have a motion on the floor to remove this from consideration, but again, it is -- we can call the yeas an nays or people want to back the opinion of Mr. Jacobs-Kierstein. I'm okay with moving it forward. It is whatever ya'll want to do. >> I say move it to ten years. (laughter). Okay, the motion is on the table by Ms. Schmitt to remove from consideration. All those in agreement say yea.

All those opposed say nay. So, I guess we'll have to go to roll call. >> if you want to remove it vote yes. Correct? If you don't want to remove it, vote no start over again. >> (roll call)- (see attached voting record.) 7 yeas, so we are going to remove from consideration.

Proposal 16- Non-Partisan Election Public Hearing 1

Mike Haridopolos: Okay, we got one more for Mr. Smith. Item number 16. We have a proposal to remove from consideration and second. It was introduced by Mr. Nye and seconded by Mr. Trettis. Any conversation on this issue?

Kendall Moore: Just one question. (off mic) Have the elections under our charter ever been non- partisan?

Paul Gougelman: Under the original charter the elections were to be nonpartisan and the charter was subsequently amended to require partisan elections.

Kendall Moore: that was what year?

Paul Gougelman: in the 90s.

Kendall Moore: okay. That's it. I just like to get a chance to cheer to my good friends in the other party that just because there is more of you than us, maybe it should be a non-partisan election, rather than partisan.

Mike Haridopolos: Great point. All in favor of removing it from consideration say Yay. Opposed say nay. We got a roll call, I guess. So, if you want to remove this consideration vote yes. If you don't want to remove -- if you want to keep it, vote no. >> (roll call). >> by your vote the yeas have it and we removing it from consideration. (see voting records)

Proposal 17- Amending Section 2.4 Term Limits Public Hearing 1

Mike Haridopolos: Okay. We are now on number 17. And this is on term limits for county (indiscernible) you are recognized once again.

Nicolas Tomboulides: Thank you Mr. Chairman, I will be more brief this time this proposal is inspired by a resolution that was filed in congress a few years ago by then congressman, now Governor Ron DeSantis, to impose a lifetime term limit on congress. What this would do would strike the word consecutive from the term limit provision from the charter and create a lifetime term limit for county commissioners because one thing that many people in the community share with me is that they love the 8-year term limit but don't like the fact it is consecutive, because when it is consecutive you have the possibility for formerly termed out county commissioners to come back. They could run again. It is like we have this zombie politician issue. It would seal it up and create a lifetime term limit. The goal the to allow for innovative new ideas, new solutions to modern problems and I feel this amendment would help a come accomplish that and happy to answer any questions you have about it.

Mike Haridopolos: Any questions? All right, we have one appearance card. Katie Delaney Any -- you have an opinion on -- >> (off mic). >> okay. Questions, comments? No objection moving this forward? Seeing no objection, we'll move it forward.

Proposal 18-Section 5.2 Recall Public Hearing 1

Mike Haridopolos: Mr. Luebker is not here This is another issue on recall -- this is the issue where the county commissioner shall be subject to recall as provided FBI general law, any election -- are there questions on this issue?

Sue Schmitt: I belief Mr. Gougelman gave us some information and that it basically says that this particular item is not legal; am I correct?

Paul Gougelman: Let me tell you that it is a very, very close question of whether or not you could recall the constitutional officers. The charter as it is set up currently and has been set up since the early days, intends that you should be able to recall the constitutional officers. There was an amendment to the charter some years ago, changing the numbering and some of the systems, some of the sections and what Mr. Luebker is trying to do is correct the numbering problem.

Mike Haridopolos: The only thing I would say is he is not here. This is only hearing number one, correct? That if it is okay with the members, we could just let him have his day in court and make his opinion known next time. If that is okay with everyone. Okay. Without objection, we'll move that to the next meeting.

Proposal 19 Section Amend Section 5.2 Scrivener Error Public Hearing 1

Mike Haridopolos: Mr. Trettis, on number 19, on the error.

Blaise Trettis: My proposal is identical to Mr. Luebker's. There was a clerical error. I forget what year it was, so this would correct the clerical error from previous year.

Mike Haridopolos: Well, I guess we'll let this one slide to the next meeting as we take up in consideration. Let's move it forward for now and we'll take it up next time.

Proposal 20- Amend Article 7.4.1 Public Hearing 1

Mike Haridopolos: Number 20. Mr. Jacobs-Kierstein you are recognized.

Gabriel Jacobs Kierstein: There is concern as to the procedure that would be in place among other things, neutralizing any bias or back channeling by this panel, and then in addition, kind of how we'd go about curing any defects. I think this was the best way that I could come up with be, and I also conferred with Mr. Gougelman and thank you, for helping me with that and also giving us your expertise, I think it alleviates the issues this commission had about the panel, and it gives us the opportunity which is the most important aspect of it to cure any defects that we have with proposals we have approved as a group going forward, but it also still gives the panel an opportunity to let us know if something's not constitutional. I mean, we don't want to open ourselves up to lawsuits and litigation. We want to make sure what we are -- the language that we are proposing is indeed legal, but at the same time, it kind of sets out their very specific parameters, what they can do, and how they go about it and ultimately gives us the opportunity to not only cure any defects, but also to extend the time that this panel is, excuse me this commission is active to do so. For those reason, I think it is a good idea.

Mike Haridopolos: Mr. Trettis for a question.

Blaise Trettis: It is really a comment. My comment is that the proposal unlike mine on the three- attorney review panel, this one does not repeal the three-attorney review panel in charter sections 7.3.2 through 7.3. 3 which is the charter review by amendment process. So, this leaves the three-attorney review panel in that part of the charter. So, I don't think it is a good idea to be inconsistent like that. That doesn't change in the other part so that's one thing. And if know there was a revised language that came out and I'm not sure exactly what I am looking at, it may be the original language that includes that these three attorneys there was the look at ballot language. Was that removed?

Gabriel Jacobs-Kierstein: My understanding specifically was that they already do. If I misunderstood, then – I have no problem with that. I think it's -- the main issue was the amendments that we vote on.

Blaise Trettis: Okay, well, it doesn't include ballot review now -- I think would cause another big problem, quite frankly. I mean, and then to this proposal, would also extend - I think it would be impossible to work in the timeframe we are dealing with, like right now we haven't passed a single proposal and the earliest would be June 23 and then it goes to a three-attorney panel. I don't think there is enough time to get an answer from these three attorneys about how it could be corrected in their opinion corrected, we'd have to vote again on a new proposal because it would be a new proposal. This would require three public hearings because it would be a new proposal. This would put us way beyond the charter review commission and way past when the supervisor election needs, I guess in August. For all those reasons, I'm not in favor of the proposal.

Mike Haridopolos: Mr. Jacobs-Kierstein, maybe get some clarity on that. I think we had discussion last time where our goal was to get the second bite and I thought we'd looked at this procedure more as -- like we would do in the legislature, which is if there was concerns raised, we could adjust if we thought necessary. If you can get clarity that would be great.

Gabriel Jacobs-Kierstein: The last sentence to the new revised or amended proposal is not withstanding section 7.4 of this charter. The term of the charter review commission shall be extended for the soul purpose of further considering proposal rejected by three-person review panel. It is specific and it addresses the time limitations, so we'd still be active to. We are simply amending the language. I know the argument could be made that it is a new proposal, but we are not making a new proposal, we would simply just be trying to cure the defect that the panel says creates a constitutional issue.

Mike Haridopolos: That's the way I viewed it when we talked about its last time. If Mr. Trettis has concerns about it, it is something we can address in the next two meetings.
Gabriel Jacobs-Kierstein: sure. We can modify the language accordingly.

Mike Haridopolos: Mr. Moore.

Kendall Moore: I think it is a great proposal. I think Mr. Trettis has brought up concerns that had significant merit. One was the language consistency. There is some language that could be cleaned up in that particular section of the charter. The second issue Mr.

Trettis brought up earlier was his concern of the attorneys being hired by the county commission and this body and their fiduciary responsibility to us. I'd prefer that they be reporting to us. And I'm not concerned at all about the time. The time for this particular board we created by cancelling four of our meetings to get to this point, and so we certainly -- if this had been in place at this time we'd have time for the three-attorney panel review to take place. Certainly, think this proposal has merit, not in favor of waiving the three- attorney panel, but I do like the changes that have been proposed.

Mike Haridopolos: Other comments. Without objection, we are going to move forward with proposal 20 for our next meeting. All right, by the way. I had another card. Kerry Takacs, did you want to comment on number 18 or are you okay? Thanks. We are now on number 21.

Proposal 21-Amend Article 8 by adding 8.2 Public Hearing 1

Mike Haridopolos: We have some appearance cards, but I would like Mr. Nye to introduce his proposal on amending article 8.

Matt Nye: Sure. So obviously a lot of discussion around school board this cycle, and I was trying to come up with possible alternatives to the recall and some of these other things. So, I looked around the state and there are several counties that have elected Superintendents, so I thought this might be something just to put out into the public just for consideration. I know we have the question about the next one coming up about the single member versus at large. But the goal is to essentially make it where the superintendent is directly accountable to the voters so that he's got some skin in the game when it comes to some of these policies and things.

Mike Haridopolos: All right, we have a couple appearance cards on this. Marcus Hochman Welcome back. Okay, Katie Delaney and Kerry Takacs. Welcome back.

Marcus Hochman: I am curious about the proposal, but would like to hear more about how the superintendent can deflect ownership of various issues because those were issues because there were specific words in the proposal, especially when if the superintendent works at the board's direction, which could be potentially the 7,5,9 or whatever that could be. I'd like to know more about how they'd govern, how they'd vote? Specifically, would the superintendent have a vote on different policies and different things. If you had that, your future proposal 7 would have to be an even number. I'm curious about that.

Matt Nye: The intent would not be for him to vote.

Marcus Hochman: okay. That is, it.

Mike Haridopolos: We have Katie Delaney.

Katy Delaney: Just some clarification from what I understand. The Superintendent from what I understand does have a vote if there is not a quorum, from my understanding.

Matt Nye: I don't know if that is correct or wrong, but I didn't flush it out to that detail. I was just trying to come up with ways for people to have more input.

Katy Delaney: I think I read something like that, but I could be wrong. I'm in favor of this proposal. The superintendent, he deals with all operational aspects of our schools, and so he should be held accountable to the residents of Brevard county. And just a couple things that happened recently, that the superintendent had the soul choice of what to do is there was a dad who came to the school board meeting and he wanted to eat lunch with his child. He was told that parents are not allowed do that anymore because apparently, we are security risks and we can't be supervised. though there is cafeteria workers and teachers and all sorts of people in the cafeteria, we are the security risk now. And that is Doctor Mullins, his words. The way he is directing the schools and teachers and what not, if they are -- if the schools aren't performing in the way they should be, again, he should be held accountable to the people of Brevard county, the parents and the taxpayers because the way our kids get educated, it affects everyone. I'm all for this proposal. Thank you.

Mike Haridopolos: Kerry Takacs.

Kerry Takacs: I am here to speak in favor of it as well. We had a father come in and speak about having lunch with his daughter, he was told the parents are a security risk. I only moved here in 2019 after my husband retired from the service and one of the things I loved was that I could have lunch with my kids. I was there weekly. The kids love it. And that's been taken away. The superintendent can fix that, and he's chosen not to despite parents asking. I have also been watching school districts around the state. Pasco county has an elected superintendent and he is killing it. He is doing what the parents want. He is listening to everyone. He is taking his job -- he knows his job is on the line and that is accountability. We need that because when there aren't the voices of the people aren't heard, the voices of the students aren't heard. That is what we need to bring back. We need to rebuild the trust between the people and school district. Thank you.

Mike Haridopolos: Thank you. Any questions? No other appearance cards, is there comments on this issue? Ms. Rogerson.

Marie Rogerson: I'd like to say a couple things. I'm not necessarily speaking for or against this, but I'd like us to pause and consider that between this proposal and Mr. Trettis's other proposal, we could be adding somewhere between 6 and 10 people on to the ballot in a given year, which I don't know about most voters, but it takes a lot of work to be educated all the way up and down the ballot, so it's not necessarily a bad thing, but we are asking our voters to do a lot more homework and I think we have seen that if elections were our way of holding people accountable, we wouldn't have the problems we have already at our school board. By electing more people, I don't think that necessarily solves any problems.

Mike Haridopolos: Thank you, Mr. Trettis.

Blaise Trettis: I recommend we research this to see if it conflicts with state law. I haven't done any research myself. The research I did shows the legislature provided for how single member school board residence elections are created and on t he next proposal Mr. Nye at large, I will speak to in a moment, the legislature has also spoke to how at

large members can be part of a school board member. So, I am just wondering if the Florida statues provide for election of superintendent by a school board resolution, which is then voted on by the people for the petition process, basically the same scheme in the Florida statutes, so I would recommend that be done.

Matt Nye: (Inaudible) I did not do that research. I am not an attorney.

Mike Haridopolos: Mr. Oliver?

Cole Oliver: I am neither for or against at this point. I think this is worth looking into. I have a concern about having a person face the voters when they may be implementing policies when directed by the elected officials above them, and they don't have any real ability not to do that. So, I do have some concerns on that, but I would like to see how this flushes out, but that is just my two cents.

Mike Haridopolos: Mr. Fisher.

Robin Fisher: I have some concerns. I think about how everybody wants government to operate and run like a business, which is difficult to do. And I can't imagine you changing your CEO and your business every four years. The other issue would be I can't imagine being elected and not have the power to vote. If you have five board members, superintendents likely, you have six, you could end up if they have the power to vote you end up with 3-3 ties on a lot of issues. Those are concerns I have.

Mike Haridopolos: other thoughts? All right, is there objection to moving this forward? Okay, we'll move this forward until next time and get some of those questions answered. Thank you very much. We are moving forward with number 21.

Proposal 22- Revise Citizen Advisory Process- Public Hearing 1

Mike Haridopolos: Number 22 is also by Mr. Nye, citizen advisory process.

Matt Nye: So, this was mentioned at the last meeting by one of the speakers, the public comments, and right now in the charter we have the ability for citizens to make recommendations once a year and I have agreed with that speaker, that that wasn't frequently enough, so I propose to change it to twice a year.

Mike Haridopolos: Comments? Ms. Schmitt

Sue Schmitt: The problem, I guess that I have with this is that at every single county commission meeting, there are two places on their agenda for public comment. Anyone that wishes to be heard about anything they want to talk about, and they're given ample time, as you can see because our chairman is dealing with their timers and I think by -- plus they also have the opportunity once a year to submit proposals that the staff then reviews, goes through, looks at also the bottom-line of -- it's a financial, and that moves on then to the county commission also so you have at least every month except the month of June you have three times that the public can hear at meetings twice plus on any issue itself so I think this is not really a necessary or proper .

Robin Fisher: I second.

Mike Haridopolos: Okay, so we have a motion and second. We are debating the idea of moving forward or not. Any other opinions? Mr. Nye what is your pleasure? Oh, I am sorry, Mr. Trettis.

Blaise Trettis: I haven't looked at this closely, but my understanding of it is that this is for instances in which a citizen has tried to get a county commissioner to bring a matter before the commission and has been unsuccessful. And this is a way once a year now where that can happen because there is provision to allow it to happen and Mr. Nye's proposal is to allow that to happen twice a year instead of once; is that fair to say?

Matt Nye: That is correct.

Blaise Trettis: I don't think that twice a year is too much for direct access for people in those circumstances.

Mike Haridopolos: Other comments? We have an appearance card on this issue. Kristin Lori, you spoke earlier. Welcome back.

Kristen Lortie: Good evening, Kristen Lortie, Coco resident and I'm glad when I stepped out I didn't miss this one. I would like to support this. I want to support board member Nye in this. I'm someone, a citizen who has concerns, who brings things before councils, who uses the three minutes during the council meeting and it is simply not enough to really bring forward a proposal, an idea, something that you're thoughtfully wanting to bring before a commission. I supported this last time. I'm really glad you took the initiative to bring it up when the original petitioner did not bring it up again. I think that twice a year is not unreasonable and that citizens -- there are citizens that care about what is going on in our county that would like to have input, that would like to draft their own thoughts on it and it's much different -- to me it is much different than just having the right to three minutes to speak on a topic. It is really something that is more deliberative, and twice a year, I feel encouraged, I'd feel better as a resident of Brevard, knowing there was the opportunity to address the commissioners twice a year. Hard to believe, but our commissioners don't always want to hear from us as citizens. And so -- but as a citizen, I'd like to know what is going on and on other peoples' minds and I want to hear what they have presented and I look forward to those proposals. I want to support you Mr. Nye, in your putting this forward. Thank you.

Mike Haridopolos: All right, we are still on number 22. Any further comment on this issue? Any objection moving this forward for further discussion? Mr. Rob K do you have a strong opinion on this. We'll have a meeting next time.

Rob K: 2.910, Brevard charter 2.910. That. that's correct. The process also allows for -- sitting up here talking to county board of commissions, if you watched the last few meetings sit here and propose or say something, it is not their duty to respond, but this forces a response from my understanding. It will give them a yea or nay during that process to then see where their stance is twice a year is better than once a year. I am totally for this one. I think it is more transparent. It allows for more communication and language to be held at these types of things.

Mike Haridopolos: So, without objection, we'll move forward on that item for next time as well. Okay. So that was number 22.

Proposal 23- Amend Article 8 Section 8.1 to add 2 School Board Members-Public Hearing 1

Mike Haridopolos: Number 23, also by Mr. Nye, and that is amend the home rule charter to add two more school board members.

Matt Nye: That is correct. And I forgot to preface my comments earlier on the first with the addition of the superintendent. You know, I'm, like, Mr. Limited government so it's very interesting that I'm proposing adding payroll right to the new positions, but again, there was -- there's been so much discussion around the school board issues. This was another scenario I looked at. I know we have the issue that Mr. Trettis has already brought up about the single elections, but the end result would be five members elected from single member districts and two that are elected at large to try to achieve some of that balance that was mentioned or I don't know if the word balanced was use, but the ability for people from all over the county to have more input, so that's the logic. I do understand the issue. You know, if we somehow ended up with both the superintendent, now you have eight votes, so we can, again -- these are for discussion purposes. I just felt like this has been such a caustic session, I was trying to come up ways to get people more input on how this would work. >> thank you. We have a couple folks who want to speak. Marcus Hochman again after that, Katie Delaney.

Marcus Hochman: thank you, once again. Agree with what you were saying. I agree partly with having seven board members regarding the growing population. My question was would it be 5 and 2. The other thing I want to throw out there is to see if it sticks to anything. Has there been any talk about having one school board represent charter schools? And I'm from public schools, and I am a union member, but I also believe in choice and when we have school choice, you also need to have that representation. So that's

Matt Nye: There's not been, but I think that is a great idea.

Marcus Hochman: To have that added on to it or just looked at for discussion. I'd like to say parents have a choice, but when you have more parents and people want more choices for school, this and that, I think there needs to be representation also. Even though I might disagree with charter schools. But when it comes down to the constitution that we serve, we need to look at representation on that.

Mike Haridopolos: Next Katy Delaney

Katy Delaney: I went and checked that superintendents do have a vote when there's not a quorum. So that's how it is right now. But about this proposal, I'm not -I'm not in favor of adding more government officials to the rolls. Yeah. I'm not in favor of that but I did want to comment on the charter school. I don't know if that's possible because of their autonomy from the school district, because I have had my kids in charter school, and I have had issues choosing charter schools. I have tried to go to the school district with those issues, and they clearly state they have told me there is autonomy with discipline,

with all these different things, so I don't know how that would work because there are also private companies and such. Thank you.

Mike Haridopolos: Thank you Ms. Delaney. All right, we are now on the proposal. Are there other questions or comments on this idea of adding two school board members?

Blaise Trettis: I will read section 1001.34, I am just going to read the relevant part: "Each district school board shall be composed of not less than five members. A district school board may modify the number of members on its board by adopting a resolution that establishes the total numbers on the board, which may not be less than five, and the number of members whom shall be elected by residence area or elected at large. If the resolution is adopted the school board shall submit to the electors for approval at a referendum held at the next primary or general regular election. The number of school board members shall be modified in accordance with the resolution adopted by the school board." So, to me this is another example of legislative preemption.

Mike Haridopolos; Ms. Schmitt? I am sorry, Mr. Oliver. I am sorry.

Cole Oliver; I am not sure if it is 5 or 7 or 9 if it solves the problem by adding more people in there. If we are not getting the votes from some of the school board members on some of the policies that are there, does adding two more to the stew pot fix that problem? But I am open to the debate and hearing more about it.

Matt Nye: I think the logic was that if the two were elected county wide as opposed to single member districts might change the results so to speak.

Mike Haridopolos: Further debate? Is there any objection to moving this forward for further consideration next time?

Blaise Trettis: I ask that Mr. Gougelman give us his opinion on whether statute 1001.34 preempts this proposal?

Mike Haridopolos: Mr. Gougelman, we are giving you more work, congratulations!

Matt Nye: I have no desire to try to write that, no long-term aspirations that the statute will be overturned, so, all right, so we are moving forward with 23. All right.

Proposal 24- Addition of section 1.9 to Article 1 Establish Workforce Housing Trust Public Hearing 1

Mike Haridopolos: Our final consideration for tonight is by Jordin Chandler. The ad of section 1.9 to article 1 established workforce housing trust fund. You are recognized.

Jordin Chandler: Thank you, Mr. Chair. To give some historical context and background and insight to the crafting of this particular proposal, this is something I've been working on for approximately about seven months. And in the crafting of this proposal had the opportunity to speak with several, I'd say numerous, maybe 16 affordable housing organizations and experts here in Brevard county and throughout the state of Florida to get a better understanding of what the need is within our communities. My wife is here tonight so she can probably attest to all the time that I spent on this particular proposal. Also had the opportunity to speak to county staff to examine the current affordable

housing trust which was established by ordinance in 2007 in that current affordable housing trust fund, the current funding that is currently in there is what you call PILT funds, which is payment in lieu of taxes. To examine what is being allocated to that, which is the PILT funds, but also gather information from them that would -- also I've done my due diligence in reviewing how municipalities in Florida and the u relative to how we could enhance our efforts to establish a trust fund that will actually work for the people of Brevard County. I have also done my due diligence in research and reviewing how counties and municipalities in Florida and the US in general in general have addressed this critical need and more especially what funding sources they applied to make sure their trust fund was -- funded and sustainable to serve the purposes in which it was created. And then lastly, I might add also the commissioner who appointed me has made this process fruitful by giving me full support behind this initiative. So, the proposal that I submitted really looks to do a few things: number one, create a trust fund that focuses on workforce housing opportunities within Brevard. Mind you, these are the people who are the very backbone of our community. Right. They're teachers, first responders, government staff, individuals who work in hospitality and the tourism industry. All of which who play really an essential role in the development, the growth, the financial wellness, the safety and security of our community. Secondly, this proposal also focuses on the support of housing aspect. Those who are the least of the. Services designed to help stabilize people who face complex challenges. People like our veterans, for example. Individuals who go overseas and fight for our country but come home not to find a country fighting for them. This proposal also represents those thousands of students and families who currently live in poverty. If you don't believe me, I encourage you to look at the children's hunger project statistics. So, this proposal, this trust fund's purpose is to have a dedicated fund that is exclusively used for the purposes that it was created for it to be reoccurring and adequate enough to chip away addressing the critical need plaguing our county and our nation. I will close with saying this, Mr. Chair. As someone who is a young adult, I am pretty sure Ms. Rogerson can attest to this, I think about what I want my community to look like 20, 30 years from now. As cliché? It has might sound, I want it to be a great place to work, live and play but in this inflationary period we're in, and unfortunately, it's going to continue to get worse if we don't address the problem at hand. But that slogan that I just threw out to be will be a slogan of the past.

Mike Haridopolos: Thank you. We have a few appearance cards before we get in to debate up here. Robert, sorry, I still can't read your handwriting. Robert K from Melbourne. Thanks, Robert.

Robert Klimkowski: Good evening. Good evening to you, Mr. Chair and to the board. I am here to speak on this proposal. But the reason I am here is homelessness and the workforce housing crisis. The crisis has been hastened by inflationary spending or spending other people's money. So short of a voluntary fiscal budget system where we can completely eliminate extorting other people's money by eliminating federal and state funds which is backed by a Central Banking System called federal reserve. So, I will start off with little background information. In 1802, Thomas Jefferson proclaimed that if the American people allow private banks to control the issue of their currency first by inflation, the banks and corporations that will grow up around them will deprive the people of all

property until their children wake up homeless, on the Continent their fathers conquered. I think that's what we're dealing with right now. Simple points here. 1913 federal reserve act and income tax act -- tied our u.s. dollar to scarcity of gold was removed. 80's speculation and housing market, '90s and 2000, you kind of see the end of that, you might have seen the movie big short with Christian Bale. Housing bonds that ballooned the housing market to the point of recession. After that, you had a whole bunch of developers buy those to where we are now and it's not getting better. It's getting worse. We fast forward today. Blackstone is now the largest commercial landlord. I'd like to say thank you to Mr. Chandler for drafting this. Nobody is talking about this nobody is bringing up this issue and it needs to be brought up. To open up dialogue, discourse or discussion is the best thing to do. And the immediate issue at hand is homelessness and workforce housing. We have a disproportionate number of homeless -- which was narrowly viewed and as did not implement free speech measures. So, we have to deal with this. And in order to deal with this, this proposal sets up a trust. Allowing for the funding from the general fund, Brevard county has the opportunity to set up -- effective and sustainable revenue source for the immediate future. Now, like I said, I don't think that fed -- or other people's money should help. But instead of caging people, which is what we're doing right now, we're caging them for being on the streets, we have to do something. This proposal has been the only thing moved. Now with that, there comes a section with -- one more minute, please.

Mike Haridopolos: sure, go ahead.

Robert Krimkowski: With best practices. And according to the Florida Housing Coalition, they ranked an order the best practices according to the Florida community land initiative, it's the same best practice as first setting up a clean -- or a community land trust, then setting up a trust such as this one. So, a community land trust basically allows for Brevard county to own the land that it's subsidizing the housing on and lease out that land at a 99-year lease rate so that it can retain those subs subsidies. Say that I am a recipient of the subsidized housing or whatever case you're taking federal money or state money and giving it to me at a lower rate. I buy the house at $150,000. But the market -- the language that's involved here, I would own the land and house at $250,000 market value. Although I've only paid $125,000 to $150,000 because it was subsidized. If that's the case, Brevard county, when I saw that house -- they lose that subsidy. It could lead to unintended consequences. I think the provision under land trust beneficiaries Florida statute 689.071 states the land trust is not the same as a community land trust. They are similar but one actually allows for the fiduciary to be different.

Mike Haridopolos: I think you made your point. We hear you loud and clear. We need to let other folks come up with their three minutes. We have more bites of the apple if this moves forward. Ms. Castellano you are recognized

Pamela Castellano: Since I have 3 minutes and I won't take three minutes, thank you all for saying this when your county commissioner asked you to do this job. I haven't agreed with everything but I know it's taken your time and dedication and I have to say thank you. I have some questions for Mr. Chandler. First of all, I am so excited that you've decided to embrace this. This is such a huge issue affecting us, our entire country, especially

Brevard county. But I would like to see your proposal put in writing where the funding, you say in the email that you forwarded to the Brevard Justice League, that it would -- funding would be required. But I would like to see that. How much money is in our current trust fund so we know the money is going to go to our needs. And my third question, I don't think –

Jordin Chandler: you may need to repeat those back to me.

Pamela Castellano: I have got them written down so I can.

Jordin Chandler: In proposal, I believe it's section b, the purposes of your trust fund. The purpose is to provide for a continuing non-lapsing fund for the Brevard County commission to use to address affordable housing within Brevard County, and so the funding sources are outlined here. Revenue sources that the county commission could potentially pull from. It is a reoccurring, non-lapsing fund. What currently exists is the affordable housing trust fund which was established by ordinance in 2007. You're looking at 15 years down the road. Really what has been done. The ordinance states that the only funding source that should be allocated to that fund is PILT funds, which is payment in lieu of taxes. It's a check the county gets for taxes that were lost by taxes that were not included on the roll. I don't know what your third question was, sorry.

Pamela Castellano: So, back to that first one, I want to see the language in the amendment before it goes to voters. Because right now it says we could fund it through these different things. But there's no requirement to fund it through one source and there's no dollar tied to that. I could be missing it. We could fund it at $1. The Sandusky Trust fund, we've already seen what happens. My third question is I'd like to see something to show that the trust fund is going to go to those in the greatest need and how that would be determined It is the first reading. I just wanted to throw that in there.

Jordin Chandler: There are some agreements outlined in this proposal. And so, for individuals or developments, development organizations, whatever the case may be, that want to solicit funds from this particular proposal. Obviously, number one, developers, you would have to show your site plans or development agreement plans to show that you're actually going to be using those dollars for the purposes in which it was intended for. But I hear you. To be honest, I think that this is pretty comprehensive, but if it does move forward, I think we can take into consideration your concerns.

Pamela Castellano: I am not on the panel so you and I can talk outside, too. And I thank you. Again, I know your intention. Please forgive me my distrust of the ability to follow through when some people have good intentions. And those who fall through the cracks don't show up to vote: thank you.

Mike Haridopolos: Well, thanks for your time. We have Katie Delaney.

Katie Delaney: I had a question. Is this transitional housing or is this like where people can buy the housing at a lower rate? Through government subsidies?

Jordin Chandler: so, in essence it would be -- really a combination of both. So, you would have work force housing but also supportive housing for vulnerable families. construction

proposal, something I've seen in other municipalities as well as counties have done is the dollars that they have within their trust fund, they typically have purchased something like an abandoned apartment complex or a hotel then which they turn into a transitional period. That in essence would fall in the category of supportive housing.

Katie Delaney: okay. So, I remember reading about in Salt Lake City there was a plan to help veterans, homeless veterans get housing and kind of help restart their lives. Which I think is phenomenal. We're the richest country in the world. I feel like we should be able to take care of people in need. My only concern is I also feel like there should be a time limit on that. It shouldn't just be an endless hand out. There should be you know, however many years to make sure the tax payer's money isn't going perpetually forever to one family. Yeah. So that's pretty much it. Thank you.

Mike Haridopolos: Any questions? All right. No questions. All right. We've reached the end of the appearance cards on our last item. Are there questions for Mr. Chandler?

Blaise Trettis: Mr. Chandler, I do not see in the definition section a definition for residential density equivalent unit. Could you say what that is.

Jordin Chandler: Yes, sir. So, the definition section, this is actually something I worked on with county staff. If you see section a of the proposal, see section 62—63.01- code of ordinances pertaining to the definition of work force and affordable housing. That particular language is not specifically identified within the proposal that is because I just in essence indicated that you can find that language within the current county -- current county code of ordinances.

Blaise Trettis: and it's in there?

Jordin Chandler yes, sir.

Blaise Trettis: what is it? >> 62--- >> no, what is a residential density equivalent unit. Because it seems to me it's really important because I am looking at paragraph e-1 and it says that the board of county commissioners adopt procedures for housing and human services department to disperse trust funds and residential density equivalent units. To me, that means density beyond what is zoned. Is that what you think it is?

Jordin Chandler: Mr. Trettis, I can definitely look that up and have it at the next meeting. because if it is, to me, that's just like democracy being defeated. Because a government employee, I know there's procedures we're supposed to follow. But a government employee determines density and that's it. That's a way to ruin a neighborhood because the housing and human service department comes in and says we're going to let you build 100 units on this two-acre lot instead of what's zoned now for 20. That's the way I read it. Do you read it differently?

Jordin Chandler: I can definitely review that information and have it at the next meeting. As outlined in the proposal, there's oversight. There's three layers. Number one, you would have oversite over the funding that's allocated over the trust fund. Then the housing and human services department that will follow statutory or state guidelines in enacting or dispersing those funds. And then also per state statute, in my conversation

with some of the individuals in the housing human services department, there would have to be an advisory board, if you would, which would more than likely be the affordable housing council who would make recommendations to the county commission as to if the trust fund needs to be improved in any shape, form or fashion, but back to it, Mr. Trettis, I can review that information and have it for you at the next meeting.

Blaise Trettis: okay. My other question is with the last speaker, I am not seeing any dedicated source of money to this trust fund. So, I am wondering, okay, I guess it is different. You've explained how this -- I was going to ask how was it different from affordable housing trust fund that already exist. I think you explained that because that only has one dedicated funding source. Handler:

Jordin Chandler: correct.

Blaise Trettis: But this proposal doesn't have a dedicated funding proposal either. It just lays out options for the county commission which they already have. They could amend the affordable housing trust fund they have now.

Jordin Chandler: which hasn't been done in 15 years. Obviously, Mr. Trettis, you know which you just indicated that ordinances can be repealed and replaced at any time, but in 15 years that has not been the case. But you know that a charter amendment is more concrete and you must abide by it. As I outlined in here you have several funding sources for the county commission to consider. But also, as outlined in bullet point 5 of revenue sources -- give me just one second here. It says other sources as established by ordinance. So, there's a litany of things that the county commission can enact by ordinance to allocate additional funding to this trust fund.

Blaise Trettis: Okay, this were to pass, the county commission could say, okay, it's on the books. We're not going to fund or do anything with it. That could certainly happen, right?

Jordin Chandler: sorry, repeat your question.

Blaise Trettis: if this were to pass and become part of the charter, the county commission could decide to not do anything to fund it, is that correct?

Jordin Chandler: No, sir. So once again, in the section b, purposes of the trust fund, purpose of the trust fund is to provide a continuing non-lapsing fund for the Brevard county commission to address the need for affordable housing. The funding sources that are outlined there. So, the county would need to address it.

Blaise Trettis: I will tell you my opinion on it, the language gives them the option There is nothing requiring you do to do anything.

Jordin Chandler: I am sorry, it's hard hearing you.

Blaise Trettis: My reading is that the language gives the county commission the option to fund it but they don't have to. The purpose, okay, great. We have a purpose and the county commission say that's a purpose and we're not going to fund this. It could be on the books next six years from now. And the charter review says this was never funded. I

see that as a possibility. I don't see anything in here that the county commission to fund it. I know you said purpose, but purpose is not funding.

Mr. Trettis: once again, I don't necessarily agree with that interpretation of it. okay. >> I think to me it's pretty clear.

Matt Nye: he's going to use the Citizen Advisory Protocol in the charter to encourage them do that, take a vote.

Mike Haridopolos: other questions, Mr. Chandler? Mr. Oliver? all right. It's getting late. Okay. We are -- okay. So further questions? I dealt with the Sadowski funds for years. How much money has Brevard county received. This is why we need more. We all recognize housing prices are up, et cetera. It would help I think everyone digest this a little better if you currently walk through this is what's currently happen and impact and enhance the funding and who it would go to. Even if it's really elementary, I think it would be helpful, Mr. Chandler.

Jordin Chandler: My apologies, and I think a question was asked earlier as to how much funding was currently in the trust fund. That particular time it was about $300,000.

Mike Haridopolos: Again, I'd like to look at that. I know during the covid crisis that Brevard county had a lot of money to hand out to folks. How that differs with Sadowski might be a different matter. Any questions? Without objection, we'll move this to the next meeting. We've eliminated a few things on our items thus far, get through that. I think there's one, two, three. I think six or seven things.

Jim Liesenfelt: Mr. Chair, we were kind of going through, if you don't mind. Proposal number 2 was voted down or removed. Proposal number 9. Proposal 11, 12, 13, 14, 15, and 16.

Mike Haridopolos: That's correct, that's what I have down.

Jim Liesenfelt: thank you. Well I appreciate everyone's patience. I'm sorry. I'm sorry. You're right. Get back to our – okay, unfinished business. Future meeting schedule. First and we'll get into it. Robert, do you have an additional public comment you want to make? we're not there yet. Under unfinished business. I think where we're at right now we've eliminated some of these proposals, we've gone from 24 down to 17 or so. Hopefully, we'll be able to manage it. At this time, I don't think we should call for additional meetings unless someone would like to do that. No, great. Under new business, Mr. Trettis, you're recognized.

Blaise Trettis: motion to add -- create the ballot caption and ballot language or question to be answered for any proposal passed by the commission. Right now, you know, people submit proposals and that's the wording of the charter. But what is critically important is what is going to be the ballot summary and ballot caption. That's what the voters are going to look at and decide whether they're going to vote yes or no on any proposal. Right now, there's no provision for anyone to write it. I don't know how it's been written in the past. I don't think it's been written very well. I can tell you that in my opinion because on the three-attorney review panel, which is part of Mr. Gougelman; s memo on that. There

was the copy of the ballot and the summary described it as a review panel. There shall be a review panel for proposals is what it said. It didn't say it was three attorneys. It didn't say that two of three if they voted that it was consistent with state law that it would go to the voters. It didn't say any of that. So, I think it was very misleading, and I think it's really important that any proposal that comes out of this commission has a well written accurate summary in the ballot and an accurate ballot caption. And I think Mr. Gougelman or its commission attorney for future commissions would be the one to do that. Because I think he or whoever the attorney is would work for the commission. And I think they could write it in a neutral manner. I don't think that a commissioner should actually write it because it would become too argumentative and biased. I know if I got the opportunity to write a ballot summary and ballot language, it would be argumentative because I'd want it to pass, but I think Mr. Gougelman would be neutral? If I wrote it, Probably not. It would be argumentative. Okay. But I think Mr. Gougelman would be accurately able to reflect what the proposal is. Again, I don't know who writes it, it goes to the county commission and county attorney, I suppose, I guess. Or maybe the supervisor election writes it. I don't want any of those folks writing it. Our attorney should write the ballot language and the caption. I think we can have input to the attorney. But I think it should be an independent person working for us who writes it. So that's my proposal.

Matt Nye: I agree and I will second.

Chairman Haridopolos: The proposal is in front of us. Any debate on that?

Paul Gougelman question, Mr. Chairman.

Mike Haridopolos: objection? Seeing no objection, showing that adopted. Welcome to the Florida senate. >> yeah. I didn't see any objection. Anybody object? Okay.

Paul Gougelman: As follow up on that. I have already talked with the county attorney's office about putting together resolutions that could be dispatched to the county commission for all of your proposals which would follow the appropriate county form and would include ballot language. So, we're coordinating with the county attorney's office already.

Mike Haridopolos: Thank you. All right. We have one last item. That is public comment, Robert Krinkowski want to make a public comment. Welcome back.

Robert Krinkowski: thank you. Keep it brief as possible. I'll just continue where I left off. I'm going to be speaking on the previous topic. An ordinance is not necessary to partner with the community land trust. That community land trust, if we were to establish this then this trust, it should be sunset. The sunset division -- free market as possible. That does not rely on federal and state funding to match or sustain the trust by waiver or stagnant impact fees -- the current fund we have has no mechanism to generate realistic and actionable revenue. It's insolvent and you really can't do anything with it. -- environmental development best practices such as low impact -- proactive asset management instead of reactive crisis management. Designing, innovating in a way -- if now we start it can possibly sunset the SORIL tax. First, this NGO acquired the land can leverage their SHIP federal money to gain and garner private funding, so they can borrow private money --

this is titled taxpayer initiative how to save taxpayers money using clt's Second, to transfer as much as the revenue -- this is going to be from their point of my point would be to -- those that are included in their bylaws and language that they set up. So, if a company wants to build affordable housing, they have to have in their bylaws that we're going to be altruistic. Business model language that shows that. -- it's something I just coined in transferring that federal and state burden from then the county to the private sector to the already subsidized 501(c)(3) organizations that are already getting subsidized, they're not paying taxes. A lot of them don't, but some of them do. If -- as a church, they need to be helping out the homeless population, not the county. And last, I'll say this, I will end with this proactive asset management would be ideal. Please pass this bill as a response to a crisis which is the only answer we've heard. Caveat with the clt to hedge -- >> question for you.

Matt Nye: I am intrigued because you mentioned the federal reserve the first time you spoke and the inflation and all of that. Is this proposal, it sounds like it's been crafted by a think tank. Can you give me any additional context?

Robert Krinkowski: I did it at 2:00 a.m. last night. -- I looked at any bill, any ordinance and say unfortunately, government, what's their angle? I didn't see one here. I wanted to speak in behalf of Mr. Chandler here. I thought it was a great first draft, presentation. But I think clt is the way to go. No think tank has helped.

Matt Nye: I am not saying that's a knock against you I am thinking in terms of background.

Robert Krinkowski: Seminole County, Manatee County and four other counties have already drafted workforce housing, and I looked through their comprehensive plans. I did look to your question on population density. There's agu's or accrued rates. 144 homes, eight of those homes have to be allowed to be in that area. They also can-do additional unit. So that's like a granny flat or if it's a condo, they can build on that unit. What I worry about there is critical mass infrastructure. Satellite beach area, or anywhere that has a barrier island, thank you for your time.

Adjournment:

Mike Haridopolos: We have reached the end of our agenda. Any other comments for the good of the order? (inaudible) Ms. Schmitt, you are on again, moves we arise. 8:56 pm.