

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

6:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on January 10, 2017 at 6:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

INVOCATION

The invocation was provided by Reverend Corky Calhoun, Georgianna United Methodist Church, Merritt Island.

PLEDGE OF ALLEGIANCE

Chairman Smith led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the October 18, 2016, and November 3, 2016, Regular Meeting Minutes.

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

APPROVAL OF MINUTES

The Board approved the November 22, 2016, Special Meeting Minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.A., RESOLUTION, RE: PROCLAIMING JANUARY 2017 AS HADASSAH YA GOTTA HAVE A HEART MONTH

Chairman Smith read aloud, and the Board adopted Resolution No. 17-001, proclaiming January 2017 as Hadassah Ya Gotta Have a Heart Month.

January 10, 2017

Marilyn Olshanski accepted the Resolution. She stated Hadassah has been in Brevard County for over 50 years; the medical research it supports is for cutting edge heart research using stem cells found inside the patient's own heart, which are used in repairing the heart; Hadassah is used for many kinds of medical research; they have a 97 percent cure rate for Hepatitis C and have been able to hold the progression of Lou Gehrig's Disease and Multiple Sclerosis (MS) in their trials; and it is a very worthwhile organization with almost a shotgun approach to supporting various types of medical research. She expressed her appreciation to the Board for its support and the proclamation.

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

ITEM II.A.1., BINDING DEVELOPMENT PLAN, RE: ALBERT HEREDIA AND SUSAN KADLAC HEREDIA

The Board executed a Binding Development Plan with Albert Heredia and Susan Kadlac Heredia for property located on the west side of South Tropical Trail, approximately 550 feet north of Cone Road.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.2., APPROVAL OF WORK ORDER NO. 2014-2680-A-010, RE: DESIGN OF THE WICKHAM ROAD AND INTERLACHEN ROAD INTERSECTION IMPROVEMENTS

The Board granted approval of Work Order No. 2014-2680-A-010 in the amount of \$143,000 for the design of the Wickham Road and Interlachen Road intersection Improvements; authorized Public Works Director, John Denninghoff, to issue a Notice to Proceed to Atkins; and approved any necessary Budget Change Requests associated with this request.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.1., APPROVAL, RE: BUDGET CHANGE REQUESTS

The Board granted approval of the Budget Change Requests, as submitted.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

January 10, 2017

ITEM II.D.2., ACKNOWLEDGE RECEIPT, RE: 2017 MEETING SCHEDULE FOR ROCKLEDGE COMMUNITY REDEVELOPMENT AGENCY

The Board acknowledged receipt of the 2017 meeting schedule for Rockledge Community Redevelopment Agency.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.3., ACKNOWLEDGE RECEIPT, RE: BAYTREE COMMUNITY DEVELOPMENT DISTRICT RECORDS OF PROCEEDINGS OF THE OCTOBER 20, 2016, MEETING

The Board acknowledged receipt of the Baytree Community Development District records of proceedings of the Board of Supervisors meeting held on October 20, 2016.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.4., ACKNOWLEDGE RECEIPT, RE: VIERA EAST COMMUNITY DEVELOPMENT DISTRICT RECORDS OF PROCEEDINGS OF THE OCTOBER 26, 2016 MEETING

The Board acknowledged receipt of the Viera East Community Development District records of proceedings of the Board of Supervisors meeting held on October 26, 2016.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.5., APPROVAL OF SETTLEMENT AGREEMENT IN THE AMOUNT OF \$90,000, RE: LOUIS C. MOREHEAD, III V. BREVARD COUNTY, CASE NO. 05-2007-CA-006126

The Board granted approval of the Settlement Agreement in the amount of \$90,000 for Louis C. Morehead, III v. Brevard County, Case No. 05-2007-CA-006126.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.6., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Tom Vani, Marcus Herman, Sue Nisbet-Lawrence,** and **Chris Cook** to the Merritt Island Redevelopment Agency, with term expiring December 31,

January 10, 2017

2020; **Ben Glover** to the Planning and Zoning Board, with terms expiring December 31, 2017; **Daniel Ciuro** to the Economic Development Commission of the Space Coast, with term expiring December 31, 2017; **John Drotar** to the Public Golf Advisory Board, with term expiring December 31, 2017; and **Constantine Daniel** to the Port St. John Public Library Advisory Board, with term expiring December 31, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM III., PUBLIC COMMENTS

Michael G. Wilson stated he came before the Board to ask a question he thought was very important for the citizens; many citizens come to the Board to say their peace and in the past it seems as though sometimes a great number of people show up to speak, but it does not move the needle and sometimes there is a relatively small number of people who show up and it makes a big difference; and he asked each one of the Board Members what their views are on what it takes in order for public comments to move the needle with the County Commission.

Richard Charbonneau stated he likes the idea of a night time meeting because for some people both the husband and wife work and to roll out of here at 9:00 or 10:00 a.m. they have to miss work; some of the things that go on during the meetings are important to them, and to constantly exclude them seems unfair; and he feels this is a good idea and it gives the working people a chance to come see what is happening.

Charles Tovey stated Happy New Year and welcome to the Board to their new positions; he has some literature on his history; not arguing, qualms about things but they were the first settlers according to this; and he is looking for recognition with some other things. He continued he had listened to some of Commissioner Tobia's discussions on the radio and other media avenues; he appreciates his outlook on things as well as Commissioner Pritchett's views; he appreciates Commissioner Smith expediting the roads and some other issues that had been put aside temporarily; and he expressed appreciation to Commissioner Barfield for his service to the County, the first responders, and everybody else he cares for. He provided seeds to the County Manager's office for the Board members; he had copies but the printer was down and it was color copies; he would like to produce some of his literature to the Board and some other information he has about the Lagoon; he feels it is pretty pertinent and is not redundant; and it is an easy solution and partial help. He thanked the Board for the time, he again welcomed the new Board Members, and wished them all a Happy New Year.

ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE A 6.0 FT. WIDE PUBLIC UTILITY EASEMENT - ORIOLE COURT BAREFOOT BAY UNIT TWO PART TEN, BAREFOOT BAY - JOSEPH PROTO

Chairman Smith called for public hearing on a petition to vacate a 6.00 foot wide public utility easement at Oriole Court Barefoot Bay Unit Two, Part Ten, Barefoot Bay.

John Denninghoff, Public Works Director, stated this is for the vacating of a utility easement along the common lot line between two lots owned by the same person, for purpose of being able to build, more or less unify the two lots. There was one property owner who asked for more information; that information was provided; and there have been no objections received at this time.

January 10, 2017

There being no further comments or objections, the Board adopted Resolution No. 17-002, vacating a 6.00 foot wide public utility easement at Oriole Court Barefoot Bay Unit Two, Part Ten, Barefoot Bay, as petitioned by Joseph Proto.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV. B., RESOLUTION AND UNITY TITLE AGREEMENT, RE: PETITION TO VACATE PARTS OF THE PUBLIC RIGHTS-OF-WAY OF PALMETTO AVENUE AND GUAVA STREET IN CANAVERAL GROVES SUBDIVISION REPLAT OF UNIT 3, COCOA - SPACE COAST LAND HOLDINGS, LLC AND BREVARD COUNTY PROPERTY LAND HOLDINGS, LLC

Chairman Smith called for public hearing on a petition to vacate parts of the public right-of-way of Palmetto Avenue and Guava Street in Canaveral Groves Subdivision Replat of Unit Three, Cocoa.

John Denninghoff, Public Works Director, stated this is a petition to vacate two pieces of public road right-of-way in the Canaveral Groves Subdivision in the vicinity of the Beachline; it is associated with the All Aboard Florida Project; there is no known public use for the subject property; and they have received no objections to the petition.

Mason Blake, Dean Mead Law Firm, stated he represents the petitioner; there is no available use for this property by the public; the petitioners own all the property on either side, with exception of one gentleman who has joined in the petition and he has set aside the concerns of County staff; he has the unity of title agreement; he made sure there is no possibility in the future of a land lock parcel being created; and they have worked with the public utilities involved and have two utility agreements with Florida Power and Light (FPL), which will make sure there is no utility problems as a result of the vacation.

There being no further comments or objections, the Board adopted Resolution No. 17-003, vacating parts of the public rights-of-way of Palmetto Avenue and Guava Street in Canaveral Groves Subdivision Replat of Unit 3, Cocoa, as petitioned by Space Coast Land Holdings, LLC and Brevard County Property Land Holdings, LLC.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VI.D.1., REQUEST TO SCHEDULE EXECUTIVE SESSION ON JANUARY 24, 2017, RE: DEER PARK RANCH, LTD. V. BREVARD COUNTY SOLID WASTE MANAGEMENT DEPARTMENT AND DEPARTMENT OF ENVIRONMENTAL PROTECTION, 16-3549 AND FARMLAND RESERVE, INC., D/B/A DESERET RANCHES OF FLORIDA V. BREVARD COUNTY SOLID WASTE MANAGEMENT DEPARTMENT AND DEPARTMENT OF ENVIRONMENTAL PROTECTION 16-3550

Scott Knox, County Attorney, stated this is a request for an Executive Session with the Board on Deer Park Ranch versus Brevard County; and the administrative appeal is going on in Tallahassee.

January 10, 2017

The Board approved the cost of advertising for, and the scheduling of, an Executive Session on January 24, 2017, at the conclusion of the Regular meeting of the Board of County Commissioners, pursuant to Section 286.011(8), Florida Statute, for the purpose of discussing settlement negotiations in the pending cases Deer Park Ranch, Ltd. v. Brevard County Solid Waste Management Department and Department of Environmental Protection, 16-3549, and Farmland Reserve, Inc., d/b/a Deseret Ranches of Florida v. Brevard County Solid Waste Management Department and Department of Environmental Protection, 16-3550.

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

ITEM VI.F.1., CITIZEN REQUEST BY DONN WEAVER AND JERRY PIERCE, RE: REQUEST FOR GRANT FOR THE VETERANS MEMORIAL THAT IS PART OF AND ADJACENT TO THE NEW WORLD CLASS VETERANS MEDICAL CENTER AT LAKE NONA

Donn Weaver stated he is a veteran of the United States Army; he is representing 70,000 veterans in this County; he welcomed the new members of the Board; and he noted as President of the Military Officers Association and Chairman of the Expansion Committee of the Veterans Memorial Center, the support of this County has meant so much to the veterans. He continued several years ago a group called Central Florida National Veterans Foundation approached the Board's predecessors for funding support; one of eight counties in Central Florida provides support to the Central Florida National Monument located at Lake Nona, the new VA Hospital; it is a beautiful memorial that is now constructed and completed in terms of the structure, but Brevard never signed on; two years ago, in the midst of the expansion of Brevard's Veteran Center, it was decided to focus on Brevard; some veterans wrote letters to the Commission suggesting they not weigh in at that point and years later they were conspicuously absent; tonight he is speaking on behalf of the 169 Brevard veterans, whose names are etched on those walls from World War I (WWI) to Afghanistan; and his sons name is on the Afghanistan wall. He added there are hundreds of Brevard veterans who go to Lake Nona every week, dozens who live there and are treated there, some are long term and in hospice type care; they go to the gardens which includes a chapel; they understand what they have been through; they see a place of rest and peace; they see how important it is to be recognized in the names of their fallen colleagues; and it shows them the public really does care. He requested for Brevard to become involved in the maintenance and support of that beautiful garden; he suggested between \$25,000 and \$30,000 for a one-time donation to cover some of the maintenance; Orlando gave \$500,000; the other counties averaged \$130,000; and he asked the Board to please not think of this as a charity, it is an effort to help veterans understand and find a place where they can find peace and solis, where all Americans can understand the sacrifices made by veterans over the years. He went on to say it is a beautiful place; the chapel is very special and it is used all the time by veterans in trouble and veterans facing the end of their life; and the number of Brevard citizens that go to Lake Nona is substantial.

Charles Brenner expressed appreciation to the Board for allowing him and Mr. Weaver the time to request a grant for the Veteran's Memorial at Lake Nona; he has lived in Orlando for 50 years and prior to that he was in Brevard County working for IBM on the Apollo Project back in the 60's; and he is the past president of the Central Florida Veterans Group and currently on the Board of Directors of Central Florida Memorial. He stated Lake Nona's VA hospital is serving six counties, not eight, to include Brevard and its 75,000 veterans; hopefully by putting the VA hospital there it will save a lot of time, where the veterans used to have to go to Tampa in order

January 10, 2017

for hospitalization; the same group that helped get the hospital to Lake Nona are a volunteer group and they do not have paid staff; the upkeep of the memorial is by them, not the VA, because it is a private project; and the requesting of monies is needed for the continued upkeep of the memorial. He continued of the six counties, Brevard is the only County still missing to help the memorial; they do have plaques that are put up for the people and counties that have elected to donate monies; and he reiterated that Brevard County is the only one absent. He added remember the memorial is to honor the fallen, it is also a place for the living and a place for healing; those who visit it, he has seen where veterans going to the new VA hospital in Lake Nona, go out to visit the memorial and see the names of their fallen friends and often go to the chapel to pray; Central Florida's Veterans Memorial Park is not about meals for the homeless or housing, it is healing for the living and recognition of the fallen; and he humbly asked the Board for its help.

The Board acknowledged citizen request by Donn Weaver and Jerry Pierce for request of a grant for the Veterans Memorial that is part of and adjacent to the New Work Class Veterans Medical Center at Lake Nona (HQ for Viera VA Clinic), but took no formal action.

ITEM VI.F.2., PERMISSION TO ADVERTISE PUBLIC HEARING ON JANUARY 24, 2017, RE: ORDINANCE RELATING TO LOBBYIST REGISTRATION

Commissioner Tobia expressed appreciation for his staff and County staff who diligently drafted this ordinance. He stated the intent of this ordinance is to protect citizen's right, guaranteed by the First Amendment of the United States Constitution, to speak, publish, and petition Government officials while at the same time protecting citizen's rights to open Government is guaranteed by Article 1, Section 24 of the Florida Constitution; there are a couple points to the proposed ordinance and he thinks there has been some miscommunication on it; he believes it is very, very important to clear that up so the Board can go in at least knowing what the ordinance seeks to do; and at this juncture all he is requesting is the Board advertise this in the *Florida TODAY*, which he has been advised will be approximately \$180. He continued the three main points of the ordinance is to have a registration of the lobbyists who conduct their business in Brevard County as well as a list of the principles of which they represent, the fees they receive from those principles, and most importantly, to have a record of the meetings these paid lobbyists have with elected officials; he pointed out, this by no means infringes on any citizen's right to speak with their elected official, it is quite the opposite, if someone is not getting paid to speak on behalf of anyone there is no registration, no disclosure, and the information that would be provided in this ordinance would give more information to the public and the public would know if their elected official had already met with a lobbyist no matter which side; therefore, the intent of the ordinance is a culmination of what other cities, counties, and the State of Florida have done to put some sunshine on what goes on in Brevard County. He commented there have been some dark clouds over Brevard County recently and there are some across the State of Florida; the more sunshine available, the less likely those bad actors will decide to go down those paths; and he stands ready to answer any questions.

Pam LaSalle stated she is very enthusiastic about this; it is a small step, but a step in the right direction; a lobbyist influence policy and spending that the government incurs; it would increase transparency for the citizen and make it a shortcut instead of having to dig through multiple sources of records to find any kind of trail to follow where the money goes; it would help the watchdogs and others; the concern over the financing of this, after she read the article in the paper, she fully believes it will be self-funding; and anyone who hides behind the cost is going to have their concerns by her as disingenuous because she thinks it would be a great value to the taxpayer. She added she did not have to look too far to find some examples; she was not at the meeting in December, but the leases for the two offices for District 1 and District 5 Commissioners was looked at, and low and behold on the building for District 5 several of the owners gave significant campaign contributions; the record listed one of them as a lobbyist, and

January 10, 2017

she believes it is relevant to the taxpayers; the Lagoon Tax shows the principles on the only company named in the Lagoon Plan were registered lobbyists with the St. Johns River Water Management District (SJRWMD); and the person hired as Director for the Indian River Lagoon (IRL) Council was a lobbyist for the same company in the same year he was hired. She went on to say she has advocated before the Board prior to this meeting, to stop texting during meetings and part of the reasons she would like that is because lobbyists can influence what votes are taken, and what information reaches the Board; and she has sat through nearly every Charter Review Meetings, and this was the very last thing discussed. She stated one of the members put it forward to have it as an ordinance though the Charter Review is only for Amendments to the Charter; there was a great deal of discussion and they proposed it was not appropriate to be an amendment, so they proposed a resolution to move forward to the Board of County Commissioners; and she does not know what happened to it, but they did propose the Board consider an ordinance to register lobbyists. She continued several of the people on the Charter Review were self-proclaimed lobbyists including the chair, who was the chair of this Charter Review and the last Charter Review; it was someone who advocates for oversight; she finds it very difficult to go to that body and ask them for oversight when they have a vested interest to not have oversight; and she listened to the tape again last night, and still does not know what happened after three people on the Charter Review descended on moving this forward as a resolution to the Board of County Commissioners. She asked if there were any questions.

Chairman Smith asked how many people sat on the Board.

Ms. LaSalle replied she thinks there were 15 that day; there are 15 on the Board and she believes they were all present.

Chairman Smith asked if she was saying only three people descended then why did the Board not hear it.

Ms. LaSalle stated she does not know, they were supposed to forward it; there were no more meetings; and it was the very last thing at the very last meeting. She went on to say they were supposed to send it to the Board; the Board can request the information; they did not do minutes, it was audio recordings, so staff should be able to get it for the Board. The meeting date was April 27; of the voices, she could recognize the chair, Kendall Moore descended, and Henry Minnaboo descended, she does not know who the third person was but she heard the count. She went on to say for what it is worth, she believes it is a tiny step in the right direction; it is part of oversight; and she does not know how they will know who paid lobbyists is unless it is self-confessed, kind of like the Board's texts.

Ronald Bartcher stated he recommends the Board to not create an ordinance that requires registration of lobbyists; he has spoken on a number of cases to the Board, most of the time addressing a specific issue on the Board's Agenda; only a few times had he spoken during public comment or a public hearing; and he occasionally speaks on behalf of the Mims Scottsmoor Library or the Mims Community Group. He added he is a volunteer and is not paid by either of these organizations; neither he nor either of these organizations can afford a lobbyist registration fee; occasionally he speaks to members of the County staff directly; sometimes the conversations occur while the staff member is performing his or her job out in the field; and in reading the proposed ordinance he sees it requires each member of the staff to make a record of every meeting. He asked how staff members would determine if the person who he is speaking to is a lobbyist and not merely a concerned citizen; how does the staff member know if the person is being paid to lobby on the subject they are discussing and not just being a concerned citizen; he stated it is possible for a lobbyist to be a concerned citizen on a subject he is not being paid to lobby; and he believes this ordinance would infringe on his rights to address the Board and County staff. He added he also believes enforcement would be impossible; in addition it creates additional work for each County staff; he understands the need

January 10, 2017

for such ordinance in some other counties and the State Legislature, but he has more trust in the local officials; and he asked the Board to please not create such an ordinance.

Matt Nye congratulated the new Commissioners and he thanked the Board for scheduling some of the meetings in the evening, because it makes it easier for people like him who are on the road all day. He stated in the past he had come before the Board as a representative of his employer, because he saw areas for improvement in the County's technology, communications, and infrastructure; it is his understanding that he would not be considered a lobbyist; and he asked if that would in fact make him a lobbyist by virtue of being an employee of a company that sells something. He provided an example, if he had come to the County and said he could save them a million dollars a year on the phone system, is he a lobbyist or a concerned tax payer who lives in the County and works for someone who does that. He went on to say if that does not make him a lobbyist then he is in 100 percent support of this and thinks it is wonderful; as Ms. LaSalle stated earlier this did come up on the Charter Review Commission and there was some discussion, but it did not have the votes it needed to move forward; however, he did support the motion then and he supports it now.

Commissioner Tobia thanked Mr. Nye for his advocacy on behalf of the white hat clients; he responded if he was not paid by any of those Boards then he would not be subject to anything outlined in the ordinance; the Board is just trying to identify people who are paid in order to sway the Board members to vote one way or another; and it is his understanding the way the ordinance is written, which may need to be made more clear, the definition of a lobbyist would be someone who is paid specifically to lobby on behalf of an organization or a corporation. He added if someone were employed to sell telephones or IT equipment and did not have a lobbying contract, then he or she would not be subject to a registration fee; the reason there is a registration fee is to cover the cost of the database, staff indicated it would be about 800 hours and he knows nothing about IT so he takes it at face value. He went on to say Fort Lauderdale did a database a number of years ago that has been working extremely effectively; they have indicated they are willing to give the Board the code to the database for approximately \$10,000, a one-time fee; \$250 per lobbyist with an estimated 20 lobbyist would draw \$5,000 per year and at the end of two years that \$10,000 would be recouped so no taxpayer money would be used for it; and then the fee could be decreased because there is no maintenance fee, no new departments, and no new work on staff. He continued there would be an annual registration which the lobbyist would send out their name, their principles, it would be changed to PDF and placed on the website; it would need to be searchable so maybe a couple hours, unless using BlueWare then it would take six or eight years and cost \$7 million; and he believes this is something that is worth the cost and it will not be borne by the taxpayers of Brevard County.

Commissioner Isnardi stated Commissioner Tobia answered a few of her questions; she stated as long as the ordinance is fair, because she has had concerns expressed to her; it is a great ordinance as far as tracking lobbyist with the title, however, she thinks the final version should be carefully worded so that it specifically states there are lobbyist who are hired under those pretenses; her concern would be if a gentleman worked for a cab company and the County is trying to change the rules, and he comes to speak on behalf of his own employer, she wants to make sure he would not be considered a lobbyist; and if the guy who owns the gas station is concerned about the Board implementing a gas tax, she would want him to be able to call the Commissioners to talk about it. She continued she often discloses everyone she talks to so she is very transparent, but she wants to make sure the Board is not hurting employees; she wants that very clear in the ordinance; and she would be thrilled to support something which pertains to the lobbyists. She asked Commissioner Tobia what the requirements are, as suggested by a citizen, of the staff having to keep a log, and if it was necessary or if it is something that goes back to the lobbyist who meets with the staff member or a Board member.

January 10, 2017

Commissioner Tobia stated that was an older version, this was a working document; Fort Lauderdale did a good job; his question was if a lobbyist wants to meet with a Legislator, they have to pull their car over and get on a computer; the code Fort Lauderdale used is an app so the lobbyist, not that he would ever suggest driving and texting, can bring up the app, flip through it on the phone to choose one of the draw downs, enter the time, and send it, then it becomes a record; on the new version there is no onus to keep a log because then it becomes onerous; if an elected official or any person working for the County specifically stated, or notices any impropriety is taking place then it becomes incumbent on the individual to report it; however, there is no need for that person to keep a log either prior or post the meeting.

Commissioner Isnardi stated she did not see that in the final version, but she wanted clarification on it; she asked if Commissioner Tobia would be open to making a very clear definition of lobbyist rather than somebody who is compensated by a company because she thinks the Board has to be very careful in how it words that; and she asked if they have to be registered as a State lobbyist, a lobbyist in government relations, or if their sole primary purpose is lobbying whether it be the Board or people who could lobby the Board.

Commissioner Tobia stated he has an opinion from the Commission on Ethics as well as house counsel because he ran into a similar issue; there is a lobby ban for a number of years after someone leaves the Legislature; and in his duties, as a college instructor, he helps students participate in government; he does not lobby, but he does inform them who they may want to speak with and what would facilitate their end goal. He added many times it is not his end goal; the opinion he got from the Commission on Ethics and house counsel is, since that was in his duties as an instructor at a college, he was not being contractually paid to lobby on behalf of the college or those students, so he was able to facilitate the meeting; and he imagines it would pertain pretty closely here, but he thinks it would be better to be put in the ordinance, as Commissioner Isnardi suggested, that the individual be hired for a particular purpose or a contract stating that.

Commissioner Pritchett stated what she is doing now and what she was doing in the past, she is being lobbied by everyone; the definition of lobbying is going to have to be really clarified for her to be comfortable with it, because she does not want to do anything that is going to put any kind of restrictions on her constituents to be able to talk to her, they are business owners; when she first came on City Council they had a great reputation of being hard to deal with; there were so many layers of bureaucracy and government that no one could do business; there were rumors in the past and they worked real hard to get rid of those extra layers of government so people could do some business; and it does not mean she does not believe in transparency. She continued she believes everyone should be transparent but she does not want to add at this moment, one more layer of government for people to try and get through; there is no way it will be self-funding because she has watched over the years, anytime something extra is added in government it comes with a hefty price tag; there is going to have to be salaries, IT, collecting fines, and collecting the money; she is not throwing it away, but these are just some of her struggles with it; and those types of things are going to have to be worked through. She added she has always been a great contender of less government, not more; whenever more government is requested to be added she will do it very slowly and the same with laws; she has only been on the Board for two months and has not really seen an issue yet for this to have to wrap around, not that there is not, she just has not seen it yet; in the City and local level she did not see it at all; and she will probably not support this tonight.

Commissioner Tobia stated just because things have not happened in Brevard County in the past month, does not mean they have not happened previously; he hates to bring up the bad parts of Brevard's history, but very shortly the Clerk of the Court will be in court for one of these very reasons, the lack of transparency and other things that come along with it; and not only that, a lobbyist who was involved in it as well as a principle; these things happen in Brevard

January 10, 2017

County, there was a Commissioner in Opa-Locka today who pled down from a felony to a misdemeanor, and for taking \$40,000 in bribes, but the good news is he will only have to spend three years in jail instead of five. He continued he grabbed some stuff from some questionably reputable sources and Harvard University ranked Florida as one of the most corrupt states, and it was the best one he could find; when he got a little more specific, he found out Integrity Florida, which ranks the Southeast, put Brevard as number one; 1,726 public officials have been convicted of public corruption since 1976; the University of Chicago ranked the state as number four; and in 2015 Florida earned a D- and was 30th of 50 when it comes to government accountability and transparency. He added he agrees these are small steps but this is technology that will not create more government; speaking with some individuals who have worked with this database in Fort Lauderdale, it does not put more FTE; he is very cognizant of adding dollars to the budget; he has worked extremely hard to take an office his predecessor had been in and move to a government facility so tax dollars could be saved, while other Commissioners decided to move their office 1.6 miles away and put taxpayers on the hook for \$55,200 over the next four years; this will have the impact one-fifth of what the move will do assuming that lease holds for those four years that will be borne by the taxpayers; and he is a conservative, a fiscal hawk, and this will be borne by the lobbyist that makes tens or hundreds of thousands of dollars trying to convince the Board to vote one way or another.

Commissioner Barfield stated he would like to ask the County Attorney a question; he reads this ordinance as being strictly for unincorporated County and does not include the constitutional officers, charter officers, it does not include any cities, it is only unincorporated areas of the County.

Scott Knox, County Attorney, replied it is only for the County Commission and County employees.

Commissioner Barfield stated he shares Commissioner Pritchett's concerns about layers of government; he has not seen the problems and has been on the Board for two years; he has not seen issues with lobbying; he thinks about how things operate so the Board can do its job; one of those is during Planning and Zoning meetings the Board members declare at that time who they have talked to in every case that comes up; and it is important the Board get the information to know both sides of the story because five minutes does not really give a lot to go on. He added the information needs to be known so each Board Member can do their own research and he does not want to hinder that in any way possible; there are lawyers who represent their clients, or engineers who represent their clients, that provide the Board with information; this is not real clear to him and he is concerned the Board is going down a path that is not clear; it has to be hashed out on how this would work, who would be affected, and who will not; and he provided an example where his District has walk-ins, an open-house twice a month for two or three hours where anybody can talk to him about whatever they want, it is free interchange. He went on to say he is concerned this would limit what he can do as far as speaking with the public; and he is not comfortable with it yet.

Chairman Smith pointed out Commissioner Tobia had said Florida ranked so low on so many different viewpoints and opinions; and he asked Commissioner Tobia if he knew what the criterion was for those rankings.

Commissioner Tobia replied he has all of them.

Chairman Smith stated he is just curious what makes Florida so bad; he is from New Jersey and he knows what crooked people do up there; he spent a lot of time near Atlantic City and Atlantic County; probably three out of the past six mayors went to jail; and the State had to take over the County because it was so crooked.

January 10, 2017

Commissioner Tobia asked if he wanted some of the criterion that was used.

Chairman Smith replied he just wanted to know if he had it handy and he could give it to him later.

Commissioner Tobia stated it centers on the basis for each one, the only commonality was elected officials that had been found guilty and spent time behind bars, as overpopulation and Florida is a big state.

Chairman Smith asked if he was saying Florida is the Wild West.

Commissioner Tobia replied at least they punish the bad actors; Broward County had three elected officials go at once recently; unfortunately this is a dark cloud and sunshine is never comfortable knowing everyone knows exactly what is being done at any given time; but it is fundamental for this government that citizens have the exact same access it does. He continued they are the folks who worked so darn hard so the Board gets paid; and he wants anyone who sits at home or the media to be able to say who had met with lobbyist, who received money, and how someone voted or if their vote could be purchased; it should not be just during campaign season, sunshine should be throughout the entire tenure as County Commissioners; and he does not disagree with the many opinions that have been brought up. He added County staff has worked extremely hard, his staff has worked extremely hard, he has gone over this many, many times personally and this is a far better document than it was; it has a long way to go; he sent this out five days ago because he wanted input and for everyone to be prepared; and clearly the Board read through the ordinance and brought up some very good points. He went on to say if this continues it is his hope to integrate those points; his intent was not to limit anyone's discourse; his office is open five days a week and folks are welcomed to come in; he does not want to limit anyone's access; and he thinks this ordinance will do the exact opposite and encourage people to come and speak with their Commissioner.

Chairman Smith asked why he thought somebody would be inhibited now without the rule and be encouraged to come later with the rule.

Commissioner Tobia stated assuming there is a 24-hour window put on this, he is willing to shorten or extend it; he explained a citizen goes on and finds out four lobbyist met with him over the last two and a half days to discuss issues with the train running through a neighborhood one way or another, they see this lobby organization has had his ear and they are strongly opposed to it.

Chairman Smith asked how they are going to know this.

Commissioner Tobia replied anyone can bring up the database purchased from Fort Lauderdale, which will allow them to search; when the public speaks they have an advantage because the lobbyist really does not know how many citizens have spoken with the Commissioners; citizens do not have to disclose it; and he thinks this would encourage participation and shed some light on not only what happens in the Commissioners offices but outside of the office as well. He went on to say this would seek to add a little more insight into the inner workings of government.

Chairman Smith asked if a registered lobbyist has a son who plays baseball with one of the Commissioners sons and he wants to have lunch with the Commissioner what would the public think about that.

Commissioner Tobia stated if they are not discussing any of their principles or business then it is fine, just as if he ran into another Commissioner while shopping at Publix and spoke to one

January 10, 2017

another about each other's families, it has nothing to do with County business and they are free to discuss that without violating Sunshine Laws; those are bounds the Board currently lives in; and this just provides more access for the public to know what is going on specifically with lobbying. He continued the \$250 is located in the resolution; the reason he came up with the \$250 was because there was an estimated 20 lobbyist, charge \$250 which is \$5,000 a year for two years; he has no problem with this being \$100 and this being paid in five or six years, the point is he wants full and utter disclosure when it comes to paid individuals who try to convince the Board's vote; he does not believe that should be only six months prior to an election, it needs to be while the Board is voting.

Chairman Smith asked if Commissioner Tobia's opinion is if this requirement were in place if it would have prevented BlueWare from occurring.

Commissioner Tobia replied he thinks if the Economic Development Commission (EDC) was not here it would have prevented BlueWare from happening.

Chairman Smith stated that may be, but it was not the question he asked.

Commissioner Tobia stated assuming those actors would have followed this ordinance, but looking at the names of those actors he does not believe they would have followed the ordinance; at least there are some teeth to this, so had they not gone above and beyond in potential bribery, then their feet could have been held to the fire; he has worked with the *Florida TODAY* quite a bit on this to help draft it because he understands many citizens do not spend a great deal of time on the County's website, but the media does and they provide a very important function of disseminating information; he has taken many of the suggestions he received from *Florida TODAY* that would help them do their job even better and incorporated it into this piece; and he thinks it would have brought more sunshine into what happened in Brevard County.

Chairman Smith stated he too is for smaller government and less bureaucracy; he thinks the purpose of elected officials is for them to have discourse for give and take to their clientele; he believes if the Board creates something that causes a lot of questions from the clientele and its constituents it may be hampering that; and while he does not disagree with the premise, he is having a problem with all the details. He continued he had his staff look this up, as he was curious having people call on both sides; elected officials cannot win because there are people on both sides, but it goes with the territory; he asked one person how many of the counties have adopted a regulation like this and he was told every single one; he received a report from this gentlemen, because he wanted to see it in writing, and it said all 67 Florida counties have adopted this; Brevard County has not adopted this, therefore, the report is fictitious; his staff looked up Wesley Hunt's report which is an overview of Florida and other U.S. municipal lobbying codes from the Jacksonville Office of Ethics and Compliance Oversight; of the Florida Counties with a population over 100,000 which Brevard is one of, 14 do and 17 do not; and when reviewing the entire 67 counties, 14 do and 53 do not. He added when he looked at the counties themselves, interestingly enough, Miami-Dade, Broward, Palm Beach, Hillsborough, Orange, Lee, Duvall, and Manatee County are heavily Democratic; he wonders why the Republicans, the conservative counties, are not endorsing this; and he thinks those counties are questioning whether another layer of government is needed and whether more money is needed to fix a problem that does not exist. He went on to say he has not seen in his two years as a Commissioner, bad people trying to negatively influence him or offering him bribes; he is not saying it does not happen somewhere, but he does not see it here; and if it did, there are things in place to prevent it. He noted they can be reported to the County Attorney; there is a log of every single person that comes into his office, so if anyone wants to know who has been visiting him, it is readily available; and he believes the same occurs with the other

January 10, 2017

Commissioners. He stated he is not totally against this, but he is not for it at this point in time either.

Commissioner Isnardi stated she hates to throw the baby out with the bathwater because she likes this ordinance; beside from the fact although there may not be things that anyone on the Board has done, there are always rumors about different people who are offered things; maybe those people feel like they cannot approach a Board Member because of it; she thinks it helps build the public trust; and that was one of her missions in Palm Bay and why she fought so hard for a transparent budget because she wanted the public to have access. She added anyone who knows her knows, and it has been brought up, she knows Commissioner Tobia was not accusing anybody, but when she ran for office she served two terms on Palm Bay City Council and she was proud of the fact, no matter who donated \$100 or \$500 to her campaign, knew her vote could not be bought; she thinks it is a pretty sad day if someone would sell their principles or who they are for a \$200 campaign check especially if more than \$50,000 had been raised; she would love to get behind something that demonstrates to the public, the Board is transparent; and it does work in other counties. She went on to say she thinks the ordinance does need some work; she wants to ensure the citizens are protected; she wants to ensure this just applies to paid lobbyists or paid consultants whose sole purpose is lobbying; and she thinks what the Board needs to do is to scale it down. She continued as far as cost to government, the simple budget searchable database that can be searched by position and title does not cost the city any more money, in fact once it all goes together, it is just part of one's daily duties to make sure IT has access to the current finances; she asked what one little searchable registration section would really cost; she thinks the fees will take care of that in short order; and she would hate to see the Board throw this out because it sounds cumbersome. She reiterated she thinks this is great, but 15 pages is a little excessive; legally the Board could try to trim it down some, although the County Attorney may not agree, but the ordinance is difficult to follow; and she would be proud to support this ordinance if it is cleaned up.

Commissioner Pritchett stated her staff also researched similar ordinances and they found they are all directly related to a problem that had happened except Volusia County; they have not discovered why Volusia County added an ordinance into their books; something she would be willing to do on a Commission level is to place all her meetings online with who she is meeting with; everything she does is pretty much in the open; and her concern is making people have to pay \$250 to register to have a conversation with her in a specific category. She added the one thing that caught her attention is the words primary function, and that helps change the concept to her and is going to take a lot of work to get it to where it is a primary function of a lobbyist; and if someone really is a lobbyist they are probably already used to these types of things from the State level. She continued the Board already has Quasi-Judicial where it has to expose everything being talked about and to whom, so it is out in the open; she is trying to figure out what the ordinance is trying to accomplish; she knows there were some problems going on and maybe she just needs a little more revelation to figure it out; however, she is just not ready to impose this on her constituents right now, because she does not see where it would be more of a benefit. She went on to say she is going to be a little slower moving into adding one more layer of government, unless something happens to change her mind; and she is not ready to support this tonight, but maybe down the road.

Commissioner Barfield stated BlueWare would not have been covered by this because the Clerk of the Court is a constitutional office; the Board's calendars and emails are already open to the public; all the meetings and anything scheduled, even private doctors' appointments are available on that calendar; and he believes there needs to be more work on the ordinance. He continued how the Board goes about it is another thing; and he is not ready to vote for it the way it is right now.

Chairman Smith asked what the revisions would be.

January 10, 2017

Commissioner Isnardi stated the main revision was the primary function of the individual that would have to register would be as a lobbyist; she knows it is fifteen pages; and she stated Commissioner Tobia could advertise the ordinance; and she believes there can be modifications as long as it is not staggering enough to make it before the actual public hearing, because it does not change the intent. She asked County Attorney if she was correct in her statement.

Attorney Knox stated the title could be advertised as it exists; and the ordinance can be pared down.

Commissioner Isnardi stated she would like that and she thinks the section stating what it does not include should be made clearer.

The Board denied permission to advertise public hearing on January 24, 2017, for ordinance relating to lobbyist registration.

RESULT:	DEFEATED [2 TO 3]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	John Tobia, Kristine Isnardi
NAYS:	Rita Pritchett, Jim Barfield, Curt Smith

ITEM VIII.A., REPORT, RE: STOCKTON WHITTEN, COUNTY MANAGER

Stockton Whitten, County Manager, noted today is the last County Commissioner meeting for Jack Masson as a County staffer; he is retiring on Friday January 13, 2017, after 46 or 47 years with the County; and he wishes him well. He mentioned there will be a retirement celebration on Friday at 2:00 p.m. in the Space Coast room.

ITEM VIII.D., REPORT, RE JOHN TOBIA, DISTRICT 3 COMMISSIONER

Commissioner Tobia expressed his appreciation for the good discussion; however he does disagree with the ultimate outcome; he stated he feels it is a start of a healthy debate because he has quite a bit more ethics with the Board; he does not think that the citizens who take time out of their busy schedules to come and hear what is going on, should see Board Members texting, whether texting lobbyists, or setting up dinner plans; and he feels after leaving the Board, as elected officials, their term of a lobbying ban should be extended. He continued he thinks that more trust should be built, as some trust has recently been lost; he likes that it is on record that many of his fellow Commissioners do not like all the levels of government, which he shares in; he looks forward to bringing forward some stuff on CRA's because that is an added level of government that he wants torn down; it seems as though there is some support of levels of government decreasing; the Tourist Development Council (TDC) and the Economic Development Commission (EDC) are just more levels of government that need to be torn down; and he does not take this as defeat, he takes it as good sign, while the Board moves forward to making government smaller. He thanked the Board for doing its due diligence in going through the ordinance. He added he feels it is incumbent upon the Board to have these discussions and he looks forward to continuing them; he expressed his appreciation to his staff and the County Attorney for diligently crafting the ordinance; and he expressed his desire to keep this around for future Commissioners to have something to start forward when they take public integrity and sunshine seriously for the Brevard County Commission.

January 10, 2017

ITEM VIII.E., REPORT, RE: KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER

Commissioner Isnardi commented that she too is disappointed that the lobbyist registration did not come through; she thinks there were some things that could have been worked through; and her having been one that supported the ordinance, she will never be able to bring it back, however, the Commissioners who voted against it, would be able to bring it back.

Scott Knox, County Attorney, stated at future meetings she could move rescind it, if there are three votes to do so.

Commissioner Isnardi stated she feels any effort to create transparency is not a layer of government as much as it is helping promote private public trust; everyone should strive in that direction; she looks forward to making the budget a transparent process as well because she would like the citizens to be able to search a database; and she thinks that can be done with little to no expense as well.

ITEM VIII.F., REPORT, RE: RITA PRITCHETT, DISTRICT 1 COMMISSIONER/VICE CHAIRWOMAN

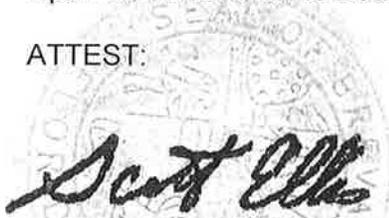
Commissioner Pritchett expressed her appreciation for the debate; she knows not everyone agrees with her all the time; a good debate brings good conclusions and helps move forward; that is why there are five Board members and not just one; and she looks forward to the future and moving forward, as she does believe the Board is moving towards a transparent government with the best bang for the buck. She continued there is always a cost for the things it is trying to do and the goal is to get the best of things done for the lowest cost.

ITEM VIII.G., REPORT, RE: CURT SMITH, DISTRICT 4 COMMISSIONER/CHAIRMAN

Chairman Smith stated he too supports transparency, it is extremely important to have public trust; he does not see a problem that this solution fixes; it would not have fixed BlueWare and in his two years he has not seen a reason that this would be needed; and if he thought for an instance that the Board needed to tighten up government so that a problem like BlueWare could be prevented, he would have helped lead the charge. He added that is not to say that he cannot be persuaded down the road, but at this point in time he did not feel as though this ordinance solved a problem. He went on to say, moving on to more pleasant subjects, on Saturday March 11, the 23rd Brevard Annual Cooking from the Heart will be held and sponsored by the Big Brothers and Sisters of Central Florida from 6:00 p.m.-10:00 p.m. at Melbourne Auditorium; the tickets are \$50 each; he would like to challenge his fellow Commissioners to take part in this; he has already agreed to do it; he is cooking that night with outside support from his daughter; and he commented this is a for a great cause.

Upon consensus of the Board, the meeting adjourned at 7:27 p.m.

ATTEST:

A circular official seal of the Board of County Commissioners, Brevard County, Florida, is visible in the background. The seal features the text "SEAL OF THE BOARD OF COUNTY COMMISSIONERS, BREVARD COUNTY, FLORIDA" around the perimeter. In the center, there is a smaller seal with the text "BREVARD COUNTY, FLORIDA". Overlaid on this seal is the handwritten signature of Scott Ellis.

SCOTT ELLIS, CLERK

A handwritten signature of Curt Smith in black ink.

CURT SMITH, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Approved by Board 2/7/17

Kimberly Powell

From: Kimberly Powell
Sent: Friday, January 27, 2017 11:58 AM
To: 'Scott.Knox@brevardcounty.us'; 'Lewis, Sally A'
Subject: 01-10-2017 Minutes approval
Attachments: 01-10-2017 Regular.doc

Attached are the minutes from January 10, 2017, which will be considered by the Board on February 7.

Have a great day.

Kimberly Powell
Recording Secretary
Clerk to the Board
(321) 637-2001
Kimberly.powell@brevardclerk.us

