

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, September 8, 2020

5:30 PM

1st Budget Hearing

Commission Chambers

A. CALL TO ORDER 5:30 PM

Present: Commissioner District 1 Rita Pritchett, Commissioner District 2 Bryan Lober, Commissioner District 3 John Tobia, Commissioner District 4 Curt Smith, and Commissioner District 5 Kristine Isnardi

Chair Lober stated he understood that Commissioner Smith was on the telephone and asked if that was correct.

Commissioner Smith replied that was correct.

Chair Lober asked Eden Bentley, County Attorney, if she needed to go over any questions with Commissioner Smith.

Attorney Bentley responded not tonight because it is Legislative, not Quasi-judicial.

Chair Lober stated he noticed on the Agenda that speakers shall have five minutes for Quasi-judicial proceedings; he asked Attorney Bentley, with respect to this, if all of the Items on the Agenda were considered Quasi-judicial.

Attorney Bentley replied no; she stated they are Legislative, and three minutes are given for Legislative.

C. PLEDGE OF ALLEGIANCE: Commissioner John Tobia

Commissioner Tobia led the assembly in the Pledge of Allegiance.

D. PUBLIC HEARINGS

D.1. Announcement of the Percentage Change in the FY 2020-2021 Aggregate Tentative Millage from the Aggregate Rolled Back Rate

Chair Lober called for Public Hearing to announce the percentage change in the Fiscal Year 2020-2021 aggregate tentative millage rolled back rate.

Frank Abbate, County Manager advised Item D.1. allows for the reading of the tentative aggregate operating millage rate to fund the portion of the Fiscal Year 2020-2021 budget that is supported by property taxes; and he asked the Budget Office to read into the record the tentative aggregate millage rate for Fiscal Year 2020-2021.

Jill Hayes, Budget Office Director, stated the aggregate tentative millage rate for Fiscal Year 2020-2021 budget is 5.6404; the tentative aggregate millage rate represents a 1.35 percent decrease when compared to the aggregate rollback rate of 5.7176; the tentative aggregate millage rate represents a 3.5 percent reduction when compared to the aggregate current Fiscal Year 2019-2020 millage rate of 5.8447.

There being no further comments or objections, the Board acknowledged the Budget Office reading into the record the percentage by which the aggregate millage that is necessary to fund the tentative budget for Fiscal Year 2020-2021 is changed from aggregate rolled back rate of 5.7176 mills, aggregate tentative rate of 5.6404 mills, and percentage change of 1.35 percent, including voted millages, and the tentative rate represents a 3.50 percent reduction from the current Fiscal Year aggregate rate of 5.8447.

D.2. Public Comment, Re: Revised Tentative County Budget for FY 2020-2021

Chair Lober called for a Public Hearing to hear public comment regarding the revised tentative County budget for Fiscal Year 2020-2021.

Frank Abbate, County Manager, stated this Item calls for public comment on the revised tentative County Budget for Fiscal Year 2020-2021; and before beginning public comment, he asked the Budget Office to read into the record the revised tentative budget information.

Jill Hayes, Budget Office Director, stated the Fiscal Year 2020-2021 tentative budget is \$1,485,676,587; and the budget represents a decrease of \$84,720,385 or 5.39 percent less than the Fiscal Year 2019-2020 current budget of \$1,570,396,972.

Mr. Abbate advised the Chair it is now ready to accept public comments on the revised tentative budget for Fiscal Year 2020-2021.

Charles Tovey stated he was surprised at this meeting as he thought it would be a regular one; he had some things that he would like to address immediately, not on the budget; first he does not endorse or condone any harm or physical aggression towards anyone and he thinks people should not only protect the children, but the elderly and the handicapped as well; if the sign is legalized, maybe it could have it in different levels depending on severity, a yellow, an orange, and then a red with skull and crossbones; and if it is legal, he does not have a problem with it if it is legal, other than it would be an additional sentence. He went on to say, going with the dune line erosion, and that is what he wanted to speak on the last time he was there; when going to the beach, the sand is seen, and this is partly to do with the budget, because the County spends money on it, but half of it is washed away; because of the storms, there are levels of walls that deter beach-goers who have to climb over or down to get to the ocean; most of the sand is washed away but, in turn, it is half way through the turtle season and the turtles migrate to this area to lay their eggs and when they get to the dune line, they are faced with the walls of sand that they cannot climb over because they are steep; and they lay their eggs closer to the shore and the waves wash the eggs away. He added that is part of the problem, as well as for the beach-goers, not being able to climb over; there is a three foot section, and then 20 yards away another three to five foot section to climb over, which he does not think the turtles are able to do; he wanted to speak about the Lagoon; he said he is almost finished and once he addresses, he hopes the Board will give it plenty of attention; he does not mean any sarcastic remarks to the Board or to the County; he said to excuse him for his ego and he thanked the Board for listening to him and for putting up with him in Public Comments; and he hoped everybody is safe during the COVID virus and working the budget out.

Jacob Gelman stated he could start off this speech with a metaphor or quote, a phrase, or appeal to common value, yet, he feels doing this would allow the Board to dampen the seriousness of his words; he will say from the beginning the veracity and anger from which he came to speak, the budget it considers today is a gross and undemocratic overage of governmental authority that borders on tyranny; in a time when the County faces the impacts of a national recession, pandemic, and civil rights movement, the budget decided on today is important now more than ever, yet, the plan proposed today shows a gross negligence of County values that prioritize the plea of a mismanaged and unaccountable Sheriff over the will of the people; the County is predicted to lose \$40 million in tax revenue, and yet the Board votes to allocate additional money to the Sheriff's Office including spending \$750,000 for new doors at the jail; and at the same time, cutting the Public Works Department budget by 27 percent, Tourism Development by 28 percent, and perhaps most disgustingly, cutting the budget for the Supervisor of Elections by 15 percent. He went on to say the same year as a pandemic when most poll workers are old and unlikely to volunteer during one of the most divisive elections in American history, when more people will vote than ever before; he asked

how can the Board prove to him that this is worth maintaining the Sheriff's budget; he asked how can the Board prove to him the value of its decisions when he does not even know what the Sheriff's Office spends their money on; when someone has consistently taken away any oversight, when they received the most money, yet the least amount of scrutiny; and the County is struggling; teachers do not have enough resources to keep their students safe. He added schools do not have enough resources to keep their students safe; people are struggling financially and they cannot afford rent and are living paycheck to paycheck; there are those struggling with health care and housing security; those working to keep this Country safe and watching to keep this County safe and watch it do nothing for them, yet, there are new cop cars, jail doors, and tasers are more important; keep fishing for fugitives as a better allocation of resources than keeping kids from becoming fugitives through quality education and resources; and indeed, it is possible that the Sheriff's Office needs this money. He further added that in the end, it is better than the protection of our democracy, clean drinking water, or public transportation; perhaps voting is less important than new doors at the jail, yet, if this were true, the budget would be available, knowing that those actions taken in the dark are rarely of good nature; for the Board to vote for this budget without first requiring a line item budget from the Sheriff's Office is more than negligent, it is outright tyrannical; it is for the Board to lose any sense of values, instill any sense of democracy from the people, to give blind faith to a man, as if he is the messiah; and it is to be the pinnacle of a politician in America, lose any morals or values simply to do what is popular, simply for reelection. He asked for what, so it can continue selling out those who elected it, being a servant to a man who used this Commission year-in and year-out; he implored the Board to require a line item budget, to require transparency and governance, and to allow the people to know the workings of their government; any less paints the Sheriff as our tyrant and the Board as his puppet; and he said to do better for the people and for itself.

Chair Lober stated with respect to that, the Sheriff is up for election; there are two choices that are available; if the electorate chooses one of those choices, he thinks the electorate will have spoken; he plans to support whoever is in that office but the public has a choice; and if the public chooses to continue with Sheriff Ivey, he is going to continue to support him.

Krishna Tewatia stated he is present today in firm affirmation with his friend Jacob; right now, as a County, and as a Country, he stands there in damage control; right now, the Coronavirus pandemic, because of past mistakes, has already gone way out of hand, and therefore, Brevard must use the CARES Act funding the best possible way; right now, the Sheriff's Office has been given \$177,000 from the CARES Act, although it has already been proven that, first of all, it is impossible at this point for Brevard County Sheriff's Office (BCSO) to cause any real improvement towards the Coronavirus pandemic, and at the same time, this means that this CARES Act funding, which is meant to help protect the people, has not been used for such purpose; along with that, the Supervisor of Elections has also seen a \$942,000 decrease in its budget; and right now, in a pandemic, right now when voting matters. He continued to say if the County is to really believe that the decision between Alton Edmond and Sheriff Ivey is to be legitimate, it needs to make sure that things like the Supervisor of Elections, are kept legitimate institutions, so that people will be able to vote; right now, the people's choice is the most important choice as Chair Lober has agreed to; along with that, even if Alton Edmund or Sheriff Ivey were to be elected, it is still an issue of transparency in democracy; he still believes that a line item budget is necessary, simply because accountability will lead to efficiency; right now, people do not know how the Sheriff, whether it be Alton Edmond or Sheriff Ivey, how they are going to use their money and exactly how they are going to use it; and right now, in a democracy, he feels that people have the right to know how the money is being used if they are going to spend their taxpayer dollars on it and given the right to vote. He asked what purpose does the right to vote have if people do not know what they are voting on; right now, as elected officials, and as the Sheriff's Office is also an elected office, they are due respect do to the voting process, however, that respect is derived from a source of legitimacy if things like the

Supervisor of Elections are not given legitimacy, if they are having money taken away from them, people cannot necessarily believe as the people that there are legitimate decisions being made; right now, people have to ask what they value as a Country, and as a County; people have to show BCSO that people are not going to bend to their will and instead people will value the elections; people wanting their rights should not be considered radical; and if one really believes in the Sheriff, then why should they be afraid to see what BCSO is doing and to have transparency, if anything, people should want to know what BCSO is doing in order to better trust them; and he thinks the County has a responsibility to allocate its money better, not for BCSO, but things like the Supervisor of Elections in order to protect people's rights and towards pragmatic value such as this.

Chair Lober stated he has not heard from the Supervisor of Election's office that they have any concerns over the proposed budget, and he inquired of Jill Hayes, Budget Office Director, if she has.

Ms. Hayes replied no, what they requested of the Board is actually what is in the proposed and in the tentative budget; a lot of the cost associated with the election occur in the Fiscal Year prior to the general election; and they did receive a large bump in this Fiscal Year for the costs associated with ballots, poll workers, and those types of things.

Chair Lober asked if there would be any potential truth to an assertion that the Board has taken money away from the Supervisor of Elections in order to support the Sheriff.

Ms. Hayes replied the tentative budget that the Board will be voting on tonight is what they requested for their budget.

Commissioner Pritchett stated the constitutional offices turn their budgets in to the Board and it is approved, if the Board were not to approve it, an appeal would be made and it would get approved anyway; it is mandated along with other things the Board has to do and it could say no to certain budgets; and it could be taken up higher and there is a 99 percent chance it would be approved.

Ms. Hayes stated Florida Statutes do establish guidelines for how the Charter offices submit their budgets and there is an appeal process.

Commissioner Pritchett stated the Board really does not have jurisdiction over them, as they are Constitutional and they are elected officials; and, like Chair Lober stated, for the public to change what is done at election time with their votes.

Richard Heffelfinger stated this is a lot easier than the previous speakers; he had a written statement and he read aloud "My name is Richard Heffelfinger and I am a constituent of District 1; I came before the Board on 9/3/2020, and I asked to speak in more detail with the Board concerning Waste Management issues that impact not only me but all unincorporated residents of Brevard. I believe I have some good ideas and I would like the opportunity to be heard. I am before you again tonight to request that the Board convene another Special Meeting on this topic. This meeting would act as an opportunity to follow-up discussions that occurred during the special meeting conducted on 7/30/2020, that addressed Waste Management collection. I sent an email to my Commissioner, Rita Pritchett today informing her that I would be asking the Board tonight to hold another Special Meeting and that I would appreciate it if she would propose having another special meeting and asking for a vote from the Board."

Commissioner Pritchett mentioned she followed up with an email to him and asked that he get with the Board individually to hear what he has and it can make a decision on the advantages of that later.

Chair Lober stated he has never been opposed to having a meeting called, so anyone who wants to have a meeting.

Commissioner Pritchett replied she thinks to meet individually to see if the Board would be ready for that step with recommendations; she stated she gets recommendations often and she would love to hear his; and she suggested Mr. Heffelfinger call her office and they can sit down and hear what he has.

Chair Lober stated if there is a meaningful alternative, he has not heard it yet; and he would be happy to meet with him to discuss it.

The Board accepted public comments concerning the proposed budget and tentative millage rates for the County's 2020-2021 Fiscal Year, including Charter Officers and Dependent Special Districts.

D.3. Adoption of FY 2020-2021 Tentative Millages

Chair Lober called for a public hearing for adoption of Fiscal Year 2020-2021 tentative millages.

Frank Abbate, County Manager, stated for this Item, it is recommended that the Board discuss and tentatively adopt the Fiscal Year 2020-2021 millage rates; any change to the millage rates under this Item will be recomputed by the Budget Office and announced under Item D.4.; and if there are no changes there would need to be a vote of the Board.

Commissioner Pritchett made a motion to approve the tentative millages.

Commissioner Tobia stated on July 7, 2020, this Board approved giving the Fire Fighters Union the equivalent of 2.38 percent raise; it is clear this Board has an unjustifiable affinity for liberal labor unions; he has a grounded appreciation for the County employees who decide to let their work ethic and dedication dictate their compensation, not a union card; he would like to initiate a "me too" clause where County employees receive the same benefit as the International Association of Fire Fighters (IAFF) employees and this would mean two things, the two percent holdback to put forth as well as an additional .38 percent; and he said to recall this Board just allocated \$500,000 of General Fund for employees that are not ours. He further stated the .38 percent represents a fraction of that amount, about \$370,000 of which \$78,000, less than 20 percent, would come from General Fund dollars; this would not trigger a tax increase or require the County to bust the cap; all he is asking is that it treat the people who work for the County, no better or no worse than the IAFF employees; and after discussion, he would like to make a motion for staff to implement a Cost of Living Adjustment (COLA) of 2.38 percent in the Fiscal Year 2021 budget.

Chair Lober stated he had a couple of questions; he appreciates some of what Commissioner Tobia mentioned but he has to differ with his interpretation that the County is supporting liberal labor unions instead of simply prioritizing public safety as many of the Board, at least he mentioned he intended to do prior to running an election; he would love to do more for all of the County's employees but the question always comes down to where the money comes from; and he asked Commissioner Tobia where the money would come from.

Commissioner Tobia stated he would address the notion that they are not liberal; he would go back to a couple of tweets from the President of the United States, who is a republican, and he read aloud "I never give the support crazy dues, crazy union leadership, those people who rip-off members with their ridiculously high dues, medical, and other expenses, and being paid a fortune.", and another one "I've done more for fire fighters than these due-sucking unions will

ever do, and I get paid zero.”; that comes from the President who is republican, and outlines the issues there; this would come from various Municipal Service Taxation Units (MSTU), which there is a buffer, as well as about \$78,000 that would come from the General Fund; and he is asking for less than 20 that the Board just handed another constitutional office of which the Board had zero liability for; and yet, all the people here that work hard, he thinks deserve the compensation.

Chair Lober stated he has a few concerns; he likes the idea in theory, but the Board giving \$500,000 to the Clerk of Court, which incidentally, he did not vote on that Item, there is not an apples to apples comparison of what those workers were making prior to the money being allocated to the Clerk; as he understands it, roughly half was distributed for folks that were furloughed and making zero dollars for six weeks; he does not think there is anyone under the County umbrella remotely close to a comparable position; of the other folks there, with maybe some exceptions, had a minimum of a 20 percent salary decrease for six weeks; and he does not know that anyone in the County umbrella has experienced that. He added he also does not know that the starting wage at the Clerk's Office was equivalent to what the County has, more, less, or the same; and to say that the Board has given the Clerk \$500,000 so why doesn't it give the County employees \$500,000, maybe, it just depends where they started and where the County folks started and whether they are comparable.

Commissioner Tobia stated maybe those would have been good questions to ask prior to allocating the \$500,000; whether there had been an increase over the previous years; he voted against it because those were not County employees; the fact that \$500,000 came from the taxpayers and could be used for County employees, he thinks is short-sided; and he is asking for less than 20 percent of that money coming out of the General Fund.

Chair Lober stated he does not have any qualms with respect to the \$78,000 coming from the General Fund to the extent that it makes some meaningful difference if that is what Commissioner Tobia wants; but to say to use various MSTU's, he is curious as to which MSTU's, and what the opportunity cost would be associated with each of those that have to be adjusted and the amount that each would have to be adjusted; he is open to considering it; and he would rather focus on that than whether labor unions are liberal or somewhat liberal and whether there is a union or not. He added he would rather make sure the employees are treated right, irrespective of whether they are unionized; the big concern is where the money is going to come from; and he asked Commissioner Tobia which MSTU's he was talking about, how much from each, and what needs to be defunded in order to make it happen.

Commissioner Tobia stated he would punt that over to Jill Hayes, Budget Office Director; and he was more concerned with not having to raise the MSTU above the cap than exactly what the amount would be;

Ms. Hayes responded as a reminder, the two percent COLA was included in the proposed and tentative budget but the recommendation was to hold off on implementing it until more was known about the revenues and losses; when looking at an additional .38 percent the MSTU's were mentioned but there is also the Enterprise Fund such as Solid Waste and Utility Services; she does not have with her a breakout on the MSTU's; and she has an estimated based on department but she can answer questions about department-specific increases.

Chair Lober stated that Commissioner Tobia would need to give a little more information, as he is still not getting a full picture on what kind of an impact this would have; but he does not have enough of an idea in terms of how this would affect things on the ground.

Frank Abbate, County Manager, stated he could address that; the County would not be looking to change any one of the millages or any level of the services; throughout the organization, it

averages about 200 vacancies at any time, with 2,300 employees; and if the Board chose to do that, that funding will be distributed throughout the organization and all the various departments and all of the various revenue streams that come in would be made up without changing the millages, the user fees, et cetera, that are out there; it would be done through vacancies or the departments would have to see what other; and there may be a few instances, especially in smaller departments, where there are no vacancies, and that would be the areas where, on the General Fund side, that would be the \$78,000 the County would have to allocate. He continued to say if the Board chose to do this as, the good news would be that the County has been doing somewhat better in the revenue collections for general sales tax, et cetera, which makes up the General Fund revenues; the County is okay, at least for the couple of months since the budget development in May; and with what was anticipated the revenue shortfalls to be, that it could cover it if the Board chooses.

Chair Lober stated he is interested in doing this, and the big question he keeps coming back to is what impact this would have on the County; he does not want to support something just because it sounds great and find out there were unintended consequences that would put one or more departments, or employees, in a horrible position; and he asked if there was anything Mr. Abbate could think of that would be problematic.

Mr. Abbate replied none other than what he has indicated in the smaller departments; and he stated in those cases, those funds from the general fund side would have to be allocated if it did any additional dollars, and that would be a portion of the \$78,000 that is available in the budget overall.

Commissioner Pritchett inquired why the IAFF got a 2.38 percent.

Mr. Abbate replied that is their equivalent to their step increase which is their annual increase that they receive; they negotiate in collective bargaining; what is not included is the separate increase in the contract and in October there is additional funding that was available last year that the fire fighters did not receive, because that money was part of the negotiation process and the Board recently approved the contract for October that included those dollars; to answer her question, that 2.38 percent is the equivalent of the average increase that the fire fighters received as part of the step increase and/or longevity payments they get under the collective bargaining agreement.

Commissioner Pritchett stated he did those negotiations; she remembers when that began, the Board wanted to make sure it stayed flat until it got to the end of this cycle to figure out where it ended with the budget; she asked Commissioner Tobia if she could call a break so she could ask questions; she has no clue where this lands financially, and she cannot support it unless she understands it; if the Board did that tonight, the final approval would be later, but she cannot do something she has not had time to look at; and she would almost rather back off the other increase to keep money in reserves. She went on to say she does not know, financially, where this lands and she has a lot of concern, and she cannot do it tonight if she does not have time to look at it.

Commissioner Tobia informed Commissioner Pritchett that it had no impact on any of the votes that the Board is about to take.

Commissioner Pritchett stated it is giving an increase to a small amount of people, and not everybody.

Commissioner Tobia remarked that is his point; that is why he brought it up, as a matter of equity; the Board is giving the IAFF about \$480,000; so IAFF is getting an increase and everyone else may get an increase later on, but right now is getting nothing; as an accountant,

he is sure Commissioner Pritchett understands that no increase means a loss as goods and services increase; all he is asking is that the non-union employees are kept on parity; and none of the numbers that Ms. Hayes is about to read will change if this is voted for.

Commissioner Pritchett stated she trusted him but just has to look at it and asked to call a break.

Commissioner Tobia remarked to understand that it just handed out \$500,000 to the Clerk of the Court, not County employees, in a quarter of the time that it has taken to explain to the very people that make these meetings run.

Commissioner Pritchett stated she agrees with him but she has to see the numbers, as that is what she is driven by; and she trusts him but he had time to look at this beforehand.

Commissioner Tobia remarked again \$78,000 of the \$1.4 million budget.

Commissioner Pritchett inquired where he was pulling it from.

Commissioner Tobia replied from the General Fund.

Commissioner Pritchett stated he had done this with her before over \$10,000, trying to figure out where the numbers were coming from; and she just wants to have a break so she can have a conversation.

Chair Lober stated he is happy to have a 10 or 15 minute recess in a few minutes; his concern is whether it is really comparing apples to apples; folks that are making zero dollars when furloughed, when the Board is obligated to pay for a certain portion of their budget, he cannot say that is comparing apples to apples; it does not mean his in not supporting what Commissioner Tobia is trying to do, at least in part, but his concern is whether it applies that to everyone or if only to folks that are making under a certain threshold or under the median for their line of work; he would rather help the folks that are making under \$50,000 per year, and he is amenable to adjusting that up or down a little, but if the total compensation is in excess of \$150,000 or \$175,000, he does not know that they really need to be making an extra .38 increase; and he does not know if that is going to result in anything for taxpayers. He added he is okay with it for the folks earning under the average for their line of work; but he does not know that he can get behind it for folks earning maybe \$200,000 after compensation

Commissioner Tobia stated he recalled a Board Report that came up two years ago from Commissioner Isnardi; the Board had given a 3.5 percent increase to County employees, and the Sheriff's Office only gave itself a three percent increase; in a Board Report, it gave the "me too" clause to the Sheriff's deputies even though that had already been negotiated; there was no talk like is going on now; and he is just asking that it treat its own employees the same as other employees.

Mr. Abbate stated the non-union employees that are being talked about, there is also a second union, the Laborers International Union (LIU) bargaining unit, and he wanted to make sure from Ms. Hayes that the numbers that have been discussed include that because there is a "me too" clause in the LIU agreement; and he knows that will be coming back to the Board in September for an extension of their contract.

Ms. Hayes stated those employees are included.

Commissioner Isnardi stated if she is hearing that the County can basically absorb the \$70,000 within the budget because about two percent has already been allocated for the potential

increase; she stated she would talk about it over the break as well to make sure she is not missing anything; she does not have a problem supporting it; she thinks it may have trouble trying to decide who would get the raise, as she does not want to penalize an employee because they make more money; she thinks everybody deserves it equally across the board; and that would be her position on it.

Chair Lober stated he would support it if there were some limits put in place; he does not view it as penalizing those who are making substantially more; he does think there are employees being underpaid, and also some employees that are not in that boat; he thinks if it focuses on the folks that truly need it, he would feel more comfortable about it; and not having the benefit of looking at this prior to the meeting, he does not feel comfortable extending it to literally everyone under the County umbrella. He added if Commissioner Tobia wanted to make it a little more broad than he mentioned, like maybe \$60,000, that would be fine, and then skip the average earning for their field; that would be a more workable number that he thinks could be done programmatically unless Ms. Hayes or Mr. Abbate identify some concern that it would not be feasible; and he would vote for it if it were proposed in that fashion.

Commissioner Pritchett stated she thinks if she has a few minutes with the County Manager to see if he has any unforeseen things; she will talk with him in private; and she mentioned he referred to "me too" clauses and it could mean other groups would want to do it too.

The Board recessed at 6:09 p.m. and reconvened at 6:25 p.m.

Commissioner Pritchett stated she would like to change her motion; the County Manager had a two percent increase for his staff in his report; she would like to make a motion to change that to 2.38 percent; and she made a motion to approve the rest of the tentative millages.

Chair Lober asked Commissioner Pritchett to explain what sold her on that motion, as he is in the same boat.

Commissioner Pritchett replied she ran some numbers with the County Manager; she thinks it will be responsible and everything will be looked at; and Commissioner Tobia was correct with everything he was talking about.

Chair Lober seconded her motion as amended and Called the Question.

Commissioner Smith stated he was enchanted with the idea; he does not know how Commissioner Tobia came up with it but he inquired whether it was a good idea or a great idea, it would have stood the test of time, and waited a week to do more research on it to see if it was something that the Board could handle; but if the Board is good with it, he will go along with it.

There being no further comments or objections, the Board discussed and tentatively adopted the FY2020-2021 Millage Rates; and changed the 2.00 percent Cost of Living Adjustment set-aside in the Fiscal Year 2020-2021 Tentative Budget to 2.38 percent.

Result: Adopted

Mover: Rita Pritchett

Seconded: Bryan Lober

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

D.4. Announcement of the Recomputed FY 2020-2021 Aggregate Tentative Millage

Chair Lober called for public hearing to announce the recomputed Fiscal Year 2020-2021 aggregate tentative millage.

Frank Abbate, County Manager, stated based on the approved changes in millage rates under Item D.3., he will ask the Budget Office to read into the record the revised aggregate millage rates.

Jill Hayes, Budget Office Director, stated the aggregate rolled back rate for the Fiscal Year 2020-2021 budget is 5.7176; the aggregate tentative millage rate for the Fiscal Year 2020-2021 budget is 5.6404; and the tentative aggregate millage rate is 1.35 percent less than the aggregate rolled back rate.

There being no further comments or objections, the Board acknowledged the announcement of the recomputed Fiscal Year 2020-2021 aggregate rolled back rate.

D.5. Resolution, Re: Adoption of the Stormwater Utility Resolution Ratifying, Confirming, and Certifying the Annual Stormwater Utility Special Assessment Rolls

Chair Lober called for a public hearing on a resolution ratifying, confirming, and certifying the annual Stormwater Utility Special Assessment rolls.

Frank Abbate, County Manager, stated they are now ready for the rate approval and adoption of specific program budgets; these actions are necessary in order to certify non-ad valorem assessment to the Tax Collector in accordance with the uniform method of collection under Florida Statutes, Section 917.3632.

Jill Hayes, Budget Office Director, stated Item D.5. requests the adoption of the Stormwater Utility resolution, ratifying, confirming, and certifying the annual Stormwater Utility Assessment rolls.

There being no further comments or objections, the Board adopted Resolution No. 20-098, ratifying, confirming, and certifying the Annual Stormwater Utility Special Assessment Rolls.

Result: Adopted

Mover: Rita Pritchett

Seconder: Bryan Lober

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

D.6. Resolutions, Re: Fire Assessment Rate Adjustment (CPI 1.81% in FY2020-21); and Board Ratification, Confirmation and Certification of the Annual Fire Services Non-Ad Valorem Assessment Roll

Chair Lober called for a public hearing on Fire Assessment Rate adjustment, and ratification, confirmation, and certification of the annual Fire Services non-ad valorem Assessment roll.

Jill Hayes, Budget Office director, stated Item D.6. requests adoption and the ratification, confirmation, and certification of the annual Fire Services non-ad valorem Special Assessment tax rolls.

There being no further comments or objections, the Board adopted Resolution No. 20-099,

adopting a Fire Assessment rate increase of 1.81 percent in FY 2020-2021, as approved by Resolution No. 18-079 on May 22, 2018; and adopted Resolution No. 20-100, ratifying, confirming, and certifying the non-ad valorem assessment roll, which has been updated to reflect the 1.81 percent rate adjustment.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

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

D.7. Resolution, Re: Adoption of a Schedule of Rates and Charges for Hazardous Materials Special Operations Team, Standby Response, Fire Prevention and Inspection Rates

Chair Lober called for a public hearing for a resolution adopting a schedule of rates and charges for Hazardous Materials Special Operations Team, Standby Response Rates, and the Fire Prevention and Inspection Rates for Fiscal Year beginning October 1, 2020.

Jill Hayes, Budget Office Director, stated this Item requests the adoption of the schedule of rates and charges for Hazardous Materials Special Operations Team, Standby Response, and Fire Prevention and Inspection rates.

There being no further comments or objections, the Board adopted Resolution No. 20-101, Annual Hazardous Material Special Operation Team Schedule of Rates, Standby Response Rates, and the Fire Prevention and Inspection Special Rates for the Fiscal Year beginning October 1, 2020.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

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

D.8. Public Hearing, Re: Adoption of Resolution Certifying Municipal Service Benefit Unit Assessment Roll to Tax Collector

Chair Lober called for a public hearing for adoption of a resolution certifying Municipal Service Benefit Unit Assessment roll to the Tax Collector, Countywide.

Jill Hayes, Budget Office Director, stated Item D.8. requests adoption of a resolution certifying the Municipal Services Benefit Unit Assessment Rolls to the Tax Collector.

There being no further comments or objections, the Board adopted Resolution No. 20-102, ratifying and certifying Municipal Service Benefit Unit (MSBU) Assessment Rolls to the Tax Collector.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

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

D.9. Adoption of Budgets for FY 2020-2021 for Certain Districts and Programs

Chair Lober called for public hearing to adopt budgets for Fiscal Year 2020-2021 for certain districts and programs.

Frank Abbate, County Manager, stated in accordance with the Brevard County Code of Ordinance, he requests the adoption of the Fiscal Year 2020-2021 budgets for the following agencies: Solid Waste Management, Stormwater Utility Department, Fire Services Non-ad valorem Assessment, and Melbourne-Tillman Water Control District.

There being no further comments or objections, the Board adopted Resolution No. 20-103, adopting the budgets of Solid Waste Management Department, Stormwater Utility, Fire Rescue Operations Assessment, and Melbourne-Tillman Water Control District.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

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

D.10. FY 2020-2021 Budget Resolution: Barefoot Bay Water and Sewer District

Chair Lober called for public hearing on Fiscal Year 2020-2021 Barefoot Bay Water and Sewer District budget.

Frank Abbate, County Manager, stated this Item request that the governing body of the Barefoot Bay Water and Sewer District approve a resolution adopting a budget for Fiscal Year 2020-2021.

There being no further comments or objections, the Board, as governing body of the Barefoot Bay Water and Sewer District, adopted Resolution No. 20-003, adopting the Barefoot Bay Water and Sewer District Fiscal Year 2020-2021 Budget.

Result: Adopted

Mover: John Tobia

Second: Bryan Lober

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

D.11. Tentative Approval of a Resolution Adopting the County's Budget for FY 2020-2021

Chair Lober called for public hearing for tentative approval of a resolution adopting the County's budget for Fiscal Year 2020-2021.

Frank Abbate, County Manager, stated based on the action taken under Agenda Item D.3., he would now ask the Budget Office read into the record the revised tentative budget for Fiscal Year 2020-2021.

Jill Hayes, Budget Office Director, stated the revised tentative budget for Fiscal Year 2020-2021 is \$1,485,676,587; and the budget represents a decrease of \$84,720,385 or 5.39 percent less than the Fiscal Year 2019-2020 current budget of \$1,570,396,972.

Mr. Abbate requested tentative approval of a resolution adopting the Fiscal Year 2020-2021 Brevard County budget.

There being no further comments or objections, the Board adopted Resolution No. 20-104, adopting the County's total budget for FY 2020-2021, as indicated in Agenda Item D.2., at a total of \$1,485,676,587, which includes County agencies of \$1,240,454,718, Charter Officers of

\$153,727,770, and Dependent Special Districts of \$91,494,099.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

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

E. BOARD REPORTS

6. Curt Smith, Commissioner District 4, Board Report

Commissioner Smith wanted to address the first speaker of the evening; he thinks the value of the Sheriff's Budget was explained by his very words; one of the primary purposes, as the Board knows, is to keep the public safe; the speaker acknowledged that these are very uncertain times and in good times and bad, it behooves the public to know that they can walk out of their homes and go about their daily business without fear; a good strong law enforcement agency, run by an extremely capable Sheriff is just that; and they are there to protect the people and they are doing a great job doing it.

Chair Lober stated there are two deputies present and he would give credit where credit is due, as they certainly deserve it.

4. Bryan Lober, Commissioner District 2, Board Report

Chair Lober stated he does not believe there is a need to declare a critical need this year to support the budget that has just been addressed; with that said, he mentioned in a prior meeting, that if necessary or beneficial he would not have a problem declaring a critical need, not to exceed the Charter cap this year, but to solidify any potential argument to inoculate the Board from a possibility of having a problem when it comes time for the Comptroller to issue a check; seeing as how the Comptroller is the same one the sued the County over this issue, prior to having it dismissed, he thinks this is a singularly unique year as far as the budget is concerned and it would behoove the Board, on a one-time basis, to fully acknowledge that the Board does not have to do this; and he does not want to have an issue with respect to there being a check not cut, or a check cut in a lower amount from the Comptroller's side to Brevard County Sheriff's Office (BCSO). He further stated he does not know where the Board is, but he asked that it at least consider, if this is something the Board wants to discuss individually with Jill Hayes, Budget Office Director, Eden Bentley, County Attorney, or Frank Abbate, County Manager, between now and September 15, he would encourage that being done; he is not asking to make a motion tonight, but thinks it is something that could be individually discussed; and his concern was, after the lawsuit was dismissed, that the Comptroller would find another plaintiff that did not have a standing issue, or alternatively if he could not find a way to finance a separate plaintiff that could get around the standing issue, he does not want there to be a fallback where he does not recognize the validity of the Board using last year's budget to set a baseline without a new finding of critical need. He added he wanted to stress that he does not think there is a legal obligation to do this, it just cuts out any potential argument this year that the same Comptroller, that just sued the County, is still in office; he has no intention of doing this next year, or any suggestion that it is done in the future; but he thinks on a one-time basis it is prudent to consider.

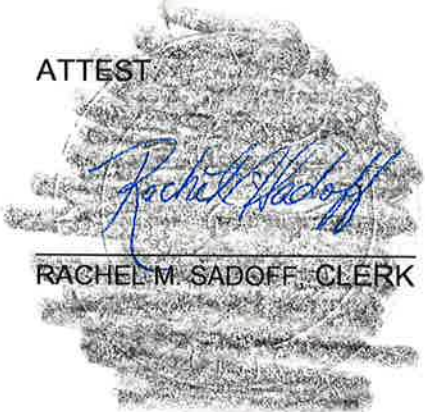
Commissioner Pritchett asked for clarity on what he is asking.

Chair Lober stated what he is asking is for his colleagues, between now and September 15, discuss with Ms. Hayes, Ms. Bentley, or Mr. Abbate, to discuss the potential that the Comptroller's Office has the potential ability to make an argument, given that their case was dismissed, that the same argument that formulated their basis of the lawsuit against the Board,

would still apply in a fashion that would allow them to reduce the payment to BCSO or put a hold on the payment; he does not want to find the Board in an avoidable situation that will not help the community in any way; he thinks if this is done, prior to the new Comptroller taking office, as he does not think there is the same concern with the new Comptroller, but he thinks with the present Comptroller, and he has nothing but good things to say about Scott Ellis, but he thinks that Mr. Ellis was convinced he was right about this; and Chair Lober disagrees with that. He went on to say he thinks the Board has the ability to inoculate themselves by having a finding of a critical need; the motion would probably be to direct staff to work with BCSO to formulate a new package to present to the Board to justify a finding of critical need; whether that may be that BCSO hired more deputies and retained them, and the population has not decreased, but he will leave that to them; he thinks that everyone that voted to support that finding understood that to constitute the new baseline; and it is something to discuss with staff prior to September 15.

Upon consensus of the Board, the meeting was adjourned at 6:38 p.m.

ATTEST



RACHEL M. SADOFF, CLERK



RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FL
As approved by the Board January 26, 2021