



**AGENDA REPORT**  
**May 30, 2019**

**Letter - Proposal - Lewis, Longman & Walker**

---

**SUBJECT:**

Proposal from Lewis, Longman & Walker regarding the former Children's Services Council.

**FISCAL IMPACT:**

None at this time.

**DEPT/OFFICE:**

County Attorney Office

**REQUESTED ACTION:**

Reject the proposal from Lewis, Longman & Walker regarding the former Children's Services Council, and direct the County Attorney's Office to continue discussions with representatives of the former Children's Services Council.

**SUMMARY EXPLANATION and BACKGROUND:**

On April 3, 2019, the former Children's Services Council held an emergency meeting to discuss the Board of County Commissioner's decision to not engage in conflict resolution under Chapter 164, Florida Statutes. Through Lewis, Longman & Walker, the former Council proposes terms by which the former Council would recognize Ordinance 2019-02 as legally effective as of January 22, 2019, and would agree to cease all ongoing and future legal efforts to challenge the Ordinance. In return, the former Council asks that the County withdraw and release all claim to the \$22,726.40, which the former Council transferred to an account at the Space Coast Health Foundation on January 22, 2019. The former Council also requests that the County release any claims against the former Council, its members, directors, attorneys and agents, including but not limited to the Space Coast Health Foundation and the United Way of Brevard. The former Council asks that the County allow the former Council or its agents to disburse the \$22,726.40 as they see fit.

Options:

1. Reject the proposal and direct the County Attorney's Office to continue discussions with representatives of the former Children's Services Council.
2. Reject the proposal.
3. Take no action.
4. Other action the Board directs so long as the issue of the \$22,726.40 is addressed in a manner that complies with Florida Statutes.

**CLERK TO THE BOARD INSTRUCTIONS:**

Return Memo of Board's action to County Attorney's Office.

**ATTACHMENTS:**

**Description**

- **Letter of Settlement 4/9/19**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

May 31, 2019

MEMORANDUM

TO: Eden Bentley, County Attorney

RE: Item F.10., Letter of Proposal from Lewis, Longman & Walker Regarding the Former Children's Services Council

The Board of County Commissioners, in regular session on May 30, 2019, rejected proposal from Lewis, Longman & Walker representing the Children's Services Council; and directed you to continue discussions with the representatives of the former Children's Services Council.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/cmw

Lewis Longman  
and Walker - F-10  
5/30/19

# Children's Services Council Members



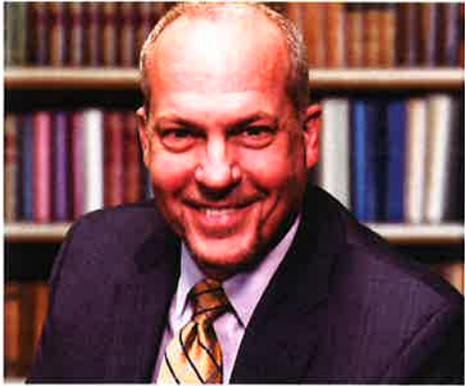
**Judge Kelly McKibben**  
Circuit Judge, 18th Judicial Circuit  
Chair



**Rita Pritchett**  
District 1 County Commissioner



**Adrian Laffitte**  
Governor Appointed



**Dr. Mark Mullins**  
Superintendent of Brevard Public  
Schools



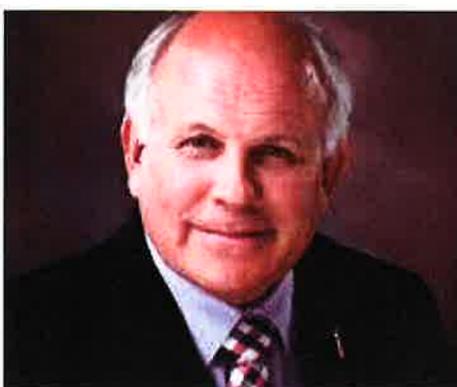
**Marilyn "Bunny" Finney**  
Governor Appointed



**Todd Morley**  
Governor Appointed



**Tracy Klinkbeil**  
Department of Children &  
Families, Circuit 18 Community  
Development Administrator



**Bart Gaetjens**  
Governor Appointed



**Sharon Underhill**  
Governor Appointed

*Note: Brevard County School Board Member is a vacant position.*



**LLW**

**LEWIS  
LONGMAN  
WALKER**

Attorneys at Law  
llw-law.com

Andrew J. Baumann  
[abaumann@llw-law.com](mailto:abaumann@llw-law.com)

*Reply To:  
West Palm Beach Office*

April 9, 2019

**VIA EMAIL AND U.S. MAIL**

Christine M. Schverak, Esq.  
Assistant County Attorney  
Brevard County Attorney's Office  
2725 Judge Fran Jamieson Way, Suite 308  
Viera, FL 32940

**RE: Children's Services Council of Brevard County**

Dear Ms. Schverek:

On the afternoon of Thursday, April 3, 2019, the Children Services Council of Brevard ("CSC") met during a duly noticed emergency meeting. At this meeting the CSC discussed Brevard County Board of County Commissioners' decision refusing to engage in conflict resolution under Chapter 164, Florida Statutes. As a result of that emergency meeting, I have been asked to convey the following proposal as an offer to resolve the dispute over the continued legal status of the CSC.

For the purposes of resolving this dispute, the CSC is willing to recognize Ordinance 2019-02 as legally effective and would agree to cease all ongoing and future legal efforts to challenge, oppose or contest the legal effect of Ordinance 2019-02. The CSC would accept its dissolution as of the date of the filing and acceptance of Ordinance 2019-02 with the Florida Department of State.

In return for accepting its dissolution under the contested Ordinance, the CSC asks that Brevard County withdraw its claim to the former CSC funds in the amount of approximately \$22,700.00, which were transferred to the Space Coast Health Foundation prior to the filing of Ordinance 2019-02 with the Department of State. Under this resolution, the County would release all claims to these funds and would release any claims it may believe exist against the CSC, its members, directors, attorneys and agents, including but not limited to the Space Coast

**JACKSONVILLE**

245 Riverside Ave., Suite 150  
Jacksonville, Florida 32202

T: 904.353.6410

F: 904.353.7619

**ST. PETERSBURG**

100 Second Ave., South, Suite 501-S  
St. Petersburg, Florida 33701

T: 727.245.0320

F: 727.290.4057

**TALLAHASSEE**

315 South Calhoun St., Suite 830  
Tallahassee, Florida 32301

T: 850.222.5702

F: 850.224.9242

**WEST PALM BEACH**

515 North Flagler Dr., Suite 1500  
West Palm Beach, Florida 33401

T: 561.640.0820

F: 561.640.8202

Brevard County Attorney's Office

April 9, 2019

Page 2

Health Foundation and the United Way of Brevard, and would allow the CSC or its agents to disburse these funds as they see fit.

It is our hope that this matter can be resolved without further acrimony between the parties. To this end, I would respectfully request that you present this proposal to the County Commission for their consideration. If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'AJB', written over a horizontal line.

Andrew J. Baumann, Esquire

AJB/kd

cc: Kimberly Rezanka, Esq.  
Terry E. Lewis, Esq.

## Re: Children Service Council

Commissioner, D2

Wed 5/29/2019 10:57 PM

To: Adrian Laffitte <adrianlaffitte55@gmail.com>;

Cc: Gaetjens, Bart <Bart.Gaetjens@fpl.com>; Bentley, Eden <Eden.Bentley@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; kim@cfglawoffice.com <kim@cfglawoffice.com>;

Mr. Laffitte,

Thank you for your message.

Some time ago, I spoke with Kimberly Rezanka and I explained both my position with regard to the "settlement" offer (if it can be called that) and what I felt the County Attorney's position was likely to be. I was able to do this as I had already spoken with Eden Bentley about the CSC issue. The fact that this item is on the consent agenda should not be a surprise to what remains of the CSC. I was unambiguous in telling Kim that I absolutely opposed it and the County Attorney appeared to be in the same boat.

The cover sheet clearly indicates that the recommended action is rejecting the CSC's proposal and that's what will happen if this item remains on consent. I will not be pulling it from consent under any circumstances. If someone else decides to pull it, I will absolutely make my opinion regarding the issue known. Put bluntly, my opinion is not favorable toward the CSC of the "settlement" offer.

As I stated to Kim weeks, if not over a month, ago, every penny in CSC coffers at the time of dissolution must be returned to the County. Period. Full stop.

That said, as a courtesy, I remain amenable, as I stated to Kim, to use 100% of those funds for children's services but the County Commission will make the decision as to which particular services will receive those funds. I believe this is extremely reasonable and appropriate given that the money was obtained for the purpose of benefitting children's services.

Any money the CSC paid, after having been dissolved, to retain counsel is an issue between the attorney and the individual CSC member(s) involved in that decision and transaction. The funds used were, at the time used, County money and the County did not agree to having County funds used to take legal action against itself. I will not permit the County to eat these costs.

The preceding is absolutely non-negotiable and, while the County Attorney is on the same page I am on with respect to this matter, I've made it clear I would have fought her tooth and nail had she had any other opinion. I feel as strongly about this item as any item that has ever come before the County

Commission. This includes SOIRL fund allocation and the puppy mill ordinance I expended enormous effort in passing.

Any of my colleagues who know me know that I am a straight shooter and I don't posture or play negotiating games. As I believe I relayed to Kim when we spoke, the offer received was so far from what I would ever consider accepting, I didn't believe that a counteroffer would have been appropriate. Once a good faith offer comes from what remains of the CSC - one which fully complies with the above non-negotiable requirements - it is possible that a counteroffer would be sent.

If, instead, this is made into a game of "chicken," understand the County will prevail and we will pursue all opportunities seeking to enforce the inevitable judgment. Understand that I will not reward what I consider to be bad behavior and it is clear to me that what happened following dissolution is both unacceptable and unlawful. That's as clearly as I am able to put it.

If you have any additional concerns, please feel free to reply. Alternatively, I remain happy to speak with Kim about this or any other issue.

Truly,

Bryan A. Lober  
(solely in my capacity as County Commissioner, District 2)

cc: KR, BG, EB

---

**From:** Adrian Laffitte <adrianlaffitte55@gmail.com>

**Sent:** Wednesday, May 29, 2019 2:40:56 PM

**To:** Commissioner, D2

**Subject:** Children Service Council

Dear County Commissioner Lober –

We learned today that the settlement proposal offered by the Children's Services Council (CSC) on April 9, 2019 is on the agenda for the May 30, 2019 Zoning Meeting as a part of the consent agenda.

We do not understand how this is a consent agenda, when The County Attorney's office has offered multiple options for resolution. We are disappointed that none of the options offered the acceptance of the CSC's willingness to cease further litigation and accept the County Commissions decision to dissolve the entity. In addition, none of the options presented provide a counter offer to bring this matter closer to resolution.

The CSC continues to be dismayed that the County is seeking the small amount of remaining funds that were a donation to the CSC and not taxpayer dollars.

We encourage the commission to accept the settlement, which includes the dissolution of the CSC without further litigation allowing all parties to move forward to serve our community.

Adrian Laffitte  
Vice Chair  
Children's Services Council