

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Friday, March 27, 2020

10:00 AM

Special Meeting

Commission Chambers

A. CALL TO ORDER 10:00 a.m.

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

I. Discussion, Re: Restrictions Proposed by the Policy Group Pursuant to Comprehensive Emergency Management Plan Response to Covid-19 Pandemic

Chair Lober stated he would take the Agenda in the order as it is listed; before starting, he has a couple of bits of information to relay to everyone, essentially to let everyone know what is going on as he was the one that set this meeting; he continues to keep Policy Group meetings timely, efficient, and effective; every decision made by the Policy Group has been a measured decision calculated as being the least restrictive means of ensuring public health and safety; the Policy Group has adopted measures to the situation as it is unfolding; he further stated that it neither imposed a stay at home order nor turned a blind eye and said every man for himself; and no one on the Policy Group or here wants to infringe on citizen's rights to live their lives as they choose, so the less-is-more approach is clearly what our freedom-loving citizens want to see and what it has been trying to deliver. He advised all but one of the Policy Group motions that were voted upon have passed unanimously and he is actually happy that the one vote which was not unanimous, and passed by a simple majority, was voted on in that fashion; he explained why it is heartening to see that despite the county's organizational hierarchy that County staff felt comfortable enough to vote their conscience instead of cloning their direct supervisor's votes; right or wrong that speaks volumes about County staff's desire to do what is best for the community; and he truly commends that. He continued to say at the last Board of County Commissioner (BOCC) meeting on Tuesday, March 24, some members of the BOCC indicated a desire to have input in the decisions made by the Policy Group; during that meeting, he stated he welcomes BOCC input where it is possible to have it, but there may be decisions which simply do not allow enough time for such input to be received; at the time of that Tuesday Commission meeting, multiple Commissioners, including himself, were operating under the incorrect assumption that emergency BOCC meetings could be called within an hour or two notice and, after that meeting, in verifying the notice requirements, he learned there needs to be at least 24 hours of notice even to convene an emergency meeting of the BOCC. He advised Policy Group meetings have regularly been set to occur on Mondays, Wednesdays, and Fridays in the morning; based upon an urgent call and email from the cities that he received yesterday, at noon on Wednesday, March 25, he unilaterally directed staff to convene an emergency meeting of the BOCC today; this was done so, as he anticipated, that the Policy Group calls scheduled for 9:50 a.m. this morning could well involve a proposal to shut down the beaches; and setting the BOCC meeting for 10:00 a.m. would allow him to recess the Policy Group meeting to come here to get the input of the Commission to bring back to the Policy Group; he stated, he best laid plans of mice and men often go awry; he does not consider himself a mouse, but it seems to apply nonetheless; to that end, on Thursday, March 26, he received a call from Scott Morgan, West Melbourne City Manager, requesting that he convene an emergency meeting of the Policy Group that same day, which was yesterday, to discuss the closure issue; as he has yet to refuse to convene an emergency meeting of the Policy Group upon any member's request, he did so and set the meeting for 3:00 p.m. yesterday; when he spoke with Mr. Morgan, he initially asked him to preface any motion that he might make with the following language of absent action from the BOCC to the contrary; after sending out this proposed language to the Policy Group, it was pointed out to him that such language would make implementation by 11:00 a.m. today an impossibility, for the Commission to take action immediately upon convening this morning at 10:00 a.m.; and even if it were to disregard the unambiguous request from the partner with the cities and somehow implement Countywide

beach closures in the span of less than an hour, getting notice out and messaging the majority of the residents and the visitors would be impossible in that short time. He added, moreover, there is a fear with stay-at-home orders going into effect, that people would already have driven here by the time the Commission could address the matter, fleeing those counties that have stay-at-home orders; at the 3:00 p.m. Policy Group meeting yesterday, Mr. Morgan made it clear that regardless of the decision, that the cities were unanimous in wanting the issue decided yesterday and not waiting until today to have the action taken; it was also stated at that time and during that meeting that at a minimum, Cocoa Beach and Satellite Beach were going to shut down their beaches with the understanding that they were holding off on doing that to allow the Policy Group to take uniform action, but that it would happen nonetheless; as he understood it, this prevents the problem that he most dreaded since this started, having some beaches closed with others open, amplifying the density of people on the remaining open stretches of beach; and keeping in mind that Canaveral National Seashore and Sebastian Inlet have both been and remain totally closed, Patrick Air Force Base has kindly indicated it will do whatever the Commission does and match our policies. He advised the beach closures from 11:00 a.m. to 4:00 p.m. on weekends, focus on the times that tourists are most likely to visit the beach and it should allow locals to walk the beaches in the mornings and evenings during the weekend, and use them as usual during the week; this is something that tourists are less likely to drive here in order to do, given the limited hours and the fact that the hours are not in the peak times of the day; he further stated as News 6 WKMG reported, yesterday or this morning, the action taken by the Policy Committee is in compliance with a recent Executive Order issued by our Governor Ron DeSantis asking all beach-goers to practice social distancing and avoid large gatherings on our beaches; having a uniform policy of closing beaches or keeping them all open, allows for more consistent messaging to the public with respect to all beaches operating under the same policy within our 70 some-odd miles of coastline; he wants folks to keep in mind that what was voted on was a three-day trial run, this is not necessarily something that is going to be in effect for the following weekend, it could be expanded, it could be left in place, it could be reduced, or it could be eliminated; he wants to address a couple of other things that came up that may be a little bit less comfortable. He stated he felt they do need to be addressed; regardless of his own opinion, it has been expressed by more than one member of the Policy Group that the County Commission may be in a way intruding in matters not belonging to the County Commission under its own Emergency Management Plan; when he was asked what particular action or actions the Policy Group has taken, with which the County Commission either was uncomfortable or did not support, he was at an absolute and total loss as he had not heard any specific criticism either at the prior meeting or elsewhere from any of his fellow Commissioners on anything that the Policy Group has voted to do which the Commission would have either done differently or not at all; one member of the Policy Group who he preferred to not throw under the bus by naming publicly, as he enjoys a good working relationship with the individual, politely asked that he request staff to give a little bit of history on the Emergency Management Plan and the purpose of the Policy Group with respect to its being able to take swift action; before going to public comment he respectfully asked Matt Wallace, Public Safety Director, to provide a little bit of background including the traditional role of the Commission with respect to Policy Group, for those that may be fuzzy or rusty.

Mr. Wallace explained that he has only been in this job for about one and one-half years, so the history he has started with Hurricane Dorian, and is going through the pandemic today; the authorities of the Policy Group are derived from the Comprehensive Emergency Management Plan, (CEMP), that is approved by the Commission; those authorities expressly give the Policy Group the decision-making body to quickly react to situations in an emergency situation that needs to be done in the best interest of the County; the Chair of the County Commission is selected to be the Chair of the Policy Group that leads that group and T's up topics much like done in the Commission; the Policy Group is very focused only on the emergency at-hand, it

does overstep its bounds into County policies on a normal day-to-day basis; it really only reacts and focuses on the emergencies at-hand to make sure the County and the citizens of Brevard are in a better and a safer place; and it looks forward to whatever contingencies or threats come in the future, to posture the County and be prepared for those things as they happen.

Jim Liesenfelt, Assistant County Manager, stated that Mr. Wallace summed it up pretty well; one thing he will add is when the Policy Group is called up, it is a reaction of an upcoming disaster or an event and then its focus is to prepare and focus on the backside of how to get back to normal operations.

Chair Lober asked Mr. Liesenfelt, what has been the role of the County Commission with respect to that, and how has the County Commission seen to traditionally be involved with respect to decisions of the Policy Group.

Mr. Liesenfelt replied up until the last few years, the Policy Group had been on the evacuation side of the world; working in the Transit Services, it talked about evacuation and moving supplies, that is when he has been involved on it; with Hurricane Dorian the Policy Group would meet because there may be weeks between County Commission meetings and may have to work together with the law enforcement in the cities, there may have to be an evacuation or opening up shelters, so we all have to cooperate; and that is what the Policy Group is about; to go out with one message and all work together in response to the emergency.

Chair Lober expressed his appreciation for the information; he is happy to go to public comment and could get all of the Commissioner's input if they would like to do it that way; he asked for any objections from the Commissioners; he stated this is going to be a little bit different; and he asked for a motion to waive the typical pink card rule.

The Board approved waiving the use of public comment cards at the scheduled Board of County Commissioners meeting.

Chair Lober stated that Commissioner Tobia pointed out to him that the County Attorney suggested to do roll call votes to ensure that everything is clear for the record; and he deferred to staff in terms of how public comment is set up as it is a little bit different this morning than it was in the past.

Jim Liesenfelt, Assistant County Manager, stated right now there are two to speak on the first item and on the screen they can be seen in Building B and he believes they will be coming up; there is literally an X marking the spot, and they will be speaking on Television.

Chair Lober advised the speakers to state their name and their city of residence, they do not need to go through the whole address.

Result: Approved

Mover: John Tobia

Second: Bryan Lober

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

G. PUBLIC COMMENTS

Mike Fitzergald stated he is a member of the Solid Waste Management department; the reason he came here today is that he read an article in Florida Today that Brevard County has enough

ventilators but hospitals say they will not give numbers; there is one hospital that did give numbers and Parrish, and Health First did not give any numbers on ventilators; through his experience in life, when people are evasive with answers, it gives him cause to state why; he knows they do not have the authority to do it, but thinks given the situation, if the Board did have the authority to ask Health First how many ventilators they have, it may answer that question because looking around the country and especially areas like New York City, they do not have enough; right now, if a person drives around the County, he or she will see there is an awful lot of New York license plates in it; he does not know how this is going to affect the County and given the fact that how the Waste Management department is also a group that is idle all are here at work and will stay there; and he would just like to know if there are enough ventilators in the hospitals and if not, what we can be done to make sure people get them.

Chair Lober stated he will address the issue and he will share what he knows and he does not claim to know what is either unknowable or what is unknown to him but he has been in touch with the folks of Health First, with FDOH's (Florida Department of Health) administrator here in Brevard; his understanding is, it could have simply been that this was not contemplated as falling within the scope of the supplies discussed, which was put out there as a qualifier; his understanding is the two areas of concern with respect to our potentially either running out or running low on supplies pertaining to the collection and testing kits for COVID and then secondarily, far secondarily, is getting PPE (Personal Protection Equipment) or BSI (Body Substance Isolation), namely gloves, N95 masks, or even N100 masks, and things of that nature; the ventilator question has not come up here and he does not know if that is a reflection thus far on the ages of those that have confirmed diagnosis or if simply is because of not having the issues that are being experienced in New York; but he will touch base later today with Maria Stahl, Administrator of FDOH, they have each other's cell phone number and he has been speaking with her every day if not more often over the past week and one-half, maybe even two weeks at this point, so he will reach out to her and see if there is a thought that there might be a shortage and if so, see what can be done. He advised that there were some reports yesterday in the news that some of the anesthesia machines that had ventilator functionality were being repurposed or looked at being repurposed elsewhere in the nation where they have those critical shortages, so he will talk with her and see if there is a problem; and, if so, whether something can be done preemptively in order to reduce the impact of that problem.

Sherrie Frizs stated she just found out about the meeting this morning and she wanted to come down and give her opinion on the beach closures; she had written a letter earlier in the week; she read aloud that she is writing to express her concern of the talk of the beaches closing, she is hoping it is just a rumor; she has an auto-immune disease and her doctor has encouraged her to go to the beach for the sun, saltwater, and salt air; she goes every week if the weather cooperates; she goes by herself and the hour that she is there it de-stresses her; her family is in Nashville but we used to stay in Melbourne mainly for the beaches; when she was there last week, she observed people going alone or with one or two other people, all maintaining their distances from each other; it is such a wonderful commodity to have in Melbourne that so many of the elderly use for their health and sanity as well; and she noticed last week two ATV's that drove by her at two different times to ensure all were following the guidelines that were set up by our government for efforts against the Corona virus. She asked to please not close the beaches, at least not the residential beaches; our town has stopped any tourists coming here for our beaches right now; she asked to not let the spring breaker's immaturity ruin it for those who need the beaches for our health; she is happy to park across the street and walk across Highway A1A to the beach and will follow the guidelines implemented for beach safety and keeping them open at this time; she expressed appreciation for what the Board is doing for her city and how it is being handled in spite of the situation and how it is helping to flatten the curve in a reasonable way. She added she just wanted to speak for the

elderly who she knows love to walk the beach as husband and wife and a lot of people are in Florida for that reason, snow birds and others; she thinks right now people need it to de-stress for health issues and if there can be some kind of guidelines; she thinks the ATV's monitoring to make sure that there is no partying going on, no more than ten people or whatever number put on it, would be the best way to do it; she is not against closing it for the weekend; she understands people come here from Orlando, down south, or wherever and that is great; but she is saying at least a few days during the week would be great.

Chair Lober replied he was glad to hear that she was not opposed to beaches being closed during the weekend; he advised there has not been any formal motion up to this point and he has no intentions unless the situation changes dramatically of making any motion himself to close the beaches apart from the weekend; in fact, the weekend closures are not the entirety of the weekend; what was contemplated was closing the beaches Friday, Saturday, and Sunday from 11:00 a.m. to 4:00 p.m., to go out and enjoy a walk for an hour or two in the mornings or even late afternoon in the evening, he encourages Ms. Frizs to continue doing that if she thinks that is something that is beneficial to her health or helps her to relax; he does not think that there is anything to worry about at this juncture, and he does not want to box the Board in if things change and there ends up being floods of people, but he respects that concern and thinks that the Policy Group and the folks that have been discussing it to this point, have tried to take a very light-handed approach with the restrictions that are put in place; and he appreciates Ms. Frizs coming out.

Ms. Frizs asked if he thought the beaches may be closed during the weekdays and only have it open from 11:00 a.m. to 4:00 p.m. because she likes the 11:00 a.m. to 1:00 p.m. hours for her own personal use.

Chair Lober replied he does not think it is happening in the near future and, if it happens, he thinks it is going to be further out; he stated if one were to look at Orange County, they have stay-at-home orders and Brevard County is trying not to get to a position where it fails to take smaller limitations to prevent it from having to do something like that; but realistically in the next week or so, he doubts it. He mentioned he could be wrong if there is a throng of tourists come in that changed the situation, but he doubts it.

Ms. Frizs asked if he thought they would continue to have the ATV's to continue to monitor the beaches.

Chair Lober replied with respect to enforcement, he has spoken with the Sheriff here and the Fire Rescue Chief Mark Shollmeyer and the idea is to keep going, regardless of whether the restrictions are in place at a particular time or not, to keep the lifeguard staff and Ocean Rescue staff in place so folks will be warned by Ocean Rescue; they are not going to be thrown off the beach necessarily by Ocean Rescue; he does not want our Ocean Rescue folks getting into altercations; but they are going to be issuing strong suggestions and polite warnings to folks and if they do not follow that, law enforcement will be contacted and if someone needs to be reminded a little more clearly, it can be handled a different way.

Barbara Barrett stated she has been a local resident for 17 years and she has worked for the County also; she wanted to speak about the beach issues; she understands the seriousness of the pandemic; and she is a biologist by training; right now at this time, the beaches and parks are really the only places that she thinks a lot of people can feel safe and comfortable, especially people with young children and older people. She stated she has seen and wants to make a couple of suggestions to help the situation; she lives too far from the beach to actually walk there and carry anything; she has seen older people drop each other off, but now the

roads have barricades on them so they are not able to do that; she has seen young families parking in the parking lots of the grocery stores and running with small children across Highway A1A through traffic trying to get to the beach; she appreciates that the beaches have been kept open here, but she would like to see this Board allow some access to those who do not live directly on the beach or very close to the beach. She advised at a time like this, there are not many places where people can go where they can feel safe with the social distancing, but the beach is one; exposure to sunlight and fresh air allows to take vitamin D under our skin which helps the immune system; theoretically, the beaches are open, but good luck trying to get to one of them; suggested to use volunteers; possibly it could make some kind of a path, maybe color-code it for each town, to residents of the County, and to allow them to park somewhere near the beach; there are people that live on the beach, but she thinks the majority of the people in the County do not; and her idea would be to possibly have some volunteers, maybe hand out some colored passes in a parking lot, with proof of identification maybe they could drive through a Library or Post Office or even here and be given a red card if a person lived in one town and give a yellow card for another town to park somewhere near the beach to be able to go there.

Chair Lober stated, with respect to the action that the Policy Group took yesterday, the action that was taken, in part, should help with the concern about folks running across traffic; the action yesterday did not close any additional parking, it simply closes the beaches during the times that they are the busiest and most filled with tourists, so it should, in that sense, favor locals; with respect to differentiating between residents and non-residents on the parking, which has been closed for probably a week and one-half at this point, and cannot be done because there are a number of grants from the State of Florida and those grants obligate the County to treat non-Brevard residents identically to Brevard residents, so there cannot be favoritism shown to residents to the detriment of another group, so we do not have the opportunity or the ability to differentiate; and he does not want to spend too much time on it but, with respect to the closure of the beachside parks and parking, the reason that folks are now able to socially distance on the beaches, and have been over the past several days, is because that particular restriction was put in place; he added that he had calls from folks and had pictures sent to him that showed people basically stacked on top of each other; he heard and had seen conditions not quite this bad but the conditions were described to me as being like Mardi Gras or Disney during a holiday, where people, even if they wanted to do the responsible thing and go out and enjoy some fresh air, putting sun block on so they do not develop skin cancer, they would not be able to separate from one another; the fact that the beachside parking and beachside parks were closed is what has enabled folks to socially distance on those beaches; and that was a decision that was not made yesterday, it has been a longer standing decision and he thinks that has enabled to avoid further restrictions which might have to put in place. He advised with respect to Cape Canaveral in particular, since he believed she mentioned that she lived there, he has had conversations with the city staff and her elected officials; her city is a little bit different than most in the sense that the property lines for the beachside residents extend further onto the beach itself than most of the other areas throughout the County and in that sense, the motion that was approved yesterday by the Policy Group allowed and did not do anything to prohibit to folks from enjoying access to any property that they may own, even if it is on the beach; so if it is their private property and they want to be on the beach, that is their right and are not looking at infringing on that, it is just the public portions; but, as far as checking identification, even if it could differentiate between residents and non-residents, there is no right to demand identification from folks; it is actually a point that he has discussed with the Sheriff and they are both on the same page with respect to that; obviously, for passes, there may be a little bit of difference but it really does go back to the fact that Countywide we have multiple parks where we have grants that do not allow for us doing that; but otherwise, it would have been a very good idea and he appreciates her coming out to

share her thoughts. He added he does believe, and hopes it is comforting to a degree, that at least at present, there is no desire to formally close the beaches themselves or to add any additional restrictions unless the situation changes warranting that.

Phillip Snyder stated he wanted to give the Board an opportunity to respond as he just read some criticism in the local news outlets regarding communication as a County in regards to response to the Covid-19; and he does not have criticism himself, but wanted to give an opportunity for the Board to explain how it is going to be communicating with the citizens moving forward, in response to Covid-19.

Chair Lober stated that this is an easy one; the real short answer is this was addressed; two press conferences thus far on Covid-19; the first conference, we addressed specifically what the press strategy would be and in very short order, when hitting meaningful milestones, there will be press conferences out of sequence for that; press, local, regional, and otherwise are given the opportunity, after policy group meetings, to come and ask whatever questions they may have of us; press releases have been going out and he believes to about 18,000 email addresses, and they have been going out with a degree of frequency; the idea is to continue relatively frequent press releases but relatively infrequent press conferences, with conferences regularly scheduled only after Policy Group meetings, but again, with the understanding that if there are some milestone or major announcement they will be called out of sequence, as may be the case; and he expressed his thanks for him for coming out and he appreciated the question.

Jim Liesenfelt, Assistant County Manager, added that Emergency Operations Center (EOC) and Don Walker are putting up daily videos; and there will be different levels of the videos depending on the situation.

Chair Lober asked if there were any further public comments, to which he was told no; he stated at this point, we would go ahead and get input from the various folks that are here; he advised he is not going to go in the order of Board reports, holding off on Frank Abbate, County Manager, and Eden Bentley, County Attorney, unless folks have questions they would like to direct to them first.

Jim Liesenfelt, Assistant County Manager, announced communication with Commissioner Isnardi and Mr. Abbate had been lost and he requested a few minutes to recover the connection.

Chair Lober advised he would not call for a break at this point but to hold off for a moment and wait until they get back online before discussing any business. He went on to say he will begin with the Commissioners and then he will circle back around to staff and if anyone has a question for staff, they are welcome to ask.

L.3. Board Discussion, Re: Restrictions Proposed by the Policy Group for Covid-19 Pandemic

Commissioner Pritchett stated as far as the decision that has been made right now from everything she has read in the paper and discussion with Eden Bentley, County Attorney, is probably moot at this point; she does want to say a couple of things but she does not really want to get into a conversation but she wanted to throw out a couple of thoughts on this; and she asked Attorney Bentley how long does the Policy Board have this type of authority.

Attorney Bentley replied during the emergency.

Commissioner Pritchett asked if this would happen until the President deemed to be no longer in an emergency situation.

Attorney Bentley replied or the local state of emergency.

Commissioner Pritchett asked from the Governor.

Attorney Bentley responded affirmatively.

Commissioner Pritchett stated Commissioner Lober is chairing both Boards, so he gets to have a voice, an opinion, but, from what she listened to yesterday, was actually the Commission lost all ability to have a voice; not that it would not have maybe voted on that and she understands his reasoning, from what he said, and she does trust his heart and thinks he is a good guy, but the concern here is after she listened to the whole thing, is that the vote went that way and it was okay; the County Manager, County Attorney, Director of Emergency Management, and the Sheriff all voted and when they set it they wanted to vote to defer it to the Commission meeting this morning; so they felt that there was time for this Commission to vet that in an open public forum; not that it might not have done the same thing, but her concern with this on Tuesday, is that theoretically, this Board could have the ability right now to make any decision, all the way from whether it is going to put everybody in lock-in, close down all the stores; and she knows it may be extreme, but maybe some type of martial law and because she thinks this could be an extreme decision made by this Board and right now she advised, she has great concern that the County Commission, that she has learned to trust extensively, and not always get along, but she thinks Commissioner Tobia is brilliant in these situations; Commissioner Isnardi has great input; Chair Lober has incredibly great input along with Commissioner Smith; she feels like this Board has almost been made moot on the ability to make decisions directing the County on these types of items that typically would have been an ordinance vote; she does not know that waiting eight more hours would have made a big difference; if this Board would have voted that, she would have had great comfort and respect with that decision; but in the midst of that, she does not know where it would have voted, but she would have totally had great comfort in it. She mentioned that the Sheriff thought he had pretty much control of it when he asked questions during that meeting and everybody said that the numbers were well down; the number one objective is to keep everybody safe and well within this County to the best of ability, but what the President said is that the cure not being worse than the actual virus; and if the Board is not very, very cautious in what it is doing, it could make a bigger mess than the virus could as far as recovery to families. She stated that there are already many families without jobs and she gets everyday people saying close down the County; when she asks them all questions, they are all retired or work for the government and they have no fear of losing income; she has many families, and talked about this Tuesday, small businesses that have zero income and they have been promised now about getting money in May, but one should try feeding their family on money they are getting in May; and that might be something the Board has to do, it might be something that is appropriate, but she wants to give great warning to the Policy Board that any of these decisions that typically would be made by the County Commission, that they should get ahead of it and thinks the Board might be coming to that decision, to call an Emergency Commission meeting and to let this thing be vetted through the Commission in a public forum, as best it can before starting to make any decisions. She continued to say she probably would not have said this much before but after listening to that meeting on Thursday, not that she does not respect all those people, but she has great concern that many decisions could be made that she feels like this Commission should be having an input on; at the Tuesday meeting, it was also said that before the Policy Board

would vote that they would definitely get the input of the Commission even before they put out publicly their decision; she just wanted to state those things. It is moot at this point; and it probably should be brought up in another meeting, but she thought it was important to say publicly and she cannot talk to the other Commissioners but she wanted them to understand her thoughts.

Chair Lober replied that he appreciated it and he will just respond very briefly and try not to be repetitive here; some fine folks who were mentioned voted in the minority on this, but he wanted to mention some of the folks that voted in the majority; and they had the true health expert on that.

Commissioner Pritchett interjected that she knows that and she is just saying that they might have voted for it differently, but they did defer to the Commission, to have an input; and that is her struggle, not so much the vote, but that the Commission did not get input when it had a meeting this morning and so they obviously felt like waiting on the Commission today would have been okay; she just wanted to say that and she does not want to beat up the people who voted the other way; and she just wanted to state her thought on this because this is the only time she gets a voice on this.

Chair Lober stated he appreciated that and he thinks that perhaps one of the questions she may have is to revisit is the Emergency Management Plan if she thinks that other folks have too much of a voice with respect to this; and he understands and defers to Attorney Bentley or Mr. Abbate with respect to the Emergency Management Plan having been put together in such a way that it is contemplated that whoever is representing the Board, represents the entire Board, whoever represents the cities, represents all the cities, regardless of what their individual title is so Scott Morgan, regardless of the fact that he is the City Manager of West Melbourne, represents all of the municipalities throughout the County.

Commissioner Pritchett replied she knows that is true and she is not debating that or even that Chair Lober is not doing what he thinks is right; all she is saying is for these types of votes that typically would have come before the County Commission and she thinks there was time to do so; she heard the Policy Group discussing doing burn bans, that is a Commission decision; she heard the Policy Group starting to discuss whether it is going to limit how many people are in cars, which should really be coming here before the Board and being vetted out; her concern is, and she is just giving a warning, that the Policy Group slows down and thinks things through, not because she does not trust them but all Commissioners are elected to represent all five districts; she does not think that these people are not wonderful, but the Commissioners are the elected body and this Policy Board was put together for emergency situations, that have never been faced before; and she knows this is a new territory and she is not trying to criticize Chair Lober but she is just trying to give warning here because she sees the Board could have a real problem that would really do a disadvantage to the government system in place. She advised she just wanted to say that and she understands what Chair Lober is saying, which is a lot, and she does not disagree with the things he has to say; she knows Chair Lober is smart and she is not trying to pick on any of his opinions; but this is her opinion and she just wanted to state it today.

Chair Lober stated he appreciates that but what he is saying is as much for the benefit and the edification of the public as it is for anyone else so even if Commissioner Pritchett is completely aware of everything that he is saying, he respects that; he thinks the public needs to hear it because all of the public may not be as well aware as folks are that live this life; with respect to that, he wants to address the burn bans and the potential limitations on the number of folks in cars; he can tell the Board that none of those were even brought to a motion so he thinks there

was a very good understanding on the Policy Group's part, of what really is its role and what really is not its role; the fact of the matter is that the County, in having put together its Emergency Management Plan, delegated certain responsibilities and certain authorities to the Policy Group so that it can respond quickly when there is not time to do other things, and with respect to the folks that voted, the majority was the Florida Department of Health Administrator, who is a nurse practitioner and was appointed to that position from Tallahassee, the Emergency Management Director, the Fire Chief, himself, and Mr. Morgan; that is a very good list of folks, and the other side has a very good list of folks; and the cities universally did not want this to wait until today. He advised he is afraid that if the Board starts disregarding the will of the Policy Group, that represents large, large constituencies, that the Board is not going to keep those relationships with them; he agrees and he said on Tuesday, that if it is possible to have the Board's input that he would like to have it, but there are certain decisions that cannot wait; regardless of whether a minority of folks on the Board feel that this should have come back to the Commission this morning, it would have been impossible or highly impractical to have any kind of an effective strategy for implementing an 11:00 a.m. decision for a 10:00 a.m. meeting.

Commissioner Pritchett responded she does not know if it was the minority of the Commission that asked that, she thinks all Commissioners had stated that at Tuesday's meeting, she does not disregard the people that voted for it but she knows she is not on her own as far as thinking this could have come before the Board; if Chair Lober had to make quick emergency decisions like having to close a property down because of this, or a water main break; but she thinks Chair Lober is starting to tip into areas where she thinks, there is no ability to start doing zoning decisions, there is nothing the Board can do.

Chair Lober remarked that no one is going to do that.

Commissioner Pritchett continued to say she knows, but it could happen because she thinks a loophole was found in the Policy Board as far as what she thinks was the intent and the purpose of this Policy Board; there is nothing she can do about this decision, not that she would not have maybe voted with this decision, but she feels like some of the respect for the Commission and its jobs of what it does as a duty has kind of lost its ability to do its job; and she reiterated there is not a thing the Board can do again until this crisis is over and she does have a concern with this, and that was really all she wanted to say about this right now.

Chair Lober advised he does want to correct one thing that he believes may have been misunderstood; he has never said that a minority of the Board has to have input; what he was saying is that a minority of the Policy Group thought that this was something that could wait; a majority of the Policy Group appeared to think that this could not wait until today; he will just bring up right now, for anyone who wants to chime in can chime in about something that potentially may happen in the future; he believes he was pretty open about the fact that they were discussing beach closures; anyone that wanted to bring this up at Tuesday's Board meeting could; he is not criticizing, he is just stating his opinion; and anyone wanting to bring it up, being a Commissioner or member of the public, has the absolute ability to bring it up with respect to thoughts, and whether it was a good idea or a bad idea. He went on to say he wants to focus again on the fact that no one on this Commission has criticized any of the individual decisions of the Policy Group; this is a criticism over a philosophy of what authority the Policy Group ought to have and that is something that someone can revisit; he has absolutely no objection to that but he wants to put another one on the table that may or may not come to pass, that is probably going to be the next step, if there is a next step; he has had numerous constituents that have expressed concern that the Policy Group has been taking measures to restrict beach access largely on account of having too many tourist and folks fleeing

high-infection areas, and areas with more restrictions in place like stay-at-home orders; he has even heard that there are non-local flight crews self-isolating in Brevard County's hotels; but that is horrifying and unacceptable to him and he does not want to continue to restrict access to the beach and he thinks that what has been done is enough. He advised he has no desire to take an authoritarian step that other counties have taken or a more authoritarian step like Orange County's stay-at-home order; if the Board's hand is forced and it has to take some additional action to prevent visitors from coming into Brevard County and infecting its population, he would rather take steps that laser-target those particular visitors as opposed to punishing the residents for something that they cannot control; he asked Attorney Bentley to begin looking at, not doing anything to implement, but looking at the Board's ability to prevent hotels from accepting new reservations during the declared state of emergency, the legality, of what the options are for directing hotels to cancel stays of those who came here since the local state of emergency was enacted; to look at reasonable exceptions that might want to be included should the Board take either of those actions; he pointed out Monroe County and Dade County, and other counties that have apparently already done this to varying degrees; just as with beach closures, the more counties across the State that close their hotels, the more people will be driven to the County with open hotels amplifying the problems; he does not think getting to a point where Brevard County is the last county in the State to close them; he is not saying that needs to be done at this point, because he thinks that is premature; but the Board has to protect its citizen's health and freedoms. He added his strong preference is to avoid any further restrictions on Brevard's citizens if those goals can be accomplished and accomplish keeping public safety in good stead by focusing on visitors until the situation improves; anyone wanting to weigh-in on that certainly has ample notice at this point; it has not even been discussed or hinted to the Policy Group about; if a Commissioner loves it, mention it, if a Commissioner hates it, mention it; and he guarantees that input will be taken to the Policy Group. He stated no one is trying to hide the ball, no one is trying to be authoritarian, it was explained to him by staff, and maybe he misunderstood; if that is the case, he invited anyone on staff to correct him; the purpose of the Policy Group is to take swift action when it cannot wait to come back to the Commission; the Commission has delegated a degree of its authority, its decision-making ability, to the Policy Group; the point is, there is Brevard Public Schools, cities represented, Brevard County Sheriff's Office represented, the Florida Department of Health represented, we have BCSO represented, there are a slew of agencies and partners represented on that group, a disproportionate lion's share of control given the number of County staff, and an elected official; but the point is it was contemplated, as explained to him, as taking action limited to the particular emergency at hand without having to be obligated to follow all of the various rules that the Commission would have to follow in order to take action and he stated he does not get any joy out of being the Chair; the fact of the matter is, it has been one no-win decision after another and whatever has been done or if nothing is done at all, it will be criticized; there are going to be people that want the Board to stick its heads in the sand and say this is a joke, it is a cold, there is nothing needing to be done, why is the Board making a big deal about nothing; there are other people that say lock them in their houses and if they leave, shoot them; neither of those things are being done; everything tried has been measured and he thinks the fact that no one on the Commission has criticized any of the specific decisions made by the Policy Group speaks to how effective the Policy Group has been. He reiterated he is open to looking at the role of the Policy Group if someone else on the Commission does not believe that he has done an effective job at chairing it, he stated he is happy to hand the reins over to anyone on the Commission that wants to Chair it; he is not trying to be facetious, nasty, or sarcastic, but anyone who wants to Chair it, he will second the motion himself or pass the gavel and make it to put anyone that wants to Chair it, as Chair of the Policy Group; he would be happy to do that; he thinks everyone is trying to make the best they can out of a difficult situation; as was mentioned, and is unprecedented; this would be akin to having a radiological incident as a result of a launch; the fact is, even though it is atypical

and even though this is not something that traditionally the Policy Group is experienced with or even Emergency Management is experienced with, it is something that falls within the scope of the Policy Group; everyone is working with each other as well as possible; he thinks there has been great partnerships; and have been able to get more supplies directed to Brevard County, which is something that does not get publicized by any of the media; the fact is there are more test kits here as a result of the communications between local and State elected officials that are now roped in, as a result of him having brought them in; and he is not patting himself on the back, it is what it is; it is a fact as a result of having roped them into the Policy Group, not to vote, but to give their input and have a say. He advised he has not prevented anyone on the Commission from calling in to those Policy Group meetings and if they wanted to reach out separately to any Policy Group members except him as a result of Sunshine, they can do that; he encouraged the Board to reach out to them; he asked the Board to please reach out to everyone on the Policy Group and let them know what their thoughts are with anything they hear; he expressed his apology for being a little bit high-strung with respect to this; this is a tense situation and he really does believe that there is a lot of criticism that does not take into account that this Policy Group is operating as is contemplated by Emergency Management planning; if the plan needs to be modified, the plan needs to be modified; but to suggest that something is not functioning, because they are following the plan, as the plan was intended; and he does not know if that is something that is terribly beneficial. He mentioned giving everyone their opportunity to fully ventilate.

Commissioner Tobia expressed his thanks to Chair Lober for calling this meeting; he stated he certainly respects the Policy Group's decision and he does acknowledge it; he also respects the cities decisions for Cocoa Beach and Satellite Beach that were going to close its beaches regardless; he is hopeful the cities would not go as far, as that act would give the authority of a second degree misdemeanor; what that means is a \$500 fine and up to 60 days in jail; so this is the decision he wants everyone to understand; that is the authority of the City and he is glad he does not sit on either one of those City Boards; because that is the last thing he wants to do; he has listened to the Sheriff, a number of city officials, he even had his opponent call him and talk about the concerns of her constituents; he greatly appreciated that, as they share many of them; he has been to the beaches and the beaches that he has been to, it seems as though people have been respectful, and maintaining social distancing protocol; and he has not seen Mardi Gras like activities on the beaches. He continued to say Florida House Representative Randy Fine has done live updates on Facebook where he has walked down the beach and he could not see someone for a great distance; he thinks this comes down to resources; the Board is tasked with four decisions here; the first decision, and he imagines this where Chair Lober is leaning, based on what was said and where the meeting is going, is to do nothing pursuant to the Policy Group's decision; the second would be to support or affirm the decision of the Policy Group; the third one would be to decline to enforce, tell the Sheriff that there are more important public safety needs out there that the Board would appreciate him focusing in on; he stated as Chair Lober has mentioned before, the Sheriff was in the negative when it came to vote, and he knows that Chair Lober corrected Commissioner Pritchett, and he hates to do this, but he is going to have to correct Chair Lober on that. He stated a majority did not vote in favor of that; it was a 5:4 vote; he knows what Chair Lober was saying, is that five is more than four, but Chair Lober said a majority of the Policy Group; the Policy Group is ten people, there was one person absent, so in fact it was a majority of the people that voted, it was not in fact a majority of the Policy Group; he knows it is semantics, but if Chair Lober is going to pick on Commissioner Pritchett's semantics, then he thinks it is only fair; the fourth one is an emergency ordinance; and from his understanding of an emergency ordinance, it is not something that can be done on a dime; it has to be written, published, and mailed out. He advised of the impact of an emergency ordinance would not come into play until after this was out there; he has weighed all four of these decisions and he thinks the most wise one would be

decision three, to inform the Sheriff to decline to enforce the Policy Group's decision; he does not want to see any of his constituents, or Chair Lober's constituents, the many elderly folks that are just out there for fresh air by themselves, being handed a citation or being charged with a second degree misdemeanor; which is 60 days in jail; and he said that is the decision that is being made today. He advised he has a motion to direct staff to decline to allocate resources to enforce closure of the beaches consistent with a Policy Group's decision made on March 26, 2020, and requests the Brevard County Sheriff's Office similarly choose to use it resources to maximize public safety rather than the closure of safe public beaches; to take it a step further, he would not tell the Sheriff what to do, however, he has spoken with the Sheriff on this, and he mentioned that he would be making this motion; the Sheriff was in support of it; and this is one that he has made in concert with the Sheriff, just to be clear.

Chair Lober asked to hold for a moment before calling the question on that; and he confirmed there was a second from Commissioner Smith on the line.

Commissioner Isnardi commented she would like to have a chance to speak since this emergency meeting was called typically on a day of unavailability for her on a Friday where she works and see patients; she was really torn between her duties as a government official and her duties in taking care of a population that thinks they may have the virus; she is a little bit torn on both ends; she just does not have a ton of time; she managed to block out a section of her schedule, so she needs to leave at 11:20 a.m.; if there is going to be a vote and additional discussion, she would like to provide some input if possible; and if there is going to be a vote and some additional discussion, she would like to have that wrapped up by then so she can at least do her part.

Chair Lober replied affirmatively; and he stated he will take her out of order in just a few moments.

Commissioner Isnardi stated she did not anticipate this much discussion.

Chair Lober replied he is going to cut what he was going to say down to an absolute minimum; with respect to what Commissioner Tobia had mentioned with the second degree misdemeanor, and even Florida Today, God forbid he say that they got something right, even Florida Today printed that his intention was not to have anyone in the jail on account of this; he has spoken with the Sheriff offline and the goal is essentially only if they refuse to leave to arrest them; this is not someone's grandmother that does not understand or someone's grandmother that may have stayed out a little too long; the idea is that Ocean Rescue or Brevard County Fire Rescue folks would warn them if they refused to obey the warning or request from Ocean Rescue, then law enforcement would come out, they would make a second request that the folks leave and only if they refuse at that point would they be arrested; and he thinks that is pretty even-handed. He added if there is one person in jail, he would think it is someone trying to prove a point to be a test case on something like this; he does not think anyone could end up in jail as a legitimate misunderstanding given that they would have two opportunities to leave; Commissioner Tobia mentioned Randy Fine, Florida House Representative, supported the decision that was made yesterday and with respect to voting on this, he reiterated that he would keep it short; and his last thought is to consider the message that this would send the partners in the Policy Group if the Board directs folks to take actions contrary to what the Policy Group has implemented.

Commissioner Isnardi stated she would lead in with that statement; Chair Lober said to consider what the Policy Group thinks, but the Policy Group, other than two of the members are not elected; the Board is the one accountable, the ones that the residents look to, the ones that

they call either for or against this; she thinks it was pretty clear in the Board's last meeting, although it may not have discussed beach closure directly or individually that any big decisions should come to the Board; that was her position and she believes the position of most of the Board members; there are a bunch of bureaucrats on that Board telling the residents what they think is best for them; some of them have expertise; she will give them that; they are all professionals; but ultimately, the Board is the one accountable for those decisions, whether they would agree with the decision of the Policy Board or not. She continued to say that this is one of those things that five hours or eight hours would not have mattered; for Chair Lober not to include in his motion contingent upon approval of the Commission; Chair Lober had said that he only had an hour to implement, but that is only an hour to implement based on the hours that the Policy Board set; he could have easily implemented that for Saturday and Sunday if the Board was going to move forward with beach closures; she thinks it is a knee-jerk move because the Board is getting a lot of pressure for people to shelter in and because of that, because it is a contentious issue, it should have been brought back to the elected body, without a doubt, without even a question, only because then the Board would have been the ones to be able to make that decision, and the ones accountable to the people that whose lives are effected the most; and people on both sides of it are passionate. She advised the truth of the matter is, the Board does not have enough information; if the beach attendance is down 75 percent, people are already adhering to the social distancing; she finds it hard to even fathom an idea and knows that one of the Policy Group members had said everybody is going to come to a Brevard beach on spring break; that would mean that they would have to figure out exactly which one, they would have to drive across the State just to find out which one is a County beach versus a city beach, and then try to all accumulate there and have a big spring break party; she thinks that is a bit crazy; she thinks that it is being a bit overreaching and she thinks this is a bad decision without more information; if the beaches are having a problem, yes, the Board needs to look at it a lot more closely; but the Board is not having problems at the beaches and that is not the information she is getting back. She advised she thinks that the beaches are one of the safer places to be if everybody is doing their social distancing; she is with Commissioner Tobia and she is glad he brought it up because these are discussions that she had yesterday after hearing that this item passed the unelected Policy Board; after hearing this and before she decided to take anybody's rights away; she agrees with Commissioner Tobia and she will be supporting that; she does not need a big discussion telling her why she is wrong; she is telling her position based on all of the information, based on having served on this Commission, based on the feedback that she is getting from her residents, the feedback from staff; whether the Board intended to or not, no one is criticizing the Policy Group's decision in the past, because the Policy Group in the past has never quite overreached like this; and yes, some of the Policy Group decisions have been criticized in the past with previous disasters, maybe not as publicly as this; but Chair Lober is one person on that board and of the two elected people on that board, Chair Lober and Sheriff Ivey, they disagreed on this. She added that is all the more reason it should have come back to the Board and then it is responsible for that decision; people like it or they do not, it would have been the Board that made that decision; she is with Commissioner Tobia and she definitely does not want to use the Sheriff's resources to police the beaches, if there were a problem, she would be more sympathetic to it but there is just not a problem; this is asking for a problem just because Chair Lober wants the public to think they are doing everything they can to protect them for five hours out of the day; but if it is going to be done, it is either going to go all in or not do it at all; this gesture and this overreach is all bad; that is her position, and she stated she knows Chair Lober's position so she does not want to argue about it because she respects his position and she understands he is not in an easy spot either but she feels this was overreached.

Chair Lober replied he is not going to argue but thinks it is important that he states why he disagrees; and he is not trying to change her position or criticize.

Commissioner Isnardi replied she knows why Chair Lober disagrees, he has been talking for an hour and she appreciates it, and that is nice; she does not have much time on the line; she asked if the Board is going to vote on something, she would appreciate a vote or she will call the question from there; and she Called the Question.

The Board discussed and directed staff to decline to allocate resources to enforce closure of beaches consistent with the Policy Group decision made on March 26, 2020, and requested that the Brevard County Sheriff's Office similarly choose to use its resources to maximize public safety rather than closing safe public beaches.

Result: Approved

Mover: John Tobia

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Isnardi

Nay: Lober

Chair Lober stated with that now done, he does want to get across what he was going to say earlier.

Commissioner Smith remarked he would like to get a word in and as Commissioner Isnardi said, Chair Lober had been talking for an hour.

Chair Lober stated if there was some criticism directed to Commissioner Smith, he would certainly allow him to respond and move things in that order; he promised that he would give him a chance to say whatever it is that he would like to say; the fact that this was done over a limited number of hours, he does not want people to think the Policy Group is doing things just willy-nilly or to make people feel better; the fact is that it was designed with the times that were put in place, the time restrictions, the day restrictions, to target specifically when tourists would come over; tourists generally are not going to drive here at 6:00 a.m. to stay out for a few hours; and the idea was, by closing it by 11:00 a.m., residents that want to walk the beach are able to walk the beach in the morning but would not get folks driving from Orlando or from other counties. He went on to say as far as the County not having a problem with the beach, he agrees, there is not a problem right now; the reason the attendance is down 75 percent is because of the actions of the Policy Group; anyone that thinks otherwise is just deluded; the fact is the County closed beachside parking; the closure of beachside parking reduced the attendance dramatically; if that was not done, there would be those Mardi Gras conditions, which was what we had before; and the stay at home order that he believed went into effect in one or more counties last night, is the concern. He stated he does not want to wait for Brevard County to have a problem in hand and say there is no problem, so nothing has to be done; now there is a problem, and the Board can act now because there are people transmitting a virus to one another and now we can go ahead and act; he respects and understands where everyone is coming from; he certainly will implement the decisions of the Board to whatever degree he has to implement; if he needs to sign something, he will be signing it; but he disagrees vehemently.

Commissioner Smith stated he has spent a lot of time over the last several days gauging the thoughts of city managers and mayors that live and manage beachside and his thoughts have been that the County should worry about the County, because all of the cities can make their own minds up as to whether they want to close their beach; it is their beaches and they are the ones that are responsible for enforcing their closures and if they have a problem that arises,

they can address it immediately because it is their beach and their law enforcement agency; he thinks the County does not need to be in the business of telling them what they can and cannot do, that is number one; going forward, he thinks the Board as a Commission needs to look at the makeup of the Policy Group, not as the people that are on it, but the direction that it has because he thinks that it was constituted with the idea that there would be a short-term emergency, perhaps like a rocket blows up or we have a three to five day Hurricane event, and then the Policy Group goes home; it is an emergency; and this situation, he is sure, was never envisioned, that the Policy Group would be sitting and making decisions for the County for two or three weeks or more. He advised he thinks what needs to be done is consider that and maybe re-write the direction of the Policy Group and go to Tallahassee with the representatives, to say something to the effect that during the course of a short-term emergency, and it could be defined as a short-term being three to ten days or any reasonable number; beyond that, the Policy Group would release or relinquish their authority and powers to the Brevard County Board of County Commissioners, because he can tell his staff and he, when he is out at Publix or wherever, they are fielding numerous calls and emails questioning who the heck the Policy Group is, and they did not elect the Policy Group to make decisions for them; he has heard that over and over again and he is empathetic with what they are saying; he understands why the Policy Group is in place, obviously it is to deal with an emergency; in a situation like this, the County is still in an emergency situation because of the Governor and the President; but he thinks it is a long-term thing and the Board of County Commissioners needs to be involved in the decision-making. He added he is really concerned because what is being seen here has changed the dynamics of the way he views his country; every other situation had in his term here on earth, any time the country had a difficult time, whether it be 9/11 or a Hurricane, always brought out the best in people; and this is bringing out the worst in people and he is hopeful the line has not been crossed that people become so selfish that they only think of themselves instead of the fellow citizens.

Chair Lober agreed with Commissioner Smith on that last point and he wants to say even those folks on the County umbrella of who voted against the motion that was proposed yesterday, voted against that motion. He understood it, as they wanted the Commission to have an input for the reasons that were articulated by most, if not all, of the other Commissioners here; they did not vote against it because they thought the County should act independently from the cities; every single staff member suggested there needs to be a unified front with respect to the beaches; and the issue is when some are open and others are closed, people will concentrate in the ones that are open. He mentioned he respects Commissioner Isnardi, but his concern is not that there are going to be people doing research and Googling things in Orlando to decide which are County beaches and which are municipal beaches, they are going to understand that there are some beaches that are open here; they are going to come here, if one is barred they are just going to move north or south and the next one that is open, guess where they are going to go, they are going to go there; he urged the Board to look into this and he will as well, with seeding some of the authority from the Policy Group or claw-back some of the authority from the Policy Group and reattributing that to the County Commission; and have notice requirements that he does not believe any of them were aware of on Tuesday, to even call an emergency meeting for the County Commission. He advised the Policy Group can convene a meeting in five to fifteen minutes if that is what needs to be done; he would try to give folks as much notice as possible; for instance yesterday, he got a call in the morning, but he did not set the Policy Group meeting until 3:00 p.m. so as many people as possible could be on that call; as Commissioner Tobia pointed out, there was one person missing out of roughly ten; he is not saying that is the best in the world, but it is not bad for a meeting that had 12-hour notice, if that; the Board of County Commissioners does not have the ability to convene a meeting with less than 24 hour notice; he urged caution to not do something to solve a problem and put the Board in a worse position. He advised he is happy to entertain any change as far as the

philosophy of where power should lie with respect to decisions that last a long period of time; the reason that the decision the Policy Group implemented was a three-day decision, so the Board could have input for the following weekend and even the Policy Group could consider what happens over this weekend, to determine whether it is worth doing in the future; he reiterated he respects the will of the Board, if the Board does not want to see the beaches closed for the following weekend, and regardless of what happens this weekend, simply there will not be a vote taken on it; that is the impression he is getting and he is not going to vote for it in the future, it is not because he does not think it is a smart idea, he does think it is a smart idea, but his service on the Policy Group is designed to reflect the wishes of the Board of County Commissioners; and if it is clear to me, as is the case, that the Board of County Commissioners does not want the beach closed now, he is fine, and he will not close the beach despite his feeling that it is not necessarily something that he would go the same way as his colleagues have in this case.

Commissioner Isnardi stated she does not have a button to hit, so she is going to interrupt and to say not to close the beaches, but Chair Lober is only one vote and the only elected official, other than the Sheriff on the Policy Group; Chair Lober can say he will not close the beaches or will not make a decision like this again, but that Policy Group may; Chair Lober said at the beginning of the meeting that the Policy Group expressed concern that the Board of County Commissioners may be intruding on the intent of the Policy Group; if this is their intention, to act on their own like this, and make a decision that the Board should be making, then yes, they should be concerned because she is concerned about those decisions without coming to the Board first; she will leave it there and just say she appreciates that Chair Lober is going to bring the Board's intentions forward; but he is still one member of a ten member board.

Chair Lober remarked duly noted.

Commissioner Pritchett stated she knows Chair Lober does have a tough decision and she knows he is really doing what he believes in doing; this is not personal at all; she totally agreed with Commissioner Isnardi and she thinks the Policy Group did overreach because she heard at the beginning of the meeting, which was stated many times that the Commission wanted to hear this; she heard one time that someone said if the Policy Group voted on this the Commission cannot do anything to change what it votes; she had great heartburn with a couple of those statements; she respects the Policy Group, but she thinks it could have waited a few hours to come before the Board; she agreed with Commissioner Isnardi on that and this should have been one of those things the Board talked about on Tuesday, which really should have come before the Commission. She stated she did hear in that meeting the Sheriff asking if the beaches are having lower numbers and if there are problems controlling crowds right now; she believes the beach of Cape Canaveral asked to not include them in this because they did not want to close their beach; she does agree that closing some is pushing the people somewhere else; such as with the closing of Playalinda beach in Titusville and everyone cramming down at the Indian River and piling together because people are needing some type of an outlet; and the Sheriff brought that up, if people are needing some type of outlet, they are to stay separated; She mentioned when she has gone on vacations and it rained, all the stores filled up with people; she does not know how to weigh all this but the Sheriff stated that he thinks he has this under control, he can have people out there watching the beaches so that he is able to take care of this; his comments meant a lot to her when she was listening to the information; she thinks the Policy Group does serve a purpose in those times of immediate situations, but these things could have waited until today; the buck does stop here with this Commission, it is what they are elected to do; all of the input put in by the fellow Commissioners, she does agree with; the things that can be done here is better because it is vetted publicly by the elected board that is elected to make these decisions.

Chair Lober stated Commissioner Pritchett has an excellent point, especially with respect to Cape Canaveral; he spoke with Wes Morrison, Cape Canaveral City Council Member, he received some input from Todd Morley, Interim City Manager of City of Cape Canaveral, and Bob Hoog, Mayor of City of Cape Canaveral, with respect to that input; he specifically included a reference prior to Scott Morgan's motion and he specifically ensured that he clarified that this would not impact individual's property rights, as far as any part of the sand that may fall on their property; the reason for that is Cape Canaveral has a disproportionate, larger area for most of the property owners, into the beach, that would otherwise perhaps intrude into the public portion; that was a concern that they had; and after speaking with Councilman Morris, he was more favorable towards having three-day restrictions with partial hours as opposed to just shutting it altogether. He stated he thinks the original intent may have been much broader in closing the beaches period, not necessarily with hour restrictions, or even with hour restrictions across the week; this is something he does not want folks that may not be familiar with the workings of the Policy Group, to get the idea that the Policy Group is trying to do things for the purpose of grabbing power or to exert authority; these folks that are not elected, which is the bulk of the Policy Group and they are not folks with political aspirations; these are folks who live in the community who have individuals they have to report to who are elected officials oftentimes, if not always, and they are trying to do the best that they can to keep the citizens safe; he thinks that the important thing to take home is everyone has the same goal of keeping the citizens safe without doing things that infringe on their rights; he thinks it is important that the Policy Group tries to have a good working relationship with the cities even if the Board does not necessarily agree or even if all of the Board members do not necessarily agree with the direction the cities are heading toward; he will leave it at that; and he asked if there is anything further from anyone.

Commissioner Tobia expressed his appreciation to Chair Lober for the work he is doing and he cannot imagine the position he is in; as this moves forward, he knows that Chair Lober goes there with many constituencies; he stated he stole this from someone, but he always keeps it in the back of his mind, when giving up liberty to purchase temporary safety, neither liberty nor safety is deserved; Benjamin Franklin said that 200 years ago; he wants Chair Lober to think about that as this moves forward; such as thinking of kicking people out of hotels; he is in a hotel tonight because his floors are being polished right now; there are many unintended consequences so he knows Chair Lober is looking for safety and he greatly appreciates that; but to think about the liberty that would be taken away from people and the position that they would be putting the Sheriff in pulling over cars that have two or three people in it.

Chair Lober replied that was never proposed by anyone.

Commissioner Tobia continued to say that if this is the direction that it goes moving forward, to keep that in his mind as the Policy Group makes decisions; he expressed his thanks to Chair Lober for the role he is in, it is clearly a no-win situation, and he greatly appreciates Chair Lober for putting this on his shoulders.

Chair Lober stated he appreciates that, as far as the question with respect to civil liberties, he would encourage they have alternatives; the question is not is this in and of itself of particular value, it is out of all the options available what is the best option to choose; when looking at some of the neighboring counties like Orange and what has been done with these authoritarian stay-at-home orders, his goal is to avoid doing something like that; he thinks that Brevard County is either the least or one of the least, restrictive counties in the State of Florida, certainly along the beachside, with respect to what has been done in responding to this crisis; he has gotten far more criticism from his constituents that the Board is not doing enough, than that it is

doing too much; and as far as the quote, he thinks he has heard it, and he thinks it was misattributed to Ben Franklin or some other relatively note-worthy individual from back in the day; he does not know who actually, but he has heard that in the past. He continued to say that he thinks that is on the forefront of everyone's mind and, in fact, it is something that came into play even on the decision to close the beaches for three days for the limited number of hours to allow residents the chance to use them when it is safer to do so; no one is trying to take anyone's rights away willy-nilly; thank God they are not dealing with Ebola or something along those lines, simply because that quote would go out the window were that to be the case; they can allow people to have Liberty with a 60 percent fatality rate or whatever the case may be with something like that; he thinks that everyone is trying to take measured responses where it is not simply a do everything or do nothing approach; but it is a standing offer with respect to anyone on the Board that would like to chair the Policy Group, he is happy to seed the reins to anyone on the Board that thinks they can do better or that thinks they have ideas or access to information that he does not. He stated he is not being facetious or critical or anything; it is a legitimate offer for anyone on the Board who wants to do that; if anyone wants to take it today, make a motion, and he will second it, they will vote on it, and they will have it; if they want to take it at some point in the future during this local state of emergency, make the motion and unless something crazy comes up between now and then, he would intend to second it then as well.

L.5. Frank Abbate, County Manager, Re: Report

Frank Abbate, County Manager, mentioned the public information officer Don Walker, Communications Director, in addition to the press released that had been described earlier and the press conferences that have been occurring, he is also producing short video clips that provide updated synopsis of what is occurring in Brevard County relating to the Corona virus, as well as answering questions that are posted by residents on social media sites; these videos that he is producing are just a couple of minutes each and they are available on the County's website under the Emergency Management Facebook page.

Chair Lober asked if his fellow Commissioners would like him to call in a meeting of the Policy Group later on this afternoon; and he would be happy to move to have them reconsider the decision that they made as well so that it will appear to be a bit more unified.

Commissioner Pritchett replied she thought that might be comfortable if they would do that now that the Commission has been able to put in input.

Chair Lober asked Mr. Wallace if he minded; and for purpose of the minutes, he received a thumbs-up.

Commissioner Smith provided a shout-out to Mr. Walker and Logan Hemenway, and the rest of the group that have put the logistics for the sound and the video for these meetings; it has to be a nightmare for them to do things on the fly and get it to work and work well; and he just wanted to give a big shout-out to them for a job well done.

Chair Lober stated he also wanted to give a shout-out to Sargent Carl Sangeleer, who is at the back of the room here; he expressed his appreciation to him; he appreciates BCSO always being of support to the various meetings and issues that come up with the Commission and it is certainly appreciated.

Upon consensus of the Board, the meeting adjourned at 11:27 a.m.

ATTEST:



Scott Ellis
SCOTT ELLIS, CLERK

Bryan Andrew Lober

BRYAN ANDREW LOBER, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Approved by Board May 28, 2020.