

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, December 21, 2021

9:00 AM

Regular

Commission Chambers

A. CALL TO ORDER 9:00 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 Zonka

C. PLEDGE OF ALLEGIANCE

Chair Zonka led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the August 10, 2021 Melbourne-Tillman, October 12, and October 26, 2021 Regular meeting minutes, and the November 16, 2021 Organizational meeting minutes.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

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

E.1. Resolution Acknowledging Blue Origin's Contributions to Building a Highway to Space

Commissioners Smith read aloud, and the Board adopted Resolution No. 21-171, recognizing Blue Origin's contributions to building a highway to space.

Scott Henderson thanked Commissioner Smith and the rest of the Board; he stated the Board took a risk six years ago luring Blue Origin to Florida; it was competing against a lot of different States and the Commission was a big part of drawing Blue Origin to Brevard County; he thinks they have delivered on their commitments; and he appreciates the chance to say thanks on behalf of the Blue Origin team. He continued by saying the new Glenn rocket, as Commissioner Smith stated, is a reusable rocket which is going to drastically reduce the cost of gaining access to Space; it is named after John Glenn, who is pioneering from the Space Coast, and the first person to reach orbit; it will lift off from Complex 36, right here on the Space Coast; and it is the first new launch pad to be built in Florida in over three decades. He mentioned what makes this project special is it is not just a launch pad, Blue Origin brought a manufacturing complex to Florida and it is the only place where a rocket is actually produced and launched all in the same place; and that has been a huge benefit for the Space Coast. He stated Blue Origin's vision is for millions of people to be living and working in Space for the benefit of the earth; it is not something that will happen in this lifetime, but maybe in the next generation's lifetime or the generation after that; he thinks it is special that people are going to be able to say that the road to space started in the Brevard County at mile marker zero right there at Complex 36; on behalf of Blue Origin's teammates he would like to thank the Commission; he advised they have hired over 1,000 high-paying jobs in the County; and as Commissioner Smith mentioned, they have spent over a billion dollars of capital investment and they are growing. He went on to say they have over 250 suppliers now in the area that are supporting Blue Origin; they had an average of 500 construction workers working on the pad; it has been a big benefit to Blue Origin and a big benefit to the County; he thinks it says a lot for

the Commission, that it is supporting this project back when it was only him and he was making the employee selections; he reiterated on behalf of Blue Origin's team, he thanks the Commission; and he commented Blue Origin is really proud to be partners with Brevard County.

Commissioner Smith explained a picture on the screen, stating to take notice of the sign and how it mimics interstate signs that are seen across the country and instead of interstate it reads interplanetary, mile marker zero, Launch Complex 36; and he mentioned Blue Origin did a ribbon cutting last month and he and Commissioner Pritchett were happy to be there.

Mr. Henderson stated one neat thing about Blue Origin is they are flying reusable rockets so he has for each Commissioner a pin with the feather, which is the building block of flight that has flown to space and returned on James Kirk's mission, just recently.

Commissioner Pritchett thanked Mr. Henderson; she stated the Blue Origin team have a happy program; she also thanked him because of expanding Blue Origin; she is hoping to go out there soon and take a tour with Mr. Henderson; it is just overwhelming seeing what Blue Origin is doing; and she wanted to thank Commissioner Smith and the Commission before, for helping to bring Blue Origin in; it is just a wonderful thing that is in the north end of the County; and she thanked Mr. Henderson.

Commissioner Smith mentioned he is sure all the people in the room know it, or appreciate the fact that of all the thousands of rockets that have been launched from this County since the early 50s, not one has ever been built in the County and that is going to change now; and he congratulated Mr. Henderson.

Result: Approved

Mover: Curt Smith

Second: Rita Pritchett

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

F. ITEMS TO BE PULLED FROM CONSENT AGENDA

Commissioner Lober requested to pull the Items 17, 21 and 22 from the Consent Agenda.

F.1. Memorandum of Understanding Between Brevard County and City of Melbourne (for the Pineda Causeway Water Transmission Main and Grand Canal Muck Removal Projects)

The Board approved and executed the Memorandum of Understanding between Brevard County and the City of Melbourne for coordination of construction efforts for the County's Grand Canal Muck Removal Project and the City's Pineda Causeway Water Transmission Main.

Result: Approved

Mover: John Tobia

Second: Bryan Lober

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

F.2. Permission to Accept a Grant from the Florida Fish and Wildlife Conservation Commission and Matching Fund Donations for Artificial Reef Construction

The Board authorized and executed an Artificial Reef Construction Grant Agreement between Brevard County and the Florida Fish and Wildlife Conservation Commission; accepted matching fund donations; authorized staff to competitively bid and the County Manager to execute a Construction Contract with the lowest responsive and qualified bidder; and authorized associated Budget Change Requests.

Result: Approved

Mover: John Tobia

Second: Bryan Lober

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

F.3. Waiver Request, Re: Waiver of Wall Requirement for Gregori Construction, Inc. (21WV00018)

The Board approved a waiver of Section 62-3202 (h) (10) to require a six-foot masonry or solid wall when commercial developments are adjacent to residential zoning classification to avoid placing the wall in an existing wetland.

Result: Approved

Mover: John Tobia

Second: Bryan Lober

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

**F.4. Final Plat and Contract Approval, Re: Pineda Boulevard - Segment H1
Developer: The Viera Company**

The Board executed and granted Final Plat approval for Pineda Boulevard, Segment H1 – Developer: The Viera Company, subject to minor engineering changes as applicable, and developer is responsible for obtaining all other necessary jurisdictional permits; and executed the Subdivision Infrastructure Contract.

Result: Approved

Mover: John Tobia

Second: Bryan Lober

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

**F.5. Final Plat and Contract Approval, Re: Avalonia Subdivision - Phase 2,
Developer: The Viera Company**

The Board executed and granted final plat approval for Avalonia Subdivision, Phase 2 – Developer: The Viera Company, subject to minor engineering changes as applicable, and developer is responsible for obtaining all other necessary jurisdictional permits; and executed the Subdivision Infrastructure Contract.

Result: Approved
Mover: John Tobia
Seconders: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Zonka

F.6. Final Plat Approval, Re: Hickory Ridge - Phase 3 Developer: Granite Property Development, Inc.

The Board executed and granted final plat approval for Hickory Ridge, Phase Three - Developer: Granite Property Development, Inc., subject to minor engineering changes as applicable, and developer is responsible for obtaining all other necessary jurisdictional permits; and executed the Final Plat.

Result: Approved
Mover: John Tobia
Seconders: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Zonka

F.7. Acceptance, Re: Binding Development Plan with Rodney F. McConkey

The Board executed Binding Development Plan with Rodney F. McConkey. Said Plan was recorded in OR/BK 9365/2641.

Result: Approved
Mover: John Tobia
Seconders: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Zonka

F.8. Standardization of Public Works Department/Road & Bridge Equipment - Countywide

The Board authorized the updated standardized equipment list for Public Works Road and Bridge equipment, parts, and service; authorized the equipment list to remain valid up to five (5) years; authorized standardized equipment made available by a single vendor to be approved as a sole source and not be competitively bid; authorized standardized equipment available from more than one source be competitively bid; authorized the County Manager to reject all bids in favor of purchasing from the State, Florida Sheriffs Association, or other Florida Government Cooperative Bid, if the lowest bid received is not more competitive than existing State, Florida Sheriffs Association, or other Florida Government Cooperative Bid; and authorized the County Manager to approve any necessary Budget Change Requests.

Result: Approved
Mover: John Tobia
Seconders: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Zonka

F.9. Approval, Re: Dedication of Sidewalk Easement from Melbourne Skyway Inc., for Wickham Commerce Center Warehouse Complex

The Board approved and accepted the sidewalk easement from Melbourne Skyway Inc. for Wickham Commerce Center Warehouse Complex located in Section 25, Township 27 South, Range 36 East, on Wickham Road just South of New Your Avenue in Melbourne.

Result: Approved

Mover: John Tobia

Second: Bryan Lober

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

F.10. Adopt Resolution and Release Performance Bond: Sendero Cove and Sierra Cove at Addison Village, Phase 2 Developer: The Viera Company

The Board adopted Resolution No. 21-172, releasing the Subdivision and Infrastructure Contract and Surety Performance Bond dated October 27, 2020 for Sendero Cove and Sierra Cove at Addison Village, Phase Two – Developer: The Viera Company.

Result: Adopted

Mover: John Tobia

Second: Bryan Lober

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

F.11. Adopt Resolution and Release Performance Bond: Reeling Park South at Addison Village, Phase 3 Developer: The Viera Company

The Board adopted Resolution No. 21-173, releasing the Subdivision and Infrastructure Contract and Surety Performance Bond dated August 3, 2021 for Reeling Park South at Addison Village, Phase Three – Developer: The Viera Company.

Result: Adopted

Mover: John Tobia

Second: Bryan Lober

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

F.12. Approval, Re: Right-of-Way Use Agreement for the Savannah Landing Subdivision

The Board authorized and executed the Right-of-Way Use Agreement with the Savannah Landing Community Homeowner's Association to permit improvements to be installed and maintained in the Savannah Landing Subdivision.

Result: Approved

Mover: John Tobia

Second: Bryan Lober

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

F.14. Approval, Re: Local Agency Program Agreement and Resolution with the State of Florida Department of Transportation for the Brevard County Intelligent Transportation System Operational Support - Countywide

The Board adopted Resolution 21-174, authorizing the execution of Local Agency Program Agreement with the Florida Department of Transportation for the Brevard County Intelligent Transportation System Operational Support Project FPN 428930-1-88-01; authorized the Chair to execute the Local Agency Program Agreement and Resolution with the Florida Department of Transportation (FDOT) for the Brevard County Intelligent Transportation System Operational Support Project FPN 428930-1-88-01; authorized the Chair to execute any necessary Supplemental Agreements (amendments) and resolutions contingent upon review by the County Attorney's Office, Risk Management, and Purchasing Services; and approved any necessary Budget Change Requests.

Result: Adopted

Mover: John Tobia

Seconders: Bryan Lober

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

F.15. Approval, Re: Conveyance of Ellis Road from Wickham Road to Technology Drive (East) to the City of West Melbourne

The Board adopted Resolution 21-175, authorizing conveyance of Ellis Road from Wickham Road to Technology Drive (East) to the City of West Melbourne; executed and approved the County Deed; executed and approved the Interlocal Agreement with the City of West Melbourne relating to the transfer of roadway ownership, maintenance, drainage, and associated functional responsibilities for Ellis Road from Wickham Road to Technology Drive (East); and authorized the Chair to approve and execute any future amendments to the Interlocal Agreement pertaining to the construction phase of the Ellis Road Widening Project.

Result: Adopted

Mover: John Tobia

Seconders: Bryan Lober

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

F.16. Adoption of State Housing Initiatives Partnership (SHIP) Incentive Strategies Evaluation and Recommendations Report

The Board approved the SHIP 2021-2022 Affordable Housing Committee Incentives Strategies Evaluation and Recommendations Report.

Result: Approved

Mover: John Tobia

Seconders: Bryan Lober

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

F.18. Approval of the 2021-2022 Emergency Management Preparedness & Assistance Grant Agreement with the Florida Division of Emergency Management

The Board approved and authorized the Chair to execute the 2021-2022 Emergency Management Preparedness and Assistance Grant with the Florida Division of Emergency Management (FDEM); and authorized the County Manager, or designee, to submit and execute any additional changes, documents, or budget actions, as well as any amendments to the Grant Agreement, subject to approval by the County Attorney's Office and Risk Management.

Result: Approved

Mover: John Tobia

Seconders: Bryan Lober

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

F.19. Approval of the 2021-2022 Emergency Management Performance Grant Agreement with the Florida Division of Emergency Management

The Board approved and authorized the Chair to execute the 2021-2022 Emergency Management Performance Grant Agreement with the Florida Division of Emergency Management (FDEM); and authorized the County Manager, or designee, to submit and execute any additional changes, documents, or budget actions, as well as any amendments to the Grant Contract, subject to approval by the County Attorney's Office and Risk Management.

Result: Approved

Mover: John Tobia

Seconders: Bryan Lober

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

F.20. Approval of the Emergency Management Performance Grant, American Rescue Plan Act Supplemental Agreement with the Florida Division of Emergency Management

The Board approved and authorized the Chair to execute the Emergency Management Performance Grant, American Rescue Plan Act (ARPA) Supplemental Agreement with the Florida Division of Emergency Management; and authorized the County Manager, or designee, to submit and execute any additional changes, documents, or budget actions, as well as any amendments to the Grant Contract, subject to approval by the County Attorney's Office and Risk Management.

Result: Approved

Mover: John Tobia

Seconders: Bryan Lober

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

F.23. Recommend Rejection of All Bids Received in Response to Invitation to Bid (ITB) B-4-21-82; James Jay Clark Pedestrian Crossover Bridge Recoating Project

The Board rejected the two bids received in response to ITB B-4-21-82; authorized staff to revise and re-advertise a new ITB; authorized the County Manager to execute any resulting

contracts, contract amendments, and any necessary contract extensions upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; authorized the County Manager to reject all bids received if the revised ITB and bid submissions are not commensurate with the Project budget; and authorized the County Manager to approve any necessary Budget Change Requests.

Result: Denied

Mover: John Tobia

Second: Bryan Lober

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

F.24. Approval, Re: Adoption into the Minutes of Proof of Publication for Notice of Change of Boundaries of Brevard County Commission Districts

The Board approved the Proof of Publication for Notice of Change of Boundaries of Brevard County Commission Districts be entered into the meeting minutes as required by Florida Statute 124.02(3).

Result: Approved

Mover: John Tobia

Second: Bryan Lober

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

F.17. Acknowledgement, Re: American Rescue Plan Act of 2021 (ARPA) Revenue Replacement Funds

Commissioner Lober advised for full disclosure, so people can relax, he is planning on supporting it; he did have a discussion with a constituent who expressed some concern that the Board may have been somewhat inconsistent in what it has approved and what it has given hard times to by way of Federal stimulus dollars and how it is getting allocated; he has some questions that he thinks will clear the air and keep this on the up and up so that people do not mistakenly perceive there to be an issue that is not really present; first off, he presumes this is not something where the Board is simply cutting a check where there has not been any vetting; he would presume as well that the expenses, the monies that have been put in the Agenda Item with the request to transfer to these particular entities are all Covid-19 related; and he does not know if staff has had a chance to look at it or if all Commissioners had a chance to look at it, but he just did not want people to think that this is something having anything to do with something other than Covid-19. He continued by saying he thinks that the vast majority of these non-profits, not just the ones that are included on this Item, but really all of them around here that deal with human beings, have had their costs increase and have an increased need for services and he just did not want anyone to get the wrong impression with respect to that; that is the reason he pulled it; it is not a slush fund, it is not that anything illegal is happening with it, he is talking about a set of entities, he does not think any of the Board Members or Staff are on the board of any of these groups, at least that he aware of; he just wanted to pull it to say that; and he will leave it at that and move to approve.

Chair Zonka noted she can assure this has been through not only the Housing and Human Services Director, but she has worked with Housing and Human Services at length, they vetted and made sure that all of these fell under the guidelines of American Rescue Plan Act (ARPA); she mentioned it is not just a check, there are auditing procedures in place; and they will all have contracts with the County to make sure money is being spent as intended.

Commissioner Lober stated that he felt safe when he saw it on Consent; and he figured staff would not put it on Consent if there is anything that is remotely ambiguous about it.

The Board acknowledged Commission District 5's identified uses of ARPA Revenue Replacement Funds; authorized the Housing and Human Services Department to negotiate and develop contractual agreements with identified agencies; authorized the County Manager to execute related Contracts, Agreements, Amendments, and/or Modifications upon approval of Risk Management and the County Attorney's Office; and authorized the County Manager to execute all necessary Budget Change Requests for the projects listed on the Agenda Report.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

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

F.21. Approval, Re: Interlocal Agreement with the Town of Indialantic for Automatic Aid for Fire Protection and Rescue Services

Commissioner Lober advised he will address F.21 and F.22 together. He stated that these towns are so small and they are so far south of his District, he had assumed wrongly that the County had Automatic Aid Agreements with them in the past; it is his understanding at this point, he just wanted to pull these just to thank the cities, and to thank staff on the County side as well, for getting together and getting this done because these were two of the last three County-wide that did not have Automatic Aid Agreements with the County; this is something that he thinks is basically filling the teeny bit of gap that is left; frankly, the one city that he is aware of that, after the Board is done with 21 and 22, will not have an Automatic Aid Agreement with the County is Cocoa Beach; the Space Force has stepped up and the County has the Space Force Base covering South Cocoa Beach and Snug Harbor; the Board essentially has the entirety of the County covered with Automatic Aid Agreements; and he thought it would be a decent thing to pull it and thank the cities and the staff for their hard work in getting this together because this really is getting to the point where the entire County can be colored in as having the coverage.

The Board approved the Automatic Aid Agreement with the Town of Indialantic for Fire Protection and Rescue Services; and authorized the County Manager, or designee, the authority to execute any revisions or automatic renewals to the Agreement, as agreed to by both parties and as outlined in the Agreement, upon the review and approval of the County Attorney's Office and Risk Management.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

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

F.22. Approval, Re: Interlocal Agreement with the Town of Malabar for Automatic Aid for Fire Protection and Rescue Services

The Board approved the Automatic Aid Agreement with the Town of Malabar for Fire Protection and Rescue Services; and authorized the County Manager, or designee, the authority to execute any revisions or automatic renewals to the Agreement, as agreed to by both parties

and as outlined in the Agreement, upon the review and approval of the County Attorney's Office and Risk Management.

Result: Approved

Mover: Bryan Lober

Seconded: John Tobia

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

G. PUBLIC COMMENTS

Brenda Wickham stated she is representing Green Gables of Melbourne, Florida; it is a 126 year old home on one and one-third acres, that she is trying to save; she is asking the Board for support for a grant that is sitting in the State House; it is a \$500,000 matching grant that enables her to buy the Green Gable house and property from the William Wells family; she thinks this deserves the Board attention and respect; and she has three reasons 1) They raised \$500,000 on their own, they did not have a Government entity, no big business, and nobody wanting to partner with Green Gables, it was grass root support that came through with the money, wealthy people, working people, and Green Gable had some homeless people that liked the property and they adopted the homeless people, therefore, she is hoping for the Board is support; reason 2) it is on a beautiful parcel of green space and it is on one and one-third acres on the Indian River, this area north of 192, has seen big commercial growth, it is good but it is also hard on green space for big concrete buildings that go up; she thinks they are in an important position to offer the public a green space that people can come to and offer all family events; reason 3) it is the Legacy of the William Twining Wells and his wife Nora Stanford Wells who were a pioneer Melbourne family that came down this way, after they had been in Saint Augustine looking for a home, because Mrs. Wells had a lung condition and she needed to escape the winters; their train stopped in Melbourne; and they were impressed with Melbourne because it had the wonderful Indian River Lagoon.

Sandra Sullivan, South Patrick Shores, stated fiscal responsibility is important to taxpayers and increasingly so with the inflation on garbage, fire, and utility increases by this Commission; in the last meeting, she spoke about impact fees not being updated in 15 years; one additional point she would like to add is other counties include Parks and Recreation, and impact fees, as growth means the need for new parks; Brevard does not do this and she would encourage this to be considered so the taxpayers are not burdened with paying for growth; the beachside parks are now crowded even on weekdays with overflow parking where people should not be parking; she also would like to discourage the County giving Driftwood Hotel \$40 to \$50 million when this hotel is in the process of buying additional properties and obviously has money; the taxpayers are being burdened with additional increases and yet the Board is considering giving \$40 to \$50 million to a hotel; and she thinks a conservative value is not subsidizing business. She continued to say people know the Board of County Commissioners is charged with the responsibility of ensuring all purchases are made legally and responsibly in compliance with Federal regulation, Florida Statutes, County policies, and Administrative orders as applicable and bidding opportunities for all associated solicitation documents for opportunities exceeding \$15,000 especially when there is a change in vendor involved, in what capacity, she does not know, an elected officials transparency for the contract is even important; recently she learned that for a contract that begins in January 2022, it is disturbing when a County Department Director indicated in writing that the elected person had been the broker and his company since 2014, for Aflac; in fact, the Request for Proposal (RFP) contract was awarded to Aflac, directly under this 2018 disability RFP; the Contract, effective January 1, 2019; she is requesting the Commission to continue with the Contract with Aflac directly, in January 2022; and in the

interests of following the County Policy, as stated on the purchasing website, until such time as the RFP can be advertised and fulfill per the policy of the County, as it says in writing, this is a change in vendor.

H.1. Approval, Re: Resolution and Exchange Agreement Between Brevard County and Space Coast Town Centre I, LLC

Chair Zonka called for public hearing on a resolution and exchange agreement between Brevard County and Space Coast Town Centre.

Marc Bernath, Public Works Director, stated this Item is a resolution and exchange agreement between Brevard County and Space Coast Town Centre requesting the Board to execute any and all documents required to effectuate this exchange agreement; the developer is proposing an exchange agreement with the County for a parcel, in exchange for easement rights to a new retention pond that they built; they would take over the ownership and maintenance of storm water runoff from Saint John's Heritage Parkway; the County originally, with previous owners, entered into a Contract back in 2013, with a provision contemplated possibly relocating 4.65 acre retention pond while contemplating; it was a possibility, it was not a requirement; the County, as part of a larger deal, building St. John's Heritage Parkway spent \$72,100 in doing that; and the proposed exchange agreement is consistent. He mentioned as part of this, the increase would be an overall increase in tax revenue and it would provide overall employment opportunities and decrease the maintenance for County responsibility by \$2,000 annually.

Commissioner Lober mentioned he would be happy to do as Mr. Bernath would like with respect to this; the one and only concern that was brought to his attention by staff, it was the \$2,000 a year, which really pales in value to the actual value of the land; it is in a prime location; but if Commissioner Zonka is comfortable with it then he will support it.

Chair Zonka stated she has motion by Commissioner Smith; she will say of course the Board Members spent a lot of time with this; with the \$2,000 a year, she thinks there is retention now, as far as value goes; she believes this is the best use of moving and swapping the retention; and it utilizes the best use for the property in the future.

There being no further comments or objections, the Board executed and adopted Resolution No. 21-176, authorizing the exchange of County property for other real property interests owned by Space Coast Town Centre I, LLC; authorized the Chair to execute the Exchange Agreement between Brevard County and Space Coast Town Centre I, LLC; and authorized the Chair, or her designee, to execute any and all documents required to effectuate this Exchange Agreement and obtain the applications and documents required by the agencies that will be issuing the necessary permits.

Result: Approved

Mover: Kristine Zonka

Second: Bryan Lober

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

H.2. A Public Hearing to Consider an Ad Valorem Tax Abatement Ordinance for National Service Source, Inc. d/b/a USSI Global

Chair Zonka called for a public hearing to consider an Ad Valorem Tax Abatement Ordinance for National Service Source, Inc.

Kathy Wall, Assistant to the County Manager, stated this is a request for the Board to consider an ordinance granting an economic ad valorem tax exemption to National Service Source doing business as USSI Global; the EDC ad valorem tax Abatement Council is recommending a six-year, 60% of what the company invests in and is added to the County's Tax Roll; it is estimated this exemption will be approximately \$3,900 a year; and they will invest \$1.45 million.

Commissioner Tobia asked who was in attendance for the EDC.

Brian Baluta, Economic Development Commission of Florida Space Coast stated his name.

Commissioner Tobia advised he was just curious this time, and he absolutely appreciates Mr. Baluta showing up.

There being no further comments or objections, the Board adopted Ordinance No. 21-28, granting an Economic Development Ad Valorem Tax Abatement to National Service Source, Inc. d/b/a USSI Global, for six years at 60 percent of the real and tangible personal property that the company invests in Brevard County, Florida and is added to the County's property tax roll.

Result: Approved

Mover: Curt Smith

Second: Rita Pritchett

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

J.1. Discussion item: American Legion's Request for Surplus Property

Commissioner Pritchett mentioned to Commissioner Lober she reached out to the gentleman, Commander James Coney, and asked if he minded if she tabled this Item until she could spend some time with him since it is in her District.

The Board tabled the Discussion of the American Legion's request for Surplus Property.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

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

J.2. Discussion item: Creating an Option for Recreation Partners to Opt Out of County Background Screening

Commissioner Lober stated he thinks it is important to talk about this; the crux of this and why he brought it up is because he had people reach out to him that have indicated that the additional cost of doing the background screening really is a burden for particular activities; the fact is, when it comes to recreation partners, when it comes to County parks they do not ID everyone that comes in the park; they are trusting people, they trust to serve as volunteers are going through the process that they have; he thinks it is a good process, it is very thorough; the County does not just run FDLE, it runs FDLE and FBI background checks; not only does the County do that, but it also does a recurring check, if there is an arrest even after it initially submits the information, it will alert staff and let them know that there is problem on the radar; he thinks for certain recreation partners, now that the cost structure is shifting over, where they are more and more responsible and ultimately fully responsible for these cost, the question is if

this is something that is going to prevent them from being able to have people participate and potentially hurt participation in their activity, simply because they do not have enough volunteers, is this something that the Board really needs to force them to do; he thinks from the County perspective, he does not want to lower the background screening that it does, because he thinks there is a liability concern with respect to it; if the County is saying it is doing screening, it has got to do thorough screening, which it is doing; however, what he is looking at doing, and this would presume that it passes legal muster and risk muster from the County insurer, what he is looking at doing is having an opt-out provision where for those recreation partners who do not want to spend a small fortune, if that is what they consider it, they would be able to opt out of the County background screening. He went on to say just as the County trusts them not to bring people who have not been screened by the County, it would trust them to inform the parents or guardians of every minor that participates, and the County can give them a stock form; he is happy to draft and bring it by the Commission and by legal to review before going forward in that direction; but it could draft, essentially saying, the County has for a number of years performed background checks in the following manner; it could specify what was done in an effort to reduce costs to taxpayers, that the Commission had started to shift the cost of performing these background checks to recreation partners, which is something that the County has already done; however, recognizing this may be a burden or an inordinate burden to certain recreation partners, the County has provided an opt out provision whereby the recreation partner itself is directly responsible for any level of background screening that they wish to undertake; the County is not, with respect to those recreation partners who are opting out, taking any background screening measures; he would have a spot for the recreation partner to essentially indicate what they plan to do and they can certify to the County they have delivered or sent that to parents and guardians of every minor that is participating; and he asked is it riskier in the sense of having it ambiguous and potentially not having background screening, sure, but the fact again is the County is trusting them to have people go through the process that the County has no ability to enforce anyway. He mentioned the County cannot assure every recreation partner has every volunteer go through the process; he wanted to see, for today's purposes, what the palatability is with the Board basically putting this on individual responsibility, again, informing every parent or guardian that this is something a particular recreation partner has chosen to undertake, therefore, it is not doing something to interfere with parenting, the parents have a choice to participate or not participate; and he just feels more comfortable leaving it up to the parents to determine what they are comfortable with as far as their kids; the recreation partners that want to continue to go through the County screening, that is wonderful, the County will continue to go ahead and do it at the same cost; for those that do not, simply because it is a financial burden, they have an alternative, provided they notice the parents; and that is essentially where he is at.

Patrick Lepore stated he is a 31-year Brevard County resident, of his 57 years, and born and raised in Florida; he is the next door neighbor, at the Public Defender's Office; he is also a father, and baseball is in his blood; he coaches his nine-year old currently; he has been with South Beach little league for five years now; Stephen Bond, the President, contacted him for legal expertise and advice on this issue; he contacted the County Attorney Office and he is not sure if the Assistant County Attorney he talked to, but he also spoke with the Park and Recreation Director, initially just trying to figure out why the additional background check above and beyond what little league is already doing was imposed on the league; and in all due respect, because everyone was very courteous that he spoke with, he really did not get a solid concrete answer as to why the additional background check is required. He went on to say the stock answer he got was the headline type of answer; he was informed of the West Melbourne Skate Park incident and as he began to process that, he did some research and the West Melbourne Skate Park Director was finger printed above and beyond the background check that little league would have done; and as a Public Defender, he is involved in the criminal justice system and Commissioner Lober has expertise in this area as well. He noted every day at the jail persons are arrested and processed through the jail and brought before a judge and

a judge decides whether they are at a risk for a release on bond, or if no release at all; no fingerprinting is done every day; the cost would be enormous to the County; what is done is a person provides their name, date of birth, social security number and it is run through the FBI database and it is run through the Florida Department of the Law Enforcement office database and pre-trial release presents the report, and the judges make the decision; it is obviously the risk benefit compared to the cost based on social security number and date of birth; it is sufficient for the judges to make the decision; the only thing he is aware of that the County is requiring little league to do is the fingerprint and he submits, he does not have any statistics to present to the Board, but he submits the benefit of extra fingerprinting is far outweighed by the enormous cost that it is going to require little league to do that type of process; and he can speak from his experience, he has represented individuals, one was an attorney in this County, who was a well-respected softball coach fully vetted by the Florida bar, but fingerprinting is not going to catch that individual. He advised that individual had no background that would have been caught by a background check; and it is going require due diligence by the parents and the coaches of these little leagues to address this issue.

Commissioner Smith inquired if he understands correctly that the background checks that are required by the national little league do not exceed what this Board is actually asking for and they are free.

Mr. Lepore continued on by saying that Ron will be able to speak to that issue a little more authoritatively than he can; his understanding is the little league background check goes above and beyond the State requirements; essentially his understanding is what the County is doing is they are doubling up; they are doing the same background check that little league is already doing; the only further requirement that he is aware of is requiring a fingerprint analysis which is really what is driving the cost; it almost seems like they are doing the same process twice; and again he submits the benefit to that double process is far outweighed by the cost for little leagues.

Commissioner Tobia noted Mr. Lepore has mentioned the Public Defenders Office two or three times.

Mr. Lepore replied he works for the Public Defender Office.

Commissioner Tobia asked Mr. Lepore if he speaking on his own behalf or if he is speaking as a Public Defender since he brought his name up.

Mr. Lepore replied no he is a coach for a little league; he has been involved with little league baseball since he was child; and it runs in his family.

Commissioner Tobia advised he is just looking for yes or no that he is not speaking on behalf of the Public Defender's Office.

Mr. Lepore responded absolutely not, it has nothing to do with this.

Commissioner Tobia stated Mr. Lepore brought it up three times so he just wanted to make sure.

Scott Farnham stated he is from Melbourne, Florida and he is the President of Eau Gallie little league; he continued with what Mr. Lepore was talking about, little league does background checks on everybody, every year, not every five years; it costs them \$0.95 cents for a background check, it does not cost them \$90; he did a small calculation, and if this was to hit Eau Gallie little league that would take about one-third of its operating budget every year for the

background checks; and it cannot sustain something like that. He went on to say at best they would have to raise fees which causes their attendance to go down, because people cannot afford it; little league gets children out of the house, gets them doing some exercise, and gets them away from the video screens all the time; there is nothing wrong with playing video games, but that is what kids are doing more and more of these days; and this gets them out, gets them some exercise, and so forth. He mentioned he has been President for 11 years; he has been to these various ballparks and he has never seen anybody from the County out there checking IDs; part of this \$90 the volunteers are supposed to get an ID card; talking with some of his fellow Presidents, nobody gets the ID cards; and at best they are doing the same background check that little league is doing if little league is not doing more. He noted he does approximately 200 to 250 a year; he understands the concern about getting a sexual predator in the league, that is the biggest fear he has is of getting a sexual predator in his league; he personally does the background checks to make sure he is checking them and finding out; this person at the skateboard park passed the background checks, in that case it did not help; with sexual predators, there are two cases, those who have already been caught that would be found during the background checks, and the ones who have not been caught yet, and the background check is not catching them; he is not trying to say not to do background checks, they are done the entire time he has been president, and even before when he was on the Board, the league was having them to do background checks, this is nothing new; everybody gets background checks including himself; he is not trying to skirt on it, it is simply saying little league already does it; little league is probably willing to sign any reasonable form for it; and he is sure the Board lawyers can vet it out properly. He mentioned this is something that is just a cost that hurts the kids, to be honest; everyone is there to serve the people, and the kids; and it is a worthy goal.

Aran Hissam stated she is the Vice President and registration officer for Viera Century little league; this is her seventh year serving as a volunteer in this Organization and she is there to share the detrimental impact on all of the little leagues in the community that will suffer by imposing a new background check mandate on the organization; the financial impact alone is significant and in Viera it will cost them over \$30,000 a year with its over 300 volunteers; little league prides itself on being a non-profit, run by volunteers; if the volunteers do not exist, the ultimate impact is on the children of the community; some of these children will rely on coaches, team parents, and teammates as the only positive parts of their day; they need these mentors to teach them the life skills such as working on a team, learning how to celebrate successes, and how to cope with losing gracefully; kids learn more on the ball field than just basic baseball and soft ball skills and that is thanks to the volunteers that help them every day; and the organization cannot afford to pay fees and cannot expect the volunteers of the organization to have to pay for registration fees, along with an additional \$100 impact fee based on being a volunteer. She advised she would also like to point out that the security that the organization offers through running background checks is far more intense than what would be offered here; the background checks are pulled by Social Security Numbers; she also would like to talk a little bit about how the volunteers are monitored; she is on the field multiple times a week; and she did get her badge through the County and she has never been asked to show

credential on the field. She noted she would like to leave with a quote, "A truly great volunteer is hard to find, difficult to part with, and impossible to forget"; she asked the Board please do not penalize little leagues by having great volunteers whose ultimate goal is to help the children of the community.

Commissioner Tobia stated he is trying to figure out the \$30,000; he appreciates Ms. Hissam putting a number on it; and he asked if she stated there were 300 volunteers.

Ms. Hissam responded they have been told it will cost about \$100 a volunteer and they have over 300 volunteers.

Commissioner Tobia asked Mrs. Hassam who told her that.

Ms. Hissam responded she had figures sent through emails.

Commissioner Tobia stated first of all, the number she is getting is not per-annum it is for five years.

Ms. Hissam responded they do it every single year; and she explained people leave and people come in, so they still have to pull based on new people coming in.

Commissioner Tobia mentioned if she did that and it was one year it is \$44 and that is the full cost, but the Board voted unanimously for the half cost; assuming her numbers, not this first year because this first year the Board is even paying half of it, times 300, so it is less than half of the \$12,000; not that \$12,000 or \$13,000 is not a lot, but her \$30,000 even a worst case scenario with her numbers, is more than double the actual cost; he advised he does not mind having a disagreement but as long as they have same information; and these numbers have been provided by County staff that the one year is \$44.26.

Ms. Hissam responded that is different information than she was given but she can tell Commissioner Tobia, because she is a registration officer and she monitor all of the funds that are coming in and out, even that is significant, where they are already having children that have to come in on scholarships; they are covering their registration fees; and if anyone is going to come in on a scholarship, then the parent has to volunteer; and it is going to cost the registration fee plus the volunteer fee to the organization.

Commissioner Tobia stated he is with her and he understands, but he just needs to make sure the numbers that they are looking at and the numbers she may have heard, and he does not know where she received those numbers, but knowing a lot goes on Facebook that the Board does not monitor, all he has and he is more than willing to share what the actual numbers are; and everyone can go from there and decide if there is a middle ground.

Ms. Hissam stated regardless, an extra fee on top of what little league is already trying to do with what it brings in, would be significant; it would impact the children; and she appreciates the opt out option that was discussed because it could help.

Stephen Baughn thanked the Board for their time; he stated he is President of South Beaches little league; every year they have two seasons, fall and spring; there are 200 or more players playing every season; they also have 150 to 200 volunteers every season; as a volunteer organization, they see about 75 volunteers are turned over every single year; kids decide not to play baseball anymore, kids get older, coaches decide they do not want to coach anymore, and every year they have to conduct 75 extra background checks, on average, simply for turnover; Florida is one of only 10 states in the entire country, that has enacted background check requirements for volunteers of non-school associated activities of youth sports and athletics; and yet little league requires it of every single entity in the entire country. He went on to say Florida law requires private, non-governmental entities that organize, operate, or conduct, coordinate youth athletic teams in Florida to conduct annual level one background screenings, essentially for anybody who works over 20 hours; sexual predator, sexual offender checks, employment history checks, and Statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE); little league international's background check through J.D. Palatine conducts all of that, and extends it even further, requiring of every single volunteer, a physical copy of the driver's license, conducting a national criminal search, instead of just a Statewide search; also a review of the U.S (United State) Center for Safe Sport centralized disciplinary database, meaning any coach who has ever been disciplined with any

affiliation will show up, as well as the little league international ineligible list from affiliate leagues; and the interesting part about the background check through AUE is this year alone the background check from little league found four individuals flagged in his league as volunteers that were passed by the Brevard County background check process. He went on to say their league was never told of any issues with any of those individuals; they were never given any notification, and one of those individuals had a felony from another state; there is a concern with what is being actually conducted, as far as the background check and being provided by AUE; and it kind of talks to what some of the other individuals talked about, the value of what the little league background check is able to provide above and beyond. He mentioned financially half of their revenue comes from registration, the other half comes from sponsorship from the concession stand and fundraisers; the league is constantly having to hit the pavement; the 30 percent figure is straight operational, it actually is the additional 75 background checks they would have to conduct every year; it would represent 30 percent of their actual budget every single year; and that is just a cost, that without being able to rely on sponsors and fundraisers and everybody else, that would significantly impact the league. He commented he hopes the Board understands they are not looking to avoid the background check; it is just kind of a duplicate process; finding volunteers is extremely hard, it is the 80-20 role; some people put way more time into it and it is extremely difficult for them, to have this process already in place; and he thanked all the Board Members for offering the opt out.

Ken O'Neill stated he serves as a District Administrator for the local little leagues in Brevard County; he acts as the liaison between little league international up in Williamsport and the local league in Brevard County; they wanted him to bring the message to the Board that they need help to get this done; one thing that little league does require, and it is not negotiable, is the background checks of any volunteer that comes into any of the parks, whether it be a County park or City park; people rely on the leagues to do 100 percent background check on them and to make sure it is done, they have a data center and it does show the amount of volunteers that they do have; little league does know the amount of volunteers, the percentage, that have been background checked; and that is forwarded down to him. He advised he lets them know if they need to continue with the background checks before they can proceed; they also have the background check when they have tournaments, and stuff like that, the umpires they use as a district are also screened again through the district staff, to make sure that any league that is coming to them, if they want to know if these umpires have been background checked, they can say yes; and they can show them they have been checked. He continued by saying little league is very strong and determined that the background checks all be done, regardless; to add an extra fee onto this, it is not going to help their mission; little league's mission is to continue to grow, to give kids a fun and safe place to learn and play; they do not want the league shrinking because they do not have the volunteers that cannot afford to pay this; one thing that he wants to mention is about the scholarships; there are a lot of kids out there whose parents need the help to be able to play; little league does not turn any child away, the leagues incur that cost of paying 100 percent out of their budget to cover that; they also have the challenger division which he believes it is a two to three leagues pay out of their pockets and they do not charge any child with any disability to play; they fund that all the way through going to their tournaments out of State; and every one of them is background checked. He stated they do not want to take away from that, they want to continue to provide these kids an opportunity to play; adding on to the leagues is going to certainly hurt some of the smaller leagues; and little league just wants to send the message that they do need the Board Members help with this.

Chair Zonka stated she knows she spoke with Mary Ellen Donner, Parks and Recreation Director, about this in the past, but based on her expert knowledge and what the Board has done so far with this issue, she asked if little league's background checks are more intense than the County's.

Ms. Donner responded, as far her knowledge and from what she has heard from the little league, no because the County goes through FDLE to run FBI fingerprints; she did contact their agency, J.D. Palatine, and asked if they in fact did fingerprinting; and J.D. Palatine responded no, and stated they do not do national level FBI background checks.

Chair Zonka responded that was her main question.

Commissioner Tobia stated some interesting issues were brought up here, unfortunately someone in his office just checked this; he appreciates Commissioner Lober is eagerness to bring this forward, even though he believes the Board voted unanimously months ago, to institute the sharing of these fees; he thinks even he voted for it, even though he thought the responsibility should be on the recreation partners; but it is simply a placeholder and the subject line is to create an option for recreational partners to opt out. He went on to say he does not know, that is very wide-ranging and there is really no policy here, so at this point he is uncomfortable in moving forward on what literally says placeholder, period; he certainly would like to see the differences; there are a whole bunch of issues here; Palatine charges \$0.95 but just the charge alone for FDLE is \$8.00, the FBI is multiple, some interesting issues were brought up, J.D. Palatine apparently, and he does not have way to confirm any of this stuff, was able to catch somebody who the FBI was not; he thinks the numbers that have been spread are significantly many times less, there is a lot of misinformation here, and he certainly would like it to be written down; he does appreciate this being brought forward because he thinks it is a worthy issue; but he thinks it is a lot to expect anyone on the Board to make a decision with the term placeholder, especially when it is dealing with the safety of kids. He noted the last individual got up here and he is ready to vote for this opt out; he thinks the Board agrees that the Governor is doing a pretty good job; the Governor was a little league player; he played in the Little League World Series and if he got up here and said the little league should be able to opt out of background checks and fingerprints then this would have his support; but short of that, he certainly would like to see the policy; and at this point, he would not feel comfortable even though Commissioner Lober just put down discussion. He stated he appreciates everyone's time coming forward, but he unfortunately will have to vote no because there is really nothing there other than a placeholder.

Commissioner Pritchett stated she wants to start out with thanking the people for working with the kids; she grew up playing ball; she had the kids, grandkids and she knows it is so important for kids to learn team sports and to have trusted coaches and mentors in their life; it is very important; she does want to mention that the County has been doing these background checks for five years, although the County has been covering the cost; and in those five years they have picked up 137 people that have been denied, so it is doing the job. She mentioned she did ask some questions about the little league background checks; she knows they say there are no cut costs, but Brevard County School has a cut cost; they are able to do \$47 for five years because they do it now; she just knows \$0.97, even if it is cut down, it is not the kind of background checks that they are able to do with fingerprinting, and the fingerprinting is nationwide; and the reason why that is important is they have so many people transferring to the State of Florida, currently. She commented, now again, it does not catch all of them, but if it catches 137 that is significant, with protecting children; her number one thought is always going to be protecting the kids; with the other position she has held in her life people would be surprised how many children are grown up into adults, that have been violated, it is significant; she will always err on the side of the children; as far as the background checks, she is not going to budge on that, but the cost has her attention; if it is going to stop the ability for children to place sports and have the cost covered, that is a different issue; she would be willing to figure out what the Board can do, but as far as background checks, she is not going to disagree with what the County has, it is a good process; and she mentioned she asked some questions of the County Attorney. So she advised she was able to talk to Mr. Stephen Baughn,

and she stated he is great person and she is thankful he is heading up what he is doing; she does want him to get a hold of the Parks and Recreation Director and let her know which one he caught that the County did not; she needs to know what is going on with that; and she noted that had her attention. She stated what she heard Mr. Baughn say to her is the coaches would totally understand, but there is the concession stand workers which are parents; she thought, Mr. Baughn is right on that, because she does a lot of ball on weekends and the parents are required to go in there and volunteer once a month to work in session stands, and they are working with other parents, therefore that does not make sense to her to have to do background checks on them; it might be a little overkill; and she talked to the County Attorney and there is a way that the County could redo some things to where they have to do the background checks on the people who are working with the children. She noted if the volunteers that are maybe selling items are not directly working with the children, developing trust with these kids, they possibly could work on some language, depending on how the rest of the Commissioners feel about it; but Commissioner Tobia did great work; there is a lot of bad information going around; but the County can do a five year for \$79 which is fifteen dollars per year; she is not so much opposed to the County continuing to pick up half of that, but if the Commission does not agree with that, she still thinks these background checks are extremely important for people who are working one-on-one with kids; and no one can argue with her testimony, she has seen things and she just knows the significance of children that get affected when they are kids, it does not go away quickly. She stated it lasts a lifetime, there are problems, and it is just horrific; if it comes to an extra cost to protect, she do not know how many kids would have been affected by 137 people, it is just something that is important to do; whether they want to talk about cost and how to share the cost or whatever the Board needs to do, she is not going to bend; and she is not going to vote not to have people, who are working one-on-one with kids, having to have these background checks, where they are fingerprinted just because of what is at stake with the children.

Commissioner Lober stated he has a few thoughts and he is going to try to skip some of the items that were brought up by the speakers, although he does think a lot of them have merit; he agrees with Commissioner Pritchett's statement that protecting children is important, however, there is definitely a slippery slope when looking at that; if the Board really wanted to do everything and pull out all stops to protect children and not allow for even the possibility of something happening, they would say people cannot use parks for events involving kids; then there would never be an issue with a sexual predator because they are not going to be there; alternatively, it can say there has to be a Law Enforcement Officer anytime there is a volunteer with a child; and neither of those are reasonable. He continued on to say there has to be some comfort level of risk tolerance because the Board acknowledges it wants to allow kids to use parks and it does not want to have it so burdensome that it is effectively preventing them from doing that, which is what he believes was part of the concern that led to this group reaching out to him; as to what Commissioner Tobia mentioned, as he told Mr. Lepore, his colleague, this is very much a discussion point today; the game plan was essentially to see what the palatability is with the Board, what direction the Board wants, and not to push a vote today, but to have a vote sometime in January; what he will say is with respect to their background screening and County's background screening, he is not warranting that they are equivalent, he is not warranting that the County system is better or worse, or that theirs is better or worse; the fact of the matter is, he having seen this for double-digit years, in the context of criminal law, people fall through the cracks in all sorts of systems; the County may have some fall through the cracks; the question to him is what is the County making them pay and what does that do toward their participation and their ability to continue offering the services they are offering; and if at the end of the day, as Commissioner Pritchett suggested, the Board scales back on who is required of that, namely if they are not even interacting directly with kids, maybe that is enough that it takes 300 people and it makes it 150. He went on to say maybe that is one step to do it; in the alternative or perhaps in addition, maybe the

Board says for a five year background check, leave it to the Organization, whether they want to do a one year or five year; and the Board says okay, even though it is X number of dollars. He asked Commissioner Tobia the cost for the five years.

Commissioner Tobia responded \$79.

Commissioner Lober stated the Board is not going to even make people pay their half of that up front; the County will essentially finance it at no interest and people will pay one-tenth of that up front, and pay one-tenth of that every year for the next five years to make it workable; maybe that is something, he does not know; but he thinks toward what he was suggesting, if the Board is just not comfortable with that, it is fine; but what he was suggesting at first is whoever opts out, it is not that they are precluded from doing their own screening, and obviously this group has made it abundantly clear they have to do the screening, they are just opting out of having the County do it; and yes in this case, and in most cases, he would imagine they are probably not going to do fingerprint checks, but if that is something where the increased cost makes it so that they cannot do their activity, then he does not know that the Board is really helping the situation by forcing that to take place. He advised he did not know where folks were, but essentially if the Board can do what Commissioner Pritchett suggested, he thinks that is far better than nothing; in the alternative, if the majority of the Board is comfortable looking at perhaps having an opt-out where this group is a recreation partner and if it decides to opt out the County will generate a letter; at the risk of being a little repetitious, the County says what the background has been, as far as what the County has been doing for years, why the County has changed to save tax payers dollars, and now that is up to the individual recreation partner to perform any level of background check that they feels is appropriate; they will specify on the form, in a field that is clearly set out for their filling, this is the level that they perform and the County does not warrant that it is better, worse, or equivalent to what the County is doing; if anyone has concerns, they can reach out to the County or to the recreation partner for answers; he is satisfied with that because the County does not check identification at these events, it is not checking to make sure that only those who have been vetted, participate whether they are selling food or whether they are helping a kid adjust their grip on a bat; and he does not know where the Board is at, but he is fine going the step that he first suggested or at least going the step that Commissioner Pritchett suggested. He commented if the Board is comfortable with the step that he suggested, as far as having that notice to the parents, he will draft something between now and when Board comes back in January, that essentially lays it out; he will run it by legal, he will run it by Risk Management, and then see where the Board is; but if the Board is not interested in that, he is just not going to waste the time putting together.

Commissioner Smith stated he wants to recognize Commissioner Lober and thanked him for thinking outside the box on this issue; when he heard about it he was curious and interested; he is an alumnus from little league, a long time ago; his grandson is an alumnus of Eau Gallie little league; from his prospective all of these parents are there because they care about the kids, and they care about their own kids; they are not going to turn a blind eye to someone that could be shady, illicit, or any other adjective that one can come up with; a certain amount of trust is involved just because of that; but he is not saying one can fully trust the parents, and he knows it is the few parents, and what was the 80-20 rule or 60-40 rule or whatever it is; but the parents that are there, they care, they watch, they look and they notice things, but the Board is not putting the entire onus on them because little league already has background checks; and as pointed out by Commissioner Lober, no background check is 100 percent. He went on to say the only way to keep these kids completely safe is just do away with it literally, then people do not have to worry about it anymore; he thinks that is throwing the baby out with the bathwater; he thinks that is preposterous and it is overboard; if it literally goes away because of this being onerous and costing too much, the Board would have saved the kids but at what

expense; it would have thrown the baby out with bath water; and he mentioned he would like Commissioner Lober to come back to the Board in January with some proposals, just to hear what he has to say.

Chair Zonka stated now she will be the grinch; she likes what the County has in place; she was, at least along the lines with Commissioner Tobia, where she thought the league should bear the cost; she probably grew up more poor than most of the people in this room, and all she did was fundraise; she knows it is an easy answer but if kids want to play baseball, the family wants them to play baseball, then they find ways to raise the money; unfortunately, she is always going to opt for the fingerprinting, so she is not going to support anything that changes that; somebody working in the concession stand, she know Commissioner Pritchett intentions are good, because she does not think volunteering, passing out paper, or working in the cafeteria during lunch requires fingerprinted background check, but that has to be done every so many years with the school; she thinks that would be difficult to manage and the Board could not guarantee that they would not be moving positions; she knows she has been shifted around volunteering at grade schools and high schools over the years; therefore, she is not going to support any change in this. She noted she is going to dig in on this because she has seen too many bad things and there is always a way; she does not think the little league is going to shut down because they have to come up with creative ways to raise money, she does not believe that for a second; suggesting that people will not let their kids play at all, there are Sheriff's officers there to supervise; it is just ridiculous anyone could use that analogy with anything that anyone does; it is like saying do not drive a car because one might get into a car accident; and she reiterated she is always going to err on the side of caution when it comes to kids.

Commissioner Pritchett advised she is leaning more towards that way herself; she does have to say though, if the Board does the five years, \$15.80 per year, is what it averages out to; this year the County is picking up half of it, so \$7.90; some of this got her a little bit curious, and not that she does not believe it, but to have 2000 kids and 225 volunteers, if she could get that kind of volunteers with things that she does, for the amount of people she has participate, that is pretty phenomenal; she thinks there have been so many bad numbers going around; she does not believe for a moment, and she would guess there are probably 70 coaches for the little league, and \$7.90 they may charge each kid maybe \$1.00 more per kid to help cover some of these costs, or the fundraising, like Chair Zonka said; she gets it as far as having to add extra costs on what they are trying to do, especially when they have volunteers; and she mentioned, if the County continues to pick up half she is fine with that as well, but she does not know if the Board is going to have the votes for that. She went on to say she is not going to vote not to fingerprint; she does want to mention again that this starts in October and people are already doing this; they already have everybody compliant so far; this is the first time it has come up with a hardship so that would be the discussion of figuring out what to do with that; but as far as saying the non-fingerprint is as good as the other, it is not; they caught 137 people that did not go through the fingerprinting; she noted she works at a church with child care, she has to get fingerprinted at the highest level, every time, they all do, because the goal is to protect the kids; people cannot tell her it is not out there, she knows they pick up some; little league in the past had issues, boy scouts, there are all kinds of things going on right now with child predators; and she is just going to vote every time, erring on the side of the kids. She explained if everybody just decides they are not doing it because they would have to pay \$15 then they are going to have to live with that; if somebody cannot afford \$15, they can call her and she will pay for it for them; if it is a few people she will be glad to do it and jump in and help some; but as far as protecting the kids, it is always going to be her number one thing; she just wants to say that she is with Chair Zonka on this; she does not know where the rest of the Commission will land; but if it is just a few bucks and if it protects the kids, she is just going to spend the money.

Commissioner Lober stated he has some last thoughts; he will say with respect to what

Commissioner Smith mentioned, since at least there is one Board Member asking, he will put something together for January and if it goes nowhere than it goes nowhere; he will also put the alternative, another option that goes towards what Commissioner Pritchett was saying earlier, and he will see where it goes; he just wants to caution folks, he would not put too much stock in having caught 137; he is not saying that is five percent or hundred percent, he does not know how many that was, the other thing is he does not know that, for instance with the little leagues background check that they have been doing, if they would not have caught all of the 137 or perhaps maybe they would have caught more than 137; to have a number standing by itself, without knowing how many alternatively would have been caught, it is of limited value for him; he wants to err on the side of kids too, but having the ability to participate in an activity like this, he does not want, and he is fortunate enough to do well enough in life that if there were a Lexus league for kids, he could participate in that, but he does not want to see the folks that are driving older cars and living in smaller houses unable to participate, because it really may be a burden; he will bring some options back in January and he will see where it goes; and he thanked all the little leagues folks for having taken the time out of their day. He stated this is probably one of the most boring things in the world for them to be at, especially being at the very end of the Agenda, but he will get this on for January; and he will get it out as early as he can and send a copy to Mr. Lepore.

Chair Zonka stated she would just caution Commissioner Lober to make sure, and she does not know where Commissioner Tobia is, but if he is not going to budge on it, then he is going to get everybody riled up for something that will never pass; she noted Commissioner Tobia holds the cards on whether or not this Board is going to support something like that; and she does not want to waste anybody's time.

Commissioner Lober responded that is fair.

Commissioner Tobia stated he hates when Madam Chair points out to people that the Board does not know where he is.

Chair Zonka responded sometimes Commissioner Tobia is very mysterious.

Commissioner Tobia noted short of any more information, J.D. Palatine charges \$0.95 to do a background check and just common sense tells him when the State charges for a background check \$8.00, now J.D. Palatines a for-profit company, so he imagines they have to make some money off that \$0.95, and just to do that the State fingerprint check it costs \$8.00, it tells him the level of scrutiny is many times less; he mentioned he could be wrong but there has been no evidence presented to the contrary based on that, nothing about what J.D. Palatine does or anyone else out there; if the Governor is for no background check for kids at little league, and if he wants to go on the record saying that, he will support him; but short of that, he did support this the phase out even though he was in favor of the more draconian immediate switchover, however, the numbers are way off; and it is no fault of the participants up there, he does not know where they got those numbers, had they called he got an email he called the individual back that he got the email from and he never heard back which is absolutely fine but he thinks Board should at least start on some sort of consistency. He advised the number was less than half of what those folks had been presented; he does not think anyone up here is trying to limit folks ability to participate; he thinks they just have to balance this out; he played little league, not very well, but he played league baseball; they had to wear helmets, they were annoying, he never got hit in the head with a ball but it is a precaution that at one time they decided probably was not necessary, and now is it is a risk factor, is that tolerable; and right now, based on the information that he got from staff, and he appreciates what staff has done the Parks and Recreation Director has done a wonderful job, she went above and beyond by calling J.D. Palatine. He commented they have not presented a fact in which they do a comparable job, and the basic \$0.95 versus even at the \$44 level, there is something that does not make sense

to him; if Commissioner Lober can show that level is the exact same then he would be willing to; if the Board has to decrease the level of scrutiny the County put kids in, he is certainly not willing to make that, for what amounts to \$15; he hates to be obtuse on this one; he wants to be as clear and transparent as possible; if it is the same level it is absolutely something he would probably encourage; but when it decreases the level of safety, and he does not know, it was brought up by Commissioner Pritchett, the County caught over 130; he wonders who were the four individuals that a \$0.95 business caught, but the FBI did not; and he mentioned there are a whole bunch of questions out there that he thinks would need to be answered before he can be definitive, but right now he is strongly leaning with Commissioner Pritchett and Chair Zonka.

Commissioner Smith volunteered to give Governor DeSantis a call.

Commissioner Lober stated he just wants to touch on something that Commissioner Tobia mentioned; he understands why it would come across that something that is far less costly than another would automatically, or most likely, have a fraction of the level of scrutiny; he does not know if that is the case; and in fact he suspects that is probably not the case; he explained what he means by that, and he does not know if the Public Defender's Office uses Westlaw or LexisNexis, but he can do a hell of a background check on someone and spend next to nothing; the reason being, he has access to a subscription that he pays irrespective of whether he use one or a thousand queries it costs him the same amount on an ongoing basis; they may spend a small fortune per unit of time to have unlimited access where the incremental cost for them to add one name or 300 names is literally a few cents, or nothing; it is the time of the employee; whereas they are paying one for absolutely everyone and whether they screen one person or 10,000 it is not saving any money; and if that is the concern that there must be much less scrutiny, he can look into that and determine whether or not that is likely to be the case and bring more information back in January. He mentioned he would be reluctant to say that is automatically the case; as far as saying it is exactly the same, nothing is exactly the same; it is like saying is an apple or an orange better, it is a subjective question as to whether what they are doing or what the Board is doing is better; if there is a question as to whether what they are doing is sufficient, he is happy to reach out and get the exact coverage, or the scope of coverage that their contract provides for and then take the County's and put them side by side so it can be looked at to see what is the difference and what is the same; in this case the little league is doing more than what the County is doing, but he really doubts that they are doing such an abysmal job, especially given, he understands anecdotal evidence is not necessarily the best, but hearing that four people were caught, at least one or more were felons that the County did not catch, he thinks there may be something to it; if the Board is interested he would bring that back as well; and he does not mind spending the time, he does not want to get folks riled up as Madam Chair had mentioned, unnecessarily but he does not mind spending the time because he thinks it is a worthy cause.

Commissioner Pritchett stated she has only been able to work on it for a couple days trying to get the data; as far as the names of who was caught, she would still like to see that and find out what it was and have the Parks and Recreation Director see that data on it, because that has her attention; she mentioned that what the County does is fingerprinting, FBI; what other people do, as far as license check, is the same as that, then she does not understand why Law Enforcement would continue to do fingerprinting for those or schools; that argument does not make a lot of sense to her right now; she is telling everyone that she has to be fingerprinted massively, every year at the highest level; she is sure a few of the Board Members do, so she knows it is more extensive; and the thing that has her attention is what the County does is nationwide, and there are all kinds of people coming into the area, so just doing local or the State right now, she does not think it is going to cut it. She stated she thinks that doing anything different than what the County is doing, will be putting a high risk population at a higher risk; she just does not think it is a good idea; and she reiterated she grew up playing ball, her kids played ball, and her grandchildren play ball, so it is important to do this.

Commissioner Lober asked Commissioner Pritchett if she was fingerprinted.

Commissioner Pritchett replied no and mentioned what Commissioner Tobia said the helmets, and when she grew up they changed it and she could not wear earrings when she played because it became a greater danger; as people understand threats they have to come up with solutions to those threats; she has been in ministry for 30 years and the amount of people that have been molested and do not get better, the problem with that is people who get molested learn a lifestyle, and it just starts a path; with all this stuff going on right now, she thinks putting the most vulnerable population at any further risk over a few dollars, is just not right; and for the Board to make a decision for \$7.00, if the Board did not do this and one of those 137 people messed with kids, she is not going to sleep at night. She went on to say if the Board backs up on this and a child does get messed with, she would imagine the County is going to get a lawsuit because it took something out of place, that was in place and that was protecting children; and that is just another thing to think about.

Chair Zonka stated she thinks the Board has probably beat this issue to death; but it is passionate.

Commissioner Lober responded he will bring some more info for January.

Chair Zonka noted for \$7.00 a year it is a hard argument to make against it.

L.3. Rita Pritchett, Commissioner District 1

Commissioner Pritchett wished everyone a Merry Christmas and hopes everyone has a wonderful time with their family and have a wonderful blessed season.

L.4. Brayn Lober, Commissioner District 2

Commissioner Lober wished everyone a Merry Christmas, happy holidays, stay safe, and stay healthy.

L.5. John Tobia, Commissioner District 3

Commissioner Tobia stated he has to be the grinch; he has three things, two are relatively quick though. Billy Prasad, who has been an integral member of the District Three team, not only as an attorney, but Chief of Staff and certainly a good friend, will be leaving the first week of the New Year; he is going to work for the dark side, that being full-time County staff; he thinks it is absolutely best for him and his new family, and what is loss for his office, is certainly a pick up for the County; he cannot thank him enough for his service; he thinks there might have been questions as to how that happened, and he will assure it was through his wise counsel that many ideas never bubble to the surface; so it is probably not the greatest thing for District Three because he is such a calming factor; and he wished Mr. Prasad absolutely the best. He noted the County will greatly benefit from his experience; and he thanked him for all the hard work and extra time that he put into the office. He continued by saying he failed at this, but for some strange reason the Board got the gist of it; this is the list of the resolutions; ever since the Board came up with that idea of putting them in consent instead of having them run on and on, even though he could not get the vote, the rest of the Board went by it, but there is a list of the resolutions and he wants to thank everyone; he knows staff would thank the Board

if they could; certainly the only people that have been harmed are the individuals that make the frames that the Board has to hand out; and he thanked the Board for cutting it down as much as possible.

Chair Zonka responded this is showing how many more slots each have.

Commissioner Tobia stated that is per year, so technically it is zero again.

Chair Zonka advised he got the name wrong.

Commissioner Tobia responded oh my goodness, gracious, he did not catch that.

Chair Zonka stated it is only been over a year, but it is alright.

Commissioner Tobia responded he will blame it on Billy. He went on to say he makes some tough votes, but usually he stands behind them; there was a vote that he made recently that has brought a little consternation and he wanted to bring it back up to the Board here; this was dealing with the emergency rental assistance; his goal as an elected official, and a policymaker some of the time when the Board agrees with him, is that the flack ends with the Board, and not with staff; staff does a very good job managing a large and diverse group of folks delivering services; having to take on the extra burden that the Board places on them, for policy is something he thinks is probably outside of the scope and certainly takes away from their limited time; and Ian Golden, Housing and Human Services Director, has done an absolutely excellent job with this sensitive matter. He advised he has spoken with a few folks that have dealt with this and not only did they speak with Mr. Golden's staff they spoke with Mr. Golden personally; just as a side note, of course he is not generally in favor of this emergency rental assistance, it is millions and millions and millions of dollars that have been coming down from the Federal Government; however, that is the decision that policymakers on top of this Board made and he thinks, Mr. Golden has done a great job; he could get into the specifics of this, other counties have gone through this much quicker than Brevard County; Brevard County has been diligent making sure that the landlords get it, not the individuals, so they could not squander the money; however, what his focus is on is folks with litigation pending against Brevard County. He noted the Board put that in and the treasury looked at that as a provision and they approved it; the County legal staff looked at this, if there was anyone precluding anything, any Federal law precluding the Board from doing this, and they informed it, to the best of their knowledge, there was not; he had to fall on, and to be very clear and for full disclosure this is all about staff, there is not one individual right now who has been caught up by this; however, there has been an inordinate amount of time that has been spent by Housing and Human Services staff, and the legal department dealing with this very issue; and that is the goal of this. He advised there are lots of people that sue the County; there are some that are really frivolous; he asked for one and he got the okay from the legal department to say this, but the case of Nicholas Hetherington; and he explained a cow wandered onto a road, property that the County owns, but was leased to another party, and the County has no responsibility for said cow or the property, but the driver hit the cow and then sued the Board, this is absolutely crazy. He noted he would like to pick this person out and decide, if he or she wanted to sue the County, absolutely; there are frivolous cases out there; but unfortunately there are also cases where it is the County's fault and common sense would dictate; for example, Ms. Carolyn Fry Parks who was injured in relation to an elevated deck at a park that the County agreed it should have maintained better; she fell through some decking and the County made a mistake; it did not do it on purpose, but it made a mistake; and she would get caught up in this, if she needed rental assistance. He continued by saying, for people that are legitimately suing, sometimes it is very difficult, if there is a way to determine one and not the other, but the way it stands right now that person that sued based on the cow, would have the ability to get the rental assistance because

the case is closed; but the person who got injured through negligence of the County would not have the ability to get that; then it would fall on staff to make that case, he cannot make that case as a policy maker; he thinks it is extremely difficult for staff to make that case; he just feels that is extremely unfair; he would like the Board to reconsider, either doing away with that or, he is not an attorney, a way that the Board can decide what frivolous is; and he has no idea, he is just uncomfortable with this dichotomy of people that legitimately are suing the County and do not have the benefit that everyone else would, even those folks who have had frivolous lawsuits. He stated at a minimum, he wanted to thank staff for their time and effort; he wished for the time they are spending on a few cases, it could go to focus on the bulk of folks that need this type of system; he voted for this, and to be very clear it was something that he did not see; and he would like to do a mulligan, for a better term, and see where the rest of the Board would be on this.

Commissioner Lober stated he is stupendously opposed to it, to give the conclusion; he got the email that he is sure everyone got from the convicted criminal who was demoted in the military for having taken a plea, he thinks instead of rape to sodomy and something else, who misquoted Don Walker actually about the subject matter of that email, on the basis of his threat to sue the Board; in fact, he understands from Mr. Golden that the same individual, this is the person who he is assuming spurred this particular interest, claimed more dependents on at least one, of his several applications than his dissolution authorized him to claim; he also wrote that he did not file tax returns from what he saw in that; this is a serial fraudster who has been either the subject of more conspiracies than any other individual on earth, or he is really just a horrible despicable human being, who gains the system and tries to basically suck every ounce of blood and money out of anything that moves; he is not a good person and he has no problem going through more of his background if the Board wants; but the bottom line is he is a horrible human being; and only God can judge. He stated he has a pretty good idea of how this one is going to be judged as far as whether the incidents are the County's fault or not, that the basis of the lawsuit may involve, he will make it easy; if there is a pending lawsuit and someone thinks that they were otherwise entitled to this money, add it to the damages claim; it is additional losses that would have been suffered due to the wrong doing of the County; they can add it to their claim for damages; and if the County caused one's foot to go through a particular board and they believe that the County was negligent, it had a duty to them, and it failed that duty, and as a result of that failure someone was injured, then in addition to their medical bills and whatever else they choose to claim as damages, he or she can add the rental assistance because otherwise he or she would have qualified for it, then problem solved.

Commissioner Pritchett asked County staff if a lot of that is going on, and stopping people from getting assistance because of lawsuits with the Board.

Ian Golden, Housing and Human Services Director, responded they actually have not had an application yet that has had to be denied due to this issue; the individual that is being discussed submitted an application that was a copy of a previous application, which is not allowable under the program; that would be the reason that application was rejected as incomplete; the law actually requires that applicants have new applications and that staff redo income eligibility every three months, when they look at prospective payments; that is why it requires new applications and new information; staff did not receive any of that, so that was not the reason; and as of right now, they have not had anyone in that situation. He mentioned that individual was given an explanation that if he did apply again, this would in fact, come into play.

Commissioner Pritchett stated she does not know about the individual level, she had not even thought about that; Commissioner Tobia brought some good points to the Board; this is Federal funds and she is always trying to get these funds out so whatever the Board does not spend, the Board may end up having to send back; in the midst of this, it is really the landlords that suffer; she manages an apartment building and she cannot say how many people just do not

pay rent; and they cannot get assistance, so it is the people that own them that are really being penalized, if someone cannot pay the rent, because the landlords cannot even really evict them, currently; therefore, she is willing to look at this, especially since the Board does not have a whole bunch of them. She commented if someone genuinely got hurt, the only remedy he or she would have is to sue, so it adds an insult to injury, if there was Federal funds to help that person pay the rent; and she is willing to take a look at it.

Commissioner Lober mentioned again with respect to someone being somehow harmed at the end of the day, they can add it to the claim for damages, therefore, it does not burden staff in determining who has a meritorious suit or not; if they are meritorious and they get to the point of discussing damages that is the time to bring it up; and as far as the landlords suffering, the one individual who he is aware of and he thinks this is again the only reason this came up.

Chair Zonka mentioned this is the only reason why this policy is in place, is for this one individual and that is what she takes issue with; again she will let Commissioner Lober speak but he has already spoken once, so she will just say that the Board probably should never have put the policy in place on the fly based on a Board Report; and she does not like that it appears retaliatory because that individual, if he applied for assistance today, he would not qualify based on the policy the Board put in place. She noted she is not there as judge and jury of any individual; she just does not want this Board to be responsible for somebody being evicted, she does not care who it is; personal history or not, he is not a personal friend of hers, however, she does not think that she has the right to harm anyone; and she would be in support of rescinding this because she thinks it is punitive, and she thinks by the mere fact that it only affects one individual, says as much. She went on to say if he is not qualified, because he does not do the application correctly, that is on him, if he cannot provide the correct information; but she does not like this Board being used as a sledgehammer, never mind the constitutional issues she has; and she advised if someone wants to make a motion to rescind the policy she will support it.

Commissioner Tobia stated he thinks as policymakers, the Board has to do its best to look through with non-jaundiced eyes, and whether this impacts one person or whether this impacts 100 people, the impetus behind this is not who it directly impacts, it is the amount of time that he did not understand, would be placed on County staff, that could be going towards other ideas; he should have asked how many hours based on the emails that have gone back how many times just apparently on one certain case; his reason to do this is not for an individual; he tries never to make decisions, as a policymaker, to harm or to help a single individual; that certainly is not the Board's job; this Board looks out for hundreds and hundreds of thousands of folks; and anytime the Board's attention gets fixated on one person, then he hopes the Board has that bandwidth to look out for the other hundreds of thousands of people that the Board has been entrusted to look after. He went on to say his point is this is 100 percent for staff; he would not want to be in Mr. Golden's position right now, and he is not saying that because of how he looks, he is saying that because he has gone above and beyond and he could not handle a phone call with this data, and there is no way that he would want, as a leader, someone who works alongside of him to handle; and he would appreciate a vote now. He apologized for bringing this up again; he screwed up, and he voted the wrong way; if he had to do it over again, he would change; he certainly does not want to bring this up again at a later time, so if it goes down, he will never bring it up again; he admitted his mistake; and he would make a motion to rescind the provision, based on pending litigation that was previously put in place as a condition for emergency rental assistance.

Chair Zonka stated it is not just pending litigation, it is intent; there is no written policy, she has come to find out, it was just based on the minutes from the meeting; but maybe clarify that the Board is rescinding the policy based on what.

Commissioner Tobia stated there are many great provisions that the Board put in that were aimed at fraud or abuse that looked at everyone; he certainly does not want to rescind all of the great ideas that were put forth by staff, so any of the ones that were mentioned in that policy.

Chair Zonka asked Commissioner Tobia when he wants it effective for; she asked if he wants it like the policy never happened, does he want to rescind it from the date of implementation, or does he want to rescind it today.

Commissioner Tobia stated he does not even know if it was implemented.

Chair Zonka responded apparently it was.

Commissioner Tobia commented how about effective immediately, he does not know.

Mr. Golden apologized for interrupting; he stated he just wants to get some clarity; there is a policy for the emergency rental assistance program that was Board approved; and Commissioner Tobia took a vote and there was a direction at the September 21st meeting that is what he is referring to regarding pending litigation, letters of demand, and he cannot remember what the third item was.

Chair Zonka responded it was actually the notice of intent to sue.

Commissioner Tobia stated that the three that were just mentioned by Mr. Golden, pending, notice, and in current litigation; he asked were those the three; and he mentioned he is not an attorney, and he did not know there were that many steps.

Mr. Golden asked if the motion could just be to rescind the motion from the September 21st meeting.

Abigail Jorandby, County Attorney, responded yes that was the Board's direction on September 21st.

Commissioner Tobia stated yes the motion is to rescind the motion from the September 21st meeting.

Commissioner Lober stated again this Board has attempted in the past and voiced its displeasure of having votes in Board Reports unless it is an emergency; as the Board has heard from Mr. Golden, this has not precluded anyone from getting emergency rental assistance; he would suggest that this Board not do something impulsively; he would also suggest that folks talk to the Sheriff about this particular individual; and Chair Zonka is correct that yes this does affect one individual at this point, or may affect one individual, that does not mean that it is only intended to affect one individual. He continued by saying the fact of the matter is if one person is abusing the system and that there is potential for more to abuse the system, and the likelihood more will abuse the system or are abusing the system, he is not going to wait to have more of a problem and allow things to mushroom before he addresses it with the Board; the fact is, the same individual, and he wants people to understand if the Board supports this in a Board motion or vote that was not noticed, and the public had no opportunity to comment on during a report, the fact is this individual lied on the application, and to his understanding not just about the dependents, but also about leaving out income; if the Board wants to rescind this, he would be okay doing that if there was also something saying, if the County has reason to believe that someone has lied about his or her income or lied on the application, he or she should also be denied; and unless someone just wants to, maybe out of

someone's discretionary funds from Coronavirus Aid, Relief, and Economic Security Act (CARES) just want to give him a check knowing that he is screwing the accounting and screwing the taxpayers.

Chair Zonka asked Mr. Golden if someone falsifies or there is incorrect information on the application that it would not go through anyway.

Mr. Golden stated some information staff is not able to verify; but once an allegation is brought they do have remedies in the policy that has already been established; and staff, in the past, has referred people to law enforcement.

Commissioner Lober asked staff if this one has been referred to law enforcement.

Mr. Golden responded this one has.

Commissioner Lober commented okay so the Board is talking about rescinding something to fund someone that has been referred to law enforcement.

Mr. Golden responded the policy that was in place would address that; and the direction from the 21st was separate from that.

Commissioner Lober interjected he agrees that would address it by going to law enforcement; but the question is would he get funded while law enforcement is in the process of investigating it, because the County is never getting the money back afterwards, never.

Chair Zonka stated again, he is talking about one individual; the Board is being judge and jury; and if he defrauds the Government, these are Federal funds, then he is responsible for that.

Commissioner Pritchett mentioned she has concerns when it gets to an individual level; again, she does not know about this situation and she understands there could be problems; a question would be, in rescinding this, are there any unforeseen consequences, otherwise; if the Board does this and then thinks it should have left it, it can always come back and put it back in place; and she inquired if that is correct. She went on to say she would rather wait and do it in January just to have a little more time; having to deal with landlords, it is difficult, not being able to collect rent; and she inquired if the money goes to the landlord and does not go to the individuals.

Mr. Golden replied that is correct.

Commissioner Pritchett stated she does agree, if someone is turning in fraudulent information and staff catches it, then they are disqualified; and she asked if that is correct.

Mr. Golden responded that is correct.

Commissioner Pritchett advised that is important as well; she mentioned that is what she would rather do; but if the only way is for the Board to make a change right now and then come back for discussion later, then it is only a few weeks anyway; and she just does not want to hurt any families out there.

Commissioner Tobia stated this was a Board Report initially; he tried to do away with that and then here he has a vote on a Board Report, and he voted the wrong way; he certainly does not want to put Commissioner Pritchett in a tough spot; he was doing this for Commissioner Smith because he is has probably heard this enough and he appreciates it; if Commissioner Pritchett

will feel more comfortable, he just wants her to understand that this is probably going to be another 10 or 15 minute discussion should he bring it up again; and he would not make the arguments again, he will just bring the motion. He noted he obviously only controls his microphone, not anyone else; he asked that the Board please understand that he will just bring it up; Commissioner Pritchett can have the floor, with the Chair's discretion, at that point; and he will rescind the motion because he wants Commissioner Pritchett to be comfortable on this one.

Commissioner Tobia asked to rescind his motion and move to table this.

Commissioner Pritchett stated there is no pending applications anyway so the Board can do it in January.

Chair Zonka responded there is no pending application anyway; she will just caution this Board to just keep it on topic; she gets that Commissioner Lober has made his feelings very clear about how he feels about this individual; she asked that the Board try to be tactful and professional; it should never be about one individual but that is kind of the Board's mistake for approving it; and she had no idea that was the reason why it was suggested or put in place. She went on to say it is fine if it comes back to the Board; she would support it today because for the argument that this was not noticed and put in Board Reports that is how Commissioner Lober presented the item; she was just trying to do the right thing; therefore, she is fine with waiting or she is fine with supporting it today, whatever the Board wants to do.

Commissioner Tobia responded for Commissioner Pritchett sake he just moved to table it until she can get some more information, to the January 11th meeting, which he believe is the next meeting.

L.6. Curt Smith, Commissioner District 4, Vice Chair

Commissioner Smith stated he just wanted say what has already been said, Merry Christmas to everyone, happy holidays, and he hopes everybody enjoys themselves, and has good family time; a special shout out to Mr. Golden, he wins the title this year, kind of by default, not that it was not a great outfit because it really is; Mr. Liesenfelt had his order fall through, it did not come in time; everyone gets to see what he had in store, next year; and with that happy holidays.

L.7. Kristine Zonka, Commissioner District 5, Chair

Chair Zonka stated she just challenge this Board to do the same thing next year, everybody get involved because she thinks it is a lot of fun; she thanked County staff and her Personal staff; and she wished everyone a happy holidays and to just be safe.

Upon consensus of the Board, the meeting was adjourned at 10:51 A.M.

ATTEST:



RACHEL M. SADOFF, CLERK



KRISTINE ZONKA, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by Board Feb., 22, 2022.