

April 6, 2020

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Monday, April 6, 2020

12:00 PM

Special Meeting

Commission Chambers

- I. **CALL TO ORDER 12:00 p.m.**
- II. **DISCUSSION, RE: CORONA VIRUS RELATED REPORTS/INFORMATION AND TAKE RESPONSIVE ACTION**

Chair Lober stated he had a few things to go over and was going to jump around a bit from what is in the Agenda; he inquired as to whether the Board wanted the good or the bad first; he stated he would start with the bad and then move to the good; when folks on the Commission or the Commission itself criticizes or countermands the decisions of the Policy Group, it does not have any right to blame the Policy Group when the reversal of the Policy Group's decision generates complaints; and with respect to the Policy Group's successful motion to restrict access to the beaches from 11:00 a.m. to 4:00 p.m. on three high-traffic days, every one of his colleagues voted against the Policy Group, against the wishes of that group's Chair, against the Florida Department of Health's (FDOH) Administrator who serves on the group, against the County's Emergency Management Director, the Fire Chief, and the Representative for all of Brevard's 16 municipalities. He continued to say while that may be the Commission's right, it is plainly contrary to the intent of the County's Comprehensive Emergency Management Plan; he has had the position and believes that the Board either follows the rules or changes them; in this case, if the Board does not like the rules, which apparently is the case, they should be changed; and the division of power between the Policy Group and the County Commission was one of the few topics that he has seen a local newspaper cover with relative accuracy. He stated as he was trying to make the best of a tense situation, he would not have brought this up but for the fact that there was an unacceptable email that he received this morning from one of the other Commissioner's offices; he provided on the overhead a reply to a citizen that was sent from a Commissioner, which he did not name, as the citizen was upset with the status of the beaches; and it was addressed to the constituent and he read aloud "On behalf of Commissioner so-and-so, thank you for contacting our office with your concerns. I will share your email with the Commissioner but I wanted to acknowledge that our office received it. The decisions related to the emergency are being made by our Emergency Management Policy Group. This group is comprised of Bryan Lober, Chair of the Brevard County Board of County Commissioners, County Manager Frank Abbate, County Attorney Eden Bentley, Public Safety Director Matt Wallace, Fire Rescue Chief Mark Schollmeyer, Emergency Management Director Kim Prossor, Sheriff Wayne Ivey, Superintendent of Brevard Public Schools Mark Mullins, Representative of the Space Coast League of Cities West Melbourne City Manager Scott Morgan, and the Administrator for the Florida Department of Health in Brevard Maria Stahl. I will also forward this email to the Chair of the Policy Group, Commissioner Lober. Thank you again for contacting our office." He added, if a Commissioner countermands the decisions of the Policy Group, they have no right whatsoever to blame the Policy Group when the reversal of its decisions generates complaints; when County staff is directed not to use any resources to implement the decision of the Policy Group and further undermine its authority by asking the Sheriff not to enforce the Policy Group's lawful Order, they owe it to the public to be mature and take ownership for that decision rather than pointing fingers at the Policy Group whose policy, if merely left alone, would not have resulted in receiving the complaint that was the basis of the email that he read into the record; regardless of which Board is correct, the constituents have an absolute right to know the context of the situation, more importantly, the truth of the situation without being misled; to the Commissioner from whose office that email was sent, he kindly requested that they email that constituent to correct the misinformation that was contained in the letter that went out; and throwing all of the members of the Policy Group under the bus for something that was the result of this Board's action, is just not acceptable. He further stated if he gets emails of that nature in the future, he will reply to them himself and he does not know that his response is going to be as diplomatic, and he encouraged them to correct that; he has

been getting some correspondence from folks on the Corona Virus issue from various companies and some of them he thinks may be of interest to the Commission; he would like to read into the record or provide to the Clerk to add to the minutes; he received a letter from Health First dated March 31, 2020, addressing some concerns about some emails that the Board received from a physician who is doing testing for Corona Virus; and he is not going to waste the Board's time reading it but it will be added to the minutes for today's meeting. He continued to say he received an overnight envelope directed to him and he looked at the sender before opening and it was from Hooters of America out of Atlanta; it was about the size of a calendar, but it was a letter addressed to him and several other officials from the area including Orlando's Mayor and it detailed the layoffs that they were putting in place as a result of their business being hurt; they have about 700 people that are being laid off in the area; it is unfortunate and he will add that letter as well to the minutes; and with respect to the Policy Group and the issues with Corona Virus, following the past week's meeting a Policy Group meeting was held in which both recommendations from the County Commission were implemented. He stated most importantly, closing the hotels to leisure travelers; one thing he has done since then is to meet with some of the local hoteliers; one of which was Trevor Echerd who owns the Palmer in Rockledge off of Fiske Boulevard and provided him with a form that he had received from a colleague out of state in the hotel industry with a similar restriction; he provided that form to County legal and it is his hope that when it has been reviewed and critiqued, it could be sent out in a recommended form to all the hotels so the Brevard County Sheriff Office and local law enforcement agencies will know what to expect and everyone can be on the same page; and he thinks it will help in eliminating confusion. He stated it looks like it is pretty well written; with respect to the courthouses, he spoke to Chief Judge Lisa Davidson on Friday April 3, 2020, and she indicated that, as of Friday at the Chief Judge teleconference where substantially all the Chief Judges across the State were present, none of the County's courthouses across the board have totally closed; there are restrictions in terms of what is being heard but the courthouses statewide, by and large, remain open; there is not a single County with a courthouse where all of their courthouses have been shut to the public; and the request was to continue keeping them open, as there is some vital business where there are constitutional rights to have hearings within a certain amount of time and it was requested that it be left alone for the time being. He mentioned this obviously affects the Clerk's Office, which he understands is, at least as of today, allowing folks to wear Personal Protective Equipment (PPE) if that makes them more comfortable; he encouraged the front counter employees to wear the PPE made available to them, as well as the courtroom Clerks or jail Clerks; with respect to the beach parking issue, it seems that the beaches are mostly empty, which is great; and he knows there have been some parking concerns with respect to individuals in South County beachside and that is something that the individual municipality's police departments are going to have to work on. He advised he will speak with the Sheriff with respect to the unincorporated areas of Brevard as he knows there has been some back-and-forth with County staff and with Representative Randy Fine; Representative Fine sent him an email expressing concern over some of the illegal parking on State Road A1A, given that it is a State Road and not a County Road, there is limit in what the Board can do and he knows John Denninghoff, Assistant County Manager, is looking into putting up more signs, and to what extent the Board can address that problem; he mentioned he has received emails that clearly evidence that folks do not understand the differentiation and the respective role of the Policy Group versus the County Commission; and he thinks that in the informational section on Covid-19, there needs to be more on that. He advised he does not know if that needs a motion unless someone objects to that being included, but he thinks that there should be some information available to the public that at least gives them a general understanding in terms of the fact that the Policy Group is meeting on a frequent basis and a lot of the decisions that would normally go to the Policy Group are coming to the County Commission and when actions need to be taken, they

are generally being taken as a result of recommendations coming from the Commission to the Policy Group; he is not looking to slant, for or against, the Commission or the Policy Group but thinks that there needs to be clarification because folks are emailing him thinking that in his capacity as the Chair of the Policy Group that he has more power than he actually does; and to avoid people wasting time and him wasting time responding to things that would not necessarily come up if they had the correct information, he would like to see that happen.

Commissioner Tobia stated he had a couple of comments; he thinks the Board needs to be as respectful as possible to Commissioner Isnardi and if there are motions or things that need to be done, the Board needs to have a Commission meeting; he understands it is Chair Lober's right to call these meetings, and it is kind of humorous that something was received from Hooters; but he is trying to understand the purpose of today's meeting; and he respects Chair Lober as an elected official, but some of the decisions he has made to call members of the public certain names, he thinks are disgusting, and ones that he would never use.

Chair Lober inquired as to what.

Commissioner Tobia replied they have beaten that horse dead; he stated to chastise another elected official for sending an email like that, and he will be frank as he does not know if that came from his office, it sounds as though Chair Lober is looking for all emails coming from Commissioner's offices to be ran through his office; then to threaten to send an email out to someone else, which is Chair Lober's right to do anyway. He is welcome to public record requests, all their offices, see their emails, and respond to everyone; he is hopeful Chair Lober has better, more important things to deal with, dealing with his own constituencies; he thinks that the Board needs to take staff's time very seriously here; there is a crisis going on and there is a law enforcement officer in the back, County Attorney, County Manager on the line, Assistant County Manager and many people out there; and he is just trying to find out the purpose of this and trying to understand, because he does not know if that email came from his office and he is trying to find out.

Chair Lober asked if Commissioner Tobia would like a response or if it is just a diatribe.

Commissioner Tobia replied that is how most of these meetings go except Chair Lober is the one with the microphone; he stated if he could count the number of minutes that he has spoken and count the number of minutes that Chair Lober has spoken, and thinks it would be found by a factor of 20 that Chair Lober is the one doing that; and he asked Chair Lober to respond to either of those two statements.

Chair Lober inquired if Commissioner Tobia would like to chair it.

Commissioner Smith interjected and stated he was late getting on the line and does not know what Commissioner Tobia is referencing.

Chair Lober responded he is happy to allow Commissioner Tobia to clarify anything he would like, but he would like to respond to some of the things he said; he appreciates, without citing any references whatsoever or indicating how it is remotely relevant to the situation at hand, Commissioner Tobia thinks that he has called constituents disgusting names; there is a big difference between putting information that is totally misleading and potentially untruthful in an email and sending that out to constituents, lying to them, and having something that Commissioner Tobia subjectively disapproves of, he is not even sure what it is because he has not been given an example despite having been pressed; he stated he does not like games, he likes things direct, knowing where people are, and he will give Commissioner Tobia an

opportunity to speak in a moment; and as far as asking to have emails run through his office, he is not sure how that conclusion has arrived, he never asked for that. He asked for people not to send factually inaccurate information to constituents; if Commissioner Tobia thinks it is okay to mislead or lie to our constituents, that speaks more as to where Commissioner Tobia is than where he is; the reason the meeting was called today, the fact is the Commissioners unanimously outvoted him and the rest of the Policy Group that supported taking a certain action; the Commissioners essentially trumped the purpose of the Policy Group where it now cannot meet and have any confidence that anything it does will be enforced because there is an issue following the County's Comprehensive Emergency Management Plan; and given that the Policy Group was meeting frequently, generally daily, and had regular meetings scheduled at least every other day; there has not been a meeting here in the past four days; the last meeting was Thursday; he cancelled Friday's meeting because there was nothing he was aware of that needed to be discussed; and he had thought that with four days having passed, with the Board receiving full-time salaries, that none of the Commission would have an issue coming here and doing the people's business that they are paid and elected to do. He went on to say he thinks that public comment was brought up as a valuable part of the County Commission process, that the Policy Group does not allow for; he did not know if the public wanted to come here, and does not think that any of the Commissioners knew who would or would not show up today or the last Commission meeting; and he does know that the last time the Board was there, one of the other Commissioners invited a representative from the Florida Department of Health (DOH) to come, as did he; he did not want to cancel a meeting last minute, where someone could have been invited here unbeknownst to him; if that was problematic for Commissioner Tobia, he genuinely apologized, but thinks the Board should be having meetings at least every four days; he thinks it should be meeting closer to daily and he does not understand why it is a problem; and if Commissioner Tobia does not want the public to comment or if he wants to turn this into something for a political campaign he is running by throwing one or more of the Board under the bus, that would be his right, but finds that disgusting.

Commissioner Tobia stated he would not repeat what Chair Lober called Ms. Patel.

Chair Lober stated if Commissioner Tobia was going to allege something, allege it.

Commissioner Tobia stated there was no alleging; what Chair Lober called Ms. Patel was absolutely, utterly, and totally disgusting; it was abhorrent and should never have been said but he guesses Chair Lober decided it was appropriate; it sounded like Chair Lober was very bitter about losing a vote and he neglected to mention that the Sheriff was on the other side of that vote; and Chair Lober mentioned all the people that were but he was on the Sheriff's side that thought it was probably not the best course of action, and not just him but the other three members up here also voted with the Sheriff, the County Manager, the County Attorney, and the Public Safety Director. He continued to say Chair Lober has the ability to step down in his capacity as the Chairman of the Policy Group; he has talked to the County Attorney about this, it then it goes to Commissioner Pritchett and then it goes in another direction; losing is part of it, it happens many times and he probably loses more than anyone else; and he asked how many cards for public comment today.

Jim Leisenfelt, Assistant County Attorney, replied one.

Chair Lober commented that there is one; and he would not want to cut that person off.

Commissioner Tobia stated he certainly did not want to cut anyone off; he asked how many people are lined up to make sure this functions appropriately, as far as staff, law enforcement,

and audio visual staff; and he remarked he cannot imagine the amount of work that goes into making this happen.

Mr. Leisenfelt replied he could not give an exact number because he is not in Building B, but there are eight to fifteen staff members, depending on the meeting.

Commissioner Tobia expressed his thanks and he added Mr. Leisenfelt does a very good job; and he stated he is hopeful that is taken into consideration, the amount of effort that staff puts in to make these meetings happen and for his public comment...

Chair Lober interjected it was not his public comment, it is whoever happens to be up there at the time; the inconsistency between arguing for transparency and now saying it is a problem, is striking to him; as far as the comments that Commissioner Tobia mentioned that he is not quoting and conveniently neglecting to include any context from a year or so ago, that are totally irrelevant to what is at hand. Commissioner Tobia was talking about an individual social media page having nothing to do whatsoever with County Commission business that was in response to an objectively racist and sexist message that was put up; if Commissioner Tobia is okay with racism and sexism, he is sorry, because it is not okay with him; he finds that abhorrent and disgusting; and anyone, regardless of their political affiliation, that puts up filthy racist and sexist messages, he will respond to very directly and bluntly; and if that is a problem for Commissioner Tobia, he is sorry. He expressed appreciation for him listing the folks on the Policy Group who were in the minority of the Policy Group's decision, but they were just that, in the minority. He continued by saying the folks who are most closely associated with first responders on the medical side, namely the Fire Chief, the Public Safety Director, the FDOH Administrator for Brevard who was appointed in Tallahassee, and the Emergency Management Director, are the folks who supported it; the lineup does not matter, the fact is the majority of the Policy Group supported it and it is not him being upset that he lost the vote; he did not lose the vote, the vote was actually won; and then the Commission turned around and subverted that. He added to continue to finger-pointing is ridiculous, but it is telling to him that Commissioner Tobia has such an issue with him pointing out that there was a lack of context and misleading going on, that he is pulling something up from about a year ago without giving any context, something unrelated to County Commissioner business that was done in response to something that was abhorrent, that is telling as to how weak his argument is; and when he offered to step down to this body as the Policy Group chair and also to the Policy Group, no one took him up on it because of one of two options or perhaps both, that may explain that; one, Commissioner Tobia thought he was doing a good job and that he could not do any better; and or two, that he did not want the blame or responsibility.

The Board recessed at 12:24 p.m. and reconvened at 12:26 p.m.

He added he offered more than twice but to two separate groups to step down as the chair of the Policy Group, both here at the County Commission and to the Policy Group, neither group took him up on it; he suggested it is due to one or two things; one is either folks are happy with the job he is doing or at least do not think they could do a better job and/or alternatively, they do not want the blame and/or responsibility; he challenges the professor sitting to his left, to the right of the screen, to give him a third alternative because he cannot come up with one; the bottom line is, if there are Commissioners that are complaining that the Board is meeting too often, the Board was put in a position where they have to have meetings this frequently; to say that having a meeting four or five days after the last meeting, when the Policy Group was meeting every day is problematic, then the Commissioners should not be paid close to \$60,000 a year; if folks here do not want the regular meetings, and it sounds like only one has complained thus far, either do not run for County Commission or do not undermine the

County's own Comprehensive Emergency Management Plan; and those are the options.

Commissioner Pritchett stated she had a quick thought on this, all frustration aside, because she knows everything right now is extremely frustrating and she knows they are all really busy, she is really busy, more than normal; she does not ever want to throw out there that they are not working hard because she knows they are; she thinks with the Policy Group, the problem for her was she wanted to have input on big decisions, things that will affect the whole County; as far as closing down certain areas like with the tourism stuff, she really wanted to have input on that; and she loved the last meeting the Board had where its input was taken back to the Policy Group. She advised she does not mind if Chair Lober continues to have the Policy Group meetings and then if something big comes up, there are meetings here where that discussion can be had, and he can take back the Board's views on it; she does not believe any of that from her side, was ever to disrespect the Policy Group but she really felt like this Board had to have some influence on it; she thinks the Board should take the hit on the big decisions because they certainly are getting emails on it; with the jobs that all of the Board members have, maybe from the Policy Group meetings, the Board gets good data for the big things, they bring them to the Board and then the Policy Group can enforce it the next day; and she knows there is a lot of frustration right now and it is tense.

Chair Lober stated the problem is, and he appreciates and respects that position, but he does not know and what he thinks is a big decision may not be what she thinks is a big decision; when a majority of the Policy Group, which was lawfully authorized to do so, had the beaches scheduled to be closed for a grand total of 15 hours over a three day period, to him that is not equivalent to locking people in their houses.

Commissioner Pritchett remarked with him it was not, but with her it was; it was brought back the next day; for her, anything that impacts the entire community, she would like to have input; she knows there was a time issue there but that discussion was important to her and the conclusion the Board came to and sent to the Policy Board last time; those are the things that weigh on her and that is her opinion on that; and she knows Chair Lober knows also, that the group they have up here, she trusts their influence and opinions on things; the Board hardly ever agrees on anything but she ends up walking away from the Board meetings with a great understanding of things that are being done; that is her thoughts on those things; it is up to Chair Lober to choose what he wants to do but she is fine with continuing Policy Group meetings because she calls in to all of them and is able to get the information and figure out what is going on; if the Policy Group were to have an idea like needing to close the County or the grocery stores, then Chair Lober could say to bring it to the Board for its opinion and its discussion; and that is just her thought on how it could work a little more smoothly. She added she does not think she communicated well before this, on the things that were important to her before, and this whole thing could have been avoided; and she apologized for that.

Chair Lober stated he appreciated her saying that; he thinks there is still, even if not in his mind but in the potential minds of all the others serving on the Policy Group, having too much ambiguity as to what a big decision is or what level of impact would be appropriate; it sounds to him like she is contemplating anything affecting the County or the community at large, needs to come back to the Board, even if it is a minimal action; and there is really no vote that they can take that would not constitute a big decision if that is how it is being defined.

Commissioner Pritchett inquired how to find out these items that need to be done that would affect the whole County because it is given almost as an advisory of things that are needed, and maybe the Policy Group should be serving as an advisory; and then go back to make the decisions after the Commission is able to give advice, because the Board does not go to the

Policy Group meetings.

Chair Lober stated maybe it is a sticking point for him as an attorney, because he was on another board, an unpaid position some years back; there was an attendance requirement for those folks that served on the Board of Directors which was comprised 100 percent of attorneys; there was one individual who missed a multiple of times more than what they were entitled to miss; he brought it up to the folks that were in charge; he asked them if someone should contact that person and ask if they really had the time to run again next year, if they cannot show up to at least 50 percent of the meetings; the bottom line is, if that is in the bylaws or in the charter or in any governing document, that obligates the Board to conduct themselves in certain ways, he thinks they have to follow it; and moreso for a group of attorneys, it seems more egregious if they cannot follow their own rules; but his concern is, he does not really care what level of input the Policy Group has, he just thinks the Board should follow its own rules. He went on to say the reason it came up is because of an email that was misleading and dishonest, that came out from one of the other Commission offices to a constituent; if the decisions are being made here, the Board needs to own that blame. He agrees with Commissioner Pritchett 100 percent; as far as calling future meetings, if the Board wants the Policy Group to take the reins on this thing, which is fine; clarity is needed because he does not have it, he is getting more of it from Commissioner Pritchett at least in terms of how she sees the role of the Policy Group; the ambiguity is what causes confusion to the public, at least indirectly, and the last thing the Board needs to do is start flip-flopping how things are handled; and his thought is, whether it is inconvenient, and he has been at every single meeting since he was elected, same is true with the Transportation Planning Organization and the Central Florida Regional Planning Council, he does not recall missing one meeting, and the Board is being paid to be there. He stated if it is inconvenient, it is inconvenient for him too, and all of the Board has jobs and he has no problem with literally anyone appearing by phone if that is what is wanted; when there is ambiguity in terms of who has the authority or should have the authority to make decisions, he thinks the Board needs to be meeting with some degree of regularity; and if the Board is getting complaints that they met last Thursday, and God forbid, a meeting today and again the following week, he does not know if that is really a fair complaint.

Commissioner Pritchett stated she does not mind one way or the other with that herself, but she is very protective of Commissioner Isnardi's time right now; and as far as Commissioner Isnardi and Commissioner Smith being there, they are both high-risk.

Chair Lober agreed and stated he would not blame anyone that wants to call in; it would be awkward chairing it if he was to call in, but anyone who wants to call in is welcome; he is not trying to get people to sit in their car or interact with more people unnecessarily; and that is up to each on the Board here.

Commissioner Pritchett inquired if the Board is going to be gathering pertinent information somehow to know if there is going to be anything to vote on; and her guess is if the Board gets in a good groove, it will be like a five-minute meeting and then be done.

Chair Lober stated the goal is to keep the meetings short.

Commissioner Isnardi asked to say a word; she stated she is not sure who Chair Lober is referring to but she does not have a problem meeting any time; what she has a problem with is not getting anything accomplished; rather that the back and forth and discussing emails Chair Lober does not like, or whether or not the Policy Group is going to do the right thing, or ambiguity, that it is just wasting time; and that is what she has an issue with; she does not have an issue at all and she thinks what should be done is providing residents information, whether it be what essential services are, what the Commissioner's numbers are; and these meeting are

to be productive and not just the constant discussion about hurt feelings.

Chair Lober stated he does not know if he agrees with that classification.

Commissioner Isnardi stated if the Board is going to vote on something, she would appreciate moving forward with business.

Chair Lober stated if the Commission only wants him to convene the Commission when there are votes to be had, that is what he will do; he thinks the public needs to understand where the request originated because he thinks there is an ethical obligation to meet with a degree of regularity given that the Board has essentially castrated the Policy Group; he will do what the Commission wants, even if he does not agree with it; it is not about hurt feelings, it is about sending mixed messages to the public, and it is about changing the rules so that they are in compliance with them or following them as they are, that is what it comes down to; it can be classified any way but that is how it is to me; and he asked if the Board would want him to call meetings only if there is something specifically to vote on. He stated if that is the consensus, then that is what he will do.

Commissioner Smith stated the last thing Chair Lober said made sense, if there is something to vote on, then there should be a meeting; if it is just for information purposes, a text or email could be sent; as far as decision making on the Commission meetings, he likes the idea of the Policy Group making decisions in an emergency but this is not a rapid emergency like a hurricane or a rocket blowing up on a pad; this is a long-term issue; he does not think it really requires the Policy Group to be in effect because the Board ultimately makes the decisions for the County should come from the Board; that is why he believes the Board of County Commissioners should be making the decisions; as for calling meetings, he understands Chair Lober lined up all the meetings because of the 24-hour rule; he recommended that if something occurs that Chair Lober feels is important, to reach out to the Commissioners and ask if they wish to convene a Board meeting 24 hours later; and he asked if that would work.

Chair Lober responded his concern with that is Sunshine Law; and if talking about exactly the same topic as would be discussed in a noticed meeting, he feels very uneasy.

Eden Bentley, County Attorney, clarified that he could not poll the Commission, which would be the problem.

Chair Lober stated that is part of the reason that the Comprehensive Emergency Management Plan was written the way that it was, to avoid issue like that.

Attorney Bentley stated he could leave them noticed and then cancel them if there is no vote to be called.

Chair Lober stated he was happy to do that; he just needed direction from the Commission, because he cannot read minds; and he does not need a formal vote if folks just tell me that is what is wanted, then that is what he will do.

Commissioner Pritchett stated that she used to get a call from Frank Abbate, County Manager, to tell them about an emergency meeting; and she suggested Chair Lober to talk to Mr. Abbate and have him call the Board to tell them there is a meeting scheduled; but it is already on the schedule.

Chair Lober stated as Commissioner Smith had said, the 24-hour notice is what kind of kills them.

Commissioner Pritchett advised since it is already on there, keep it scheduled; and Mr. Abbate can get ahold of the Board to let them know there is something that needs to be voted on.

Chair Lober replied perfect.

Attorney Bentley stated since the Board has noticed them, the meetings would need to be cancelled ahead of time.

Chair Lober responded affirmatively; he stated he sent an email on Thursday night in respect to Friday's meeting; the thought with leaving today scheduled, by and large, was the Board had not had a Friday meeting and he did not want to miss the last day, but the weekend as well, and having yet another day that the Board had not met on this because he does not know if there is anything else to be presented to the Board, or if someone may have been invited, or if the Board has something that needed to get conveyed; if the Board does not want to have regular meeting for this, that is fine, he does not necessarily agree with it; but if that is what is wanted, that is what he will do.

Commissioner Smith noted this is a decision making Board, so if there are no decisions to be made, there is no point in the Board meeting.

Commissioner Isnardi added or if the Board is not going to give information.

Attorney Bentley replied under the rules, the Special meetings are called by the Chair of the Board of County Commissioners or two or more Commissioners.

Chair Lober stated if any of his colleagues want him to call a Special meeting, he will go ahead and set it, it is just that simple; he is not going to play games over needing two Commissioners, he thinks it is too important of an issue for the Board to fight over whether they need to meet or not; if any Board member wants it, in the abundance of caution, then they should have it; the Board can let Mr. Abbate know and copy him; and he does not even need to know what the topic is, just to let him know an emergency meeting is requested and get with Mr. Abbate to have the Agenda put together accordingly.

Commissioner Tobia stated Commissioner Pritchett, Commissioner Isnardi, and Commissioner Smith have addressed his concerns in a much more diplomatic way than he was able to do; and he expressed his thanks to them as their tact had the desired result that he was not able to get.

Chair Lober stated sometimes you win more with honey than vinegar.

III. PUBLIC COMMENTS

Tim Thomas, City of Melbourne Council member, stated he would like to thank all of the Board for its leadership and it is tough; he sees the stress level where the Board is at; he is feeling it at the City level as well; the residents and the kids are starting to feel it a little bit as well; they are into week three of this and he just wanted to compliment the Board, there is no playbook written for this, especially for the Policy Group because it is used to dealing with hurricanes; there is a sequence of what to do before, during, and after a hurricane; and there is no playbook for this. He added it is obvious there are some growing pains going on, there is some frustration there, and he can feel it; there will still be time after this is over with to address that and to see if this Policy Group is the right organization to deal with the magnitude of the pandemic that is being gone through right now; as leaders, there is a huge amount of pressure

on the Board because of the national media, and what some of the folks locally are saying; there is a lot of pressure to make a decision and it does not matter what it is, make a decision, because the perception is if the Board does not make a decision, then it does not care, it is not taking the situation seriously, and is not right for the job; and he sees it at the local level, as well as the City level; and he encouraged the Board to make a decision, especially if it is a bad decision, it is not a good decision; sometimes you are better off just waiting and letting things play out a little before making a decision. He stated he just wants to compliment the Board because the City of Melbourne has kept its parks and boat ramps open; the appreciation that is seen from families and from folks that come through to use those facilities, is phenomenal; they are still abiding by the social distancing measures and following all the mitigating things they are supposed to, and taking what they are going through seriously; it is unrealistic to think that a family at home that has a fourth-grader or fifth-grader, is going to be able to keep them in the house or in the backyard all day; they have to get them out of the house and they have to have an outlet; there has got to be some sense of normalcy; keeping the parks and the boat ramps open allows them to do that, and the beaches are a big part of that; and he understands the concern about beaches, especially having folks from outside the County coming in and spreading whatever they may have brought to the County; but he has been out to the beaches that last couple of weeks and the people that are out there are social-distancing.

Chair Lober asked for a motion to give Mr. Thomas an additional three minutes. The Board authorized an additional three minutes of time for Mr. Thomas to speak. Commissioner Pritchett motioned and Chair Lober seconded.

Mr. Thomas expressed his thanks to Chair Lober; he stated people appreciate it and it allows them to get out of the house for an hour, to spend time at the beach, there is some solace there; they are away from the bad news and all of this stuff that they are hearing; then they can go back to the house and continue on with what they are supposed to be doing; that is very important and he hopes that, despite what other counties are doing, who cares what other counties are doing; and he knows the Board feels that pressure because so-and-so has closed down their beaches in this county or that county. He stated not to feel that pressure because 99.9 percent of the residents that he sees are doing what they are supposed to be doing; he asked to allow them those opportunities if they want to; if they are in that demographic that is in the danger area, then obviously, they need to stay at home; but people need to get their families out and have some type of reprise from this or they are going to have some major mental health issues after this is all over. He stated he wanted to speak as a citizen now; he mentioned the last count he saw, as far as the number of Covid cases in Brevard County was close to 80; about a week and one-half ago, he was getting his hair cut, and the barber found out that her job was going to be over with, along with the other barbers; the owner had told them that more than likely they were not coming back; that barber had \$600 in the bank, she is in her early 20's, and thinking about having to make rent, car payment, and concerned about having food to eat; and she was not concerned about the Covid virus, but she was concerned about making ends meet. He added his daughter is a cosmetologist in a salon and just lost her job; she is recently married and they are going to be okay, but they need her paycheck and luckily she has family help; there are probably thousands that do not have that help that are going to be facing that same situation; he thinks there are probably ten times more than the 80 people that are affected in Brevard County right now with the Covid virus; and he thinks this is probably not the first time that we will see this. He stated he thinks there are a lot of bad actors out there, a lot of geopolitical rivals to the United States; he is not fearful about it because as Americans, there will be found a way to overcome it; he thinks that there is a probability that this can happen again; and a way needs to be found to get through this without shutting down the economy. He concluded by saying give people a mask and send them back to work so the economy can be kept going; if they are in a high-risk demographic, keep them at home; he

encouraged the Board to keep doing what it is doing, because they are great leaders; people will get through this; it is Easter week and he is optimistic that all will get through this; and they need to start thinking about the transition afterwards and getting people back to work.

Chair Lober expressed his thanks for coming out and for his service as well; he stated he thought if someone would make a motion to have County legal look at what would need to be done, and bring back for the Board's consideration policy changes that would render the Policy Group advisory in nature; he is not saying the Board needed to vote on that this week or next week, but he thinks giving them the heads-up that it is something that this Board wants to do rather than delaying the inevitable; he asked Commissioner Pritchett if she would make that motion; and he seconded that motion. He asked if there was any more discussion on this and he Called the Question.

The Board directed Eden Bentley, County Attorney, to look at changing and bringing back to the Board what needs to be accomplished to change a Policy rendering the Policy Group to be advisory in nature.

Result: Approved

Mover: Rita Pritchett

Second: Bryan Lober

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

2. Eden Bentley, County Attorney, Report

Eden Bentley, County Attorney, stated she did not have a report but she thinks there may be confusion about the procedure for either cancelling or holding the meetings; and she asked Chair Lober to recap that.

Chair Lober stated he will leave the meetings noticed, so that the requirements for notice are met; he will make every effort to let the Board know no later than 9:00 a.m. because if there is a developing situation, he does not want to cancel it 18 hours in advance; he would advise by 9:00 a.m. if the 12:00 p.m. meeting is canceled; just like what happened Thursday evening, if he knows the night before that there seems to be nothing coming up, he will try to let the Board know the night before, but he cannot make any guarantees; with respect to days when there is already a scheduled Board meeting, he discussed with Jim Leisenfelt, Assistant County Manager, about what to do as he thinks it is pointless to have two meetings on the same day; and if there is a 9:00 a.m. meeting, he will not schedule a noon meeting that day, and if it is a 5:00 p.m. Board meeting, he will not schedule anything for noon that day or noon the following day. He thinks that is reasonable so the Board is not being dragged in for nothing; he is willing to work with folks but needs to know what the expectations are; he does not know how often the Board wants to meet, or in this case, if they only want to meet when there are specific votes to be had; and he just needs to know what the will of the Board is to put it in place.

3. Rita Pritchett, Commissioner, District 1 Report

Commissioner Pritchett stated she had an informational item, not exact facts, but she spent the weekend studying through the Care Act for the unemployment and she is trying to contact Representative Fine to get some more information; everything she is reading is unemployment is being offered to people that typically would not get it, like non-for-profit and self-employed; if she is understanding it correctly, a person registers and they would typically get unemployment of \$237 with \$600 on top of it, which is \$837 per week through the end of July if they lose their jobs right now; if a person did not have employment, they will receive \$600, which is significant; she thinks people need to get busy and apply for that; she is concerned that people will not

want to go back to work until the end of July because of the funds coming from the Federal government; and she just wanted to throw that out there, if someone lost their job for any reason, or is not working, to go apply for it as it looks like there is at least \$600 coming into their household, untaxed.

4. Bryan Lober, Commissioner, District 2 Report

Chair Lober stated there were a couple of things not addressed earlier; he has had a couple folks that are outside of his District reach out to him to try to coordinate getting unopened Personal Protection Equipment (PPE) for the hospital groups and the businesses that are working in the Corona Virus sector that actually need it such as first responders, or otherwise; he is in the process of figuring it out with Kim Prossor, Director of Emergency Management, where the PPE could be dropped off; he is only referring to unopened PPE, if it is opened the County does not want it; and he hopes to have that information by tomorrow or the following day. He added he has had a couple other emails, one he saw this morning where a constituent of his from Cape Canaveral asked him to consider having the County or the District to set up funds to help those folks who are in a bad financial position as a result of the Corona Virus, meaning those that have been laid off or were underemployed; he had a couple concerns in doing that, the liability of the Board managing that, the overhead, the staff time, the legal issues that may come up as to the Board's right to do that, and the fact that there are existing non-profits; and he is not making a pitch for or against any non-profit but he knows Mr. Rains from United Way was talking about doing something substantially along those lines. He stated if someone is interested, they need to vet United Way to make sure that is what they want to do; if there is another non-profit that wants to make it known to the Board that they are doing something similar, he is happy to give them the same pitch as he is giving now; he has no preference one way or the other but United Way is the only one that he knows of that has approached the Board to indicate they are doing something along those lines already; and he thinks there may be too many problems with the County trying to take over that, especially when there is a solution already out there.

Commissioner Pritchett stated the stimulus checks should be hitting people's houses in about ten days; if people go apply for it, they are going to get \$600 a week; she is half-tempted to talking her kids into getting laid off because that is more than they make right now; and she was shocked when she read that, but it seems like that is where the money is flowing.

Chair Lober stated he hopes everything goes well with that; he knows there were a lot of folks that have been hard working, in the service industry in particular, some in the transportation industry as well, that cannot maintain the social-distancing; their employers have let them go and they are in a horrible spot and it is one of the few things people ask him; it is tough for him to tell them to get in touch with a Federal or State agency, there is not much that the Board can do locally for them; it is terrible and he feels for them; and hopefully there will not be any snags along the way with that coming through.

6. Curt Smith, Commissioner, District 4 Report

Commissioner Smith wanted to give a shout-out to Lynda Weatherman and the Economic Development Commission of Florida's Space Coast (EDC) group as he just discovered today that when the government issued the stay-at-home Order, she and her group reached out to about 500 of the local manufacturers with resource information so they would know if they qualify for State or Federal funding, and whether they had the ability to continue working; that was a preemptive strike on their part that informed manufacturers in the County what they could and could not do and were provided phone numbers to reach out to; and he just wanted to let the Commission and whoever else is listening know that the EDC was on the spot getting

this done.

Chair Lober agreed that the EDC has also been good with his office; he had spoken with Ms. Weatherman a few days back; and they have been making efforts to stay in touch and he appreciates that.

7. Kristine Isnardi, Commissioner, District 5 Report

Commissioner Isnardi stated, for the record, she is calling in to the meeting because it was decided, not only with her being a possible risk due to her exposure, she wants to comply with social-distancing, so it was decided that she not attend; it is not that she does not want to be there; she does not miss Commission meetings so, just for the record, because the haters are quick to criticize but she wants to let people know; she does not want to expose anyone unnecessarily if she does not have to so she is happy to call in to make everyone more comfortable and keep them safe; and she wants to encourage people, if they have questions about testing, to contact the Health Department as they have pre-screening, different tiers and levels, and a series of questions to let them know if a test is needed or a doctor's order can be received. She mentioned that is something that she did and she was glad she did because the results were what she had thought they would be; she encourages people to reach out and encourages her fellow Commissioners to try to keep the public as informed as possible; she appreciates the Emergency Management Facebook site that keeps putting out information; and if anyone has questions, they can contact her office if they are not finding the information they need.

Chair Lober stated that was an excellent point Commissioner Isnardi brought up for those folks that are symptomatic that get notes from their doctor, Florida Department of Health (FDOH) will test them; if their regular physician cannot test them, they need to get a note from the doctor, and FDOH will test them; FDOH has had appointment that have been open, and unfilled, where there was adequate collection and test kits, where someone has not been tested because they do not know that it is available; if a person's physician is willing to write a note and you are symptomatic, FDOH will test them; and they have a Covid-19 information line and the number should be on their website. He stated if people call FDOH, they will set up an appointment, they can sit in their car, and get the swab in the parking lot or driveway; there is no exposure and it is really a great set up; and if someone has concerns, he thinks that is a great way to go about it.

Commissioner Isnardi stated the number for FDOH is (321)454-7141 or the 24-hour number is 866-779-6121; people will be pre-screened over the phone; and if there is a physician's order, they will test the person regardless of the screening.

Upon consensus of the Board, the meeting adjourned at 1:02 p.m.

ATTEST:


SCOTT ELLIS, CLERK



BRYAN ANDREW LOBER
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Approved by Board May 28, 2020.