



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## New Business - Miscellaneous

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J.5.

3/5/2020

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### Subject:

Motion Directing Staff to Advertise Using Least Expensive Publisher, Dist. 2

### Fiscal Impact:

This will save the County money on legal advertisements. Over a short time, this would likely save hundreds of thousands of taxpayer dollars.

### Dept/Office:

District 2

### Requested Action:

Where lawfully permissible, staff shall endeavor to use Trader Jake's for required legal advertisements.

### Summary Explanation and Background:

This motion seeks to direct staff to cease defaulting to Florida Today for required legal advertisements. There exist local publishers with whom the County could advertise many of its legal ads.

It is requested that staff, whenever permissible, use Trader Jake's (which appears to be far less expensive than Florida Today and donates all proceeds to Wounded Warriors) for required legal advertisements.

By way of comparison, the following example ad rates were provided by Melbourne Vice-Mayor Paul Alfrey:

An ad which would cost \$65 in Trader Jake's would cost \$83.59 in Florida Today - a **29%** difference. An ad which would cost \$95 in Trader Jake's would cost \$197.02 in Florida Today - a **107%** difference. An ad which would cost \$275 in Trader Jake's would cost \$1,357.44 in Florida Today - a whopping **394%** difference!

In addition to cost savings for the County and, by extension, taxpayers, Trader Jake's provides totally free online access whereas Florida Today has a subscription pay-wall. This will make viewing legal notices markedly easier and infinitely less expensive for a vast and growing segment of the population. Trader Jake's tangible paper is available at a number of locations throughout Brevard County for a mere 25 cents - with all proceeds going toward Wounded Warriors.

Florida Today is no longer printed in Brevard County and is owned by a Virginia-based corporation. Trader Jake's is locally owned and operated. The Brevard County Clerk of the Court has listed Trader Jake's (along with Florida Today and Veteran Voice [Weekly]) as "publications in which legal notices could be posted." See:

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<<http://brevardclerk.us/legal-notice-publications>>

Multiple municipalities, including the two most populous cities in Brevard County, now use Trader Jake's for their legal advertisement needs. On Tuesday, February 25, 2020, the City of Melbourne voted 7-0 to switch from Florida Today to Trader Jake's, where permissible, for all legal advertisements.

Palm Bay, the County's largest city wrote, in a "letter of recommendation for Trader Jake's," in pertinent part, "I am pleased to write this letter of recommendation for Trader Jake's. The City... has been utilizing Trader Jake's for... the City's legal advertising needs over the past three years. The City Council found Trader Jake's to be the least expensive vendor to have met the statutory requirements of a newspaper of general circulation... I feel confident in recommending [Trader Jake's] advertising services; [it] has been reliable and easy to work with. When last minute changes were requested on ads, [Trader Jake's] did [its] best to accommodate..."

Where lawfully permissible, staff shall endeavor to use Trader Jake's for required legal advertisements. Staff must advertise in compliance with any requirements imposed by Chapters 50, 125, and 163, Fla. Stat., where required.

As Brevard County has been essentially subsidizing Florida Today for years (by using it as its exclusive provider for required legal advertisements), in the event Florida Today is no less expensive than another provider, the other provider shall be selected absent written approval by the County Manager which must articulate, with specificity, the nature of the extenuating circumstances justifying the use of Florida Today at greater taxpayer expense. Such written approval must be obtained for each and every advertisement procured from Florida Today and shall be verbalized, during Board Reports, by the County Manager, at the soonest regularly scheduled Board of County Commissioners meeting.

Advertisements not subject to specific legal requirements may be advertised with any media outlet other than Florida Today. This includes, but is not limited to, Trader Jake's in addition to Brevard Business News, Brevard Times, Charter / Spectrum, Clear Channel, Cox Media, Cumulus, Facebook, Florida Daily, Fox 35 Orlando, Google / YouTube, Graham Media, Hearst, Hometown News, Horton Broadcasting, iHeartMedia, Lamar, News Radio 1300, The Reporter, Space Coast Daily, Veteran Voice Weekly, Viera Voice, and the Weekly Eagle.

### **Clerk to the Board Instructions:**



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March 6, 2020

**M E M O R A N D U M**

**TO:** Commissioner Bryan Lober, District 2

**RE:** Item J.5., Motion Directing Staff to Advertise Using Least Expensive Publisher

The Board of County Commissioners, in regular session on March 5, 2020, tabled consideration for motion directing staff to advertise using least expensive publisher to the March 24, 2020, Board of County Commissioners meeting.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK**

Tammy Rowe, Deputy Clerk

/ds

cc: County Manager



April 23, 2019

To Whom It May Concern:

I am pleased to write this letter of recommendation for Trader Jake's. The City of Palm Bay, Florida, has been utilizing Trader Jake's for a good portion of the City's legal advertising needs over the past three years. The City Council found Trader Jake's to be the least expensive vendor to have met the statutory requirements as a newspaper of general circulation.

In these three years, I have worked directly with Susan Benjamin. I feel confident in recommending Ms. Benjamin's advertising services; she has been reliable and easy to work with. When last minute changes were requested on ads, Ms. Benjamin did her best to accommodate. Ms. Benjamin provides a personal touch, which helps to keep our deadlines intact.

Please don't hesitate to contact me if I can be of further assistance. I can be reached at the City of Palm Bay's Legislative Department, 321-952-3414, or by email, [terri.lefler@palmbayflorida.org](mailto:terri.lefler@palmbayflorida.org).

Kindest Regards,

CITY OF PALM BAY

A handwritten signature in cursive script that reads "Terri J. Lefler".

Terri J. Lefler, CMC  
Deputy City Clerk

/tjl

Legislative Department

Verbatim

March 5, 2020 Planning and Zoning

Item J.5 – Motion Directing Staff to Advertise Using Least Expensive Publisher

BL – We are going to start up with J as in Juliet, five. We've got a couple of public comment cards. I am going to speak real briefly on it before we do take public comment. There was an email that I received with respect to this Item, from Mara Bellaby over at Florida Today. I want to address briefly, some of the points made in her email, and if there are questions, certainly we can address those after, after public comment. So the Agenda Item largely speaks for itself. I do want to highlight on the first page of the Agenda Item, the difference in costs here. Depending on the size of the ad that we're talking about for legal ads, a switch would save us between 29 percent and 394 percent, so it's a massive, massive difference in costs. With respect to the email that I received from Ms. Bellaby, I'm just going to kind of pick some items that appear to be more pertinent than perhaps others on this. There's a, I'm going to directly quote from, uh, from her email. There's a statement saying, "I know there's a proposal put forward as an effort to save County Taxpayers money, but it's hard for me not to see it, at least in part, as part of a continued attack against Florida Today." She goes on, on that vane, but what she conveniently admits with that is that at least two other Gannett owned publications, the Reporter and the Weekly Eagle, were intentionally and specifically included by name in the list of media outlets with which the County is encouraged to consider advertising, non-legal ads. And the Agenda Item as I mentioned with the percentages we just went over, it's all about saving taxpayer funds and not continuing to essentially subsidize and enrich one particular entity which has profited for years off the backs of hard working taxpayers by enjoying essentially a monopoly amongst the County, amongst the Port Commission, amongst different agencies, and amongst municipalities, given that we now have far less expensive alternatives. So my opinion, positive, negative, or otherwise, with respect to the leaning or lack of leaning with the paper is irrelevant. This is a financial question and it's one that really is rather simple. Looking at another item in Ms. Bellaby's email here, she talks about every, every media, and I'm quoting here, "every media entity in the State," um, she say "uses the public," I'm sorry, "makes use of the public notices free and easily accessible to everyone at [Floridapublicnotices.com](http://Floridapublicnotices.com)." So if, and I'll take her at face value, if as she says, and I'm quoting if, "every media in the State" close quote, participates in the same public notice website and they're up to 394 percent more expensive than the alternative, there is absolutely no reason to stick with them. She goes on and talks about their parent company Gannett being based in Virginia and talks about them having just under 100 independent contractors that work for their distribution center here in Palm Bay and in other areas of the County. I don't know that I would really be bragging about having independent contractors who aren't treated as full-time employees, you know, I don't... I can't imagine independent contractors enjoy benefits, but again, it's not something that's really relevant as to the question of, is this going to save taxpayers money. She goes on and she talks about Florida Today supporting community organizations through sponsorships to local charities around the Space Coast. From my understanding and everything I've seen preceding my election and continuing to present, the County is open, the County Commission has openly and actively sought to reduce taxpayer grants to community-based organizations because taxpayers shouldn't have their money confiscated by the government and distributed to the charity of the government's choosing. Those hard working folks have a right to choose which charities they're going to support and what amounts they want to support. Rather than paying an entity to pay independent contractors with the hope that some of that is going to funnel down to charities, if we wanted to give the money to

charities, we should simply go and do it directly. I don't think that's what anyone here on the Board is pushing. And then lastly, she talks about Florida Today being, I guess, housed, staffed by independent journalists. Whether I agree with that categorization or not, it's irrelevant. Again, the question here is one of what saves taxpayers the most money, and accomplishes the goals we have. I do want to say, I think it is worth mentioning that what wasn't said in the email was just as important as what was said. I imagine that the other Commissioners got this, I don't know, but Ms. Bellaby didn't dispute that this proposed action will actually save taxpayers a significant amount of money, in her own words, and I'm quoting again, "I know the proposal has been put forward as an effort to save County taxpayers money" close quote, she doesn't even attempt to dispute that essentially no one comes to County Commission Meetings on account of having seen a legal advertisement in Florida Today or anywhere else for that matter. And even, given their shrinking subscriber base, you know some folks that do read Florida Today, don't make it past the front page, others may make it a few pages in, some might even open up and look at the obituaries, but as you may remember there was a meeting, not terribly long ago, where I polled the audience here and asked who out of everyone in attendance was here on account of having seen the legal advertisement from Florida Today, and all due respect to Mr. Berman, I don't even know that Mr. Berman's hand went up. I also happen to know, despite charging a high premium, that Florida Today doesn't do a reliable and consistent job on the legal ads, and what I mean by that is, I've had conversations with the Clerk's Office staff that they routinely receive flawed proofs with legal descriptions cut off, with respect to tax deed legal ads. And despite numerous attempts from that office on how to fix the errors and finding out what the issue is, it is something that I understand, as of a few days ago, still is a routine occurrence. So, in addition to that, the other issue I was told by the Clerk's staff, is that there are a number of incorrect bills for indigency legal ads and possibly other items. So the issue really today before the Commission is simple, do we waste taxpayer funds by subsidizing a paper owned by an out-of-State corporation or do we spend far less and support a totally local option. Why do we put items out to bid? We put them out to bid because it's wholly appropriate and it's expected that the County will watch after taxpayer funds and be prudent in their expenditure. This County's largest municipalities, Palm Bay and Melbourne more recently, have already switched to Trader Jake's, they have already the recon and the homework to determine what's permissible and what's not. And we have an obligation to follow suit and be good stewards, or continuing good stewards of taxpayer funds, so to me this is a no-brainer decision. We've got a couple public comment cards. I think that is about as briefly as I can intro it. We've got Paul Alfrey, the Vice Mayor of Melbourne and then Wayne Ivey, our Sheriff from Titusville. You guys want to arm wrestle over who goes first, these don't happen to be numbered tonight, so however you all want to do it?

Sheriff – The good looking guy goes second.

Lober – Alright. We'll take the handsome one second. Does that mean Junny is coming up after?

Sheriff – Exactly.

Lober – Alright, Vice Mayor.

Paul Alfrey – Well thank you very much, Commissioners, for having me tonight. I'll try to make this brief. Real quick, I'm Paul Alfrey, I'm the Vice Mayor of the city of Melbourne. This is an item I brought before our Council the last meeting. Having done our homework and reviewing it, I felt which I brought to council, our best bet for our legal advertising was Trader Jakes. But real quick, some of the reasons are, number one, the massive cost savings. Would you over pay on chemicals to treat your water, or would

you overpay on vehicles just because you always did? Absolutely not. The way I felt is if I asked my directors to look at the budget and to go through the budget and cut, cut, cut, I have to do the same thing, even if it's not popular. So as I brought that before my council for Trader Jakes, not only was I supporting a local-owned business, but the twenty-five cents that Trader Jakes charges for the paper, 100 percent of that goes back to the Wounded Warriors, 100 percent. That's pretty big. And then the massive cost savings on, on the advertising. That being said, if it saves dollars it makes sense. So I would implore you to do what my council did, 7:0 vote, we all agreed. It was not a partisan issue, we all agreed it saved the City of Melbourne tens of thousands of dollars, so as a city resident and a Brevard County taxpayer, I would hope my Commissioners would consider the same. So thank you for your time, Commissioners, and again, thank you for your service.

Lober – Thank you, Vice Mayor. Sheriff.

Sheriff – Thank You, Commission, for allowing me to speak just real briefly this morning, er this afternoon. And I think Vice Mayor Alfrey did a great job at kind of laying it out why it just makes sense. And you know, as I stand here today as the Sheriff, I'll talk briefly about what our agency's intentions are and how we have to do legal notices. When you look at what we have to do legal notices on it's auctions of surplus property over \$5,000, levies on real or personal property, surplussed or lost or abandoned property, unclaimed evidence, civil service hearing notices, and also civil forfeiture notices. And when you look at how this just makes good sense for the taxpayers and trying to be a good shepherd in the taxpayers dollars, and also in just making sure that we're doing everything we can to get the information to our citizens, and looking for avenues to save our taxpayers. And when you consider that this is on, this has been very one-sided for a long, long period of time and I think that the playing field has to be even and we have to look for the place where we can best save quite frankly, my taxpaying dollars as well, because I pay taxes in this community. So with that, I'll turn it back over to you.

Lober – Thank you, Sheriff.

Sheriff – Yes, sir.

Lober – So I didn't see any public comment, pardon me, not public comments, no additional public comments, Commissioner Tobia.

Tobia – Thank you, Mr. Chair. And while I agree with the top portion, the subject motion direction staff to advertise using the least expensive publisher, the summary doesn't necessarily match the subject, so there were a couple issues I had, least expensive and singling out Trader Jakes, certainly I have some concerns. It's wonderful that Melbourne might have gone in that direction, but I certainly would want to find out what one was the least expensive. Second of all, using the recommendation from Palm Bay, I don't know that I would ever use the recommendation from Palm Bay unless I wanted a criminal defense attorney or, you know, just on tonight's meeting, to put it into perspective, not that I'm following what's going on in Palm Bay, but...

Lober – Sure.

Tobia\_ ...but they've got \$250,000 that they are looking on a forensic audit to find out why they handed away millions of dollars to a developer, so that's what's going on in Palm Bay right now. But there are some issues statutorily with this. Florida Statute 125, and you have it listed here...

Lober – Sure.

Tobia - ...but it's .66(4b), however you attorneys talk, says that certain rezoning notices be placed in a newspaper five or more days circulation. I looked up Trader Jakes, it doesn't meet that minimum requirement and I know that you have in here, the County Manager must articulate a nature of extenuating circumstances.

Lober – Yes, sir.

Tobia – That seems like quite a bit of work on the County Manager's part to keep doing that for each one there. And then most importantly, and this goes to the good judgment of Commissioner Smith, he had looked at things that were pending in the Florida Legislature. And certainly I was bringing an issue of vacation rentals and he mentioned that there was a bill moving through the House and he was absolutely correct. And he thought it was wise council to wait until that...I don't think, I don't want to advertise in Trader Jakes, I don't want to advertise in Florida Today, I think we can do this through technology and online. It's much easier, it's much more effective, and thankfully Chairman Randy Fine believes that. And House Bill 7, last time I looked had made it all the way through the House and was pending in the Senate. So I certainly would like to make a motion that we table this until, heck this may be absolutely needed not at all if this would make it through the Legislative session which is only a couple weeks from now. So I certainly hope that's there, but, so, I would like to go certainly in that direction. I think we're going in the same place but if we can do it for even less than what Trader Jakes is doing is think that's probably the best direction to go at this point.

Lober – Alright, we have a motion and a second. Sure. Commissioner Pritchett is next, then we'll have you Commissioner Isnardi.

Pritchett – Just kind of approaching the elephant in the room right now, I think that a lot of people are struggling with the content that's been in the newspaper and uh, I don't know. I think the day we're in we have such a problem with maybe trying to get good information, and you know what, my whole life, whenever I've read information in the paper or whatever, its always sided by someone's emotional feelings when they write it. It's just human nature. But it's a struggle right now and I don't know how to fix all that. And I have a lot of concerns and I've got more concerns of people getting their information off of Facebook, and that seems to be happening a lot also. Here's what's hesitating me right now some, is I asked all the questions and I got to be honest with ya, I never heard of Trader Jakes until I got this, and I asked about circulation and maybe I've been missing it, and they only have a circulation of 800. And here's a problem, Florida Today has 54,000 circulation. So I was thinking maybe if you even thought about doing the Orlando Sentinel instead, or what we could do? My concern would be is that we're not getting information out to the public. And Commissioner Tobia, I agree, I read everything online myself, and I do everything electronically, but the problem is if you have a circulation of 54,000 or 89,000, we still have a lot of people in the County that are reading newspapers and you know, I think this trend is starting to go away. I think we're starting to lose more paper prints and it's starting to go more into the electronic, but right now I don't know that I can do it right now, just because I think it would take information out of the constituents hands. And I agree Mr. Tobia, I'm not sure that everybody does read it, but my husband reads the paper from front to back every single day, so I know they're out there. Do I believe everything in the newspaper? Mr. Berman hold your ears, absolutely not. And you have to weigh it so, I'm going to ask us if we do this to maybe do an RFP or figure something out different. Maybe somebody can come along with another idea of how to get information out to



people's hands that they would be able to get ahold of. I'm open to that, I'm always open to other ideas, but right now I'm not sure this is the best route to go. I do like the fact, and I've seen Commissioner Tobia do this often, he'll write his own articles and send them off. I read a lot of his stuff in the paper that way so there is ways to get other information out there. But again, I'm not against doing something different, I'm just not sure this Trader Jakes is the way to go because I only have 800 people getting that paper, where I have 56,000 getting the Florida Today. I would be interested to know what the Orlando Sentinel is doing, if we want to go that route, but I'm trying to make the best unemotional decision for the people out there that are wanting information, and that's just where I'm at right now. Thank you.

Lober – Commissioner Isnardi. You're good.

Isnardi – Okay. And I would agree with that if I believed that people read public notices in newspapers. I mean they can tell you, they can...Your husband is a rare breed, God bless you, sir. But I fully would support that, if that were the case. What I take issue with is that those costs are not only egregious as far as what it cost to advertise, is the fact that you just have to go up to Tallahassee and look at the newspaper lobby, so whether or not you agree with their content or their leanings or whatever, it doesn't matter, they know how to play the legislature just as well as, you know, that email we got from their editor. I find it interesting that whether you like Commissioner Lober, whether you agree with Commissioner Lober, there's an article that came out yesterday that was quite awful about Commissioner Lober, and I just find the timing rather interesting considering this is on the Agenda today. So I will fully and completely support the lowest, cheapest possible way to get that information to residents. I mean and it is electronic, you only have to look at the trend as far as electronic subscribing on any news publication. So if people want to get that information its available so I don't think we should be in the business of subsidizing any private organization whether it be a newspaper or otherwise, just because they donate to charity most certainly does not qualify or justify us subsidizing a private business. I think, I like the idea of the RFP as far as going out for advertising, maybe they can compete, but for what we're paying now it's just completely egregious.

Lober – Commissioner Tobia.

Tobia – Thank you, Mr. Chair. And I think we can get everyone on board if we, and I asked staff, they said it would be 10 to 15 hours, if they were to create a report of all the public notices that we do and the different statutory minimums to find out what we could shift over to a publication that is weekly instead of daily, that way the responsibility wouldn't be on the County Manager every time to justify that there was a publication in the Florida Today. I imagine that's something that could be done in conjunction with waiting for the end of session that we're only a few days away. I would have asked the County Attorney's Office to do that, but when I did hear that it was 10 or 15 hours I certainly didn't want to make a request on their time without getting the direction of the Board.

Lober – Sure. Just a couple thoughts and I didn't see any additional...Commissioner Smith.

Smith – Thank you, Mr. Chair.

Lober – Sure.

Smith – I'd like to call the question. I think it's pertinent that...

Lober – Would you mind if I had an opportunity to address...

Smith – Oh, absolutely, but I think it's pertinent that we take the vote because if the vote passes then the conversation is moot until two weeks goes by or whenever session ends.

Lober – Agreed. Yeah, I'd just like to comment now that everyone's had an opportunity to go here. So a couple things first. I'm not going to be too repetitious here, but I do agree with Commissioner Isnardi in that it is a rarity to have anyone, in fact I think your husband, Commissioner Pritchett, may be the only one I've ever heard that even reads them, but something tells me he would be here regardless of whether he read the legal notices. And it's not that, and I've never heard of an instance in which we've ever had seat warmed by anyone on account of them having seen a legal notice. To go back to Ms. Bellaby's email, and I'm just going to read verbatim the first item that she has in a whole laundry list, "This item suggests," oh let me...I'll skip to make it brief, "We participate, as does every media entity in the State, in making all public notices free and easily accessible to everyone via [Floridapublicnotices.com](http://Floridapublicnotices.com). Florida's media has invested significant money in building this website. To date, it has over 32,000 registered users and over 70,000 monthly page viewers. It's free and easy to use." Sounds great, if...literally if she says all media advertises in that, we would be advertising identically online with the exception of anything behind a pay wall on Florida Today's site. You know if we're all about transparency, the only difference in, that we would have in terms of publicity online, is the potential of having it behind a pay wall, I don't see that as fair. It's certainly not something that encourages or incentivizes transparency in the public. If we had people showing up and if anyone knows, up here, knows of one person that's ever shown up on account of a legal notice being advertised with Florida Today, let me know, I would be shocked, because I haven't heard of it. I would be happy to go with the motion that was proposed, but my concern is with the House Bill that was referenced, I think it was House Bill 7, we have a very similar item, I believe last year, that died. And I'm happy and I'm encouraged that it's moved forward beyond where it had in the past, but I don't know that I'm comfortable waiting on the House to do a job that we can do ourselves to save our taxpayers money. There's a lot of things they can do that we can also do at the local level without waiting for them to do our jobs for us. With respect to getting a comparison or a spreadsheet, what have you, laying out what we can move over and what we can't, the motion that as proposed or the Agenda Item, if you look at the requested action, it is where lawfully Permissible staff shall endeavor to use Trader Jakes for required legal advertisements, it's not use it period, so there is no statutory concern because it's incorporated in the requested motion, where it's lawfully permissible. If it's not lawfully permissible and it has to go to Florida Today or anywhere else for that matter, wonderful, I'm happy with that. It is what it is. But if it is, you know, something where we can save money and it's legally permissible I don't know what the benefit of having a report laying exactly what's going to move and what's not going to move out, really does for us other than waste staff time. But again, if that's the will of the Board, I'll go for it, I just don't know that, that's really putting us in a better place. Commissioner Tobia.

Tobia – Thank you. And again, if that's the motion that you intend to make, it's as...It doesn't label motion where lawfully permissible, staff shall endeavor to use Trader Jakes for required legal advertisements.

Lober – Yes, sir.

Tobia – That does not, that's not the subject of the motion, motion directing staff to advertise using the least expensive publisher. This is a single source. That's certainly...

Lober – I think I can add to why. So in, I invite if you have any questions we can have Vice Mayor Alfrey come up because I know he's done the homework as well. At one point, and this was all of two or three weeks ago when I looked, second to the most recently, the Clerk's website which lists different media outlets that are potentially appropriate for legal ads had, I believe, five separate outlets. When I looked a day or two ago, it was three, one was Florida Today, one was Trader Jakes, and there was a third one, that's it. So it's not that there's that much out there. When I looked at the pricing, not just the advertising costs but the costs to obtain the actual products for people that want to go in person, and I know it's a dwindling number but someone wants to go and buy a paper, buy a publication, it was a quarter for Trader Jakes and I know it was at least \$1.00 if not more for the other alternative, and I truly am blanking on the name. But I'm happy with, you know, if you're more comfortable today and it would get you to be in a spot where you're happy to support it or You're willing to support it, I'm happy to take out the name Trader Jakes and direct staff to use the least expensive publisher for legal ads period. I'm happy with that. And if you have concerns over the item with Frank Abbate having to explain for the other, you know for the second portion on the back of the sheet, or the second page, why they would use Florida Today in the event that they have to do that, if that's troubling you, I'll strike it, that's not a problem. My goal here is to save taxpayers. I basically put what I thought would be a good proposal forth, but if the Board isn't happy with it we can take pieces of it out, I don't have a problem with that.

Tobia – Mr. Chair, May I ask staff a question?

Lober – Of course.

Tobia – Mr. Darling have you done, have you looked at any of the costs associated? I 'd imagine you would be the individual that would take the charge on that one. Have you had the opportunity to look at any of these costs?

Steve Darling – Yes I've looked at the costs that we've spent as a County in a web procurement sense.

Tobia – Can you run some of that so we have an idea of how much we potentially could save when it comes to advertising this type of stuff?

Darling – I didn't do the comparison, I can tell you what we spent last year.

Tobia – Okay.

Darling – It was \$88,000 as a County as a whole, but it varies by Department based on the different sizes and the different types of ads.

Tobia – So, I'm terrible at math. It says here that there's a potential 29 percent saving up to 394, I'm just going with the smallest one here, 30 percent, I mean that's a size...That's certainly a sizable amount. Have you looked at the legal requirements for the rezoning for example, that needs five days? If the Trader Jakes was just available on a weekly basis, might that push back Agendas for people that are looking to get rezoned?

Darling – Possibly, I'd have to defer to Eden on that one.

Lober – Ms. Bentley.

Bentley – Yeah, um, the rezonings are a little bit different than plain ordinance amendments. They do require a five-day publication, so I don't believe Trader Jakes has that, so you'd have to go through and see which ones were eligible for Trader Jakes.

Tobia – Mr. Chair?

Lober – Sir.

Tobia – I see five days, I don't see five consecutive days.

Eden – It is five days, yeah. It's not consecutive.

Tobia – So we could do it in Trader Jakes but then that would require that if they did it...

Eden – Oh, I see where you're going.

Tobia – Yeah, consecutive...I'm sorry.

Eden – Um, I think it just says five days, I don't think it says consecutive, but I didn't really look at it from that angle. But...

Tobia – Yeah, five or more days.

Eden – Hmmm.

Tobia – Yeah it says...

Eden – So it might slow things down. I haven't looked at it from that angle, we'd have to take a look.

Tobia – Yeah, I'd...when we go back to Melbourne we talked, Melbourne's CRA tried to sell the County on a building that was going to create billion dollars of revenue, they got a comma and a zero mixed up, so listen, I do, I do like Melbourne, You know, great folks, but when you can't tell the difference between billions and millions, I don't know that we need to be taking their advice on publications one way or another. I certainly trust our staff, we've got some great folks here and if we're talking two weeks, that's, what is that, one-twenty fifth, so we're talking about may be 30 percent of a couple thousand dollars savings, you know we're talking about \$300 of \$400, if we waited.

Lober – I mean if that's what you want to do that's what we'll do, I, you know, I just wanted to throw it out there that I'm willing to modify what it is that I'm seeking or at least clarify that, in fact...

Tobia – And I

Lober - ...that's just to take action.

Tobia – Ideally I'm on the same page. If House Bill 7 passes and you know we can, I support...This was, and you brought up a very valid point, this has been in the legislature certainly longer than when I was up there. I was a co-sponsor of this, so I think we are completely on the same page.

Lober – Correct.

Tobia – I think in two weeks I would modify my motion that's on the table to ask staff to draft a report detailing all of our public notices and their respective requirements and maybe do a cost comparison, so we can find out what would be eligible for certain publications. And I have no problem with bringing this

back in two weeks and making a decision at that point, and you know what, if Trader Jakes is the lowest one, I'll second the motion.

Lober – Sure, and if it's a different one, as I mentioned there was a third one, I truly am blanking on the name, if it's the other one, and I don't believe that was the case when I looked, I'm happy to do that. I don't have any ownership interest, I have no stock in Trader Jakes. I don't know if it's publicly traded, I can't imagine, but it doesn't make me any happier or sadder to see it go to one publisher or another, whoever is the least expensive would be my preference. It just seemed in my research that Trader Jakes was the least expensive that's why they were specified by name, not because I prefer or have an opinion one way or the other as their being a better, whatever that means, publication.

Tobia - And to get Commissioner Pritchett fully, I think she mentioned the circulation numbers, I think that's important to her. Me, it's not important to me, but it's important to her so I certainly would like to ask staff when they did that, at least they could get us some publication numbers when, on that report so, I would like to amend the motion with that request for staff to compile that and bring that back at their convenience so we could make a decision at that point.

Lober – Okay, I got a couple more lights. Commissioner Pritchett.

Pritchett – Thank you, Sir. Yeah I, a question, are we thinking now that it's really not all that beneficial to advertise these things? Is that really kind of what we're trying to determine here? Just from you guys, is that what your thought is?

Lober – My personal belief.

Pritchett – It's not necessary?

Lober – Again, I polled it. You're welcome to poll the folks sitting here now with this item here.

Pritchett – I can't talk to you all off line so I was just wondering.

Lober – Yeah. I don't know of a soul that's ever shown up here or at any city on account of having seen a legal notice in Florida today. I just don't know if its ever occurred.

Pritchett – Right, you're legal though with legal law things. Is it, are we at the point where we're actually doing something as a County or a government that's really not necessary to do this ever, to put this stuff out?

Lober – We're doing in my estimation, is we're complying with statutory requirements, but we're not complying with them in the least expensive manner.

Pritchett – Right. But why, I'm sorry, you're just going to have to educate me in front of everybody so I can understand this. Why is it statutorily necessary that we do this, that we advertise it?

Lober – The advertisements, as far as the items which have to be advertised, my understanding, and I'd invite Ms. Bentley to jump in if her understanding is different or additional, is that these Statutes require certain ads, have been in place for a very long period of time. They were put in place prior to internet, certainly becoming a household commodity. I don't believe that people obtain their news in the same that they do now and as a result, it probably was beneficial to a degree to include things in print media

back when those requirements were put in place and Statute. But at this point, I think these Statutes have outlived their usefulness and are due to be revisited right now.

Pritchett – Okay.

Lober – Ms. Bentley do you tend to agree with that?

Pritchett – Okay, do people need to have this information that we advertise or are we just doing something redundant?

Bentley – Statutes do require the ads. I'm looking at Chapter 125 right now, the section that we talked about earlier and it was initially adopted in 1969, so I agree with the timing issue regarding the Statutes being adopted before the internet.

Pritchett – So I'm trying to determine because here we're talking about internet, but I'm telling you guys, I've got a lot of old people in my life and I kind of resemble that now, but they're not all real good with internet and they're still reading paper, so my thought is if its something that's not even necessary to do you could be buying me in to this. But here's a concern if it's something that is necessary and we're trying to get it out, I don't even think I've got Trader Jakes in North Brevard.

Lober – You do.

Pritchett - So if this is something that's necessary, I know if 800 for the whole County, I promise you I don't have maybe 10. I'm concerned that I'm going to stop my constituents from getting information. So if you're really wanting to go this route with something different, I might be open to the Orlando Sentinel, if you guys are wanting to research that, but I don't know if we have anything else that's able to get that kind of data out on paper as easy, but I'm open to it.

Lober – Scott Ellis actually sent me another suggestion as well and its not on his list now and I haven't vetted it to see if it complies but there's something called I think the Orlando Business Journal that might also work but that's not in the list so, I don't know...

Pritchett – Whatever we, again if your telling me this is not necessary it just done because it's the way we've always done it and I hate doing things because it's the way we've always done it, if it's not necessary. That may be a good question, but if it's something that's important I'm going to have a little heartburn with this because I'm taking away information from the possibility of people getting it, but if its not important it doesn't matter. And if you're talking about costs, I mean you're talking about the difference between 59,000 and 800 and that's a significant difference in publication. My question, the million dollar question here is how important is it to have these notices in people's hands?

Lober – We have to check the box, I mean that's what it amounts to. And that's why, I mean I don't care if Don Walker would start a paper tomorrow if it complies with the Statute, then it's the cheapest thing we can do to check the box.

Pritchett – But if it's only going to a circulation of 10?

Lober – If he has a circulation of one.

Pritchett – And nobody can get to it, then we're not doing justice to our constituents. That's my problem.

Lober – Oh, I agree with you.

Pritchett – Because we're not getting information out at that point. And that's my whole thing, is, and I love you Dave Berman, but I'm not in love with the paper necessarily. But that is my problem here, is I want to make sure if it's information that's important to get to people, that we're not hindering it. And you're talking about 800 and 59,000, that's a significant difference of getting it to people hands.

Lober – Here's what I suggest, if this gets kicked out two weeks, which I think is the direction it's going to any which way, talk to your constituents, if you have constituents that are frequent flyers who you trust, talk to them and ask them if they've ever put (inaudible) in seat on account of having seen a legal ad.

Pritchett – No. But we don't have people reading the internet and doing the same thing either. They are not really emotionally provoked with it, but my thing is if it's legally something that they're supposed to read, that's my question. And if it's something we're just doing old laws with that needs changed and I agree if it ends up...May I ask Commissioner Tobia a question.

Lober – Please.

Pritchett – I haven't got to talk to Mr. Fine and I don't get to talk to you offline, is there a significant reason why it would be, and I know we're talking about internet reading and not reading, is there a reason why we don't think people really, that this maybe isn't so necessary?

Tobia – The genesis of this is because of a very strong, Commissioner Lober is 100 percent correct, this is a very strong newspaper lobby that still to this day is pretty strong, but this goes back, if you read Statute, you'll find that if you live in an area that does not have high enough circulation, there are certain Counties down south, you have to publish it in the Tallahassee Democrat. To put it in perspective, legal notices down south statutorily have to, I mean this is to pad the newspapers pockets. It is absolutely horrific the way that this was written in the 1960s and the fact that it's continued. However, this online nexus would allow you, if you wanted to see public record, you either could open the Florida Today, look through those tiny words or you could go online and type in John Tobia and figure out anything that has popped up for me. It's much more user friendly. In fact Chairman Fine has gone far enough to say that people that want that don't have internet access can get on a list in which all public notices are sent to him, so he's gone through a lot of thinking. I think it's a great bill. If I was up there I would support it. He's taken steps that we didn't take when I was in the Legislature, so kudos to him. However, I just think that two weeks is really not that big of a deal. Commissioner Lober said there may be some other publications out there, the Orlando Business Journal, if it doesn't pass, I hope it does pass, but if it doesn't pass, I certainly would like to have all the information. I'll tell you right now, I certainly as heck want, if this Board passes another tax increase, I want it in every publication. I want every reader to know that a bunch of republicans decided to, I'd never hide that one, so you will see that one, I want on the front page of the Florida Today. But outside of that...

Smith – Can I call the question the question, please? We've spent 40 minutes on this issue which in two weeks if it is voted for in that Florida Senate and passed it could be a non-issue, so we just wasted 40 minutes if that be the case and if it isn't voted we could follow this up in our next meeting or two meetings from now, it's not going to change anything. And I agree with everything that's been said. I think that nobody reads these things anyway. I think it's a requirement that goes back before most of

you were born and so it's really silly that we have to do it, but statutorily we're required, but if the Legislature decides we don't have to do it, we've just wasted 40 minutes, now 41.

Tobia – Yeah, I think...

Smith – So, let's have the question.

Tobia – Your making Commissioner Smith very uncomfortable that he and I are on the same page on something.

Smith – Yeah.

Tobia – That he wants to move on.

Smith – Yeah, I've been biting my fingernails up here.

Pritchett – Is statute about to make us so we don't have to put any of these public notice out any more?

Tobia – If HB7 passes, yes.

Pritchett – No more notices at all?

Isnardi – It's not going to pass.

Lober – If.

Pritchett – Okay.

Lober – I mean people we hopeful last year that it would pass the equivalent and it didn't so. You know, I'll go ahead and call the question, and this question is whether to continue this out for two weeks, meanwhile to have staff produce the report including the Items that Commissioner Tobia suggested, Is that correct, Commissioner Tobia?

Tobia – That is correct.

Lober – Alright. Lets go ahead and ...

Smith – Mr. Chair.

Lober – Yes.

Smith – Commissioner Tobia, what if the Legislature hasn't decided in two weeks? I would suggest that you just change your motion to when by the time the Legislature ends it's session, if it hasn't been addressed, then we have to address it.

Lober – I don't want ot wait for Tallahassee to do our jobs, I'm ready to move tonight, but if the Commissioner as whole or as a majority is comfortable waiting two weeks, I'm happy to do that. Mr. Denninghoff, I see a light.

Denninghoff – I would just point out that the, we've been saying two weeks, I want to point out that the Board meeting you probably want it on is the Board Meeting of March 24, this is a zoning meeting night so two weeks is on a Thursday, so let's go for the 24<sup>th</sup> if you would, please.

Lober – Acceptable Commissioner Tobia?



Tobia – Yes, Mr. Chair.

Pritchett – Can I hear Commissioner Tobia's motion again, sir?

Lober – Okay. Commissioner Tobia would you mind restating it again for everyone's benefit? I apologize.

Tobia – Thank you. Table this til March 24, contingent on the Legislature making or not making a decision as to HB7, as well as provide direction to staff to draft a report detailing all public notices, their respective requirements, costs, as well as circulation.

Lober – And you contemplate with that regardless of what the State House does, you still want this to be revisited on the 24<sup>th</sup>, correct?

Tobia – Absolutely not if HB7 passes and is signed by the Governor then this becomes a moot point and I hope we never have to bring it up again.

Lober – Perfect, and if it doesn't pass or it's continued up there, do you want it addressed at that point?

Tobia – On March 24?

Lober – Correct.

Tobia – Yes.

Lober – Perfect. Okay, just wanted to clear that up. Alright, all in favor of that motion please say aye.

Passes unanimously.

Lober – You know, I know it's a little irregular but I know that the two gentlemen who spoke earlier were kind of wiggling when I said there was another possible publisher, were you all aware of someone else we could have staff check into, or is that...No? If you want to come up, I'm just thinking if it's something we can just put it on the record if there's a potential additional publisher they can look into because again I don't care which one we use. Vice Mayor.

Alfrey – Yeah, real quick, I'll make this brief, I don't want to waste too much time. Real quick, I wanted to point out something Mr. Tobia said. He said Melbourne not knowing the difference between the billions and the millions, that he is right. Our former City Manager had that issue which I uncovered and that's why I got rid of him. So just so you know, this is something I brought forward and I totally understand about our former City Manager. One of the things on the Trader Jakes again, as a local business, to me I believe in buying local, that's very important to me. The fact that all that \$0.25 because that's all they charge, you go buy a newspaper that is \$3. \$0.25 goes to the Wounded Warriors, 100 percent, so it's not only about saving tax dollars, it's also about helping veterans and as a veteran, I know our County has a lot of veterans. So at the end of the day this is a win, win and that's why we had a 7:0 vote for republicans and democrats on the council.

Lober – Thank you.