

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on August 8, 2017 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Rita Pritchett	Vice Chairwoman/Commissioner District 1	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Chairman/Commissioner District 4	Present	
Kristine Isnardi	Commissioner District 5	Present	

INVOCATION

The invocation was provided by Pastor David Myers, First Pentecostal Church of Palm Bay.

PLEDGE OF ALLEGIANCE

Commissioner Barfield led the assembly in the Pledge of Allegiance.

MINUTES APPROVAL

The Board approved the July 13, 2017, Special Meeting Minutes.

ITEM I.B., RESOLUTION, RE: RECOGNIZING, HONORING, AND CELEBRATING GRANDPARENTS RAISING GRANDCHILDREN

Lil Hobson, a volunteer for Grandparents Raising Grandchildren (GRG), introduced Mary Ann Sterling as the Founder and Executive Director and Karen Mills the Assistant Director. She stated over 23 years ago Linda was killed by a hit and run driver leaving behind a six-year old son, Matt; his grandmother, Mary Ann Sterling suddenly found herself in the roll as parent again and quickly realized she was not the only one in this situation, and she had many obstacles to overcome in her care for Matt; she formed this support group and had six people attend the first one; she founded Grandparents raising Grandchildren of Brevard County Florida in 1994; and fast forward to today, GRG has the most support group meetings in the State of Florida with six meetings in six locations, throughout the large County with over 1,300 members. She continued some have heard of this agency and many have not, yet in most meetings it is asked if anyone in the audience was raised by, or knows someone who was raised by their grandparents and there is always at least one hand raised; it is not uncommon, but not often talked about; there are many reasons why a child will come into the care of someone other than their parents, death, sickness, incapacity, and incarceration of the parents are some of those reasons; the opioid epidemic or prescription drug abuse, which is getting a lot of press is perhaps the biggest reason; displaced and abused or neglected children are one of the nasty side effects of drug abuse; and this is why GRG has taken on the mission of child first. She went on to say that mission is to support relative care givers throughout Brevard County in achieving safety,

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permanency, and wellbeing for their families through education, advocacy, and community collaboration; their vision is that one day all children will live in a safe, loving home with relatives that will help them develop to their full potential; living in a place to call home and knowing someone will always be there is something everyone needs, especially children; and statistics report that one in 12 school aged children in Brevard are living with relative care givers which is typically their grandparents, which is over 8,500 children. She stated for those who like to crunch numbers, that is saving Brevard taxpayers over \$40 million a year, by keeping those children out of the foster care system; the fact that these children are thriving in their grandparents homes is priceless; Brevard County is full of wonderful people who truly care about their community; and they are very grateful for the opportunity to be recognized this evening for the work they do, but they truly believe the child should always be first and they need the community support to make this happen. She noted their funding comes from grants, the United Way, some city grants, and fundraisers; they have their second annual golf tournament coming up in September; and there are many ways everyone can help support this event; they have drawing tickets, they need golfers, sponsors, donations of door prizes, and if anyone is interested in learning more about this they can contact her.

Chairman Smith asked if she said 8,500 children.

Ms. Hobson commented 8,500 children in Brevard County are being raised by someone other than their parents; that is one in 12 school age kids; there is not a good number on the children who are not in school yet; many grandparents pick up the children from the hospital; and those children that are being raised by their grandparents are considered homeless in the school system.

Chairman Smith read aloud, and the Board adopted Resolution No. 17-133, honoring and celebrating grandparents raising grandchildren.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Chairman/Commissioner District 4
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.C., RESOLUTION, RE: RECOGNIZING JUDGE CATHLEEN CLARKE FOR HER SERVICE TO THE PEOPLE OF BREVARD COUNTY; AND HONORING HER ON THE OCCASION OF HER RETIREMENT

Chairman Smith read aloud, and the Board adopted Resolution No. 17-134, recognizing Judge Cathleen Clarke for distinguished service to the people of Brevard County.

Judge Cathleen Clarke stated it has been an honor serving the residents of Brevard County; and she is grateful for the recognition.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Chairman/Commissioner District 4
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

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ITEM II.A.1., INTERLOCAL AGREEMENTS WITH THE CITY OF WEST MELBOURNE, TOWN OF MALABAR, AND TOWN OF GRANT VALKARIA, RE: ALLOWING THE COUNTY TO CONTINUE ADMINISTERING AND MANAGING STORMWATER PROGRAMS

The Board executed Interlocal Agreements to allow the County to continue to administer and manage the City of West Melbourne, Town of Malabar, and Town of Grant Valkaria's Stormwater Programs; authorized the County Manager to execute future amendments and up to two one-year extensions; and authorized associated budget change requests.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.2., COST-SHARE AGREEMENT BETWEEN THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) AND BREVARD COUNTY, RE: MICCO SEWER LINE EXTENSION CONTRACT NO. 31822

The Board executed Contract No. 31822, between Brevard County (Grantee) and the St. John's River Water Management District (SJRWMD) (Grantor) for the Micco Sewer Line Extension; authorized the County Manager to execute future contract amendments subject to the approval of the County Attorney's Office and Risk Management; authorized the County Manager to approve the bidding of the project; authorized the Chairman to execute construction contract award to the lowest, responsive bidder; and approved all associated budget change requests.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.3., BINDING DEVELOPMENT PLAN, RE: STEPHEN AND JULIE HUNTER (F.K.A. BRIAN AND TAMMY BOSSARD)

The Board executed the Binding Development Plan (BDP) with Braveheart Properties of Brevard Inc. for property located on the west side of Indian River Drive, approximately .20 mile north of Brookhill Drive in Cocoa.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

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ITEM II.A.4., CONVEYANCE OF EASEMENT FROM BREVARD COUNTY TO FLORIDA POWER AND LIGHT (FP&L), RE: WICKHAM PARK PAVILION PROJECT

The Board executed the Easement with Florida Power and Light (FP&L) for the Wickham Park Pavilion Project.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.5., APPROVAL OF DRAFTED SOVERIEGNTY SUBMERGED LANDS EASEMENT, RE: OYSTER REEF LIVING SHORELINE INSTALLATION AT EASTMINSTER PRESBYTERIAN CHURCH OF INDIALANTIC VACANT PARCEL SITE

The Board approved the draft Sovereignty Submerged Lands Easement as to form and content (a public submerged lands easement) with the Board of Trustees of the Internal Trust Fund of the State of Florida; and authorized the Chairman to execute the original easement when presented at a later date.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.7., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: VALENCIA AT ADDISON VILLAGE, PHASE ONE - THE VIERA COMPANY

The Board adopted Resolution No. 17-135, releasing the Contract and Surety Performance Bond dated July 26, 2016, for Valencia at Addison Village, Phase One, The Viera Company.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.8., JOINT PARTICIPATION AGREEMENT (437171-1-94-02) WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: FUEL FARM UPGRADE, CONSTRUCTION PHASE

The Board waived procurement policies and procedures related to the Construction Phase of the Fuel Farm Upgrade project at Valkaria Airport; and ratified the election of ABA-CON, Inc. for the construction phase of the fuel farm upgrade.

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RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.B.1., AGREEMENT WITH THE BOARD OF TRUSTEES OF THE A. MAX BREWER MEMORIAL LAW LIBRARY, RE: ENABLING THE COUNTY TO TRANSFER FUNDING FOR THE LAW LIBRARY FROM THE GENERAL FUND TO THE LIBRARY DISTRICT FUND WITHOUT MODIFYING THE CURRENT REPORTING STRUCTURE

The Board executed the Agreement between the Brevard County Board of County Commissioners and the Board of Trustees of the A. Max Brewer Memorial Law Library.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.B.2., AMENDMENT TO TRAIL ACCESS LEASE WITH MODERN, INC., RE: FOX LAKE SANCTUARY

The Board executed an Amendment Access Lease with Modern, Inc. to provide access to Fox Lake Sanctuary.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.B.3., ACCEPTANCE OF LAND DONATION FROM RICHARD KING MELLON FOUNDATION, RE: MARITIME HAMMOCK SANCTUARY

The Board accepted a donation of property from Richard King Mellon Foundation, in unincorporated South Melbourne Beach; and waived the requirement for a Phase One, Environmental Site Assessment.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

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ITEM II.B.4., RESOLUTION, GRANT APPLICATION, USE OF TOLL REVENUE CREDITS, AND FOLLOW-UP GRANT AGREEMENT, RE: FY 2018 SPACE COAST AREA TRANSIT (SCAT) CAPITAL AND OPERATING ASSISTANCE GRANT FROM FEDERAL TRANSIT ADMINISTRATION (FTA)

The Board adopted Resolution No. 17-136, executed the Grant Application in the amount of \$8,854,674; approved the use of Florida Department of Transportation Toll Revenue Credits; executed the Designation of Signature Authority allowing staff to submit the Grant electronically; authorized the Interim Transit Services Director to execute and submit the Grant Agreement electronically, contingent upon County Attorney and Risk Management approval; and to execute any additional follow-up documentations/resolutions and amendments necessary to secure these funds.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.1., APPROVAL, RE: BUDGET CHANGE REQUEST(S)

The Board approved the Budget Change Requests.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.2., REQUEST TO SCHEDULE EXECUTIVE SESSION ON AUGUST 22, 2017, RE: MASCI GENERAL CONTRACTOR, INC. V. BREVARD COUNTY, FLORIDA, CASE NO.: 05-2015-CA-46973

The Board scheduled an executive session with the County Manager and appropriate staff to discuss pending litigation for Masci General Contractor, Inc. v. Brevard County, Florida, case No.: 05-2015-CA-046973, to be held after the Regular meeting on August 22, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.3., CONFIRMATION, RE: JOHN DENNINGHOFF AS ASSISTANT COUNTY MANAGER

The Board confirmed appointment of John Denninghoff as Assistant County Manager for the Development and Environmental Services Group.

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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.8., JOINT PARTICIPATION AGREEMENT (437171-1-94-02) WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), RE: FUEL FARM UPGRADE, CONSTRUCTION PHASE (CONTINUED)

Chairman Smith commented this Item is a Joint Participation Agreement with the Florida Department of Transportation (FDOT); it is a fuel farm upgrade and because staff worked so hard on this, they proved that a little innovation and a little creativity goes a long way; they saved over \$62,000 on this project by engineering it and doing the work themselves; and he expressed his appreciation to the staff for that.

ITEM III., PUBLIC COMMENTS

Charles Tovey stated he is here again beating the dead horse; he would not have a cat if there was not hope; he does have hope in the community and the leaders; he wanted to speak on the accountability, or neglect of accountability for the mistakes, or fraud, or dereliction of duty and he inquired what is it; he commented when he goes to court and all the issues, the points that the County Attorney's Office made against him, were found to be mistakes; and yet it continues still today. He continued he has nothing because of what was done in the past that was hidden, neglected, or whatever; contempt of Court from the Mayor imposing her restraining order on him, his family, and everybody he knows; he could not go in the Town of Palm Shores; he cannot go nowhere now, and be safe about it; he has PTSD or something; and Contempt of Court was neglected, overlooked, and the points he raised in court were all the issues he was brought to court for and they were admitted mistakes by Elizabeth Bell, he thinks was the County Attorney at the time. He continued he does not practice his speeches; the County has permanent jurisdiction on his property and he wants to know why; he wants to start his business up; he is looking for Mr. Knox, the County Attorney, to reverse everything because there was no reason for it; he took everything he has and had to make a living; the assailants of his neighbors; everybody else gets recognized for their right to live; and he does not get anything, he has to watch hundreds of people every day because they are going to do something sexual to him because they do not like him or what he says; they are going to beat him into next week, and he better get into his house old man; and he went the day the County raped him of his property, he was with Sheriff Ivey asking what to do about protesting on his property. He went on to say he cannot get his mail at his box; all these issues; he has been attacked every which way and here he sits, this is his only alternative, to come here any time he can; and he will be up here until this gets resolved.

Commissioner Barfield stated he was going to pull Item II.D.3. and this is the confirmation of John Denninghoff as the Assistant County Manager and he just wanted to recognize this because he has done a phenomenal job for this County especially when he was in Public Works; he has taken on a lot as an Interim and he thinks it is time to take that "Interim" away and let him know he appreciates what Mr. Denninghoff does.

Commissioner Isnardi and Chairman Smith agreed.

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ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE PART OF 20.0 FOOT WIDE PUBLIC DRAINAGE EASEMENT - WOODLAWN ESTATES SECTION II - MELBOURNE BEACH - LAURA N. FARRARA

Chairman Smith called for Public Hearing to consider a Petition to Vacate Part of a 20.0 Foot Wide Public Drainage Easement in Woodlawn Estates, Section II.

Andrew Holmes, Interim Public Works Director, stated this is petition to vacate a portion of a 20.0 foot wide public drainage easement; this is in Woodlawn Estates Section II, Melbourne Beach; the purpose is to allow construction of a pool and deck enclosure; and they have received no negative comments on this issue.

There being no further comments or objections, the Board adopted Resolution No. 17-137, approving a petition to vacate part of a 20.0 foot wide public drainage easement in Woodlawn Estates, Section II of Melbourne Beach, as requested by Laura N. Ferrara.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.B., PUBLIC HEARING, RE: FY 2017-2018 ANNUAL ACTION PLAN

Chairman Smith called for Public Hearing to consider a FY 2017-2018 annual Action Plan.

Ian Golden, Housing and Human Services Director, stated this is the second and final hearing for the annual action plan; it is a requirement of HUD for funding, both CBDG and HOME; they are requesting the Board approve the plan; authorize the County Manager to sign all contracts, and budgetary changes with Risk Management and County Attorney approval; and authorize the Department to secure contractor through competitive processes, either Bids or RFPs. He noted they have received one comment to date and it had to do with an increase in the amount of support for low incomes households that need assistance obtaining and retaining affordable rental housing, which the Department would like to see as well but there is a limit to the amount of funding they have and can get from the Federal Government and the State.

There being no further comments or objections, the Board approved the 2017-2018 Annual Action Plan; authorized the Chairman to execute the required certifications and SF-424 Applications for Federal Assistance from the U.S. Department of Housing and Urban Development (HUD); authorized the County Manager, or his designee, to execute the Community Development Block Grant (CDBG) Program and HOME Investments Partnership (HOME) Program Grant Agreements and Disbursement Agreements with the four Brevard County HOME Consortium member cities, upon approval from HUD; authorized the County Manager, or his designee, to sign contractual agreements and amendments for projects identified in the Action Plan, including any associated budgetary changes, after approval from Risk Management and the County Attorney's Office; and authorized the Housing and Human Services Department, as contract administrators, to use competitive processes to secure contractors to complete proposed projects.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM V.A., ORDINANCE, RE: CREATING A NEW CHAPTER TO CODE OF ORDINANCE, CHAPTER 3, CODE OF ETHICS

Scott Knox, County Attorney, stated this Item is a redo of the Ethics Code the Board had talked about some time ago; it was brought back, trying to combine as many of the Board comments from the ethics discussions from last time into an Ordinance; he came up with two versions of it; one of which has a Citizen's Advisory Committee which would pair violations of complaints; and the other of which does not have that Committee. He noted not being sure what the Board would want to go with, he brought it here for discussion tonight; this is preliminary to the public hearing, they would be asking for authorization to advertise one of these two versions.

Pam LaSalle stated as proposed she sees this as a modest improvement in transparency; there is some control on Commissioner's activities but she feels it could do more; she does not understand what purpose it will serve to register lobbyists, if there is no contact log or record of that; there should be a contact log with the usual who, what, when, where, and why; lobbyist could also be required to report their compensation; a log can be a database or a physical paper log, both which can be funded by collecting fees from the lobbyists; and if there were provisions for procurement practices in this ordinance, there could also be a cone of silence required on the bidding processes. She continued a cone of silence limits communications between a local government and lobbyists of vendors for a period of time preceding a contract negotiation; procurement contracts, voting conflicts, campaign activities, and campaign finance are all areas that can be improved with ethics regulations, which she does not see addressed in this proposal; the advisory board option sounds like an ethics commission, so she does not understand why it is not being called an ethics commission, perhaps it is a level of authority; and ethics regulation, creating an independent Inspector General she feels would be a comprehensive improvement. She went on to say the Chairman recommended pursuing an investigation into the creation of an Inspector General but when Commissioner Tobia suggested it be done in a Workshop, it was rejected; she would like to see this Board examine in clear view of the public a comprehensive regulation to also include the creation of an Office of an Inspector General to remind everyone an Inspector General works to reduce and eliminate fraud, waste, and mismanagement in government; it is her observation they more than pay for themselves in counties which have them; she has two points for thought along these lines; the County has a billion dollar budget and no matter how it is categorized the more taxes the County receives the more value exchange opportunities are created; and someone willing to commit fraud just needs to find a way to convert that value to cash, while they remain undetected. She inquired how government acts when no one who is independent is watching; is it transparent or does it justify a sense of entitlement; and she wishes the Board would do more.

Commissioner Pritchett stated she does not think she is ready for section nine right now, but maybe down the road it can be discussed again; she will not vote in favor of that section, but she is okay with the rest of it; section six, she sent out ahead of time on what she thinks would make that work really well; when it was discussed in the beginning she thinks Commissioner Isnardi brought up a registered lobbyist being in there, so she would like that put in, "permitted to conduct lobbying activities as a registered lobbyist as defined by the previous definition"; and in part B, "any entity solely under the County's jurisdiction", she thinks should be put in there as

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well because she is not sure how far spread it would be otherwise; and she inquired what the County's definition of jurisdiction is.

Attorney Knox stated this is a Charter County, so the Charter dictates what the Board can or cannot do; there is a provision in the Charter that says, for example all the Constitutional Officers, which are now County officers have the same authority they have under the Constitution of the State of Florida under State laws, unless otherwise provided in the Charter, so in order to change anything to do with the Constitutional Officers or County Officers like the Property Appraisers, the Clerk, the Tax Collector, and the Sheriff, there would have to be a Charter Amendment to change it; and the jurisdiction of the Board goes to the Departments of the Board and to Dependent Special Districts created by the Board or anyone the Board is empowered to regulate.

Commissioner Pritchett stated she thinks two years is probably fine, although she understands the four, but she is thinking that is an election cycle; she inquired for clarification if the Board is not allowed to make promises to get someone a job right away, there is a cool off period; she thinks that would eliminate the problem of that; therefore, she would like to adjust that back to two years; and she is good with the rest of it.

Commissioner Tobia stated when it comes to the advisory board he thinks it was ill named; it is more of an adjudication body now, which is fine, but his suggestion if the Board were to continue that would be to amend Section IX.J and while these are highly qualified people he would like to give them authority to make recommendations to the Board of County Commissioners on amending the Ethics Code to more effectively enforce the intent of this Chapter, instead of them just looking at the wrong doings, he thinks these talented folks could provide suggestions how to make this a more comprehensive Plan; that would be his suggestion if the Board were to go with the advisory committee, but he thinks that one should be pumped back over to Commissioner Isnardi since that was her great idea; on the change of solely, his understanding was that would allow somebody to go into something that was Quasi sort of like the West Melbourne Community Development Agency (CRA) that is between not only the County but the City as well; however, when dealing with the prohibition, six years was where it started and the reason six years was probably effective would be because if Commissioner Barfield decided he wanted to get out and become a Lobbyist and waited two years he would still have influence over the four of them, assuming they continued along their path as County Commissioners, since he has worked with them; and six years would take it completely off the table to make sure that he could not exert that influence on the other Board members. He noted during the meeting Chairman Smith came up with a good compromise of four years and he thought that did not go to taking it off the table, but it was certainly worthy of examination; if the Board finds that out maybe it could ramp it up to six, but the four is a great starting point; he prefers it at six but he thought the compromise is good to remain at four; and those were his two suggestions if the Board goes forward with the advisory committee, to add an advisory role and to keep the four years.

Commissioner Isnardi stated in light of recent events and in her personal life, she loves the idea of the committee, but she wants to make sure the Board does not have people filing frivolous sort of things; she sees there are penalties in there, but she does not want this committee to be used as a tool while somebody running for office may not file a complaint it may be somebody working with them while they are running for office; and her only fear is that the Board would have these experts who the Board has asked to be on the committee, for them to be abused for political purposes. She added that does not mean she wants to take the idea off the table at all, because she likes the idea of additional oversight, a separate body that reviews any concerns they have; she does not know how to address that or how one decides if one issue appears to be more retaliatory or politically driven versus another because if everything is investigated, then everyone is investigating 50 complaints because somebody does not like a certain person;

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for example, if someone had 30 ethics complaints, it looks bad even if not a single one is true; that is not fair to the Commissioner who is running for office or the private citizen who is running for office; and that is her biggest fear with the committee. She continued she is torn with the idea because she likes the additional community oversight; maybe the Inspector General is something the Board should look at as an alternative; she knows that is a far out idea for some, but maybe that is the answer; and she would just hate to ask a judge, a retired judge, or an attorney friend of hers to sit on a Board and just be abused for political purposes.

Chairman Smith stated that is a good point.

Commissioner Isnardi stated she has watched them do it with the newspaper and she does not want to have to do it with this Board.

Chairman Smith stated he had not thought of that aspect.

Commissioner Isnardi replied she had not either until she read through all the legal ease while going through the Agenda. She commented Attorney Knox did a great job putting this together because it had opened her eyes quite a bit to what the potential good or potential harm a committee could do.

Commissioner Barfield stated he would like to address the cone of silence that Ms. LaSalle spoke about; and if he is right there is a blackout period that is in the procurement documents where they cannot have contact.

Frank Abbate, County Manager, stated that is correct; and in Purchasing they do have a Policy that provides for the cone of silence and that is all vendors are notified of that when they go through the bidding or Request for Proposal (RFP) process.

Commissioner Barfield stated his concerns are very similar to Commissioner Isnardi's concerns; there is too much with the advisory committee, it is not nailed down enough; he can see the same thing happening, it can become a political witch hunt if it is not addressed correctly; he does not like what is in there with this; it may be something to address later on, but it is not clear enough yet to do that; and he would like to eliminate that completely. He continued he has some other areas too; he is okay with the two years, but he is not too concerned about the four years either, but he would rather see the two years for consistency; the thing to consider about the advisory board is there is always an opportunity for any citizen to file a complaint with the State Attorney's Office, FDLE, or whatever, so it is not like it is totally up to this advisory board, because any citizen can address it; there needs to be, if the Board does away with the advisory committee, that wording would have to be changed in Section I, at the end; and he recommends that it be left as the State Attorney's Office, but he can red line it. He noted the Section on Prohibition on acceptance of gifts, he understands the nature of this, but he also works on the Federal level and when there is not a dollar figure put on it, what happens is, if someone has a pen with a law firm's name on it, it could come in that the person accepted a gift; people get legal ease on something like this, so he would recommend, which it is currently \$100, he would put \$25 on it; that number is low enough and still if someone were to pick up a notebook or something like that it is less than \$25, and he thinks that is reasonable; and after all the discussion the Board has had on this and the concern about the lobbyist and how that was written before, this addresses all of his concerns. He added it is very clear what a lobbyist is and what lobbying is; and he is good with all of that.

Commissioner Isnardi stated she is okay with the four years; people know there is a Florida Commission on Ethics to address any issues people have with the Commission; as long as the Board's Code of Ethics is more strict then someone could file a complaint right to the Commissioner, if someone felt anyone on the Board violated anything; and it is very public that

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way as well, so it does not become a political matter. She added she is okay with this as well; and she is okay with the \$25 limit because if someone picks up the coffee tab, no one wants to be held legally responsible for that.

Commissioner Tobia stated the \$25 is a lot of money if someone has a lobbyist taking them out to dinner every night; he would say \$25 per year because if it was limited to \$25 then anyone could go to Outback every single day; and he certainly sees a loophole that the \$25 could provide.

Commissioner Barfield stated he remembers years ago at NASA , someone could not get a cup of coffee in a meeting if it was a contractor, people had to place money in the thing for that coffee.

Chairman Smith stated he understands if someone is representing XYZ Company and they want to take that person out to dinner five days in a row, that would be limited to \$25 total, then they could not do it again the next night.

Commissioner Tobia stated Commissioner Barfield said limit the gift to \$25; well the gift on the first night is \$25, the gift on the second night could be \$25, and the gift on the third night could be \$25; he thinks that adds up as time goes on; they function in Tallahassee as zero dollars; they did put dollars in cups or they did not eat there; and it may be problematic but everyone always had a couple dollars.

Chairman Smith asked for the wording.

Commissioner Tobia stated no more than \$25 per month.

Chairman Smith asked if that was per lobbyist.

Commissioner Tobia responded yes; that would allow for pens, or a six pack of pens; he does not think anyone is going to cheat the system, but certainly that is a loophole that one could work.

Attorney Knox stated the Board needs to second the motion.

Chairman Smith stated Attorney Knox had stated earlier that the Board needs to make a decision tonight on version one or version two.

Attorney Knox replied that is the major issue.

Commissioner Pritchett stated she made a motion leaving out Section 9.

The Board approved legislative intent and granted permission to advertise an ordinance creating a new chapter to the Brevard County Code of Ordinances, Chapter 3, Code of Ethics, with the changes as follows: 1.) Any gift of a lobbyist being limited to \$25 per lobbyist per year; 2.) Remove Section 9, Establishment of Citizens' Advisory Committee on Ethics; and 3.) Section 6(b) to read, in part, No current County Commissioner or future County Commissioner who is elected to the Board after the effective date of this ordinance shall be employed by, or receive any financial remuneration from, any entity 'solely' under the County's jurisdiction within four (4) years after vacating office.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM V.B., BOARD DISCUSSION, RE: TRANSPORTATION IMPROVEMENTS FUNDING CRITICAL DATES, RE: POTENTIAL IMPLEMENTATION OF LOCAL OPTION GAS TAX (LOGT) CHANGES, PUBLIC SERVICE TAX, AND INFRASTRUCTURE SALES TAX

Frank Abbate, County Manager, stated after all the work the Board did throughout the early spring to look at the budget and what areas it wanted prioritized moving forward, they had a lot of opportunity to discuss road related issues; as the Board knows, they have made some significant progress, he believes, in a variety of areas, specifically in the area of repaving, where in the last two years they have moved from eight miles to 25 to 55 miles; they also as part of the proposed tentative budget have identified an additional \$2 million to be used for leveraging some reconstruction of roads that have significant need for repairs that they have already partially identified dollars for; and as they had that dialogue the other part of the discussion that occurred was once they reallocated available resources after the Board's careful scrutiny of the budget, what more if anything could be done. He continued unfortunately during part of that discussion he gave the Board information that indicated, relating to the Local Option Gas Tax (LOGT), the Board would have to make a decision by July 1 in order to effectuate if the Board so chose either the five pennies available or the ninth cent that was available, to be effective January 1; shortly after that dialogue, staff learned that the Board has until October to make that decision; this particular Agenda Item provides the Board the opportunity to have some discussion and/or direction to staff about what potential additional revenue sources the Board would like to consider in light of where they are today, as they move forward with continuing their efforts to maximize the opportunity to improve the overall road infrastructure in the County; and as part of the Agenda he has provided for the Board the potential additional revenue sources, what those sources are in terms of the ninth cent, which would be approximately \$2.5 million available; and the Board would have the opportunity if it so chose to pass that by a super majority or by three Commissioners it could go to referendum. He went on to say the five pennies, which would be shared, the Board can choose one through five of that, would be an approximate amount of an additional \$11.7 million and it would have to be split with the municipalities, but the County would get approximately \$5.5 million with the municipalities getting about \$6.2 million, if the Board chose to look at that option; once again a super majority would be available and the Board could do that, or it could go by referendum with three votes; there are two additional areas that they just want to make sure the Board was aware of; one was a public service tax, which he believes a vast majority of counties throughout Florida, he thinks there is only 14 out of the 67 who do not have that tax, and a lot of the cities within Brevard County have it, and that is available as well, but it is by referendum because of the County Charter; they were able to pass it by just the vote of their Council, but under the County's Charter it would have to go to the referendum if the Board wanted to look at that option; the last option is an infrastructure sales tax which is a half penny sales tax that would provide \$43 million per year and the County's share would be \$24 million and the cities share would be \$19 million; and a lot of this has been discussed by the Blue Ribbon Committee several years ago. He noted they have attached for the Board's information, two additional spread sheets that talk about total funding available per mile in the County, under these various revenue streams that could be available and it shows what resources the different counties have available for their road systems; when reviewing what they are currently doing, it shows how much revenue is available for mile of road within each of those jurisdictions; and with that,

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he and Mr. Denninghoff are available for any additional questions and they are ready to take on any direction that the Board may choose for them.

Richard Charbonneau stated he would like to congratulate the new County Manager, Frank Abbate, and the new Assistant County Manager, John Denninghoff; he thinks on the gas thing, it is being beat around the bush; there is one Commissioner who wants it, one who is going to second it, because she seconds whatever that Commissioner does, two people against it, and one person who is a swing vote; and that is it, the same as before.

Chairman Smith commented he does not think the Board needs to be making a decision tonight; and he thinks the purpose of this was to bring it to light, make it available to the Board and what its options are until October 1st.

Mr. Abbate noted action would have to be taken prior to October 1, in order to make it effective by January.

Chairman Smith stated there is a lot to be thought of here; there is reconstruction backlog estimated at \$86 million; there is unfunded road capacity needs at \$389 million; those are major numbers; and he knows Mr. Denninghoff is in a different position now than he was two months ago, but he would like to know what the Board's options are if the Board were to do nothing.

John Denninghoff, Assistant County Manager, stated with what the County has done in the last six months or so with the modification of funding, it has taken care of the growth of the backlog; to him that is a major accomplishment and a step in the right direction; they have slowed the growth of the reconstruction portion of that backlog; he does not expect it to grow real rapidly, but it will grow somewhat for a few years and then should level out; with the \$2 million going to reconstruction and if that continues forward, that is a significant step in the right direction as well, over a long period of time; to take care of the reconstruction backlog is probably the next item of business that needs to be addressed; and there are a lot of folks out there with roads that are beyond the point of resurfacing and it would be unfortunate, or less than ideal spending of the taxpayers resources to resurface those roads because they need to be reconstructed and then they will be in a very good position to stay out of reconstruction because they are taking care of the resurfacing needs. He continued the critical thing for maintenance is to begin addressing the reconstruction, and included in the Agenda Report is other items that do not get as much time spent talking about them, traffic signals and such, they are also under funded in terms of maintenance; if the County does not take care of those things then in his view they will neglecting the taxpayers in this County and they will be negatively impacting their property values and eventually their safety; on the capacity side of things, in which they have spent very little time talking about recently, the capacity will eventually become such an issue that by statute they will not be allowed to issue permits for new development and that will have legal consequences which are pretty severe and he cannot say when that is going to happen, but it will happen by individual road by road basis; it takes a long time to get the roads widened and additional capacity brought in; they have forestalled a lot of that problem by building an ITS system; they are not expanding it at this point but it is helping them deal with capacity issues in a much better way; however, eventually even with that they will finally exceed the capacity of the roads. He stated failure to address these issues in a timely manner will have severe consequences down the road for a great many people in this community.

Commissioner Pritchett stated like Mr. Denninghoff said, the County has been able to take care of the resurfacing and have stopped the growth of the reconstruction inventory; in the budget presented by Mr. Abbate, there is an extra bit of funding to be used for reconstruction, so the budget for this year, she believes is a good budget; this year may not be the year to do this, but she thinks it might be good for discussion down the road, but she is never against taking something out to ballot if it is something they would like to do; this is a conversation, she is not

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driven to do this right now because she thinks the County has an adequate budget right now; and she would like to take some time over the next year and discuss how the Board is going to do this. She noted the Board could change her mind; she does like the ninth cent, for one penny it is a good bang for the buck for roads for the County; she would not have a lot of heartburn over it going to referendum with any of the others either; and she does not feel any panic right now over this.

Commissioner Tobia stated he understands the deadline in October 1, and he inquired when that process would have to start, if the Board would have to do it through ordinance; if it were to have four votes would the County have to public advertise and have two readings; and he stated obviously it cannot be done on October 1, but he inquired when would the logistics, if it were to go through with it, or process need to start.

Mr. Denninghoff stated he is not entirely familiar with the exact details of it, but he does know the County would have to have an ordinance recorded through the Secretary of the State in Tallahassee by October 1; what that would mean for the County is it would have to have a legislative intent and then an ordinance hearing on that, but he does not know if it requires two or not.

Chairman Smith asked the County Attorney if he knew the answer to that.

Attorney Knox stated replied just one.

Mr. Denninghoff stated the timeline to be able to do that is two Board meetings at minimum.

Commissioner Barfield stated four of the Commissioners went to Washington, D.C., for a meeting of all the State of Florida County Commissioners at the executive office building at the Whitehouse; this is an item that the President is doing, where every state County Commissioner is coming to meet with them all at once, and they have established inter-agency contacts for every part of government there; the President's assistant for the infrastructure spoke and answered questions, and he got beat up quite a bit about permits and everything else; one of the things he said, and this relates directly to that, is, "the way things operate now on the federal gas tax at the local level, the money goes to the federal government; the government takes their cut off of it and then send it back to the States; what they are talking about doing is cutting out the middle man; and instead it will be collected at the state level and then reimbursed back to that County based on what the accumulation was, and that could be a good accumulation of money. He went on to say that is one of the things they are doing, and that could affect the County where it may receive more money coming in.

Chairman Smith commented that is something they desire.

Commissioner Barfield stated at least they are having the discussion, because he has not heard that before.

Chairman Smith announced he was one of the Commissioners who went on that trip and he was very impressed that the President has tried to eliminate a lot of the governmental red tape and has made Washington available to all County Commissioners; he has no doubt that the President will continue to do that; and he thinks that will have a huge effect in getting things done locally.

Commissioner Isnardi commented the County has things in place that take care of collecting additional taxes through the Tourist Development Commission (TDC), the tourist development tax and so forth; she thinks this tax hits the residents and given that people are just finally getting back on their feet, and it may not sound like much to some but may make a difference to

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another, she is not okay with this right now; the County finally looks like it is actually doing something this year with the infrastructure and she is pretty excited about that; the Board does not know what is coming next year as far as the additional homestead and she is a little nervous about that, so she is definitely not comfortable with doing this right now; and she does not think it is fair to ask the residents to give more when they are finally back working and the economy is finally picking up.

Chairman Smith pointed out the other side of that coin is that if there was a gas tax, it is taking it off the backs of the property owners because they are not increasing the ad valorem tax, it is creating a user tax that out of town visitors would help pay, it would not just be on the backs of residents; and he does not know that the Board needs to be rushing into this, it has at least another four or five meetings to discuss and do research on it unless someone has some reason to make some kind of motion to move this forward tonight. He went on to thank staff for bringing this to the Board's attention and giving it options, and it will take all those options under consideration.

ITEM I.A., PRESENTATION BY EMILY SLOSBERG, RE: PUBLIC SAFETY

Emily Slosberg stated she represents District 91, which is Boca Raton, Delray, and Boynton; she appreciates this issue being added to the Agenda; she was almost killed and her twin sister was killed in 1996 in a car crash; she will never forget in the hospital asking her father how they would go on; his comment to her was to make sure that other people do not go through what they had to go through; her father ran for office and served for 12 years; and she is following in his footsteps doing the same. She noted her number one priority is public safety; motor vehicle crashes are the number one cause of death for teen drivers; in Florida, crash reports rose 10 percent from 2015 to 110,544 just from distracted driving; the current law, if a 16-year old passes the test, he drives out of the parking lot texting mom and dad that he passed the test, there is nothing an officer can do; he cannot be pulled over because it is only a secondary offense, so the driver would have to be doing something other than texting; and putting a phone in the hands of an inexperienced driver is incredibly deadly. She mentioned she went back before 2010 when seat belts were a secondary offense; in 2009 it was passed, but the first full year, she looked up and over 40,000 tickets were issued for seatbelt violations, the first year after it became a primary offense; fast forward to 2016 under 10,000 tickets were issued; and that shows to take a law from secondary to primary the numbers are huge, it compels compliance. She continued in 2016 drivers from age 20 - 24 were responsible for the highest number of distracted driving crashes, followed closely by 25 - 29-year olds, and 15 - 19-year olds; in fact, drivers under the age of 30 accounted for more than 20,000 distracted driving crashes; parents set the example for their children; looking at a survey of the states, Florida is only one of four states that enforce this as a secondary offense, other than Nebraska, Ohio, and South Dakota; in Texas the Governor vetoed it two years ago and then they just passed it as a primary after 13 people were killed on a church bus; and two days ago in her District, a woman was driving and hit a 10-year old and an eight-year old on their ATVs, while she was texting. She went on to say in the Senate it passed out of two Committees and in the House the bill did not get a hearing, however, there was a distracted driving workshop; they actually testified that the only thing that can be done to prevent more injuries and fatalities is to make it a primary enforcement because of the fact awareness campaigns are great and important, but they are not as effective as making a law a primary law; every other single traffic violation in the State of Florida is a primary offense; this is the only secondary offense and it does not make any sense to her; she has written a letter to every single Commissioner in the State of Florida; and the reason she is doing it this way is because she wants the opportunity to let the local elected officials and residents to weigh in, it has been incredibly supportive. She stated every single Commission meeting or City Council meeting there has been incredible amounts of support,

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even standing ovations at some; she is requesting this County pass the Resolution that was emailed to each of the Board Members.

Chairman Smith commented he was on the I-95 headed to Broward County a week ago, and a lady just came right over from the far lane and almost hit him; she was texting and his horn scared her; he has seen on two occasions in his travels where motorcyclists were texting; and he personally is very much in favor of what Ms. Slosberg is doing.

Commissioner Barfield inquired if there was a resolution.

Chairman Smith commented the Board could have one put together if there is not one.

Commissioner Pritchett stated she hates texting and driving, she has grandchildren; she also sees people using their GPS system too; and she thinks it is something that may need to be encompassed.

Ms. Slosberg noted she spoke with the Chief of Police yesterday about that exact issue because those secondary offenders are saying they are using their GPS; the officer has a dash camera and is witnessing people texting, which is not navigation; and she is going to work on something to remove that in the law; and she still has the bill in drafting.

Chairman Smith inquired if there is a statistic on distracted driving.

Ms. Slosberg noted there are distracted driving codes with unknown which encompasses a lot of things; there is a specific one for texting; and it is incredibly under reported because no one is going to tell an officer they were texting.

Chairman Smith mentioned he was in an accident about four years ago; he was at a red light and a taxi driver was swatting at a bee, he did not see him stop or the red light and he plowed into him at 35 miles per hour; distraction kills; and texting is a big factor because too many people are doing that.

Ms. Slosberg stated these are fatalities and injuries that are preventable, but the legislation needs to be in place.

Commissioner Tobia inquired if she is concerned about the repercussions this may have on racial profiling of African-American drivers.

Ms. Slosberg stated she has been working with a few members of the legislative Black Caucus and there is a provision in drafting enforcing certain policies regarding racial profiling similar to what they did in Illinois when Senator Barack Obama passed it with an anti-racial profiling rider.

Commissioner Tobia inquired if she is concerned about the metric of racial profiling for stops that increase greatly once the seatbelt became secondary to a primary offense, it was pretty dramatic.

Ms. Slosberg stated the difference here is if someone chooses not to wear a seatbelt, it only puts their own life in danger.

Commissioner Tobia explained safety was not the issue, it is racial profiling; he is not arguing that one, it is clearly safer to not be texting; his issue is with minority drivers and everyone has seen the time when the government took a secondary offense and made it a primary offense, the instance according to NAACP went up quite a bit; and he inquired if she is concerned about this happening the exact same way for texting.

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Ms. Slosberg stated she puts her trust in law enforcement; there are a few bad apples that do as a pretext pull people over, but she is being cautious and working with the Black Legislative Caucus on language that would satisfy them.

Commissioner Isnardi inquired if the Board is interested in seeing this resolution at the next meeting.

Commissioner Tobia responded, not that it matters, but he is not interested in seeing this as a resolution, he is certainly not interested in seeing this as a State Statute.

Chairman Smith commented he thinks it is necessary.

Commissioner Isnardi stated to almost have to be hit seventeen times when driving children around, and being near fatal crashes as a person, to know that it is not just putting everyone else at risk, it is a serious issue; if there are people racial profiling then shame on them; and she would be in support of having this on the next Agenda.

Commissioner Barfield stated he would like to hear a little more from Commissioner Tobia why he is against this; and if not this, what else he thinks could be done.

Commissioner Tobia stated first of all there are distracted driving statutes in the books; it is things like this that slowly decrease the freedom in America; this is the way that red light cameras start; people claim that it is going to be safer to have red light cameras when the statistics do not bare that stuff out; and now it is a fund raising mechanism for many cities that draw a great deal of their resources from these types of mechanisms by claiming that they are there to help drivers, when all it is for is lining the pocket books. He noted that he admires Ms. Slosberg and that he had the privilege to serve with her father and he has never seen an individual that cared as much, although he does not think he was ever on the same side as he was, but he admired his passion and him as a person; but he feels this is how freedom slowly erodes; and when he brought up the Puerto Rico resolution, the response was why is the County dealing with something that is not in the purview, so he kind of finds this as a terrible double standard. He went on to say he guesses when he brings up a conservative issue it is probably not the greatest idea, but when there is an issue eroding the people's freedom, it is not a County issue here, then it is probably a good idea to run full force, then more power to it; and he commented he respects the Board, like it respects him by allowing him to bring it up, and he just wanted to point out that irony. He noted this will not be a unanimous resolution, so should it come forward please do not have that in there.

Chairman Smith thanked him for his input, however, he does not agree with a word Commissioner Tobia just said; he stated he appreciates where Commissioner Tobia is coming from because he too is a conservative and he is also concerned about losing freedoms, but at the same time in this particular case he is looking at the fact he has grandchildren who drive, a wife who drives, a daughter who drives and he has seen the distraction involved with people who text and are not paying attention, and these people are not interested in other people's safety; and if this can save a couple lives or a lot of lives, all that needs to be looked at is the success of the seatbelt law, and have that effect on the populous he thinks it would be really good. He went on to say he is not surprised that there are differences of opinion and that is why he thinks it is important to have the strength of five members on a Commission, because sometimes that odd opinion changes other people's vote; however, in this instance he would certainly support a resolution.

Ms. Slosberg commented going back to liberty, people do not have a liberty to drink and drive, and people do not have the liberty to text and drive; it is just as deadly; another thing about racial profiling, currently every other traffic offense is a primary offense, so if there is a bad

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officer out there, he does not need texting while driving, nor is he going to cite the texting while driving, when he can say a tag is expired or whatever; and she thinks that is a hard argument.

Commissioner Tobia pointed out it is not his argument, it is the argument of the NAACP; it is an issue he has looked into and so have minority drivers; and she must be clearly familiar with it because she is trying to alleviate it; and he believes all of the sides need to be presented when it comes to putting out legislation.

Commissioner Isnardi stated she does not want to beat a dead horse with this, but if anybody knows her history, they would know how hard she fought and was successful at removing red light cameras because she thinks that is a different and completely separate issue; there are actual studies that prove red light cameras cause more rear end collisions and more accidents; they are a big money grabber, and a violation of people's liberties; this however is just very cut and dry; and to her it is a nonpartisan issue and sometimes being nonpartisan is being the most rational, so she would support it if comes back to the Commission. She continued it can be argued who is more conservative, or libertarian, or who is more about liberties, but she has new children driving, and she has almost been in some serious crashes because of other people doing the same thing; and she is actually more concerned with people texting than the use of seat belts.

Commissioner Pritchett stated she will support a resolution if it is brought back; when she was growing up, people drank and drove; if someone got pulled over, it was a ticket and no big deal; then someone championed that and the problems with that went way down; and she thinks texting and driving is as significant as drinking and driving. She noted drinking by itself is not wrong, but it makes a person unable to drive a two-ton weapon, and she thinks it should be the same with this, a person should not be driving a car while texting; she thinks this will bring a lot of thought to families out there; and hopefully it will start changing from this night on.

Commissioner Barfield said he would support a resolution; he thinks it is important with teenagers; and if it saves one life it is worth it.

The Board acknowledged presentation by Emily Slosberg, Florida House of Representatives, regarding public safety and texting while driving, but took no formal action.

ITEM V.C., PERPETUAL AERIAL EASEMENT AGREEMENT, GRADE SEPARATION AGREEMENT, AND ADDENDUM "A" MODIFYING THE LICENSE AGREEMENT DATED DECEMBER 16, 2008, WITH FLORIDA EAST COAST RAILWAY (FEC), RE: PINEDA GRADE SEPARATION PROJECT

John Denninghoff, Assistant County Manager, stated this is a Florida East Coast (FEC) Railway Aerial Easement for the Pineda Overpass; they previous approved a contract and have they worked out all the details with that so they are happy with the agreement as it is; they also find it necessary to amend the lease agreement for the existing ground crossing for the period of time during construction of the overpass; and he realizes he jumped in front of Andrew Holmes, Interim Public Works Director, however they are very happy with the agreement.

The Board authorized the Chairman to execute Perpetual Aerial Easement Agreement, Florida East Coast Railway Grade Separation Agreement, and Addendum Modifying the License Agreement dated December 16, 2008, with Florida East Coast Railway, L.L.C., for the Pineda Grade Separation Project.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VI.A.1., PUBLIC SIDEWALK EASEMENT AGREEMENT FROM THE VIERA COMPANY, A FLORIDA CORPORATION, RE; PROPERTY LOCATED WITHIN THE PLAT OF LOREN COVE AT ADDISON VILLAGE SUBDIVISION - PHASE 1

Andrew Holmes stated this is a public sidewalk easement agreement from the Viera Company in favor of Brevard County on property in the Plat of Loren Cove at Addison Village; and this is an easement that allows construction of a sidewalk at the location that it was constructed.

The Board approved and accepted Public Sidewalk Easement Agreement from The Viera Company in favor of Brevard County on property located within the Plat of Loren Cove at Addison Village Subdivision - Phase I.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VI.A.2., REPLACEMENT CONTRACT FOR U.S. 1 DREDGING, RE: INDIAN RIVER ISLES MUCK REMOVAL PROJECT (BID NO. B-3-16-81)

Virginia Barker, Natural Resources Management Director, stated this is a replacement contract with CCI or the Indian River Isles Muck Removal Project; the project has experienced numerous delays and staff ended up sending a failure to perform notice; a third failure to perform notice in July with liquidated damages starting on July 5; the contract expired July 3; the project, thankfully as of Friday, is now complete; and contractually and in order to maximize the County's ability to get reimbursement for this project through the State Grant, they have prepared a replacement contract for the Board's consideration that would extend the contract date through August 16 and remove some miscellaneous deliverables that have not been received, but are not a requirement for the grant reimbursement and can be done without at this point. She added she believes that the contractor would like to request the Board abate some of the liquidated damages.

Jeff Saraka, CCI, stated they had taken a long time to do this job; they had all kinds of instances that took place; in short this job went for bid last year and the lowest bid was \$200,000; there was not enough in the budget so Indian River Isles asked why he was not involved in that because his price was lower than that in a verbal standpoint; he went with his partner and thought maybe they should not do the job, but as it is, they took the job on for \$90,000; and during that time they incurred a lot of problems, manatees, their spoil site location was not allowed by the City of Malabar so they had to find another location, they got into the rainy season with three weeks of solid rain, they are dealing with muck in a very tight small are so it filled up the reservoir to be like soup, and in short they had managed to get everything taken care of. He continued the dredging was completed; none of the residents had any problems with anything; they did no damage to the streets or the neighborhood; they removed a lot of muck from the property without inconveniencing anybody; they could not work weekends because of

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all the boat traffic out there; and in short, the job was a \$90,000 job, they received a \$20,000 mobilization back last year, and it has been really difficult. He mentioned they had a machine breakdown and it cost \$20,000 to rent another machine; as it is right now, even if the County did not hold a dollar back from them, they will barely breakeven; if the Board does decide to use the \$950 a day impact on the company, it will wipe them out; the job is done 100 percent, it looks good, and everyone is happy; and he requested the Board take it easy on his company.

Commissioner Pritchett stated she was able to talk with Ms. Barker; she knows the damages were for \$27,789, but she had been told by Ms. Barker the actual cost to the County was \$5,900; so she would be willing to bring it down to whatever would cover the County's cost; and she requested Ms. Barker word that for her.

Ms. Barker stated Commissioner Pritchett wants to move option one, which is approval of Attachment D, the contract attached to the Agenda Item, with the liquidated damages reduced to \$5,900.

Mr. Saraka stated they would be happy with that at this point.

Commissioner Tobia inquired if this would encourage low bids, when the County signs contracts and then it abates the penalties in the contracts; if that would be an incentive for this type of behavior, may be not by this individual, but by other individuals; he just does not think that by abating more than \$20,000 of mutually agreed upon potential penalties puts the County in a good position as it moves forward; and he inquired if he is off base or if Ms. Barker believes that statement to be factually correct.

Ms. Barker responded that is a difficult question; staff has certainly debated that internally; the County does not want to send a signal that contractors can claim they are going to get the work done, then pay no attention to the schedule; the liquidated damages clause in County contracts for a reason, so the number that the County lands on sort of needs to send a signal that the contract is the contract; when someone contracts with the County for a certain job, then that is what the County expects to be done and in the time frame it has to do it; and other the other hand, as Mr. Saraka said they were the only contractor willing to take on this job for the budget that was available. She noted they stuck with the project and overcame quite a few adversities out there, and she does not feel the project would have gotten done without them; she thinks there is leeway for the County Commission to adjust liquidated damages here, but still send a message to folks that a contract is a contract.

Commissioner Tobia stated the issues he heard were manatees, and although he does not know anything about dredging, he does know there are manatees out there; the rainy season, which anyone could historically look out and find out it is rainy; boat traffic, which should not be a surprise; a machine break down, which is not any of the County's concern in all honesty; and had there been something out of the norm he thinks that would be a good argument for abating some of this, but none of these. He inquired if in Ms. Barker's opinion were there ever high manatee sightings, or unusually high boat traffic that would lead to this; and she said to send a message, so he inquired what dollar figure in her opinion, the \$5,900 is just to recoup the County's cost sending the message to bid low, sign a contract, and the County will not exercise its portion of that contract and he does not believe for one second that if the County did not fill its portion of a contract, that it would be forgiven any amount of interest as it moves forward, would be appropriate to send a message if the \$27,789 is too much and the \$5,900 is being held zero.

Ms. Barker replied the first question is easier; the one unusual item that was not on the list of items he brought up was the contractor was responsible for securing a dredge material management area and the County tried to work with the Homeowner's Association to do that in

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advance, and it was unsuccessful; this project was actually bid twice, the first bid came in very high and the contractor was willing to negotiate down to the budget that was available, if the County was able to provide a dredge material management area; the only lot in the project area that was undeveloped and large enough to function this way is owned by someone who is very difficult to reach and appears to not trust the government; no matter how staff attempted communication with that owner, they were not able to get to them, they even tried registered mail and it was all sent back, as return to sender; and this contractor was able to secure the permission to use that site, which was absolutely necessary in getting this project completed, and no other contractor stepped forward to do that.

Mr. Saraka inquired if he could follow up.

Commissioner Smith agreed.

Mr. Saraka noted he was contacted by the County two and a half years ago, when the money was first available for the dredging projects; a permit is needed for these projects and he was pretty much the only dredging contractor in this County at that time, there are a lot of new guys in here now, but he has been doing this in the area for quite a long time; when he was contacted he had already paid \$2,500 for the entire neighborhood's permitting and he did all the research required to do that; and that was why that neighborhood was the only eligibility for this funding because he paid for the permits and has never been reimbursed for that. He continued when he came into this, he is not a legal person he knows how to dredge that is what he does for a living; he has a partner who supposedly knows how to do this, but he has made a few mistakes to put him in this position; his point is he wanted \$45,000 to start this job, this is the first time he has worked for the County on a dredging project; he has worked for SeaWorld, the State of Florida, and the military doing dredging projects; and his requirement is always met or he does not do the job. He commented he wanted half the money up front and then it came out to where it was not going to be that way at all; he actually had to work for a while before he got his first mobilization, and he wanted to decline; the neighborhood itself had other dredging projects in there which they have already done most of them; they asked him because they had work that needed done so they had figured they would compensate for the loss of not getting the mobilization that he was looking for; and he stuck out this job and did it with quite a loss because he damaged his barge on a reef which took two weeks to fix the barge. He stated he is not just an average guy coming in here and if the County does not make an example of him, everybody is going to do this; he stated quite honestly he does not think the County would have had anybody to do the job to begin with; and he hopes the Board will consider that.

Commissioner Barfield inquired if the job was completed to all the standards staff needed and if it was just late; and he inquired if it was acceptable.

Ms. Barker stated the as built surveys show that what was completed at least met the contractor visions; there were a lot of complaints by staff along the way; three failure to proceed notices is something she has never experienced in her 20 years with the County; the procurement process they have in place has a feedback mechanism; and there will be black marks on this contractor when trying to get future work for the County so there are those other ways that messages are sent.

Commissioner Barfield asked for clarification that this contractor did meet the requirements.

Ms. Barber replied affirmatively. She stated if the Board adopts Attachment D, which removes a few miscellaneous requirements, that he did not meet then he will have met his contractual obligations in full.

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Commissioner Barfield stated when talking about liquidated damages, most of the time in his experiences when there is a request for liquidated damages, if something goes really bad, as in Public Works, they have to contact another contractor to finish it, or they have to do something else, that is what liquidated damages comes from; it is what it is going to cost to get to the closure; and he commented when it is put in a contract for liquidated damages, it is what the damages are per day, and he thinks maybe that should be looked at differently, and changed to maybe a penalty per day.

Scott Knox, County Attorney, stated people cannot put penalties in contracts.

Commissioner Barfield stated the Federal Government does it.

Attorney Knox replied he knows but State law does not let that happen.

Commissioner Barfield explained liquidated damages are based on what it costs in the end. He added what it cost the County, other than frustration, is the staff time; therefore, he is okay with the \$5,900 because that is really truly what the damage was to the County. He added there was a lot of heartache, a lot of other stuff, and probably the contractor and everybody is frustrated; he understands that but he will go with the \$5,900.

Commissioner Isnardi stated maybe she missed it in the package, but inquired if there is a breakdown of the \$5,900.

Ms. Barker stated there is not a breakdown in the package; it was something staff worked on after submitting the package; but that includes the County Attorney's time as well as staff time in her department, multiple conference calls with the State because they are extremely close to the State grant deadline, keeping them informed of the progress of the contractor; there has been numerous site visits, coordination with the consultant who has to certify completion; and there has just been a lot going on daily since the contract expired July 3.

Commissioner Isnardi stated that seems like a lot for a month's time and a few interactions; she understands why that was put in the contract, \$958, but she thinks even something to get to the level of \$27,000 is just punitive; she inquired if the Board should set an example out of this gentleman when he actually came in, even though Ms. Barker may not be happy with the work he has done, but if his cost was less than half of what the County is getting to begin with, then there is something to be said about that; she noted if he is breaking even, even though it is not the County's job whether the contractor's company makes money, but at the same time the job is done, and done to standard; and she is okay with the \$5,900, but she is also okay with waiving it all together as well because the job is complete. She noted this is what he does for a living, things happen, and she is not saying excuses are a good thing, but everyone is human and he did do the job for half the original cost that it was bid for; there is something to be said for that when someone saves the County \$100,000 in essence; and she is not saying that he deserves credit for that but the job was half the cost. She reiterated she will support the \$5,900, or waiving the fee altogether, but it is up to the Commission.

Commissioner Pritchett noted she had thought about that too; she thought this would be the County to a neutral position; the job was done and the low bidding was more of a benefit to the County; and she inquired if the contractor is comfortable with the \$5,900.

Mr. Saraka replied he is.

Frank Abbate, County Manager, stated Natural Resources staff has become and is extremely sensitive to contract deadlines; one reason for the liquidated damages clause is to assure that the County does not jeopardize the contract, which was very close in this particular case; John

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Denninghoff, Assistant County Manager, stated staff was ready in case this contractor was not going to be able to get everything completed in time, to mobilize, so the County did not jeopardize the contract; the fact that the Board is willing to look at liquidated damages and offset it, is good, but there are reasons for some penalties associated because it does protect the County moving forward where it could otherwise lose a \$90,000 grant; and that is the reason staff tried to stay on top of this and spend time to assure it did not get itself into that situation, and sometimes face additional consequences that would be otherwise unexpected. He mentioned he appreciates the Board's deliberations on this, but he wanted to make sure he shared that as well.

Chairman Smith commented it appears to him that both sides have been aggravated; at the end of the day, the work was finished and the County saved approximately \$110,000; and with \$5,900 in damages, the County is made whole and hopefully the contractor can make some money somewhere else.

Commissioner Tobia would like Ms. Barker to answer his second question, and Mr. Abbate could chime in as well, because they deal with these contracts on a daily or weekly basis, so they are the ones who have to deal with the repercussions of the Board for forgiving that without sending any message whatsoever; and he inquired what that message is, if the \$27,000 is too strong of a message, if the \$5,900 is no message, and if there is a middle ground here that does not say to every contractor that does business with Brevard County to sign a contract and not to worry about it, because the County will forgive it when the time comes, because to him that is the message the Board is sending right now with \$5,900.

Ms. Barker replied she does not know what the number would be; she would try to think about profit margin and maybe eat into the profit margin without having the contractor suffer a loss that risk them firing employees, going out of business, or other sorts of impacts to the economy that are not what the County wants.

Commissioner Tobia stated the County does not have that ability; he does not know the profit margin on dredging; the contractor says he is a dirt guy, and he is not; he is smart enough not to enter into a contract on something that he absolutely has no idea about; the next time Ms. Barker is sitting in front of a contractor going over a contract with a penalty and he is on the other side of that table thinking, oh well, the County will forgive it so it does not matter; and he inquired what is the number where that contractor is going to maybe say he needs to get this work done on time and maybe he should not be submitting the lowest bid that can be written off as a potential loss. He again inquired if there is a number; if that number is \$15,000; he stated he does not want to put her in a bad position; and if the Board votes on the \$5,900 the Board has put Ms. Barker in a bad position when it comes to negotiating these types of contracts.

Ms. Barker stated she appreciates that; Mr. Denninghoff may have a different opinion with his infrastructure work; but typically what she sees in dredging contractors is that they put the majority of their profit into the mob/demob line; for this particular contract half of his \$90,000 was in that mob/demob line; in an ordinary situation she would look at this contract and say maybe \$20,000 was profit; and because she knows this went to bid twice and received a bid of \$292,000, another bid of \$200,000, and this contractor's bid of \$90,000 she does not believe there was that sort of profit margin in this job.

Commissioner Tobia explained the contractor was a willing participant that knew the \$90,000 and did the calculation; there was no hand holding or arms tied, this was an individual; he inquired if the County cannot use a profit margin theory then is there a number that does not put her in a bad position, when it comes to the millions of dollars in bids that she will be dealing with in the Indian River Lagoon Funding; and he understands that this is \$90,000 and a drop in the bucket, but he would hate to think if this were a \$900,000 project or a \$9 million project that the

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County would act as cavalierly as it is right now, by saying the contract that Ms. Barker signed does not matter and the contractor got it done.

Chairman Smith stated he would not say the Board is acting cavalierly; he thinks most of Commissioner Tobia's questions would be better directed towards Attorney Knox because they are legal situations that the County is getting itself into that it may or may not want to forgive, and what the consequences are going forward.

Commissioner Tobia inquired if Ms. Barker's Department was the one who negotiated this contract.

Ms. Barker responded they also work with the County Attorney and Purchasing on what the contract terms are; they do not make up the liquidated damages number on their own; and she stated it is a group effort.

Commissioner Tobia directed his question to the County Attorney, if there is a number that sends a message that this behavior is not necessarily tolerated by the County other than just making it whole.

Attorney Knox commented generally the number that is put in the contract is where they think the line ought to be; they wrangle around and discuss it; there is sort of a formula they use to figure out what the number should be; and he reiterated the number in the contract is that number.

Commissioner Tobia asked if it is his opinion that the \$5,900 is reasonable.

Chairman Smith interjected that is for the Board to decide; and he is going to call the question; there is a motion on the floor with a second.

Commissioner Pritchett inquired if there was a second.

The Board approved Attachment D, Replacement Contract to use if CCI Construction of Brevard, Inc. has completed the project before August 8, 2017, with the liquidated damages reduced to \$5,900.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

ITEM VI.B.1., LETTER OF INTENT APPROVAL TO BREVARD HEALTH ALLIANCE, RE: LOW INCOME POOL (LIP)

Ian Golden, Housing and Human Resources Director, stated is a request for the Board's approval to have the Chairman sign a nonbinding Letter of Intent for the Brevard Health Alliance to seek matching dollars to what is called the Low Income Pool (LIP); this is a procedure done by the Federal Government, where the State of Florida applies for and is granted a waiver for Medicaid dollars; and they set aside dollars that they use for the match. He added, in this instance, these matched dollars are specific to hospitals and Federally Qualified health Clinics (FQHC), which Brevard Health Alliance is; what happens is this Letter of Intent basically is just

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saying that if as long as dollars are available, they are willing to move forward; it does not bind the County to anything; they did this for a number of years, back in 2009-2013, and at that point the Health Department and Brevard Health Alliance were able to access the dollars; back then, tax dollars had to be used for this; the Health Department already gets an allocation of General Fund dollars that they were able to use as the match; and the Brevard Health Alliance did not, so the Health First Foundation stepped up and provided those matched dollars as a donation to the County to offset the dollars that are used as a match to draw down. He continued, in this instance, Brevard Health Alliance is looking at entering into that agreement; the Health First Foundation has agreed to put the dollars up again as a cash donation; they would, after this Letter of Intent, have an agreement that would come back to the Board in September; and then look at doing a Budget Change Request (BCR) in October, to be able to move forward with this. He went on to say all aspects of this and all steps would be before the Board to have its approval; they will ask that the Health First Foundation provide that cash donation when the agreement comes back to the Board, so the dollars are in hands and in accounts; the last line of the Letter of Intent talks about additional funding opportunities that would be handled the same way; the reason the language is in there is because the pot of money, they have had other counties that do not have the ability to use all of the dollars available, so as more dollars become available in that pool that are leftover, this will allow The Health Alliance and Health First foundation to access those dollars; and for example they originally started out at a \$709,000 match and now they are at \$738,000. He explained that \$738,000 will draw down \$1.9 million from those federal dollars.

The Board reviewed and authorized the Chairman to sign the Letter of Intent regarding Low Income Pool (LIP) matching funds for Brevard Health Alliance.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VII., PUBLIC COMMENTS

Pam LaSalle stated her point on her comment the cone of silence was to make it part of an ordinance, not a procedure; an ordinance has consequences that a procedure may not; a person may be disqualified if he or she were to violate a procedure, but an ordinance has consequences which are not always punitive; ordinances can create a desired behavior, where people would not have to look over folks; and she wanted to make that clarification.

ITEM VIII.A., BOARD REPORTS, RE: FRANK ABBATE, COUNTY MANAGER

Frank Abbate, County Manager, stated he is passing out a memo he sent to the Board on Wednesday, August 2, that deals with providing the Board with information it requested concerning options; the Board wanted some information relative to salary increases that were alternative proposals, that it had discussed, to the one that is in the County Manager's recommended budget; he stated he has provided that information, including four different options; soon after that Board Meeting, he did receive some feedback from one or more Charter Officers that inquired whether or not they would be or could be included in any such proposals, if the Board chose to move forward with it; staff, in addition to doing what the Board asked, which was to tell it the salary, the dollar, and what the impact to the General Fund would be for each of the options, put in the information that was provided by the Charter Officers, so if that

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same increase were to be provided to the Charter Offices what the General Fund impact would be to their budgets; that information on an annualized basis is provided and it was one of the attachments on that particular email; and the reason he brings it up under reports is because for the budget office, if the Board were to move forward, would prefer to give that information relative to seeing a different option other than the one he put forth, that they have the time during the next few weeks in August, before the first Budget Hearing to make those adjustments in each of the Department's Budgets, SAP, etc. so that if the Board wanted to move in that direction, it could. He added he put it out there in terms of seeing if the Board wants to have any discussions or provide any direction on that relative to the options provided; the Board should recall that those options, as opposed to what was currently there which was a tiered approach that capped things for employees at the \$70,000 dollar range with three percent being the high point, what they did was look at a three and a half percent option across the Board for everyone; he also gave the Board a three and a half percent option that was tiered so the lower paid employees would still get four percent; then they looked at a four percent across the board Cost of Living Adjustment (COLA); and he has given the Board the General Fund impact for the Board employees and then for the total General Fund impact if the Charter Offices were included as well.

Commissioner Pritchett stated she would like to either stick with what the County Manager originally proposed if the Board is agreeable to a pay study and it were willing to impact that pay study for the next few years to catch up staff, which would take quite a commitment and she is not sure what the percentages would be, or she would not mind going with Commissioner Isnardi's idea with Option 3, making the split and doing a 3.5 percent across the board, and doing a \$300,000 adjustment; her only concern would be, if that would be sustainable moving forward because that is something the County would have to do for future years, because it cannot be given this year and taken back next year; and she inquired if a 3.5 percent COLA was set, if it would be sustainable next year.

Mr. Abbate stated it would be too early to obviously predict what other factors are going to come between now and next year; but with the money they have put into this year's Reserves, some of those dollars would be recurring dollars that would be available; the impact that was given to the Board for the 3.5 if it was for the tiered approach it was \$488,000 and a full year impact; the Sheriff's Office provided information that said their impact was actually \$120,000 less than that, which would make it about \$360,000 because his increase is given in February and so the remainder of that was \$120,000 that would occur in the following Fiscal Year; and he included it in there because it included the larger number and because it is the full one year annualized impact based on the information he received. He noted the answer to her question is yes, he does believe the County would be in the position to do that if the Board chose to move in that direction.

Commissioner Pritchett stated compared to what Mr. Abbate had given the Board, he already had an increase adjusted in his, this is an extra \$381,000 moving forward; she thinks she likes that plan compared to the close to \$1 million, four percent; and she would be comfortable with the 3.5 if the Board wanted to go there or if the Board were in consensus with getting a pay study and making adjustments over the next few years.

Commissioner Tobia stated he would like to reserve comment on the pay plan, however, he would definitely second Commissioner Pritchett's idea on an independent study; the last time the County did one, it was more than 10 years ago and obviously there have been some great changes since then; he appreciates Jerry Visco's, Human Resources Director, attempt at this, but looking at the chart, there is a couple times in the chart where the mid salary is higher than the max salary, which he thinks the max should be the highest; he understands Mr. Visco did not have much time with this, but there are a lot of issues with not only the independence issue, but math issues with the study the Board had received; he believes putting out an Request for

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Proposal (RFP) to get something and dedicating that; and he commented he would go with staff recommendation on this, he thinks an across the board would only exacerbate the issues the County has. He went on to say to take some of the stuff from Mr. Visco's study there would be some folks with more than 10 percent above the average and this would make that difference much larger; on the other hand, there are, for example the Clerk's Office make an average of \$20,883 which according to Mr. Visco is 39.3 percent less than the average, so this would not be making up the gap; he thinks the County needs something independent; the tiered approach is going to focus in on the folks who need it the most, those on the bottom of the County's pay scale and hold it over until next year, when the Board can target in on the folks that maybe attrition is causing to leave and deal with it instead of just a band-aid of three, four, or five; he would love to give a 10 percent raise but it is just not feasible; and he thinks a targeted approach and an independent approach that Commissioner Pritchett had mentioned is a very good idea. He continued on to say the last one 10 years ago, took six months, so this is nothing the County could get for this budget year, but it is certainly something that the Board could ask to get for the next budget year and get a commitment; and he would certainly make that commitment to go after and try to close those gaps and get this County as close to the medium as possible.

Commissioner Barfield stated he thought the Board did talk about getting an independent study; he does think the County needs to go out for an RFP, he thinks it is very important; he does suggest the Board do the 3.5 percent, the tiered one; and this is an adjustment, looking at the turnover the County has had and a lot of other things, he thinks this needs to be an adjustment; if he remembers correctly, two or three percent is all they have had since 2007; looking at the Sheriff's Department, both civilian and badged, it is close to 18 percent over that time period; he understands there are different issues with unions and things but it is obvious this County is way behind; and he noted he would feel good if the Board went 3.5 percent, he would love to see four, but 3.5 percent tiered would be a good approach and is targeting it better that way.

Commissioner Isnardi asked if Commissioner Barfield is talking about the County manager's tiered plan or Option four.

Commissioner Barfield responded Option Three, the third bullet, on the Memo.

Commissioner Isnardi pointed out the third bullet is not tiered. She noted she was looking at the spread sheet not the memo. She continued her thoughts on why she likes the 3.5 across the board is because the County has issues, of course she thinks everybody agrees the County needs to do a study, but she thinks it is fair because there are people who work very hard to get certifications, people in the \$40,000 - \$50,000 range that worked hard to stick with the County and stick through the hard times when they received nothing, as much as the new guy that may be lower on the totem pole, and there are also people in the mid pay range that the County is losing because they are not making as much money as well; so she believes it is fair and equitable to everyone. She continued people who get degrees and certification, such as engineers and otherwise, they have earned every dollar and they earned the pay increase; her option would be for the 3.5 across the board in the COLA, but she has to go with the will of the Board; and she is excited about a pay study.

Chairman Smith stated he thinks it is extremely important to send a message to the County employees that the Board understands that they have worked very hard, stuck with the County, and that the County wants to keeps them, because the Board recognizes their importance; it would be nice to do more, but the Board wants them to recognize that it understands their situations and that it is going to work on rectifying this; and this is just the first step.

Commissioner Pritchett stated she is excited for the pay study; she thinks what the Board should do is, the County Manager had four percent at one end and up to three percent at

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another end and he has that already in the budget, so the County can use the extra money to do a pay study because that is not going to be free; she thinks go ahead with number one, the salary increase that Commissioner Tobia had brought in and move forward with the pay study; the Board should be willing to make those adjustments in the future years to get staff up to competitive rates; and she thinks that is a really good move. She noted some of the raises need to be very big and others not as big, but everybody needs raises; she thinks that is the responsible thing to do at this point; and she mentioned the County Manager did come in with one that he thought was an appropriate pay raise to begin with.

Commissioner Isnardi stated the logic to her is if someone is making between \$20,000 and \$30,000 with a 3.5 increase as opposed to a four percent, it is not that big of a leap for them; it is not like they will receive \$3,000, \$4,000, or \$5,000 a year more; and she thinks it should be fair across the board.

Commissioner Barfield stated he would like to see a little more somehow because if he is correct, he thinks the County had done a tiered one before.

Mr. Abbate stated he thinks two years ago the County had done a tiered increase similar to Option One, which is the current proposal.

Commissioner Barfield stated he would rather the Board go with what Commissioner Isnardi said, across the Board; the Board has continued to penalize the people who are above that level; well maybe not penalize, but they do not receive that much of an increase; and he thinks it would be better to adjust everything equally.

Commissioner Tobia stated, before the Board votes on this, it appears, and he does not want to put anyone in an awkward position of voting against and the Board members have all said their peace, there is the Isnardi plan, the Pritchett Plan, and each one has two, so it comes down to the Chairman; and he asked Chairman Smith to weigh in on this one to let the Board know, because he is going to be the determining factor, or if he likes another one.

Chairman Smith stated he likes Commissioner Isnardi's plan.

The Board approved an independent pay study; and approved Option 3, a 3.5 percent across the board COLA for County employees only, excluding Fire Rescue Rank and File Bargaining Unit employees, at a \$104,236 increase to the General Fund.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM VIII.A., BOARD REPORTS, RE: FRANK ABBATE, COUNTY MANAGER
(CONTINUED)**

Frank Abbate, County Manager, inquired if that would include the Charter Officer's in terms of when they amend the budget, or if it is just for the employees.

Commissioner Tobia stated his understanding is it was just for the Board employees.

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Mr. Abbate stated that is ultimately the Board decision; he does believe the Charter Officers were interested in trying to mirror what Board does.

Chairman Smith commented he would prefer to include the Charter Officers, which is only his opinion.

Mr. Abbate stated those dollar cost are there; actually that is the \$380,000.

Commissioner Tobia asked if that could be discussed because it is a sizable difference.

Chairman stated that is the number.

Commissioner Tobia explained his understanding was they had just voted on the increase of \$104,236, not including the General Fund impact.

Mr. Abbate pointed out that is a difference of \$ 276,000.

Commissioner Tobia commented he would not be in support if the Board were going to make that, not that it would change the determination, but he could not go forward with that; his understanding is that Charter Offices have turned in their budget requests; and he inquired if that is the case.

Mr. Abbate replied affirmatively.

Commissioner Tobia stated he thinks that would be difficult to take into consideration; he does not blame them for asking because if he were a Charter Officer he would be asking that as well; however that would bring upon a whole can of worms when looking at other negotiations that were in; he knows there are certain things the Board can and cannot say, but he thinks that would put the Board in not one of the greatest bargaining positions; and he certainly would want to look at that as the Board moves forward. He requested another Motion, one way or the other he does not care whether it includes or does not include.

Commissioner Pritchett asked if the Board specified that.

Mr. Abbate commented at this time what he needs is a follow up motion to indicate whether the Charter Officer's would be included in this.

Commissioner Pritchett thinks the Board should not include the Charter Officers so the Board can have further discussions on that.

Chairman Smith mentioned that was not included in the first motion and inquired if the Board needed another motion.

Scott Knox, County Attorney, stated he understood the first motion to just include the County employees and if there is no motion to add the Constitutional Officers then that is what it is.

Mr. Abbate commented very well. He stated he would like to request, since there is no topic for the Workshop scheduled for Thursday, August 10, 2017, for the Board to cancel that Workshop.

The Board reached consensus to cancel the July 10, 2017, Workshop Meeting.

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ITEM VIII.D., BOARD REPORTS, RE: JOHN TOBIA, DISTRICT 3 COMMISSIONER

Commissioner Tobia commented he would like to wish John Denninghoff, Assistant County Manager, best of luck; he knows working with the current County Manager is a pain, and he is glad he has taken that up; he noticed they were both were yellow shirts in solidarity; and he congratulated him on his new position.

ITEM VIII.E., BOARD REPORTS, RE: KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER

Commissioner Isnardi congratulated John Denninghoff, Assistant County Manager, on his new position; there are a lot of new faces; sometimes change is good, it brings a new perspective; and she cannot say enough about how wonderful staff has been and that is a testament to all of them.

ITEM VIII.F., BOARD REPORTS, RE: RITA PRITCHETT, DISTRICT 1 COMMISSIONER/VICE CHAIRWOMEN

Commissioner Pritchett stated the County has a great staff. She inquired if John Denninghoff, Assistant County Manager, has anything he would like to say.

Mr. Denninghoff expressed his appreciation for the kind words, and confidence; whatever success he has enjoyed he would like to say is all because of the hard work and smart work, but mostly it is on the part of staff he has had around him, who supported him, has supported him and hopefully will continue to support him; and he has always been committed to the public since he came to Public Works, and that brings him a lot of gratification; he looks forward to more; and he again expressed his appreciation for the confidence and kind works.

Upon consensus of the Board, the meeting adjourned at 7:25 p.m.

ATTEST



SCOTT ELLIS, CLERK



CURT SMITH, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Approved by the Board 9/19/17