

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, November 16, 2021

9:00 AM

Organizational Meeting

Commission Chambers

A. CALL TO ORDER 9:00 a.m.

The Board approved allowing Commissioner Tobia to participate by phone.

Result: Approved

Mover: Bryan Lober

Second: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Abstain: Tobia

C. PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the pledge of allegiance.

D. MINUTES FOR APPROVAL: September 14 Regular and November 4 Zoning

The Board approved the September 14, 2021, Regular, and the November 4, 2021, Zoning meeting minutes.

Result: Approved

Mover: Bryan Lober

Second: Kristine Zonka

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

SELECTION: CHAIR AND VICE CHAIR FOR 2021-2022

Commissioner Zonka stated before the selection of the Chair and Vice Chair, she would like to present a plaque and take a moment and thank Commissioner Pritchett for doing an amazing job, as always; she is sorry if it hurts anyone's feelings, but Commissioner Pritchett is her favorite Chair; she runs a meeting like no other; and she wanted to thank her on behalf of the Board for a wonderful year of service. She added she does not think people quite realize how much time and effort goes into being Chair; and she thanked her for her professionalism, kindness, and patience it takes to deal with the rest of the Board.

The Board appointed Commissioner Zonka as the Chair and Commissioner Smith as the Vice Chair of the Board of County Commissioners for 2021-2022.

Result: Approved

Mover: Bryan Lober

Second: Curt Smith

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

Chair Zonka thanked the Board for their support and promised to do her very best; but probably not nearly as awesome as Commissioner Pritchett; she will do her best to keep the Board in order; and she asked for a nomination for Vice Chair.

Chair Zonka stated it is Commissioner Smith's last year on the Board and she thanked him for agreeing to Vice Chair; and she mentioned for his years of service, it is an honor to serve with him.

The Board appointed Commissioner Smith as the Vice Chair of the Board of County Commissioners.

Result: Approved

Mover: Rita Pritchett

Second: John Tobia

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

E.1. Resolution Farm-City Week 2021

Commissioner Smith read aloud, and the Board adopted Resolution No. 21-163, to acknowledge and celebrate the achievements of those who produce and supply the community and nation with agricultural products.

Tom Schuller expressed his thanks for recognizing Farm-City; he mentioned agriculture does a phenomenal job of producing food and fiber, especially in the State of Florida; he thinks, right now, it is the number one industry in the State, behind construction; he stated they do a great job at growing but a horrible job of promoting themselves; and it is nice to be able to come to these meetings to get their message out. He continued by saying the Legislature did a phenomenal job last year at strengthening the Right-to-Farm Bill which will help protect this industry in Florida, which is vitally important; if it cannot be grown in America, then we are going to have to rely on foreign countries and that is huge; and he thanked the Board for doing its part in recognizing it. He added if anyone had any questions or anything arises that is going to affect the agriculture community to please work with their partners at the University of Florida Extension Service; and he appreciates working with everyone and appreciates the award.

Bud Crisafulli reminded the Board that they are doing wonderful things in Brevard County, but 200 years ago, the first industry was agriculture.

Commissioner Smith stated he wanted to give a shout-out to the University of Florida Extension Service because they do a lot of good stuff too; not enough credit is given; and people do not realize the effect they have on the citizens of this State, as they take it for granted that they can always go to Publix and get food.

Result: Adopted

Mover: Curt Smith

Second: Bryan Lober

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

F.1. Permission to Use Current Chair's Signature Plates

The Board granted permission for the Finance Department to continue using the current Chair's signature plates for signing the Payroll and Accounts Payable checks until the new Chair signature plates can be obtained.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

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

L.4. Bryan Lober, Commissioner District 2

Commissioner Lober stated he is sorry to bring up a negative or unfortunate subject but he thinks the Board needs to address something that cannot wait; he does not like making motions during board reports but he feels this one is appropriate; there was recently an incident involving a Brevard County Fire Rescue (BCFR) first responder that entailed what appears to be inappropriate behavior; and yesterday he was made aware of a second incident involving a different BCFR first responder which leaves him very disappointed. He continued to say there were differences between the two incidents and a glaring similarity; one difference was that one of them occurred while the employee was off duty, and the other more recent one occurred when the employee was on duty; one occurrence seemed to be an intent to offend and the other he is not certain, but it appears it was done specifically to get a reaction and to be

offensive; and it was repeated, so it was not something that was a mistake, a slip, or unintentional. He added what makes it worse is the second incident occurred when the employee was responding to a call for service and interacting with a member of the public who required emergency medical treatment; at the same time, the comment that was made denigrated first responders of a responding law enforcement agency, solely on account of ethnicity, which is not okay; the comments cannot go unanswered and he thinks there has to be a use of the County's due process system to address them; he thinks the similarity between the first issue and the second issue is that both of the incidents involved bigoted and racist behavior; and while the BCFR employees that are involved are not the same ethnicity, no ethnicity has a free pass to disparage folks that belong to another ethnicity or even their own. He further stated that both incidents involved incredibly poor judgment that causes him to question whether they are making the right calls on the job; if an employee has personal beliefs or ideology that is so extreme that it interferes with the profession that requires interacting with the public and working with other first responders, that is a problem and needs to be addressed; while he finds both incidents inappropriate and incompatible with the County's values, he does respect the due process rights that the first responders have; he thinks it is important to get that process going so that everyone can present their side; and he does not believe that the Board or administration did anything to cause either of these issues, however, he does not think it is sufficient that the Board or administration simply did not cause them, he thinks that now that there is a second issue, the Board needs to take some steps to avoid something like this occurring in the future. He advised he thinks the expectations should be more clearly laid out to staff members; he thinks the first responders should know, not only what they are expected to do, but what they are not expected to do, just as importantly; he suggested that all paid first responders who work for BCFR ought to be required to take an annual training in appropriate workplace behavior and on organizational culture; and if a first responder cannot take the training on the scheduled date, they should have to watch the full training recording within 30 days and a short test should be required to assure they understood what was in the training. He stated anyone that wears a Brevard County uniform needs to conduct themselves in a certain manner, especially when interacting with members of the public or partner agencies; he is talking about training them to avoid showing up at a superior's party, allegedly in black face, the same day that they call in too sick to work; he is talking about training to avoid a paramedic or a fire medic telling a gunshot patient on his way to the hospital, that the police elected to shoot the patient in a particular location on the body because of his ethnicity; he is talking about appropriate workplace behavior training; and when an employee takes actions that reflect exceptionally bigoted beliefs, they need to be mindful that those actions may, and likely will, reflect on the County in a horribly negative way. He advised he is making a motion to direct staff to draft proposed parameters for such an annual training and that these parameters be brought back to this Board within a month's time; his motion specifically contemplates that staff will take steps and implement safeguards to avoid the politicization of this training, as the goal is simply limiting poor choices within the profession which unnecessarily bring into the forefront any individual's membership in a protected class, whether it be race, religion, national origin, age, gender, or any other legally recognized protected class; an individual's opinions regarding such group should be left out of the workplace unless there is a genuine need to address them; and he is seeking to keep the employee's beliefs from impacting their work or impacting the trust that citizens should have when treated by BCFR.

Commissioner Tobia inquired as to what the impact of the training would be on the collective bargaining agreement, and what the cost would be for the training program and the many hours that would go into taking the classes instead of doing their regular services; he advised he would need that information before he can make a definitive decision; and he understands it is unfair to ask staff those questions in this setting; and short of those, he cannot vote in the affirmative.

Chair Zonka urged caution to the Board; she stated she thinks the County has due processes in place; she believes that the staff obviously has some concerns about the allegations, but due process must be followed, as employees do have rights too; she thinks by bringing this issue to the Board today is sort-of politicizing the issue, which she has concerns about; she is not opposed to extra training if it is needed; but she thinks the Board needs to be cautious of what it says publicly before staff has had a chance to do a thorough, complete, and fair investigation. She added until the outcome of the investigation is known, she wants to caution that the Board does not overreact.

Frank Abbate, County Manager, stated the Board has a policy on discriminatory harassment of any unwelcome verbal or physical conduct that relates to race, color, gender, religion, national origin, disability, or veteran status, which has the purpose or the effect of unreasonably interfering with or creates an offensive or hostile environment, is prohibited; Policy BCC-04 mandates every employee to go through that training, which is done by Human Resources (HR); HR also trained all supervision on discriminatory harassment just within the last several months, which was mandatory training for all staff throughout the organization; and when any incident occurs that is inconsistent with the Board's policy in this area, disciplinary action is considered as appropriate. He added with BCFR, there is something called the Firefighters' Bill of Rights, which is statutorily mandated and requires very specific acts and how they are handled; the County is in the process of doing that; he assures the Board that as soon as these matters were brought to leadership's attention, that process immediately began in both cases and is currently underway in accordance with the statutory obligations to respect the rights of those facing potential action; there is also a variety of other training dealing with emotional, intelligence, empathy, et cetera, that is done in a variety of forms; and that is not to say that any amount of training is ever enough and the training can be augmented, as he thinks Commissioner Lober is asking for. He added that HR is doing its best to stay on top of these things and address them appropriately; and he asked Fire Chief Mark Schollmeyer, Fire Rescue, to address Commissioner Tobia's questions.

Fire Chief Schollmeyer replied there are a couple of routes to do the training, one with some significant fiscal impact, and one with minimal impact; much like when a new piece of equipment is purchased, or protocol is changed, there are training rotations that come into the building with two or three units at a time and is completed in three or four weeks, which is all on-duty with minimal impact to service delivery, and minimal cost; the other way to do it would be to bring employees in off-duty to ensure that they all receive the training; that would have overtime impacts and fiscal impacts; and he mentioned the training could be on-line or in-person depending on how the County Manager and Public Safety Director wish to handle it.

Matthew Wallace, Public Safety Director, added there are about 450 field officers that overcome the three shifts; it will take a significant effort on their part to make sure that each employee in the field has been contacted and trained; there is an in-house capability in Public Safety for training; staff could develop the training and coordinate with HR to execute the training in the field; and the logistics of getting all 450 employees trained is going to take a little bit of time. He stated there is computer-based training and video-based training; and those programs will be developed according to Board direction.

Jerry Visco, Human Resources Director, stated he did not anticipate any impact from the collective bargaining perspective; this is ongoing training, just another element of training programs that are already in place; he does not anticipate there will be a problem; and it can be addressed with union leadership at some point and see if there are any questions or concerns.

Commissioner Lober asked Mr. Abbate if the training that he spoke of occurred once upon hiring or if it was annually.

Mr. Abbate replied there is mandatory training and a variety of courses upon hiring; there are a variety of different trainings that occur annually; the mandatory training on discriminatory harassment is a one-time training that occurs upon hiring; there are various other trainings, for example, this year the County mandated discriminatory harassment training for all supervisors, which was done by HR; and it was similar to the discriminatory harassment training but was focused on leadership and supervision throughout the organization. He added he has discussed what could be done to augment the training; the County has a good relationship and partnership with Defense Equal Opportunity Management Institute (DEOMI) and has reached out to them to look at developing additional training opportunities for frontline and first responders, to augment the different kinds of training the County already has in place; and he stated there is not the type of training Commissioner Lober was talking about that is annual.

Commissioner Lober mentioned he does not want to take away from the due process rights that exist or the process that is in place, as he thinks that is a good system; the reason for bringing this up is not to try to make anyone look bad in public, it is to avoid it happening in the future; once it gets to the due process rights, it is no longer proactive, but reactive; the purpose of the motion is to do something different on the front end to prevent an incident; and he is trying to leave it open to inside or outside training. He added he is fine with whatever is cheaper with on-duty or off-duty training; the goal is to avoid these situations occurring, not to mandate that staff train them in a particular fashion; and sensitivity training is not what he is going for because he thinks that has the connotation of making people hypersensitive.

Chair Zonka asked Fire Chief Schollmeyer if he knew of any incidents that involved any racial issues in the past.

Fire Chief Schollmeyer replied he does not recall any other than these two incidents.

Chair Zonka asked how long he has been with the Fire Department and how many incidents. Fire Chief Schollmeyer replied 33 years; and just these two incidents.

Chair Zonka stated she will caution that the County needs to assess the situation after determining the needs because these are two completely unrelated incidents, even though they both involve ethnicity; she thinks the Board is treading a fine line as it has already essentially convicted the employees and acted as if it knows what happened; she again cautioned the Board before jumping the gun and acting too quickly; she thinks it needs to see what those needs are after a full investigation and due process; but she does not want to react to the behavior of two employees, as only two incidents in 33 years is very telling.

Commissioner Pritchett stated she would support the County Manager coming back with an overview and his recommendations to let the Board know; she thinks the environment these days is a little hostile; she thinks the Board needs to take steps to make sure that Brevard

County is professional; she believes that the County has a good policy in place; and everybody might need to be reminded from time to time. She added she does not know if that means training at the college like has been done for subjects such as sexual harassment, discrimination, and cyber security, where employees can sign-off that they were present, then all employees can be responsible for themselves; if employees cannot comply with the Policy of Brevard County, perhaps they should choose another position; and she supports having Fire Chief Schollmeyer and Mr. Wallace let the Board know what their recommendations are and what needs to be done different.

Commissioner Smith stated he was quite concerned after learning of these incidents and Commissioner Lober brings up some good points, but he does not think the Board should be jumping to conclusions and making knee-jerk reactions; a good point was made that these two

incidents are back-to-back, which is unfortunate, but the fact that there have only been two in 20 to 30 years has to be taken into perspective; all people have said and done things that they wished they had not, and wished to undo them, but it cannot be done; he asked should the Board paint someone as a bad person forever because they made one mistake; and he is sure that is included in Brevard County's policies. He added it is despicable, but he hopes the person that made these comments would be grieving because of it; he thinks forgiveness should be considered as well; he agrees with what has already been said; staff can look at the big picture, as they know the persons involved; and they can come back to the Board with their recommendations and it can act accordingly. He added he thinks the Board has to do something, if only just to look at it; and he does not think a knee-jerk reaction is the way to go.

Commissioner Tobia stated according to the Charter, this is a management decision and if the County Manager decides he wants to bring this back with an update, he would support that; he does not support, at this point, making a motion; he thinks the Board is undermining the authority and the Charter when telling Mr. Abbate to make a management decision; he does not know that more training would have stopped these incidences from taking place; and in deference to not only the County Manager, but also the Charter, he does not think he can make an affirmative vote to mandate the County Manager to come back with any type of additional training. He added if Mr. Abbate thinks that is the right direction, he will support him; and if he thinks the Board is in a good place right now, he would support him on that decision.

Commissioner Lober stated there are two ways to look at someone having been here 33 years and seeing two incidents, but he has not heard of any more either; having two incidents in the span of a two weeks, leads him to believe there is a problem; he is concerned that something has changed or the environment has changed and things need to be done differently; he is not saying that the Board should put anything in place today; and his motion was to ask staff to draft recommendations, which may involve options. He continued to say he does not see it as usurping management authority because he is asking management to tell the Board what they think is appropriate; he has not suggested a minimum time for training or a particular syllabus for training; he thinks there still may be lingering confusion for some; this is being contemplated as a way of resolving the two issues that took place and nothing to do with reactively addressing that; and it is simply proactively trying to prevent it in the future. He added he is not looking at making someone into a good, bad, or neutral person that may have had any involvement with either of the two incidents; they are going to go through the due process procedures that are in place; and he does not think it is inappropriate for this Board to ask staff if there are particular recommendations they can make to the Board that deal with training.

Chair Zonka stated to Commissioner Lober she thinks the Board gets his point; she believes if the Board allows the County Manager to do his job and make recommendations at the end of the investigation and due process; and she asked Mr. Abbate if he would then bring that to the Board.

Mr. Abbate replied he would move forward with the training; and he stated, as he was trying to say, he is already in the process of looking at additional training and what to do.

Chair Zonka asked if Mr. Abbate needed direction from the Board to do his job.

Mr. Abbate replied that would be up to the Board, but obviously, he believes the County has done a lot of training in this organization; he stated he is proud of the training that has been done over the years; with the type of employee development training, mandatory training, and the opportunity to do more; he is in the process of looking at that; and he feels very comfortable that they will do the right thing.

Commissioner Lober remarked it is interesting that it is a knee-jerk move when it comes from him but if staff wants to do it, it is no longer a knee-jerk; and it almost seems like the individual that is introducing the suggestion is causing or impacting the result.

Chair Zonka replied she guesses that is his opinion.

Commissioner Lober responded it is.

L.5. John Tobia, Commissioner District 3

Commissioner Tobia stated he appreciates the forgiveness for him not showing up; and he mentioned the Board's words have impact; Commissioner Smith pointed-out last meeting about the no-shave November; he appreciates him bringing to light the important issues involved with the scourge of cancer; and he thanked him for doing that.

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

Commissioner Smith stated that he and Commissioner Pritchett are headed to Washington, D.C. today to represent the County and meet with a whole bunch of large companies that have a presence here, and some companies that they would like to have a presence here.

Chair Zonka expressed her thanks to Commissioners Pritchett and Smith for doing that.

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

Chair Zonka thanked the Board for their support as Chair; she will do her best to keep meetings on topic, as the public's time is more important as the Board's; she may bring some things back to the Board to help move things along more efficiently; she may shuffle some people around on the dais to make it a little bit easier of a process for everyone; and if the Board would get her a list of the boards that they would like to be a part of, and she will do her best to make sure everyone gets their priorities straight.

Commissioner Lober remarked he had a request to be on a board and not on a board; and he would prefer to not be on the Tourist Development board for the next year.

Chair Zonka stated he could just mark that on the spreadsheet of the boards he would like and mark the one he would not like accordingly.

Upon consensus of the Board, the meeting adjourned at 9:43 a.m.

ATTEST:



RACHEL M. SADOFF, CLERK



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

Approved on Board 11-16-2021