

(G) Public Comment
2/24/21
Sandra Sullivan

Approving a Request to Change a Management Plan



- Approval by FCT Planner UNLESS:
- The proposed change is **CONTROVERSIAL**
- Objections from the Community

In that case:

- **Request goes to the FCT Board for consideration**
- FCT Board has the final say in all matters

DON'T
SPLIT

MOVE
THE EXPRESS
WAY

SPLIT
OAK





DISTRICT 4 COMMISSION OFFICE
2725 Judge Fran Jamieson Way, #C-214
Viera, FL 32940-6698

321- 633-2044

May 4, 2021

Representative Randy Fine
District Office
2539 Palm Bay Rd Northeast, Ste 5
Palm Bay, FL 32905

Dear Representative Fine,

I need your help. Back in 2017 when I was Chairman of the Brevard Board of County Commissioners I appeared before the Central Florida Expressway Authority. I had petitioned them to accept Brevard County as a member of the CFX. They voted unanimously to approve our inclusion and sent the appropriate paperwork to Governor Scott to sign the proposal into law, which he did.

The reasons for my request were threefold. One, I thought our inclusion in a Central Florida Expressway organization was a natural fit. Second, I wanted to push for a third access road and evacuation route out of Brevard County to complement 528 to the north and 192 to the south. Third, I wanted to work to turn over 528 to CFX because that also seemed to me to be a natural fit since they already owned the road eastward terminating at the Brevard County line. Why would that make sense you may ask? Quite simply, from my perspective, CFX has a lot more money to maintain 528 than we do and it makes perfect sense that they own the road all the way to its termination at Port Canaveral.

Studies are currently underway for the third access road out of Brevard that would benefit central Brevard residents. Currently the most likely route would follow somewhere between either Pineda Causeway or Post Road for example.

As for 528, CFX is currently in negotiations with Governor DeSantis but FDOT is fighting the idea. We need to circumvent FDOT and reach out to the Governor directly if possible to make this a reality. With you and your fellow state legislators from Brevard in Tallahassee pulling in the same direction I trust that you can get this done.

Sincerely,

Curt Smith, District 4 Commissioner

**CENTRAL FLORIDA EXPRESSWAY AUTHORITY
2021
POTENTIAL CONFLICT DISCLOSURE FORM**

Filing Deadlines: August 1, 2021 or Upon Appointment, Hiring or Contract Execution

Name and Title: Brevard County Commissioner Curt Smith

Company: Brevard County

Address: 2725 Judge Fran Jamieson Way, Viera, FL 32940

Phone Number: 321-633-2044

Email: Curt.Smith@brevardfl.gov

Relationship to CFX: ☒ Board or Committee Member ☐ Employee ☐ Consultant

Actual or Prospective Projects:

1. SR 538 - Poinciana Parkway Extension
2. SR 516 - Lake/Orange Expressway
3. SR 414 - Maitland Expressway Extension
4. SR 534 - Osceola Parkway Extension

and preserve the integrity and transparency of CFX to the public, disclosures must be made annually.

**POTENTIAL CONFLICT
DISCLOSURE FORM INSTRUCTIONS**

I. OBJECTIVES

"It is essential to the proper conduct and operation of government that public officials be independent and impartial, and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist." Section 112.311(1), Fla. Stat.

"Board members, employees, and consultants who hold positions that may influence [CFX's] decisions shall refrain from engaging in any relationship that may adversely affect their judgment in carrying out authority business." Section 348.753(8), Fla. Stat. To prevent such conflicts of interest

II. TRAINING

The CFX Code of Ethics is available upon request or by visiting CFX's website at <https://www.cfxway.com/>, clicking on the Agency Information tab, and then clicking on the Ethics Policy Link at <https://www.cfxway.com/wp-content/uploads/2020/05/Ethics-Policy-Approved-by-Board-5-14-20-Final.pdf>. The Florida Statutes are available at <http://www.leg.state.fl.us/STATUTES/>. Board members, committee members, and employees will receive training modules and materials and are encouraged to view the materials provided by the Florida Commission on Ethics at <http://www.ethics.state.fl.us/Training/Training.aspx>, including the presentations on Financial Disclosure Training, Gifts, Voting Conflicts for Local Officers, Public Records and Meetings Laws, and Code of Ethics for Public Officers and Employees.

Name/Title: **Brevard County Commissioner Curt Smith**

III. WHEN TO FILE

Each Board Member, Committee Member, and employee shall complete and file the disclosure form upon appointment or hire, upon events that require disclosure, and annually, not later than August 1st.

Each Consultant shall complete and file the disclosure form at the following times: (a) prior to the execution of a contract; (b) upon the occurrence of an event that requires disclosure; and (c) annually, not later than August 1st.

IV. SPECIFIC INSTRUCTIONS FOR CONSULTANTS

Definition of "Consultant." "Consultant" shall mean an individual who is rendering services to CFX in the nature of time and effort rather than the furnishing of specific commodities. The term applies only to those professional services rendered by individuals who are independent consultants, providing services that may include, but are not limited to, evaluations, consultations, maintenance, financial, auditing, accounting, legal, engineering, management consulting, educational training programs, public relations, legislative advisors, planning, personnel, research and development studies or reports on the findings of consultants engaged thereunder, and professional, technical and social services. CFX Code of Ethics 6-1.01.

Representation of Clients Adverse to CFX. CFX deems it to be a conflict when a Consultant represents a client in a judicial or administrative proceeding to which CFX is a party and the interest of the client is adverse to CFX. The conflict must be disclosed under Section 1 of the Disclosure Form and may

only be waived by CFX's governing Board and unless waived shall result in termination of the Consultant's services to CFX. CFX Code of Ethics, Sec. 6-3.02.

Imputation of Conflicts of Interest. While Consultants are associated in a firm, none of them may knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Section 6-3.02. CFX Code of Ethics, Sec. 6-3.03.

Submit One Form. Consultants that are not sole proprietorships or single-member corporations, should submit one composite disclosure form for the entire entity, rather than one disclosure form per officer or employee. The composite disclosure form should include all officers, directors, managers, or employees who "hold positions that may influence CFX decisions" and imputed conflicts. Individuals who fall within this category include: (a) all individuals who directly address the CFX Board, any CFX committee, the Executive Director, the Chief Financial Officer, or the Chief of Staff; and (b) the senior officer or officers of the Consultant.

Suggested Practices. Each Consultant shall consider having procedures in place to screen covered employees assigned to the CFX contract for potential personal conflicts of interest, including procedures to prevent personal conflicts of interest, to prohibit use of non-public information accessed through performance of the contract for personal gain, to inform covered employees of their ethical obligations, and to take appropriate disciplinary action in the event of a failure to comply. Each Consultant shall consider having procedures in place to eliminate conflicts imputed to its firm and to ensure that

Name/Title: **Brevard County Commissioner Curt Smith**

its sub-consultants and subcontractors do not have conflicts.

V. COMPLIANCE REVIEW PROCESS

The Ethics Officer shall review all disclosure forms to determine if there is a prohibited conflict. If there is a conflict, the Ethics Officer shall determine if the conflict should be disclosed to the Board and whether the conflict may be waived. If the conflict is not waivable, then the person or entity may be disqualified or required to mitigate the conflict, the contract may be terminated, or the conflict may be escalated to the Florida Commission on Ethics. CFX reserves the right to pursue any other right, remedy, or recourse.

VI. PENALTIES FOR VIOLATION

Penalties for a violation of the Florida Code of Ethics, the Sunshine Law, the Public Records Act, and the CFX Code of Ethics are set forth in the CFX Code of Ethics, the Florida Statutes, or the Florida Code of Ethics.

As to Consultants, penalties for a violation include withholding payments until the violation is cured, reduction of payments, or termination of the contract for cause. If the Disclosure Form is submitted, but is incomplete, CFX has the right to withhold payments pending receipt of an explanation of such omissions or to terminate the contract for cause.

	Question	Yes	No
1.	Disclosure of Relationships (Refer to Section 348.753(8), Fla. Stat.) Do you have any relationship which affords a current or future financial benefit to you or to your "Relative" or "Business Associate" and which a reasonable person would conclude has the potential to create a prohibited conflict of interest? If yes, check the applicable relationships below and provide full names, addresses, and relationships on page 6 or a separate page.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1A.	Self	<input type="checkbox"/>	<input type="checkbox"/>
1B.	"Relative," as defined in Section 112.312(21), Fla. Stat., means any individual related to you as: <ul style="list-style-type: none"> • Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife • In-Laws: father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law • Steps and Halves: stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister • Grands: grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, • Significant Other: person who is engaged to be married to you or who otherwise holds himself or herself out as or is known as the person whom you intend to marry or with whom you intend to form a household • Roommates: any other person with the same legal residence as you 	<input type="checkbox"/>	<input type="checkbox"/>

Name/Title: **Brevard County Commissioner Curt Smith**

	Question	Yes	No
1C.	<p>"Business Associate," as defined in Section 112.312(4), Fla. Stat., and CFX Code of Ethics, Section 6-1.01, means</p> <ul style="list-style-type: none"> any person or entity engaged in or carrying on a business enterprise with you as a partner, joint venture, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property, (Section 112.312(4), Fla. Stat.) any person or entity engaged in or carrying on any contractual relationship with a CFX Board member as a principal, partner, joint venture, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property. The terms also includes any person or entity engaged in or carrying on a business enterprise, any contractual relationship, employment relationship or otherwise engaging in common investment with a CFX Board member as a principal, partner, member, shareholder, owner, co-owner, joint venture partner, or other investor, whether directly or indirectly, whether through a Business Entity or through interlocking Parent Entities, Subsidiary Entities, or other business or investment scheme, structure, or venture of any nature. (CFX Code of Ethics, Sec. 6-1.01) any Representation of Clients Adverse to CFX. (CFX Code of Ethics, Sec. 6-3.02 & 6-3.03) 	<input type="checkbox"/>	<input type="checkbox"/>
1D.	Other (explain)	<input type="checkbox"/>	<input type="checkbox"/>
2.	<p>Disclosure of Lobbyists (Refer to Section 348.753(8), Fla. Stat.)</p> <p>Do you have a "Relative" who is a "Registered Lobbyist"? "Registered Lobbyist," as defined in CFX Code of Ethics, Part 1, shall mean any person who shall engage in lobbying for compensation for (1) an entity other than his or her employer; or (2) for any entity including his or her employer if a principal function of his or her position is lobbying or governmental relations; and (3) is registered with any local jurisdiction represented on CFX's Board. Links for Registered Lobbyists are provided and lists of Registered Lobbyists are attached.</p> <p>If yes, list the full names and addresses of the lobbyist and the lobbyist's clients on page 6 or a separate page.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Name/Title: **Brevard County Commissioner Curt Smith**

	Question	Yes	No
3.	Disclosure of Property Interests Within a Project or a Proposed Corridor or Within a One-Half Mile Radius of a Project or a Proposed Corridor (Refer to Section 348.753(8), Fla. Stat. and CFX Code of Ethics, Sec. 6-3.01) Do you or any of your "Relatives" (see 1B above), principals, clients, or "Business Associates" (see 1C above) have any interest in real property located within or any actual or prospective CFX project or a proposed corridor or within a one-half mile radius of any actual or prospective CFX project or proposed corridor? The corridor maps and lists reflecting ownership are attached. If yes, check the applicable relationship types and disclose the full names and addresses and identify the real property on page 6 or a separate page.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3A.	Self	<input type="checkbox"/>	<input type="checkbox"/>
3B.	"Relative" (see 1B above)	<input type="checkbox"/>	<input type="checkbox"/>
3C.	Principal or Client	<input type="checkbox"/>	<input type="checkbox"/>
3D.	"Business Associate" (see 1C above)	<input type="checkbox"/>	<input type="checkbox"/>
3E.	Other (explain)	<input type="checkbox"/>	<input type="checkbox"/>
4.	Solicitation or Acceptance of Gifts (See Section 112.313(2), Fla. Stat.) Have you solicited or accepted anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that your action or judgment regarding CFX business would be influenced thereby?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Unauthorized Compensation (Refer to Section 112.313(4), Fla. Stat.) Have you or your spouse or minor child accepted any compensation, payment, or thing of value when you knew, or, with the exercise of reasonable care, should know, that it was given to influence your action regarding CFX business?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Misuse of Position (Refer to Section 112.313(6), Fla. Stat.) Have you used or attempted to use your position with CFX or any property or resource which may be within your trust, to secure a special privilege, benefit, or exemption for you or others?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.	Conflicting Employment or Contractual Relationship (Refer to Section 112.313, Fla. Stat.) Do you have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, CFX, that will create a continuing or frequently recurring conflict between your private interests and the performance of your duties to CFX or that would impede the full and faithful discharge of your duties to CFX, subject to the exemptions set forth in subsections (12) and (15) of Section 112.313, Florida Statutes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

This image shows a single sheet of white paper with horizontal blue or grey ruling lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Name/Title: **Brevard County Commissioner Curt Smith**

I declare under penalty of perjury that the answers to the Potential Conflict Disclosure Form and the information provided are true and correct.

Signature:  Date: **7-1-21**

Name and Title: **Brevard County Commissioner Curt Smith**

Return to: Mimi Lamaute, Board Services Coordinator
Central Florida Expressway Authority
4974 ORL Tower Road
Orlando, FL 32807
Phone: 407-690-5310
Fax: 407-690-5034
Mimi.Lamaute@CFXWay.com



CFX Committee List_ALL names.xlsx

	A	B
1	Committee Name	Committee Member
2	Audit	Katherine Wall
3	Audit	Kaye Dover
4	Audit	Kristy Mullane
5	Audit/Finance	Lorie Bailey Brown
6	Audit	Ray Walls
7	Audit	Michelle McCrimmon
8	Audit	Megan Zee
9	Finance	Amanda Clavijo
10	Finance	Chris McCullion
11	Finance	Jennifer Barker
12	Finance	Kurt Petersen
13	Right of Way	Todd Hudson
14	Right of Way	Mindy Cummings
15	Right of Way	Laurie Botts
16	Right of Way	Jean Jreij
17	Right of Way	Brian Sheahan
18	Right of Way	Christopher Murvin
19	Right of Way	John Denninghoff
20	Environmental Stewardship	Robert Mindick
21	Environmental Stewardship	Jim Barfield
22	Environmental Stewardship	Richard Durr
23	Environmental Stewardship	Beth Jackson
24	Environmental Stewardship	Charles Lee
25	Environmental Stewardship	Timothee Sallin
26	Environmental Stewardship	Brittany Sellers

*Goes through FCT
Split Oak
Forest*

From: [Jim Barfield](#)
To: [Smith, Curt](#)
Subject: CFX Environmental Stewardship Committee Meeting This Morning
Date: Thursday, February 18, 2021 12:57:31 PM
Attachments: [Environmental Stewardship Committee Agenda Package 2.18.21 \(reduced forpdf](#)

*File includes
FCT Split Oak
Forest
Info*

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Curt,

I was on today's zoom meeting and attached is what was covered. Most of it was concerned with the D and F corridors which are the extensions to Brevard County. The F corridor is still concepts are still not giving consideration to the Ellis Road interchange which would give a direct shot to Melbourne Air Port. I again brought this up. They are still clipping some off Viera and I brought up the push back from the Viera Corporation which is well founded. When the DRI was being planned, the environmental community worked hand in hand with Viera to get it right. So, not only would this impact the DRI but would definitely impact the environmental aspects that were designed into the DRI. Just thought you would want to know as this continues down the road, so to speak, to be aware as aspects come to the CFX Board.

There is a long way to go with all of it but well worth it.

Jim Barfield
Chief Executive Officer
E: Jim.Barfield@lukeassoc.com | P: 321.452.4601

Luke & Associates, Inc.
375 Commerce Pkwy | Suite 103 | Rockledge, FL 32955
P: 321.452.4601 | F: 321.452.4671
www.lukeassoc.com

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From: [Mimi Lamaute](#)
Subject: CFX 2021 Potential Conflict Disclosure Form and Training for Board Members - DUE BACK JULY 30, 2021
Date: Wednesday, June 23, 2021 1:26:15 PM
Attachments: [image002.png](#)
[image003.png](#)
[1. 2021-2022 Board Member Ethics Sunshine and PR Training.pdf](#)
[2021-2022 Maps, Property Owners and Lobbyist List.pdf](#)
[2021-2022 Potential Disclosure Form v3.0 WR Fillable.pdf](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Board Members:

In accordance with Section 348.753, Florida Statutes, all CFX Board Members, employees and consultants are to complete an annual disclosure form to declare any potential conflicts of interest and preserve the integrity and transparency of CFX to the public.

Attached is the CFX 2021 Potential Conflict Disclosure Form which is due back by **JULY 30, 2021**. To help you properly complete the CFX 2021 Potential Conflict Disclosure Form you should also complete the training module which includes components of CFX's Code of Ethics, Florida's Code of Ethics, Florida's Government in the Sunshine Law, Florida's Public Records Act and reviewing the Lobbyist and Property Owners List, attached.

For your convenience, the files have also been posted to Diligent.

It remains the primary objective of CFX's Legal office to provide you with adequate information and training on the subjects covered in CFX's training module. If you need to review the CFX Code of Ethics please [click here](#). Should you have any questions about completing your disclosure form or about any aspects of the CFX Code of Ethics or any of the applicable provisions of Florida's laws regarding ethics, transparency or public records, CFX's Legal office is here to provide guidance or direct your question(s) accordingly. For any inquiries, please do not hesitate to contact either:

Diego "Woody" Rodriguez, General Counsel,
Woody.Rodriguez@cfxway.com or Laura Newlin Kelly, Associate General Counsel, at LNK@cfxway.com.

PLEASE RETURN THE 2021 POTENTIAL CONFLICT

DISCLOSURE FORM
NO LATER THAN BY
JULY 30, 2021

Attachments:

1. *2021 CFX's Training Module on the Code of Ethics, Government in the Sunshine and Public Records*
2. *List of Lobbyist and Property Owners and maps with project locations*
3. *2021 CFX's Potential Conflict Disclosure Form (fillable form)*

Warmest Regards,

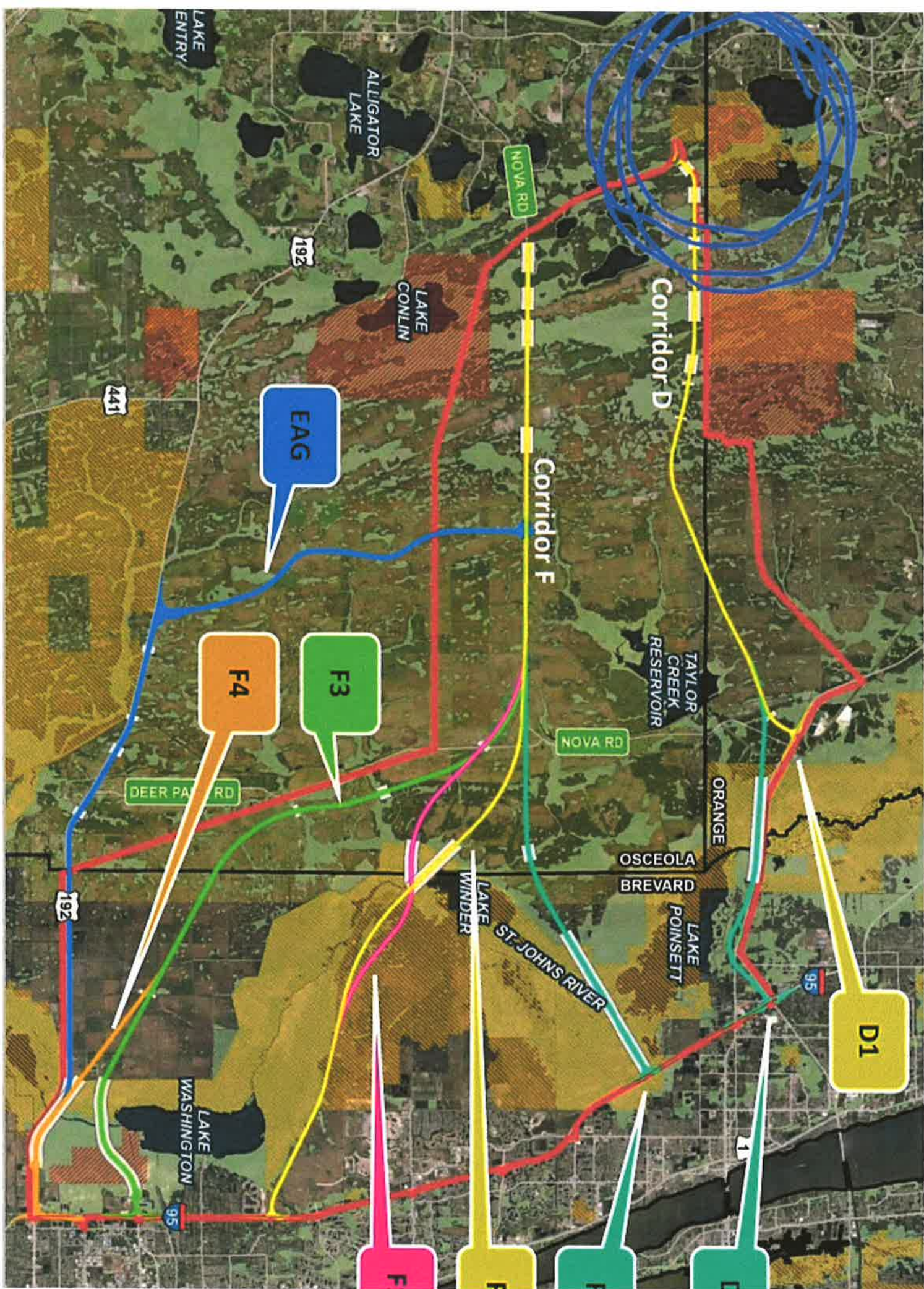
Mimi

.....
Mimi Lamaute
Board Services Coordinator/
CFX Financial Disclosure Coordinator

Central Florida Expressway Authority
4974 ORL Tower Road • Orlando, FL 32807
407.690.5310 (p) • (f) 407.690.5384
CFXway.com

PLEASE NOTE: Florida has a very broad public records law (F.S.119).
All emails to and from CFX are kept as a public record. Your email
communications, including your email address may be disclosed
to the public and media at any time.







From: [Smith, Curt](#)
To: [Schmadeke, Adrienne](#)
Subject: Re: Florida Communities Trust link
Date: Thursday, April 1, 2021 11:49:35 AM

Keep That handy for me. I'm going to need it in about another week or 10 days

Get [Outlook for iOS](#)

From: Schmadeke, Adrienne <Adrienne.Schmadeke@brevardfl.gov>
Sent: Thursday, April 1, 2021 11:48:52 AM
To: Smith, Curt <Curt.Smith@brevardfl.gov>
Subject: FW: Florida Communities Trust link

Commissioner,

Email from Laura Kelley with the link to the FDEP Land and Recreation Grants Program.
Please let me know if there is anything you would like me to do with this information.

- Adrienne

From: Laura Kelley <Laura.Kelley@cfxway.com>
Sent: Thursday, April 1, 2021 9:52 AM
To: Smith, Curt <Curt.Smith@brevardfl.gov>
Subject: Florida Communities Trust link

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good morning!

Here is the link to their website: <https://floridadep.gov/lands/land-and-recreation-grants/content/fct-florida-communities-trust-home>

Have a great day,

Laura

Laura Kelley
Executive Director

Central Florida Expressway Authority

From: Laura Kelley <Laura.Kelley@cfxway.com>

Sent: Thursday, April 1, 2021 9:52 AM

To: Smith, Curt <Curt.Smith@brevardfl.gov>

Subject: Florida Communities Trust link

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good morning!

Here is the link to their website: <https://floridadep.gov/lands/land-and-recreation-grants/content/fct-florida-communities-trust-home>

Have a great day,

Laura

Laura Kelley
Executive Director

Central Florida Expressway Authority
4974 ORL Tower Road
Orlando, Florida 32801

407-234-5970

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

On Apr 11, 2021, at 2:59 PM, Schmadeke, Adrienne
<Adrienne.Schmadeke@brevardfl.gov> wrote:

Good afternoon Mr. Barfield,

Commissioner Smith would like to appoint you to the Florida Communities Trust Board.
He would like to know if you would be interested.

The following is a link to their website: <https://floridadep.gov/lands/land-and-recreation-grants/content/fct-florida-communities-trust-home>

Regards,

Adrienne Schmadeke

<image001.jpg>

Adrienne Schmadeke
Executive Assistant to Commissioner Smith
Brevard County, District 4
[321.633.2044](tel:321.633.2044) | Adrienne.Schmadeke@brevardfl.gov

2725 Judge Fran Jamieson Way, Bldg. C - Suite 214,
Viera, FL 32940

From: Jim Barfield <Jim.Barfield@lukeassoc.com>

Sent: Sunday, April 11, 2021 5:39 PM

To: Schmadeke, Adrienne <Adrienne.Schmadeke@brevardfl.gov>

Cc: Woodard, Patrick <patrick.woodard@brevardfl.gov>; Bellak, Christine <Christine.Bellak@brevardfl.gov>; Smith, Curt <Curt.Smith@brevardfl.gov>

Subject: Re: Florida Communities Trust link

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I would be honored to serve on the FCT Board.

Jim Barfield

Chief Executive Officer

E: Jim.Barfield@lukeassoc.com |

Luke & Associates, Inc.

[375 Commerce Parkway, Suite 103 | Rockledge FL, 32955](#)

P: [321.452.4601](tel:321.452.4601) | F: [321.452.4671](tel:321.452.4671)

www.lukeassoc.com

From: [Bellak, Christine](#)
To: [Jim Barfield](#); [Schmadeke, Adrienne](#)
Cc: [Woodard, Patrick](#); [Smith, Curt](#)
Subject: RE: Florida Communities Trust link
Date: Monday, April 19, 2021 11:45:27 AM
Attachments: [image003.png](#)

Mr. Barfield ,

I received a call from Mimi with CFX . After further investigation CFX has instructed us to direct you to the website and asks for you to please fill out and submit the required information on your own behalf for the vacant Florida FCT position. The position is not a direct appointment through CFX or Brevard County. When given a seat you will automatically represent based on where you are from.

<https://floridadep.gov/lands/land-and-recreation-grants/content/fct-florida-communities-trust-home>
850-245-2501

Regards,

Christine Bellak



Christine Bellak
Administrative Assistant
Brevard County, District 4
[321 633 2044](tel:3216332044) | Christine.Bellak@brevardfl.gov
2725 Judge Fran Jamieson Way,
Bldg C – Suite 214
Viera, FL 32940

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected

From: [Jim Barfield](#)
To: [Bellak, Christine](#); [Schmadeke, Adrienne](#)
Cc: [Woodard, Patrick](#); [Smith, Curt](#)
Subject: RE: Florida Communities Trust link
Date: Monday, April 19, 2021 1:50:20 PM
Attachments: [image001.png](#)
[Board Appointments Application v1.pdf](#)

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Christine,

The website does not provide information as to how to fill out and submit required information.

However, after looking up the statutes, the Governor appoints members to this board. So I will fill out the attached form and submit. Commissioner Smith will need to sent a recommendation letter to the Governor's office.

Thank you!

Jim Barfield

Chief Executive Officer

E: Jim.Barfield@lukeassoc.com | P: 321.452.4601

Luke & Associates, Inc.

375 Commerce Pkwy | Suite 103 | Rockledge, FL 32955

P: 321.452.4601 | F: 321.452.4671

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

5:30 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on August 7, 2018 at 5:30 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

ITEM A., CALL TO ORDER: 5:30 PM

ITEM B., MOMENT OF SILENCE

Chair Pritchett called for a moment of silence.

ITEM C., PLEDGE OF ALLEGIANCE

Commissioner Isnardi led the assembly in the Pledge of Allegiance.

ITEM D.1. STATEMENT OF RESOLUTION ESTABLISHING USER FEES FOR FISCAL YEAR 2018-2019, RE: MELBOURNE-TILLMAN WATER CONTROL DISTRICT

Chair Pritchett called for the public hearing to consider statement of proposed user fee rates for the Melbourne-Tillman Water Control District Fiscal Year 2018-2019; she advised the Item requires for the Commissioner of District 3 to be present; and the Item will have to be continued to another date.

Phil Weinberg advised he is the newest Board of Directors Member for Melbourne-Tillman Water Control District; he stated what is being asked for is a 10 percent user fee increase of \$2.13 per year for a residential lot; \$.75 per year for an agriculture lot; and \$4.14 per year for a commercial lot. He went on to say he is not being cavalier by raising fees and taxes; he is in the segment part of the population that feels a tax increase, a senior citizen; and the District needs long-term solutions to fulfill its responsibilities according to Florida Legislature under Chapter 2001-336. He went on to say the District itself contains 163 miles of canals; the District includes, but are not limited to, establishing a water management system which will accomplish objectives as follows: Prevent damage from flood, soil erosion, and excessive drainage, promote the conservation, development, and proper utilization of surface and ground water, preserve natural resources, fish, and wildlife, maintain water quality in the District and the receiving waters from the District, preserve and protect the natural systems in the District, Turkey Creek, the Indian River, the St. Johns River, and purchase and establish conservation areas and passive recreation areas to protect the natural resources, including the sloughs, wetlands, and natural areas, which exist in the District or along the receiving waters, where the District finds it is appropriate for environmental protection or conservation of the natural resources. He stated the District shall utilize the best management practices in implementing and operating its water management system clean out, straighten, open up, widen, or change the course and flow of, alter, or deepen any canal, ditch, drain, river, watercourse, or natural stream; concentrate, divert, or divide the flow of water in or out of the District boundaries; and construct and maintain main and lateral ditches, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, flood ways, pumping stations and siphons, and may connect same, or any of them, with any canals, drains, ditches, levees, or other works that may have been heretofore, or which may be hereafter, constructed. He asked the Board to give the District the funding that it needs to perform all of its responsibilities, to the best of its ability.

Commissioner Isnardi inquired how this is tied to Turkey Creek. Dan Anderson, District Manager of Melbourne-Tillman Water Control District, responded there are over 163 miles of canals throughout a 100 square mile area that falls directly into Turkey Creek, and then into the Indian River Lagoon (IRL); he stated it is a massive amount of runoff water that ends up in the IRL; for years Melbourne-Tillman was a stormwater drainage district for flood control; and the major objective now is water quality in order to be able to clean the water before it makes its way into the IRL.

Commissioner Isnardi advised some time ago she talked with Mr. Anderson in her office about the aging equipment he has; and she inquired if Mr. Anderson would talk a little about that. Mr. Anderson replied for about eight years they went without any budget increases; each year they would reduce capital equipment expenditures down to practically nothing; each year they have to use Reserves in order to make budget; in trying to keep the deficit amount down, they have reduced equipment purchases; and now the equipment has aged and have real problems with maintenance costs in order to keep the older equipment going. He added one of the main objectives with an increase would be trying to do more capital outlay, to replace some of the aging equipment.

Commissioner Isnardi inquired about the Reserves. Mr. Anderson responded the Reserves have been reduced by 41 percent over the last seven years; he advised if they keep going into Reserves, they will not be able to make budget; and he does not want to reduce services because he feels with the amount of citizen contacts received, they do not get near the level of service that is expected.

Commissioner Isnardi asked if the Melbourne-Tillman system is ever going to expand. Mr. Anderson pointed out with the outside development a lot of developers are asking to be annexed into the District; and he advised they have a 100-mile area that has potential to be increased.

Commissioner Isnardi commended Mr. Anderson for doing a bang-up job with how fast the water went down during storms with limited resources; and she expressed her appreciation for all that the District does.

Mr. Anderson pointed out that he has worked on the canals for 38 years and he is overly impressed himself with how well the system functioned; he stated staff works hard to get done what is expected of them, to accomplish the mission; over the years his staff has been overly creative on how to figure out doing something with nothing; and in doing that, he thinks they shoot themselves in the foot because the people say that they have been able to maintain it well with what they have, and they ask why is more needed. He added the expectations and the water quality issues are over and above the flood control that Melbourne-Tillman originally started; it has a staff of 19; and as individuals retire, they are not replaced because of having to keep the deficit down. He recognized Debbie Leclair, Assistant Manager/Administration Operations, for being the glue that holds the office together, and for being the numbers cruncher.

There being no objections heard, the Board continued consideration of the proposed statement of rates for the Melbourne-Tillman Water Control District FY 2018-2019 to the August 21, 2018, Board meeting.

RESULT:	TABLED [UNANIMOUS] Next: 8/21/2018 9:00 AM
MOVER:	Kristine Isnardi, Vice Chair/Commissioner District 5
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Rita Pritchett, Curt Smith, Kristine Isnardi
ABSENT:	John Tobia
EXCUSED:	Jim Barfield

ITEM E.5., KRISTINE ISNARDI, COMMISSIONER DISTRICT 5, VICE CHAIR, RE: REPORT

Commissioner Isnardi encouraged Dan Anderson, District Manager of Melbourne-Tillman Water Control District, and the Board of Director Members for Melbourne-Tillman Water Control District to attend the August 21, 2018, Board meeting, and to be able to explain the system to the public by showing an overhead map of the area, and talk about how it impacts Turkey Creek so it is understood it is not just maintaining ditches.

Commissioner Smith agreed; and he stated the people need to understand the importance of what the Melbourne-Tillman Water Control District does for the Indian River Lagoon.

ADJOURNED

Upon consensus of the Board, the meeting adjourned at 5:40 p.m.

ATTEST:

RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK

(5) Construct or enlarge, or cause to be constructed or enlarged, at its expense, any and all bridges or culverts that are needed in said District, as a result of the construction or modification of the works of the District, across any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way, track, grade, fill, or cut, in or out of said District boundaries; remove any fence, building, or other improvements.

(6) Hold, control, and acquire by donation or purchase and, if need be, condemn any land easement, railroad right-of-way, sluice, reservoir, holding basin or franchise, right-of-way, or holding basin for any of the purposes herein provided, or material to be used in constructing and maintaining said works and improvements for implementing authorized improvements for water management.

(7) Implement and authorize improvements to the surface water management plan as may from time to time be recommended by the engineer and approved and permitted by the applicable rules and regulations of all state and regional regulatory agencies.

(8) Sue and be sued in the name of the District and restrain, enjoin, or otherwise prevent the violation of this act or of any resolution, rule, or regulation adopted pursuant to the powers granted by this act.

(9) Establish and define, in conjunction with other public entities, all surface water management areas within the boundaries of the District to determine which facilities within surface water management areas of the District shall be maintained by the District. In such establishing and/or defining, the definitions of "primary," "secondary," and "tertiary" in subsections (10), (11), and (12) of Section 3 herein shall serve as guidelines in making such determination.

(10) Enter into agreements with other units of government for such units of government to perform any function on behalf of the District which is authorized by this act.

(11) Exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.

(12)(a) Levy, assess, and collect an annual stormwater management user fee to carry out the purposes of the District, beginning with the 1990-1991 budget year. Such fee must be just and equitable and shall be based upon the impact that a given parcel of land imposes on the stormwater management system.

(b) A fee may not be finally set by the Board of Directors or approved by the Board of County Commissioners of Brevard County during its annual budget review until after a public hearing is held by the Board of County Commissioners. The Board of County Commissioners must hold a special public hearing within the boundaries of the District. At the public hearing, all owners of property in the District shall have an opportunity to be heard concerning the proposed fee.

Ch 2001-336

SECTION 8

(12)(B) & (c)

(c) Notice of such public hearing for the 1990-1991 budget year must be given in the manner prescribed in subsection (2) of Section 16. Thereafter, notice must be given by publication in a newspaper of general circulation in Brevard County at least 7 days before the date of the hearing. The stormwater management user fee, when established, shall be deemed to be reasonable and necessary to carry out the obligations, responsibilities, and duties of the District. All of the proceeds of the fee are in payment for the use of the District stormwater management system. The fee must be established by resolution of the Board of Directors and approved by a majority vote of the Board of County Commissioners of Brevard County, with each County Commissioner whose county commission residency area lies wholly or partially within the District voting in the affirmative.

(d) The stormwater management user fee structure shall have three land classifications: Residential, Agricultural, and Commercial. The Board of Directors, in establishing the annual fee, must use the Brevard County Land Use Code Index as the basis for land classification. The annual stormwater management user fee shall be levied on the parcels, as the Brevard County Land Use Code Index has them designated, for that respective budget year.

For the 1990-1991 budget year, the residential fee may not exceed \$10 per acre or portion thereof, the agricultural fee may not exceed \$3.50 per acre or portion thereof, and the commercial fee may not exceed \$21 per acre or portion thereof.

Thereafter, the stormwater management fee for residential parcels, agricultural parcels, or commercial parcels may not be more than 10 percent above the fee for the preceding year. However, the maximum fee per acre or portion thereof for residential parcels may not exceed \$25, the maximum fee per acre or portion thereof for agricultural parcels may not exceed \$8.50, and the maximum fee per acre or portion thereof for commercial parcels may exceed \$52.50.

(13) Levy and assess ad valorem taxes without limitation of rate or amount on all taxable property within the boundaries of the District for the purpose of paying principal of and interest on any general obligation bonds by the Board of County Commissioners and which may be issued for the purposes of this act after approval of the issuance of such bonds by referendum of the electors.

(14) Levy and impose special assessments against the real property within the boundaries of the District upon a determination that the construction, reconstruction, repair, maintenance, and operation of the surface water management system provides a benefit to such real property. The benefits shall be assessed upon the property specially benefited by the construction of improvements or provision of operation and maintenance services in proportion to the benefits to be derived therefrom, and the special benefits shall be determined and prorated by a method prescribed by the Board of Directors.

(a) The Board of Directors, if it elects to assess a special assessment, shall declare by a resolution the nature of the proposed improvement or the services provided to existing improvements, designate the location of the

Government Transparency

Rough DRAFT

On August 10th. 2021 a special hearing occurred, for the Melbourne Tillman Water District for its Annual water usage increase. This meeting occurred at 1951 Malabar Rd NW Palm Bay, FL 32907. Fred Pope Regional Park the Ted Whitlock Community Center. The meeting started at 5:30 PM.

Wrong Address

There were two addresses listed. One published ~~on~~ with a Viera Address (Brevard Legistar) and one displayed a Palm Bay address (Brevard Gov Calendars).

Again, this meeting had two addresses one listed one in Viera, Florida and one listed in Palm Bay, FL. This has occurred for at least the last four years.

Taxation - without anticipated Publication T- WAP

Explicitly stated, On the second page of the agenda, dated August. 10th, 2021. This meeting will be broadcast live on Space Coast government television, SCG TV on Spectrum Cable Channel 499 Comcast. AT&T U-verse. And will also be played during the coming months on its 24 hour video server. I have not been able to locate one video in the last 4 years of rate increases, Again, all previous final agendas going back 4 years, have two addresses and no video.

Floor Motions during Board Reports

I say all that to say this this water usage increase, although mundane and relatively gradual in nature. Does not adequately represent the items that occur during floor motions. Such as Frank Abbate(the appointed County Manager)Presenting an item during his board report, it being passed. Yet. All I can extrapolate from that floor motion was that it had something to do with Allocation of ARPA funds to the ambulatory services. I have also spoken to Ms. Bentley herself requesting public records and yet to receive even the cost associated w/ that service*. I have tried to contact (Commissioner Tobia) D3's office (left a message w/ no return phone call). If this was broadcast as stated this would not be such an issue. I was able to partially record the end of the meeting.

ADD.
NOTES

→ IMPROVE &

DO NOT GO IMPROVING

STICK W/ THE
SPEECH - STUPID.

KEEP IT SIMPLE
STUPID.

Quorum yet established D3 absent.

Last but not least, D3 has been absent 3 out of the last 4 years. In 2018, Commissioner Pritchett states that since D3 was absent and a vote in the affirmative is required, another meeting will need to take place. (Items Attached) Also, On May 6th 2021 Tobia complained that staff was being unfairly worked since they are Salary yet he is absent during a scheduled meeting that could alleviate that burden. When you look at the totality of the dereliction that has occurred, two addresses, not properly broadcast as stated, floor motions during Board Reports that nobody can seem to find?? Being absent 3 out of the last 4 years, does not seem coincidental. This seems to have an ominous overture. Perhaps being absent would during these meetings would also be an opportunity to pass floor motions without having to vote aye nor nay. Seems less like a political board and more like a tacticianist in a paramilitary organization. I guess I am a moron for thinking those two are divorced. Now on the topic of morons, our commissioners have said per my choices, I am a Moronic unvaccinated conspiracy theorist that needs to get off my lazy ass, So If I am correct ... what does that make you?

L.5. John Tobia, Commissioner District 3, Re: Board Report

Thursday, May 6, 2021 BOCC Zoning Meeting

Commissioner Tobia stated this is one of the first times they do not have the International Association of Fire Fighters (IAFF) here complaining about things, but one of them is mandatory overtime; he asked the Board to take into consideration staff here that gets paid a salary, not overtime; there are folks out there bitching and complaining about getting time-and-a-half or double-time pay, yet the County is turning around, for folks that are getting paid a flat rate, and having them here until 7:30 p.m. for what amounted to, as Commissioner Smith said, three issues; this is nothing against the zoning folks, as it is their right, and he appreciates that; but, please, when Items are put on the Agenda, it is not only the Board's time, it is the office time going into this, but more specifically, it is staff that did not get a penny past 5:00 p.m. He added he wanted to thank the staff that constantly goes above and beyond at the whims of the Commission; and he apologized for the cursing and the time.