

April 2, 2020

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, April 2, 2020

12:00 PM

Special Meeting

Commission Chambers

I. CALL TO ORDER 12:00 p.m.

II. Board Discussion, Re: Corona Virus Related Reports/Information and Take Responsive Actions

Chair Lober began by stating that he knew everyone had agendas or access to them and they were going to go through this a little bit differently; what they are going to do is, first, have the Commissioners talk a little bit about some of their thoughts and where they are, then there are several individual that have been invited here by himself or by other Commissioners or both; he will have them come up and speak and then he will go to general public comments; with respect to some of the proposals that have come up, he want to let them know where he is and then go from there; if there needs to be discussion, the Board will have discussion on each and every item that needs it; each of the motions that he will request today, he just asks that the Board assume for Clerk's purpose as well, that they are all prefaced with "to the greatest extent lawful"; and he knows there is some ambiguity in terms of whether the latest amendment to the Executive Order out of Tallahassee preempts the Board to a large degree on many things. He mentioned in order to avoid having any questions or problems, just assume that, unless stated otherwise, all of the motions today start with "to the greatest extent lawful". He noted one of the items that was discussed before was hair and nail salons; you simply cannot have a six-foot distance between folks working there and customers; with that respect to hair and nail salons, massage parlors and spas, if they cannot provide any services which do not meet the Center for Disease Control (CDC) or Florida Department of Health (FDOH) guidelines, that is a problem. He stated he proposed to not shut them down but to limit them from providing any services that cannot comply with the CDC and or the FDOH guidelines; that would probably be 99 percent of all the services they provide but if they do have something that they are able to do in those businesses where they can keep people well separated, if it is not precluded by the Executive Order that was put forth, then that is on them to do. He stated that would be a motion he would request later on in the meeting after public comment. Boat ramps, he would be happy to have Eden Bentley, County Attorney talk about this in more length after a bit further in the meeting; he understands that the Executive Order, per Attorney Bentley, deals with boat ramps and restrictions in terms of who can use them; he will let her talk about that later; with respect to what he was proposing doing with boat ramps, he does not know, for that reason and others, whether that is necessary; however, he would suggest that it be considered looking at today and perhaps considering adopting a motion today to recommend that the Board not allow folks to access the spoil islands so to avoid the issue of them congregating. He went on to say, with respect to the libraries, his understanding is that all of the libraries are currently closed; he had discussed with Brevard Public Schools in a separate meeting, not a Brevard County Commission meeting, potentially using some of their employees who were trained and perhaps even certified to watch after first responder, emergency room and urgent care staff, their kids, in groups that correspond or are fitting within the CDC and the FDOH guidelines so that the County does not have any of those folks that are first responders or medical staff unable to go and address the issues that is needed of them out there; he would contemplate that being free of charge; he would like to revisit the issue of the beaches, potentially closing them from 11:00 a.m. to 4:00 p.m. on Friday, Saturday, and Sunday in keeping with what the vast majority of the beachside communities are doing; he would also like to address hotels, motels, and other lodging including campgrounds. He knows we have three County campgrounds; he would like to look at closing them to leisure travelers; essentially, what he would propose is someone be required to furnish to whoever is checking them in, that they have a note from their employer saying that they are traveling for work purposes, whatever they may be, or alternatively a note from their employer saying that they are traveling for work purposes, whatever those may be, or alternatively, a note from a physician, whether an M.D. or a D.O. or a physician's assistant or practitioner essentially saying that they are staying at a

hotel or a motel or a campground or other lodging in order to avoid having to stay at home with someone who has been suggested to self-isolate, or if they have some other reason that justifies their staying in a hotel; he thinks that is fine as well; as far as how it would be handled, it was suggested that the Board restrict the ability of these lodging establishments to accept new reservations from leisure travelers; it should also be considered what to do, if anything, with existing reservations. He mentioned he thinks those who have not checked in yet, but have existing reservations, maybe should be treated the same as folks that would call in after a decision is made about what to do, so there is not have a mass influx of people that, quite frankly, do not need to be here; those that are already checked in, that is a tougher question that may need to be looked at; by way of update with the courthouses, he spoke with Judge Lisa Davidson maybe 45 minutes to an hour ago, and she indicated that they are having conferences within the Judiciary and she will know more by noon in terms of what she would request that the Board do; as of today, he is not going to request that the County close the courthouses or the Clerk's Office but that request may change pretty profoundly tomorrow depending on what kind of input he gets from them; beyond that, he has received a slew of emails from constituents on all sorts of topics whether it is closing the beaches or putting into place a more restrictive stay-at-home order. He went on to say one of the individuals asked to put the email on the screen, to be done later at Public Comment; he understands and prior to Public Comment, he will ask Attorney Bentley, if she is comfortable opining as to a couple of the issues that seem to be pretty frequently asked questions; he said there are about three folks here in the other room upstairs, or maybe the other building, that have questions about golf courses and there is at least one individual who is asking about childcare and whether that is considered an essential business or whether it is shut down; he then said he would turn it over to the other Commissioners for their thoughts and then some comments from the folks what were invited, and then comment from all others.

Commissioner Pritchett thanked him and stated she had a list of things to where she spent a little bit of time; she actually got to talk to Representative Randy Fine, Maria Stahl, Administrator of the Florida Department of Health in Brevard, Wayne Ivey, Brevard County Sheriff, Eden Bentley, County Attorney, and Frank Abbate, County Manager, and she has tried to Google as much information as she could out there; she stated it is hard to find the good numbers; John Hopkins University seems to be doing pretty good because there is a lot of information out there and trying to get it all together was the issue; she actually was interested when Governor DeSantis declared his thing because she thinks she was ready to start bringing forward here to close all non-essential businesses that cannot comply with social distancing, but she thinks the Governor took care of that in his Executive Order so she is on board with Chair Lober on that because she thinks it is very timely; and she mentioned that Chair Lober brought up at the last meeting about not having tourists come in the area hotels and she thought that was great. She asked Attorney Bentley to do some digging and from the Florida Keys, she gave copy of this to the BOCC; she loves what they did and she reads it, stating that it would be good to adapt; "the Florida Keys are closing to all tourists and leisure visitors. Effective immediately, all establishments shall not accept any reservations until further notice including extensions to current reservations." She stated she would not mind throwing in there, anyone who had been there less than ten days, that they be asked to go back to whatever area they came from; she continued to say they also have effective they are going to do something with their RV parks, timeshare rentals, and anything that would be related to tourism; she thinks that the overall feel in the County, from what she is hearing from people, is they are comfortable with the County residents, but they are struggling with the thought of anybody from out of the area coming in and bringing more of a situation than the County needs to have; she thinks if this is done, close Brevard County to all tourist and leisure visitors and figure out how the Board is going to frame that; she spoke with Sheriff Ivey about this and asked him how he was on enforcing that, and he said they will enforce it to best they can; she asked how would

that compare to what the Board is being asked to do with the beaches; and he said he would be able to do about the same type of enforcement with either of those. She thinks that if this is done, it would get the word out that no leisure visitors could come here or have anything that is outside of County activity; she thinks it might be a good thing to do and it would solve a lot of the County issues and give the public a lot of comfort; she thanked Attorney Bentley for that information and thanked Chair Lober for all the input last week which got her thinking on this position; she asked Attorney Bentley for recommendations on what to do when the County has these and she recommended to give them to the Policy Board and Chair Lober would take it back to the Policy Board and it would be voted on, then that would be enforced and she would feel comfortable because BOCC would have all had the input on it; she commented she also wanted to mention that she is in full support of Chair Lober; and she thinks the Board are at the part where it really needs to look at the campgrounds too. She advised she is concerned that Miami-Dade is going to start to migrate up this way a little bit because they are going to get strapped on health care and they are going to come up here to try to find health care; and she has that concern right now.

Chair Lober responded that as a heads-up with respect to that, he would agree to phrase any motion that is restrictive in any fashion, to be a recommendation or suggestion, to the Policy Group; there are a variety of reasons he thinks that would be a great idea for the Board to do that, not the least of which, is the greater degree of limitation of liability by having them do it; when he saw the Emergency Order come out yesterday, he thought it was a significant enough change to justify convening the Policy Group; so that he did not give them 30 minutes notice, which he felt was unfair; he asked staff to set up the Policy Group to convene today at 4:30 p.m. so he gave them over 24 hour notice to get that done; his intention is, regardless of what is proposed to them, that they are together at 4:30 p.m.; and in terms of the recommendations, he thinks she will have an answer by the end of the day.

Commission Tobia stated he thinks that Chair Lober will be bringing some interesting proposals and that they need to be handled individually; he thinks they should be looked at through the lens of a public and private entity; he thinks Chair Lober is going to see more reluctance to delve into shutting down private businesses; he thinks, when the BOCC has chosen winners and losers and, to be clear, no one seated here right now was part of that, but when it decided it wanted to select certain individuals to get prayers, but not others, it ended up more than a half a million dollars in the hole and he does not want to arbitrarily shut down a business and give them a cause of action as the Board moves forward; he thinks Attorney Bentley has laid out some reasons where there may not be a nexus to provide cover for that; and he certainly does not want to put staff to the extent legally possible. He stated he thinks then the Board is ceding its authority on to rule-making that is not the Board; it would be putting that on staff and, unfortunately, may still have liability; he is willing to look at the public aspects of this and willing to abide by and enforce to the greatest extent possible the orders that come down from Tallahassee, but to go further than that, would leave the County out to dry and businesses are more than welcome to shut down if they deem that is in the best interest of their business model, and their employees; and for the Board to shut businesses down, where leaving it potential liability, he does not think is the wisest decision to make; and some of the things Chair Lober mentioned were public, some private, and he looks forward to discussing them as they move forward.

Commissioner Smith commented he wanted to thank his fellow Commissioners and Chair Lober for their hard work because he knows how many phone calls, texts, and emails they have been going through and staff has been working like crazy to sort them all out; he wanted to let them know he is with them and he is very grateful that he is one of them. He stated, as far as congregating on sandbars and spoil islands, that is the FWC, Florida Wildlife

Commission, deal and they are already pushing people away from them; he does not think it is something the Board needs to be concerned with; FWC told him that unless people are far enough away from the beach that the only thing they could do is tread water, otherwise they are not allowed on the spoil island or on the sandbar.

Chair Lober asked if he had anything further.

Commissioner Smith replied no, he was interested in hearing what everybody said; he had a long discussion with Steve Johnson, from Health First and was not sure if the Board members had a chance to do that; it is a very sobering situation that the health care community is in and they are greatly concerned, as all the health communities are all around the country; he heard on TV and read in the newspapers that they really fear that everybody gets sick at the same time because it will overwhelm the system and health care workers will be in a position of having to choose who they are going to treat and who they are not going to treat; and spreading this out as long as possible and flattening this curve would benefit everyone, loved ones, and the community. He mentioned along those same lines, he thinks that is what the Governor is trying to do and they are trying to do; he is sifting through different ideas to keep people from congregating and being infected from anybody, whether they be from New York, New Jersey, or from Orange County, or Satellite Beach versus Melbourne; and the concern is on everybody's mind.

Commissioner Isnardi stated she would have to agree with probably a little bit of what everybody said and thinks that the Board's job is to try to comply with the Governor's intent, as he essentially says in his Order, all non-essential business; they are listed out pretty extensively so making sure the Board is not putting any more restrictions than necessary, but following that order as close to its intent as possible; she also talked to Steve Johnson, Health First, though Commissioner Smith talked about other areas with similar populations and similar health systems, experiencing a lot of very sick patients on ventilators and the shocking news of what the ratio is to those amounts of people and how many hospital beds they are requiring, she feels confident they will be able to manage it if it hits Brevard County hard, which gives her a little comfort; she thinks the Board needs to do everything it can to make sure people are protected as long as the Orders are followed; and she is on board completely.

Chair Lober stated he will go ahead with some of the folks that were invited to speak, in no particular order.

Wayne Ivey, Brevard County Sheriff, stated he knew a couple of the Board members had asked him to come in and talk about the volume of traffic being seen on the beaches; based on his team's communication, the volume of traffic on the beaches is significantly decreased; they are continuing to monitor that and they are seeing that most people are adhering to the education awareness component they have put in practicing social distancing; not to say that everybody is, but they are doing their part to get out that information; this past weekend on the beach, between the pier and north to the Jetty, there were about 1,100 people, which is considerably down from what they would normally see during that time; and the boat ramps are still open and they are partnering with Florida Wildlife Commission (FWC) and others. He noted he thinks most people are coming in their vehicles, launching their boats, going offshore, or going out in the waterways; most of what they have seen is everybody practicing social distancing; the only exception is on some of the sandbars on some of the islands where they have had people congregating; citizens have done a great job making them aware of that if they had not already observed it themselves, and they are going out trying to address it. He mentioned that State Road 528 was pretty crowded with folks gaining access to the water ways; they are asking the residents to practice social distancing and to be mindful of what is

trying to be accomplished; and so far the response from the Brevard County residents has been exactly in line with what he expected from them, always partnering with them.

Commissioner Pritchett mentioned that she had called Sheriff Ivey earlier, and she asked him to respond as to what his thoughts were if set forth in the order through the Policy Group, that Brevard would close to all leisure visitors; and she asked how that would be enforced as compared to closing the beaches.

Sheriff Ivey replied if there is a legal premise to do that, his responsibility is to the citizens of Brevard County and he would be good with that; from an enforcement perspective, it would require the same amount of resources and strategy as completely closing the beaches to anybody; his teams are on the beaches already, but if that is what the Commission decides, he would support that; he thinks it is a great model that protects the rights and freedoms of the citizens in Brevard County which they are responsible for; and it sends a great message to everybody else to take notice of what they are trying to do, what the measures are being put in place for.

Chair Lober had another question about something he had just heard about from one of the City Managers in his District; it sounds like the cities are independently communicating with one another, exclusively the beachside communities; he read a proposal from one of the City Managers to another and he wanted the Sheriff's thoughts on doing it here to encourage people to maintain social distancing; he continued to read "beaches are closed to all activities except walking, jogging, biking, fishing, surfing, and swimming; activities such as sitting in chairs, organized sports, or laying on blankets, and grouping of persons is not permitted; social distancing shall apply; when your activity is complete, you will be required to leave the beach area; this follows State of Florida Executive Order 20-91 Safer at Home; specifically beach access parking and the parking garage will remain closed; failure to comply with the Order may result in further restrictions being applied". He asked what Sheriff Ivey thought about keeping it open to recreational activities but trying to discourage people from hanging out.

Sheriff Ivey responded that everyone knows how he stands on this issue from the very beginning, but was also made privy to that earlier as well, and he thinks if the County is going to have its beaches open, it will be problematic to monitor whether people are continually moving; people go to the beach to relax and soak up the sun; the cities are the boots on the ground right now in their communities and they are trying to come up with a good balance for this; and he personally does not think this is the direction to go but sees where they are going with it. He stated doing that is not going to limit the volume of traffic that is going to the beaches; the best tool so far has been closing the beach parks and beach parking; and that has set the stage for the decreased volume.

Chair Lober stated that may or may not be the way the Commission wants to go; he was throwing some ideas out, but with respect to that, if that is something the Commission recommends or suggests to the Policy Group to implement, he inquired if that would be something the Sheriff could enforce.

Sheriff Ivey replied they would enforce to the extent that they could as to what was put in motion; it would be taxing on resources; his concern is whether they have legal grounds to say that someone cannot sit on the beach; and he does not know if there is.

Commissioner Tobia stated that he thinks the Board will be asked to address the issue whether to close the beaches down; he knows this mixes the legal aspect of things, which they have a responsibility to the citizens of Brevard County; there may be some constitutional issues in there and the Board would have Attorney Bentley deal with that; and he asked if it were to close it down from 11:00 a.m. to 4:00 p.m., would there be a measurable difference in the volume

and would it have an impact to the safety of the residents and people that work directly for him.

Sheriff Ivey stated the model that is in place is doing the job; it has significantly changed; the volume of traffic is significantly down, which was the ultimate goal; when talking about closing it down from 11 a.m. to 4:00 p.m., if someone goes to the beach at 8:30 a.m. and then at 11:00 a.m., someone from the Sheriff or local Police Department partners has to tell them to leave the beach; they are only able to limit that to the public access to the beach, not the private access to the beach; and he thinks that becomes more problematic trying to enforce. Commissioner Isnardi referred to the precautions taken shutting down access and not promoting the beaches as it had done in the past; and she asked if he thought the Board has have solved 95 or 98 percent of the problem.

Sheriff Ivey replied that he thinks the Board has solved a huge percentage of the problem and they are seeing that in the numbers; some of his City partners have seen their numbers decrease and there will be an ebb and flow and on the weekend there will be an obvious increase; he stated, right now, almost every day is a weekend; and they have seen a significant decrease in the volume of traffic at the beaches.

Chair Lober stated to clarify the decrease in the traffic, did he mean after the Policy Group's decision to close all the beachside parks and parking.

Sheriff Ivey replied yes; the Governor had reached out to and asked him to come up with a model and that model of closing the parking and parks made a huge dent in what the County is trying to do.

Commissioner Wayne Justice, Vice Chairman Canaveral Port Authority, stated he appreciated the opportunity to talk about the Port and update what is going on; most importantly, they are staying ready; there are 13,000 regional and direct employees that their livelihoods are tied there; they have shut a lot of things down and are focused as they apply the CDC requirements across the board and across all the business lines; and they are focused on staying ready to be able to turn back on to have the teams of people and the capabilities required to get the cruise passenger world going again. He stated that overlays everything they are doing; there is only one restaurant, Grill's, still open for take-out, however, the seafood places, Wild Ocean and Seafood Atlantic are considered domestic food suppliers, so they are open; the cruise world is completely shut down; there are eight or nine ships that are rotating at the pier; they go out to get rid of the gray water offshore and pick up supplies at the Port; the remaining crews stay on the ship; and there has been none reported on any of the ships coming out of Port Canaveral. He went on to say, in anticipation of a question about the ship down in Fort Lauderdale, he stated it was just announced that it is going to be coming into port at Fort Lauderdale and those passengers are going to be taken care of in a protocol that has been worked on between the County, Federal, and State people; it should be noted that the two trillion dollar stimulus package does include Port money, not cruise ship money, and there will be opportunities again to keep the capabilities sound since they have some resources coming from the Federal Government; Cargo ships are open and business is occurring just about as normal; however, Wood Pulp demand is way up, that is used to make toilet paper, just to give a feel for what is in demand and coming through the Port. He continued to say the I-4 project is still going on, so aggregates are coming in; fuel consumption is down since people are not flying as much, so the gasoline side is down; the message is truly business as normal; if there is something that needs to be done at the Port, they are ready to do it; he spoke about Capital projects stating that they are about a month away from finishing a \$160 million terminal that is employing hundreds of people and they have very purposefully kept going with that project and will have the project done; the people who have been working on it are still working on it; and the

terminal will not be needed as soon as it was going to be, but it is a conscious decision. He added they are trying to stay focused on facilitating the businesses that they can and this is a good example of that; some other projects have been put on the back burner; there is a \$50 million project with Disney that has been funded and they want to move forward with it because it is people's jobs and livelihoods and they are looking forward to that; and they have about 250 people working, 100 of them at home. He commented they have looked into furloughs but no decision has been made; sometimes it is better to furlough so they can get their unemployment benefits; they are staying ready and committed to the County and this region; and they appreciate all the Board is doing and the partnership with the Sheriff as well for keeping our citizens safe.

Chair Lober thanked Mr. Justice for being accessible for questions he has had regarding Policy Group and Commission issues, and for accepting the invitation to come out to give an update, it is great to have good partners to work with.

Commissioner Justice also mentioned that the boat ramps are open and people are going offshore fishing; more importantly, they are small businesses, small boats with four or five people; this is a livelihood for a lot of people; and they are trying to stay on that as they are able to.

Chair Lober welcomed Maria Stahl, Administrator of the Florida Department of Health in Brevard, and thanked her for coming as he had not given her as much notice as he ordinarily would have; he stated he saw the numbers increased from yesterday morning to yesterday evening; and he thought she should be there.

Maria Stahl stated she was already planning on being there because Commissioner Pritchett asked her to attend; the numbers did increase; on Tuesday she had reported there were 32 cases and, as of this morning, there are 48 cases; an increase of 16 cases in two days; out of the 48 cases, 43 are Brevard residents, five of them are not; 18 of the 48 cases are basically community spread, not associated to travelers or a case; and she advised 15 are in the hospital, and six are currently on ventilators, amongst all of the hospitals.

Chair Lober asked what the old numbers were prior to the jump, he knows they do 11:00 a.m. and 6:00 p.m. updates.

Ms. Stahl replied that the numbers were from the 11:00 a.m. update, she was able to gather the information prior to coming to the meeting.

Chair Lober asked if the numbers on ventilators doubled.

Ms. Stahl replied she thinks on Tuesday there were three on ventilators but she would have to check her notes; she thinks there were only five or six in the hospital and 32 cases on Tuesday; she has been in contact with the hospitals continuously, definitely every day, and hospital calls twice a week; as of right now, the Health First systems are definitely busier than the rest; right now they are all ok; and they all have their surge plans in place. She stated the Health Department, along with Kimberly Prossor, Emergency Management, and staff have been working with all of the hospital systems and surge plans; the surge plans basically entail using all their own available space which would be their outpatient surgical centers or other wings; Health First has converted many of their spaces to negative pressure rooms; the next step would be other hospitals in the County; therefore, if Health First could not take any more and Stewart could, they would work with each other in the County. She continued by saying they looked at the ambulatory surgery centers to see their capacity, since they are not really doing

surgeries now; most of them could not really take the volume, and may not be worthwhile, however, their equipment and staff may be useful; if things got really bad, they are looking at facilities in the County to utilize; Emergency Management is investigating that a little bit more; and there would be places such as Melbourne Auditorium and Searstown Mall. She went on to say as far as long-term care facilities, staff is contacting them at least every other day to make sure everything is ok and they are following infection control practices; she mentioned on Tuesday that the State was sending EMS teams and they were not going to be notified when they were getting here, when they were going in, but she would get a report of any issues found; to date, she has not gotten any reports of any issues; and she stated those were the big things that she had to report.

Commissioner Pritchett thanked Ms. Stahl for always taking the Board's calls; she stated that she expected to see a jump because the County seems to be following the model right now and the hope is that the model nationwide will start changing now also; she wanted to reiterate for everybody listening, the testing has been stepped-up and they are doing another level of testing; and there was level one, level two, and now a level three.

Ms. Stahl replied the level three is with the doctor's notes, community need, and the hospital surge, the guidance changed over the weekend.

Commissioner Pritchett stated they may see a little more numbers because of the more widespread testing.

Ms. Stahl mentioned the testing kits; both she and Ms. Prossor had heard they would be getting more kits; they called two nights ago and were told they were being delivered; she does not know the quantity; and they have not arrived yet.

Commissioner Pritchett stated she had one more question because she hears this from a lot of people and has heard it on the Federal level; she asked how they are on getting some items that might possibly help aid in the treatment of this; she mentioned Anthramycin and Hydroxychloroquine; and she inquired if Brevard would be getting some of those supplies in the area in case it helps a little.

Ms. Stahl replied she has not heard, but she did hear the Governor stated that it could be used for emergency treatment; she knows it is being used down in South County; and she will ask that on the next call with the hospitals.

Commissioner Pritchett asked if Ms. Stahl could start requesting some of that, just to have the supply.

Chair Lober asked if they are still combining that as a potential treatment along with the Z-pack or are they just doing it on its own.

Ms. Stahl replied it is the combination of the two.

Commissioner Isnardi stated she would like to ask a question because they are getting a lot of phone calls about people being tested that are asymptomatic; she asked what is the plan for that; she mentioned she understands the need for tests for people who actually have symptoms but she has had a lot of people asking why they are not testing everybody; and she said she could answer the question but preferred Ms. Stahl do it.

Ms. Stahl stated that right now they are following the Center for Disease Control (CDC) and Department of Health guidelines which is testing the symptomatic individuals; based on the

number of test kits they have, it may change tomorrow; they are following the guidance given; she mentioned that Omni Health was going to be starting their own collection drive-thru clinic and they would be doing asymptomatic also; and she understands that there can be transmission through asymptomatic but, right now, they are sticking to the priority at this point.

Chair Lober asked, with respect to the drive thru testing, without opining as to whether it would be better or worse, is the testing the same variety and type of testing that Omni is providing that Florida Department of Health (FDOH) is providing.

Ms. Stahl replied that the FDOH testing is either going to the State lab, Lab Corp, or Quest and they do a Polymerase Chain Reaction (PCR) test; it depends on the priority level of the client as to which lab it goes to and theirs goes to all three; the Omni testing, to her understanding, will go to a lab that the Physician uses; and it is a different kind of test.

Chair Lober asked if it is a PCR test.

Ms. Stahl stated she does not think so but she cannot speak to that as she does not have the details on what they are actually using.

Commissioner Isnardi responded to please ask, since there is even a newspaper story on it; and stated that she appreciated the information she offered yesterday talking, since the Board is being criticized for not doing enough tests her in the County, both from DOH and from the Government; she suggested maybe she could reiterate the numbers she talked about yesterday; about the private labs not reporting to the State; and that the number of people tested is actually far larger than what is being reported by DOH.

Ms. Stahl agreed that is absolutely true and the positives are all reported to DOH; the private labs and negatives are not reported to DOH; what is on the dashboard is the State lab numbers, positive and negatives; everything done through Lab Corp and Quest, she does not have those numbers; the estimation based on everything else that is seen is two to three thousand at least that they have done; they have heard how many the Stewart Physicians are doing on a daily basis, and that seems reasonable; and Statewide, for all the testing on any given day is between about eight and thirteen percent positivity rate from the labs that are done.

Chair Lober asked if Brevard is above or below the State average.

Ms. Stahl replied probably a little below, looking at the individual State lab results on any given day; and she thought it was eight percent yesterday with the State lab.

Commissioner Tobia stated that Ms. Stahl mentioned that there was person to person spread; some of the actions taken are dependent on person to person spread that comes from one of the five outside of Brevard County to one of the ones in County; and he asked if there was any indication that there was any person to person spread from someone outside of the County to someone in the County.

Ms. Stahl replied that it is both; the case was not associated with a case or travel; and she inquired if that is what he was asking.

Commissioner Tobia said no; and he asked Attorney Bentley if she knew where he was trying to go with the question.

Eden Bentley, County Attorney, stated one of the concerns is whether or not there is an ability to differentiate between residents and non-residents and if there is a scientific basis to say non-residents should not be on the beaches; they are looking for scientific evidence one way or the other; and it has to be something that can be substantiated.

Ms. Stahl replied there is a report that comes out the same time as the dashboard is updated and that report lists where the person lives; it lists if they have been in contact to a case; it lists if they have traveled; that is where she gets the number of cases that have traveled; and she cannot say if they are traveling just from New York because they are getting travel from South Florida also.

Commissioner Tobia stated, to put it bluntly, do we have person to person transmittal from which we have someone from outside of Brevard County that came to Brevard County and transmitted the virus to someone currently in Brevard County; and that is the Nexus he is trying to get to.

Ms. Stahl replied she understood what he was saying but for contact to a case, they may not have that detail on a report to say the contact to a case is a contact to a case that traveled from somewhere else to here.

Commissioner Tobia stated that, in other words, she was telling him they do not have scientific evidence because this is a big Nexus; and he commented it is a yes or no answer and he is not trying to put her on the spot.

Ms. Stahl stated she understood and thinks they only have contact to a case and if they have traveled and does not think she has that information unless they delved a bit; and they might not even have that at this point for the past cases.

Chair Lober asked if it was accurate to say that she is the highest-ranked official with DOH in Brevard, and she is a nurse practitioner.

Ms. Stahl replied yes, and no; she is a Registered Nurse (RN); she has a Doctorate in Nursing Practice (DNP) but it is a DNP in leadership; and she works coinciding with the Medical Director.

Chair Lober asked how long she had been a nurse.

Ms. Stahl stated since 1979.

Chair Lober asked, with respect to DOH, how long she had been with FDOH, roughly.

Ms. Stahl stated she had been with DOH since 1995 and prior to that she was with the DOH in Buffalo, NY.

Chair Lober asked if she worked in Community Health in that capacity, Infectious Diseases, Immunology.

Ms. Stahl replied yes to all.

Chair Lober stated that it is fair to say that she has a higher-than-average level of expertise, experience, and training with respect to what they are dealing with; and obviously, not the Corona Virus by virtue of the operative word being novel, but with respect to viruses of this

variety.

Ms. Stahl replied yes; she added to that, they are one of 67 counties with DOH; they have their top-notch experts in Tallahassee, which they have daily calls with; the Surgeon General, Dr. Scott Rivkees, and Epidemiology Director, Dr. Carina Blackmore; and she advised the DOH is not a sole entity in Brevard County, they are a piece of the whole.

Chair Lober stated he understood; and he asked, based on her vast experience, her training, her doctorate, and her education, if she believed that there is a higher risk or that there is a risk continuing to allow tourists to make use of Brevard County, whether it is the beaches or the boat ramps that puts the public in danger.

Ms. Stahl stated that she would answer, especially with the Governor's Executive Order yesterday, everybody is supposed to be staying home and self-isolating; if Brevard has visitors coming here from another County or another state, it does not matter, then they are not staying home; the more people that are in contact with one another, going to Publix, going to Walmart, going to CVS, besides going to the beaches, or whatever it be; really, everybody needs to stay home.

Chair Lober stated he is thinking specifically, and he does not care what the names of the states are, but the Tri-State area, there are areas that, essentially epicenters, where there are tremendous numbers of cases and disproportionately folks are coming down as tourists from the higher population states, which also happen to be the states that, more or less, have a correlation with having a higher incidence of Corona Virus; and his concern is whether or not it would be appropriate from a scientific or a medical basis to look at restricting their ability to come into the County until the situation comes down some.

Ms. Stahl stated that was his decision, not hers, but said that any recommendation to decrease people coming into the County that are not Brevard residents, absolutely; it is not just the Tri-State area, it is South Florida too; Broward and Miami-Dade have tons of cases; and Miami has over 2,000 cases right now.

Chair Lober asked if she thinks they would increase, or stand to increase, public health and safety by doing what the Board can to eliminate or severely restrict tourism; basically to curtail folks moving from outside of the County, whether it is from South Florida, New York, or Montana; and he asked if she thought that would potentially put Brevard in a better position.

Ms. Stahl replied yes.

Commissioner Pritchett stated if the Board did the perfect Risk Assessment, everybody has to stay in their house, nobody gets to leave their house, if they are out of toilet paper, they would be out of luck; that is the perfect thing, to have protect everybody; this has to be weighed; if the Board is able to stop people from coming here and staying overnight, lodging, she thinks that is a good thing; nobody is going to come here on vacation to go shopping at Walmart; she hears this all day long but Brevard does not have people from other areas just to go into the grocery stores and stuff; and she keeps hearing this. She stated the goal is to try to maintain the ability to minister to the citizens; she mentioned she thinks Ms. Stahl is very smart, and brings a lot of good information; the Board wants to give the best care we can to the residents without making their life absolute hell; she thinks that is what the Board is trying to weigh right now; and she thanked Ms. Stahl for her comments.

John Dittmore, Deputy Mayor West Melbourne, stated that they had pretty much covered

everything he was going to talk about for the most part, so this would be really quick; he wanted to talk a little bit about the Policy Group because his City Manager sits on the Policy Group; he thinks it adds a lot of value during this crisis and he hopes they will continue to use the Policy Group in its decisions and continue using the subject matter experts involved, such as Ms. Stahl and maybe others from Health First or whatever needed to add to the Policy Group to add more value to it; he thanked Commissioner Lober for taking the lead on that because it is hard to do that when doing something separate from the Group and having to bring it back; sometimes they do not always make people happy but they need to make those snap decisions sometimes; and he really thinks it is value added and would like to see that continue. He went on to say he wanted to talk about social transmission; there was an issue a couple weeks ago in West Melbourne; they have a Sam's Club, two Publix, a Target, and a Gordon Food Service, and they had some issues in the mornings when these stores were opening up, when the panic buying was going on and they may see a little bit more going on as it goes forward; they thought it would be prudent for them to try to coordinate some of those openings so they did not have people at the choke points going inside all together at the same time; he reached out to all of the managers at those locations, went out to visit each one of them, learned a few things, and now have it set up in hopes to bring back some modeling to the Policy Group to do Countywide; and they have a police officer show up when they are opening up; they have their carts lined up single file, giving themselves social distancing; that is important so that they are not on top of each other trying to get inside that door; Sam's club went a step farther, bringing them in only so many at a time, about 10, and they are not all rushing through at the same time and it is a very slow, orderly process they are doing; Sam's club seems to be ahead of the game at this point and they were doing some modeling out in Arkansas at their headquarters; and they have a process similar to other stores but they took it a step further; and instead of calling and ordering ahead, you can actually go to the store, see someone outside that will take your order while you wait in your vehicle, do your shopping, and bring it out to your vehicle and send you down the road. He stated that is a very good model, that may not work for everyone, but it may reduce the actual traffic inside the stores; they have heard a lot of stories coming back about what is taking place inside of these places right now; and he is going to continue to work on that and maybe bring something back to the Policy Group.

Representative Fine stated he comes on behalf of all of Brevard County members of the Legislature, there are six of them; he just spoke to the Delegation Chair, Rene Plasencia, and he wanted to echo everything he is saying today; he is here with an offer, not only for them, but for all of the constituents, with a role that he can play in the Legislature as a liaison between the local level and the State level; there are 67 Counties and a lot of people making a lot of demands; if they need help, they can call him and all of them have his cell number; and he knows that is the case for the other five members of the Delegation as well as to the constituents who are having a lot of challenges. He mentioned for example the Unemployment System is very difficult to navigate as it was never designed for this many people to try to access it; they can call their offices, he has given his phone number before, to call his office or email any of them if someone needs help; beyond that, he has come to ask, on behalf of his constituents, for the Board to adopt the sort of things it is talking about; and he has come up with a name for it, Brevard Safer at Home but Visitors We Will See You Real Soon. He noted he had a few points to make, things that he thinks about when he is home and with his kids; we are in unprecedented times, something that has not ever had to be dealt with, and part of what makes it unprecedented is that everyone is fighting an enemy; the President likes to talk about it being an invisible enemy; that can be said on multiple levels; it is not only invisible because people cannot see it; and there is probably one of us in this room that has it right now and we just does not know it because the symptoms do not present themselves for days or weeks after having it, it is a lagging thing. He stated the situation right now is actually worse than belief

because there are people that have it that no one knows about; this is the greatest crisis that this Country has faced since at least World War II; some are responding that way, thinking we are in a war and some are not, but that is where the County is at; some statistics that are relevant and very sobering about the numbers of people who probably will die; and the President has talked about 100,000 to 200,000 people, best case 2.2 million in the worst case. He mentioned those are big numbers so he has calculated that for Brevard County; the best case under the President's estimate of 100,000, that is if everybody does all the social distancing; this means 200 people in Brevard County will die; none have died yet, but the math would be 200 people; at 200,000 people, it is actually 400 people dying; and that if 400 people in Brevard County die of Corona Virus, everybody is going to know at least one of them. He noted the President also talked about what happens if people do not take this seriously and they do not stay home, and they go and live their lives just like they normally do, that would be 2.2 million people; in Brevard County that would be 4,000 people; those numbers are very sobering and he asks that the Board thinks about them as it thinks about what it is going to do; before he asks for what he would like the Board to do, he mentioned the board talks a lot about laws and enforcement and whether it is enforceable and should it pass a law; he thinks the Board often times puts too much emphasis in what laws mean; if laws actually solved problems, there would be no murders because it is illegal to kill someone; just because a law cannot solve 100% of the problem, does not mean it should not be done, there is value in messaging; and he explained Brevard County is one of two counties on the east coast of Florida that has not closed its beaches, he is not saying they should, actually hopes they do not close the beaches 24 hours a day, however, when they do not close the beaches at all, they are implicitly saying it is fine to come. He went on to say it is why the Governor initially, when he put in place these issues relating to folks flying in from Covid-19 hot spots, stated people would be tested when they get off the airplane and they must self-quarantine; then someone said they have not mentioned people driving in; sort of implicitly saying they have to self-quarantine if they fly in but not saying anything about people driving in; sort of saying that it is ok to drive in; and part of what is being done is sending a message, communicating to people what is important. He stated even if not everyone complies with whatever orders are put out there, the message sent is of what is the responsible thing to do and what is not the responsible thing to do; the Governor has laid out a minimum standard, it can be exceeded; the Governor has put things in two categories, essential services and essential activities; essential services are very well laid out, with an 11 page document plus more pages from Dade County which defines what an essential service is; and he stated the Board is probably covered on the essential service side. He continued by saying the essential activities side was quite general with things like hiking, walking, and swimming; the other thing to know is that enforcing the Governor's Executive Order is a shared responsibility; Fish and Wildlife Commission is responsible for enforcing the boating guidelines but it is also the local law enforcement responsibility; it is a partnership, not the State does this and the local government does that; therefore, the Governor's Executive Order is supposed to be enforced locally as well. He mentioned that Commissioner Tobia asked about some data that says out-of-state folks are causing problems and he stated he had that data; Brevard County has 0.6 percent of Covid-19 cases in the State, about one out of every 200 cases in the State for residents, and 1.7 percent of the non-resident cases; our rate in Brevard County of non-resident cases is three times that of residents; this only speaks for out-of-state residents, not for out-of-county residents; and probably one of the reason why is because people know that they can come here and go to the beach. He noted the State is effectively open for business; from Jacksonville to Miami, there are two counties that have the beaches still open, Volusia and Brevard; what Representative Fine suggested is closing the beaches to non-residents, if not that then close them for a few hours every day; people can go for walks before 11:00 a.m. or after 4:00 p.m.; and Brevard does not want to be the place people come when people are supposed to be staying home. He advised he would also close the boat ramps; there is no reason for leisure travelers to be in

Brevard County right now; Monroe County closed their hotels two weeks ago, and also have a check point turning people around if they are not from there; he is not saying this should be done, but some counties are doing this and it is perfectly fine; and for people who think their rights are being trampled, their liberties stop when it effects someone else. He explained people can own a gun, but cannot shoot someone with it; when talking about the Second Amendment, it is not the gun that kills people, it is the person who kills people; that is true and unfortunately, right now, it is the people killing people; the people are the weapons if carrying the virus; and this must be kept in mind when telling people they cannot come to the beaches for a few hours. He continued by saying this is not a Gestapo State and no one is talking about policing the streets, locking people in their houses, or arresting people; there are many people who have died for people's freedoms and the notion that closing the beach for a few hours somehow makes void what they have done, he thinks it defiles their memories; he is personally disgusted by this bumper sticker version of freedom that he is seeing out there; the good news is this is a uniquely American challenge; and the government cannot solve the problem. He stated conservatives should like this; only the people can solve the problem by staying home; the Board has to solve the problem, government cannot do it for the Board; lastly, he said he ran for office because of his boys, who he is now with a lot; and when our people's time in elected office is over after the eight years, this will be the moment remembered, not the other votes and things. He informed his sons this will be a moment in life in the history books; this is what people will remember; what is done now determines how they are remembered; the choice is whether they want to be a 200, 400, or 4,000 death case total; he stated he is happy to answer any questions and his phone is on, his door is open, whatever he can do to help with the connections he has; people are scared, they should be scare but this is America and people will get through this; and hopefully with as few people dying as possible.

Commissioner Pritchett stated based on all the information heard, she would like to make a motion to send to the Policy Board that they would make a motion entitled Brevard Safer at Home Visitors See You Real Soon and they go with Monroe County's Order closing to all tourists and leisure visitors, effective immediately, no lodging establishments shall accept reservations until further notice including extensions to current reservations; the Board will change the dates and include RV parks, timeshares, and campgrounds; and she would like that motion sent forth to the Policy Board.

Chair Lober agreed with that.

Commissioner Tobia stated the Board needed to spend a little more time with this; he stated to Commissioner Pritchett that he is not married, but gave an example that if his wife beats him, he is a victim of domestic violence; and he asked if in Monroe County would he be able to go to a hotel if that were the case.

Commissioner Pritchett stated she thought so, but they need to write in there, Brevard County residents.

Chair Lober advised that they should be careful with that because he thinks it is contemplated that if a person is there, staying for purposes other than tourism or leisure, it is fine; he stated to be careful when specifically distinguishing between folks that live in the County and out of the County as the likelihood of getting sued and successfully sued increases remarkably when starting to make that differentiation; he thinks the Board is fine because reading what was proposed and what is circulating from Monroe County, it is ordered the Keys are closing to tourists and leisure visitors; that would implicitly serve to end up achieving the same function that Commissioner Tobia is concerned about; he thinks it is good the way Commissioner Pritchett proposed; and he deferred to Attorney Bentley if she had another thought.

Commissioner Pritchett asked to hold on, she was getting confused; Commissioner Tobia brought up a good point of someone that has to move into a hotel for a while that lives here; she does not want to do anything that would harm that.

Commissioner Tobia stated that the first one is like any of the Board's resolutions; they are absolutely meaningless, they are aspirational; the Board could say Brevard County is closed to all tourists and leisure visitors; he has no problem with that; he states there is no force behind it, like saying to wash your hands often, stay at least six feet away from people, practice social distancing protocol; and he has no problem with that. He stated that if the Governor wanted the Board to shut down the beaches, then he would have; if the Governor wanted nail salons closed, he had the power to do that; and according to the Executive Order that he read, the nail salons are not specifically closed.

Commissioner Pritchett stated that was on the individual not to visit those places, which works for her.

Commissioner Tobia continued to say he has no problem with that aspirational bit but if the Board starts to shut down hotels, as this will do, or limit the people that can go to those hotels, that is a private business; his concern is they have not shut down the enterprise funds that the government wants; and he asked how bad it looks when the Board shuts down hotels but not its own campsites.

Commissioner Pritchett stated she wanted to do that.

Commissioner Tobia replied that he wanted to do that too, but it needed to be handled in a logical order; he said this is the first time he saw the Monroe County Order; he would second that if the Board wanted to say Brevard County is closed to all tourists and leisure visitors; and when they Board gets to shutting down some of this stuff; he thinks it needs to look at this individually.

Commissioner Pritchett stated to Chair Lober, working with absolutes, if the County closes to all tourists and leisure visitors, the Board does not have to do anything with hotels because hotels then would not be able to have tourists and leisure visitors;

Chair Lober stated it would be much safer putting it in there; that would eliminate the ambiguity; it may be redundant but safer having it in there; and he is not saying because Monroe County did it, therefore Brevard County should do it as well but there is a good reason it is in there.

Commissioner Pritchett stated it was a good thing they put in to stop tourist inflow; and that is why they did it.

Chair Lober replied Monroe County put in there to include all lodging establishments; the Board could go a step further and define lodging establishments, including but not limited to hotels, motels, campgrounds, and anything that fits, like Air bnb and vacation rentals; he thinks the Board needs to do that to be clear; looking at what was passed out at the beginning of the meeting, short-term rentals, vacation rentals, transient rentals, marinas, RV parks, and timeshares are included; and the Board could have something that is all-encompassing. He noted this particular Order does nothing to stop folks from coming here for any purpose other than tourism or leisure; businesses and private businesses have a right to operate in a capitalistic society in order to make a profit; they are talking about businesses that are prioritizing their bottom line over the health and safety of their own employees; he has had folks reach out that work at private businesses that have to choose between being fired or showing

up to be exposed to folks that are coming in from out of town; and they cannot afford to do that with dependents.

Chairman Pritchett asked if the hotels have to comply with the Governor's Order that they would have to be able to keep the social distancing practice; but, actually people are not to go to these places anymore if they are not able to comply with the Order.

Chair Lober stated rather than hoping people do what they should and adhere to their interpretation of what the Executive Order means, there is nothing that prevents the County from having something which may or may not be redundant; he would rather cover what the Board intended to cover, even in the event that it proves to be redundant; and it gives law enforcement another means and another mechanism of enforcing.

Commissioner Pritchett stated to Sheriff Ivey that she thinks he has had an opportunity to read the Order; she stated her goal was to not have visitors come over and bring extra infection to the community; she thinks the comfort it would give to the community would be a very big benefit, as far as trying to legally establish how to do this effectively with hotels; she stated that she liked what Representative Fine has said about sometimes putting things out there knowing it is not going to be perfectly enforced, but they are wonderful things to throw out there; and she asked Sheriff Ivey if the Board put Brevard County is closing to all tourists and leisure visitors, what that would mean for them as far as attaining that goal.

Sheriff Ivey replied that he would first have their legal team tell them if they could even do that; secondly, he stated if the Board is going to put out something that has no teeth, his deputies would be put in a situation when they would go to somebody and say they are from Orange County and they are not supposed to be here, they could tell the Sheriff to take a hike and there would be nothing they could do about it; and if the Board is going to do something, it needs to have some teeth.

Commissioner Pritchett responded what he is saying that the Board needs to define as far as the hotels, public areas, boat ramps, and beaches where the Sheriff has the ability to enforce and would be able to say to an out-of-county resident that he or she cannot be here because if he or she is a tourist or a leisure visitor, he or she cannot be here.

Sheriff Ivey stated there is a flip side to that; he does not believe it will happen, but if the County starts getting people that are doing that, then they would have to charge them with something; whether it is a notice to appear or it leads to something else, now another series of problems is created, especially with the Courts backed up as they are and everything else; if the Board is going to do that, it needs to give some teeth with it; he understands the premise of being able to say the County is closed for business right now; however, there will be those that will test the water.

Commissioner Pritchett asked Sheriff Ivey what he would like to see happen.

Chair Lober replied up to 60 days in jail and a \$500 fine maximum; and not to say that anyone would get that, but something to wave in front of them if they decide to get belligerent with the deputy.

Sheriff Ivey stated that their job is to enforce the law or whatever the Board puts in place.

Commissioner Pritchett stated that right now nobody has money, no matter where they are; if she lived in the south area and her family was not infected, she would love to come up to this

area and get out of all the mess right now; that is what she is thinking; and not that she does not care about them, but she cares about this County.

Sheriff Ivey stated that if they can legally do what has been suggested from the other model already put in place, his team will work to enforce that as best they can; however, he does not know what teeth comes with that model but they would enforce what they can.

Commissioner Pritchett stated they just solved the beach issue, the boat ramp issue, and this solves the biggest problem in the County; we are not saying any longer that we are welcoming other people into the area; and she asked Attorney Bentley if that was legal.

Attorney Bentley stated under Florida Statute 252, they have additional authority; she stated they are really concerned with the lack of definition, which is an issue the Board will have to address; the first line of defense will be the hotels who are going to be addressing these issues; that will be something that the Sheriff will have to work with on a case by case basis; it will be a challenge to define a tourist; it may be that, as they go through this process, they may find some additional definitions; and the situation is changing hour by hour.

Sheriff Ivey stated another thing that he would add, is if there is something, that when the County is in a declared State of Emergency, gives them the ability to supersede some of this in a legal definition.

Attorney Bentley stated that the Sheriff's problem is really with the clarity of the definition and that is not addressed in the statute.

Chair Lober stated that the Board did not have to hammer all of this out at this instant as long as it figures out what the general consensus is of the Board, it can be figured it out prior to 4:30 p.m. when they have the Policy Group call.

Sheriff Ivey replied that they would be a good partner and his team is going to work as hard as they can to enforce whatever the Commission puts into play; they are in uncharted waters and whatever is asked of him to take on, as long as there is a legal stance to do it, they will take that challenge.

Chair Lober stated he would make sure to give the Sheriff some teeth on it.

Commissioner Tobia stated it was too bad that Peter Cranis, Director of Tourism Development, was not there; what he has read in the local paper is they are looking at occupancy rates at 20 percent; the Board had the Health Director tell it there is no scientific evidence providing the Nexus that a tourist has transmitted the Corona Virus to a resident; and with hotel rates at one-fifth of what they were, and potentially opening them up to liability, he asked if it is worth taking the risk of doing; he noted he thinks Representative Fine had the best idea to task Mr. Cranis with providing information out there that Brevard County is closed, to stay home, and Brevard County is not taking tourist. He went on to say tourists are wanted but now is not the best time; when the Board starts taking actions like this that have little or no effect, he feels bad for the Sheriff; he was not sure if the Sheriff's Office will have a deputy at every hotel to screen every individual; but think about a deputy that sees someone at a hotel, and they fib, or there is a grey area; and he just brought up one grey area and there are probably 500 other ones. He noted that puts the deputy and the Sheriff in a terrible position; that provides so many issues and the County is dealing with occupancy rates at one-fifth, and hotels that have shut down too, so it may be less than that; he is extremely concerned with the liability that the Board could be opened up to; remember the prayer when the Board arbitrarily chose one religion over another, the County ended up with a \$500,000 settlement, thankfully insurance picked up a great deal of

that; that was none of these Board members, but there are repercussions to actions that they could take and no proof of what they are trying to stop from happening, from actually happening. He just wanted that to be kept in mind as the Board moves forward.

Chair Lober stated as far as the contention that because the Board does not have that specific data from FDOH that there is no scientific Nexus, he would say that is not correct for two reasons that have been heard; first, the Board heard in Ms. Stahl's decades of experience, working in infectious diseases, immunology, and community health, that it would be in the public's best health and safety interest not to have tourists come in; also heard was that scientific Nexus in the form of the numbers from Representative Fine showing that the County has roughly a three-fold difference in non-Florida resident cases versus Florida resident cases in Brevard; it is probably worse than that if someone factors in which counties he or she is coming from; and he disagrees with the conclusion that there is no scientific Nexus, whether one is required or not at this point. He mentioned the other question he had was if the Board really wanted to have tourists here now; he stated he does not want them here in the least; they can come when the County is in a better position; it is reckless and irresponsible to do things to drive tourism up when there is an epidemic that will be in history books; as far as a liability, he is not concerned someone is going to sue them; he does not have that concern, given the fact there is a Federal, State, and Local State of Emergency; the Board has to have the spine to protect its residents and citizens; and to potentially incur some anomalous liability that cannot be defined, not a moderate chance of assuming, or that even that the County would lose some cause of action, is not a reason to say the Board will let the constituents get infected because it is too spineless to assume some theoretical liability that cannot even be defined well. He stated as far as having Mr. Cranis use the TDT to send a message out that the County is closed for business, he is not sure it is lawful to use the TDT to oppose and discourage tourism, he would have to pull the statute but he does not know if that would be lawful. He commented he thinks he received an email from Mr. Cranis that had indicated that if they did something along these lines, it would not have a tremendous impact on the bottom-line of the hotels because they are already hurting for occupancy because people generally do not want to travel, unless they are trying to get out of areas that have heavy restrictions so that they can enjoy Brevard's freedom; this has the tangential effect of getting Brevard's people infected; with respect to who is going to police and how they are going to have deputies or law enforcement show up at hotels, he fell back on his prior suggestion that the County have folks produce either a note from their employer stating they are traveling for work purposes, or alternatively a note from a physician saying they are there for medical purposes; he stated that is good; and in terms of whether to trust the hotels to weed them out, he thinks they should unless they want an enforcement nightmare. He continued by saying, as to the analogy of them losing a prayer lawsuit, he would not have supported the position the County held; he opposed appealing it again because of the waste of taxpayer funds and aggravation it will cause for the County to get nothing; comparing that to the Board's responses to an epidemic, something that was found patently unconstitutional compared to actions which no lawyer or judge in their right mind would ever say are unconstitutional, is a false equivalency; it is like saying that because of the second amendment, someone could build a dirty bomb and an anthrax lab at their house; that is not what that means; and there is no tie-in to what the Board is proposing and any facet of something that could reasonably be construed as unconstitutional. He mentioned he understands where Commissioner Tobia is coming from but he wants to go back to the fact that the County does not want tourists now; it has measures that can be taken to keep people safe and this is the time to take them; he is willing to assume the risk and does not know who else is; and he does not think there is a horribly great risk and he certainly has not heard one articulated.

Commissioner Pritchett stated she understands Commissioner Tobia's hesitation; she asked

Representative Fine if they added to the end of the third paragraph on the Order and added those who are working in Brevard County; she stated that he is probably the one there that is most familiar with things going on in the State; and she asked if he had any data as far as how long the Order had been in effect or if there had been any problems.

Representative Fine stated Monroe County locked down two weeks ago on Sunday; they have had two weeks of experience doing this and he has not heard any of the hypotheticals that are at stake here; the Governor uses his Executive Authority to say what essential services are; they could use that same argument for any of it; he wanted to be clear that when he was talking about Brevard Stay at Home Visitors See You Real Soon, he did not think anyone was hoping the Sheriff would pull people over and ask for identification. He noted he would not support that; he thinks there are three discrete, simple things that can be done; one, close the hotels to leisure visitors; he thinks that hotels will do that if asked to; the Governor ordered restaurants to shut down and they should ask the Sheriff how many restaurants he had to forcibly shut down; he does not think any, and they had to close altogether; he thinks people generally are doing the right thing; he suspects if the Board told the hotels they could not take leisure visitors, they would comply; he does not think it will have to send Sheriff's deputies in; the beaches and the boat ramps are discrete things; in Monroe County they set up a check point but it was easy with only one way in and one way out; and Brevard County does not have that. He went on to say the equivalent for Brevard County would be the five or six causeways, which he is not suggesting; he thinks that it should be limited to the areas where people have concerns, such as the beaches, boat ramps, the hotels, and the campgrounds; he has had calls from constituents about the Long Point campground; people were concerned about them showing up and going into stores and they do not have supplies; and he thinks showing that the Board is taking action will be reassuring to the constituents and it will reduce spread if people stay home, whether it be staying at home or Brevard County stays in Brevard County, less people moving around. He continued by saying a study came out that he posted on his Facebook account this morning; last week Brevard County was the ninth most mobile County in the country; there are 3,007 counties in the United States; last week in Seattle, the average person moved 81 feet from their home; they were the first hotspot; according to the President, they took it seriously, shut it down, and they have not become New York; in Brevard County, the average person moved 2.4 miles; he does not want to have a policed State but the more people who stay home and the less people coming here from outside, the closer Brevard will be to 200 cases; this is still an incomprehensible number but rather 200 than 4,000; and he thinks all of these things will make a difference.

Commissioner Pritchett stated to Chair Lober that she still likes her motion but she wants to add to that or those who are working in Brevard County.

Chair Lober stated he would work on the verbiage, if she can trust him on that.

Commissioner Pritchett replied yes, and she wanted to add that part too.

Chair Lober stated a better way to phrase it would be, under ordered, the first portion where it says the Florida Keys, closing to all tourists and leisure visitors; the Board may want to say excluding those who are working in Brevard County; he needs to see specifically where it fits but will include language addressing folks that are here for employment purposes; with respect to that, the second stands; and he is happy to have any further discussion the Board would like to have on this item or if it wants to hear from public comment first.

Commissioner Smith stated that someone said something to him this morning that made an awful lot of sense; it was said, as a citizen of the United States and a resident of Brevard

County, it is legal to get in the car and it is legal to drive as long as they have a license and insurance but it is not legal if the driver is drunk and impaired and could injure someone else; the Board does not know who the drivers are out there, meaning the people that are walking and moving about; the Board does not know which one of them are not drunk, but infected because it cannot be seen; and they pose a severe danger to everyone in this County. He commented whatever the Board can do to flatten out the curve of the virus, to get past this, will benefit everyone; he is with Representative Fine, that he does not want to see 200 people die in this County; he does not want to see any more people die in this County and thankfully it has not had any yet; he was vehemently opposed to closing the beaches before and now thinks it is in the best interest of everyone if it is done; and he is very much in favor of the motion.

Commissioner Isnardi stated she knows it sounds repetitive but she wants to be as consistent as possible with the Governor's Order in its intent; she may not necessarily agree with some of it and she thinks that once they look into that Order and what is considered essential, it may not be in line with what others consider essential; she thinks the premise of it is a message to residents that they need to stay home; as Commissioner Tobia stated, she would like to look at each item and thinks the Board should look at the legality of it; reading through the case law is a little scary as far as restricting commerce and movement of public versus residential access; and she would like to hear more from Attorney Bentley.

Attorney Bentley stated what they have under emergency situations is authority to regulate property, or take property under certain situations; and there needs to be a rational Nexus between the danger that is trying to be mitigated and the regulation that is imposed.

Chair Lober asked Attorney Bentley when she is addressing what the Board has the authority to do, to be clear to differentiate when there is a difference between the Commission's authority and the Policy Group's authority.

Attorney Bentley stated Chapter 252 is the emergency powers, where there is specific authorization for limited types of temporary takings without compensation and there needs to be reasons for the taking or questions will be asked later; Chapter 125 gives the authority to regulate, not the power to take or regulate to the point of taking; the County would have to compensate in that situation; the Board is hearing information today that has not been heard previously; she thinks it is trying to discourage all tourism activities as non-essential under the Executive Order; and exposure to additional people in the community could cause additional transmission. She noted that is the kind of information that will need to be decided by the Board, whether or not it is sufficient to address the problems that it is trying to cure.

Chair Lober asked Attorney Bentley if the Board took actions in the past that have made her more uncomfortable than if they were to take this action.

Attorney Bentley stated she thought she should decline to answer that.

Chair Lober stated that unless there was further comment, he would call the question.

Sheriff Ivey stated there is no question that everyone is struggling with the right thing to do here; the Board has gone back and forth in a lot of different categories and ultimately it is up to the Board to make the decision; he thinks that citizens will do what is asked of them to do; they will work with the Board if it tells them what is trying to be accomplished; and as a result, he thinks one of the things that should be done is for him to deliver a message, telling people to stay out of Brevard County. He went on to say the County loves tourism but at this time, it is not what it wants; and he asked to let him put that message out through the mediums, work

with the County teams and media partners to help get that out, to see if it convinces people not to come here rather than order them not to come here.

Commissioner Pritchett stated however they get to that goal, she is good with it; her goal is that they do not close beaches for the residents; and she stated the residents are awesome and most were abiding by the social distancing before the Governor's Order.

Sheriff Ivey stated his deputies could use this weekend as an evaluation model and if he tells the Board that the beaches were flooded and the city partners tell him they were flooded and this did not work, he could come back to the drawing board; he thinks they all would agree that it would not be over with this weekend; this is a marathon for the Country; and he offers that as an opportunity to resolve some of this.

Commissioner Pritchett stated she is willing to wait to see what is done with that; if it gets to the end goal, she would be comfortable; if it could keep other people from coming over to Brevard County, that is what she has been hearing from the community; she thinks cutting down on that traffic for the overall well-being of the citizens is important; and cutting down and slowing the infection rate, as Representative Fine said, so that Brevard does not have more people dying because that would break her heart. She stated if the Sheriff can do that and get to that goal by waiting a few days to see what he has come back with after the weekend, maybe the Board can have this discussion next week to see if the Policy Board needs to make a different decision.

Chair Lober stated he begged to differ on that; he stated he had a buddy that he had known for a number of years back, went to graduate school with him, was a Senior Master Sergeant at Patrick Air Force Base, ended up getting a diving instructor license and trained people to dive here; Chair Lober was out on a boat with him and they were diving and his friend started flipping out in the water; he was an educated, bright, military guy that never had an issue; he had a medical issue in the water and freaked out as a result; while Chair Lober was trying to get him to inflate his buoyancy compensator (BC), it was clear that if he got in front of him or yelled at him, he was not going to listen because he was panicking; Chair Lober ended up swimming behind him and grabbing the control for his BC and inflated it for him; even though his friend has the best intentions, was a smart guy, and meant well, he probably would have killed Chair Lober if he had swam in front of him; probably would have climbed over him and pushed him under, causing him to drown so that he could get some air; and this is a situation like that. He added he appreciates the folks that are in rural Montana, Arkansas, or West Virginia that do not have a whole lot of folks coming around, may delay their travel plans because it was asked, but they probably were not coming any way. He continued by saying he is worried about the folks coming here from the high population areas that are scared to the point that they will do anything to avoid being where they are; they will travel here to enjoy Brevard County's freedoms and avoid the high infection rate that they have; he does have that concern; if they look at the frequency with which these cases are doubling in a matter of days, it is amazingly quick how this virus multiplies and spreads; he thinks if they wait, they may end up with closer to 4,000 cases; and he does not want to take the chance. He went on to say he has faith in the Sheriff's ability to message the community and that he will do everything in his power if given the opportunity; he does not mind the Sheriff doing that in addition to what is being talked about; he has tremendous hesitations putting restrictions on Brevard County citizens; but when it comes to non-residents, that are not constituents, sorry, Brevard County residents come first and it must continue that way.

Sheriff Ivey stated, with all due respect, he understands 1,000 percent his analogy and the direction headed; he used the analogy of a bullet-proof vest in that it has layer after layer that

together stops the bullet, one layer by itself will not do it; the County already has some existing layers and he thinks by asking the hoteliers to be our partners by restricting who they are allowing to come in, the public beaches and public parking being closed, the parks they have closed, and asking people not to come here, are the layers adding up to make up that bullet-proof vest. He mentioned the Board may be able to put a directive out to stop people from coming to hotels, but it will not be able to stop people that are trying to flee those other areas from coming here to stay with a relative, or find lodging here; he understands the ultimate goal and as their partner, he will do whatever is asked of him to do in this regard; but, he can see the Board is struggling with it.

Chair Lober stated Sheriff Ivey had valid points and there will be people that slip through the cracks; if someone's relative wants to come here, that person would let them stay; he does not see any way around that; if it can keep the numbers down as much as possible, he thinks that is the goal; shy of building a wall and putting a bubble over it, there is no way to have perfection; and if it keeps the goal of flattening the curve, by keeping people that do not need to be here away, it can keep the health care system from being overwhelmed.

Commissioner Pritchett stated she always trusts things the Sheriff brings up; she is probably going to go with both of these right now because she loves the Order and he said everything that is in it; she thinks that may help him as he does this; she agrees that the hoteliers are not going to have any problems at all; and she stated the Sheriff is on the Policy Group as well so they can talk about it. She advised she is going to support her first motion, with the Policy Group to discuss this; she would love Brevard residents to have the most amount of freedom; the Sheriff enlightened her through the weeks about the pain the Board is causing the residents by not letting them to go out and enjoy being with their family on the beach; and that got her attention.

Sheriff Ivey inquired if the Board takes these measures that have been discussed today, does it close the River, where does it stop, and how does it stop.

Commissioner Pritchett answered no, this is just going to relate to tourism now.

Sheriff Ivey asked if the Board would go to the other measures, closing parks and everything else.

Commissioner Smith stated he would like to weigh-in briefly; he likes the Sheriff's analogy of the layers and thinks that the beach is one more layer it could add because the beach is much more of a magnet from the standpoint that people everywhere can relate to a beach; if Brevard is one of only two counties in the entire State that has an open beach, that is a huge magnet for people and it is very easy to get there from Interstate 95, or State Road 528 or 520, for people to go to the beaches; the Board is not talking about shutting them down, just about five hours a day on the weekends to discourage, not to keep people off the beach; and it is not setting up Martial Law, just trying to make it less attractive for people that could bring potentially deadly viruses into our County. He noted he did not think the River was a good analogy because the River is not the same magnet; there are streams, rivers, and lakes everywhere in this State; so the River is not the magnet that the beach is; that is what he had to say; and he will be supporting closing the beaches.

Commissioner Pritchett stated since they closed the North Brevard beach, now everyone is at the River; it is the residents trying to get outside; her daughter said she wanted to take her granddaughter down to Cocoa Beach to get outside for a while; they have been out of school for a while and are healthy; and she told her daughter to wait because the Board is getting fried

right now with all the things going on. She mentioned she did not want anyone saying her daughter and granddaughter were out there; she has no intentions to stop residents from going out and enjoying their property; she stated the Sheriff has that under control so she is not going to vote to do that today; and if the Board stops the tourism aspect, as she is hearing everybody saying, she thinks it has solved that issue and not hurt the residents.

Sheriff Ivey replied that she is right; in the north end they are getting complaints on a regular basis that Parrish Park and other places are being overrun with people unable to get access to the beach; his teams are dealing with that, going out and working with the Titusville Police Department and others in that regard; he stated to Commissioner Smith in regards to the point made about the five-hour window of time on the beaches, he spoke with one of the beach community's city managers and is not sure that is the model they are looking at going with anymore; the model they are looking at going with is what Chair Lober mentioned about being permitted to walk on the beach and this and that; and he does not believe they are putting a window of time on it but he does not want to speak for them, he believes that is what he understood this morning.

Chair Lober stated he did not know that it mattered at this point in the sense of having listened to where the other Commissioners are, regardless of which way he goes, it does not sound like the Board is going to have 3:2 at least on that, so it may not matter.

Sheriff Ivey stated he did not want Commissioner Smith to think some of the beaches were still looking at that, but some of them may be; but, the one he spoke with today, he got the impression it was a collective position that had been taken.

Chair Lober stated he did not know if that was intended as well, to be over and above the 11 a.m. to 4 p.m. weekend restrictions or in lieu of them; he thinks they have hashed this out, so for purposes of clarity and Commissioner Pritchett to help him out if any of it is incorrect, what the Board is going to be voting on is a motion to recommend to the Policy Group that it put in place a measure that closes Brevard County to all tourists and leisure visitors, excluding people who are working within Brevard County, and effective immediately, no lodging establishment, which it defined to include hotels, motels, campgrounds, vacations rentals and it will work on the exact language to see how it can broaden that to make sure something is not missed and creates a roadblock; it will prohibit them from accepting reservations for any tourist or leisure purpose; he asked if that was okay to put that in there, including extensions to current reservations; and he asked what the Board wanted to do, if anything, with respect to people that have made reservations but have not checked in. He stated to exclude those who have already made reservations but have not yet checked in; if they were here for tourism or leisure purposes they will be excluded, with the caveat being Brevard is not excluding anyone who is here for work purposes; just as a heads-up, in terms of what he contemplates within the Policy Group, it will probably put in place a requirement of a note from the employer indicating that they are traveling for work purposes; the hotels will have to make use of and determine if it is sufficient or not; the dates will be changed and wordsmith it, but that is essentially the motion. He went on to say that he seconded, but he stated to do a roll call vote just because there are two people on the line.

Commissioner Smith would like to see if there are any people in the audience that would like to comment.

Chair Lober replied there were five individuals for public comment; three of which have questions about golf courses and whether golf courses are essential, and the fourth he thinks wants to offer a prayer, so there may be one or none.

Attorney Bentley stated Mr. Leisenfelt, Assistant County Manager, has a question about campgrounds because there are some locals who actually have some long-term residencies in these campgrounds.

Mr. Leisenfelt stated especially at Long Point campground; there are a lot of local residents that go camping; overall, about one-third of the reservations for the next month are from in-County residents.

Chair Lober asked if they were there for leisure purposes or what.

Mr. Leisenfelt replied yes, especially at Long Point, many go out to enjoy the river for a few days.

Chair Lober stated he did not know if they could be excluded legally; he would love to exclude them, he just does not think they have the legal authority to do that; unfortunately, this is one of the things where it is going to have to be an inconvenience for them; he continued to say it is looking at implementing, he would presume, for as long as the local State of Emergency lasts; and he will presume, Commissioner Pritchett, that is alright that it is contemplated by the motion.

The Board approved a recommendation to the Policy Group to enact measures to close Brevard County to all tourists and leisure visitors, excluding those who are working within Brevard County, to be effective immediately, including prohibiting any lodging establishment, as defined, from accepting reservations from any tourist or for leisurely purposes, including extensions to current reservations and those who have already made reservations but have not yet checked in, for as long as the State of Emergency lasts in Brevard County.

Result: Approved

Mover: Rita Pritchett

Seconded: Bryan Lober

Ayes: Pritchett, Lober, Smith, and Isnardi

Nay: Tobia

Chair Lober stated he is going to go through briefly some of the other items that were discussed so they are not missed; some may have been rendered moot; he asked if the Board wanted to do anything with respect to the spoil islands to avoid congregating; he knows Commissioner Smith originally mentioned that Fish and Wildlife Commission (FWC) were enforcing, and the Sheriff mentioned they are enforcing as well; and there have been problems that have resulted in Brevard County Sheriff's Office (BCSO) being called out. He mentioned it would be nice to give the Sheriff the ability to say there is also a local order prohibiting folks from going to the spoil islands and this would be a recommendation of the Policy Group that to the greatest extent lawful, no one is permitted access to the spoil islands until the cessation of the local State of Emergency; and he asked if anyone had thoughts or wanted to make a motion to that end.

Commissioner Tobia asked if the Board would be doing that for the Sheriff.

Chair Lober stated the Board would doing this to preclude people from the spoil islands.

Commissioner Tobia stated maybe it would be an additional tool for the Sheriff; the Sheriff, from what he was listening to, wanted to make a public relations type of play and asked the Board not to take these steps; he wanted to make sure they were not doing something for

someone that does not want it done for them; and he thought the Board just did that.

Chair Lober replied the Sheriff did say something substantially similar to that but he also said that he would follow the directives of the Board and enforce what was put in place.

Commissioner Tobia replied those are two different things.

Chair Lober asked the Sheriff to come back up and apologized.

Commissioner Tobia asked the Sheriff if he needed an additional tool to stop congregation of more than ten people on spoil islands.

Sheriff Ivey responded that FWC has been working with them on that a little bit; the Sheriff's Office is doing their education and awareness component; he thinks the Governor's Executive Order covers some of that as well, correct; he thinks they are in a good place and they will address it and deal with it; and he was not sure what kind of teeth he would be given in regards to that.

Chair Lober replied as second degree misdemeanor penalties.

Sheriff Ivey stated if it is included in the motion.

Chair Lober inquired if he would like that, because his thought is if the Sheriff asked them nicely to leave, that is great, because 99 percent will do that but for the one percent that cause problems, he would like them to be able to have something to back it up.

Sheriff Ivey responded that he would always like to have teeth in something.

Commissioner Pritchett stated the Sheriff did not tell them do not do that, but he heard them bouncing all over the place and came up.

Sheriff Ivey stated yes, whatever decisions the Board makes, he will be their partner and work with, he was offering an alternative of something he thought would work.

Chair Lober asked Sheriff Ivey if this is something the Board can do to give him a little bit more of a basis to enforce that if that would be good or bad.

Sheriff Ivey stated anytime the Board can give him teeth in an ordinance, which works for them.

Chair Lober stated he will ask for a motion on that; there is a motion from Commissioner Pritchett and he seconds it; and he asked for any further discussion on it. He noted he will do a roll call on the votes since there are folks on the line today; this is on the motion to preclude access to the spoil islands for so long as the local State of Emergency exists; and this will be a recommendation to the Policy Group to enact to the greatest extent lawful.

The Board approved recommendation to the Policy Group to enact, to the greatest extent lawful, measures to preclude access to the spoil islands for as long as the local State of Emergency exists.

Result: Approved

Mover: Rita Pritchett

Seconded: Bryan Lober

Ayes: Pritchett, Lober, Smith, and Isnardi

Nay: Tobia

Chair Lober stated this one passes 4:1 as well; another one, the hair salons, nail salons, massage parlors, and spas that cannot provide services which do not meet the Center for Disease Control (CDC) or Florida Department of Health (FDOH) guidelines including the six-foot distancing shall be prohibited from performing services which cannot meet those distancing guidelines; this is not to shut down the hair salons, nail salons, massage parlors, and spas; it may have that effect, but they will be allowed to operate, assuming this passes, to perform any other services or sell whatever other goods they might want to that are not already prohibited by the Executive Order that came out yesterday and was amended earlier today; this would simply preclude them from doing anything that does not meet the CDC and FDOH guidelines; this would be a recommendation to the Policy Group to enact; and he asked for any thoughts.

Commissioner Pritchett agreed with the intent in that; she thinks people should quit going; she agrees with Commissioner Isnardi and Commissioner Tobia in that they think it is already under that directive from the Governor that told people not to go to them if the business cannot comply with the regulations; she does not feel they need to necessarily do that one at this point, although two days ago she thought it did; and since the Governor came out with this directive, she got very comfortable.

Chair Lober said he would leave that be; the next item up libraries, he is proposing using libraries to offer childcare within CDC and FDOH guidelines with respect to the max number of children per room or per location, for first responders, emergency room staff, and urgent care staff; he has spoken with Brevard Public Schools (BPS) and would have to confirm they are okay with this; and this would be a recommendation to use Brevard County facilities and have BPS personnel that are either trained and/or licensed to provide child care, do the supervision for as long as needed within the duration of the local State of Emergency; and he asked for any thoughts on that.

Commissioner Pritchett stated she thinks she would like the School Board to come back if they think that is a thing; she has had a daycare at her church for a long time; there is a lot of responsibility and liability; not that the School Board could not do it, but she does know from what they are dealing with now, some of the preschools are closed down because parents are no longer bringing in children; and that has kind of knocked out the public sector's ability to run a business that is allowed, even by the Governor, right now. She advised these children have a high risk of carrying the virus, so there is a lot of work going into the disinfecting, gloves, and everything; and she thinks this should be something the Board should very slowly try to do something with, without it coming from a strong need from the health care providers.

Commissioner Tobia stated he would be along the same side as Commissioner Pritchett; before making this decision, he would like to know costs, liability, and if there was the manpower; he stated Chair Lober brought up something else that was pretty concerning when he said first responder, then went into emergency room staff; now it has gone from the public sector to the public sector taking care of the private sector; and he is always cognizant when those are put together. He continued that now public taxpayers are paying for a service for a private entity, and that draws his attention.

Chair Lober stated he thinks the BPS employees that would be used are being paid anyway; he could be wrong about that and can check; the fact is, with respect to the Board's response, his understanding right now is the County is giving personal protective equipment (PPE) to non-governmental entities because there is a need; and the reason being, they are on the front lines treating, diagnosing, and testing for the Corona Virus, so to arbitrarily say the County can give them gloves, face masks, and spend taxpayer dollars on that but not to spend it for something else to enable them to do the testing that the County is giving them the gloves and face masks for, he has a hard time differentiating.

Commissioner Tobia inquired if Chair Lober had trouble separating between a county employee and a non-county employee, because he is sure the insurance company does not.

Chair Lober stated that is not what he is saying at all.

Commissioner Tobia stated he was sure the taxpayers do.

Chair Lober asked Commissioner Tobia to bear with him and let him explain what he is saying, he would be much appreciative; the point is, if it is okay for the County to spend taxpayer dollars on PPE for non-governmental employees, hospital workers that do not work for the government, he asks why now is it problematic to do other things using taxpayer funds, whether it is BPS or otherwise, to enable them to do what the County is already giving them taxpayer funds to accomplish.

Commissioner Tobia responded because they are employed by a private entity and it should be the responsibility of that private entity to take care of those responsibilities; it is only at such time that the government needs to step in; the goal is not for the government to step in, and this is what has happened at this Commission meeting, it is government first and he has a real concern with that; it is time for these businesses to step forward; and he noted Disney stepped forward and said they would take care of their employees at this time. He stated he does not know if Health First, Omni or these other organizations are not willing to do that; if the Board were to focus in on the public employees that would be one thing, and quite frankly, he does not think he would be for that until he got that cost, the liability, the many factors that go into daycare; he does not know what they are, and that may be a wise decision to move forward to help these individuals; he cannot imagine a cost benefit analysis, they would have to look at potential overtime that would have to be paid to some of these first responders because others could not work because they were taking care of their kids; there are many issues involved in that; and he is certainly, absolutely, totally, not comfortable with coming to a public solution to what he sees as a private problem.

Chair Lober asked Commissioner Tobia how he really feels.

Commissioner Tobia stated he appreciated the idea, he thought it was very nice and it is very tough to say hey listen, it sounds terrible; but, he is just not there.

Chair Lober stated he was sorry, he could not resist; Commissioner Tobia was so adamant about it, and he would leave that one be for the moment; he stated he is making sure he is not forgetting anything; he believes there was one more with respect to the beaches; and he asked what, if anything, did the Board want to do on the beaches with the Friday, Saturday, Sunday, 11 a.m. to 4 p.m. He asked if they wanted to leave that be for the time being; he stated they may have avoided the problem that was designed to help it avoid; and he asked for any thoughts from Commissioner Smith and Commissioner Isnardi because he did not want to exclude them since they were on the phone.

Commissioner Smith stated he has already said what he was thinking.

Commissioner Isnardi stated that obviously the beach is an ongoing thing that is being looked at every day they are out there; the minute it becomes a problem, obviously it will be addressed; she is fully willing to close them down tomorrow if she believed there was a threat; right now they are not seeing the population on the beach that people expect; and hopefully by limiting tourism they will not have that problem in the future. She went on to say she thinks it is wild that people are more concerned about that 29 people counted on a mile-and-a-half stretch of beach than they are concerned about the mass crowds and hoarding going on in the grocery stores; that is mind-blowing to her, as that exposure is so much greater; she thinks that needs to be addressed, obviously not by government, because they cannot force businesses to behave how they should be behaving; and she thinks that is the biggest risk, the large crowds of people at grocery stores and gas stations, that sort of thing.

Chair Lober stated he appreciated it; and that was what he had for now.

Commissioner Tobia stated he was sorry this has been so rapid-fire; he had a couple of points to clarify for himself; he inquired if all the votes that were taken would be BOCC recommendations to the Policy Group.

Chair Lober stated that was correct and the Policy Group would be convening at 4:30 p.m. today.

Commissioner Tobia stated secondly, he asked if the recommendation from the BOCC for the beaches is going to be to leave them the way they are.

Chair Lober stated he does not think there is any recommendation from the BOCC with respect to the beaches specifically; there has not been a specific motion made; that is the feeling he is getting; but since there has not been a motion, he is not going to address that as far as saying the Board wants X, Y, or Z.

Commissioner Tobia inquired since they are dealing with all the other ones, does the Board want to take a position on that because what he is hearing is they are making recommendations on everything except the one thing the Board is probably getting the most contact on.

Chair Lober stated he would make it simple; he does not think it is necessary; he is not going to move that the Policy Group take action with respect to the beaches because it is pretty clear where the Commission is with that; and if he is asked, he will give his opinion as to where the Commission is, but it is not something that he intends to bring up unless it is brought up to him.

Commissioner Tobia thanked Chair Lober.

Chair Lober addressed Attorney Bentley and mentioned there were a couple concerns that either were shared by several folks that are waiting for public comment or were expressed, with respect to golf courses; and he asked if she cared to opine as to whether golf courses are essential businesses.

Attorney Bentley stated they got an email from someone associated with the Governor's Office that indicated golf courses are open.

Chair Lober responded alright; he guesses it is essential to get that T-time; and child care, he

thinks they already heard is open.

Attorney Bentley affirms.

Chair Lober stated there was a constituent, and he has been trying to be as liberal as he can with respect to sharing comments that folks are sending electronically with the Commission so that it does not do something to encourage people to pile on top of one another or pile in a certain area; he did get an email that came through that he was asked to share with the Commission; he hopes it can be pulled up big enough for his near-sightedness; he read aloud, "Hello Bryan, I live in Brevard County on Merritt Island and have been isolating at home for two weeks due to my age and medical conditions, I will stay in as long as it takes. When I see people on the news at Brevard beaches from Orlando area counties with stay-at-home orders, it scares me to think this will keep me stuck inside even longer than necessary. Possibly longer than my groceries will last. If we are too slow to stop the spread, people need to understand that stay at home doesn't mean go to the beach. Going to the beach is not essential travel. It's crazy to hear someone say they are from Kissimmee and wanted to get away from the virus. How can we keep our case numbers down with all of this travel? May as well tell all the people from New York to come to our beach too (sarcasm). I'm hopeful the Brevard County officials will smarten up and close all of the beaches before we become a hot spot. Until then, please try to educate and keep people home. Crossing county lines for pleasure is just selfish and inconsiderate. Locals can live without the beach for a month. We have to think of the greater good, and focus on the big picture. I think closing the beaches and boat ramps would be much easier than checking each vehicle entering the county with road blocks. In my mind these are the only options. Orlando threatened a complete shut down yesterday which would include grocery stores. We don't want that here, and we don't want them coming here. Thank you, Michelle Dunaj." He apologized if he mispronounced that; he stated he said he would share the emails that he receives where there is a request to share it with the Commission, so there it is.

III. PUBLIC COMMENTS

Chair Lober welcome the individuals and asked them to start with their name and city of residence.

Carol Whealey, from Melbourne, stated she was there to thank the Board very much for allowing the public to come before it and give comments; the comment she wanted to make was that government is there to protect the citizens and to serve the citizens of Brevard County; she wanted to let the Board know that there are a lot of people in Brevard County that really, truly appreciate what it is doing for them; the Bible mandates to pray for those in authority over us; she wants the Board to know that she personally knows hundreds of people, she does not meet with them, but she knows hundreds of people who are praying for it because right now, more than ever, Brevard County needs wisdom in making the right Policy decisions; and it needs guidance from above and to that end, she wants to remind them that God is the one who brings the crisis to an end. She continued by saying God is the one who brings the peace in the midst of the crisis; it is God himself who is going to give the wisdom to do what Sheriff Ivey said, which is to do what is right; so far she is hearing the Board is doing what is right; it is open to discussion and that is always a good thing; and when discussion and prayer is added, she knows God's will is going to be done in Brevard County. She blessed and thanked the Board for giving her the opportunity to come with her opinion and share and she thanks God for a country that gives her freedom of speech to do this in Jesus' name.

Chair Lober thanked her for coming out and stated it was nice to have someone come with compliments as opposed to some of the other stuff the Board gets, and he really does

appreciate it.

Wayne McDowell, from Viera, stated he golfs and he is there to encourage the Board, because he understands that it is holding off on making a decision if golf courses should remain open effective tomorrow on; he stated he is also a member at Duran Golf Course and on the committee; he has talked to dozens and dozens of golfers and the number one concern for them on the course, obviously, is safety; he cannot speak for all courses in Brevard County, but he can speak for Duran and he thinks their management has done an outstanding job to socially-distance all of them; and the procedure they have is no more than three people in the clubhouse, rakes are not inside the traps, they do not touch the pin. He noted he can leave his house, go to a T-box, play golf, then return home and never touch people on the course; the players talk a lot when they are walking around the shops and everyone is so concerned about their health and their family; he knows that no one that he golfs with would do anything at all to harm themselves, their family, or their country; he believes the Board is waiting to decide if they should continue to have the courses open; and he strongly encourages the Board to have them open, just for the sake of having people able to get out for a couple hours and spend time in the fresh air.

Chair Lober thanked him and stated, in his personal opinion, he does not think there is a high-risk of having them closed for the next little while; obviously the situation is fluid but he doubts that proposal is going to come up this evening with the Policy Group; and he continued to say even if it does, it would not be something he would support and thinks he is probably safe.

Craig Henegar, from Viera, stated he is also a member at the Duran Golf Course and thanked the Board for its hard work and keeping them safe in the County and everything it has done; he is sure some of the negative comments get tiring and he just wanted to say how positive and thankful he is that the Board is doing such a good job; as Wayne McDowell said, the range is doing a phenomenal job of keeping everybody safe; golf is a sport where it demands social-distancing as you do not want someone close to you when swinging your golf club; and he leaves his house and comes back without touching anybody else. He went on to say the door is left open so there is no need to even touch the door handle to get into the clubhouse; he thanked the Board for everything it is doing; he stated that for now it sounds like it with the State but with the stay-at-home order, everybody was a little nervous that they may take away something that is not only good physical exercise, but mental exercise as well; and he is home from work as an airline pilot right now and golf is his outlet for getting outdoors and physical exercise.

Chair Lober thanked him and stated to wear his sunscreen.

Garland Heird, from Melbourne, stated he was in golf course management in Baltimore for 11 years before retiring here; he works part-time at Baytree National and is a member at Duran and he has been at Baytree for five years; he states as someone who was in management, he has never seen a sport other than golf that polices themselves as they do; he thinks that if they do what they are talking about, which is cart pass only, most people will weed themselves out because they are not healthy enough to walk, or do not want to walk, they are lazy; most of the people want this exercise, and they have two courses that he knows of that are self-cleaning before and after every round, no one is touching bags, and if someone gets within six feet of him he will just take their head off. He stated people need to realize that this sport is going to police itself and whatever they get from them, will be what was asked for; and he thanked the Board for their time and letting him speak.

Chair Lober thanked him for his patience.

Pat Rust, from Cocoa, stated he is a Brevard resident and a retired charter captain; he is presently on leave from the Water's Edge Bait and Tackle shop at the Port; he spoke with Florida Wildlife Commission and they said they are not closing anything and the Governor also listed fishing and hunting; he stated the best place to go to be away from a crowd is fishing; if someone goes out on a boat, he or she is not close to anyone unless they are on the boat; and with so few things to do now that people have to stay at home, he would appreciate it if the Board would consider leaving fishing open.

Chair Lober stated he thinks Mr. Rust is in good shape, as the only restriction that the Board is recommending that might in any way impact what he is talking about, would be not allowing folks to go to the spoil islands; he stated if he wants to get out in his boat and fish, God Bless him, go for it; and he asked if there were any further public comments and there were none.

Frank Abbate, County Manager Report, Re: Authorization for Purchase of Hospital Gowns

Frank Abbate, County Manager, stated there is one additional item that Steven Darling, Central Services Director, is going to come up and address relative to Personal Protective Equipment (PPE) that he will need the Board's consideration and approval for.

Steven Darling, Central Services Director, requested the Board to authorize an additional purchase of PPE, specifically hospital gowns, in an amount not to exceed \$242,500; this is to fulfill the request of 50,000 gowns through Web EOC; the company that they are looking to get them from is based out of South Orange, New Jersey, has been in business for 20 plus years; and they are a reseller and distributor of medical testing kits.

Chair Lober stated they had a motion from Commissioner Pritchett and he will second it; he stated they did not need to do a roll call for this one, and all in favor to say aye.

The Board authorized the purchase of Hospital Gowns in the amount not to exceed \$242,500 to fulfill the request of 50,000 gowns from local agencies and County Departments.

Result: APPROVED

Mover: Rita Pritchett

Second: Bryan Lober

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

Chair Lober asked Mr. Abbate if there was anything else.

Mr. Abbate stated he shared an email with the Board that he would be sending out to the Directors that addresses County operations and they will get that out this afternoon, right after the meeting.

Rita Pritchett, Commissioner District 1 Report, Re: Expressing Her Thanks to the Policy Group

Commissioner Pritchett stated she just wanted to thank the Board, with all the things it is going through trying to come to these decisions right now, and she does not believe one thing these people are sending her saying bad things about the Board; she stated she was just kidding but

she wanted to thank the Board so much; she really wanted to thank Commissioner Isnardi right now, as she is on the front lines and she has her complete admiration for what she is doing; she cannot thank her enough for her service and all she is doing for the community and she is awesome; she also thanked the Policy Group for hanging in there with the Board; and she noted she loves the way this has worked, now that the Board is able to have an open public discussion where everybody understands why it is coming to these ideas, and she appreciates the patience.

Chair Lober stated he would continue to do what he can.

John Tobia, Commissioner District 3 Report, Re: Advance Notice of Special Meetings

Commissioner Tobia stated he had a question as to whether Chair Lober intended to have the meeting at this juncture tomorrow; he thought there was one scheduled; and he asked if that is correct.

Chair Lober responded if nothing changes, he intends to cancel it, but he does not want to formally cancel it until they get a few hours later in the day; if something comes up that is catastrophic, he would still like the Board to meet; and he apologized for the notice.

Commissioner Tobia inquired how far ahead Chair Lober noticed the meeting; he stated he knew Chair Lober had said on a daily basis; and he asked if Chair Lober plans to notice every day of the week next week.

Chair Lober responded he talked to Jim Liesenfelt, Assistant County Manager, and essentially what he told him moving forward, was that if they had a regularly scheduled meeting on one of the days, that meeting would just suffice for that day's meeting for Corona Virus purposes as well; they would just address it in Reports or otherwise; if the meeting is in the evening, and the Board does not have something extenuating, he does not think there is a need to notice the following day's meeting either; if it is a morning meeting, that would suffice for everything that day, if it is an evening meeting, it would suffice for that day and the following, the noon meeting, as well; otherwise, he knew staff was looking to see whether they could notice them all at the same time or how far out they could do it because if they can do that and pay once to do it, he would say to notice as far as they reasonable can and they will just not call it if they do not need to call it, but if they have to pay individually, he was not as fond as he otherwise would be for putting out notices a month in advance.

Commissioner Tobia expressed his thanks and stated he appreciated it.

Curt Smith, Commissioner District 4 Report, Re: Expressing His Thanks to First Responders

Commissioner Smith stated he would like to say kudos to his fellow Commissioners because he knows that this is an interesting time, to say the least, that the Board members are all serving; and he wanted to reach out and pat all the first responders, Sheriff's deputies, EMT's, firefighters, those folks on the front lines as well as the health care people; they need support and prayers.

Kristine Isnardi, Commissioner District 5 Report, Re: Expressing Her Thanks for Efficient Meeting Times

Commissioner Isnardi expressed her thanks as well for the Board's time; and she wanted to encourage, for future meeting, if they are going to be daily or possibly daily, that the Board is more efficient with its time because people are watching and she knows some of them are also working and wants to make sure that they are efficient with our time and staff's time because they are all present when they could be out in the community helping people and answering phone calls; and she wanted to encourage that, for the next meeting, it is run a lot quicker and a lot more to the point and get accomplished what it came to get accomplished.

Bryan Lober, Commissioner District 2 Report, Re: Expressing His Thanks to Partnering Agencies

Chair Lober stated he wanted to close by saying thanks to both DOH, Maria Stahl in particular, and also to the Sheriff's Office for their help; they both have been tremendously available; he has probably talked to Ms. Stahl at least every day over the past three weeks; and he has spoken with the Sheriff just as much. He stated it is good to have folks with partner agencies that work well together; he said he would be rather distraught if it were anything but that; and it is very nice to be able to call and have the questions answered as they come up.

Upon consensus of the Board, the meeting adjourned at 2:28 p.m.

ATTEST:



SCOTT ELLIS, CLERK



BRYAN ANDREW LOBER, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Approved by Board May 28, 2020.