



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.24.

12/21/2021

Subject:

Approval; Re: Adoption into the Minutes of Proof of Publication for Notice of Change of Boundaries of Brevard County Commission Districts

Fiscal Impact:

N/A

Dept/Office:

Redistricting Committee

Requested Action:

It is requested that the Proof of Publication for Notice of Change of Boundaries of Brevard County Commission Districts be entered into the meeting minutes as required by Florida Statute 124.02(3).

Summary Explanation and Background:

The Board of County Commissioners, at their regular meeting on November 9, 2021, adopted Agenda Item J.3. Approval, Adoption, and Advertisement for Recommendation of Redistricting Committee and Legal Description for the Commission District Boundaries. The required Public Notice was advertised on December 6, 2021 and December 13, 2021. The Proof of Publication is attached for adoption into the minutes of the regular meeting on December 21, 2021.

Clerk to the Board Instructions:

Please forward a certified copy of this Agenda Item to the County Manager's Office.



December 22, 2021

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item F.24., Approval of Adoption into the Minutes of Proof of Publication for Notice of Change of Boundaries of Brevard County Commission Districts

The Board of County Commissioners, in regular session on December 21, 2021, approved the Proof of Publication for Notice of Change of Boundaries of Brevard County Commission Districts be entered into the meeting minutes as required by Florida Statute 124.02(3). Enclosed is proof of publication.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: County Attorney

Timestamp

11/26/2021 13:42:12

Final Publication Date

12/13/2021

Ad Number

GCI0779316

Publication

Florida Today

Special Requests

12/6 and 12/13 run dates

Market

Brevard

Delivery Method

Email

Number of Affidavits Needed

1

Customer Name

BOCC County Manager's Office

Account Number (If Known)

126045

Customer Email

Teresa.Rivera@brevardfl.gov

Your Name

Ashley

Email Address

abreeden@localiq.com



BOCC COUNTY MANAGERS OFF
2725 JUDGE FRAN JAMIESON WAY BLDG C
MELBOURNE, FL 32940

STATE OF FLORIDA COUNTY OF BREVARD

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a Legal Advertising Representative of the FLORIDA TODAY a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC NOTICE

as published in FLORIDA TODAY in the issue(s) of

12/6/2021; 12/13/2021

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 13th day of December, 2021 by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin in County of Brown

5.15.23

My commission expires

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

I HEREBY CERTIFY that the foregoing is a true copy of the original filed in this office and may contain redactions as required by law.

RACHEL M. SADOFF, Clerk to the Board

Date 12/27/21 By Deborah Honer

Deputy Clerk

Publication Cost: \$10,340.54
Ad No: GCI0779316-01
Customer No: 126045
PO#: PUBLIC NOTICE

NANCY HEYRMAN
Notary Public
State of Wisconsin

49(



BOCC COUNTY MANAGERS OFF
2725 JUDGE FRAN JAMIESON WAY BLDG C
MELBOURNE, FL 32940

STATE OF FLORIDA COUNTY OF BREVARD

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Sworn to and Subscribed before me this 13th day of December, 2021 by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

My commission expires

Publication Cost: \$5.041.02
Ad No: GCI0779316-02
Customer No: 126045
PO#: PUBLIC NOTICE

NANCY HEYRMAN
Notary Public
State of Wisconsin

s not think there is a right answer to that; he thinks the Committee works and it is its purpose; it is different that the rest of the State, yes for the most part, he thinks his understanding of the Committee members and the knowledge that they have in this County, the Board did a great job in selecting a group of people who understand the needs of this County, the future growth opportunities, the differences of what it is to look like today versus what it is going to look like in 10 years, he reiterated he he process works; obviously when there is redistricting with five people versus 160 in the Legislature, it is a far different conversation because there is far more input multitude of angles in Tallahassee than there is in five or seven Commissioners in the Legislature, it was the engagement, from a standpoint of elected representatives. He continued by saying in Tallahassee people do not talk about themselves; in this County, they are guaranteed to be represented if one starts talking about their own interests in what they are doing; obviously at the County level, it happens in every County across the State of Florida, they are two totally different processes; and he does not think they can even be compared to one another.

Commissioner Lober stated Commissioner Tobia and he himself were there and he asked if either of them tried to intimidate anyone or come across as aggressive, adults noted the Commissioners spoke to their issues.

Commissioner Lober asked if he is aware, and he noted he is not and if Attorney Jorandby he would like to answer as well, of whether there is any prohibition on any Board Members in reaching out individually to all 15 of the redistricting appointees, adults noted he does not know if there is.

Commissioner Lober stated that he would rather have Commissioners having the answers in the room, in the degree possible, at those meetings instead of reaching out and asking the calls and he asked, just out of curiosity, and if Mr. Cissalulu it want to answer he does not have to if he had Commissioners reach out to him regarding redistricting outside of the redistricting meetings, adults responded affirmatively.

Commissioner Lober pointed out there is nothing wrong with that, but he would rather have them say they are saying he reiterated he has another question and if Mr. Cissalulu it want to answer he does not have to, he mentioned he has nothing but respect for Mr. Cissalulu and he did not want to tell him, he thinks Mr. Cissalulu was put in a pot and he did a stellar job, and he asked, after the second to the last meeting, he the gentleman meeting, which he took an astronomical number of plans and called it a two, which is stellar on the Committee part. He asked if he had the impression when that meeting and the final meeting, that some outside factor, actor, or actors up a large part of District 4 residents to get them to reach out to redistricting appointees, and perhaps to the Commissioners as well.

Adults replied based on the email traffic, he has to believe that was the case, Commissioner Lober stated he will touch on that little more once the Board is through with comment, he thanked Mr. Cissalulu for everything he did with respect to the process, in though he is not a fan of the Plan that is under consideration, the process was as it could be, adults noted he wants to say on the record thank you to all; and he stated he will all and Attorney Jorandby did stellar work on their part.

Commissioner Zonka thanked staff as well, she stated interestingly enough that is why she as Mr. Cissalulu, former Speaker of the House; she knows Jason Sledge and Rich in because they have all redistricted at the State level, but at least they have been in the process, she thinks the Redistricting Committee did their job, her instruction was to keep the Districts as least disrupted as possible; and she noted in can do the Water Plan, but it is really Commissioner Lober's Plan, it was the plan he set and the plan he spoke to the Board on. She added she has real issue and real uncomfortable watching those meetings and seeing Commissioner Lober's Committee and putting his plan; she knows he may have the potential of intent, only wanted them to go for his plan but this is why there is a Committee; thus there are appointees and the Board Members tell their appointees, even to line of supplying them with maps, which appears to probably be what has happened, what each Commissioner wants and wants their appointee to push; she does not see a Commission that is to be appropriate to go to those meetings and speak at just every meeting on what he or she wants, and whether one meant to intimidate or not, the question, she knows for herself she would have felt uncomfortable if she appointee and her Commissioner came to the meetings. She noted she knows Commissioner Tobia went but he did not speak or address the Committee.

Commissioner Zonka stated the appointees did not vote the way they wanted them to; Commissioner Zonka noted one of her appointees had some health issues so she could not be there, but he did his best, she asked Attorney Jorandby if the Board votes for it it is disregarding the Charter. Attorney Jorandby stated she will go back to the fact that she felt like both plans were in the Charter, there were definitely differences between the two, there had balanced population in all five districts versus only two districts, but they are repeatable. He then asked for clarification that the Board is not disregarding the Charter.

Commissioner Zonka asked for clarification that the Board is not disregarding the law, and if Attorney Jorandby thought the Board Members were at risk of being removed by the Governor. Attorney Jorandby replied no, she does not believe that, Commissioner Zonka asked should the Board vote for this plan would it be defensible, Attorney Jorandby responded yes she would defend any plan that the Board adopts, she reiterated she thinks other plans are acceptable and she advised that is what the Committee that night before they did the final vote.

Commissioner Zonka advised she like Commissioner Tobia's idea, she just wishes he would have brought it to the Committee sooner so they would have had a chance to vet it, she has been more interested to see it a lot sooner, she obviously cannot support it being brought because she thinks they have done the due diligence and the best that they could, and that is all she has.

Commissioner Smith stated he found all of this very interesting, he sees a lot of emotion in anybody that has spent any time around him realizes that he likes to take emotion issues and he looks simply at the facts, for him and at this point the Board does a crystal ball and the Board does not know what the growth is going to look like, therefore, for him the Poyner Fisher Plan, it is simple, the least amount of land that is really what he is looking to do at this point in time. He added from his five, three percent is the ideal, but it is not perfect in stone and Attorney Jorandby clear many times. He thinks the majority of the appointed people that represented

this Board endured a lot of meetings, they said a lot of words, they pushed a lot of ideas, and quite simply the majority, 9/16 or 10/5, whatever the vote was, the majority agreed with the Poyner Fisher Plan; they heard every single sentence, phrase, and reason to support or not support it, they heard Attorney Jorandby's response that either plan is defensible; and they voted, hopefully based on facts and not what he wants. He noted he thinks the Board needs 10 years it will know where the growth is and that Committee will have firm numbers they can look at unemotionally and come up with another plan; and that is his perspective and why he will be supporting this. Commissioner Tobia stated since there has not been a second, he will pull his motion. Chair Pritchett asked if he wants to discuss any of this right now.

Commissioner Tobia responded he thinks he was pretty clear with there he was on it.

Chair Pritchett stated she wants to throw out a couple of things; first of all when Commissioner Lober really likes something, he fights for it, what is interesting to her on this, as she has always told him in the past what she loves the most about him is how he will be very, very risky with things to help get the good done moving forward legally; she watched all the meetings and she has to say this because it was brought up with Robin Fisher, he threw it out kind of saying to the County Attorney that if it is in the 10 percent, the Committee could get away without changing this at all; Attorney Jorandby stated yes, and the Chair asked if that was motion, because they were getting a little lighthearted with it; they were talking about understanding that whatever the Committee did they had a little flexibility to play with in doing what was best for the County; and she noted there were plans that came out, Robert Jordan one of her appointees presented one with bringing part of Merritt Island up to District 1 and work across. She advised she listened to them all and what she saw with Mr. Weiler and Commissioner Lober's Plan, it was interesting and moving things around, but what she got out of that was he is kind tied and has no other place to grow, so he is going to need to take over other populations; she thinks it was very appropriate to pull some out of District 4 because they were concerned about District 4 growth; however, in the midst of this, as far as the land mass, District 1 is managing to grow land mass up there in the unincorporated, the sewer, the garbage, it is just a lot in the unincorporated population; she saw where someone said Commissioner Smith has the most, and he does but he also has a Development of Regional Impact (DRI) in that so he does not have to give all the love that the others have to with the unincorporated; and looking at that, the Districts are not that far off. She mentioned it probably needed to move some of Commissioner Smith's District because he is in such a growth town, but District 1 is as well; she has 450 square miles of the entire County and in that area right now she has in permitting 6,900 houses which is a population of 11,732 which is going to put her up higher than all the other Districts by the end of this year; and when considering that and the growth still going on in there, this is not a perfect science, but she gets having to put more into District 2 because he does not have any place left for growth. She continued to say District 3 and District 5 are growing; District 4 has taken a lot of it lately; she thinks this is a good plan; she is very comfortable with it; if any of the Commissioners want to make any more tweaks to their own Districts she is good with that, but she really does not want any more population coming into District 1 right now because she has enough coming in; and she is going to support the plan that came along with the Hybrid, it is smart and a lot of focus went into it. She stated she spoke with her representatives often when they were telling her the reasons why they were doing things and what they were doing; she placed three brilliant people on the Committee in her opinion; she thinks it is a good board; there were a lot of conversations going on and not everybody got what they wanted, but that is government, and she will be voting to support this plan tonight.

Commissioner Lober stated he is not going to apologize for having gone to a public comment and having made public comment whereas he could have done it in the shadows where no one would know what direction or thoughts he had; he thinks any time one has an opportunity for transparency, especially when it costs nothing, people should strive to make use of that, and as far as hearing either plan is defensible, the exact words that Attorney Jorandby used were, "we would defend any plan". He asked if that is what was said. Attorney Jorandby stated she would defend any plan the Board adopts. Commissioner Lober stated he laid out ample foundation as to why he believes the particular plan under consideration is legal; he does not think the Governor is going to remove anyone over this; what he is saying is it is a theoretical possibility, but if he were a betting man, he would bet it is not going to happen; that said, just because there may not be a consequence, does not mean that the Board should disregard its oath and do something that there is strong reason to believe or to know, is illegal; he has explained why and he is going to just have to agree to disagree with some others on the Board. He went on to say he thinks what he has said is worth mentioning; he thinks some of these people who may be happy seeing the way this is going, do not have a reason to celebrate; at the second to the last meeting, the Redistricting Committee in a particular position at the last meeting.

Chair Pritchett stated she is going out him on a time if he will give her how much time he needs.

Commissioner Lober stated one hour and she can bargain him down.

Chair Pritchett and Commissioner Lober agreed on six minutes. Commissioner Lober stated the bottom line is there were some folks interfering at the very end scaring people in essentially suggesting that the sky was going to fall; a lot of people beachside in District 4 and on the mainland in District 4; there were people making arguments that had no specificity whatsoever, to look at the emails, what they lacked in quality they made up for in quantity, what he means is there were people saying they do not want the beachside calling shots for the mainland or vice versa, not realizing that Indian Harbour Beach, South Patrick Shores, and Satellite Beach are already in District 4 and it stretches to this location; his District has Cocoa Beach, Cape Canaveral, Patrick Space Force Base, he lives in Rockledge, and he has Cocoa, neither the beachside people nor the mainland people are interfering with the other in either District so it is irrelevant; where kids go to school, Brevard Public Schools (BPS) does their own redistricting, he lives in County Commission District 1 but he lives in District 4 for BPS purposes, it does not change where kids would be going to school, and the fact that it was heard that South Patrick Shores is incompatible with District 2 is ridiculous. He added the name South Patrick Shores tells people everything, it is not called North Satellite Beach and there is a reason for that, it was essentially where the base housing, or a portion of it was for years; there is not a reason in the world that one could say that an area where an entity put their own people who enlisted, that they could not be in the same district as the Air Force Base, now the Space Force Base, it just does not make sense, he heard the sky would fall, about the quality of representation, efficiency of County services, and he noted he talked with staff and they laughed when he asked if he was missing something obvious, with respect to that and the people in Fort Pierce Island, he respects the desire to stay in one District, he in fact offered a modification to Mr. Weiler's Plan. He continued by saying he was

supportive of the Weiler Plan, it was not the Lober Plan; he offered a modification that was not even considered, but would have kept Fort Pierce Island within one particular District, the bottom line is it is already split between a municipality and unincorporated Brevard; if there was ever anything that would impact services that would be it; he has not seen any specific example of what would be harmed with respect to any of it; the bottom line is he always tries to avoid giving the thumbs up or thumbs down unless they just happen to be right; Brevard County has over 400,000 people and there were some people who stirred the pot and got some people to the point where they were going bonkers over non-issues; bottom line is he does not believe he can ethically support his plan; he understands it is going to pass, but he has taken the oath a number of times to defend the State's Constitution; and Attorney Jorandby has already said she will defend any plan, she cannot say anything but that. He went on to say as Commissioner Tobia rightly pointed out, he put Attorney Jorandby in an awkward spot in essentially pushing to get answers to very specific questions; there is a reason the Board has access to staff outside of Commission meetings it is so there can be blunt conversations where there is not a concern that there is going to be a transcript that is going to be fed back to someone down the road; he noted he thinks it is a mistake to go down this road, he does not know if anyone will sue the County, but just because the County may or may not get sued does not mean that County should do something that is illegal anyway; and that is where he is at.

Chair Pritchett asked Attorney Jorandby if this plan is being brought through is it illegal. Attorney Jorandby responded she would not say it is illegal; she advised it is a difficult question right now and she knows Commissioner Lober is not going to be pleased with that answer, but it is not illegal; either plan that the Committee looked at that night is acceptable; the Committee voted for this plan, it fits within the parameters and there were adjustments to the Districts, and there was some testimony by one Committee member as to why they were under-populating. Chair Pritchett interjected and asked once again if the Board voted this plan it is not breaking the law.

Attorney Jorandby responded this Board is not breaking the law. Chair Pritchett stated that Attorney Jorandby's job is to listen to what the County Commission is trying to do and to make sure it is defensible because the Board Members are representing their community the best they can; and some of it might be on the line and some may be different creatively, but her job is to listen to what the Board does and figure out a way, if it is defensible. Attorney Jorandby remarked that it is correct.

Chair Pritchett advised she is very comfortable with doing this; and she asked for a motion. Commissioner Zonka stated she moves to approve the recommendation of the Brevard County Redistricting Committee and to adopt the Resolution approving the 2021 Redistricting Committee Redistricting Plan, setting forth an accurate description of the new County Commission District boundaries; directing the Clerk to enter the Resolution into the Board minutes; and directing the County Manager, or designee, to publish notice of the Resolution and the description of the approved County Commission District boundaries. Commissioner Smith seconded the motion.

The motion passes 3-2, with Commissioners Tobia and Lober voting nay. The Board of County Commissioners, in regular session on November 9, 2021, approved the recommendation of the Brevard County Redistricting Committee; adopted Resolution No. 21-161, approving the 2021 Redistricting Committee Redistricting Plan, setting forth an accurate description of the new County Commission District boundaries, directed the Clerk to enter the Resolution in the Board Minutes; and directed the County Manager, or his designee, to publish a notice of the Resolution and the description of the approved County Commission District boundaries.

RESOLUTION 2021-161
A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA APPROVING THE 2021 REDISTRICTING COMMITTEE REDISTRICTING PLAN AND SETTING FORTH AN ACCURATE DESCRIPTION OF THE NEW COUNTY COMMISSION DISTRICT BOUNDARIES; DIRECTING THE CLERK TO ENTER THIS RESOLUTION UPON THE BOARD

MINUTES; DIRECTING THE COUNTY MANAGER OR DESIGNEE TO PUBLISH NOTICE OF THIS RESOLUTION AND THE DESCRIPTION OF THE APPROVED COUNTY COMMISSION DISTRICT BOUNDARIES IN A NEWSPAPER PUBLISHED IN BREVARD COUNTY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Article VII, section 1(c) of the Florida Constitution, Chapter 124, Florida Statutes and section 2.2 of the Brevard County Charter; the redistricting of all County Commission districts shall occur in the first odd-numbered year after each decennial census; and

WHEREAS, pursuant to section 2.2 of the Brevard County Charter, redistricting is the responsibility of the Redistricting Committee; and

WHEREAS, a Redistricting Committee duly appointed by the Board of County Commissioners has recommended the attached redistricted boundaries and descriptions of boundary districts for adoption by the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has reviewed and considered the district boundaries proposed in the Redistricting Committee Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

Section 1. The Board of County Commissioners hereby adopts the Brevard County Redistricting Committee's recommendation of the district boundaries as the new County Commission district boundaries to take effect upon adoption of this resolution, subject to completion of the publication of notice set forth in section 3 below. A copy of an accurate description of the redistricted boundaries are attached hereto and incorporated by reference herein as the approved description for the new County Commission district boundaries.

Section 2. The Clerk to the Board is hereby directed to enter this resolution, including the attached redistricting legal description of the newly adopted County Commission district boundaries, upon the minutes of the Board of County Commissioners.

Section 3. The County Manager, or designee, is hereby directed to cause the publication of a certified copy of the Board minutes setting forth this resolution, together with the appended map and description of district boundaries, at least once each week for 2 consecutive weeks (two publications being sufficient) in a newspaper published in Brevard County.

Section 4. This resolution shall take effect upon adoption by the Board of County Commissioners, subject to compliance with the notice requirements specified in section 3 above.

DONE AND RESOLVED, this 9th day of November, 2021.

Brevard County Board of County Commissioners

ATTEST
By: Rachel Sedoff, Clerk
Attest: Rita Pritchett, Chair
(As approved by the Board on November 9, 2021)

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA
I HEREBY CERTIFY that the foregoing is a true copy of the original filed in this office and may contain redaction as required by law.
KATHLEEN M. SPROFF, CLERK OF THE BOARD
Date: 11/15/21 By: [Signature] Deputy Clerk

BREVARD COUNTY COMMISSION DISTRICTS Adopted 2021
District 1
Beginning at the intersection of the North line of Township 20 South (Brevard County Line) and the Mean High Water Line of the Atlantic Ocean;
Thence meander southerly along said Mean High Water Line of the Atlantic Ocean west line of Section 2, Township 22 South, Range 37 East;
Thence southerly along said west line to the centerline of Launch Complex 33W Road;
Thence westerly along said centerline and its westerly projection to the eastern 16th Water Line of the Banana River;
Thence meander southerly along said Mean High Water Line and around Mosquito Control Improvement T-26-A and T-26-B as located in sections 10, 14 and 15 22 South, Range 37 East;
Thence continue southerly along said eastern Mean High Water Line of the Bay to the centerline of NASA Parkway;
Thence westerly along said centerline to the centerline of the Intracoastal Waterway Indian River;
Thence southerly along said centerline to the easterly projection of the north line of High Point Section 2 Subdivision as recorded in Plat Book 19 Page 9, Public He Brevard County, Florida;
Thence westerly along said easterly projection of the North line of Plat Book 1C the northwest corner of said plat;
Thence southerly along the west line of said High Point Section 2 to the North 1/4 Way line of High Point Drive;
Thence westerly along said North 1/4 of Way line to the northerly projection of 1/4 of Way line of Westchester Drive;
Thence southeasterly along said West 1/4 of Way line to the northwest corner Block C of said High Point Section 2;
Thence southerly along said centerline of the Intracoastal Waterway, plus/minus feet;
Thence due East to the West line of Range 38 East said point lying 1 foot offset Thence northerly along said Range line to the North line of Sunset Shores Subdivision recorded in Plat Book 16, Page 63 of said Public Records;
Thence easterly along said North line and its easterly projection to the Mean High Line of the Atlantic Ocean;
Thence northerly along said Mean High Water Line to the point of beginning.

November 29, 2021

STATE OF FLORIDA (COUNTY OF BREVARD)
THIS IS TO CERTIFY that the above is a true and correct excerpt from the Item J-3 of the November 9, 2021, Board of County Commissioners of Brevard County's meeting to the best of my knowledge.
WITNESS my hand and seal of said Board, this 9th day of November, 2021.

By: [Signature] & Powell
Kimberly J. Powell, Clerk of the Board

