

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, November 21, 2023

9:00 AM

Organizational / Regular

Commission Chambers

A. CALL TO ORDER 9:01 AM

C. PLEDGE OF ALLEGIANCE

Commissioner Tobia led the assembly in the Pledge of Allegiance.

SELECTION: CHAIR AND VICE-CHAIR FOR 2023-2024

Commissioner Tobia announced he would like to make a motion to nominate Commissioner Steele as the Chair of the following year for Brevard County Board of County Commissioners; he noted he and Commissioner Steele have been on opposite sides many times in the past, in fact, they have not seen eye-to-eye on issues up on the Board, but he has faith in his character, faith in him as an elected official, and he is proud to sit up here next to him; and he will be proud to call him Chair.

Chair Pritchett commented he did not say all that when he nominated her.

Commissioner Tobia remarked she did not run against him.

Chair Steele commented he did not think it was a surprise that over the last year the Commission ran so smoothly; when he came on-board in July, he knew that these meetings sometimes got a little rough and a little difficult, but he can say he has never seen anybody as a chairperson that has done a better job than Commissioner Pritchett; he can assure that the rest of the Commission is very, very grateful for her service; he is very grateful for her mentorship over the last three or four months; and on behalf of Brevard County, he presented Commissioner Pritchett with a plaque.

Result: Approved

Mover: John Tobia

Second: Rob Feltner

Ayes: Pritchett, Tobia, and Feltner

Absent: Goodson

Abstain: Steele

Chair Steele stated he needs a nomination for a Vice-Chair; and he opened the floor for nominations.

Commissioner Feltner nominated Commissioner Pritchett for Vice-Chair.

Commissioner Pritchett asked Commissioner Tobia if he would like to serve as Vice-Chair.

Commissioner Tobia replied absolutely not; and he is very happy with Vice-Vice-Chair.

Result: Approved

Mover: Rob Feltner

Second: John Tobia

Ayes: Pritchett, Tobia, Feltner, and Steele

Absent: Goodson

F. CONSENT AGENDA

Commissioner Tobia stated he would like to vote no with no comment on Item F.3.

Sandra Sullivan stated Item F.3. is about a property owned by Parrish Medical, which Parrish Medical is owned by the County, to sell this property to St. Johns River Water Management District (SJRWMD) and for the Save Our Indian River Lagoon (SOIRL) funds to be used to put in stormwater; the representation is made that this was land acquired under Florida Forever; it was not; the land to the south, owned by SJRWMD and the County, were acquired under the Florida Community Trust Grants; but this particular property is not Florida Forever. She went on to say she urges the Board, since it is committing County funds to maintain it under Environmentally Endangered Lands (EELS), that EELS should acquire the land because, as recalled, the people involved with EELS indicated they wanted to preserve estuarine saltwater marshes, which this property is; most of the saltwater marshes in the Indian River Lagoon have been lost; this is very crucial to acquire this property for the protection of the Lagoon; and this looks a little odd to her to put it under SJRWMD when there is a property owned by a power company next to it, which has seemingly plenty of room to put in a stormwater pond. She asked why the County would need to destroy an estuarine saltwater marsh to put in a stormwater pond; it raises a question, unless that property has a developer in the wings, maybe on the power property, to put in a high-density development; there is plenty of open space, by the aerals, to put in a stormwater pond; and given the misrepresentations on this Item, and the questions, she would request that this is tabled until the purchase price is known and more details.

F.1. Board Approval, Re: Waiver to Brevard County Stormwater Pond Design Criteria for U.S. 192 Solid Waste Management Facility (23WV00019) (23SP00036)

The Board approved a waiver to the requirements for stormwater pond design found in Brevard County Code of Ordinances Section 62, Article X, Division 6, Exhibit A, 4.4(h) to allow 3:1 slopes and depths exceeding 12 feet for the current and all future phases of construction at the U.S. 192 Solid Waste Management Facility.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Tobia, Feltner, and Steele

Absent: Goodson

F.2. Resolution and Lease Contract with GROW Non-Profit Services Corporation. Re: Gibson Complex, Building H, Annex Space 2H

The Board executed and adopted Resolution No. 23-142, authorizing the lease of real property to a not-for-profit corporation; executed and approved Lease Contract with GROW Non-Profit Services Corporation; and authorized the Parks and Recreation Director to execute renewals and amendments upon County Attorney and Risk Management approval.

Result: Adopted

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Tobia, Feltner, and Steele

Absent: Goodson

F.3. Approval, Re: Management of Parrish Property by Environmentally Endangered Lands (EEL) Program

The Board approved the EEL Program to manage the Parrish property if acquired by the St. Johns River Water Management District; authorized the County Manager to execute any agreements, future amendments, or modifications upon approval by the County Attorney's Office and Risk Management; and authorized the County Manager to execute any necessary Budget Change Requests.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Feltner, and Steele
Nay: Tobia
Absent: Goodson

F.4. Permission to Use Current Chair's Signature Plates

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

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Tobia, Feltner, and Steele
Absent: Goodson

F.5. Acceptance and Approval of Internal Audit Reports and the FY 2023/2024 Internal Audit Plan

The Board acknowledged and approved the Internal Auditors' Reports; and approved the Internal Audit Plan for the Fiscal Year 2023/2024.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Tobia, Feltner, and Steele
Absent: Goodson

F.6. Bill Folder

The Board of County Commissioners, in regular session on November 21, 2023, acknowledged receipt of the Billfolder.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Tobia, Feltner, and Steele
Absent: Goodson

I.1. Approval, Re: Staff to Enter into Negotiations with Multiple Agencies for the Provision of First Year Opioid Abatement Services within Brevard County (up to \$2,701,458.44)

Attorney Stephen Charpentier stated as the Board knows, he represents the County with respect to the opioid recovery process multi-state litigation that has been going on for the last few years; he stated he gave everyone a handout of the PowerPoint just in case he does not get through it, so it can be seen; he asked that particular attention is paid to the article he included, just to let everyone know what the State is thinking about and how to deal with that as the County's attorney; along with local council in the National Prescription Opiate Litigation, he filed a suit on behalf of Brevard County in the middle district that was transferred to Ohio, where the multi-district litigation occurred; and that happened in March of 2018. He stated his firm was hired and the suit was filed in January of 2019; three of the Commissioners were not present then, two of them were; he expressed his appreciation to those Commissioners for all the help he received because they worked with him on getting this going; the staff and the Sheriff's Office was fantastic; he had to bring a bunch of numbers together in a real quick fashion and the County Attorney's office was also a big assistance; and he thanked them as well. He went on to say there were 45 defendants in the case including manufacturing, folks that actually made the drugs, distribution, those that distributed it throughout the United States, retail defendants, where the public bought the drugs; then there is the Purdue Pharma and the Sackler family, which were the origin; if one has seen it on Netflix, a lot of what went on was seen, the origin of this particular crisis; fast forward, a lot of work; there were national settlements on a global basis, nationwide; and there were Florida-specific settlements where the Attorney General for the State of Florida did a great job taking the lead on that. He added there are two groups of settlements there; they are not all complete, as this is still ongoing, but he wanted to bring the Board up to date with the majority of the case being resolved thus far; on the Florida Allocation Model, he is not going to get into that three bucket allocation today, as it would take up more time that he has; and he thanked the Board for the grace of this time from the former Chair and the current Chair. He noted what is important is essentially 100 percent of all opioid funds must go toward abatement with 10 percent going toward administration of that abatement; it is distributed over time and he can give the specifics of that at another time; this is payment of money over time; out of the Brevard Regional Fund, he has recovered \$44 million; out of the Brevard City and County Fund, there is another \$10 million; Ian Golden, Housing and Human Services Director, has already been working on that, an organization to figure out how best to distribute those funds; and the Board will be overseeing that. He added that is an important aspect which can be talked about a lot more as time goes by; this is payment over time, presumably years when no one present will be active in this anymore, up to 18 years for some of the distributions, but the bulk will be sooner than that; in Brevard County, the Brevard County Opioid Misuse Task Force is in place now and the Brevard Prevention Coalition; there are things yet to be resolved for pending bankruptcies, to see if there will be greater recoveries; and there are some remaining defendants out there with pending cases, individual defendants, so there may be some additional recoveries. He stated thus far the Brevard County Regional Fund has received \$6,572,894.67; that is real money in the till; and the Brevard City and County Fund is an additional \$509,000 and change.

The Board authorized the Negotiation Committee comprised of Ian Golden, Housing and Human Services Director, and the Budget Office Manager to enter into negotiations with the highest ranked firm for Marketing and Education Strategies for Opioid Disorders in Brevard County; authorized the County Manager to execute a master agreement and any renewals (one year agreement with the option for two-one year renewals) associated with the Marketing and Education Strategies for Opioid Disorders upon approval of Risk Management and the County Attorney's Office; authorized Ian Golden to execute any Task Orders issued under the Marketing and Education Strategies for Opioid Disorders Master Agreement; authorized the Negotiating Committee comprised of Ian Golden and the Budget Office Manager to enter into

negotiations with the two highest ranked firms for the Opioid Misuse Services (Medicated Assisted Treatment Services); authorized the County Manager to execute any contracts and Ian Golden to execute amendments or modifications associated with Opioid Misuse Services upon approval of Risk Management and the County Attorney's Office; and authorized the County Manager to approve any related Budget Change Requests.

Result: Approved

Mover: Rita Pritchett

Seconded: Rob Feltner

Ayes: Pritchett, Tobia, Feltner, and Steele

Absent: Goodson

J.4 John Tobia, Commissioner District 3, Re: Board Report

Commissioner Tobia stated he appreciated that no one kicked him out of the Vice-Vice Chair.

Chair Steele remarked he would never do that, as that is one of his favorite parts of the meeting.

Commissioner Tobia commented that today is National Stuffing Day; his office already had a stuffing competition and he thoroughly lost; useless Florida fact, the Dry Tortuga National Park is home to Fort Jefferson, which is the largest masonry structure in the Western Hemisphere; this day in Florida history, on this day in 1817, General Gaines sent 250 men from Fort Scott in Georgia to arrest Chief Neamathla, gunfire was exchanged in the process; and this was the start of the first Seminole Indian War. He added the Seminoles are still unconquered, hopefully that changes this weekend with the Florida State game, no prediction there. He stated County employee recognition goes to the County Attorney's Office and support staff; he started with Calvin Kahn, a staff support specialist, who has worked in the County Attorney's Office since April 2019; Calvin was born in Trinidad and Tobago and he is an officer in the Paralegal Association of Florida, Brevard Chapter; his favorite color is orange; he is an avid movie-goer with his favorite movie being Star Wars, episode one, The Phantom Menace; and an interesting fact is that Calvin was prom king at Space Coast High School in 2007. He wanted to thank Calvin for always answering the phone so cheerily, knowing that his office is usually asking their office to do quite a bit of work. He continued by saying Jackie Guadalupe serves as a Public Records Coordinator and is currently training to expand her responsibilities to include Records Management; Jackie has worked for the County since March 2020; she has a great sense of humor and is always quick with a joke; her focus in life is helping others; she enjoys working with charities, participating in disaster relief efforts, and teaching others about the Bible; and she loves animals. He expressed his appreciation to Jackie for her work and all the public records, as she helps people who want to know what is going on in government; and he thanked her for the job she does. He stated employee number three, Karen Lane, Litigation Support Specialist and Paralegal extraordinaire; Karen has worked at the County's office since May 2016 and loves spending time with the family of two kids and three grandkids, quilting, and martial arts; he commented not to mess with Karen, as she is a first-degree black belt in Aikido and a fifth-degree black belt in Taekwondo; together with her husband, she runs the Brevard Martial Arts Academy; and he may look up her evaluation, as one of the things is safety and he thinks the County should require someone with a black belt. He went on to say Nadia Foll has served in the County Attorney's Office since July of 2014, where she started at the front desk; Nadia has a commitment to service and a positive attitude and is now the Legal Office Administrator; in this Chief of Staff position, she keeps the office running smoothly and juggles a number of tasks and responsibilities; speaking of juggling, Nadia is a mother of five kids, grandmother of two; and she loves traveling, Disney, Starbucks, and the Dallas Cowboys. He added Nadia will be leaving at the end of the year to move to Fairfax, Virginia with her husband who is a Colonel in the United States Army; she is a pleasure to work with and will be greatly

missed; but Brevard County is excited as she embarks on her next adventure. He noted not least, Shelly Nelson has worked in the County Attorney's Office since September 2002; a Records Management Specialist and the County's designated Records Management Liaison Officer, a position required by State law; early in her career, Shelly modernized the County Attorney's archaic filing system by spearheading the transition to an electronic document management system; after organizing the County Attorney's Office, Shelly was tasked with updating and maintaining the County's records retention system at the Cocoa Central Reference Library; and at the time, there were so many boxes and documents in the third floor Records Center that an engineer report warned of potential collapse. He added Shelly's first task involved removing thousands of boxes of records pursuant to retention schedules established by statute and averting impending disaster; since then, Shelly has developed from scratch a records disposition system that allows for a dramatic reduction in dead paper files in accordance with legal requirements, while maintaining records with future reference value; she is widely known for her ability to find any County document or file, electronic or paper; and next month Shelly will be retiring after more than 20 years with the County. He went on to say the entire organization greatly appreciates her decades of experience; Shelly is a mother of two, grandmother of five, a music lover, and an anglophile; in retirement, she will be found hanging out with grandkids, rocking-out to a Led Zeppelin tribute or sipping tea and watching the BBC; he thanked her for making lives easier; he noted there will be many openings at the County Attorney's Office; and this is an easy way for Morris Richardson, County Attorney, to announce that.

Attorney Richardson stated his employees certainly deserve the appreciation; he appreciates them; there is a great support team; Nadia sends her regrets, as she is very ill today or she would be present; and he wished Shelly good luck on her retirement.

K. PUBLIC COMMENTS

Sandra Sullivan expressed good morning, it is a special day when she wears this hat; she thinks there has been only one other occasion that has warranted it, which was the Port St. John sewage plant; she is present to talk about "we got mucked"; the voters of Brevard on the Save Our Indian River Lagoon (SOIRL) sales tax, infrastructure surtax got mucked; she could not figure out why 66 percent of the sales tax was going to muck dredging; and she was shocked when she saw in the minutes, County Commissioners in 2016, talking about how it was not legal to spend it on muck dredging. She added it is interesting what one can find online; the people got mucked; legislators proposed tapping sales tax to remove muck to create a half-cent sales tax infrastructure surtax to use that tax for muck dredging; right in writing, December 2015, the people got mucked, the intent to create a tax for muck dredging; Senate Bill 346 was created and died in appropriations; and she asked is there any wonder the people got mucked when the Commissioners discuss on public record they are not allowed to use the sales tax, the infrastructure sales tax, for muck dredging. She stated she sent the Commission an email that details all the references to all the State statutes that define what this tax can be used for; it can be used, for example, for the acquisition of property for DMAA, for the muck dewatering, but it cannot be used for maintenance dredging according to what she read in the State statute and according to the County Attorney and County Commissioner's discussion in November of 2016; other sections of State statutes define the two types of muck dredging, capital dredging and maintenance dredging; capital dredging would be capital infrastructure, making it deeper or wider, but maintenance dredging is removing muck; and again, "we got mucked", the people were promised that this tax would be spent on saving the Lagoon, promising to use it for things like Advanced Wastewater Treatment (AWT) sewage plant upgrades, but there is nothing in there about that. She stated when she read the plan for the first time in 2018, she did a search for sewage and found not one instance of that word; she asked what was the discussion, as there was a big fish kill in 2016 and in 2017, 22 million gallons of sewage were dumped; all the discussion was about infrastructure and the tax was

rolled back to 24 percent; since Bryan Lober left, it is going to be back up to 66 percent by the end of the tax; and she reiterated "we got mucked."

Chair Steele noted that prior to ending the meeting, he would like to ask the Commissioners to think about who they would like to have appointed for the Central Florida Expressway from District 2, East Central Florida Regional Planning Council from District 2 and 4, Economic Development Council from District 5, Election Canvassing Board will include himself and an alternate, Florida Association of Counties, FAC Board of Directors for District 19 from District 2, Indian River Lagoon Council from District 2 and 4, Public Safety Coordinating Council from District 4, Tourism Development Council from District 1, Affordable Housing Advisory Committee from District 1, Transportation Planning Organization from all Districts, and Value Adjustment Board from District 3 and 5; he asked the Commission to please send in their suggestions to his office.

Commissioner Feltner commented he did not think these come from certain districts; and he thinks those are the Commissioners who are on those boards currently.

Chair Steele remarked they could be; and he may have totally misunderstood.

Commissioner Feltner stated he thinks what Chair Steele is looking for is a preference on which boards; he has no problem staying on the boards that he is on to make that easy, if that is what he wants to do; and he thinks that is the situation.

Commissioner Pritchett stated she is fine with that too; it is his discretion if he wants; this is where he gets to tell the Commission what to do; it is his discretion what he would like to do; but she is ready to serve.

Chair Steele stated what he would like to do is have the Commission send or call his office with their suggestions; and then the appointments will be made at the next Board meeting, if that is okay.

Commissioner Feltner asked Attorney Richardson if that was okay, or should these be sent to him; and asked how he would like that done.

Attorney Richardson remarked the Commission could do that.

Commissioner Pritchett stated it is not voted on, so the Chair would just pick who he would like and then sometimes they will fuss back and then he will end up taking the boards that nobody else will have.

Chair Steele asked Attorney Richardson to clarify.

Attorney Richardson replied the Board is welcome to send the assignments that they would like to make to the County Attorney staff.

Chair Steele instructed the Commission to send their suggested assignments to the County Attorney and they will move forward at the next meeting; he expressed his appreciation for the Board's patience with him in regards to being Chair; he feels completely blessed that the Board has trust in him; he was especially moved by Commissioner Tobia's motion to appoint him as the Chair; and he thanked him for that and noted he is looking forward to serving in a good, honest, and fair way in everything it does.

Upon consensus of the Board, the meeting adjourned at 9:30 a.m.

ATTEST:

RACHEL M. SADOFF, CLERK

JASON STEELE, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by the Board on December 19, 2023