

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

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on July 8, 2014 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

Call to Order

Attendee Name	Title	Status	Arrived
Robin Fisher	Vice Chairman/Commissioner District 1	Present	
Chuck Nelson	Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Mary Bolin Lewis	Chairman/Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

INVOCATION

The invocation was given by Reverend Gary Ginn, Redeemer Presbyterian Church, Titusville.

PLEDGE OF ALLEGIANCE

Commissioner Trudie Infantini led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the April 29, 2014, May 13, 2014, and May 27, 2014, Regular, and May 29, 2014, Meeting minutes the Zoning Meeting Minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VII.B. REPORT, RE; SCOTT KNOX, COUNTY ATTORNEY

Scott Knox, County Attorney, stated he had a conversation with representatives of the Florida East Coast Railway (FEC) and All Aboard Florida and they respectively want to defer Item V.D.2 to the July 22, 2014, meeting so they have a chance to meet with himself and John Denninghoff, Public Works Director, to discuss the memorandum that was sent out to the Board last week.

Commissioner Infantini explained the Item deals with the All Aboard Florida and the FEC railroad crossings; stated she thought it was a bit late notice to ask to be tabled; there are some people in the audience for the All Aboard Florida, Item; and the Board should go the issue and vote on it.

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Chairman Bolin Lewis stated the Board will let the people who signed up for that particular Item to be able to speak; and the Board would not have the discussion by the Board Members.

The Board tabled consideration of a report by Scott Knox, County Attorney, regarding the FEC/All Aboard Florida issue, until the July 22, 2014, Board meeting so Attorney Knox, John Denninghoff, Public Works Director, and FEC can meet to discuss the memorandum that was sent out to the Board last week memorandum.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Robin Fisher, Vice Chairman/Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

ITEM I.A. RESOLUTION, RE: RECOGNIZING KEVIN SIECK FOR OBTAINING HIS EAGLE SCOUT AWARD

Commissioner Bolin Lewis read aloud, and the Board adopted Resolution No. 14-101, recognizing Kevin Sieck for his outstanding efforts in obtaining his Eagle Scout Award through Troop 224; and offered congratulations and best wishes for a successful future.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Vice Chairman/Commissioner District 1
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.B. RESOLUTION, RE: RECOGNIZING KEVIN MCMAHAN FOR OBTAINING HIS EAGLE SCOUT AWARD

Commissioner Bolin Lewis read aloud, and the Board adopted Resolution No. 14-102, recognizing Kevin McMahan for his outstanding efforts in obtaining his Eagle Scout Award through Troop 24; and offered congratulations and best wishes for a successful future.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Vice Chairman/Commissioner District 1
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.C. PRESENTATION, RE: EMPLOYEE DEVELOPMENT PROGRAM

The Board recognized the following employees who have successfully achieved their Professional Development Certificates with honors: Laurie Blair, LeeAnn McCullough-Wham,

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Valerie Citta, Jeffrey McKnight, James Ennis, James Savary, Stephen Harrell, Cindy Short, Don Kean, Dawn Verostic, Constance Lea, and Christi Winn; and recognized the following employees who have achieved their Professional Development Certificates: Sascha Albury, Rhonda McConnell, Phillip Bissett, Michael McGrew, Darcy Blessing, Fred Poppe, Brain Breslin, Darrell Schmitt, Randy Detwiller, John Self, Mark Ellenson, Devin Swanson, Larry Joseph, Shawn Turner, and Jason Kelly.

ITEM I.D. RESOLUTION, RE: RECOGNIZING THE MONTH OF JULY 2014 AS RECREATION AND PARKS MONTH

Commissioner Nelson read aloud, and the Board adopted Resolution No. 14-103, proclaiming the month of July 2014 as Recreation and Parks Month; and encouraged residents and visitors to enjoy using the parks, trails, programs, and special places that enhances the quality of life in our community.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.E. RESOLUTION, RE: RECOGNIZING THE WEEK OF JULY 13, 2014 THROUGH JULY 19, 2014 AS PRETRIAL, PROBATION, AND PAROLE SUPERVISION WEEK

Commissioner Anderson read aloud, and the Board adopted Resolution No. 14-104, proclaiming the week of July 13 - 19, 2014, as Pretrial, Probation, and Parole Supervision Week; and encouraged all citizens to honor these community corrections professionals and to recognize their achievements.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM I.F. RESOLUTION, RE: ACKNOWLEDGING CHUCK ZARUBA'S RETIREMENT

The Board adopted Resolution No. 14-105, recognizing and commending the outstanding public service of Chuck Zaruba; expressed its sincere appreciation and thanks for more than 39 years of steadfast service to the citizens of Brevard County; and offered best wishes for good health and happiness during his retirement.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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ITEM I.G. RESOLUTION, RE: SUPPORTING THE EFFORTS OF HARRY T. AND HARRIETTE V. MOORE CULTURAL COMPLEX BOARD OF DIRECTORS TO BRING A FULL FEATURE FILE TO FRUITION

Commission Fisher read aloud, and the Board adopted Resolution No. 14-106, endorsing and supporting the efforts of the Harry T. And Harriette V. Moore Cultural Complex, Inc. Board of Directors to bring a feature film to fruition.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Vice Chairman/Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.A.1., APPROVAL, RE: MOSQUITO CONTROL TENTATIVE DETAILED WORK PLAN BUDGET FOR FY 2014-2015

The Board executed the Florida Department of Agriculture and Consumer Services, Division of Agriculture Environmental Services, Detailed Work Plan Budget for Arthropod Control, for the fiscal year beginning October 1, 2014, and ending September 30, 2015, to qualify Brevard Mosquito Control District as a State Certified Program.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

ITEM II.A.2., AGREEMENT WITH KNIGHT ENTERPRISES, RE: RELEASE AND HOLD HARMLESS AGREEMENT

The Board authorized the National Resources Management Director to execute the Release and Hold Harmless Agreement between Knight Enterprises and Brevard County Mosquito Control District.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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ITEM II.A.3., RESOLUTION AND LONG RANGE BUDGET AND STATE COST-SHARE REQUEST, RE: BREVARD COUNTY SHORE PROTECTION PROJECT

The Board adopted Resolution No. 14-107, supporting the Brevard County Shore Protection Project; granted State grant cost-share funding, matched by Federal Funds and local option tourist tax that is dedicated to the Beach Improvement Fund for Shore Protection Projects; authorized the County Manager or designee to execute contracts and task orders to secure grant funds and accomplish work approved under grants; and authorized necessary budget change requests.

ITEM II.A.4., GRANT CONTRACT MODIFICATION WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT, RE: PLUCKEBAUM AND RANGE ROADS DRAINAGE IMPROVEMENTS

The Board executed FEMA Project 1785-036-R-MOD #2 to the Hazard Mitigation Grant Contract Number 11HM-3E-06-15-01-018, between Brevard County (grantee) and Florida Division of Emergency Management (FDEM), representing the Federal Emergency Management Agency (FEMA), increasing the Grant cost-share for Pluckebaum and Range Roads Drainage Improvements and extending the period of performance timeframe; and authorized necessary budget change requests.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.A.5., MUNICIPAL LEASE AGREEMENT WITH CANON FINANCIAL SERVICES, INC. AND CUSTOMER AGREEMENT WITH CANON SOLUTIONS AMERICA, INC., RE: SCANNER/PRINTER NEEDED FOR THE SURVEY AND MAPPING DIVISION

The Board executed Lease Agreement with Cannon Financial Services, Inc., and Customer Agreement with Cannon Solutions America, Inc., for a scanner/printer needed for the Survey and Mapping Division.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.A.6., RESOLUTION AND LOCAL AGENCY PLANNING AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION, RE: ST. JOHNS HERITAGE PARKWAY AT ELLIS ROAD PROJECT

The Board adopted Resolution No. 14-108, and executed Local Agency Program Supplemental Agreement with the Florida Department of Transportation (FDOT) in the amount of \$2,370,971, for the designing for four lanes along Ellis Road.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Chuck Nelson, Commissioner District 2
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.B.1., AGREEMENT WITH SEA ROCKET CHAPTER OF THE FLORIDA NATIVE PLANT SOCIETY, RE: GREENHOUSE SPACE ON ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ENCHANGED FOREST SANCTUARY

The Board executed the Agreement with Sea Rocket Chapter of the Florida Native Plant Society to utilize the greenhouse space at the Environmentally Endangered Lands (EEL) Program's Enchanted Forest Sanctuary in Titusville for native plant propagation in exchange for maintaining the butterfly gardens at the Enchanted Forest Sanctuary and providing free public educational programs, including but not limited to community events, guided hikes, and other organizational activities, as approved by EEL Program staff.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Chuck Nelson, Commissioner District 2
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.B.3., AUTHORIZING RESOLUTION, GRANT APPYICATION, USE OF TRANSPORTATION DEVELOPMENT CREDITS, AND EXECUTION OF FOLLOW UP GRANT AGREEMENT, RE: BY 2015, SECTION 5339, FEDERAL TRANSIT ADMINISTRATION BUS AND BUS FACILITIES FORMULA PROGRAM

The Board adopted Resolution No. 14-109, authorizing the following actions for the FY 2015 Section 5339 Bus Facilities Capital Grant from the Federal Transit Administration (FTA) in the amount of \$592,553; executed the Grant Application; authorized the use of the Florida Department of Transportation (FDOT) Toll Revenue Credits; executed the Designation of Signature authority allowing staff to submit the Grant electronically; authorized James Liensenfelt, Transit Services Director, to execute and submit the Grant Agreement electronically, contingent upon County Attorney and Risk Management approval; and for you to execute any additional follow-up documentation/resolutions and amendments necessary to secure these funds.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Chuck Nelson, Commissioner District 2
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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ITEM II.B.4., AUTHROIZING RESOLUTION, GRANT APPYLICATION, USE OF TRANSPORTATION DEVELOPMENT CREDITS, AND EXECUTION OF FOLLOW UP GRANT AGREEMENT, RE: BY 2015 SPACE COAST AREA TRANSIT CAPITAL AND OPERATION ASSISTANCE GRANT FROM FEDERAL TRANSIT ADMINISTRATION

The Board adopted Resolution No. 14-110, for the Urbanized Area Formula Program, Capital and Operating Assistance Grant from the Federal Transit Administration (FTA) in the amount of \$6,502,980; executed the Grant Application; authorized the use of the Florida Department of Transportation (FDOT) Toll Revenue Credits; executed the Designation of Signature authority allowing staff to submit the Grant electronically; authorized James Liesenfelt, Transit Services Director, to execute and submit the Grant Agreement electronically, contingent upon County Attorney and Risk Management approval; and for James Liesenfelt, Transit Services Director, to execute any additional follow-up documentation/resolutions and amendments necessary to secure these funds.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.C.2., CERTIFICATION, RE: LOCAL OPTION GAS TAX PERCENTAGES ALLOCATIONS

The Board certified the revenue percentage allocation; and authorized Clerk's Finance Department to submit the allocations to the Florida Department of Revenue.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.C.3., ACKNOWLEDGEMENT, RE: FY 2015 PROPOSED BUDGET FOR VIERA STEWARDSHIP DISTRICT

The Board acknowledged the FY 2015 Proposed Budget for the Viera Stewardship District.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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ITEM II.C.4., ACKNOWLEDGEMENT, RE: BY 2015 PROPOSED BUDGET FOR MAYFAIR COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged the FY 2015 Proposed budget for Mayfair Community Development District.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.C.5., ACKNOWLEDGEMENT, RE: BY 2015 PROPOSED BUDGET FOR VIERA EAST COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged the FY 2015 Proposed Budget for the Viera East Community Development District.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.C.6., ACKNOWLEDGEMENT, RE: BY 2014-2015 PROPOSED BUDGET FOR HERITAGE ISLE AT VIERA COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged the FY 2014-2015 Proposed Budget for Heritage Isle at Viera Community Development District.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.C.7., ACKNOWLEDGEMENT, RE: BY 2014-2015 PROPOSED BUDGET FOR MONTECITO COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged the FY 2014-2015 Proposed Budget for Montecito Community Development District.

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RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Chuck Nelson, Commissioner District 2
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.C.8., ACKNOWLEDGEMENT, RE: FY 2015 PROPOSED BUDGET FOR WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged the FY 2015 Proposed Budget for Willow Creek Community Development District.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Chuck Nelson, Commissioner District 2
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.C.9., ACKNOWLEDGEMENT, RE: FY 2015 PROPOSED BUDGET FOR BAYTREE COMMUNITY DEVELOPMENT COMMUNITY DEVELOPMENT DISTRICT

The Board acknowledged the FY 2015 Proposed Budget for Baytree Community Development District.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Chuck Nelson, Commissioner District 2
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.C.10., APPROVAL, RE: CHANGES TO BOARD POLICY BCC-23, TANGIBLE PERSONAL PROPERTY

The Board approved the recommended changes to Board Policy BCC-23, Tangible Personal Property.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Chuck Nelson, Commissioner District 2
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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ITEM II.C.11., AUTHORIZATION TO EXTEND CONTRACT WITH BURNETT LIME, RE: MIMS WATER PLANT

The Board authorized an extension of Contract with Burnett Lime through the completion of the Mims Water Plant Slaker Replacement Project that is currently in progress; and authorized associated budgetary changes.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Chuck Nelson, Commissioner District 2
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.C.12., AUTHORIZATION TO EXTEND PURCHASE ORDER, RE: TELECOMMUNICATIONS MAINTENANCE

The Board retroactively authorized an extension of the Purchase Order with Wonderlink Communications for telephone system maintenance.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Chuck Nelson, Commissioner District 2
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.D.1., APPROVE STIPULATED FINAL JUDGMENT IN THE AMOUNT OF \$162,500, RE: BREVARD COUNTY V. SUMERSET FLORIDA, LLC, ET AL (PARCEL 134, 137, 721, 724) CASE NO. 05-2011-CA-031229-XXXX-XX

The Board approved Stipulated Final Judgement in the amount of \$162,500.00 (less amount previously deposited) for all claims whatsoever, including but not limited to land value, severance damages, business damages, costs, expert witness fees, and attorney's fee for Brevard County v. Summerset Florida, LLC, et al (Parcel 134, 137, 721, 724) Case No. 05-2011-CA-031229-XXXX-XX.

RESULT: ADOPTED [4 TO 1]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Chuck Nelson, Commissioner District 2
AYES: Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS: Trudie Infantini

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ITEM II.D.2., RESOLUTION, RE: AD VALOREM TAX EXEMPTION FOR BONADENT DENTAL LABORATORIES

The Board adopted Resolution No. 14-111, qualifying BonaDent Dental Laboratories as an eligible business under the County's Tax Abatement Program; and approved authorizing a public hearing to consider adopting an exemption ordinance.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Chuck Nelson, Commissioner District 2
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.D.3., ACCEPTANCE, RE: FINANCIAL CONDITION REVIEW UPDATE FOR FIRE RESCUE AND THE PRE-TRIAL AND MISDEMEANOR PROBATION SERVICES AUDIT REPORT

The Board accepted the Audit committee Financial Condition Review Update for Fire Rescue and the Pre-Trial and Misdemeanor Probation Services Audit Report.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Chuck Nelson, Commissioner District 2
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.D.4., SUBGRANT AGREEMENT WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT, RE: FY2014/2015 EMERGENCY MANAGEMENT PERFORMANCE GRANT

The Board executed the Subgrant Agreement with Florida Division of Emergency Management for FY2014/2015 Emergency Management Performance Grant; and approved the County Manager or his designee to submit and execute any additional changes, documents, budget actions, or amendments required under the grant contract.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Anderson, Commissioner District 5
SECONDER: Chuck Nelson, Commissioner District 2
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.D.5., EXECUTIVE SESSION TO DISCUSS STATUS OF COLLECTIVE BARGAINING NEGOTIATIONS, RE: INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS RANK AND FILE UNIT

The Board approved scheduling a closed Executive Session with the County Manger and appropriate staff to discuss ongoing collective bargaining negotiations for the Rank and File

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Agreement with the International Association of Fire Fighters (IAFF) Local 2969, to be held at the end of the Board of County Commissioners meeting on July 22, 2014.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.D.6., APPOINTMENTS/REAPPOINTMENTS, RE: BREVARD WORKFORCE DEVELOPMENT BOARD

The Board reappointed Daryl A. Bishop, Colleen Browne, William Chivers, Dale Coxwell, Carol M. Craig, Robert Jordan, Phebe Powell, and Lynda Weatherman to the Brevard Workforce Development Board, with terms expiring June 30, 2017.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

ITEM II.D.7., APPOINTMENT, RE: BREVARD WORKFORCE DEVELOPMENT BOARD

The Board appointed **Daniel Raymond** to the Brevard Workforce Development Board, with term expiring June 30, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.D.8., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Sil Crespo** to the Environmentally Endangered Lands Procedures Committee, with term expiring December 31, 2014; **Brian Reed** and **Mark Nathan** to the EEL Program Recreation and Education Advisory Committee, with terms expiring December 31, 2014; **Marcia Newell** to the Employee Benefits and Insurance Advisory Committee, with term expiring December 31, 2014; and **Jerry Sansom** to the Titusville-Cocoa Airport Authority with term expiring August 8, 2018, and **Milo Zonka** to the Titusville-Cocoa Airport Authority, with term expiring July 8, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.D.10., APPROVAL, RE: BREVARD COUNTY ANNUAL FINANCIAL AUDIT'S REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2013

The Board acknowledged the receipt of the Brevard County Annual Financial Audits for the Fiscal Year ended September 30, 2013, and the accompanying management letters.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.B.2., INTERLOCAL AGREEMENT WITH THE CITY OF WEST MELBOURNE, RE: TRANSIT SHELTERS AND BEACHES

Commissioner Infantini stated this Item deals with an Interlocal Agreement with the City of West Melbourne to construct bus shelters; she advised she was in correspondence with James Liensenfelt, Transit Services Director, regarding their desire to have bus shelter that did not contain advertising; and if the bus shelters do not contain advertising, then Brevard County has to construct them. She added, if Transit Services is willing to have advertising then the County has a firm that it has a contract with, 2020 Media; they have been a little slow on constructing some of the bus shelters in the past; and she reached out to them and was told that they were going to be getting on two bus shelters and would gladly take on new ones. She suggested if it is not an absolute requirement of West Melbourne to have to advertising she would like to table the Item and bring it back to see if they are willing to have advertising on their bus shelters.

Mr. Liensenfelt stated 20/20 Media would have to talk to the City of West Melbourne; the contract the County has with them is for unincorporated areas only, so it is up to the City; he has reached out to a number of cities, West Melbourne would be the fifth city; and what he has been trying to do is get shelters and benches out there and actually accessible bus stops. He added, what Transit Services has done is use the Federal funds to pay for the construction and the procurement of the shelters and the benches and the cities maintain them for the County. He stated the funding has changed over the last few years, what it really does is they have the funds to do the capital but not the operating funds to do the maintenance, and that is how they work it out with the cities. He advised the County does not own any of the right-of-ways where the bus stops are; it is up to the cities if they want to procure their own, or they can work with the County on bus stops; and Cape Canaveral, Cocoa Beach, Palm Bay, and Melbourne all have similar agreements.

Commissioner Nelson stated he is uncomfortable telling a city what they should be doing in terms of their bus stops; it has not been done in the past. He advised 20/20 Media has been problematic over a long period of time; it is probably the worst contract he has ever seen, in term of the termination clause; their performance has been lacking; and he would like to see the

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contract looked at in terms of possibly cancelling it and going back out for a more responsive vendor.

Commissioner Infantini stated she is not trying to tell the City of West Melbourne what to do; they only voted to have bus shelters constructed, they did not vote to have bus shelters constructed without advertising; and what she is trying to do is give them a choice to let the City know the County could do this free of charge or it could do it where it comes out of the Federal funds that are available. She noted she typically tries to opt for free as long as it turns out to be a good solution.

The Board executed the Interlocal Agreement with the City of West Melbourne for the purpose of providing Bus/Transit Shelters and Benches within the City limits.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Vice Chairman/Commissioner District 1
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

ITEM II.C.1., APPROVAL, RE: BUDGET CHANGE REQUESTS

Commissioner Infantini stated Budget Change Requests is where the Board add things to the budget that were not originally placed in the budget back in September, October; one of the items the Board is placing in the budget is to add \$39,000 to the North Brevard Economic Zone to do the engineering for a spec building that is going to be going up, she thinks it is at the Spaceport; and a concern is that she does not really think that the government should be in the business of building spec buildings. She added, it should leave spec building to developers; if they see that there is a good reason to buy up a piece of land and build a spec building because there is potential demand, let private development do it; she is not in favor of this item; and in the future it would appear the Board is going to build this spec building at a cost of approximately \$530,000 if her understanding is correct. She noted, she is just opposed to that. Commissioner Fisher stated Commissioner Infantini's understanding is incorrect.

Commissioner Infantini asked if Commissioner Fisher could please correct her understanding; inquired how much is the spec building going to be costing.

Commissioner Fisher stated there is never been a decision to make a spec building; he thinks what the North Brevard Economic Development Zone has agreed to do was that the County owns land; Brevard County has an industrial park in the north end that has basically over the years, has not done very well and not sold very many parcels; and so in economic development one of the things that the Board knows that the County's permitting process is very difficult, and the Zone has decided to try to streamline that permitting process by trying to get some sites ready to go. He added, that is the only decision they made up to this point; and if they did do a spec building, they would probably have a developer do it; and that is where the misunderstanding is.

Commissioner Infantini stated it says in the budget that the North Brevard Economic Zone has in fact spec building development and it has \$530,000 assessed at that; if it is using government funds, she realizes the County could have a developer do the building, but typically the spec building is done with developers money not government money. She noted, she is not sure where the understanding is incorrect, but if Commissioner Fisher could clarify.

Commissioner Fisher stated he would clarify that the Zone did not say they are building a spec building.

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Commissioner Infantini stated the Zone is going to build a spec building.

Commissioner Fisher reiterated no, the Zone did not say they are.

Commissioner Infantini asked what is the \$530,000 in the budget then.

Commissioner Fisher asked what is Commissioner Infantini making reference to.

Commissioner Infantini stated the North Brevard Economic Development Zone has a line item budget for Capital Improvements, and it says \$530,000 for spec building development.

Stockton Whitten, County Manager, stated he thinks that is a part of the Capital Improvement Plan (CIP); the North Brevard Economic Development Zone, that is actually to assist in site preparation; it would take far more than the five hundred and some odd thousand to build this spec building; but he thinks that is to assist in prepping the site for site development, for permitting, and those sorts of things.

The Board approved Budget Change Requests as submitted.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Robin Fisher, Vice Chairman/Commissioner District 1
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

ITEM II.C.13., SOLICIT REQUEST FOR PROPOSALS, RE: TOURISM ECONOMIC IMPACT STUDY IN AN AMOUNT NOT TO EXCEED \$45,000 TO BE PAID FROM THE TOURIST DEVELOPMENT TAX

Commissioner Infantini stated this Item deals with the Tourist Development Council (TDC); they are asking for \$45,000 to do a visitor profile study; frequently the TDC takes trips to places like China, and Singapore; and she yet to understand and see all of the visitors that come out of the trips. She added, it is nice to know the TDC is finally going to find out why their taking the trips, if in fact there is a cost benefit to the trips.

The Board approved soliciting Request for Proposals (RFP) to contract with a company to assist the Tourist Development Council (TDC) in developing a one-year Tourism Economic Impact and Visitor Profile Study; approved the TDC Marketing Committee to initially review and shortlist if more than three proposals are submitted the vendors will make presentations to the TDC for its final recommendation to the County Manager; and authorized the County Manager to execute the contract.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM II.D.9., APPROVAL, RE: BILLFOLDER

Commissioner Infantini stated the Billfolder is where the Board approves the Tourist Development Council (TDC) trips; and one of the trips is to attend a Powwow at a cost of \$19,000. She continued to say she is not really sure when one goes over budget by so much, why the TDC even prepares budgets, because she thinks the budget on that trip was 14,000; and when is the TDC going to put somebody in place that knows how to budget so they do not keep coming back after it has spent so much money. She advised she has requested from the director of the TDC is the skymiles; almost all their trips on taken on Delta and he or she earns skymiles, yet she has not seen any of the trips they take use the skymiles for their future airfare; and she has asked where do all the skymiles go. She stated she would like to see the skymiles returned back to the TDC for future trips rather than to the employees who are taking the trips; she has requested the information since March as to how much has he or she earned in skymiles and where are they going; and she has yet to receive an answer.

Stockton Whitten, County Manager, stated staff missed the question in March and the TDC is working on answering the question. He understands the skymiles accrue to the individual because of the airline policies, but again staff is working on the answer. He stated the trip was originally budgeted for \$15,900; it came in at \$19,000 because there were co-op partners on the trip with the TDC staff; the co-op partners are actually reimbursing the County to the tune of \$8,246, so ultimately when the reimbursements come in the County will be under budget for this trip by \$5,000.

Commissioner Infantini stated maybe in the future staff could have the individuals who are doing the co-op just pay their share right up front rather than reimbursing the County, that why every time it comes before the Board it will not have an over budget. She added, she is concerned about the selection for who gets to co-op and go along with; it does not seem like it is open to the hoteliers, it seems like typically the same set of hoteliers are allow to go on the co-op trips; and there is a lot of people who are operating hotels that are not available to offer the opportunity to co-op.

Bonnie King, Tourism Development Assistant Director, stated for Powwow they do open it up for the Melbourne Airport, Kennedy Space Center; it is doing destination marketing on that; if there is room for additional hoteliers to go they do open it up, but it can only have limited amount of people in the booth; and TDC has many other shows that it does that is open to all other hoteliers, first come first serve. She added, the expense of going to Powwow is pretty expensive, so a lot of the hotel do not have that kind of money; and what the TDC does is go and represent them and bring back the leads to them.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Vice Chairman/Commissioner District 1
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

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ITEM III.A. DEVELOPMENT AGREEMENT WITH JENSON NORTH, LLC AND JENSON SOUTH, LLC, RE: DATA CENTER - 14SP-00174

Robin Sobrino, Planning and Development Director, stated this is a request to update the 2012 Developers Agreement for an office park in Viera area; the original Developer Agreement was crafted because as a two-phase site plan the first phase was going to be the construction of a Data Center; the Data Center was not something that is a common place in the zoning; regulations and it had based the parking requirements and traffic count based upon the square footage of the building. She added, it was explained to staff that a Data Center was really a so called warehouse for servers, computer backup, and that there is very limited employees at the center. She continued to say the developer wanted to be relieved from putting in the requisite number of parking spaces and making traffic improvements based upon what staff thought traffic counts would be based upon the square footage of the building. She explained the Developer's Agreement was crafted to insure that if the Data Center was ever converted to another use at that time the developer would be obligated to put in the requisite number of parking spaces and also make roadway improvements. She stated the second phase of the site also had shown an additional office building that was also going to generate traffic and parking requirements; they are coming in now because they intend to enlarge the phase two building and therefore that would increase traffic counts and parking requirements; and this Developer's Agreement will allow staff to move forward with honoring the parking requirements for the Data Center until such time if the Date Center becomes another use, and it allows them to postpone any roadway improvements until phase two is built.

Jake Wise, Civil Engineer for the project, stated the developer is wanting to maintain their headquarters in Brevard County; they have over a 150 employees already, and are growing fast; and because this site already had a Developer's Agreement on it, they were wanting to expand the building to be larger than originally thought, because of the company's growth, they are just simply asking to modify it. He added, if the Developer's Agreement is approved it plans to proceed right away with construction of it and having the headquarters stay in Brevard County; and the phase two also includes all of the infrastructure improvements to be constructed at the front of the project.

The Board authorized staff to continue to the second public hearing at the July 22, 2014 Board meeting, consideration of First Amended Development Agreement with Jensen North, LLC and Jensen South, LLC for the deferral of infrastructure improvements for the Data Center - 14SP00174.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Vice Chairman/Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM IV.A., APPROVAL, RE: 2015 GROUP HEALTH PLAN DESIGN CHANGES

Frank Abbata, Human Resources Director, stated the Board gave direction to the County Manager to develop the Budget based on two factors relative to group health insurance; one was an employer increase of 14 percent in the premium, and the second was based on options provided by the Employee Benefits Insurance Advisory Committee to reduce the Board's costs moving forward through increased premiums through employee dependant and retiree contributions and other co-payments; and in Option one, in achieving the number that was

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needed, which was a little over \$6 million, was to change the HRA and have a deductible on the front end before people could use their HRA dollars to increase the active rate by 30 percent, and increase the retiree rate by 35 percent. He continued to say similarly in Option two it has the same \$250/\$500 deductible on the front end and increases the active rate 20 percent and retiree's would go to a fully-vested rate; staff conducted a survey of other jurisdictions to see what they were doing and provided the Board the information; there were over 20 jurisdictions that responded; and over 50 percent of them were at the fully-vested rate for both under and over age 65 employees. He added, the rates that are out there under the fully-vested are very significant increases for retiree's, especially retirees over age 65; for both groups the retiree's under age 65 and over 65 it is extremely difficult to be able to tell what the actual impact will be to them when they look at what is available in the Marketplace; and there are two Marketplaces, one Marketplace that currently exists for the under 65 where there is a Federal Tax Credit Subsidy that is going to be available, and it is dependant upon their age, number of family members, and family income. He stated that staff took the opportunity to look at, what they thought might be a typical situation to show the Board what would be happening; if people choose Option 2, which the Board indicated was an option there were looking at, the retiree's under age 65, a subsidy for one year period, they go into the Marketplace, they would not come back into the County's plan, they would get whatever the Federal Subsidy that was available; and if one looks in the Marketplace, it is currently 105 plans available in Brevard County. He continued to explain staff did a comparison of retiree's at age 55 and retired and spouse who is at age 55; they took three examples of family income of \$18,000, \$30,000, and \$36,000, and two of the existing plan options that are out there; and as the Board can see, the deductible of \$13,000/individual and \$2,600/family, co-insurance and a 10 percent co-pay for generic. He displayed a chart of what the plan as it exists today; staff looked at the subsidy would be available for an individual under the employee only plan, and for \$18,000 they would get \$389.00 a month and their premium with subsidy would be \$248.00; someone at \$36,000 would get a Federal Subsidy \$169.00, and the premium would be \$468.00; and staff also did the plan costs for employee and spouse. He added, one additional point, and that is as of this morning, he spoke to a member of the Human Resources staff who happens to be retiring this coming year; he was very apprehensive about going into the Marketplace; it is him, his spouse, and two dependants, and he is under age 62; under the current County Plan he would be paying \$900 per month for coverage; he has a total income in family of \$62,000; and with that he qualifies for Federal Subsidy so that his monthly payment will be \$600.00. He explained is it different for every individual based on their income, based on the family status; what staff has done provided all of the retiree's a letter inviting them to contact Human Resources so staff can look at the options are; and staff anticipates, not all, but a vast majority of retiree's, both under age 65 and over 65, compared to where the fully vested rates are, if in fact the Board goes that route, they will have the opportunity to substantially better in the under 65 Marketplace.

Jerry Visco, Insurance Director, stated in addition to the Federal Marketplace when he did a comparison locally there were 29 plans that were being offered that match the type of program, what he calls a High Gold Option plan that Brevard County currently employs; and in addition to it has to those options, it has the Medicare that have always been available to Brevard County's retiree's, and qualifying family members. He added, initially it has Health First Medicare HMO Option with a \$189.00 a month premium; for the last several years it has also added to that Medicare Advantage Options provided by United Health Care; some of the options have a zero premium component to their Medicare Advantage Plans; and individuals will have significant out-of-pocket expenses, \$5,900 on the zero premium plan, but that is being made up with really minimal co-pays, \$5.00 to \$45.00, up to the maximum. He continued to say the Medicare Advantage plans runs like traditional HMO's; and they combine Medicare A and B, and Medicare Supplement coverage along with Medicare pharmacy benefit, so it is extremely comprehensive series of programs that the Federal Government has put together and made commercially available through Help First Health Plans and United Health Plans. He stated in addition to the Medicare Advantage plans, the world of Medicare supplements provide options

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that range in letter designation from A to N; he displayed a chart showing the age banded premiums for the supplement plans, based on the age when he or she enters the Medicare Plan; and once one has entered Medicare at that age band, he or she stay in that band forever. He went on to say in addition to the plan options, they are going to be covering what Medicare Plan A and Plan B does not cover; Plan A and B are covering 80 percent of the cost; the other plan options are covering the remaining 20 percent to some various degree; and in addition to those one will have three pharmacy benefit options, a low, medium and high. He added, Plan F is the most comprehensive; for the premium one gets it covers everything Plan A and B does not cover; and Plan N is the other most popular plan, but these are plans that tailored to fit whatever particular medical and budget needs are. He stated there are a lot of options for the Medicare eligible population to find alternatives to using the Brevard County group self insured plan as secondary coverage, which it was never designed to be; the Brevard County group is primary coverage option, and folks have for years been paying more premium than they need to for what is in effect secondary insurance coverage. He mentioned there were three options in the prescription drug plans; the Saver Plus Plan, Preferred Plan, and the Enhanced Plan are the low, medium and high option plans; what makes these plans different will be the formularies that are involved; and one can sit down with a representative and review all the medications they are currently taking.

Frank Abbate stated he would like to make one correction before it gets every over 65 retiree thinking they have been over charging them; if staff had the fully vested rate in place then they would have been paying more than they need to, and actually that is the rate that is the rate that is purposed in the future because that is the type of plan that it has; and that is what Option Two provides for and what it would expect that virtually all of the retirees would be better in a Medicare Advantage or Medicare Supplement Plan. He added, up until now their rate has been discounted, that is why the Board's providing over \$3 million subsidy to retiree's currently, about 40 percent for the under and over 65 retiree's; and the staff has the kind of shortfall that it has, which is going to be about \$6 million this year it had to make up the difference and this is just one option for how that is going to be accomplished.

Ed Washburn stated he has worked in both the private and public sector, and he assures the Board he has made more money in the private sector than in the public sector; and it was an honor to work for Brevard County. He added, he and his wife can go with Health First and will not get hurt as badly, and he can go the Medicare Advantage Program; what he is worried about are two things, the Sheriff's Office and the Fire personnel will retiree before they are the age of 65. He stated he only had about 14 years of public service; that was calculated into a great retirement check; and he does not think most of public employees received a big retirement check. He went on to say if he took the same insurance he had last year, and he understands the terms vested, he would be paying \$1,321 for secondary insurance; and there would be no reason to pay \$1,321 for secondary insurance. He suggested to staff to do what they can to protect the retiree's and especially the people who are under age 65, because he would venture to guess that probably 80 percent of the retiree's do not know and will not find out if the Board does something until October.

Chairman Bolin Lewis asked how many active employees does Brevard County have; and how many does it have under the retiree category. Mr. Abbate responded there are over 35,000 active employees and approximately 880 retiree's under and over aged 65.

Commissioner Fisher asked staff to explain what the Board obligation to the retiree's.

Mr. Abbate explained the only statutory obligation is that retiree's under age 65 have to be offered comparable options that current employees are offered at the vested cost for themselves and the spouses of the families; and it has to be a mixed experience, meaning it can not have a separate hire rate for retiree's than we have for employees if their experiences; and

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outside of that, there is no contractual or merit system requirement relative to what extent the Board chooses to do a subsidy. He added, every year at a public session the Board has the opportunity has to make that decision.

Commissioner Fisher stated he is concerned for the healthcare system in the Country; on Option One, it had active employee increases 30 percent, and retiree increases 35 percent; and asked staff if retiree's can be fully-vested if they did Option One. Mr. Abbate responded the fully-vested the rate is a different rate than if one increase the rate by 35 percent. Commissioner Fisher stated the goal on the subsidy is to try and get retiree's to go to that fully-vested; and inquired if all the retiree's have to go there or can he or she choose that want to go there. Mr. Abbate stated the retiree's are going to have a choice, even under Option Two, they have the choice to stay in the plan; for at a fully-vested rate where it has been subsidized to the degree it has up now, that is an extraordinary big hit in the variety of the categories; and staff would anticipate that the retiree's are going to find a better option either in the Marketplace or under the Medicare Advantage or Medicare Supplement Plan. He continued to say in Option One the retiree's are not going see the same kind of mix in terms of how many may decide to leave the plan; and understand 30 percent sounds like it is a lot of an increase, and it is, but there has also been two years where Brevard County has not increased.

Commissioner Fisher stated he is leaning towards Option One.

Commissioner Nelson stated he is inclined to go with Option One as well; but he also was looking at 30 percent for both active and retirees; and the Board has received a lot of new information and he is not ready to make a decision. He added, he would like the opportunity to wait until the next Board meeting; and somehow staff needs to come up with a mechanism to get the information out to the retiree's.

Commissioner Infantini stated she is not inclined to put off the decision, she thinks the Board has been putting it off down the road long enough; and while she does think that it is going to be an adjustment, she actually thinks it would benefit the retiree's more to finally have them get integrated rather than have them pay an extra 30 percent more right now. She added, based on the information, the retiree's could actually have lower rates going forward than they have if they had this 30 or 35 percent increase; she thinks it would be better just to go ahead and do it, otherwise it is having everybody, retiree's and County employees, paying an extra 30 or 35 percent rather than having the employees pay an extra 20 percent and the retiree's going out into the Marketplace and perhaps having a lower rate. She went on to say she thinks the Board is doing a disservice by postponing the Item. And made a motion to approve Option Two.

Motion by Commissioner Infantini to approve Option Two. Motion failed for lack of second.

Commissioner Bolin Lewis asked the Board if everyone is in agreement with the active employees. Commissioner Anderson responded he needs more discussion with Human Resources; plus he would like to see the number on Option One and look at the numbers on bringing the 35 percent down to 30 percent for retiree's; and for many of the retiree's it is better to get off the County plan.

Gregory Roberts stated he just retired and he has not had a chance to prepare and figure anything out; he has made some phone calls with short notice; there are a lot of people here who are concerned; and as the Board stated earlier a large number of people have not been made aware of the this and would come and speak as well. He added, he has not had the chance to research the numbers, but he knows what he had here when he left and what he is paying for now is approximately \$1,200; and staff is telling him to keep what he has to have is going to cost him \$2,200, that is not 30 or 35 percent increase. He continued to say if he goes to the Marketplace Place, he called the same company he has now, Cigna, and said he wanted

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the same thing with moderate adjustments, they offered the same thing with approximately the same price he is paying now; and he does not understand the numbers. He reiterated, he has not had the chance to prepare, but he thinks it is important to put it on the record, that he or she has worked hard in Brevard County for 25 years; and he planned on their insurance and then he gets the news.

Milo Zonka stated he served on the Employee Benefits Advisory Committee representing the Property Appraiser's Office; one thing he wanted to say to the Board was in reference to the 30 to 35 percent increase for the retiree's versus the subsidy to transition them to the Marketplace; and as unpleasant the latter options seems versus the 30 percent increase, if the Board does not move the retiree's to the Marketplace then they can not go to the Marketplace and get the subsidy. He added, anybody can go to the Marketplace and participate at any time, but if they have the option to go back into group coverage they can not get the subsidy; that is where he would strongly encourage the Board to be careful; and the Board may think it is doing the right thing by only increasing 30 percent of the retiree's versus sending them to the Marketplace it actually could end up being more punitive. He encourage the Board to look at is that there is that argument of if he or she is trying to contain the cost or transfer the cost the County did receive proposals from Limited Network, which is that add on Option 4 with Health First. He stated this whole thing is about trying find a way to maintain health costs, and the argument has been made by both Health First and Cigna that if one operates under a reduced network that can lower cost, and that is an option the Board is considering and he would strongly encourage it to go that route; and again it is an unpleasant option compared to the present scenario, but the present scenario is not sustainable.

The Board tabled consideration of the 2015 Group Health Plan Design Changes to the July 22, 2014, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Robin Fisher, Vice Chairman/Commissioner District 1
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM V.D.1., BOARD DIRECTION, RE: FILING OF AN AMICUS CURIAE BRIEF IN SUPPORT OF THE ECONOMIC DEVELOPMENT COMMISSION APPEAL

The Board recessed at 10:40 a.m and reconvened at 10:47 a.m.

Scott Knox, County Attorney, stated this Item is simply a request by his office to determine whether the Board has any interest in seeking to file an Amicus Brief, which is a friend of the court brief, in the appeal between the court, Mr. Ellis, and the Economic Development Commission (EDC); that appeal is currently pending and there is a deadline for filing those briefs, so he brought this issue to the attention of the Board because he feels it is a very significant ruling that came from a very good judge; he thinks this particular ruling is incorrect, and he thinks the Fifth District Court of Appeals would like to see what the County has to say about this; and County was not a part to the lower court proceeding, and the ruling seems to indicate that the Board delegated authority to the EDC, which is not what happened. He pointed out the County's position needs to be presented to the District Court of Appeals and this is why this is before the Board.

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Chairman Bolin Lewis expressed her appreciation to Attorney Knox for bringing this Item to her attention; and she stated she asked Attorney Knox to prepare this so it could come before the Board for discussion.

Scott Ellis stated he has two things to address; first, is Attorney Knox's memorandum; and second, is a letter sent by Mr. Cunningham, which was not copied to him, but he ended up getting a copy. He went on to say on Attorney Knox's memorandum, they had two days of hearings, the County Attorney's Office was not represented at the hearing; no one came from the County Attorney's Office to sit through the two days of hearings; and the County Attorney's Office had every opportunity to come sit through those hearings, they chose not to. He noted one of the issues the Clerk's office raised, which Judge Moxley ruled against, was the new public records law that was passed in 2013; there is a new Statute; and he would like to have Attorney Knox address that after he gets to his second issue. He stated what was pursued with the BlueWare records, which dated back to 2012, that section of the Statute was not applicable; and when the EDC signs the new contract, it will fall under the new Statute 119.701 relating to public records. He pointed out Judge Moxley's ruling is what it is; Mr. Cunningham talks about in his letter how irresponsible the Clerk's Office has been; the Clerk has spent \$250,000 in legal fees, directly attributed to the EDC; had the EDC done its job and properly vetted BlueWare as they applied for cash incentives in the County they would note out the \$7 million on the contract, and they would not be in this litigation; they are tied up in litigation because the EDC could not represent Brevard County taxpayers, they represent the client and the business; and they are going to do everything it takes to make the deal go down and do not care about who pays. He stated this is why it is a shame no one from here was present to hear the testimony at the hearing; the EDC did everything they could to make the BlueWare deal go down; and then turned around and pointed the finger at the Clerk's Office for having to spend \$250,000 in legal fees when they have been the victims of the scam. He noted there are pending felony charges; it is clear that something went wrong with that deal; although the EDC was not part of the scanning contract, they worked very hard with BlueWare to make that deal happen; and had the EDC not worked so hard to make the deal happen, when clearly the finances were not there with the company, none of them would be here today discussing the issue. He stated the deal went down over two years ago, felony charges have been filed, and he is not sure at this point what is top secret anymore; but the EDC has admitted they still have information that has not been released to the Clerk's Office; had they been given the redacted BlueWare file in January 2013, none of this would have happened; and the EDC said every single piece of paper was confidential, not that some was confidential, all was confidential. He advised the Clerk's office never made the allegation on the public records, they simply tried to get the file; the Board has misinterpreted what Judge Moxley said; he does not care if he County files an Amicus Brief; but he would like to know how the Board will handle the contract with the EDC from 2014 forward with the new public records laws that were passed in Tallahassee in 2013; and it clearly states if a business is a service contractor under a public entity, the records accumulated during the contract are public record.

Dominic Montanaro stated he is a consultant in Satellite Beach; he stated his appreciation to the Board for allowing him to be there; and he encouraged the Board to proceed with filing the Amicus Brief. He went on to say the EDC has done a lot for the community; the County is still seeing jobs after the space program ended; and a lot of the efforts the EDC has put into the County has brought those jobs here. He noted there are new jobs that will be coming with the new Northrop Grumman issue and the deal here; the County needs to support the EDC; the confidentiality that everyone is talking about is paramount; and he encouraged the Board to move forward.

Julie Song stated she is a small business in Brevard County; she is a corporate investor with the EDC, and that is a very large investment for a one-person company; she supports and believes in the EDC; and she voted to appeal this court case. She went on to say as a former economic

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developer who worked with the local EDC for four years and at a State level manufacturing, skill building, economic development organization for five years, she understands the process when a company comes to discuss an expansion or relocation that they share confidential information; and companies choose to evaluate business growth, decisions, and confidentiality for a variety of reasons, to protect proprietary business information, avoid competitors gaining edge, and labor related issues to name a few. She went on to say within the last year, she had a company come to her because she is a customized training organization and train their employees; the company was evaluating the concept of setting up a shop more approximately to their customer base; this meant that they needed to close down another operation; and their overall goal was to relocate as many of their existing employees here, but the big the owner did not want the jobs out where their employees would see their jobs being posted. She pointed out this enabled the company to have the answers to tough questions when it came time to present to their employees and publicly announce their decision to relocate; they were prepared to be the best resource to their employees to better serve their customers; and the breach of that confidentiality would have been detrimental to that process. She noted if confidentiality is not kept for projects, they will not have site selection companies trusting Brevard to keep their plans quiet until they choose to announce; and it will set a precedent to open this up to communities in Florida as well as the State as a whole.

Richard Charbonneau stated he has researched this in great depth since the whole thing began; and he looked up every case he could find. He went on to say one of the things he would like to mention is there has been innuendo that Lynda Weatherman and Greg Weiner are somehow complicit in this Mitch Needelman thing; and although the Clerk, Scott Ellis, did not have access to all of the things he wanted, Phil Archer and the FDLE did and found there was nothing indicating that either of them had anything to do with this. He noted he has spent quite a few hours with the EDC, and although some people like to portray them as the boogie man, in the hours he spent there, every single thing he asked for they gave him; he was given more information than he really needed; he has a whole stack of audits sitting on his desk from the EDC; and he went through every one of them. He advised he has some of the same questions Mr. Ellis does; there could be more detail on the salaries; it does not say who is getting what; and he questions the travel with the EDC. He stated he supports performance audits of the EDC; he thinks they are willing to do that; and he does not understand why Ms. Weatherman and Mr. Ellis cannot have mediation; and extensive litigation costs a lot of money. He stated a Writ of Mandamus is when a public official is made to either do what he or she is supposed to be doing, or to stop doing what he or she is not supposed to be doing; and it goes to court to get a ruling on it.

Lynda Weatherman asked the individuals, members of the EDC, and general businesses to stand up who are present today in support of the Amicus Brief. She stated these people are walking away from their businesses right now because it is so important for them to take the time to be here. She went on to say in November the EDC found a way legally that they could release files before the expiration date; they released the files; and it was thousands of pages. She noted they gave more than the correspondence between the company and the EDC, there were emails shown and everything else; that was provided to the Clerk; and they provided that to the newspaper as well. She advised the Board in February of this year, the NDA would have expired and those files would have been opened anyway. She expressed her appreciation to the Board for discussing the Amicus Brief; stated since the item is relevant to the EDC appeal, the recent court ruling, she would like to address the discussion that occurred with their officers and the Executive Board of the EDC, regarding their decision to proceed with an appeal; after deliberate and thoughtful consideration, the Executive Committee and the Board of Directors of the EDC ratified that decision to appeal; and points under consideration by this group were both structural as an organization as well as intrinsic as to how an economic development operates on a day-to-day basis. She pointed out the appeal is based on the fact that the court ruling did not reflect the fundamental case law noted in both submitted briefs regarding access to the

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records; the ruling lacked clarification for the EDC to determine what files are considered public and what are not; and they got conflicting legal advice on that. She went on to say intrinsically, the intrinsic principals of this EDC are of a private, non-profit organization that works on a day-to-day basis with clients to provide details on the proprietary business, new product development, and new market expansion plans; whether outside businesses, or resident companies in Brevard County, decision makers would not want to locate or expand within a community which lacks confidentiality; their relationships will never get to the initial discussions or general inquiries if confidential information inherent such business decisions were considered public record and exposed as corporate intelligence that is highly confidential and proprietary; and the EDC's own trade secrets, specifically their lead generation activities, approaches, and contacts will be open for review and could be used by their competitors. She stated more significantly, there is a major ramification they should be aware about this ruling; this litigation and ruling would be precedent setting for the State of Florida; and every economic development organization working for jobs and capital investment as its ruling, could jeopardize effectiveness as well as damaging the State of Florida's reputation in economic development. She noted the bottom line is it is not just investment in Brevard County, but in the State of Florida. She stated given structural, intrinsic concerns of the ruling, and the impact of the collective efforts of the economic development partners, as well as the reputational risks to the State of Florida, the EDC Board of Directors felt it had no choice but to appeal, as this issue becomes bigger than the EDC itself; having confidential prediction for the EDC's clients is just part of the economic development process; it does not mean the County is out of the loop, as it is award of the procedures and protocol implemented by this Board to keep it informed and up-to-date on all projects; and this community, the Board, the EDC, has had a great resolve and success, in not only addressing and mitigating the challenges, but improving the economic base, and thereby the quality of life. She added, she challenged anyone to find a community that has such an impending threat that they are unable to turn it around; she challenges everyone out there to find a community with such a powerful economic development story; the Board understands how extremely competitive economic development is in this country; and there is so many inherent provocations to job creation to begin with that they do not need anything more that can negatively affect Brevard County's business development efforts. She noted it is unfortunate that an appeal is needed to protect the economic development integrity; they tried within the EDC's reason both legally and professionally to address and respond to any questions associated with this matter; but they will not back down, there is too much at stake for this community. She asked the Board to support the Amicus Brief, which demonstrates the County's understanding of the economic development success.

Commissioner Infantini stated Florida Statute 288 deals with the confidentiality of records; and it is her understanding that the EDC is already protected under Florida Statutes, so the items that are being asked to be released are already protected by the Florida Statutes.

Ms. Weatherman stated she wants to give the Board an example of how an economic development operates. She stated when the EDC dealt with Orion, the first time in the history of the State of Florida, when they brought development and manufacturing of a launch vehicle to the State, they spoke to Lockheed Martin and Boeing for probably 18 months before there was even a decision to consider the EDC as a client; the two companies were highly competitive; there is a tremendous firewall between both of those clients, yet they allowed them to talk to them because they knew the discussions with them were confidential; and if the EDC did an No Disclosure Agreement (NDA) for every project, they would be swallowed in paperwork.

Commissioner Infantini stated all of those items are still protected under Statute 288.

Ms. Weatherman stated they are not.

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Commissioner Infantini stated she disagrees. She went on to say it was the intent of the Legislature that aerospace activities be highly visible and well coordinated within the State of Florida; it is the intent of the Legislature that Space Florida be the single point of contact for aerospace related activities; it is her contention that in spite of all the press the EDC is getting because of the County's tax incentives, these companies would have come to Brevard County regardless because of all of the activities conducted by Space Florida.

Ms. Weatherman stated she does not know what Commissioner Infantini's referencing; she does not know much that was going on with Space Florida because they just restructured; and the EDC led that project.

Courtney Barker stated she is present on behalf of the City of Satellite Beach; she wants to lend their support for the Amicus Brief; they are going to be placing the idea of doing their own Brief on behalf of the EDC; and the City will place that on the agenda at the next City Council meeting for them to decide whether they want to submit one. She advised the Board it is important not only for the County but for the cities; every time the EDC wins a project, the property values rise, people buy homes, they eat at restaurants, and they move into the community; and that is extremely important. She stated they do not want to tear things down, they want to rebuild things; that is what the EDC represents; and the City of Satellite supports the County Attorney's actions.

Frank Kaiser, representing the Melbourne Beach Chamber of Central Florida, stated he is present to support the statements made by Lynda Weatherman; they firmly believe this finding by the court could be dangerously precedent-setting in the State of Florida; supporting businesses and being a business-friendly community, it is critical to the economic development and success of the County; and it seems obvious to them that the confidentiality aspect is one of the primary factors in economic development site selection. He went on to say the competition out there is incredible; it is not just within the State, but amongst the other states who have much stronger federal representation and resources; the County only gives a tax abatement, which is a self-policing incentive; and the County does not get the State incentives if it does not have skin in the game. He stated it is critical that the Amicus Brief is filed; and hopefully the District Court of Appeals will understand how important this is not just to Brevard County but to the State of Florida.

Don Gust stated he is a small business owner; he is not struggling to survive, but it is difficult out there; the EDC is doing a superlative job; they would not be in business without them; and he suggested the Board follow through and support the Amicus Brief.

Vicki Northrup, representing the Greater Palm Bay Chamber of Commerce, stated she is present to support the EDC in this motion; courts make decisions expecting there to be appeals; they have had a great experience with the EDC; there has been a lot of good in the City of Palm Bay; and they hope to see that continue. She expressed her appreciation to the Board for its time.

Greg Weiner stated he is present primarily to speak about the confidentiality issue but there are two things he would like to say quickly; the Statute that Commissioner Infantini cites enabling Space Florida, Space Florida has statewide control over aerospace industry in terms of bringing these deals; they happen to be in Brevard County; but the people that brought Space Florida into the Northrop Grumman deal was the EDC. He went on to say his business is to find a way to win the deal; they do not secede leadership either to Enterprise Florida or Space Florida; and the notion that this whole thing came about because of BlueWare or the failure of the EDC to properly vet BlueWare is an opinion and people are entitled to their opinions, but that is not the facts. He noted from day one no one has found anything in the public record that would have been available to the EDC that would have been a contradiction to pursue bringing BlueWare

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here; whatever happened in the course of that transaction happened without the EDC's knowledge; and there is nothing there. He advised this seems to be a confidentiality issue about the EDC giving projects code names; the fact is the debate is not about the EDC or its practices; it is simply about executing business of retention and attraction projects consistent with best practices and economic development; and it is not unique to the County of the EDC. He added, confidentiality is normally very important in all economic development business dealings; from day one, the central importance of confidentiality on this project was stressed by the client and acknowledged by the project team as a fundamental necessity to work through if the EDC wanted to pursue the opportunity; and in his opinion, their ability to deliver on this aspect of the project has been as important as more traditional factors like site selection, workforce, and incentives in getting the EDC to a place to potentially be chosen for this tremendous investment. He quoted various people regarding the confidentiality issue. He pointed out companies will tell the EDC anything from what they pay their employees to the details of incentive packages, which are sensitive, and they need to protect any information that they consider sensitive because in their view, when it is made public it could potentially affect their profitability, stock prices, employee morale, or result in political pressures or corporate instability; and it is important because the businesses think it is important, and it becomes an increasingly large test in deciding which communities navigate confidentiality waters. He noted courts throughout history have frequently, on items that higher courts took issue with, reversed anything from civil rights to protection of intellectual property, legal actions that have been filed, decisions made, decisions challenged, appeals filed, and sometimes approved and sometimes not. He stated with the Northrop Grumman deal, the EDC was represented privately and County Attorney Scott Knox represented the County; everyone has their own lawyers; and he hopes the Board will support Attorney Knox's request.

Charles Tovey stated the EDC he thinks is prejudice, conspirators who break the law and will go to any extent, including arson, for their greedy dollar and their practices, which he considers unfair. He went on to say he is involved in a legal issue, which is expired, and he believes the EDC has a big part to do with it; felonies have been brought against him; his rights have been destroyed all for his land; and the whole State is like Silicon Valley. He pointed out he is ashamed of the practices and economic development; he has no evidence; he has been stalked since January when he showed the Board a tape of a guy tearing up his property; and no one did a thing. He advised this is arson and it was disregarded and lied to in court; it has fabricated ways to get him in court to overtake his property so they can put a parking lot for the contractor across the street; and they have lost State plans crucial to the security. He noted before the EDC the County did not have to pay people to come to the area. He stated springs have been filled in; they have been destroyed; and it is all wrong. He stated Commissioner Bolin Lewis was at this house; she witnessed it; and she did nothing.

Commissioner Bolin Lewis advised she was in Alaska.

Bill Cunningham stated he is glad Mr. Ellis brought up his letter; in spite of what the Clerk says, he stands behind his letter. He went on to state a while back he was Chairman of the EDC back when the economy was 12 percent; they thought there would be 20 percent or more of unemployment in the County due to the shuttle retirement; and that never happened. He advised the reason it did not happen is the EDC put together a focused plan; the Board contributed; all municipalities joined in; and the business community all got together and said they were going to make something happen. He pointed out today the economy has improved at a much faster rate than the rest of the national economy and the prospects continue to be very high; it is extraordinarily unfortunate that the Clerk's office has taken an action that puts that at risk; confidentiality has been talked about a lot; and he would add one thing to it. He went on to add he spent most of his career as a manufacturer; he has closed plants, opened plants, moved plants, expanded plants, and from a confidentiality standpoint, if he thought anything he was doing would take a public format, he would not even call that organization. Ms.

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Weatherman would not know he existed because he would not take that risk. He pointed out it is the Board's job to manage the Contract with the EDC; if the Board has a problem with the EDC's actions, performance, or how it is spending the money, under the contract, the Board can take the action to do something about it; and it has active involvement in the EDC if the Board wants to use it. He stated a lawsuit is not needed to help the Board; in addition to allowing Attorney Knox to go forward with his brief, the Board needs to do whatever it can to thwart this attack on the potential harm to the County's economic future; and to stop the Clerk's action as best as the Board can is the best first step in that direction.

Commissioner Infantini expressed her appreciation to Mr. Cunningham for speaking before the Board today. She stated Mr. Cunningham stated today that the Board has the ability to go to the EDC and request information; she has asked for documentation from the EDC and has not been able to get them; and he must be talking about collectively in the majority.

Mr. Cunningham stated the EDC does a budget every year; the budget is reviewed first by officers, the executive committee, and people have the opportunity to challenge it; and the confidentiality is maintained to a high degree.

Commissioner Infantini stated she does not really have access to the documents or records; the Board requested all documents that were legally permissible to be turned over from the EDC on August 20th, but still have not received them.

Mr. Cunningham reiterated the Board has the ability to manage the Contract.

Commissioner Infantini inquired if the Board can see where the travel has gone; can it see supporting documentation for all of the trips the EDC has taken; and can the Board see that.

Mr. Cunningham responded he will defer to Ms. Weatherman on the details of what is available.

Stephany Ely, representing the City of West Melbourne on the EDC Board, encouraged the Board to file the Amicus Brief. She stated confidentiality works both ways; it not only helps the organization which requires that confidentiality, but it helps the County before of other entities, other counties, other states would know what the County was giving these companies, as they would be going after them as well; and it protects the County to have the confidentiality in place because then they do not know what the County is going after with these companies. She advised she attended an organizational meeting where someone made the comment that the United States is no longer in the business of manufacturing, and she said she disagreed because her County is in the business of bringing manufacturing to Brevard County; Brevard County is a leader absolutely because of the EDC; and she reiterated her support for the filing of the Amicus Brief.

Tyler Winik stated he will speak as an individual first; his great, great grandfather was a Commissioner for District 2, the seat which Commissioner Nelson holds, in the 1930's, a Fortenberry, before there were Chamber of Commerce, before there were Economic Development Councils, and County Commissioners; he used his hard earned money to be able to dredge part of District 2 in the Merritt island area to bring about things that are now Port Canaveral; these things were done on individual levels; they were not done by a large scale group; and there was interest by the State Legislature, County Commission, and cities, but things were different then. He went on to say there is a need for an Economic Development Commission; it has evolved; that is what the court ruling says; and that is what is in the record. He noted his family continues to run a company that was started by his great, great grandfather on Merritt Island; they continue to own it to this day and continue to own property; he is also a small business owner; and his coming here is not just as an employee of the Clerk. He pointed out regarding the suit in front of the Board, it is important that there are some misnomers; an

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Amicus Brief does not stop anything; it is a Brief in support of one's position; and if Attorney Knox filed one, it would be in support of the EDC. He stated they have been approached by multiple other entities at the Clerk's Office who feel similarly and may be filing those on behalf of the Clerk's Office; one thing that happens when there is an appellant level issue that has gone before them, should one side lose, most likely this may end up before the Supreme Court; there might be more Amicus Briefs that come; and be that as it may, to file it. He went on to say the memorandum that Mason Blake wrote for the EDC that Ms. Weatherman received and sent to the Clerk's Office is part of the record; it says that items such as trade secrets and contains an exemption for broad variety of information concerning businesses which is held by an economic development agency and various other items. He stated he points to Statute 288.075, a provision that says if a business is thinking about relocating, locating, or expanding a business, it is confidential; it does not matter if the records are subject to 119; Statute 288.075 is an exemption from Statute 119; and it cannot be exempted if the EDC is not subject to it. He advised the Board it is the position of the EDC that they are not subject to 119, they should not be allowed to assert the exemption; however, under Chapter 125, this County has entered into a contract which says the EDC is to perform a series of duties, and those duties, roughly 20, that they are to perform. He noted the Clerk's Office challenges Attorney Knox to explain in his Amicus Brief, all records, books, and accounts related to the performance of the agreement shall be subject to the applicable provisions of the Florida Public Records Act, Chapter 119, Florida Statutes; the EDC in testimony continuously said they only believe that applied to their portions of the audits that they needed to provide the Board each year; that is completely a different Statutes and a different section of the contract; the audit is required under 125; but the audit is not required under 119. He stated it behooves the Board before it votes to file an Amicus Brief, to understand what its own contract says; the contract requires them to be subject to 119; as Mr. Ellis points out, when this current contract ends at the end of September, the Board needs to re-up either with the EDC or someone else, or to take the \$1.4 million; and if the Board chooses to go to another company, 119 requires that their records, subject to the contract, be open. He pointed out the Clerk never asked for any record that is confidential under 288 to be given to them; they never asked for business secrets, trade secrets, anything like that, nothing that would not make Brevard County attractive to businesses; but it is important the public understand how its \$1.4 million is being spent; and Attorney Knox should write the Board an opinion of what this means and what is subject to 119 truly means for the Board.

Dale Coxwell stated he is a small business owner; he did not realize he was involved with the EDC when he first picked up work from Lockheed Martin; he later found out they were brought to the County by the EDC; and that work was going to Michigan. He went on to say for the last six years they have been employing on average 50-60 people; they have advanced into aerospace manufacturing; and they have contracts with NASA now. He stated he appreciates what the EDC does; they reach out to small businesses in the area; and he wants the Board to know from a grass roots local small business level what is being gained.

Frank Zilaitis stated he is present as a citizen from Indian Harbour Beach, and he is present to vent for lack of a better term about the situation. He stated what he sees under the circumstances regarding the Amicus Brief is a circular firing squad underway; he sits as a citizen in Indian Harbour Beach dedicated to ethics of his time, talent, and treasure being his and his alone; what he sees in this room as possibly 100 people who are here in desperation in some way, shape, or form that seem to need his money for them to survive; and that scares him. He went on to say he is a free market capitalist, so what he sees going on with the EDC and anything about the EDC that involves taxpayer dollars is that they are funding a mixed economy; he has a feeling Attorney Knox is going to get approval for the Amicus Brief; and he can only look him in the eye as a brother in law and ask him if he believes in the principals of the founding fathers and the law, he suggests he writes in his Amicus Brief in the tone that everything that he was worried about in the brief are actually the things he wants to stop not

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only in Brevard County but in Florida. He noted the Brief should say they want to stop a mixed economy in Brevard and Florida; and if Attorney Knox can do that, they will all be much better off because most of them want to be left alone. He pointed out they do not want to watch the circus; they do not want to see their tax dollars being spent getting government jobs down there that cost them income taxes to pay and the salaries to jack up the prices of property for people on fixed incomes to lose their homes; and he would appreciate if Attorney Knox would take his comments into consideration and write the Brief in support of free market capitalism.

Commissioner Infantini stated she emailed Attorney Knox a while back asking under whose authority did he prepare this Agenda Item asking to prepare an Amicus Brief; this Board, on August 20th, gave direction it wanted the EDC to disclose all documents that were legally permissible to be disclosed; there are only two employees that work for the Board; and one is Mr. Whitten and the other Attorney Knox. She stated having received direction from five out of five members of this panel, she does not understand why Attorney Knox went ahead and said he wants to file this Brief; and that is contrary to the instructions that were given. She advised Section 288, Florida Statute, deals with confidentiality; as has been discussed by the people that are not supporting the filing of the Brief, confidential information will still remain confidential; it is a requirement of Section 288; it means, as Mr. Winik So eloquently pointed out, records that fall under Section 288 are not subject to Florida Statute 119 disclosure; and there is no protection needed. She added all the documents that are being brought up are already protected under Florida Statutes; she does not understand why the Board is going forward. She noted to tell the Clerk of Courts to stop using taxpayer money to fight the EDC when the EDC is using taxpayer money, the \$1.4 million, to fight the Clerk's discovery of the documents that he has requested; and when Mr. Cunningham came forward and said it is under the Board's purview to have the documents, it is not, even though they were requested on August 20th.

Commissioner Fisher stated when he originally heard about this Item, his reaction was he would not support it because it appears as if the Board was fighting the Clerk's Office; and he did not like that. He inquired what exactly is a friendly brief of the court, and what will it say.

Attorney Knox responded it is a 20-page document that the County would submit to the court as a friend of the court, meaning it wants to provide the County's point of view on this dispute that is going on in the lower court that has been decided by Judge Moxley; since the County was not a party to the suit, if the County does not file some kind of Amicus Brief with the court supporting one party or the other, they will not know what the County's position is; the County was implicated in the final judgment that was entered by the lower court in the sense that the agreement between the County and the EDC represented a delegation of all authority on economic development in Brevard County to the EDC; and consequently, any of their records are open to the public. He stated that goes way too far in his opinion. He advised the Board what he would be proposing is to put into the Brief why that would be a problem for the County as far as economic development was concerned, and why the County thinks the Judges position goes too far.

Commissioner Fisher inquired why the EDC Attorney does not file this Brief to make this statement.

Attorney Knox responded the EDC Attorney is taking the view of the EDC, not the point of view of the County; there are two different elements there; although the positions may overlap in some things, the County's position is going to be more of a policy decision what effects it is going to have on the County economic development program and what the Board intended with the agreement; he does not believe it was intended to delegate the authority; and they need to be made aware of that.

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Commissioner Fisher stated there are things that kind of concern him in this whole battle; there has been references to BlueWare by several people; what bothers him with that is when the County goes through a process of choosing a vendor or contract, it must have Board approval; there are a lot of eyes that look at this; he believes Mr. Ellis is honest and would never do that; but a guy was able to make a decision on a \$10 million contract. He went on to state the Board needs to ensure that does not happen again. He stated companies have benefited by the confidentiality from the EDC and should be committing to assisting with legal fees by contributing because they benefit from them. He pointed out it will not cost anything to file the Amicus Brief; the County needs to state its position. He inquired what if the appeals court says Judge Moxley is right; how is the EDC going to operate in the future; and how is the State going to operate in the future. He noted that is why he thinks it is such a big issue that this society of EDC's because they ought to be fighting this thing; and the Board should take that action to do that. He stated he will support this because there is no cost to the County, and the County is the only ones to state its position on the issue.

Commissioner Nelson stated he is disappointed the Board is here in this venue; this started with an illegal act of an elected official; he is disappointed the Board did not get an Attorney General's Opinion first before it go into the actual litigation; and once it got into court, there was going to be an appeal no matter which way it went. He went on to say the Board can use this an opportunity to get as much information to a judge, or judges, as possible so it can get a good decision; and he is going to support the Item.

Commissioner Infantini inquired how many hours Attorney Knox and his staff will need to prepare this 20-page Brief.

Attorney Knox replied there are interns that are working for free that are helping, so maybe 20 to 25 hours.

Commissioner Infantini stated then it is not free when staff is being paid to perform a work product; her staff does not work for free; when she directs her staff to work on one task rather than another, that is a contentious decision; but to work on Task B is not free because she pulled them off of Task A. She advised Attorney Knox is working on this so he will be pulled from another project, or he does not have enough work to do; and it is not free when it takes staff 20 to 25 hours to prepare the Brief. She pointed out time would be better spent defending the position of the Board, which it said to turn over all of the EDC documents to the extent legally possible instead of not wanting transparency; and she is very disappointed in the direction this appears to be going.

Commissioner Nelson stated he appreciates the County Attorney bringing this to the Board's attention, because that is what his job is; it is ultimately the Board's job to decide what to do with that information; and criticizing the County Attorney for doing what he is hired to do is inappropriate. He noted the Board needs to find out; a lot of pseudo attorneys were here telling the Board what the law says; and it is the three new judges who will tell the Board.

Commissioner Anderson stated this is typical that federal or State legislation is not clearly defined and it drops on the back of local government to straighten it out through a lawsuit; this is not the first time he has been involved in something like this; and when it first came up he did not think it was the County's fight. He added, he looked at the states Brevard County heavily competes with, right to work states in the south; they have excellent, defined exemptions for economic development because they know how important it is; he thinks this is a State issue; and whether the EDC wins or loses, the State needs to fix the legislation. He stated he knows the Clerk may have people file an Amicus Brief on its behalf; and the County should file it, fight it out in court, and get the State to fix it. He advised the Board he supports the Item.

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Commissioner Bolin Lewis stated she serves as the Board representative on the EDC Executive Board; she was at the courthouse listening to the presentation of the lawyers; she has kept in communication with Attorney Knox on this issue all the way through the process; and it is not something that has not been discussed in full length. She stated she thought it was something the Board needed to discuss and decide whether to do it or not.

Mr. Ellis inquired when he will receive his answer from Attorney Knox; and when will he get an opinion on what will be the impact of the new State Statute for 2013 on 119 and the new EDC contract.

The Board approved filing an Amicus Curiae Brief in support of the Economic Development Commission appeal.

Attorney Knox stated there is no clear answer to Mr. Ellis' question; and when he comes back with the new EDC contract, it is probably not going to involve a service contract, so it may not be applicable.

Commissioner Nelson inquired of Attorney Knox is saying there will be an answer but it will be in conjunction with the contract process whatever that looks like going forward.

Attorney Knox responded the Statute that was enacted codifies what is already law in the State of Florida, and it really does not add anything to the discussion.

Commissioner Nelson stated as the Board gets there it will have the discussion about what that means and what it is going to do going forward, and he is fine with that.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Robin Fisher, Vice Chairman/Commissioner District 1
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

ITEM V.E.1., RESOLUTION, RE: AMENDING RESOLUTION NO. 2012-273, AS AMENDED BY RESOLUTION NO. 14-149, BY INCREASING THE AUTHORIZED BORROWING AMOUNT THEREIN TO PROVIDE FOR THE FINANCING OF THE REPLACEMENT OF THE BREVARD COUNTY SHERIFF'S OFFICE CAD/RM/JM SYSTEM THROUGH THE COMMERCIAL PAPER LOAN PROGRAM

Stockton Whitten, County Manager, stated this Item is to amend the Commercial Paper Resolution to effect an additional borrowing of \$3.8 million for the Sheriff to purchase a new Computer-Aided Dispatch (CAD)/Records Management (RM)/Jail Management (JM) system; the Sheriff has committed under the Item to pay off the principal and interest over a 15-year period; and he is simply asking the Board to incur the debt instrument.

Sheriff Wayne Ivey stated one of the things that is identified as one of critical needs are CAD/RM/JM System; the current system is extremely antiquated; it is a failing system and when that happens the entire operation ability are completely impacted and quite frankly are ability to the their jobs will be just in impacted; and this system not only works for their agency but other agencies within the County have already gone to it. He added, the ultimate goal is to have all of

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the Law Enforcement Agencies interconnected so that it enhances the ability to do the investigations and respond to calls all inclusive; and not only has the critical need been identified but his team has done a great job at identifying a solution for the critical needs that they are able to put into play.

Commissioner Infantini stated she is aware of the critical need; her concern is going forward in year four through six it appears the maintenance agreement is about \$480,000; that is an extra half a million on top of amortizing the \$3.8 million over 15 years; and she wanted to highlight that going forward that one is aware that the contract it is signing is going to have roughly half a million a year in annual maintenance fees.

Sheriff Ivey stated he is aware if it and when he started to look at the solution for this part of the consideration was as Commissioner Infantini said; four years from now how does it continue the commitment to do it in; and his team has looked at a number of things right now that they are responsible for to the tune of \$764,000 annually that they pay for other things out of revenue generated from different capacities. He added, as the Sheriff Office gets closer to that four year period those commitments expire and so it is able to shift to that aspect of it and be able to cover this; and when he talked about his strategic plan and the number one thing on the plan was this critical need, unfortunately it has become even more critical because the system is starting to fail.

The Board adopted Resolution No 14-112, amending Resolution No. 12-273, as amended by Resolution No. 14-049, by increasing the authorized borrowing amount therein to provide for the financing of the replacement of the Sheriff's Office CAD/RM/JM system through the Commercial Loan Program.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Robin Fisher, Vice Chairman/Commissioner District 1
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM V.A.2., REQUEST TO TRANSFER FROM GENERAL FUND TO UTILITY SERVICES DEPARTMENT BUDGET, RE: CONVEY PROPERTY FORMERLY USED AS A RAPID INFILTRATION BASIN

The Board authorized a transfer in the amount of \$57,270 from the General Fund to the Utility Services Department budget to convey property formerly used as a Rapid Infiltration Basin (RIB).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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ITEM V.C.1., ACCEPT SELECTION/AUDIT COMMITTEE RANKINGS AND AUTHROIZE NEGOTIATION WITH SELECTED FIRM, RE: EXTERNAL AUDIT SERVICES

Stockton Whitten, County Manager, stated the Item is the ranking of Section Committee for the External Audit Services; number one ranked was Berman Hopkins Wright and LaHam CPAs and Associates, LLP; number two was Cherry, Bekaert LLP; number three Moore Stephens Lovelace (MSL) and Davis Houser; and number four was Rehmann.

The Board accepted the rankings of the CPA firms responding to the RFP #P-3-14-190, External Audit Services with Brevard County; established a negotiation committee; authorized the negotiation of the contract with the Board selected firm; and authorized the Chairman to execute the subsequent negotiated contract.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Robin Fisher, Vice Chairman/Commissioner District 1
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM V.C.3., DISCUSSION, RE: TAX COLLECTOR REQUIRING ALTERNATIVE OR ADDITIONAL FACILITIES

Stockton Whitten, County Manager, stated there are a number of moves that are contemplated in this Item; in particular staff needs the Board to address facilities requirements of the Tax Collector, the Supervisor of Elections, the Health Department, Public Works, County Asset Management, and County Records. He added, the two easier ones are the moves associated with the Tax Collector; the Tax Collector desires and needs a presence in the Viera area; he has been working with Lisa Cullen, Tax Collector, to locate her in Building A; and Planning and Development is consolidating down to the other side of Building A and that allowed some space to accommodate the Tax Collector. He explained to have Ms. Cullen forgo rent out in the marketplace provides a savings to the County Budget ultimately; and if is the Board pleasure he would ask for approval.

Commissioner Nelson stated he is unenthusiastic about the approval because he thinks that is a very intense use in an office; he would hope staff would continue to look for other opportunities; and he understands why the Board is making the approval to get the service underway. He added, he thinks there is probably a better solution down the road.

Commissioner Infantini stated she has one point of discussion which applies to all of the properties in question; in the requested action is says that the Board is now approving all necessary budget actions to reallocate existing resources; and she would like to have all of it brought back to the Board on a case by case basis. She added, she is not willing to approve any amount of spending necessary to make these things happen.

Mr. Whitten stated that will either be in the form of a Budget Change Request or a specific item.

The Board approved the Tax Collector to move to the Government Center, Building A, to establish a Viera Branch Office.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Vice Chairman/Commissioner District 1
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

Stockton Whitten, County Manager, stated the Health Department is located in rental space on Babcock Street and has been there for the last decade; it has always had problems with the rental space; Dr. Hesmati has worked with the Legislature to get a Budget appropriation to acquire to lease long term the Drivers License building on University Boulevard. He explained what the plan is to move Dr. Hesmati out of the rental space and into what eventually will be County owned space on University Boulevard; and if the Board knows anything about the location, he thinks it is the perfect location to have a Health Department. He stated Dr. Hesmati has \$1.6 million, which is about half of the need for the building; the County would pay an annual lease payments for the rental space, \$175,000; and the request it to partner with the Health Department and Dr. Hesmati to finance the other portion of the need, and that is estimated at a four percent interest rate over 15 years. He added, the County would actually be paying a debt and would have a principle interest payment of \$145,000, which is \$30,000, and the County would own the building.

Commissioner Nelson stated he thinks it is a good solution.

Stockton Whitten, County Manager, stated the Board asked staff at the January 28, 2014, to table the consideration of the John Rodes property to Public Works; Lori Scott, Supervisor of Elections, has expressed her concerns with regards to that property; and as an alternative Ms. Scott came up with three proposals of concepts. He added, the preferable one is to build on County owned land at the Government Center; absent the dollars should do that, the next best solution is to purchase some property that is a building for sale on Sarno Road; the seller is offering that building at \$5.5 million, it is 50,000 in square feet; and this consideration is the purchase of that property for utilization by the Supervisor of Elections. He continued to say the Supervisor of Elections moves their support functions from the Government Center to the new facility but she would still have to utilize the space in Building C; and she would no longer utilize the conference rooms during election season.

Lori Scott, Supervisor of Elections, thanked the Board for the purchase of the new election equipment and understanding the need to replace Brevard's 15-year old equipment; it is now time to fund a facility to house \$3.2 million of the election equipment; and it is in a 39-year old facility that acts as storage not only for \$3.2 million of election equipment, but also houses public records. She stated she wrote each of the Commissioner's outlining her response to the six options listed on the Agenda Report; part of what was included in the response was letters from former Supervisor Daly, dating back to 2005 expressing his concerns and request for space going back to 2002, when after the purchase of the previous election equipment. She added, in 2002 the Legislature mandated no excuse absentee voting; early voting was mandated in 2004; 2008 post election audits were mandated for elections; and although the Legislature has increasingly put mandates on the Elections Office the facility needs have been denied and not appropriated for nine years and counting. She stated a budget request for a building been sitting the Election Office Budget for nine years; to give the Board a perspective of what that means in that time frame; in 2002 primary 3,625 absentee ballots were mailed out for that primary; she is expecting over 90,000 to go out for the upcoming primary; and it takes workers and space to canvass, and to secure 90,000 absentee ballots. She added, over a 100,000 Brevard County voters have taken advantage of early voting before election date in the past two presidential general election; 50 percent of the County voted before election day; the

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Election Office has processed a hundred and forty one petitions heading into 2014 elections; and she reiterated it takes facilities, workers, adequate space. She continued to say she has security needs and a security procedure that she has to submit to the Secretary of State every year; the Secretary was in Brevard in May and visited the 39-year old election equipment facility; and has expressed his strong concerns. She noted the Secretary put a call into the County Manager expressing his concerns; and discussing whether it will be able to pass the co-op plan that she is required to submit to the Secretary of State for approval. She reiterated it is passed time; and it is two Supervisors, twelve years, and multiple request. She went on to say to ask a Constitutional Officer to continually out source into facilities outside her office to conduct what she has been elected to do, which is to conduct the elections for the ninth largest county in the State of Florida and when the Secretary of State has said of all the counties he has visited that Brevard County is in the bottom 10 percent of the facilities. She stated it is embarrassing and she believes the Board should be embarrassed, and she thinks it is time to fix that; and she would appreciate a really true communication and discussion to move forward with appropriate space for the Supervisor of Elections.

Commissioner Nelson stated he was on the Canvassing Board in 2008, when the Supervisor was elected; he went through the upgraded requirements, and that first year the ballots were locked up in a U-Haul truck; and he was also there for the Presidential Election in 2012, and there is no question that the County needs to do something. He added, the Board has looked at a variety of options and to him there is only two; the first and best option is a facility built here on the land that the County owns that would house the Supervisor of Elections and if staff could work in some direction to house the Tax Collector at the same time; he believes there is going to be a conflict in Building A with the lack of parking associated with that; and reiterated his first preference would be to seriously drill down on what it would be like to build on the County property. He continued to say he would like to see staff conclude the discussion of Sarno Road and get down to a real number that the Board could consider for the location; the equipment is getting more sophisticated; the requirements of the State are getting more difficult; and it needs to be addressed.

Commissioner Anderson is agreement with everything Commissioner Nelson said with the exception, does staff know the current appraisal is on the Sarno Road property. Mr. Whitten stated it is \$3.5 million; the County does have appraisal's and the average of the two is \$3.6 million. Commissioner Anderson stated he does not mind the Sarno Road facility as long as the County can get within the appraised value and looking out for the taxpayers; it is an older building so he would like to walk around and do a full punch list and see if they can come down to \$3.9 million; and he does not have to tell the Board that facility has trouble maintaining what it has now. He added, to get into something that is going to cost more money for big systems, whether it is air conditioning, plumbing, is not a good thing, but he thinks there is a way to get there, however it has to fix the disconnect between the appraised and the asking; and also have to get a good idea of what is it going to cost to fix in the aging equipment that is in there and take that consideration with negotiations with the landowner of that facility.

Commissioner Nelson agreed with Commissioner Anderson; he is not sure it can get there on the Sarno Road property; if staff can then it has to have an absolute inspection of the property, but it is still not his first preference but it give them something to look at in terms of what the options are; and he thinks the first and best option is once and for all have it in the right location on the campus in Viera.

Commissioner Bolin Lewis stated she is in full agreement of combining the Tax Collector and the Supervisor of Elections in a brand new facility; right now can staff say it is still in a sweet spot as far as the price of building; and she would like to look into the idea of building new.

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Commissioner Infantini stated she is not going to vote for \$5.5 million; she would like to see if there other facilities; the top of the Heshmati building the entire second floor is not being utilized; it is a 30,000 square feet that is not being utilized; and whether it is 30,000 or \$15,000 square feet and now the Board is talking about building another building. She added, she would like to utilized the space it has first before building more space; and if it means shifting around some people then perhaps it needs to shift. She went on to say between the EELs building being under utilized for the Supervisor of Elections to be able to store materials there, but for meeting space she thinks the top of the Heshmati building very easy to get to and a huge amount of parking; she can not see going forward; and she is not going to support building new until staff looks at the facilities it already has and utilizing them.

Mr. Whitten stated the Heshmati building is 20,000 square feet, but they are using a portion that but one has to look at compatible uses; the Board would be asking the Supervisor of Elections to shrink down to something that is less then 20,000 square feet and do it above a Health Department Clinic; and staff has looked at existing spaces, that is just not a compatible use, that is a designated for future use for the Health Department.

Commissioner Infantini asked how much square feet the Supervisor of Elections needed. Ms. Scott responded it depends on if they are combining facilities for the Elections Supports Center to replaced that it needs to be 25,000 to 30,000 square feet; the Supervisor of Elections is in dire need of administrative space; and the problem is now it is currently moving hundreds pounds of equipment and racks on the elevators that were not designed to be freight elevators, which just went through extensive repair. She explained they deploy out to 123 polling locations, come back to five receiving sites, all of that equipment get funneled into the Viera office on election night; and it would be not be feasible to be in a two-story building. Commissioner Infantini stated she thinks the EELs building would be better suited for the equipment, she was not suggesting that she deploy that; and she was talking about the Heshmati building for the administrative function. Ms. Scott stated the Supervisor of Elections will do their first date mail out for absentee ballot 45 days before the elections; she is anticipating mailing out over 90,000 absentees; it is in elections mode from the first day that goes out; and they stay onsite through the post election audit and post election functions, which are two week after the election. She added, it really is about 60 days for each election; it will have two this year and three is the presidential; the mandates are continuing to increase as voter trends change for Brevard County; and what makes sense is to combined the Support Center function and the administration together where it is not trucking very sensitive equipment and ballots between two separate locations.

Commissioner Nelson stated as he recalls the EELs facility does not have ramps; secondly is was purchased by a voter approved dollar amount; it would either have to be leased for the purpose of bought; and he thinks what the Board is trying to do is get to a point where it can a decision and look at the options.

Commissioner Fisher stated he thinks the Board should consider using County staff or use a business that deals with space management; and he wants to make sure the 50,000 square foot is going to be actually used and laid out in the proper way, if it really needs to be 50,000. He added, what is scaring him more then anything is he thought the Board had tried to address the need with a \$2 million price and all of the sudden he is seeing a \$10 million; he thinks before the Board anything it should have some space planning done for the amount of people the Supervisor of Elections has, the equipment to be stored, and what is all looks like; and he is not comfortable with the \$10 million swing overnight.

Chairman Bolin Lewis stated she agrees the Board is definitely going to have to take a serious look at this if it is going to go with a brand new building, and whether or not just to have it for the Supervisor of Elections and all their needs, or combined it with another agency and make it big

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enough that is going to accommodate both. She added, she would like to give direction to staff to look into the options and a professional space management.

Mr. Whitten stated staff has been there before with a space planner and they have had to come in before and ultimately they are going to go to the Ms. Scott and ask what their needs are; and they will do that when looking at the articulation of the needs. He added, he is hearing the action of the Board is to pursue some negotiation of the Sarno Road site in conjunction with a costing out building new on the property the County has on campus here between the Viera complex and the Health Department.

Commissioner Infantini stated last time the Board was suppose to be taking input for the Supervisor of Elections and the County went out a bought a building, however she is lacking confidence, moving forward, because last time the Board went out and now there is a whole building it is not even using. She asked what are the safeguards that staff has in place to prevent this from happening again.

Mr. Whitten stated when staff brings someone in Ms. Scott will be at the table; if there is any space planning with regards to a new building she is going to be the end user articulating what her needs are; and she has already said the Sarno Road is an acceptable facility and would walk hand in hand with Ms. Scott for any modifications she needs to the building. He talked about managing government debt and over the next two years one will note that general government debt is actually going down by \$2 million; he knows there are a lot of other needs but in a year and a half the general government debt is reduced by \$2 million; in four fiscal years it goes to \$2.5 million because the golf course debt is shrinking; and by 2018-2019 fiscal year the golf course will be extinguished. He stated the thought is to leverage some sort balloon financing if the Board does not want to consider a super majority vote to just cash purchase some facility for the Supervisor of Elections; the thought is it would have to leverage the future debt decreases to actually fund the Supervisor of Elections building; and he wanted to disclose that.

The Board directed staff to pursue some negotiation of the Sarno Road site in conjunction with costing out building new on the property on the Viera campus for the Supervisor of Elections and possibly the Tax Collector, and bring it back tot he Board for its consideration.

Stockton Whitten, County Manager, stated now that it knows the Supervisor of Elections is not going into John Rodes the decision is does Public Works move into John Rodes or this that going to be for Asset Management records storage.

John Denninghoff, Public Works Director, stated there is a project that is being designed currently to build a overpass over the railroad for the Pineda Causeway; it is being funded by State funds for railroad safety improvements, and the staff has reached a point for the project where it is having to make decisions as to the design and the land needs to be acquired associated with the project. He added, there are two different ways it can go, one to acquire temporary easements and acquire the rights that are necessary in order to construct the bridge that would go over the railroad; and the other approach would be to acquire a combination of land permanently and temporary easements as well. He continued to say temporary easements sound like they might cost a relatively a low amount of money in the world of eminent domain that nothing is inexpensive; and in the first option the County would be acquiring at pretty high cost currently estimated to be north of \$3 million and all paid by State funds to acquire the needed rights to be able to effect the construction; and the alternative would be to acquire one of the properties that is need there for some other public purpose, which would then be able to combine with the bridge project. He stated it increasing the amount of the cost for the overall acquisition but then when it is done the County has permanent ownership of one of the pieces of property; that is an option staff started to look at; the State has committed they will go ahead

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and fund if the County takes the second option that they fund it towards the permanent acquisition the same amount of money they would have spent temporary; and if the Board augmented that up to the additional cost then it could choose to do that if the County had another public purpose. He noted, the County could spend over \$3 million of State money one way and move forward with the project and walk away with no other assets, or it could spend perhaps as much as \$5 million to have the bridge built and have about 3.4 acres of land that is on the Pineda Causeway; and the question is what would the County use that for. He continued to say one of the options would be to put Traffic Engineering there; there are two warehouse buildings there that are about 1,200 or 1,300 square feet each and there is additional property there that could be used to construct an actual ITS Management Center; it could be used for other County purposes such as Asset Management and Records; and the question is does the Board want to go with option two for the bridge project or go without spending the additional County dollars and just spend the State money.

Chairman Bolin Lewis asked is one of the options to actually put Public Works in the John Rodes Boulevard location; and if the discussion the land near the flyover could be used for any other public use. Mr. Denninghoff responded that is correct; and would be identified as public use.

Mr. Whitten asked if he or she goes to John Rodes or some other use of the Pineda land address the community safety issue the grade in regards to the entrance; and asked if it is in the proposal. Mr. Denninghoff stated what Mr. Whitten is referring to is when the County builds the bridge there will be an incline to go up; if one was traveling east from Wickham Road, he or she is going to wind up going up to go over the railroad and there is the Holy Trinity Episcopal Academy, which is on the south side of the Pineda Causeway; and the question becomes how do we deal with their entrance so that they have access. He added, from a safety prospective it would be superior to relocated their entrance to the west of its current location, closer to its historical location; that presents the second option of acquiring the other piece of property, that allows the County to shift the Holy Trinity entrance to the west; and he would think they would find that desirable and more comfortable with the young drivers there turning left both in and out. He noted, however, if the County does not acquire the full piece of property, that option is not a viable one from a cost perspective.

Commissioner Anderson stated looking at this from a business perspective and how it can benefit the taxpayers; he has had discussions in the past with Mr. Denninghoff about the barn on Wickham Road; the County has a nice piece of property that it could probably get quite a bit of money off of and relocate to a nicer facility; and if the County is thinking about acquiring the property do not forget it owns quite a bit of property, 40 acres. He added, he does not mind acquiring property as long as it can get a return on the investment for it and maybe find a way to get that Wickham Road facility off the books and build a nice facility and sell that nice piece of commercial land; and he would like to look at that option.

The Board directed staff to come back to the Board with additional information regarding the Public Works Transportation Management Services, Asset Management, and County Records items at the July 22, 2014, Board meeting.

ITEM V.F.1., CITIZEN REQUEST BY MR. JOHN WHALEN, RE: FUNDING FOR CONSTRUCTION OF A TRAFFIC LIGHT IN SUNTREE

John Whalen stated he is a 10-year resident of Eagles Landing Homeowners Association; he asked the Board to put a traffic light at the intersection in Suntree, when they have been unsuccessful in Suntree since 1998 to put up a traffic light; and there have been numerous

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accidents at the intersection resulting in death. He added, in all the time that the intersection was growing that they widen the highway while the population increased; and the Board, as far as the safety of the people using the intersection, has done nothing, with the exception of Commissioner Bolin Lewis who is trying to identify some funds. He continued to say the intersection as gotten neglect, mismanagement, poor engineering, and above all it has irresponsibility all over it. He concluded by asking for a traffic light at the intersection of Wickham Road - Forest Lake Road - Osprey Circle at Eagles Landing.

Commissioner Bolin Lewis stated the other Commissioners are very concerned about making it the responsibility of working on it to the Commissioner of that District; and it is just a professional way to handle it.

Steve Odiorne, President of Mission Lake Villas Homeowners Association, stated he came to support Mr. Whalen's efforts because he has been working on this for quite some time; his community is on the north side of Wickham, directly across from Eagles Landing at intersection of Forest Lake Road and Wickham Road; and when Charlie Boyd built the community 20 years ago he committed to put in a traffic light if he could get it approved for the cost of \$50,000. He added, when he moved to Viera 11 years ago the cost was \$150,000; as he understands it the cost of the traffic light continues to escalate; there are a lot of people who use that intersection; and he would love to see staff and the Board team together and find a way bond together and save some lives at this intersection.

Commissioner Bolin Lewis stated she would like the action of the Board is to let her move forward the Item, but she needs to have a vote to have it added to the Capital Improvement Project (CIP) list; and when discussing find the money she was able to put enough money together to do the study for the traffic light.

Commissioner Infantini stated she would like to make a motion to put the Item on the CIP list to let Mr. Denninghoff go forward and do the analysis necessary, if the Board gets to forego all of the individual steps that go into the analysis; she thinks the Board agrees there are a lot of steps, there is the study, there is the feasibility, there is the cost benefit, and all this stuff; and if it is already going to be approved, maybe the Board could just move the meeting.

Commissioner Bolin Lewis stated one of the things that has come to the surface it that normally a light it ranges from \$250,000 to \$350,000, but when the first blush on this it is going to be more then that if it is going to come to the final decision; it is going to be intense; and she does not want to skip anything because all along the way decisions are going to have to be made with the Commissioners and the public on the funding of it.

Commissioner Infantini stated she was not foregoing the decisions of the Commissioners, she was just forgoing a detailed analysis of every step that is going to take place.

Commissioner Fisher stated he is not sure but the County is going to use Local Option Gas Tax(LGOT) fund stain things staff has to do to qualify for the funds, and part of that is doing the analysis.

John Denninghoff, Public Works Director, stated that is correct; the way he would prefer to start the project is to go ahead and initiated the design process; it would come in to phases, one would be to do a preliminary look at it, which would include a survey of the property, the boundaries of the right-of-way, and the utilities that are going to be in the way; and one of the reason the project is going to cost as much as it does is the utilities conflicts that it has, they are severe. He continued to say staff wants to develop a more through understanding of just how severe they will be; staff has made an estimate to try to disclose to the Commission what they think it is going to be, but he call tell the Board it could go up, and it could go down; and staff will

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work it over as hard as it can to try and reduce the expensive. He stated other critical item is currently the County is going to need land from the Eagles Landing Community in order to be able to complete the construction; the first phase of feasibility in preliminary engineering and the second phase would be going into final engineering and coordination with utilities companies to determine or identify the actual cost the County would face, particularly from Florida Power and Light He added then staff would be to more accurately anticipate the actual construction cost would be; and he stated the memo he wrote to Mr. Scott is a planning level estimates of what staff would occur, based on what he sees in experience; and it is not based on a exact preliminary design.

Chairman Bolin Lewis asked from the memorandum she is looking at the possibility of \$750,000; with Mr. Denninghoff responding that is correct. Chairman Bolin Lewis stated the Board is going to move it forward and understand the entire situation; and stated to Mr. Whalen she knows this is a major project for him, but does he understand that staff has to take it in phases to understand if the County cannot afford \$750,000 for the traffic light. Mr. Whalen stated he is extremely grateful that the Board is doing what they are doing already.

The Board approved funding of the study and first phase of the design for a traffic control light at the intersection of Wickham Road - Forest Lake Road and Osprey Circle at Eagles Landing.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM V.F.2., CITIZEN REQUEST BY MR. JOHN REUBLIN, RE: TRACTOR TRAILERS AND OTHER LARGE VEHICLES PARKING ON THE RIGHT-OF-WAY IN PORT ST. JOHN

John Reublin stated tractor trailers and other large vehicles, such as RV's are being parked on the public right-of-way and the shoulders in residential areas such as Port St. John; his requested action is if there is not already a law in place enact a law that bands tractor trailers and other large vehicles from being parked on the public right-of-way and shoulders in residential areas; and if it could be shifted the enforcement from Code Enforcement to the Sheriff. He added, it is his understanding the public right-of-way includes the roads surface and the shoulders up to property lines; this definition is not in Section 62-2117; and it has always been a matter of confusion when he approached Sheriff Deputies of what a right-of-way is. He continued to say Code Enforcement told him that it currently against Code for truckers to park their tractor trailers, any day including weekends and holidays on the public right-of-way and shoulders in residential areas; and these large and heavy vehicles are damaging to the roads and shoulders, not to mention blocking views, therefore a safety issue, and a nuisance to neighbors, such as himself. He stated violation of this Code usually occur in the evenings, weekends and holidays when Code offices are closed and it is impossible to report the violations; the Sheriff is currently only concerned with the way the vehicles are parked, not the Code violation itself; and writing and enacting a law to get a responsibility of enforcement of this parking Code to the Sheriff would make enforcement infallible 24/7, 365 days. He added, this would hopefully result aggressive ticketing in substantial fines; he received an email from the District 1 office stating Brevard County does not have a no parking ordinance; and such an ordinance should be passed into a law that tractor trailers and other large vehicles on the public

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right-of-way and shoulders in residential areas and is enforceable by the Sheriff and other law enforcement agencies, not just Code Enforcement.

Commissioner Fisher stated a truck was in Mr. Reublin's neighborhood in one location and Code Enforcement was called; staff called the trucking company and told them the truck was parked in a residential neighborhood and should not be; and the trucking company told the driver not to park there anymore. He added, the problem was resolved.

Mr. Reublin stated he needs to be able to contact a Sheriff on a Saturday when a lot of the truckers show up; they truckers come on weekends or in the evenings when Code Enforcement is not available to call; and if he is able to call a Sheriff and tell and deputy and show them the vehicle so they can take care of it, it would help.

Commissioner Fisher stated he likes Brevard County's Code Enforcement process; and if one has an issue they call and he respectfully helped get Code there and they handled the problem.

Commissioner Anderson stated Law Enforcement officers are out there to apprehend criminals who endanger the health and safety of the general public; if that truck is impeding the roadway they can write a ticket to it; if it presents a health and safety issue Law Enforcement can write a ticket; and it is on the side of Code Enforcement issue. He added, one would live in a very different County if he or she would let Law Enforcement conduct Code Enforcement issues; if your neighbor did not like how high your grass was they search warrant your house, lock you up because your grass was too high; and he does not think one does not want to live in that world. He continued to say he does not want to tie up deputies who are supposed to be catching bad guys with Code Enforcement complaints. He stated there is a resolution; Mr. Whalen can take pictures of the violators, submit it as a Code Enforcement complaint through Commissioner Fisher's office and they will handle it.

The Board acknowledged citizen request by Mr. John Reublin for tractor and trailers and other large vehicles (such as RV's) from being parked on the public right-of-way and shoulders in residential areas, such as Port St. John and shift enforcement from Code Enforcement to the Sheriff and other law enforcement agencies, but took no action.

ITEM V.F.3., CITIZEN REQUEST BY DR. ERIC LUZAR, PHARM O., MEDICAL MARIJUANA DISPENSARY ZONING AND REGULATION

Dr. Eric Luzar stated he lives in Satellite Beach and he is a local community pharmacist; today he will be talking about the reclassification of cannabis from Class I to Class II, current medical marijuana legislation, and how he believes one should approach this Bill as a County who cares about their citizens; despite the article that was listed in the *Florida Today* yesterday he did not come before the Board to teach Commissioners a lesson; and he also does not plan to open two pot dispensers. He added, as pharmacist in Florida, they take an oath to help to ensure the public receives much needed medication properly. He stated the Legislative Senate Bill 1030, otherwise known as the 'Charlotte's Web Medical Marijuana Bill' was signed into law on June 16, 2014, by Governor Rick Scott; this Bill passed the Florida Legislature with strong by-partisan support and a large majority of their respected votes; in the Florida House the votes were 111 to seven and in the Florida Senate 36 to three; and any Legislation that passes with this level of support certainly warrants a closer inspection by its opponents. He continued to say this law allows the use of low tetrahydrocannabinol (THC), non-euphoric strains of cannabis for registered patient recommended by a specially trained Florida physician; the eligible patients who are suffering from cancer, chronic seizures, or persistent muscle spasms not sufficiently alleviated by available medical treatment will be registered in a data base with the Department of Health; and this Bill only allows the use of non-euphoric medical marijuana in the form of oils, tinctures, and vapors but does not smoking or edible products. He stated thousands of Florida's

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children suffer from daily life threatening seizures for which medical marijuana has proven very effective in clinical trials from other states; many of these children and their parents are facing final treatment options of removing a portion of their brain or moving to another state that already has medical marijuana; and some states have allowed medical marijuana treatment for more than 20 years now it is proven very effective in managing cancer pain as well. He added, in a clinical trial sited by the National Association of Boards of Pharmacy last year, some cancer patients were able cut their doses of narcotic pain medication in half when co-administrated with vaporized cannabis; Senate Bill 1030 requires dispensing organizations to employ a physician as a medical director and provide their technical ability to securely produce and maintain accountability of all products, but mandates no direct oversight of dispensing. He asked the Board who will be accountable when a child receives the wrong strength or form of medical marijuana; will it be the medical director of the dispensary who oversees multiple locations and was not present when the medication was not dispensed; he stated this question is precisely why Florida must include pharmacist in the medical marijuana process; and this is exactly why all prescription medications are only dispensed by licensed pharmacist in the United States. He stated as a County, Brevard should attempt to mitigate this potential issue of dispensing by creating its own rules for pharmacist to oversight if the State refuses to approach these issues; and as a State Florida must reclassify cannabis to class two, controlled substance, if one wishes to bring in the expertise of licensed health care professionals into the dispensing of medical marijuana. He submitted two documents from two states, Oregon and Connecticut, for reference as to how this reclassification could be accomplished. He talked about responsible zoning for medical marijuana businesses can ply a large role in determining the impacts, both positive and negative, of this legislation; zoning should be to minimize negative factors while allowing adequate access to people with debilitating diseases; and in some cases where zoning has been determined to be too restrictive, legal actions have successfully been able to gain access for medical marijuana dispensaries. He pointed the commonly accepted zoning restrictions in the handouts; yesterday at the Compassionate Use Workshop, interestingly the State stipulated that their proposal for zoning was 500 feet from schools, nothing about churches; and in many states medical marijuana businesses are required to propose sites in their applications, including letters of non-opposition from city and county officials regarding their proposed sites. He continued to say allowing dispensaries to open businesses in the community who have responsible practices and honest intentions can play a large role in regulation; dispensary business proposals should include local ownership, dedication to community outreach and support of community organizations; and he believes oversight and management of each dispensary by a pharmacist who is knowledgeable in medication management and health standards.

Ray Cunningham stated he was badly injured after a head-on collision in Atlanta, Georgia when he left Florida 15 years ago; he actually died from it because they could not do anything for him; his brain swelled so fast; and he has nine bulging disks and a stretched out spinal cord like a rubber band. He continued to say the medical marijuana is all he had; the Veteran's Administration (VA) because he kept showing up with THC in is urine but he could not swallow because his neck was ripped of all the muscles; and a judge ordered him to move to a state where is was legal, so he did. He added, he is back as a professional in the business; he opened certification centers with positions in Michigan, Illinois, and other legal states where he or she comes in see the doctor; and the reason he does that is to protect the doctor, because the Drug Enforcement Administration (DEA) will come in and take his license if he dare writes a recommendation for marijuana in his office while he is writing DEA approved prescriptions. He stated the DEA will come in and close him down; when he comes to his office DEA license and only comes with his Medical License (MD) and hangs it on the wall, and all he does is see medical marijuana patients; and he is able to make a determination on the patients need of the medicine while they are sitting in front of him. He added, his company processes the paperwork for the state to make sure it is proper and right, and the patient gets their card back in the mail; he is already licensed and have been getting patients on his list for eight months; and he has

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been open all over the area for quite a while. He continued to say he sells retail items and puts the patient's on the list to see the physician as soon as the votes are in; and he already has his patient list built. He stated he has been working on it for a while; he works with the Federal Bureau of Investigation (FBI), the Sheriff's Department, and who ever may be involved in the areas; and when his seminars teach and function in the city to keep it a smooth transition as it comes in. He went on to say he would be happy to come in and talk to each Commissioner about exactly what he does in other states and how he works with them; he is the one got the guy with the crazy clown on the other side of Georgia who put all the kids in the hospital, because he was one of his investors; he had to turn in his investor in and throw him in Federal Prison; one does not hurt kids with fake drugs and fake marijuana; and he is here for the real thing for medical purposes, that is it because he is a survivor because of the product and God together. He continued to say Mayor Meehan is going to rent him a place on New Haven; he is also opening a Indian Native American Church store, because the Native American's are going to get involved in it too and it becomes a solvent issue; and he is now standing the Chief Executive Office (CEO) of the American Tribe that is coming in to open dispensaries; and there is going to be a battle between the State, and the Federal, and the Tribes all at one time. He reiterated he can make it an easy transition if the County would like to work with him.

Merci Cunningham stated she has a different perspective on medical marijuana and the use of cannabidiol (CBD) as opposed to THC; Dr.Luzar was talking about wanting to have the CBD's in Charlotte's Web because that is the part of the vote that has been done by our State Legislature with Govern Scott signing off, but he failed to point out that a pharmacist have never been involved in the dispensing of CBD's, which is the primarily non euphoric type of marijuana that can be used; and stated to not introduce anything that could be smoked. She added, let them find a way to derive the oils, derive the waxes so that if can be used with children; and Mr. Luzar mentioned three different conditions that CBD oil would be allowed for usage. She went on to say she worked in Hospice for seven years while her husband had to go to Michigan and get saturated with every kind of THC that is euphoric, but it is much stronger and it has a 33 percent chance of shrinking tumors; her husband was so neglected by the Veterans Administration that they told him for two and half years he had cancer; never once did they give him chemotherapy; and that is why he went to Michigan in the first place. She concluded by saying before the vote comes in November for the people to decide, please do not let a small group of people make the rules, leave it in the hands of everyone.

Commissioner Anderson stated the Board has to be realistic and anticipate the vote in November is going to permit medical marijuana in the State of Florida; the polls he saw yesterday were 88 percent; and he asked if staff to research zoning issues for the potential of medical marijuana dispensaries.

The Board directed staff to look at zoning and regulation issues related to the potential adoption of medical marijuana dispensaries in the State of Florida; and to pull the dre-decision by Cocoa Beach related to the medical marijuana dispensaries.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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ITEM V.F.4., BOARD DISCUSSION, RE: LEASE AGREEMENT BETWEEN ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY AND ALL ABOARD FLORIDA OPERATIONS, LLC

Commissioner Anderson stated at a Transportation Planning Organization (TPO) was brought to their attention that there was some kind of agreement between All Aboard Florida and the Orlando-Orange County Expressway Authority; he did a public records request and in everyone's package is the lease agreement that came back from them; and it pretty much details why there will be no stops between West Palm Beach and Orlando. He added, for every car they lose and for the revenue they lose on the Expressway Authority, their tolls facilities, All Aboard Florida would be responsible for making up that cost after they got approval from Expressway Authorities Council; and he provided information so the Board knows where it stands. He continued to say he was satisfied with what he got with the lease agreement; if anyone wanted any other public records Orlando-Orange County Expressway Authority has said it would be \$750.00, which means there is stuff there they do not want the Board to know; and under the Sunshine Law, Attorney Knox, it seems that Brevard County falls under exempted class for paying those fees because it is a government entity doing a government entity job as another government entity for their records that impacts the operation.

Scott Knox, County Attorney, stated there is no exemptions for the counties.

Commissioner Fisher stated he heard, whether there is any truth to it or not, when the last toll that is between Brevard and Orange County that the revenue from that toll was supposed to be split; dollars were suppose to come to Brevard and to Orlando; and that was justification of what happened when the toll was being reinstalled. He understands all that revenue is going to Orange County and the Parkway and that Brevard County may not be getting any of it allocated to Brevard; and as the Board looks at this separate agreement, he asked Attorney Knox to explore that.

The Board discussed the lease agreement between Orlando-Orange County Expressway Authority and All Aboard Florida Operations LLC; and authorized the County Attorney to spend up to \$750.00 to request additional public records from the Orlando-Orange County Express Authority.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM V.D.2., BOARD DIRECTION, RE: FEC/ALL ABOARD FLORIDA REPORT

Monique Miller stated there are several items about All Aboard Florida and she does not think that they can be looked at separately; as the Board looks at all the different aspects that involve the train, it seems they should be putting them all together, so when it has all the power it has a better position for the negotiations of the sum total as the things the County would like to get out of it; and she would like to suggest it that instead of taking them one at time, it makes sense due to the complexity of the situation that there should be a series of workshops that allows the citizens to understand the sum total of what it is before the County. She added, it sounded like there was some road work being imposed on the County that the taxpayers are going to be

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paying for; these are not things that should be looked at one at a time; and one needs to know what he or she is getting out of it and what is being put into it; and she reiterated she would love to see some workshops on All Aboard Florida for the citizens so they have clarity and transparency in the process.

Joan Legue stated as the Commissioners have received mail from Micco Homeowners, Grant-Valkaria, Snug Harbor, and many other amenities that will be directly affected by any increase in the train, traffic, and construction; she is going to refer to a letter that the Commissioner received dated June 18th from Florida East Coast Railway (FEC); this is supposed to be an agreement between the FEC and Brevard County, meaning the Board approving or not; and if one reads this and think about the information the information that the County Attorney brought together on the financial end of what this is going to do for the future. She added everything is the contracts does nothing but double or triple what the citizens are going to end up paying as maintenance and future cost for this idea; and what the citizens are trying to do is bring to the Board's attention how much of an impact this is going to take and have on anybody that lives within the County and has to cross the railroad tracks on a daily or hourly basis.

Susan Olson stated this is a very convoluted, power money driven process that All Aboard Florida is bringing the citizens, and the Board's decisions are going to be very important to the lives of a lot of people; she is speaking for Micco Homeowners Association; she stated as a homeowners group that they oppose Brevard County allowing All Aboard Florida to enter into a third party agreement with the FEC on easements; and that they oppose the delivery of any kind of right-of-way to All Aboard Florida, which she understands they will be asking for. She added, she supports the County Attorney's legal options seeking a declaratory relief for irrevocable licenses and authorizing a slow take to eminent domain; and that they support authorizing the hiring of outside counsel or securing a federal lobbyist that would speak to the issues for Brevard County. She stated she would oppose the option that was left that was no action at all.

Phyllis Frey stated there are many moving parts to All Aboard Florida and as one of the parts she would like to offer her strong support for the recommendation that All Aboard Florida be excluded from becoming a third party to the original Flagler County right-of-way agreements; she urges the Commission to deny All Aboard Florida the same right-of-way rights of FEC; and the right-of-way issue is a matter involving local tax dollars, local economies, and the right to local decisions making under home rule of law. She went on to say authorization to deny the right-of-way rights to All Aboard are the responsibility of the locally elected County Commissioners and City Council members and should not be delegated to regional planners; she further support the Brevard County Attorney, Scott Knox's, Interoffice memo titled All Aboard Florida report submitted on July 2nd; and legal presidencies shows that maintenance of all railroad crossing is a statutory duty of private railroad companies such as FEC and All Aboard Florida, these are private obligations. She added, Article 7, Section 10, of the Florida Constitution prohibits counties from expending funds for private purposes; under the July 8, 2014 Agenda Report from the Brevard County Commission she encourages the Board to seek declaratory relief; and as the Board noted current maintenance cost each year are between \$300,000 to \$400,000 per crossing for 13 crossings within in unincorporated area of Brevard County. She continued to say the add on cost to accommodate 32 additional trains per day incurred by All Aboard Florida operations could double these expenses with another 20 crossings to be added to northern Brevard the cost of maintenance and replacements could be \$400,000 times 42 crossings would be \$16,800 million tax dollars; and as he or she would note, the cost could double and taxes to pay for these cost from ad-valorem and gas taxes all cost for All Aboard Florida will ultimately come from the taxpayer, where the local State, or Federal, whether under loans, grants, or subsidies, not from the privileged pockets of All Aboard Florida, but into them. She stated ten's of thousands of residents and taxpayers have documented their opposition to All Aboard Florida, including the Town of Micco; seventeen cities and several counties along the coast have submitted their resolutions; and over 30 homeowners

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associations have signed resolutions that represent thousands of homeowners throughout the Treasure and Space Coast who are opposed to All Aboard Florida.

Stephanie Austin stated she would like to talk about Transit Oriented Development; she has been watching the various projects around the nation and they are a great concern; when it comes to All Aboard Florida this is far more than an issue of screaming trains coming through the quite coastal towns; and unfolding before everyone is top down control by outside unelected entities coupled with good old opportunistic corporate greed at the expense of public. She added, she is concerned that is it outside entities that are pulling the strings; one can easily see what will be happening here in real time watching the events taking place right now in San Francisco's nine surrounding counties, they call it the Plan Bay Area. She continue to say it is all about a major housing density and mobility restrictions scheme of saving the planet; just a couple of weeks ago 500 citizens turned out to protest the SMART Train project in Marin County; high density Transit Oriented Development is planned for already congested area; and just like the events in Marin County All Aboard Florida has scooped up land for their planned \$3.5 million square feet of commercial and resident Transit Oriented Development stack and pack type projects near their three new South Florida Stations.

ITEM V.F.5., DISCUSSION, RE: BREVARD COUNTY ANIMAL SERVICES AUDIT

Commissioner Infantini stated Animal Services and Enforcement has undergone three audits; she did the first one in approximately 2006; Dana Blickley did another one in 2008; and now this is the third one. She went on to say this last audit was submitted to Animal Services and Enforcement for a response; the Clerk of Courts did not receive a response to the audit; and the issues have never been addressed. She advised the Board she placed it on the Agenda to be discussed because no responses were provided. She pointed out there can be two things regarding the audit report, to let it stand as is and make no responses or corrective action, and to turn over Animal Services to the Sheriff's Department on October 1st; and the second is see what corrective actions and improvements can be done regarding the issues now prior to the Sheriff taking over. She went on to add, some of the changes have been implemented.

Commissioner Anderson stated there was a response sent yesterday; he has not had time to look at the staff response; and he is not prepared to discuss it today until he reads it in detail.

Fritz Van Volkenburgh, Clerk's Office Internal Auditor, stated staff sent this as a draft copy on March 19, 2014; it was sent again in April as a draft copy and also emailed BASE staff, including the Commissioners and the Assistant County Manager; they did not receive anything; and it was then mailed to all of the Commissioners in May. He went on to say yesterday afternoon was when that response was received; it was not appropriate; and it leaves a lot of questions unanswered.

Stockton Whitten, County Manager, stated he discussed his concerns with Clerk of Courts Scott Ellis; what he did not think was appropriate was actually to conduct an audit, not tell the County an audit was being conducted, and then a report shows up; if this is a true audit, after the field work was completed, they would have set down with staff, gone over the results, and then drafted up a report; and that is the process Mr. Ellis has described, it is the process agreed to a number of years ago, and the issue for the County was the process. He advised the Board that staff has responded; they will be happy to sit down with the Clerk's Office and Sheriff's Office and go over the responses; in the budget proposal for 2014-2015, there are additional dollars to address facilities issues and vehicle issues; and staff is not turning a blind eye to anything, it was a disagreement on the process that the Clerk said he would undertake.

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Scott Ellis, Clerk of Courts, stated the Clerk's Office submitted a draft March 19th and the receipt was never acknowledged; 30 days later it was sent again, receipt was not acknowledged; 60 days afterwards, it was sent to the Board Members; the only thing he got then was why it was not sent to all of the Commissioners; and he did send it to all of the Commissioners, some of them twice. He stated generally if he emails he emails every Commissioner a blind copy so there is no accidental Sunshine issues if there is a reply done to all. He stated 90 days in he was back to Mr. Whitten, and he said they would do no response at all. He stated County staff said they were unaware of a review, a draft report was not sent to the Department head, and a post audit conference was not conducted; the Clerk's Office cannot make County staff come to a conference, but if they will not acknowledge they received the report, how will that happen; and they went through the process, gave them a draft, asked to meet on the draft, and they would do it. He went on to say the Commissioner's got a response yesterday, but the Clerk's Office did not receive a response; it was not sent to the Clerk's Office by County Management or BASE; and they got it late. He noted Chameleon software is inadequate and improperly used; the computers are old, slow, and limited devices; computers are \$400 apiece; there is an alleged \$500,000 returned to the Board over three years; and they can buy \$400 computers. He pointed out it is a deliberately antiquated system so proper data is not collected; it does appear to take too long to get a volunteer; SPCA uses exactly the same software and they have volunteers online; Brevard County uses a hard copy; it takes 30 to 60 days to be approved as a volunteer going through the hard copy process; and even then people have to be scheduled for certain classes. He stated the bones are too large; the smaller bones get caught in the drain; the reason is because staff does not use the drain covers; and they sit on top of the cages and are never used. He stated there have been vets who have volunteer their time to help the shelters and they have been turned down; a vet in Osceola County volunteered to do vet checks and spay/neuter; and they have been denied. He stated they have asked for death lists for years; and they still do not have it. He went on to say County Management does not know where their trucks are; they need to have GPS; and they rely on a hand-written log sheet to find them. He stated he stands by the audit; and he offered to go over it. He reiterated if the staff refuses to meet, there is no way to include their response; and he finds it ingenuous that cannot meet with the Clerk with a response but less than 24 hours before a meeting, there are pages of responses.

Pam LaSalle inquired since Commissioner Anderson is not prepared to talk about this today, does it mean this will be talked about again. Commissioner Anderson replied he does not know, he had a thousand pages of Agenda to go through; and if a Commissioner places it on the Agenda, the typical protocol is it will be heard again. Ms. LaSalle stated problems and solutions have been given to this body and County Management has garnered incremental improvements; health care of the animals is inferior; that aspect was not addressed sufficiently in her opinion in the audit; and the dog they have in their home was at SACC for 20 days. She pointed out she took her straight to the vet from taking her in as a foster; she was diagnosed as being hypo-thyroid; the dog suffered in County custody for 20 days; and she was in their home for nine days before she could drink water. She stated her whole platform is humane treatment; people want no kill as a policy; her husband has been a full-time dog walker from the fall of 2012 to May of 2014; and at that point they pulled back. She stated she does not believe they could have an open admission facility that can embrace that philosophy; and it is a hard reality. She stated the whole community needs to be involved; she does not understand why there has not been a more public campaign on spay/neuter; and she noticed with the Lagoon there are billboards. She stated feral cat colonies are not humane. She stated she is sorry to be so upset about this; she was prepared this is the last time; and she wants the Sheriff to fix it.

Mr. Whitten stated again, they are willing to sit down with the Clerk's Office and Sheriff's Office and talk about the audit; he did copy Mr. Ellis on an email April 3rd to Mr. Van Volkenburgh asking for some documentation; and he replied to that. The Clerk has the County's responses;

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and he reiterated they will make the effort to sit down with the appropriate parties and talk about the audit.

Mr. Ellis stated he would just like to get a time frame; and he inquired if the next meeting is the 22nd. Mr. Whitten advised as soon as County staff can arrange it, they will sit down. Mr. Ellis stated if a time frame is not set, it will fall through the cracks; and he is not looking at a date specific, but a zone; and he would like to meet before the end of July. Mr. Whitten stated they need to coordinate the Sheriff's Office; and he would like Mr. Ellis to acknowledge the April 3rd email. Mr. Ellis stated his point was they were not going to sit down with Mr. Whitten, but to sit down with BASE; and nothing was received from them.

Commissioner Infantini stated Option one or two was not chosen; and she wanted to clarify what transpired. She inquired if Mr. Whitten and Mr. Ellis are going to meet with the Sheriff to go over the audit, the issues, and some types of corrective action that can be taken either by the County or the Sheriff. Mr. Whitten stated that is indeed an issue that are solutions the Sheriff will facilitate completion of those issues if the County cannot get to them before the transition.

ITEM V.F.6., AMENDMENT TO ORDINANCE, RE: ARTICLE III, DIVISION II, SECTION 2.74, REMOVING THE DEPUTY COUNTY MANAGER CLASSIFICATION

Commissioner Infantini stated the former County Manager added a position called the 'Deputy County Manager'; and the new County Manager can do the job just fine without a Deputy. She pointed out she would like to remove that classification that was put on and it would free up some funding in the budget.

Motion by Commissioner Infantini that the definition of 'Deputy County Manager' is removed from the Ordinance. Motion died due to lack of a second.

Commissioner Fisher stated he did not know it was the Board's role to manage the organization; he thought that was delegated to the County Manager; and he thinks the Board should allow him to do his job and figure out what he needs from a staffing standpoint. He is insulted that someone is trying to tell him how he needs to manage.

Commissioner Nelson stated for him to fill that position, it still has to come to the Board for approval; the classes for jobs, there are numerous that are not currently used but may be based upon what an organization wants to do; and it is just another one of those. He stated there is no real purpose to do that, other than be vindictive.

Commissioner Infantini stated it is not being vindictive it is getting rid of unnecessary positions.

Commissioner Nelson stated the County Manager should be able to look at his organization and recommend to the Board what it should look like.

The Board acknowledged the request to prepare an ordinance amending Article III. Division II, Section 2.74 to remove the Deputy County Manager classification, but took no action.

ITEM VI. PUBLIC COMMENTS

Charles Tovey stated he is expressing his rights; the Board is prejudice; and it is depriving him of his rights. He inquired what the environmental impact is of Pineda Causeway; he stated the interchange will impact the Lagoon; and it is because of the development of Palm Shores there

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are problems with the Lagoon. He stated the County took his vehicles a few weeks ago; and it took his rights away. He stated he tried to show the Board and the Sheriff the video. She pointed out the Commissioners break the Sunshine Law.

ITEM VII.A., REPORT, RE: STOCKTON WHITTEN, COUNTY MANAGER

Stockton Whitten, County Manager, stated on the External Audit Selection he failed to ask for the Board to appoint a Negotiating Committee; since Commissioner Nelson was on it the selection committee perhaps it could be Commissioner Nelson and himself; and it is a committee to negotiate the contract price.

The Board appointed County Manager Stockton Whitten and Commissioner Chuck Nelson to the External Audit Selection Negotiating Committee to negotiate the contract price.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Mary Bolin Lewis, Chairman/Commissioner District 4
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM VII.G., REPORT, RE: MARY BOLIN LEWIS, DISTRICT 4 COMMISSIONER, CHAIRMAN

Chairman Bolin Lewis stated she received information that she needs to assign a person to represent the Board on the Management Plan Advisory Group for the Indian River Lagoon Reserve State Park Group; and they have just one meeting for three or four hours Wednesday, August 6th at 9 a.m. at the Ocean Grill Restaurant in the Sebastian Inlet State Park, Melbourne Beach.

The Board appointed Commissioner Chuck Nelson to the Management Plan Advisory Group for the Indian River Lagoon State Park.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Robin Fisher, Vice Chairman/Commissioner District 1
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

Upon consensus of the Board, the meeting adjourned at 3:04 p.m.

ATTEST:

MARY BOLIN LEWIS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK

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