

**BREVARD COUNTY CHARTER REVIEW COMMISSION**

**AGENDA**

**July 07, 2022**

**2725 Judge Fran Jamieson Way, 1st Floor, Building C Viera, FL 32940**

**Commission Room, 3:00 P.M.**

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of Minutes
- E. Reports:
  - 1. Chairman
  - 2. CRC Staff Person
    - a. Budget Timeline
    - b. Estimated cost of elections from Supervisor of Elections
  - 3. CRC Attorney/Other Members
    - a. Resolution and Ballot Summary 7.4.1 Amendment
    - b. Proposal 10- Effective Date of Proposal
    - c. Proposal 18- Legality of inserting "school board member"
- F. Proposals
  - 1. **Charter Cap- Public**  
**(Voted on 06/23/2022) 8-6 to remove proposal from consideration**
  - 2. **Recall School Board Member**  
**(Voted on 0512/2022) 6-5 to remove proposal from consideration**

3. **Full Time County Commissioner-**  
**(Voted on 04-21-2022) Unanimous vote 14-0 to remove proposal from consideration**
  
4. **Citizen Process- 2.9.1.0-**  
**(Voted on 04-21-2022) Vote 13-1 to remove proposal from consideration**
  
5. **Repeal of Three Attorney Panel-Public Hearing 4**  
**(Voted on 06/23/2022) Vote 14-0 Approval Proposal Amendment and Ballot Summary Language**  
  
\*\*\* This Proposal Passed (14-0) on 06-23-2022  
  
This item is listed under New Business\*\*
  
6. **Right to Clean Water**  
**(Voted on 06/23/2022) Vote 10-4 to remove proposal from consideration.**
  
7. **Repeal of Article 8 & Section 8.1 School Board-Public Hearing # 3**  
**(Voted on 05-12-2022) Vote 4-7 to remove from consideration-vote failed)**  
  
**(Voted on 06/23/2022) Vote 13-1 to remove from consideration**
  
8. **Amend Section 2.7 – Vacancies and Suspensions(Amended 05-19-2022 with strike throughs and underlines)-Public Hearing # 4 (Tabled at meeting on 06-23-2022)**

Public Comment

9. **Amend Section 2.4-Term of Office**

**(Voted on 05-12-2021) Vote 6-5 to remove from consideration**

10. **Amend Section 7.3.3-Supermajority Public Hearing # 3**

Public Comment

11. **Article 1-Creation, Powers, and Ordinances**

**(Voted on 05-12-2022) Vote 11-0 to remove from consideration**

12. **Article 2-Legislative Branch**

**(Voted on 05-12-2022) Vote 11-0 to remove from consideration**

13. **Article 3- Executive Branch**

**(Voted on 05-12-2022) Vote 11-0 to remove from consideration**

14. **Section 5.2- Recall**

**(Voted on 05-12-2022) Vote 10-1 to remove from consideration**

15. **Section 7.4 Charter Review**

**(Voted on 05-12-2022) Vote 7-4 to remove from consideration**

16. **Non-Partisan Election**

**(Voted on 05-12-2022) Vote 8-3 to remove from consideration**

17. **Amend Section 2.4 Term Limits-Public Hearing # 3**

Public Comment

18. **Amend Section 5.2 Recall- Public Hearing # 3**

Public Comment

19. **(Amended Proposal 06-25-2022)Amend Section 5.2 Recall-  
Scrivener’s Error and to add school board members to the list  
of county officers subject to recall -Public Hearing # 3**

Public Comment

20. **Amend Article 7.4.1-Add subsection 3 – 3-Panel Attorney  
Process -Public Hearing #3**

Public Comment

21. **Amend Article 8 by adding Section 8.2- County Wide Election  
Public School Superintendent**

**(06/23/2022} Motion by Proponent to Remove from  
Consideration**

22. **Revise Citizen Advisory Process-Public Hearing #3**

Public Comment

23. **Amend Article 8 Section 8.1-Addition of Two School Board  
Members -County Wide Election**

**(06/23/2022} Motion by Proponent to Remove from  
Consideration**

24. **Addition of Section 1.9 to Article 1- Establish Workforce  
Housing Trust Fund for Vulnerable Families-Public Hearing # 3**

Public Comment

G. Unfinished Business

H. New Business

1. Review and Approve Ballot Language for Proposal 5

Repeal Three Attorney Panel Review

I. Public Comment

J. Adjournment

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify Melissa Brandt no later than 48 hours prior to the meeting at (321) 301-4438.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV staff at the meeting. We respectfully request that ALL ELECTRONIC DEVICES and CELL PHONES REMAIN OFF while the meeting is in session.

Pursuant to 286.0105, Florida Statutes, the County hereby advises the public that if a person decides to appeal any decision made by the Charter Review Commission with respect to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, affected persons may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the County for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

# CHARTER REVIEW COMMISSION MEETING

Thursday, June 23, 2022

3:00 p.m.

Brevard County Government Center

2725 Judge Fran Jamieson Way, 1st Floor  
Viera, Florida 32940

## A. Call to Order

Mike Haridopolos:

## B. Pledge of Allegiance

Mike Haridopolos: Will you all rise for the Pledge of Allegiance. Mr. Nye if you could lead us please, that would be great.

I pledge allegiance to the flag of the United State of America, and to the Republic for which it stands, one nation, under God, indivisible with Liberty and Justice for all.

Mike Haridopolos: Thank you, before we call the roll, if you would please silence your cell phones.

## C. Roll Call:

Melissa Brandt:

Robin Fisher (District I) - Present

Kendall Moore (District I)- Present

Marcia Newell (District I)- Present

Mike Haridopolos (District II)-Present

Marie Rogerson (District II)- Present

Blaise Trettis (District II)- Present

Bob White (District III)- Present

Matt Nye (District III)- Present

Gabriel Jacobs-Kierstein (District III)- Present

Tom Jenkins (District IV)- Absent

Cole Oliver (District IV)- Present

Sue Schmitt (District IV)- Present

Jordin Chandler (District V)- Present

Vic Luebker (District V)- Present

Dave Neuman (District V)- Present

Staff Members Present- Melissa Brandt, Jim Liesenfelt, Assistant County Manager,  
Attorney Paul Gougelman

Melissa Brandt:-We have a quorum.

Mike Haridopolos: Thank you very much.

#### **D. Approval of Minutes from May 12, 2022 Meeting**

Mike Haridopolos: Next on our agenda is the approval of minutes. Do I see any concerns there? Do I hear a second? Vic with a second. Without objection, show those minutes adopted.

#### **E. Reports:**

Mike Haridopolos: We have no report from me, why don't we go to the staff to see if there are some comments.

1. Chairman
2. CRC Staff Person-

Jim Liesenfelt: Yes, Mr. Chair. Just two items you have the memo shows different compositions of school boards from all over the state. And, I received an email from the Supervise of Elections Office that they are still working on the estimates. They had an update to an increase in paper printing, shipping and transportation costs, and they wanted to make sure we get the accurate information. It is Supervisors directive to compile and send this information to you as soon as possible. So, as soon as I get it, since it is after the meeting, I will forward it on to each member.

Mike Haridopolos: Thank you very much. Any questions for the staff? Next, we are going to move on the report from an attorney. Mr. Gougelman, your report please.

Paul Gougelman: One of the outstanding questions was, when did the School Board Superintendent go from becoming an elected position to an appointed position? I talked with the attorney for the school board (inaudible speaking) that's my best guess. There are several memos that have been presented to you regarding the 10- vote rule, proposals six two memos 21 and 23, I will simply say I'm submitting those to you if there are any questions I will be happy to respond.

Mike Haridopolos: Thank you, are there questions? Mr. Trettis for a question.

Blaise Trettis: I would like to state that I agree wholeheartedly with your opinion that the right to clean water proposal is contrary to Florida statutes. But I would like to ask you on your opinion about the civil cause of action you say your opinion is that the county can create a civil cause of action, is that your opinion?

Paul Gougelman: Yes sir.

Blaise Trettis: Okay, don't really have any other question other than to state my disagreement with that for the reason that article 5 section 5 the Florida constitution says "jurisdiction of the circuit court shall be uniform throughout the state." When the legislation passes a law, which creates cause of action it's obviously statewide. If the citizens vote a constitutional amendment, it's obviously statewide. But a cause of action that were to be

created by a county charter would only apply to the county, which would mean there would be 20 different judicial systems in the state of Florida, if it were allowed, You have 19 charter counties, which could have 19 different legal systems with different recognized causes of action, and then the other counties would be the 20th separate judicial system with other cause of action to recognize. I just want to get my disagreement with that portion of your memorandum on the record and, secondly, I just want to point out that in addition to your opinion that the clean water proposal violates section 403.4129 a. of the Florida statutes was passed in 2020, I would also argue that it also violates 403.412 paragraph 2e., which basically says that a citizen can sue the government. Excuse me, a citizen cannot sue the government when the government has issued a permit and the citizen is complying with that permit. I would argue that the clean water proposal is contrary to that because it allows a citizen to sue the Department of Environmental Protection after they issued a permit and let's say a builder or developer is complying with that permit. I would also point out that is an additional reason for the clean water proposal not to be lawful, that's all, thank you.

Mike Haridopolos: Mr. Gougelman, do you want to respond to any of that?

Paul Gougelman: Yea, respectfully, with regard to the jurisdiction issue, I view that in a somewhat different way, and the reason that I view it differently is as follows, article 5 the constitution was adopted by the people back in the mid-1970s and it was the final piece of the Florida constitution that was being put into effect to revise our constitution and our constitution of course was completely rewritten and redone back in 1968. Up until that time we had numerous different types of courts around the state, for example, some counties had what they call a criminal court of record, other counties did not, we had justices of the peace, which presided over a court in some counties and I think what article 5 was intended to do was to provide uniform jurisdiction throughout the state. In other words, whether you went to Hamilton county or Brevard county or Escambia county or Monroe county, you have the same court system which is county court, circuit court, district court of appeal and supreme court. Each of those courts by legislative action has prescribed jurisdiction and it is in fact uniform statewide. Respectfully, you get two attorneys in one room you are liable to get three opinions. Two attorneys opinions and the right opinion. But I do respect your comments.

Mike Haridopolos: Are there questions? Thank you very much. We are now on the actual proposals themselves. As you know, we've had a series of vote on these different proposals a total of 24 brought in we have removed approximately 10 of those proposals to this point. So, we are on proposal number one which of course is the charter cap. So, before I get there, we've had this ongoing discussion about when we want to vote on these proposals. After today's we will have officially had three public hearings meeting requirements as far as public notice. I'm open to discussion where want to have the votes today on those that are ready to go, or do we want to wait until the next meeting to have the final vote. Any opinion on those at this point? Mr. Trettis.

Blaise Trettis: I planned on making a motion to approve proposal number one after discussion.

Mike Haridopolos: Okay, other opinions.

Matt Nye: I prefer we vote on the ones we can today.

Mike Haridopolos: Any objection to that? Okay, great, so after each proposal we will have a vote. Were to get to the ballot it will take 10 votes. If a proposal falls short it's eliminated from consideration and we move forward. Of course, with our own ideas the goal of voting early will give us the potential to look at this so if there's any concerns we can take another bite at the apple. Will have the vote accordingly today after we hear from public testimony on these measurements. Mr. Trettis, for a question.

Blaise Trettis: This is a third hearing, probably the fifth actually. It is the third that is properly noticed on the proposal one that. Therefore, under the charter it can be voted on and if approve it will go to the board of county commissioners for the three attorney panels. That's why I said I would make a motion for approval because it's a third hearing. I disagree with your statement that we shall vote on every proposal. The rules provide that any member can make a motion and if so wants to make a motion to with the withdrawal from consideration proposal they are free to do that. But this commission just did not agree to vote on every proposal, and I really think some of these proposals, should be allowed to go to a third public hearing. If someone wants to make a motion to withdraw them from consideration, they are free to do that. That has been done previously. I think it's a wrong characterization to say we just agreed to vote on every proposal.

Mike Haridopolos: Well, thank you for that correction. All I would say is as we are discussing through this matter if you're on the third strike right now you can have that vote and if you are not on the third hearing we've had a series of vote to say whether to move forward or not. We will take a case-by-case basis obviously on the first one we had five hearings we will take a case-by-case basis if there's a proposal that one of the sponsors want to withdraw we will take a look at that as well. Any other questions?

### **Proposal 1 – Charter Cap- Public Hearing # 3**

Mike Haridopolos: All right, let's move to proposal number one dealing with the charter cap. Mr. Trettis, if you want to remind people of this for the fifth time you're welcome to do so.

Blaise Trettis: I will be brief since there should be a vote after it. This proposal would add language to the charter.

Mike Haridopolos: You might want to have the mic on or get closer.

Blaise Trettis: This proposal would add language to the charter, which would make any increases beyond the charter cap, one year in length only, and not become part of a baseline increase to the budget in perpetuity. It came as a result of a lawsuit by former Clerk of Court Scott Ellis in 2019 when that didn't happen. When the board of county commission to exceed the charter cap it was not for one year, that tax increase beyond the charter cap became the baseline taxation for every year thereafter. Scott Ellis sued the board to try to prevent that from happening. That lawsuit was dismissed on procedural grounds not substantive grounds. The fifth district court of appeal reversed that dismissal,

and it is back in the circuit court as a pending lawsuit now. But the language of this proposal is actually taken from the briefs in that lawsuit, and it's actually the language offered by the county attorney explaining in the county attorney's opinion why the current language does not require the tax increase to be only one year at the county attorney said if this language were included than it would be one year only. So, this language is directly from the lawsuit. It would make the one-year increase just at one- year, and I submit that that is what the voters intended by overwhelming majority when they passed this proposal and the critical wording of the current charter is the "the finding of critical need "the finding shall set forth the ultimate facts upon which it is based and shall be valid for a single budget year". The language is clear I submit that the budget increase is to be only one year, that has not happened. This would correct what's been going on for years. That is my proposal.

Mike Haridopolos: Thank you. We do not have appearance cards, it's just us on this. Is there debate on this issue? Mr. Luebker, you are recognized.

Vic Luebker: Ms. Schmitt, go ahead.

Sue Schmitt: I've spoken to this twice I think, the first meeting that we had and why I believe it's not correct and why it should not be passed. Having been on the county commission and understanding what the budget is like, and what you go through, and if you have emergencies, and before I've used MSTU's for the sheriff's department, in fact, that's the reason that the commission did do that because they had a severe problem with hiring and having deputies. If you also look at, Brevard is not unique, we happen to be a coastal county, we have hurricanes, we have tropical storms, we have flooding sometimes. When you have that, occasionally, there may be a reason you don't have any more reserve left in your county budget or if you do your reserve then where do you get it for the next time? Then what Mr. Trettis wants to do is then if you have that problem that year, and if you have to go over the cap for some emergency reason, then the following year you have to revert to two years before that budget, which means all the sudden you don't have that money, you don't have, and I've lived in Brevard county for a long time, because I'm really old. But it has had hurricanes. We've had storms we've had emergencies in this county. If you don't have the money to do that and the ability to deal with it, you are going to have a severe problem in this county. I would ask you to please vote against it.

Mike Haridopolos: Mr. Luebker.

Vic Luebker: A couple of things, first, you took some of my talking points sue. Thank you (laughing) as I look at this right now at the end of the language where the new language is inserted it basically stops with this, " the findings shall set forth the ultimate facts upon which it is based and shall be valid for a single budget year per . The language is already there, we have a super majority in place to the county commissioners to protect that, and my other worry is, with all the things we look at his legality we have an ongoing lawsuit. I am not sure I want to be where we want to be in a place where we are getting ahead of the lawsuit that's going to decide this anyways. That's where I am at.

Mike Haridopolos: Others in debate? Mr. Nye.

Matt Nye: I take the exact opposite approach, I think we exercise our authority here as this commission and resolve the issue so we don't have to rely on the courts. So, I am the exact opposite.

Mike Haridopolos: Mr. White.

Bob White: I seem to recall the specific action in question at the last ad valorem increase, you know the four- vote majority that passed. I seem to recall the vast majority of the money he was requesting was for physical improvements actually automobiles and other kinds of equipment these were theoretically one-time purchases. So, the idea that you would keep that money as a new baseline going forward when it was spent for specifically what was requested for, and that's not an ongoing need any further, that's all the more compelling reason to suggest Trettis is on the right track here as well as is the lawsuit being provided. The language is clear.

Mike Haridopolos: Ms. Schmitt.

Sue Schmitt: When you are talking about the sheriff, you are talking about the MSTU's. There was litigation many years ago that caused MSTU's for law enforcement. It's for the unincorporated area only because before that all the cities were being charged the same amount of money for those deputies, and they were only doing their road patrol in the unincorporated area. So, when you are talking about MSTU's you are not just talking about equipment.

Bob White: That's not what I was talking about at all, I was talking about the sheriff's very specific proposal. The reason he came to the county commission is because he needed x amount of automobiles and radios, it was all specifically physical equipment, one-time purchase, had nothing to do with salaries or anything else, as I recall. So, my question becomes, why in the world would you let that amount of money for those specific physical kinds of purchases become part of the new baseline going forward? It makes no sense to me, that is all I am saying.

Sue Schmitt: It wasn't for all the equipment but I will leave it go at that.

Mike Haridopolos: Others in debate? Mr. Trettis, you are recognized.

Blaise Trettis: I wanted to point out it's true that if this proposal passes it will end the lawsuit, it won't confuse the lawsuit, it will end the lawsuit because this ends the lawsuit. It's clear now. Hurricane I submit as a perfect example for a one-year increase, you don't have the hurricane expenses the next year. It's true then it's in the materials the finding of critical need those made for a year ago, it specified all the dollar amounts for repairing buildings and roofs and tasers and cars and those items were all added up and there was no dollar amount for salaries and that request of the sheriff. It was for physical things. That's all.

Mike Haridopolos: Others? Mr. Fisher.

Robin Fisher: I won't be supporting it, and this is why. I think we are the only county in the state that has to live under this charter cap rule. At the time, if you look at the history of our county has always been an efficient operation, do things well, ranked one of the

highest counties as far as providing services and tax being low. So, strapping this county with this, I think is unfair. I think Mr. White is wrong. I think a lot of the need for the sheriff was for people. Once you start adding people and salaries, it's hard to take it back and make that up. I won't be supporting it.

Mike Haridopolos: All right, others in debate? Mr. Luebker.

Vic Luebker: Yes sir, thank you Mr. Chair. If I may Bob, I just want to clarify about what the Sheriff asked for because I was part of those meetings. Yes, a lot of it was equipment based, however, I think you have to put this into perspective of where we are current times. His argument to us or to a meeting I was in, was the growth we are seeing in the county and trying to keep up with that. With modernized equipment. It was Narcan units for folks that are over dosing which is on the rise in this county. So, going back two years in time to that budget when we see the growth of the county going this way, population and combine that with what we were seeing in this economic environment, I don't think we can realistically say there's not, be more ask like this. We have to take care of public safety. It is core job one of public servers at the local, municipal level. I think the current language is correct and I will leave it at that.

Bob White: Mr. Chairman, it seems to me if you think the current language is correct he would want to support the proposal. All this proposal does is basically reiterates the current language in the charter where it says in a sentence you literally, you know what I am trying to say. I think the other thing to Mr. Fisher's point is that it might very well be that we are as efficient county as we are because there is this cap in place. Commissioners know and budget directors know it and division chairs know it. So, they have to work harder. I don't see a thing in the world wrong with that I am glad we are efficient and I think this rule probably has something to do with it.

Robin Fisher: And we were efficient before the rule came in too.

Bob White: Well, that's fine too. I am just comparing apples to apples right now.

Mike Haridopolos: Thank you Mr. White. We have Janice Crisp who wants to speak on it. We will allocate a couple of minutes to her. Welcome>

Janice Crisp: Thank you sir. I was here when the Sheriff came and asked for more money and it was indeed for one-time equipment. I would just like to say I agree with this charter cap because I don't believe we've had an audit on the sheriff's budget when he is spending hundreds of thousands, I think \$250,000 or more producing you-tube videos, which is absolutely inappropriate when we are talking about this. He came and asked for that money and again he's going to come ask for more. He refuses to give a line item budget for his department. When we haven't even asked him for that, that should be something he gives immediately. When we are talking about the money for taxpayers and discussing this, we haven't had audit for the school board when the superintendent himself got really irate with the public when they asked for it. This is something that has to be considered in this review and forced by the county commission because they oversee them. There's a lot of departments under the commission departments rule that need to be and find out where this money is going because here we are talking about taxpayer money

and you're debating it like it's monopoly money. This is our money and you need to take care of it a lot better than this we don't need to be making You-Tube videos for the sheriff.

Sue Schmitt: Mr. Chairman.

Mike Haridopolos: Ms. Schmitt, you are recognized.

Sue Schmitt: I wanted to ask Mr. Liesenfelt a felt a question. I am sure you are thrilled. Are there not audits being done of all departments and all constitutional officers?

Jim Liesenfelt: I can't tell you the constitutional officers for sure but the departments of the county audits, there's an audit plan that goes through each department regularly that we get scheduled for. The commissioners approve the plan as the audits for the next year.

Sue Schmitt: thank you.

Mike Haridopolos: Mr. Trettis, I don't think there's anyone else to speak so you are recognized to close on this proposal.

Blaise Trettis: I would like to point out that the people have spoken against the proposal basically argue they don't like the cap we have needs that need to be met but they are not arguing the intent of the border and passing this was not clear that this would only be for one year. So, if you disagree if you disagreed with the charter cap I asked why didn't you make a proposal to repeal it. Instead the people against proposal want to go on this continuous year after year of violating it and ignoring it knowing that this is not what the voters voted for, which I submit is just wrong, if you don't like it you should try to change it and no one did that. As far as Brevard county having the only charter cap like this in the state of Florida, I submit that's not true because if a single year critical need becomes part of the baseline budget then there is no charter cap. It's on paper only, and practice there is not one. So, I would ask you to vote for this proposal. Thank you.

Mike Haridopolos: We've now concluded the three public hearings, this would be the first vote on the measures, as you all know, there's 10 votes required to send this along and so without objection we will have Melissa call the role and if you are for the proposed vote yes if you are against the proposal of course vote no. (roll call) (attachment vote record) By your vote, the proposal fails. We are number 5, we've concluded three public hearings on this as after the debate we vote up or down vote on proposal number five, Mr. Trettis, you are recognized.

### **Proposal 5- Revised Proposal to Amend 7.4.1-Three Attorney Panel-Public Hearing #3**

Blaise Trettis: Thank you Mr. Chair. This proposal would provide this additional sentence to section 7.4.1 independent review of proposed charter amendments "if at least two members of the panel find the proposed amendment is not consistent with the Florida constitution general law or this charter than the proposal is considered rejected and returned to the county commission or charter review commission for further action if any is to be done. " I call this the three- attorney review panel. As it's written, if two members of the panel find that proposal consistent with the Florida constitution, then the board of county commissioners shall forward it to the supervisor of elections to be placed on the

ballot. What is uncertain and unknown is what happens if say two members of the panel say it's not consistent with the Florida constitution, as it's written, the county commission can decide we want it on the ballot because we like it or we don't like it so we won't put it on the ballot. This solves that problem. I think it's really necessary, and I know in the past that I argued against the three- attorney panel because originally was against the idea of lawyers having that type of authority. However, what happened with the clean water proposal in Orange county really made me change my mind on this, and what happened in Orange county was that in July 2019 the charter review commission, apparently, and stating these facts from reading a lawsuit in Orange county pending now on the clean water proposal, so I think the facts are correct, they were very expensive very good lawyers involved. In Orange county it appears that the charter review commission serves four- year terms and not any general election ballot could place charter proposals. In 2019 early 2019 like in July, a committee was formed of three attorneys an engineer and biologist to come up with the right to clean water proposal. So, they worked on it and they finish their work in January 2020, the legislature in 2019 came up with this bill which in part includes the part that has been discussed already, which basically says charters cannot pass a charter amendment that provides that a body of water has a right to lawsuit or person can sue on behalf of a body of water. Legislature at the same time the Orange county commission was coming up with the clean water proposal, having legislative hearings on a bill which would specifically prohibit Orange county from doing that. It's interesting that in March the Orange county charter review commission voted approval of the clean water proposal just days later because the bill was already on the floor going through its multiple readings, the legislature passed its law saying you cannot do this specifically. So, what really emphasized to me, and made really clear was the charter review commissions, they don't have to follow the law. They could knowingly pass a proposal which they know violates the law, contrary to the law, that's what was done in Orange county. It really made me think even though I don't like lawyers having this authority, I really think it's a necessary backstop or emergency brake for a clearly unconstitutional or unlawful charter proposal to be withdrawn, under my proposal it's not a final thing because the proposal goes back to the charter commission or to the county commission so if they want to rework it or retry they can do that. It's not a final thing, but I really think it's important to that there be some procedure in place to prevent clearly unconstitutional proposals that violate or contrary to Florida law that they don't go on the ballot. That's why I amended the proposal the way I did. I think it's necessary and I ask you to vote in support of it. Thank you.

Mike Haridopolos: Thank you. are the questions for the sponsor of this proposal? There are no questions, any debate?

Robin Fisher: The Nassau County attorney, I know of no other incidents were 2/5 commissioners get to move something forward one way or the other. In this case we only have four commissioners it would be half of them, two out of four. Do you know of that happening, or being allowed?

Paul Gougelman: No, not at the top of my head but I don't think this is a situation you have here. You're talking about a panel of three attorneys, rather than county commissioners. Their charge is much different than that of a county commissioner, their

charge is to look at it from a standpoint of whether or not it's consistent with the constitution and consistent with the law, the county commissioners have a much greater panoply of considerations, and whether they will something forward or denying something. Robin Fisher: Yea, but isn't Mr. Blaise asking two of the five commissioners send it back? Is that what the proposal is? Am I misunderstanding something? Help me out.

Paul Gougelman: Basically, what happens is if the attorney review panel does not find that the charter commission approved proposal is consistent with the general law or consistent with the constitution and they deny it, then it gets returned to the county commission or to the charter commission for further action or no action. As the case may be. That's what I think is proposal is doing is basically correcting the glitch that currently exists in the charter, because the charter talks about if something is found by attorney review panel would be consistent with the law that moves forward to the ballot. But the charter does not say is if they don't find it consistent, what happens? Does it just go nowhere? Does it get returned to the county commission? What happens? The only thing I will tell you is that probably in most cases if the attorney review panel finds that the proposal is not consistent with the law, usually the charter review commission does not complete action until nearly the end of its tenure, so the proposal will probably go back to the county commissioners.

Robin Fisher: So, if it goes back to the county commissioners, how many county commissioners do you need to act on it? 2 or 3? 2 will not do it. You need a majority of the county commission.

Blaise Trettis: You actually need four, super majority.

Robin Fisher: So, you recommend we approve this?

Paul Gougelman: I think you should because I think it's a clarification of existing law, it plugs a hole.

Matt Nye: Just a quick comment for the record. I understand your concern but I think to me the probability of the commissioners, the attorneys acting to quash something perhaps on behalf of the commissioners, that seems far more likely to me than a commission like this going rogue and intentionally passing something that's unconstitutional. I want to be on record with that piece but I will support it as amended.

Mike Haridopolos: All right, seeing no other debate, Melissa, why don't you call the role. >> (roll call voting record attached) By vote, the proposal passes.

Paul Gougelman: Wow, unanimous.

### **Proposal 6-Right to Clean Water- Public Hearing # 3**

Mike Haridopolos: We move now to proposal number six, on clean water. We had a series of appearance cards for that so why don't we start working on those. We will allocate three minutes to each person if you'd like to speak on the issue and of course if the members of the commission would like to ask questions of the presenters you are welcome to do so.

Paul Gougelman: Mr. Chairman, I would like to ask a procedural question before we get into proposal 6. Under your rules, at this point you have approved proposal number five and I assume what you want is for that to be brought back to you at one of your following meeting so you can approve the ballot language and resolution to go on the ballot.

Mike Haridopolos: That's correct.

Paul Gougelman: Thank you.

Blaise Trettis: May I add that Mr. Goldman is going to write that pursuant to the rule change in the rules procedures. Thank you.

Mike Haridopolos: All right, first person we have for proposal number six for the right to clean water is Thomas Altiff, and Laurilee Thompson will be next.

Thomas Altiff: Good afternoon. My name is Tom Altiff. I am at 3405 S Washington Ave. Titusville. I grew up in east Orange county I've been fishing in the lagoon since I was eight years old. I've seen all the changes that have come to the lagoon. I own and operate one of the largest kayak stores on the East coast of Florida, and my business as well as many other businesses (and I am approaching this from an economic point of view) is dependent upon the Indian River Lagoon. And clean water. From my point of view and from talking to other businesses, the restaurants, hotels, retail stores, retirees that move here, our winter visitors who come down here. All of them are drawn to Brevard county because of the water. That's what makes us so unique. We have one of the most unique estuaries in the world, and we need to protect it. We also have a large recreational fishing industry and at one time we had a very significant commercial fishing industry. If we have clean water we will always have an economic engine to depend on. Clean water is the key ingredient. My customers, most recently, have been asking me is it safe to kayak on the Indian River Lagoon. What is the odor coming off the water? What happens if I turn my kayak over? What is the older coming off of the water? What happens if I turn my kayak over and I am in the water? Is it safe to swim in the water? Then some will tell me, after I answer the I'm going to take an alternative course I'm going to go to spring runs, I'm going to go to a lake that I know is clean, and I know is safe. I want to add one other thing. My children have told myself and my wife that their best childhood memories our days they spent as a family on the lagoon catching fish and crabs and swimming in the water. My love of fishing in the lagoon resulted in me skipping school in my senior year of high school. I skipped so much school and came over here, I didn't meet the days and school qualification to graduate. I had to go to summer school. I did that and I got my diploma and went on and graduated from Rollins College.

Mike Haridopolos: we appreciate you coming in, any questions? Thank you for taking time to visit with us. Thank you, Sir.

Thomas Altiff: Thank you.

Mike Haridopolos: Laurilee Thompson followed by Nayra Atiya. Laurilee, welcome back.

Laurilee Thompson: Thanks for letting me speak. I am Laurilee Thompson 3550 Irwin Ave., Mims. I love visiting restaurants when I am in Washington DC where I'm handed a

wine list and oyster list. Tantalizing writeups reveal the source of the oysters, the size of the oysters and how each one tastes. I can order a mixture of oysters so that I can savor and compare every one. With more estuaries and miles of coastline than any other state except Alaska, Florida should be the most diverse producer of oysters. That's the way it was when I was a kid. Their distinct sizes, shapes, shell colors and tastes were instantly recognizable to oyster connoisseurs. With the Apalachicola Bay oyster industry declared federal fisheries disaster, we've lost the last commercially available Florida oysters. How embarrassing is it that Florida restaurateurs don't even have one type of Florida oyster to serve to our guests? Oysters are one example of how Florida's declining water quality is impacting viable commercial and recreational fisheries. In a hail Mary attempt to keep the fishery alive, the most recent blow landed directly on Brevard county last month when FWC commissioners designated the Indian river lagoon as catch and release only for redfish. I've already explained to you guys how devastating the loss of our standing as the redfish capital of the world has been on our recreational businesses. Going after fishermen is not the answer. The solution is to stop the sources of pollution that destroy our waterways. The sad and dangerous condition of Florida's estuaries, lakes, rivers and springs threatens our drinking water, tourism, real estate values, the ability to attract new industry and employees, and most of all, our quality of life. We've done everything you guys asked us to do to simplify the language of the right to clean water, in addition to Brevard county's charter, unless new issues are raised today, we've addressed every concern that's been brought forth. The right to clean water is not aimed at Brevard county or its municipal governments. It's not pointed at private businesses. The target is Florida state agencies when they fail to enforce their own policies to safeguard our waters. Brevard county has an opportunity to lead the charge in the movement to make state agencies responsible for protecting our waters. Your decision for the residence today is simple, will you allow Brevard county voters to choose to be a state leader or continue to be a toilet for the rest of the state. Thank you.

Mike Haridopolos: Thank you. Next, Nayra Atiya followed by Thomas Perez.

Nayra Atiya: Nice to see you. Nayra Atiya Beachwood Court Titusville. Driving across the Max Brewer bridge a few days ago I saw a gaggle of children playing in the lagoon. Splashing happily as they floated in their brightly colored inner tubes. When the laughter reached my ears, it filled me with wonder. I began to experience their joy when suddenly my heart skipped a beat. What would be the consequences of these kids few hours of fun and frolic in the waters of the IRL as their mother looked undoubtedly unaware of any danger. Would they end up like the manatees , gentle creatures lost to us as a result of neglect? Ignorance, mindless, disrespect of one of our lifelines, clean waters. An open wound, scratch exposed to the feces, fertilizers, and toxins desecrating the Indian river lagoon could be fatal as it merely was for me and 2006. I swam in this very lagoon, now doubly polluted. I was staying at the then Holiday Inn when I fell ill I will never forget the room service oatmeal left at my door, nor the bunches of bananas my son order, the only foods I could tolerate. No one dared come near me as meningitis was suspected. For days I ran a fever of 104, trembled, swept, and could only crawled to the bathroom to throw up. Three incorrect diagnosis later and two weeks isolated quarantined in my hotel room, I was just steady enough to fly home to Utah, where he lived at the time. My doctor sent

me to epidemiologist who immediately put me in the hospital. Followed by a long course of intravenously administered antibiotics. As an outpatient. Swimming in the IRL had contracted a deadly bacterial blood infection, which laid me so low that I could hardly move from the sofa where I languished for three full months. My heart remains damaged. Water is a healer, water is sacred. We baptize in water. My ancient Egyptian ancestor did so, may I have extra time? My ancient Egyptian ancestors did so thousands of years ago. We drink water. We wash in water and with water, we cannot survive without it. If it becomes deadly, what shall we do? We have allowed our jewel, the Indian river lagoon, to be consumed with filth, desecrating the very body on which depends our well-being and that of all beings. We have fouled our nest. Don't you think that there may still be just enough time to undertake the sacred duty we have to clean and restore our lagoon to its rightful magnificence and to our benefit and that of generations going forward? Today the choice to put the right to clean water amendment on the ballot for the 2022 election is in your hands. We are here to respectfully request that you make the decision, which will your names on histories ledgers for having done the right thing. And for having preserved a healthy environment for your descendants and ours. A beloved American poet once wrote: "We can count on so few people to go the hard way with us." May we count on you for being among the few? You have kindly lent us your ear, now what you please lend us your vote, thank you and thank you for your service.

Mike Haridopolos: Thank you so much for your time. Mr. Perez followed by Maureen Rupe.

Thomas Perez: Good afternoon. My name is Tom Perez, 3025 S. Washington Avenue. In Titusville. I'm a retired pharmacist and epidemiologist from the US public health service with 30 years of service. I also have a Master's in public health. Thank you for your service and consideration of the various proposed revisions to the Brevard charter. I support the inclusion of the right to clean and healthy water in our charter. Here's an example of how it might be used. We probably all remember back in spring 2018 we started hearing that Blue Cypress lake was experiencing an algae bloom. The blue-green algae it grew and grew until we had a serious health situation on class 1 headquarters of the St. John river. The source of our drinking water in lake Washington, by the way we no longer have class 1 waters in the entire state. TC palm and other media were covering the problem and even traced it directly to the excessive dumping of partially treated human waste known as biosolids on the Presley ranch. It took months on the dep to investigate and act and its July 12 letter halting the dumping. DEP reported that microsystem levels in the lake were found to be at 4700 parts per billion, more than 47,000 per cent the toxic limit. Their action was good but very late and after much damage was done. Dumping of some 5000 dry tons o per year of dry poop began in 2012. After the legislature prohibited the dumping in South Florida. The Indian river county disposed of their waste in landfills but we and Brevard were inundated by tons and tons of human poop for years. H&H liquid sludge proposal was paid over \$1 million in 2017 to dump 5277 tons on the Presley ranch at adjacent to the lake. Observers have reported that water was pooling in the dumping months before the bloom began. We knew our very drinking water was being contaminated but there was no path to it for us to grow an issue. Legalized harms on the way. With standing to seek equitable relief under the provision the observer of the pooling

water or someone beyond the stream of trucks full of poop could have raised the issue and could have protected our drinking water before it became toxic. Brevard now has the opportunity to include the rights to clean and healthy water, just finishing a sentence. To include the rights to clean and healthy water in our charter and be the proud leader of our state or be the state's toilet. Thank you.

Mike Haridopolos: Thank you Mr. Perez. Miss Rupe followed by Bill DeBusk.

Maureen Rupe: Maureen Rupe, Port Saint John Since 1998 I've been on three charter reviews. The last was in 2015 and commissioner fisher appointed me. And four members on this review now were on that same 2015. I don't know whether they remember but I brought forward an amendment ballot for Brevard county, the rights of Brevard citizens to clean air and water as well as lands free of pollutants is not addressed in the current charter. The water in Brevard county is so degraded, our economy and quality of life is threatened. The current system is not working, just an example, there's an effort to replace septic with sewer, which is good, but biosolids from sewers are spread on the land. And Port Saint John it is yards from school. You can smell it from the school. All along the west side. There is technology that will turn biosolids into energy, they do this in Europe and the Gates foundation and South Africa also does it. Reuse water that contains (word?) And issues extensively throughout the county like it's doing no harm. There are a lot of examples why we have to change, and if we fail to do so now. You know, I always think he said I don't know if it's true or not but it's worth thinking about. You cannot manufacture water, it's the same water the cavemen drank. Thank you.

Mike Haridopolos: Thank you very much. Bill Debusk followed by Melissa martin.

Bill Debusk: Good afternoon. My name is Bill Debusk and I live in west Melbourne. The right to clean water, according to an attorney I respect, already exists by statute in the state of Florida. Although the statute exists, it concedes way too much authority, to state agencies like FDEP to protect our waters. This is not okay. People suffers, wildlife suffers, property values suffer, business suffer and communities suffer. Brevard County suffers because of these ineffective dysfunctional processes, Adding a right to clean water to our charter will inform our citizens that they have a right to ask a judge to review evidence or decide how to stop or remedy pollution that impacts our Brevard County waters. The right to clean water amendment will support the basic principles. Actually, big money from polluting industries is not the right thing to do. We need a clear simple legal solution to restore the necessary checks and balances to protect our waters because our water is critical. And necessary to all of our lives. We need in the Brevard county charter we need the right to clean water, thank you for your time.

Mike Haridopolos: Thank you Mr. Debusk. Next, we have Melissa Martin followed by Toni Shifalo. Welcome.

Melissa Martin: Good afternoon. My name is Melissa Martin, I live in Eugene Oregon, I used to live here. I still have ties to Brevard, we are property owners in Canaveral Groves and then we have the nostalgic factor of meeting my husband here, dating here, raising kids here for a little while. The fact is that, we intended to live and die here This was supposed to be our retirement plan. Things changed, life changes, and much like systems

change. Economic systems change, environmental systems change, legal and governmental systems change and the primary reason we are here today is because our current system of water protection has been lagging behind and has failed to keep up with life changes. I know we can all see and smell the results. When you're talking about amending charters or constitutions it's obviously a serious matter. These types of measures have long-term effects so the guardians of the amendment process, which are you, must be slow to change. It must be deliberate review, sober to all foreseeable consequences and only entertaining proposals that would clearly fulfill your mission "for the most common benefits to all our inhabitants" proposal six meets these requirements. Funny enough, it's one of those rare issues that immediately reach across party lines and unite Floridians as Floridians. This is an issue of good stewardship. Being fiscally conservative and sharing good government and protecting individual and business rights and economic interest from the harmful activities of others, bottom line is that this is a choice, should Brevard county take advantage of this opportunity or should it stick with the status quo and the water problems that come with it? When you ask what Brevard should be known for should it be known for being a state leader, or as you heard, the state toilet. We are using that analogy because of the alarming statistic we heard regarding biosolids applications a very high percentage of the entire state of Florida's poop is coming to the St. John river's, that's your home now. Is that something that you want to be known for? And in the big picture who should pay for the cost of water pollution, the polluters or the taxpayers? In the end, it should be up to the voters they're the ones that should choose the path to take and what type of future they want. I appreciate your consideration of this proposal and standby to answer your questions.

Mike Haridopolos: Perfect timing. Mr. White for a question.

Bob White: are you the Melissa Martin that sent us the email earlier today?

Melissa Martin: yes sir.

Bob White: So, you are an attorney? you're familiar with a lot of the legal issues and procedures and those kinds of things. Was brought up earlier, one of the other speakers mentioned this is not an attack against homeowners or businesses this is directed specifically at state agencies. Can you speak to that?

Melissa Martin: Absolutely. To distinguish this from the Orange county charter it's absolutely nothing, well there's a little overlap but it's not designed from the Orange county charter, the Orange county charter was looking at the rights of waters in the rights of people to sue on behalf of the waters. This is a human right to clean waters, which is defined in the proposal. But another distinguishing factor is that we are only facing the issues of state agency activities an action or inaction regarding their decisions that end up harming the water that we are supposed to depend on them for protecting. It's an executive branch state agency issue. The buck stops there even when you're talking about polluters in the corporate context they undertake the activities pursuant to permit at the state provides or proves step that's why this is only focused there.

Bob White: Can you give examples of various state agencies that might've failed us in the past with regards to what's happening in lagoon or other state waters not necessarily here in Brevard but everywhere.

Melissa Martin: Sure, absolutely. How much time do we have?

Bob White: she gets to answer my question, right.?

Melissa Martin: I think that the quickest and easiest most compelling example is the biosolids issue. The fact that it's not regulated well but in practice right now that's a matter of an inaction from the state's point of view where biosolids are absolutely being applied and very inappropriate areas where it goes right into the water systems. The aquifers for drinking supplies. That's an example. So, either they give a permit to allow that, that would be an action or allow it without regulations in place, that would be a policy of inaction. Both ways it's the state's fault.

Gabriel Jacobs Kierstein: I do have a quick question as well. One of the points pointed out in the memo from the commission's attorney is that standing is not really addressed. It's clear what you guys are trying to do based on your explanations but when this is either litigated or looked at from that perspective later down the road, do you guys have a problem as a group with addressing standing and how do you look at that issue now?

Melissa Martin: Sure. Standing is more or less the gatekeepers are the courts, whether or not you provide an outstanding. They are more or less there to ensure they hear cases or controversies where something is going on that affects the plaintiff.

Gabriel Jacobs Kierstein: I am a lawyer I understand standing my question is, you guys don't address who has standing. Who has standing and who doesn't in this?

Melissa Martin: The fact that I believe it's laid out for residents and businesses and local governments organizations that operate in the county provided nexus to the zone of interest going on, is a safe presumption that how the lagoon goes, so goes Brevard county interest on a very widescale. Taxes, the whole nine yards. Did I answer your question?

Gabriel Jacobs Kierstein: Sure, but would you also I guess the main issue, would you guys put something in there specifically addressing who has standing so you're not just leaving it open to interpretation, is that something you would consider as a group?

Melissa Martin: I would consider anything to get this pass but I think the fact that it's laid out as residents and businesses and organizations that operate in, I think it's a safe condition for the plaintiff to bring in his or her complaint. You know, I am a resident of Brevard therefore I have interest and standing on this issue. They could probably go further with that. My land is next to this water in direct threat, whatever. The more you can attach that type of connection, the greater chance it will find standing. The fact that it's not detailed in the sense that you need personal injury or personal property is at stake is a different matter. We intentionally created the zone of interest based standing issue.

Gabriel Jacobs Kierstein: thank you.

Mike Haridopolos: Other questions. I think Mr. Trettis is next followed by Mr. Luebker and then Mr. Nye.

Blaise Trettis: Ms. Martin for replying to my email for the case name and number of the Orange county lawsuit, that was very helpful, also I want to thank your group for being very forthright in all the written materials. I think you've pretty much laid out the pertinent statutes, even when they are against you. I wanted to ask you this. This proposal of yours if it were to pass, let's say there is someone who wants to build or is going to build a subdivision and that developer, the owner, gets all the permits that are required from every state agency that has to issue a permit. Let's say the department of environmental protection and they get the permits, they spend a lot of money and time to get the permits and they are ready to proceed and then when it under your proposal a person could then file a lawsuit under this proposal to stop that project from continuing arguing under this new charter provision and harms water?

Melissa Martin: Only if there is proof the permit will harm water.

Blaise Trettis: Okay, but the point I am making is the developer and the owner has gotten all the permits they need to proceed and are proceeding in accordance with the permits which takes me to 403.412 section 2 e which says "no action pursuant to the exception may be maintained if the person natural or corporate this law says if you've gone through all the steps to get permits and you've gotten them and you comply with the permits, you can't bring a lawsuit against, is that the way you read this Florida statute?

Melissa Martin: No, I thought we clarified that in email but if you reread the first five or six words of 2 e, please.

Blaise Trettis: "no action pursuant to the section.

Melissa Martin: So pursuant to the section is the clause I pointed out. This is a separate cause of action. Which Brevard county does have the authority to create and enforce. That condition within that statute has no bearing on this particular cause of action.

Blaise Trettis: Wouldn't you say the legislative intent is perfectly clear that a person who's gone through all the steps they need to do to get permits from the state, they've gotten the legislative intent is that they need to be able to proceed without interference from the courts because they've done what they need to do.

Melissa Martin: Well the legislative intent is also very clear about abating water pollution, so how the agency interprets that, where'd interpreted, how whether if not its uniform across the state is a totally different issue and we are saying for the purpose of the interest of Brevard county residents and businesses, the interpretation should fall back on the legislative guidance and clear policy constitutional policy for water pollution abatement.

Blaise Trettis: Okay, well chapter 20 2150 you're familiar with that because that's been going back and forth that was actually what enacted 4129 a that was basically I think the most important reason why the commission attorney found your proposal this proposal is contrary to state law. I've already given my history from reading the lawsuit that was spelled out, but let me just read you a quote from there I'm going to skip the part on giving

rights in court to animal or body of water and all your proposal bypassed that which Orange county didn't that lawsuit was filed in the name of swamps and bogs and whatnot. You avoided that but let me read you this part, "a local government regulation ordinance called rule comprehensive plan charter or any other provision of the law may not recognize or grant any legal right or grant such person or political subdivision any specific rights relating to the natural environment, not otherwise authorized in general law or specifically granted to the state constitution". Is it your proposal granting people and political subdivisions rights which are not in currently the Florida statute the constitution?

Melissa Martin: No, and I am not sure if you would like me to bring up the email conversation we've had and just reread what I've written but there are a few important parts to point out, one is I believe the previous speaker had mentioned that yes we do have the right to clean water, we actually have the right to clean environment as interpreted by the Florida supreme court. You are welcome to speak up and chime in wherever you would like. The fact that is, we can't enforce it is the issue. As we have mentioned in the back and forth, there are two different rights that are at play. One is the inherent fundamental right that residents have to a healthy environment around them. The other is more of a substantial law type of enforcement measure. The capability or ability to ensure that is protected that right is protected. So, with the ambiguity of the preemption language we are not really sure what right they are referring to but as I explained, either definition that you take leads you to the conclusion that this proposal has sidestepped that intent. Whether they intended, we don't have the right to a clean environment. I'm sorry, go ahead.

Mike Haridopolos: let's keep on going. Mr. Luebker, go ahead.

Vic Luebker. Welcome back. Hope you have a great time here in Brevard.

Melissa Martin: Thank you.

Vic Luebker: before I ask a couple questions, are you here as an advocate, or official legal capacity?

Melissa Martin: I am not a retained attorney, I am just someone who loves clean water in Florida.

Vic Luebker: You are very passionate about the issue, no doubt about it.

Melissa Martin: unless it's pro bono (laughing)

Vic Luebker: You just eluded to this and I am curious because I wrote this down, what state statute is this addressed in already that the supreme court has upheld, or the Florida state supreme court.

Melissa Martin: Sure, it is a statute called Environmental Protection Act. It is the 403.412, that's the primary statute I think it was the 70s they enacted it. With express purpose of trying to implement the constitutional guidance found in article 2 section 7 regarding, it talks about conserving natural resources. That in the Florida supreme court found that that state statute implemented that guidance and created a substantive law, right that Floridians didn't have before. So, before they didn't have the ability to enforce their right to

clean water, after the statute was enacted they have the ability to enforce their right to clean water or clean environment. How they have ability right has been degraded is found within the state agencies. How they have not fully they are not fully performing the intent, the legislation content and guidance they were given. They are creating their own legislation within the agency to a degree.

Vic Luebker: Government agencies tend to do that.

Melissa Martin: There is also an issue of administrative hearing. You have all three branches of government functions within the agency and this helps pull out some of that to ensure that everything is on the up and up and if it is, there's no grounds to bring cause of action. If there is something to talk about, there is something to talk about. The court is there to rule in equity, it's not monetary damages thing against the state agency. It's within their Mandamus Power of looking is the government entity doing their job according to the law, the constitutional legislative law if not then fix it.

Vic Luebker: Okay, that brings up my follow-up question. Cause of action, could someone not now sue based on cause of action if harm has been done and evidence is there to support it?

Melissa Martin: No, because there is an exception to the current statute. The enforcement statute. It says that if there is something permitted, then it's fine. We are saying even though it's permitted, let's look at it anyway.

Vic Luebker: Well, thank you for answering my question and again, welcome back.

Melissa Martin: Thank you.

Mike Haridopolos: All right, Mr. Nye for a question.

Matt Nye: Actually, I think all of mine have been answered. Thank you very much this is very articulate very interesting I think my biggest concern revolves around the unintended consequences for the private property owners who they play by the rules they get the approvals, all of those things and then for no fault of their own they end up being a defendant in a lawsuit or something along those lines, so there is my biggest area of concern.

Melissa Martin: So, there's the issue of the voters about this in a November, a current or pending permit or permit that's inexistent that's about to be fulfilled could technically be brought in. I am saying any permit, not just a bad permit not just any permit, clearly harmful to Brevard waters permit could be brought in under like injunction type of lawsuit. And reviewed for all the considerations in place. The interest, the fairness aspect, if the plaintiff is bringing something frivolous versus there is an actual on the merits issue that will have major consequences versus it's going to be all considered and the court in equity will rule based on practicality, interest at play but still maintain an eye to the fact that Brevardians have a right to clean water.

Matt Nye: To be clear, you just said even if something was permitted, that's my concern said even if something is permitted, you're still going to take a look to me that seems like the door is always open in the private property owner.

Melissa Martin: That's the thing, that's the snapshot, that's the temporary window of time however long it takes for the state to catch up with what this is, is the window that is of concern. Usually any government agency or government entity will see there is a law here and they should engage in activities that comply with legal standards. They are not going to be permitting bad permits anymore once they fix themselves.

Mike Haridopolos; Mr. Jacobs Kierstein.

Gabriel Jacobs Kierstein: Yea, just a quick question on that note as Mr. Trettis pointed out, the real concern is you get a permit, you are following the law and you could still be in trouble under this. Does your proposal. Well, basically they could stop, the court could grant injunctive relief and you ultimately are stopped in your tracks with valid permitting for building or doing whatever the permit is for. Does your proposal bar that entity from asserting affirmative defenses such as detrimental reliance? there's nothing that bars any of it. if get permitted under this proposal it's looked at and the courts deem the permitting on appropriate under the circumstances or under this proposal. I could as that entity assert affirmative defenses. I could actually countersue.

Melissa Martin: Absolutely, you don't even have to create a countersuit, you just have to bring the evidence and show the court in equity, this is how it's going to affect us. It's unfair, whatever.

Gabriel Jacobs Kierstein: I'm not barred from defending myself, but I am also not barred from recovering damages that I might've had by being stopped.

Melissa Martin: It would be a separate suit against probably the state but yes.

Gabriel Jacobs Kierstein: Okay.

Mike Haridopolos: Mr. Trettis for a question.

Blaise Trettis: I just want to make sure that, because I don't think it's been mentioned yet, people might get the impression that there is no enforcement for people, a citizen now to protect the environment, but that's not true, right? In the environmental protection act, any person, including a citizen, can sue let's say the department of environmental protection for not following their own rules, right? And they can also sue if their rules are being violated. Or both of those are true, right?

Melissa Martin: to an extent. You can file a suit; a citizen has the ability to have standing under the 403 412 environmental protection act right now. But if you remember, there's a clear exception to the ability to enforce against bad permits. So that's one side. The second one is the inherent authority that courts have and citizens have for forcing governmental entities and governmental officials to do their job and comply with the law. That's the Mandamus power. So, it's out there it's been underutilized in my opinion but it's there or so this codifies that power pre-existing power and fulfills the gap that is currently found in statutory provisions.

Blaise Trettis: what is a bad permit?

Melissa Martin: A bad permit not only allows water pollution but allows water pollution to the degree that affects the interest of other people.

Blaise Trettis: So, a bad permit would be a permit that would be a permit that you believe was wrongfully issued but was lawfully issued by let's say the department of environmental protections, is that right?

Melissa Martin: Wrongfully in the sense that it infringes on other people's rights, yes.

Mike Haridopolos: Mr. Fisher for a question.

Robin Fisher: I am one to believe that it's the old development causing the problem, not the new development. I think there are so many regulations in place today you've got to meet that. There's been some questions in reference to so, I go through the permitting process on the developer I've done everything I'm supposed to do and you decide that might be some issues with my development so you file suit. That's how it works, right?

Melissa Martin: if you have evidence, yes.

Robin Fisher: So, now I go to a legal process that could take a year or two years or takes a while to get hammered out.

Melissa Martin: The court if there is a reason to look at it sooner, the court in equity would likely hear something on emergency injunction hearing or some kind of emergency circumstances.

Robin Fisher: Historically the courts don't move that fast.

Melissa Martin: Historically in law but again, this is a court an equity type of thing which is outside the normal box we normally associate courts with. If a court in law they also have equity power and rule in fairness

Robin Fisher: Okay, so let's say it takes 3 months, six months, whatever it takes, what's my recourse against you if everything was permitted correctly in the courts say he can legally build. And now I'm at a financial loss because he put me through that process what would be my recourse on you? Who do I sue by the way?

Melissa Martin: The state.

Robin Fisher: I have to sue the state? the state issued the permit said everything was correct in the first place. The issue the permit they said this was a legal permit and we issued it, he can develop it, you challenge that that I have to go back and sue the state because you challenge that?

Melissa Martin: There are lots of different legal tools available now already, and I just want to preface this with the fact that current building and development codes are much better than they used to be so the likelihood of these types of permits being at issue is much less than what we were talking about in the 50s or 60s. However, in hypothetical land if you were to, if a bad permit were to have been issued .

Robin Fisher: I would like to stay on the good permit issued, and you took me to court you caused me to lose a sale, I had a buyer I lost, the economy interest rate went to 5.75, we went into recession. What is my recourse?

Melissa Martin: You can sue the plaintiff for bringing a frivolous lawsuit.

Robin Fisher: And what's the assets of the plaintiff?

Melissa Martin: Right now? It's case-by-case.

Robin Fisher: If this pass, what would the assets be for me to come after the plaintiff?

Melissa Martin: It would be outside of approval six but should a frivolous plaintiff come forward with you can do that this is going to harm without proof, just off the hip. There are emergency ways of hearing motions to dismiss or summary judgment or things like that. There are ways to mitigate it and there are overall processes in place to ensure that fairness reigns if someone is intentionally interfering with business or just negligently they can protect their assets and there are plenty of laws and causes of action for that.

Mike Haridopolos: I think we could go on and on in this, a couple things, I think a lot of people expressed concern of I think Mr. Fisher put the best on this, is that when you do everything by the rules and there is a delay and financial impact, it's tough, too bad. The other one that comes out is that you are adding a layer clearly to any project that could be going on and time is money. A lot of people are concerned about that. I know my time in legislature we have a thing called the Berg Harris act because the opposite was happening. Now it seems like you want to go the other way the Berg Harris Act is kind of important, is it not?

Melissa Martin: It is. I would say this would fall into previous question regarding previous point that this is a temporary issue. All these fear-based types of scenarios are within a certain amount of time until the state stops issuing bad permits and starts issuing good permits or ensures they are good. The threshold for proof is going to be much higher and it's not going to be an issue once that happens.

Mike Haridopolos: Okay, I will reserve my comments for when we are done. Thank you so much for your time, great to see you.

Melissa Martin: Of course, thank you.

Mike Haridopolos: Next we have Toni. Welcome. And Mr. Myjak, you are going to be batting cleanup today.

Toni Shifalo: Good afternoon, Toni Shifalo. The historic Norwood house Titusville Florida, This is your opportunity to make a historic choice. As has been pointed out. To make Brevard county the leader of the state of Florida and protecting our waterways and wetlands or to let it remain the state toilet. This referendum is not about tort reform or suing local governing bodies, it's about holding accountable those agencies which give permits without sufficient attention to effects on the environment. Those would be the bad permits and the whole point of this whole process is to hold these permitting agencies accountable. To get them to change their rules that are bad that allow pollution. Local

governments want what's best for their constituents. State regulatory agencies are tasked with reviewing issues statewide and thus do not focus on new on the environmental impact that many of their parents allow. Brevard county can lead by example by giving citizens the opportunity to vote for the future history of the Indian river lagoon instead of living with the past history of multiple manatee deaths and fish kills, etc. Speak up Titusville was collected almost 4000 petitions from Titusville that registered voters, however, we talked with thousands more Brevard county citizens who want to do something to save our beloved Indian river lagoon. This initiative is something we can be proud to herald instead of being ashamed by the continuing manatee deaths and demise of other river species. We are the space coast, after all, the gateway, not just in nature but to space, Brevard is the home of innovation and ingenuity. It's not rocket science to save the Indian river lagoon, it's common sense, which I know is not so common. The initiative will give us leverage to hold and attentive state agencies accountable and require reparation in the Indian river lagoon. We've gained many earthly uses for advances made in our space industry. We all know about Velcro, but there are earthly applications we can use to save our local environment, carbon fiber heatsinks make ion battery safer for electric cars and electric bikes. Satellite imagery helps farmers cut water usage and happy subzero leak valves hold tight and demanding environments under hurricane conditions etc. Numerous examples can be found in space and tweaked to reclaim our Indian river lagoon. At all filters down to a matter of choice. Do you choose to make a stand for the right to clean water and put the initiative on the November ballot or do nothing and allow the Indian river lagoon to remain a dying decaying cesspool in our front yard? Thank you very much.

Mike Haridopolos: Thanks for your time. Next we have Mr. Myjak to conclude on public comments.

Michael Myjak: Thank you. Started off and ended up. Chairman, ladies and gentlemen in the commission, I am Michael Myjak. 53 years ago, I was awestruck while wandering through the marine land aquarium, I was fascinated by the number of fish and the types and kinds that were available and seen right in front of me in the Indian river lagoon. If you've ever seen a sawfish up close and personal, to a preteen boy it's pretty awesome. I just knew I was going to become a marine biologist, maybe mom would let me take one home then. 53 years ago July Neil Armstrong took that one giant step for mankind. The Indian river lagoon had a vibrant fishing industry. Today the industry is falling off a cliff. We accepted biosolids landing on our shores from other counties and water districts further pollution from the St. Johns river water management district comes into our watershed, I should say. So, shall we raise the SROIL tax to compensate for this additional pollution? How much harm can we endure? 53 years ago, on the 22nd, yesterday, the Kahoga river caught fire, sparked by a train driving over a trestle igniting trash and oil on the water. Wasn't very big, we didn't last very long get caused about \$50,000 damage. The point was, it wasn't the first. It was the 14th sense 1868. The city was Cleveland which boomed after and during the civil war for manufacture. Why did it take 100 years until 1969 for them to complain about a river that according to "Time magazine" oozed into lake Erie lifeless and dead? Today the Kahoga river is alive again, people fish it, they run kayaks through it, they recreate on it because the people of Cleveland and Ohio took charge and

decided a dead river wasn't as valuable to the economy as having a vibrant community. When I worked at Nasa life sciences, a buddy of mine Don Page had a sign on his wall that said if you always do what you've always done, you always get what you always got. what he is saying is if we do the same thing and expect different results it's insane. We wouldn't have made it to space if we thought that way. I'm here to ask you to please consider the number of incidents of fish kills the mammal mortality events and the apple tides. If nothing changes, nothing changes. Please vote to move this board to the citizens. thank you.

Mike Haridopolos: We've reached the end of the public comments we are now open to debate on this matter. We've had the three public hearings on this issue as well, so we have a vote on this today. Is there any debate on the issue before I move forward with the vote? Mr. White?

Bob White: If we are going to vote on this, I feel compelled to. I am going to vote a certain way and I feel like I really need to say why. Because I am really torn, quite frankly. I've been a huge property rights advocate my entire life I have been a limited government advocate for as long as I can remember. Also, a guy that is 65 -years old Florida native, who grew up swimming and water skiing and fishing in the lakes of central Florida. I remember the Kissimmee river before the army corps of engineers straightened it now they try to put it back where it was. My mother grew up down in Okeechobee. Going down to the lake as a kid, you know all of those kinds of things this past father's day, and I am actually beginning to think maybe we shouldn't have done it from what we heard today, but my daughter and I spent the day we were in one of the pavilions at rotary park and I was swimming in the lagoon of my grandchildren and maybe that was a mistake, I don't know, I don't think it was but it very well could have been. I also know that we are a state of 22 million people and we are soon to be a state of 30 million people. Who knows where we are going to go after that. I know from the research I've done having run statewide before and having almost run state wide again this year that water quantity and quality is absolutely going to be the defining issue for Florida going forward as we grow from 22 million to 30 million people and beyond. I do believe that more has got to be done and I absolutely, while I am torn about it under development for this because I think it's really one of the only ways we ever can as a people, not just a county, but as a people at some point we have got to take this bull by the horns so to speak and get something done about this because we continue to spend tax dollars to buy up real estate in the state of Florida for government while we continue to allow our waters to be degraded even worse than they've already been and if we continue to allow that, then my grandchildren are going to be looking for another place to live and I don't want them to have to do that, I want them to be able to grow up right here in Brevard county Florida and stay in Brevard county Florida if that's what they choose to do and I am frankly fed up and sick to death with the way that we as a state have allowed not just here in Brevard county and not just the lagoon, I am not just speaking for what's going on right here locally to confer what's been going on in the state for decades and generations and quite frankly it's disgusting when I heard the one speaker say earlier in the midst of this debate that Florida has no class 1 waters left. That is just appalling. Something's got to be done. So, I am willing to break with political philosophy, my economic philosophy that I have been so supportive of for so long and not

permanently and not (laughing) let me be clear, certainly not across the board in all respects because I am going to continue to fight for proper government private property rights, but we by God have got to do something about water quality in the state of Florida, thank you very much. (applause)

Mike Haridopolos: Any other debate? With that, we will have a vote. All of those who approve of this to go to the voters vote yes, all those who disapprove: no. (roll call- voting record attached). Melissa will you please call the roll?

During roll call:

Robin Fisher: Why do I always have to be first? Let me say something really quick so people know my position, I believe the problem in this county, and other county is the old development, not the new development. New development has all kinds of restrictions and stuff that makes you comply with water quality. And the older development doesn't. Sitting on the county commission for eight years I watched people fight me after preparing the current infrastructure. Last two weeks ago I had a manatee dead in my back yard. So, I understand the shape of the lagoon. It was actually one property over, but I helped dragged it to the dock. If you all were coming to me to say I would like to do a referendum to fix the current infrastructure, I would be the first one to say yes to that. Because I think that is what the issue really is. We need to fix the current infrastructure that is in place, and so until us as a group of citizens make a decision to do that, I am not supportive of somebody going to the process and could possibly not have their development happen after they've done everything legally. And then don't have the right to recourse if they lost an opportunity to develop the property. Because of that, I will not be supporting it, my vote is no. Roll call continued- Kendall Moore )

During roll call:

Cole Oliver: I would like to echo Robin's comments. I sit on the St. John's Water Management District, so I am very torn on this. Everyone I think in this county is extremely frustrated with the status of the lagoon, the waters as they are. We are all working hard to get there. The write up it was a death of a thousand cuts I believe is what the right upside. I think it's going to be a solution of a thousand band-aids. This is I think a square peg in a round hole. It replaces the certainty, whether you like it or not, we heard the comments, good permits, bad permits with the vague process it puts permitting in the hands of the judicial system after everyone has gone through it. There is the subjective nature of what's a good permit and what's a bad permit. My neighbor may think if I go through the permit of putting a dock on my property, even though I comply with all statutes, that's a bad permit because now they have a dock in front of their house instead of the prior view that they had. I'm going to have to vote no on this when I encourage the citizens to continue to fight, I will be there to support the sales tax lagoon if it comes up again and continued funding of the state level the states investing heavily in the cleanup and I encourage all the citizens to continue to let their legislatures know we need to continue that investment, with that my vote is no. (roll call- Sue Schmitt).

During roll call"

Sue Schmitt: I want to comment too, I grew up in this county and I was very supportive of the Indian river lagoon tax. I spent my life when I was a kid fishing in the Indian river. Going out with some people in boats and when my grandparents would come down they would come they went fishing because they didn't have it in Pennsylvania where they lived. It is not what it was when I was a kid, I can tell you that. But neither is the St. John's. The St. John's is not the same as it was when I was younger. In this case I really truly believe, and I looked at what our attorney for the board laid out for us, and what they believe is legal and I really believe that this can be done in a better way because otherwise you are going to see lawsuits and lawsuits and lawsuits and I don't think that's the right way to go. I really think somewhere you need to go to your legislators and get an answer. They are the ones that have done it. I'm voting no.

Jordan Chandler: Since everyone else's comment and feel compelled to make some statements. I made the comment previously that I plan on proposing something very similar to this. I made this comment just last meeting that quite often I think about what I want the future of our county to look like, not to really be facetious but I think there's three of us up here who hope to have a long life of longevity. Quite often I don't like individuals making tough decisions on our behalf. More than likely we will be the ones to live to see the decisions play out. I think when people say there's a better alternative there's a better solution, then propose one. I want to thank you all for bringing this forward and I will go ahead and support it, yes. (roll call, Vic Luebker).

Vic Luebker: I'd like to join the crowd very quickly. All decisions I am making up your base on a decision matrix of three things, is it necessary, is it legal, does it cause harm. This is definitely necessary, it passes that bar. However, the potential legal nature of this and the long-drawn-out litigious kind of cycle you could get in with back and forth lawsuits, I think there's a better mechanism to get there so I'm going to vote no. (roll call).

Mike Haridopolos: By your vote, the proposal fails. We moved it was a vote of 10 to 4 correct? Next, we moved to number seven proposed by Mr. Trettis.

### **Proposal 7- Repeal Article 8 Section 8.1- Public Hearing # 3**

Blaise Trettis: Okay, this has been explained many times I will try to be brief. This proposal would completely repeal delete section 8.1 election of school board members from the Brevard county charter. This became part of the charter I think in 1998 after it was put on the ballot the charter was amended by a charter proposal to go to single-member residents district by resident area. The problem with that news that Florida law provides that school board elections are countywide unless the school board votes to put on the ballot to make them single-member districts, and that did not happen. The other way it can be done is by citizens proposing to put it on the ballot. That did not happen. This is inconsistent with Florida statutes commission attorney Paul Gougelman. I don't think he wrote a separate memorandum on the issue but he did include it in one memorandum which I will just quote from it number 5, per Ms. Schmitt: article eight of the school numbers to be elected from single-member districts article 8 legal. "What can the county do and not do with regard to school board? answer more likely than not the issue

submitted to court of law the court would find the inclusion of the county charter language providing for the election of school board members from single-member districts is not consistent with the Florida constitution or general law.” It’s inconsistent really highlighted by given the example that this will lead to different results if it were an unlawful way to go to single member districts if it were lawful this commission could repeal this and then put on the ballot if it were so voted if it were to go to copyright elections school board pursuant to state law could put on the ballot to go to single-member districts of capacity step you have a contradiction the voters have voted for single members countywide, so shows how it’s inconsistent and cannot coexist this provision with the Florida statute. It was wrongly done it was 1999. Been in the charter for a long time. It really puts current elections at risk because they a losing candidate could say after I lost I am going to file a lawsuit to have a new election countywide. This is an invaluable election I think it needs to be removed from the charter as soon as possible. A

Mike Haridopolos: Any questions for the presenter? We have one person coming to public, Sara Mirsky.

Sara Mirsky: Thank you for having me. I just wanted to speak on the issue about voting for school board members, countywide versus districtwide. Coming from a county that votes countywide, I think it empowers all the taxpayers and constituents in the county and I have heard from the charter review that different districts have different representation of people as far as demographics go. Every decision made at the school board level affects every single student and Brevard public schools, not just the children of Cocoa and not just the children in Viera, it’s all students countywide. I feel it’s empowering to the taxpayer that each voter would be empowered to have a say in countywide elections. And that said, it should not have been added to the charter review, I do agree with that, in 1999. Thank you for having me.

Mike Haridopolos: All right, next we have Marcus Hochman. Welcome back.

Marcus Hochman: Good afternoon everyone. My only question, I brought this up last time, was the rationale number five, the LGB CRT in this. I feel it has no bearing on the situation and shouldn’t be in there. I looked the other day and it seems to be in there again. I would like to know if that language could be stricken out before you guys vote on this. I thought you guys talked about that last time and saying getting rid of that language before deciding.

Mike Haridopolos: I think one thing is, I would add is that whatever the ballot language is, that is something we will work on as a group, should this proposal be supported. The ballot language is the most important thing you are getting at.

Marcus Hochman: Yea, number 5 the rationale number five which talks about I can pull it up, I have it.

Mike Haridopolos: I am not questioning the rationale, I am talking about what the voters actually see on the ballot. It’s Mr. Travis’s idea and he can speak to his rationale but in the end with the voters are going to see is the ballot language.

Marcus Hochman: Okay, so even though you guys might support this even though he using that as evidence to support.

Mike Haridopolos: I see a lot of things on paper that we support based on who knows what because it's in his talking points doesn't mean it's necessarily the reason someone would support it or not supported, for lack of better terms.

Marcus Hochman: Okay, thank you.

Sue Schmitt: His comments are not on the ballot. that's what I am saying.

Mike Haridopolos: Katie Delaney. Welcome back.

Katie Delaney: Thank you for being here. I actually have to leave for work so I am hoping I can run through a couple of these. I'm in favor of this proposal and I hope you all will vote to pass it through. Term limits I am absolutely for a shorter-term limit not the 12 -year, eight year should be plenty enough. I've said this before, if it's good enough for the President of the United States, it is definitely good enough for our County Commissioners. I'm in favor of this proposal and I hope you all will vote to pass it through Presenting in a way that is unbecoming of constitutional offices they should definitely be subject to recall. I also would like to comment on adding the two school board members to the countywide elections. I am not in favor of that, we have enough people telling us what to do, I am not in favor of that. Thank you so much I appreciate your time.

Mike Haridopolos: That concludes the speaker cards for proposal number 7, next-to-last vote today. Is there debate on the issue? Ms. Rogerson.

Marie Rogerson: I would just like to clarify one thing first. School board members may be elected from a district that they represent the entire county. Changing that doesn't necessarily change who they represent. Also, as somebody who has worked numerous school board elections school board issues are very close to my heart. I talk to voters almost every day about these kinds of issues voters and Brevard county are incredibly intelligent piece that we have a very educated populace here but even with an educated populace it's hard for most people to tell me who they're school board member as. Making it so that our voters have now been informed on five people instead of one is a burden I don't think we need to place on our voters. They get to deep dive into one person rather than spreading their time and energy that they don't need to share over five people, that's just my opinion. I know this was probably done incorrectly back in the day, but it's been fine for some 20 odd years. So, I am not in favor of fixing a problem that hasn't cropped up since then. Problem that hasn't cropped up since then.

Mike Haridopolos: others in debate?

Kendall Moore: Mr. Chairman, just a follow-up I think on what Mr. Hochman reference, I think he was referencing the comment I made at the prior meeting. I do agree the report submitted by any person who has proposed is not what we are voting on. We are voting on the proposal itself. In support of what Mr. Hochman said will raise again Mr. Trettis did have some very poignant points process and procedure wise, number five made it clear when he says my intent behind this has something to do with my policy differences. You

don't take policy differences up by changing the constitution of the county in this particular way. So, like Ms. Rogerson, happy we can be on the same side, but on this one, I will be voting no as well.

Mike Haridopolos; All right when I call for a vote, There is no more debate. Before we get to Mr. Trettis I agree with Ms. Rogerson. On this I think the people elected our closest to the people who obviously there's been some dispute about school board issues and that's what elections are for. We will see if there can be a recall opportunity. I know we are going to take it up later but in this one I think the process works especially when it's closest to the voters. People can really go let their school board member know where they stand on the issue. With that Mr. Trettis, you are recognized to close on your proposal.

Blaise Trettis: It's very important that we are not voting on single-member districts or countywide, all the vote is to eliminate from the charter a proposal. Okay, it hasn't been done in 24 years but they know about it now. So, it will be done now because the cat is out of the bag. We are not voting for single-member districts or countywide, we are just eliminating illegally done provision. If you wrote yes it doesn't go to single-member it's up to the school board, it's always been up to the school board under Florida law. I read some minutes of the school board meeting recently and Ms. Roberson alluded to this the minutes were a discussion of this proposal and the school board for their county attorney Excuse me, the school board attorney to research it, indicating that of course the school board I would certainly think we want to put on the ballot proposal to go to single-member districts so they don't have to run countywide. I think that will happen personally upset him against it, I like the power of the voters, I don't care about the candidates that cost them more money or in a district rather than countywide, that's not my concern, my concern as a citizen I want to vote on all five members because I have the power to put into office who I want, not just one person. Apparently, a lot of people or some people disagree with that, but the important thing to remember is voting on this proposal has nothing to do with any of that. You not voting for single-member districts if you vote no on this. That's what I want to make clear it's completely separate, what happens after this is repealed is up to the school board, just like state law has always provided.

Bob White: I am sorry, he said something in his close that has me confused. He said if we vote for this we are not voting for single-member or countywide elections but I thought you also said you were open that the current constitution says that unless a school board puts a referendum on the ballot for single-member districts then the districts are countywide, so we are voting to change it from single-member district into countywide because of what the constitution says. This is the only language in our county that provides for single-member districts for school board members. If we take this out than they are countywide unless they change it.

Mike Haridopolos: Mr. Gougelman, do you want to give your advice on that?

Paul Gougelman: they are both right. (laughing)

Mike Haridopolos: All right, with that legal advice we might be looking for a new one. (laughing) with that, please call the role. >> (roll call) >> by vote the proposal fails. We are now on proposal number 8 this is the final vote we have today.

### **Proposal 8- 2.7 Vacancies and Suspensions- Public Hearing # 3**

Mike Haridopolos: We have some speaker cards. Mr. Burns you are the sponsor of this idea you are welcome to present.

Robert Burns: Mr. Chairman, before Mr. Burns get started, is number 8 is that public hearing member 3 as well? you said this would be the final vote today.

Mike Haridopolos: This is the third meeting it's been public. And met all the criteria. This is the last one on the day we have a final vote. We could choose after hearing some other things we get take it out of consideration before final vote on the final vote per se this is the last issue of the day.

Robert Burns: I think on the agenda it says 2 probably that's what the confusion is. I think the agenda it says public hearing member 2.

Mike Haridopolos: I have got it as three.

Jim Liesenfelt: It is 3, the cheat sheet we have, it was brought up April 21, May 12, today would be the third, June 23.

Mike Haridopolos: So, we have the vote today. Let me restart the time.

Robert Burns: I won't need that much time. The reason we are here the reason I presented this proposal is to try to mitigate us being in the current situation where we have a vacancy for an indefinite amount of time on our county commission. Although this proposal will not affect our current position it will hopefully help it from happening again. The state gave Brevard county and all counties the ability to fill vacancies how they see fit but for some reason in our charter we decided to give the authority back to the state, to the Governor specifically. It says the Governor shall appoint someone to fill the vacancy on Brevard county but as we can see, it's been since April and we still have no appointment and being that unlike the school board Brevard county commission is a single-member district the citizens of district 2 have no representation as of April 1 until the next election as far as we concerned now. I amended the proposal for the requested strikethrough and underlined format to make it cleaner. I am by no means an attorney, I do the best I could, based on the last answer maybe I could be an attorney. (laughing) what I did when adding those I tried to add some specificity to the appointment process so that it's clear and not so open to interpretation on how that appointment process should have but I try to make it as fair as possible as well as mimic as much as I could the way they appoint members to certain boards like the SROIL board. I try to put timelines in there so it can't go on indefinitely. With that I am open to any questions, I am also amenable any changes anyone would see fit on how to implement the appointment process.

Mike Haridopolos: questions? Mr. Trettis for a question.

Blaise Trettis: if there's more than 120 days left in a term your proposal kicks in for elections, is that right?

Robert Burns: Correct. is just logistically, I think they can have both elections within the timeframe but I don't think it's reasonable to ask supervisor of elections to do it in less than 120 days to actually put forth an election.

Blaise Trettis: But there has to be two elections, right? Because county commission races are partisan so there would have to be a primary and a general and that would be impossible within three months to do two elections.

Robert Burns: That is a good point. That is something I am not sure about, when those implementations would be. The primary has to happen within 120 days, I think the general could happen 30 days after that. I think both elections could happen within the timeframe. But, I don't think it is reasonable to ask the Supervisor of Elections to do it in less than 120 days.

Blaise Trettis: Well, maybe they should speak on that but I would think it's completely impossible to have two elections within 120 days. You are talking about qualifying written ballots. It completely seems impossible to me. I don't know that previously on a recall provision that went away that the complaint was that 195 to 210 days without the enough time? You are talking two elections within 120 days seems completely impossible. The wording concerns me a little bit because you talk about election a runoff election runoff election to me refers to a nonpartisan election. That's the only election there's runoffs I believe. There's primary and general for partisan and for nonpartisan there can be a runoff if no one gets fifty percent. So, to me the language indicates, we are having a nonpartisan election for county commission. I see that as a problem.

Robert Burns: I didn't see a definition for that in the statute, I think that is a lay term that is used by just voters, I am not sure there is a legal definition for it in the Florida statute. I am certainly open to any changes and amenable to it. Opening that 120 days maybe to six months. I am just seeing in the city of Palm Bay it is the most recent time we have had a special election. The city of Palm Bay even has a stricter guideline than that. I think it is within 90 days, they have to have their special elections. Again, the city put that onus on their supervisor of elections, they cannot do that, much like we can't tell the Governor to appoint someone. So, the supervisor of elections came back to the city of Palm Bay and said well I can't have an election within that timeframe because I have some general elections and judiciary things going on. Again, I am more than happy to expand it to six months. My goal is to make it so it is logistically possible. Whatever that timeframe may be.

Blaise Trettis: I suggest you go to the supervisor of elections and see what the timeframe is needed, but if you go to six months you are talking a lot of money, a lot of work for like a term of office that could be like weeks.

Robert Burns: Well, that is exactly the arguments that were made. So, what you are talking about is you are going to remove the right of the people to vote over the cost of the election, or the time that the term is going to be in there. Right now, for this current seat, we have five qualified candidates. So, we have people who are definitely more than capable of handling it and willing to fill that position, but they can't because we have taken that authority away from ourselves, and given it back to the Governor. So, the purpose of

this proposal is to bring it back to the County, so that we can figure out a way that we can have representation more for the districts that currently do not and may not have any future representation. I'm more than willing to mess with the numbers however we need to but as far as a timeline is concerned with the supervisor of elections that is flexible depending on what the supervisor of elections currently has on her plate. If it's coming up on general election or judiciary election and were going to have a special election within the same timeframe, she just doesn't have the manpower to facilitate both and print more ballots. That's when it starts to get into the cost. The city of Palm Bay thought it was giving an estimate it would cost \$226,000 it costs ended up costing \$80,000 less than that. So, even the estimates are kind of fluid that was coming directly from the supervisor of elections herself.

Mike Haridopolos: Let me clarify, I literally just got this from the supervisor's office a special election single district, the cost according to the supervisor would be approximately \$382,000 and countywide special election would be a little bit over \$1.4 million. I just want to get those numbers out to the folks however they choose to take those. Mr. Fisher for a question.

Robin Fisher: I can't remember when Mr. Lober resigned.

Robert Burns: April fools' day. (laughing) April first.

Robin Fisher: in my mindset I thought what should've happened the current county commission should have appointed somebody until the election in November 2022. Six months or seven months. To me that's probably what I think should've been happening in these scenarios and not so much going to special elections just get it on the next available election and allow the county commission to appoint somebody.

Robert Burns: And that is what the second half of it does, it allows for when there is a short timeframe such as this, that the county commission can appoint but right now they can't because we have taken that from them and given it to the Governor.

Mike Haridopolos: In other counties, how do they do it?

Robert Burns: I don't know.

Mike Haridopolos: Okay.

Robin Fisher: I can tell you this because it happened to me in the city of Titusville. In 97 Irene Davis resigned it was a year and a half left on her term and I got appointed by the Titusville city council and I served until that term was up.

Mike Haridopolos: since you are the sponsor and will open it to everyone else also, our people on the board open to the idea where kind of like the idea the governor gets to make the appointment. But until that appointment is made that legislative body in the city councilman county commission can appoint someone until the Governor appoints someone, is that something that everyone is comfortable with are not comfortable with?

Blaise Trettis: I say no.

Vic Luebker: Thank you Mr. Chair. that's kind of my thought process as well. I'm in support of where you're going with this. I want my elected officials and representatives elected, not appointed by all matters if we can do that. I think the problem here is the timing that Mr. Lober left us in. To pull something like this off I think it would take at least 270 days, to be realistic. My thought is, what you just said, and if the length of the term remaining is a year or longer, that would be something you would be putting that in the language. That might solve the problem from a timing perspective on both sides and then as Mr. Fisher said at the county commission wants to appoint someone when it's under a year that should probably be the way to go.

Robert Burns: And you bring up a good point, and let me correct myself: what happened with the city of palm bay when councilman Jeff bailey resigned he was literally within I think one day of it being one year city of Palm Bay's charter said if it's less than a year than the city can appoint, so he waited for one more day, which put it under a year, and he got one more paycheck is that what happened.

Mike Haridopolos: That should be called April Fools Day. (laughter) Let's do this. I don't want to make this proposal, we are on the third reading don't want to kick around the idea and throw something on the wall. We have more meetings left, think through this for the next to our next meeting and we will kick around the idea. It could be an appointment in lieu of the governor it could be appointment and then the governor selects, whatever. Think through it on your own because we can't talk to each other. and next time we will get together and see what these options are. Clearly, I think we all agree if it's too short a time period is too short a time period and very high expense. Everyone is clear with the numbers it's \$1.4 million for countywide race at approximately almost \$400,000 for a single district. Just to keep that in mind.

Marie Rogerson: So that I can ponder properly, I want to make sure I understand. Currently the charter allows, it is an appointment if it is less than a year, if it is more than a year it is a special election, correct?

Robert Burns: Correct.

Marie Rogerson: Okay, so any of time we take off of your proposal, makes it so we are changing a bunch of stuff for six months? Right? If we say you have to take six months to give them time to do a special election, then we are arguing over six months, correct?

Robert Burns: Correct.

Mike Haridopolos: Sure, and we will bring it up next time. I don't want to circle around and try to make a decision on a third reading and wonder if it was the right decision we have plenty of time will table it for today and move on to our next proposal.

Robert Burns: My final comment is the fundamental purpose is to bring back that process to the county instead of punting it to the state.

Mike Haridopolos: I am flexible, I think we just want to make sure that whatever decision made as one we think about and think it through because it's a legitimate issue as we deal with in Palm Bay and more recently on the county commission.

Sue Schmitt: Palm Bay had a runoff provision the county commission does not if it's 50% +1 they are elected so they don't have the runoff, keep that in mind.

Robert Burns: they have a primary if there's three candidates and one candidate gets 50% +1 and there is no general election but it's also nonpartisan as well.

Sue Schmitt: But if it is a primary and somebody has 30% the other two are less than that, the 30% wins.

Kendall Moore: Mr. Chairman, Mr. Burns said he would be a little flexible on days, maybe if staff is going to check with the supervisor of elections about the timing on the apparatus. How fast they can do what they can do, I think that will help us as well to compare and get the timelines right if this board is willing.

Mike Haridopolos: And another suggestion is what other counties do with their vacancies, just, we can throw that against the wall too. Thanks everyone. Next, we moved to number 10 .

### **Proposal 10-7.3.3 Supermajority for passage of Charter Amendments-Public Hearing #2**

Mike Haridopolos: Number ten is dealing with supermajority when it comes to charter amendments. Ms. Rogerson you are recognized.

Marie Rogerson: I believe the commission is smart enough to know what this is and does not need me to expand on it. If they have questions I am happy to answer.

Mike Haridopolos: any questions? Mr. Trettis.

Blaise Trettis: Would you be willing to eliminate the part about when it's effective because I think it's confusing and not necessary it's effective when it's voted on., and if you look at it it's almost like okay if this is in a chart and trying to figure out the effective date then go to your proposal if they can find it and that would help them either because it refers to some other date indicated. Is that something you consider doing?

Marie Rogerson: Just a follow up question. Is it currently in the charter because I could not find it? When proposals become effective?

Blaise Trettis: No.

Marie Rogerson: Okay, so unless this proposal specifically states it, which none of ours currently do, there is no guideline, it's confusing as it is. That's why I didn't intend to include that when I went to borrow the language from the state law for this it included that that's why I went and dug and there was no information and are county charter so to me, this actually provides clarity. If you want if that is something you are passing to the immediately enacted when it's passed with that into your proposal, so it doesn't stick us to a particular timeline it just provides if it's left out this is what will happen when this proposal passes basically.

Blaise Trettis: Mr. Gougelman what you say on the effective date? Do you think it needs to be in there?

Paul Gougelman: I haven't researched it, but I suspect that the effective date is when the amendment has been adopted and filed with the secretary of state's office. I suspect.

Marie Rogerson: Can you verify that for us?

Paul Gougelman: Yes.

Marie Rogerson: Okay, perfect, I am happy to take it out of there something that tells us, I just couldn't find it.

Mike Haridopolos: We will take it up at the next meeting. done with that one.

Robing Fisher: can I say one thing.

Mike Haridopolos: of course.

Robin Fisher: My concern on the effective date, if it's a charter amendment that could affect the county budget that budget is probably approved in October, is that typically right? in September, election is November, you make that effective that day then you can be putting the county in a bad situation from a budget standpoint. and I would probably say I would be supportive if you did at the next budget.

Mike Haridopolos: =We will look at that option so we understand maybe people. When we bring it up next time if you could find out from staff how just to clarify, the subject say that any proposal has to be effective at a certain time it just says if you're doing something that affected a budget, absolutely you can set the timeframe for whatever, just as unless a date is given, this is the effective date. Next, we are going to move to number 17 Mr. Tomboulides is here for amending term limits for county commissioners.

### **Proposal 17-Amending 2.4-Term Limits-Public Hearing # 3**

Mike Haridopolos: Welcome back.

Nick Tomboulides: Thank you Mr. Chairman and commissioners. No elected office whether federal or local has ever better off when run by career politicians. Those aren't my words at the quote from Governor Desantis, whose advocate for term limits throughout his entire time in public service but he isn't the only leader who supports term limits. A recent former president said we want to see new voices had new ideas emerge, that's why term limits are a really useful thing. That former president wasn't Donald Trump it was actually Barack Obama and hell hasn't frozen over, term limits is the one thing Desantis, Obama and Trump all agree on. Because it's not a left or right issue, it's an American issue present with the issue of allowing people to govern ourselves. Florida has more term limits than any other state and let's look at the track record. We been rated number one in fiscal health number one state and freedom and we are number one in higher education. Have 1000 people moving here every day while states run by career politicians are sinking like the titanic. Florida is seeing a renaissance or citizen led government and term limits are the reason for it. We have good term limits in our charter and 2.4 but the law has a loop hole. It allows already turned out politicians to come back and run again why is that a problem? Former commissioners often develop relationships of special interest while out of office they can serve as lobbyists and can become quasi-incumbents with the potential

to keep running and blocking new talent from entering the system. In many ways that defeats the purpose of term limits, which is to create competitive elections and empower the next generation of leaders. we are seeing the benefit of open seat races in the two, Right now, in fact in district two, I believe the voters have five options this year and in district four five options as well. Because no incumbent is on the ballot citizens since they have a real chance to win there's no barriers more of them have thrown their hat in the ring. Voters get a lot of choices in those districts. That is good for democracy and it's not something you tend to see typically when there is an incumbent or recent incumbent on the ballot. Because an incumbent or recent incumbent has all the name recognition, pack money, political connections needed to stack the deck, that's why incumbents tend to get reelected 95% of the time. This proposal, proposal 17, very simply would keep the existing term limits in place that would make it a lifetime limit rather than consecutive limit. That's no different from how the 22nd amendment in our constitution works term limits on the President, eight years and you are done. We've been dealt an amazing hand here in Florida with term limits. Now we need to double down please advance proposal 17. I'd be happy to take any questions you have.

Mike Haridopolos: Thank you, any questions? Mr. Trettis for a question.

Blaise Trettis: I saw in the media I think two places. I think it was the Brevard Business News and then Space Coast Daily an article about your proposal and the article said there was polling done but I forget what the results of the polling was. Can you tell us if that polling was done and what the results of it?

Nick Tomboulides: Sure, the polling was done back in April that was general polling on term limits for county commissioners, eight- year term limits for commissioners, it had been done with respect to the last proposal that would've moved it to 12 but we did learn some important things about term limits in that poll. Mainly that in this county term limits are as popular as orange juice, space program and the beaches, 82% of people and Brevard county support the term limit, the support is both broad and bipartisan. And that some of the numbers here, 80% of Republicans support term limits for commissioners. 85% of Democrats and 82% of nonpartisan voters. In this period, we have of political divisions we've never been more divided the social tensions are very high. We see people threatening Judges and rioting in Washington. It is unheard of to have an issue this bi-partisan that truly brings people together. I would say when you have an issue like that that is so unifying like term limits in a time like this you really have to nurture and promote that type of issue in the interest of the republic and that's what we are trying to do here.

Mike Haridopolos: thank you so much.

Nick Tomboulides: Thank you everyone.

Mike Haridopolos: That will be on the next meeting for the vote. Next, we have amend section 5.2 on the recall. Mr. Luebker, you are recognized.

## **Proposal 18- Amend Section 5.2 Recall- Public Hearing # 2**

Vic Luebker: In the interest of time I want to hold final thoughts to next meeting, but I do want to ask one question of the council if I may?

Mike Haridopolos: Of course.

Vic Luebker: Based on my decision matrix, I think this is written where it's legally sound it does no harm and it's necessary. If the language was inserted to include school board members with that change the legal part of decision matrix. If it's not something you can answer now, could you get that back to us by the next meeting?

Paul Gougelman: Sure.

Mike Haridopolos: Other questions? any objection to moving forward to the next meeting. We will have that in the next meeting. Mr. Trettis your recommended number 19 amend section 5.2

## **Proposal 19-Amend Section 5.2 Recall-Public Hearing # 2**

Blaise Trettis: This proposal would add three words, four words to section 5.2 recall on the current charter. Those four words, or school board member. 5.2 provides for the recall election of all county constitutional officers that would be the sheriff, tax collector, supervisor elections, property appraiser. The only county constitutional officer school board members are constitutional officers under article 9 of the Florida constitution. They are also considered county officials under a Florida Supreme Court decision cited in a memorandum previously in support of this proposal. I would really cite Mr. Gougelman's letter to the Attorney General asking for an Attorney General Opinion, which never was sent because that proposal was defeated, but it basically argues convincingly that school board members can be recalled and in that memorandum there was an opinion by the Secretary of State division of elections a question from Brevard county from an earlier chart review commission about recall and the division of elections answered yes Constitutional officers are subject to recall. The legal authority I submit is clear the school board can be recalled under the same terms as every other county constitutional officer section 105 I think the provision that applies 105 100.361, and it is for 7 reasons: malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permit ability to perform the duties, and the conviction of a felony involving moral turpitude. So those are the grounds that's my proposal, and that's it.

Mike Haridopolos: Mr. Hochman. Public comment, then we will get into the discussion.

Marcus Hochman: I put in for 18.

Mike Haridopolos: My apologies, go ahead.

Marcus Hochman: I wanted to tie them both with the same question you have for 19 I wanted to know mine was a little bit different, I wanted to know if 18 is mute then what happens to 19 let's see you vote know what happens to 19 since it seems to be tied together. That's what I was confused on. I want to talk about both of you don't mind. So, proposal 19 was introduced today, am I right?

Mike Haridopolos: Amendment. there's a proposal and as we've had discussions there is an amendment process just like you would at any part. Mr. Trettis has started with one thing and is amending it in this process so he has the ability to do it is not a brand-new issue which is making changes based on discussions we've had a group.

Marcus Hochman: Okay because I was trying to figure out if that was being done because a proposal two that was voted down last meeting. I was a little bit confused on that because you had already brought up recalling school board members. Clearly the group voted no.

Mike Haridopolos: Well the joys of a process as you can adjust if one proposal goes down doesn't mean there's not another way to skin a cat. This is another way of looking at that.

Marcus Hochman: So, I wanted clarification on that. The problem I have with the recall and I understand it's more of maybe legislative issue but all the things you said I agree with they are in the statute that was written many years ago. What I have a hard time with is no due process that's the biggest thing I have with that there is no due process to say how you clarify that, who decides that. Who judges that? There's nothing in there to me that says that. Who decides to do that? Usually go to courts because all this is based off of the Florida constitution and the United States constitution correctly. My biggest thing with the recall is no due process it comes up like something comes up like the bathrooms having transgender in bathrooms. Say they vote no for the policy, what say they change the policy. Then they are voting that means you're going against the federal statutes or federal laws concerning that. Does that mean are we opening up pandora's box we have a whole bunch of people say, those four members voted to change the policy but they voted against federal law, can we recall them? Are we sure we want to go into that aspect. Especially when there is no due process in place to say do they break the law do they break policy. That's what I am looking at when I see that. thank you.

Sue Schmitt: The way I understand it and correct me if I'm wrong boys, it would be going going by Florida statutes which it would be going by malfeasance, misfeasance, and general law which does not include policy somebody doesn't like it you can recall somebody, that's not what general law in Florida is for, commissions and city councils. Correct me if I am wrong Blaise, but this is changed to include Florida general law.

Blaise Trettis: that's exactly right. But was defeated as a completely different proposal six single spaced pages of your proposal and all it does is includes school board members and they are under the same Florida statute recall provision all the other county constitutional officers have been under since the beginning of the charter.

Marcus Hochman: Also, in there is neglect of duty all you have to do, isn't there neglect of duty as part of one of the seven. All you have to do is if you bring it up for recall and say they neglected following federal law can we have a recall of the school board member that voted to change the transgender policy. That's what I am asking. It is Florida law, not federal law.

Marcus Hochman: But they can look at federal law, why can't they look at that and do that? If so in general, that the confusion. That's how I see it.

Vic Luebker: Mr. Chair, can I weigh in? For clarity, I don't know what his proposal was because the sunshine we don't know what each other write until we see it in the agenda package preceptors overlapping you are right. I think when our legal counsel comes back with his opinion on that, I am confident he's going to look at both of these together related to Florida statute then you are probably going to see what's going to be the final package, and the next meeting.

Marcus Hochman. Okay thank you.

Blaise Trettis: Mr. Chair, can I comment. I've done a little bit of research on the case law under section 100.3611 there's not much but there is some and what seems to happen is that there is someone who is subject to recall they will go to court and try to get it dismissed. They will argue there's not any evidence of the seven grounds listed in the statute. a usually really small towns because it's really difficult and we talk about due process, I am going off track, there's so much due process in the statute it's hard to imagine that recall would have a very good chance of passing 5% of the electors after sign a petition the grounds are listed, the 5% certified is 5% then it has to go back and get 15 percent of the electors there is due process galore. The petition said neglect of duty because the city council woman didn't work well with the clerk of the court. The clerk of the city. It was dismissed saying that's just ridiculous. Is an opinion you don't get along. It was dismissed. There's also the due process and to take out completely baseless irrelevant silly allegations I think like you are referring to.

Mike Haridopolos:

We have a few other appearance cards for number 19. Janice Crisp followed by Diana Hanes.

Janice Crisp: Thank you again for allowing me to speak. School board members of the foundations of our community, they are meant to be the guardians of the gate here to safeguard the education parents are in charge of the shaping of the child's character morals values ethics faith etc. Looking at the Florida state board of education legal strategic plan through 2025 you will only see items that pertain to educational subjects science, math, reading, social studies, graduation achievements and skill level for both students and teachers. The school board members are expected to conduct themselves without malfeasance and misfeasance and conduct themselves in a professional standard. You will see there is nothing in there about gender identity, better known in the dsm five as body dysmorphic disorder, which we have seen in the past two years paraded in front of students, the media, and school board with our children and in front of the community. This has become the new cool kids thing to be in the new woke thing to claim you are a champion for if you are a school board administrator. There is no mention of CRT no mention of spewing hate for your country our government or rewriting history in the educational strategic plans However, the school board has become dictatorship of his own. They've used the Brevard county sheriff's to shut down free speech. They have threatened members if they speak something they don't like. However, they have not used the Brevard county sheriff's to take a pornography out of schools. To this day we have pornography in our libraries we learn from our mistakes and we make today so we do not continue to make them in the future. I'm here to hopefully help protect our children

because there is a lot going on in the school board that people need to realize if we don't stop it now, it's never going to be stopped, thank you.

Mike Haridopolos: thank you very much.

Gabriel Jacobs Kierstein: Just a quick question. You seem pretty impassioned and understandably so, what is your role with the school board?

Janice Crisp: I actually started because I had a daughter she started teaching at a charter school at one of the charter schools and the whole school was children, African American children, who were kicked out of the public schools for so-called behavior problems. My daughter was 23 years old. And had no problems with these children. I've been active in politics for a long time and I was asked by parents to take up the school board issue over a year ago and have a group of over 400 parents in a certain district that has said please help us. Have a group of them working with them and it wasn't with the recall that everyone knows about, this is a whole separate group of people who want this recall to happen. Want to be able to if somebody messes up, we order something from Walmart and it's broken we can take it back. If we elect somebody who lies to us we should be able to send them back. That's just common sense. We've been lied to for two years.

Gabriel Jacobs Kierstein: Yes ma 'm and I appreciate your answer.

Mike Haridopolos: Next, Diana

Diana Haines: Previously I was up here and give you a definition about the word malfeasance and give examples of what I found to be instances that were occurring with our current school board. The things Ms. Crisp talked about a lot of them involve me. I was almost escorted by a deputy from a speaking because Ms. Belford didn't like me using the word penis. I didn't think that word would be offensive to anybody. It was in regards to a teacher who was removed from school and even though his conviction and his arrest were not followed through, he still created and did the act of showing his male appendage to a minor student. That's a fact that's not the change, and the school allowed him back on school campuses recently. To me that's appalling. There are so many other instances that Janice spoke about back in October the school board was made aware of the pornography in the school's by the book that Janice found gender queer I brought to the school board and read passages that they became so mortified that they shut me down at that meeting also. Saying I couldn't use of such language get the book sits in a junior senior high school. That was October. We are now into almost July and these books still stood on the shelves. There isn't a single police force or the sheriff who will do anything criminally against the school board members. When they were made aware of this they could very easily remove books and then reviewed them had decided what the parents what was appropriate to be into the school system. But none of these books are appropriate. If you go onto Moms look for Liberties public page you can read every single one of them and if it doesn't make you embarrassed and sickening, there is a problem. No child should be reading this know 16-year-old a 12-year-old no 18-year-old. It is just about sexual verbiage being fed to our children. We should have as taxpayers and voters the ability to remove anyone in a position that makes those decisions that affect our children's lives, the well-being, all of it. I think this current school board, some of the officials have shown all the

criteria to be removed and the public has been saying for months this is what they want. They might not come here and verbally talk to you but everybody's on social media, you all see it you hear it, the public wants a voice and this is the most important place to have a voice because they're not listening to us at the school board they shut us down, a minute is ridiculous and insane to try to make a point. The fact that if they don't like what you say they cut you off camera besides having the deputies threatened to arrest you. Thank you for your time.

Mike Haridopolos: thank you. there are no more appearance cards in the proposal number 19 of the questions for sponsor?

Sue Schmitt: I would like to ask a question if I could of Mr. Trettis. On page 1 of your attachment is, you have section 5.2 recall, and what I would like to ask is, that last line you have in charter counties, if you would just put a period after recall then put as stated in 100.361 the Florida statutes.

Blaise Trettis: I will take it under advisement.

Sue Schmitt: That's fine. it goes by what's already in the charter right now for county commissioners and city council I was just following the same hand what the Florida statute that it applies.

Mike Haridopolos: without objection we will take that up in the next meeting and Mr. Trettis will take that suggestion under advisement, I think we have the issue meeting back maybe it might be a good idea to accept and get the necessary vote.

### **Proposal 20-Amend 7.4.1 Addition of subsection 3.- Public Hearing # 2**

Mike Haridopolos: We are on number 20 by Mr. Jacobs Kirstein you are recognized.

Gabriel Jacobs Kierstein: I know this is a highly contentious issue I am assuming nobody out here is here to speak on this. (laughing) I am going to do what Mr. Luebker did and save the majority of the final comment for the third meeting. A couple things I wanted to point out that I did go back and listen to the last meeting on this issue and there were several things that were brought up one of which was a discrepancy between the subsection 3 that I proposed as an amendment based on this commission's feelings on the issue. With that being said, 7.3.23 talks about the three- attorney panel as well, however, it's in the context of petition. Amending the charter by petition, not through the CRC, the charter review commission. As a result, I don't think that's really an issue. The other one was brought up by Mr. Moore and that he would like to see the ability to hire the three- attorney panel be put in there as well. we are doing that as opposed to the county commissioners. I do agree with that and that will be added in. The other aspect was the review of the ballot language so instead of just reviewing the proposed amendment and then getting back to us, they would also review the ballot language to make sure that is constitutional, single subject. Personally, I don't care either way. I think it's added protection to have it in there, however, if this panel list three attorney panel is reviewing something and they see that the proposed language is legal and agree to give it back to us to pass or pass it onto the ballot, the chances of screwing up the ballot language to that extent is pretty minimal. I don't think the added protection is all that that necessary. I'm fine

with taking it out or leaving it in, I really want the consensus from this group, if anybody has thoughts on that I am all ears. Lastly, the amendment the proposed amendment that you have in front of you is the first draft. There's been a second draft that was submitted I believe on May 2. I just want to see that for our next meeting the updated draft is the one we have in our packet, but I will also make those changes.

Mike Haridopolos: questions?

Blaise Trettis: I have a question. Okay, we pass today a proposal 7.4.1. Do you believe what was best today is consistent and will be conflicting with, and can basically yours can be added with what was passed today?

Gabriel Jacobs Kierstein: Kind of like with 17 a, 18 and 19, was brought up with those they are on the same subject. I do see a lot of similarities of this one goes a few steps further I would have no problem combining those or keeping them separate it doesn't matter to me personally. I don't think they would necessarily conflict. One with more or less take over the other so to speak. Does that make sense?

Blaise Trettis: Yes.

Kendall Moore: Mr. Trettis, on the one you are referring to I think Gabriel has done great work. The question is, remember your success, if the panel says no that it comes back to I think yours said to the commission or to this body. One of the things you expressed early concerned about is the county commissions potential control over that process. Yours it said both, I'm a huge fan of this coming back to this body. Is a scheduling factor as long as you provided enough time, he comes back to this body for it to be amended changed or the others.

Blaise Trettis: The reason it said or back to the county commission was because that three- attorney panel also applies to charter proposals from directly the county commission because they loaded 4 or 5 for it. That's why it's included. I want to make it clear that wasn't a mistake, there are two ways the three -attorney panel is invoked, and that's why it was included. Also, while I am speaking I will suggest to Mr. Jacobs Kierstein that I really think mine is one sentence and brings it back to the commission if they want to do anything with it. Yours is very specific about doing this, that, I don't know that that's necessary. This is detailed about what is supposed to happen. I don't think it's really necessary.

Gabriel Jacobs Kierstein: I don't have a personal stake in it. For obvious reasons. I am just trying to do what this board, commission, the direction we wanted to head into as a group. Based on the advice of our counsel. Achieve what we are all looking to do and not leave discrepancies.

Mike Haridopolos: We will talk about this again at the next meeting other questions? Seeing there are none we will move to Proposal 21 by Mr. Nye. Amend Article 8 by adding Section 8.2.

## **Proposal 21- Amend Article 8 by Adding Section 8.2- Public Hearing # 2**

Matt Nye: So according to the memo that was written by Mr. Gougelman, this is outside of the prevue of this body, so I would like to withdraw that, but what I would like to do is I am going to write up a resolution that I would like to bring to the next meeting encouraging the school board to take this up as an issue on their agenda. So, consider that one withdrawn.

Mike Haridopolos: All right, without objection, that is withdrawn. Also, by Mr. Nye is # 22 Revise Citizen Advisory Process

## **Proposal 22- Revise Citizen Advisory Process – Public Hearing # 2**

Matt Nye: I think this one is self-explanatory. So, basically, we already put in place I guess, it was back in 2010 the proposal to have a citizen advisory process to essentially make the commissioners take up an issue, and take a vote on something. One of the citizens came before us previously and expressed some concerns about the frequency. I tend to agree that it's very easy the way things are to miss the deadline for having it only once per year, so proposal is to increase that to twice a year and everything else will stay the same.

Mike Haridopolos: All right, questions? Mr. Luebker for a question.

Vic Luebker: Just a comment. Matt, I like the change you made and I am all for it.

Mike Haridopolos: Any other questions on that idea? But this would literally be a Charter Review vote to have it twice a year?

Matt Nye: We have to do it.

Mike Haridopolos: All right, any objection to that? All right we will bring it up in the next meeting. Number 23, Mr. Nye.

## **Proposal 23- Amend Article 8 Section 8.1 Addition of 2 school board members- Public Hearing # 2**

Matt Nye: Basically, same issue as before. This appears to be not consistent with state statute. I was proposing adding two school board members elected at large. Again, I added these because of the contentious nature of the discussions we have been having and just trying to give people options to at least talk about, different ways to address some of the issues we are seeing related to the school board. So, this again according to the memo is inconsistent with state statute, it is just like something that we should not do here so I will do the same thing, I will write up a resolution, bring that before the body, but consider this one withdrawn as well.

Mike Haridopolos: Okay, without objection, show 23 withdrawn. We are now on our final issue of the day. That is Jordin Chandler with 24. Add section establishing workforce housing trust fund.

## **Proposal 24- Addition of Section 1.9 to Article 1 Establish workforce housing trust fund for vulnerable families- Public Hearing #2**

Jordin Chandler: Bringing up the rear here. The purpose of the trust fund is to provide continuing lapsing fund for the Brevard commission to create sustainable housing for renters, homeowners and to obtain affordable housing throughout the county. Just really quickly here just some data here. According to the realtor's year- end report in 2021, the price for single-family home was \$348, which is 20% higher than the previous year, and at the same time, represent has increased more than 20%. The Schimberg Center for housing studies showed a gap between the number rental households and the number of available and affordable rental units here in Brevard county. The study shows the gap between renters less than 40% of medium income was 4,261 units, but the 2019 study showed that the gap had risen to 11,380 units. That provides you with a little bit of data, which puts into perspective sort of the crisis that we're facing, and the proposal I laid out a litany of revenue sources that the county commission can consider, but there are four in particular but number five is any other revenue sources that established by ordinances, and as mentioned before, the current housing trust fund was established by ordinance in 2007 and the only funds being allocated to that fund are PILT funds, payment in lieu of taxes. We want to discuss the potential funding that is available outside of that particular scope. There are some additional dollars that will be coming down the pipe outside of what the county commissioners will be able to allocate. Number one, ARPA. I believe that there is still roughly 30-\$40 million, if I am not mistaken, that the county has on hand, and a portion of those dollars can be set aside for this trust fund. To my knowledge, the city of Melbourne has set aside 2 and a half million dollars of theirs to attack homelessness and for housing, and the City of Palm Bay allocated \$5 million to tackle the same issue. Number two: the nation-wide opioid litigation, currently just the County alone is on tap to receive roughly \$5 million and that's for unincorporated Brevard in the settlement against big pharma. And because the supportive housing aspect of this proposal, that's a very viable source of funding for this trust fund. Number 3, President's may 16th letter, President Biden has issued a plan to allocate \$150 billion for the creation of 500,000 affordable housing units by 2025. Specifically, \$25 billion of those dollars will be grant dollars provided to local government agencies that have a trust fund similar in place to this to be able to tackle the housing crisis in their communities. Number 4, the governor's stance, just yesterday, Governor DeSantis announced over \$28 million for funding in 23 communities to provide workforce housing and training and sustainability as well as broadband infrastructure and planning. Some of the areas such as Alachua county received over \$4 million for their effort to spur up economic growth. So, I just wanted to list some of those for you, because this is literally a once in a generation opportunity that we have here for us to really guard our 50 million plus dollars over the next few years of this trust fund. Okay? Now, there were some questions that were raised at the previous meeting that I want to just touch on here very briefly. The current trust fund that was established, via ordinance in 2007 has not done enough to move that forward. The current housing trust fund has a little over \$400,000 in it, and to be clear, this has never been swept by the county commission it is used to support our homeowner repair, rehabilitation and reconstruction program since there's not enough for larger projects. Number two, to your point, Mr. Chair, we do receive SHIP funds. You had some questions about Sadowski. For the decade prior to the current fiscal year much of the funds in the Sadowski trust were swept. Obviously, there were some years that were better than

others. But the low point, 2012-2013 we only received \$119,496. The SHIP fiscal year runs from July 1st to June 30th, and just to give you a more recent up to date particular standpoint of what the dollars that we have received. In 2019, the county received \$468,000 in SHIP funding. In 2020, the county received \$587,000 in SHIP funding and in 2021, the county received 2.2 million dollars in SHIP funding in fiscal year 2022 through 2023, the county is set to receive \$3.3 million. And I will say that one of the issues with SHIP, due to the amount of rules that it has, it doesn't really lend itself a large-scale creation of affordable housing, workforce housing. For example, there are expenditure deadlines, two years to obligate those funds, and an additional year to expend those funds. So, funds technically can't be reserved. Additionally, it's geared more towards homeowners. 65% of the funds must be spent toward homeowner ship, including repair, rehabilitation, reconstruction and first- time home-buyer programs. Number three, residential density equivalent units, and I know this was a sticking is point, and I know that he went back and did due diligence, because your point, I don't want to put words if your mouth, but this particular language being able to allow something that's approved for zoning, so under the current code, 62-304, when talking about affordable work housing incentives, it delineates what is currently allowed in terms of required set asides, and when trying to receive density bonus uses and incentives, regulations regarding density flexibility that were provided to the county for the board of commissioners, to keep within the counties comp plan were approved on December, 2021, and the recommendation was to continue to allow greater flexibility and increasing density levels to encourage the creation of affordable housing within the county through use of codes. So, therefore, I am not proposing anything that is now allowable under the current county code comprehensive plan, in fact it mirrors what is actually allowable. So, I just want to do my best to touch on those questions that were raised in the previous meeting, thank you, Mr. Chair.

Mike Haridopolos: Thank you. Any questions, Ms. Schmitt

Sue Schmitt: Did you also look at what was approved at the last county commission meeting in May for finance, for housing and some new monies that the board approved?

Jordin Chandler: I am not sure.

Sue Schmitt: Okay, in the event you haven't, maybe you could just check on it anyway.

Mike Haridopolos: other questions? Mr. Trettis.

Blaise Trettis: I am trying to figure out how your proposal is different from what already exists in the housing trust fund in the mitigation bank, because I looked at that and your proposal is really verbatim. That county ordinance from halfway down the second page to the very end, you use word for word. And your purposes language doesn't dedicate any money to this fund. It makes it discretionary with the county commission. So, I am really having a difficulty understanding what this adds to what the county already has, and the money you're talking about, if the money came to Brevard county, why wouldn't they put it into what already exists? And now I am getting more technical, but when you talk about the residential density units and bonuses, none of that is mentioned or defined in your proposal and these proposals, they need to stand on their own, and you can't go to my

county ordinance and say that is what is meant. What's in existence is really complete. So, I am just having a difficult time understanding what this does add to what already exists. It doesn't commit any money and also, unless there's a technical thing, at the very end, it says that the county commission shall adopt one or more ordinances implementing the provisions of this section, and/ or strictly enforce existing ordinances, which may be amended, blah, blah, blah. So, the county could say we're not going to do any ordinances was this, but just enforce what we strictly have. So those are my comments and maybe we could address them.

Jordin Chandler: Yes sir, Mr. Chairman. And thank you Mr. Trettis for those comments. Really, the impetus behind this proposal, as I mentioned before, the current affordable housing trust fund has been in existence since 2007. So, although this particular proposal that has been crafted is very similar to a certain degree, mirror what is already in the county ordinance and code. I wouldn't hold my breath that the county commission would do something outside of more, especially the funding sources that are outlined in this proposal gives a greater scope and detail for them to look at more options other than just PILT which I stated before, which is currently in code. So, this is really a framework for something much bigger. So.

Blaise Trettis: The county isn't just limited to PILT funds, right? It may be a dedicated funding source in the existing code, but they could use any other funding source, right? Do you think, do you agree?

Jordin Chandler: Correct.

Blaise Trettis: I don't know, I still have my position, and I am not understanding what it adds to what already exists.

Vic Luebker: Thank you Mr. Chair. Jordan, these aren't questions, I am just going to share my thoughts because of sunshine we can do this right now, and next meeting, get deeper into the dialogue. This one, kind of like with my friend, Mr. White, kind of cuts against my political grain. I'm sympathetic to what you are trying to do here, and I grew up in a similar environment South side of Chicago, and I date myself. They had these brown kind of apartment complexes, government subsidized. And I lived in those in the 60s and 70s since your grandparents were born, but I am also a fiscal conservative kind of guy, and I will throw this at you, so you can look at it. Section c 4, the language mandatory or voluntary. Are you talking about mandatory impact fee payments? You don't have to answer now, I am just throwing it at you for the sake of time. Section d, 2 and 3, do not revert to general revenues of the county and appropriations do not lapse, and so is this going to go on in perpetuity? And if it comes out of the general fund, should it not go back to the general fund? I'm just throwing it out so you know where I am at. And in the last section, e, 3, 4 and 5, I am reading this as the ppp concept, public/private partnership, non-profit initiative, and if so, why would we not want to put more into a larger community versus 65% single-family housing, to where we could add on-site daycare and you could have a computer lab so just throwing those things out for you because I am going to ask those things next time around. Thank you, Mr. Chairman.

Mike Haridopolos: Thank you, further questions. I'll just and one question. Does your proposal obligate the county commission to spend one nickel?

Jordin Chandler: And I have received those questions before, and obviously this is what Mr. Trettis, you're eluding to as well, and I will be bluntly honest with you since we're here in the Sunshine, I think putting a dollar amount in this particular proposal, maybe I am a little more optimistic and maybe I have more trust that the county commission with the funding sources outlined would do the right thing but I believe simply, based on where we live and knowing that we have a cap in place, the vast majority of the trust funds that I actually looked at, various other counties and even across the United States, used general revenue as one of the most viable sources, right? We don't have that luxury here because of the cap that we have in place, and therefore, I think actually telling the county commission that you must spend these dollars in such a way of telling them in essence how to budget from a charter amendment proposal perspective, it just didn't really feel that that was appropriate and actually delineating a dollar amount. Based on what I am hearing, with numbers relative it a minimum requirement. Whether that be 0.1% of the county's annual budget. So, I think this year, that's \$1.65 Billion, so that would be \$1.65 million. So, I think in that regard, I really struggle to believe that would give any support on this particular dais.

Mike Haridopolos: Is that a yes or a no?

Jordin Chandler: I might use that second -- in your proposal there, we can come and speak before the county commission and citizen's advisory process the second time to make some arguments known, but at this particular time, based on the way that's currently written, says that they must allocate funding each year, but it doesn't say that they must allocate a specific amount.

Mike Haridopolos: I would say this, I lived under my time in the legislature, unfunded mandates from constitutional amendments cause a lot of issues, and we all understand the struggle with this right now, affordable housing, one because of the housing prices, and I think in the future because of interest rates, and I think you're going to see this housing bubble take a hit. I'm very resident at any time to move forward on it because I don't feel like -- we started our discussion today based on our proposals with Mr. Trettis's charter cap and we talked about the budget pressures there already, and I think it would be unfair if then cold the county commission now you have to spend x amount on affordable housing. And it gives me a lot of pause. I would just recommend like I asked in the last meeting that you tighten this up. It's kind of like the water proposal, we are very sympathetic towards it, but as Mr. Nye brought up, it runs into unintended consequences, and once you start squeezing that water balloon one way, things can get tricky. And I think we're walking in a very difficult time in our economy right now, facing a recession, and I want to -- again, I think there's a lot of support in the concept, you're really going to need to tighten this up so we can potentially move forward with it and have a little bit more clarity. Because as Mr. Nye just asked you, a pretty direct question, I don't know -- I think you need more clarity before they're going to get 10 votes, and so our focus on one area as opposed to this broad concept, I like it the concept, but I am concerned about the specifics, and I am just -- hate to put an additional burden on the county commissioners

that are going to be in a difficult spot I think in a year or two on the budget. So, I don't mean to talk to you too much. That's my concern. Other questions? All right, so we're going to take that up in the next meeting, so proposal 24 moves forward. All right, going back to our agenda,

Jordin Chandler: Mr. Chairman?

Mike Haridopolos: sure.

Jordin Chandler: and just since are in the sunshine I just want to throw this out as well. And I think this meeting will take place before our next, before our July 7th meeting, but there were some companies or corporations that actually reached out to commissioner Zonka and myself relative to what the county is doing in terms of work force housing, so based on how that meeting goes, we'll bring that back as well and what the discussion was like in the next meeting

Mike Haridopolos: and I apologize, there were a couple of people with appearance cards in that, and I missed that. Mr. Klimkowski, is he still here? You are recognized for 3 minutes. Welcome back.

Robert Klimkowski Jr: Thank you, Chair Haridopolos and the fellow commissions for being here. We the people of the United States, in order to form a more perfect union, establish justice, insure tranquility and provide for the common defense and promote general welfare, and secure the blessings of liberty to our ourselves and our prosperity do ordain establish this constitution for the United States of America. That is the preamble. We are in a crisis, and that crisis is affordable housing. Reactive vs proactive management techniques, the current housing trust that seems to be insolvent. Proposal 24 sends to rectify that. The strengths in the proposal allow for multifaceted funding sources, recently allocated but yet earmarked are a once in a generation opportunity for affordable housing as stated in the attachment mailed to Chair Haridopolos. Here are just a few of these funding sources. National opioid litigation roughly 25 million dollars or 4 percent of the 1.3 allocated in Florida. Emergency rental assistance, round two roughly \$15 million. ARPA \$30 million, allocated and yet not earmarked 150 billion dollars in SLUR funds, and the May16th letter that President Biden put out would allocate hundreds of millions of dollars for affordable housing in a recent letter and hundreds of millions of dollars for various avenues and sources of affordable housing in the next decade for county and municipalities. Effectively, we need to start with a, to get money to the person, the recipient. We're in crisis mode and the recipient will be the one to suffer. And yet that c class, upwards of 26% up from 12%, will tear down the American dream. And the homeowner ship will be a story that we tell our children. So, I am asking what is that? I'm convinced that its life, liberty and pursuit of happiness not only for ourselves but for our posterity and I legacy it's that Midas touch to make something out of nothing, and each and every one of the heads over there, it's language and vision, I ask if you've had a dream, I have, I still have a dream when we'll see the day when the American dream is within each of our reach and we'll strive for that excellency. I will end with this; the court of public opinion has spoken and the news articles by the press with affordable housing. Lastly, this is not the alternative presented, this is the only solution provided. This is our freedom and I want each and every one of you to have faith that with a yes vote on

proposal. One sentence, thank you. On number 24, you'll be hastening the arrival of affordable housing for the wave of the future for Brevard County. Thank you.

Mike Haridopolos: Thank you.all right, we have Janice Crisp, is she still here? Okay, Rosa Reich.

Rosa Reich: Good evening, I am Rosa Reich I am Melbourne in unincorporated county. I have had 22 years in affordable housing, half of it with Brevard County and half with non-profits in Brevard county. During my time in the county and outside of it, in the good years, we don't talk about affordable housing. I would get calls in the county, how dare you do this project in my area in and then a couple of years later, the same people call me up.my neighbor, they have lost their housing and what are you going to do about it? Again, when it's a crisis, we do need affordable housing, when it is not a crisis except for a small group of people, there is no need for affordable housing. What is being proposed here, I do totally agree we need a housing trust fund of one sort or another. We get SHIP funds, and as was stated, 65% is for first time home buyers. And the problem with ship funds, they get swept away, we get HOME funds from HUD. A lot of that is used for homebuyer repair and so forth. we have created affordable housing by it. But they're controlled by the feds and the state. If we could create a locally controlled funding source with our own ordinances and rules, we already have those in place, and this would allow us to create the affordable housing we need without having to be tied to state and federal regulations that we don't need in Brevard county. Thank you.

Mike Haridopolos: I have a question for you if you don't mind. A lot of us don't have expertise in this, and you clearly do. What is the typical amount given to an individual in the course of the year?

Rosa Reich: So, let's talk about -- we're going to talk about ship funds and home funds, they're not given to the individual. When we do the ship funds, it's the first- time home-buyer, and it buys down the mortgage and it allows people of moderate means to buy into the American dream. And they have stability in their house. And the county puts a lien on the property and at the end of ten years, the family sells the house and they get to keep the value. If they sell prior to the ten years, the county gets part of it back, so that part helps. When it comes to the repair, it doesn't necessarily go to the client, when it comes to the wait list for the county, I am 65 years old and I can't repair my house, whatever they were, the county sends out inspectors and they contract out and it doesn't go to the person, so I don't have the most current statistics, ten years ago, when I was doing the business, I would have known it off my head. Now rentals, having come from the not for profit world, we're talking about \$3,000, \$4,000 for an individual paying rent and for us to house a family homeless but say they lost their job and they are kicked out and they were couch surfing and now they have a job and they're stable and one of the thing for non-profits, they continue to pay rent but we're as a non- profit paying out first and last security so you're talking about we were averaging \$3,000 to \$5,000 per family. And we usually try to do it in one time in the year, but sometimes things happen. If we create affordable housing and we can buy down the cost of that construction, then what happens is we can stabilize the families, use this money to help families out and it will not impact the social services impact. But it also impacts taxpayers, and the reason I am bringing that up now,

it's something that we have not talked about. When families are in crisis and they become homeless or near homeless, they tend to have other mental health issues, and there's trauma involved and domestic violence and the police are involved and they become homeless, they may have lost their insurance, and they now use the primary care doctor, so when we talk about affordable housing, it is not just about keeping people housed, it's talking about the social fabric. So, to put a price on it, like how much do people get per year, it's not like section 8 where they get a v, it's voucher. It is not going to be that, it's buy down the property.

Mike Haridopolos: explain buying down the property.

Rosa Reich: So, for example, it can be a developer, or a not for profit developer or for profit. So, they might have a project that might be \$2 million, and they might have \$1,400 a month, and if the county brings in the money and they buy down, they say we can now rent these places for \$1,000 a month, and we agree to do this for a certain period of time. And that's one mechanism to do it. That's one mechanism and one of the speakers might speak on that issue, but that's one of those mechanisms

Matt Nye: On the Ship so buying down, basically, \$150,000 mortgage and the county is contributing 25 or 50

Rosa Reich: much less than that but yea

Matt Nye: guess forgiven, like you said 10%, I used to be a mortgage broker, when you say buy down, I think rate.

Rosa Reich: oh, yeah.

Mike Haridopolos: and going back to my question to the sponsor, if we had \$10 million in this fund, how many families are we helping?

Rosa Reich: Well, with today's prices and with construction, there wouldn't be as many. There's going to be a softening or crash in the housing market and we will see some prices fall as well as construction. I don't know what the current construction costs are, But, there are so many mechanisms, I am a member also of the Brevard homeless coalition and advocate for housing there. And community land trusts too. So, there are so many other mechanisms. And not tied down to the county ordinances, saying this is what we're going to do with the ordinances, and Mr. Trettis, you had mentioned about the ordinances about density, under the Ship plans coming into Brevard county, we have to have a mechanism to incentivize the developers, and that's why it's done through the ordinances, so every few years, it's reviewed and sent to the state and passed by the county commissioners, and there's a mechanism so it needs to stay in the ordinance field and it should really not be in the charter because again, we're dealing with the state for some of these incentives, and five years from now, the state may say, we need these incentives, and we don't want to tie our hands up.

Mike Haridopolos: it should or should not be in the charter?

Rosa Reich: Should not be in the charter. the ordinances that we have in place, is the correct mechanism.

Robin Fisher: Mr. Chair, something that we may want to think about, part of the issue of affordable housing, land costs, construction, permitting in these and all of those types of things, and I think the county has some excess land, and I think that that's an area that we could possibly look at. And with that, if somebody is willing to put an affordable house on it, the county might be able to cut a break on what that land cost is, and I think that the impact fees and the land permitting is a serious issue with costs for developing, and maybe possible tax credits, and I think doing those types of things will probably be an easier sell than mandating the county commission putting dollars aside.

Rosa Reich: We looked at that stuff 20 years ago about the impact fees, and of course SHIP funds could not be used to buy down the impact fees and so forth and how it's going to affect the affordable housing, and those are the mechanisms, and the other thing, the affordable housing, we have not talked about that and that's the purview of the county commissioners, they need to look at the excess in the impact fees coming in, and could not some of that be put into the trust fund? So there are, like you said, so many mechanisms, and those are things that need to be discussed, but we also don't want to tie it down necessarily in the proposal because being in this field for over 20 years, I have seen things come and go so rapidly sometimes, and you're preparing one way, and as someone said, it can take 3-5 years to develop an affordable housing project. And you're going one way, and now best practices across the country do it this way, and now we have to change.

Mike Haridopolos: But to Mr. Fisher's point, if there are in-kind services or fees that the county could waive, at least it's not coming out of actual tangible dollars but

Rosa Reich: so that's where the excess county property can be put in there as well.

Mike Haridopolos: thank you so much. All right, we have Drew Warren, I believe.

Drew Warren: thank you very much for bringing this up Jordin, and thank you very much for listening. I want to start by just saying, this is not a political issue, this is a practically issue, and I happen to be more conservative than some of you, but I still see this is something that we have to invest in and get ahead of the curve on this, and right now, we're really behind. I'm Drew Warren I am the Executive Director of Community of Hope, and we have been helping low-income families for almost 20 years. I have seen lots of faces during that time. And the faces I'm seeing now are not the typical faces that everyone thinks of when they think of homelessness. Our mothers and children, and they are just like you and I. except right now, the cost of housing is so they're on prohibitive income, and they can't afford rent when the landlord is increasing it to meet market rates. So, I would like to say that over the last five years, 211 is the place that people call, not 9-1-1, blue social emergency, and over the last five years, the reason that people call is related to housing. So that seems to be the case every year. The top 3 always included housing and utility assistance, so again, this is what the constituents of Brevard county had an issue with. secondly, the date, I encourage you to look at the Schimberg data through the University of Florida. In the last ten years, the county has increased by 75,000 people. In that time, we have actually decreased our affordable housing units by 335, so we're increasing population, increasing immediate and decreasing the supply. And this is the opportunity to say, hey, county commissioners, we're going to take this seriously and

please put this on the agenda and please find a way to fund this year in and year out. Somebody mentioned incentivizing developers. Basically, that is what this is about. Finding a way to tell the developers, like community of hope, we do some development Hear is a funding source not to fund your entire project, to operate as a seed to help the funding need and get the project going. So, that's all I have got so, thank you

Mike Haridopolos: questions? thank you very much, and we have reached the end of our agenda, and there's no unfinished business I believe, our next meeting on July 7th, and we'll take those, and be thinking about the one on the special elections and the appointments and obviously Jordan has on this issue a couple of things to talk about.

Adjournment: So, with that, Mr. White moves that we rise and adjourn. 6:39 pm.



BOARD OF COUNTY COMMISSIONERS

**County Manager's Office**

2725 Judge Fran Jamieson Way  
Building C, Room 301, MS# 88  
Viera, Florida 32940

**Inter-Office Memo**

TO: Charter Review Commission  
FROM: Jim Liesenfelt, Assistant County Manager   
DATE: July 1, 2022  
SUBJECT: Request for Yearly Budget Calendar

At the June 23, 2022 Charter Review Committee meeting, the Commission requested a copy of the budget calendar; a timeline of the budget development for the Board of County Commissioners. Attached is the timeline for the Fiscal Year 2022-2023 County Budget.

Please note that while the dates may change from year to year, this calendar provides a good overview of the yearly process of the development and approval of the budget.

If you have any questions, please let us know.

Thank you.

**GENERAL INFORMATION**  
**SAMPLE FISCAL YEAR 2022-2023 BUDGET DEVELOPMENT CALENDAR**

<b>DATE</b>	<b>EVENT</b>
February 14, 2022	Budget Office and Departments Begin Forecasting Revenues and Expenditures
February 17, 2022	County Commission Budget Workshop, 1:00 p.m., Florida Room
March 8, 2022	Budget Kick-Off: 10:00 a.m., Florida Room
May 1, 2022	Submission of Supervisor of Elections Budget
May 2, 2022	Requested Budget Due for all Departments
May 31, 2022 - June 10, 2022	Department Budget Meetings with County Management (Departments, Constitutional Officers and Court Operations)
June 1, 2022	Submission of Property Appraiser's, Clerk's and Sheriff's budgets
June 1, 2022	Preliminary Certified Tax Roll Received from Property Appraiser
July 1, 2022	Receive Certification of Property Values from Property Appraiser
July 14, 2022	Recommended FY 2022-2023 Budget submitted to County Commissioners
July 19, 2022	Board sets Tentative FY 2022-2023 Ad Valorem Millages and Provides Public Hearing dates to the Property Appraiser
August 1, 2022	Submission of the Tax Collector's budget
August 11, 2022	Melbourne-Tillman Water Control District Meeting: Budget Approval
August 24, 2022	Property Appraiser mails TRIM Notices to Homeowners
September 6, 2022	First Public Budget Hearing 5:30 P.M. Board Room
September 20, 2022	Final Public Budget Hearing 5:30 p.m. Board Room
September 23, 2022	Millage Resolutions Provided Electronically by Clerk's Office to Florida DOR, Property Appraiser and Tax Collector
October 1, 2022	Implementation of the Adopted Budget

**\* Dates are subject to change**



BOARD OF COUNTY COMMISSIONERS

County Manager's Office  
2725 Judge Fran Jamieson Way  
Building C, Room 301, MS# 88  
Viera, Florida 32940

## Inter-Office Memo

TO: Charter Review Commission

FROM: Jim Liesenfelt, Assistant County Manager 

DATE: July 1, 2022

SUBJECT: Request for Cost of Elections

At the June 23, 2022 Charter Review Committee meeting, the Commission requested an estimated cost for recall elections.

Attached are estimates from the Supervisor of Elections office for a County Wide Special Election and a Single District Special Election.

Please let us know if you have any further questions.

Thank you.



# Estimate

6/23/2022

P O Box 410819  
Melbourne Florida 32941-0819

To: Brevard County Board of County Commissioners  
2725 Judge Fran Jamieson Way  
Melbourne, FL 32940

Attn: Jim Lisenfelt, Assistant County Manager

Item#	Description	Amount
	<u>Special Election -County Wide</u>	
1	Ballots, Mail Ballots, and Postage	\$ 479,642.15
2	Communications and Election Supplies	\$ 7,046.00
3	Election Office Staff Overtime	\$ 25,606.08
4	Election Support Temporary Staff	\$ 512,075.76
5	Election Poll Worker Pay	\$ 233,070.00
6	Legal Services, Legal Notices and Sample Ballots	\$ 169,939.00
7	Precinct Rental	\$ 3,640.00
8	Translation Services	\$ 75.00
9	Truck Rental	\$ 10,686.00
	*Total Estimate	<b>\$ 1,441,779.99</b>

\*Does not include costs associated with a recount if required under state law.

**\*\*IMPORTANT\*\* - Due to significant supply chain issues and a national paper shortage (predicted to last through 2024), the lead time necessary to conduct an off-cycle election has dramatically increased and should be factored into all off-cycle election timelines.**

If you have any questions regarding this estimate, please contact :  
Supervisor of Elections Finance 321-633-2088



# Estimate

6/23/2022

P O Box 410819  
Melbourne Florida 32941-0819

To: Brevard County Board of County Commissioners  
2725 Judge Fran Jamieson Way  
Melbourne, FL 32940

Attn: Jim Lisenfelt, Assistant County Manager

Item#	Description	Amount
	<u>Special Election - Single District</u>	
1	Ballots, Mail Ballots, and Postage	\$ 170,264.22
2	Communications and Election Supplies	\$ 1,826.00
3	Election Office Staff Overtime	\$ 18,751.19
4	Election Support Temporary Staff	\$ 99,749.00
5	Election Poll Worker Pay	\$ 50,325.00
6	Legal Services, Legal Notices and Sample Ballots	\$ 37,910.00
7	Precinct Rental	\$ 625.00
8	Translation Services	\$ 75.00
9	Truck Rental	\$ 2,800.00
	*Total Estimate	<b>\$ 382,325.41</b>

*Estimate based on a single member district containing 98,500 registered voters*

\*Does not include costs associated with a recount if required under state law.

**\*\*IMPORTANT\*\* - Due to significant supply chain issues and a national paper shortage (predicted to last through 2024), the lead time necessary to conduct an off-cycle election has dramatically increased and should be factored into all off-cycle election timelines.**

If you have any questions regarding this estimate, please contact :  
Supervisor of Elections Finance 321-633-2088



## MEMORANDUM

TO: Chairman and Members of the Brevard  
County Charter Review Commission

FROM: Paul Gougelman, General Counsel

SUBJECT: Transmittal Resolution for Proposal 5  
Amending Section 7.4.1 of the Charter

DATE: June 26, 2022

At the last Charter Review Commission (“CRC”) meeting, the CRC unanimously approved Commissioner Trettis’ amended version of Proposal 5. The transmittal resolution, which includes both the text of the amendment and the ballot summary, is attached for your review. Pursuant to Section 101.161(1), Florida Statutes,<sup>1</sup> the ballot question must include a title which does not exceed 15 words and a summary which does not exceed 75 words. The summary must set forth the chief purpose of the issue presented.

When the CRC approves transmittal of the proposal and ballot summary, to move things forward in the form approved by the CRC, I will also include a resolution to place the item on the ballot which must be approved by the County Commission.

PRG/mb

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<sup>1</sup> Pertinent portions of Section 101.161(1), Florida Statutes, provide with emphasis supplied:

**101.161 Referenda; ballots.—**

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ballot summary of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word “yes” and also by the word “no,” and shall be styled in such a manner that a “yes” vote will indicate approval of the proposal and a “no” vote will indicate rejection. The ballot summary of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. The ballot summary of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. . . . The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. . . .

Mayor and Town Council; and  
Chairman and Members of the  
Zoning & Planning Board  
November 30, 2021  
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**CRC RESOLUTION NO. 2022-XXX**

**A RESOLUTION OF THE BREVARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF BREVARD COUNTY, FLORIDA, TO PROVIDE FOR CHARTER AMENDMENTS WHICH AMENDS SECTION 7.4.1 TO CLARIFY WHAT HAPPENS TO A PROPOSAL THAT IS FOUND BY THE ATTORNEY REVIEW PANEL NOT TO BE CONSISTENT WITH THE FLORIDA CONSTITUTION, GENERAL LAW, OR THE CHARTER; PROVIDING FOR PRESENTATION TO THE ELECTORATE BY THE COUNTY COMMISSION AT A SPECIAL REFERENDUM ELECTION TO BE HELD IN CONJUNCTION WITH THE NOVEMBER 8, 2022 GENERAL ELECTION; PROVIDING THE BALLOT TITLE AND SUMMARY OF THE CHIEF PURPOSE OF THE PROPOSED AMENDMENT; PROVIDING FOR THE COUNTY ATTORNEY TO RENUMBER AND RELETTER ARTICLES AND SECTIONS IN ORDER TO CONFORM THE AMENDMENTS TO THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, after three (3) public hearings and by an affirmative vote of at least ten (10) of the fifteen (15) members, the Brevard County Charter Review Commission may submit a proposal to the Board of County Commissioners to amend the Brevard County Charter; and

**WHEREAS**, the Charter of Brevard County, Florida mandates that the Charter Review Commission, within one year from the date of its first meeting, present to the County Commissioners its recommendations for amendments to the Charter; and

**WHEREAS**, the Charter of Brevard County, Florida provides that all amendments and revisions proposed by the Charter Review Commission must be presented by the County Commission to the electorate at the next general election.

**NOW, THEREFORE, BE IT RESOLVED BY THE BREVARD COUNTY CHARTER REVIEW COMMISSION:**

**SECTION 1:** That pursuant to Section 7.4. of the Charter of Brevard County; Florida, the County Commission is hereby directed to place on the ballot for presentation to the electorate, at a special referendum election to be held in conjunction with the November 8, 2022 General Election, a special referendum issue, the subject and ballot question of which is to provide for an amendment to Section 7.4.1 of the Brevard County Charter, which would clarify what happens to a proposal that is found by the attorney

review panel not to be consistent with the Florida Constitution, general law, or the Charter, as more fully set forth below in Section 2. of this Resolution.

**SECTION 2:** The amendment to Section 7.4.1 is set forth below. In interpreting this amendment underlined text indicates additions to existing language, and stricken through text indicates deletions from existing text. The amendment is as follows:

1. For any proposed amendment sponsored by the County Commission or the Charter Review Commission, the County Commission, at the county's expense, shall empanel a panel of three persons to determine whether the proposed amendment and ballot language embraces one subject only and is consistent with the Florida Constitution, general law and this Charter. The persons serving on the panel shall have demonstrated experience in Florida local government law and shall either be licensed to practice law in the State of Florida or have retired from a Florida law practice or the Florida judiciary within the past five years.
2. If at least two members of the panel find that the proposed amendment embraces only one subject and is consistent with the Florida Constitution, general law and this Charter, the County Commission shall place the proposed charter amendment on the ballot for consideration at a referendum at a special election held concurrently with the next countywide election or at an earlier special election called for that purpose. Notice of the election shall conform to the requirements set forth in the last paragraph of section 7.3.3. in this Charter. Passage of a proposed charter amendment shall require approval by a majority of the registered electors voting in the special election. If at least two members of the panel find that the proposed amendment is not consistent with the Florida Constitution, general law, or this Charter, then the proposal is considered rejected and is returned to the County Commission or to the Charter Review Commission for further action if any is to be done.

**SECTION 3:** That the ballot title and summary for the proposed amendments/revisions as referred to above shall appear as follows:

**BREVARD COUNTY CHARTER AMENDMENT  
PROPOSAL NO. 1 – ATTORNEY REVIEW PANEL**

The County Charter requires an attorney review panel to determine if a proposed amendment to the Charter is consistent with the Florida Constitution, General Law, and the existing Charter. Shall the Brevard County Charter be amended to provide that proposals found to be inconsistent with the Florida Constitution, General Law, or the existing

Charter shall be returned to the County Commission or the Charter Review Commission for further action?

YES FOR APPROVAL \_\_\_\_\_

NO FOR REJECTION \_\_\_\_\_

**SECTION 4:** That should a majority of electors voting on the above-referenced referendum election vote "YES," thereby approving the above ballot issue, attached Exhibit "A" shall become a part of the Charter of Brevard County, Florida.

**SECTION 5:** That the County Attorney is hereby directed to ensure that the appropriate numbers and/or letters are affixed to the Articles and Sections of the Charter in order to conform the Charter to the amendments if approved.

**SECTION 6:** That if any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

**SECTION 7:** That this resolution shall become effective immediately upon its adoption.

Adopted this \_\_\_ day of \_\_\_\_\_, 2022.

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Mike Haridopolos, Chair