

CHARTER REVIEW COMMISSION MEETING

Thursday, February 17, 2022

3:00 p.m.

Brevard County Government Center
2725 Judge Fran Jamieson Way, 1st Floor
Commission Room
Viera, Florida 32940

A. Call to Order

Mike Haridopolos: Welcome to the Brevard County Charter Review Commission, if Melissa you could please call the roll that would be great. No rush.

B. 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
Tom Jenkins (District IV) - Present
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
Matt Nye (District III) - Present
Gabriel Jacobs-Kierstein (District III) - Late but Present

Staff Members Present- Melissa Brandt, Attorney Paul Gougelman, Summer Wylie, Jim Liesenfelt

C. Approval of Minutes from January 06, 2022

Mike Haridopolos: All right, thank you so much. For the first order of business everyone should have a copy of the last meeting approval of minutes, do I hear a yay on that?

Vic Luebker: So, moved.

Mike Haridopolos: All right, without objections to that show that adopted.

D. Fiscal Analysis Direction

Mike Haridopolos: The fiscal analysis direction should also be in your packets. As you remember from last time we had some questions about that, and there were three different vendors currently with the County that we can call on if we need to in this process. So, I wanted to make sure that everyone had that information. With that, are there any questions with that particular piece on item D on our agenda?

All right, so everyone has that information.

E. Proposals:

Mike Haridopolos: So, what I would like to do today is to get into a couple of the proposals. As you know from our last meeting we did not have a public meeting in my opinion but we simply kind of brought up the issue. This will be the first official public meeting on our two proposals being brought before us. One being our Charter Cap. The second one I will not count as our first meeting today, but there can be some discussion today about the recall for school board members. And the reason for that again is that it is a proposal that we are just getting into today, and I want to make sure that as we talked about in each of our meetings that there is an abundance of caution. Let's make sure there is a lot of transparency so that anything we propose to bring to the County Commissioners is done in a very thorough way so that whether it be today or in the future meetings, more and more folks who will have an interest on either one of these proposals or others that come before us, can have a full vetting of the issue before we make a final vote. So, this will be the first public hearing we are having on the first of the issues which has been brought forth by Blaise Trettis which is of course on the Charter Cap.

E1. (Charter Cap Discussed at Meeting on 01-06-2022) Public Hearing #1 02-17-2022

Mike Haridopolos: Everyone should have before them the information about that Charter Cap. I think the staff did a nice job of getting kind of the history on that, and as Mr. Fisher was kind enough to ask the good question of what would the impact be had this been in place years past, that information is also in your packets so you understand the fiscal impact that would have if the number was reset. So, with that, what I would like to do is a couple of things: We have some folks in the audience. I would imagine...Melissa are these folks all here for the Charter Cap issue or is it for the school board issue as well?

Melissa Brandt: It is a mixture of topics, mostly the School Board issue.

Mike Haridopolos: Okay, great. And as I mentioned the school board issue will be, the first official meeting will be next time for our three count. But the charter cap, this will be the first official public meeting on it. So why don't we handle the charter cap first. So, if you could just raise your hand if you are here for the charter cap. Okay we have one person. Anyone else? Okay so what we will do is we will allocate three minutes on the issue for Mr. Ellis who is here. I think make a brief presentation on his, and then from there, anyone on the board can ask a question of Mr. Ellis, and then once from there we will just have a discussion and then once that is complete we will move forward with the other proposals. So, Mr. Ellis welcome.

Scott Ellis: Welcome. In a way you are to blame for this.(laughter). The original charter cap came through with Senator Haridopolos up in Tallahassee. It was passed. It was approved, and I think it is very clear that the original cap I believe is very clear that when you have some kind of declared crisis that you can enact that tax for a single year. Single year means a single year. If you wish to enact that again, you must vote it again. I know that Mr. Trettis has got it on here again. I understand why because our first one seems to be tied up in court. A brief history on that, when that came up I had asked to go for declaratory judgement with the courts to avoid a lot of legal issues because simply declaratory judgement we prepare our case, you prepare your case and judge makes a decision. Once judge makes a decision, then you have got something to work with. The County refused to go to dec and instead they chose to knock us out on a standing issue. That has now been removed by the 5th DCA and the issue is back now in the courts here in Brevard. Per Mr. Gougelman's memo and the numbers you have seen, that is totally a self-inflicted wound by the County. I have no sympathy for any of those numbers. This could have all been resolved when it first came up without going to court. The other issue is if Mr. Trettis's issue gets on the ballot, and if it passes it is not retroactive. However, our court decision could be retroactive. Which would be unfortunate for the County, again they dug their own hole by not taking the simple solution first. So, as far as cost associated with the new amendment, there are none. It would be moving forward, not moving backward.

Mike Haridopolos: All right great, before we go to the sponsor of it, are there questions for Mr. Ellis?

Vic Luebker: Yes, Mr. Chair

Mike Haridopolos: Go ahead

Vic Luebker: Scott could you explain a little bit more when you say the simple solution, how you define that?

Scott Ellis: Certainly. It is that the Board came through in 2019 and said we have a crisis and we want to bust the cap. And they did, and they got about \$900,000 out of it. We had told the Board that is fine and what you did was legal, you had the Super Majority. When you roll into 2020, if you want to keep that money you have to make that vote and finding again. You can't keep that money as part of your roll back because that money is only for a single year. Therefore, we had to wait and when the preliminary budget was submitted in 2020 which included that money again with no find in critical need, we told the Board what we would do and then we proceeded to head to the courts. The simple thing again, was to go to declaratory judgement because it doesn't cost anything. Your lawyer prepares a brief, our lawyer prepares a brief. They argue in front of the judge, and judge finds one way or the other. Instead the County went into a protracted legal battle over the issue which I thought was fairly amazing since they said they had a slam dunk issue on their side. I don't know why you would not go for the declaratory judgement if you feel you have a slam dunk issue on your side. So that is where we are at now. I truthfully missed the one in 2017, that is my error. In 2016, the Board had done the same thing, that is my fault I missed it. I was tied up with things in 2016, in 2017 I should have done the same thing. But that doesn't mean I was not going to do it in 2020. They were very openly cold about it. The Board's attitude was well they just don't care.

Mike Haridopolos: Additional questions? Thank you very much Mr. Ellis, it is great seeing you.

Scott Ellis: You are welcome.

Mike Haridopolos: At this point, I am going to have, allow Mr. Trettis to kind of again reiterate the issue, and like we might do like in my old days in the legislature, we will let him kind of handle the questions. If we could just get my attention if you want to ask questions, so Blaise go ahead.

Blaise Trettis: Thank you. It was in 2008 that a local law was passed which allowed this charter cap to be placed on the 2008 ballot. It was passed by over 73 percent of the voters in November and became part of the Charter. I think the critical, I agree with what Scott Ellis has said I wanted to point out. I especially agree with the fact that my proposal, if it were adopted and voted by the electorate, it would be prospective. It would not be retroactive. And I think it is a little bit misleading when you look at these numbers that were done by the County because they seem to me that they suggest that eighteen million dollars or sixteen million dollars or whatever the total amount is, would some how be owed back, or that taxpayers would be on the hook for it. That is not true. If this proposal were voted into the Charter in November it would be prospective. So, it would not affect anything but the future. So, the way I see it is this excess taxation that has occurred since 2017 and on, that is locked in and is not going to be affected by the voters approving my proposal. That is important to know. I think the most important thing is just the wording of the Charter itself when you consider whether or not it is supposed to be one year of excess taxation above the Charter Cap. And I will just read a little bit.

That “the Board of County Commissioners may impose an ad valorem tax for county, municipal or district purposes at a rate which exceeds the limitations in paragraphs (a) and (b),”(that’s the Charter Cap) “if a supermajority of the Board concurs in a finding that such an excess is necessary because of emergency or critical need”. Here is the most important part in my opinion. “The finding shall set forth the ultimate facts upon which it is based, and shall be valid for a single budget year.” End quote. That is the critical language. It is clear that it can only be for one year. Excess taxation. The language is perfectly clear. If anyone on this Commission would disagree with me, I would like for you to explain to me what that language means if that is not what it means. So that is the critical language. I also would like to say that you know, from the comments at the last Commission meeting it seems that some people don’t like this because it reduces taxation and they think that it would affect in a particular case of the Sheriff. I would like to point out that Mr. Fisher was a County Commissioner in starting in what, 2008-2009? Those were the biggest budget reductions probably seen in Brevard County in decades if not ever, because that is when the great recession hit. I have not gone back in the records to look at this, but my recollection is that the County Commission at that time, including Mr. Fisher, realized that public safety is government’s number one priority, and all though the FTE’s the full-time positions of Brevard Government were slashed to 2000 levels, that the Sheriff’s Office was held harmless, if not slightly increased during those worst of years. So, the law enforcement budget can only be reduced if the Board of County Commissioners lets it be reduced. Okay.

It is a very important point to make. Finally, I would just like to point out that I think these numbers are wrong from the County who did this memorandum because they multiplied

these ... First of all it seems that this is a sum number which is owed back, which would not be the case. But also, these numbers were multiplied by five years when I think it should be four years because it says that in September 13 of 2016 the Board of County Commissioners exceeded the Charter Cap. Well if they voted in September 23rd 2016 that means that the Charter Cap was exceeded starting with the year 2017-2018. So, there is no, that excess taxation during that year because of critical need is fine. It was only through four years since then that should have been rolled back. 2018-2019, 2019-2020, 2020-2021, 2021-2022.

So, all of these numbers were multiplied by five when I submit it should have been four. But even using the highest numbers I want to just emphasize what a really small amount of the entire County budget we are talking about. The budget is now \$1,628,207,528. The \$942,309 excess taxation that went to law enforcement MSTU above the Charter Cap, that \$942,000 plus dollars accounts for only 6/100's of the County's budget. For the general fund for the years, using the County's numbers in this chart or the memo, that is \$2,459,651. That amounts to 15/100's of 1 percent of the budget. For road and bridge, \$495,836 that accounts for 3/100's of the budget of the County. You add those up and we are talking about less than 1/4 of 1 percent is the excess taxation. So, for people to say that we can't live with this, we need the tax money, I submit that is wrong. I also, you know we are the only County in Florida that has this Charter Cap. Some people say that is a bad thing. I say that is a very good thing because look at the quality of life we have here in Brevard County with the Charter Cap. We have, I think excellent schools, the roads you know are probably as good as any county with 600,000 people. Law enforcement is, particularly the Sheriff since 2012 the crime rate has been reduced 43.7 percent. So, this was all done with the Charter Cap in place. So, for people to say that we have to have more tax payer money, I say we should be the model for the rest of the State, and other Counties really should be doing what we are doing here in Brevard County. Thank you.

Mike Haridopolos: All right, thank you. Are there questions?

Sue Schmitt: I don't have any questions, I have a statement.

Mike Haridopolos: Okay, sure, but let's stay with questions first for now before we get into the different statements. Are there any questions for the sponsor of the proposal? Okay, we will go into statements then. Ms. Schmitt.

Sue Schmitt: We had great statements last time. I would just like to address having been on the County Commission in my lifetime. At the last meeting I discussed the history of the 2019-2020 increase that they County Commission put on for the MSTU for the Sheriff. And I also discussed the history that the reason that the MSTU exists today and it is for road patrol is because many, many years ago the cities in Brevard County got together and said we all have our own police departments and you, the County are taking money out of the general fund to subsidize or to pay for the Sheriff or the road deputies. And it was going to go to court and there was a resolution to create the MSTU's for the road patrol for the Sheriff's department. And it was very clear at that point that no money, no funds for the road patrol which is for the unincorporated areas in Brevard County could be used from general fund. And only the MSTU from road patrol. So, at that point, when the Sheriff went to the County Commission for the 2019-2020 budget, we all know what was going on with the pandemic and a lot of other things, and the Sheriff had a critical need.

The Commission at that time made the decision to give the Sheriff an increase for those deputies that were on the road patrol for the unincorporated area because there also was a State law that was passed because of the Marjory Stoneman Douglas High School episode that took place, and the Safety Act by the State legislature, and he had to supply more school deputies which are road patrol, and also more equipment and vehicle cost.

If what Blaise is saying would have been in existence the next year in the budget, that increase would have had to come off. It could not be taken out of the general fund. Now could the County Commission gone into another fund at that point or for roads that we all travel on, or for your parks that your kids go to play little league? Sure, they could. You made a statement that we have great schools. The County Commission does not pay for the schools in Brevard County, that is the School Board. They have nothing to do with the School Board and the schools. Blaise was correct that this was adopted by the public in 2008, but in 13 years, the County Commission, and they have not all been the same Commissioners. There have been many different Commissioners. Have only done an act of critical need twice in the whole 13 years. I don't think any County Commissioner past, present or future is going to go gee we have all this opportunity we can go out and tax everybody. I mean, I just don't think it is going to happen, if for no other reason than politically. But let's say that the Commissioners have some sense about them, and they also live in Brevard. They don't want any more taxes either. I believe that what is in the Charter right now today should stay the way it is, and not be changed period.

Mike Haridopolos: Thank you. Others who might have comments on this. Mr. Moore? Oh, Mr. Jenkins?

Tom Jenkins: I think we are discussing a major policy decision which has long term consequences to the County. In order for the County Commission to avoid advertising a tax increase, they have to reduce the millage to the rolled back rate, which in affect takes into consideration all of the re-assessments that occur on all of the individuals existing property. I know that many years when I was serving as County Manager, there were many years when we had no new construction. And while there may be some very significant new construction going on today to generate revenue, long term there is no guarantee that the new construction revenue will continue to be there. I can tell you that for many years it was not there. It was extremely challenging to balance a budget when you did not have sufficient revenue. The last point I will make is that these costs that have been outlined, they all appear to be reoccurring in nature. In fact, in the case of salaries for example for deputy sheriff's, or for adding deputy sheriff's. Those are even compounded. So, you have got the cost from the prior year, plus whatever cost of living adjustments you have to make for the subsequent year. So, I think those are all considerations that need to be taken into account.

Blaise Trettis: Mr. Chair can I speak?

Mike Haridopolos: Everyone is making statements, and then we will get back with you. Mr. Moore? No, anybody else? Mr. Nye.

Matt Nye: Thank you Mr. Chairman. So, yea I am in support of this proposal. What I find so interesting is that we are speaking of this like it is a new thing. It's in the Charter. I am with Mr. Trettis's evaluation of the language, that seems very unambiguous to me, and quite frankly even if we did have to give back the money, which I agree if Mr. Trettis is saying his proposal is going forward. The County was warned that this was, that there is

a legal challenge, as Mr. Ellis explained, did not go through the declaratory judgement process. So, I am real big on accountability, and we see around the world right now, in all of these different positions there seems to be no accountability. The voters voted for this once, it's a shame that we have to like, you know doubly clarify it again now so many years later. But, it is just really fascinating to me how we are treating this like it is a new thing. The voters already approved it. We shouldn't even be here if the County hadn't broken the rules. So, thank you.

Mike Haridopolos: All right, other comments? Before we go back to Mr. Trettis, just to be clear, last time we put this number in, I think you could be right, it could be four years instead of five. We wanted to get a perspective on the impact that it had at that point so we could have at least a number to work by. If people want to look at that more closely, maybe they can work with Melissa to make sure these numbers are accurate, but that was the intention of it. I think we are all in agreement that this would not be retroactive. Does everyone agree that this would be prospective? Just so everyone is clear, not only to our group, but of course folks will have two more opportunities to talk about this in future meetings. So just to be clear, this is not retroactive, its to be prospective, and the numbers we can look at to see if again if those people have concerns about it, we can get that exact number because again that is our goal here to make good decisions based on numbers that everyone thinks is accurate. Any other comments before I go back to the sponsor. Mr. Trettis you are up then.

Blaise Trettis: Thank you. I just wanted to point out that it has been said that it seems that this was all about deputies, or increasing pay of deputies in 2019. If you go to the resolution itself, the resolution for finding of critical needs law enforcement municipal services taxing unit. It is page after page of everything that the Sheriff would like added to his department. Like hundreds of patrol cars worth sixteen million dollars, and tasers worth four hundred thousand something dollars, and repair of buildings that were five hundred thousand dollars. Deputies were mentioned, but there is not even a dollar figure in the resolution about what dollar number is needed for deputies, so I would encourage you to actually read the resolution to see what was asked for. And I think this material stuff is a perfect example, like the cars, the tasers, other material things, that is a really good example of a good use for exceeding the Charter Cap. Because it is not recurring costs, it is one time, and it is paid for by a one- year increase. I think that is what the Sheriff was really asking for, and you won't find any numbers for pay increases for deputies in the resolution so I would encourage you to study that. Thank you.

Mike Haridopolos: Okay, great. So, we have concluded the discussion today on our Charter Cap. This marks our first meeting. There will be two additional meetings. For those people who are watching on TV, or are here in person, you will have two additional opportunities to at least come and make your peace and give your opinion. We will work on the exact numbers if we are looking back to understand the true impact on it. There will be two more meetings before we make a vote on this and send it over to the County Commission. I guess, I don't have an exact answer but as we look at these different proposals, we might want to as a group decide if we want to take, kind of like have a super day of voting, or if we just want to say on the third reading that we want to have a vote on that day. Or do we want to have that all at once at the end of our Charter so to speak, to get this work done. So, that might be something we think about in the next meeting. So, we all kind of have a super vote day as opposed to taking them one at a time because obviously this is the first agenda item we have and I think there will still be

more as we are seeing more and more emails, and more and more interest come about as we move forward. So, mark this down as meeting number one, two more to go, and we will get into a second issue today, which is meeting number zero, and that is on the recall of school board members.

E2. Recall on School Board Members - (02-17-2022 First Discussion) Public Hearing #0 02-17-2022

This was brought to us, I think everyone saw the email coming through where folks had an interest on recalling school board members. There was a brief discussion in our last meeting about the desire to match what is allowed now on other elected officials, and to apply to the school board members. So that is a proposal put forth. Mr. Trettis are you on this one as well?

Blaise Trettis: I am.

Mike Haridopolos: Okay, why don't you give a brief explanation. I know there is some folks who want to come and testify. We will give them a couple of minutes to let their opinion be known, and if we want to discuss it a bit we can. But again, this is number zero because there has not been a public announcement. This would be out there today, but there was some discussion about that. I think that public disclosure is a better thing. So, Mr. Trettis.

Blaise Trettis: Thank you. The title is Proposal to Amend Brevard County Charter to Add Recall Elections of School Board Members. There is currently in Florida no way to recall a school board member. They finish out their term no matter what. No matter how much people disagree with them, or how much they would like them out of office. There is a Florida Statute 100.361 which has been in place for forty- eight years which provides for the recall election of city council, mayors and county commissioners. So, it is very remarkable that the city of Indialantic with three thousand people, can recall their city council, but a school district of over one hundred and twenty thousand people in Brevard County has no way to recall a school board member. So, that was a big part of the reason why I made this proposal, but the specific reason, well first of all let me say that this proposal tracks very closely the wording of section 100.361. The procedure has already been in place for forty-seven years. There is really no reason to deviate from it much at all, and I did not accept really in just one or a couple of places. The first one is the statute gives seven reasons for a recall: malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, and conviction of a felony involving moral turpitude. I have reduced that to two: malfeasance, which I define as doing something not allowed by law, and the second one is not more than three votes by the School Board Member on a motion or motions made at a School Board meeting or meetings, whether the meetings were regular, special, emergency.

In the petition the words of the motion or motions made at the School Board meeting or meetings shall be stated word for word as is reasonably determinable. And so, what this does it really allows a very specific reason for citizens to petition for the removal of school board members, and that is how they vote on policy matters. And you may say that is what elections are for, that is when you vote people out of office. I generally agree with that, but the problem is when we have School Board members making such important decisions about the health and mental well being of our children, four years is too long to wait to make that change. And because of staggered elections, that is how long people

now have to wait across Florida. If this proposal passes, then that would not be the case. Within one hundred sixty, one hundred ninety days under this proposal, the petitions could be gathered, votes held, and a School Board member could be recalled. And of course, like many things in the last few years, everyone's attention has been focused by the pandemic, and that is the basically the genesis of this proposal. More particularly in August, the Brevard County School Board voted to require school children, and everyone in a school to wear a face mask. And that rule, that order was only undone because we have Governor Ron DeSantis as Governor. And he called the session, the legislature into session and passed a law which prohibited school boards from ordering children to wear school masks. It is only then that the mandatory school face mask order from Brevard County Schools was undone. So, you may think that well then that there is no problem, well there is a problem because I am thinking about the future because if Governor DeSantis were not in office, but instead the other candidate on the other side who was running against him, Gillum, Andrew Gillum, if he had won and he were in office, he would have vetoed that bill in November. And right now, if that had happened, then right now in Brevard County they would be facing indefinite forced masking of children in schools.

So, you have to think about, not what is taking place which is a very good status quo, only because of the elected officials at the state level, but what could happen in years ahead. So that is the basis of it. And I think this will not be used very often at all, because I don't think school board members really make very many controversial decisions. I certainly don't think it would be for the regular decisions such as what vendor is going to get the cafeteria contract or do we buy school buses this year or next year? These routine decisions are not going to be the basis for any recall petitions, but what will be are the most important matters that affect children, parents, grandparents, even employers. As we saw with the pandemic, with the quarantines keeping people out of work because of their children. So, I think it will only be an issue for controversial very important cultural issues. Like a policy on say transgender students in schools. I think that is definitely something that could happen in Brevard County because Brevard County Public School System has a transgender written policy which allows children at every age, K-12 to use the shower, locker room, bathroom of what they "identify" with. Meaning boys can go in the girls bathrooms, shower room and locker rooms and vice versa. The policy also requires teachers to use the pronoun of what the eight- year old wants to be used. So, if Johnny wants to be called her, then that is what the policy is. Teachers have to call Johnny her. So, it also goes into other really important matters, then I think that could be the basis for a recall election. I think it is needed. I think it is very much needed. I don't know if this is out of order Mr. Chair, but I want to make a motion regarding my proposal right now.

Mike Haridopolos: I think we should wait until next time because we have not had a public opportunity yet. We are going to have some comments today, but we will have three opportunities after this.

Blaise Trettis: It is only a motion to have our legal counsel review whether it is consistent with the Constitution.

Mike Haridopolos: I think he is going to comment on that a bit today. But that would be fine after we are concluding, if you want to do a motion then we can do that. Mr. Gougelman do you have an opinion? I know you have something on term limits today. You want to add to the question asked by Mr. Trettis?

Paul Gougelman: No sir, Mr. Chairman, however I do have a memo that will probably be issued at the time of the next meeting.

Mike Haridopolos: I will open it up to the Board. Would people like to see a motion on this? If you would say "aye", (various aye's). Okay Mr. Trettis, make that motion please.

Blaise Trettis: Motion for Charter Review Commission attorney Paul Gougelman to write a legal memorandum in which he gives his legal opinion on whether proposal # 2, Recall Election of School Board Members embraces one subject only, and is consistent with the Florida Constitution general law and the Brevard County Home Rule Charter.

Bob White: Second the motion.

Mike Haridopolos: Any objection? All right without any objection show that adopted and we will get that motion in action and Mr. Gougelman will go to work on that. Thank you.

All right we have some public comment on the issue. What I would like to do is I see a lot of folks here. If we could limit your comments to two minutes that would be great. And then at the conclusion of those two minutes anyone on the board has questions for the person coming to testify feel free to do so. So, we are just going to do it in the order we received the cards so Kathryn Delaney if you would please come forward and just state your name before you get started and we will give you two minutes and hopefully there will be some questions. Thank you.

Kathryn Delaney: Thank you. My name is Kathryn Delaney. Good afternoon committee members. Thank you all for taking the time out of your busy schedules to serve our community. Today I am here in regards to the proposed addition of Section 8.2 Recall Election of School Board Members. All elected officials should be subject to recall by their constituency under the letter of the law. This is a very neutral request as all school board members would be held to the same standards regardless of their party affiliation or ideology. Recall laws are very specific. So, you cannot recall someone because you do not like them or their ideals, or their specific cause. I request that this committee moves forward with this proposal when the time comes, and gets we the people the power to hold our elected officials accountable. Simply to be conscious of your time, I agreed to speak for myself and a bunch of these people behind me today, along with hundreds of people who could not make it today to this meeting. Thank you all again for your service.

Mike Haridopolos: Thanks Ms. Delaney. Any questions for Ms. Delaney?

Thanks again for coming in. Nice to see you. All right we have Nick Tom

Dave Neuman: Tomboulides.

Mike Haridopolos: Tomboulides. Okay. That is a great name. All right. Welcome Nick.

Nick Tomboulides: Thank you. I am actually here to speak about the term limits issue not the recall. So, is that okay? Is this the right time for that? Or should I come back for that?

Mike Haridopolos: Why don't you come back at the end of you don't mind. I appreciate that. Thank you, I will put your card aside here. Okay, next we have Cheryl. Thanks for being here. If you could just give your name and we will go from there.

Cheryl Wojciechowski: Say, watch your house key real fast and that is it, Wojciechowski.

Mike Haridopolos: Thank you very much.

Cheryl Wojciechowski: Hi my name is Dr. Cheryl Wojciechowski. I am from Indialantic, that tiny little town that you just spoke about. I will keep it short. We live in a democracy. The hallmark of our democracy is elections. I am sure that everyone in this room has an elected official, present or past that they really didn't like, and they didn't like what they did. And the thing to do in this Country in most places, is gather your resources, talk to your constituents, talk to your community, and then vote and participate in voting. Our school board members really have a thankless task. They work extremely hard. In the past couple of years, their meetings and their offices have just become this hot bed of controversy. Let them do their jobs. One pet issue should not negate the term of someone who is serving their community. I also worry that if this door is opened for school board members, then they are going to spend so much of their time and the communities money on defending their positions instead of doing their jobs. Thank you very much for your service, your time and attention.

Mike Haridopolos: Thank you much. Are there any questions?

Bob White: I got a question.

Mike Haridopolos: Mr. White for a question.

Bob White: Why should a school board member be treated any differently than a county commissioner or city council person or a mayor or any of the other plethora of elected officials that are subject to recall?

Cheryl Wojciechowski: I am not a lawyer, but I think a school board member, they have a very unique roll. It's not the same it hasn't been a law, it hasn't been a problem up until now. I don't know the rationale as to why it is true for those other people, but it hasn't been necessary up until now. I believe that one pet issue shouldn't be enough to change this.

Bob White: So, you think then that a school board member somehow serves in some kind of altruistic function, altruistic position as opposed to a county commissioner given that a school board, schools typically their budget dwarfs the budget of a county, of the county. So, I am just trying to understand how it is that they should be treated uniquely as opposed to any other elected official?

Cheryl Wojciechowski: Well what other, can a Governor be recalled?

Bob White: uh huh.

Cheryl Wojciechowski: Well, who else can?

Bob White: state legislators, county commissioners, city council people

Cheryl Wojciechowski: So, you are saying that school board members are the only elected officials that cannot be recalled?

Bob White: As of right now, statutorily, it has just always been that way. There is legislation right now to provide for, it hasn't passed but there is legislation that would provide for them to be.

Cheryl Wojciechowski: Has it worked well in other communities that have had school board members recalled?

Bob White: I don't think that is, I don't think that's an issue.

Cheryl Wojciechowski: How much of the budget has been spent?

Bob White: I don't think that is an issue either. The issue is that you made the statement that you think school board members are unique. And I just want you to tell me what is it about a school board member that makes them unique as opposed to any other elected official? They are getting paid a salary, just like other elected officials are getting paid, they make political decisions all of the time just like other elected officials make. They have a huge responsibility to the general public.

Cheryl Wojciechowski: I am not sure all of their decisions are political.

Bob White: I did not say all of them, I said they make political decisions.

Cheryl Wojciechowski: Wouldn't that make them different if not all of their decisions are political?

Bob White: Not every decision by the county commission is political.

Cheryl Wojciechowski: They are serving a smaller proportion of the community.

Bob White: You are trying to split hairs here, not every decision of a county commissioner is political.

Cheryl Wojciechowski: I think you are as well.

Mike Haridopolos: Let's go with so that you don't talk over each other.

Cheryl Wojciechowski: I think we are done. Let's just agree to disagree.

Bob White: That is fine with me.

Mike Haridopolos: Thank you very much for your time. All right we have Elizabeth Mikitarian. Thanks for coming in.

Elizabeth Mikitarian: Hi. Good afternoon. Out of respect to me because I have been an educator in Brevard for almost thirty years, now retired, I am not going to stick with your time limit. It wasn't even advertised as such, so, I will read as quickly as I possibly can.

My name is Liz Mikitarian, I am from Titusville. I am an educator and advocate for children and communities. I know several of the members of this body. I worked personally with

some of you when a past school board member pushed a criminally questionable eight million- dollar software deal while closing our children's public schools at the same time. Some of you even helped me support a candidate trying to defeat that same incumbent school board member. So, I am experienced in calling out our school board members. Have done so, and will continue to do so in the future.

You now are serving on this committee with a responsibility to offer your expertise and research findings to the County Commission.

Chair Haridopolos in your minutes of last meeting, I think said "we vote with as much information as possible" So please ask yourselves... Why is this movement being approached now? Why is this on your agenda of items for you to address right now? I want to provide some information. State representative Randall Fine has publicly supported the request that you are presenting today and it may have even been initiated through his actions and his connections to Moms for Liberty and perhaps even through members sitting here this afternoon. Public servants must not be allowed to influence other committees, boards, to facilitate their own personal revenge agenda . Please do not think that this Charter change request is anything more than that at this time. What you are hearing and potentially taking part in is a retaliation against the Brevard Public School District. A group who claimed to be simply a bunch of really involved local really involved local parents...

Mike Haridopolos: Ms. Mikitarian. Real quick, I am going to ask you a question, and let you continue. What we are doing today is a courtesy. It was brought up today and we are going to have three more meetings after this. If you want to share this statement with everyone, you can email it, we can read it as well. That would be great.

Liz Mikitarian: Okay

Mike Haridopolos: And just so you are also clear, the way that we have all operated, and you can watch all the videos from the past is, whoever brought up a proposal, it's the great thing about Florida, you can bring up anything. I know that some folks have the idea that this was contrived or something, but all we are doing up here is, we are all volunteers, and we are up here just, whatever proposal comes in, we are going to address. It is something we are trying to do. So, if you wouldn't mind, maybe wrap up maybe a minute or so. And then if you could share with Melissa, Melissa could share with the board, that would be great. And we will read the statement in full. I want to be really respectful of everyone else as well. So okay?

Liz Mikitarian: Sure, no I respect that, so thank you. Basically, as you will all read in my further statements that I will email out. I am requesting that you make a motion today to table this issue. So that there is no question of impropriety. That there is no question about this being related to retaliation issue that one of your actual sitting members has been behind as well. I am asking you to not get rid of the idea, because especially Mr. White had some really good points, I believe. But I am questioning the timing, and I am questioning this board that is representative of all the people in our County of taking action on this right now. So, it needs further review. I will end by stating that the irony is not lost on me that Mom's for Liberty presented this request to you on January 6th. Please reconsider and review my request. Thank you.

Mike Haridopolos: Thank you so much.

Bob White: Mr. Chairman?

Mike Haridopolos: Wait, wait. Let's just, and again in this dialogue, let's be really respectful on both sides. Make sure the question is asked. I don't want to have to say back and forth. So, let's start with Mr. Nye because his hand was up first. And again, this is the zero meeting. We have three more. To be clear, Ms. Mikitarian, is that whatever proposal comes forward, for or against, we are going to bring it up. That is the cool thing about this group. So, I know you have asked for it to be taken away, but our whole point is to be open as much as possible. So just another venue for elected officials. We don't have the final say. This will go to the County Commissioner to decide whether they want to move forward with it, so

Liz Mikitarian: Well I do address some of the cost involved in that and all of that in my

Mike Haridopolos: Sure, that is very helpful. Mr. Nye for a question.

Matt Nye: So, I just want to set the record straight. At the last meeting or actually prior to the last meeting I was approached at one of our Republican Liberty Caucus meetings by some people that were asking about how they could recall a school board member. And so, at the last Charter Review Commission, I said "hey I will sponsor that". As it happened. Blaise ended up drawing it up, beat me to the punch. But, like I don't know where you are getting this whole Randy Fein thing, but it had nothing to do with Randy Fein, and so I think you are just, it's insulting quite frankly to act like I, again I am the one that brought it up at the last meeting. That I am some sort of puppet for Randy Fein. That doesn't sit well with me. So, I agree with everything Mr. White said earlier. Why are school board officials the only ones that are not subject to recall? I quite frankly think it was an oversight. It needs to be corrected, and if the people in this room really genuinely believe in democracy and effective representation, then I honestly don't see how you can be opposed. The fact that this particular issue because people don't like the way a particular school board member voting on something. It could have just as easily gone the other way. It could have been the shoe on the other foot. So, I don't think the issue is relevant. The fact is there is a deficiency in the system, that the only position that you can't recall, to Mr. Trettis's point earlier, where in some cases time is of the essence and we can't wait four years. So, I just want to set the record straight because I am honestly again, insulted, offended by this. People asked me about this, I said yes, absolutely, as Mr. Haridopolos said, happy to look into that and support and sponsor the proposal, so.

Mike Haridopolos: Thank you. I think Mr. White, you are next.

Bob White: I just wanted to give you a chance to clarify your remarks because it sounded to me like you were impugning the integrity of Mr. Trettis by suggesting that he was here serving as a lackey for Randy Fein. Was that your intention? Because that is what it sounded like.

Liz Mikitarian: No, I am drawing attention to this multi-member board that Mr. Fein has been very public about this as his wish.

Bob White: Well I am no big fan of Randy Fein.

Liz Mikitarian: That is fine.

Bob White: You suggested, I don't think there is anybody that could have interpreted it any other way. That it was only because of his influence over members of this body that this was even being introduced in the first place. And I don't think for a second that Blaise Trettis would be doing the bidding of Randy Fein. Now do you want to clarify that, is that your position or not?

Liz Mikitarian: No, I don't think so. What my point is that remember, ma'am I can't read your name (gesturing to Ms. Schmitt). You stated before that the County Commission has no business dictating to the School Board. You were referring a different issue.

Sue Schmitt: I did not really say it that way, okay?

Liz Mikitarian: Right, I am paraphrasing maybe.

Sue Schmitt: I was responding to Mr. Trettis.

Liz Mikitarian: So, what I am asking for, is for you all to dig deep and find out what is actually behind this issue.

Mike Haridopolos: Okay, thank you. Mr. Trettis.

Blaise Trettis: I will just state for the record, if it was a Bible I would swear on it. I have not spoke to Randy Fein or anyone else in the world about my proposal. I heard two commentators at the last meeting make this suggestion. From there, this is entirely mine, I spoke to no one. That is all.

Marie Rogerson: Mr. Chairman, I have a question.

Mike Haridopolos: Yes, Ms. Rogerson.

Marie Rogerson: I would love some clarification. You used the word impropriety. Could you explain what you mean by that?

Liz Mikitarian: Perceived impropriety. That is what I am asking. That you rise above that, so that there won't be any questions like I have.

Marie Rogerson: For us to be able to rise above it, I need to understand what you mean by it. So, could you clarify what you are perceiving as impropriety?

Liz Mikitarian: Well even in statements that we have heard today on other issues. They were very politically backed statements, and you know talking about mask mandates as part of the push behind this. That is a politically charged issue.

Marie Rogerson: Okay, so you are saying that the impropriety is people saying their opinion? That is your version of impropriety?

Liz Mikitarian: I am not sure I understand your question.

Marie Rogerson: Okay, impropriety for me would be rule breaking, doing things you are not supposed to do, violating Sunshine Laws. So, if any of that, you have heard of that, you have seen that, and that should be addressed. So, that was my hope. Is that if you

have seen any impropriety like that please let us know so that we can rise above that kind of thing.

Liz Mikitarian: Yes

Marie Rogerson: Just your statement now of somebody making a statement that seems political to you isn't, while you may not agree with it, doesn't rise to the level of impropriety for me. So, is there something impropriety level that you think we should address?

Liz Mikitarian: Well I mean to be specific, and I am just telling you my opinion.

Marie Rogerson: Yeah, absolutely

Liz Mikitarian: This has been a push in our community to recall one of the School Board members. I am not defending her, I am not saying anything about her. But it was very very public, and now the item has been brought before you council members, or committee members, I guess I should say. I am just asking you to do the due diligence, and make sure that any actions that you do take are above reproach. Because right now, it is not above reproach. I am not pointing fingers.

Marie Rogerson: Could you clarify that? Because you are saying it is not above reproach.

Liz Mikitarian: I just explained it. This has been a public

Mike Haridopolos: Let me interject here, I think it would be easier.

Liz Mikitarian: I am sorry.

Mike Haridopolos: Again, just to be really clear, whatever proposal comes through, we are going to discuss it. And in this particular proposal, you, in essence we are going to now have four meetings about this. So, there will be no rush to judgement. If this becomes a very emotional issue, which it clearly already has, we will have three bites of the apple after today. And again, I want to make it abundantly clear. I didn't know what to expect in taking this position, like we all did. And what's so great about our open Sunshine State Community, whatever you want to call it, is that whoever has the proposal, you are going to have these fifteen members take a good look at it, spend at least three meetings discussing it, having opportunities from the public to make many comments. Some factual, some not, and then move forward. So, I think that this is a great opportunity to start this discussion. I appreciate it. And if you could share your full comments with Melissa, we will make sure that the entire committee has it. Then I think all those go online anyway, so the whole public can read all about your comments as well, so.

Liz Mikitarian: I will just end with, I understand your words, and I believe that should be the process, but you just made a motion to pursue discovery on this point.

Mike Haridopolos: And again, that goes to the point that you brought up. The way that I have always operated, and the way we operate in the State of Florida is everything is transparent, and the more transparency we have the better. And so, the more information we have, and that has been our guiding principle throughout. We want to make informed

decisions so that the County Commissioners can make an informed decision after we have. So, we are going to do that, and anyone in the audience here or watching can send in their comments, and that is a beautiful thing about this. So, thanks Ms. Mikitarian. Great to see you, appreciate your time

Liz Mikitarian: I appreciate your time.

Mike Haridopolos: All right we have Pamela Castellana. Thanks for joining us today.

Pamela Castellana: Thank you, it is good to be here this afternoon. I can't think of anything better to do on a gorgeous day. (Laughter) And I am sure you can't either. Every single thing that the group Mom's for Liberty is using as an excuse to allow for the recall of a school board member was put in place under the four years that their founder was on the school board. The same group organized their recall Jennifer Jenkins group well before masks were on the table, which is Mr. Trettis's reason for using this recall, he keeps using the mask reason. It was in place well before this was an issue. They were then declaring that her attire, her manner addressing the public was a reason to recall her. There was a recall held about the policies that were put in place that these Mom's for Liberty people are opposing, and that was on August of 2020 when Jennifer Jenkins won that election. Mr. Trettis's entire proposal is preposterous and based on misrepresentation of the facts of August 2021. I don't know whether out of malice or ignorance, but in either case, I am appalled that this bilevel of incompetence serving to write our Charter's our counties Charter for the next ten years. The mask policy as approved by the school board last year was never indefinite. On October 4th, the Brevard School Board set metrics in place giving the Superintendent the power to rescind the policy when Brevard Counties positive case rate reached 50 out of 100,000 cases. That allowance was approved by three of the Board Members: Misty Belford, Cheryl McDougall and Jennifer Jenkins.

That threshold was reached two weeks later, and the opt out was added well in advance of November. But sure, go ahead and add school board to the list of elected officials that can be recalled. I don't have a problem with that. State statute requires evidence of malfeasance. You keep asking what is different. Mr. Trettis is defining it different because his proposal wants to leave room for an unpopular vote as reason enough to recall an elected-official. He says that because School Board makes health policies, they should be limited. County Commissioner has the same power over all of us, yet a vote on policy is not acceptable for reasons of recall. So, go ahead, and the next time the County Commission votes to lift the spending cap, the next time the County Commission votes to lift the spending cap imposed by Brevard County citizens on the Sheriff's budget without ever seeing the line item version, expect a recall effort. The next time a municipality votes to make handing someone a bottle of water through your car window illegal, expect a recall effort. The next time a County Commissioner accepts money from a developer the day before approving the said developer's project request, expect a recall effort. It's a dangerous game of retaliation politics that our State seems to be reveling in right now, all because a loud minority of voters, and in this case, a group whose founder cannot accept her loss.

Mike Haridopolos: Thank you so much

Pamela Castellana: Thank you, questions?

Mike Haridopolos: I see no questions. We have Sanjay Patel

Sanjay Patel: (in audible)

Mike Haridopolos: Whatever, it is your two minutes.

Sanjay Patel: Good afternoon Chairman and committee members. I am here today for two reasons: First of all, to call into question the composition of any committee that includes an individual like Vic Luebker. His very presence here calls into question the credentials of the entire body. This is a man who makes public statements daily that are vile, obscene, xenophobic, misogynistic, duplicitous, and ridiculous. He uses words to describe local residents.

Mike Haridopolos: Mr. Patel, I don't think this is to what we are talking about today, lets talk about the school board issue on the agenda items.

Sanjay Patel: it is really relevant because it calls into question the folks who are assembled here to make decisions about our County, and the direction and future of this County. So, from my perspective, Brevard deserves better than a few folks that are representing this committee today. More importantly I am here to encourage this body to consider bringing a real change to Brevard. Consider creating the role of an Ombudsman, or other protector of the public's trust. Think about eliminating the influence of big money, and especially developer money here in Brevard County. Consider amendments to address the critical affordable housing facing our County, or the toxic deadly water in the lagoon. Currently this body is focused on small issues that don't really matter. I would urge you to seriously consider the public records of those that are assembled here as part of this committee, and focus your aim on something bigger than retribution for the election of a woman who dared to protect our County's kids amidst a pandemic. Thank you.

Mike Haridopolos: And just to reiterate, whoever has a proposal can send an email to Melissa, and we will consider every proposal. All right we have Daniel, it looks like Willemin from Satellite Beach. Welcome.

Daniel Willemin: Thank you, its Willemin but I don't fault you for that.

Mike Haridopolos: Sorry about that.

Daniel Willemin: I am not going to need the two minutes. I am going to be very simple with you guys. As you notice the shirt I got on. I am here because you broke something. Well you haven't quite broke something yet, but you could. Have you ever heard the saying if it's not broke, don't fix it? I will tell you what, if you start to allow recall votes for school board members for stuff like that, you know who will get recalled next? I guarantee you, all the book burners, and all the bullies who shot down freedom of speech and cut of the cameras. That is who is going to be up for recall next. That is all I have got to say on the matter. Thank you for your time.

Mike Haridopolos: Thank you sir. Vicky Impoco. Welcome.

Vicky Impoco: Hello again, my name is Vicky Impoco. I am a twenty-two-year Satellite Beach resident, homeowner, taxpayer and engaged citizen. I would like to thank all of you, the committee, for opportunity to speak today concerning the proposed school board member recall measure. It is my understanding that our Governor already has the authority to remove a school board member for malfeasance criminal behavior. Is that true? Okay. This recall effort, to me appears to be nothing more than grandstanding when those measures and laws are already in place, and political retribution. And I too find it especially disturbing that a certain member of this committee has been a vocal proponent of recall of a current school board member. He should recuse himself and abstain from the vote. This recall proposal will do nothing but increase the (inaudible) in our community and waste precious tax dollars. That is all.

Mike Haridopolos: Thank you so much for coming in. Karen Colby.

Karen Colby: Hey you all. Someone left their mask up here. Thank you for your time and effort that you are putting to this effort. I want to put a few misconceptions to bed. First of all, it is not about any one school board member. It is about the policy in general. I don't think that anybody should be immune from being recalled in the sState of Florida. I don't think that one particular position, like school board rep makes that person impervious from removal. I think it is imperative as American's that we use the Constitution to take care of business. We don't need for Governor DeSantis to see something. When we see a situation developing that was never here before and is all of a sudden becoming untenable for our children, the mental health issues that we face, the retention rates of teachers, the bus driver crisis, the schools that have not been repaired that was said to be repaired by any sitting board member. It is not one person that any other group is wanting to remove. I am not speaking for anybody but myself right now. I would remove every single one of them for violating the Governor's law. However, three of them did.

However, those are the three that if this action takes place that we can do, it will be three names, it will not be one, in my opinion. Because I have the right to bring this forth, just as much as any group does. So, working with that group, I can tell you that we will not just be after one person. If the three people are going to continue to violate the law in the state of Florida, we will remove them. If anybody that is on the city council's of Indian Harbor Beach, Indialantic..yada yada, and they misbehave in a way that takes a set place and turns it into mayhem itself and refuses to be answerable, they are not the Pope, they can be removed. They are not Supreme Court Justices, they can be removed by me, by being told they are too old and being removed and let's let somebody new in, okay so nobody on the school board is a Supreme Court Justice, nobody is a Pope, and nobody on the school board, including Dr. Mullins is extremely safe from removal. If you guys help us get this on the initiative on the Charter so that we can take care of business. I assure you it will apply to anybody and everybody who violates the Governor's law. That is the fact, no feelings. Any questions?

Mike Haridopolos: Any questions? All right, thanks for coming in.

Karen Colby: Thank you, and there is a mask there, it is nasty. (laughter)

Mike Haridopolos: Okay, Sandra Sullivan Do you want to speak on this issue? Which issue would you like to speak on?

Sandra Sullivan: A couple of the Charter Amendments.

Mike Haridopolos: Which ones, because we already pushed one back on term limits, did you want to talk on which one?

Sandra Sullivan: I apologize for coming in because of the budget meeting. I was going to bring up two proposals to bring forward.

Mike Haridopolos: Sure, we will give you two minutes, and of course, I know you have been emailing back and forth with Melissa so thank you.

Sandra Sullivan: Thank you. Sandra Sullivan, South Patrick Shores. I came her to talk about two proposals I put forth. I have attended the County Commission meetings for over three years and I see that we have three commissioners who do not regularly attend staff briefings, many of them do not attend their boards that they sit on. I think that we could with an expand, with a growing Brevard County that we need at this point, a Commissioner that does not have a full-time job. So that was one of the proposals I put forth, so that moving forward we will look at having commissioners that can dedicate the time, as I think is the issue there.

The second one is that in coming to meetings for three years and trying to get items on an agenda, there is no formal way to do that. The, I think it is 3.4.10, it gives speak up Brevard, but it is once a year. So, to put in a proposal during the busiest month, I don't know about you guys but I am buying presents for my kids, and shopping, and I got kids off of school. It is just an insanely busy time to put something in. It seems appropriate, it should be anytime during the year, but also a process to get an agenda item, whether it is a process, like you don't want anyone coming up with anything. You want a way to qualify them to put something on an agenda so maybe it is specified by way saying a number of petitions or some other qualifier as a methodology to be able to have citizen driven agenda items. Thank you.

Mike Haridopolos: Thank you very much, any questions? Thank you, And Ms. Sullivan I know you have been or work with Melissa on those proposals, and just like everything else we will put those before the board here. Thanks. All right we have Joseph Cholewa. Sorry, welcome

Joseph Cholewa: It's Cholewa Hello, my name is Joseph Cholewa. I am listening to the opposing arguments, and what I don't think they understand, and it just all comes down to the fact that policies that they were voting on harmed our children. I am a father of three, we were pretty, um we had a pretty good understanding of the efficacy of masks, the harm that Covid had on children, and yet they still pushed policies despite the Governor's orders, despite that it violated our parental rights. So, if they don't understand that when a person who is an elected official makes policy that we know is harming our children on a social, emotional, intellectual perspective, we know that it is harming their ability to get a proper education. I don't know what else to say, but I think that every elected official should be held accountable, whether you are a school board member or a Governor. I don't think anyone has special privileges or we are here to, or elected officials are here to improve people's lives, not to dictate how to live them. And I hope that when you review this, that you support bringing in the school board member as someone that could be recalled because like I said, nobody should be held, or every person should be held accountable to the same standards that we have across the state. Thank you.

F. Attorney Memo-Term Limits-

Mike Haridopolos: Thank you. Any questions. All right we have Nick, Nick do you want to come up on the term limits issue, and then we will start wrapping up.

Matt Nye: Mr. Chairman, could you remind everyone how frequently this Commission meets because a couple of people have talked about timing.

Mike Haridopolos: I believe every six years. Right? Yes.

Nick Tomboulides: Hello, Nick Tomboulides. Executive Director, US Term Limits. Also, a ten-year Brevard County resident. I live in District I. I reviewed the memo on the legality of County Commissioner term limits. I noticed there was a big problem there. In that your attorney omitted the idea of there being a conflict of interest when a County Commission or that County Commission's appointees take a look at the idea of term limits. It seems to violate a very basic principle of ethics and law in government. Because on one hand, you have constituents. County Commissioners have a duty to those constituents, and to discharge their duty to those constituents, those Commissioners are very supportive of the eight-year term limits law. But on the other hand, if that eight-year term limits law isn't repealed, each County Commissioner will lose power, prestige, influence, salary and health benefits. So, there is a very clear conflict of interest. I think even a first-year law student who couldn't see this would probably flunk out of school for not being able to see what you guys have not been able to see, yet.

And I would tell you that I think the only way that we can objectively look at term limits in this county, would be for the people to bring forward an amendment to the Charter, through a citizen initiative. Because term limits are the most popular issue in America. There is a poll from Scott Rasmussen, and eighty two percent of Americans support term limits. That includes eighty seven percent of Democrats, eighty three percent of Republicans, and seventy six percent of Independent voters. The Governor has eight-year term limits, the Agriculture Commissioner has eight-year term limits, the Attorney General has eight year-term limits, State Legislators have eight year-term limits, the President of the United States has an eight-year term limit. So, if anyone on the Commission or on this panel believes that a local County Commissioner in Brevard County Florida needs more time to learn their job than the leader of the Free World, then I would say please resign because you are in the wrong profession. So please kill this proposal, thank you.

Mike Haridopolos: Questions?

Nick Tomboulides: I would love to take questions.

Mike Haridopolos: Thanks for your time, I appreciate it. Okay, we are all, anyone else wish to speak. Oh, we have got one more coming. Thank you so much. (deputy delivers speakers card to Chairman) Robert Burns, welcome Mr. Burns.

Robert Burns: Good afternoon, my name is Robert Burns (inaudible) in regards to the recall, I believe that every elected official should have the capacity to be recalled. If the voters put them there, I believe the voters should be able to take them away. But unfortunately, it doesn't matter what I think, it matters what the Statue says. It is my understanding that no state-wide elected official can be recalled according to the way our

current Statute is set up, in addition to what Mr. Trettis said, school board officials. So, my question was going to be does the County have the legal authority to institute this? And I think that is what you talked about in the beginning, you were going to get the attorney to draft a memo. But what I would like to do is solicit that you take it a step further and ask, to make a motion to ask the County Commission to request the AGO because I think this is a state-wide issue. It is not going to be unique to Brevard County. This is going to be unique to every Charter County here. So, I would like to try to get an AGO- Attorney General Opinion on the matter for the entire State, as opposed to, I am not doubting the capacity or competence of our legal counsel at all. I just think that might help in getting Brevard County on the map in leading this effort state-wide.

Mike Haridopolos: Thank you, are there any questions. Blaise.

Blaise Trettis: Not a question, but a statement that the legal memorandum is something that has to be done before an Attorney General opinion can be sought. And that is one of the reasons that I made the motion for the memorandum because that is really sort of my thinking on the next step, which is to seek an Attorney General opinion because this has never been done before. There is not going to be any case law, on any close to the same facts. But still an Attorney General opinion, it specifically addresses this proposal would be very useful to have, and very influential I think. So, I just wanted to point that out, that this legal memorandum is a step towards the Attorney General opinion.

Robert Burns: That is definitely the difference between a lawyer and a Google lawyer, so thank you for that Mr. Trettis.

Mike Haridopolos: Thank you Mr. Burns.

Cole Oliver: You know in thinking of that question, and part of the legal analysis that we have coming Mr. Gougelman, if we could also get a brief history of what current offices in the state are subject to recall. My understanding from at least the statute, and I am not saying there is not other stuff out there, other than section 100.361, but that only applies to the municipalities and charter counties. I would just like, if there is more general law in the statute I would like to see it, second, I would like to know if this process moves forward, who pays for the elections, just that fall on the general burden of the County. And what the cost of special elections are.

Mike Haridopolos: I think that is a great motion, if you could add that, it would be fantastic.

Tom Jenkins: Mr. Chairman, I have a question.

Mike Haridopolos: Yes, Mr. Jenkins for a question.

Tom Jenkins: Could we also find out what legal avenues are available to accomplish this in addition to the Charter. I mean is it state law, is it the legislature has to do it? Are there other avenues where this can be implemented? I don't know the answer to that.

Mike Haridopolos: Mr. Gougelman, add that to your list, okay?

Sue Schmitt: Mr. Chairman.

Mike Haridopolos: Ms. Schmitt.

Sue Schmitt: I was going to ask something very similar to that because looking at the Charter and the very last page where the School Board is mentioned. I am not even sure why the School Board is even in the County Charter because the County Commission doesn't have any say so over the School Board. However, the legislature certainly does, and I was curious if we could get something on that because even with the recall for the County Commission, it mentions Florida Statute, and that might be, I don't know. But I would like some information on that for the next meeting.

Mike Haridopolos: Mr. Gougelman did you hear that loud and clear?

Paul Gougelman: Could you repeat that?

Mike Haridopolos: Ms. Schmitt if you could repeat that again.

Sue Schmitt: The whole thing?

Mike Haridopolos: She just wants clarification on the options on the state law and what we can and cannot do.

Blaise Trettis: Mr. Chair.

Mike Haridopolos: Mr. Trettis

Blaise Trettis: There is a local bill filed by Randy Fein this session which creates School Districts in Brevard County. So, I would submit that would be a reason why the School Board can be in the Charter, and why the people of Brevard County have the authority to making the Charter to recall elections. But I would appreciate it if Mr. Gougelman could look into the effect of this local bill which I am almost certain will pass in the next month. Thank you.

Mike Haridopolos: All right any other questions? Any more legal work for Mr. Gougelman (laughter). Okay, so obviously our break has served well. We have a lot more issues before us. I think there will be a lot more coming our way soon. And again, we want to reiterate that any folks who have some suggestions on how we can improve the County bring those proposals to us. Melissa has been very organized and she and Jim have been fantastic giving us the information as quickly as possible. And on the two items we handled today, the Charter Cap and Recall of School Board Members, just for clear recollection for anyone tuning in now. We have now gone through a public meeting once on the Charter Cap and zero times on the School Board Members. Term limits. Again, I think we are going to see additional proposals as you have seen through your email about full time County Commissioners and other items that I think people have been discussing. So, are there additional questions? Mr. Trettis for a question.

Blaise Trettis: I would just like to point out that the procedure of this Commission has a list of what items should be in the agenda. One of the items in the procedure is new business. That is not in our agenda, but I would like to bring up new business. If that is okay with the Chair.

Mike Haridopolos: Without objection, no problem.

Blaise Trettis: So, the procedure now in rule seventeen provides that for a recommendation or proposal for this Commission to pass and go to the County Commission, needs ten votes of the Commission. And I have looked at the nineteen Charters of the, the nineteen Charter counties in Florida, and very few of them have that two thirds requirement. Most of them are just a majority. And what I would like to propose, and I will make a motion shortly, is to reduce that number of votes required for passage from ten to eight. But really is the main reason it is needed is because eight is a quorum. So, if you think about it, we could go to a vote on all of the proposals that are made. Only eight members show up for a vote which is a quorum, which means business can be conducted but no proposal could possibly pass because it takes ten votes for passage. And I think that is wrong, and I also think the majority should rule. I don't know why it is ten, I think it should be eight. So, I make a motion to change rule seventeen Charter Amendment of Rules of Procedure Brevard County Charter Review Commission as amended September 23, 2021, to change the number of Charter Review Commission members needed to vote approval of a Charter Amendment recommendation to be transmitted to the Board of County Commissioners from ten members to eight members.

Matt Nye (?): I will second.

Mike Haridopolos: All right so the motion is in front of us, is there discussion on the proposed rule change? Mr. Neuman.

Dave Neuman: I would just like to talk about my support on that. I think it is a great idea. There are a lot of checks and balances that go on with this board that we kind of discuss with the public here. I mean not only do we have ourselves and our opinions, who are just a few. But we have obviously the County Commission that is going to have to go through that. And ultimately and the most important one is you folks out in the public that are listening and watching what is going on. So honestly, I think a simple majority is not only more efficient, it also gives a lot more issues the opportunity to shine, and allows people to have their voices heard. So, I am all in on this.

Mike Haridopolos: Other opinions? Mr. Fisher

Robin Fisher: I disagree with that motion. You know when you look at County Commission, certain issues require super majority vote, which is four out of the five. And I think that this Charter Review Committee has some major issues that would affect the citizens and elected boards for years to come. And so, I really believe that treating it as a super majority is, it needs to be at the level just because of the importance of making sure we don't make some decisions that could affect us for years.

Mike Haridopolos: Others? Mr. White

Bob White: Just to take exception to what Mr. Fisher was saying is that we are not the final decision-making body here. The County Commission they are the final decision-making body.

Tom Jenkins: I think you are wrong.

Bob White: The County Commission isn't even going to be the final decision maker, that's

Robin Fisher: I don't believe you are right on that Mr. White.

Mike Haridopolos: Let's go one at a time.

Bob White: Yes, in terms of we make a final decision in terms of whether we are going to recommend something to the County Commission, sure. But then the County Commission has to pass it along to the

Robin Fisher: They are mandated to, they don't have a choice.

Blaise Trettis: I could explain that.

Mike Haridopolos: One at a time because everyone has, we have had a lot of people speak. Mr. Jenkins go ahead.

Tom Jenkins: I was just going to say that my recollection was that if the Charter Review Commission passes it forward, the County Commission has to put it on the ballot unless there is a legal reason not to.

Mike Haridopolos: Mr. Liesenfelt do you want to comment on that?

Blaise Trettis: Can I speak?

Mike Haridopolos: Mr. Gougelman will you please explain that answer so that everyone can ask questions if necessary.

Paul Gougelman: This goes back to the original Charter, (inaudible) there was

Sue Schmitt: Can Paul please go to the microphone?

Paul Gougelman: I am sorry, I think this will be better. This goes back to the original Charter Commission. And the arrangement is that when the Charter Review Commission recommends something, it is more than just a recommendation. It is something that needs to be put on the ballot. There was some discussion about this, Mr. Fisher had asked regarding term limits, and there was discussion about this back in 2000, and the issue ended up going to court. And the Circuit Court decided that is in fact the case. So, you all are the final stop. Whatever you come to is your final decision, whether you determine it as a recommendation or otherwise, that is what it will be to go on the ballot.

Mr. Haridopolos: Mr. Trettis did you want to ask a question of our legal counsel?

Blaise Trettis: Well 7.4.1 of the County Charter says: "Independent review of proposed Charter amendments.

"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."

Then it goes on to say those three people are lawyers, and then it goes on to say, that if two of the three agree these lawyers, that it doesn't violate the Constitution or general

law, then it goes to the ballot. Are you saying that you agree to this language that is in this Charter, but it is illegal?

Paul Gougelman: No, I am not saying that language is necessarily illegal, maybe, it may be, but that is the next step. Once you make your final decision, it goes to that three-attorney panel for their review. If they find it as consistent with general and special law, the Constitution, then it goes on the ballot. And this was specifically the question that was addressed back in 2000. I will also tell you to, that language applies to the Charter Review Commission determinations, but if the County Commission wants to propose something, it has to go through a legal review.

Mike Haridopolos: Mr. Trettis for a follow up.

Blaise Trettis: My follow up is that I have looked at all nineteen charters of the Charter counties in Florida, and Brevard County is the only County that has this three- lawyer veto panel.

Paul Gougelman: That is correct.

Blaise Trettis: And I am going to file a proposal to eliminate this from our Charter. It is so un-democratic that three lawyers paid by the County Commission can prevent a proposal from going to the people after it makes it through all of our process. It is so wrong, it needs to be deleted, and at the next meeting you will be able to hear about it. And it is especially offensive to one of my proposals on the Charter Cap because the County Commissioners are against it. They don't want it to go to the ballot. And for them to be able to hire three lawyers, and those three lawyers, knowing that, well they know the way their employer wants the vote to go, conflict of interest too. So, you will see that at the next meeting.

Mike Haridopolos: And just to clarify Mr. Gougelman, if this panel whether it be eight votes or ten votes in the end should recommend something. It is not a vote by the County Commissioners. It is simply to this panel. So, the only check on this board would be those three lawyers. Is that correct?

Paul Gougelman: Yes, that is correct

Mike Haridopolos: Are there further questions? Mr. Moore.

Kendall Moore: I think we are now on two separate issues. I think we may ask our legal counsel to go down the road again of a potential memo that addresses the question of the County Commission of May vs. Must. I think the constitutional review of the lawyers is a separate issue from once it reaches the County Commission, whether or not their obligation is they May or Must in terms of placing it on the ballot. I think that is what Mr. Gougelman has weighed in on. Secondly, Mr. Trettis to your point, Mr. Nye and some of us were here on the last go around. I am not in favor of reducing it to eight, I am in fact in favor of it remaining at ten, or at the very least of nine. As we talked about the majority of the County Commission, and anything that would require three votes, each County Commissioner has appointed three members to this board and so to effectively get to what would amount to three commission districts full of votes, that is at least nine. We went to that plus one, and I certainly would not be of a mindset to going down to something that is less than that, a particular nine threshold.

Particularly if Mr. Gougelman is correct on his may versus must. This becomes the last threshold opportunity, and to me something as important as putting it on the Charter, at least the total number of representing a minimum of three commission districts would be a minimum threshold in my mind and so I would be in favor of it remaining at ten. So, I would not be supportive of what you have placed as a motion on the floor today.

Mike Haridopolos: Okay. Just to be clear. Notwithstanding Mr. Trettis's argument, odds are if it passes our group, whether it be at eight or ten votes, this will go to the voters. Let's just be real clear on that. So, what we have is a motion on the floor about moving from ten to eight, hold on we are not there yet. I just want to make sure that everyone knows that we are back, thank you Mr. Gougelman for clarifying that. So, we are back on the motion. The motion is to move from ten to eight. Are there comments or questions about that move from ten to eight?

Robin Fisher: I have a question.

Mike Haridopolos: Mr. Fisher for a question.

Robin Fisher: If you go through this motion and get a vote, do you have to have ten members approve it?

Mike Haridopolos: (laughter) Actually what I would like to do, and I think I have said this now seventeen times. We are not going to have a vote on anything for at least another couple of meetings. I would like to table this issue for our next meeting so we can think about it a little bit. It is an important decision, because we have, I think some people are under the misdirection that we, they thought that the County Commission would have a check on us, so to speak. They do not. And this is a very serious job in which we are undertaking, and I think that people have expressed that very well today. So, what I would like to do is table this motion going from ten to eight, so we can think about it. There is not going to be any votes taken anyway, for another three to four meetings anyway. So, why don't we table that for now if no one objects, and we can continue this discussion in our future meetings if that is okay with everyone.

Sue Schmitt: Mr. Chairman, if you table this, you need a motion to table because there is a motion on the floor.

Mike Haridopolos: Sure. All those in favor say "aye" (unanimous) all those opposed say "nay". The "ayes" have it. So, it is tabled, thanks for asking. So, on the, when is our next scheduled meeting Melissa?

Melissa Brandt: March 10th.

Mike Haridopolos: March 10th, bad day for a meeting. When is the next one after that?

Melissa Brandt: March 24th, I believe.

Mike Haridopolos: Ms. Schmitt do you have a question?

Sue Schmitt. I just wanted to ask if the staff could put some information together for us?

Mike Haridopolos: Sure.

Sue Schmitt: I have had some people contact me. In regard to Charter and non-Charter counties, on the salaries for the salary for the County Commissioners, and also the budgets and populations whether they are Charter or non-Charter, and also the last time the County Commission got an increase. That is all. That should take up a week. (laughter).

Mike Haridopolos: All right, we are, is there any other new business as Blaise brought up, thanks Blaise appreciate that. Other items for new business? All right so our next scheduled meeting is the 10th of March. Would there be any objection to move, cancel that meeting and go to the 24th of March? Okay without objection, we will cancel the 10th of March, and our next scheduled meeting will be the 24th of March. What time was that at Melissa?

Jim Liesenfelt: Hang on Mr. Chairman. It is scheduled for 1:00 pm.

Mike Haridopolos: 1:00 pm. Okay. So, our next scheduled meeting will be March 24th at 1:00 pm. I think given the interest that we have provoked today, we will be using this room if we could. And with that next meeting we will be getting into the second reading of the Charter Cap, we will be getting into the first meeting of the Recall of School Members, and any other proposals that might come in. For those folks who want to get new proposals in, I would recommend you get them in quickly because that will allow all of the members to review those, and we can actually take it up in its first reading next time as opposed to what we had to do today with the School Board. And odds are, given the volume of proposals that are coming forth, we would not have this luxury that we had today of taking up the School Board issue on reading number zero. So, with that if there are no other business.

G. Adjournment:

Mike Haridopolos: Mr. Neuman moves to arise.

Dave Neuman: I was going to make a motion to adjourn.

Mike Haridopolos: Accepted, have a great day. Meeting adjourned at 4:32 pm.

Minutes Approved March 24, 2022

Signature, Chairman Mike Haridopolos:

Date:
